

**PART 4B MEMBER AND OFFICER PLANNING CODE OF CONDUCT**

An issue that has been raised on a fairly regular basis over a number of years in respect of the Member and Officer Planning Code of Conduct relates to Predetermination and Bias (Para 4.3 precludes Members of the Regulatory and Appeals Committee or the Area Planning Panels from speaking at a meeting in objection or support to any particular item, whether sitting on the body concerned or being an alternate member).

*4.3 Having disclosed that they could be considered or perceived to have predetermined the outcome of a planning decision then having stood down from the Regulatory and Appeals Committee or relevant panel during discussion of an item it is not appropriate for that member to seek to speak as an objector or supporter of the application or planning proposal in question. Equally, where a Committee or panel member does not sit on the Committee or panel at the meeting in question, but would have had to disclose that they had predetermined the outcome of a planning decision and not participate in that item on the Agenda had such a member been officially in attendance, then it is inappropriate for that member still to attend the meeting to support or oppose the application in question.*

This provision is contradicted by Para 1.2 of the Code:

*1.2 Any references in this Code to members of the area planning panels or the Regulatory and Appeals Committee are also intended to include alternate members only where they sit or propose to sit as a member of an area planning panel or the Regulatory and Appeals Committee.*

This matter has been considered before (Standards Committee, November 2013 and Governance and Audit, January 2014) and Members were happy with the restrictive nature of this provision. It is still, however, causing a problem with interpretation owing to this conflict.

**Members are requested to clarify that Para 4.3 applies to alternates (by adding the words “but this provision shall not apply to Para 4.3 below” to Para 1.2).**