APPLICATION OF THE COUNCILLORS’ CODE OF CONDUCT WITH REGARD TO PLANNING MATTERS

SUMMARY OF DOS AND DON’TS
Declaration of Interests

You must:
- declare any direct or indirect pecuniary interest and withdraw from the meeting whilst the matter is being discussed and voted on;
- declare any significant private or personal non-pecuniary interest and withdraw from the meeting when the matter is being discussed and voted on (unless the conditions for obtaining a dispensation as set out in paragraphs 6.5 – 6.9 of the Code apply or are met).

You must not:
- act as an agent for people pursuing planning matters within your council.

Lobbying and access to councillors

If you are a member of a planning committee, you should use common sense when dealing with planning matters. However, as a planning committee member you must:
- act in the public interest with regards to planning matters and not individual constituents or particular interests;
- act fairly and openly and determine each application on its own merits;
- report any approaches by lobbyists and any representations made to you to the relevant planning officer;
- make it clear that you will not be in a position to make a decision on a particular application until you have heard all the evidence at the planning committee meeting;
- refer any request to attend or organise a meeting to discuss a planning proposal that has yet to be submitted to the council to the appropriate planning officer.

As a planning committee member you can:
- listen to the views expressed;
- give advice regarding relevant planning policies;
- seek factual information about the progress of a case;
- advise those who are lobbying that they should contact the relevant planning officer so their opinions can be included in the officer’s report to the committee;
- advise those who are lobbying to write or speak to a member who is not on the planning committee.

As a planning committee member you must not:
- give grounds to doubt your impartiality;
- use your position improperly for personal gain or to advantage any individual or group, including relatives, friends or close associates;
- prejudge or demonstrate bias, or be seen to prejudge or demonstrate bias, in respect of any decision regarding a particular planning application before you have heard all the evidence and arguments at the planning committee meeting;
- vote on applications in accordance with political group meetings;
- lobby for a particular outcome on a planning application;
- meet developers alone or put yourself in a position where you appear to favour a person, company or group;
• take payment, or reward in kind, to lobby your council on a planning matter;
• pressure/influence planning officers to provide a particular recommendation on a planning application contrary to their professional view;
• pressure/influence planning officers to either take or not take enforcement action;
• pressure/influence planning officers to include policies and proposals, such as the zoning of land in the local development plan, which would be to your advantage or the advantage of any individual or group;
• do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your council.

As a councillor who is not on the planning committee you can:
• encourage developers and others to engage with the council and residents in the planning process;
• make representations and address the relevant planning committee;
• make known to planning officers what representations from constituents and prospective developers you have received on a planning application, attend public meetings/events, and assist constituents in making their views known to the relevant planning officer;
• pass on your views and those of your constituents with regard to the local development plan.

As a councillor who is not on the planning committee you must not:
• take payment, or reward in kind, to lobby your council on a planning matter;
• apply pressure on other councillors to obtain a commitment to vote in a certain way;
• attempt to influence planning officers to include policies and proposals, such as the zoning of land in the local development plan, which would be to your advantage or the advantage of any individual or group, or make public statements about pending policies and proposals in the draft plan prior to public consultation;
• do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your council.

Decision-making

As a planning committee member, you must:
• keep an open mind and be willing to listen to all the arguments, representations and evidence presented at the planning committee meeting;
• determine each planning application on its own merits and in accordance with planning policy;
• decide on applications on valid planning grounds.

As a planning committee member, you must not:
• decide how you are going to vote before the planning committee has taken place.