

## Appendix C

### Central Bedfordshire Council Ethical Handbook

	<b>Page</b>
<b>Part 2 Members' Planning Code of Good Practice</b>	<b>6</b>
1. Background	6
2. Introduction	6
3. Relationship to the Code of Conduct for Councillors	7
4. Development Proposals and Interests under the Code of Conduct for Councillors	8
5. Fettering Discretion in the Planning Process	9
6. Contact with Applicants, Developers and Objectors	12
7. Presentations by Applicants/Developers	13
8. Lobbying of Councillors	13
9. Lobbying by Councillors	15
10. Site Visits	16
11. Public Participation at Meetings	17
12. Officers	18
13. Decision Making Process and Decisions Contrary to Officer Recommendation	19
14. Training	20
App A Code of Practice for Conduct of Site Inspections	21

## Part 2: Members' Planning Code of Good Practice

### 1. Site Visits

The advice contained in this section has particular relevance to members of the planning authority who are or may be involved in determining an application for planning permission.

10.1 It is often desirable before determining a planning application that members of the planning authority visit an application site to view it in its surroundings and have relevant features drawn to their attention. The Council has adopted a Code of Practice for such inspections with which it will comply. This is attached at Appendix "A" to this Code. Debate and decisions on applications must take place in a committee meeting, therefore any discussion that does take place during these site visits should not lead into a debate on the merits of the application.

#### 10.2 Remember

10.2.1 **Do not** request a site visit if you have a disclosable pecuniary interest in the matter. For the avoidance of doubt the principles in paragraph 4 of this Planning Code of Good Practice shall apply.

10.2.2 **Do not** attend a site visit where you have a disclosable pecuniary interest in the site or the matter in hand.

~~10.2.3 **Do not** request a site visit unless you feel it is strictly necessary and consider that:-~~

~~10.2.3.1 particular site factors are significant to the determination of the application; or~~

~~10.2.3.2 there are significant policy or precedent implications and specific site factors need to be carefully addressed; and~~

~~10.2.3.3 the factors which justify a site visit have been provided to the Planning Officer with the site visit request.~~

10.2.4 **Do** attend site visits organised by the Council, where possible, where you ~~are an appointed member of the site visit team, or the ward/local Member for the area where the site is.~~ plan to attend the Development Management Committee meeting considering the application.

- ~~10.2.5 Do ensure that any information which you gained from the site visit is reported back to the planning authority, so that all Members have the same information.~~
- 10.2.6 **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- 10.2.7 **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- 10.2.8 **Do not** hear representations from any other party with the exception of the ward/local Member(s) whose comments must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- 10.2.9 **Do not** express opinions or views to anyone.
- 10.2.10 **Do not** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:-
- 10.2.10.1 you feel it is essential for you to visit the site other than through attending the official site visit; and
  - 10.2.10.2 you have first spoken to the Assistant Director of Planning about your intention to do so and why (which will be recorded on the file); and
  - 10.2.10.3 you can ensure you will comply with these good practice rules on site visits.

## 2. Training

- 14.1 ~~**Do not**~~ **Unless you have** participate in attended a mandatory training session on decision making at meetings dealing with planning matters ~~if you have not attended the mandatory planning training as~~ prescribed by the Council, **you will not be permitted to participate in Development Management Committee decision-taking.**

- 14.2 ~~Do endeavour to~~**You are expected to** attend ~~any~~ other specialised training sessions provided, **at least once during the course of a municipal year,** since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and Local Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- 14.3 **You should**~~Do~~ participate in the annual review of a sample of planning decisions to ensure that Members' judgement has been based on proper planning considerations.

**Code of Practice for Conduct of Site Inspections**

1. A site inspection will **only** be carried out ~~in the circumstances set out below: for all planning applications to be determined by the Development Management Committee, unless agreed otherwise by the Chairman or Vice Chairman.~~

*(a) Prior to Consideration by Committee*

~~Any member of the Council may request that an item contained in the draft index of applications to be considered at the next meeting of the Development Management committee, should be the subject of a site inspection prior to that meeting.~~

~~Such requests must be submitted to the Assistant Director of Planning by the date and time specified in the draft index, together with the factors which justify a site visit.~~

~~The Assistant Director of Planning will notify the chairman of the Committee of the request. The request may be refused if the Assistant Director of Planning, following consultation with the chairman, does not consider that a site inspection is justified in respect of the application.~~

A Member with a disclosable pecuniary interest in the site or the matter in hand should not request a site visit. Do not try to represent ward/local views, but ask another ward/local member to do so instead. Always act in accordance with paragraph 10 of the Planning Code of Good Practice.

*(b) Following Consideration at Committee*

~~Where the Development Management Committee wishes to address site specific issues, it may determine to hold a site inspection, the purpose of which will be to familiarise members with the site.~~

- 12.** A Member with a disclosable pecuniary interest in the site or the matter in hand must not attend the site visit.

- 23.** No lobbying or debate on issues relating to determination of the application shall take place during the site visit (any such discussion could be regarded as prejudicial to the committee's decision on the matter).

~~34.~~ The timing and arrangements for the conduct of site inspections shall be agreed by the Monitoring Officer and the Assistant Director of Planning, in consultation with the chairman of the Committee. Site visits will normally be undertaken from public vantage points and the land and premises the subject of the application. Only in exceptional circumstances will the visit take place on private third party land. If it is considered exceptional circumstances exist the site visit request must include a specific reference to the third party land and the reasons why it is necessary to visit that land.

~~5.~~ The number of Members to conduct site inspections will normally be limited to:- All members and nominated substitutes who will attend the relevant Development Management Committee meeting should attend all site visits. The representative(s) of the ward in which the site is located may also attend.

~~5.1~~ The chairman and vice-chairman of the Committee or their nominees; plus

~~5.2~~ No more than three other members of the Committee; plus

~~5.3~~ The representative(s) of the ward in which the site is located.

~~6.~~ Where necessary and, after consultation with the chairman or vice-chairman, the Monitoring Officer shall be authorised to appoint substitute Members to conduct the site inspections.

~~47.~~ Members of the Development Management Committee conduct~~undertaking~~ the site inspection are encouraged to share transport wherever possible, as long as drivers who provide shared transport hold adequate insurance cover.

~~58.~~ (a) No person other than officers of the Council, or invited representatives of consultee bodies, shall accompany Members during an inspection;

(b) If a person with an interest in land to be inspected or his/her representative accompanies ~~M~~members to enable access or ensure safety, no lobbying or discussion with that person will be permitted.

~~9.~~ Provision will be made in the committee agenda to enable the separate consideration of any matter which has been the subject of a site inspection.