



Fairness in planning: Our code of practice

Everyone involved with planning decisions – applicants, objectors, officers, elected Members, journalists and the general public – has a right to feel completely confident that our policies are appropriate, our system is open and effective and, most importantly, our judgements are honest and fair.

Our code of practice now includes guidance from the Nolan Committee on standards in public life, the Local Government Association and the Audit Commission. It is a useful document for everyone who is involved in planning matters in the borough, especially those who make decisions.

Any Member who is not sure about any aspect of this code should contact the Clerk and Solicitor because breaking the code is a very serious matter.

We adopted the following code on 26 July 2001

People who hold official positions in the public sector must be honest and behave appropriately. We are committed to the National Code which says that nothing may even look suspicious. Everything must be clear and open, and be seen to be clear and open.

The Nolan Committee has suggested seven principles which our Members must follow.

- 1 **SELFLESSNESS:** They should always make decisions in the interests of the public, never to possibly benefit themselves, their family or their friends.
- 2 **INTEGRITY:** They should not allow anyone to improperly influence their decisions.
- 3 **OBJECTIVITY:** They should judge every case individually, always picking the best.
- 4 **ACCOUNTABILITY:** They must answer to the public so they and their decisions are open to scrutiny.
- 5 **OPENNESS:** They need to be open about their actions and decisions. They should not restrict information, unless it is in the public's interest to do so (Part 1 of

Schedule 12A of the Local Government Act 1972 defines when information should be restricted).

6 **HONESTY:** They need to declare any private interests that could look as though they might influence public duties. If there are any conflicts of interest, these must not damage the public's interest.

7 **LEADERSHIP:** They should use these principles to set an example.

Local code of practice

We have prepared this local code of practice to help our Members make fair and appropriate decisions. It is divided into three sections.

1 GENERAL ROLES AND BEHAVIOUR

What elected Members do

The Planning Committee is not a court but its Members make decisions for the whole local community by applying council policy. They, and anyone working on their behalf, need to:

- 1 behave fairly and openly;
- 2 deal with each planning application with an open mind, free from politics or previous ideas;

3 carefully consider all the relevant issues;

4 judge each application individually;

5 avoid too much contact with people who have an interest in an application; and

6 clearly explain how they reached their decisions.

Members of all the groups who consider planning policies must follow the same code of conduct. All Members who go to Planning Committee meetings must act fairly and openly.

What planning officers do

Planning officers:

1 analyse the issues;

2 give Members unbiased professional advice;

3 advise how proposals fit into larger plans;

4 provide clear recommendations; and

5 make sure that the decisions that are made are put into practice.

What the Clerk and Solicitor does

The Clerk and Solicitor gives Members advice on the legal and administrative aspects of what the Committee does, and does any legal work that is needed.

Declaring and registering interests

In all meetings, Members must speak up before the discussion begins if they have any interest (including indirect interest) in any specific schemes. These statements are usually recorded and reported to the full Council. Officers whose interests could affect their judgement need to write to the Chief Officer before the meeting.

Failing to register an interest can be very damaging.

A Member who has a financial interest must leave the discussion room. A Member who has any other interest must not take part in the discussion or voting if there is any chance of it even appearing suspicious.

It doesn't matter whether the Member thinks that her or his interest makes any difference. The important test is whether other people, knowing the facts, reasonably think it might.

We have a register of Members' interests, which the public can see, and one of officers' interests, which the public cannot see. These registers are updated regularly. We follow the National Code of Local Government Conduct on hospitality for Members, and officers have a hospitality register (hospitality includes refreshments, meals, days out and so on).

Monitoring feedback and complaints

Our published guide to service standards explains how to make complaints. The Public Relations and Marketing Section can provide forms (call Marion Walker on 01483 444330).

2 LOBBYING AND NEGOTIATIONS

Planning applications

All sorts of people want to discuss proposals with Members of the Planning Committee. This can be useful but people must never be allowed to push a Member into making a decision before the Planning Committee has discussed the proposal.

Lobbying is legal, but care and common sense must be used to avoid any suspicion that a Member has not behaved in a fair and honest way.

Members can help by:

- not being alone when they meet people who are involved;
- making notes during meetings and putting those notes on the planning file;
- directing people who want to discuss issues to planning officers, who will report relevant opinions to the Planning Committee;
- not telling anyone what they think before the Committee meets;
- advising people only about procedure and policy matters; and
- not putting pressure on officers to give specific recommendations (any Member who is concerned about the recommendations or advice that a case officer has given must tell the Head of Development immediately).

Misunderstandings can be avoided if:

- discussions of major schemes are arranged only by officers, before applications are made;
- at least one planning officer is present during discussions of complicated or controversial cases;
- a planning officer puts a meeting note on the appropriate file (confidential notes must be put in envelopes marked confidential); and
- planning officers give views based on the Development Plan and current government guidance (this is entirely separate from decision-making, which is the responsibility of Members or the Director of Environmental and Planning Services with certain powers).

Planning policy

When people ask to discuss planning policy, Councillors should:

- not meet alone someone who is promoting a development;
- not tell anyone what they think before a committee meeting;
- only give advice about procedures;
- ask people who want to express their views to talk to planning officers instead; and
- make notes of any relevant meeting and give a copy to the planning officer for the file.

3 DECISION-MAKING

Planning applications

All planning applications are considered and decided upon either by the Planning Committee or the Director of Environmental and Planning Services to whom the Committee has given decision-making powers. When planning applications are referred to the full Council for consideration (this might be done because the proposals are very significant or controversial), this code of practice applies to the Council and its Members.

Four elements need mentioning.

Officer reports

Officer reports are important because they promote confidence by making the system consistent. They must:

- be accurate and comprehensive, including the objections and views of any people who have been consulted;
- be relevant and include a clear explanation of the Development Plan, site history and all other considerations;
- have a written recommendation of action, with technical explanations to back it up; and
- give reasons when they oppose developments.

Public speaking

The Nolan Report says that people and organisations, including parish councils, should be able to talk to Planning Committees. There should be clear guidelines that identify who can speak, with the same length of time for each person. We have these arrangements in place. You can get copies of the scheme from the Planning Committee Administrator, Miss Avryl Hedger, on 01483 444078.

Site visits

A site visit is a fact-finding exercise that should happen only when Members need it to make an informed decision. It must be authorised by the Planning Committee, and the reasons must be shown in the minutes. The person applying will be told when Members are coming, and a planning officer and the Planning Committee Administrator should be present.

The rules that apply to a formal meeting may be relaxed during a site visit but a visit needs firm control and should not be carried out by interested individuals. Officers may point out relevant features but no decision should be made during the visit.

Decisions that go against officers' recommendations

When Members disagree with the advice that officers have given them, the reason will be clearly recorded in the minutes. If there is an appeal against a decision, officers will give Members support to help them prepare for the appeal.

Planning policy

Similar principles apply to decisions on local plans and other policy documents. If smaller groups of Members are formed, the rules need to be established from the start, for example:

- whether the meeting and papers will be made public;
- the political make-up of the group; and
- whether a group will advise officers in preparing policy documents or make formal recommendations to the Committee.

We are open from 8.30am to 5pm, Monday to Thursday (8.30am to 4.30pm on Fridays). We are also open until 8pm on Thursday evenings if you want to view plans.

Further help and information

Write to Development Group
Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey GU2 4BB

Phone 01483 444609

E-mail planningenquiries@guildford.gov.uk

Website www.guildfordborough.co.uk

You can get this booklet in large print, in Braille, on audiotape and in other formats if you ask us. Please also tell us if you want this document in a different language. You can contact us on 01483 444339 and we will send you the format you ask for as soon as we can.



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