

EXTRACT FROM THE COUNCIL'S CONSTITUTION

**12. Gedling Borough Council Code of Practice For Members
In Dealing With Planning Applications**

12.1 Introduction

12.1.1 This Code is based upon the Guidance Note issued by the Local Government Association on preparing a Local Code of Good Practice for Councillors dealing with planning matters. It has been prepared by the Standards Committee in consultation with the Planning and Highways Committee and has been adopted by the Council. Failure on the part of any Member to comply with this Code may comprise conduct which could reasonably be regarded as bringing his office or the Council into disrepute and may accordingly be a breach of Clause 4 of the Members' Code of Conduct.

12.2 Conflicts of Interest and Predetermination

12.2.1 A Member of the Planning Committee who is also a member of another body, whether within the Council such as the Cabinet or a committee, or outside the Council such as a parish council or charitable body, should comply with the requirements of the Council's Members' Code of Conduct with regard to the declaration of interests and the participation or non-participation in the consideration of any planning application submitted by that body.

12.2.2 A Member of the Planning Committee should avoid indicating or suggesting the likely decision on a planning application or committing themselves to a view on the application before its consideration by the Committee.

12.2.3 If any member of the Planning Committee has expressed a view on a planning application to be considered by the Planning Committee on any occasion and in any forum in advance of consideration of the matter by the Planning Committee, then they should regard themselves as having fettered their discretion and they may not vote on that application. The Member may nevertheless participate in any debate on the application where such participation would not be in breach of the Members' Code of Conduct.

12.2.4 Where a Member is the applicant for Planning Permission or is the agent or a relative (as defined in the Members' Code of Conduct) of the applicant, that Member should play no part in the decision-making process for those proposals. Any such planning

application should be dealt with by the Planning Committee itself and not dealt with by officers under delegated powers.

12.2.5 The right of an applicant to address the Planning Committee before consideration of the application by the Planning Committee should not apply where the applicant is a member of the Council. In that case, the Councillor may write to the Committee with such representations as they wish to make.

12.3. Lobbying of and by Councillor

12.3.1 When being lobbied by any party on a planning application, Members of the Planning Committee should avoid expressing any opinion which might be taken as indicating that they have already made up their mind on the issue before considering the matter in committee – they should restrict themselves to giving procedural advice, including advice on how and to whom those lobbying can communicate.

12.3.2 A Member of the Planning Committee who is also a Ward Member for the area in which the site concerned is located and who has expressed a public view in favour of or against the proposed development may declare their view and participate in the debate in the Committee, but not vote.

12.3.3 The consideration of planning applications by the Planning Committee should not be subject to whipping arrangements on behalf of the political groups and Members may not decide in group meetings before the Committee how they should vote on the matter in Committee.

12.3.4 Unless they are a Ward Member representing constituency views a Member should avoid organising support for or against a planning application and should avoid lobbying other Members on such applications.

12.3.5 Members should not put improper pressure on officers for a particular recommendation.

12.4. Decisions Contrary to Officer Recommendations

12.4.1 The Planning Committee should only make planning decisions on the basis of land use planning grounds and in accordance with Article 11 of the Articles of the Constitution.

12.4.2 If the Planning Committee makes a decision contrary to the officers' recommendation, the Minutes should contain a detailed note of the Committee's reasons for the decision, which should be clear and convincing and should not normally be based merely on the personal circumstances of an applicant.

12.4.3 In any case in which Members wish to add to or amend conditions proposed by officers, officers should be given a reasonable opportunity to draft suitable conditions reflecting Members' wishes.

12.5 Site Visits

12.5.1 A site visit is only likely to be necessary if:

12.5.1.1 the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers; or

12.5.1.2 there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing or the proposal is particularly contentious; or

12.5.1.3 the proposed development is particularly significant in relation to the locality.

12.5.1.4 site visits should consist simply of an inspection by a viewing sub-committee or committee or viewing group with officer assistance. Any site visit should be run on the strict lines of a planning inspector's site inspection.

12.6 Member Training

12.6.1 All Members of the Council will receive training with regard to the planning system. Only Members who are willing to accept within a reasonable time such training will be permitted to serve on the Planning Committee.