Part 5A: Cambridge City Council’s Code Of Conduct For Members (Councillors)

Part 1 - General provisions

Introduction and interpretation

1.1 This Code applies to you as a member of this authority.

1.2 You should read this Code together with the general principles prescribed by the Secretary of State.

1.3 It is your responsibility to comply with the provisions of this Code.

1.4 In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

Scope

2.1 Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority or in any way in your official capacity.

2.2 Subject to paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 3.2 (c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

2.5 Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.1 You must treat others with respect.

3.2 You must not—

(a) do anything which may cause your authority to breach its public sector equality duty as defined in section 149 of the Equality Act 2010 or its obligations under the Human Rights Act, 2000.

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority’s code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—
(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or
(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Interests

8. Disclosable Pecuniary Interests in matters considered at meetings

8.1. If you attend a meeting and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that meeting, –

(a) you must disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and

(b) whether the interest is registered or not you must not – unless you have obtained a valid dispensation –

(i) participate, or participate further, in any discussion of the matter or vote at the meeting; or

(ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

9 Personal interests which are not disclosable pecuniary interests

9.1 You have a personal interest in any business of your authority where your interest is not a disclosable pecuniary interest and either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or
(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any person or body who employs or has appointed you;

(iv) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

9.2 In paragraph 9.1 (b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in paragraph 9.1 (a)(i) or (ii).

Disclosure of personal interests which are not disclosable pecuniary interests

10.1 Subject to sub-paragraphs 10.2 to 10.7, where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

10.2 Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 10.1 (a)(i) or 10.1 (a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

10.3 Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(iv), you need not disclose the
nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

10.4 Paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

10.5 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

10.6 Subject to paragraph 13.1 (b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

10.7 In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

11.1 Subject to paragraph 11.2, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

11.2 You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 9;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 9; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time
education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

12. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 12(a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

13.1 Subject to paragraph 13.2, where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where paragraph 13.2 applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a valid dispensation;

(b) you must not exercise executive functions in relation to that business; and
(c) you must not seek improperly to influence a decision about that business.

13.2 Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

14. Registration of Disclosable Pecuniary Interests

14.1. Subject to paragraph 16 (“Sensitive information”), you must, within 28 days of:

(a) this Code being adopted or applied by the Authority; or

(b) your election or appointment (where that is later),

notify the Authority’s Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.

14.2. Subject to paragraph 16 (“Sensitive information”), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority’s Monitoring Officer in writing of that new Disclosable Pecuniary Interest or change.

15. Registration of Personal Interests that are not Disclosable Pecuniary Interests

15.1 Subject to paragraph 16, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 9(1)(a), by providing written notification to your authority's monitoring officer.
15.2 Subject to paragraph 16, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

16.1 Where you consider that the information relating to any of your personal or disclosable pecuniary interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 14.

16.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

16.3 In this Code, "sensitive information" means information which if available for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

SCHEDULE

THE GENERAL PRINCIPLES

Selflessness: Holders of public office should act solely in terms of the public interest.

Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty: Holders of public office should be truthful.

Leadership: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.
## Appendix A

### Disclosable Pecuniary Interests: Description and Definitions

<table>
<thead>
<tr>
<th>Disclosable Pecuniary Interest</th>
<th>description</th>
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<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
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<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</td>
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| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—
(a) under which goods or services are to be provided or works are to be executed; and
(b) which has not been fully discharged. |
| Land | Any beneficial interest in land, which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | Any tenancy where (to M’s knowledge)—
(a) the landlord is the relevant authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where—
(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |
These descriptions on interests are subject to the following definitions:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land, which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“Member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Offences**

It is a criminal offence to

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest (without a dispensation)
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.
Appendix B

CAMBRIDGE CITY COUNCIL – LOCAL REGISTER OF GIFTS AND HOSPITALITY (approved 8 December 2005)

1. All members, when they take their declaration of office, undertake to be guided part 5A of the Constitution - Code of Conduct for Councillors.

2. The Code offers guidance in 17 above.

3. The object of the local scheme is to ensure greater transparency about receipt of gifts and hospitality. The local scheme goes further than the Code in that it requires declaration of all gifts and hospitality beyond the trivial.

THE REGISTER

4. If you are offered gifts or hospitality, and you think that the offer has been made because you are a councillor, you should complete the form provided to you by Democratic Services (example below, a pad of forms is given to each councillor). You should complete the form promptly and submit it straight away to the Chief Executive. Forms will be kept in a ring binder. This will be kept by the Head of Committee Services and will be available for public inspection. This will constitute the Register.

5. You do not need to complete a form if you were offered gifts/hospitality but refused the offer. If you wish to, you may.

6. You do not need to declare trivial gifts or hospitality in the Register; e.g. tea and biscuits at a meeting, or the gift of a calendar. Anything more substantial should be declared.

7. Of course, not all gifts and hospitality will be offered to you because you are a councillor. You may be offered gifts or hospitality by a friend, by your college, by business contacts etc. If, in your judgment, the offer of a gift or hospitality is prompted by something other than your status as a councillor, you do not need to declare it in the hospitality register. However, you may well need to declare the relationship and/or such gifts or hospitality at a meeting as a “Code of Conduct” interest if they are relevant to an item under consideration.

8. Gifts and hospitality offered to the Mayor in his/her capacity as Mayor do not have to be declared in the Hospitality Register, although they may still need to be declared as “Code of Conduct” interests at meetings.

9. Where hospitality is made available to a group of councillors as part of an event or visit in which the Council is participating, the Democratic Services Manager may make a block entry in the Register for members affected and will tell the members in question that he has done so.
ACCEPTANCE OF GIFTS AND HOSPITALITY

10. You should be very cautious about accepting gifts and hospitality which you think may have been offered because you are a councillor. Generally, anything other than modest promotional gifts (diaries, calendars etc) or modest hospitality (eg light refreshments at a meeting) should be refused. Especial care should be taken where someone has, or may in the future have, dealings with the Council.

11. If refusal of a gift might cause embarrassment, an appropriate alternative to refusal might be to donate the gift to the Mayor’s Charity Fund for raffle or auction.

FURTHER GUIDANCE

If you need further guidance at any time about the Register or about whether to accept gifts of hospitality, please contact the Head of Legal Services or the Head of Committee Services.

PART 4: Planning Code of Good Practice

(For review 2017)

1. Introduction
2. Relationship to the Members’ Code of Conduct
3. Development Proposals and Interests under the Members’ Code
4. Open and Fair Decision Making
5. Contact with Applicants, Developers and Objectors
6. Site Visits
7. Public Speaking at Meetings
8. The role of Officers
9. Decision Making
10. Development Control Forums
11. Training
1. **Introduction**

1.1 This Code offers guidance to Councillors about good practice in the planning process. It supplements the Council’s Code of Conduct for Members and aims to ensure that the Council makes and is seen to make planning decisions properly, openly, impartially, and for justifiable reasons.

1.2 This Code applies to Members involved in the planning process. It applies to formal decision-making and to less formal occasions, such as development control forum meetings, meetings with officers or the public and consultative meetings, planning enforcement matters or site-specific policy issues as well as to the consideration of planning applications.

1.3 The purpose of the planning system is to consider development proposals in the public interest. To be successful the planning system relies on Councillors and officers acting in a way that is fair and clearly seen to be fair and even handed. Councillors have a special duty to their constituents but a wider duty to the community of the City of Cambridge. Where planning matters are concerned the interests of the wider public have to be considered as well as the Development Plan and all other relevant material considerations.

2. **Relationship to the Members’ Code of Conduct**

2.1 This Code is intended to supplement the adopted Member Code of Conduct. It is unlikely that there will be any conflict between the two codes but, if there is, the provisions of the general Code will take precedence.

2.2 It is very important that Members are careful to apply both the general Code of Conduct and this Code in dealing with planning issues. Failure to do this may place the Council at risk of legal challenge or a finding of maladministration and for individual Members the potential for complaint about them to the Monitoring Officer.

3. **Development Proposals and Interests under the Members’ Code**

3.1 IF YOU HAVE A CODE OF CONDUCT INTEREST IN ANY MATTER, YOU MUST DISCLOSE THE EXISTENCE AND NATURE OF YOUR INTEREST AT ANY RELEVANT MEETING, INCLUDING INFORMAL MEETINGS OR DISCUSSIONS WITH OFFICERS AND OTHER MEMBERS. IT IS BEST TO DISCLOSE YOUR INTEREST AT THE BEGINNING OF THE MEETING AND NOT JUST AT THE COMMENCEMENT OF DISCUSSION ON THAT PARTICULAR MATTER. THE MEMBERS’ CODE OF CONDUCT SETS OUT
THE CIRCUMSTANCES WHICH GIVE RISE TO A DISCLOSABLE PECUNIARY INTEREST OR A PERSONAL INTEREST.

3.2 If you have a disclosable pecuniary interest, or a personal and prejudicial interest, you may not participate in making the decision, either formally or informally. You should also avoid giving any impression of participation, as it is important to maintain public confidence in the impartiality of councillors in decision-making. (A personal interest is classed as “prejudicial” if it is “one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member’s judgement of the public interest.”)

3.3 There are other things you should avoid if you have a disclosable pecuniary interest or a personal and prejudicial interest. These include the following:

- You try to avoid representing ward or local views on a matter in which you have such an interest. In these circumstances it is appropriate to ask another ward councillor to take on this role;

- You should avoid getting involved in the processing of the application by using your position as a councillor to get access to officers or papers;

- You should not lobby other members of the Council, including the circulation of letters or emails, or by raising the matter in group or similar meetings;

- You may address the meeting that considers the application or other matter in the same way that members of the public may address the meeting. However you should then withdraw from the meeting (formal or informal) at which the matter is under consideration. You may not sit in at the meeting, even as a member of the public and you may not vote. This is the position even if you are not a member of the committee which is making the decision;

- If you are submitting your own planning application, or have a disclosable pecuniary interest or a personal and prejudicial interest in a planning application, you should be particularly careful to avoid any impression of either seeking or receiving special treatment. You should also make sure that the Head of Planning Services is aware of the interest. You may wish to consider employing an agent to act on your behalf in dealing with officers and/or addressing the committee. However, as mentioned above, you may exercise the same speaking rights as are afforded to members of the public, provided that you then withdraw from the meeting when the item is considered.
4. **Open and Fair decision making**

4.1 Cambridge City Council Planning Committee takes decisions on planning matters openly and in public. For a decision to be open and fair:
- Those taking the decision should not be biased or have pre-determined how they will decide;
- Those taking the decision should not have a prejudicial interest in the outcome;
- The decision should be consistent with others taken previously unless there are good reasons to decide otherwise; and
- The reasons for the decisions should be clearly set out.

**Avoiding Bias or Pre-determination**

4.2 It is entirely permissible for Committee Members who are democratically accountable decision makers, to be pre-disposed towards a particular outcome. Nonetheless they must address the planning issues before them fairly and on their merits. That means they can have a view on the application but must not make up their mind on how to vote before formally considering the application and any representations. Committee Members must have an open mind on the merits of a proposal before it is formally considered at the committee meeting. They must be prepared to be persuaded by a different view in the light of any detailed arguments or representations concerning the particular matter under consideration.

4.3 If the committee’s decision on a planning application is challenged in the High Court by way of judicial review on the grounds that some of the committee members were biased, or had pre-determined the application, the court will assess the case on the basis of what a fair-minded observer, knowing the relevant facts would think.

4.4 Section 25 of the Localism Act 2011 came into effect on January 15 2012 and provides that a decision maker is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because:

(a) The decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take in relation to a matter; and
(b) The matter was relevant to the decision.

4.5 The position remains the same that Councillors should approach planning applications with an open mind and are able to weigh all the arguments right up to the point at which a decision is made. The safest course is to avoid statements as to support or opposition for an application (that may leave the impression that minds have been made up). If a Member has made such a statement they must be satisfied they can still consider the application with an open mind and be prepared to take into account any matters in favour or against the proposed development until the decision is made.
4.6 Care should be taken with the following, where you are likely to be a decision-maker:

- Making statements in advance of the meeting that you have made up your mind how you are going to vote;
- Taking up a campaigning role for or against an application;
- Acting as an advocate for groups opposed to or supporting the application;

4.7 Issues around bias and predetermination are difficult and getting it wrong can lead to legal challenge and/or reference to the Local Government Ombudsman. Each case needs to be considered on its facts and if you are in any doubt you should seek advice from the Head of Legal Services.

5. **Contact with Applicants, Developers and Objectors**

5.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process and is important to local democracy; those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward member or a member of the Planning Committee. However, unless care is taken, lobbying can lead to the impartiality of a member being called into question and to difficulties for the member participating in the decision.

5.2 When being lobbied, members should have regard to the advice in Section 4 about the dangers of appearing to approach a decision with a “closed mind”. However, unless you have a disclosable pecuniary interest or a personal and prejudicial interest, you can:

- Listen to/receive viewpoints from residents or other interested parties
- Make comments and express views to residents, interested parties, other members or appropriate officers
- Give non-technical advice on planning procedures, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officers report to Committee
- Seek information through appropriate channels
- Alert the decision-making committee to issues and concerns that have been drawn to your attention.

5.3 If you are approached by applicants or others seeking planning, procedural or technical advice, they should be referred to officers.
5.4 If you are invited to, or asked to arrange, a formal meeting with applicants, developers or groups of objectors (for instance, residents’ associations) or supporters, you should inform the case officer dealing with the application. It is generally better to put formal meetings on an official basis, with Planning Department support and a note taken of the meeting. This applies to all stages of the planning process, including the pre-application stage.

5.5 If you receive any approaches which raise new issues or bring new information to light, you should let the case officer know what these are as soon as possible. If a developer offers any planning gain or offers to accept any conditions on development in return for consent, be sure to let the case officer know as soon as possible.

5.6 If any approach by a developer or anyone else gives you cause to feel uneasy, please approach the Head of Legal Services.

5.7 In addition, if you consider any issue or fact to be a relevant consideration, and other members may not be aware of it, be sure to raise it when the application is considered. You should not rely on information which is not in the public arena in reaching a decision.

5.8 In personal dealings with applicants, objectors etc, you should be mindful of the need to avoid giving a firm commitment to support/oppose the application if you are to participate in the decision. Bear in mind that your overriding duty is to the whole community not just to the people in your ward, that planning decisions need to be taken on planning grounds and that you should avoid the appearance of improperly favouring any person, company, group or locality.

5.9 You should not accept gifts or hospitality from developers or from any person involved in or affected by a planning proposal including pre-application proposals. If acceptance of some hospitality is unavoidable, it should be kept to a minimum and should be declared and recorded in the Council’s hospitality register. The Council’s policy is that all hospitality beyond the insignificant (tea and biscuits or similar) should be entered in the register. If significant hospitality is offered, you should seek advice from the Head of Legal Services before accepting.

6. Site Visits

6.1 Individual Planning Committee members may wish to visit a site on which they have been asked to determine an application. If you decide to visit a site, you should avoid putting yourself in a position where you could be accused of partiality by any interested party to the application. It is best to visit a site unaccompanied by the applicant or by objectors. However, if a site visit is carried out in the presence of the applicant and/or their agent, or of
residents/objectors, you should bear in mind the advice given in paragraphs 4.2 and 4.3 of this Code. You should avoid being put under undue pressure from any interested party to visit a site.

6.3 You should not enter onto private land or premises without first obtaining the permission of the owner. Where possible, you should seek to familiarise yourself with the site from a public viewpoint. If you go onto a site, you should only do so if satisfied that it is quite safe to do so. You should not, for instance, enter a site where excavations or building works are in progress unless guided by a responsible site manager. If you anticipate a need to ask to enter onto land, you should attempt to make arrangements in advance and should carry (and produce) your Council identity card.

6.4 You should ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.

6.5 Formal Committee site visits may be arranged at the request of members, but this is likely to be practical only where there is a clear and substantial benefit. When they occur a record will be kept of why the visit is being held and who attended. An officer, who will point out any relevant factors and issues concerning the site and its surroundings, will accompany committee members. A site visit is not a meeting to discuss the planning merits of the scheme or to make decisions.

7. Public Speaking at Meetings

7.1 You should not allow members of the public to communicate with you during the Committee’s proceedings (orally or in writing) other than through the scheme for public speaking, as this may give an appearance of bias or special access to councillors.

7.2 All planning matters will be considered in public session, unless there are specific reasons for dealing with an item as confidential under the provisions of the Local Government Act, 1972, in which case the public will be asked to leave the room.

7.3 Applicants, agents and members of the public who have made written representations on an application will be allowed to speak at Planning Committee meetings, but only in accordance with the agreed Council procedures.

7.4 YOU SHOULD AVOID OVERFAMILIARITY WITH APPLICANTS, OBJECTORS AND OTHER MEMBERS OF THE PUBLIC WHEN ATTENDING MEETINGS, AS THIS IS OPEN TO MISINTERPRETATION.
8. **The role of Officers**

8.1 Planning officers must act in accordance with the Council’s Code of Conduct for Officers and their professional codes of conduct; primarily the Royal Town Planning Institute’s Code of Professional Conduct. The views, opinions and recommendations of planning officers may on occasion differ from the views, opinions or decisions of the Committee or its Members. Officers are there to give professional and impartial advice, to make sure that members have all the information they need for decision making. They are there to advise on the context of the planning application in terms of the development plan and all other relevant material planning considerations. Officers will give a clear, accurate written analysis of the issues and a recommendation with reasons for the decision they are suggesting. Officers are there to advise (other than where the decision has been delegated to them) and to carry out the decisions of the planning committee.

8.2 It is critical to the openness and transparency of the planning service that mutual trust between members and their officers is demonstrated and that there is clear understanding of and respect for the other’s role.

8.3 All members should pay particular attention to the professional advice and recommendations from officers. Planning decisions are not an exact science so interpretations may vary from time to time. You are not bound to follow officers’ advice or recommendations, but you should only depart from advice or recommendations where you have good reason to do so, based on clear and legitimate planning grounds. These will need to be voted on and recorded. The Council has adopted an ‘Adjourned Decision Protocol (ADP) procedure that will apply in major application cases where a decision contrary to the advice of officers is being considered.

9. **Decision Making**

9.1 If you ask for a proposal to go before the Planning Committee rather than be determined through officer delegation, make sure that your reasons are recorded and repeated in the report to the Committee and that wherever possible you attend the meeting to speak to the item. Any such request must state the planning grounds on which it is based.

9.2 You should demonstrate through your conduct at the meeting that you are giving careful, fair and balanced consideration to the issues under discussion. It is particularly important that applicants and members of the public have confidence in the way in which decisions are reached. The conduct of members can be important in ensuring that faith in the planning process is maintained.
9.3 You should keep in mind your obligation to make decisions in accordance with the Development Plan unless material considerations indicate otherwise, as required by section 38(c) of the Planning and Compulsory Purchase Act 2004.

9.4 The Council’s own proposals for development must be dealt with on exactly the same basis as applications submitted by members of the public. You should be particularly careful to ensure that any decision on a Council application is based purely on relevant planning considerations.

9.5 You should make a decision only after you have considered all the relevant information needed to make a decision. If you feel you have had insufficient time to digest new information or that you need further information, you should say so and, if necessary, ask for a deferral or abstain.

9.6 You should not vote or take part in the meeting’s discussion on a proposal unless you have been present to hear the entire debate, including the officers’ introduction to the matter.

9.7 If you are expressing a view contrary to officer recommendations or the development plan, you should identify clearly the planning reasons leading you to take a different view. The use of the Adjourned Decision Protocol will be considered in appropriate cases.

10. Development Control Forums

10.1 The provisions of this Code apply equally to member participation in Development Control Forums. In particular:

- You should declare any disclosable pecuniary or personal interest;
- You should not participate in a Development Control Forum if you have a disclosable pecuniary or personal and prejudicial interest;
- Member decisions are not made at Development Control Forums and you should be careful to avoid giving the impression that you are approaching the merits of the application with a closed mind.

11. Training and Development

11.1 Planning decisions are often complex and differ in nature from some of the other decisions taken by the Council. It is crucial that planning decisions are based on legitimate planning grounds and that appropriate weight is given to possibly competing factors. The Council offers training and development to councillors on planning law and procedure and Members who sit on regulatory committees will need to have had at least minimum planning familiarisation training before they attend their first meeting.
11.2 Post hoc review of new development by the Planning or Joint Development Control Committees will be arranged on a bi-annual or more frequent basis to aid ongoing development of Members and officers. Bite sized updates and briefing sessions will be provided on committee days along with thematic training sessions on specific topics each municipal year.

APPENDIX TO PLANNING CODE OF GOOD PRACTICE

MEMBER GUIDANCE ON REQUESTS TO REFER PLANNING APPLICATIONS TO COMMITTEE

1. The scheme of delegation for planning, allows any Member of the City Council and any County Member representing a City Ward to request that an application be referred to the Planning Committee for determination, provided the request is made within the timescales set out, that it is in writing, and that it states the planning grounds on which the request is made. Late requests should be avoided.

2. Members are advised to check the progress of the application with the case officer before making a request and also to inspect the application file. This may avoid the need for a referral.

3. It is important that the planning grounds for referral are stated in the written request. An information leaflet entitled ‘How to Comment’ explains what factors can typically be considered in assessing planning applications, depending on the circumstances of the case. This leaflet is sent out with neighbour notification letters. Planning grounds can include: whether the development accords with planning policy; whether the development is appropriate for the area; whether the development would cause harm to neighbouring amenity; whether the proposal would cause traffic congestion or be a danger to highway safety. Loss of property value, loss of trade to businesses and moral objections are not planning grounds. The case officer can give further advice if required.

4. Members may feel that a particular planning application raises planning issues of the kind described above that ought to be discussed and determined at Committee, rather than being determined under delegated powers. However, in deciding whether to make such a request, it is important that Members consider their role and responsibility in the decision making process.

5. On receipt of a written request by a Member for an application to be determined by Committee, the case officer will acknowledge the request in writing or by telephone. The case officer will also check with the Member that it is necessary for the application to be determined by Committee, rather than under delegated powers. There may be particular circumstances, depending
upon the officer recommendation where a committee decision is not necessary; this should be discussed with the planning case officer.

7. Members’ representations are summarised in the officer report.

8. It is not appropriate for a Member to request that Committee determines an application if they have a disclosable pecuniary or personal and ‘prejudicial’ interest in it under the Council’s Member Code of conduct.