

County Council

20 February 2013

Proposed Amendments to the Planning Code of Practice Section of the Constitution



Report of Head of Legal and Democratic Services

Purpose of the Report

1. This Report recommends amendments to the Planning Code of Practice which are necessary as a consequence of changes made to the Ethical Standards Regime by the Localism Act 2011.

Background

2. There is a strong link between the Code of Practice for Members and Officers dealing with planning matters and the Council's Code of Conduct for Members. The Code of Conduct for Members was revised last year to reflect the changes made in the Localism Act 2011. Those changes impact on the Planning Code of Practice and recommended amendments to that Code of Practice are highlighted in Appendix 2. The amendments also take into account the implications of Section 25 of the Localism Act 2011 on the concept of predetermination. This provision highlighted that Members had greater freedom to participate in discussion on applications prior to their determination provided that they make it clear that they will keep an open mind until they have heard all of the representations at Committee. The existing common law prohibition on any one participating in a decision where they may be perceived as being biased, remains in place and must be observed.

Impact of the Localism Act Changes on Members Freedom to Speak when they have a prejudicial interest

3. The Code of Conduct originally introduced under the Localism Act 2000 had the effect of preventing Members from speaking on matters where they had a prejudicial interest. Therefore if a planning application affected a Councillor in his private capacity as owner or occupier of land in the County, the Councillor could not enjoy the same human rights as his constituents and speak in support of or opposition to the proposal. A Councillor who attempted to exercise those rights was found by the Standards Board to be in breach of the Code of Conduct and was disciplined. This led the Government to change the Code in 2007 when Members had restored to them the same speaking rights as members of the public. If a Council permitted members of the public to speak at its meetings, then a Councillor with a prejudicial interest would enjoy the same right but on strict condition that once he had spoken he left the meeting for the duration of the debate and decision and played no further part.

4. The Localism Act 2011 did not repeat this exception from the normal rule that a member with a prejudicial interest must play no part in any discussion of the matter at the meeting. Furthermore the Localism Act makes it a criminal offence for a member to contravene that prohibition. The criminal sanction is restricted to the category of disclosable pecuniary interests defined in Regulations made under the Act. This list is set out in Annex 2 to the Council's Code of Conduct a copy of which is attached to this Report at Appendix 3. When adopting its Code of Conduct, the Council chose to include a category of other registerable personal interests at Annex 3 a copy of which appears at Appendix 4. This step was taken because the category of disclosable pecuniary interests was not regarded as sufficient to cover all circumstances where members have to be restricted from participating in business to avoid risk of legal challenge on the grounds of bias.
5. It has been necessary on several occasions to advise Members wishing to speak at one of the Council Planning Committees of the greater restrictions applicable under the new Code compared to the old Code. Before preparing this Report I have consulted with colleagues of the North East Local Authorities on the approach adopted to Members wishing to speak in circumstances where they would have been permitted to do so between 2007 and July 2012. It is fair to say that there is a disparity of approach between authorities. Some are prepared to permit Members, particularly Ward Members relating to matters in their own electoral division to speak if the public can speak. Others adopt a more cautious line that to permit Members to speak in such circumstances exposes them to a risk of allegation of breach of the Code. If the interest is a disclosable pecuniary interest, that could expose the Member to risk of prosecution if the Director of Public Prosecutions authorised it. Participation may also expose the Authority to risk of judicial review on the grounds that it should not have permitted participation by a Member who was known to have an interest.
6. The law in this area is now far from clear as a consequence of the amendments made last year. The Association of County Secretaries and Solicitors have drawn these problems to CLG's attention encouraging them to introduce amendments so that everyone would know where they stood. CLG's approach has been that common sense would prevail and the spirit of the legislation should be followed. The spirit of the new Code was intended to reduce bureaucracy and frivolous and vexatious complaints removing many of the technical legal arguments which had proved time consuming and costly under the old Code. Unfortunately the likelihood is that the new Code will increase scope for such challenges if people have the appetite to test it.
7. In those circumstances Constitution Working Group accepted the recommendation that Durham County Council should adopt the cautious approach pending clarification of the impact of the Localism Act and the new Code. A specific example in the amendments presented to you today relates to paragraph 5 of the Planning Code of

Practice dealing with development proposed by the Council or Council owned company. The existing Code of Practice permits a local member to speak on matters of local concern but not vote even though they are on the board of the company making the application. There was an instance recently where my staff had to advise a Board Member that he should not speak because the company was making application in a neighbouring electoral division. If the application had been in his own division, the Code of Practice would have suggested that he could speak although I would have found it difficult to reconcile that position with the accompanying Code of Conduct. My recommendation therefore is that the wording at paragraph 5.3 of the Code of Practice should be amended to remove the exception in favour of a Board Member who is also a local Member. I do believe it will be difficult to justify that exception if the Council were ever challenged as a decision making authority which permitted a limited category of its own Board Members to speak on such matter

Constitution Working Group did however express the view that members should not be prevented from attending planning committee and speaking in a personal capacity if they were the applicant for planning permission in circumstances when any other applicant could attend and speak. Paragraph 3.2 of the planning code of practice has been amended accordingly.

Recommendation

8. The County Council is recommended to approve the amendments to the Constitution identified in Appendix 2 to this Report.

Appendix 1: Implications

Finance – None specific within this report.

Staffing – None specific within this report.

Risk – None specific within this report.

Equality and Diversity / Public Sector Equality Duty – None specific within this report.

Accommodation – None specific within this report.

Crime and Disorder – None specific within this report.

Human Rights - This Reports recommends restriction of Members participation where they have a prejudicial interest.

Consultation – None specific within this report.

Procurement - None specific within this report.

Disability Issues – None specific within this report.

Legal Implications – Set out in the body of the Report.

Code of Practice for Members and Officers Dealing with Planning Matters

This Code of Practice supplements the Council's Code of Conduct for Members and where appropriate members should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice may be sought on the interpretation of the Code of Conduct or this Code.

1. INTRODUCTION

- 1.1 Planning affects land and property interests, including the financial value of land and the quality of their settings. It is not an exact science. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. A key role of the planning process is balancing the needs and interests of individuals and the community.
- 1.2 The planning system can only function effectively if there is trust among those involved. There must be trust between members and officers and between the public and the council. The Third report of the Committee on Standards in Public Life (the Nolan Committee) (1997) recommended that each local authority's practices and procedures were set out in a local code of planning conduct to avoid allegations of malpractice in the operation of the planning system.
- 1.3 The general principles that underlie the Council's Code of Conduct for Members and apply to this Code of Practice are:
 - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - Members should not place themselves in situations where their honesty or integrity may be questioned.
 - Members should make decisions on merit.
 - Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
 - Members may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
 - Members should respect the impartiality and integrity of officers.
- 1.4 The Council is committed to open, fair and transparent decision-making. Planning decisions should be made impartially, with sound judgment and for justifiable reasons.

- 1.5 This Code of Practice sets out practices and procedures that members and officers of the County Council shall follow when involved in planning matters. Planning matters include the consideration of planning applications, the preparation of development plans and other planning policy and the enforcement of planning control.
- 1.6 This code is largely based upon the Local Government Association's revised guidance note of good practice issued in 2002, which takes account of the new ethical framework for local government introduced by the Local Government Act 2000 (as amended). It takes account of the Royal Town Planning Institute's Code of Professional Conduct and advice issued by the Audit Commission, the Commissioners for Local Administration in England and the National Planning Forum. It complements the Council's Code of Conduct for Members. This code is consistent with meeting the requirements of Article 6 of the European Convention on Human Rights which confers a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations. In respect to the advice contained at paragraph 7 regarding Member engagement in pre-application advice, account has been had of advice issued by the Planning Advisory Service, the Standards Board for England and the LGA advice leaflet 'Positive Engagement' issued in 2009.
- 1.7 Failure to follow this code without good reason, could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual elected members and officers. Breaches of this Code may also amount to breaches of the Council's Code of Conduct for Members. If in doubt about what course of action to take, a member or officer should seek the advice of the Council's Monitoring Officer.

2. THE ROLE AND CONDUCT OF MEMBERS AND OFFICERS

- 2.1 Members and officers have different, but complementary roles. Both serve the public but members are responsible to the electorate, while officers are responsible to the Council as a whole.
- 2.2 Whilst members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to members involved in making a planning decision. A key role of the planning system is the consideration of development proposals against the wider public interest.
- 2.3 Members' decisions shall not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Members must, therefore, consider all of the material issues in the light of Development Plan policies, Government advice and their own individual judgment and make a decision in the interests of the County as a whole.

- 2.4 Whilst members should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.5 ~~Members shall follow the advice in the Council's Code of Conduct about accepting gifts and hospitality.~~ Members should treat with extreme caution any offer of a gift or hospitality which is made to them personally; the normal presumption should be that such offers must be courteously declined. Similarly, officers shall politely decline offers of hospitality from people with an interest in a planning proposal. If receipt of hospitality is unavoidable, officers shall ensure it is of a minimal level and declare it in the hospitality book as soon as possible.
- 2.6 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.
- 2.7 That the Council may not always follow the advice of their professional planning officers is perfectly proper. The professional officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because an authority, its members or other officers, have prevailed upon the officer to put forward his or her professional view as something other than it really is.
- 2.8 The County Council endorses the statement in the RTPI code that, 'RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions', and extends it to apply to all officers in the authority advising on planning matters.
- 2.9 The County Council shall have a designated head of the planning service, who is qualified for election to membership of the RTPI and who has direct access to elected members as their professional adviser on planning matters. A superior officer shall not have the power to overrule the professional advice of the head of the planning service.
- 2.10 Officers shall follow the guidance on their standards of conduct as set out in the County Council's Staff Guidance, the Code of Conduct for Employees in the Council's Constitution and any National Code of Conduct for Local Government Officers issued by the Secretary of State under Section 82 Local Government Act 2000 (as amended).

3. DECLARATION OF NON REGISTERABLE PERSONAL INTERESTS

- 3.1 The Council's ~~Model~~ Code of Conduct advises members on the disclosure of a non-registerable personal interest and whether it is a prejudicial interest which would lead to non participation in Council business. Personal interests include those of ~~relatives or friends~~ members of your family or any persons with whom you have a close association or their employer, any firm in which they are a partner or company of which they are a director or shareholder. ~~Relatives~~ Members of your family are defined in the Code. You have a close

association with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour ~~or disadvantage~~ that persons when deciding on a matter which affects them. Friends are not defined but ~~the Standards Board for England suggests~~ it is suggested that it is someone well known to the member and regarded with liking, affection and loyalty, that is a closer relationship than mere acquaintance. If in doubt the Monitoring Officer's advice should be sought.

- 3.2 If the **non-registerable** interest is personal and prejudicial the member shall declare it at the earliest opportunity, **must not participate in any discussion or vote taken on the matter at the meeting**, ~~must withdraw from the~~ **leave the** room where the matter is being considered and must not try to influence those making the decision or take any part in the consideration or determination of the matter. This restriction does not prevent a member attending committee in a personal capacity and speaking when the member is the applicant and any other applicant would have the right to attend and speak..
- 3.3 Where a member has a **non-registerable** personal interest that is not prejudicial under the Council's ~~Model~~ Code of Conduct, the member, when attending a meeting of the Council at which the matter is considered, shall declare it at the commencement of the meeting and may participate in the discussion and vote on the matter.
- ~~3.4 If a Member, in advance of the decision-making meeting, has taken a fixed view on the planning matter, the Member would not be able to demonstrate that all the relevant facts and arguments had been taken into account and she or he would have fettered his or her discretion. In that case, the Member would have to declare a personal and prejudicial interest. Therefore Members should scrupulously avoid forming a fixed view on the issue in advance and avoid giving the impression that they have predetermined the issue. The test is whether a fair minded and informed observer, having considered the facts, would decide that there is a real possibility that the Member had predetermined the issue.~~ **New rules in relation to bias and predetermination have been introduced by section 25 of the Localism Act 2011. The new rule applies if there is an issue about the validity of a decision and it is relevant to that issue whether a member had or appeared to have a closed mind when making the decision. Under the new rules a member is not to be taken to have had, or appeared to have had a closed mind when making the decision just because she or he had previously done anything that directly or indirectly indicated the view the member took, or would or might take, in relation to a matter relevant to the decision,**
- ~~3.5 Members who have previously participated in a decision to propose a particular development shall declare a personal and prejudicial interest at the commencement of the planning committee when the application is considered and shall withdraw and not participate in the discussion or vote on the matter. An example would be a Member who was a governor of a school which was putting forward a planning application.~~ **The principle that members must not participate in decisions where**

they are perceived to be biased remains. An example would be a member who was a governor of a school which was putting forward a planning application

- 3.6 Serving members who act as agents for persons pursuing planning matters within their authority shall play no part in the decision-making process for those proposals. Similarly, if they submit their own proposal to the authority on which they serve, they should play no part in its consideration. When submitting proposals on behalf of themselves or others, the member shall inform the Monitoring Officer of the submission.
- 3.7 Officers must always act impartially. An officer who believes he or she may be seen to have a personal and prejudicial interest in a planning matter, shall declare it at the earliest opportunity, so advising the Head of Planning and the Monitoring Officer and have no further involvement in the processing or consideration of that matter.
- 3.8 Planning officers shall never act as agents for persons pursuing a planning matter within the county or one outside significantly affecting the county.

4. 'DUAL-HATTED MEMBERS'

- 4.1 The Council's Code of Conduct does not automatically prevent members from considering the same issue at more than one tier of local government, including speaking and voting at both tiers.
- 4.2 For example, if a member is also a member of a parish council, and the parish council is consulted on a planning application to be determined by the Planning Committee, the member may participate in the discussion and vote at the parish council meeting; but it would be prudent to inform the parish council that the member will reconsider the matter taking into account all the information that is put before the Planning Committee. At the subsequent meeting of the Planning Committee the member should declare a personal (but not prejudicial) interest as a member of the parish council which has already expressed a view on the matter, but make it clear that this view does not bind the member who will consider the matter afresh. The member will be free to participate in the debate and vote on the matter.
- 4.3 However, if the Planning Committee considers a planning application by an authority or body on which a member serves, then the member should declare a non-registerable personal and prejudicial interest and withdraw from the meeting.

5. DEVELOPMENT PROPOSED BY THE COUNCIL OR A COUNCIL OWNED COMPANY

- 5.1 Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. Council owned companies also submit proposals that are decided by the Council.

- 5.2 Proposals submitted by the Council or a Council owned company shall be considered in the same way as those by private developers.
- 5.3 Members of the planning committee who sit on the board of a Council owned company which has submitted a planning proposal shall declare a **non-registerable** personal and prejudicial interest and take no part in the discussion and determination of that proposal, ~~except where they are the local Member when they may speak on matters of local concern but shall not vote.~~
- 5.4 Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

6. LOBBYING OF AND BY MEMBERS

- 6.1 Lobbying is a normal and proper part of the political process. The applicant, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to their local member or members of a planning committee. However, reacting to lobbying can lead to the impartiality of a member being called into question and require that member to declare an interest.
- 6.2 The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the planning officer all need to be considered before a member is in a position to make a balanced judgement on the merits of the case. Members should provide officers with copies of any lobbying material they may have received, whether in favour or against a proposal.
- 6.3 The time for individual members of the planning committee to make a decision on a proposal is at the committee meeting when all available information is to hand and has been duly considered.
- 6.4 A planning committee member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to officers). Even though they may agree with a particular view, planning committee members should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if members do not retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Members should make clear that they reserve their final decision on a proposal until the committee meeting.
- 6.5 Members of the planning committee shall not, in general, organise support or opposition for a proposal, or lobby other members (other than when addressing the planning committee). Members of the

Council shall not put improper pressure on officers for a particular recommendation.

- 6.6 The local member who is not a member of the Planning Committee will be allowed to attend and speak at the decision-making meeting but not vote. The member of an adjacent division substantially affected by the proposal shall, at the discretion of the chair of the planning committee, be allowed to attend and speak but not vote. A local member who has a personal or prejudicial interest in an application, within the meaning of the ~~Model~~ Code of Conduct should seek prior advice from the Monitoring Officer about his or her position.
- 6.7 If a member of the Planning Committee identifies himself or herself with a group or individual campaigning for or against an application, he or she shall declare a **non-registerable** personal and prejudicial interest and not vote or decide on the matter. However, that member shall be given the opportunity to address the Committee.
- 6.8 Members of a planning committee must be free to vote as they consider appropriate on planning matters. Political group meetings prior to the committee meeting shall not be used to decide how members should vote at the planning committee.

7. PRE-AND POST-APPLICATION DISCUSSIONS AND NEGOTIATIONS

- 7.1 Discussions between an applicant and a planning authority, prior to the submission of an application can be of considerable benefit to both parties and is actively encouraged in accordance with the Council's protocol on pre-application advice. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process. However, they should take place within clear guidelines, as follows.
- 7.2 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the officer only, and are provisional.
- 7.3 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.
- 7.4 A written note should be made of all potentially contentious meetings. Two or more officers should attend potentially contentious meetings. A note should also be taken of potentially contentious telephone discussions.
- 7.5 Members need to preserve their role as impartial decision makers and should not ordinarily take part in pre-or post-submission discussions and negotiations with applicants regarding development proposals. The exception to this is for those major schemes which are considered to be of importance to the County or schemes that are likely to be highly contentious and are therefore subject to the Council's Pre-Application

Member Engagement protocol which provides for structured arrangements with officers and a prospective developer. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants.

- 7.6 Members may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating. Any information received by members should be provided to the officers dealing with the application.

8. OFFICER REPORTS TO COMMITTEE

- 8.1 The Head of Planning will submit written reports to the Planning Committee on planning applications to be determined by the County Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and Government policy considerations, together with any other material considerations. Where a planning application requires an environmental impact assessment the Head of Planning shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application including those made by the applicant. The Head of Planning in his/her report will give a reasoned assessment of the proposals and a justified recommendation.
- 8.2 Oral reports (except to present and update a report) should be extremely rare and fully minuted when they do occur.
- 8.3 The Head of Planning will have available for inspection by members the full planning application, environmental statement (where required) and representations from bodies consulted and members of the public.

9. THE DECISION MAKING PROCESS

- 9.1 Members shall recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.
- 9.2 Where an environmental impact assessment is required, the Planning Committee shall take the information provided in the report into consideration when determining the application.
- 9.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 9.4 Where the Planning Committee decide to adopt the recommendation of the Head of Planning, the reasons contained in his/her report will be

minuted, together with any additional reasons determined by the Committee.

- 9.5 Where the Planning Committee is minded to approve or to refuse a planning application, contrary to the recommendation of the Head of Planning, agreement shall be reached at the meeting on the reasons for that decision. They shall be fully minuted by the Head of Legal and Democratic Services.

10. SITE VISITS BY THE COMMITTEE

- 10.1 A site visit by members of the Planning Committee may be held where a proposal is complex and the impact is difficult to visualise or assess from the plans and supporting information.

- 10.2 Site visits will be organised in accordance with the following procedures:

- (i) The Planning Committee may authorise a site visit.
- (ii) However, in circumstances when it is considered that a planning application is complex so as to merit a special meeting of the Planning Committee (and site visit, if necessary), the Head of Planning and the Head of Legal and Democratic Services, following consultation with the Chairman and Vice-Chairman may make the necessary arrangements for the holding of such a meeting (and site visit if required) without prior authorisation by the Planning Committee. In such cases the Head of Planning shall provide reasons for the holding of a site visit
- (iii) The Head of Legal and Democratic Services will invite the local County Councillor to site visits. Where a proposal would have significant direct impact upon an adjacent electoral division, at the discretion of the Chairman of the Planning Committee, the local County Councillor for the adjacent division will also be invited.
- (iv) The role of the applicant during a site visit shall only be to secure access to the site in accordance with health and safety provisions. The applicant shall not participate in any discussions on site but may be asked to provide factual information.
- (v) Objectors will not normally be invited to attend a site visit or participate in any discussions on site.
- (vi) On assembling at the site, at the time specified, the Chairman will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The Head of Planning, or his/her representative, will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Head of Planning, the Chairman will bring the site visit to a close.

- (vii) When a site visit is held prior to the meeting of the Planning Committee it is desirable that all members attending the Planning Committee should also attend the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application.

11. REPRESENTATIONS ON PLANNING APPLICATIONS

- 11.1 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Planning Committee. Members of the Council will be given the opportunity to inspect all letters received before the decision on the application is made.
- 11.2 There will be occasions when applicants or objectors, or both, may wish to make representations in person to the Planning Committee. In such circumstances the following procedure will apply:
 - (i) The applicant will be informed that the application and all supporting documents will be taken into account. The objectors will be informed that their written representations will be taken into account. Both the applicant and the objectors will also be informed that they have the right to attend the Committee and make representations in person. They will be asked to indicate whether they wish to do this and, if so, they will be invited to the meeting at which the decision is to be made.
 - (ii) Each group of speakers (objectors and supporters) will be allowed a maximum of five minutes to address the committee. In the event that more than one person wishes to speak for or against a proposal the time will be divided. Groups of speakers will be encouraged to appoint a spokesperson.
 - (iii) At the meeting the Head of Planning will present his / her report first.
 - (iv) The objectors will make their representations, subject to a time limit of 5 minutes (except at the discretion of the Chairman), and may be asked questions by the Committee.
 - (v) The applicant will then make his or her representations, subject to a time limit of 5 minutes (except at the discretion of the Chairman), and may be asked questions by the Committee.
 - (vi) Officers may comment on the representations and the merits of the application.
 - (vii) The Committee will proceed to debate the application and make a decision. The minute will include the reasons for the decision.

- (viii) Where a representative of a Parish/Town Council wishes to speak they will address the meeting before the objectors.

12. REVIEW OF DECISIONS

- 12.1 The Audit Commission's Report, 'Building in Quality', recommended that elected members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.
- 12.2 Visits to application sites previously considered by the County Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 12.3 Attendance at the review site visits shall be restricted to members of the committee and the local County Council members.

Appendix 3: Annex 2 to Code of Conduct

Annex 2 to Code of Conduct

Disclosable Pecuniary Interests

(as defined by Regulations made by the Secretary of State under section 30 Localism Act 2011)

Please Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) **yourself**, or (b) **your spouse or civil partner**, or (c) **a person with whom you are living as husband and wife**, or (d) **a person with whom you are living as if you were civil partners** (all of whom are referred to as “relevant persons”):-

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - 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 you in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council:-

(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 Council.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Corporate Tenancies - Any tenancy where (to your knowledge):-

(a) the landlord is the Council; 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 your knowledge) has a place of business or land in the area of the Council ; 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.

Note: In the above descriptions, the following words have the following meanings:-

“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;

“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.