

**PART 8 – CODES AND PROTOCOLS**  
**(SECTION 6 - PLANNING LOCAL CODE OF**  
**CONDUCT FOR MEMBERS AND OFFICERS)**

## **Part 8 is set out in eight sections as follows:**

- SECTION 1** – The Principles behind the Members' Code of Conduct
- SECTION 2** – Members' Code of Conduct
- SECTION 3** – Member/Officer Relations
- SECTION 4** – Preparatory Meetings of the Cabinet
- SECTION 5** – Call-in of Prosecutions
- SECTION 6** – Planning Local Code of Conduct for Members and Officers
- SECTION 7** – Petitions
- SECTION 8** – Protocol on the Filming and Recording of Council Meetings

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**For Members and Officers**

**1.0 INTRODUCTION**

- 1.1 Arun District Council believes that Local Government should be conducted and operated openly, honestly, efficiently, equitably and fairly. Therefore, it has been agreed that it will conduct its planning business in accordance with these principles.
- 1.2 To demonstrate the commitment of the Council in these respects and for the purpose of clarity, the Council has adopted this Local Code of Conduct for Members/Officers when dealing with planning matters.
- 1.3 This Local Code of Conduct is supplemental to the Members' Code of Conduct and the Council's Constitution. It does not replace that Code or the Constitution but simply amplifies their provisions and attempts to apply the principles they embody to particular circumstances that can arise from the operation of the planning system.

**2.0 CODES RELATING TO GENERAL MATTERS**

- 2.1 Councillors will be guided by and adhere to the Members' Code of Conduct, the Council's Constitution and this Local Code of Conduct when dealing with planning matters.
- 2.2 Planning Officers (whether they are Members of the Royal Town Planning Institute or not) will be guided by and adhere to the Royal Town Planning Institute Code of Professional Conduct and this Local Code of Conduct when dealing with planning matters.
- 2.3 Councillors will serve the public and be responsible to the electorate in all planning matters except where it appears that to do so may result in a breach occurring of the Members' Code of Conduct, the Council's Constitution or this Local Code.
- 2.4 Planning Officers will serve the public, advise Councillors, carry out Council work and implement Council/Committee instructions in all planning matters except where it appears that to do so may result in a breach of the Council's Constitution, the RTPI Code of Professional Conduct or this Local Code occurring.

**3.0 CODE OF CONDUCT**

- 3.1 For these purposes "Lobbying" means an organised attempt to influence decision makers to make a decision for or against a proposal. Lobbying may occur by conversations or written communications. Given the need to avoid actual or perceived bias or in determining planning applications, Councillors

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and officers need to recognise lobbying when it occurs and take appropriate steps as suggested below to ensure that the Planning process is not compromised by it.

- 3.2 The Code is designed to ensure that decision-makers (whether they be Councillors and/or Planning Officers) can demonstrate that they have maintained objectivity/impartiality until all relevant information on which planning decisions must be made is available.

Members **should**:

- Avoid becoming members of local interest groups or organisations whose primary purpose is to lobby to promote or oppose planning proposals.
- Avoid publicly declaring which way they intend to vote on any particular application until they have had the opportunity to read the Officer's report.
- Avoid lobbying other Councillors in an effort to elicit their support for any particular approach regarding any application under consideration and/or organising support for or opposition to a planning application.
- Act with the overriding duty to the whole community of the District and not just those within a Ward.
- Consider whether they declare a prejudicial interest, not vote and withdraw from the room where an opinion has been previously declared.
- Report instances where Councillors receive communications, either verbally or in writing, from applicants or objectors to a planning application to the Planning Officer.
- Seek a post Committee Site Inspections when that is necessary if:
  - the impact of the proposal is difficult to visualise from plans and supporting materials or
  - there is good reason why the comments of the applicant and/or objectors cannot be adequately expressed in writing or
  - the application is particularly contentious
- Avoid meetings with applicants unless they have been arranged by Officers.
- Ask relevant questions for the purposes of clarifying their understanding of the proposals but do not express any strong view.
- Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and, where regard is to be had to the Development Plan, make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

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- Ensure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.
- Avoid, where possible, nominating substitutes for Development Control Committee who are Members of both Conservation Area Advisory Committee where they have discussed items on that agenda.

Members **should not**:

- Enter into debates (verbally and/or in writing) regarding the merits of any application whilst it is under consideration by the Council and will usually therefore restrict any contact with applicants, objectors and/or supporters of any particular proposals to an explanation of procedural matters only.
  - Use Political Group meetings to determine how Councillors should vote when the application is due to be considered.
  - Pressurise officers to provide a particular recommendation or request that they undertake particular negotiations/consultations.
  - Get involved in the processing of a planning application.
  - Enter upon sites or make any contact with such persons outside the formal site inspection procedures. Failure to abide by this principle may lead to allegations of bias or failure to consider relevant issues.
  - Enter into negotiations directly with applicants and/or their agents.
  - Accept gifts or hospitality from any person involved or affected by a planning proposal.
  - Enter into pre-submission discussions directly with potential applicants and/or their agents.
- 3.3 The position of Ward Councillors who do not sit on Development Control Committee is different in that they do not vote on any decisions. However, they can speak at meetings of the Committee. They should similarly consider carefully the consequences of declaring an opinion early. It may be disadvantageous to any case they have to argue. If they do declare an opinion
- 3.4 Officers **should**:
- Ensure that representations regarding applications under the Planning Acts (or any other planning matter) will only be considered by the Council if they are received in writing prior to the decision being made.

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- Avoid publicly declaring the recommendation that they intend to make regarding any particular application until the case officer's recommendation/report has been formally agreed by relevant officers under the Scheme of Delegation (for those applications to be determined under Delegated Powers) or published as part of the Committee Agenda (for those applications to be determined by a Committee).
- Ensure that all applications to be determined by a Committee are accompanied by reports which contain all the information necessary for Councillors to make an informed and objective decision regarding any particular proposals.
- Restrict verbal presentations at the Committee to a simple update of the written report and comments advice necessary to respond to Members' questions.
- Provide written updates for more complex issues.
- Visit the site of every application received by the Council.
- Limit discussion during the site visit to matters of fact and rarely visit a site accompanied by the applicant or their agent.
- Only enter into pre-submission discussions upon receipt of a letter from the prospective applicant and/or their agent which clearly sets out the proposals and the advice sought.
- Record and maintain a gifts/hospitality register.

**4.0 COMMITTEE PROCESS**

- 4.1 A vote regarding the Officer written recommendations will be made in accordance with the following:-
- Officer report and recommendation is presented and debated by Committee where necessary.
  - A vote is taken upon that by show of hands.
  - The Chairman will announce the result and whether or not the recommendation is Carried
- 4.2 In the event that the Committee vote to reject the Officer's recommendation, the following process will be followed:
- The Senior Planning Officer present will be asked by the Chairman whether or not sufficient information was given by Members to enable the composition of clear and convincing reasons for refusal or alternatively Conditions of any approval by Officers. If this is possible, the suggested

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wording of the refusal reasons or the Condition will be read to the Committee by Officers and a further vote will be taken on that suggestion.

4.3 In the event that Officers do not find it possible to phrase a Condition or reason(s) for refusal based on the Members' debate, there are two alternative courses of action:

- Senior Planning and Legal Officers present will advise the Committee as to any planning/financial/legal implications of determining the application contrary to the Officer's advice (if any) in such circumstances and the Chairman will ask whether any Member wishes to move a resolution (with a seconder) regarding the wording of a decision or,
- The Chairman will ask the Committee whether or not it wishes the application to be deferred to enable an Officer's report to be prepared for the next available meeting so as to reflect the debate held and the issues raised. In either case, a vote should be taken.

4.4 Public Speaking

Members of the public are entitled to speak at Development Control Committees in accordance with the Scheme of Public Speaking approved by the Council. (See Part 5 of the Council's Constitution).

**5.0 REVIEW/IMPLEMENTATION OF THE LOCAL PLANNING CODE OF CONDUCT**

5.1 This Local Planning Code of Conduct will be reviewed by the Development Control Committee after 24 months of operation (from the date it is adopted) in the light of complaints received regarding the Council's planning procedures/practice during this period and experience gained from its operation.

5.2 The Code it contains will be implemented in the following ways:-

- Training for Officers/Members
- Publication of the Code both within and outside the Council
- Regular monitoring of compliance with this Code by the Group Head of Council Advice and Monitoring Officer who is the relevant Officer for this purpose
- Regular publication of Planning Services Information documents

5.3 Any Member/Officer or member of the public who requires advice regarding the interpretations of this Local Code should contact the Monitoring Officer and/or the Director of Place.