

# **Hastings Borough Council Planning Protocol (adopted by Council on 18 April 2007)**

## **Introduction**

1. The purpose of this Protocol is to give clear guidance to Members about how they should carry out their duties in relation to planning and development proposals. This Protocol seeks to ensure openness, transparency, fairness and consistency in planning decisions.
2. This Protocol applies to Members at all times when involving themselves in the planning process. It applies to formal decision-making and to less formal occasions, such as meetings with officers or the public.
3. If in any doubt about the application of this Protocol seek immediate advice from the Monitoring Officer or Solicitor to the Planning Committee.

## **The Relationship to the Council's Code of Conduct for Members**

4. This Protocol is a Council Protocol under Part 5 of the Constitution of the Council. Breach of this Protocol could lead to a complaint being made to the Council's Standards Committee
5. This Protocol supplements the Council's Code of Conduct for Members. It is unlikely that there will be any conflict between the two but, if there is, the provisions of the general Code of Conduct will take precedence.
6. Members must apply both the general Code of Conduct and this Protocol in dealing with all planning issues. Failure to do so may place the Council at risk of legal challenge or a finding of maladministration by the Local Government Ombudsman. Individual Members may also be at risk of a complaint to the Standards Committee for England.

## **Registration and Declaration of Interests**

7. Both Members and Officers are required to observe codes of conduct and statutory provisions the aim of which is to ensure the integrity of the Council and individual Members. These require the open disclosure of any personal and/or prejudicial interests in issues being considered by the Council, its Cabinet or any of its Committees. Paragraph 13 of the Code of Conduct requires that members register their financial or other interests in the Register of Members' Interests held by the Monitoring Officer. This is in addition to the requirement for Members to declare any personal interests as defined in Paragraph 8 of the Code of Conduct. If a Member has a personal interest they should consider whether that interest is prejudicial as defined in Paragraph 10 of the Code of Conduct.
8. The Council's Monitoring Officer has provided all Members with detailed guidance on the codes and in particular, declaration of interests. This is regularly updated. Members of the Planning Committee must ensure they are familiar with the codes. It is the personal responsibility of individual Members to ensure they comply with the codes and make all appropriate declarations at Planning Committee meetings. Members should seek advice early, from the Monitoring Officer or the Solicitor to the Planning Committee, and preferably well before any meeting takes place if they are in any doubt as to their position.
9. If Members have a personal interest in any matter, they must disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Members are advised to disclose their interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. Members can still declare an interest which only comes to

mind or light after declarations of interest have been considered on the agenda at any point prior to discussion of that particular matter. The obligation to disclose the existence and nature of an interest applies to **all councillors** attending the meeting, whether sitting as a Member of the Planning Committee or as observer. The responsibility rests with individual Members to ensure that they indicate to the Chair that they have an interest to declare.

10. Where a Member has a personal interest in a matter they must always declare the existence and nature of their interest. They can participate in the discussion and be involved in making the decision.
11. If a Member has both a personal and prejudicial interest in a matter they must always declare the existence and nature of their interest. They cannot participate in any discussion or be involved in making the decision, either formally or informally and must not seek to influence the decision in any way. They must withdraw from the room during discussion of the matter and cannot remain even as a member of the public. This applies to all Members with a prejudicial interest regardless of whether they are members of the Planning Committee, which is making the decision. However, the Code of Conduct for members of Hastings Borough Council permits a member, who has a prejudicial interest to attend committee but only for the purpose of making representations, answering questions and giving evidence, where a member of the public would be permitted to do so. A member should be treated in the same way as a member of the public in this respect. Once the member has completed making representations, answering questions and giving evidence, he or she is required to leave the room in the usual way.
12. Members, who have a prejudicial interest, must avoid the following:
  - a. Representing ward or local views on a matter in which they have a prejudicial interest. In these circumstances it is appropriate to ask another ward councillor to take on this role;
  - b. Getting involved in the processing of the planning application by using their position as a councillor to gain access to Officers or papers;
  - c. Lobbying other members of the Council, including the circulation of letters or emails, or raising the matter in group or similar meetings.
13. If in any doubt about Registration and Declaration of Interests seek immediate advice from the Monitoring Officer or Solicitor to the Planning Committee.

### **Making decisions with a 'closed mind' and the issue of bias**

14. Members should be aware of the essential need to act fairly and without bias towards every application. Members should not fetter their discretion in relation to decisions in which they participate. Members must keep an open mind upon an issue upon which they will be asked to vote up until the moment that they vote upon it. Failure by Members to keep an open mind may result in an application for judicial review of the decision reached. Any interested party may apply for judicial review of a planning decision on the ground that one or more of the Councillors who voted in favour of the decision to approve or refuse the application had approached the issue with a closed mind and so had failed to take all relevant considerations into account. Failure to maintain an open mind may invalidate the entire decision-making process.
15. Members should avoid the following:
  - a. Making statements or giving any other indication in advance of the meeting, or the decision itself, as to how they are going to vote;
  - b. Organising support or opposition to any planning application.
16. Members of the Planning Committee who have made a firm commitment to support or to oppose a planning application shall not participate in any discussion or be involved in

making the decision, either formally or informally and must not seek to influence the decision in any way. Committee Members considering an application in their Ward may have difficulties due to lobbying by constituents. Committee Members need to observe that whilst sitting as a member of Planning Committee, their duty is to comply with the rules affecting decision making in planning matters, including the rule against bias. Clearly, a member of Planning Committee cannot therefore speak as Ward Councillor to address Planning Committee. Unless they have a prejudicial interest, non-members of the Planning Committee may address the Committee as a ward councillor with the consent of the Chair (or Vice Chair in his/her absence). Ward Councillors, addressing Planning Committee, should be mindful of the fact that when representing their ward they should still have regard to the interests of the ward generally and not just the interests of an individual.

17. Members shall not participate in the consideration of a planning application if to do so would give the appearance of bias. The test for bias is: "Would the fair-minded observer, knowing the background, consider that there was a real possibility of bias?" It is not the Member's view of whether they are biased that is relevant here but the view of the independent observer. Perception is important and can lead to judicial challenge in the High Court. If a Member believes that their participation would lead a fair-minded observer to consider that there is a real possibility of bias, they shall not participate in making the decision and should withdraw from the room. The Courts have held that it is primarily a matter for the Member in question to judge whether to withdraw, but given the scope for challenge the Member should always err on the side of caution. Ward members should always be mindful of the risk of challenge on grounds of bias when considering an application affecting the member's ward. Whilst not every application will raise the question of bias, there will be occasions when a member of the public in possession of all the facts might consider that there is a real risk of bias. In these circumstances, the member should seek the advice of the monitoring officer or the solicitor advising the Committee.
18. In practice, there will often be an overlap between the circumstances in which bias is an issue and a Member having a prejudicial interest. The bias rule may apply, even where a Member does not have a prejudicial interest.
19. Members will note Personal Interests under the current code of conduct are defined as: "Those matters listed under paragraph 8 of the Code:-

Interests

Personal interests

8.(1) You have a personal interest in any business of your authority where either

- a. it relates to or is likely to affect
  - i. any body of which you are 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 employment or business carried out by you;
  - iv. any person or body who employs or has appointed you;

- v. any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - vi. any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - vii. any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph vi;
  - viii. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - ix. any land in your authority's area in which you have a beneficial interest;
  - x. any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - xi. any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; 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
- i. (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
  - ii. (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (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 sub-paragraph (1)(a)(i) or (ii)."
20. Prejudicial Interests under the current code of conduct are defined as: "an interest 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 judgment of the public interest." The Code provides that a member does not have a prejudicial interest in certain circumstances including where the business does not affect the member's financial position or that of a person or body described under paragraph 8 of the Code, or does not relate to the determining of any approval, consent, licence, permission, or registration in relation to the member or any person or body described under paragraph 8 of the Code of Conduct.
21. Members do not have to have a personal interest in order to come within the definition of bias. There may not be specific consequences for the Member who has failed to

acknowledge and respond to their bias as opposed to failing to declare a personal or prejudicial interest under the Code of Conduct. Members must be aware that in failing to consider the issue of bias there are consequences for the decision, which may be challenged on the grounds of bias in the High Court.

22. Members are reminded that by virtue of being a member of the committee, they are expected to exercise their discretion and vote on any particular application before it, unless there are reasons why such a position is not appropriate in any single instance. Members must come to the meeting with an open mind, including open to the principle of development.
23. Members must have no regard for and must make no reference to party policy/positions or other such similar matters and must keep an open mind during debate at the committee, arriving at a decision based only upon the planning merits of the particular case.
24. If in any doubt about the issue of bias seek immediate advice from the Monitoring Officer or Solicitor to the Planning Committee.

## **Contact with Applicants, Developers and Objectors**

### **Lobbying of and by Members**

25. Lobbying of Members for or against proposals is a normal part of the planning process. Those who may be affected by a planning decision will often seek to influence it by approaching their elected ward councillor or a Member of the Planning Committee. Caution must be exercised as lobbying can lead to the impartiality of a Member being called into question and to difficulties for the Member participating in the decision.
26. It is important in maintaining the integrity of individual Members and the Council as a whole that Members of the Planning Committee (or Members who may end up acting as substitutes on the Planning Committee) should:-
  - a. If lobbied, explain that, whilst they can listen to/receive viewpoints from residents or other interested parties, they cannot decide or indicate before the relevant Planning Committee meeting which way they intend to vote as it would prejudice their impartiality. They should also explain that it is necessary for them to hear all the arguments both for and against the proposal before making up their mind.
  - b. Avoid giving members of the public planning advice except in relation to general planning procedures and often it may be wise to direct any such request to an appropriate Planning Officer.
  - c. If approached by residents or other interested parties, they should be referred to the appropriate Planning Officer in order that advice can be given and their opinions can be included in the Officers report to the Planning Committee. Copies of any correspondence or other written material received by a Member should be forwarded to the Planning Officer without delay. (A draft letter which Members can use to acknowledge representations and explain their position is attached at Appendix 1);
  - d. Not organise, support or oppose any planning application, lobby other Members, sign petitions or put pressure on Officers for a particular recommendation. Article 8.02 (b) of the Council's Articles of Constitution states "No member of the Planning Committee shall take part in any debate or vote on an application which the member has campaigned for or against or upon which the member has given any indication of support or opposition before the Committee's meeting otherwise than in the course of previous debate on the Committee." Members shall have regard to the Standards Committee Guidance on Lobby Groups. Membership of lobby/campaign groups may constitute a personal interest and in the planning context a prejudicial interest.

## Meetings with Applicants and Objectors

27. Officers frequently hold meetings with applicants and objectors to discuss applications. These are part of the normal planning process but are, and must be clearly stated to be, without prejudice to the professional recommendation they may make to the Committee and the decision of the Committee when all information is before it. Members will not normally attend such meetings.
28. If attending public meetings, Members of the Planning Committee should try to maintain an impartial role, listening to what is said but not expressing an opinion. Officers will not normally attend public meetings unless their attendance has been agreed by the Borough Planning Officer and representatives of both the applicant and objector are given the opportunity to be present. Ward Members and the Chairman of the Planning Committee will be advised of any public meeting in relation to a planning issue either organised by Officers or which Officers have agreed to attend. A note will be taken of the meeting.
29. If Members are invited to, or asked to arrange, a formal meeting with applicants, developers or groups of objectors (for instance, residents' associations) or supporters, they should inform the case officer dealing with the application. This applies to meetings at all stages of the planning process, including the pre-application stage.

## Presentation on Likely Major Development Proposals

30. The Council does, on occasion, allow presentation of development proposals. Presentations are to keep Members informed generally on matters, which appear to have or are likely to have strategic importance for the Borough but will not do so in relation to any matter, which is the subject of a current planning application to the Council. At such presentations Members must try to maintain an impartial role, listening to what is said and asking appropriate questions but not expressing a fixed opinion, and keeping an open mind on the issues at all times. This applies to pre-application public consultation meetings arranged by Developers in accordance with the Council's Draft Statement of Community Involvement.

## Gifts and Hospitality

31. Members shall not accept gifts or hospitality from developers or from any person involved in or affected by a planning proposal including pre-application proposals. A gift or hospitality might be considered to influence a Member's judgment and it is important that there can be no justifiable grounds for suggesting a decision either has been or appears to have been influenced or biased in any way.
32. If acceptance of some hospitality is inevitable, the Code of Conduct requires that the Member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality. All details will go on the register of gifts and hospitality, which is open to public inspection.

## Chair's Briefings

33. The rules of natural justice mean that planning decisions should be determined in an open and fair manner and taking account of all relevant information and arguments. It is only at Planning Committee meetings that Members will have, and be able to consider, **all** the relevant information and arguments about an application. Members must take account of the information and advice given by Officers, and take account of any other relevant matters that arise before making a decision.
34. The purpose of Chair's Briefings will be to brief the Chair (or Vice Chair in his/her absence) on applications to be brought to the next meeting of the Planning Committee. Officers present will be the Borough Planning Officer (and or their representative), the Solicitor to the Planning Committee (and or their representative), the Committee

Administrator and the Chair (or Vice Chair in his/her absence). The purpose of the Briefing is for Officers to explain the forthcoming agenda, consider whether a site visit is required in respect of a particular application and consider administrative arrangements. Chair's Briefings are not to discuss the planning merits of the application or to make decisions. It is not to debate the merits of the application or the Officers' recommendation or ask for additional conditions to be included within the Officer's Report.

35. Members should be very careful before asking Officers to amend their reports as this could suggest bias or predetermination on the part of the Member. For example, Members should not ask Officers to add further reasons for refusal to a report as this could be taken as evidence that the Member was approaching the matter with a closed mind.

## **Site Visits**

36. Formal site visits by Members of the Planning Committee should be made only in exceptional circumstances. A record should be kept by the Committee Administrator of the reason for the site visit and who attended. Site visits shall only occur where there is a clear and substantial benefit to Members. For example, where the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by Officers, where the proposal is particularly contentious and where the site cannot adequately be viewed from the road.
37. Site visits shall be organised by Officers of the Planning Department. All Members of the Planning Committee will be invited to attend the site visit. The site visit will be guided by the Planning Officer who will point out matters of material relevance to the application and answer Members' questions.
38. A site visit is not a meeting to discuss the planning merits of the application or to make decisions. The purpose of the inspection is to gather factual information about the site and visually assess the likely or actual impact of the proposal. It is not to debate the merits of the application or the Officers' recommendation. During the formal site visit detailed discussions and/or negotiations must not be conducted with the applicant or third parties by either Members or Officers. All discussion and debate should be undertaken at the Planning Committee itself when the application is presented for formal consideration. Any arguments applicants or third parties wish to put forward can be heard at that stage through the public speaking arrangements. Members should be aware of the appearance of bias should they be seen in conversation with an applicant or objector.
39. Members are expected to attend the organised site visit unless there are special reasons why they cannot do so in any particular case. Such members should indicate that they have not attended at the time the application comes up for consideration at the committee and this should be recorded in the minutes.
40. Members not attending a site visit relating to an application are expected to sit back from the table and not take part in debate and voting on the matter when it comes up for consideration, unless the member can confirm that they have sufficient relevant knowledge of the site (from other sources) to form the basis for a decision. The basis of such knowledge shall be announced to the committee and recorded in the minutes. Members unable to attend the organised site visit should consult with the relevant case officer in advance of the meeting regarding alternative means of acquiring sufficient knowledge to participate in the decision.

## **Public Speaking at the Planning Committee**

41. Members of the Planning Committee shall not allow members of the public to communicate with them (orally or in writing) during the course of the Meeting other than through the procedure for public speaking.

42. All planning matters will be considered in public session, unless there are specific reasons for dealing with an item as exempt under the provisions of the Local Government Act 1972 (as amended) in which case the public will be asked to leave the room.
43. Applicants and/or their agents and members of the public who have made written representations on an application may be allowed to speak at Planning Committee meetings, but only in accordance with the agreed Council procedures set out below.
44. The procedures for public speaking allow members of the public to address the Planning Committee where a petition of objection against the recommendation of the planning officer is received at least two clear working days before the Planning Committee considering the item is due to sit. The Chair may exercise discretion to permit a petition to be heard, that has not been submitted in time, provided that there is no prejudice to the applicant. Petitions must contain a minimum of ten signatories supporting the motion as set out in the petition. Each page of the petition must clearly state the application to which it is referring and also give the reasons for the objection. Petitions must contain original signatures, photocopies are not accepted. The person presenting the petition is invited to attend the meeting. Once a petition has been presented, a petitioner will only be allowed to speak at the Chair's discretion. In general, this will only be exercised where the petition is against the proposed development and the Officer's report to the Planning Committee recommends approval. The applicant or their agent has a right to speak in response. Each person making representations may be allowed to speak for a maximum of five minutes and may be asked questions by Members of the Planning Committee.
45. The procedure allows for one person to speak against the application and one in support of the application. If two petitions against an application are received and petitioners are making similar points, Officers will facilitate communication between the petitioners to agree a single advocate on behalf of both petitions.
46. Where Members who are not members of the Planning Committee have indicated to the Chair, prior to a Committee meeting, their wish to speak on a matter in their ward being considered at the Committee, they will be entitled to speak immediately after the objectors and applicant have addressed the Committee. Such non-members of the Committee should comply with the procedure for declaration of interests if they speak at a Committee meeting in the same way as members of the Committee. Ward Councillors may address the Planning Committee for a maximum of five minutes but may not be asked questions by Members.
47. Members shall avoid over familiarity with applicants, their agents, objectors and other members of the public when attending meetings, as this is open to misinterpretation. This applies before, during and after the Planning Committee meeting itself.

## **Officers**

48. Officers are responsible to the Council as a whole. They must always act openly and impartially and provide consistent professional advice, in accordance with the rules of their professional body, based on planning policies and procedures, ensuring Members are aware of all relevant material planning considerations before decisions are made.
49. All matters requiring a decision by the Planning Committee should be the subject of a written report from Officers, which should be accurate and cover all relevant planning issues. In particular it should include a clear outline of the site history, the relevant development plan policies, the response of consultees and the nature of objections (full copies of objection letters will be provided to Members prior to the Committee Meeting). The report shall include a clear recommendation with a technical appraisal justifying it. Any objections or other relevant issues arising after the report is printed shall be reported verbally to the Committee at its meeting.
50. Members shall not put pressure on Officers to make a particular recommendation.



51. Members shall give due regard to recommendations and professional advice given by Officers. Members are not bound to follow recommendations or advice received, but shall only depart from this where there is good reason to do so, based on clear and legitimate planning grounds which must be recorded in full when making the decision.

## **Decision Making**

52. A decision on a planning application must not be made before the Formal Planning Committee Meeting scheduled to determine the application. Political group meetings shall not be held prior to a Committee Meeting as Group Meetings may give the appearance of bias. The fair-minded observer may perceive that group meetings behind closed doors are likely to affect the decisions of those Members attending. The holding of Group Meetings may therefore give rise to judicial challenge. Members will be seated alphabetically and shall not sit according to their political groups in order to avoid the appearance of group decision-making.
53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. If the Officer's report recommends a departure from the Development Plan the justification for this must be contained in the report. Such applications must be advertised in the local paper in advance of consideration by the Committee.
54. Decisions must be made on planning merits and the reasons for making a decision should be clear and supported by material planning considerations. The reasons for refusing an application shall always be minuted, as should any conditions attached to an approval. If the Committee wishes to refuse an application or impose additional conditions the reasons for doing either must be clearly stated when this is proposed.
55. If any Member of the Planning Committee expresses a view contrary to Officer recommendations or the development plan, they shall identify clearly the planning reasons. Where Members are proposing to vote against the Officer recommendations, the Chair shall make sure that their reasons are apparent before a vote is taken. These reasons must be recorded in the minutes if the officer recommendations are not agreed.
56. Part 8 of the Constitution sets out the Scheme of Delegation to Officers and this will usually govern decision making in planning matters. However the Chair of the Planning Committee (or Vice Chair, in the Chair's absence) or a ward member (where there is an application concerning their particular ward) may refer an application to the Planning Committee by giving written notice to the Borough Planning Officer (clearly stating a planning reason(s) in support) within 21 days following the registration of the application.
57. Any member of the Council can make a reference to the Planning Committee (as in paragraph 56 and on the same terms) provided they have the support of the Chair of the Planning Committee (or the Vice-chair in the Chair's absence) or the appropriate ward member.
58. Any planning application made by a Member or Officer or the Council itself shall be determined by the Planning Committee and not under delegated powers. The Council's own proposals for development must be dealt with on exactly the same basis as applications submitted by members of the public.
59. Members must attend meetings with an open mind and shall demonstrate through their conduct at the meeting that they are giving careful, fair and balanced consideration to the applications under discussion. Members shall make a decision only after they have considered all the relevant information needed to make a decision. If Members feel they have had insufficient time to digest new information or that they need further information, they should say so and, if necessary, ask for a deferral.
60. Members shall not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including any petition, representations

made by the applicant and the officers' introduction to the matter. Members who leave the room will be advised by the Chair that they cannot vote or take any further part in the discussion. The rules of natural justice mean that planning applications should be determined in an open and fair manner taking account of relevant information and arguments. It is only at Planning Committee meetings that Members will have, and be able to consider, **all** the relevant information and arguments about an application. Failure to take account of relevant considerations or to take account of irrelevant considerations is a ground for judicial review in the High Court.

### **Deferred Applications**

61. Applications which have been deferred from a previous meeting must be treated carefully. Consideration must be given to the procedures for public speaking where petitioners and the applicant have addressed the Committee at the previous meeting. There may be occasions when there are a number of petitioners raising different objections to the application - and the applicant must have the chance to respond. A judgement has to be made whether it is in the interests of good decision making to re-hear all oral representations again or to restrict the Committee to its constitution at the earlier meeting. That is a decision for the Chair at the Chairman's Briefing (or Vice Chair in his/her absence) in consultation with the Borough Planning Officer and Solicitor to the Planning Committee.

### **Substitutions**

62. Substitutions have implications where applications are deferred from a previous meeting. Where petitioners and the applicant are heard at the earlier meeting but not at the second, any substituted Members attending on the deferred application will not have heard the representations which, assuming that they are relevant to the application, will form some part of the basis for the decision. Where the petitioners and applicant are given the opportunity to address the Committee a second time, there is not a problem with substitutes since the matter is heard afresh. Where applications are not deferred but a continuation of the earlier meeting no substitutions are permitted. Group Leaders/authorised persons should be informed where substitutions are not to be permitted on a particular item as soon as practicable after the Chair's Briefing.

### **Training of Members in Planning Law and Procedure**

63. 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. For this reason, Members shall not sit on the Planning Committee or act as a substitute on the Committee without having previously undertaken training in planning law and procedures.
64. The Borough Planning Officer and Solicitor to the Planning Committee will arrange suitable training opportunities at regular intervals and will supplement this with written guidance. All Members of the Planning Committee must attend training sessions provided. The Committee Administrator will maintain a register of attendance which will be copied to political group leaders annually.

## Appendix 1 - Draft Letter For Members

[insert address]

Dear Sir / Madam

Re: [insert application site]

I write further to your letter of [insert date] regarding the above named property.

Given that this property is the subject of a current planning application I am unable to comment, at this time, on the issues you have raised. As a current Member of the Council's Planning Committee, it is my duty to consider planning applications and make an informed and impartial decision based upon the facts reported to me at that meeting. Until such time as I hear all matters pertaining to the application site it would be inappropriate for me to express support for any particular viewpoint.

However, in order to fully inform the debate before the Planning Committee, I have contacted the Council's Planning Officers and made your views known to them. Their report will properly incorporate all of the relevant planning issues that the Committee can take into account and will ensure that all Members of the Planning Committee hear the views you have expressed to me.

I would like to thank you for taking the time to contact me about this issue of concern to you and assure you that your views will be conveyed to the Planning Committee at the appropriate time.

Yours .....