

To: All Members of the Council

When calling please ask for:

Emma McQuillan, Democratic Services Manager

**Policy and Governance**

E-mail: [emma.mcquillan@waverley.gov.uk](mailto:emma.mcquillan@waverley.gov.uk)

Direct line: 01483 523351

Calls may be recorded for training or monitoring

Date: 14 October 2016

Dear Councillors

COUNCIL - 18 OCTOBER 2016

I refer to the agenda for the Council, on Tuesday, 18 October 2016 and now enclose the following item which was marked To Follow in your agenda papers:

11. MINUTES OF THE STANDARDS PANEL (Pages 3 - 36)

To receive the minutes of the Standards Panel held on 10 October 2016  
(coloured buff).

Yours sincerely

Emma McQuillan  
Democratic Services Manager

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## WAVERLEY BOROUGH COUNCIL

### MINUTES OF THE STANDARDS PANEL - 10 OCTOBER 2016

### SUBMITTED TO THE COUNCIL MEETING – 18 OCTOBER 2016

(To be read in conjunction with the Agenda for the Meeting)

#### **Present**

Cllr Michael Goodridge (Chairman)

Cllr Mike Band

Cllr Carole Cockburn

Cllr Kevin Deanus

Cllr Stephen Hill

#### **Apologies**

Cllrs David Else, Jeanette Stennett and John Williamson

#### **Also Present**

Cllrs Joan Holroyd and Richard Jameson as Town and Parish Representatives

Councillor Jerry Hyman attended and spoke on Agenda Item 5

#### 6. MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 13 June 2016 were confirmed and signed.

#### 7. APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Councillors David Else, Jeanette Stennett and John Williamson.

#### 8. DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no disclosures of interest.

### **PART I – RECOMMENDATIONS TO THE COUNCIL**

#### Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

#### 9. REVIEW OF MEMBER CODE OF CONDUCT, ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS AND COUNCILLORS' PLANNING CODE (Agenda item 5.)

*[NB Cllr Jerry Hyman attended the meeting and spoke on this item].*

- 9.1 The Localism Act gave Councils an explicit duty to promote and maintain high standards of Member conduct. It obliged the Council to adopt a Code dealing with the high standard of conduct that is expected of Members when acting in their official capacity.

- 9.2 At its meeting on 13 June 2016, the Standards Panel recommended to Council that the Waverley ‘Member Code of Conduct’, ‘Arrangements for dealing with Standards Allegations’ and ‘Councillors Planning Code of Good Practice’ be reviewed by the Monitoring Officer in light of examples that had come forward and advice that had been given. Council agreed the recommendation on 19 July 2016.
- 9.3 That review has now taken place and these minutes set out a number of suggested changes. The existing versions of all three documents are attached as Annexes 1-3 to this report with suggested amendments highlighted in red.
- 9.4 The proposed changes were shared with the Council’s three designated Independent Persons. Tony Allenby responded by giving his support to the proposed changes stating that they were very sensible amendments. Bernard Quoroll submitted very detailed proposals to further clarify elements of the Code and the Panel went through these in detail at the meeting, agreeing to include a number of the changes. Changes agreed at the Panel are also shown highlighted but in blue type.
- 9.5 The following tables summarise the key changes that have been put forward both by officers, an Independent Person and raised by Members of the Standards Panel.

**Table 1 – Amendments to Waverley Code of Conduct**

Where	What	Why
Paragraph 1	That individuals may seek advice from the Monitoring Officer or Deputy Monitoring Officer about whether the code of conduct applies in any given situation.	To manage expectations and to encourage early consultation and communication with the Monitoring Officer or Deputy Officer which will often enable early and informal resolution of issues.
Paragraph 2	Explicit statement on keeping Waverley Exempt documents confidential.	For the avoidance of doubt.
Paragraph 2	Clarification that bullying or harassment is not acceptable under the code.  The Panel also requested that Intimidation be added to this list.	In the interests of transparency. To make explicit what is already referred to by cross-references between this code and the member/officer protocol. In line with best practice advice
Paragraph 5	Clarification that detail needs to be given in respect of interests registered and that the register needs to be updated if circumstances change.	To promote public transparency. To support the Monitoring Officer in providing advice to members on the implications of their interests. In light of issues encountered by the previous Monitoring

	The Panel requested that the word “promptly” be added so that any changes be done as soon as possible.	Officer and lessons learnt as a result.
Paragraph 5 (and DPI annexe)	Clarification that disclosable pecuniary interests refer to past and potential future matters as well as present ones.	In line with best practice advice. In light of issues encountered by the previous Monitoring Officer and lessons learnt as a result.
Paragraph 5 (3)	The Panel requested that the words “reasonably expected” be added	The Panel agreed with the Independent Members suggestion that care should be taken concerning the word “expected” in circumstances where someone might argue that an interest had a lesser degree of confidence than expected.
Paragraph 6	Inclusion of statement on the importance of declaring of interests that are non-pecuniary but which members judge may nonetheless undermine their ability to make an open-minded and objective decision and that members should declare and withdraw when this is the case.  The Panel agreed with the Independent Person that the words “as soon as you become aware of it” should be added.	In line with best practice advice. In light of issues encountered by the previous Monitoring Officer and lessons learnt as a result.
Paragraph 6(4)	The Panel was fully supportive of this addition as it reinforced the point that minimal compliance with the rules was insufficient to demonstrate integrity in all circumstances. The Panel preferred some qualification to be added.	Officers noted members comments and would look at some revised wording to support this comment.

**Table 2 – Amendments to The Arrangements for dealing with Standards Allegations**

Where	What	Why
Paragraph 1	Simplification of introduction. Deletion of detailed description of Council's duties.	To convey the key facts to the reader in plain English.
Paragraph 3	Clarification that name and address of complainant will only be withheld in exceptional circumstances.	In response to feedback received from members. In the interests of fairness and transparency. To set realistic expectations for complainants and. In line with Local Authority best practice.
Paragraph 4	Inclusion of specific criteria Monitoring Officer will refer to in determining the validity of a complaint.	In line with best practice advice and in line with legislation. To ensure the process by which complaints are accepted or rejected is clear and transparent.
	Additional guidance about who is notified and when at the commencement of the process.	To address gaps in existing guidance. In line with best practice advice.
	To clarify that allegations of a criminal nature, including the non-disclosure of disclosable pecuniary interests, may be shared with the Police or other regulatory agencies.	To reflect and be transparent about existing practice.
Paragraph 4	The Panel made a number of suggestions to amend this paragraph following both the Independent Members comments and those from Councillor Jerry Hyman who spoke at the meeting. These are noted below:  (a) add "if a clear public interest in doing so" (c) add "only" after relate" (e) add about being subject to a different code (corporate complaints procedure) (i-j) Add about vexatious	

	<p>complaints. 4<sup>th</sup> new paragraph refer to 30 'calendar' days. last paragraph add that complaints could be dealt with through informal "mediation" and change "identifies" to "alleged"</p>	
Paragraph 7	<p>To clarify that meetings of the Hearing Panel will be made in public but that papers will not be made available in advance.</p> <p>The Panel requested that officers looked at the wording regarding confidential papers in case there were any data protection issues</p>	<p>In line with best practice advice and to reflect and be transparent about existing practice.</p>
Paragraph 11	<p>Clarification about role of the Independent Persons.</p>	<p>To reflect the IP protocol the Council is already working to. To ensure all parties understand who may contact the IP and why.</p>

**Table 3 – Amendments to the Members' Planning Code of Good Practice**

Where	What	Why
Paragraph 2	<p>Clarification that interests should be declared under 'declaration of interests' item.</p>	<p>For the avoidance of doubt.</p>
	<p>Inclusion of statement encouraging members to advise Democratic Services in advance wherever possible.</p>	<p>To provide sufficient time for officers to consult the Monitoring Officer where needed. To give committee officers the best chance to provide the right support and advice to committee chairmen and members.</p>
	<p>Deletion of cross-reference to paragraph 4(1) of code of conduct.</p>	<p>To avoid confusion / simplify the guidance.</p>
Paragraph 3	<p>Addition of sentence to clarify the guidance on predisposition vs predetermination.</p>	<p>To provide clearer guidance to members in light of the Localism Act.</p>

	The Panel suggested that Officers looked at the proposed wording to keep it simple. It was suggested that it could be “You must not have predetermined the matter before the meeting”	
Paragraph 4	Clarification on circumstances under which it would not be appropriate for a member to call in a planning application (where the member has a DPI or may be biased).	For the avoidance of doubt.
Paragraph 5	Clarification that officers should attend formal meetings with applicants, developers or groups of objectors.  The Panel also suggested that Officers looked at the wording, perhaps dividing it into 2 paragraphs, to give guidance between public exhibitions and private meetings with developers.	For the avoidance of doubt. In light of issues encountered by the previous Monitoring Officer and lessons learnt as a result.
Paragraph 7	Clarification that although simple membership of a community interest group may not lead to a non-pecuniary interest, that specific office (for example chairmanship or vice-chairmanships) of the same group is likely to.	For the avoidance of doubt.
Paragraph 8	Clarification that members with a disclosable pecuniary interest or where there is a risk of the appearance of bias should not attend site visits.	For the avoidance of doubt. In light of issues encountered by the previous Monitoring Officer and lessons learnt as a result.

9.6 The Standards Panel noted and thanked the Independent Person for his comments on the three annexes and now



**RECOMMENDS that**

- 1. changes to the Waverley 'Member Code of Conduct', 'Arrangements for dealing with Standards Allegations' and 'Councillors Planning Code of Good Practice', as noted in Annexes 1-3 attached, be approved;**
- 2. Independent Persons be invited to the next meeting of the Standards Panel; and**
- 3. a further review of the documents be undertaken after 12 months, and any issues be taken back to the Panel for consideration.**

**PART II - MATTERS OF REPORT**

There were no matters falling under this category.

**The meeting commenced at 4.30pm and concluded at 5.57pm**

**Chairman**

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# The Waverley Members' Code of Conduct

### Introduction and Interpretation

1. (1) This Code applies to you as a Member of Waverley Borough Council ("the Council") when you act in your role as a Member.
- (2) You are a representative of the Council and the public will view you as such. Your actions can impact on how the Council as a whole is viewed.
- (3) This Code is based on and is consistent with the [seven Nolan](#) principles of public life set out in Section 28 Localism Act 2011 which Waverley endorses: -
  - selflessness
  - integrity
  - objectivity
  - accountability
  - openness
  - honesty
  - leadershipWaverley is under a duty to promote and maintain high standards of conduct by members
- (4) It is your responsibility to comply with the provisions of this Code when acting in your capacity as a Member.
- (5) In this Code –
  - "meeting" means any meeting of
    - (a) the Council;
    - (b) the Executive;
    - (c) any of the Council's committees, sub-committees, joint committees, joint sub-committees, area committees, Special interest Groups;"Member" includes a co-opted member and an appointed member.
- (6) If you are unsure about whether or not the code of conduct applies to a particular situation, you should consult the Monitoring Officer or Deputy Monitoring Officer.

### General Obligations

2. (1) **You must** always treat member colleagues, officers, other organizations and members of the public with respect.
- (2) **You must not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- (3) **You must -not** 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 legal 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;
  - (bb) made in good faith and in compliance with the reasonable requirements of the Council; and
  - (cc) you have consulted the Monitoring Officer or taken other independent legal advice prior to its release. \_\_\_\_\_

This particularly includes Waverley Borough Council reports which are exempt, which remain confidential until released by a resolution of the Executive or Committee of the Council.

- (4) **You must not** prevent another person from gaining access to information to which that person is entitled by law.
  - (5) **You 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.
  - (6) **You must not** undertake any action that could be regarded as harassment, intimidation -and/or bullying of member colleagues, officers, or members of the public.
3. When using or authorising the use by others of the resources of the Council -
- (1) **Do** act in accordance with the Council’s reasonable requirements and policies;
  - (2) **Do** ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

#### **Gifts and Hospitality**

- 4. (1) **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.
- (2) **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- (3) **Do** register with the Monitoring Officer any gift with an estimated value of at least £50 or hospitality with an estimated value of at least £100 within 28 days of its receipt.

#### **Registration of Interests**

- 5. (1) You must notify the Monitoring Officer of your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration (those listed in paragraph 5(4)). On election, you must do this within 28 days of being elected or appointed to office. Details of disclosable pecuniary interests are set out in the Annexe to this Code. You should give sufficient detail of the interests for a member of the public to understand where there might be a conflict of interest.

- (2) **Do** similarly notify the Monitoring Officer of any disclosable pecuniary or other interests not already registered within 28 days of your re-election or re-appointment to office. If any of these change you should update your Register of Interests entry promptly.
- (3) **Do** be aware that disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person. They also apply to any past and reasonably expected future occupational pension, office, trade, profession or vocation as well as present ones.
- (4) **Do** be aware that the Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your membership of or your occupation of a position of general control or management in the following bodies -
  - (i) bodies to which you have been appointed or nominated by the Council;
  - (ii) bodies exercising functions of a public nature;
  - (iii) bodies directed to charitable purposes;
  - (iv) bodies one of whose principal purposes include the influence of public opinion or policy.

#### **Disclosure of Interests and Participation**

6. (1) **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure (see paragraph 5(4) above) as soon as you become aware of it.
- (2) **Do** notify the Monitoring Officer of any interest not already registered that is disclosed to a meeting under paragraph 6(1) above within 28 days of the disclosure.
- (3) **Do not** participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. **Do** withdraw from the meeting during the consideration of the matter.

(4) **Do** declare any other non-pecuniary interest(s) that you consider to have sufficient weight so as to undermine your ability to make an open-minded and objective decision. and, Where this is the case, **do** exclude yourself from consideration of the item by withdrawing from the chamber for the duration of it being discussed.

In making a judgement about whether a non-pecuniary interest is of sufficient weight as to undermine your objectivity, you should consider what an ordinary member of the public, with knowledge of the relevant facts, would think.

#### **Decision-making and Predetermination**

7. (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member.
- (2) However, **do not** place yourself under any financial or other obligation to outside individuals or organizations that might seek to influence you in the performance of your official duties.
- (3) When making a decision, **do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be made, listening to the advice of relevant parties, including advice from officers, and taking all relevant information into consideration, remaining objective and making decisions on merit. Whilst this is particularly relevant for Planning and Licensing eCommittees, it also applies to other decision-making.

## ANNEXE – DISCLOSABLE PECUNIARY INTERESTS

### 1. **Employment, office, trade, profession or vocation**

Any employment, occupational pension, office, trade, profession or vocation carried on for profit or gain. If your employments relates to any Waverley service of function you should give full details, including any details of past, present or future contracts with an organisation seeking any permission or licence for Waverley.

### 2. **Sponsorship**

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7) of the Localism Act 2011 in respect of any expenses incurred 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.

### 3. **Contracts**

Any contract which is made between you (or a body in which you have 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.

### 4. **Land and property**

Any beneficial interest in land or property which is within the area of the Council. This includes your own home if you own it.

### 5. **Licences or Tenancies**

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

### 6. **Corporate Tenancies**

Any tenancy where (to your knowledge)-

- (a) the landlord is the Council; and
- (b) the tenant is a body in which you have a beneficial interest.

**7. Securities and Shares**

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 you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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### **Arrangements for dealing with Standards Allegations against Councillors and co-opted Members under the Localism Act 2011**

#### **1. Context**

Waverley Borough Council is committed to high standards of conduct by its councillors and co-opted members.

This procedure should be used to deal with complaints submitted under the Members' Code of Conduct adopted by Waverley Borough Council and the Codes of Conduct adopted by Parish and Town Councils in the Waverley area.

~~These "Arrangements" set out how you may make a complaint that an elected or co-opted member of Waverley Borough Council ("the Council") has failed to comply with Waverley Borough Council's Code of Conduct and sets out how the Council will deal with allegations of a failure to comply with its Code of Conduct.~~

~~Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a member or co-opted member of either authority, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.~~

~~Such arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated and whose views can be sought by the authority at any other stage, or by a member against whom an allegation as been made.~~

#### **2. The Code of Conduct**

Waverley Borough Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and is available on Waverley Borough Council's website at [www.waverley.gov.uk](http://www.waverley.gov.uk) and on request from Reception at the Council Offices.

The Code of Conducts of Town and Parish Councils are available for inspection on either Waverley Borough Council's website or the relevant Town or Parish website (if the Parish Council has one) and may also be viewed by arrangement with the Town or Parish Clerk.

### 3. Making a complaint

If you wish to make a complaint, please write or email to:

The Monitoring Officer  
Waverley Borough Council  
Council Offices  
The Burys  
Godalming  
Surrey  
GU7 1HR

[robinmonitoring.pellowofficer@waverley.gov.uk](mailto:robinmonitoring.pellowofficer@waverley.gov.uk)

The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for dealing with complaints about member misconduct.

Please provide us with your name and a contact address or email address so that we can acknowledge receipt of your complaint and keep you informed of its progress. Requests not to disclose your name and address to the ~~If you want to keep your name and address confidential, please say and we will not disclose your name and address to the~~ member against whom you make the complaint without your prior consent will only be agreed by the Monitoring Officer in exceptional circumstances. If the Monitoring Officer determines that your complaint is to be formally investigated, requests for your name and address to be kept confidential would only be considered for safeguarding reasons or if disclosure could reasonably be expected to prejudice the investigation. —The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it and will keep you informed of the progress of your complaint.

### 4. Will your complaint be investigated?

The Monitoring Officer will review every complaint received and apply the following criteria make a decision as to whether it will be treated as a 'valid complaint' about a councillor. The following types of complaint will not be considered as 'valid complaints' under this procedure:

- a) Complaints which are submitted anonymously, unless there is a clear public interest in doing so;
- b) Complaints which do not identify a subject Member;
- c) Complaints which relate only to a Member's personal or private life;
- d) Complaints concerning a failure to respond to a request from a constituent or other individual;
- e) Complaints which relate to the alleged actions of employees of the

Council or non-voting co-optees which are subject to a different code and the corporate complaints process;

- f) Complaints which relate to a decision of an employee or a Committee;
- g) Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council;
- h) Complaints which refer to alleged incidents which happened so long ago that there would be little benefit in taking action now;
- i) Complaints containing trivial allegations, or which appear to be simply vexatious, malicious, politically motivated or tit-for-tat;
- j) Complaints regarding alleged behaviour which has already been the subject of an investigation or some form of action;
- k) Complaints which do not relate to the Members' Code of Conduct.

In all cases where the complaint names a Member of a relevant authority, the Member will be notified of the complaint. If the Monitoring Officer decides that the complaint is 'invalid', this notification is made for information only.

If the complaint relates to an employee or is a service related issue, the Monitoring Officer will refer the complaint to the relevant service in order for them to respond to the complainant directly. The complainant will be informed about the corporate complaints process.

In any case where the Monitoring Officer decides that the complaint is 'invalid', they will write to the complainant explaining why their complaint cannot be dealt with under this procedure. There is no appeal process for decisions taken by the Monitoring Officer at this stage.

If the complaint is judged to be valid, the Monitoring Officer will consider whether ~~apply the Council's criteria for assessing if an investigation is appropriate or whether it merits formal investigation.~~ The Monitoring Officer will not commence any formal investigation without consulting ~~and, after consultation with the Independent Person,~~ take a decision as to whether it merits formal investigation.

The Monitoring Officer will inform the subject member or co-opted member of receipt of the allegation and its details and of their right to consult the Monitoring Officer and Independent Person. This decision will normally be taken within ~~14~~ 30 days of receiving your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you, the member and the Independent Person of his/her decision in writing and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information and may request information from the member against whom your complaint is directed. Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Town or Parish Council of your complaint and seek the views of the Town or Parish Council before deciding whether the complaint merits formal investigation.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may

involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint ~~identifies~~ alleges criminal conduct or breach of other regulation by any person, including the alleged non-disclosure of disclosable pecuniary interests, the Monitoring Officer has the power to call in the Police and other regulatory agencies and may determine that it is not possible to commence his own investigation until the Police or other regulatory agencies have concluded their own investigations of the matter. At this stage, any media enquiries will be advised that a review of a complaint is in process and that it would not be appropriate to comment.

## **5. How is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer who may be an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint and an explanation of the arrangements for the investigation and ask the member to provide his/her explanation of events and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration. The report will include details of the allegation, the evidence considered and the investigation's findings.

Having received and taken account of any comments that you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer which will include his/her findings as to whether there ~~has~~ may have been a breach of the Code of Conduct.

## **6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that he/she is satisfied that no further action is required and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report. The Monitoring Officer will ask the Independent Person to comment on the investigation report.

**7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

**7.1 Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Panel Lead Member.

**7.2 Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel of three Members drawn from the Group appointed by the Council, which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member. In the case of a complaint involving a Town or Parish Member, as well as the three Members, there will be a Town or Parish Councillor attending as a non-voting Member.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the

Code of Conduct. For this purpose, the Investigating Officer may ask you, as the complainant, to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any prior advice in writing from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations in writing to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

Meetings of the Hearings Panel will be held in public unless the Monitoring Officer agrees there are exceptional circumstances that prevent this. The agenda for the meeting will be publicised in advance. Meeting papers that do not contain exempt information will be shared with all members of the panel, the Independent Person, the Investigating Officer and any witnesses. Meeting papers will not be shared in advance with the press and public but will be made available at the commencement of the hearing.

**8. What action can the Hearings Panel take where it finds that a member has failed to comply with the Code of Conduct?**

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual Waverley members as ~~may be~~ necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may:

- 8.1 publish its findings in respect of the member's conduct;
- 8.2 report its findings to Council or to the Town or Parish Council for information;
- 8.3 recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 recommend to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
- 8.5 instruct the Monitoring Officer to, arrange training for the member;
- 8.6 remove, the Member from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;

- 8.7 withdraw, facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 exclude, the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' allowances or special responsibility allowances. In the case of Town or Parish complaints, the conclusion will be referred to that Town or Parish Council for such action they consider appropriate.

## 9. What happens at the end of the hearing?

At the end of the hearing, the Chairman will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you, to the member and the Independent Person and make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council. The decision will also be placed on the Waverley Borough Council website, unless no breach is found and the member requests it should not be publicised.

## 10. Who are the Hearings Panel?

The Hearings Panel is drawn from the members appointed by the Council. The Independent Person's views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## 11. Who is the 'Independent Person'?

Waverley Borough Council has appointed three Independent Persons. These are members of the Community who ~~The Independent Person is a person who has~~ have applied for the post following advertisement of a vacancy for the post and ~~is~~ have been appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she:

- 11.1 is, or has been within the past five years, a member, co-opted member or officer of the Council; or
- 11.2 is, or has been within the past five years, a member, co-opted member or officer of a parish council of which the authority is the principal authority; or

11.3 is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means:

- 11.3.1 spouse or civil partner;
- 11.3.2 living with the other person as husband and wife or as if they were civil partners;
- 11.3.3 grandparent of the other person;
- 11.3.4 a lineal descendent of a grandparent of the other person;
- 11.3.5 a parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
- 11.3.6 a spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
- 11.3.7 living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

The role of the independent person is set out in Section 28 of the Localism Act 2011. As part of its arrangements under which decisions on allegations can be made, each principal authority must appoint at least one independent person.

The views of an Independent Person **must** be sought by the Council before it takes a decision on whether an allegation may be investigated, and **may** be sought by the Council at any other stage (e.g. before a final hearing is arranged or where a local resolution may be appropriate). Where the authority voluntarily chooses to seek the independent person’s views on an allegation that it has not decided to investigate, there is no requirement for the authority to take the views of the Independent Person into account.

A member against whom an allegation has been made has the right to consult the Independent Person should they wish to do so.

## **12. Review of these arrangements**

The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter. The Council will keep these review the arrangements under review after not more than six months and identify any improvements to the processes and ensure that they are helping the Council maintain high standards of conduct.

## **13. Appeals**



- (a) There is no right of appeal for you as complainant against a decision of the Monitoring Officer or of the Hearings Panel.
- (b) If the Member or co-opted member wishes to appeal against the decision of the Hearings Panel, the Member will have a right to have the decision reviewed by another three members of the Standards Panel who have not been involved. This will either involve a full rehearing of the case or be dealt with by way of written representation from the member.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

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## Councillors' Planning Code of Good Practice

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## **INTRODUCTION**

**The aim of this code of good practice;** Is to help Members maintain high standards of conduct and ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well-founded in any way.

**The key purpose of Planning:** to control development in the public interest, and in accordance with national and local policies unless material considerations indicate otherwise.

**Your role as a Member of the Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. This includes, where applicable, when they attend as an observer, participant or are part of decision-making meetings of the Council in exercising the functions of the Local Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications and pre-application discussions. It also covers site visits by planning committee members.

If you have any doubts about the application of this Planning Code of Good Practice to your own circumstances you should preferably seek advice early from the Monitoring Officer or Deputy Monitoring Officer well before any meeting takes place or you become involved in the application process.

### **1. Relationship to the Waverley Members' Code of Conduct**

**Do** apply the rules in Waverley Members' Code of Conduct first when involved with planning issues and discussions. Failure to comply could put you at risk of a complaint being made to the Monitoring Officer.

**Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Waverley Members' Code of Conduct in relation to planning. If you do not abide by this Code of Good Practice, you may put the Council at risk of a challenge to its decisions.

### **2. Development Proposals and Interests under the Waverley Code of Conduct for Members**

Your interest could relate to a proposal's effect, either adverse or beneficial, on you, your employer or employee or a friend's or relative's property.

**Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, You should disclose your interest, preferably—at the beginning of the meeting under the agenda item 'Declaration of Interests' and not just at the commencement of discussion on that particular matter. There are declaration of interest forms available to complete and submit electronically in advance of a meeting or by emailing [committees@waverley.gov.uk](mailto:committees@waverley.gov.uk). Wherever possible, you

*should advise Democratic Services in advance of the meeting if you plan to declare an interest.*

If you only become aware of an interest during the meeting, you must declare it as soon as you can.

**Do** then act accordingly. **Where your interest is a Disclosable Pecuniary Interest:-**

**Don't** try to represent your Ward views or call-in an application. Get another ward councillor or member of the Council, if appropriate, to do so instead. Under the new Code you can no longer speak if it is a public speaking item and you have a Disclosable Pecuniary Interest.

**Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a Disclosable Pecuniary interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

**Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a Disclosable Pecuniary interest to an appropriate officer, in person or in writing, the Waverley Code of Conduct for Members places greater limitations on you in representing that proposal than would apply to a normal member of the public. ~~In particular, you should have regard to paragraph 4(1) of the Code.~~

**Do** notify the **Monitoring Officer** in writing of your interest and note that: in the case of a personal application,

- notification should be made no later than submission of the application;
- any proposed approval will always be reported to the appropriate decision-making Committee for determination and not dealt with by officers under delegated powers; and
- it is advisable that you employ an agent to act on your behalf on the proposal when dealing with officers

Do ensure that when contacting an officer about your own proposals, or those of a person so closely connected to you could be seen as influencing your judgement, you must make clear that you are contacting the officer purely in a private capacity and not in your role as a councillor (e.g. Mr Brown not Councillor Brown)

**Do** if any doubts about proximity of your own property to an application site, contact the Monitoring Officer for clarification.

### 3. Fettering Discretion in the Planning Process.

Planning matters must be determined on their own individual merits, against the formal planning policy background. These considerations will be set out in the officers' reports, supplemented at the meeting. Accordingly, Members' should not decide how he/she will vote on a particular matter before it is considered at the meeting, but base their decision on the officer reports, additional information presented to the meeting and the debate.

**Predetermination:** The Localism Act provision on pre-determination gives greater leeway for a decision-maker to directly, or indirectly, indicate a view on a matter prior to a meeting. The decision-maker must still be seen to have an open mind, but the legislation does give greater scope for councillors to represent the views of residents and vote on certain issues. You can have a very strong predisposition for or against a particular application, but you must not have be-predetermined the matter. This means that you must not have made your mind up prior to the meeting.

**Don't** fetter your discretion and, therefore, your ability to participate in planning decision-making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an applicant or an external interest of lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning committee and before hearing the officer's presentation, and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision could still put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of **bias** or **pre-determination** or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

**Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. This would particularly apply to Portfolio Holders in relation to schemes within their Portfolio area. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

**Do** also be aware that, whilst the Waverley Code of Conduct for Members provides for a presumption that you may regard yourself as not having a Disclosable Pecuniary interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where -

- *you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of another local or public authority of which you are a member; or a body to which you have been appointed or nominated by the Council as its representative;*

*or*

- *you are a trustee or company director of the body submitting the proposal and were appointed by the Council*

In such cases you should always disclose a Disclosable Pecuniary Interest as well as Non-Pecuniary Interest and withdraw from the meeting at the appropriate time.

**Do** consider yourself able to take part in the debate on a proposal when acting on the part of a consultee body (where you are also a member of the Town/Parish Council, for example, or both a District/Borough and County Councillor), provided that:

- the proposal does not substantially affect the well-being or financial standing of the consultee body;
- your views are expressed on the limited information before you only;
- you reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Planning Committee and you hear all the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Planning Committee; and
- you disclose the Non-Pecuniary Interest regarding your membership or role when the Planning Committee comes to consider the proposals.

**Don't** speak and vote on a proposal where you appear to have fettered your discretion. You should withdraw.

**Do** leave the room if there is a risk of an appearance of bias by to a member of the public. You can not stay in the room and just not vote.

**Do** explain that you do not intend to speak or vote and will be leaving the room because if you do participate, you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere. This will be recorded in the minutes.

#### 4. **Call-in Process**

**Do** ensure that you comply with the rules for asking for an item to be presented to committee – within three weeks following the notification of the Waverley weekly list of planning applications, as a ward councillor (for the ward including all or part of the planning application site) you can request by email to the Head of Planning that an item be referred to a Planning Committee on relevant planning grounds. **Don't** ask for an item to be referred if you have a Disclosable Pecuniary Interest or there is a risk of you being seen as biased, for example if you have a very strong connection through a non-pecuniary interest.

With Town and Parish Council support in writing, you can also, as a ward councillor, request that an application be placed on the agenda for the next Area Planning Committee. You should not do this if you have a disclosable pecuniary interest or are at risk of being seen as biased.

## 5. Contact with Applicants, Developers and Objectors and the Pre-Application process.

**Do** refer those who approach you for planning, procedural or technical advice to the officers in the Planning Service.

**Don't** agree to any formal meeting with applicants, developers or groups of objectors ~~where you can avoid it~~ unless an Officer can attend with you. If a meeting does take place, ~~such as a planning presentation or exhibition~~, those present at the meeting should be advised from the start that the discussions will not bind you or the Council to any particular course of action. The meeting should be properly recorded on the application file.

Do remember that when attending planning presentations or exhibitions, these are for information gathering and clarification of issues, not for expressing views or opinions.

**Do** otherwise:

ensure that you do not involve yourself in lobbying  
and

report to the Head of Planning any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

## 6. Lobbying of Councillors

**Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, doing so may lead to the perception that you are unable to act impartially and therefore it may affect your ability to participate in the Committee's decision making. To express an intention to vote one way or another or to express too firm a point of view on a particular matter amounts to the same thing and could lead to legal challenge.

**Do** remember that your overriding duty is to the whole community of Waverley and not just to the people in your Ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

**Do** remember the need for consistency in determining planning applications made for any location in the Borough

**Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared to the Monitoring Officer on the electronic form



as soon as possible and remember to register the gift or hospitality where the gift value is over £50 and the hospitality is over £100.

**Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality). The Monitoring Officer will in turn advise the appropriate officers to follow up the matter.

**Do** copy or pass on any lobbying correspondence you receive to the Head of Planning at the earliest opportunity so that it may be placed on file for consideration by other members or the public.

**Do** promptly refer to the Head of Planning any offers made to you of planning gain or constraint of development through a proposed s.106 Planning Obligation or otherwise. Do not attempt any informal negotiation or discussion

**Do** note that, unless you have a Disclosable Pecuniary interest, you will not normally be considered to have fettered your discretion or breached this Planning Code of Good Practice through

- listening to or receiving viewpoints from residents or other interested parties (though all parties should be given equal opportunities for access);
- making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion as a Ward Member, provided you explain your actions and make it clear that having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate at the decision-making meeting.

**Do** remember that anyone who is not present from the start of the consideration of a planning application, or leaves during one being considered, **must not** take part in debate or vote on the application as this could lead to a legal challenge that a member is closed to the merits of the arguments for or against the application and has made a decision without taking all of the relevant considerations into account.

## 7. Lobbying by Councillors

**Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and placed yourself in a position where you have a perceived bias and have to withdraw. Involvement in such activity before you were elected as a member could also be perceived by the public as a relevant consideration and you need to consider such a possibility before taking part in a planning determination.

**Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, **but** disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal. Simple membership of such organisations is less likely to give rise to a non-pecuniary interest than if you were actively involved in drafting any representation or held an office such as Chairman or Vice-Chairman.

**Don't** excessively lobby fellow Councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

**Don't** lobby or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political group meetings should never dictate how Members should vote on a planning issue.

## 8. Site Visits

**Do** try to request a site visit prior to the Committee taking place in accordance with the site visit protocol.

**Do** try to attend site visits organised by the Council where possible, but do not attend if you have a disclosable pecuniary interest or there is a risk of the appearance of bias.

**Don't** request a site visit unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- there are significant policy or precedent implications and specific site factors need to be carefully addressed.

**Do** ensure that any information that you gained from the site visit is reported back to the Committee, so that all Members have the same information.

**Do** ensure that you treat the site visit only as an opportunity to seek information and to familiarise yourself with the site.

**Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

**Don't** hear representations from any other party but factual information can be sought for clarification.

**Do**, where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Council and direct them to or inform the officer present.

**Don't** express opinions or views to anyone.

**Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias. This does not mean that you can not simply observe the property or site from the roadside, but should you do so, don't be drawn into any discussion about the proposal with any party.

**Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) as this may give the appearance of bias, and undermines the transparency of the decision-making process.

## **9. Officers**

**Don't** put pressure on officers to put forward particular recommendations. (This does not prevent you from asking questions or submitting views to the Head of Planning which may or may not be incorporated into any committee report.) This could be regarded as a Breach of the Code.

**Do** involve yourself in pre-application discussions with the case officer but recognise that officers are part of a management structure and Members should only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level - in accordance with the Officer/Member Protocol.

**Do** recognise and respect the requirement that officers involved in the processing and determination of planning matters 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. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## **10. Pre-Application discussions**

Councillors have an important role to play in pre-application discussions. The Localism Act has given Councillors much more freedom to engage in pre-application discussions. Nevertheless, in order to avoid perceptions that Councillors might have fettered their discretion, such discussions should take place within clear published guidelines.

Do ensure Officers are present with you in pre-application meetings. If you do speak to applicants do ensure clarity that the discussions will not bind the Council to making a particular decision and you should avoid giving separate advice on the development plan or material considerations without officers in attendance. In any case, a written note should be made of all meetings.

Do note that the Council has other mechanisms to involve you in pre-application discussions such as developer presentations to Committees (e.g. technical briefings and Development Control Consultative Forums) which have the advantage of being held in public for transparency.

## **11. Decision-Making**

**Do** come to meetings and participate only if you are familiar with the written report on each item.

**Do** come to meetings with an open mind and demonstrate that you are open-minded.

**Do** comply with Section 38(6) of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan “unless material considerations indicate otherwise”.

**Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. Remember that planning law requires determination to be based on planning consideration and not political or Council priorities. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request the further information you seek. If necessary, defer or refuse.

**Don't** vote or take part in the meeting's discussions on an item unless you have been present to hear the entire debate, including the officer's introduction to the matter.

**Do** have recorded the reasons for a proposal that the Planning Committee defers any proposal for a site visit.

**Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that the resulting decision may have to be justified by evidence at a planning appeal in the event of any challenge.

## **12. Training**

**Don't** participate in decision-making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

**Do** attend any training and other specialised sessions provided, to ensure that members' judgements have been based on proper planning considerations. These will be designed to extend your knowledge of planning law, regulations, procedures, Code of Good Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively. This will be provided as part of the Induction process together with refresher courses.