



RUNNYMEDE BOROUGH COUNCIL

CODE OF CONDUCT FOR PLANNING MATTERS

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**Runnymede Borough Council
Civic Offices
Station Road
Addlestone
Surrey, KT15 2AH**

i) Conduct of Councillors

- 1.1 The National Code of Local Government Conduct (the National Code) provides guidance and standards for councillors. Breaches of this code may be regarded as maladministration by the Ombudsman, and failure to declare a financial interest may be a criminal offence.
- 1.2 Whilst councillors will wish to pay particular attention to their ward residents, their over-riding duty is to the whole community and they must therefore vote on issues in the interests of the whole Borough.
- 1.3 The National Code sets out the requirements for declaring pecuniary and non-pecuniary interests and these must be followed scrupulously. Not only should impropriety be avoided, but also should any appearance or grounds for suspicion of improper conduct.
- 1.4 The responsibility for this rests with the individual councillor. Members should not use their position to further a private or personal interest rather than the general public interest, or give grounds for such suspicion. The test of whether such an interest should be declared is whether a member of the public, knowing all the facts, would reasonably think that the councillor might be influenced by it.
- 1.5 If that is the case, then not only must the interest be declared but the councillor should not take any further part in the relevant proceedings. Clearly however Councillors may have interests as part of the general public interest which need not be declared.
- 1.6 The Council's Chief Executive Officer is required to maintain a register of Members' interests and Members are reminded to ensure that this is kept up to date and that any changes in circumstances or interests are formally registered. Advice on whether a particular matter is likely to constitute a declarable interest can be obtained from the Chief Executive Officer, Borough Secretary & Leisure Services Officer, or a senior member of the legal staff. As much prior notice as possible will allow a considered view to be given.
- 1.7 As indicated above, the onus is on the individual councillor to indicate any likely interest. Whilst Officers will be as helpful as possible, they will not necessarily be able to warn a Member that they have an interest which should be declared, if the Member has not raised the issue.
- 1.8 It should be noted that this Code of Conduct relates to decisions on all planning matters, including the determination of planning applications, consideration of planning enforcement cases, decisions on the development plan and the consideration of policy matters.

ii) Lobbying of Councillors

- 2.1 Members of the Planning Committee are frequently lobbied by applicants to seek support of their proposals, and objectors who seek to have proposals rejected. There may also be informal discussions with other Members of this authority, and, on occasion, other authorities.
- 2.2 Clearly Members will wish to ensure that they have received the fullest of information from all parties prior to a decision being taken. They will also receive representations in letters, telephone conversations, in meetings, and by fax and e-mail.

- 2.3 While Members may wish to respond to the public and in particular their own ward residents, there is no obligation on any Member to respond to such approaches or to make time available to comment or attend meetings with any party.
- 2.4 Equally it is considered proper that Members may receive information or representations from any party about planning matters provided such representations are received in an open, fair and transparent way. Members should not accept gifts or unreasonably generous hospitality out of proportion to the event being attended. If such gifts are offered, details should be passed to the Borough Secretary & Leisure Services Officer.
- 2.5 The Council has a legal duty to determine planning applications, taking into account all material considerations, without bias or prejudgement. To achieve this, Members will normally need to wait for the written report on the application and any additional advice at the Committee meeting. Applications are often amended, representations are received, and applicants provide additional information, right up to the day of the meeting. Members whose support is canvassed, for or against a particular application, before the Committee meets, may discuss its merits and may undertake to represent a particular point of view to the Committee. They must, however, take care not to lead anyone to conclude that their mind has been made up before hearing all the relevant facts and advice. The same advice equally applies to the determination of any enforcement or policy matters.
- 2.6 If asked, they may give a provisional reaction, but must point out that a decision will be taken by the Committee only once it has taken into account all the material considerations and the relevant policies. Thus, as indicated in the LGA advice in "Probity in Planning" "it should be possible for a Member to give support to a particular body of opinion whilst waiting until the Planning Committee and hearing all the evidence presented before making a final decision".

The paragraphs above apply to Members who are not on the Committee as well as those who are. Members who are not on the Committee may be asked to substitute for a Member who cannot attend.

- 2.7 Although care should be taken, there is no reason why several Members or a political group should not discuss planning matters prior to a planning committee, indeed, such discussion can help to highlight the main issues. However, each individual should decide for themselves how they should vote on any planning application and should not be subjected to pressure from other Members to vote in a particular way. There are no circumstances where a Member should be bound by a party whip in making a planning decision.

iii) Site Visits

- 3.1 Members may wish to acquaint themselves with a particular location by visiting the site. In doing so, Members are advised that they have no powers to enter private land without the owner's permission.
- 3.2 In visiting a site or adjoining property, Members may be approached by either the owner, developer or neighbours who may wish to discuss the site in question. The advice in this Code relating to lobbying should be observed. Whether Members wish to engage in dialogue or not is for them, but Members of the Planning Committee should not express a view as to the merits of the matter. Although Members may by then have received an agenda with officers' report, there may be facts reported at the meeting that would have a bearing on the decision to be made.

- 3.3 Members are recommended to visit sites in the company of other Members, both to reduce disturbance to occupiers and to corroborate any discussions which take place at the time.

iv) Decisions Contrary to Officer's Recommendation

- 4.1 All committee reports on planning matters shall include an Officers' recommendation to guide the committee. Where a planning application is determined contrary to an Officer's recommendation then the reasons for this will be recorded in the minutes – whether permission is granted or refused.
- 4.2 Where it is clear that members are minded to refuse permission against the recommendation and Officers believe that such a refusal will be unsupported at appeal and may result in the award of costs against the council for unreasonable behaviour, that shall be made known at the committee meeting.
- 4.3 In such circumstances it will be difficult for Officers directly involved in processing that planning application to present the council's case at a public inquiry and if other suitable Officers are not available, it may be appropriate to seek the services of an external consultant.

v) Involvement in Appeals

- 5.1 If Members wish to make representations on a planning appeal, either to the Planning Inspectorate or to an inspector at a public inquiry or informal hearing, and are not being called as an official Council witness, they should make it clear whether they are acting:
- As a Member to support the Council's argument; or
 - As a Member to represent local opinion in their ward; or
 - As a private individual
- 5.2 Copies of any Member representations on an appeal should be sent to the Borough Secretary & Leisure Services Officer, and if advice is sought on details of the appeal, Members should inform Officers of their interest and whether they intend to support the Council's decision or the appellant.
- 5.3 Whilst Members always have access to factual matters relating to appeals, if they are contemplating supporting the appellant, then Officers are not able to assist them in the preparation of their case.
- 5.4 The choice of who is to represent the council in a particular appeal normally rests with the Borough Technical Services Officer in consultation with the Borough Secretary & Leisure Services Officer.

vi) Member Training

- 6.1 Training seminars will be arranged, the content of which shall be guided by the DETR publication, "Training in Planning for Councillors". These may be provided by Officers or external trainers.
- 6.2 These training seminars will be open to all Members of the Council. All Members of the Planning Committee shall agree to undertake training as a condition of serving on that committee, and make their best endeavours to attend such seminars.

vii) Conduct of Officers

- 7.1 The majority of planning staff at Runnymede are Chartered Town planners, having been elected to the Royal Town Planning Institute (RTPI). The remainder are junior professional staff, who have yet to complete sufficient practical experience to satisfy the Institute's requirements.
- 7.2 RTPI members are therefore subject to its Code of Professional Conduct, which in general terms requires that they, in all their professional activities:
- (a) shall act with competence, honesty and integrity;
 - (b) shall fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
 - (c) shall discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Code;
 - (d) shall not discriminate on the grounds of race, sex, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity;
 - (e) shall not bring the profession or the Royal Town Planning Institute into disrepute.
- 7.3 Breaches of this code may be subject to disciplinary action by the Institute. However, as not all planning Officers are members of the RTPI, it is recommended that the Code of Professional Conduct above (and any subsequent changes or replacement Code approved by the RTPI) be adopted as a local Code of Conduct.
- 7.4 In addition, the Council has adopted its own Code of Conduct for Staff, which is set out in the Personnel Policies & Procedures Handbook, and applies to all members of staff. This gives detailed advice on some nineteen areas of conduct. This is in addition to any professional discipline and was approved by Members in 1995.