



# **CODE OF CONDUCT ON PLANNING MATTERS FOR COUNCILLORS AND OFFICERS**

## **1. INTRODUCTION**

### **1.1**

of Conduct adopted by the Council on 5 July 2012

Planning Code is set out in the form of a series of headings with a brief outline of the issues involved, followed by best practice advice and guidance.

### **1.2**

Unless otherwise stated or the context otherwise requires(s )-2(i)32(i)2(re)4(q)097 541 541 541

P&R Councillors who find themselves in a situation which is developing into lobbying are advised to explain that whilst they can listen to what is said they propose to keep an open mind and not to express a firm point of view or an intention to vote one way or another.

#### **4. DECLARATIONS OF INTEREST**

4.1. The provisions of the Code of Conduct in respect of interests apply to all Councillors of Worcestershire County Council, including P&R Councillors, and must be observed. For the sake of clarity, Part 2 of the Code of Conduct and the Regulations relating to them are attached as an appendix.

4.2 Further guidance on interests Monitoring  
Officer.

#### **4.3 Interests of Officers**

Care should always be taken to avoid any suspicion that an Officer

A contact officer will be named in each report to the Committee and P&R Councillors may speak to the officer named about the report prior to the meeting at which the application referred to is to be considered.

A legal officer shall be present at Committee meetings where appropriate.

Structured reports to Committee for planning applications shall set out all relevant issues, including in particular development plan policies, site or related history, and other material considerations. Reports shall contain a clear recommendation with an explanation of the reasons for it.

P&R Councillors may view letters of representation prior to the meeting of the Committee.

Verbal updating of the report should be carefully minuted particularly when this leads to a change in recommendation.

Relevant Development Plan policies and material considerations which explain the recommendations must be clearly set out in the report.

Where decisions are to be delegated to officers or officers in conjunction with specified P&R Councillors, this should be clearly stated and the arrangements detailed in the minutes.

Terms of reference of any Section 106 or other Agreements required to be entered into by applicants/landowners concerned must be explained in the report and recorded in the minutes.

P&R Councillors should vote on a proposal or application before the Committee only if they have been present for the whole of the presentation and discussion relating to the proposal or application.

## **7. DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

7.1 When decisions are made contrary to Officer recommendation the Committee shall make clear the reasons for making such a decision at the time. However, it is preferable in these circumstances for the Committee either to defer a formal decision to enable appropriate advice on the terms of those reasons to be sought from relevant Officers (or from an independent source if appropriate) or to delegate the formulation of detailed reasons to the Head of Economic Development and Planning in consultation with the Chairman and Vice-Chairman of the Committee and the Head of Legal and Democratic Services as necessary. The reasons shall be minuted at the appropriate meeting of the Committee, thus ensuring that all decisions are supported by a written explanation.

Where a P&R Councillor is minded to move a recommendation which is contrary to the Officer recommendation, in the case of a refusal, clear planning reasons should be given and in the case of approval, an indication of the conditions that should be imposed. If this results in a decision contrary to the Officer recommendation then the advice in the previous paragraph shall be followed.

## **8. SITE VISITS**

8.1 Site visits by the Committee can be helpful in reaching a decision, particularly in respect of large scale and complex planning applications. Visits will always be held in relation to major new proposals for mineral workings or waste treatment/disposal and in other cases where the character or visual impact of the development cannot be readily appreciated from an inspection of the submitted plans and illustrative photographs and an appreciation of the wider setting, surroundings and/or access to the site is essential.

8.2 For all applications, visits will take place annually to a selection of application sites approved by the Committee where development has been completed. These annual visits will enable the Committee to assess the actual impact of their decisions and to inform their future considerations.

- 8.3 The Chairman and Vice-Chairman will determine at the pre-Committee briefing which sites to inspect from the applications due to be considered at the next meeting based on the above criteria. P&R Councillors and local Councillors concerned about particular applications within their Division should make known their requests for site visits to the Chairman and/or Vice Chairman as early as possible. They should not wait until the relevant Committee meeting itself as this may delay the determination of that application for at least one Committee cycle. Requests for visits should be based on one of the criteria set out above.
- 8.4 Any P&R Councillor may exceptionally request a site visit at the meeting but the reasons relating to the above criteria must be stated and will be minuted. Such site visits will only be agreed if a majority vote decides in favour.
- 8.5 Only P&R Councillors and the local Councillor(s) may take part together with supporting officers. Officers may wish to explain matters on route and P&R Councillors are therefore encouraged to travel to sites on the coach provided, rather than independently. This will also enable the inspection timetable to be adhered to where more than one site is to be visited.
- 8.6 The applicant will be invited to attend as a matter of courtesy, to answer any factual questions and to provide P&R Councillors and local Councillor(s) with health and safety guidance.

There will be no debate regarding the merits of the application and P&R Councillors should refrain from making observations or statements during the site inspection.

Local Councillors will be asked to highlight local issues relevant to the site visit but not to make formal representations.

P&R Councillors should refrain from smoking or using mobile phones on site.

Make clear that any views expressed are personal and not offered on behalf of the Council, unless they are the authorised spokesperson on a particular matter.

### **13. REVIEW AND MONITORING**

13.1 The effectiveness of this Code will be monitored in the following ways:

corporate representations procedure, or by the Ombudsman where he has decided to investigate, will be reported as appropriate to the Committee.

There will be regular monitoring of planning files by the proper officer to ensure complete and accurate record keeping.

**EXTRACT FROM WORCESTERSHIRE COUNTY COUNCIL  
CODE OF CONDUCT FOR MEMBERS**

**Interests**

**Disclosable DYW b]Uf mi-bhYf Ygltg' fí 8 D-Ĥ Ł**

9. (1)
- (a) such interest meets the definition prescribed by Regulations as amended from time to time and set out in Appendix 2 to this Code; and
  - (b) it is either an interest of yourself or it is an interest of :-
    - (i) your spouse or civil partner;
    - (ii) a person with whom you are living as husband and wife: or
    - (iii) a person with whom you are living as if you were civil partners;
- and you are aware that the other person has the interest.

**Registration of DPIs**

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given.
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs, notify the Monitoring Officer in writing.

**Other Disclosable Interests**

11. (1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have:-
- (a) a pecuniary interest in the matter under discussion which is not de minimis; or
  - (b) a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been
- Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

**Disclosure of Interests**

**12.(1) DPIs: formal meetings**





**2012 No. 1464**

**LOCAL GOVERNMENT, ENGLAND**

**The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

<i>Made</i> - - - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>	<i>8th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the

## SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying

