

Appendix A

PLANNING CHARTER

Draft revisions January 2018 Planning Committee Minute Reference [TO BE INSERTED]

This Planning Charter supplements the Council's Code of Conduct and where appropriate Members should refer to the Code of Conduct as well as this Charter.

The advice of the Monitoring Officer may be sought on the interpretation of either this Charter or the Code of Conduct.

1. INTRODUCTION

- 1.1. Planning affects land and property interests. It is not an exact science and is sometimes contentious because decisions affect the daily lives and private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. It is important to remember however, that the key purpose of the planning system is to regulate the development and use of land in the public interest.
- 1.2. The aim of the Planning Charter is to ensure that planning decisions are made openly, impartially, with sound judgment and for justifiable reasons. Elected Members are democratically accountable decision-makers who have been elected to provide and pursue policies for the local area. Members are entitled to be pre-disposed to make planning decisions in accordance with their views, taking account of relevant policies, provided that they have considered all material considerations and have given fair consideration to relevant points raised.
- 1.3. If Members do not abide by this Charter, they may put:
 - The Council at risk from complaints of maladministration or challenges about the legality of the planning decision; and
 - Themselves at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
- 1.4. This Charter applies to all elected Members and is relevant to all elements of the planning process. However, certain elements of the Charter will only apply to formal decision-making by Members.

2. THE ROLE AND CONDUCT OF MEMBERS AND OFFICERS

- 2.1. Members and Officers have complementary but different roles. Both serve the public, but Members are responsible to the electorate while Officers are responsible to the Council as a whole. The role of a member of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 2.2. Whilst all Members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent for Planning Committee Members, as the key role of the planning system is the consideration of development proposals in the wider public interest.
- 2.3. Members' decisions should not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, Members alone have the

responsibility to decide what view to take. When dealing with planning issues and decisions, Members must therefore, consider all material planning issues in the light of Development Plan policies, Government advice and their own individual judgement before making a decision in the interests of the area as a whole.

- 2.4. Whilst Members should take account of all views expressed, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.5. Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that Code may be subject to disciplinary action by the Institute.
- 2.6. Officers in their role of advising Members shall provide:
 - 2.6.1. impartial and professional advice;
 - 2.6.2. consistency in the interpretation of planning policy; and
 - 2.6.3. written reports covering all necessary information for a decision to be made [see section 8].
- 2.7. The Council endorses the statement in the Royal Town Planning Institute ("RTPI") code that, '*RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions*', and extends it to apply to all Officers in the authority advising on planning matters.
- 2.8. That Members may not always follow the advice of their Planning Officers is perfectly proper providing they have sound planning reasons for so doing. The Planning Officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because the Council, its Members or other Officers, have prevailed upon the Planning Officer to put forward his or her professional view as something other than it really is.

3. DEVELOPMENT PROPOSALS AND INTERESTS

- 3.1. Section 25 of the Localism Act 2011 states that a Member is not to be taken to have had, or to appear to have had, a closed mind when making a decision just because the Member had previously done anything that directly or indirectly indicated what view they took, or would or might take, on any matter relevant to the decision. This means that councillors are freer to speak about planning applications and other matters and express their views about them than has traditionally been the case.
- 3.2. Members may have other interests which may influence their decision, but which will not amount to Interests within the meaning of the Code of Conduct. In order to maintain the integrity of the planning system, Members should however be careful to ensure that such interests do not unduly influence their decisions. Examples of such interests are:-
 - 3.2.1. from ward concerns;
 - 3.2.2. from membership of other Committees of the Council;

- 3.2.3. from membership of Suffolk County Council;
- 3.2.4. from membership of Parish or Town Councils;
- 3.2.5. from membership of other public or community bodies;
- 3.2.6. from membership of voluntary associations and trusts (including where appointed by the Council);
- 3.2.7. from a connection with a particular policy initiative of the Council;
- 3.2.8. from membership of clubs, societies and groups; and
- 3.2.9. from hobbies and other leisure interests

Such interests may mean that a Member is involved with a planning application before the matter comes before the Planning Committee. Such involvement will not on its own debar a Member of Planning Committee from participating in decision-making **providing that** the Member has not already decided how they will vote on the matter before the Planning Committee and has publicly indicated in that alternative forum that they have not decided how they will vote.

- 3.3. If your interest is a **disclosable pecuniary interest** or an **interest leading to bias**, for example in cases where applications are made by you, your close associates or family or by a body of which you are a member, or on land which you own, you must notify the Monitoring Officer in writing as soon as you are aware of the matter and must not:
 - 3.3.1. participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority, except by using your rights to address the Planning Committee where you disclose the nature of your interest and leave the meeting after you have exercised any such right;
 - 3.3.2. sit in the public gallery when the matter is discussed by the Planning Committee;
 - 3.3.3. try to represent Ward views – you should get another Ward Member to do so instead;
 - 3.3.4. seek to influence whether the application will be determined under delegated powers or by the Planning Committee;
 - 3.3.5. 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 Member. This would include using your position to discuss that proposal with officers or Members in circumstances where other members of the public would not have the same opportunity to do so or seeking to unduly influence their decision on the matter.

4. THE ROLE OF DISTRICT WARD AND COUNTY COUNCIL DIVISION MEMBERS

- 4.1. When determining planning matters the duty of a Ward Member (which for the purposes of this Charter shall mean a District Ward Member or County Council Division Member) is to the whole community not just to the people in your Ward area. You must ensure that decisions are impartial and you should not improperly favour, or appear to improperly favour, any person, company, group or locality, including the residents of your Ward.
- 4.2. Ward Members (both District and County Council) who are not members of the Planning Committee may exercise separate speaking rights as a Ward Member in accordance with the Public Speaking Arrangements for the Planning Committee. However, if you have a disclosable pecuniary interest or an interest leading to bias you will not be able to do this. If you do exercise speaking rights:
- advise Committee Services that you wish to speak in this capacity at least two clear working days before the meeting;
 - you should seat yourself in the place allocated to Ward Members at the Planning Committee; and
 - at, or immediately prior, to the meeting you should not circulate written information to the Committee.

5. PRE AND POST APPLICATION AND OTHER DISCUSSIONS

- 5.1. Discussions between an applicant and the Council prior to the submission of a planning application can be of considerable benefit to both parties and is encouraged. Continued discussions and negotiations between the Council and an applicant after the submission of proposals, is commonplace and an important part of the planning process. However, discussions should take place within clear guidelines.
- 5.2. It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the Officer only, are provisional, and cannot prejudice any formal planning decision made by the Council subsequently.
- 5.3. Officer advice should be consistent and based upon the Development Plan and any other material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.
- 5.4. A written note should be made by the Officer of all potentially contentious meetings, or from the point at which it becomes obvious that a meeting has become contentious. Two or more Officers should attend potentially contentious meetings. Where only one Officer is present and it becomes apparent that the meeting is becoming contentious, the Officer may choose to defer further discussion and re-arrange the meeting or organise a further meeting to enable another one or more Officers to attend the remainder of discussion. A note should also be taken of potentially contentious telephone discussions.
- 5.5. Members need to preserve their role as impartial decision makers and should not take part in pre or post submission discussions and negotiations with applicants regarding development proposals without officers being present. Where Members wish to be

involved in pre or post submission discussions, it should only be as part of a structured arrangement agreed with Officers. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants or at any time prior to the decision being made.

- 5.6. Members may be provided within information from pre-application discussions at the discretion of the Professional Lead – Growth and Sustainable Planning. Such information shall only be provided where the applicant has given his consent and on the strict understanding that it is treated in confidence by the relevant Members.
- 5.7. Members may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they must maintain a clear distinction between receiving information and negotiating. Any significant information received by Members which may be relevant to the planning merits should be brought to the attention of the Officer dealing with the application. Members who are approached for planning, procedural or technical advice should refer the applicant to the relevant Officer.

6. LOBBYING

- 6.1. Lobbying is a normal and proper part of the political process. The applicant, supporters or those who object to a proposal will often seek to influence the decision by an approach to their local member or members of a Planning Committee. However, reacting to lobbying can lead to the impartiality of a Member being called into question and require that Member to declare an interest.
- 6.2. The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the Planning Officer all need to be considered before a Member is in a position to make a balanced judgement on the merits of the case. Members should provide the case officer with copies of any lobbying material they may have received
- 6.3. The time for individual Members of the Planning Committee to make a decision on a proposal is at the Planning Committee meeting when all available information is to hand and has been duly considered.
- 6.4. A Planning Committee Member is free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to Officers). Even though they may agree with a particular view, Members should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if Members do not retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Members who are lobbied should:
 - 6.4.1. make clear that they reserve their final decision on a proposal until the committee meeting;
 - 6.4.2. only give procedural advice;
 - 6.4.3. consider referring those lobbying to the relevant Officer who can provide further advice; and

- 6.4.4. not seek to meet an applicant or potential applicant alone.
- 6.5. Members of the Planning Committee must not organise support or opposition for a proposal or lobby other Members. Equally important, Members must not put improper pressure on Officers for a particular recommendation.
- 6.6. Members of a Planning Committee must be free to vote as they consider appropriate, having regard to all relevant planning matters. A Member cannot be instructed how to exercise their vote on a planning matter.
- 6.7. Members should inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn provide appropriate advice.

7. MEMBER REFERRALS TO COMMITTEE

- 7.1. Officers agree not to determine planning applications using their delegated authority where a Member of the Council requests that the application is determined by the Planning Committee and the request is made in accordance with this Charter.
- 7.2. Members should discuss any potential referral with the case officer in the first instance. Members should not request a referral unless the application involves significant policy, consistency or other material considerations and a decision on the application is of more than local significance. It is the responsibility of Members to make up their own mind whether there are significant issues which warrant a referral to the Committee, the fact that members of the public or other interested parties have asked for the application to be referred to Committee is not sufficient on its own to warrant a referral.
- 7.3. Where a Member makes a referral request, this should be done using the form appearing in Appendix 1. It is important that the form is completed in full, setting out the planning reasons for their request. A referral may be made on a conditional basis, for example if the Member only wishes the Committee to consider the application if the Officer decision was going to be a certain way (either approval or refusal).
- 7.4. Members should make any referral request as soon as it can be reasonably concluded that a referral is required and no later than 28 days after the application has been publicised. Where possible a referral request should not be made before the expiration of the statutory date for responses from consultees as this may affect the reasons for any referral. The case officer will be able to clarify when this date is.
- 7.5. To facilitate the operation of the Member referral arrangements, Officers will:-
- electronically circulate a list every week to all Members containing details of applications registered. The list will identify the date of registration of each application;
 - support Members in the use of the planning services web pages and registration as a user to ensure appropriate notifications on applications
 - use reasonable judgement to keep the Ward Member(s) informed of significant objections received in respect of applications within their ward; and

- brief Members on relevant planning policies and make them available through the Council's website.

7.6. Upon receipt of a referral request the Corporate Manager – Growth & Sustainable Planning will report the call in request to the Delegation Panel as soon as reasonably practicable. The Delegation Panel will comprise the Chairman and Vice Chairman of Planning Committee together with the Corporate Manager – Growth & Sustainable Planning. The Corporate Manager will support the Panel and record its conclusion. The Member making the request will be invited by the Corporate Manager to attend for the purposes of clarification. The case officer will brief the Panel as to the facts and key planning issues of the application.

7.7. The function of the Panel is not planning decision making but simply to decide whether the application proceeds to determination at Planning Committee or under delegation. If the Panel decide that the application does involve significant policy, consistency or other material considerations and a decision on the application is of more than local significance then the application will be reported to committee once publicity and consultations are complete and the application has been evaluated by officers. If the Panel decide that the application does not involve significant policy, consistency or other material considerations and a decision on the application is not of more than local significance then the application will proceed to be determined under delegation.

7.8. The reasons for a Member referral and the identity of the Member making the referral will be summarised in the officer's report to the Committee

8. APPLICATIONS IN WHICH MEMBERS OR OFFICERS ARE DIRECTLY CONCERNED

8.1. It is vital to ensure that development proposals or representations submitted by Members or Officers or by their close family are handled in a way that does not give any grounds for accusations of favouritism or suspicions of impropriety.

8.2. Where a Member or Officer (or a close family member or such persons) submits an application which shall include permitted development notifications and other planning related consents then, if objections are received from statutory consultees or other persons notified of the application, the application will be reported to the Planning Committee for a decision. If no objections are received then the application may, subject to the file being reviewed by the Assistant Director – Planning for Growth, be determined in accordance with the Scheme of Delegation and the Protocol for the Use of Planning Officer Delegations. The relevant time for determining whether the application needs to be reported to the Planning Committee is the date of registration of the application.

8.3. The same requirement for the application to be reported to the Planning Committee applies to former Members or Officers for a period of **one year** from the date on which they term of office or employment ceases.

8.4. The fact that the application is from a Member or Officer (or their close family) or former Member or Officer will be highlighted in the committee report.

8.5. A Member or Officer who has an interest in an application either by reason of it being (i) their application (ii) an application by a close family member or (iii) an application on which they have made representations shall take no part in the processing or

deciding of the application.

- 8.6. Where a Ward Member makes representations on an application which go beyond pre-disposition, then they will not be permitted to speak at the Planning Committee.

9. OFFICER REPORTS

- 9.1. Planning Officers will submit written reports to the Planning Committee on planning applications to be determined by the Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and Government policy considerations, together with any other material planning considerations. Where a planning application requires an environmental impact assessment the Planning Officer shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application. The Planning Officer in his/her report will give a reasoned assessment of the proposals and a justified recommendation.
- 9.2. Members are expected to have read all of the reports on the agenda for a Planning Committee meeting in advance of the meeting. It should be borne in mind that, following *R (Lee Valley Regional Park Authority) v Epping Forest District Council*¹, an officer report is not to be read in an unduly critical way, but fairly and as a whole and in light of the fact that Members of the Planning Committee can be expected to be reasonably familiar with local circumstances and with relevant policies at national and local level and to understand what the law requires of them when determining a planning application. At the meeting, Officers will summarise the contents of the report and highlight any updates which have arisen since the agenda was published.
- 9.3. The Planning Officer will have available for Members' inspection the full planning application, environmental statement (where required) and representations from bodies consulted and members of the public.
- 9.4. Any relevant planning information received after the written report has been prepared will be summarised in a written supplementary update paper where possible. The supplementary update paper will be circulated to Committee Members in advance of the meeting. Where it is not possible to summarise that information in a written supplement (for example because it is information received the day before the Committee meeting) the information will be the subject of a verbal summary at the meeting itself. In the event of significant new information being received, the Professional Lead - Growth and Sustainable Planning, or in their absence, the most senior Planning Officer present may recommend that the meeting be adjourned to allow time for the new material to be read or that consideration of the application be deferred.
- 9.5. In the event that an application is altered or there is significant new information arising between the preparation of the report and its discussion by the Planning Committee, the Chairman of the Committee in consultation with the Professional Lead - Growth and Sustainable Planning may decide in advance of the meeting to remove an item from the Committee agenda. Once the meeting has been opened, any proposal to

¹ [2016] EWCA Civ 404

defer consideration of an application will only be approved by consent of the Committee.

10. SITE INSPECTIONS

- 10.1. A site inspection may be held if the Planning Committee considers it will assist members in reaching their decision.
- 10.2. Members should not request that a site inspection be held unless it is strictly necessary. A site inspection may be necessary where:
 - 10.2.1. particular site factors are so significant in terms of the weight attached to them relative to other factors and/or the difficulty of their assessment in the absence of a site inspection; or
 - 10.2.2. there are exceptional site factors which need to be carefully addressed.
- 10.3. Members should not request a site inspection where the Planning Committee has previously undertaken such an inspection unless there has been any material change in circumstances – for example, a new development which changes the character of the locality.
- 10.4. When a site inspection is held prior to the meeting of the Planning Committee it is desirable that all Members attending the Planning Committee should have attended the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application. Information gained from the site visit should be reported back to Committee so that all members have the same information.
- 10.5. Planning Committee Members should not enter a site which is subject to a formal application other than as part of an official site inspection, even in response to an invitation, as this may give the impression of bias. If a Member feels it is essential to visit the site other than through attending the official site inspection, the Member should firstly have spoken to the Planning Officer about their intention to do so and if appropriate, the Planning Officer will normally suggest that they accompany the Member on their site visit. A note of the discussion between the Member and Officer will be placed on the planning file. If such a visit takes place the Member should explain the circumstances relating to the visit at the discussion of the application at the Planning Committee. This does not preclude a Member from viewing a site from any public vantage point.
- 10.6. The procedure to be adopted at site inspections is detailed in Appendix 2 to this Charter.

11. DECISION-MAKING AT PLANNING COMMITTEE

- 11.1. The process to be followed for any planning application to be determined by the Planning Committee is as follows:

- 11.1.1. Officer presentation of the application outlining the form of development, the locality of the application site and the relevant planning issues;
 - 11.1.2. Public speaking. The adopted public speaking arrangements can be viewed on the Council's website; these arrangements are reviewed annually in line with this Charter. During public speaking, Members may ask questions of the speakers if the Member requires clarification on points that they have raised as part of their speech. Members may ask questions on issues that the speaker. However, Members should not use questions as a means to extend any speaker's allocated time;
 - 11.1.3. Debate on the item. Following public speaking, the item will be opened up for debate by the committee members. Members should where possible avoid putting forward any motion (whether in accordance with the Officer recommendation or otherwise) until after the debate has concluded. This will ensure (a) Members have heard all views on the application which will avoid a perception of having come to the meeting with a closed mind; and (b) that the debate is not stifled generally. If necessary, Officers will provide advice during the course of the debate on any planning issues or points of law;
 - 11.1.4. Vote. Upon the proposal and seconding of a motion, the vote will then be taken. If no seconder is found then an alternative motion will be sought by the Chairman.
- 11.2. When considering planning applications Members should:
- 11.2.1. make decisions in accordance with the Development Plan unless material considerations indicate otherwise;
 - 11.2.2. come to a decision only after due consideration of all of the information before you. If there is insufficient time to digest new information defer making a decision to a later meeting or if there is insufficient information before you, request the additional information;
 - 11.2.3. ensure that if moving, seconding, or supporting a proposal contrary to officer recommendations or the Development Plan that the planning reasons for doing so are clearly justified before any vote is taken. Be aware that Members may have to justify the resulting decision by giving evidence in the event of any appeal or other challenge;
 - 11.2.4. only vote or take part in the meeting's discussion on a proposal if they have been present to hear the entire debate, including the officers' introduction and any public speaking;
 - 11.2.5. ensure that reasons for rejecting a report's recommendations are clearly stated at the meeting and subsequently recorded in the minutes
- 11.3. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission. All planning decisions must be founded upon valid planning reasons which can be substantiated.
- 11.4. It will be inevitable that for some applications all the relevant material planning considerations may not point unequivocally to whether to grant or refuse. Having identified all the material planning considerations and put to one side all the immaterial considerations, Members must come to a decision which can be substantiated.

- 11.5. Members or members of the public must **not** communicate (whether orally or in writing) with Members of the Planning Committee during the committee proceedings, which includes any adjournment, other than through the scheme for public speaking or through the Chairman as this may give the appearance of bias. If a Member or member of the public attempts to communicate with a Member of the Planning Committee, that Member should immediately report this to the Chairman and the legal adviser present. If that communication is in a written or electronic format then the Member should not read it and, having reported the communication, give the document or provide a copy of it (in the case of something in electronic format) to the legal adviser.

12. APPLICATIONS BY THE COUNCIL OR APPLICATIONS AFFECTING COUNCIL OWNED LAND

- 12.1. Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. It is also entirely proper for development proposals to be put forward for land owned by the Council, whether or not the Council is the applicant.
- 12.2. Proposals submitted by the Council or involving Council owned land shall be considered in the same way as those by private developers.
- 12.3. Any such applications shall be reported to the Planning Committee for determination. The Officer's report should clearly identify the Council's interest in the application.
- 12.4. Decisions on applications in which the Council is the applicant or landowner must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council. It is important that the Council is seen to be treating all such applications in the same way as any other application as well as actually doing so.
- 12.5. Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

13. REVIEW OF DECISIONS

- 13.1. The Local Government Association recommends that Members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.
- 13.2. In accordance with this recommendation, arrangements will be made for Members of the Planning Committee to visit a sample of implemented planning permissions throughout the District every year.

14. TRAINING

- 14.1. Mandatory training for members of Planning Committee is held for all Members new to the Committee, and also as refresher training for existing Committee members. **Members must not participate in decision-making at meetings dealing with**

planning matters if they have not attended the mandatory planning training prescribed by the Council.

- 14.2. Other topical planning sessions are organised from time to time. Members should endeavour to attend such sessions, particularly if these are designed to extend Members' knowledge of planning law, procedures, Codes of Practice and the Development Plan and thus assist Members in carrying out their role properly and effectively.

15. REVIEW OF THE CHARTER

- 15.1. This Charter is a living document and it is the responsibility of the Assistant Director – Law & Governance and Monitoring Officer to ensure that it is kept up to date to reflect current legislation and guidance, the Council's structure and any other relevant considerations. The Charter will be reviewed annually.
- 15.2. The Assistant Director – Law & Governance and Monitoring Officer will advise Members when any substantive amendments are made to the Planning Charter and will provide Members with an electronic copy of it.
- 15.3. A copy of the Charter will be maintained on the Council's website.

MEMBER REFERRAL TO COMMITTEE

(Completed form to be sent to Case Officer and Corporate Manager – Growth & Sustainable Planning)

Planning application reference	
Parish	
Member making request	
Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance	
Please detail the clear and substantial planning reasons for requesting a referral	
Please detail the wider District and public interest in the application	
If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development	
Please confirm what steps you have taken to discuss a referral to committee with the case officer	

PROCEDURES AND CONDUCT AT SITE INSPECTIONS

Who may attend

1. Access to premises to conduct a site inspection is with the consent of the landowner (or other person entitled to give consent). The landowner is therefore entitled to be present at the site inspection. The applicant and / or their professional representative are also entitled to be present. Unless invited by the Chairman to answer specific questions, the landowner, agent and professional representative may not otherwise contribute to the proceedings at the site inspection. Landowners, applicants and professional agents are expected to act in the spirit of co-operation to enable the site inspection to be undertaken in the presence of those invited.
2. Subject to any conflict of interest, all Members and substitutes of the relevant Committee are entitled to attend. The Ward Member is also permitted to attend. Other Members may attend with the prior consent of the Chairman of the Committee.
3. Subject to any conflict of interest, 1 representative of the Parish / Town Council is also permitted to attend.
4. The role of the Ward Member and parish / town council representative will be to provide any relevant factual local information concerning the site or the surrounding area which is not readily apparent. The Chairman of the site inspection will invite such submissions after the Officer's presentation and once Members have had opportunity to ask questions.
5. The Case Officer for the application which has prompted the site inspection will attend along with such other supporting Officers or specialist advisers (e.g. local highway authority) as the Corporate Manager - Growth and Sustainable Planning considers appropriate.
6. The inspection is not a meeting which is open to the public, nor a formal meeting of the Committee, and so no other persons shall be permitted to attend unless the Chairman considers there are exceptional circumstances and exercises his / her discretion to allow other persons to be present. Normally, it will be unnecessary for any other persons to contribute to the inspection. Verbal representations are facilitated through the public speaking session at the Committee meeting itself.
7. It is essential that Members and Officers ensure that those attending are not led to believe that a decision has been made at the site inspection.

Procedure to be followed

8. The Chairman (or in his / her absence, the Vice-Chairman or in the absence of both the Chairman and Vice-Chairman such other person as may be agreed by those Members in attendance to lead the site inspection) will have conduct of the site inspection and will adopt such procedure as he / she considers appropriate having regard to Council procedures and charters.

9. Unless the Chairman indicates otherwise, the usual procedure to be followed in respect of planning applications will be as set out below:
- (1) The site inspection will be 'opened'. The Chairman will explain the purpose of the inspection and that no representations on the merits of the application will be heard, nor will any decision be made before the application is reported to the Planning Committee.
 - (2) The Chairman will make introductions and ascertain the identities of those present, who as set out above, will be limited to:
 - Members of the Committee and substitutes
 - Landowner
 - Applicant
 - Applicant's professional representative
 - 1 Parish / Town Council representative
 - Ward Member/s
 - Case Officer, supporting officers and/or specialist advisers
 - (3) The Case Officer will be invited to briefly explain:
 - (a) why the Committee has been invited to inspect the site
 - (b) the facts of the application, and
 - (c) any views received from consultees which are relevant to the inspection.
 - (4) The Case Officer will point out key features.
 - (5) Any specialist adviser will explain relevant issues
 - (6) The applicant / professional representative may be questioned on any factual aspect of the proposal
 - (7) The Parish / Town Council representative will be invited to provide any relevant factual local information concerning the site or the surrounding area which is not readily apparent
 - (8) The Ward Member will be invited to point out any factual features of the site or surrounding area or to ask questions about the proposal
 - (9) Members of the Committee and substitutes will be invited to ask questions. No discussion on the merits of the application will take place.
 - (10) The Case Officer will be invited to ask any questions to seek clarification of any issues
 - (11) Members will be given opportunity to inspect the site / area in more detail

- (12) The Chairman closes the site inspection.
10. If there is interruption, lobbying or other conduct which may affect the impartiality of the site inspection, then the Chairman may at any time bring the site inspection to a close. If that happens, there may not be opportunity to reconvene the inspection at a future date.

Conduct at site inspections

11. Members attend site inspections in their official capacity and the Code of Conduct for Members and this Charter applies throughout. A Member with a Disclosable Pecuniary Interest in the item must not attend the site inspection.
12. In addition to the Code, both Members and Officers should adhere to the general principles of good governance set out below:-
- There should be no discussion of the application or matter that prompted the site inspection. Care is needed to ensure that Members and Officers do not have private discussions which could be perceived as a discussion of the merits of the application or engage in conversations that could be misconstrued.
 - No views on the application or matter should be expressed. Members must not give any indication as to how they may vote.
 - Members and Officers should stay together as a group at all times to ensure that all Members receive equal information.
 - Members and Officers arriving early at the site must not commence any part of the inspection before the inspection has been opened by the Chairman.
 - The purpose of the site inspection is not to secure views on the application and there must accordingly be no discussions with Members of the public or other persons present who may seek to influence the Member's views.