

**ANNEX 1**

**Protocol on Planning Development Control and Planning Policy**

**Proposed amended paragraphs**

<p><b><u>9. Membership of a Lobbying Group</u></b> <b><u>Current paragraphs</u></b></p>	<p><b><u>Revised paragraphs</u></b></p>
<p><b><u>Delete</u></b></p> <p>A Member who is also a member of a lobbying group which has publicly expressed support for or against a planning application will certainly have a personal interest which should be declared.</p> <p>A prejudicial interest may arise but this will depend on a careful consideration of all the surrounding circumstances for example the Member's role in the lobbying group and the extent to which the Member is publicly identified with their position.</p>	<p><b><u>Replace with</u></b></p> <p>A personal interest will arise arises if a Member is also a member of a lobby or campaigning group that makes representations about an issue that comes up for discussion or decision at a Planning Committee or other Authority meetings.</p> <p>Members should declare the existence and nature of the personal interest at the meeting so that members of the public are informed about interests that may relate to their decisions. Members can continue to participate unless the interest is also prejudicial.</p> <p>A prejudicial interest is likely to arise if the matter will have a direct impact on a lobby or campaign group. An example of this is an application from the group for planning permission or grant aid.</p> <p>A prejudicial interest may arise If the matter to be discussed relates indirectly to a lobby or campaign group. To determine if a prejudicial interest arises in a matter of indirect impact, the following factors should be considered:</p> <ul style="list-style-type: none"> <li>• the nature of the matter to be discussed;</li> <li>• the nature of the Member's involvement with the lobby or campaign group;</li> <li>• the publicly expressed views of the lobby or campaign group;</li> <li>• what the Member has said or done in relation to the particular issue.</li> </ul> <p>All these factors must be weighed up in relation to the specific matter being discussed and consideration given as to whether a reasonable member of the public who knows the relevant facts would think it likely that the Member's judgment of the public interest would be prejudiced.</p> <p>More detailed guidance is contained in the Standards Board publication "Guidance for Members on Lobby groups, dual-hatted members and the Code of Conduct".</p>

<p><b><u>11 The Representative Role</u></b> <b><u>Current paragraphs</u></b></p>	<p><b><u>Revised paragraphs</u></b></p>
<p><u>Delete</u> Where a Member decides that he/she wants to act as a representative of their electoral area, reporting and advocating the views of other constituents, it follows that they will no longer be acting impartially. In those circumstances, they should not participate in any vote on the matter, but should declare their commitment to represent the views of their constituents and seek the Meeting's consent for them to represent those views to the Meeting. In most circumstances this would not amount to a prejudicial interest, requiring the Member to leave the room, but the Member should make an open declaration and not vote.</p>	<p><u>Replace with</u> Members may represent the views of constituents at a meeting. However Members must ensure that in representing those views that they are not influenced by those views, that they retain an open mind on the matter and remain impartial in the decision making process.</p> <p>If a Member feels that they have been influenced by those views and can no longer remain impartial they must declare a prejudicial interest and leave the meeting room.</p>
<p><b><u>12 Membership of another Local Authority</u></b> <b><u>Current Paragraphs</u></b></p>	<p><b><u>Revised paragraphs</u></b></p>
<p><u>Retain</u> There is nothing in the Code of Conduct which prevents dual-hatted Members speaking and voting at both parish or district tiers and then at an Authority meeting on the same planning issue. Members who take this course will need to declare their membership of the parish or district council as a personal interest at the Authority meeting. Generally this will not constitute a prejudicial interest.</p> <p><u>Retain</u> Members are under a legal obligation to approach decision-making with an open mind, prepared to listen to all sides of the argument. Dual-hatted Members who choose to speak and vote at parish or district level and also at the Authority meeting will need to make it very clear that their vote at parish or district level represents a preliminary view and that they will reconsider the matter afresh at the Authority meeting. Failure to do this may lead to a legal challenge of the Authority's decision on the grounds of predetermination.</p>	<p><u>Insert</u> If an issue comes up for discussion at the parish or district level a Member should:</p> <ul style="list-style-type: none"> <li>• at the parish or district level, make it clear that they will reconsider the matter at the Authority meeting taking into account all relevant evidence and representations at that meeting;</li> <li>• at the Authority meeting declare a personal (but not prejudicial) interest arising from membership of the parish or district council and make it clear that the parish or district council's view is not binding and that the matter is being considered afresh.</li> </ul>

Delete

Different considerations apply where a local authority is the applicant in relation to a particular planning application. The dual-hatted member is likely to have a prejudicial interest in relation to a planning application submitted by their own authority

Insert

Members should not be involved in decisions on planning applications from another authority on which they also serve. The Standards Board's view is that it is unrealistic to expect a member of the public to believe that a Member would disregard the interests of the other authority and would think that a Member's judgment is likely to be prejudiced. In addition, a legal challenge could be made against the Authority's decision-making process if Members participate. A prejudicial interest should be declared in these circumstances.