

PART 5A(1) MEMBERS' PLANNING CODE OF GOOD PRACTICE

Members' Planning Code of Good Practice

1. Relationship to the Members' Code of Conduct
2. Role and Conduct of Members and Officers
3. Development Proposals and Interests under the Members' Code of Conduct
4. Bias: Predetermination and Predisposition in the Planning Process
5. Applications Submitted by the Council, Members or Officers
6. Lobbying of and by Members
7. Pre-Application Discussions
8. Post-Submission Discussions
9. Planning Appeals
10. Planning Enforcement
11. Site Visits
12. Nominated Member Role
13. Pre-meetings
14. Public Speaking at Meetings
15. Social Media
16. Council Officers
17. Decision Making
18. Member Training and Awareness

Background and Introduction

This Planning Code of Good Practice reflects the requirements of the Localism Act 2011, the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the Council's Members' Code of Conduct which is set out in the Constitution.

Planning has a positive and proactive role to play in balancing social, economic and environmental needs in order to achieve sustainable development. Planning decisions often affect land and property interests, communities and the wider public interest. It is therefore essential that planning decisions are made openly, impartially, with sound judgement and for justifiable planning reasons.

This Code sets out how Members can get involved in planning in a fair, impartial and transparent way.

The aim of this Code is to ensure that there are no grounds for suggesting that those participating in the determination of a planning decision were biased, that the decision itself was unlawful, irrational or procedurally unfair, or that the integrity of the Council's decision-making has been compromised.

APPENDIX C

Definitions of interests referred to below are given in the Members' Code of Conduct, Part 5 of the Constitution.

This Code of Good Practice applies to Members at all times when involving themselves in the planning process. This includes both decision-making meetings of the Council when exercising the functions of the Planning Authority (including the determining planning committee or board, Cabinet and full Council, as applicable) and involvement on less formal occasions, such as at meetings with officers or the public and at consultative meetings. It applies to planning applications, enforcement matters, planning appeals, pre-application discussions, post-submission contact and policy issues.

This Code should be read alongside the Council's Planning Scheme of Delegation and the statutory national scheme of delegation for planning functions as set out in the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. From 31 October 2026, certain categories of planning application must be determined by officers, and other applications may only be referred to the Development Control and Regulatory Board (hereinafter referred to as 'the Board') where the requirements of the national scheme of delegation and the Council's local referral arrangements are met.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early from the Monitoring Officer, and preferably well before any meeting takes place.

For the purposes of this Code:

"Chief Planning Officer" means the officer designated by the Director of Growth, Environment and Transport as the Council's chief officer responsible for the exercise of planning functions for the purposes of the Planning Scheme of Delegation, or any officer authorised to act in that capacity.

"Nominated Member" means the Chair of the Board, or where the Chair is unavailable, has an interest in the application, is the applicant, or is otherwise unable properly to participate, the Vice Chair of the Board or where the Vice Chair is also unavailable or unable properly to participate, the relevant Board Spokesperson, or such other trained member of the Board.

"Nominated Officer" means the Chief Planning Officer, or where the Chief Planning Officer is unavailable, has an interest in the application, is the applicant, is involved in the applicant or promoter function, or is otherwise unable properly to participate, such substitute officer as is identified in accordance with the Council's planning delegation arrangements.

"Own-Interest Application" means an application made by the Council, or by an officer or Member of the Council, or an application in which the Council, or any of its officers or Members, has an interest.

"Schedule 1 Application" means an application which, under the national scheme of delegation, must be determined by officers unless it falls within the separate provisions for Own-Interest Applications.

“Schedule 2 Application” means an application which is presumed to be determined by officers, but which may be referred to the Board only where the statutory referral criteria are met and the Nominated Member and Nominated Officer agree referral.

1. Relationship to the Members’ Code of Conduct

Do apply the rules in the Members’ Code of Conduct first. This must always be complied with.

Do then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members’ Code of Conduct for the purposes of your involvement in planning matters.

In the event of any inconsistency between this Planning Code and the Members’ Code of Conduct, the Members’ Code of Conduct shall prevail.

If you do not abide by this Code of Good Practice, you may put:

- the Council at risk of proceedings on the legality or maladministration of the related decision; and
- yourself at risk of being in breach of the Members’ Code of Conduct and, 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.

2. Role and Conduct of Members and Officers

Members and officers have different but complementary roles. Both serve the public. Officers are responsible to the Council as a whole. Members are accountable through democratic processes and must act in the wider public interest.

Officers carry out the Council’s planning functions in accordance with the law, the Constitution, delegated powers and their professional duties. Planning officers must exercise professional independence in the advice and recommendations that they provide.

Members must not put pressure on officers to reach a particular planning conclusion, make a particular recommendation, or handle a planning matter in a particular way. This does not prevent Members from asking questions or submitting views. Any such views on a planning matter should, where material, be provided in writing so that they may be placed on the planning file and considered transparently.

Mutual trust, respect and understanding between Members and officers are essential and must not be abused or compromised.

3. Development Proposals and Interests under the Members’ Code of Conduct

Do disclose the existence and nature of your interest at any relevant juncture, including informal meetings or discussions with officers and other Members.

APPENDIX C

Do disclose your interest at the beginning of the meeting, or as soon as it becomes apparent. It is good practice to declare your interest again at the start of the relevant item, particularly because members of the public may only be attending for that issue and will not have heard the declaration at the beginning.

Do consider the type of interest you may have and act accordingly.

In considering whether it is appropriate for you to be involved in a matter, you should ask yourself how a reasonable member of the public, knowing all the relevant facts, would view your participation.

A. Registerable Interests (those you have included in your register of interests in accordance with the Members' Code of Conduct)

If the matter directly relates to one of your Registerable Interests you should declare the existence and the nature of the interest before the item is considered, and—

- **don't** get involved in the processing of the application;
- **don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Planning Authority;
- **don't** try to represent local views, get another Member to do so instead;
- **do** withdraw from any meeting prior to consideration of the matter.

If the matter does not directly relate to one of your Registerable Interests, then—

- **do** consider whether the matter may nonetheless affect your financial interest or wellbeing or that of a friend/relative/close associate;
- **do** carefully consider the extent to which you or your friend/relative/close associate is affected and whether it might lead to, or could be perceived to lead to, bias on your part;
- **do** be aware that you may attend a Board meeting to make representations, answer questions, or give evidence on the matter provided that public speaking rights also apply;
- **do** ensure that if you decide to make representations on this basis you do not then take part in any discussion or voting on the matter and withdraw from the meeting after you have spoken.

B. Non-Registerable Interests (those not in your register of interests but that may arise with a particular matter)

If the matter directly relates to or affects a financial interest or the wellbeing of yourself or of a friend/relative/close associate (and is not a Registerable Interest) then—

- **do** carefully consider the extent to which you or your friend/relative/close associate is affected and whether it might lead to, or could be perceived to lead to, bias on your part;
- **do** be aware that you may attend a Board meeting to make representations, answer questions, or give evidence on the matter provided that public speaking rights also apply.

APPENDIX C

Do ask yourself whether the financial interest or wellbeing of yourself, or your friend/relative/close associate, is affected to a greater extent than the financial interest or wellbeing of the majority of inhabitants of the area affected by the decision, and whether a reasonable member of the public knowing all the facts would believe that this would affect your view of the wider public interest.

Where you have a Disclosable Pecuniary Interest, you must comply with the Members' Code of Conduct and the Localism Act 2011. In particular, unless a lawful dispensation has been granted, you must not participate in discussion or voting on the matter and must withdraw from the room while the matter is considered. Failure to register or properly act on a Disclosable Pecuniary Interest may amount to a criminal offence.

Don't in any event ever 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 role as a Member.

Where an application is an Own-Interest Application, any Member who is the applicant, has an interest in the application, or has been involved in preparing, submitting or advocating the proposal, must seek advice at the earliest opportunity and must not take part in any decision on whether the application should be referred to the Board or in the determination of the application, unless advised otherwise by the Monitoring Officer.

Where the Nominated Member has an interest in an application, or where the application is made by or involves the Nominated Member, the Council's substitute arrangements must be used.

4. Bias: Predetermination and Predisposition in the Planning Process

Predetermination is also referred to as "fettering discretion". It is not the same as predisposition. Predetermination occurs when you are deemed to have made your mind up and will not consider any subsequent information presented. However, you can be predisposed, that is, have an initial view on the matter.

As an elected Member you are entitled, and are often expected, to have expressed views on planning issues. Some Members may be elected in part because of those views. However, if you become involved in decision-making as a member of the Board then you must be clear that you are prepared to reconsider your position in the light of all the evidence and arguments.

It is not enough simply to say that you have an open mind; you must act in a way which demonstrates that you are willing to listen to all material planning considerations and change your mind if persuaded.

As an elected Member involved in a planning matter—

- **don't** predetermine by approaching the decision with a closed mind;
- **do** keep at the front of your mind that, particularly if you are predisposed as to how you might decide a particular application, you must keep an open mind at the meeting;

APPENDIX C

- **do** make it clear that you are still willing to listen to all of the evidence and material considerations presented, both the officers' presentation of the facts and their advice, as well as the arguments from all sides, before deciding how to exercise your vote;
- **do** take account only of material planning considerations and disregard matters that are irrelevant to the legal context at hand.

If you have predetermined the application:

- **don't** participate in the determination of the matter;
- **don't** speak or vote on the proposal;
- **do** consider whether you should also withdraw from the meeting during consideration of that **application**;
- **do**, if you decide to stay in the meeting, explain that you do not intend to speak or vote because you have, or could reasonably be perceived as having, predetermined the matter, so that this may be recorded in the minutes.

5. Applications Submitted by the Council, Members or Officers

Applications submitted by the Council, Members or officers are legitimate, but they must be handled in a way that avoids any appearance of bias, favouritism or predetermination.

Proposals for the Council's own development shall be treated no differently from any other application. Any Member who has been significantly involved in the preparation, submission or promotion of such a proposal should consider carefully whether it is appropriate for them to take part in determining the application. If not, they may, where lawful and appropriate, address the Board in the relevant public speaking slot but should not participate in determination.

A Member or officer submitting their own application, or acting as agent or representative in relation to a planning matter with the Planning Authority, must take no part in the processing of that application.

Where such an application is considered by the Board, any Member concerned must comply with the requirements of the Members' Code of Conduct concerning declarations of interest and participation.

6. Lobbying of and by Members

Special attention is needed with regard to lobbying in the planning decision-making process. Lobbying in respect of other aspects of Members' work is commonplace and accepted as part of the democratic process, but if it oversteps the mark it can call into question the impartiality and integrity of Members and place decisions at risk of complaint or challenge.

A. Lobbying of Members

- **Do** remember that your overriding duty is to the whole community and that you need to make decisions impartially and ensure that you do not favour, or appear to favour, any person, company, group or locality.

- **Don't** declare the way you intend to vote.
- **Do** feel able to express an opinion on the merits prior to formal consideration of the matter, but only if you are very clear that you will only make your mind up at the meeting after hearing the officers' presentation and evidence and arguments on both sides.
- **Do** pass on any representations, correspondence, plans or other lobbying material you receive to the planning service at the earliest opportunity.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal.
- In the interests of openness and transparency, members of the Board should declare at the meeting any significant lobbying to which they have been subject on the relevant item.
- Members must not seek to accelerate or delay the handling of an application for personal or political convenience, or in response to lobbying.

Member representations about whether an application should be considered by the Board may be made through the Council's published referral arrangements. However, a request from a local Member, parish council, town council, applicant, objector or other interested party does not require referral to the Board. It may only trigger consideration of whether the relevant statutory referral test is met.

B. Lobbying by Members

- **Don't** lobby fellow Members excessively regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of a meeting.
- **Don't** discuss how to vote on a planning proposal at a political group meeting or lobby other members to do so.
- **Do** cease to lobby a Member if it appears there is a risk that they will feel subject to pressure as to how they vote.
- Members of the Board should not lead or act as spokesperson for an organisation whose primary or regular purpose is to lobby to promote or oppose planning proposals where that would or might reasonably appear to compromise impartiality.

Members must not seek to recreate a call-in arrangement, objection-number trigger, political group instruction or other mechanism which has the effect of requiring an application to be referred to the Board outside the national scheme of delegation.

Members, officers and other persons may make representations about a planning matter only through the Council's published procedures and, where relevant, by reference to material planning considerations and the statutory referral criteria. No member, officer or other person shall improperly lobby, pressure, direct or seek to procure a commitment from the Nominated Member, the Nominated Officer or any officer exercising delegated planning powers as to whether an application should be referred to the Board or how an application should be determined. Any improper lobbying, pressure or attempted direction shall be recorded and reported to the Monitoring Officer where appropriate.

7. Pre-Application Discussions

Discussions between potential applicants and the Council before an application is submitted can be beneficial and are encouraged when undertaken transparently and properly.

Members should not arrange or attend pre-application meetings outside the Council's normal processes. Where a pre-application meeting involving Members is appropriate, it should be arranged through officers and attended by a planning officer throughout.

At the outset of any such meeting, it should be made clear that the discussion will not bind the Council to any particular decision, that any views expressed are provisional only, and that Members must retain an open mind.

Members should not become involved in negotiations on planning merits or obligations; these are matters for officers. A note of any such meeting should be made and placed on the planning file.

8. Post-Submission Discussions

Once a planning application has been submitted and remains to be determined, Members of the Board should not usually be involved in discussions with the applicant, agent, supporter or objector other than through formal Council procedures.

If significant contact nevertheless occurs, the Member should inform the Chief Planning Officer so that the nature and purpose of the contact can be recorded on the planning file. Any material received should be passed to officers promptly.

Any significant post-submission contact should be declared at the meeting which considers the application.

9. Planning Appeals

Members may attend planning appeal hearings and inquiries, and may attend as ward members or as members of the public. Members wishing to participate actively should first discuss this with the Chief Planning Officer.

A member of the Board does not represent the Board at an appeal unless expressly authorised as part of the Council's case. The Council's case at appeal will be presented on planning merits and in accordance with the decision made by the Council.

10. Planning Enforcement

It is legitimate for Members to bring suspected breaches of planning control to the attention of the Chief Planning Officer so that they may be investigated.

Members must not seek preferential treatment for matters they have raised. Enforcement action must be taken in accordance with the law, the Council's enforcement policy and service priorities.

11. Site Visits

Do attend official site visits organised by the Council.

Do treat the site visit only as an opportunity to seek information and to observe the site.

Do ask officers questions or seek clarification on factual matters which are relevant to the inspection.

Do have regard to the Council's Site Visit Protocol and any planning committee procedures dealing with attendance, conduct and reporting on site visits.

Don't get involved in discussion with the applicant/developer or any members of the public who may be present during the visit.

Don't express firm opinions or views or declare the way you intend to vote.

12. Nominated Member Role

The Chair of the Board will ordinarily act as the Nominated Member for the purposes of the Council's referral arrangements. The Vice Chair will act as first substitute where the Chair is unavailable or unable properly to participate. Where both the Chair and Vice Chair are unavailable or unable properly to participate, the relevant Board Spokesperson, or such other trained member of the Board may act as substitute Nominated Member.

Where acting as Nominated Member, a Member must:

- apply the relevant statutory referral criteria and the Council's published referral arrangements;
- consider only relevant material planning considerations and the statutory guidance;
- avoid political, group, electoral or administrative considerations;
- ensure that any Member representations taken into account are transparent, recorded and advisory only;
- not treat local opposition, local support, publicity or political controversy as sufficient in itself to justify referral;
- give clear, succinct reasons for agreeing or not agreeing that an application should be referred to the Board; and
- not delegate, fetter or abdicate their judgement to another Member, political group or majority view.

13. Pre-Meetings

Briefing meetings for the Chair and Spokespeople of the Board are held to facilitate the smooth running of Board meetings. Discussion will be limited to procedural issues such as the organisation of site visits, arrangements for public speaking and ensuring that all relevant paperwork and information is available. They must not be used to determine whether an application should be referred to the Board unless the meeting forms part of the Council's published arrangements for applying the national scheme of delegation.

- **Do** use pre-meetings to resolve procedural issues to facilitate the smooth running of the formal meeting.
- **Don't** discuss the determination of applications at either planning briefing meetings or political group meetings.
- **Don't** ever use the political whip on a planning matter.
- **Don't** use Board briefings, political group meetings or informal discussions to pre-determine whether an application should be referred to the Board or how any Member should vote if it is referred.

14. Public Speaking at Meetings

The Council has a procedure to allow members of the public to make representations at meetings of the Board.

- **Do**, if contacted by the public before the meeting, explain that whilst you may express a view you must be seen to be keeping an open mind on the matter, and that you will determine the application on its merits, having regard to material planning considerations.
- **Don't** allow applicants or members of the public to communicate with you during the Board's proceedings (orally, in writing, or by social media) as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking, including any rules on registration, speaking rights, adjourned meetings and variation of speaking rights.

15. Social Media

Do be aware of the power of social media posts or re-posting and be careful not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in decision-making on behalf of the authority.

Don't participate in social media or exchanges by posting, texting or messaging as a member of the Board during the Board's proceedings as this may give the impression of undue external influence and may give the appearance of bias.

16. Council Officers

APPENDIX C

Under the national scheme of delegation, Members must recognise that many planning applications must be, or are presumed to be, determined by officers. Members may make representations through the proper channels, but must not seek to direct, instruct, pressure or otherwise influence an officer as to the outcome of a delegated planning decision.

- **Don't** put pressure on officers to put forward a particular recommendation as this may be seen as prejudicing their professional integrity and impartiality. This does not prevent you from asking questions or submitting views to the Chief Planning Officer which may be incorporated into any committee report.
- **Do** recognise that officers are part of a management structure and you should only discuss a development 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 Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with their professional duties and any appropriate officer and professional codes of conduct.

Where Members submit views to officers on a planning matter, those views should, where material, be provided in writing so that they may be placed on the planning file.

17. Decision Making

Before determining an application, Members should be satisfied that the application is properly before the Board under the Council's Planning Scheme of Delegation and the national scheme of delegation. Where there is any doubt, advice should be sought before the application is determined.

- **Do** come to Board meetings with an open mind and demonstrate that you are open-minded.
- **Do** make decisions in accordance with the relevant 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.
- **Don't** vote or take part in the decision on a proposal unless you have been present to hear everything that has been said at that meeting, including the officers' introduction to the matter.
- **Do** make sure that, if you are proposing, seconding or supporting a decision, you clearly identify and understand the planning reasons leading to this conclusion. Where a decision is taken contrary to officer recommendation, reasons must be given prior to the vote and recorded.

Members must also comply with any procedural requirements contained within the Council's planning committee procedures, including those relating to late material, voting, contrary decisions, departures, deferrals and attendance requirements for voting.

18. Member Training and Awareness

The planning system involves complex legal and technical issues which require the application of sound judgement in the assessment of planning proposals. A failure to follow proper practice and procedures can lead to serious consequences for the Council as planning authority.

The Council has determined that all elected Members **must attend a planning training session prior to being involved in the determination of planning decisions**. Members will also need to comply with any national training requirements that may be introduced.

Members of the Board, substitute Members, the Nominated Member and any substitute Nominated Member **must** also undertake training on the national scheme of delegation, the Council's revised Planning Scheme of Delegation, the referral gateway, Own-Interest Applications and the continuing requirements of this Code. You are strongly encouraged to participate in any further training on planning matters and this Code of Good Practice to assist you in carrying out your role properly and effectively.

Members may not participate in planning decision-making at Board meetings unless they have attended mandatory planning training approved by the Council. This requirement applies equally to substitute Members.

In addition to induction training, members of the Board and substitutes must attend refresher training at such intervals as the Council may require, and in any event should attend refresher training at least every two years, or more frequently if recommended by the Monitoring Officer. Members will need to comply with any national training requirements that may be introduced. Members should also endeavour to attend any additional specialist planning or probity training provided by the Council.

Interpretation

This Code should be read alongside the Council's planning committee procedures, public speaking arrangements, site visit protocol and any technical briefing procedure. Members must comply with these procedures when participating in the planning process.

References in this Code to the 2026 Regulations include those Regulations as amended, re-enacted or replaced from time to time, and references to statutory guidance include any statutory guidance issued or revised in connection with those Regulations.