

COMPTON DANDO PARISH COUNCIL

Protocol for members when dealing with planning matters - Guidance for Councillors when meeting applicants, agents, developers and objectors

A Councillor's role on the Parish Council is to make decisions openly, impartially, with sound judgement and for justifiable reasons. The actions/comments of a Councillor should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way.

When considering planning applications Councillors may involve themselves in discussions with applicants, agents, developers and objectors regarding planning matters provided that they keep to the following guidelines: -

Pre-determination (Localism Act 2011)

- Pre-determination occurs where a Councillor has a closed mind i.e. that in advance of the Parish Council meeting has decided which way they will vote/what decision they will make, regardless of facts presented at the meeting or what is said by other Councillors during the debate on a particular application. This could lead to legal challenges and the Parish Council's decision being set aside.
- Section 25 of the Localism Act has modified the case law on pre-determination by providing that a Councillor is not deemed to have a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A Councillor is not, for example, prevented from participating in discussion on an application or voting on it if they have campaigned, expressed to local residents their view on a particular application or made public statements about their approach to it, in advance of the meeting.
- Section 25 does not abolish the rule against pre-determination but it does re-affirm a distinction between pre-disposition and pre-determination. A Councillor may arrive at a meeting pre-disposed to voting or making a decision in a particular way as long as they approach their decision making at the meeting with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views, if persuaded to do so.

Other matters

- Pre-application meetings with prospective applicants, agents, objectors or small-scale developers may be a positive way of engaging to ensure that community needs are met. However, if you are approached directly, you **MUST** refer any requests for such a meeting to the Parish Clerk. On receipt of this information the Parish Clerk will organise a site visit and will make sure that the planning papers are available. She/he will ensure that those present are advised from the start that the discussions will not bind the Parish Council to any particular course of action.
- Refer those who approach you for planning, procedural or technical advice to the Parish Clerk or the Planning Department of Bath and North East Somerset Council on 01225 394041. Do not give advice yourself.

- Councillors should **NOT** contact any case officers directly on planning applications to be considered by the Parish Council without the agreement of all Councillors on the Parish Council. Any question that a Councillor may want answering on an application should be agreed by the Council and forwarded to the case officer by the Parish Clerk and not by the Councillor.
- Anyone seeking policy guidance should be referred to the Bath and North East Somerset Council Planning Portal <http://www.bathnes.gov.uk/services/Planning-and-Building-Control>
- Where developers organise a public exhibition or display of their proposals, it is acceptable to visit and examine the proposals and ask questions of the developers to ensure that you are fully informed of the nature of the proposals. You may feed in your own personal and local resident's concerns and issues and engage in discussion. However, it has to be made clear that these are not necessarily the views/concerns of the Parish Council.
- Avoid meeting applicants, agents, developers or objectors alone or putting yourself in a position where you appear to favour a person, company or group.
- Remember that the Parish Council's Code of Conduct must be complied with at all times.

Adopted: July 2019

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