

APPENDIX 2

Code of Conduct for Member Site Visits

1. Background

1.01. Members of the Planning Applications Sub-Committee have generally been locally elected representatives on the Council for more a number of years. Many have also been on the Planning Committee for months if not years. They have therefore developed a good knowledge of the Borough. They have also been trained in dealing with planning matters

~~1.02. Members of the Committee receive the planning application reports at least 3 days ahead of the Committee, and can take time to visit sites for themselves, to help their decisions at the Committee.~~

1.02 At the Committee meeting site maps, scheme drawings and sometimes photographs are on display and available. Officers' reports describe relevant site characteristics, following their own site visits. Officer visits are not routinely made to the homes/premises of objectors, as adequate technical assessments can usually be made from maps, drawings and by visiting the application site.

1.03. In ~~the great majority of~~ *a few of the simpler* cases, this site knowledge and information will be sufficient for the Committee to reach a decision on applications.

1.04. In ~~some more complex~~ *most* cases, however, the Committee may decide that it needs *will need* the additional information that a site visit can provide, before reaching a conclusion.

~~1.05. Such cases might be:~~
~~(a) where inspection from the street is insufficient to understand the nature or impact of the development, or~~

~~(b) where particular views or relationships can only be fully appreciated by seeing inside the site.~~

~~1.06. The Committee will then agree to defer the application for a Members' site visit to be arranged.~~

1.05 The Assistant Director, Planning and Development Management, in consultation with the Chair of the Committee, will decide which cases require a site visit. Members of the Committee are entitled to make representations to the Assistant Director about which cases do, or do not, require a site visit.

1.06 Site visits will be arranged on Mondays to Fridays during daylight hours. So far as practicable, they will be fixed sufficiently in advance of the Committee meeting to enable Members to ask officers to address specific points, arising from the site visit, in the report on the application.

2. The Purpose of Site Visits:

2.01. The purpose of such site visits is for the Committee to see the site in order to reach an informed decision. It is not intended to provide a separate opportunity for objectors, supporters, applicants or others to lobby the Members, to argue their case or discuss the merits of the application.

2.02. It is essential that fairness and probity are safeguarded in all the proceedings of the Planning Committee. This means preventing even the appearance of undue or unfair influence, or biased behaviour.

2.03. In accordance with the adopted Members Code of Conduct for Planning Committee on planning matters, Members must avoid being involved in lobbying for or against an application, or reaching a firm view on an application before final determination at Committee. The proper place for discussion and presentation of views is therefore at the Committee.

2.04. On site, without some safeguards, there is a serious risk of breaching the principles of fair hearings. Individual Members can hear different arguments from different people, and all sides are not heard equally.

- 2.05. To ensure fairness and probity, therefore the Committee will observe the following protocol for site visits. The on-site procedures are based on those followed by the national Planning Inspectorate.

3. Site Visit Protocol

- 3.01. ~~**At Committee:** Normally, the Committee will hear representations on both/all sides, so they know the concerns before the visit. The Committee will then agree to defer for a site visit, and agree which parties should be invited to attend, to assist the visit. Objectors and others with a direct interest in the scheme will normally be included in the visit. There will usually be a maximum of two representatives from each group. The applicants will also be asked to limit their representatives to two.~~
- 3.02. ~~**The Arrangements:** The visit will normally be arranged by the Committee Clerk, on a date as soon as possible after the Committee deferral in time for the application to be determined at the next formal meeting of the Committee. Visits will usually be arranged between Monday and Friday during daytime hours.~~
- 3.01 Access to the site will be arranged with the site owners or their agent. In some cases arrangements will also have to be made with adjoining properties which have to be entered.
- 3.02 **Procedure on Site:** The planning officer(s) will show the Members round the site(s)/area, showing relevant scheme drawings, and pointing out significant features. Some practical assistance from the owner/agent may be necessary. Members may ask officers or others factual questions, but will not otherwise discuss the application.
- (a) ~~Objectors and others in attendance are asked not to talk to the Members except to draw their attention to some feature of the site or provide some factual information.~~
- (b) ~~Members are not able to hear arguments about the merits of the application during the site visit.~~
- (c) ~~If the visit becomes the occasion for lobbying by numbers of people, or for demonstrations, the Members may have to close the visit and ask for it to be rearranged as a more private visit.~~

3.03 In a few cases the Assistant Director, Planning and Development Management,, in consultation with the Chair of the Committee, may decide to invite particular local residents or objectors/supporters to attend a site visit for the purpose of ensuring access, pointing out specific matters or answering factual questions. Normally, neither objectors nor supporters will be invited to site visits.

3.04 If a site visit becomes the occasion for lobbying by numbers of people or for demonstrations, the Members may have to close the visit and ask for it to be ~~visit may have to be adjourned and~~ rearranged as a more private visit.

3.05 As a result of the visit, the Members of the Committee may ask the officers to address some specific issue in the report on the application. ~~prepare a further report amplifying some aspect of the development or to assess some new factor. Usually the case will be returned to the Sub Committee with the original report~~

3.06 In order to ensure that Members of the Committee fully understand the physical characteristics of each application site, its surroundings and the impact of the proposed development, it is desirable that Members attend every site visit.

3.07 Any Member of the Committee who is unable to attend the official site visit should endeavour to visit the site him/herself before the meeting and will avoid any discussion of the merits of the application while at the site.

3.08 Members of the Committee have to come to an independent view on an application, taking into account all relevant facts and views. If a Member of the Committee is unable to attend the site visit, this does not disqualify him/her from taking part in the final decision. The Member will, however, listen very carefully to the views of those Members who benefited from the visit. In some cases the Member may decide it would be better not to take

part in the decision. *The Assistant Director, Planning and Development Management, in consultation with the Chair of the Committee, may advise a Member who has not visited the site that he/she should not participate in the decision in certain cases because of the difficulty of understanding the issues relevant to the application without visiting the site.*

3.05 ~~As a result of the visit the Members may ask the officers to prepare a further report, amplifying some aspect of the development or to assess some new factor. Usually the case will return to the Sub-Committee with the original report.~~

~~**3.06 When the Committee again considers the case,** the Chair will not normally allow representations made at the original meeting to be repeated.~~

~~If some fresh fact has arisen as a result of the visit, he/she may allow further representations. In that case, normal procedures will apply, to allow a fair hearing for all sides.~~

~~3.07 Members of the Committee have to come to an independent view on an application, taking into account all relevant facts and views. If a Member of the Committee is unable to attend the site visit, this does not disqualify him/her from taking part in the final decision. The Member will, however, listen very carefully to the views of those Members who benefited from the visit. In some cases the Member may decide it would be better not to take part in the decision.~~

~~**3.08 In some cases the Committee may decide, at the very beginning that they need to visit the site/area first, before hearing views for and against. In these cases, the officers will present the case and answer Members' questions, and the Committee will then defer the case without further discussion. At the visit the above rules will apply. At the subsequent Committee, the normal procedures for hearing representations will apply.**~~

