

Committee: STANDARDS COMMITTEE

Agenda Item

Date: 21 September 2009

6

Title: PROBITY IN PLANNING

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Item for decision

Summary

1. In May 2009 the Local Government Association in consultation with ACSeS and the Standards Board published revised guidance on probity in planning. This is the third such document which has been produced. The Council has adopted codes of probity in planning based upon the two previous sets of guidance. This report is to propose certain amendments in the light of the revised guidance.

Recommendations

2. That members determine whether they wish to recommend any changes in the current code of probity in planning for adoption by the council and if so what amendments they may be. Members are also asked to consider whether they would wish to recommend changes to the Code of Conduct for probity in licensing which mirrors the current planning code.

Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - The Local Government Association's website:
www.lga.gov.uk/lga/aio/1940404

Impact

- 4.

Communication/Consultation	The Director of Development and Head of Development Control have been consulted with regard to this report.
Community Safety	None.
Equalities	None.
Finance	None.
Human Rights	None.

Legal implications	Failure to observe high standards of probity in dealing with planning issues may result in legal challenges by way of judicial review or costs awards against the council on appeals.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

5. A Code of Conduct for probity in planning was first put forward in 1997. That Code was adopted by this Council. The Code was revised nationally following the introduction of the new ethical framework under the Local Government Act 2000 and the Council's code was revised to reflect this new guidance. The LGA has just issued new guidance on probity in planning.
6. Attached to this report is an amended Code of Conduct taking into account the new guidance. Additions from the revised guidance are shown in italics, deletions are struck through and in one part (4.3) there is an insertion to reflect current practice which is not included in the current code or the revised guidance.

Risk Analysis

7.

Risk	Likelihood	Impact	Mitigating actions
The council is subject to legal challenge and/costs awards in planning appeals arising from failure to observe high codes of probity.	1, Most of the amendments to the Code do not have a significant impact upon it and even if members were to propose no change it is considered that adherence to the existing Code of Conduct would provide	3, the Council would suffer financial loss and reputational damage.	In the event that the committee should decide not to recommend any changes it reinforces the importance of observing the existing code.

	the council with adequate protection.		
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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

CODE OF GOOD PRACTICE: PROBITY IN PLANNING

1. INTRODUCTION

- 1.1. *Planning has a positive and proactive role to play at the heart of local government. It is a powerful tool that helps councils achieve the ambitions of local communities. Good planning stimulates growth and promotes innovation. It helps to translate goals for healthier communities, higher employment, better housing, reduced congestion, educational attainment, safe and sustainable communities into action through well-designed medical centres, offices, universities, homes, roads and other facilities vital to achieving them. The planning system works best when the roles and responsibilities of the many players essential to its effective operation are clearly understood. It is vital that elected councillors and planning officers understand their roles and the context and constraints in which they operate.*
- 1.2. *Planning decisions involve balancing the needs and interests of individual constituents and the community, with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.*
- 1.3. *Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. ~~It~~ Decisions can be highly contentious as they affect the daily lives of everyone. This is heightened by the openness of the system (which invites public opinion before taking decisions) and the legal nature of the development plan and decision notices. It is important that the process is characterised by open and transparent decision-making.*
- 1.4. *One of the key purposes of the planning system is to control development in the public interest. Performing this role, planning necessarily affects land and property interests, particularly the financial value of land holdings and the quality of their settings. It is important, therefore, that the Council makes planning decisions affecting those interests openly, impartially, with sound judgement and for justifiable reasons. There should be no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.*

2. CONDUCT OF COUNCILLORS AND OFFICERS

2.1. General

- 2.1.1. *Councillors and officers have different, but complementary roles. Both serve the public but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole.*
- 2.1.2. *Both Councillors and officers are guided by codes of conduct. The Councillors Code of Conduct supplemented by guidance from Standards for England (formerly the Standards Board for England) provides*

guidance and standards for Councillors. ~~Breaches of the Code may be regarded as maladministration by the Local Ombudsman and may lead to a Councillor being reported to the Standards Board for England. Such a report may result in sanctions being imposed upon the Councillor concerned.~~ Officers will *in due course* be subject to a Statutory Employees Code of Conduct. ~~In addition~~ Officers who are Chartered Town Planners are *also* guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. In addition to these codes, the Council's Procedural Rules set down rules which govern the conduct of Council business.

2.1.3. The code of conduct for Members sets out the requirements on councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests, as well as appropriate relationships with other members, staff and the public This impacts on the way in which councillors participate in the planning process. Of particular relevance to councillors making decisions on planning applications and planning policies is paragraph 6(a) which states that a member: "must not in his or her official capacity, or any other circumstance, use or attempt to use his or her position as a member improperly to confer on or secure for himself or herself or any other person, an advantage or disadvantage."

2.1.4. The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and opposing views are often strongly held by those involved. Whilst Councillors should take account of these views they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.

~~2.1.5. Councillors must not instruct officers to make a particular recommendation nor to take a particular course of action other than through a decision of the Council or one of its Committees.~~ Officers must give objective, impartial planning advice, based on their professional judgement and not be compromised or influenced by political considerations. Chartered Town Planners may only advocate their own professional view. Councillors must not instruct officers to make a particular recommendation nor to take a particular course of action. *To do so may be a breach of paragraphs 3.1 and 3.3.4 of the Council's code of conduct (the requirement to treat others with respect and not to do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the authority).*

2.2. Public Duty

~~2.2.1. The Councillors Code of Conduct sets out the duties and responsibilities of Councillors. It states that, whilst~~ Councillors have a

special duty to their ward constituents including those who did not vote for them, *however* their overriding duty is to the whole community. The Council's District Plan is adopted in the interests of the whole community, following public consultation. It therefore reflects the overall public interest, rather than those of individuals or organisations. Councillors and officers must support the Council's planning policies and make decisions in accordance with them, unless there are sound planning reasons for not doing so.

2.3. Voting and Impartiality

2.3.1. Members of the Development Control Committee must not declare which way they intend to vote in advance of the consideration of an application. To do so would, in effect, be pre-judging the application and expose the Council to the possibility of legal challenge or a charge of maladministration. Members must not make up their minds until they have read the relevant Committee reports, heard the evidence and considered the representations. It is important that Members hear all the evidence and representations prior to reaching a decision. Consequently Members should ensure that they are present in the Council Chamber/Committee Room at all times whilst an item is being discussed. In the event that a Member arrives after consideration of a particular item has commenced or leaves the Council Chamber/Committee Room during the consideration of an item and then returns then that Member should not vote on that item.

2.3.2. Councillors who are also members of town or parish councils may find that they are expected to express a view at a Town or Parish Council meeting or vote on whether the town or parish council should object or comment on a proposal from its point of view. In such circumstances they should not declare outright support or opposition for a proposal and if they chose to vote should make clear that they may find themselves having to vote differently when sitting on the Committee, having heard the evidence, technical and legal background from officers. In particularly contentious cases Councillors are advised to abstain from the town or parish council vote to make clear that they are not prejudicing the decision they will have to make as a District Councillor. This will assist in ensuring that the propriety of their vote at the Council's Committee meeting cannot be challenged. *This does not mean that Councillors on the Committee cannot make a comment or reflect local concerns about a proposal before it is considered. However, the view or comment must not pre-determine or be seen to pre-determine the way the Councillor will vote.*

~~2.3.3.~~ If a Councillor does declare his outright support for or opposition to a proposal at a town or parish meeting or elsewhere before the matter has been put before the Committee where that Councillor would be entitled to vote he should, if attending the Committee meeting when the matter is

being discussed or reported, make an open declaration to that meeting to that effect and take no part in the voting on that item. *The Councillor may however remain in the chamber and take part in the debate (see paragraph 2.8.2 below).* ~~This does not mean that Councillors on the Committee cannot make a comment or reflect local concerns about a proposal before it is considered. However, the view or comment must not pre-determine or be seen to pre-determine the way the Councillor will vote.~~

2.3.4. Councillors should not organise support for or against a planning application and should not lobby other Councillors since this would also signal that they had made up their mind before hearing the evidence. Each Councillor should make up his own mind on the evidence and facts presented to the Committee.

~~2.3.5. The basis of the planning system is the consideration of private proposals against wider public interests. Opposing views are often strongly held by those involved. Whilst Councillors should take account of various views expressed on an application they should not favour or show bias against or towards any particular person, company or group or any particular site or locality. They should not put themselves in a position where they may appear to do so.~~

2.4. Gifts and Hospitality

2.4.1. Councillors should be very cautious about accepting gifts and hospitality and must ~~follow the advice in~~ observe paragraphs ~~4.3~~ 4.1.1.8, 5.1 and 9.2 of the Councillors Code of Conduct. They should also have regard to the Guidance on receipt of gifts and hospitality in part 5 of the Members' Handbook. Officers should *also* follow that Guidance.

2.5. Declaration and Registration of Interests

2.5.1 The Councillors Code of Conduct sets out requirements and guidance for Councillors, for the registration of interests, on declaring personal and prejudicial interests and the consequences of having such interests. These must be followed scrupulously and Councillors should review the situation regularly. It must be borne in mind that the Code advises that not only should impropriety be avoided but also any appearance, or grounds for suspicion, of improper conduct. Responsibility for this rests individually with each Councillor. When declaring an interest at Committee this should be done at the beginning of the meeting and Councillors should be clear and specific in identifying the item on the agenda in which they have a personal interest, if so whether the interest is prejudicial or not and in either event the nature of that interest.

2.5.2 Officers must declare any personal or financial interest in any planning matter before the Council, must not deal with such matters on behalf of the Council and must not give advice to Councillors or other officers on them. An officer with a personal or financial interest in a planning matter must withdraw from any relevant Committee meeting whilst that matter is discussed. Planning Officers must maintain their professional integrity and should avoid becoming associated in the public mind with representatives of the development industry or environmental or other pressure or amenity groups.

2.6. Development Proposals Submitted by Councillors and Officers

2.6.1. Proposals to Council by serving and former Councillors and officers and their close friends and relatives could easily give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in a way to give no grounds for accusations of favouritism. Such applications should be reported to the Committee and not dealt with by officers under delegated powers.

2.6.2. Serving Councillors who act as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job, must declare an interest and take no part in the processing of the application or in the decision making process. Any Councillor who is a planning or similar agent will not be appointed to the Committee.

2.6.3. Members of the Committee should not act as agents or submit planning applications for other parties or voluntary bodies. To do so would give rise to suspicion that the Committee was not impartial or may be influenced in the decision making process.

2.6.4. The procedures set out in the paragraphs 2.6.1 – 2.6.3 above shall also apply in relation to determining application and notifications to carry out works to trees.

2.7. Council Development

2.7.1. The Council's own proposals for development and determining applications and notifications to carry out works to trees must be dealt with on exactly the same basis as applications submitted by members of the public. Officers must make recommendations having regard only to proper planning or tree matters and must not have regard to any other benefits, financial or otherwise, which may accrue to the Council as a result of any particular decision on a planning or tree proposal. Councillors must make decisions similarly. Such applications will be reported to the Committee and not dealt with by officers under delegated powers.

2.8. Lobbying of and by Councillors

2.8.1. Lobbying is an attempt to influence Councillors' views in order to achieve a particular decision. It can be of Councillors by applicants, agents or objectors or by other Councillors. Lobbying may be verbal or by the circulation of letters or documents to all or some Councillors. Planning decisions must be made strictly on the facts and policies relating to each application. Lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of a Councillor being called into question. When being lobbied, Councillors, and members of the Committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such circumstances they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying that they should speak or write to the relevant officer in order that their opinions can be included in the Officer's report to the Committee. If they do express an opinion they should make it clear that they will only be in a position to take a final decision after having received and considered all the relevant evidence and arguments at Committee.

2.8.2. A Committee member who represents a ward affected by an application is in a difficult position if it is a controversial application around which a lot of lobbying takes place. If a Member responds to lobbying by deciding to go public in support of, or against, a particular outcome it would be very difficult for that Member to argue convincingly when the Committee takes its decision that he has carefully weighed the evidence and arguments presented at Committee. Although not amounting to a prejudicial interest according to the Code the proper course of action for such a Member would be to make an open declaration not to vote. However, this is a severe restriction on the Member's wish - duty, even - to represent the views of the electorate. Thus, Councillors should, generally, avoid organising support for or opposition to a planning application and avoid lobbying other Councillors. Such actions can easily be misunderstood by parties to the application and by the public. Where a Member makes a declaration that he or she will not vote then the Member should withdraw from the Committee table but may remain in the room and speak on behalf of his or her ward members either for or against the application.

2.9. Circulation of Information

2.9.1. Planning applications must be determined on the basis of the documents and information formally submitted. Any submissions from applicants' agents or objectors which are formally received by the Council can properly be taken into account in making a decision. It can cause problems if Councillors are given information or assurances by applicants

which are not part of the formal application and which are not, therefore, enforceable. Problems can also arise if Councillors are given information by objectors which may be misleading, untrue or irrelevant. It can be problematical if officers are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Committee about their relevance or enforceability. Councillors should forward such information to the officers for consideration prior to the Committee meeting.

2.9.2. Documents not previously submitted should not normally be circulated to the Committee as all parties may not have had the time to react to the submissions and Councillors may not be able to give proper consideration to the matter. Officers may not be able to provide considered advice on any material considerations arising. The acceptance of circulated material could imply a willingness to take the necessary time to investigate any issues raised and lead to the need to defer the application or risk a complaint about the way the matter has been considered. Similarly messages passed to Members should be avoided.

2.10. **No Political Decisions on Planning Applications**

2.10.1. Decisions on planning applications must not be taken in political group meetings prior to Committee meetings. The view of the Ombudsman was that the use of political whips to influence the outcome of a planning application was contrary to the National Code and amounted to maladministration. There is nothing in the Councillors Code of Conduct which would contradict this view. It could also give rise to legal challenge.

3. **THE DECISION MAKING PROCESS**

3.1. **Pre-application Discussions**

3.1.1. Discussions between a potential applicant and the Council (through its Planning Officers) prior to the submission of the application can be of considerable benefit to both parties and is encouraged by the Audit Commission, the Local Government Association, ~~and~~ the National Planning Forum *and the Planning Advisory Service*. It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed are personal and provisional. Advice should be considered and based upon the development plan and material considerations. There should be no significant difference of interpretation by Planning Officers. In addition, all officers taking part in such discussions should make clear whether or not they are the decision maker. A written note should be made of all ~~potentially contentious~~ meetings and telephone discussions. A follow up letter may be advisable, especially when documentary material has been left with the Council. *Notes of meetings/telephone conversations and*

follow up letters should be kept on the planning file to ensure transparency.

- 3.1.2. Councillors should not seek to advise applicants or agents about the likely acceptability of planning proposals. They should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. They should make it clear that they will only be in a position to take a decision after having considered the Officers' reports and any representations and heard any debate in the Committee meeting.
- 3.1.3. Councillors should not meet applicants or agents or third parties in connection with a current or proposed application. If Councillors do agree to meet they should only do so in the presence of a Planning Officer. In exceptional circumstances, where it is not possible to arrange a meeting in the presence of a Planning Officer without causing undue delay Councillors should notify the relevant Planning Officer of the proposed meeting beforehand and the notification recorded in the application file. Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are personal, rather than those of the Council. A note should be taken of the meeting and placed on the application file. The fact that a Councillor has discussed any proposal with the applicant, agent, supporters or objectors must be made clear when the application is before the Committee for determination.
- 3.1.4. If Councillors receive information that is relevant to a planning decision they must declare that information to the relevant Planning Officers and to the Committee. Discussions with applicants, agents or objectors should be reported and any correspondence made available to officers before the Committee meeting.
- 3.1.5. Paragraphs 3.1.2 to 3.1.4 above do not apply to Councillors when they are acting as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job. However, they should make it clear to their clients that they cannot and will not use their position as a Councillor to influence the outcome of an application.
- 3.1.6. *When a major planning application is received officers will prepare an initial report for consideration by Members of the Development Control Committee as soon as possible. The purpose of such a report is to highlight the planning considerations material to the proposal and to enable Councillors to indicate if there are any other matters which require consideration which they would like to see covered in the final report which contains the officers' recommendation. The consideration of such a report is to explore issues and not to reach a decision (or even a preliminary view) with regard to the application. Councillors should not therefore form or offer an opinion at this stage.*

3.1.7. Any Councillor may request that an application delegated to officers for determination be reported to committee for determination.

3.2. Reports to Committee

3.2.1. Officer reports to Committee should be accurate and cover, amongst other things, the substance of objections and views of consultees. Relevant points should include a clear exposition of the development plan, the site, its related history and any other material considerations. Reports should contain a clear written recommendation. Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur. If the report's recommendation is contrary to the provisions of the development plan the material considerations which justify this must be clearly stated.

3.3. Committee Procedures and Decision

3.3.1. Pre-Committee briefing meetings between officers and Councillors are not part of a formal Committee proceeding. They must always be after the agenda has been set and officers' recommendations have been made. The purpose of the meetings is to inform the Chairman/Vice-Chairman on planning issues, the reasons for officer recommendations and to give the Chairman/Vice-Chairman an opportunity to give notice of or to be told about any potential problems or the need for more information.

3.3.2. Councillors should endeavour to obtain factual information from officers prior to the meeting. This can assist in reducing delays which may be caused by deferral to obtain further information.

3.3.3. The Committee's decision must be in accordance with the provisions of the development plan unless material considerations indicate otherwise. When Councillors propose to make a decision contrary to officer recommendation the proposer must set out clearly the reasons for so doing. The Chairman will ensure that the Planning Officer is given an opportunity to comment before a vote is taken. Any decision contrary to the provisions of the Development Plan must be clearly justified and recorded in the Minutes.

3.3.4. Any information received after preparation of the Committee report which is relevant to the determination of an application will be summarised on the supplementary representation sheet circulated prior to the meeting. Any information or documents received after its printing will be verbally reported to the meeting. In certain circumstances consideration of the application may need to be deferred.

3.4. Deferments

3.4.1. The decision on any application should not be deferred without proper justification. For example, the justification for deferring a decision might be to ensure that all the proper consultation procedures are being followed or to secure amendments without which the application would have to be refused. However, where an amendment would be significant a fresh application is appropriate. If Councillors have concerns regarding technical advice received they may wish to defer to seek independent advice before deciding the application. The reason for deferring an application must be clearly set out by the proposer and recorded in the Minutes.

3.5. Public Attendance at Committee Meetings

3.5.1. All planning applications, other than those determined by officers exercising delegated powers, will be considered in public session and all background information will be made available for public inspection upon publication of the agenda papers, unless there are specific reasons for exempting information in accordance with the Local Government Act 1972.

3.5.2. Applicants, agents and members of the public, representatives of parish councils and Members of the Council who are not Members of the Committee may speak at the meeting. The procedures for notifying the Council and speaking are set out later in part 5 of the Constitution.

3.6. Site Visits

3.6.1. Site visits can cause delay and additional costs and should only be used when the expected benefit is substantial. A site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers. The reason for requesting a site visit must be clearly set out by the proposer and recorded in the Minutes. All site visits must be carried out in accordance with the Council's agreed procedures (set out later in part 5 of the constitution). A site visit is not part of the formal Committee proceedings and is not a forum for debate or making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or promote an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

4. ADMINISTRATIVE MATTERS

4.1. Member Training

- 4.1.1. Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, either verbally at meetings or as briefing notes (for example in the Members' Bulletin). Officers will arrange training on planning issues. All members of the Council will be invited to attend. All members of the Development Control Committee should attend.

4.2. Monitoring of Decisions

- 4.2.1. The Council should monitor planning decisions taken, on an annual basis, both in terms of quality and consistency. Annually, Councillors will visit a sample of implemented planning permissions to assess the quality of the decisions. The Committee should formally consider the annual report and decide whether it gives rise to the need to review any policies or practices. The review may include information identifying the number of cases where officers' recommendations were not accepted and the outcome of any related appeal decisions. The results of the monitoring will be reported to Councillors along with any recommendations to improve quality, consistency or performance.

4.3. Call-in

- 4.3.1. Most planning applications are determined by the Director of Development under delegated powers. Any Member of the Council can request that a decision to be made under delegated powers be referred to the Committee for decision.
- 4.3.2. A request for an application to be called in must be made within 5 weeks of the acceptance of the application. Members receive a weekly list of planning applications and in addition receive a daily list of applications in their ward of matters due to be determined under delegated authority 4 weeks after the application has been accepted.
- 4.3.3. A Member wishing to call an application in must do so within 5 working days of receipt of the daily list containing details of that application. The Member shall state whether the request for a call in is dependent upon the officer recommendation (i.e. to be called in only if the officer is recommending approval/refusal) and shall state the reason for the request.
- 4.3.4. The name of the Member requesting a call in and the reason the request was made shall be stated in the officer's report.

4.4. Record Keeping

4.4.1. The planning application files should be complete and accurate containing sufficient information and itemising events so that the reason for the decision can be easily understood. Only "background papers" as defined in the Local Government Act 1972 are automatically available as a right to third parties. These would include, in addition to the application document, associated letters and supporting information, replies from consultees and letters from supporters and objectors. The same principles apply to applications determined under officers' delegated powers. Such decisions should be as well documented and recorded as those taken by Councillors. These principles apply equally to enforcement and development plan matters.

4.5. Complaints

4.5.1. Any complaints received about the way in which a planning application or other planning matter has been dealt with in terms of procedures or fairness will be investigated under the Council's complaints procedure. The fact that someone may disagree with the decision the Council has reached is not a complaint which will normally necessitate investigation as such. However, officers will explain the reasons for the Council's decision in any particular case.

5. DEVELOPMENT CONTROL COMMITTEE PROCEDURE FOR MEMBERS' SITE VISITS

6. Procedure

- 6.1. The decision to visit the site of a current planning application is taken by the Committee and the reasons are recorded in the minutes of the meeting. The Head of Development Services is also authorised to organise a meeting if it is necessary in advance of a committee meeting.
- 6.2. The purpose of the site visit is to acquaint Members with the site, not to hold a debate or take a decision other than in the Committee Room.
- 6.3. Site visits normally take place during the morning of the relevant meeting.
- 6.4. The applicant or his agent is notified of the visit and requested to make access available and peg out the proposed location of the building(s), if appropriate. The applicant may attend the site visit, but may not make any representations.
- 6.5. One representative of the Town or Parish Council may attend but may not make representations.
- 6.6. The local District Council Member(s) is/are notified and he should contact the Chairman if he wishes to attend but may not make representations at the site visit.
- 6.7. On site, the Chairman usually states the reasons for the visit and invites the planning office to run briefly through the proposal. Members should remain in one group for the duration of the visit.
- 6.8. Sometimes, neighbours and other interested persons are also at the site, particularly if it is next to public land. The landowner has the right under common law to exclude anyone from his land if he so chooses. Members are requested to ignore unauthorised representations.
- 6.9. A detailed note shall be taken of the site visit.

7. Notes

- 7.1. Apologies for absence from Members to the Chairman assist in the conduct of the meeting and timekeeping.

- 7.2. Should a Member be delayed or in any doubt about the location of a site, he should contact the Chairman.

8. PROCEDURE FOR PARISH/TOWN COUNCIL REPRESENTATIVES/ MEMBERS OF THE PUBLIC ATTENDING MEETINGS OF DEVELOPMENT CONTROL COMMITTEE

9. Agendas

- 9.1. The Council will send out the agenda sheets for all Committee` meetings to all Parish and Town Councils, unless a Parish/Town Council has specifically requested not to receive any agendas.
- 9.2. The agenda sheets will be sent out ~~a week~~ *five clear working days* before the meeting.
- 9.3. If the Parish/Town Council would like a copy of a particular report, the Clerk ~~should~~ *may access this from the District Council's website or may* telephone the Committee Officer listed at the end of the agenda.

10. Attendance by Parish/Town Councillors and Members of the Public

- 10.1. Town/Parish Councils and applicants/agents, objectors and supporters may make representations on all applications.
- 10.2. A representative of the Town or Parish Council may also attend site visits. (see Procedure for Members' Site Visits above).
- 10.3. The Town or Parish Council representative and members of the public may speak for up to three minutes. They must contact the Committee Officer at Saffron Walden (telephone 01799 510369) or e-mail: mcox@uttlesford.gov.uk by 2.00 pm on the Tuesday before meeting to advise that they will be speaking.
- 10.4. At the meeting those making representations should sit in the public area until the relevant item is to be considered.
- 10.5. Those making representations should sit at the allotted desk alongside Members to make their statement and having made their statement should then return to the public area (or leave the meeting)

