

**Draft Minute**  
**Planning Committee – 7 February 2023**

**Review of Probity in Planning Local Code of Practice –  
Handbook for Councillors and Officers**

The Committee considered a report on the outcome of a review of the Probity in Planning Handbook which had been conducted by the Corporate Governance Task Group. The Handbook formed part of the Constitution and had last been reviewed in 2019.

The Handbook provided guidance for councillors and officers on their role and conduct in the planning process, including how councillors and officers should manage contact with applicants, developers and objectors or supporters. The purpose of the guidance provided in the document was to ensure that decisions made in the planning process were not biased, were taken openly and transparently, and based only on material planning considerations.

Each part of the Handbook had been carefully reviewed to ensure that the document reflected the law, and current best practice.

The Committee noted that the Corporate Governance and Standards Committee had considered the report at its meeting on 19 January 2023, and a copy of the draft minute in respect of the matter had been appended to the report. The various comments and recommendations in respect of the draft revised Handbook which had been suggested by the Corporate Governance and Standards Committee had been highlighted for this Committee's attention.

In considering the report and the draft revised Handbook, the Committee made the following comments and suggestions:

- Proposal to add the following sentence to the end of paragraph 5 of Annex 2 – Protocol for informal presentations to councillors relating to development:  
*“A copy of the refusal decision and reasons will also be sent to the portfolio holder(s)/ Lead Councillor(s) for Planning Development and Regeneration.”*
- Concern that portfolio holders wishing to support a planning application in respect of the Council's own development, or which directly affected the Council's land or property should not be able to speak as a ward councillor as it would have the effect of outnumbering the speakers objecting to the application. It was suggested, in these circumstances, that the portfolio holder should register to speak in one of the public speaking slots. It was noted, however, that allowing non-committee members to speak already skewed the number of speakers speaking for or against an application, so allowing portfolio holders to speak in that capacity made little difference. It was also suggested that the portfolio holder should, in these circumstances and for openness and transparency, declare a corporate interest in the application.

- Concern that registration of officers' interests was not as transparent as registration of councillors' interests.
- Clarification was sought as to the likelihood of a legal challenge to a planning decision due to a committee member reading a pre-prepared speech, as opposed to making a speech using prepared bullet points (paragraphs 22.3 and 22.4 of the draft revised Handbook). It was accepted that there would be more of a perception of a councillor being pre-determined by reading a pre-prepared speech, rather than if they were using bullet points as a prompt to cover particular aspects of a planning application. Any judicial review of a decision in which predetermination was alleged, would require as part of the process disclosure of documents as evidence, which would include pre-prepared written speeches.
- The Committee expressed a wish to return to the pre-Covid layout of the Council Chamber for Planning Committee meetings similar to the indicative layout shown at the end of Annex 5 to the draft revised Handbook (Speaking at Planning Committee).
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#### The Committee

RECOMMEND: That the revised 'Probity in Planning Local Code of Practice Handbook for Councillors and Officers', attached as Appendix 2 to the report submitted to the Committee, be adopted by full Council at its extraordinary meeting on 22 February 2023, subject to the addition of:

- (a) The following sentence to the end of paragraph 5 of Annex 2 to the Handbook – Protocol for informal presentations to councillors relating to development:
 

*"A copy of the refusal decision and reasons will also be sent to the portfolio holder(s)/ Lead Councillor(s) for Planning Development and Regeneration."*
- (b) The flowchart included on the Late Sheets showing the Planning Application Journey to Annex 3 to the Handbook – the Process for Councillor 'call-up' to Planning Committee in order to assist councillors' understanding of that process.