



Broxtowe
Borough
COUNCIL

Code of good practice for the PLANNING SERVICE



The general role of Councillors and officers

Councillors and officers should take decisions in the interests of the whole borough and should act impartially towards each person, company, group or locality.

Gifts and Hospitality

Councillors and officers should abide by the Council's code on gifts and hospitality and should record all offers in a register kept by the Council's monitoring officer

Discussions with applicants and agents

Advice should be given to applicants and potential applicants before applications are submitted or determined on the basis that any views are provisional and will not bind the Council to making a particular decision. Discussions relating to enforcement and planning policy issues should be on the same basis. If applicants or their agents request a meeting with a Councillor regarding a particular proposal, details of the meeting should be advised to officers and, so far as possible, an officer should be in attendance at the meeting.

Public Consultation

Public consultation on all planning applications should be carried out in accordance with the Council's Statement of Community Involvement.

Reports

Officers' reports represent the professional views of the head of service and should cover relevant planning policies, the substance of any objections and the views of those consulted.

Councillors will recognise the need for officers' impartial advice and will not seek to compromise the impartiality of officers.

Comments received after the preparation of the committee agenda will be summarised orally at the meeting.

Interests

Councillors who have:

- a 'personal interest' in a matter should declare the existence and nature of that interest verbally at the start of the meeting. They may take part in the discussion and vote.
- a 'prejudicial interest' in a matter should withdraw from the meeting room and take no part in the decision, unless a dispensation has been obtained from the standards committee.
- a 'financial interest' or 'other interest' should record them in a register kept by the Council's monitoring officer.

Officers will comply with the Code of Conduct for Employees in respect of interests.

Lobbying

Councillors who respond to lobbying by expressing unqualified support or opposition in respect of an issue in advance of reading the officer's report for the relevant committee meeting should not vote on the issue and, except for ward members, should not take part in the discussion, so avoiding any risk of judicial review.

Committee Site Visits

Site visits may be held if they are likely to be of benefit to the decision-making process. The purpose of visits is for Councillors to see the site and not to hear additional representations.

Decision Making

Councillors and officers taking decisions on behalf of the Council should reach their own conclusions on the issues and act in accordance with those conclusions, only after carefully weighing all relevant facts and arguments. Councillors should draw conclusions only after considering officers' reports.

Detailed reasons should be given by the committee members for any committee decisions which are contrary to officers' recommendations or to established policy.

When Councillors wish to add to or amend an officer recommendation, an officer should draft any such amendment taking into account the reasons given by Councillors.

Councillors or officers who pursue planning matters on their own behalf or as agents should play no part in the decision-making process in respect of that particular case. Proposals which involve Councillors or officers who are involved in the planning process should be reported to committee and the Council's monitoring officer should be informed of them. Proposals for the Council's own development should be reported to committee and should be treated in the same way as those of private developers.

Access to information

Planning application files will be available for public inspection, to the extent that they contain information which the Council is legally entitled to disclose. Certain information may be subject to rules of confidentiality or copyright. The Head of Legal Services and the Head of Planning and Economic Development will in case of doubt determine whether particular documents should be disclosed.

Enforcement

Files relating to enforcement issues will not be open to public inspection and wherever possible the names of complainants will not be revealed. This is in order that members of the public need not be inhibited from drawing the Council's attention to possible breaches of planning control.

Training for Councillors

Councillors involved in the planning service should receive training before serving on relevant committees and should be updated on changes in legislation, policy guidance and procedures.

Monitoring the Quality of Decisions

Officers should review annually a representative sample of implemented planning permissions in order to assess the quality of decisions and advise Councillors whether there is a need to reconsider any policies or practices.

Complaints

Any written complaints regarding the way in which a planning decision has been reached will be investigated under the Council's complaints procedure.

Contacts

For further advice please contact the Council and ask to speak to the Duty Planner:
0115 917 3447 (10.30 to 12.30 - weekdays only)

This document is available in large print upon request.



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