

# SOUTHWATER PARISH COUNCIL

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## PROBITY IN PLANNING POLICY



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## 1. Introduction

- 1.1. “One of the key purposes of the planning system is to manage development in the public interest in performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these decisions openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way.” Local Government Association – Probity in Planning 2009.

## 2. General Principles

- 2.1. Councillors and officers have different, but complimentary, roles to play within the planning system. Whilst both serve the general public, Councillors are responsible to the electorate, whilst officers are responsible to the Council. Officers advise Councillors and carry out the Council’s work and employed by the Council, not individual Councillors. It therefore follows that the officers may only be given instruction through a decision of the Council or its Committees.
- 2.2. Councillors must abide by the adopted Code of Conduct; this provides the standards and guidance as to the conduct expected of a Councillor and if breached could be subject to disciplinary action. In addition, Councillors must abide by Standing Orders which sets down the Council’s rules which govern the conduct of any business to be transacted. 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 any other person an advantage or disadvantage.”
- 2.3. The whole basis of the planning system is the consideration of private proposals against wider public interests. With so much at stake in the process and with opposing views strongly held by those involved, it is important that whilst Councillors 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. Councillors who do not feel that they can act in this way should consider whether they are best suited to serve on a Planning Committee.
- 2.4. Councillors must be cautious about accepting gifts and hospitality. The code requires Members receiving in their role as a Councillor, any gift or hospitality over the value of £25 to declare this in writing to the Executive Officer to the Council, and enter this onto their Register of Member’s Interests.
- 2.5. Officers of the Council during the course of their duties may at times be offered hospitality from people with an interest in a planning proposal. This should be discouraged and refused, if however, the receipt of hospitality is unavoidable then

officers should ensure that it is of the minimum level and declare the receipt as soon as possible entering this in a separate book retained for such instances. Officers will at all times be impartial in their dealings with Councillors, developers or anyone with an interest in a planning application.

### 3. Statement of Purpose

#### 3.1 Pre-Application Advice

- i. As part of the National Planning Framework, developers and those with interests in planning applications are encouraged to consult with the local parish council for that area, prior to any planning application being considered. Such advice will in no way bind the Council or its Committees in making a particular decision and any views expressed at such meetings are personal and provisional.
- ii. The Parish Council's officers will initially meet with such parties, and if the developer or those with an interest in the application wish to seek further views, the senior officer will call a meeting between this party and a small pool of Councillors 'Planning Panel'.
- iii. The officer's advice will be based upon development plans and material considerations. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at such early stages. Neither should they become involved in negotiations, they should ask officers to deal with any necessary negotiations to ensure that the authority's position is co-ordinated. The Parish Council's officers do not make decisions, but provide advice to Councillors, it is the Council or its Committees who are the decision making body. Such meetings are not held in public and matters discussed will remain confidential with limited notes if any taken.
- iv. Brief notes will be retained by officers in relation to such discussions, however, if the applicant's interest is sensitive and there is a legitimate reason for confidentiality regarding the proposal, a note of the non-confidential issues raised or advice given can still normally be recorded on the file to reassure others not party to the discussion.

#### 3.2 Parish Council's own Planning/Development Control Applications

- i. The Parish Council in such instances will receive advice from its officers that they should declare an interest in the application as a body, and decline from submitting a recommendation. The Council could apply to the District Council for a dispensation as a whole in relation to the matter. The Parish Council would be at liberty to exercise its rights at the District Council's Planning

Committee meeting to speak in favour or against the application to hand. It is the Planning Authority who make the decision in relation to planning applications.

- ii. Should any member of the Panel through the Code of Conduct have an interest in the individual planning application and or developer/individual then they should declare an interest in writing to the Executive Officer, ensuring that their Member's Register is up-dated taking no further part in any discussions.

### 3.3 Section 106/CIL Contributions

- i. The Parish Council will identify such community gain via consultation, Neighbourhood and Action Plans, Village Design Statements, school plans, travel plans, etc. Irrespective of whether the Council or its Committee object to an application, and only where it is applicable to do so it will seek development gain to enhance the infrastructure or otherwise of the parished area. A Neighbourhood Plan which has passed the Referendum stage of the Neighbourhood Plan process allows the Parish Council to collect 25% of the Community Infrastructure Levy required by the District Planning Authority.

### 3.4 Officer's Reports

- i. As and when such reports are produced there shall be accurate and cover, amongst other things, the substance of any objections and the view of those consulted. Oral reporting is to be avoided and reports should contain technical appraisals which clearly justify a recommendation.

### 3.5 Public Speaking

- i. The Parish Council welcomes the public to its meetings. All meetings of the Council may be photographed, filmed and recorded by the members of the public (see separate Council Policy).
- ii. The Parish Council allows 15 minutes of public participation at the commencement of any of its meetings, e.g., five speakers of three minutes each.
- iii. Thereafter if an individual wishes to speak regarding a particular planning application, then the member of the public/developer or person with such an interest in the application, should firstly advise the Executive Officer to the meeting that they wish to do so. The Executive Officer will then ensure that the Chairman is aware of this and a resolution made to suspend Standing Orders to allow the member of public/developer or person with the interest in the application to speak. The speaker will then be allowed three minutes to

put their case' there will be no recall once the Council reaches its decision, unless a supplementary question is asked by a Councillor prior to any recommendation being made by the Council or its