



# **Development Management Committee Handbook**

**2025**

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## Contents

1.	Introduction.....	4
2.	The Planning System.....	5
3.	The Development Management Committee .....	6
4.	Membership of the Development Management Committee .....	8
5.	Ward Councillors .....	10
6.	The Role of Officers .....	11
7.	Pre-Application Meetings .....	13
8.	Codes of Conduct.....	14
9.	Media.....	15
10.	Material Planning Considerations .....	16
11.	Lobbying of Councillors .....	17
12.	Lobbying by Councillors .....	18
13.	Decision Making and Declaring Interests .....	19
14.	Predisposition, Predetermination, or Bias .....	20
15.	Site Visits .....	21
16.	Committee Reports and Presentations .....	22
17.	Format of the Development Management Committee .....	29
18.	Development Management Committee Member Skills and Attributes.	33
19.	Training for Development Management Committee Members .....	35
20.	Frequently Asked Questions.....	36
Appendices	40	
	Appendix A – Duties and Responsibilities of Development Management Committee Members .....	41
	Appendix B – Culture and Behaviours .....	59
	Appendix C – Councillor Call-in Procedure .....	63
	Appendix D – Development Management Committee Site Visit Protocol .....	70

# 1. Introduction

- 1.1. The Development Management Committee (DMC) carries out a regulatory function on behalf of the Council when making planning development decisions. The Committee has to operate within certain rules and procedures to ensure that development proposals are properly, fairly and efficiently considered in a transparent and open manner.
- 1.2. The Development Management Committee is one of the more familiar meetings that the Council holds. It often attracts significant interest as recommendations and decisions can be controversial.
- 1.3. Members need to be well briefed, principled and fair in attitude and in conduct. The pressure of these roles can be intense. It is essential that Members are supported and have access to information to assist in the understanding of the planning system and in making reasonable and well considered decisions. When making a decision, Members need to be confident that the decision they are making is robust and defensible.
- 1.4. This Handbook has been produced to provide the information on the workings of the Development Management Committee so that Members and Officers of the Committee and those wishing to follow the workings of the Committee, or participate in the planning process, will know what to expect.
- 1.5. The function of the Development Management Committee is also governed by the content of the Council's Constitution and participants are also expected to adhere to the Codes of Conduct.

## 2. The Planning System

- 2.1. Planning has a positive and proactive role to play at the heart of local government and local communities. It can:
  - help councils stimulate growth and translate goals into action
  - balance social, economic and environmental needs to achieve sustainable development
  - deliver important public benefits such as new housing, infrastructure and local employment opportunities
- 2.2. Planning law requires that applications for planning permission be determined in accordance with the development plan (the 'local plan' document(s)), unless 'material considerations' indicate otherwise. 'Material considerations' include national policy in the form of the Government's National Planning Policy Framework ("NPPF") and planning guidance notes.
- 2.3. Castle Point Borough Council is a Local Planning Authority ("LPA") as defined in the NPPF as 'the public authority whose duty it is to carry out specific planning functions for a particular area.' The 'planning functions' are defined in the planning Acts to include:
  - The preparation of development plans and supplementary guidance (i.e. a local plan or master plans)
  - The grant of planning permission under Section 58 of the Town and Country Planning Act
- 2.4. The planning system in England is defined in the Town and Country Planning Act 1990, and subsequent acts including Planning and Compulsory Purchase Act 2004, Housing and Regeneration Act 2008, Localism Act 2011, Environment Act 2023, and the Levelling Up and Regeneration Act 2023. The LPA must work within the boundaries of these Acts. Failure to do so would be unlawful and make a decision vulnerable to a judicial review.
- 2.5. Various regulations in the form of Orders also regulate the planning system, with a particular focus on procedural matters. Orders are also used to define matters such as the Use Classes or what constitutes Permitted Development (development that does not require planning permission).
- 2.6. The Government's policy is defined in the National Planning Policy Framework. In addition, the Government publishes and regularly reviews Planning Practice Guidance, which provides more details than the NPPF on specific issues.

### 3. The Development Management Committee

- 3.1. The Development Management Committee is responsible for the Council's functions relating to planning and development management in accordance with the Council's constitution and scheme of delegation.
- 3.2. It makes decisions on planning applications in accordance with national and local planning policies, frameworks, guidance and legislation.
- 3.3. Applications for planning permission submitted to the local planning authority are assessed by planning Officers who will, based on the development plan, any material planning considerations and for certain types of applications, make recommendations to the Development Management Committee.
- 3.4. Most planning applications are determined under the delegated powers Members have agreed as set out in the council's Constitution (2024) (Appendix D). However, certain types of applications are automatically referred to the Council's Development Management Committee:

*'Applications to be referred to Development Management Committee for determination:*

- (a) Major Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 10 or more proposed houses or commercial development (including changes of use) comprising floorspace of 1,000sq.m, including any linked application for Listed Building Consent.*
  - (b) Major or Minor Planning Applications for Renewable Energy Schemes, including solar, wind and bioenergy projects, and proposals for Anaerobic Digestion Plants.*
  - (c) Where the Applicant is Castle Point Borough Council or the application is on land that the Council has an interest*
  - (d) Where the Applicant or Agent is an employee within the Planning Department (Development Management or Planning Policy) or Member of Castle Point Borough Council where an adverse representation or comment has been received, unless the Monitoring Officer has notified the Assistant Director – Development Services in writing that they are satisfied that the delegation may be exercised in the case concerned.*
  - (e) Where the Applicant or Agent is related to an employee within the Planning Department (Development Management or Planning Policy) or is a Member of Castle Point Borough Council unless the Monitoring Officer has notified the Assistant Director – Development Services in writing that they are satisfied that the delegation may be exercised in the case concerned.*
  - (f) Any application which is deemed to be 'significant' by the Assistant Director – Development Services*
  - (g) An application for a National Strategic Infrastructure Project (NSIP)'*
- 3.5. In addition, Members may request that an application is determined by the Development Management Committee using the Call-In process as set out in Appendix C.

- 3.6. The Development Management Committee do not determine all the planning applications submitted to the Council. Many applications are simple and straightforward and are dealt with by Planning Officers using powers delegated to them from the Council. This enables the Planning Committee to concentrate on the major and significant proposals.
- 3.7. Development Management Committee Members should not approve or refuse applications simply because they may like or dislike the proposals or approve or refuse applications because that would be a popular decision.
- 3.8. The role of Members of the Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with national and local planning policies, frameworks, guidance and legislation and with the policies in the Council's Local Plan unless 'material considerations' indicate otherwise.
- 3.9. A Planning Officer's report sets out the considerations that Members are invited to take into account in assessing each application. The Officer will make a recommendation on the application to either grant (subject to conditions and/or a Section 106 Agreement) or refuse the application.
- 3.10. Members of the Development Management Committee do not have to agree with the Officer's recommendation. They may wish to 'overturn' the recommendation, but in doing so, they must have a valid planning reason(s).

## **4. Membership of the Development Management Committee**

- 4.1. The Council appoints the Development Management Committee comprising of 10 Councillors. 2 non-voting town Councillors may also attend.
- 4.2. A Cabinet Member cannot be Chairman of the Development Management Committee.
- 4.3. Cabinet Members cannot form the majority of a Development Management Committee at any time.
- 4.4. There is a range of training and guidance available for all Members. Training will be provided for all Members and there is a range of supplementary training and guidance documents<sup>1, 2, 3 & 4</sup> which are freely available and shared with Members.
- 4.5. Members of the Development Management Committee and Members must act at all times within the law and in accordance with the Code of Conduct for Councillors, the Protocol and Code of Conduct for Planning Matters including the Planning Code of Good Practice as set out in the Council's Constitution.

### **Being a local Councillor and sitting on a planning committee**

- 4.6. A Councillor's primary role is to represent their ward and the people who live in it. However, when Members are on a planning committee, their role is to act independently and take the decisions in the best interests of the Borough as a whole, and to implement the Council's policies as set out in the development plan.
- 4.7. Members on the planning committee should not be influenced by the political party they represent to make a specific decision, and political considerations should not play a part in the decision-making process.

### **Substitutes**

- 4.8. A substitute Member is one regarded as being able to attend where the regularly appointed Member cannot.
- 4.9. Two substitutes per political party are permitted. Substitutions are permitted following agreement with the Monitoring Officer.
- 4.10. Reasons for the use of substitutes must be given. Substitutes must only be used when the regularly appointed Member's non-attendance is unavoidable.

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<sup>1</sup> [How planning works – an introductory guide for Councillors](#)

<sup>2</sup> [A Councillor's workbook on planning](#)

<sup>3</sup> [Probity in planning – Advice for Councillors and Officers making planning decisions](#)

<sup>4</sup> [Planning Advisory Service \(PAS\)](#)



- 4.11. Substitutes must not be used if the regular Member has an interest in an application. Interests should be declared following the process set out at Section 13.
- 4.12. Substitutes are required to attend all training sessions that regularly appointed Members attend and to attend Development Management Committees as a non-participating Member.
- 4.13. All of the requirements of this Handbook apply to Substitutes.

### **Training**

- 4.14. Members and Substitute Members of the Development Management Committee will be provided with training and development opportunities throughout the year.
- 4.15. As required by the Constitution (Section 8.2), mandatory training must be completed by all Members and Substitute Members before they can sit on the Development Management Committee.
- 4.16. There will also be additional optional training and development opportunities offered throughout the year. Members are encouraged to identify their own additional training and development needs so that the training programme can be better tailored to suit Members' needs.
- 4.17. All Members, even if they do not sit on the Development Management Committee are welcome to attend any and all training sessions on offer.

## 5. Ward Councillors

- 5.1. The elected Member is central to the planning system, whether as a Member of the Planning Committee taking key decisions on planning applications or as a Ward Member representing and balancing the sometimes-conflicting expectations of their constituents.

### **Role of a Ward Councillor**

- 5.2. Members are able to represent their constituents (whether as objectors, applicants or supporters) as they believe appropriate. This can include advising, helping, or campaigning for a particular outcome on an application, or simply passing on comments to the planning case Officer.
- 5.3. In conducting this business Members should do so in accordance with the Code of Conduct for Councillors, and also in accordance with the Council's Planning Code of Good Practice. This is the code applicable to all Members and not necessarily just those serving on the Development Management Committee.
- 5.4. Ward Members can, if they choose, address the Committee on a planning application. The Member may be representing their personal views or may be representing their community.
- 5.5. The Ward Member will speak on the matter after any public speakers have spoken. Ward Members can speak for three (3) minutes, the same as public speakers.
- 5.6. If a Ward Member who is a member of the Development Management Committee exercises their separate speaking rights as a Ward/Local Member, they must, after addressing the Committee, remove themselves from the Council Chamber for the duration of that item.
- 5.7. New planning applications are published in a weekly list which is sent to all Councillors. Applications can also be found on the Council's [planning website](#) and can be searched for by date of receipt and by Ward.
- 5.8. Ward Councillors can seek to call-in an application for consideration by the Development Management Committee utilising the Call-In Procedure as set out in Appendix C.

## 6. The Role of Officers

- 6.1. Members and Officers have different but complementary roles.
- 6.2. A successful relationship between Members and Officers will be based upon mutual trust, understanding and respect. Officers will always base their report and recommendation on their professional opinion. To do otherwise would be in conflict to the Officer's professional or Council Code of Conduct.
- 6.3. Members are encouraged to ask questions of planning and or legal Officers in advance of Committee meetings.
- 6.4. Applications for planning permission submitted to the local planning authority are assessed by professional, suitably qualified/experienced planning Officers. The Officers have a number of roles leading up to, during and after a Development Management Committee:
  - (a) Considering the planning application  
The case Officer (as appointed by the Planning Manager based on experience and or expertise) will fully consider the planning application and undertake the relevant consultation in accordance with the Councils Statement of Community Involvement. If Members have any queries on an application before it goes to committee, they should contact the case Officer.
  - (b) Draft the Committee Report  
The case Officer is responsible for drafting the Committee Report. The report will provide Members with the information they need in order to reach a decision. The report structure will be:
    1. Recommendation, with conditions and heads of terms for a Section 106 Agreement set out in appendices;
    2. An Executive Summary of the main issues that have led to the recommendation – this will highlight the main considerations for Members;
    3. The site details and the proposal – including details of the site and surroundings and a summary of the proposed development;
    4. Supplementary documentation – this refers to documents that the applicant has submitted to support their application. Please note that due to commercial sensitivity, the Council does not publish viability appraisals;
    5. Relevant history – any planning history which may be relevant to the current application;
    6. Local Plan Allocation;
    7. Relevant policies – both the development plan, but also any supplementary guidance, for example the Residential Design Guidance;

8. Community Infrastructure Levy (CIL) – whether any CIL will be applied. This will not set out what the actual CIL will be as this will be determined when permission is granted (an estimate is used for viability assessments);
  9. Consultations and representations – this will start with statutory, internal and partner consultations. The government determines who statutory consultees are and when they need to be consulted. This section also summaries neighbour representations and may include Officer comments on planning representations;
  10. Evaluation of the proposals – where Officers will set out the key issues to be considered, how they have considered them, and how that has been used to inform the Officers recommendation;
  11. Conclusion – which sums up the key considerations; and
  12. Appendices, as required.
- 6.5. Members do not approve the Officer's report prior to the Committee. This is unlike reports to other committees where the Portfolio Holder is consulted on the report and, in many cases is the Portfolio Holder's report.
  - 6.6. However, a Development Management Committee Forward Plan is shared with the Chair and Vice Chair of the Committee prior to each meeting which covers future items for consideration, potential dates for consideration of each application and other relevant notes. This Forward Plan is also shared with the Leader, Deputy Leader and the Portfolio Holder for Strategic Planning.
  - 6.7. Prior to or as soon as possible after publication of the agenda, Officers will meet with the Chair of the Committee and in their absence the Vice Chair, along with the Portfolio Holder for Strategic Planning to discuss items on that agenda.
  - 6.8. All reports go through a quality assurance process involving the Planning Manager, Assistant Director for Development Services, and if necessary, the Director for Place and Communities, Chief Executive and Monitoring Officer. Democratic Services will also proof read and finalise the report format.
  - 6.9. Despite that, errors can still happen and if Members do find any issues that they believe to be in error, they should raise this as soon as possible before the meeting and, if necessary, an addendum will be issued, or the error corrected verbally at the meeting.
  - 6.10. No late representations or consultee comments will be presented following finalisation of the agenda and reports.

## **7. Pre-Application Meetings**

- 7.1. Good planning practice encourages applicants intending to submit a planning application to carry out pre-application consultation with the Council. This should be done early enough in the process to allow the results from this initial consultation to influence the application (where appropriate).
- 7.2. Pre-application Meetings are an opportunity for early advice to be given about a proposed development based on the Local Plan and its adherence to policies. Officers will advise the applicant of what aspects of the development are policy compliant, likely to be acceptable, and what elements are not, and where possible advise on what they could change to make the development acceptable.
- 7.3. It is also an opportunity for Officers to outline what the expectations are in terms of what is submitted with the application, and to discuss whether the application would be considered by the Development Management Committee, and the process and deadlines for doing so.
- 7.4. Ward Councillors will be invited to attend pre-application meetings for major development proposals, when a meeting is held. They have the opportunity to review the proposals and share their views and matters of local knowledge or concern with developers.
- 7.5. Pre-application meetings are organised by Officers. Planning Officers chair the meeting(s) and discussion between the Council and applicants/agents and developers.
- 7.6. Any Member(s) must not attend meetings or enter into discussion with applicants, agents or developers, unless an Officer is present. When subsequently the application comes before Committee, Members who have taken part in pre-application meetings should declare this in the spirit of openness at the beginning of the meeting and make clear that they have not pre-judged the application and have kept an open mind (if that is the case).

## 8. Codes of Conduct

- 8.1. Both Members and Officers are guided by codes of conduct. The Council has adopted under the Constitution its own Protocol and Code of Conduct for Planning Matters<sup>5</sup>, which must be complied with and to which this Handbook is complementary. The Council's standing orders (procedure rules) and scheme of delegation set down rules which govern the conduct of Council business. The procedure for Call In of decisions to committee is set out in Appendix C of this Handbook.
- 8.2. Planning Officers and serving Members of the Development Management Committee must not act as agents or in any other capacity for people pursuing planning permission within Castle Point Borough, even if they are not involved in the decision making on it.
- 8.3. Planning Officers and Members should at all times think about how a reasonable member of the public, with full knowledge of the relevant facts, would view the matter when considering whether the Planning Officers and Member's involvement would be appropriate.
- 8.4. Planning Officers who are chartered town planners are additionally subject to the Royal Town Planning Institute (RTPI) [Code of Professional Conduct](#). Those who are not Chartered Members of the RTPI, should also act in a manner commensurate to that professional code of conduct.
- 8.5. Planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members. Members are required to respect the professional views of Officers, though they may disagree with them.

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<sup>5</sup> [Council Constitution – Chapter 2 – The Codes and Schemes, Part 23 Protocol and Code of Conduct for Planning Matters](#)

## 9. Media

- 9.1. Care needs to be taken in the use of social media, such as X, Facebook or Instagram, by Officers and Councillors, where it relates to decision making functions.
- 9.2. Once a planning application is submitted, the Council cannot make any comments or opinions on the application other than to acknowledge its submission. This is to avoid influencing the consideration of the application and pre-determination.
- 9.3. When an application has been submitted and a news media outlet asks for a comment these should be directed to the Council's Communications Team ([Media@castlepoint.gov.uk](mailto:Media@castlepoint.gov.uk) – 01268 882200) who will issue a statement similar to:

*The Council can confirm that it has received a planning application in respect of [INSERT DESCRIPTION]. Details of this application are available to view on the Council's website under reference [INSERT REFERENCE NUMBER]. Anyone interested is encouraged to submit their comments in writing.*

*As this application is still to be determined, the Council cannot make any comments on the proposals.*

- 9.4. For applications that are going to the Development Management Committee and the agenda has been published:

*The Council can confirm that it has received a planning application in respect of [INSERT DESCRIPTION]. This application is due to be considered by the Council's Development Management Committee on [INSERT DATE]. An Officer's report on the application has been published on the Council's website.*

*As this application is still to be determined, the Council cannot make any comments on the proposals.*

- 9.5. Members of the Development Management Committee should refrain from posting comments on social media, or making comments to the news media before an application is determined. Any requests to comment should be made to the Council's Communications Team ([Media@castlepoint.gov.uk](mailto:Media@castlepoint.gov.uk) – 01268 882200).
- 9.6. Members of the Development Management Committee should refrain from making comments on the conduct of other Members of the Committee post meeting.

## 10. Material Planning Considerations

- 10.1. A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).
- 10.2. The scope of what can constitute a material consideration is very wide. In general, planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

<b>Material Planning Considerations (examples)</b>	<b>Non-Material Planning Considerations (examples)</b>
<ul style="list-style-type: none"><li>• Previous planning decisions</li></ul>	<ul style="list-style-type: none"><li>• Strength/volume of opposition</li></ul>
<ul style="list-style-type: none"><li>• Traffic generation</li></ul>	<ul style="list-style-type: none"><li>• Loss of property value</li></ul>
<ul style="list-style-type: none"><li>• Overlooking &amp; loss of privacy</li></ul>	<ul style="list-style-type: none"><li>• Loss of a view</li></ul>
<ul style="list-style-type: none"><li>• Layout/density of the building proposed</li></ul>	<ul style="list-style-type: none"><li>• Disputes over access rights/ownership</li></ul>
<ul style="list-style-type: none"><li>• Loss of daylight or sunlight</li></ul>	<ul style="list-style-type: none"><li>• Competition</li></ul>
	<ul style="list-style-type: none"><li>• Restrictive covenants</li></ul>
	<ul style="list-style-type: none"><li>• Political considerations</li></ul>
	<ul style="list-style-type: none"><li>• Who the applicant is</li></ul>

### Applying Weight to a Material Consideration or Policy

- 10.3. It is up to Members, as decision makers, to decide how much weight to give to a particular material consideration; some might be more important to you than others. This is where judgement and balance come into play. For example, Members might agree that a proposal will have an impact on parking, or that there will be an element of overlooking, but overall, the scheme brings other benefits or is otherwise acceptable.
- 10.4. It is an important part of robust decision-making that all decision-takers articulate, explain and where necessary support with evidence, how they have applied weight to material considerations to reach their judgement.



## **11. Lobbying of Councillors**

- 11.1. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or emerging policy, will often seek to influence it through an approach to their Ward Member or to a Member of the Development Management Committee.
- 11.2. Lobbying, however, can lead to the impartiality and integrity of a Councillor being called into question, and so care and common sense must be exercised by all parties involved.

### **Expressing Opinions:**

- 11.3. Although predisposition is permissible, it nevertheless remains good practice that when being lobbied, Members (and Members of the Development Management Committee in particular) should take care about expressing an opinion that 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.
- 11.4. In such situations, however, Councillors could safely restrict themselves to giving advice about the process and what can and cannot be taken into account.
- 11.5. Councillors can also raise issues which have been raised by their constituents, with Officers. If Councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at committee.

### **Conduct at Committee**

- 11.6. If any Member, whether or not a Development Management Committee Member, speaks on behalf of a lobby group they should withdraw from the Chamber once any public or Ward Member speaking opportunities had been completed. This is in order to counter any suggestion that Members of the Committee may have been influenced by their continuing presence.
- 11.7. It is very difficult to find a form of words which conveys every nuance of these situations, and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way.
- 11.8. The striking of this balance is, ultimately, the responsibility of the individual Councillor. Development Management Committee Members should in general avoid organising support for or against a planning application and must avoid lobbying other Members of the Development Management Committee.

## **12. Lobbying by Councillors**

- 12.1. Councillors must not lobby Members of the Development Management Committee regarding their concerns, nor to attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken. Members must not put pressure on Planning Officers to put forward a particular recommendation.
- 12.2. Members should approach each meeting with an open mind. Decisions or discussions regarding how to vote should not take place at any political group meeting and political groups or Members should never dictate how Members should vote on a planning issue.
- 12.3. Members can join general interest groups which reflect their areas of interest, and which concentrate on issues beyond particular planning proposals, however, you should make it clear to that organisation and the Development Management Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal. These groups cannot include groups set up to oppose or support any particular planning application or site.

## **13. Decision Making and Declaring Interests**

- 13.1. The Council's Code of Conduct requires that disclosable pecuniary interests should be disclosed, and such interests are kept on the register maintained by the Monitoring Officer and made available to the public.
- 13.2. Members should also disclose such pecuniary interests orally at a Development Management Committee or other meetings, when they relate to an item under discussion.
- 13.3. If a Member has a disclosable pecuniary interest in an item under discussion they should withdraw from the committee, and take no part the decision.
- 13.4. It is always best to identify a potential interest early on. If a Member thinks that they may have an interest in a particular matter they should seek advice from the Monitoring Officer as soon as possible.
- 13.5. If questions arise relating to interests during the course of an item, a Member can request an adjournment to take advice from the Legal representative to the Development Management Committee.

### **Public Perception**

- 13.6. If a Member has an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement, that interest must be declared and the Member should withdraw from the Chamber, including the public gallery, and take no part in the discussion or decision for that item.
- 13.7. Where Members have an interest they should not influence or participate, (or give the appearance of trying to influence or participate), in the making of any decision on the matter by the Council. Members must not seek or accept any preferential treatment or place themselves in a position that could lead the public to think they are receiving preferential treatment, because of their position as a Member. This would include using their position to discuss that proposal with Officers or Members when other Members of the public would not have the same opportunity to do so.

## **14. Predisposition, Predetermination, or Bias**

- 14.1. Predetermination is where a Member has or appears to have a 'closed mind'. Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is indicative of a 'closed mind' approach and may leave the grant of planning permission vulnerable to challenge by Judicial Review.
- 14.2. Members of Development Management Committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.
- 14.3. Predisposition is where a Councillor may have a pre-existing opinion or attitude about the matter under discussion but remains open to listening to all the arguments and changing their mind in light of the information presented at the meeting.
- 14.4. A Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased. For example, a Councillor who says on social media: 'Wind farms are blots on the landscape and I will oppose each and every wind farm application that comes before the committee' will be perceived very differently from a Councillor who states: 'Many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in our area'.
- 14.5. Development Management Committee Members should only exercise their separate speaking rights to address the Committee as a Ward Member where they feel unable to find another Ward Member to speak on behalf of residents. Where Development Management Committee Members do exercise speaking rights they have fettered their discretion to act as a Member of the Committee and must advise the Chairman of the meeting that they wish to address the meeting in the capacity as a Ward Member. The Member must then leave the Committee and not take any part in the decision being taken.

## 15. Site Visits

- 15.1. Members may need to undertake site visits to gain a better understanding of a planning application.
- 15.2. 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;
  - there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- 15.3. Site visits are arranged by Officers, and Members are notified in advance of the date and time of the visit. Only Members of the Development Management Committee and Planning Officers, will be in attendance at a site visit.
- 15.4. Although attendance at site visits is not mandatory, Members are strongly encouraged to attend whenever possible to ensure that they are familiar with the site characteristics.
- 15.5. Members should treat the site visit as an opportunity to seek information and to observe the site. Members should ask questions to the Officers at the site visit or seek clarification from them on matters which are relevant to the site inspection but no views or opinions should be expressed at the site visit.
- 15.6. Members on a site visit should not speak to members of the public, the applicant or their agent/representative to avoid any perception of predisposition, predetermination or bias.
- 15.7. Members should not enter a private site which is subject to a proposal other than as part of an official site visit, even in response to an invitation. If Member(s) are unable to attend the official site visit and Member(s) feel that it is essential to visit the site other than through attending the official site visit, Member(s) shall have first spoken to the Assistant Director for Development Services about their intention to do so and why, which will be recorded on file. Member(s) should avoid any actions or speaking to anyone which could lead to the perception of predisposition, predetermination or bias by that member. Any Member(s) undertaking an unaccompanied site visit shall ensure they comply with these good practice rules and the content of the site-visit protocol.
- 15.8. Full details for the site-visit protocol can be found in Appendix 4.

## **16. Committee Reports and Presentations**

- 16.1. The Committee agenda is published at least five clear working days before the committee meeting.
- 16.2. The Officer's report will provide Members with the information that they require to make a decision and outline the relevant considerations.
- 16.3. The consideration of an application at the Development Management Committee will fall into five parts:
- Officer's presentation
  - Public Speakers
  - Members' questions to Officers
  - Members' debate
  - Making a decision
- 16.4. The protocol for each are set out in Sections 16.7-16.11 below.
- 16.5. It is assumed that Members will have read the reports and supporting documentation. These parts of the Committee, alongside the Officer's presentation, Member's questions, debate and site visit, provide all the information the Members need to make a decision.
- 16.6. If Members feel that further information is required and cannot make a decision until they have that information, they should vote to defer the application. However, that should be in exceptional circumstances and only relate to information which is fundamental to the decision.

### **16.7. Officer's Presentation**

- 16.7.1. The Officer's presentation will provide a broad summary of the pertinent points for consideration relating to the application.
- 16.7.2. The Officer will prepare a set of presentation slides which shows the location of the site and the proposed application scheme. Other graphics such as street views, aerial imagery, onsite photography may also be provided to help provide additional context.
- 16.7.3. The Officer will provide a high level summary of the keys points for consideration as part of determining the application on hand. This will include key points raised through the public consultation period, explanation around key reasons for their decision or explanations about other aspects of the proposal which the Officer considers warrant further explanation.

### **16.8. Public Speakers**

- 16.8.1. The Council welcomes the general principle that the public should be able to participate in the decision-making process by speaking on planning applications at Development Management Committee meetings. This document will outline the procedure under which such spoken comments may be made, in order to ensure that the decision-making process remains fair and effective.
- 16.8.2. For the purposes of clarity, public speaking applies only to those planning applications that come before the Development Management Committee for determination and not those applications dealt with under the delegated powers of the Assistant Director for Development Services.
- 16.8.3. A letter will be sent to all people who responded to a planning application consultation advising them whether the application will be decided at a Development Management Committee meeting. This letter will indicate the date of the meeting and specify the procedures for public speaking at the meeting.
- 16.8.4. A list of planning applications to be decided at a Development Management Committee Meeting will also be published [on the Council's website](#) at least five clear working days before the meeting.
- 16.8.5. One person will be allowed to speak at the Development Management Committee in objection to the application under consideration regardless of the Officer's recommendation. This person may speak for a maximum of three minutes and should restrict their statement to material planning considerations. A list of such considerations is set out for guidance purposes at the end of this Handbook. The person will not be able to question Members or Officers and neither will Members or Officers be able to question the person speaking. The objector must attend the meeting in order to speak; no one will speak on their behalf.
- 16.8.6. One person will be allowed to speak at the Development Management Committee in support of the application under consideration regardless of the Officer's recommendation. This person may be the applicant or their agent or a member of the public. This person may speak for a maximum of three minutes and should restrict their statement to material planning considerations. The person will not be able to question Members or Officers and neither will Members or Officers be able to question the person speaking. The supporter must attend the meeting in order to speak; no one will speak on their behalf.
- 16.8.7. Where both an objector to an application and a supporter of an application wish to speak, the objector shall speak first and the supporter second.

- 16.8.8. Where a member of the public wishes to speak in objection or support of a planning application that person must contact the Council's Democratic Services Department by 5.15 p.m. on the Monday prior to the meeting and give their name and contact details, the application concerned and whether it is in objection or support. Any person wishing to speak at the meeting is requested to be present at the Council offices by 6.45 p.m. at the latest on the day of the meeting and make themselves known to the Democratic Services Officer so that arrangements can be finalised. The Committee meeting will begin at 7.00 pm.
- 16.8.9. Where more than one person wishes to speak in objection to an application the persons who have expressed a wish to speak will be contacted by the Council's Democratic Services Department prior to the Development Management Committee meeting. They will be advised that they should work collectively to prepare one three minute objection statement to be delivered by a spokesperson. This will be known as a multiple objection.
- 16.8.10. The Democratic Services Officer must have confirmation of the agreed name representing the multiple objection by 5.15 p.m. on the day before the meeting.
- 16.8.11. If those within the multiple objection are unable to agree on a spokesperson the Chairman will determine which of the persons who have expressed a wish to speak will be allowed to do so. Whilst it is at the Chairman's discretion who will be allowed to speak, priority will be given to a local resident directly affected by the application. The person nominated to speak on behalf of the multiple objection by the Chairman shall be notified prior to commencement of the Development Management Committee meeting.
- 16.8.12. The Council will not accept documentary submissions by supporters/objectors to applications just before the start of the meeting.
- 16.8.13. At the Development Management Committee meeting the Planning Officer shall deliver their report. This will ensure that the Members of the Committee are aware of the nature of the issues related to the application in question and will ensure that the public speakers do not have to waste time in their three minute period describing the application. Public speaking on a planning application shall take place immediately after the Planning Officer has delivered their report.
- 16.8.14. Where a multiple objection is to be delivered, the Chairman will indicate that it is a "multiple objection representation". Thereafter the objector and supporter will be invited to speak by the Chairman. The objector's and supporter's three minute period will be strictly timed, and the objector and supporter must stop speaking when the end of the time period is indicated by the Chairman. Where an objector or supporter does not respect this rule,



they may be asked to leave the Chamber and future opportunities to speak at the Development Management Committee may be restricted.

- 16.8.15. Whilst a member of the public is speaking, other members of the public, Councillors and Officers must respect the right of the speaker to express their opinion. The Chairman may ask anybody who interrupts or heckles the speaker to leave the Chamber for the remainder of the meeting.
- 16.8.16. After a member of the public has spoken against the application, the applicant or their agent will be invited by the Chairman to speak in support of their application.
- 16.8.17. In certain circumstances, a Member of the Council for that particular Ward whether or not a Member of the Development Management Committee may wish to address the Committee on a planning application. The Member may have personal views or be representing the community. In these circumstances, the Member should advise the Democratic Services Officer by the Monday prior to the date of the meeting of their request to address the Committee. At the meeting, the Chair of the Committee will then invite the Member to speak after any members of the public have addressed the Committee. Ward Members who have registered to speak, may speak for a maximum of three minutes and should restrict their statement to material planning considerations. No questions to or from the Ward Member, or to or from Members of the Committee shall be allowed. The Ward Member must attend the meeting in order to speak; no one will speak on their behalf.
- 16.8.18. The Member will speak on the matter before the Development Management Committee after members of the public and the applicant have spoken on the matter pursuant to this Handbook.
- 16.8.19. Members and Officers will not address public speakers or those seated in the public gallery.
- 16.8.20. The Council welcomes the general principle that the public should be able to participate in the decision-making process by speaking on planning applications at Development Management Committee meetings. The Protocol for Public speaking on planning applications at the Development Management Committee is set out in the Council's Constitution and that document outlines the procedure under which such spoken comments may be made, in order to ensure that the decision-making process remains fair and effective.
- 16.8.21. When speaking, comments should relate to the application and to issues that the Committee can take into account when determining an application such as:

- Planning Policy (Government Guidance and Local Plans)
- Design, appearance, layout and effect on nearby property
- Impact on visual or residential amenity (including loss of light, noise, odour and other environmental impacts)
- Impact on trees, conservation areas or nature conservation
- Highway safety and traffic issues

16.8.22. Issues that are not planning matters should be avoided such as:

- Private property rights (boundary or access disputes, restrictive covenants)
- Effect on property values
- Personality or a developer's motives
- Loss of view over private land
- Please don't make personal remarks. (Committee proceedings are not exempt from the laws of slander).

**16.8.23. If you have any queries about speaking at the Development Management Committee please telephone (01268) 882400 or email [DemocraticServices@castlepoint.gov.uk](mailto:DemocraticServices@castlepoint.gov.uk)**

## **16.9. Members' Questions to Officers**

- 16.9.1. Members are encouraged to ask questions of planning and or legal Officers in advance of Committee meetings. It is likely that following reading the report, that Members may have questions about certain aspects of proposals.
- 16.9.2. Given the volume of information and material that can be submitted with applications, combined with the technical nature of planning law and legislation, it is not always the case that the Officer will have the relevant information to hand or readily available. To aid answering complex and technical questions, complex and technical questions should be submitted no later than 3pm the day prior to the Committee to the case Officer, Planning Manager, Assistant Director for Development Services and Democratic Services.
- 16.9.3. Wherever possible, Officers will seek to answer the Member's question prior to the Committee and Members are welcome to reiterate their questions at the Committee so that this can inform the decision-making process.
- 16.9.4. It is completely reasonable and understandable that following the Officer's presentation, Members may have further or new questions that they wish to ask Officers which they had not thought of before or which come about as a result of another Member's question(s).

- 16.9.5. Officers will aim to answer all material planning questions relating to the application on the night, however this is not always possible and if it has not been submitted prior to 3pm the day prior to the Committee, it is not possible to guarantee an answer. If the Officer knows the answer they will provide it, however if they do not or do not have the required information to hand, they will state this to the Committee.
- 16.9.6. Members should ask their questions on the basis of the information available before them during the Committee and in the report. Additional information should not be researched during the course of the Committee and no Members of the Committee shall partake in any form of external communication with third parties.

#### **16.10. Members' Debate**

- 16.10.1. Following the conclusion of the Members' Question section, Members will turn to debate the application.
- 16.10.2. Each Member will be provided with the opportunity to speak for 4 minutes on the application and should stick to discussing material planning considerations and the information before them.
- 16.10.3. Any further questions that arise following the Members' Debate can only be asked to Officers at the discretion of the Chair.

#### **16.11. Making a Decision**

- 16.11.1. Councillors must approach the decision on each application with an open mind. This means that whilst Members may well have an opinion on a proposal, they must not have decided whether they think permission should be granted or not. They must be open to listening to the speakers, (including planning and legal Officers and fellow Members), considering the merits of the proposal, and come to a view.
- 16.11.2. Planning decisions have to be taken in accordance with the law, the adopted Development Plan and any regulatory guidelines in force at the time as well as any other material considerations.
- 16.11.3. The Member's role is to ensure the correct application of planning policies. Planning Officers set out in their report how the planning application responds and relates to policies and give their professional assessment of the merits of the application. Committee Members consider if the planning Officer has applied their professional judgement in full accord with the policies and guidance.
- 16.11.4. Members should comply with the Council's procedures in respect of public speaking. Members should not feel that they need to contribute to the debate

on every item, particularly if similar comments have already been made by another Member.

- 16.11.5. Members should avoid repetitious or irrelevant comments and ensure all comments are relevant and based on material planning grounds.

**16.11.6. Policy Conflicts**

- 16.11.7. Decisions should be made in accordance with the policies in the Development Plan. However, it is often the case, especially with proposals which come to Committee and tend to be the largest, most complex and often most controversial schemes, that a development meets some policies but not others. This doesn't automatically make them unacceptable, though, as Members have to consider what harm is caused, how severe that is, and when looking at the scheme as a whole, would it justify a refusal of permission.

- 16.11.8. Members must make sure that if they are proposing, seconding or supporting a decision contrary to Officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. Members may have to justify the resulting decision by giving evidence in the event of any challenge.

- 16.11.9. Officers present will provide support, if necessary, in the drafting of the wording of the reason(s) for refusal, or provide suggested conditions for approved applications.

- 16.11.10. Officers will provide their own professional opinion on the decision of the Development Management Committee and its conformity to policy, however, the decision of the Development Management Committee is final.

**16.11.11. Strength of Local Feeling**

- 16.11.12. The number of objections received, or the strength of feeling amongst objectors, is not a material consideration to be taken into account in itself. Relevant planning issues raised by objectors, though, are material considerations and Members can decide how much weight to give to those planning issues.

## **17. Format of the Development Management Committee**

17.1. Development Management Committees follow the same format at each meeting. The format is as follows;

### **17.2. Introduction from Chairman of committee:**

- The Chairman will open the meeting and will address each item on the agenda in turn. On opening the meeting, the livestream to the Council's YouTube site will begin.
- At this time the Chairman will speak to the Committee, to explain the nature of the meeting and how it will be conducted.

17.3. The Chair will welcome everyone to the meeting and will outline the fire evacuation proceedings and remind everyone to turn off mobile phones or switch to silent and that the meeting is being livestreamed. The Chair will also ask Members and Officers present to introduce themselves for the benefit of the public observing proceedings. The Chair will also emphasise that the meeting will be conducted in line with the Council's rules of procedure and ask the public to allow Members and Officers to speak and be heard.

### **17.4. Apologies:**

- The Committee Officer will advise the Chairman of any Committee Members who will not be attendance. Attendance will be recorded in the Minutes of the meeting.

### **17.5. Members interests:**

- Members are required to disclose any pecuniary or non-pecuniary interests in relation to the applications on the agenda.
- The nature of the interest will determine if a Member is able to participate in the business of the meeting or if they will be excluded.
- The Monitoring Officer and Deputy Monitoring Officer provide advice to Members on interests. If Members have any doubts, they should contact the Monitoring Officers prior to the meeting.

### **17.6. Minutes:**

- Minutes from the previous Development Management meeting are put to the Committee for agreement.

### **17.7. Attendance and requests to speak:**

- The Chairman will announce the names of those persons wishing to speak to an agenda item.

- Some members of the public, agents or applicants and Ward Councillors who are not Committee Members may have registered to speak. Only those who have arranged with the Committee Officer in advance of the meeting will be able to speak.
- One person will be able to speak in support of the application and one in objection.
- If more than one person wishes to speak, priority will be given to those representing a group of people or those living nearest to the application.
- Where multiple people wishing to speak on an application wish to liaise with other parties on who is best suited to speak, all parties will be contacted to check whether they agree to share their contact details to enable cross-correspondence. The Council will not act as an intermediary beyond checking and where agreeable sharing contact details.
- Speakers may each speak for a maximum of 3 minutes.

#### **17.8. Planning applications:**

- Each application will be taken in turn.
- The Chairman will move the application proposal
- The Planning Officer will introduce and present the item and make their recommendation.
- Any speakers will be called.
- Committee Members may ask questions of the Planning Officer. These questions must be to seek clarification and affirm understanding, they should be used to challenge the Officer's opinion.
- Committee Members debate the proposal. Members will be invited to make any comments they may have on the proposal. (Members may speak for a maximum of 4 minutes. Members will have one opportunity to speak).

#### **17.9. Voting:**

- The Chairman moves the Planning Officer's recommendation.
- The application will be voted upon. Voting will be by show of hands and by simple majority with the Chairman having a casting (2nd) vote, where required.

The detailed procedure for voting is below.

#### **17.10. Voting procedure**

#### **17.11. Agree with Planning Officer's Recommendation / Agree with amendments**

- Chairman moves the Planning Officer's recommendation as presented to them in the Committee item.
- The Vice Chairman or another Member will second the motion.

- The Officer's presentation, public speakers, questions and debate session will follow.
- Members propose any amendments to the recommendation.
- An amendment to a recommendation must be proposed and seconded before it can be discussed.
- When an amendment has been proposed, a Member, who has already spoken, can speak again to the amendment.
- Members vote to agree the amendment. (If not agreed, it reverts to the Planning Officer's recommendation for vote).
- Chairman reads out revised recommendation with amendment.
- Members vote on the revised recommendation.

### **17.12.Overtake of Planning Officer's Recommendation**

- Chairman moves the Planning Officer's recommendation as presented to them in the Committee item.
- The Vice Chairman or another Member will second the motion.
- The Officer's presentation, public speakers, questions and debate session will follow.
- Members vote on Planning Officer's recommendation.
- Members vote against Planning Officer's recommendation.
- Members are required to put forward valid and material planning reasons for not supporting the recommendation in the report. An alternative motion cannot be proposed until those reasons have been given.
- Members must state what the motion is and the reasons for it. The reasons must be precise and relevant.
- If valid and material planning reasons are given then the alternative motion must be proposed and seconded.
- The Planning Officer will advise the Committee if they can sufficiently conclude the requirements of the revised motion for the application to be determined at that meeting or if a deferral is required. For example, if the proposed amendment requires a number of conditions to be considered, the Officer would need to defer to allow adequate time to correctly construct all conditions and then prepare a report to present them to the following Committee.
- If required, Members can request that the meeting be adjourned for a short period of time to undertake a discussion about the revised motion. Any adjournment of Members will have at least one representative from either Democratic Services or Legal Services present in order to advise Members. No Members other than those eligible to vote on the item must take part in any discussion or communications during the adjournment.

### **17.13.No deferral required:**

- The Chair reads out the revised recommendation as per the motion.
- Members vote on the revised recommendation.

#### **17.14.Deferral required:**

- Officers will decide, based on the topics raised during the question and answer sections of the meeting, whether a deferral is warranted.
- If Officers decide that a deferral is warranted, they will request specific questions, information or aspects of a proposal that Members want further clarity on.
- A report will be prepared for a subsequent Committee addressing only those points raised by Members.
- The report will include the reason for the revised Member recommendation. It will also include details of any other relevant matters e.g. conditions, S106 details, reasons for refusal. The report will also advise if the decision will require referral to the Secretary of State.
- Only one deferral of an application will be permitted on an application.

#### **17.15.Consideration of a revised recommendation:**

##### **17.16.Agree with recommendation:**

- Chairman reads out the revised recommendation as presented to them in the second report.
- Members vote to agree the revised recommendation.

##### **17.17.Overtake of Revised Recommendation:**

- Chairman reads out the revised recommendation as presented to them in the second report.
- Committee vote against the revised recommendation.
- Chairman refers to previous Planning Officer's recommendation. Chairman reads out the Planning Officer's recommendation as presented to them in the Committee item.
- Committee to approve Planning Officer's recommendation in light of no alternative motion being approved.

##### **17.18.Where an application has been considered and deferred to a future meeting for determination the Democratic Services Officer needs to ensure that only those who considered the application at the first meeting can take part at the second meeting (including substitutes).**



## **18. Development Management Committee Member Skills and Attributes**

- 18.1. Castle Point Borough Council is committed to the provision of well-trained Committee Members who possess the requisite skills, experience, knowledge and attributes in order to deliver robust, consistent and transparent planning decisions.
- 18.2. These skills and attributes fully comply with best practice including Local Government Association (LGA) and Planning Advisory Service (PAS) guidance. They help us to maintain and enhance the reputation of the Committee as well as the Council and protect both the decision-making process and the lawful standing of the Council in carrying out this function.
- 18.3. Members will be supported in enhancing their skill sets, with a full and comprehensive training package and Officer support.
- 18.4. An ideal Development Management Committee Member will:
- Maintain regular attendance at Development Management Committee.
  - Maintain regular attendance at Development Management Committee training.
  - Be aware of and able to access both National and Local planning policies and guidance and Planning Law.
  - Be able to interpret and apply policies correctly.
  - Remain politically neutral and not to reference wards or political groups at Committee.
  - Recognise and uphold the principles of the Local Government Code of Conduct.
  - Adhere to professional legal advice.
  - Declare all relevant interests.
  - Be professional in appearance and in use of language at all times.
  - Be fully prepared for Committees, including having read all papers and having sought out clarification in advance where necessary.
  - Adhere at all times to the rules of Committee and the rules of debate.
  - Have a history of good conduct with no occurrences of warning letters, investigations, misdemeanours or cautions in the preceding 5 years.
  - Fully comply with local Development Management Committee processes.
  - Remain professional at all times and not address the public gallery or respond to public pressure.
  - Not make statements outside of Committee that could be construed as predetermination.
  - Have respect for the Chairman, Committee Members and Officers.
- 18.5. Committee duties and responsibilities are set out at Appendix A.

18.6. Committee culture and behaviours are set out at Appendix B.

## 19. Training for Development Management Committee Members

- 19.1. Members of the Development Management Committee are required to undertake training sessions to be able to undertake their Committee role.
- 19.2. Development Management Committee Members should endeavour to attend and actively participate in all specialised training sessions provided by the Council, as such training sessions are designed to extend Members' knowledge of planning law, regulations, procedures, Codes of Practice and Planning Policy, and assist them in carrying out their role properly and effectively.
- 19.3. Examples of training are set out below:

Training requirement	Topic
Annual Mandatory Development Committee Training	Development Management Committee procedures and policy
General Councillor training	Behavioural, probity / codes of conduct. Councillors role Declaration of interests
Development Management Committee specific training	How to make defensible planning decisions Context for planning decision making Probity in planning Learning from Appeals
Development Management topic specific training	Permitted development Material Planning considerations Key topic training for Committee – as required
Role specific training	Chairing Committee training

### 19.4. Committee Review

- 19.5. Following each Development Management Committee, the Chairman, a Legal Officer, Democratic Services Officer and Planning Officer may meet and review the meeting if it is agreed that a review is required. This is an opportunity to identify any areas where processes were not followed and to identify potential training requirements to enhance Member skill sets. Matters or issues of concern can also be identified and where appropriate referred for escalation through the Monitoring Officer.

## **20. Frequently Asked Questions**

### **20.1. When is the Development Management Committee held?**

The Council publishes a calendar of meeting dates each year. This can be found on the Council's website. The Development Management Committee is usually held on the first Tuesday of every month but additional meeting dates may be organised as required and agreed by the Chairman. The Committee is available to be viewed online via the webcast on the Council's website.

### **20.2. When does the Committee meeting start?**

The meeting starts at 19.00. It is held in the Council Chamber in the Council Offices, Kiln Road, SS7 1TF and is also available to stream live on YouTube.

### **20.3. How long does the meeting last?**

The meeting will be conducted in a business-like fashion and the Committee will follow the Council's rules of debate to deal with reports as quickly and efficiently as possible.

### **20.4. Which Members attend the Development Management Committee?**

The Development Management Committee comprises 10 Councillors, all of whom have received training on planning and decision making.

Any Councillors can attend in an observational capacity or Ward Members can speak on an item but they do not form part of the Committee.

### **20.5. Who Chairs the Committee?**

The Council appoints a Chairman to the Committee annually. The Chairman will preside over the Committee Meeting.

### **20.6. Which Officers attend the Development Management Committee?**

Various Officers of the Council will be present at Committee.

- Planning Officers: these Officers will introduce and present the items on the report and respond to questions regarding planning policy and guidance.
- Legal Officers: the Legal Officers advise on points of planning and committee law and process.
- Committee Officer: these Officers will advise on the Committee process generally, rules of debate and take minutes of the Committee meetings.

### **20.7. Which planning applications does the Committee consider?**

The applications before Committee are the most significant and controversial applications. The majority of applications are determined by Officers under delegated powers. The Council's Constitution gives full details of the scheme of delegation.

#### **20.8. How do I get a copy of any reports to be considered at Committee?**

The Committee reports which make up the agenda are published at least 5 clear working days in advance of the meeting. Copies of agendas can be found on the Council's website <https://castlepoint.cmis.uk.com/castlepoint/Home.aspx>. A limited number of hard copies are also available at the meeting.

#### **20.9. Can I attend Development Management Committee meetings?**

All Development Management Committee meetings are open to the press and public and can also be viewed online via the Council's website.

#### **20.10. Can I speak at a Development Management Committee meeting?**

Only those who have arranged with the Committee Officer in advance of the meeting will be able to speak and only on planning grounds. The Council has published guidance for speaking at Committee as detailed earlier in this Handbook.

#### **20.11. Does the Committee consider applications in the order listed on the Agenda?**

The order of business can be changed taking into consideration;

- Whether an application has been withdrawn or an Officer is recommending deferral.
- The level of interest on an application.
- The number of public present for a particular item.
- Whether anyone speaking on an item has indicated any special requirements.

#### **20.12. What is the format of the meeting?**

In summary:

- Each application will be taken in turn.
- The Planning Officer will introduce and present the item and make their recommendation.
- Any speakers will be called.
- Committee Members may ask questions of the Planning Officer.
- Committee Members debate the proposal.
- The application will be voted upon.

#### **20.13. How do Members prepare for the Committee?**

Members will always approach the decision with an open mind. They will have read the reports in advance of the meeting, they may have visited the site, and they will have listened to the speakers and the presentation from the Planning Officer.

#### **20.14.How are decisions made?**

Planning Officers make recommendations. The justification for the recommendation is set out in the report.

The Committee makes the decision, which can differ from the recommendation if it is based on justifiable planning reasons.

Planning decisions must be made in accordance with the relevant policies in the Local Plan and with regard to material considerations. Members need to decide and justify how much weight they give to different aspects and must consider the proposal in its entirety. The number of objections to a proposal is not in itself a reason to refuse a planning permission.

#### **20.15.Can the Planning Committee decide not to follow the Officer recommendation?**

Planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

Planning committees can, and often do, make a decision which is different from the Officer recommendation. Sometimes this will relate to conditions or terms of a Section 106 obligation. Sometimes it will change the outcome, for an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations. If the Committee does decide to make a decision different to the recommendation, there have to be clear justifiable and enforceable planning reasons to do so.

Members must be aware of the consequences and risks associated with overturning a Planning Officers recommendation.

Members who reject a planning application that planning Officers have advised them to accept risk the decision being overturned on appeal, with the potential for costs awarded against the Council if no sound reasons for the decision have been given.

The Chairman should seek the views of Officers (including the Council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to Officer recommendation.

If the Development Management Committee decides to approve an application against the Officer's recommendation to refuse, the Development Management Committee should be aware that, while there is no right of third party appeal, there is the possibility that the decision could be subject to Judicial Review.

#### **20.16.How are decisions recorded?**

Decisions on applications are recorded by the Committee Officer as minutes. Minutes are available to view on the Council's website.

#### **20.17.How can I see the decision notices?**

Decision notices confirming the decision on each application are sent to the applicant or agent within a few days of the meeting. The decision is available to view on the Council's website <https://publicaccess.castlepoint.gov.uk/online-applications/>. If a legal agreement is involved, the decision notice will be issued when the agreement has been concluded and signed.

#### **20.18.Where do I find Committee Procedure rules?**

The Council's Constitution sets out how the Council operates, including but not limited to the process for electing Councillors to Committees, the roles, responsibilities and functions of the Council, the details of each Committee, the roles and attributes of Councillors, the rules that govern Committee meetings. The Constitution is supported by additional supplementary guidance which is referenced above.

## **Appendices**

Appendix A – Duties and Responsibilities of Development Management Committee Members

Appendix B – Culture and Behaviours

Appendix C – Councillor Call-in Procedure

Appendix D – Development Management Committee Site Visit Protocol



# Appendix A – Duties and Responsibilities of Development Management Committee Members

Taken from Section 23 of the Council's Constitution

## 23. Protocol and Code of Conduct for Planning Matters

### Part 1

#### Introduction

- 23.1 **The aim of this Code of Good Practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 23.2 One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Development Management Committee is** to make planning decisions openly, impartially, with sound judgment and for justifiable reasons. You are also a democratically accountable decision-taker who has been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.
- 23.3 **When the Code of Good Practice applies:** this code applies to Councillors at all times when involving themselves in the planning process. (This includes when taking part in the decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting takes place.
- 23.4 Further guidance for Councillors is found in the Development Management Committee (DMC) Handbook which sets out the duties and responsibilities of DMC Members, skills and attributes, culture and behaviours, as well as the call-in procedure.

#### Relationship to the Councillor Code of Conduct

- 23.5 Do apply the rules in the Councillor Code of Conduct first, which must be always be complied with. This is both the rules on disclosable pecuniary interests (and other interests if included in your authority's code) and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 23.6 **Do** then apply the rules in this Code, which seek to explain and supplement the Councillor Code of Conduct for the purposes of planning and development control. If you do not abide by this Councillor Planning Code, you may put:
- the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
- 23.7 **Do** be aware that like the Councillor Code of Conduct, this Planning Code is a reflection and summary of the law on decision-making and not a direct replication of it. If in doubt, seek the advice of your Monitoring Officer or their staff advising at the meeting.

#### **Development Proposals and Interests under the Councillor Code of Conduct**

- 23.8 **Do** disclose the existence and nature of your interest as required by the Councillor Code of Conduct.
- 23.9 **Do take into account when approaching a decision that** the principle of integrity is defined, by the Committee on Standards in Public Life in 2013 in terms that "holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships". It is therefore advisable that you:
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with Officers or Councillors when other Members of the public would not have the same opportunity to do so.
  - **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate Officer, in person or in writing, but that the Councillor Code of Conduct may place additional limitations on you in representing that proposal.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of that application where you can;
  - the proposal will always be reported to the committee as a main item and not dealt with by Officers under delegated powers;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with Officers and in public speaking at committee.

### **Fettering Discretion in the Planning Process**

(natural justice, predisposition and predetermination)

- 23.10 **Don't** fetter your discretion and therefore your ability to participate in planning decision-making at this Council by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 23.11 **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the law. Your prior observations, apparent favouring or objections in respect of a particular outcome will not on their own normally suffice to make a decision unlawful and have it quashed, but you must never come to make a decision with a closed mind.
- 23.12 **Do** keep at the front of your mind that, when you come to make the decision, you:
- must keep an open mind and hear all of the evidence before you, both the Officers' presentation of the facts and their advice and the arguments from all sides;
  - are not required to cast aside views on planning policy you held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised;
  - are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and

- are to come to a decision after giving what you feel is the right weight to those material considerations.

23.13 **Do** be aware that you can be biased where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of Membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

23.14 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a Member of the parish council, for example, or both a Borough and County Councillor), provided:

- the proposal does not substantially effect the well being or financial standing of the consultee body;
- you make it clear to the consultee body that:
  - your views are expressed on the limited information before you only;
  - you must reserve judgment and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.

23.15 **Do** explain that you do not intend to speak and vote as a Member of the committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (Use the disclosure form provided for disclosing interests.)

23.16 **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:

- notify the Democratic Services Officer by 5.15 pm on the day before the committee meeting that you wish to speak in this capacity before commencement of debate of the item;
- remove yourself from the Council Chamber for the duration of that item; and
- ensure that your actions are recorded in accordance with the Council's committee procedures.

## **Contact with Applicants, Developers and Objectors**

23.17 **Do** refer those who approach you for planning, procedural or technical advice to Officers.

23.18 **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Assistant Director Development Services to organise it. Officers will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Council to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the committee.

23.19 **Do** otherwise:

- follow the rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Assistant Director Development Services any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

### **In addition, in respect of presentations by applicants/developers:**

23.20 **Don't** attend a planning presentation without requesting an Officer to be present.

23.21 **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

23.22 **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Development Management Committee.

23.23 **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Councillors would intend to vote at a committee.

## **Lobbying of Councillors**

23.24 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the committee's decision-making, to

express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.

- 23.25 **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 23.26 **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests, where relevant.
- 23.27 **Do** copy or pass on any lobbying correspondence you receive to the Assistant Director Development Services at the earliest opportunity.
- 23.28 **Do** promptly refer to the Assistant Director Development Services any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- 23.29 **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.
- 23.30 **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
- listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Councillors or appropriate Officers (making clear that you must keep an open mind);
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a Ward Member.

### **Lobbying by Councillors**

- 23.31 **Don't** become a Member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will be seen to have fettered your discretion on the grounds of bias.
- 23.32 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but you should normally disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal and make

it clear to that organisation and the committee that you have reserved judgment and the independence to make up your own mind on each separate proposal.

23.33 **Don't** excessively lobby fellow Councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

23.34 **Do** be aware of the power of social media posts or re-posting and be careful not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision-making on behalf of the authority.

23.35 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

### **Site Visits/Inspections**

23.36 **Do** try to attend site visits organised by the Council where possible.

23.37 **Don't** request a site visit unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- there are significant policy or precedent implications and specific site factors need to be carefully addressed.

23.38 **Do** ensure that you report back to the committee any information gained from the site visit that you feel would benefit all Members of the committee.

23.39 **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

23.40 **Do** ask the Officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

23.41 **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Council and direct them to or inform the Officer present.

23.42 **Don't** express opinions or views.

23.43 **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:

- you feel it is essential for you to visit the site other than through attending the official site visit,
- you have first spoken to the Assistant Director Development Services about your intention to do so and why (which will be recorded on the file) and
- you can ensure you will comply with these good practice rules on site visits.

### **Public Speaking at Meetings**

- 23.44 **Don't** allow Members of the public to communicate with you during the committee's proceedings (orally, in writing or by social media) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- 23.45 **Don't** participate in social media or exchanges by texting as a Member of the committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.
- 23.46 **Do** ensure that you comply with the Council's procedures in respect of public speaking.

### **Officers**

- 23.47 **Don't** put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Assistant Director Development Services, which may be incorporated into any committee report).
- 23.48 **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Director/Assistant Director or those Officers who are authorised by their Director/Assistant Director to deal with the proposal at a Member level.
- 23.49 **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Officer Code of Conduct and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the committee or its Members.

### **Decision-Making**

- 23.50 **Do** ensure that, if you request a proposal to go before the committee rather than be determined through Officer delegation, that your planning reasons are recorded and repeated in the report to the committee.



- 23.51 **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- 23.52 **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- 23.53 **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- 23.54 **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the Officers' introduction to the matter. (Where a matter is deferred and its consideration recommences at a subsequent meeting, only Members of the committee who were present at the previous meeting will be able to vote. If this renders the committee inquorate then the item will have to be considered afresh and this would include public speaking rights being triggered again).
- 23.55 **Do** have recorded the reasons for the committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].
- 23.56 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded (it will help to take advice from Officers when and where necessary to do this and, if there are no indications allowing you to do this in advance of the meeting, it may be helpful to request a short adjournment for these purposes). Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## **Training**

- 23.57 **Don't** participate in decision-making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- 23.58 **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- 23.59 **Do** participate in the annual review of a sample of planning decisions to ensure that Councillors' judgments have been based on proper planning considerations.

## **Part 2**

### **Development Management/Site Visits/Committee**

#### **Introduction**

- 23.60 Officers will advise Members where it is considered that a site visit would be beneficial to the Committee's deliberations. This will be clearly stated within the Committee report, together with the arrangements which have been put in place.
- 23.61 Requests by Members for site visits made at the Committee meeting itself will not normally be entertained. This is because site visits can cause delay and additional costs and should only be used where the expected benefit is substantial.
- 23.62 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;
  - there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing or the proposal is particularly contentious.
- 23.63 The lack of any common approach on when and why to hold a site visit and how to conduct it can leave a Council open to the accusation that such visits are, at best, arbitrary and unfair and, at worst, a covert lobbying device.

#### **Attendance at Site Visits**

- 23.64 The following persons are entitled to attend a Development Management Committee site visit:-
- (a) Members as agreed by the Development Management Committee;
  - (b) Planning Officer(s) as appropriate;
  - (c) Other Councils and supporting County Council Officers, as appropriate – e.g. Highway Engineer, Archaeology Adviser

#### **Procedure**

##### **Organisation and Notification of Site Visits**

- 23.65 Members are notified in writing of the date and time of the visit by reference to the agenda for the forthcoming meeting.

- 23.66 Applications/agents are, where relevant, informed of the site visit and purpose.

#### **Procedure at the Site Visit**

- 23.67 In order that visits are conducted in a consistent manner, the following procedure is as follows:-

- (1) Assemble at the agreed time and place for each site; Start time only at or after the time stated on the timetable;
- (2) In the absence of the Chair of the Development Management Committee, Members elect a Chair for the purpose of conducting the site visit in accordance with the adopted Council procedures;
- (3) The Planning Officer gives brief details of the application, highlighting the main aspects which need to be considered on site. A copy of the plans will be available;
- (4) At the conclusion of the visit, Members and Officers present converse in private to see if there is any further information Members wish Officers or applicants/agents to make available to the Development Management Committee prior to the meeting. However, there should be no discussion as to the relative merits of the application;
- (5) The purpose of a site visit is to gather information and improve understanding of the planning application – it is neither the forum for debate nor the venue for the decision;
- (6) Applications and objectors are, understandably, often keen to lobby Members on site – Members should let Officers lead the visit; that way Members remain one step removed and able to concentrate on information gathering.
- (7) Members should feel free to ask questions but do not get involved in discussions about the merits/demerits of the application;
- (8) Members should avoid making comments or statements that could be misconstrued or misinterpreted;
- (9) On site, Members should try to keep together as a Committee – that way all parties can be sure that each Member has had an opportunity to see the same things from the same place;
- (10) Whenever possible Members should try to arrive on time and together – Members arriving early and on their own will always be prey to lobbying;
- (11) If Members cannot attend or are going to be late Members should

try to let Officers or a fellow Member know;

(12) Members should wear sensible clothing and footwear.

### **Report to Committee**

- 23.68 An Officer report will include the fact that a site visit is recommended. Individual Members who attended the site visit can, of course, contribute their personal views during the subsequent discussion of the application by the Committee before a decision is made.

### **Lobby of/or by Councillors**

- 23.69 When being lobbied Members should take care about expressing an opinion that may be taken as indicating that they have already made up their minds or have a closed mind on the issue before they have been exposed to all the evidence and arguments. If Members do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.
- 23.70 Members need to take account of the general public's (and Ombudsman's) expectations that a planning application will be processed and determined in an open and fair manner, in which Members making the decision will take account of all evidence presented before arriving at a decision and that to commit themselves one way or another before hearing all the arguments makes them vulnerable to an accusation of partiality or bias. The determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly.
- 23.71 A Member who represents a ward affected by an application is in a difficult position if it is a controversial matter around which a lot of lobbying takes place. If the Member responds to lobbying by deciding to go public in support of a particular outcome or even campaigning actively for it – it may be very difficult for that Member to argue convincingly, when the Committee comes to take a decision on the application, that they have carefully weighed the arguments presented – perhaps in some respects for the first time – at the meeting. Whilst in most circumstances this would not amount to predetermination, the proper course of action for such a Member would be to make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.
- 23.72 It is difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the

striking of this balance is ultimately the responsibility of the individual Member. The following points should be borne in mind:-

- Given that the point at which a decision on a planning application is made cannot occur before the Development Management Committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the Committee meeting should not be used to decide how Members should vote. The view of the Ombudsman in the past has been that the use of political Whips to seek to influence the outcome of a planning application could amount to maladministration.
- Members should not put improper pressure on Officers for a particular recommendation and, as required by the Councillor Code of Conduct, should not do anything which compromises, or is likely to compromise, their impartiality.

23.73 Unless care is taken, lobbying can lead to the impartiality and integrity of a Member being called into question. Members need to take account of the public's expectation that a planning application will be processed in an open and fair manner. Accordingly, it is helpful to bear in mind the following:-

- Take care when expressing an opinion on a planning application – it could be construed that a Member has already made up their mind.
- Members should restrict themselves to giving procedural advice and refer those who are lobbying to the relevant Planning Officer.
- If a Member does express an opinion it should be made clear by the Member that the Member will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.
- Members should not put improper pressure on Officers for a particular recommendation.
- The point at which a decision on a planning application is made cannot occur before the Committee meeting – when all available information is to hand.
- Any Group meeting prior to the Committee meeting should not be used to decide how Members should vote – the Ombudsman may view this as maladministration.
- If a Member has been lobbied prior to a decision then the Member shall declare so at Committee – it does not prevent that Member from participating in the debate or the vote provided that the Member has not already signalled their intentions.

- If a Member does commit themselves one way or another before hearing all the arguments, they should declare so at the Development Management Committee and withdraw from the vote.
- A specimen letter to constituents is available from the Assistant Director Planning Services.

23.74 Members who are unsure as to whether an interest should be declared should seek the advice of the Council's Monitoring Officer although, as indicated above, the decision rests with the Member.

### **Protocol for Public Speaking on Planning Applications at Development Management Committee Meetings and Committee Procedure**

1. The Council welcomes the general principle that the public should be able to participate in the decision-making process by speaking on planning applications at Development Management Committee meetings. This document will outline the procedure under which such spoken comments may be made, in order to ensure that the decision-making process remains fair and effective.
2. For the purposes of clarity public speaking applies only to those planning applications that come before the Development Management Committee for determination and not those applications dealt with under the delegated powers of the Head of Place and Policy.
3. A letter will be sent to all people who responded to a planning application consultation advising them that the application will be decided at a Development Management Committee meeting. This letter will indicate the date of the meeting and specify the procedures for public speaking at these meetings.
4. A list of planning applications to be decided at a Development Management Committee Meeting will also be published in paper and electronic format at least five clear working days before the meeting. The Agenda may be viewed at the Council Offices and on the Council's website.
5. One person will be allowed to speak at the Development Management Committee in objection to the application under consideration regardless of the Officer recommendation. This person may speak for a maximum of three minutes and should restrict their statement to material planning considerations. A list of such considerations is set out for guidance purposes at the end of this protocol and is also included in the Development Management Committee Handbook. The person will not be able to question Members or Officers and neither will Members or Officers be able to question the person speaking.
6. One person will be allowed to speak at the Development Management Committee in support of the application under

consideration regardless of the Officer recommendation. This person may be the applicant or their agent or a member of the public. This person may speak for a maximum of three minutes and should restrict their statement to material planning considerations. The person will not be able to question Members or Officers and neither will Members or Officers be able to question the person speaking.

7. Where both an objector to an application and a supporter of an application wish to speak the objector shall speak first and the supporter second.
8. Where a member of the public wishes to speak in objection or support of a planning application that person must contact the Council's Democratic Services Department by 5.15 p.m. on the Monday prior to the meeting and give their name and contact details, the application concerned and whether it is in objection or support. Any person wishing to speak at the meeting is requested to be present at the Council offices by 7.00.p.m. on the day of the meeting and make themselves known to the Committee Officer so that arrangements can be finalised.
9. Where more than one person wishes to speak in objection to an application the persons who have expressed a wish to speak will be contacted by the Council's Democratic Services prior to the Development Management Committee meeting. They will be advised that they should work collectively to prepare one three minute objection statement to be delivered by a spokesperson. This will be known as a multiple objection.
10. The Committee Officer will seek the agreed name representing the multiple objections at 7.00 p.m. on the day of the meeting.
11. If those within the multiple objections are unable to agree on a spokesperson the Chairman will determine which of the persons who have expressed a wish to speak will be allowed to do so. Whilst it is at the Chairman's discretion who will be allowed to speak priority will be given to a local resident directly affected by the application. The person nominated to speak on behalf of the multiple objections by the Chairman shall be notified prior to commencement of the Development Management Committee meeting.
12. The Council will not accept documentary submissions by supporters/objectors to applications at this time.
13. At the Development Management Committee meeting the Chairman will read out the application proposal and the Planning Officer will introduce and present the item and make their recommendation. This will ensure that the Members of the committee are aware of the nature of the issues related to the application in question and will ensure that the public speakers do not have to waste time in their three-minute period describing the application. Public speaking on a planning application shall take place immediately after the Planning Officer has

delivered their report.

14. Where a multiple objection is to be delivered the Chairman will indicate that it is a "multiple objection representation". Thereafter the objector and supporter will be invited to speak by the Chairman. The objector's and supporter's three-minute period will be strictly timed, and the objector and supporter must stop speaking when the end of the time period is indicated by the Chairman. Where an objector or supporter does not respect this rule, they may be asked to leave the chamber and future opportunities to speak at the Development Management Committee may be restricted.
15. Whilst a member of the public is speaking, other Members of the public, Councillors and Officers must respect the right of the speaker to express their opinion. The Chairman may ask anybody who interrupts or heckles the speaker to leave the chamber for the remainder of the meeting.
16. After a member of the public has spoken against the application, the applicant or their agent will be invited by the Chairman to speak in support of their application.
17. In certain circumstances, a Member of the Council for that particular Ward whether or not a Member of the Development Management Committee may wish to address the Committee on a planning application. The Member may have personal views or be representing the community. In these circumstances, the Member should advise the Committee Officer by the Monday prior to the date of the meeting of his or her request to address the Committee. At the meeting, the Chairman of the Committee will then invite the Member to speak after any Members of the public have addressed the Committee. No questions to or from the Member, or to or from Members of the Committee shall be allowed. The Members of the Development Management Committee will speak on the matter after Members of the public and the applicant have spoken on the matter pursuant to this Protocol.
18. Once the objector, the supporter and any Ward Member or Town Council Member have addressed the meeting, the Chairman will invite Members of the Development Management Committee to ask questions of the Planning Office in order to clarify any issues and to inform the debate.
19. The Committee will then debate the application, taking into account the representations made by the members of the public and on behalf of the applicant. Members of the public must not interrupt or heckle during this debate and will be asked by the Chairman to leave the chamber should such activity occur. Members will speak on the proposal for a maximum of 4 minutes.
20. At the conclusion of the debate, the Chairman will read out the Planning Officer recommendation and the application will be voted upon. Voting



will be by way of a show of hands and by simple majority with the Chairman having the casting (2<sup>nd</sup>) vote, where required.

21. Members may propose amendments to the recommendation and any proposal must be seconded before it can be discussed. The Chairman reads out the revised recommendation with amendment and Members vote on the revised recommendation.
22. In the event that Members vote against a Planning Officer recommendation as presented to them in the Committee item, Members are required to put forward valid and material planning reasons for not supporting the recommendation in the report. An alternative Motion cannot be proposed until those reasons have been given. Members must state what the Motion is and the reasons for it. The reasons must be precise and relevant. If valid and material planning reasons are given, then the alternative Motion must be proposed and seconded.
23. The Planning Officer will advise the Committee if they can sufficiently conclude the requirements of the revised motion for the application to be determined at that meeting or if a deferral is required. For example, if the proposed amendment requires a number of conditions to be considered the Officer would need to defer to allow adequate time to correctly construct all conditions and then prepare a report to present them to the following Committee. If no deferral is required, the Chairman will read out the revised recommendation as per the motion and Members will vote on the revised recommendation.
24. Where a deferred application is returned to the Development Management Committee, the Chairman will read out the revised recommendation as presented to them in the second report and Members vote to agree the revised recommendation.
25. Where an application has been considered and deferred to a future meeting for determination the Democratic Services Officer will ensure that only those who considered the application at the first meeting will take part at the second meeting (including substitutes).

### **Public Speakers: What can I speak about?**

Your comments should relate to the application and to issues that the Committee can take into account when determining an application such as:

- Planning Policy (Government Guidance and Local Plans)
- Design, appearance, layout and effect on nearby property
- Impact on visual or residential amenity (including loss of light, noise, odor and other environmental impacts)
- Impact on trees, conservation areas or nature conservation

- Highway safety and traffic issues

Try to avoid issues that are not planning matters such as:

- Private property rights (boundary or access disputes, restrictive covenants)
- Effect on property values
- Personality or a developer's motives
- Loss of view over private land
- Please don't make personal remarks.(Committee proceedings are not exempt from the laws of slander).

**If you have any queries about speaking at the Development Management Committee please telephone (01268) 882400.**

## **Appendix B – Culture and Behaviours**

### **Local Leadership**

#### **Positive behaviours:**

- Engages with their community, canvasses opinion and looks for new ways of representing people.
- Keeps up-to-date with local concerns by drawing information from diverse sources, including hard to reach groups.
- Encourages trust and respect by being approachable, empathising and finding new ways to engage with others.
- Creates partnerships with different sections and groups in the community and ensures their involvement in decision-making.
- Mediates fairly and constructively between people and groups with conflicting needs.
- Works with others to develop and champion a shared local vision.

#### **Negative behaviours:**

- Doesn't engage with their community, waits to be approached and is difficult to contact.
- Maintains a low public profile, not easily recognised in their community.
- Treats groups or people unequally, fails to build integration or cohesion.
- Has a poor understanding of local concerns and how these might be addressed.
- Concentrates on council processes rather than people.
- Is unrealistic about what they can achieve and fails to deliver on promises.

### **Partnership working**

#### **Positive behaviours:**

- Works proactively to build good relationships with colleagues, Officers, community groups and other organisations.
- Emphasis on achieving shared goals by maintaining focus and mobilising others.
- Knows when to delegate, provide support or empower others to take responsibility.
- Makes people from all backgrounds feel valued, trusted and included (e.g., says 'thank you')
- Understands and acts on their role in building and shaping key partnerships at local, regional and national levels.
- Understands how and when to assert authority to resolve conflict or

deadlock effectively.

### **Negative behaviours:**

- Prefers to exert control and impose solutions by using status rather than through persuasion and involving others.
- Fails to recognise or make use of others' skills and ideas.
- Typically avoids working with people with different views or political values.
- Prefers to act alone and fails to engage or network with others.
- Often uses divisive tactics to upset relationships within their group, or council policies and decisions.
- Defensive when criticised, blames others and doesn't admit to being wrong.

## **Communication Skills**

### **Positive behaviours:**

- Provides regular feedback to people, making sure they are kept informed and manages expectations
- Regularly informs and communicates with their community using all available media (e.g. internet newsletters and email).
- Listens to others, checks for understanding and adapts their own communication style as required.
- Creates opportunities to communicate with different sectors, including vulnerable and hard to reach groups.
- Speaks confidently in public settings (e.g. in council and community meetings, and the media).
- Communicates clearly in spoken and written forms (e.g. uses appropriate language and avoids jargon or 'council speak').

### **Negative behaviours:**

- Slow to respond to others; tends to communicate only when necessary.
- Doesn't listen when people are speaking and uses inappropriate or insensitive language.
- Communicates in a dogmatic and inflexible way.
- Unwilling to deliver unpopular messages, uses information dishonestly to discredit others.
- Tends not to participate in meetings and lacks confidence when speaking in public.
- Presents confused arguments using poor language and style.

## **Political Understanding**

**Positive behaviours:**

- Demonstrates a consistency in views and values through their decisions and actions.
- Helps to develop cohesion within and between different groups and also between different groups and the council.
- Clearly communicates political values through canvassing and campaigning.
- Actively develops their own political intelligence (e.g. understanding local and national political landscapes).
- Looks for ways to promote democracy and increase public engagement.
- Is able to put party politics aside and work across political boundaries when required, without compromising political values.

**Negative behaviours:**

- Lacks integrity, has inconsistent political values and tends to say what others want to hear.
- Puts personal motives first or changes beliefs to match those in power.
- Has poor knowledge of group manifesto, values and objectives.
- Fails to support political colleagues in public.
- Doesn't translate group values into ways of helping the community.
- Lacks a clear political vision of what they would like to achieve.

**Scrutiny and challenge****Positive behaviours:**

- Identifies areas suitable for scrutiny and ensures that citizens and communities are involved in the scrutiny process.
- Quickly understands and analyses complex information.
- Presents concise arguments that are meaningful and easily understood.
- Understands the scrutiny process, asks for explanations and checks that recommendations have been implemented.
- Objective and rigorous when challenging process, decisions and people.
- Asks challenging but constructive questions.

**Negative behaviours:**

- Doesn't prepare well or check facts and draws biased conclusions.
- Too reliant on Officers, tends to back down when challenged.
- Fails to see scrutiny as part of their role.
- Too focused on detail, doesn't distinguish between good, poor and irrelevant information.

- Uses scrutiny resources inappropriately (e.g., on issues over which they have no influence).
- Overly aggressive: prefers political 'blood sports' to collaboration and uses scrutiny for political gain.

## **Regulating and Monitoring**

### **Positive behaviours:**

- Understands and acts on their judicial role in meeting legal responsibilities (e.g., duty of care, corporate parenting).
- Uses evidence to evaluate arguments and make independent, impartial judgements.
- Chairs meetings effectively, follows protocol to make sure all views are explored and keeps process on track.
- Understands and abides by the Councillor's Code of Conduct.
- Follows legal process, balances public needs and local policy.
- Monitors others' performance and intervenes when necessary to ensure progress.
- Is committed to self-development, seeks feedback and looks for opportunities to learn.

### **Negative behaviours:**

- Doesn't declare personal interests, makes decisions for personal gain.
- Fails to check facts or consider all sides and makes subjective or uninformed judgements.
- Leaves monitoring and checks on progress to others.
- Makes decisions without taking advice, considering regulations or taking account of wider issues.
- Misses deadlines, leaves business unfinished, doesn't prepare for meetings and lacks balance between Council and other commitments.

## **Appendix C – Councillor Call-in Procedure**



**Castle Point Borough Council**

**Councillor Call-In Procedure**

## **Development Management Committee Councillor Call-In procedure**

### **1. Introduction and Background**

- a. Most planning applications are determined by Planning Officers in line with the Scheme of Delegation as set out in the Council's constitution.
- b. The criteria, set out within the scheme of delegation in the Council's Constitution, states when Officers can determine applications and when they must refer matters to the Development Management Committee.
- c. This delegation allows the Development Management Committee to concentrate on those applications that have the biggest impact upon the Borough and therefore ought to be scrutinised democratically within the public arena of a committee meeting.
- d. However, even when the delegation authorises Officers to determine planning matters, Councillors may request some planning applications be brought to Committee if they have a reasonable and material planning ground upon which to make the request and also that the application is sufficiently in the public interest that both matters taken together warrant justification for the matter go before the Committee. This excludes Certificates of Lawfulness which are determined on the basis of fact and law, as well as prior approval applications and enforcement matters.
- e. Planning decisions are not based on an exact science and can in part rely on informed judgment within a firm policy context. Decisions can be highly controversial at times, even on smaller cases partly due to the openness of the system and the requirement to consult on every application before a decision is made.
- f. Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, Planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of Councillors.
- g. The basis of the planning system is the consideration of private proposals against the wider public interest. Opposing views are often strongly held by those involved and Councillors need to ensure



that they do not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.

- h. Ward Councillors are likely to be approached by their electorate and asked to call-in an application on their behalf at times.
- i. It is not the case that just because a member of the public requests a call-in that this should be actioned by Councillors.
- j. It is the responsibility of Councillors to consider whether or not the issues raised, merit intervention to have the application called-in to the Development Management Committee.
- k. Councillors approached by their electorate should not call-in applications simply to appease their electorate if they do not feel the issues justify the Development Management Committee's attention.
- l. If the issues raised do not appear to justify the attention of the Committee then it is the expectation that ward Councillors will explain to their electorate that they cannot justify a call-in of the planning application.
- m. Councillors must consider whether a planning matter is of sufficient gravity that there is a real public interest in calling it in to the Development Management Committee. The Development Management Committee deals with major applications of public importance and any request must be shown to have met this test.
- n. Only where Councillors feel the issues warrant a full democratic debate amongst the Development Management Committee, should they call-in applications.
- o. Councillors who feel that a call-in is warranted are required to call-in the planning application through a formal set procedure as outlined below.
- p. If a call-in is not made following the call-in procedures and with sufficient grounds for the call-in to be made the call-in would not be valid and the application would follow the usual routes set out in the Scheme of Delegation.

## **2. How to make a call-in**

- a. Councillors must use the online call-in request form. This form has fields that prompt the necessary information required in order to demonstrate that the call-in is made on legitimate and reasonable planning grounds, is sufficiently in the public interest and provides all of the information that the Planning Service needs in order to process a Councillor call-in efficiently and effectively and maintain

an auditable and transparent process.

- b. It is important that the form is filled in fully, stating the reasons for the call-in and including the relevant and reasonable material planning considerations that the Ward Councillor feels warrant scrutiny by the Development Management Committee.
- c. The call-in form will be placed on the application file and will be accessible for the public to view on the Council's website. Councillors should therefore ensure that a Member of the public who has approached them to call-in an application is aware that any personal information they provide may be made public when it is incorporated into the call-in form. The Committee report will also give the name of the Councillor making the call-in and the reason(s) for the call-in.
- d. Guidance on what forms a material planning consideration is available on the Member training section of the website.
- e. All call-in requests must be made before the end of the first public consultation period, as notified by letter.
- f. The date of the call-in will be the date that the call-in request form is received.
- g. Councillors will be advised of applications received in the weekly Member Brief. All applications can also be viewed and searched for by ward on the Council's website.
- h. Call-in requests can be made by a Member of the Development Management Committee or by a Ward Councillor(s) whose ward is the ward in which the planning application is sited.
- i. Call-in requests can be made by Councillors not representing the ward where the application is sited if the proposal would potentially have a significant impact on their ward. The call-in request should clearly state why the application affects the ward of the Councillor wishing to make a call-in (e.g. a large development being proposed adjacent to a ward boundary). If a 'significant impact' is not adequately demonstrated (applying a test of reasonableness) then the call-in will not be accepted.
- j. Where the call-in is not made on relevant material planning grounds and is not sufficiently in the public interest, the call-in will be invalid, and the application will be determined under delegated powers.
- k. Validity of call-ins is determined by the Planning Manager or Assistant Director for Development Services. Call-in disputes are subject to final review by the Council's Monitoring Officer and may be declined if it does not refer to relevant and reasonable planning grounds, public interest considerations or has been inappropriately made.

### **3. Pre-disposition, pre-determination & bias**

- a. Members of the Development Management Committee need to avoid any appearance of bias or having pre-determined their views before taking a decision on a planning application. When calling in an application, a Member shouldn't not give any indication of how they would vote on the application.
- b. Councillors must declare on the call-in form any relationship or actions on their part or impact the application may have on any of their interests which could be construed in the public's mind as being liable to bias, predetermination or having a closed mind.
- c. If a Councillor answers 'yes' to question 8,9 and 10 on the call-in form they must consider whether they are biased, have pre-determined the matter or have a closed mind. If this is the case the Councillor should not sit on the determining Development Management Committee and should have no further dealings with the application.
- d. It is the obligation of Councillors to recognise where they have an interest in the application and Member's attention is drawn to the Members Code of Conduct for Planning Matters which can be found in the Council's Constitution. Failure to declare an interest may put the decision taken by the Development Management Committee, at risk of a legal challenge.

### **4. Valid and invalid call-ins**

- a. Upon submitting a call-in form Councillors will receive an acknowledgement email.
- b. The Planning Manager or Assistant Director for Development Services will assess the call-in application and determine:
  - if the form has been completed correctly and, in its entirety,
  - that the call-in has been made within the relevant time frame
  - that the relevant Ward Member has made the call-in or that a non-ward Member or Development Management Committee Member has a valid reason to make the call-in; and
  - that the call in is based on a relevant and reasonable material planning consideration, is sufficiently in the public interest and is also of sufficient gravity to warrant full consideration by the Committee.

- c. If the call-in does not fulfil the criteria above, the Development Management Service will email the Councillor advising that the call-in is not valid and state the reason why. The application will then follow the delegated route, unless a valid call-in is received within the relevant timeframe.
- d. If a Member is dissatisfied with the decision that a call-in is deemed as invalid, they can request a review of the decision from the Council's Monitoring Officer. The Monitoring Officer's review of the decision is final.
- e. If the call-in is valid the Development Management Service will confirm this by email.
- f. When a call-in is valid, the application will be referred to the Development Management Committee. The Councillor requesting the call-in will be notified of the month in which the item will be taken to Committee (if known).
- g. The application may not always be referred to the Development Management Committee immediately e.g. where the consultation is still current, where negotiation is ongoing or where further information may be sought.
- h. The application will be written up in accordance with the Officer's workload and will be taken to the first Committee where the report can be published on the agenda in accordance with the Council's timeframe for access to agendas and reports prior to a Committee meeting. This may result in a decision on an application falling outside of the statutory timeframe, however it ensures probity in decision making ensuring that call-ins are not a method of expediting an application through the planning system.
- i. The applicant, agent and any objectors will be advised that the application will be decided at Committee because it is the subject of a call-in.
- j. Councillors who call-in a planning application are expected to attend the Development Management Committee to address the Committee and explain their views on the planning application and expand upon their call-in reasons. By calling-in an application Councillors are indicating that they feel the issues are genuine and require debate at the Development Management Committee. However, Councillors who sit on the Committee who explain their views on the planning application must ensure that their views do not indicate that the application has already been predetermined by them or that they are biased.

## **5. Withdrawing a call-in**

- a. The nature and timing of call-ins is such that a call-in is made prior to the Officer concluding a report and making a decision, as the call-in has to be made during the consultation period.
- b. The Councillor may indicate on the call-in form if they are minded to withdraw the call-in if, after the case Officer has fully considered the case (in line with all relevant policies, guidance and comments), for approval or refusal, and this would sufficiently address their reasons for call-in.

If the Councillor has made such an indication and the decision was in line with that, the Call-in would automatically be withdrawn.

- c. Should the Councillor wish to withdraw the call-in for any other reason they must do so in writing using the online call-in withdrawal form.
- d. Upon submitting a call-in withdrawal form the Councillor will receive an acknowledgement email.
- e. The call-in withdrawal form will be placed on the application file and will be accessible for the public to view on the Council's website.
- f. The Councillor may withdraw the call-in at any time up to the date of publication of the Development Management Committee agenda.
- g. If the Councillor wishes to withdraw after the publication of the Development Management Committee Agenda, the matter will still be taken to Committee for decision, however it will be noted at the meeting that the Councillor has withdrawn their call-in.

**Appendix D – Development Management Committee Site Visit Protocol**



**Castle Point Borough Council**

**Development Management Committee  
Site Visit Protocol**

## **1.0 Background**

- 1.1. Site visits play an important part in the determination of planning applications. As a matter of process, a case Officer will undertake a site visit, if required, to assist in their consideration of an application. Therefore, as the decision maker on some applications, it is vital that the Members of the Development Management Committee (DMC) undertake site visits, including those that are with Officers, but all do so in a manner that does not compromise or prejudice decisions.
- 1.2. This protocol is intended to guide Members of the DMC and Officers when considering applications and carrying out site visits.
- 1.3. It is also intended to inform other stakeholders with an interest in planning applications, e.g. applicants, objectors and agents, about the purpose and procedures at site visits.
- 1.4. Site visits by the DMC and Officers are part of the formal DMC process and therefore should be dealt with in a consistent and organised manner. Administrative and procedural arrangements on site should be understood by all taking part so that the process is transparent and fair.
- 1.5. Fortunately, it is rare for a site visit to encounter any problems which could suggest predetermination or bias. However, this protocol sets out the procedures in the event that someone does overreach and apply undue influence open the committee during a site visit.
- 1.6. Following this procedure will help to ensure that we minimise the risk of accusations or any wrong doing and that visits can be conducted safely.
- 1.7. For the purpose of this protocol, reference to “the DMC” will refer to both the Members of the Committee and the attending Officers at the Committee.
- 1.8. Site visits will be organised for all major and minor applications for new dwellings and commercial developments.

## **2.0 The Purpose of the Site Visit**

- 2.1. Site visits help in enabling the DMC to understand more fully:
  - 2.1.1. The details of a development proposal in the context of the application site,
  - 2.1.2. The surrounding land and buildings, and
  - 2.1.3. Issues raised by interested parties.
- 2.2. Site visits can be useful to identify features of a proposal, which may be difficult to convey in a written report.
- 2.3. Site visits are part of the meeting of DMC. Councillors intending to declare a personal interest should make this known to the Planning Officer on site. If the interest is not prejudicial the Councillor may attend the site visit. They should

ensure that their declaration is duly recorded in the minutes of the meeting when the matter comes before committee for determination. Councillors intending to declare a prejudicial interest and withdraw from the meeting on the matter, should not attend the site visit.

- 2.4. Planning Committee Members who fail to attend the site visit will need to consider whether they have sufficient knowledge of the site and the issues arising from the site visit to enable them to take part in determining the application.
- 2.5. The report to the DMC is published at least 5 working days in advance of the DMC meeting which will set out whether an organised site visit is proposed to take place. Councillors on the DMC should, wherever possible, seek to attend the organised site visit. However, where an organised visit is not taking place or they are unable to attend the organised visit, Councillors on the DMC may wish to undertake an individual site visit to view the site from public land. In such circumstances the Councillors will also act in accordance with the content of this document.

### **3.0 Arranging Site Visits**

- 3.1. Site visits will normally take place on the Friday or Monday before a Development Management Committee. This will provide time before the visit for Members to have read the Officer's report and prepare any questions they wish to raise at the visit.
- 3.2. Although site visits are an essential part of the decision making process, they do not form any formal part of the Development Management Committee itself. Officers will reference the site visit in their introductory report for the relevant planning application at the Committee meeting.
- 3.3. Links to the DMC report, where available, plans and the Site Visit Protocol will be sent to all those notified of the visit.
- 3.4. While Officers will attempt to arrange the visit in advance with the applicant or agent or landowner, there is no right to enter onto private land without permission of the owner. It is not always necessary to enter a site to assess an application either. Where appropriate Officers will obtain prior permission from the landowner or their agent for those invited to attend the site visit to enter the land. If permission is not given for Councillors and Officers to enter, the site will have to be viewed from the public highway/areas.
- 3.5. It should be noted that whilst access onto the site is useful, it is not essential. The planning considerations often relate to the impact of the development on the neighbouring area, so access to the surroundings will provide a better understanding.

### **4.0 Procedure at Site Visits**

- 4.1. Meetings will start promptly at the time notified. The Planning Officer will note the names of all Councillors and Officers present and a record of all attendees, and a note of the visit will be kept electronically with the case file. If a prior site visit has been conducted and has over run, discretionary leniency may be applied.



- 4.2. Members of the DMC shall be notified of organised site visits and are permitted to attend. In addition to the DMC, relevant Ward and Town Councillors may also attend. All those planning to attend should inform the governance team and Planning Officers prior to the site visit.
- 4.3. Councillors should time their arrival at the site to the same time as the attending Officer for the agreed site visit time. If present at the site before the visit begins, particular care should be taken to ensure that they maintain their objectivity if approached by the applicant / agent / landowner or members of the public. Councillors are advised to not discuss the application with anyone at the site, including other Councillors, until the Officer has arrived. This will ensure objectivity and avoid any accusations of bias or collusion. Hospitality or lifts must not be accepted from an applicant, agent or landowner, or objector as this could be seen to show favour.
- 4.4. Councillors and Officers should ensure that mobile phones are turned off or are on silent during the site visit.
- 4.5. If the applicant or the applicant's representative is present to facilitate access to the site, once access has been granted, the applicant / agent of landowner should wait at the entrance to the site and not take part in the site visit unless directed to do so by the Planning Officer in attendance. Councillors should not engage with individuals beyond simple greetings and farewells to avoid any appearance of bias.
- 4.6. The Planning Officer will describe the proposal to Councillors and will display plans or drawings of the proposal. It is expected that Councillors will already be familiar with the Planning Officer's report and the proposal documents prior to undertaking the site visit. The Planning Officer will indicate matters in relation to the proposal and surrounding land which Councillors should take account of.
- 4.7. Members of the DMC may ask the Planning Officer questions for clarification of any planning matter relating to the proposal or surrounding land.
- 4.8. **At no time during the site visit should Councillors debate or comment on the planning merits or otherwise of a proposal.** To do so might imply that the Councillor's mind is already made up. Even comments on the scenery or locality could be perceived as a comment on the appropriateness of the proposal.
- 4.9. If it is not a question about the site, application or planning process, then it is advisable not to comment to prevent predisposition, predetermination or bias.
- 4.10. The public right to address DMC does not arise until the item is reached on the Committee agenda. At no time during the site visit will the applicant, their agent, any objector, supporter or any other member of the public be allowed to address Councillors. The site visit is not for further representations to be made.
- 4.11. However, occasionally it may be appropriate at the site for Officers, at the request of Members, to ask the applicant or their agent to point out important or relevant site features, or provide clarification, however they should not be encouraged to express opinions. Any answers given by the applicant or their agent to questions

asked by Officers should stick to addressing the question asked and be kept purely factual.

- 4.12. Members of the public may also try to discuss the proposals with Councillors. In such instances the Councillors are advised to say that they cannot make any comments now and that the application will be considered in a public committee on the relevant date. If any other interested party tries to disrupt the visit or interfere, Members will be required to leave the site and the Planning Officer will take a decision on whether to proceed or not.
- 4.13. In order to assist in ensuring that Councillors receive the same information, they should keep together in one group with the Planning Officer and not break away into small groups.
- 4.14. At the end of the site visit the Councillors should leave the site promptly.