

## **13. Code of Practice for Members and Officers Dealing with Planning Matters**

### **Introduction**

This code sets out guidance for all elected councillors in various roles, including as local councillor and as a member of the Planning Committee.

Planning Committee is established by the Full Council to:

- (a) Determine those issues which have a genuine Island wide significance due to their size or impact;
- (b) Raise marginal and difficult policy issues (including inconsistency between policies or those classed and advertised as a departure);
- (c) Determine applications which are made for commercial or potentially contentious purposes by elected councillors or staff member (or their spouses); or are contentious among the wider island communities.

As such, development management is among the most controversial and high profile council functions. Members need to balance their duties to individual constituents and to the community which they represent in their role as local division councillors, with the need to objectively determine development management issues in accordance with the law and locally adopted planning policies.

The principal purpose of this code is to assist officers and members in delivering unimpeachably high standards of development management decision making. It applies equally to all elected councillors, including those who are sitting on or attending the Planning Committee. It also applies to all council officers.

Officers need to be able to exercise their professional roles, which involve advising applicants, members taking decisions and also taking decisions themselves under the scheme of delegation.

### **Other Relevant Codes and Protocols**

Members' conduct is principally governed by the Member Code of Conduct (see Part 5 Section 4), as well as other local codes, such as this code of practice, breaches of which should be referred to the Monitoring Officer.

Relationships between members and officers are considered in detail in the Protocol for Member/Officer Relations (see Part 5 Section 8).

The roles of members are considered in some detail in a number of job profiles, also forming part of the Constitution (see Part 2 Section 2).

Staff who are members of the Royal Town Planning Institute must follow a code of professional conduct. Breaches of that code may be subject to disciplinary action by the institute. All officers are bound by the Employee Code of Conduct (see Part 5 Section 9).

The Constitution contains rules on acceptance of gifts and hospitality (see Part 5 Section 7). Neither councillors nor officers should ever place themselves in a position of accepting hospitality from an applicant or an objector in breach of these rules.

## **Decision Making**

The Town and Country Planning Act 1990 establishes a plan led system. Planning applications must be determined by reference to the currently adopted development plan. Each application must be decided in accordance with the plan unless there are material considerations to justify departure from it.

Members who are consistently unable to support national or local planning policies will inevitably find themselves unable to take objective decisions in relation to individual planning applications and should not participate in development management decision making.

The decision as to whether a member can continue to participate in development management decision-making is one primarily for individual members, having received advice from the Monitoring Officer. However, any member who finds themselves speaking against a particular policy on two or three occasions during a twelve month period, or five or six occasions during the lifetime of the council, might choose to regard themselves as unable to support that particular policy and withdraw from debate where it is being applied.

Where a member speaks against three or more policies during a twelve month period, or against five or six over the lifetime of a council, they similarly might find themselves unable to support national or local policies to the extent that they should not make development management decisions.

Local opposition or support for an application is not a ground for making a decision, unless that opposition or support is based on material planning considerations.

Members can only take informed, objective, decisions when they have received and carefully read all written reports and submissions. They must attend official committee site visits and carefully listen to all public speaking contributions and to all contributions to the debate from members. Therefore, any member who has not been present throughout the whole consideration of an item must not vote.

## **Reserved Matters**

The majority of applications will be dealt with by officers using delegated powers, however, the following applications and related submissions will be reserved for determination by the Planning Committee:

- (a) Applications which the Strategic Manager for Planning and Infrastructure Delivery considers:
  - (i) have a genuine Island-wide significance due to their size or impact
  - (ii) raise marginal and difficult policy issues (including inconsistency between policies or those classed and advertised as a departure); or
  - (iii) are contentious among the wider Island communities or of significant impact to a locality
- (b) Applications submitted by or on behalf of an elected councillor (or members of their close family or close associates) or by any staff (or members of their close family or close associates) employed in Planning Services or any other areas of the council where the individual may be involved in the planning process (unless the Monitoring Officer, upon receipt of a recommendation from the Strategic Manager for Planning and Infrastructure Delivery, certifies that the nature of the application – being not contrary to policy and for

domestic/recreational and not commercial purposes, or if for refusal is supported by clear and unarguable policy reason, – is such that it can be determined under delegated powers).

- (c) Applications where the proposed development is for council purposes or involves council owned land or property (except where the Monitoring Officer, upon receipt of a recommendation from the Strategic Manager for Planning and Infrastructure Delivery, is satisfied that the application is for minor works and does not need to be determined by Planning Committee). For example:
- (i) minor works to existing property and the use is not to be materially changed
  - (ii) minor applications for changes of use where there is no consequent proposal to dispose of the property
  - (iii) minor applications where there have been no objections during the consultation period; or
  - (iv) where the proposals are an amendment to an earlier scheme and do not extend beyond the previously consented extent of developed area

The Strategic Manager for Planning and Infrastructure Delivery has authority to make minor amendments to the wording on decision notices following resolution by the committee, so long as the changes do not materially affect the decision itself. For example, they may change the wording of a condition but not the need for a condition requested by members.

### **Prior Approval or Prior Notification**

Applications for Prior Approval or Prior Notification (related to permitted development rights) will not be referred to Planning Committee for determination. Such applications must be determined against set regulations and are often time sensitive, in that if they are not determined within the prescribed periods, deemed consent is granted.

**Lawful Development Certificates (LDCs)** Applications for Certificates of Lawful Use or Development (existing or proposed) will not be referred to the Planning Committee, as they are often complex determinations of matters of law and fact.

### **Delegated Decisions**

The majority of applications will be dealt with under delegated powers. This is reflective of the overall number of applications received by the Local Planning Authority, the range of application types received and the complexity of those cases, whilst also ensuring business efficiency and compliance with required regulations related to the performance of planning authorities (and criteria for designation as set out within Town and Country Planning Act 1990).

Applications are subject to formal consultation processes depending on the nature and scale of application as set out within legislation. Elected councillors may engage with the case officer for an application during the application process and are encouraged to do so to aid in the efficient determination of applications and resolution of issues.

### Major applications

For major applications (as defined by the Town and Country Planning Development Management Order 2015) the following will apply:

- (a) If, within the 21 day consultation period of the application, no letters of representation have been received that are contrary to the officer recommendation, officers may move to determine the application under delegated powers.
- (b) If, within the 21 day consultation period of the application, representations are received that are contrary to the officer recommendation, the local councillor may request a determination by the Planning Committee. Such a request must be made within the 21 day consultation period, or within 7 days of the closure of the consultation period. The request must be made in writing and contain relevant and material planning considerations. If no request is made within the timescales identified, officers may move to determine the application under delegated powers.

Where a request is made in connection with paragraph (b) above, officers may seek to overcome the request for a “Call-In” through dialogue with the local councillor and provision of further advice. Examples of this are the provision of a summary of the officer recommendation, use of conditions, or provision of revised plans which may address the reasons set out in the member’s request. If, following dialogue, agreement is reached, officers may move to determine the application under delegated powers.

If, following dialogue, agreement cannot be reached, officers will consult with the chairman of the Planning Committee, who shall consider whether the reasons for requesting Call-In to planning committee are relevant and material to the consideration of the application, with particular regard to the purpose of the Planning Committee.

Where the chairman of the Planning Committee agrees with the request for Call-In the item will be reported to the Planning Committee. Where the chairman of the Planning Committee does not agree with the request for Call-In, the Strategic Manager for Planning and Infrastructure Delivery (or an authorised deputy) may issue the decision under delegated powers.

#### Non-major applications

For all other application types (except for Reserved Matters, Prior Approval or Prior Notification applications, or applications for LDCs) the following will apply:

- (a) If, within the 21 day consultation period of the application, no letters of representation have been received that are contrary to the officer recommendation, officers may move to determine the application under delegated powers.
- (b) If, within the 21 day consultation period of the application, representations are received that are contrary to the officer recommendation, the local councillor may request a determination by the Planning Committee. Such a request must be made within the 21 day consultation period, or within 7 days of the closure of the consultation period. The request must be made in writing and contain relevant and material planning considerations. If no request is made within the timescales identified, officers may move to determine the application under delegated powers.

Where a request is made in connection with paragraph (b) above, officers may seek to overcome the request for a Call-In through dialogue with the local member and provision of further advice. Examples of this are the provision of a summary of the officer recommendation, use of conditions, or provision of revised plans which may address the reasons set out in the request for Call-In. If,

following dialogue, agreement is reached, officers may move to determine the application under delegated powers.

If, following dialogue, agreement cannot be reached, officers will consult with the chairman of the Planning Committee, who shall consider whether the reasons for requesting 'call-in' to the Planning Committee are relevant and material to the consideration of the application, with particular regard to the purpose of the Planning Committee.

Where the chairman of the Planning Committee does not agree with the request for Call-In, officers may issue the decision under delegated powers. Where the chairman of the Planning Committee agrees with the request for Call-In, the item will be reported to the Planning Committee where the request is based on the planning merits of the particular matter. Where the Strategic Manager for Planning and Infrastructure Delivery (or their deputy) agrees with the request for Call-In, the item will be reported to the Planning Committee.

Where officers determine applications under delegated powers:

- (a) a record will be kept of the planning considerations taken into account
- (b) appropriate documentation relating to the delegated process described above, from the local councillor, chairman of the Planning Committee and Strategic Manager for Planning and Infrastructure Delivery (as required), will be retained following the decision being made (in accordance with the adopted document retention policy for Planning Services).

### **Declaration and Registration of Interests**

The Member Code of Conduct sets out a regime for members recording Disclosable Pecuniary Interests (see Part 5 Section 3).

In summary, the code requires (where members have a conflict of interests) that if the matter to be considered affects:

- (a) An item in the members register of interests, then a Disclosable Pecuniary Interest must be declared, the member must not take part in the consideration of the item, and they must leave the room. However, members with such an interest may have the same participation rights as a member of the public if a dispensation has been granted by the Monitoring Officer, but must leave the room after they have done so. To speak as a member of the public, members must, in addition to having obtained a dispensation, have followed the process for registering to speak as a member of the public is required to do.
- (b) If a member has a close personal interest in an item (say an application submitted by a close family member or a close associate), which is so close that it could give rise to actual or apparent impartiality, bias or pre-determination, then they should declare this interest and leave the room during its consideration. Again, members with such an interest may have the same participation rights as a member of the public if a dispensation has been granted. To speak as a member of the public members must, however, in addition to having obtained a dispensation, have followed the process for registering to speak as a member of the public is required to do.

## **Local Councillors**

Any local councillor who is not a member of the Planning Committee is entitled to attend and speak in relation to any item on the agenda with direct impact on their electoral division, so long as they have given prior notice before the start of the meeting to Democratic Services of their wish to do so.

Where a local councillor has requested the item be considered by the Planning Committee and that item is reported to the Planning Committee, it is anticipated that the local councillor will attend the meeting or make alternative arrangements for their representation at the meeting by an adjoining division councillor, political group leader or by provision of a short written statement, which may be read by the chairman. A local councillor can speak for six minutes at the end of public speaking unless the chairman agrees otherwise.

Members of the Planning Committee who are determining applications that are within their electoral division should, by local convention, declare the fact and nature of the impact on their electoral division as a personal interest and may speak but will not vote on the issue. This convention is encouraged in order to protect the Planning Committee from the perception that decisions are being taken on the basis of local opposition or support rather than material planning considerations. It also protects against the perception that those areas that are represented by a local councillor who sits on Planning Committee have a disproportionate influence on the planning processes.

## **Other Members**

The chairman of the Planning Committee has the discretion to invite members of the council who are not members of the Planning Committee, nor the councillor within whose electoral division the proposed development is located, to address the Planning Committee. The chairman will usually allow a councillor in this position to speak in relation to any issue where that councillor has a contribution to make which relates to material planning considerations, where it has not been practicable for the contribution to be made in writing via officers of the planning service and no other member of the Planning Committee can, or will, make the contribution which the non-local councillor wishes to make.

If any councillor, whether or not a committee member, speaks on behalf of a lobby group at the Planning Committee, they should withdraw from the meeting once any public or local councillor speaking opportunities have been completed. This is to counter any suggestion that members of the committee may have been influenced by their continuing presence.

## **Cabinet Member for Planning and Enforcement**

The Cabinet member with responsibility for Planning and Enforcement will not be appointed to the Planning Committee. That Cabinet member is nevertheless entitled to attend the committee and speak on any item which raises particular planning policy issues.

Sometimes the Cabinet member may, as local councillor, wish to speak on an issue that also interests them as Cabinet member. In order to be able to do this, they must make it clear if they are speaking as a Cabinet member or as the division councillor.

## **Lobbying of and by Members**

Development management decisions must be taken objectively on the basis of relevant information.

Where the Planning Committee is taking the decision all, and only, relevant information must be presented either in writing or orally to the committee meeting.

It is perfectly proper for elected councillors to give applicants and objector's factual information about the process but, other than this, contact with applicants or objectors should be treated very carefully. In particular, members who wish to participate in taking a decision must never express an unequivocal opinion about the merits of an application.

Whilst it will usually be preferable for members to avoid debating future decisions, particularly in public forums, they may occasionally wish to do so. When this happens, they should use a form of words that confirms that whilst they may have a pre-disposition towards a particular outcome, they have not made a pre-determination on the subject, such as *"on the basis of the information I have at the moment I am likely to oppose/support the application but I will consider all the information available before I make my decision"*. Any member who makes a stronger statement, such as *"this application will be passed over my dead body"* will not be able to take part in the committee decision.

Councillors may be lobbied by individuals, groups or other interested parties in a matter and this is to be expected. However, if any councillor considers that they are receiving unduly intense or inappropriate lobbying, then they can discuss this with the Strategic Manager for Planning and Infrastructure Delivery for further advice.

Members should be particularly careful not to exert pressure on an officer who has to make a recommendation to the Planning Committee. If any officer believes that pressure is being exerted upon them, they will immediately notify the Strategic Manager for Planning and Infrastructure Delivery and/or the Monitoring Officer. In the event that the Strategic Manager for Planning and Infrastructure Delivery believes that pressure is being exerted upon their role, they should immediately notify the Director and/or the Monitoring Officer.

Officers will take many planning decisions under delegated powers. It is similarly unacceptable for those officers to be lobbied by members or be subjected to undue pressure.

## **Bias/Apparent Bias**

Any councillor who is, or appears, biased towards an issue can leave the decision vulnerable to challenge in the courts. The courts will undertake a detailed investigation of a member's conduct over a period rather than look just at the circumstances relating to that decision. It is therefore extremely important that councillors are aware of what they should and should not do to avoid having decisions undermined by later challenges. There must be an appearance of impartiality at all material times.

The test for bias applied by the courts in terms of a particular member who participates in the decision-making itself is as follows:

*"Would a fair minded observer knowing the background, consider there was a real possibility of bias arising from a particular member being a member of the relevant decision making body."*

In recent years the courts have been more willing to find that there has been an appearance of bias:

*“Whether, from the point of view of the fair minded and informed observer there was a real possibility that the planning committee or some of its members were biased in the sense of approaching the decision with a closed mind and without impartial consideration of the planning issues.”*

The court will look at the facts in each case. If a member has simply given a view on an issue, this will not amount to pre-determination so as to render the decision vulnerable to legal challenge, as this alone does not show that the member has a closed mind on that issue. Simply due to a member making a public statement about their approach to a planning application does not mean that the member cannot participate in the determination of the application. However, members must be careful to articulate how they phrase statements. Expressing a view may not disqualify a member on the basis of bias or the Member Code of Conduct, but they must be able to show that they have not approached the matter with a “closed mind”. Merely asserting that the member had an open-mind will be of little value – they do not relate to the all-important impression portrayed.

Once bias or predetermination is demonstrated, the decision will be quashed unless there is good reason for the court to exercise its discretion not to do so. It is no answer to suggest that only one member was “guilty” and therefore the decision should stand.

In light of the above and the issues this raises, the following further guidance is given:

- (a) Planning Committee members attending public meetings should avoid expressing opinions on any current or live planning application nor participate in any debate. They must adhere to only stating facts or declaring that they are taking a position to listen to other views.
- (b) Planning Committee members or local councillors who wish to take part in the debate on pending/forthcoming applications (pre-application discussions), should have regard to this code and may take the view that they should not attend or participate in any discussions or public meetings if they wish to take part in the debate and vote on an application.
- (c) Councillors who are not members of the Planning Committee do not need to avoid discussions or meetings, but must at all times have regard to the Member Code of Conduct.

## **Town and Parish Councils**

The danger of prejudging an issue arises not just at public meetings but also in parish and town council debates. Taking part in a parish or town council debate does not prevent members from taking decisions at the Planning Committee or other members from participating in the debate. However, parish and town councils do not have the advantage of planning advice nor complete information on any application. Contributions by elected councillors at parish or town councils must therefore be carefully worded to avoid evidence of the decision having been prejudged.

When a councillor has participated in a public debate, at a parish/town council or elsewhere, they should declare this when they speak at the Planning Committee and should make a clear statement that they have not prejudged the issue.



## **Whipping**

The use of party political whips in development management decisions would demonstrate a predetermined position and could also be maladministration. Whipping must not therefore take place.

Individual members should reach their own conclusions on planning matters rather than follow the lead of another member. However, the views of other members of the committee, where they are relevant, can be one of the factors taken into account in taking a decision.

## **Pre-Application Discussions**

The opportunity for developers to discuss development proposals with planning officers in advance of the submission of applications is recognised best practice. It provides potential developers with detailed guidance on planning policies and other material considerations relevant to proposals. It is preferable that members do not take part in pre-application discussions in order to maintain impartiality. In certain circumstances, members may be invited by officers to become involved in such meetings. In no circumstances should members become involved in pre-application meetings without the assistance and attendance of a planning officer.

High standards of probity are rightfully expected of members when discharging their planning responsibilities, and members should note in particular that:

- (a) at all times they should maintain the highest standards of probity in their engagement with applicants
- (b) they may have formal contact with the applicants for planning permission for strategic schemes during the pre-application and determination periods
- (c) Planning Committee members can comment on the details of schemes provided they are clear that they will listen to all material considerations presented at committee before deciding how to vote
- (d) involving members early and throughout the application and determination process leads to better planning decisions and better developments

Notes of all pre-application meetings will be taken and agreed with the parties attending the meeting. Where appropriate, notes of pre-application meetings will be included on subsequent application files.

At the discretion of the Strategic Manager for Planning and Infrastructure Delivery, developers proposing the submission of major planning applications may be offered an opportunity to present the outlines of their proposal to members of the Planning Committee prior to formal submission. In such circumstances, members should recognise that the presentation is for information only, and that the decision making process should not commence until such time as any ensuing application is subsequently made.

## **Development Proposals Submitted by Members and Officers, and for Council Development**

All Planning Services officers or other officers involved in the planning process must declare to their head of service any interest that they may have in any third party application (e.g. an application submitted in their immediate neighbourhood or by a society or club of which they are a member) and take no part in the determination of that application.

Where a planning application is made by a Planning Services officer or any other officer involved in the planning process (including their wife/husband or civil partner), that officer shall play no part in the decision making process. Similarly to members, the officers shall not take any part in the committee process if their application is referred to committee and should, if they are present withdraw from the chamber or public gallery.

At the meeting of the Planning Committee to which an application submitted by a member of the Isle of Wight Council is reported, that member should neither vote nor speak on the application during the debate and should withdraw from the meeting. The opportunity to present a case to the committee as part of the public speaking scheme (in accordance with this code) will be available subject to a dispensation having been granted (see Part 5 Section 4 paragraph 8 and Part 5 Section 6).

All members of the council who may be considering the submission of an application are strongly advised to employ the services of an agent to avoid partiality, to ensure proper contact with officers during its processing and to address the committee as appropriate.

### **Training**

The importance of informed objective decision making in relation to development management issues is so important that this council has a policy of training all members taking development management decisions before they start to do so.

Training relating to development management (including this code) and the Member Code of Conduct will be provided as a minimum for all councillors. Periodic additional and refresher/updating training will also be delivered. Training will be undertaken by the Strategic Manager for Planning and Infrastructure Delivery, planning officers, other officers of the council or external trainers, as appropriate. It is extremely important that elected councillors participate in this training. Any councillor who believes they are not sufficiently trained should not participate in development management decisions.

### **Reports to Planning Committee**

All reports will:

- (a) describe the location and nature of the site
- (b) summarise the relevant planning history
- (c) identify relevant planning policies
- (d) evaluate the main material considerations of the application
- (e) set out the representations received on the proposal
- (f) summarise any human rights issues relevant to the specific proposal
- (g) set out a clear recommendation. In the case of a recommendation to approve, appropriate conditions will be set out together with reasons why it satisfies policy. In the case of a recommendation to refuse, detailed reasons for refusal will be set out.

### **Briefing**

In the period between the publication of the committee agenda and the holding of the meeting, a briefing will be held for the chairman and vice chairman of Planning Committee and the Cabinet member for planning. The briefing will be organised by the Strategic Manager for Planning and Infrastructure Delivery and appropriate planning officers. An appropriate Legal officer will also be in attendance, together with the committee administrator. The purpose of the briefing is to:

- (a) advise members of the key points on each planning application
- (b) advise members of the extent of public speaking at the committee meeting
- (c) discuss administrative issues in relation to the detailed organisation of the meeting

The briefing should not be used by members attending as an opportunity to exert pressure on officers to pursue a particular course of action or outcome.

### **Conduct at Meetings**

It is important that public confidence in development management is maintained. The conduct of members at meetings is extremely important. The following arrangements should be followed unless the prior agreement of the chairman is obtained:

- (a) committee members will sit in a designated seat marked with their name plate
- (b) a seating plan will be available for members of the public
- (c) members will speak clearly and concisely using microphones so the public and other members can hear what is said
- (d) the chairman will introduce speakers by family name
- (e) mobile phones will be switched off or on silent
- (f) eating and drinking, other than water, is not permitted
- (g) occasional breaks will be taken during long meetings
- (h) only exceptionally will the chairman allow members to speak for more than five minutes

### **Public Speaking**

In order to ensure that committee members have access to a full and appropriate understanding of the often divergent comments on a planning application, the council operates a scheme of public speaking at Planning Committee.

Full details of the public speaking scheme are set out in "Your Chance to Speak - Public Speaking at Planning Committee", available in leaflet form from the Strategic Manager for Planning and Infrastructure. In summary, unless the chairman agrees otherwise for reasons of natural justice, fairness or for other reasons to enable the proper determination of an application, the key elements of this scheme are as follows:

- (a) public speaking is permitted on all planning applications considered by the Planning Committee
- (b) three groups of speakers are permitted on any application:
  - (i) the applicant/agent/supporters
  - (ii) objectors
  - (iii) parish/town councils
- (c) Each of these groups will have up to six minutes to present its case. A maximum of three people can speak for each group, with the time divided equally between them.
- (d) Public speaking on any application is only permitted on the first occasion the application is considered by the Planning Committee.

Members of the Planning Committee should give appropriate weight to the representations made by the public in their determination of planning applications. Comments made by speakers exercising their right to address the committee will, in most cases, highlight comments already summarised in the officer report on the application. In some cases, other issues will be raised which will not already be covered in the report. In assessing comments made during public

speaking, members must only give weight to issues which are material planning considerations. Where appropriate and/or necessary, the chairman of the committee will request officers to comment on items raised by the public, and whether or not they are material to the determination of the application in particular.

### **Site Inspections**

The need for site inspections (which, if required, will take place prior to the committee meeting) will be determined by the Strategic Manager for Planning and Infrastructure Delivery or authorised officers in consultation with the committee chairman. In deciding whether it is appropriate to hold a site inspection, consideration will be given to any state of national emergency (e.g. Covid-19) as to whether the council may have to suspend this provision.

Members of Planning Committee must attend official site visits in order to participate in the debate and vote. If members are unable to make a decision on an application without the benefit of having visited the site, or a further site visit, they may vote for a site visit where the motion identifies the potential material planning benefit of attending site (again).

### **Cooling Off Period**

If within five working days of the Planning Committee at which the application was heard, the Strategic Manager for Planning and Infrastructure Delivery is of the opinion that a decision has been made contrary to policy and could not be sustained under challenge, they may choose to invoke the "cooling off" procedure. The effect of this action is that a decision notice will not be issued on the application. The Strategic Manager for Planning and Infrastructure Delivery will notify the members of the Planning Committee that this cooling off procedure has been invoked within five working days of making this decision and outline reasons will be given for invoking the cooling off period. A report will be brought back to the Planning Committee once the Strategic Manager for Planning and Infrastructure Delivery has finalised the report and the Monitoring Officer has been consulted. The report will analyse the sustainability of the decision, impact upon the Local Planning Authority and the possibility of precedent.

### **Minutes/Recording Decisions**

Decisions by Planning Committee will be clearly minuted. Where a decision against officers' recommendation is made, clear and sustainable reasons must be set out by the committee. Members who are considering determining an application contrary to officer recommendation are strongly recommended to seek professional advice from Strategic Manager for Planning and Infrastructure Delivery and/or the case officer before raising the matter at the committee. In any event, all decisions made at the committee contrary to officer recommendation will be subject to a named vote.

It is not possible to revisit decisions after the issue of the decision and the chairman of Planning Committee and those advising and assisting them must be confident that sufficient and comprehensively recorded reasons for the decision have been set out before the next agenda item is taken.

### **Review and Monitoring**

Annually, the Planning Committee may review a sample of development management decisions in order to assess their impact. As part of this process, a visit will be organised by the Strategic

Manager for Planning and Infrastructure Delivery in consultation with the chairman of Planning Committee to a sample of sites where developments have recently been completed.

Every six months, or to a timescale to be agreed between the Strategic Manager for Planning and Infrastructure Delivery in consultation with the chairman of Planning Committee, the Monitoring Officer and/or Strategic Manager for Planning and Infrastructure Delivery will report to the Planning Committee an analysis of:

- (a) all decisions which depart from policy
- (b) all decisions which are against officers' recommendation
- (c) site visits

## **Sanctions**

Elected councillors who act in breach of this code risk being the subject of a complaint about a breach of this code to the Monitoring Officer.

Breaches of the council procedure rules, particularly the planning committee rules, may invalidate a planning decision leaving that decision vulnerable to challenge on appeal, through judicial review or criticism by the ombudsman.

Officers who act in breach of this code of practice may be in breach of their contract of employment and subject to disciplinary or capability procedures.