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Conditions (see note "a")

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**PLANNING SERVICE**

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**A CODE OF PRACTICE**

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**How Members and Officers  
deal with  
Planning Applications**

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**Extension of Time** (see note "b")

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**Statement**

This notice is given in relation to the building  
is accompanied by the appropriate fee. I und  
local authority.

Name: \_\_\_\_\_

## Introduction

The Planning System involves taking decisions about the use and development of land in the wider public interest having regard, in particular, to the Development Plan.

The Local Government Association has recommended that Planning Authorities should agree a Local Code of Practice to guide Elected Members, Officers and Developers in the way they go about their business.

This leaflet summarises the main contents of this Code.

## Role of Elected Members

**Elected Members** determine the Council's planning policy. When Elected Members come to make a decision on a planning application they will:

- **ACT** fairly and openly
- **APPROACH** each application with an open mind
- **CAREFULLY** weigh up all relevant issues
- **DETERMINE** each application on its own merits
- **AVOID** undue contact with interested parties
- **ENSURE** that the reasons for their decisions are clearly stated.

In cases where applications are determined by the Council's Development Control Manager under delegated powers, he/she will adopt the same approach required of Members.

It is quite common for applicants or other interested parties to wish to discuss a proposed development with Elected Members before a planning application is determined.

This can help Members' understanding of the issues and concerns associated with an application. However, to avoid compromising their position before they have received all the relevant information, Members will:

- **AVOID** as far as possible meeting an applicant or potential applicant alone
- **AVOID** making it known in advance whether they support or oppose the proposal
- **RESTRICT** their response to giving procedural advice
- **NOT PRESSURISE** Officers to make a particular recommendation in their report
- **DIRECT** lobbyists or objectors to planning officers, who will include reference to their opinions where relevant in their report
- **ADVISE** the Development Control Manager or the Chairman of the Development Control Committee of the existence of any lobbying interests.

## Role of Officers

The **Officers'** function is to advise and assist Members in matters of planning policy and in their determination of planning applications by:

- **PROVIDING** impartial and professional advice
- **MAKING SURE** that all the information necessary for the decision to be made is given
- **PROVIDING** a clear and accurate analysis of the issues
- **SETTING** the application against the broader Development Plan policies and all other material considerations
- **GIVING** a clear recommendation
- **CARRYING OUT** the decisions of Councillors in Committee.

## Conflict of Interests

Where a Member feels that his/her impartiality has been compromised he/she will need to decide whether to declare a non-pecuniary interest and withdraw from the decision making process.

Membership of another committee of the Council which has expressed a view on an application does not by itself give rise to a conflict provided that the Member retains an impartial viewpoint.

Where elected Members who are not on the Development Control Committee wish to attend the Meeting, they should:

(i) not sit at the Committee table

(ii) clarify their role as either Ward Councillor representing the views of their electors, or as a private individual, objecting to or supporting an application.

The Council's Monitoring Officer or his representative will give advice on whether an interest should be declared in cases of doubt.

## Discussions with Potential Applicants

Pre-application meetings with potential applicants are encouraged. But to avoid them being misunderstood they will normally be at Officer level and:

- **WHERE** they involve Elected Members they will be at a forum prescribed for the purpose
- **POTENTIALLY** contentious meetings will be attended by at least one officer including the Development Control Manager or his representative
- **A NOTE** of the discussion will be taken and placed on file and made available for public inspection at the appropriate time
- **IT WILL BE MADE CLEAR** at such meetings that only personal and provisional views based upon the Development Plan can be given and no decisions can be made which would bind or otherwise compromise the Development Control Committee.

## Decisions Contrary to Officer Recommendation

From time to time Members of the Development Control Committee will disagree with the professional advice given by the Development Control Manager. In such cases, the reasons for rejecting an Officer's recommendation will be clearly stated and recorded in the minutes of the meeting. Where an appeal arises against such a decision, officers will give support to the relevant committee in preparing evidence for the appeal.

## Site Visits

Site visits can be useful to identify features of a proposal which may be difficult to convey in a written report, but site visits may delay the decision on an application.

The applicant will be notified in advance of any visit. Site visits are:

- **FACT** finding exercises
- **NOT PART** of the formal consideration of the application and therefore public rights of attendance do not apply
- **TO ENABLE** officers to point out relevant features
- **TO ENABLE** questions to be asked on site for clarification. However, discussion on the application will only take place at the subsequent Committee as all relevant parties may not be in attendance on site.

## Planning Applications by Councillors or Officers of the Council

When a Councillor or officer of the Council's Department of Environment & Regeneration either submits a planning application (as agent or applicant) or makes written representations for or against any planning application, that member or officer will:

- Inform the Development Control Manager and the Council's Monitoring Officer
- Take no part in processing or determining the application

The Development Control Manager will ensure that all such applications are determined at the Development Control Committee meetings and not under delegated powers.

## Planning Applications by the Council

The Council itself requires planning permission to carry out or authorise development on land it owns.

These applications will be treated in the same way as those from private applicants.

## References to Development Control Committee

Where a planning application would normally be determined by the Development Control Manager under delegated powers but a Member of the Council submits a request that it be determined by Members, it will be referred to the Development Control Committee for determination.

This document about How Members and Officers deal with Planning Applications, can be made available in a range of languages, large print, Braille, on tape, electronic formats from the Development Control Group  
Tel 01582 546605  
Fax 01582 546529  
Minicom/textphone 01582 546327

## Complaints

Any issues or concerns arising from this Code of Practice can be raised with the Chairman of Development Control Committee or the Development Control Manager.

The Development Control Manager can be contacted on 01582 546305, e-mail [developmentcontrol@luton.gov.uk](mailto:developmentcontrol@luton.gov.uk)

The Council's Monitoring Officer is the Head of Legal Services who can be contacted on 01582 546020.

Issues of maladministration can be referred to the Local Government Ombudsman who can be contacted at:

Local Government Ombudsman  
The Oaks No.2  
Westwood Way  
Westwood Business Park  
Coventry  
CV4 8JB  
(Tel. 02476 695999)