

**LICHFIELD DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**MEMBER PROTOCOL**

# Planning Committee Members' Protocol

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# Planning Committee Members' Protocol

## Background

This Protocol has been prepared to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded and that Members are aware of their roles in the planning process.

## Introduction

**The key purpose of planning:** is to control development in the public interest.

**Your role as a Member of the Planning Committee:** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**This Protocol** applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when you are attending (whether or not you are a member of the Committee) 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 including site visits). It applies equally to planning enforcement matters as it does to planning applications.

**If you have any doubts about the application of this Protocol to your own circumstances you should seek advice early, from the Monitoring Officer, Deputy Monitoring Officer or Planning Solicitor. This should be well before any meeting takes place.**

## 1. Relationship to the Members' Code of Conduct

- 1.1 **Do** apply the rules in the Members' Code of Conduct first, which must be always be complied with.
- 1.2 **Do** then apply the guidance in this Protocol, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Protocol, you may : -
  - 1.2.1 Put the Council at risk of proceedings on the legality or maladministration of a decision; and
  - 1.2.2 Put yourself at risk of being challenged with an allegation of misconduct in not complying with the Code of Conduct.

## 2. The Role and Conduct of Members and Officers

- 2.1 Members and Officers have different, but complementary, roles. Both serve the public but Members are responsible to the electorate, while Officers are responsible to the Council as a whole. Officers advise Members and the Council, and carry out the Council's work. They are employed by the Council, not by individual Members, and instructions may only be given to Officers through a Council, Executive or Committee decision.
- 2.2 Both Members and Officers are guided by codes of conduct. The Council's Code of Conduct based on the statutory Model Code provides guidance and standards for

Members. Breaches of the Code may be reported to the Audit and Member Standards Committee for investigations. Members and officers should also pay due regard for the Local Government Association and Planning Advisory guide to [Probity in planning](#) and the [positive engagement guide for planning councillors](#).

- 2.3 Whilst Members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole population and area comprising of Lichfield district. The Nolan Principles state that Members should not favour any individuals or groups and, although they may take into account the views of others, they should reach their own conclusions on the issues before them and act in accordance with those conclusions. Members must, therefore, represent their constituents as a body and vote in the interests of the whole district especially when discharging their planning responsibilities.
- 2.4 Planning Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of the Code may be subject to disciplinary action by the Institute. The Code requires Planning Officers not to make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions and to take all reasonable steps to ensure that all town planning matters in the organisations for which they have responsibility, are conducted in accordance with the Code whoever undertakes such work. The Council is committed to upholding this principle in its role as Local Planning Authority.

### 3. Development Proposals and Declaration of Interests

- 3.1 The Law and the Code of Conduct set out requirements and guidance for Members on declaring personal and prejudicial interests and the consequences of those interests.
- 3.2 **Do** disclose the existence and nature of your interest at any relevant meeting. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (The disclosure form provided for disclosing interests is attached at Appendix 1). Do then act accordingly.
- 3.3 If you are a 'dual hatted' Member i.e. a member of both Parish, and District Council's or District and County Council, then you must be careful in dealing with matters if you sit on the District Council's Planning Committee. As an example, if you are a member of the Parish Council and District Council, it is likely that as part of the consultation process, a planning application(s) will come before the Parish Council. In this instance, you should make it clear that you will listen to the views expressed, and that you are looking at the limited information before you and are reserving judgement and retaining the independence. You can then make up your mind on the proposal when it comes to the District Council Planning Committee where you will hear all the relevant information. When the matter then comes to the District Council's Planning Committee and you wish to speak on the matter, you will then need to declare a personal interest in the matter as a dual hatted member and confirm that you come with an open mind to the decision before you or else remove yourself from the debate and vote.
- 3.4 **Where your interest is personal and prejudicial** i.e. where you have a personal interest and the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
  - 3.4.1 **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.

- 3.4.2 **Don't** try to represent ward views, get another Member to do so instead. If you are a member of a parish council that has requested consideration of a planning application please pay close attention to 3.3 and seek advice before the application goes to the District's Planning Committee.
- 3.4.3 **Don't** get involved in the processing of the application.
- 3.4.4 **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 Member. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- 3.4.5 **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. The Code of Conduct adopted by Lichfield District Council does enable a Member with a prejudicial interest to make representations however, there are limitations on this. If a Member of the Planning Committee has a prejudicial interest and wishes to speak to the Planning Committee regarding the application, they will be able to speak for 5 minutes at the start of the determination of the planning application to make their representations. They must then withdraw from the room whilst the meeting considers it, and cannot observe the consideration of the application. **Any Member of the Planning Committee wishing to exercise this right must inform the Governance Officer by 2.00 pm on the Thursday before the relevant Planning Committee meeting and obtain further guidance on how this right will be exercised.**
- 3.4.6 **Do** notify the Monitoring Officer in writing of your own application and note that notification to the Monitoring Officer should be made **no later** than submission of the application, but preferably earlier if there have been any pre-application discussions with the Council;
- the proposal will always be reported to the Committee for determination and not dealt with by officers under delegated powers; and
  - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee.

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

- 4.1 **Don't** fetter your discretion (i.e. don't weaken your ability to act impartially and without constraint) and therefore your ability to participate in planning decision making at the District Council by making up your mind, or clearly appearing to have made up your mind. This is particularly important in relation to an external interest or lobby group – including at Parish Council level if you have actively participated in the discussion, proposed or seconded referral of a matter or issued the casting vote. , You must not have made up your mind on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation, evidence and arguments on both sides as presented at that meeting.

- 4.2 Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 4.3 **Do** note that if a Member responds to lobbying by deciding to go public in support of a particular outcome, or even campaigning actively for it, it will be very difficult for that Member to argue convincingly when the Committee comes to make a decision on the application, that he or she has carefully weighed the arguments presented. The proper course of action for such a Member would be to make an open declaration of a prejudicial interest and not take part in such circumstances.
- 4.4 **Do** be aware that you are likely to have fettered your discretion 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 be perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- 4.5 **Do** note that if you are a Member on a District Council and a Parish Council, there is nothing in the Members' Code of Conduct which prevents dual hatted Members speaking and voting at both Parish and District tiers on the same planning issues. However, different considerations apply where a Parish Council is the applicant in relation to a particular planning application (where you are consulted) and a dual hatted Member may have a **prejudicial interest** in relation to a planning application submitted by their own Parish Council. Seek guidance if this is the case.
- 4.6 **Don't** participate in the debate; take part in the decision making process; or vote on a proposal where you have fettered your discretion. To demonstrate transparency and integrity of the decision making process, you should leave the room. If you are in doubt, consult with your Monitoring Officer prior to the meeting.
- 4.7 **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserved the right to judge) the matter elsewhere, so that this may be recorded in the minutes. Please use the disclosure form unless your interest becomes apparent during the meeting and hand the form or email it to the Governance Officer immediately following the meeting.

## 5. Contact with Applicants, Developers and Objectors

- 5.1 **Do** refer those who approach you for planning, procedural or technical advice to Officers.
- 5.2 **Don't** agree to any meeting with applicants, developers or objectors unless on the basis set out below. Where you feel that a formal meeting would be useful in clarifying the issues, you should **never** seek to arrange that meeting yourself but should request the Planning Development Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and a record of the meeting is disclosed when the application is considered by the Committee.
- 5.3 **Do** otherwise:

- 5.3.1 follow the rules on lobbying;
- 5.3.2 consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- 5.3.3 report to the Planning Development Manager any significant contact with an 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. This would include reporting chance encounters with the applicant or other parties if visiting the site informally and please seek advice on making declarations if you are at all unsure.

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

- 5.4. **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers. If an Officer is present and/or organised the presentation: -
  - 5.4.1 **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
  - 5.4.2 **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 Planning Committee.
  - 5.4.3 **Do** be aware that a presentation can be a form of lobbying and you must not express any strong view or state how you or other Members might vote.

**6. Development Proposals Submitted by Members and Officers and Development Proposals by the Council**

- 6.1 Serving Members who act as agents for people pursuing a planning matter with the District Council will play no part in the decision making process for that proposal. Similarly, should they submit their own proposal to the Authority they will take no part in its processing.
- 6.2 Proposals of this nature will be identified and reported to the Planning Committee for decision and not dealt with by Officers under delegated powers. The same approach will be applied to applications submitted by Officers employed by the Council.
- 6.3 Proposals for the Council's own development will be treated in exactly the same way as those by private developers.

**7. Lobbying of Members**

Lobbying of Members does happen and constituents; be they applicants or third parties affected by the planning application, may approach Members to put their point of view forward.

- 7.1 **Do** explain to those lobbying or attempting to lobby you that, whilst it prejudices 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 to express such a firm point of view that it amounts to the same thing, you can listen to what is said.
- 7.2 **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**.

- 7.3 **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 and remember to register it (or a gift if involved) where its value is over £50 in accordance with the Council's rules on gifts and hospitality.
- 7.4 **Do** copy or pass on any lobbying correspondence you receive to the Planning Development Manager at the earliest opportunity.
- 7.5 **Do** promptly refer to the Planning Development Manager any offers made to you of planning gain through a proposed Section 106 Planning Obligation or otherwise, for example an offer of a community facility contribution if an application was to be approved.
- 7.6 **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.
- 7.7 **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Protocol through:
- 7.7.1 listening or receiving viewpoints from residents or other interested parties;
  - 7.7.2 making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind. Remember if you have given the impression that you have made up your mind you will have fettered your discretion and will put the Council at a risk of a finding of maladministration.
  - 7.7.3 seeking information from the planning case officer.
  - 7.7.4 being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.
- 7.8 A Member who is not on the Planning Committee may respond to lobbying by declaring openly their support for/opposition to an application, and if they are a Ward Member, may request to address the meeting of the Planning Committee to express their views. They will be given **5 minutes** (unless otherwise agreed at the discretion of the Chair of planning committee to allow up to 10 minutes) to speak at the start of the determination of the matter, but cannot enter into the debate – they can only make those representations. Should more than one non-committee Ward Member wish to speak, the first-come first-served basis shall operate.
- 7.9 **Do** remember that part of the Members' Code of Conduct which reads that a Member "must not in their official capacity, or any other circumstances, use their position as a Member improperly to confer on or secure for themselves or another person, an advantage or disadvantage."

- 7.10 **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. However, where a proposal comes before the District Council it is important that you disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- 7.11 **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 have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.
- 7.12 **Don't** excessively lobby fellow Members 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
- 7.13 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.
- 7.14 A Ward Member who is also a member of the Planning Committee must make a clear choice in response to lobbying either to:
- 7.14.1. inform the lobbyist that they must obtain a neutral position on the proposal until the meeting which is due to determine it, when they will have read the report and listened to any discussion there may be about the proposal, in order to carry out their job as decision maker in an even handed way (a standard written response could be used for the purpose). Ward members may refer their constituents who are lobbying to other ward members (or those of neighbouring wards) who are not on planning committee to represent their views.
- or
- 7.14.2 decide to declare support for a particular outcome but then inform the Monitoring Officer of this decision and also declare at the Committee Meeting that they have pre-determined the decision and take no part in the decision making other than addressing the Committee as a Ward Member.

## **8. Pre-application Discussions and Negotiations during the Processing of Applications**

- 8.1 An important part of the planning service provided by the Council is the advice given by Officers to both applicants and people affected by planning proposals both before the submission of applications and during the processing of applications. It is considered to be a more effective use of resources to give advice to applicants to enable them to present their applications in a manner which meets the appropriate planning policy requirements first time rather than not to do so which could result in more applications being refused and having to be resubmitted or determined at appeal.
- 8.2 The following principles will apply to the giving of advice:
- 8.2.1. It will always be made clear that any advice cannot bind the Council to making a particular decision.

- 8.2.2 Advice will be based solely upon approved policy considerations contained in the adopted development plan, guidance contained in approved supplementary planning documents and where applicable government planning policy and guidance.
  - 8.2.3. When Members are requested to be involved in a meeting involving an applicant or potential planning applicant, the meeting will take place in the presence of an appropriate Officer.
  - 8.2.4. A written record of the meeting including any agreed outcome will be made and placed on the case file.
- 8.3 These protocols relate to the giving advice on planning policy. If a Member has a query, they can seek advice from the Monitoring Officer/Deputy Monitoring Officer, Planning Solicitor or Planning Development Manager.

## **9. Decisions Contrary to Officer Recommendation and/or the Development Plan**

- 9.1 Planning is not an exact science. It relies on making informed judgements within a firm policy context. The weight given to particular planning considerations in a specific case can make a difference to the final outcome and it is perfectly justifiable for the Committee to give different weight to issues than those given by Officers and thereby reach a different overall conclusion to that recommended by Officers.
- 9.2 It may be clear from the original Officers' report when a conclusion to recommend approval is reached 'on balance' that there are justifiable reasons which can be put forward to support a decision to refuse planning permission and these may be brought out at the Committee Meeting. In other cases the reasons may need further consideration in which case it may be appropriate for the matter to be deferred to be determined at the next meeting. When the Committee wish to approve an application contrary to the Officer recommendation of refusal, deferral may also be necessary to enable appropriate conditions to attach to the approval to be drafted. Where the committee wish to refuse based on factors not considered by officers to be a matter of weighting it is critical that members seek advice from officers regarding their concerns to ensure these are valid planning considerations.
- 9.3 **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. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- 9.4 When it is intended to approve an application which is contrary to the Development Plan the material planning considerations which are judged to be more significant than the policies in the plan will be clearly identified in the report. In some cases the Secretary of State for Levelling Up, Housing and Communities must be informed and may decide not to permit the Council to approve the application but instead make the decision themselves after holding a Local Public Inquiry.

## **10. Public Speaking at Planning Meetings**

- 10.1 **Do** take care to ensure you avoid contact with public, applicant and agents prior to the Planning meeting. Report any contact as a matter of transparency to officers and seek advice regarding whether you need to declare the contact.

- 10.2 Members are reminded that members of the public wishing to speak have **5 minutes**.
- 10.3 **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias. Members should avoid use of their mobile phones whilst at planning meetings.
- 10.4 Guidance has been produced for members of the public regarding Planning Committee meetings and speaking at those meetings.

## 11. Officers

- 11.1 **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 Planning Development Manager or the Case Officers, which is encouraged to ensure all matters to be raised during the meeting are understood and relevant advice is provided to members.) Any officer who feels threatened or bullied by a member will be supported in raising a formal complaint under the code of conduct.
- 11.2 **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Member/Officer Protocol 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.

## 12. Decision Making

- 12.1 **Do** request that, if you have asked for a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee. Attached is a form which will need to be completed when a request is made for an application to be 'called in'.
- 12.2 **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- 12.3 **Do** comply with section 38(b) Planning and Compulsory Purchase Act 2004 (as amended) and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.4 **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.
- 12.5 **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.
- 12.6 **Do** make clear any reasons for deferral of any proposal, which should be recorded in the minutes.
- 12.7 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, or proposing additional conditions that you clearly identify and understand the planning reasons leading to your conclusion/decision. These reasons must be given prior to the vote and be recorded. Be

aware that you will have to justify the resulting decision by giving evidence on the planning reasons for your decision in the event of any challenge.

### **13. Training**

- 13.1 **Do** attend the planning training offered by the Council. Training sessions are held 4 times a year and planning committee Members are required to attend these sessions which will deal with planning probity, design, policy and legal updates etc.
- 13.2 **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. These sessions are strongly recommended.
- 13.3 A list of Key Officers who can help you with your planning queries and advise on the protocol is provided at Appendix 2.

### **14. Issue Papers/Briefing Papers**

- 14.1 Lichfield District Council operate a policy whereby following submission of a Strategic Planning Application, an Issues Paper is presented to Planning Committee.
- 14.2 The Issues Paper will outline the key facts in relation to the proposal and will explain the process that is to be followed in terms of consultations and publicity. In addition the paper will highlight the key planning issues, which will need to be considered when the full report comes before the planning committee for their determination. This will inform members of the process and will also allow an opportunity for them to raise key planning issues that either they wish to be expanded upon or added to in the full report at the decision making stage. The report is therefore a precursor to the main report which will be presented at the end of the planning application process.
- 14.3 The Issues Paper is not a report for debate or decision making, but an opportunity to raise issues. Members with a prejudicial interest should declare their interest and not take part. However they may request other members to represent their ward's view, or may submit written representations – reference should also be made to the guidance contained in this Protocol, and further assistance can be provided by the Monitoring Officer.
- 14.4 A formal minute is made of the issues raised by Members on the Issues Paper so that these can be referred back to the applicant to address.
- 14.5 A briefing paper is a presentation of information for members, and no debate will take place. Should members have any queries on matters contained within the briefing paper, they should take the matter up with the contact person given on the briefing paper.
- 14.6 In exceptional circumstances – for example substantial strategic planning applications, the Chairman will have discretion to call for an open briefing session at the Issues Paper stage that will allow all Members to comment on a proposal.

## 15. Appeals

- 15.1 When an appeal has been lodged against a planning decision there are various procedures in place to ensure that local ward members are contacted together with interested parties. The Planning Committee will also be informed of hearings and inquiries that have been lodged against planning application decisions at the earliest available meeting in order that Members can be made aware of the appeal proposals and relevant issues can be raised such as the robustness of the reasons for refusal and the desire of members to be involved in the case.
- 15.2 Members involved in making the decision may be called to account for their decisions. Any appeal that is upheld due to committee member actions will be automatically referred to the Monitoring Officer for consideration under the member code of conduct, if it has not been reviewed by any other means.

## 16. Member Call-ins

- 16.1 Should a call-in be requested on either planning or probity grounds, then this should be undertaken in a prompt manner. There have been occasions where a call in has been submitted at a late stage in the determinate process which can affect the ability of the Council to meet national targets (Government targets require applications to be determined within either 8 – 13 weeks depending on the type of proposal involved). Failure to meet these targets can impact adversely on the Council's ability to continually improve its performance and provide a high quality service.
- 16.2 To assist Members, a pro forma (see Appendix 3), has been produced which can be used to call-in planning applications. The right to call-in should be exercised within 25 days of the relevant application being published on the weekly list of planning applications, unless there are exceptional circumstances and the Chair of Planning Committee together with Officers agree that the matter can be called in after this time limit has lapsed.
- 16.3 Members not on the Planning Committee are also able to call-in Planning Committee applications within their ward, and would need to complete the pro forma attached, such call ins are also the subject of the time period set out above.
- 16.4 Non Committee Members who call-in the matter, or who wish to address the Planning Committee must inform the Governance Officer by 2.00 pm on the Thursday before the Planning Committee meeting of their intention to speak at Planning Committee. They will have **5 minutes** to address the Committee (unless otherwise agreed at the discretion of the Chair of planning committee to allow up to 10 minutes), with a maximum of 1 Member in favour and 1 Member against being able to speak, and is organised on first come first served basis, but with ward members given precedence.
- 16.5 Should non Planning Committee Members wish to exercise this right to speak, they will be called to speak on the matter after any members of the public wishing to speak on the matter have done so. Further guidance on how this right can be exercised is available from the Monitoring Officer.
- 16.6 At times a Parish Council may object to a particular proposal, and in such instance, it is advisable that the Parish Council contact the local ward member to see whether or not the matter ought to be called in.

## **17. Additional Material for Speakers at Committee**

- 17.1 In some circumstances, there may be additional information which a speaker wishes the Planning Committee to be aware of. In such circumstances, any such material must be submitted by 2.00 pm on the Thursday before Planning Committee to the Governance Officer, to allow for its incorporation within the Planning Development Manager's visual presentation to Committee. Any material which is submitted late will not be included, and the Council reserve the right not to circulate any defamatory or unsuitable material/information, which will be at the Chair's discretion in consultation with the Planning Solicitor or Monitoring Officer.

**MEMBER'S DISCLOSURE OF INTEREST**

A Member with a personal interest in a matter who attends a Planning Meeting of the Authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest first becomes apparent. Please seek advice from the Planning Solicitor, Monitoring Officer (or Deputy Monitoring Officer) prior to the meeting.

**MEMBER'S NAME:**

\_\_\_\_\_

**PLANNING COMMITTEE MEETING:**

\_\_\_\_\_

**DATE:**

\_\_\_\_\_

—

❖ **I disclose for the information of the meeting that I have a personal interest in Agenda Item No. \_\_**

Planning application number

\_\_\_\_\_ (1)

**which will be the subject of consideration by the meeting**

**The nature of that interest is**

\_\_\_\_\_ (2)

AND (3) (4) [Delete if not applicable]

❖ **The personal interest is a prejudicial interest and I shall withdraw from the chamber.**

OR (5) [Delete if not applicable]

❖ **The interest is disclosed on grounds of planning good practice, as I have or have appeared to judge [or reserve the right to judge] the planning matter elsewhere, including whilst serving on another body, and I will not take part in the debate or vote. I [will] [will not][Delete as applicable] be also withdrawing from the chamber.**

**SIGNED:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

❖ To be read out by the Member when invited to by the agenda or at the commencement of consideration of that item. PLEASE COMPLETE THIS FORM AND PASS/EMAIL IT TO THE GOVERNANCE OFFICER IMMEDIATELY FOLLOWING THE MEETING.

(1) State details of the item (agenda item, planning application number.)

(2) State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).

(3) State only if this is a prejudicial as well as a personal interest

(4) You may regard yourself as not having a prejudicial interest in certain circumstances (see *overleaf*). It is a matter for you to consider whether or not you feel it is right to make use of an exemption in the circumstances and, if so, whether you want to explain that to the meeting.

**A Member with a prejudicial interest in any matter must also:**

*- withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless the Code permits participation or s/he has obtained a dispensation from the Audit and Member Standards Committee;*

*- not seek improperly to influence a decision about that matter.*

(5) State where you have an interest which flows from fettering one's discretion as described in the **Planning Committee Members' Protocol at part 4.**

## Appendix 2

Monitoring Officer: 01543 308064 or [monitoringofficer@lichfielddc.gov.uk](mailto:monitoringofficer@lichfielddc.gov.uk)

Deputy Monitoring Officer: 01543 308065 or [monitoringofficer@lichfielddc.gov.uk](mailto:monitoringofficer@lichfielddc.gov.uk)

Planning Development Manager: 01543 308171 c/o [devcontrol@lichfielddc.gov.uk](mailto:devcontrol@lichfielddc.gov.uk)

Please cc all forms to [governance-admin@lichfielddc.gov.uk](mailto:governance-admin@lichfielddc.gov.uk)

**REQUEST FOR APPLICATION TO BE DETERMINED**  
**BY THE PLANNING COMMITTEE**

If a Member wishes an application to be called in for determination by the Committee rather than by Officers, this form must be completed and sent to the Planning Development Manager within 25 days of an application appearing on the weekly list of applications received.

NOTE: Clear reasons for the call in request needs to be given, which should be on planning and/or probity grounds.

**Application No.** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Description** \_\_\_\_\_

Reason for requesting consideration by the Planning Committee, please tick as appropriate and also please explain below in detail with regard to the particular issue/s for calling in the application:

Design

Ecology

Green Belt

Highways

Planning Policy

Probity

Residential amenity

Other (please state):.....  
.....

**Explanation:**  
.....  
.....  
.....  
.....

**Requested by:** \_\_\_\_\_

**Date:** \_\_\_\_\_