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**TITLE: SITE VISIT PROTOCOL**

Committee: Planning Committee

Date: 7 October 2015

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[Q86]

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1.0 ISSUE

1.1 To consider, comment upon and adopt the revised Planning Committee Site Visit Protocol.

2.0 RECOMMENDATION(S)

2.1 That Planning Committee adopt the revised Planning Committee Site Visit Protocol, attached as Appendix 1 of this report.

3.0 BACKGROUND/OPTIONS

3.1 The Council currently has a Planning Committee Site Visit Protocol, which needs to be revised to incorporate declarations of interest. A revised Planning Committee Site Visit Protocol (included as Appendix 2) was presented to Planning Committee on 7 January 2015. However, the Committee had a number of issues with this Protocol, which are summarised below. The minutes of the previous meeting include a more detailed record of these concerns:

- Reference to “nearest public space” should be replaced with “appropriate public space”
- Fifth bullet – impractical for Members not to be allowed to discuss anything about the application at the site visit.
- Concerned that it would stop Members highlighting matters to other Members at the site visit.
- Reconsider requiring Members to stay on the bus if they declare a prejudicial interest, as Members might not be aware that they had an interest until they got off the bus.
- Worried it could stop Members frequenting a public place if an application had been submitted in relation to it.

3.2 Attached as Appendix 3 is the existing Planning Committee Site Visit Protocol. Rather than simply amend this, to address Members concerns, a more comprehensive review of the Protocol has been undertaken.

#### 4.0 ARGUMENTS/CONCLUSIONS

- 4.1 Site Visits are specifically referred to in the Council's Constitution within the Guidance on Planning for Members. In particular, the Constitution states that the Planning Committee has adopted a 'Site Visit Protocol' which will be followed at all formal committee site visits. The Planning Committee Site Visit Protocol was last presented to Council for adoption in 2006.
- 4.2 The Protocol needs to be amended to include guidance for Members about declarations of interest. The opportunity has been taken to make other amendments to provide more detailed guidance regarding the conduct of Planning Committee site visits, to help protect the Committee from challenge. The concerns raised by Members as the meeting in January have been addressed as far as possible.
- 4.3 As the Committee do normally go onto an application site, reference to viewing the site from a public place has been deleted.
- 4.4 Clarification has been provided to make it clear what Members are able to discuss whilst on site and conversely what they need to be careful not to discuss. The purpose of a site visit is to observe the site characteristics and the relationship with surrounding development. There is thus no reason why Members cannot point out site features to other Member on the site visit. They must however be careful that they do not discuss the merits of an application whilst on site.
- 4.5 The requirement for Members to declare prejudicial interests whilst on the bus has not been changed. Members should have read the Committee reports before attending the site visit and this should have alerted them to whether they need to declare an interest. It is important that the Committee is seen to be acting in a fair and reasonable manner, which would not be the case if a Member attended a site visit and subsequently declared a prejudicial interest.
- 4.6 It would be unfair and disproportionate for Members to be expected to be aware of all matters being considered for planning permission and therefore any challenge that a Member had been seen on a site going about their everyday business would be likely to be unsuccessful.
- 4.7 The Protocol also includes reference to informal site visits. Members need to be careful in relation to such requests. Informal site visits do not fall within the definition of a meeting at 1.5(d) of the Member Code of Conduct. When attending such visits a Member would not be there in an official capacity or conducting the business of the authority, therefore:
- a) Members would not be insured were anything untoward to happen; eg an injury.
  - b) The Council would not be indemnified by its insurers if someone sought to challenge/appeal on the basis of unfairness or similar as the Member concerned was not on official business.

This is why the Protocol advises speaking to an Officer before conducting an informal site visit.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There could be considerable financial implications for the Council if the Planning Committee Site Visit Protocol is not consistently applied, resulting in challenges to decisions via judicial review.

5.2 An Equality Impact Assessment (INRA) is not required.

6.0 APPENDICES

6.1 Appendix 1 - Revised Planning Committee Site Visit Protocol

6.2 Appendix 2- Previous Revised Planning Committee Site Visit Protocol presented to meeting of Planning Committee on 7 January 2015.

6.3 Appendix 3 – Existing Planning Committee Site Visit Protocol

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
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