

PART 5

CODES AND PROTOCOLS

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CODE 1 CODE OF CONDUCT FOR MEMBERS¹

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life which should borne in mind when interpreting the meaning of the Code:-

- i **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv **Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi **Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii **Leadership** Holders of public office should promote and support these principles by leadership and example.

PART 1 GENERAL PROVISIONS

1. Introduction and interpretation

- 1.1. This Code applies to **you** as a member of Fenland District Council (Fenland).
- 1.2. The term "**the Authority**" used in this Code refers to Fenland.
- 1.3. "**Member**" means any person being an elected or co-opted member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.

¹ New code adopted 26th July 2012, revised and adopted 14 December 2020

1.5. In this Code –

“**Meeting**” means any meeting of:-

- a) The Authority;
- b) Any meetings with the Council’s officers;
- c) Any of the Authority’s Committees, sub-committees, joint committees, joint sub-committees, or area committees²;
- d) Any site visits to do the business of the Authority;
- e) Any of the Authority’s advisory groups and, working parties and panels.

1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

2. **Scope**

2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Member of the Authority. For example, members will be deemed to be acting in their official capacity if:

- they are talking in a Council meeting or public forum where they are there as part of their Councillor role
- they are writing on an online forum that is open to the public (ie a closed or private forum or private message thread is less likely to engage the Code of Conduct) and in which they have made it clear they are responding in their official capacity either by directly saying so, or by responding to a question about Council business in a way that suggests they are doing so
- they are talking to a member of the electorate about matters which pertain to Council business³

2.2. Where you act as a representative of the Authority:-

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

² Amendment approved by MO Decision 30 April 2020, deleted 7 May 2021

³ Amended approved 14 December 2020

3. General obligations

The “scope” of the Code of Conduct is important here and these general obligations only appear, as specified earlier in this document, to situations which fall within that scope.

- 3.1. You must treat others with respect. It is not considered disrespectful to disagree with somebody or to argue a different point of view with them. This is in fact vital to the proper functioning of any democratic authority. You should not however subject individuals, groups of people or organisations to personal attack or use any speech which could be considered to be ‘hate speech’ or otherwise unlawful.

Other examples of disrespect include:

In a meeting, failure to follow the rulings and guidance of the Chairman in regards to conduct and behaviour within the meeting is considered disrespectful.

Within the scope of the Code of Conduct, to swear or use foul language in a meeting could be considered disrespectful. The Chairman might choose to give a warning about such behaviour.⁴

- 3.2. You must not:-

- (a) do anything, which may cause the Authority to breach UK equalities legislation.
- (b) bully any person.
- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority’s code of conduct.
- (d) do anything, which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

However, it is again important to note that members can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner without this necessarily amounting to bullying, harassment and/or discrimination.⁵

- (e) conduct yourself in a manner, which could reasonably be regarded as bringing your office or authority into disrepute. For example, behaviour that is considered criminal, dishonest and/or deceitful can bring your authority into disrepute together with false statements about Council matters given to and published by the press. However, members may choose to, in their official capacity, civilly express their

⁴ Amendment approved 14 December 2020

⁵ Amendment approved 14 December 2020

honestly and reasonably held views, and that is not a breach of the Code of Conduct provided that their comments are lawful – debate and disagreement do not bring the Council into disrepute, they are a necessary facet of democracy. Members are however encouraged to raise their concerns via the most appropriate forum for dealing with them for instance by referring criminal matters to the Police, reporting breaches of the Code to the Monitoring Officer and/or raising concerns about officers with their line manager.⁶

4. You must not:-

4.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is:-
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority.

4.2. prevent another person from gaining access to information to which that person is entitled by law.

5. You must not:-

5.1. use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.

6. You must:-

6.1. when using or authorising the use by others of the resources of the Authority:-

- (a) act in accordance with your Authority's reasonable requirements;
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and

6.2. have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

⁶ Amendment approved 14 December 2020

PART 2 INTERESTS

7. Disclosable Pecuniary Interests

7.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions.

7.2. You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State (Appendix A) and either:

- (a) it is an interest of yours, or
- (b) it is an interest of:
 - (i) your spouse or civil partner,
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners,

and you are aware that that other person has the interest.

8. Registration of Disclosable Pecuniary Interests

8.1. Subject to paragraph 12 (sensitive interests), **you must**, within 28 days of:

- (a) this Code being adopted or applied by the Authority; or
- (b) your election or appointment (where that is later),
notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.

8.2. Subject to paragraph 12 (sensitive interests), **you must**, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new Disclosable Pecuniary Interest or change.

9. Disclosable Pecuniary Interests in matters considered at meetings

9.1. If you attend a meeting⁷ and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that meeting, –

- (a) **you must disclose** to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. **If you have not already done so, you must notify the Authority's Monitoring Officer** of the interest before the end of 28 days beginning with the date of the disclosure, and
- (b) whether the interest is registered or not you **must not** – unless you have obtained a dispensation from the Authority's Monitoring Officer –
 - (i) participate, or participate further, in any discussion of the matter or vote at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

Note: Council Procedure Rule 13 requires you to leave the room where the meeting is held⁸ while any discussion or voting takes place.

⁷ Amendment approved by MO Decision 30 April 2020, deleted 7 May 2021

⁸ Amendment approved by MO Decision 30 April 2020, deleted 7 May 2021

10. Other Interests

10.1. In addition to the requirements of Paragraph 3, if you attend a meeting⁹ at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent

10.2. You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where -

- (a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- (b) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

11. Sensitive interests

11.1 Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraphs 8 9 and 10.

Note: Register of interests

Interests under paragraph 8 will be notified to the Monitoring Officer on a form approved for the purpose by the Monitoring Officer and for this purpose will be deemed the "register of interests". A copy of the register will be available for public inspection and will be published on the authority's website.

12 Gifts and Hospitality

12.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.

⁹ Amendment approved by MO Decision 30 April 2020, deleted 7 May 2021

Appendix A

Disclosable Pecuniary Interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to Disclosable Pecuniary Interests. These provisions are enforced by criminal sanction. They come into force on 1 July 2012.

1 Notification of Disclosable Pecuniary Interests

<i>Disclosable Pecuniary Interest</i>	<i>description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land, which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial

interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions:

“the Act” means the [Localism Act 2011](#);

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land, which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“Member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the [Financial Services and Markets Act 2000](#) and other securities of any description, other than money deposited with a building society.

Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest (without a dispensation)
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.

CODE 2 LOCAL CODE OF CONDUCT ON PLANNING MATTERS

10

Lobbying

1. In most cases it should be possible for a member to listen to a particular body of opinion, without engaging in lobbying for a particular outcome, and wait until the Planning Committee, to hear all the evidence presented, before making a final decision.
2. Members who are lobbied on a planning matter before the Committee meets to consider it:
 - may listen to what is being said;
 - may give procedural advice (eg. to write to the Planning Department, the name of the Case Officer, the deadline for comments, whether the application is to be determined by the Planning Committee or the Development Control Manager, how decisions are reached through Officer recommendation/Planning e Committee);
 - should refer the person and any relevant correspondence to the Case Officer, so that their views can be recorded and, where appropriate, summarised in or attached to the report to the Committee;
 - should not express an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments;
 - should make it clear that members will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee;
 - should not openly declare which way they intend to vote in advance of the relevant Committee meeting, or otherwise state a commitment to opposeor
 - support the application (or enforcement case or Local Development Framework proposal);
 - should not negotiate detailed planning matters with applicants, agents, objectors, etc;
 - should pass relevant correspondence to the Case Officer prior to any Committee meeting.

¹⁰ Amendment approved by MO Decision 30 April 2020, deleted 7 May 2021

3. Members who have openly declared their voting intention (on a planning or any other application, enforcement case or Local Development Framework proposal) in advance of the relevant Committee meeting should declare their interest and not vote because they could be considered to have fettered their discretion. In those circumstances a member should not speak and vote as a member of the Planning Committee.

In such cases the member has been excluded not because of the code but because the member's previous actions have fettered his/her discretion and possibly laid the Council open to the objection that the planning process has been tainted.

4. To avoid impressions of improper influence which lobbying by members can create:
 - Members should avoid organising support for or opposition to a planning matter to be determined by the District Council, and should not lobby members of the Planning Committee - such actions can easily be misunderstood by parties to the application and by the general public;
 - Members should not put pressure on officers for a particular recommendation;
 - political group meetings should not discuss planning application matters;
 - members should not act as agents or advocates for planning applications or any other applications, enforcement cases or Local Development Framework proposals to be determined by the District Council. Where a member is involved in a particular planning matter, she/he should take care not to appear to try to influence other members, and should declare an interest at the relevant Committee meeting;
 - whenever a member is approached or lobbied on any particular application that member should distribute a standard acknowledgement letter/postcard which makes clear the neutral stance which members need to adopt to remain impartial pending consideration of all the material facts at the Committee meeting;
 - Members should not attend private site meetings at the request of the applicant.

Decisions contrary to officer recommendations or to Development Plan policies

5. The proposer of the motion to go against the officers' recommendation, or the Chairman, should state the planning reasons for the proposal before a vote is taken the Ombudsman has said that the reasons should be convincing and be material planning considerations.

6. The Planning or Legal Officer present at the meeting should be given the opportunity to comment upon whether the reasons for the proposal are planning matters and, if an approval is proposed, to recommend appropriate planning conditions.
7. If the decision could be contrary to the Local Development Framework, then the officer should comment on the extent to which the other planning considerations could be seen to override the Local Development Framework, and on whether the decision would be a significant departure from the Plan requiring reference to the Secretary of State.
8. A detailed minute of the Committee's reasons for departing from the recommendation should be taken and a copy placed on the application file; if the decision is contrary to the Local Development Framework, the minute should state that and clearly set out those planning considerations which override the Local Development Framework.
9. If a Committee wishes to amend or add conditions to an approval, then the wording should be decided at the meeting.

Approval of Repeat Applications for Development previously refused

10. The principles which can be distilled from Ombudsman cases are as follows:
 - there is perversity and maladministration, if a Local Planning Authority approves a planning application, which has previously been refused, where there has not been a significant change in the planning circumstances;
 - the fact that there has been a significant change in the membership of the Planning Committee does not justify inconsistency between current and previous decisions;
 - the perversity of approving a planning application, which has been previously refused, where there has been no significant change in the planning circumstances, is maladministration if:
 - insufficient weight has been given to officers' recommendations and Central Government guidance; and
 - there is failure to give and record reasons for the Authority's change of mind.
11. Members are advised that a serious risk of challenge is posed by a failure to give and record clear and convincing planning reasons for the approval of planning applications for which there is a history of refusals by the Council and Inspectors appointed by the Secretary of State where there has been no significant change in the planning circumstances.
12. If a Committee is minded to approve an application for development previously refused, the proposer of the motion for approval or the Chairman

should state what the significant change in the planning circumstances justifying approval before a vote is taken.

13. If there is a history of refusals by the Council and Inspectors appointed by the Secretary of State, the proposer of the motion for approval or the Chairman should also state why the Inspector's decision should no longer be followed before a vote is taken.

Parish or Town Council Membership

14. A member of the Planning Committee may also serve as a member of a Town or Parish Council, which makes representations about a planning application to be considered by the Planning Committee. If the member is present at a meeting of the Town or Parish Council (or one of its committees) when the attitude of the Town or Parish Council to the application is under consideration, he or she may take part in the discussion,. He or she may express any view on the application, but should ask for his or her membership of the District Council Planning Committee and the fact that before making any decision at District Council level, he or she will consider all relevant matters, to be recorded.
15. At Planning Committee, any Member who has expressed a view on the merits of an application at a meeting of a Town or Parish Council, should make this known, and should repeat that they will consider all relevant matters before coming to a decision.
16. Although the consultation response from a Parish/Town Council is a relevant consideration, members should not automatically defer to the Parish/Town Council view, because Parish/Town Councils do not have the advice of professional Planning Officers in reaching their decision.

The Role of Officers

17. To ensure that Committees give consideration to the Development Plan and other material considerations, Committee decisions on planning applications, enforcement cases and Local Development Framework proposals will normally be taken only after the Committee has received a written officer report. Written officer reports will reflect the collective view of the Department - not the view of the individual author.
18. Reports should be accurate and should:
 - cover, amongst other things, the substance of objections and the views of people who have been consulted;
 - include reference to relevant material and Local Planning policies and their implications for the case; the site or related history (where relevant) and any other material considerations;

- have a written recommendation of action; oral reporting should be rare and be carefully minuted when it occurs;
 - contain an appraisal of the planning considerations which clearly justifies the recommendation and broadly indicates the weight which can be given to any opposing considerations;
 - if the recommendation is contrary to the provisions of the Development Plan, clearly state the material considerations which justify this;
 - describe the purpose and content of any planning agreement or obligation proposed in association with the planning permission...
19. Officers must always act impartially. The Royal Town Planning Institute Code of Conduct says planners:
- shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions;
 - shall act with competence, honesty and integrity;
 - shall fearlessly and impartially exercise their independent professional judgment to the best of their skill and understanding;
 - shall discharge their duty to their employers, clients, colleagues and others with due care and diligence;
 - shall not discriminate on the grounds of race, sex, sexual orientation, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity;
 - shall not bring the profession or the Royal Town Planning Institute into disrepute.
20. These guidelines should apply to all Planning Officers. A requirement for staff to act impartially is likely to be a requirement of the statutory employees' code.

The Role of Members

21. Whilst Members should take account of differing views, they should not favour any person, company, group or locality, nor put themselves in a position where they, appear to do so. Members who do not feel that they can act in this way should consider whether they are best suited to serve on a Planning Committee.
22. The District Council has adopted the new Model Code of Conduct including paragraph 12.2. This means that members who have a prejudicial interest may address the Committee in the same way that members of the public can, and answer any question put to them after which they must leave the room, before any voting takes place. Members may not remain to observe the

meetings consideration even in the public gallery and should not attempt to improperly influence the decision.

23. ¹¹

The Basis for Planning Decisions

24. It is the responsibility of officers in preparing reports and recommendations to members, and in advising Committees, to identify the material planning considerations and to ensure members are aware of those matters which are not material to planning decisions.

25. Section 70 of the Town and Country Planning Act 1990, provides that Members have a statutory duty when determining planning applications, to have regard to the provisions of the Development Plan where material to the application, and to any other material consideration. The starting point for decisions on planning applications is the Development Plan. Section 54A of the Town and Country Planning Act says that planning decisions shall be made in accordance with the Development Plan, unless material considerations indicate otherwise.

26. Other material planning considerations include:

- Government guidance contained, for example, in Planning Policy Guidance notes (PPGs), Regional Planning Guidance, Circulars' and Ministerial announcements;
- planning briefs and other 'supplementary planning guidance' approved by the Council following public consultation;
- statutory duties in relation to conservation areas and listed buildings;
- representations made by statutory consultees and other people making comments, to the extent that they relate to planning matters;
- the environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);
- the amenity and privacy of dwellings;
- the character of an area in other senses (in terms of noise or other forms of pollution);
- road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation);
- public services, such as drainage;

¹¹ Amendment approved by MO Decision 30 April 2020, deleted 7 May 2021

- public proposals for using the same land; and
- legitimate planning gain/community benefit.

27. There is much case law on what are, and are not material planning matters. Planning matters must relate to the use and development of land. For example, the following are not normally planning matters and cannot be taken into account in planning decisions:

- personal and financial considerations;
- private property rights and boundary disputes;
- covenants;
- effects on property and land values;
- developers' motives;
- public support or opposition, unless it is founded on valid planning matters;
- the fact that development has already begun (people can carry out development at their own risk before getting permission and the Council has to judge development on its planning merits);
- the fact that an applicant has carried out unauthorised development in the past;
- "trade objections" from potential competitors;
- moral objections such as activities likely to become addictive, for instance betting shops, lottery kiosks or amusement arcades;
- the belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- the loss of an attractive private view (for instance when development is proposed on the opposite side of the road to or at the rear of an objector's house);
- the fear that an objector's house or property might be devalued;
- the fact that the applicant does not own the land to which his application relates (this can be overcome by agreement with the owner and, if it is not, the development cannot happen);
- the fact that an objector is a tenant of land where development is proposed; any consequences between landlord and tenant are unrelated to the application;

- allegations that a proposal might affect private rights, eg restrictive covenants; property maintenance; ownership and private rights of way disputes; boundary disputes; (such considerations are legal matters on which objectors should consult their own solicitor or advisor since it will not be possible for officers of the Council to advise as to such rights);
- arguments of a personal kind in relation to the circumstances of the applicant. It is essential that members are aware that planning permission goes with the land. The Government inquiry into planning in North Cornwall ('Inquiry into the Planning System in North Cornwall - DoE 1993') makes it plain that personal preferences are not reasons for granting planning permissions. Personal circumstances may, very exceptionally, have a place in the system. Therefore, information about the applicant should not be material to the consideration of a planning application in the vast majority of cases, and personal circumstances cannot therefore, in general, outweigh planning considerations.

The Media

28. The principles of this Code also apply to press contact. Members and officers when commenting to the media on planning matters should:
- have regard to the points made in the section on lobbying;
 - ensure that they do not give the -impression that they have pre-judged the planning application;
 - make clear that members will retain an open mind until such time as the full facts are available and these are debated by the appropriate Committee;
 - for delegated applications, make clear that the Development Control Manager will retain an open mind until such time as the full facts are available and presented for decision.
29. Any officers can provide facts about a planning matter which are in the public domain and available to the media (see guidance note on the Local Government Act 1972). However, the media should be referred to the Development Control Manager for attributable comments.

Participation at Planning Committee

30. The Planning Committee in coming to a decision on a particular planning application, will listen to and take account of representations made by local Town and Parish Councillors, local residents, objectors, applicants, planning agents, and non-Planning Committee District Councillors (in relation to applications in either their ward or adjacent wards) as well as other relevant information.

31. In order to efficiently and effectively manage the business of the Planning Committee and also to give equal opportunity to those people who wish to participate, the following procedure will apply:-
- Local Town or Parish Councillors, objectors, their representatives, applicants, their representatives, planning agents and non-Planning Committee District Councillors will be given five minutes in which to make their representations to the Planning Committee. Where there is more than one participant in a given category for example, where there are two objectors who wish to participate, they will be limited to a maximum of five minutes in total.¹²
 - Local Town and Parish Councillors, objectors, their representatives, applicants, their representatives, and members of the public (either objectors or supporter), planning agents and non- Planning Committee District Councillors or others wishing to participate at Planning Committee must confirm their intention to participate in accordance with the guidance issued by the Council no later than noon on the day before the Planning Committee meeting.¹³
32. The Chairman of the Planning Committee will remind participants of the timescales that apply and will indicate when the timescales have been reached

¹² Amendment approved by MO Decision 30 April 2020, deleted 7 May 2021

¹³ Amendment approved by MO Decision 30 April 2020, deleted 7 May 2021

**CODE 3
CODE OF CONDUCT
ON
LOCAL PLAN PROCESS**

1. All members of the Council with a beneficial interest in land who wish to make proposals about that land or on other matters which affect that land will
 - make such proposals in writing;
 - indicate clearly by delineation on an ordnance survey map or equivalent the precise extent of their beneficial interest in the land.

2. If any member of the Council becomes aware of any proposals or expressions of interest in possible proposals for land in which they have a beneficial interest they will
 - not discuss such proposals either directly or indirectly with anyone;
 - direct any such matters to the relevant officers of the Council who will progress the matter in a way which will not leave members open to potentially justifiable accusations of breach of the code of conduct.

3. If any member of the Council becomes aware of such proposals or expressions of interest described above relevant to such beneficial interests held by friends, relatives, employers or close associates they will conduct themselves in the manner described above.