

STANDARDS COMMITTEE

1 MARCH 2006

PLANNING PRESENTATIONS AND PARISH COUNCILLORS

Report from: Peter Holland, Committee Co-ordinator

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1 PURPOSE OF THE REPORT

1.1 At the last meeting, the committee discussed planning issues and their impact on parish councils. Members expressed a view that further consideration should be given to circumstances when it is appropriate for parish councillors to enter into dialogue with developers or objectors to a development. This report has been brought forward to outline draft guidance. The principles outlined in the report have been raised at the Monitoring Officer/Parish Council Liaison meeting.

2 RECOMMENDATION

2.1 That the monitoring officer write to all parish clerks to advise them to appraise parish councillors on good practice of lobbying as set out in the Medway Planning Code of Good Practice.

2.2 That the monitoring officer writes to parish clerks to advise them to consider options as set out in paragraph 4.8 of this report on good practice on contact with developers/objectors.

3 DECISION ISSUES

3.1 The constitution requires the Standards Committee to advise on good practice for parish councils within Medway's area.

4 BACKGROUND

4.1 Parish councils are the second tier of local government within Medway. They are key consultees in the planning/development control process. In these circumstances developers often look for the opportunity to make contact with parish councils to explain development proposals in order to seek a favourable view from the council when they respond to any consultation from Medway.

4.2 Parish councillors therefore may be invited to presentations by developers or, by lobby groups.

- 4.3 In addition, parish councillors will often be lobbied by developers and constituents generally who may support or oppose a planning application. As is set out in the Medway Code of Conduct, lobbying is a normal part of political life. However even though Parish involvement is deciding on a consultation response rather than making the planning decision, councillors still need to be careful to keep an open mind on planning matters.
- 4.4 As is set out in the Medway Code of Conduct a councillor will not have fettered their discretion by:
- just listening to view points from residents who are interested parties
 - making comments which fall short of prejudging the issue
 - seeking information through appropriate channels
 - acting as a vehicle for expressions of views providing they have not committed themselves to vote in accordance with those views or that they are not acting as an advocate for a particular view point.
- 4.5 Parish councillors should not accept any gifts or hospitality from any person involved in or affected by a planning application. If they are offered gifts or hospitality, even if it is declined, it is advisable that they let their parish clerk know.
- 4.6 Parish members should either act as advocate's for/opponents of schemes or be involved in deciding on the parish's consultation response. It is often difficult for parish councillors to explain to concerned residents/applicants why they are unable to give a view on an application in advance of an official meeting but it does represent good practice.
- 4.7 A major concern is where developers wish to influence the parish council in making its decisions. Whilst the integrity of the planning process is important, only barriers, which are strictly necessary, should be put in place to limit dialogue, which can have beneficial effect for residents of a parished area. Often pre-application discussions can secure community benefits.
- 4.8 Options, which can be used to manage situations, can include:
- the parish council inviting both developers and any interested residents to address their planning committee or other parts of the council which makes decisions on consultation responses. Many local authorities allow public speaking by interested parties and this would be seen as an integral part of the planning process.
 - charging individual parish councillors or a small committee of councillors to meet with developers who would then report back to "planning members" who would not take part in such discussions.
 - asking the developer to call public meetings which would be attended by the whole community with parish councillors being careful not to give

any views which indicates how they would intend to determine the response of their consultation.

- Delegate making a response or initiating discussions/negotiations to the Parish clerk in appropriate cases.

4.7 It is of course a different matter once the consultation response is made then there is far more flexibility for dialogue with interested parties.

5 LEGAL AND FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications. From the legal perspective, whilst the parish councils are consultees, even if their consultation response is flawed through a defect in process, any decision made by Medway Council is in all but the most exceptional of cases is going to be untainted by any flaw in process at a parish level. However, there is a risk that individual parish councillors who inappropriately deal with planning applications may be subject to complaints to the Standards Board for England by aggrieved persons.