



Planning Code of Practice Independent Annual Review

June 2007 – May 2008

Contents	Page
1.0 Introduction	3
2.0 Recommendations	3
3.0 Situation regarding the recommendations from last year's review	4
4.0 Current Status	5
5.0 The Review	6
6.0 Compliance with the Planning Code of Practice.....	6
General	6
Accountability and Interests	6
Membership and Jurisdiction of the Planning Committee	11
Briefings	11
Site Visits	12
Officer Conduct	13
Meetings of the Planning Committee	13
Planning Decisions made contrary to officers' recommendations	14
Appeal Decisions	15
Member & Planning Officer Relations	17
7.0 Feedback from members of the Planning Committee and Planning Officers.....	17
8.0 Committee Meetings	20
9.0 Acknowledgements	21
Appendix A	22
Appendix B	26
Appendix C	33

Planning Code of Practice: Independent Annual Review June 2007 – May 2008

1.0 Introduction

Copies of the two versions of the Planning Code of Practice which were in place during the period of this review are attached as Appendix B and Appendix C.

The Planning Code of Practice was adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in exercising its planning powers.

The Borough Solicitor is instructed to commission a report independent of the planning service annually on the operation of the Code of Practice. The report addresses the extent of compliance with the Code by officers and members, contains an analysis of decisions being made against officers' recommendations and sets out any appropriate recommendations for improvement. This report is presented annually to the Standards Committee.

2.0 Recommendations

- 2.1 *Legal Services and Planning Officers to see if any amendments are required to the Planning Code in the light of the "Connecting Councillors with Strategic Planning Applications" and the way in which new schemes are evaluated.*
- 2.2 *Officers to ensure members' reasons for granting permission against officer advice are recorded sufficiently clearly.*
- 2.3 *Officers to ensure that annual training for Planning Committee Members includes guidance to be given to the Chair and Deputy Chair on the circumstances when it may be appropriate to express personal support from the Chair for a specific planning proposal.*
- 2.4 *That members continue to be reminded through training and briefings of the need to seek advice from officers if they are in any doubt about what interests have to be registered and/or whether an interest is a personal and prejudicial interest.*
- 2.5 *Officers to take into account the feedback received on training provided for members, and ensure that sufficient training is provided for members to carry out their planning committee duties effectively.*
- 2.6 *Officers to arrange for any supplementary information to be placed onto the council's website as soon as possible after each meeting.*

3.0 Situation regarding the recommendations from last year's review

This section looks at the review of the period June 2007 – May 2008, including recommendations reported to the Standards Committee on Wednesday, 30th January 2008. The Borough Solicitor reported to the Committee on the recommendations put forward by the review. Her comments made to the Standards Committee at the time, together with any updates from the review are set out below:

- 3.1 Ensure that members, planning officers and other interested parties are aware of the existence of the Planning Code, its importance and how to access it.

Comment: The code is available on the internet but for the avoidance of any doubt the Borough Solicitor now provides a hard copy to all members and alternates of the Planning Committee.

- 3..2 Make the Planning Code available in the most appropriate mediums and languages and carry out an Equality Impact Assessment to ensure that there is no adverse impact on any group in respect of race, gender, disability, age, sexual orientation and religion and belief.

Comment: The Borough Solicitor will seek advice from the Diversity Unit on whether the document needs to be translated and published in different languages. An Impact Needs Requirement Assessment will also be carried out. A view was expressed from members that publication of the code in multiple languages would not necessarily facilitate public understanding of the issues involved.

The Impact Needs Requirement Assessment has been completed and no adverse impact was identified.

The advice provided by the Diversity Unit was that it is adequate for the Planning Code only to be published in English. Consideration will be given to any requests for translations.

- 3.3. Planning, Democratic Services, Legal Services and the Chair of the Planning Committee should establish a group, for officers and/or members to raise concerns and give feedback on any aspect of the planning process.

Comment: The Borough Solicitor will pursue the establishment of such a group with other officers. However, at its meeting on 17th January 2007, the Standards Committee resolved that any issues as to the effectiveness of the implementation of the Planning Code and ideas for its improvement should be referred to the Standards Committee for consideration, and therefore any group which is established would need to refer any such issues on to the Standards Committee.

Members commented that it would not necessarily be appropriate to establish an additional group of officers and the Chair of the Planning Committee to consider issues raised as a result of the implementation of the Code,

confirming that any such issues should be referred to the Standards Committee.

Legal Services and Planning officers meet at periodic planning liaison meetings. At a recent meeting it officers considered that the Planning Committee was operating well and there were no major issues. It was decided that at future meetings of this group there would be a standard agenda item on the operation of the Planning Committee.

The group felt that there was currently not a need to involve members unless there was a major issue, in which case appropriate members would be invited to attend.

3. 4 In light of the feedback received on training provided for members, it is recommended that steps should be taken to ensure that future training needs are met.

Comment: Regular training is provided for members of the Planning Committee, but the Borough Solicitor will liaise with the Planning Service to ensure that the content of the training is appropriate.

- 3.5 During the Standards Committee meeting some members referred to the need for Planning Committee members to register and declare any approaches to them by an interested party, and expressed some concern that this practice may not be strictly adhered to. The Borough Solicitor noted members' view that all members (not just Planning Committee members) should be reminded of the importance of disclosing all such approaches at the relevant meeting. Members also expressed the view that it would be useful if such disclosures could be published on the appropriate webpage of the Council's web-site. The Borough Solicitor suggested that the Register of Approaches made to Planning Committee members could be held by her office rather than by the Planning Department, and members concurred with this view. *This has been actioned and the Register is now with Legal Services.*

- 3.6 When members wish to grant permission against officer recommendation, the Standard Committee considered that it would assist members if the planning officer included a suggested summary of reasons in his or her report. If members still wish to grant, this will then provide them with some suggested wording to base a further summary on. The Borough Solicitor was therefore going to suggest this to the Planning Service. *This has happened.*

4.0 Current Status

- 4.1 During the review year there were two complaints regarding any allegations of either significant or minor breaches to the Code. One case went to the Local Government Ombudsman and another went through to stage 3 of the Council's internal complaints process. Both cases are considered further in section 8.0.

5.0 The Review

- 5.1 Management Services (of Finance and Corporate Resources) were commissioned to undertake the review. The review was conducted using documentary records as a prime information source. These documents included minutes of Planning Committee meetings, Planning Service records, Legal and Democratic Services' records and minutes of the Standards Committee meetings. In addition, information was gathered through interviews, correspondence and conversations with officers and Planning Committee members and through attendance at a Planning Committee meeting on 16th July 2008 and site visits on 9th August 2008.
- 5.2 Questionnaires were sent to members and 10 completed questionnaires were returned. 7 questionnaires were completed and returned by members of the Planning Committee and 3 were completed and returned by alternates to the Planning Committee.
- 5.3 Questionnaires were also sent to officers of the Planning Service and 2 were completed and returned.

6.0 Compliance with the Planning Code of Practice

- 6.1 The Code is made up of 34 paragraphs, each of which has been analysed as part of this review. Paragraphs reproduced below have been abbreviated. The full version (at the time of this report) of each paragraph can be found in Appendix B.

General

- 6.2 **Paragraph 1:** *Members of the Planning Committee shall determine applications in accordance with the Unitary Development Plan unless material considerations indicate otherwise. The Brent Member's Code of Conduct must be complied with throughout the decision making process. Decisions should not be influenced by personal or prejudicial interests of Councillors.*

Comment: All Planning Committee members and Planning officers have access, via the intranet, to the Planning Code of Practice and the Brent Member's Code of Conduct as part of the current Constitution. As well as this, a hard copy of the Planning Code has been supplied to all members and alternates of the Planning Committee.

Accountability and Interests

- 6.3 **Paragraph 3:** *Members of the Planning Committee should not take part in any discussion of, or vote on, any item if the member of the*

Planning Committee or his or her relative, friend or associate is the applicant, agent or objector for that matter

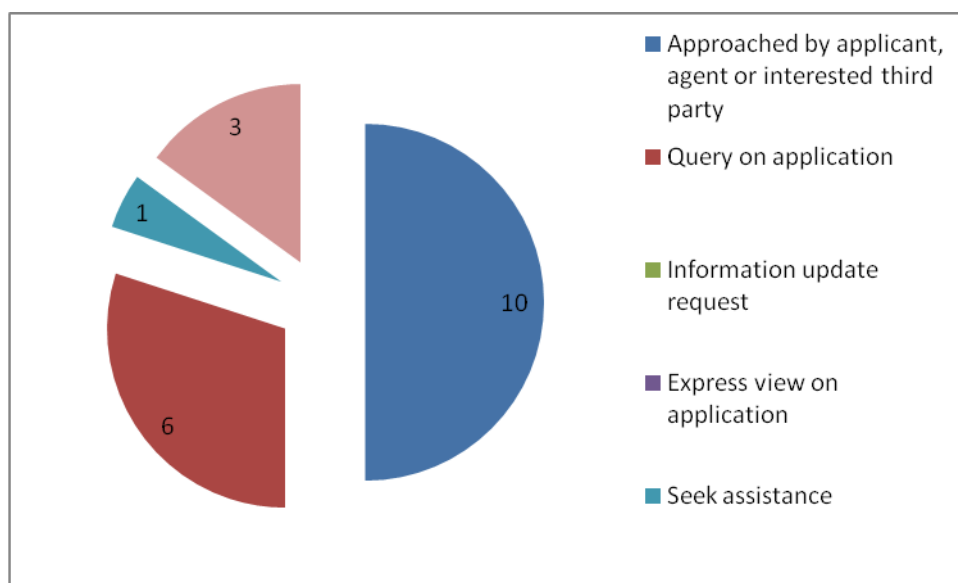
6.4 Paragraph 4: *If an approach is made to a member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the member of the Planning Committee shall:*

- (i) *Inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee*
- (ii) *Disclose the fact and nature of such an approach at any meeting of the Planning Committee where the application or matter in question is considered.*

6.5 The above paragraphs were complied with during the review period.

6.6 There were 20 occasions where disclosures of approaches to members of the Planning Committee by an interested party were made.

Figure 1 Summary of approaches made to Planning Committee members

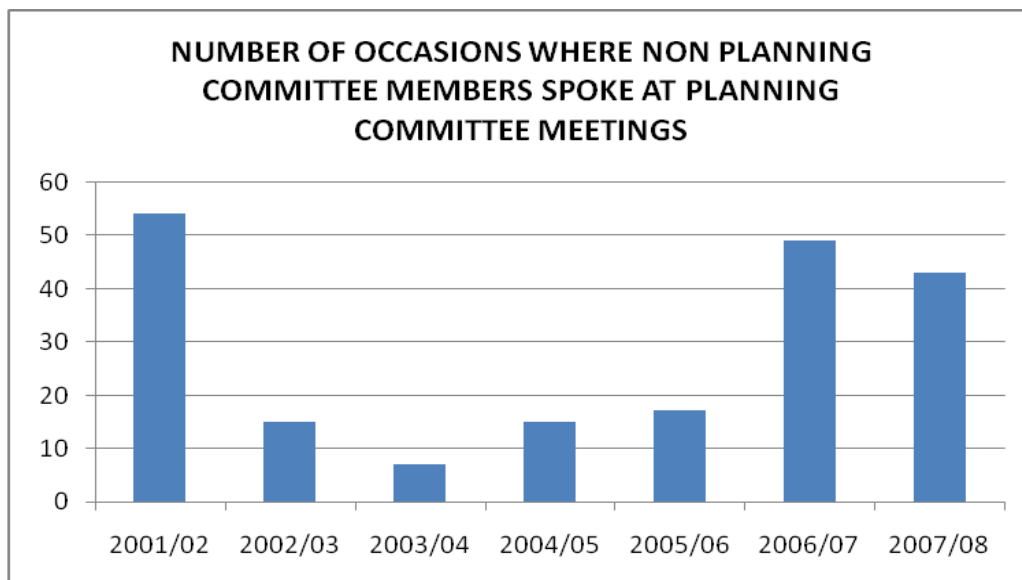


6.7 Paragraph 7: *If the Chair decides to allow a non-Member of the Planning Committee to speak, the non-Member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.*

6.8 Comment: There were 43 occasions where non-members spoke at Committee meetings. In all but one of the cases, the minutes recorded reasons for them wishing to speak and whether they had been in

contact with the applicant or other interested party in accordance with the provisions of the Planning Code.

Figure 2 Number of occasions where non-Planning Committee members spoke at Planning Committee meetings*



- 6.9 **Paragraph 8 (a):** *When the circumstances of any member of the Council are such that they have a personal interest in any planning application or other matter, then the member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter. (There have been amendments to paragraphs 8(a)-(c) as a consequence of adopting the new Code of Conduct).*
- 6.10 **Comment:** The above paragraphs were complied with during the review period.
- 6.11 There was only one explicitly recorded instance of a member declaring a prejudicial interest at a planning committee meeting. From the minutes taken at the meetings, this declaration was accompanied with an explanation as to the nature of the interest and the member concerned left the meeting room and did not take part in discussion or vote on the application as required by the Planning Code.
- 6.12 There were 9 recorded instances of members declaring personal interests at meetings. From the minutes of the Planning Committee meetings, all declarations were accompanied with an explanation as to the nature of the interest as required by the Planning Code.

* 2001/02 and 2006/07 were local election years

- 6.13 In 5 instances of members declaring a personal interest, the members left the meeting room and did not take part in the discussion or voting on the application.
- 6.14 **Paragraph 9:** *For the avoidance of doubt, where a member of the Council is a Freemason or a member of a similar secret society and is aware that the applicant, agent or interested party in relation to a particular planning application is also a Freemason or a member of the same secret society, the member shall treat this as a prejudicial interest...*
- 6.15 **Comments:** There is no information to suggest that the provisions of paragraph 9 have not been complied with.
- 6.16 **Paragraphs 10 (i) and 10 (ii):** *where under the provisions of the Constitution two Members of the council ask for an application or other matter to be decided by Committee rather than by officers, their request shall state:*
- (i) the reason(s) why they feel the application or other matter should not be dealt with under delegated powers; and*
 - (ii) whether or not they have been approached by any person concerning the application or other matter and if so, by whom*
- 6.17 **Comment:** There were 11 cases, compared with 6 in the last review, where members requested that applications be decided by Committee rather than under Delegated Powers, namely:
- Asian Centre, 50 Abbey Road NW10 7TX
 - Former Rucklidge Avenue Social Club Site
 - 105-109 Salusbury Road, London NW6
 - Garages R/O 129-145, 145A & Land R/O 151-157, Melrose Avenue London NW2 4LY
 - Church of the Transfiguration, Wreatham Avenue & Chamberlayne Road, Kensal Rise
 - Park House 08/1112 (late call in)
 - Land rear of 73-83 Draycott Avenue, HA3 0DD
 - 88-96 Draycott Avenue, Harrow HA3 0BY
 - Wembley Park, Sports Ground, Bridge Road, Wembley HA9
 - 25 Totterhoe Close, Harrow HA3 0HS
 - International Computing College, 3 Abercorn Commercial Centre, Manor Farm Road, Wembley HA0 1AN
- 6.18 In all 11 cases two members of the council asked for the application to be decided by Committee, their requests stated the reasons for the member 'call-in' and detailed any representations received. In all 11

cases at least one of the members had been approached. The above paragraphs were complied with.

6.19 **Paragraph 12:** *The Director of Environment and Culture shall maintain a register of contact made by applicants, agents or interested parties with individual Members of the Council on each and every planning application.*

6.20 **Comment:** There are two registers kept by the Director of Planning. The first is the Notification from members of Approaches Relating to Planning Applications and is for members of the Planning Committee. There were 20 entries during the review period. The second is a register of contact for non-Committee members. There were 71 entries in the register. The register of contact made by applicants, agents or interested parties with individual Members of the Council has now been transferred to the Borough Solicitor.

Table 1- Nature of the queries taken from the register of contact for Planning Committee members

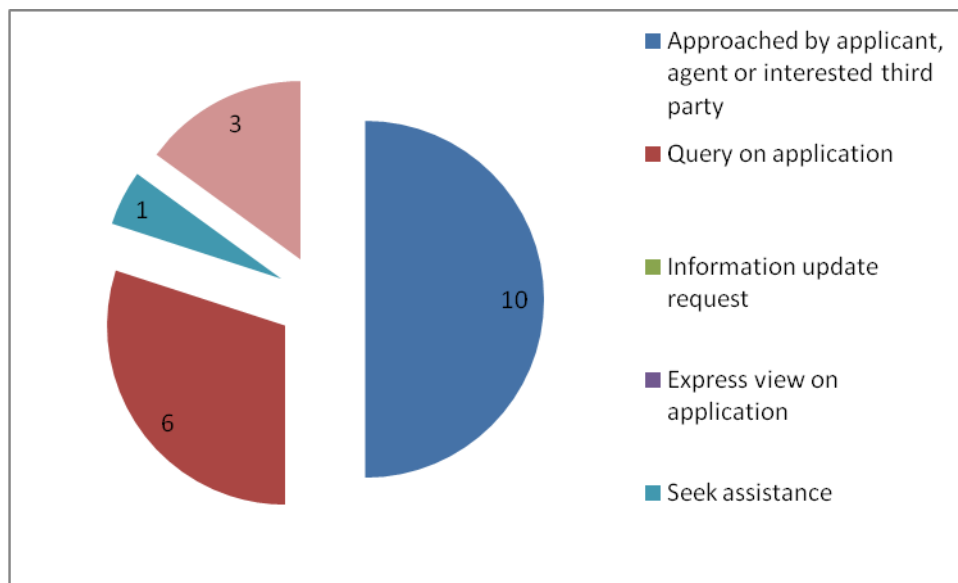
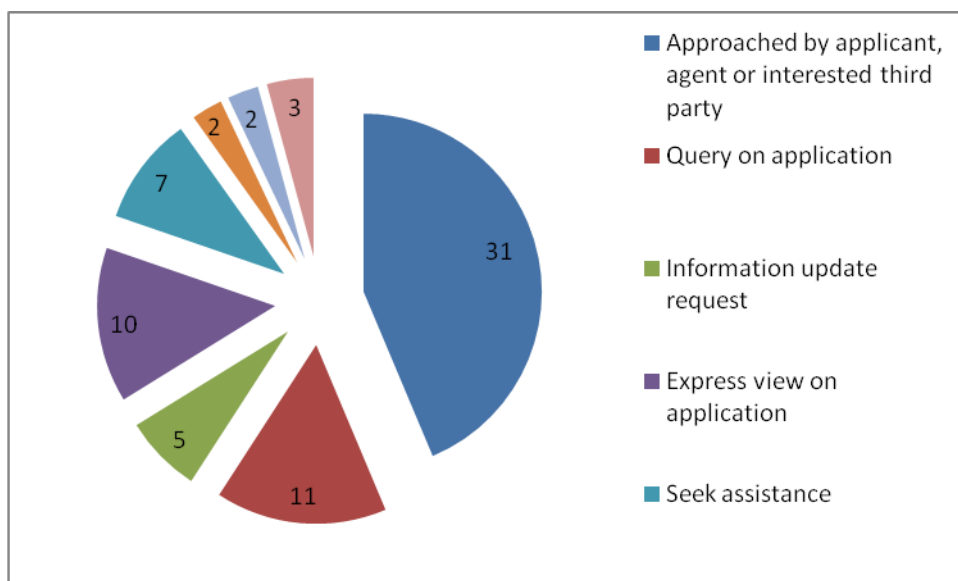


Table 2- Nature of the queries taken from the register of Contact for non-Committee members



Membership and Jurisdiction of the Planning Committee

- 6.21 **Paragraphs 5 and 6:** *Membership of the Committee, business or other interests and support for the Council's planning policy.*
- 6.22 **Paragraph 20:** *When the Membership of Planning Committee is determined, care shall be taken to ensure that for each Ward there is always at least one Councillor who is not a member of, or alternates for, the Planning Committee.*
- 6.23 **Comment:** For full Planning Committee members, this part of the Code was complied with; However the current situation is that there is still one instance of all 3 ward members being appointed to the committee. Two of the Kilburn ward members are 1st alternates and the third is a 2nd alternate. If it was necessary to use alternates Democratic Services Officers would make sure all three were not used although it would be very unlikely for this situation to arise.

Briefings

- 6.24 **Paragraph 21:** *Any briefings which may be held prior to the Planning Committee meetings shall be open to all members (and alternates) of the Planning Committee. These briefings can help to speed up decision making by giving officers notice of additional information members of the Planning Committee may require at the meeting.*
- 6.25 **Comment:** These briefings occur prior to every Planning Committee meeting. The purpose of the meeting is to deal with administrative matters, to bring members' attention to any new or supplementary information and to determine the order of the applications.
- 6.26 There has been no adverse comments regarding attendance at briefings.

Site Visits

6.27 **Paragraph 11:** *...if any Member of the Council requests a site visit, prior to a meeting of the Planning Committee at which the application in respect of the request is to be considered, they shall provide the following details at least one week before the date of the meeting at which the application is to be considered and a record shall be kept of those details:*

- (i) their name;*
- (ii) reason for the request; and*
- (iii) whether or not they have been approached concerning the application or other matter and if so, by whom.*

If the details are not provided then the site visit shall not proceed. Alternatively, during any meeting of the Planning Committee, any member of the Planning Committee may request a site visit in respect of any application on the agenda of the meeting. The member must give the reason for the request.

6.28 Paragraph 11 was complied with during the review period. There were 7 requests for site visits compared with 12 for the previous year, and all were granted.

6.29 **Paragraphs 16, 17, 18 and 19:**

- 16. Members attending the site visit should avoid expressing opinions on site visits to any person present.*
- 17. Members of Planning Committee shall not enter any premises which are the subject of a planning application to meet the agent, applicant or other interested party, save in the course of a formal accompanied site visit.*
- 18. On site visits applicants or other interested parties shall only be permitted to point out to Members features to look at either on the site or in the vicinity, which are relevant to the application or other matter. No discussion will take place on the merits of the application or other matter.*
- 19. Whilst on site visits, Members of Planning Committee shall keep together as a group and shall not engage individually in discussion with applicants or objectors.*

6.30 **Comment:** The Head of Area Planning confirmed that the purpose of the site visit and accepted member behaviour is explained to members at the start of each site visits. Based on discussions with the Head of

Area Planning and observation during the 9th August 2008 site visits it was concluded that the above paragraphs were complied with during the review period.

Officer Conduct

- 6.31 **Paragraphs 13:** *If any officer of the Council who is involved in making recommendations or decisions on planning applications has had any involvement with an applicant, agent or interested party, whether or not in connection with the particular application being determined, which could leave an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare a prejudicial interest in the public register held by the Director of Environment & Culture and take no part.*
- 6.32 **Paragraphs 14:** *No officer of the Council shall engage in any paid work for any town planning matter for which Brent is the Local Planning Authority other than on behalf of the Council.*
- 6.33 **Comment:** During the review period there were no entries in the minutes of the Planning Committee meetings, of declarations of prejudicial interest by an officer of the Council compared with 2 instances in the previous year.

Meetings of the Planning Committee

- 6.34 **Paragraph 23:** *No material revision to any planning application which might lead to a change in the recommendation of officers shall be considered at Planning Committee unless it has been submitted at least fourteen clear days before the relevant Planning Committee meeting, and has been the subject of a full appraisal by officers.*
- 6.35 **Comment:** As far as could be established, this paragraph was complied with during the review period.
- 6.36 **Paragraph 26:** *Members of the Planning Committee shall refrain from personal abuse and party political considerations shall play no part in their deliberations.*
- 6.37 **Comment:** Paragraph 26 of the Planning Code of Practice was complied with during the review period. In addition, Brent Council's Standards Committee, formed in 2002 to promote and maintain high standards of conduct for members, has not upheld a single complaint about the behaviour of Planning Committee members since its inception.
- 6.38 **Paragraphs 27 and 28:**

27 *Members of the Planning Committee should not speak to members of the public (including applicants and agents) during a meeting of the Planning Committee or immediately prior to or after the meeting concerned, other than where permitted by this Code or Standing Orders.*

28 *When questioning members of the public or the applicant who have spoken at a meeting of the Committee, members of the Planning Committee shall ensure that their questions relate only to planning matters relevant to that particular application.*

6.39 **Comment:** As far as could be established, these paragraphs were complied with during the review period.

6.40 **Paragraphs 29, 30 & 31:**

29 *The minutes of the planning Committee shall record the names of those voting in favour, against or abstaining:*

(i) *on any resolution of "Minded to grant or minded to refuse contrary to Officer's Recommendation";*

(ii) *on any approval or refusal of an application referred to a subsequent meeting following such a resolution.*

30 *A member of the Planning Committee shall not vote in relation to any planning matter unless he or she has been present in the meeting of the Planning Committee throughout the consideration of that particular matter as required by Standing Orders.*

31 *Unless all members of the Planning Committee indicate that they intend to vote in accordance with the officers' recommendation on a particular item, the responsible officer shall be allowed time, at the beginning of the consideration of each application, to summarise his or her advice.*

6.41 **Comment:** Evidence from the minutes of Planning Committee meetings suggests that paragraphs 29 to 31 were complied with. During the review period there were no instances of members who were absent for any part of a discussion of an item taking part in the voting on the item.

Planning Decisions made contrary to officers' recommendations

6.42 **Paragraph 24:** *If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration.*

- 6.43 **Comment:** There were 4 instances, during the review period, where the Planning Committee minded to grant planning permission contrary to officers' recommendation. In all instances, the applications were deferred to the next meeting of the Committee for further consideration. This area of the Code has been complied with.
- 6.44 **Paragraph 25:** *When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting the application shall be deferred for further consideration at the next meeting of the Committee.*
- 6.45 **Comment:** There were 9 instances during the review where members voted to refuse a Planning Application contrary to officers' recommendations for approval:
1. 2A St Johns Avenue, London NW10
 2. Land ADJ to 197A & B Chatsworth Rd. NW2
 3. 51 Acton La, London NW10
 4. 2 Waterloo Road, NW2 7UA
 5. Rucklidge Service Station, 147-153 High Street, London NW10
 6. 1 The Leadings, Wembley HA9 9DT
 7. 88-96 Draycott avenue, Harrow HA3 0BY
 8. Northway Garage, North End Road, Wembley HA9 0AD
 9. Sainsbury, High Road, London NW10 2TD
- 6.46 **Paragraph 31:** *If after discussion it appears that any member of the Planning Committee is minded to vote contrary to the officers' recommendation, the officer shall be allowed a further opportunity to respond to new points which have been raised, and to address the implications of a contrary decision.*
- 6.47 **Comment:** This area of the Code has been complied with.

Appeal Decisions

- 6.48 During this review period there were 13 cases of members voting contrary to officers' recommendations, compared with 6 cases for the previous year. Planning and Legal Services officers consider that this is due to members assessing the planning merits differently from officers rather than because any non-planning matters were taken into account.

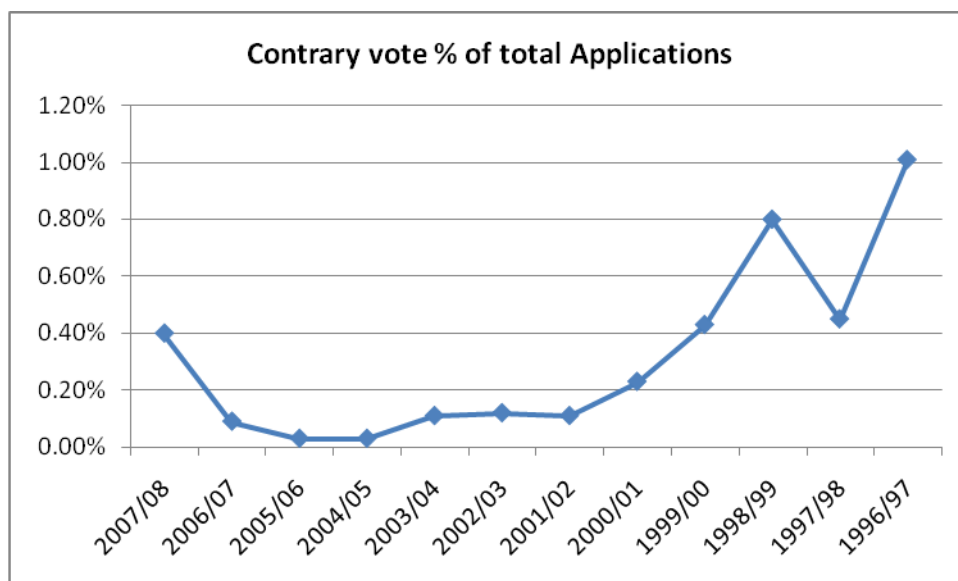
Table 3 Analysis of applications voted contrary to officers recommendations

Year	Cases Voted contrary to officer recc.	Cases to Committee	Total Applications	% of applications heard by Committee	Contrary vote % of cases to committee	Contrary vote % of total Applications
2007/08	13	236	3261	7.2%	5.5%	0.40%
2006/07	6	177	3311	5%	3.38%	0.09%
2005/06	1	143	3216	4.4%	0.70%	0.03%
2004/05	1	204	3719	5.5%	0.50%	0.03%
2003/04	4	185	3623	5.1%	2.16%	0.11%
2002/03	4	124	3386	3.7%	3.23%	0.12%
2001/02	3	301	2781	10.8%	1%	0.11%
2000/01	6	394	2644	14.9%	1.52%	0.23%
1999/00	10	304	2310	13.2%	3.3%	0.43%
1998/99	18	458	2259	20.3%	3.9%	0.80%
1997/98	11	362	2420	15.0%	3.03%	0.45%
1996/97	19	395	1880	21.0%	4.8%	1.01%

Figure 3 Applications Voted Contrary to Officers Recommendations (A)



Figure 4 Applications Voted Contrary to Officers Recommendations (B)



Member & Planning Officer Relations

6.49 **Paragraphs 32, 33 & 34:** *Notification of criticism of officers, or pressure exerted on officers by any member.*

6.50 **Comments:** There is no information to suggest that this part of the Code has not been complied with.

7.0 Feedback from members of the Planning Committee and Planning Officers

7.1 Eleven members and two Planning officers completed questionnaires as part of this review. Interviews were held with the Head of Area Planning and officers in Legal & Democratic Services.

7.2 Members and Officers have received a copy of the Planning Code of Practice and also have access to the Code via the internet and intranet.

7.3 There was a general consensus that members and officers operated and adhered to the Code properly and sought advice from Legal Services wherever necessary. However, one member commented that:

"I suspect that there is an issue over approaches to members not being recorded. As an alternate I received very few approaches. However, the numbers recorded by me are near to the average of those recorded by members of the Committee."

7.4 The Planning Service organised a training session for members on Planning issues in early summer 2008 and eight members who responded to the questionnaire confirmed that they had received sufficient training regarding the Code. One member of the Planning Committee commented that an update would be beneficial and another

member (acting as a second alternate for the Planning Committee) stated that he had not received any training. The following is a summary of the comments made by a member about the training he had received:

“We had only one training session in 2008, which was useful”

However, the member considered one session a year inadequate and referred to his comments made during the previous review of the Code:

“In my opinion we should not allow any member of the committee to attend committee meetings if they haven’t received appropriate training. The role of Committee Members is to scrutinise officer’s decisions, this is not possible without a comprehensive training programme.”

The need for continued member training on planning issues was recommended by both Planning Committee members and officers.

- 7.5 Two members suggested that the Code requires updating, commenting that:

“We have been given guide notes called ‘Connecting Councillors with Strategic Planning applications’. I think we will have to reconsider the code of practice in view of the guidelines as set out by the government and London councils.”

“The Code needs further revision due to changes in the way we evaluate new schemes.”

8.0 Complaints regarding allegations of breaches to the Code

- 8.1 A complaint was made about the fact that the Chair of the Planning Committee was involved in the planning decision regarding an application from Wembley Primary School at the same time as he was a member of the School’s Organisation Committee. The Ombudsman looked into the question of whether the Chair had a disqualifying interest which was relevant to his involvement in the decision making process for the school’s application.
- 8.2 The complainant also suggested that the Chair should have registered his membership of the School Organisation Committee in the member’s register of interests. Officers considered that it was unclear whether a School Organisation Committee was a body which members were required to register their membership of as it was a Council body. The Ombudsman made no finding on this point.
- 8.3 The Ombudsman considered whether the Chair’s interest was a prejudicial one. The Brent Members Code of Conduct defines a prejudicial interest as an interest that a member of the public with

knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest. The Ombudsman did not consider that the Chair's interest was prejudicial.

- 8.4 This case highlights the need for members to seek advice where there is any doubt about whether to register an interest and if they have a personal and/or prejudicial interest.
- 8.5 A complaint was made in January 2007 about the way planning permission was granted for development at 8 Deerhurst Road (planning application 06/3033). The details were summarised in the previous Review Report as the case had progressed to Stage 3 of the council's complaints process. The council's Chief Executive engaged an external investigator, Peter Lerner of Addison & Associates, to carry out an independent investigation including interviewing all the councillors who had been involved in the application. The report was completed in February 2008 and the Chief Executive wrote to the complainant on 21st March 2008.
- 8.6 Mr Lerner found no evidence to support the complainant's feeling that planning permission was granted because of councillors' partiality on ethic, religious or cultural grounds. He concluded that:
"the decision to grant planning permission for the development at 8 Deerhurst Road although contrary to officer advice was taken after proper consideration of the council's adopted planning policies. Members took into account the relevant policies, other material planning considerations and officer advice but, as they are entitled to do, came to a different conclusion to those of officers."
However, as far as the Planning Code is concerned, Mr Lerner did point out two areas of concern regarding the process for this application.
- 8.7 One was the lack of a formal summary of councillors' reasons for believing that there were clear legitimate grounds for granting planning permission against officer's advice. Officers have accepted that on this occasion the councillors' views were not recorded sufficiently clearly. This has now been addressed.
- 8.8 The other area was that the Committee minutes stated that the Chair "urged other members to be minded to approve the application". Mr Lerner stated that "I believe that the Chair did not act improperly in expressing his views on this application". However he cautioned that "there is a great perception of difference between "urging" an approval and expressing support, and that a more neutral stance from the Chair on a balanced planning issue is generally more appropriate." Mr Lerner recommended that guidance should be given to Planning Committee Chairs on the circumstances when it may be appropriate to express personal support from the Chair for a specific planning proposal.

- 8.9. The Chief Executive asked the council's Legal and Planning Services to consider Mr Lerner's recommendations and to report back to the Council's corporate complaints manager. He also asked officers to report the facts of this case to the Planning Committee with any recommendations arising from the review of Mr Lerner's findings, and to take them into account in the next annual review of the operation of the Planning Code.

9 Committee Meetings

- 9.1 The recent features introduced to Committee meetings to provide improved process clarity for members of the public and Council members alike appear to be working well.
- 9.2 The traffic light system is used to signal to speakers how much time they have to state their case.
- 9.3 A List of Speakers Form is made up prior to a committee meeting, then the agenda is completed with applications without speakers at the end.
- 9.4 Questionnaires are left at each meeting for people attending to complete and return. Public information leaflets are also made available at each meeting.

9.0 Acknowledgements

The author would like to record his appreciation for the assistance given in the compilation of this report by members of staff and councillors.

Tim Flint
Management Services (Finance & Corporate Resources)

December 2008

Appendix A

**Planning Applications voted contrary to officer recommendations
June 2007 – May 2008**

Date	Application	Reason
19/06/07	07/0647 2A St Johns Avenue, London NW10 4EE Retention of 1 bedroom self-contained flat, change of use of vacant shop to 2 bedroom maisonette and demolition of rear part of shop to create amenity space.	
Officers' Recommendation Grant planning permission subject to conditions		
Decision Planning permission refused		
Reasons Over development of the site, lack of amenity space and poor outlook.		
25/09/07	07/1801 Land ADJ to 197A & B, Chatsworth Road, London NW2 Demolition of existing garage and stairway from neighbouring roof terrace and erection of replacement single-storey garage with pitched roof and four roof lights (as amended by plans received 16/08/07)	
Officers' Recommendation Grant planning permission subject to conditions		
Decision Refused planning permission contrary to recommendation		
Reasons The proposed single storey garage would by reason of its size, sitting and physical relationship with the existing public house, be likely to inhibit the ability of the public house to be serviced, to have refuse/recycling matters addressed within the site and to provide an adequate access, and means of escape, to both residents and visitors to the public house		
16/10/07	07/2486 51 Acton Lane, London NW10 8UX Change of use of dwelling house to doctor's surgery (Use Class D1) on ground floor and a self-contained flat on 1 st and 2 nd floors.	
Officers' Recommendation Grant Planning Permission subject to conditions		
Decision Planning Permission Refused		
Reasons On grounds of loss of large family residence.		

<p>06/11/07</p>	<p>07/2754 2 Waterloo Road, London NW2 7UA</p> <p>Demolition of existing bungalow and erection of a terrace of 3 four bed and 2 three bed dwellings, 2 additional vehicle crossovers with associated off street parking and landscaping</p> <p>Officers' Recommendation Grant planning permission subject to the completion of a satisfactory Section 106 of the Town and County Planning Act 1990 or other Legal Agreement and delegate the authority of the Director of Environment and Culture to agree the exact terms thereof, on advice from the Borough Solicitor.</p> <p>Decision Refused on grounds of over development of the site.</p> <p>Reasons Over-development of site</p>
<p>19/12//07</p>	<p>07/2829 Rucklidge Service Station, 147-153 High Street, London NW10</p> <p>Erection of four storey building comprising 449m2 retail floor space (Use Class A1) on ground floor and 14 self-contained flats on upper floors, consisting of 3 x one-bedroom flats, 9 x two-bedroom flats, and 2 x three-bedroom flats, formation of roof terrace at first floor and third-floor level to rear and third-floor front, new vehicular access to front, provision of 2 car-parking spaces, cycle storage for 19 cycles, refuse and recycling stores, hard and soft landscaping to site.</p> <p>Officers' Recommendation Grant Planning Permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment & Culture to agree the exact terms thereof on advice from the Borough Solicitor.</p> <p>Decision Planning Permission Refused</p> <p>Reasons On grounds of massing, bulk, scale, unacceptable impact on privacy, loss of residential amenity, excessive height and density and proximity to the rear gardens if Rucklidge Avenue (s106)</p>
<p>05/02/08</p>	<p>07/3429 1 The Leadings, Wembley HA9 9DT</p> <p>Erection of block of 5 flats (comprising 1 x 1-bedroom, 3 x 2-bedroom and 1 x 3-bedroom flat), with balconies facing 1 The Leadings on first floor and second floor levels, provision of 2 roof lights, cycle and refuse storage, associated landscaping, new vehicle crossover and 1 car park.,</p> <p>Officers' Recommendation Grant planning permission subject to the completion of a satisfactory Section 106 of the Town and Country Planning Act1990 or other Legal Agreement and delegate the authority of the Director of Environment and Culture to agree the exact terms thereof, on advice from the Borough Solicitor.</p> <p>Decision Refused on grounds of overdevelopment</p> <p>Reasons Overdevelopment in terms of design, bulk and sitting within the plot, the loss of open area and limited value of the remainder</p>

<p>05/02/08</p>	<p>07/2978 88-96 Draycott Avenue, Harrow HA3 0BY</p> <p>Demolition of 5 existing dwelling houses and erection of five 4 storey and four 3-storey buildings incorporating 54 self-contained flats; a stacked parking system providing 36 parking spaces with 12 additional parking spaces along a new internal avenue; motorcycle and bicycle storage, refuse storage and landscaping; and formation of a new access road onto the site from Draycott Avenue (as amended and accompanied by landscape strategy plan, design and access statement dated September 2007).</p> <p>Officers' Recommendation Grant planning permission subject to the completion of a satisfactory Section 106 of the Town and Country planning Act 1990 or other Legal Agreement and delegate the authority of the Director of Environment and Culture to agree the exact terms thereof, on advice from the Borough Solicitor.</p> <p>Decision Refused on grounds of scale of development</p> <p>Reasons Refused on grounds of scale of development in terms of the massing and relationship of buildings to the rear and their impact on the character of the area and the remaining amenity space.</p>
<p>05/02/08</p>	<p>07/2772 Northway Garage, North End Road, Wembley HA9 0AD</p> <p>Erection of part single-, part 4-, part 8-, part 16- and part 20- storey building, comprising 51 cluster units and 191 self-contained units for use as student accommodation, formation of new pedestrian accesses to front, provision of 4 on-street disabled car parking spaces, cycle store at basement and ground-floor level for 384 bicycles, refuse and recycling store, 2m-high fencing and wall to boundary and landscaping to site.</p> <p>Officers' Recommendation Grant planning permission subject to a referral to the Mayor of GLA, the completion of a satisfactory Section 106 of the Town and Country planning Act 1990 or other Legal Agreement and delegate the authority of the Director of Environment and Culture to agree the exact terms thereof, on advice from the Borough Solicitor.</p> <p>Decision Refused on grounds of height and massing of the building</p> <p>Reasons Refused on grounds of height and massing of the building and its impact on the outlook and use of the adjoining Danes Court properties and amenity area.</p>
<p>29/04/08</p>	<p>08/0488 Sainsbury, High road, London NW10 2TD</p> <p>Alteration of vehicular access to Ellis Close and the reconfiguration of existing car park to Supermarket, including the reduction in the number of car parking spaces from 160 to 142</p> <p>Officers' Recommendation Grant planning permission subject to conditions</p> <p>Decision Refused on grounds of traffic congestion, narrowness of the road, hard to road safety and to the free flow of traffic on the adjoining highway.</p> <p>Reasons As Above</p>

<p>15/08/07</p> <p>Officers' Recommendation Refuse planning permission but if Members are minded to approve the application, it should be subject to the above conditions</p> <p>Decision Planning permission granted subject to conditions as set out in the report</p> <p>Reasons N/A</p>	<p>07/0598 63A Tennyson Road, NW6 7RU</p> <p>Single-storey rear extension to ground floor flat, new entrance door to rear and replacement of existing entrance door with window.</p>
<p>16/10/07</p> <p>Officers' Recommendation Grant planning permission subject to conditions</p> <p>Decision Planning permission granted subject to conditions and an additional condition 6</p> <p>Reasons N/A</p>	<p>07/1706 International computing college second floor 3, Abercorn Commercial centre, Manor Farm Road, HA0 1AN</p> <p>Change of use of second floor to educational use (Use Class D1) and alterations to the building frontage to provide a lift.</p>

Appendix B –Version in force until 29th October 2007

PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is, in addition to the Brent Members Code of Conduct, adopted by the Council under the provisions of the Local Government Act 2000. The purpose of the Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members of the Planning Committee making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist members of the Council in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

General

1. Members of the Planning Committee shall determine applications in accordance with the Unitary Development Plan unless material considerations indicate otherwise. The Brent Members Code of Conduct and the law relating to Brent Council members' personal and prejudicial interests must be complied with throughout the decision making process. Decisions should not be influenced by personal or prejudicial interests of Councillors or because of undue pressure exerted by applicants, agents or third parties. This Code sets out further rules applicable to the planning process in Brent.

Review of Code of Practice

2. The Borough Solicitor is instructed to commission a report independent of the planning service annually on the operation of this Code of Practice. The report should address the extent of compliance with the Code by officers and members, contain an analysis of decisions being made against officers' recommendations and set out any appropriate recommendations for improvement. This report should be presented annually to the Standards Committee.

Accountability and Interests

3. Members of the Council should not take part in any discussion of, or vote on, any item if they or their relative, friend or associate is the applicant, agent or objector for that matter.
4. If an approach is made to a member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the member of the Planning Committee shall:
 - (i) inform the person making such an approach that such matters should be addressed to officers or to members who are not members of the Planning Committee;

- (ii) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered; and
 - (iii) record the approach in the register maintained by the Director of Environment and Culture under paragraph 12 below.
- 5. Members of the Council who have business or other interests which may bring them into contact with the Council's planning system on a regular basis should not be considered for membership of the Planning Committee.
- 6. Members of the Council who are consistently unable to support the Council's planning policies should not be considered by their political group for membership of the Planning Committee.
- 7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
- 8.
 - (a) When the circumstances of any member of the Council are such that they have a personal interest in any planning application or other matter, then the member if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
 - (b) If a member of the Council has a prejudicial interest in a planning application or other matter, he/she shall not exercise his or her discretion to require the application or other matter to be referred from officers to the Planning Committee for consideration and nor shall he/she exercise his/her right to request a site visit.
 - (c) For the purposes of this Code, in determining whether a member of the Planning Committee has a prejudicial interest, the exceptions in paragraphs 10(2)(a), (b) and (c) of the Members Code of Conduct will not apply.
- 9. For the avoidance of doubt, where a member of the Council is a Freemason or a member of a similar secret society and is aware that the applicant, agent or other interested party in relation to a particular planning application is also a Freemason or a member of the same secret society, the member shall treat this as a prejudicial interest for the purposes of paragraph 8 above.
- 10. Where under the provisions of the Constitution two members of the Council ask for an application or other matter to be decided by Committee rather than by officers, their request shall state:
 - (i) the reason(s) why they feel the application or other matter should not be dealt with under delegated powers; and
 - (ii) whether or not they have been approached by any person concerning the application or other matter and if so, by whom.

This information shall then be included in the relevant Planning Committee report.

Unless the request and the necessary supporting information outlined above has been provided by both members at least one week prior to the relevant meeting then the matter proceed to be determined by officers in accordance with their delegated powers.

11. Save as provided by paragraph 8 (b) above, if any member of the Council wishes to request a site visit prior to a meeting of the Planning Committee at which the application in respect of the request is to be considered, they shall provide the following details at least one week before the date of the meeting at which the application is to be considered and a record shall be kept of those details:
 - (i) their name;
 - (ii) the reason for the request; and
 - (iii) whether or not they have been approached concerning the application or other matter and if so, by whom.

If the details are not provided then the site visit shall not proceed. Alternatively, during any meeting of the Planning Committee, any member of the Planning Committee may request a site visit in respect of any application on the agenda of the meeting. The member must give the reason for the request.

12. The Director of Environment and Culture shall maintain a register of contact made by applicants, agents or interested parties with individual members of the Council on each and every planning application, in which members of the Planning Committee must record approaches referred to in paragraph 4 and other members of the Council may record such approaches if they feel it is appropriate.
13. If any officer of the Council who is involved in making recommendations or decisions on planning applications has had any involvement with an applicant, agent or interested party, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare a prejudicial interest in the public register held by the Director of Environment and Culture and take no part. The declaration of such interest shall also be recorded in the minutes of the meeting. This public register to be available for inspection at Planning Committee meetings.
14. No officer of the Council shall engage in any paid work for any town planning matter for which Brent is the Local Planning Authority other than on behalf of the Council.
15. In relation to all matters not addressed above, all such officers shall comply with the Royal Town Planning Institute Practice Advice Note No.5 relating to Consultancy by Current and Former Employees or any guidance replacing this.

Site Visits by Members of the Planning Committee with Officers

16. The purpose of a site visit is to gain information relating to the land or buildings which are the subject of the planning application or other matter to be considered by the Planning Committee. A site visit may also assist members of the Planning Committee in matters relating to the context of the application or other matter in relation to the characteristics of the surrounding area. Members attending the site visit should avoid expressing opinions on site visits to any person present.

17. Members of Planning Committee shall not enter any premises which are the subject of a planning application or other matter or known by them to be likely to become such in order to meet the agent, applicant or other interested party, save in the course of a formal accompanied site visit. In exceptional circumstances (for instance where a member of the Planning Committee is unable to attend the site visit), any visit made shall be accompanied by a planning officer.
18. On site visits applicants or other interested parties shall only be permitted to point out to those members of the Planning Committee attending the site visit the features to look at either on the site or in the vicinity, which are relevant to the application or other matter. No discussion will take place on the merits of the application or other matter.
19. Whilst on site visits, members of Planning Committee shall keep together as a group and shall not engage individually in discussion with applicants or objectors.

Membership and Jurisdiction of the Planning Committee

20. When the membership of Planning Committee is determined, care shall be taken to ensure that for each Ward there is always at least one Councillor who is not a member of Planning Committee. This is so that there will always be a Councillor who is not a member of the Planning Committee with whom residents will be able to discuss planning matters.
21. Any briefings which may be held prior to the Planning Committee meetings shall be open to all members (and alternates) of the Planning Committee. These briefings can help to speed up decision making by giving officers notice of additional information members of the Planning Committee may require at the meeting.
22. All members of Planning Committee, and in particular the Chair, shall be informed from time to time about the relevant provisions concerning access to information contained in the Local Government Act 1972 and in the event of any dispute between members of the Planning Committee and officers as to the application of the 1985 Act, the advice of the Borough Solicitor or his or her representative shall be obtained forthwith.

Meetings of the Planning Committee

23. No material revision to any planning application which might lead to a change in the recommendation of officers shall be considered at Planning Committee unless it has been submitted at least fourteen clear days before the relevant Planning Committee meeting, and has been the subject of a full appraisal by officers.
24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendations the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the minutes of the meeting.

25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the minutes of the meeting.
26. Members of the Planning Committee shall refrain from personal abuse and party political considerations shall play no part in their deliberations. Members of the Planning Committee shall be respectful to the Chair and to each other and to officers and members of the public including applicants, their agents and objectors. Members of the Planning Committee should not make up their mind before hearing and considering all relevant information at the meeting and should not declare in advance of the meeting, how they intend to vote on a particular application or other matter.
27. Members of the Planning Committee should not speak to members of the public (including applicants and agents) during a meeting of the Planning Committee or immediately prior to or after the meeting concerned, other than where permitted by this Code or Standing Orders.
28. When questioning members of the public or the applicant who have spoken at a meeting of the Committee, members of the Planning Committee shall ensure that their questions relate only to planning matters relevant to the particular application.
29. The minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.
30. A member of the Planning Committee shall not vote in relation to any planning matter unless he or she has been present in the meeting of the Planning Committee throughout the consideration of that particular matter as required by Standing Orders. Any dispute as to whether the member of the Planning Committee in question should be permitted to vote shall be decided by the Chair having taken appropriate advice from legal or other officers present.
31. Unless all members of the Planning Committee indicate that they intend to vote in accordance with the officers' recommendation on a particular item, the responsible officer shall be allowed time, at the beginning of the consideration of each application, to summarise his or her advice. If after discussion it appears that any member of the Planning Committee is minded to vote contrary to the officers' recommendation, the officer shall be allowed a further opportunity to respond to new points which have been raised, and to address the implications of a contrary decision.

Member and Officer Relations

32. Any criticism by members of Planning Committee of officers in relation to the handling of any planning matter shall be made in writing to the Director of Environment and Culture and not to the officer concerned. No such criticism shall be raised in public.
33. If any officer feels or suspects that pressure is being exerted upon him or her by any member of the Council in relation to any particular planning matter, he or she shall forthwith notify the matter in writing to the Director of Environment and Culture.
34. Members of Planning Committee shall not attempt in any way to influence the terms of the officers' report or recommendation upon any planning matter.

Appendix B – Version in force from 29th October 2007

PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is, in addition to the Brent Members Code of Conduct, adopted by the Council under the provisions of the Local Government Act 2000. The purpose of the Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members of the Planning Committee making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist members of the Council in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

General

1. Members of the Planning Committee shall determine applications in accordance with the Unitary Development Plan unless material considerations indicate otherwise. The Brent Members Code of Conduct and the law relating to Brent Council members' personal and prejudicial interests must be complied with throughout the decision making process. Decisions should not be influenced by personal or prejudicial interests of Councillors or because of undue pressure exerted by applicants, agents or third parties. This Code sets out further rules applicable to the planning process in Brent.

Review of Code of Practice

2. The Borough Solicitor is instructed to commission a report independent of the planning service annually on the operation of this Code of Practice. The report should address the extent of compliance with the Code by officers and members, contain an analysis of decisions being made against officers' recommendations and set out any appropriate recommendations for improvement. This report should be presented annually to the Standards Committee.

Accountability and Interests

3. Except as provided for in paragraph 8 of this Code members of the Council should not take part in any discussion of, or vote on, any item if they or their relative, friend or associate is the applicant, agent or objector for that matter.
4. If an approach is made to a member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the member of the Planning Committee shall:

- (i) inform the person making such an approach that such matters should be addressed to officers or to members who are not members of the Planning Committee;
 - (ii) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered; and
 - (iii) record the approach in the register maintained by the Monitoring Officer under paragraph 14 below.
- 5. Members of the Council who have business or other interests which may bring them into contact with the Council's planning system on a regular basis should not be considered for membership of the Planning Committee.
- 6. Members of the Council who are consistently unable to support the Council's planning policies should not be considered by their political group for membership of the Planning Committee.
- 7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a member shall disclose the fact that he/she has been in contact with the applicant, agent or interested party if this be the case.
- 8. If a member of the Council has a personal interest in any planning application or other matter before the Planning Committee, then the member shall, if present, declare a personal interest at that meeting unless the interest arises because the member is a member of or is in a position of general control or management in a body to which they were appointed or nominated to by the Council or that exercises functions of a public nature. In which case the member only needs to disclose the personal interest if they address the Planning Committee meeting on that item.
- 9. If a member has a personal interest in a matter and if that interest is also a prejudicial interest the member shall withdraw from the room where the meeting is being held and not take part in the discussion save that they may make representations, answer questions or give evidence in respect of the application or matter in question in so far as the public have the right to do so. A member must then withdraw from the room for the rest of that item and play no further part in it.
- 10. If a member of the Council has a prejudicial interest in a planning application or other matter, he/she shall not exercise his or her discretion to require the application or other matter to be referred from officers to the Planning Committee for consideration and nor shall he/she exercise his/her right to request a site visit.
- 11. For the avoidance of doubt, where a member of the Council is a Freemason or a member of a similar secret society and is aware that the applicant, agent or other interested party in relation to a particular planning application is also a Freemason or a member of the same secret society, the member shall treat this as a prejudicial interest for the purposes of paragraph 9 above.
- 12. Where under the provisions of the Constitution two members of the Council ask for an application or other matter to be decided by Committee rather than by officers, their request shall state:

- (i) the reason(s) why they feel the application or other matter should not be dealt with under delegated powers; and
- (ii) whether or not they have been approached by any person concerning the application or other matter and if so, by whom.

This information shall then be included in the relevant Planning Committee report.

Unless the request and the necessary supporting information outlined above has been provided by both members at least one week prior to the relevant meeting then the matter shall proceed to be determined by officers in accordance with their delegated powers.

13. Save as provided by paragraph 10 above, if any member of the Council wishes to request a site visit prior to a meeting of the Planning Committee at which the application in respect of the request is to be considered, they shall provide the following details at least one week before the date of the meeting at which the application is to be considered and a record shall be kept of those details:

- (i) their name;
- (ii) the reason for the request; and
- (iii) whether or not they have been approached concerning the application or other matter and if so, by whom.

If the details are not provided then the site visit shall not proceed.

Alternatively, during any meeting of the Planning Committee, any member of the Planning Committee may request a site visit in respect of any application on the agenda of the meeting. The member must give the reason for the request.

14. The Monitoring Officer shall maintain a register of contact made by applicants, agents or interested parties with individual members of the Council on each and every planning application, in which members of the Planning Committee must record approaches referred to in paragraph 4 and other members of the Council may record such approaches if they so wish.
15. If any officer of the Council who is involved in making recommendations or decisions on planning applications has had any involvement with an applicant, agent or interested party, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare a prejudicial interest in the public register held by the Director of Environment and Culture and take no part. The declaration of such interest shall also be recorded in the minutes of the meeting. This public register to be available for inspection at Planning Committee meetings.
16. No officer of the Council shall engage in any paid work for any town planning matter for which Brent is the Local Planning Authority other than on behalf of the Council.

17. In relation to all matters not addressed above, all such officers shall comply with the Royal Town Planning Institute Practice Advice Note No.5 relating to Consultancy by Current and Former Employees or any guidance replacing this.

Site Visits by Members of the Planning Committee with Officers

18. The purpose of a site visit is to gain information relating to the land or buildings which are the subject of the planning application or other matter to be considered by the Planning Committee. A site visit may also assist members of the Planning Committee in matters relating to the context of the application or other matter in relation to the characteristics of the surrounding area. Members attending the site visit should avoid expressing opinions on site visits to any person present.
19. Members of Planning Committee shall not enter any premises which are the subject of a planning application or other matter or known by them to be likely to become such in order to meet the agent, applicant or other interested party, save in the course of a formal accompanied site visit. In exceptional circumstances such as where a member of the Planning Committee is unable to attend the official site visit that has been arranged, a site visit by an individual member may be carried out provided that the member is accompanied by a planning officer.
20. On site visits applicants or other interested parties shall only be permitted to point out to those members of the Planning Committee attending the site visit the features to look at either on the site or in the vicinity, which are relevant to the application or other matter. No discussion will take place on the merits of the application or other matter.
21. Whilst on site visits, members of Planning Committee shall keep together as a group and shall not engage individually in discussion with applicants or objectors.

Membership and Jurisdiction of the Planning Committee

22. When the membership of the Planning Committee is determined, care shall be taken to ensure that for each Ward there is always at least one Councillor who is not a member of Planning Committee. This is so that there will always be a Councillor who is not a member of the Planning Committee with whom residents will be able to discuss planning matters.
23. Any briefings which may be held prior to the Planning Committee meetings shall be open to all members (and alternates) of the Planning Committee. These briefings can help to speed up decision making by giving officers notice of additional information members of the Planning Committee may require at the meeting.
24. All members of Planning Committee, and in particular the Chair, shall be informed from time to time about the relevant provisions concerning access to information contained in the Local Government Act 1972 and in the event of any dispute between members of the Planning Committee and officers as to the application of the 1985 Act, the advice of the Borough Solicitor or his or her representative shall be obtained forthwith.

Meetings of the Planning Committee

25. No material revision to any planning application which might lead to a change in the recommendation of officers shall be considered at Planning Committee

unless it has been submitted such reasonable period in advance of the relevant Planning Committee meeting as is agreed by the Head of Planning and has been the subject of a full appraisal by officers, and that a record be kept of the number of instances that this provision is used.

26. If the Planning Committee wishes to grant planning permission contrary to officers' recommendations the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers' recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the minutes of the meeting.
27. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the minutes of the meeting.
28. Members of the Planning Committee shall refrain from personal abuse and party political considerations shall play no part in their deliberations. Members of the Planning Committee shall be respectful to the Chair and to each other and to officers and members of the public including applicants, their agents and objectors and shall not bully any person. Members of the Planning Committee should not make up their mind before hearing and considering all relevant information at the meeting and should not declare in advance of the meeting, how they intend to vote on a particular application or other matter.
29. Members of the Planning Committee should not speak to members of the public (including applicants and agents) during a meeting of the Planning Committee or immediately prior to or after the meeting concerned, other than where permitted by this Code or Standing Orders.
30. When questioning members of the public or the applicant who have spoken at a meeting of the Committee, members of the Planning Committee shall ensure that their questions relate only to planning matters relevant to the particular application.
31. The minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:

32. on any resolution of "Minded to grant or minded to refuse contrary to Officers Recommendation";
- (i) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.
 - (ii) A member of the Planning Committee shall not vote in relation to any planning matter unless he or she has been present in the meeting of the Planning Committee throughout the consideration of that particular matter as required by Standing Orders . Any dispute as to whether the member of the Planning Committee in question should be permitted to vote shall be decided by the Chair having taken appropriate advice from legal or other officers present.
33. Unless all members of the Planning Committee indicate that they intend to vote in accordance with the officers' recommendation on a particular item, the responsible officer shall be allowed time, at the beginning of the consideration of each application, to summarise his or her advice. If after discussion it appears that any member of the Planning Committee is minded to vote contrary to the officers' recommendation, the officer shall be allowed a further opportunity to respond to new points which have been raised, and to address the implications of a contrary decision.

Member and Officer Relations

34. Any criticism by members of Planning Committee of officers in relation to the handling of any planning matter shall be made in writing to the Director of Environment and Culture and not to the officer concerned. No such criticism shall be raised in public.
35. If any officer feels or suspects that pressure is being exerted upon him or her by any member of the Council in relation to any particular planning matter, he or she shall forthwith notify the matter in writing to the Director of Environment and Culture.
36. Members of Planning Committee shall not attempt in any way to influence the terms of the officers' report or recommendation upon any planning matter.