

INTERESTS ARISING AT PLANNING COMMITTEE

SUMMARY: This guide provides 4 key reminders regarding interests, which affect Members' participation in the Planning Committee.

1. KNOW THE MEMBERS' CODE OF CONDUCT

You must follow the Code. The rules regarding interests which may arise in connection with a planning application (and any other matter) are set out in the Code of Conduct at paragraph 6. A copy of the Code is available on the Council's website at:

<https://www.teignbridge.gov.uk/council-and-democracy/district-councillors/conduct-of-local-councillors/>

There are 4 types of interests in paragraph 6 of the Code. In each instance you are required to declare that you have an interest and will not be permitted to vote on the matter. In the case of Appendix 1 interests you are also prohibited from speaking at the committee.

If you have an interest but still wish to participate in the consideration of a planning application you may apply to the Standards Committee for a dispensation to speak and / or vote as well. As the Standards Committee will consider the application, make sure you apply ASAP. An application form is available from the Monitoring Officer.

2. IF IN DOUBT DECLARE

It is usually clear whether or not you have an interest. Particularly when considering whether you have an interest under paragraph 6.4 of the Code, you should always consider what a reasonable person knowing the facts would think. If you are still in doubt, you should declare your interest; refrain from voting; and not speak on the matter, all as per the Code.

3. MATERIAL PLANNING CONSIDERATIONS & INTERESTS ARE DIFFERENT

Just because something isn't a material planning consideration doesn't mean it is not an interest. For example, a loss of private view or loss light aren't planning considerations, but they may well give rise to an interest under the Code.

4. BIAS / PREDETERMINATION ARE DIFFERENT TOO

Pre-determination / bias include expressing an intention to vote in a particular way before a committee meeting. Whilst any real potential for bias will usually fall within the confines of one or more of the 4 types of interests, members must avoid illustrating a bias in favour of a particular outcome on a planning application. Members who have voting rights at the Planning Committee must always have an open mind, even if they are predisposed to voting a particular way. A failure to have an open mind may provide a legitimate ground for a legal challenge of a decision.