

GUIDE NO: 2020/01  
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## **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.