

PART 5D - PLANNING PROTOCOL

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1.0 Executive Summary

- 1.1 This Protocol seeks to help Members when making planning decisions, as representatives of the interests of the local community. It provides information on how they can best engage in the process without prejudicing their opportunity to take part in formal decision making at Committee.
- 1.2 The Local Government Association's report 'Probity in Planning' (2013), on which the contents of this protocol are based advises:
"The planning system works best when officers and councillors involved in planning understand their roles and responsibilities and the context and constraints in which they operate."
- 1.3 The guiding principles of this Protocol are based upon the LGA's report and are:-

- Members should be aware of their obligation to an impartial approach.
- Members should avoid bias and pre-determination of their views at any stage in the application and pre-application process, if they want to be involved in the decision making process. See paragraph 6.31
- An objective consideration of the material facts at Committee is the correct place for Members to express their views, based on an impartial consideration of the evidence presented at the time.
- It is therefore in Member's interests, at any stage in the process, including pre-application, not to engage in one to one meetings with applicants OR objectors.
- Members can attend public meetings or meetings to listen to facts about a development proposal or comment on planning policy or process. This is considered good practice, particularly at pre-application stage, where officers are present and a record is kept.

It is also important that Members

- are present for the entire discussion on an item in order to participate in the decision and vote
- when proposing, seconding or supporting a decision which is contrary to officer recommendations or the Development Plan, make sure that they clearly identify and understand the planning reasons leading to this conclusion/ decision. These reasons must be given prior to the vote and be recorded in the minutes. Members should be aware that they may have to justify the resulting decision by giving evidence in the event of any challenge (ref 6.3).

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2.0 Introduction

- 2.1 The Protocol aims to help Members by ensuring there are no grounds for suggestions that a planning decision they have made has been biased or partial.
- 2.2 Your role as a Member is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 2.3 This Protocol applies to Members at all times when involved in the planning process. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 2.4 The term Planning Committee covers Neighbourhood Committees sitting to determine planning applications, any Neighbourhood Planning Sub-Committees or the Development Control Committee
- 2.5 Members who have any doubts about the application of this Protocol should seek advice early, from the Monitoring Officer, or the Assistant Director of Governance and Law.

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3.0 Relationship to the Members' Code of Conduct

- 3.1 Members are advised to apply the rules in the Members' Code of Conduct first, which must always be complied with. The Code forms Part 5a of the Council's Constitution.
- 3.2 Members should then apply the rules in this Planning Protocol, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. Members not abiding by this Protocol may:
 - prevent themselves from participation, debate and decision making in a planning application.
 - put the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - put themselves at risk of either being named in a report made to the Audit, Governance and Standards Committee or Council or, if the failure is also likely to be a breach of

the Code of Conduct, a complaint being made to the Audit, Governance and Standards Committee.

Interests under the Members' Code

- 3.3 The Members' Code of Conduct provides definitions of Disclosable Pecuniary Interests and Personal Interests, including Significant Personal Interests. A flowchart at **ANNEX 1** (from the LGA guidance 'Probity in Planning') shows what a councillor should do if they have one of these interests.
- 3.4 Members are advised to disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose the interest at the beginning of the meeting and not just at the start of discussion on that particular matter. This applies even where an interest had been previously disclosed or a Disclosable Pecuniary Interest has already been entered in the statutory Register of Interests
- 3.5 If Members have a **Disclosable Pecuniary Interest** (refer Table 1 of the Code at Part 5a of the Constitution), they:

- **must withdraw from the making of any planning decision**
- must not participate in the discussion, nor use the public speaking rights (unless, in exceptional circumstances, with special dispensation from the Monitoring Officer).
- may ask another Ward Member to represent ward/local views instead

NB: Under the Localism Act 2011 it is a **criminal offence** not to follow the rules on Disclosable Pecuniary Interests.

[A 'beneficial interest in land' will only be a Disclosable Pecuniary Interest if the land is *within* the development site itself.]

A Member is not prevented from seeking to justify a proposal, in which they have a Disclosable Pecuniary Interest or a Significant personal

interest, to an officer in writing, but should not seek to improperly influence the decision.

- 3.6 Members should note that they may have a personal interest in any planning application that relates to or is likely to affect any body in which they hold a position of general control or management and to which they have been appointed or nominated by the Council, and any body exercising functions of a public nature, or directed to charitable purposes, or whose principal purposes include influencing public opinion or policy in which the Member holds a position of general control or management.) In these circumstances, Members should declare the interest but may participate in the meeting and vote, unless the matter is a significant personal interest (refer paragraph 8 of the Members' Code of Conduct) in which case they should withdraw (refer paragraph 3)
- 3.7 Members should also avoid any preferential treatment, and maintain a position that would not lead the public to think a Member is receiving preferential treatment, because of their position as a councillor

Members' own planning application

- 3.8 Members should notify the Monitoring Officer in writing if they or a member of their family or a close associate is submitting a planning application relating to any property or piece of land in which they have a personal interest:
- Notification to the Monitoring Officer should be made no later than submission of the application;
 - Any planning applications for property or land of personal interest to Members or their family members or close associates, where objections have been received, will require to be taken to Development Control Committee for decision.[1].
- 3.9 Members have a Disclosable Pecuniary Interest in their own applications and those of their spouse or civil partner (or person with whom they are living as such)

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4.0 When a Member has expressed a view (predetermination & predisposition)

- 4.1 The legal obligation on public authorities to act fairly, requires that those taking decisions on behalf of the public do so (and be seen to do so) in a manner which is fair in all the circumstances and is untainted by any bias or predetermination, or any perception of bias or predetermination.
- 4.2 Members will inevitably have views, even firm views, on matters of policy, which is entirely lawful. Under the Localism Act 2011 a Member is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because:
- the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took or would or might take, in relation to a matter, and
 - the matter was relevant to the decision,
- 4.3 Although this provision recognises the role of Members in matters of local interest and debate, if you are a Member taking part in a decision on a planning matter, you should not make up your mind how to vote prior to consideration of the matter, and accordingly, not comment in advance or give a commitment in advance of how you intend to vote which might indicate that you have a closed mind.
- 4.4 This does not prohibit a Member's ability as a ward member to represent the views of constituents throughout the planning process provided that it is made clear that those views are not necessarily the Member's own views.
- 4.5 The avoidance of bias or predetermination is a principle of natural justice which a decision maker is expected to follow. It is recognised, however, that Members will often form an initial impression or view, and

the law draws a distinction between that and a Member having clearly expressed an intention to vote in a particular way before a meeting.

- 4.6 Members who wish to express a firm and fixed view for or against a proposal should first, weigh the balance of continuing to be involved in the decision making process or being limited to speak at Committee using only the public speaking rights, and secondly, advise the Lead Officer/Group Manager, Development Management and the Monitoring Officer that they intend to express a decided view, effectively prejudging the matter. In such circumstances you should not participate in the decision making.
- 4.7 A Member who has, or could be perceived as having, pre-judged the matter who then takes part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 4.8 As indicated above, you can, however, use the public speaking arrangements on planning applications. The Council's procedures in respect of public speaking are set out in the agenda for planning meetings. Members should ensure that they follow the procedures.
- 4.9 Thereafter, **the Member should withdraw from the meeting room in order to avoid any impression or perception that, simply by their presence, they have sought to influence in presence or practice the decision making process. This is seen as good administrative practice.** The foregoing provisions of this paragraph do not apply in respect of Pre-Decision meetings of the Development Control Committee. In these meetings Members with a pre-determined position may remain the meeting after they have utilised public speaking rights.

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5.0 Development Control Committee Members' Involvement on other Committees

Neighbourhood Committee

- 5.1 When an application is submitted to a Neighbourhood Committee for consultation, any Member, who is also a Member of the Development Control Committee, can sit in on the debate and ask for points to be clarified, but must not express a view on the application or take any part in the decision.
- 5.2 A Member who has commented on a consultation at a Neighbourhood Committee and who then attends the meeting of the Development Control Committee considering the application, as an Alternate Member must not take part in the consideration of that application.

Licensing Committee/Sub-Committee members also on Planning Committee

- 5.3 When an application for development relating to a previous Licensing Committee/Sub-Committee decision is being considered by a Planning Committee and a Member was also a involved in making the Licensing decision, she or he should declare this as a personal interest, but may remain and take a full part in any planning decision taken.

Development of council owned land

- 5.4 Planning legislation allows planning authorities to determine applications on council owned land, so there is no requirement for Members to declare an interest when making planning decisions, merely because the land is owned by the Council. However where a Member was part of the decision making body on the appropriation or disposal of the land, they should declare this as a personal interest but may remain and take a full part in any decision taken.

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6.0 Engagement in the Planning Process

- 6.1 Please refer to the 'Recommended reading' at the end of this Protocol on which this guidance is based.

- 6.2 This section sets out how Members should engage in planning including at pre-application stage and should be read in the light of guidance in Sections 3 and 4. The over-riding principle for Members is that planning decisions should be made at Committee taking into account all relevant material considerations
- 6.3 The decisions Members make can be challenged by applicants, in particular through the planning appeals process, and by any interested parties through the Council's complaints procedure - or by escalation to judicial review if the Council's procedures have not been followed or on the grounds that the decision is 'unreasonable'. Members should therefore always be aware that any decision they make may have to be justified in the event of such a challenge.

Pre-application process

- 6.4 Generally, it is good practice for Members to engage with applicants at pre-application stages. However:
- At least one planning officer should attend meetings involving Members and the applicant. A record of the meeting should be taken, kept on the planning file, and disclosed when the application is considered by the Committee. There should be clarity at the outset that the discussion will not bind the Council to making a particular decision.
 - Private one to one meetings between a Member and the applicant are to be avoided.
 - Presentations by the applicant should be limited to the development proposal and a question and answer session on factual matters would also be appropriate on the basis that this is to improve understanding and not to discuss the merits of the application. This should be confirmed at the start of the presentation.
 - Members of the Planning Committee should avoid expressing support or opposition, so as not to prejudice their ability to engage in decision making at committee. They should also avoid expressing

advice beyond outlining the policies in the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy and any other relevant policies and guidance

Any Planning Committee member who decides to express a view or who wishes to campaign on behalf of their constituents for or against a development before it is considered at a Planning Committee should refer to Section 4 of this guidance. The Member can continue to represent those ward interests as a spokesperson for their local community, notwithstanding their Planning Committee membership, if they bear in mind the guidance set out in Section 4.

- 6.5 It is also good practice for Members to refer those who approach them for planning, procedural or technical advice to the planning officers and encourage them to seek officer's advice through the Council's pre-application advice service.

When an application has been submitted for determination

- 6.6 Planning Committee Members need to exercise a greater level of caution once an application has been submitted.
- 6.7 At this stage Members can provide advice on the planning process, clarify the Council's planning policies or seek clarification, as well as provide information to officers on the views of members of the local community. However they should avoid putting themselves in a position where they appear to favour a person, company or group, for example by meeting objectors, applicants or developers alone.
- 6.8 Any meetings with applicants or objectors should not be held without an officer present, and Members should bear in mind the guidance at Section 4 on predetermination. A note of the meeting should be taken and provided to officers for reporting to Planning Committee. Members must declare any such meeting at the Committee and must step down

from decision making if they have expressed a view in support or opposition to the application.

- 6.9 Where a Member wishes a planning application to be brought before the relevant committee for determination, this must be made by a request in writing to the case officer/Lead Officer within 28 days of the date an application is valid and must include material planning grounds as to why the application should be brought before the committee. (At the Committee meeting, the Member shall declare that they have requested that the application be brought before the Committee for determination.)
- 6.10 Generally throughout the application process Members should otherwise:
- follow the rules on lobbying - see paragraphs 6.18 – 6.27
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Lead Officer/Group Manager, Development Management any contact with the applicant and other parties, which the Member believes could be construed as significant, and ensure that this is recorded on the planning file.

Pre-Committee procedures – Pre-Decision Meetings of the Development Control Committee

- 6.11 Enabling a Developer to brief and seek the views of elected members and local residents about planning proposals contributes to involvement in the planning process and the opportunities for new development to be responsive to and reflect local interests/concerns where possible. As part of this process, presentations will be made to the Planning Committee in accordance with procedures set out in this Protocol. No decision will be taken at such meetings and the final applications will be the subject of a report to the Committee in the normal way.
- 6.12 A Pre-Decision meeting will be held when the Head of Planning and Development, in consultation with the Chair of the Planning Committee,

considers that this would be beneficial in resolving issues on a particular planning proposal. Consultees will be advised by way of the consultation letter as part of the consultation on the planning application in accordance with the Council's consultation policy

- 6.13 The meetings will be formally constituted and subject to all the usual constitutional and statutory provisions regarding procedure, protocol and public access as apply to meetings of Committees of the Council.
- 6.14 Meetings will be open to all Members, local businesses and residents. Normally one application or proposal will be considered at each meeting to allow for effective discussion.
- 6.15 The particular role that members can play at the meetings is dependent on whether or not they have a formal role within the planning system of the authority, for example are a member of the Planning Committee or the Lead Member. All Members will need to be mindful of the rules in the Members Code of Conduct and this Protocol.
- 6.16 There will be an agenda for the meeting together with a report on the proposals.
- 6.17 Format of the meeting:
- The Committee Chair will chair the meeting and ensure that all planning issues arising from the proposal are raised but that there is no discussion on the merits of the proposal.
 - The Developer will supply all presentation materials and these will be displayed in the meeting room.
 - Officers will introduce the proposal and advise of issues arising.
 - The applicant will be invited to make a presentation of the proposal. The maximum period of time allowed for the presentation shall be at the discretion of the Chair.

- Local residents and organisations will have an opportunity to raise issues and ask questions. The maximum period of time allowed for this part of the meeting shall be at the discretion of the Chair.
- In determining the length of time allowed for the applicant and local residents and organisations to speak the Chair shall take into account the relevance of the comments, the extent to which new issues are being raised and the requirements of the effective management of the meeting.
- Members will be able to comment and ask questions of the applicant and officers. Questions will be restricted to points of fact or clarification and all questions/ comments should be structured in a way that would not lead to a Member being perceived as taking a fixed position on the proposals and thus precluded from determining the application.
- The applicant will respond to questions from members of the Planning Committee, ward councillors and local residents and organisations.
- An attendance record will be kept, the discussion recorded and a note of the meeting reported to the Planning Committee as part of the report when the application is submitted for determination.

Lobbying of Councillors

- 6.18 In the event of lobbying, Members should explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, they are not able to give a view on the application as this would prejudice their impartiality and therefore their ability to participate in the Committee's decision making. To express an intention to vote one way or another or to take a firm point of view on an application amounts to the same thing.
- 6.19 Members should remember that their overriding duty is to the whole community not just to the people in their ward or local area and, taking

account of the need to make decisions impartially, that they should not improperly favour, or appear to improperly favour, any person, company, group or locality.

6.20 Members should not accept gifts or hospitality or offers of gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum; declare its acceptance as soon as possible and remember to register the gift or hospitality where its value is over £100.

6.21 Members should:

- promptly refer to the Lead Officer/Group Manager, Development Management any offers made to them of planning gain or a constraint to development, through for example a proposed s.106 Planning Obligation.
- inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

6.22 **As long as Members follow the guidance in Sections 3 and 4**, they will not breach this Planning Protocol through:

- listening to or receiving viewpoints from residents or other interested parties;
- reporting residents' or ward /local viewpoints
- making comments to residents, interested parties, other Members or appropriate officers.

Lobbying by Councillors

6.23 Members should be aware that becoming a member of, leading or representing an organisation whose primary purpose is to lobby to promote or oppose planning proposals may restrict their ability to be involved in the planning decision making process. Members who do so

- are likely to have a personal and Disclosable Pecuniary Interest or a Significant personal interest and have to withdraw from the meeting where the application is being considered or
- will be likely to be regarded as having a predetermined view and, therefore, be unable to take part in the decision making process.

6.24 Members can join general interest groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Ramblers Association or a local civic society.

6.25 Members can attend meetings of that organisation to discuss an application, provided:

- the proposal does not substantially affect the well being or financial standing of the consultee body or organisation;
- they reserve judgement and the independence to make up their own mind on each separate proposal, based on their overriding duty to the whole community and not just to the people in that area or ward or who are members of that body, as and when it comes before the Committee and they hear all of the relevant information; and
- they do not in any way commit themselves as to how they or others may vote when the proposal comes before the Committee;

6.26 At Committee, Members must disclose their personal interest including regarding their role in an organisation which has made representations on an application and make it clear that they have reserved judgement on the proposal.

6.27 Members should avoid lobbying fellow councillors with their concerns or views, and should not attempt to persuade them how to vote in advance of the meeting at which any planning decision is to be taken.

Visits and site meetings

6.28 For certain developments a site meeting may be organised before Committee, Members deciding on the proposals should make every effort to attend these.

6.29 To maintain a position of impartiality Members are advised to:

- try to attend site meetings organised by the Council where possible.
- visit the site unaccompanied by applicants, agents or objectors;
- where access to a site is difficult and a Member(s) wishes to view the site informally and unaccompanied by the applicant or objectors, the Lead Officer/Group Manager, Development Management should be asked to arrange access;
- if approached by the applicant or a third party, advise them that they should make representations in writing to the authority and introduce them to or inform the officer present;
- not express their views to anyone on whether they would support or not support an application

6.30 Members should be mindful of the timeframes within which applications are determined, but can request a site visit in the following circumstances including:

- the impact of the proposed development is difficult to visualise from the plans and supporting information
- there is good reason why the comments of the applicant or the objectors cannot be expressed adequately in writing – this may apply when:
- the proposal represents a significant departure from the development plan
- the proposal raises wider policy issues
- there are particular local concerns

- 6.31 Members should
- ensure that they treat the site visit only as an opportunity to seek information and to observe the site.
 - ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

Interaction with the Officers on a planning proposal

- 6.32 Although Members can raise questions in relation to an application, they must avoid intentionally or unintentionally putting pressure on officers to put forward a particular recommendation. To achieve this, any questions should be directed to the Lead Officer/Group Manager, Development Management
- 6.33 Members should recognise and respect that planning officers must act in accordance with the Council's Employee Code of Conduct and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

Decision Making

- 6.34 The essential point is that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is required by section 38(6) of the Planning and Compulsory Purchase Act 2004, which re-enacts section 54A of the Town and Country Planning Act 1990 (as amended). The current central Government 'Planning Practice Guidance' (March 2014) indicates that local planning authorities should 'approach decision-taking in a positive way to foster the delivery of sustainable development' and 'apply the presumption in favour of sustainable development'.

- 6.35 The Scheme for Public Participation on Planning Applications includes a simple and straightforward restriction on any new document, including photographs, being tabled at planning meetings by members of the public. Any documents that the public or applicants wish the Committee to consider need to be submitted at least two working days prior to the date of the meeting.
- 6.36 Members should ensure that in line with good practice, they
- come to meetings with an open mind and demonstrate that they are open-minded.
 - come to a decision only after due consideration of all of the information reasonably required upon which to base a decision. If Members feel there is insufficient time to digest new information or that there is simply insufficient information before them, they should request that further information and, if necessary, defer.
 - Members proposing, seconding or supporting a decision contrary to officer recommendations or the development plan should make sure that they clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded in the minutes. As explained in para 6.3 above, Members should be aware that they may have to justify the resulting decision by giving evidence in the event of any challenge.
 - Members proposing to defer a decision on an application should give the reason for this proposal. These reasons must be given prior to the vote and be recorded in the minutes.
- 6.37 Members should not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. Members should ensure their arrival at the meeting is recorded in the Committee minutes. A Member should indicate at the beginning of consideration of

an item if they requested that that application be brought before the committee for determination (refer para 6.9).

- 6.38 Members of the public should not communicate with Members at the Planning Committee other than through the scheme for public speaking. Members should avoid becoming engaged in any attempted communication from the public gallery, on planning applications before and during the decision making process as this may give the appearance of bias.

7.0 Member Training

- 7.1 Planning training is essential to the continuing enhancement of the quality of decision making undertaken by Members. The opportunity to explore issues and gain up to date knowledge of the modern planning system should be supported by all Members. Every Member of a Planning Committee should take part in planning training organised by the Council. This is in line with good practice and the recommendations of the Audit Commission and the Local Government Association.

- 7.2 The training programme will cover a range of issues including
- The Members' Code of Conduct.
 - Material planning considerations
 - Pre-application discussions.
 - Planning obligations and Section 106 legal agreements.
 - Good design
 - Decision making and the Local Development Framework.

RECOMMENDED READING:

Probity in Planning (May 2009)

<http://www.planningofficers.org.uk/downloads/pdf/LGA-Planning--Probity-publication-2009-1940404.pdf>

- RBK Development Management Guide for Councillors (2013)

(available on request from RBK Democratic Support)

Openness and transparency on personal interests (September 2013) (DCLG)

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<https://www.gov.uk/government/publications/openness-and-transparency-on-personal-interests-guidance-for-councillors>

Positive engagement – a guide for planning councillors' (July 2009)

(Please note that whilst this document contains relevant principles, it has not yet been updated to reflect the content of the Localism Bill on the pre-determination rules.)

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http://www.pas.gov.uk/c/document_library/get_file?uuid=52865c3e-18c4-45f3-aadd-8b24c4c54bc3&groupId=332612

Connecting Councillors with Strategic Planning Applications (London First/Planning Officers Society – September 2011)

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http://londonfirst.co.uk/wp-content/uploads/2012/08/DC_Councillor_Guidance_doc_final_Sept_20111.pdf

Department for Communities and Local Government 'Planning Practice Guidance (March 2014)

<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/decision-taking/>

TABLE

Disclosable pecuniary interests

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>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.</i>
<i>Contracts</i>	<i>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.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>

<p><i>Corporate tenancies</i></p>	<p><i>Any tenancy where (to Member's knowledge)—</i> <i>(a) the landlord is the relevant authority; and</i> <i>(b) the tenant is a body in which the relevant person has a beneficial interest.</i></p>
<p><i>Securities</i></p>	<p><i>Any beneficial interest in securities of a body where—</i> <i>(a) that body (to Member's knowledge) has a place of business or land in the area of the relevant authority; and</i> <i>(b) either—</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(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.</i></p>

Annex 1

Predetermination, Predisposition or Bias

Bias has been defined as a tendency towards one side because of an irrelevant factor such as close relationship,

Predisposition - holding a provisional view, which however strongly held is capable of being changed by relevant argument or information

Predetermination - is considered to have a closed mind.

No view

Manifesto Pledges /
Commitments

Policy Setting

Pre disposition

Policy Making

Lawful

Unlawful

Pre determination

Lobbying for/ against as
community advocate in
a way that provides
clear evidence of a
closed mind and
determination to decide
in a particular way
whatever the information
provided

Bias

Clearly expressed
intention to vote in a
particular way on a
particular individual
application

[1] The Development Control Committee will also deal with applications from Council employees

