

Planning Protocol Update November 2020

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Part 1 – Introduction

1. Introduction

- a. This Protocol relates to the way in which the Planning & Transportation Committee exercises its functions on behalf of the City of London Corporation as Planning Authority for the City. The Protocol has been

prepared to guide Members and Officers and to inform the public generally of the high standards of ethical conduct adopted by the City in the discharge of its statutory planning functions.

- b. The Protocol aims to ensure that the Committee acts reasonably and openly in dealing with planning matters; to protect the Court of Common Council and individual Members from allegations of unfairness, findings of maladministration and legal challenge; and to preserve public trust in the integrity and fairness of the planning system.

- c. The ~~new~~ Code of Conduct for Members ([link below](#)) (~~Appendix C to this Protocol~~) sets out the general provisions which must be complied with in all decision making, and must be applied in relation to planning decisions.

<https://www.cityoflondon.gov.uk/assets/About-us/members-code-of-conduct.pdf>

[The Code of Conduct is supplemented by Guidance to Members on the Code of Conduct \(link below\)](#)

<https://www.cityoflondon.gov.uk/assets/About-us/guidance-to-members-2018.pdf>

This Protocol is intended to supplement the Code of Conduct and DCLG Guidance on Openness and Transparency on Personal Interests (~~Appendix D to this Protocol~~)([link below](#)) specifically in the context of planning decisions, and must also be read in conjunction with Standing Orders.

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

- e.d. **In this Protocol the word “must” is used to mean it is a specific legal or regulatory requirement which must be complied with, and the word “should” is used for advice or recommendations which are regarded as good practise.**

Part 2 – Planning & Transportation Committee

2. The Committee

- a. The Planning & Transportation Committee is a Ward Committee comprising Common Councilmen for each Ward of the City together with four Aldermen.

- b. The Committee on Standards in Public Life recommended that members of planning committees should receive appropriate training. Appointment to the Planning and Transportation Committee effectively creates a requirement for Members to undertake such training, both on appointment and periodically thereafter. The form of the training is to be agreed by the Committee and Members are advised not to accept nomination for appointment on the Committee unless they are prepared to accept this responsibility. Members should also familiarise themselves with this Protocol and the Code of Conduct.

3. General Principle

Members of the Planning and Transportation Committee must consider all planning applications objectively on the basis of evidence of relevant planning issues presented to them, the first consideration being compliance with planning policy. Non-planning considerations such as property values are not relevant and must be disregarded.

Part 3 – Pre-Committee Consideration

4. Contact with Applications and/or Objectors

- a. Approaches from applicants, potential applicants or objectors is a normal and proper aspect of the political process. However, unless the parties concerned exercise care and common sense, this can lead to the impartiality and integrity of Members being called into question. A planning committee decision may be susceptible to judicial review where there is a real danger of bias.
- b. To avoid such problems, discussions should take place within the following guidelines:-
 - Members and Members of the Planning and Transportation Committee in particular, must take care not to indicate they have made up their mind on an issue before they have heard and/or read all the evidence, and should make clear that any views expressed are personal and provisional.
 - Members should make it clear that they will not be in a position to make a decision until they have heard and/or read all the relevant evidence and arguments at the Committee meeting. The Committee report may contain issues previously unknown to Members and other aspects, not previously evident, may arise during the Committee's deliberations.
 - Where a meeting is arranged between a Member and an applicant or objector ~~can be foreseen~~, the Member ~~should~~can, at their discretion, ask for an Officer also to attend and make a record of the meeting. (Meeting records are disclosable under Freedom of Information Act/Environmental Information Regulations requirements unless statutory exemptions apply)and for a follow-up letter of the meeting to be sent to record the

~~matter.)~~ Also, if there is a contentious telephone discussion, it is recommended that the Member should make a note afterwards of what was said.

- Officers may give an indication of the recommendation that is likely to be made to the Committee, particularly in the light of the provisions of the relevant planning policy, but it must be made clear that this will not bind the Committee to make a particular decision.
- c. *Pre-determination* - A distinction can be drawn between pre-disposition and pre-determination. A Member can quite properly be pre-disposed towards or against an application for a variety of good planning reasons. This is perfectly acceptable as long as the Member remains open to persuasion based on the evidence and arguments presented at the meeting. The Localism Act 2011 makes it clear that a decision maker is not to be taken to have had a closed mind merely because he did or said something which indicated the view he took, or might take, on the issue. It is recognised that decision makers may have views on certain matters. If, however, the Member approaches the meeting with a closed mind, and has already reached a fixed view, then he could be deemed to have pre-determined the matter and should not vote.
- d. Notwithstanding the above, it should be possible for a Member of the Committee to assist members of the public in dealing with the planning process and explaining how they are able to make their views known.
- e. *Gifts and Hospitality* - Members should be very cautious about accepting gifts and hospitality from planning applicants, or objectors or other interested parties, and must notify any acceptance in accordance with the Members' Code of Conduct and guidance issued by the Standards Committee (Appendix E to this Protocol). Unless there are special reasons, the presumption should be that hospitality (other than routine refreshments offered in the ordinary course of business) and gifts are refused.

5. Members of other Committees

The City of London Corporation's Standing Orders permit Members who are not Members of the Committee to attend meetings of the Planning & Transportation Committee and, with the permission of the Chairman, to speak (from the floor) but not vote. However, any Member who has a disclosable pecuniary interest in the matter being considered is prohibited from participating in discussion at the meeting and must not speak unless they have first been granted a dispensation by the Standards Committee.

6. Site Visits and Questions

- a. In terms of site visits, the presumption is that Members have a general knowledge of the City that can be supplemented, as necessary, by the site

descriptions set out in the reports submitted to the Committee. Therefore, site visits are not generally considered necessary.

- b. Site visits will be undertaken if Members or the City Planning Officer consider there are reasons for doing so. The decision to hold a Members' site visit will be recorded in the minutes of the Committee meeting.
- c. Occasionally, Members may wish to hold site visits before the planning application is submitted to them for consideration. A decision to hold such a visit may be agreed in advance of the Committee meeting by the Chairman. Non-attendance would not preclude a Member voting on the matter.
- d. Site visits will consist of an inspection by Members in company with the appropriate officers. Other than for reasons of access, visits should normally not be accompanied by applicants or objectors. If, however, the applicant, objector or agent is present, Members should avoid making any statements that could prejudice consideration of the application.
- e. A site visit is not a formally convened meeting of the Committee and, therefore, decisions cannot be taken. The following meeting of the Committee should be advised that the site visit has occurred.
- f. Where possible Members should give advance notice to officers of any additional information they intend to request or of any other concerns so that officers can seek to provide the information or clarification sought, and minimise the risk of deferral and delay.

7. Briefings

Occasionally, briefings on major applications are arranged by applicants for all Members of the Committee or Common Council to facilitate general "information gathering". Officers should also be in attendance and record of the meeting made. Attendance at such a briefing would not compromise the ability of a Member of the Planning & Transportation Committee to participate in the determination of the application.

Part 4 – Committee Meetings

8. Interests

- a. Private interests should never be allowed to influence a Member's decisions on matters the Member is asked to decide. Where a Member has an interest they should never seek to use their position to advance that interest; and should avoid both impropriety and the appearance of impropriety.
- b. In considering planning matters, in common with all City Corporation business, Members should apply the Seven Principles of Public Life

(Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; Leadership) (See [Code of Conduct at link below](#))Appendix F to this Protocol).

<https://www.cityoflondon.gov.uk/assets/About-us/members-code-of-conduct.pdf>

Members should ensure that they leave the room during discussion and voting on matters if they consider their continued presence would be incompatible with the Seven Principles of Public Life.

- c. A Member of the Planning and Transportation Committee who is, at the same time, a Member of a City of London Corporation committee responsible for a site or building that is the subject of an application does not, by that fact, have an interest that is disclosable under the Code of Conduct. ~~However, where the other City of London Corporation Committee is responsible for promoting a proposal paragraph e. applies. Nor does the fact that they may have participated in the consideration of non-planning matters in relation to the site or building mean they would be regarded as biased or as having pre-determined consideration of planning matters in relation to the same site. However, if the Member's participation in a meeting of the other committee means his consideration of planning issues is not impartial (for example because he has already reached a decision about the planning merits of a planning application under consideration) then he must not participate in the decision of the Planning and Transportation Committee.~~
- d. Particular care must be taken in determining planning applications for the development of land or buildings owned by the City of London Corporation so as to ensure that such an application is not subject to preferential treatment but is subject to the same rigorous evaluation as other applications.

e. In addition, regulation 64(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that where a local authority is bringing forward a proposal, it must make appropriate administrative arrangements to ensure that there is functional separation between the persons within the authority responsible for bringing forward the proposal, and the persons responsible for determining that proposal. Recent case law ¹has set out that the appropriate arrangements should include a published and binding Handling Note setting out handling arrangements which give effect to the following requirements:

(i) the planning authority functions should be undertaken by an identified internal entity within the authority including officers assisting in those functions with necessary resources and acting impartially and objectively;

¹ [London Historic Parks and Gardens Trust v Secretary of State for Housing Communities and Local Government \[2020\] EWHC 2580 \(Admin\)](#)

(ii) persons acting or assisting in the planning authority functions (both officers and members) must be prohibited from being involved in promoting or assisting in the promotion of the application for planning permission

(iii) persons undertaking the planning authority function must not discuss the project with persons promoting the project (other than through formal channels appropriate to the planning application process)

(iv) persons involved in promoting the proposal must not give instructions or put pressure whether direct or indirect on persons discharging the planning authority function.

Appendix C sets out a template Regulation 64(2) Handling Note. This Note also applies to applications which are not for EIA development. A bespoke Handling Note will be prepared and published by the City as local planning authority in connection with all City Corporation planning applications whether or not they are for EIA development.

9. Members' Presence throughout Consideration of an Item

- a. Committee Members should be present for the full discussion of an item in order to be able to vote on it, as their decision should be based on all the evidence presented to them, including the City Planning Officer's introduction and any questions and discussion.
- b. A Member who arrives after an Agenda Item has commenced should seek and follow the advice of the Chairman as to whether he has arrived in sufficient time to be aware of the evidence presented.

10. Reports to the Planning & Transportation Committee

- a. All planning and related applications considered by the Planning & Transportation Committee should be the subject of reports by the City Planning Officer.
- b. Such reports will include:
 - the substance of the objections and views expressed by respondents to the consultations
 - relevant Government advice, Development Plan policies and supplementary planning guidance, site or related history, and any other considerations including technical aspects that are material planning considerations on which other City of London Corporation departments may have commented
 - a technical assessment which justifies the recommendation(s)
 - a recommendation (unless, in rare circumstances, the reason for making no recommendation to approve or reject is explained in the report)
 - reasons in the case of a recommendation for refusal, and any necessary conditions (and reasons therefor) in the case of a recommendation for approval.

11. Decisions Contrary to Officer Advice

Where a decision on a planning application is made contrary to the recommendation(s) of the City Planning Officer sufficient information will be required by the City Planning Officer to prepare the formal Decision Notice in accordance with the statutory requirements. The decision must be made on reasonable planning grounds which can be substantiated by relevant evidence, otherwise, in the event of an appeal, costs may be awarded against the authority. A statement as to how the planning authority has worked with the Applicant in a positive and pro-active manner must also be provided in the Decision Notice. In the case of approval, any necessary planning conditions must be framed in the Decision Notice. How these requirements can be most appropriately met will depend on the circumstances. Guidelines for dealing with such cases are set out in Appendix A to this Protocol.

12. Public Participation

- a. Applicants, agents and objectors have the right to address the Planning & Transportation Committee in accordance with the approved Procedure for Public Speaking set out at Appendix B.
- b. The operation of the Procedure will be reviewed regularly to ensure that it continues to operate in an effective way.
- c. The Committee will take account of the material planning matters expressed (whether in writing or orally) when reaching a decision.

Appendix A - Guidelines

Planning Application/Appeals

Determinations contrary to Recommendations of the City Planning Officer

These guidelines apply when a majority of Members do not consider that a planning application should be determined in accordance with the City Planning Officer's recommendation. The appropriate way of proceeding will depend on the circumstances but in most cases the following options and suggested actions will apply:

1. Deferral

- a. If further information is required or the Committee considers that minor change may make a scheme acceptable, the application may be deferred for decision at a later meeting. (This may need to follow further public consultation in respect of the change, depending on its impact).
- b. However, the requirement to determine planning applications within a fixed period, and the implications of delay must be borne in mind in considering whether to defer.
- c. It may also be necessary to defer a decision in the circumstances set out at 2.b.

2. Refusing a Planning Application contrary to a recommendation to approve

- a. The Committee should indicate reasons for refusal with sufficient clarity to enable clear and precise reasons (with reference to relevant policies) to be provided in the Decision Notice. The reasons indicated should be confirmed by the Chairman and minuted in full. However, it may well be that although the committee has indicated clear reasons, the precise wording (including relevant policies) cannot appropriately be framed in the forum of the committee meeting. In this case the drafting of precise reasons may be delegated to the Town Clerk (after consultation with the City Planning Officer and the Chairman and Deputy Chairman), rather than reported back to Committee for final approval.
- b. In exceptional circumstances, if the Committee is unable to indicate reasons for refusal with sufficient clarity to frame the Decision Notice (for example, due to their complexity or to the wide range of concerns expressed) it may be necessary to defer an application for a further report to enable detailed reasons to be framed and considered. In those circumstances it may be necessary for the Committee to reconvene at a special meeting as soon as possible to avoid undue delay in issuing the Decision Notice. Only those Members who attended the Committee meeting which initially considered the application will be eligible to vote at the reconvened meeting, and those Members should therefore make every effort to attend.

3. Approving a Planning Application contrary to a recommendation to Refuse

Where the Committee wishes to grant planning permission contrary to a recommendation to refuse, the reasons should be clearly stated and minuted,

and the Committee should consider whether there are any planning conditions it would wish to see imposed. The drafting of appropriate conditions, including those specified by Committee, will normally be delegated to the City Planning Officer (unless Committee resolve otherwise), and reported to the Committee at its next meeting.

Appendix B - Rules Governing Public Speaking at Meetings of the Planning & Transportation Committee

1. In order to speak the public must have submitted written representations on the relevant planning application at least 14 days before the committee meeting.
2. There will be a maximum of 20 minutes" public speaking time allotted to each planning application. This time is divided between the following categories:
 - a. Objectors – 10 minutes in total
 - b. Applicants, agents or supporters – 10 minutes in total
3. No person may speak for more than 5 minutes each. If there are more than two persons wishing to speak from category (a) or (b) they will need to organise themselves by appointing up to two spokespersons or agreeing to share the allotted 10 minutes in shorter slots between more people to enable more speakers to participate from that category within the allotted 10 minutes. In rare circumstances where there is considered to be an exceptionally wide range of different issues, the Chairman may, in his discretion, allow limited additional time.
4. Anyone wishing to speak at Committee must register a request to do so with the City Planning Officer at least five working days before the meeting. This is to allow time for the City Planning Officer to alert those wishing to speak if it is necessary to organise themselves as set out in paragraph 3, and to allow time for such organisation.
5. All parties on registering a request to address the Committee must submit a written statement of their case in order that any factual or new points can be investigated prior to the meeting and to facilitate the organisation of speakers in accordance with paragraph 4 above. This should include any material to which they wish to refer in order to ensure that it can be appropriately displayed.
6. Persons will address the Committee after the City Planning Officer has presented the application to the Committee and Members have obtained any necessary information in respect of that presentation and the relevant Committee report.
7. Persons addressing the Committee will not be given the opportunity to question Members or officers of the Committee.
8. Persons addressing the Committee are expected to be available to answer questions in order to clarify points which they have made to Committee.
9. Committee cases will be taken in the order in which they are set out in the agenda unless it is felt expedient by the Chairman to do otherwise (eg. if there were a high level of public interest in a particular case).

10. The Committee will not accept additional written representations in lieu of a person addressing the Committee unless they convey new points that had not been included in the original representation, which will already have been taken into account.
11. If there is any dispute as to whether it is appropriate for someone to address the Committee, the final decision rests with the Chairman or Deputy Chairman.
12. Representation on matters other than planning applications will be at the discretion of the Chairman

LINKS TO BE USED INSTEAD OF APPENDICES C – F

Appendix C – Code of Conduct for Members

~~(in Respect of the City of London Corporation's Local Authority, Policy Authority and NonLocal Authority Functions).~~

~~As a Member your conduct shall in particular address the Seven Principles of Public Life by:~~

- ~~a. Championing the public interest, taking into account the needs of your constituents, including those that did not vote for you, and the community as a whole.~~
- ~~b. Dealing with representations or enquiries from residents, City voters, members of our communities and visitors fairly, appropriately and impartially.~~
- ~~c. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Corporation or the good governance of the Corporation in a proper manner.~~
- ~~d. Exercising independent judgement and not compromising your position by allowing individuals or organisations to improperly influence you in the performance of your official duties by means of any financial or other obligations.~~
- ~~e. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.~~
- ~~f. Being accountable for your decisions and co-operating when scrutinised internally and externally, including by constituents.~~
- ~~g. Contributing to making the Corporation's decision-making processes as open and transparent as possible to enable constituents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account but restricting access to information when the wider public interest or the law requires it.~~
- ~~h. Behaving in accordance with all of the Corporation's legal obligations, alongside any requirements contained within the Corporation's policies, protocols or procedures, including on the use of the Corporation's resources.~~
- ~~i. Ensuring that, when using or authorising the use by others of the resources of the Corporation, such resources are not used improperly for political purposes (including party political purposes) and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.~~

- ~~j. Valuing your colleagues and officers of the Corporation and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local governance.~~
- ~~k. Always treating people with respect, including the organisations and constituents that you engage with and those that you work alongside.~~
- ~~l. Registering and declaring any private interests, both pecuniary and nonpecuniary, that relate to your public duties in a manner conforming with the procedures set out below.~~
- ~~m. Providing leadership through behaving in accordance with these principles when championing the interests of constituents with other organisations as well as within the Corporation.~~

~~Registering and declaring pecuniary and non-pecuniary interests~~

~~1. You must, within 28 days of taking office as a Member, notify the Town Clerk (on behalf of the Corporation's Monitoring Officer) of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners, together with any non-pecuniary interests of yours described in paragraph 7 below and thereafter maintain an up to date register of any such interests.~~

~~2. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (Appendix 1) currently define disclosable pecuniary interests under the following categories:-~~

- ~~a. Employment, office, trade, profession or vocation~~
- ~~b. Sponsorship~~
- ~~c. Contracts~~
- ~~d. Land~~
- ~~e. Licences~~
- ~~f. Corporate tenancies~~
- ~~g. Securities~~

~~3. Where you believe you have a sensitive interest (A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation), you should apply to the Monitoring Officer (via the Town Clerk) for exemption from the requirement that details of the interest be published and made available for inspection.~~

~~4. In addition, you must, within 28 days of taking office as a Member, and thereafter on an ongoing basis, notify the Corporation's Monitoring Officer (via the Town Clerk) of any other pecuniary or non-pecuniary interest which you consider should be included on your Members' Declaration form if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life.~~

~~5. In any event you are required to disclose your membership of any:~~

- ~~a. Management board or similar organ of any charity or body directed to a charitable purpose (e.g. a trustee or director) but excluding any charity or other such body administered by the Corporation~~
- ~~b. Club or Society active in the City of London or which relates to any functions of the Corporation~~
- ~~c. Fraternal or Sororal Societies~~
- ~~d. Livery Company, City Company without Livery, Guild or Company seeking Livery~~
- ~~e. Political Party~~
- ~~f. Organisation, one of whose principal purposes includes the influence of public opinion or policy, and which is likely to seek to affect the policy of the Corporation or which may have an impact on its services or stakeholders~~
- ~~g. Professional Association~~
- ~~h. Trade Association~~
- ~~i. Trade Union~~
- ~~j. Management board or similar organ of any organisation not falling within paragraph 1 or sub-paragraphs (a)-(i) above.~~

~~6. You must also notify the Corporation's Monitoring Officer (via the Town Clerk) of any gift or hospitality received by you as a Member with a value of £100 or more, or multiple gifts and/or instances of hospitality with a cumulative value of £200 or more when received from a single donor within a rolling twelve month period. Such notification must be made within 28 days of receipt, or within 28 days of reaching the cumulative threshold, as appropriate.~~

~~7. Special provision shall be made for the Lord Mayor and other holders of special offices in relation to the registration of gifts and hospitality to be set out in Guidance to be issued by the Standards Committee.~~

~~8. Entries shall be retained in the register of gifts and hospitality for three years—older entries will be removed.~~

~~9. If an interest has not been entered onto the Corporation's register, then the Member must disclose the interest to any meeting of the Corporation at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a „sensitive interest“ (A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring~~

~~officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation).~~

~~10. Following any disclosure of an interest not on the Corporation's register or the subject of pending notification (This is where an interest has been notified to the Monitoring Officer but has not yet been entered on the register), you must notify the Monitoring Officer (via the Town Clerk) of the interest within 28 days beginning with the date of disclosure.~~

~~11. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State.~~

~~12. Your participation in any item of business:~~

- ~~a. in which you have any other interest; or~~
- ~~b. that affects a donor from whom you have received any gift or hospitality;~~

~~that is registered, or ought to be registered as set out above, will need to be considered by you on a case by case basis. You will only be expected to exclude yourself from speaking or voting in exceptional circumstances, for example where there is a real danger of bias.~~

~~13. If in doubt about any of the above matters you are encouraged to seek advice from the Town Clerk or the Corporation's Monitoring Officer.~~

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Appendix D – Department for Communities and Local Government

[“Openness and transparency on personal interest – a guide for councillors”](#)

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Appendix E – Standards Committee Guidance

Voluntary Registration of Gifts and Hospitality

Only those interests defined as disclosable pecuniary interests in the regulations are required to be registered and/or disclosed in every case. However, in accordance with the Nolan Principles and the general duties set out in the Code of Conduct, Members are required to disclose any other interest at a meeting where it is felt, in relation to a specific item of business, that the interest warrants disclosure.

The Standards Committee considers that such a disclosure is likely to be necessary in relation to one-off gifts and hospitality to the value of £250 or more, and cumulative gifts and hospitality to the value of £500 or more from a single donor in a financial year i.e. ending on 31st March.

If an item of business arises at a meeting that relates to such a donor, the Standards Committee would normally expect this interest to be disclosed. If a complaint were to be received in relation to non-disclosure by a Member, then (subject to hearing all of the facts) the Standards Committee may be minded to find that there had been a breach of the Code.

Therefore, the Standards Committee is introducing a local voluntary arrangement whereby Members are encouraged to register the receipt of all gifts and hospitality equalling or exceeding the above values. In the same way as for disclosable pecuniary interests, prior registration will constitute disclosure of the interest, meaning that a further disclosure at the meeting is not required. This will assist Members in complying with the Code. It will also provide transparency of Members' actions to the public. The new arrangement will come into effect as of 1st April 2013.

A member's participation in relation to an item in which they have such an interest will need to be considered by the member on a case by case basis. In the spirit of the Localism Act the Standards Committee would expect that a member would only be precluded from participation in exceptional circumstances e.g. where there is a real danger of bias. Members are encouraged to seek advice from the City Solicitor on such matters.

Registering your gifts and hospitality

Your up-to-date register of interests, including any disclosed gifts and hospitality, is published via your Members' page on the Corporation's webpages. Where you wish to register any received gifts and hospitality, please contact the Committee and Member Services Team via email or on telephone: 020 7332 1427 or 020 7332 1434 specifying the following details:

- description of the gift or hospitality (i.e. tickets to a theatre performance);
- the date it was received;
- from whom the gift or hospitality was received; and
- an approximate value (and cumulative value, if appropriate).

~~Please note that such declarations should be made within 28 days of receipt of the gift or hospitality.~~

~~Gifts and hospitality that do not need to be disclosed~~

~~Gifts and hospitality provided by the City Corporation, or received by a Member whilst acting as an official representative of the City Corporation, do not need to be disclosed — this will include:~~

- ~~• committee dinners~~
- ~~• lunches associated with committee visits~~
- ~~• any gifts or hospitality provided to the office of Lord Mayor or Sheriff (but not including gifts retained by the individual, as opposed to the City Corporation)~~
- ~~• hospitality offered as part of City Corporation related events such as MIPIM (events approved by the Policy & Resources Committee)~~
- ~~• local government dinners~~
- ~~• garden parties at Buckingham Palace (if tickets via City Corporation)~~
- ~~• tickets to sporting and cultural events (where the Member is the appointed representative of the City Corporation e.g. Olympics tickets in summer 2012)~~
- ~~• tickets to events at the Barbican Centre, or Guildhall School of Music and Drama (if tickets via City Corporation).~~

~~In addition, a Member only has to disclose gifts or hospitality received by virtue of being a Member — this will not normally include gifts or hospitality received from friends or family. Members should apply honesty and common sense when they consider how receipt of a gift or hospitality might be interpreted. For example, if the Member is the Chairman of the Planning Committee, and a birthday present arrives from an applicant just before a planning application is due to be considered, then the Member should think about how this would be interpreted by a reasonable member of the public. If in doubt, the Member should disclose the interest.~~

~~As set out above, Members do not need to disclose gifts and hospitality that do not reach the £250 one-off threshold or £500 cumulative threshold. Some examples of gifts and hospitality that are unlikely to reach the £250 threshold are as follows:~~

- ~~• livery company dinners~~
- ~~• drinks receptions (where only drinks and canapés are served)~~
- ~~• standard commemorative gifts including pin badges, published materials, ties, paper weights, plaques.~~

~~Gifts and hospitality that are likely to require disclosure~~

~~Some examples of gifts and hospitality that are likely to reach the £250 threshold are as follows:~~

- ~~• overseas trips~~
- ~~• exceptional evening dinner events (i.e. pre-dinner drinks, three course, silver service meals, all drinks)~~

- ~~bespoke gifts that have been sourced/ made specifically for the Member (e.g. an engraved crystal vase, or a gold picture frame with a signed limited edition print)~~
- ~~hospitality packages including lunch or dinner and tickets to a sporting or cultural event.~~

~~Gaution should be exercised where the offer of any gift or hospitality is over and above what could reasonably be viewed as ancillary to the business being conducted, or is wholly unrelated to the business being conducted.~~

~~Particular caution should also be exercised by Members involved in determining regulatory matters (licensing, planning) and making decisions that affect the financial position of others.~~

~~**Further information regarding Members' declarations can be obtained from the Comptroller & City Solicitor or the Committee and Member Services Team.**~~

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Appendix CF – Template Handling Note ~~Seven Principles of Public Life~~

~~You are a member of the City of London Corporation (“the Corporation”) or a member of a committee of the Corporation (in this Code collectively referred to as a “Member”) and hence you shall have regard to the Seven Principles of Public Life—~~

~~**SELFLESSNESS:** Holders of public office should act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, a friend or close associate.~~

~~a. **INTEGRITY:** Holders of public office should not place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties. NB— This Principle applies only to conduct by a Member in their capacity as a Member which may foreseeably lead to the Member being subjected to inappropriate influence in the performance of their duties. It does not apply to contracts of employment, service or other formal and informal business relationships entered into by Members in their private capacities and which are dealt with by the rules on disclosable pecuniary and nonpecuniary interests.~~

~~b. **OBJECTIVITY:** When carrying out public duties, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, holders of public office should make all choices on merit.~~

~~c. **ACCOUNTABILITY:** Holders of public office are accountable for their decisions to the public and should co-operate fully with whatever scrutiny is appropriate to their office.~~

~~d. **OPENNESS:** Holders of public office should be as open as possible about their decisions and actions and the decisions and actions of their authority and should be prepared to give reasons for those decisions and actions.~~

~~e. **HONESTY:** Holders of public office have a duty to declare any private interests that relate to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.~~

~~a. **LEADERSHIP:** Holders of public office should promote and support high standards of conduct when serving in their public post, in particular as characterised by the above requirements, by leadership and example.~~

[DESCRIPTION OF PROPOSAL] (“the Proposal”

CITY OF LONDON CORPORATION

TEMPLATE FOR REGULATION 64(2) HANDLING NOTE

1. Background

1.1 Regulation 64(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”) requires that where a proposal for EIA development is brought forward by the City of London Corporation and the City of London Corporation will also be responsible for determining that application for planning permission, they must make appropriate administrative arrangements to ensure that there is a functional separation, when performing any duty under the EIA Regulations, between the persons bringing forward the proposal for development and the persons responsible for determining that proposal.

1.2 This note sets out the arrangements which must be adopted to ensure compliance with the EIA Regulations

1.3 This note also applies to applications for planning permission for development which is not EIA development made by the City of London Corporation as applicant to the City of London Corporation as local planning authority.

2. Overarching Principles to be observed in handling the Proposal

2.1 The Local Planning Authority must assess the Proposal in the same way as if it was submitted by any other applicant. It will be assessed and determined solely on the material planning considerations, disregarding any financial or other benefits to the City of London Corporation as applicant. If more information is required it will be sought from the applicant notwithstanding potential delay or cost consequences for the applicant.

2.2 The Local Planning Authority function will be undertaken wholly independently of the applicant/promoter functions, acting impartially and objectively

2.3 There will be no discussion or communication about the Proposal between the officers and members carrying out the Local Planning Authority function in respect of the Proposal and the officers and members carrying out the Applicant/Promoter functions in respect of the Proposal, other than formal communications appropriate to the application process such as would occur with any other Applicant.

2.4 No officer or member carrying out the Applicant/Promoter function in relation to the Proposal may give any instructions to or put any pressure whether direct or indirect upon any person acting or assisting in the discharge of the Local Planning Authority function.

3. Arrangements for handling the Proposal

3.1 Local Planning Authority Functions

Gwyn Richards (Interim Development Director and Chief Planning Officer) is the lead officer responsible for undertaking the local planning authority functions [under the EIA Regulations] arising in respect of the determination of the planning application including pre-application advice

He is (or has been) assisted by the following officer team:

Planning

Transportation

Highways

Legal

Communications

The Local Planning Authority officer team will report to the Planning and Transportation Committee [or any Sub-committee appointed by it for the purpose], which will be responsible for making the decision on the planning application. No member of a committee with responsibility for promoting the Proposal should sit on Planning and Transportation Committee [nor be a member of any sub-committee] when it is considering the planning application for the Proposal. The members of the Planning and Transportation Committee who are to sit on that committee or any sub-committee when determining the planning application shall be identified as soon as is practicable following receipt of the planning application.

3.2 Applicant/Promoter (non-Local Planning Authority) Functions

The officers, consultants and Committees who are (or have been) involved in the promotion of the Proposal are as follows:

[Specify team]

The following officer/s is/are identified as the agent for the planning application:

3.3 Implementation of Arrangements

3.3.1 The persons identified at 3.1 and 3.2 will be reviewed regularly and updated to reflect any changes in responsibilities or roles, and any such changes shall be noted on an updated Handling Note

3.3.2 The officers identified at paragraph 3.1 and any members of the Planning and Transportation Committee identified as those who will sit on the committee or any sub-committee to determine the planning application shall not engage in any discussion or communication in relation to the planning application with other officers or members save that the officers identified in paragraph 3.1 shall be entitled to communicate with the officer/s identified in paragraph 3.2 as the agent for the planning application and only in the same way as those officers identified in paragraph 3.1 would communicate with any person acting as an agent in relation to planning applications in general, and save when officers identified in paragraph 3.1 are conducting formal consultation on the planning application.

3.3.3 Persons identified at 3.2 must not engage in any discussion or communication in relation to the planning application with the persons identified in paragraph 3.1, save that person/s identified as the agent in paragraph 3.2 may communicate with the officers identified in paragraph 3.1 in the same way and on the same basis as the agent in relation to planning applications in general.

3.3.4 The Handling Arrangements will be published and will be included within the publicly available planning application documents both in hard copy and electronically

3.3.5 The Handling Arrangements will be circulated to all persons identified at 3.1 and 3.2, and recirculated to them following any amendments

3.3.6 Any communications, documents or other information generated by those exercising the Local Planning Authority function which would not normally be shared with an Applicant should be marked “CONFIDENTIAL: LOCAL PLANNING AUTHORITY ONLY”, and should not be stored on file space accessible to any person other than those exercising the Local Planning Authority function (unless this is authorised by the Interim Development Director and Chief Planner and he has satisfied himself that, where applicable, such disclosure would be compliant with the EIA Regulations)