

## **Proposed new Planning Code of Conduct (updated draft following Planning Committee and Assembly Member feedback) - October 2019**

### **GREATER LONDON AUTHORITY**

### **UNIFIED PLANNING CODE OF CONDUCT**

#### **Purpose**

1. This Code is intended to ensure that those it applies to conduct themselves in accordance with the highest standards of probity, openness and transparency in the sphere of the GLA's planning work.

#### **Scope and application**

2. This Code applies to the following people involved in exercising the GLA's (Mayoral or Assembly) planning functions, including those providing advice on or scrutinising them:
  - The Mayor;
  - The Statutory Deputy Mayor, other Assembly Members and co-opted members of the Assembly's committees (if any);
  - Other Deputy Mayors and any other member of GLA staff appointed by the Mayor;
  - Other members of GLA staff, including those supporting the Assembly;
  - All other office-holders, consultants or contractors engaged by the GLA to exercise or support Mayoral or Assembly planning functions.
3. "Decision-Maker" refers to anyone formally exercising (determining) a statutory decision in relation to a planning matter. This is usually the Mayor but can include others acting under delegated powers: the Statutory Deputy Mayor, other Deputy Mayors and other GLA staff members. Where appropriate, it may also include Assembly Members and their support staff in relation to the Assembly's role in scrutinising planning matters.
4. Nothing in this Code is intended to restrict the legitimate and appropriate scrutiny of the Mayor's exercise of planning functions (including by GLA staff and others on their behalf) by the Assembly, its committees and individual Assembly Members.

#### **Guiding Principles: The Seven Principles of Public Life**

5. The Seven Principles of Public Life (as approved at any time by the Committee on Standards in Public Life) apply at all times in relation to the planning work of Decision-Makers. They are widely publicised and set out in the GLA Code of Conduct for Elected Members.

## **The 7 principles of public life**

### 1. Selflessness

Holders of public office should act solely in terms of the public interest.

### 2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### 4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### 5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### 6. Honesty

Holders of public office should be truthful.

### 7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Enforcement**

6. Failure to comply with the expectations set by this Code may result in action being taken against:
  - The Mayor, Statutory Deputy Mayor and Assembly Members: under the GLA Members Code of Conduct;
  - GLA staff (whether appointed by the Mayor or Head of Paid Service): under the Code of Ethics and Standards for Staff and other relevant disciplinary policies and procedures; and
  - Other office-holders, consultants or contractors: under the terms of their appointment, engagement or other relationship with the GLA.

## **General requirements**

7. Those covered by this Code shall ensure the following:
  - All planning matters are considered solely on their merits;
  - Proper and adequate reasons are recorded or published for decisions;
  - Bias or the appearance of bias arising from personal interests or connections is avoided;
  - Any discussion about a specific planning proposal, or planning matters generally, does not prejudge or prejudice the formal exercise of any planning functions (also see the text on Pre-determination below in paragraphs 17 to 19);
  - There is openness in the GLA's relations with all interested parties;
  - There is transparency in the handling of planning matters (see paragraphs below relating to declaration of interests);
  - That no improper or undue influence is brought to bear by or on behalf of any of the persons to whom this Code applies on any other person (including GLA staff, office-holders, consultants or contractors) in connection with any planning matter;
  - Any information gained in the course of their work is not misused for personal gain or political purposes;
  - They shall not seek to promote their own private interests or those of any persons, businesses or other organisations with whom they have relationships or connections by giving them advantages or more favourable treatment than others (see paragraph 9 below).
  
8. Additional requirements dealing with specific issues are set out below.

## **Declarations of interests, relationships and avoidance of potential conflicts**

9. This is important for the following reasons:
  - It is a fundamental legal principle that a person with a private/personal stake in the outcome of a decision cannot be involved in taking it;
  - To demonstrate that planning decisions have been taken on their planning merits and in the wider public interest;
  - To avoid the perception of bias or pre-determination: Decision-Makers and all persons involved in the exercise of planning functions must avoid doing anything from which they could reasonably be regarded as having a "closed mind" as to the outcome of the decision (see paragraphs 17 to 19 below);
  - To avoid giving grounds for legal challenge;
  - To avoid the perception that decisions are being taken to benefit family, friends or business contacts' interests or for other social or reputational advantage;
  - To maintain the integrity of the planning system and of those making decisions, advising on or scrutinising its work.

## ***Pecuniary interests***

10. Pecuniary interests have to be disclosed and declared by:

- The Mayor, Statutory Deputy Mayor and other Assembly members in accordance with Part 2 of the GLA Members Code of Conduct;
- All GLA staff (including Deputy Mayors and other staff appointed by the Mayor) in accordance with the Code of Ethics and Standards for Staff;
- Other office-holders, consultants or contractors engaged by the GLA in accordance with the Code of Ethics and Standards for Staff as if they were GLA staff for this purpose.

## ***Effect of having a pecuniary interest***

11. "Pecuniary interest" includes anything that is required to be disclosed and registered under the above Codes, whether or not it has actually been registered.

12. The Decision-Maker, or other person involved in the exercise of the planning functions to which the pecuniary interest relates, must contact the Monitoring Officer or if a member of Staff contact their manager (who may contact the Monitoring Officer and obtain legal advice) without delay to flag the issue and take advice and:

- Must not exercise, or be involved in any way in any of the support processes related to, the function to which the interest relates (e.g. not just taking the decision but giving advice or writing reports etc in relation to it);
- (Where the law allows) must delegate or formally arrange for some other appropriate person to take the decision or undertake the work they would have been involved in and record that fact with the Governance Team; and
- Must not lobby "behind the scenes" or otherwise promote their views in relation to the matter.

13. If delegation of the decision/ matter to another person is prohibited by statute, then the planning function must not be exercised unless legal advice confirms it can.

## ***Non-pecuniary interests, relationships and potential conflicts of interest***

14. In addition to pecuniary interests it is important that other non-financial matters and "relationships" are disclosed to avoid the perception of undue/improper influence even though, strictly speaking, they do not have to be registered under the various GLA codes for Elected Members or GLA staff.

15. Examples of where non-pecuniary interests or relationships must be disclosed include:

- Where a Decision-Maker is subject to a party whip in relation to a planning matter, they must declare the existence of the whip and its nature;
- Where Assembly Members are also on a local Planning Committee or the board of a functional body they should declare the interest when attending any meeting on a relevant application; or

- The Decision-Maker is a friend or relative of a person who is involved or stands to benefit from the planning matter in question.

### ***Effect of having a non-pecuniary interest***

16. The same requirements apply as if the person concerned had a pecuniary interest: the Monitoring Officer or manager must be contacted and the same restrictions apply.

### **Pre-determination and bias**

17. The Mayor or other Decision-Maker on a planning matter must not do anything by which it could reasonably be regarded as them having a “closed mind” as to the outcome of the decision.
18. Having taken legal advice from the planning legal advisor, if they consider that it is possible to reasonably regard themselves as having a closed mind as to that particular decision, then that decision should be delegated to another appropriate person.
19. In particular:
  - There is no pre-determination simply by virtue of the fact the Mayor takes over a planning application for the Mayor’s own determination, nor by the Mayor or other Decision-Maker being active in planning issues generally (including expressing views or campaigning on planning matters) provided that in doing so they do not do anything from which they could reasonably be regarded as showing they have a closed mind or have predetermined any future planning decision, application or matter, and they must be careful not to give any such impression; and
  - The Mayor shall not automatically be precluded from exercising planning functions, including assuming jurisdiction over an application, when one of the GLA’s Functional Bodies has an interest in that function.

### **Pre-application/post submission discussions and meetings**

20. In the interests of promoting the highest standards of development in Greater London and facilitating consultation on matters of potential strategic importance, the staff of the Authority may provide pre-application advice relating to planning matters of potential strategic importance to potential applicants in accordance with the procedures set out in the GLA’s pre-application advice service.
21. Before any discussion takes place, it must be made clear that the advice given by officers does not constitute a formal response or decision by the Mayor (or any person to whom the Mayor may have delegated the function). Any views or opinions expressed are without prejudice to the Mayor’s formal consideration of the application or that of such delegated person(s).

22. In the interests of open consultation, Decision-Makers and persons involved in the exercise of planning functions may, for the purpose of discussion and clarification only, agree to receive presentations on potential planning applications, or to have meetings with potential applicants or applicants, local authorities and other interested parties, provided that relevant GLA staff are also present, and:
- Shall ensure that a note is kept and filed of any such meetings and placed on the website in the event of such an application being formally notified to the Mayor in due course;
  - May seek to involve other interested parties in such meetings;
  - Shall ensure that no indication of opinion is given or a view expressed that may give the impression that a final view on the application/matter in question has already been reached; and
  - Shall ensure that discussions do not develop into negotiations and confirm that such meetings do not form part of the formal determination process.

### **Site visits**

23. The Mayor will not normally attend any site visits unless they have directed to become local planning authority. Where any planning matter requires a site visit these shall be carried out in accordance with section 3 of the Procedure for Representation Hearings.

Ends  
October 2019