

Title of Report	Planning Code of Conduct
For Consideration By	Corporate Committee
Meeting Date	18 March 2026
Classification	Open
Ward(s) Affected	All
Group Director	Rickardo Hyatt, Group Director Housing, Climate and Economy
Report Author	Natalie Broughton, Assistant Director Planning and Building Control natalie.broughton@hackney.gov.uk

1. **Introduction**

- 1.1. Planning affects land and property interests. It is not an exact science and is sometimes contentious because decisions affect the daily lives and private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. It is important to remember that the key purpose of the planning system is to regulate the development and use of land in the public interest.
- 1.2. The aim of the Planning Code of Conduct is to ensure that planning decisions are made openly, impartially, with sound judgement and for justifiable reasons.
- 1.3. This code applies to Councillors at all times when they are involved in the planning process. This includes, where applicable, when part of decision making meetings of the Council, in exercising the functions of the planning authority or when involved on less formal occasions, such as meetings with officers or the public. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications. The existing Code in Hackney has been in place for sometime and this report seeks approval for an update to reflect current practices.

2. **Recommendations**

- 2.1. **That Corporate Committee approve the new planning code of conduct for Councillors (appendix 1)**
- 2.2. **That Corporate Committee delegates authority to the Monitoring Officer in consultation with the Assistant Director Planning and Building Control to make any changes to the Code including changes to comply with statutory requirements in relation to future training for Councillors on planning matters.**

3 **Reason(s) for decision**

- 3.1 An updated Code of Conduct is required to ensure that planning decisions continue to be made openly, impartially, with sound judgement and for justifiable reasons.

4 **Background**

- 4.1 The existing Planning Code of Practice for Members provides guidance on how elected Councillors of the Council's Planning Sub Committee must conduct themselves when determining any application before them, both in the lead up to and at the Sub-Committee meeting itself. The proposal is to replace the Planning Code of Practice with a new Planning Code of Conduct which has been expanded to cover conduct of all councillors on planning matters.
- 4.2 This Code supplements the Council's adopted Code of Conduct for Members and Voting Co-Optees, which can be found within Part 5 of the Council's Constitution. The Planning Code of Practice and the Code of Conduct for Members and Voting Co-Optees should therefore be read side by side.
- 4.3 The key objectives of the Code are:
 - To provide clarity and advice to support elected Councillors
 - To ensure that Councillors of the Planning Sub-Committee and any other elected Councillors act reasonably and openly and that planning decisions are made impartially, with sound judgement and for justifiable reasons.
 - To protect the Council and individual Members from allegations of unfairness, findings of maladministration and any legal challenge.

Strategic Policy Context

- 4.4 The Local Government Association's (LGA) Probity in Planning document (2013) has informed the Council's Planning Code. The LGA's Probity in Planning responds to the Localism Act 2011 by providing advice on how elected members can get involved in planning matters on behalf of their communities in a fair, impartial and transparent way.
- 4.5 In 1997, the Third Report of the Committee on Standards in Public Life (known as the Nolan Report) resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. In today's place shaping context, early councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the settlements that communities need. This guidance is intended to reinforce councillors' community engagement roles whilst maintaining good standards of probity that minimises the risk of legal challenges.
- 4.6 The Code covers the following sections:
 - 4.6.1 **Training** - the Code sets out the requirement for all Planning Sub Committee members to attend compulsory training prior to their first Sub Committee meeting and annually thereafter (Section 4)
 - 4.6.2 **Councillor and Officer Roles** - this is a new section explaining the roles of Councillors and Officers (Section 5)
 - 4.6.3 **Ward Councillor Roles** - this is a new section explaining the roles of ward councillors. It clarifies that being a Councillor for the ward in which a particular application site is situated is not declarable for Planning Sub Committee members and Councillors may deliberate on matters affecting their wards provided they do so with an open mind. (Section 6)
 - 4.6.5 **Interests** - this section refers to the current Member Code of Conduct and provides specific guidance if any Councillor has a disclosable pecuniary interest in any Planning application or is a member of an external body which has made an application for permission (Section 7)
 - 4.6.6 **Gifts & Hospitality** - this is a new section referring Councillors to the Member Code of Conduct (Section 8)
 - 4.6.7 **Predisposition, Predetermination, & Bias** - (Section 9) this replaces part 7 of the existing code and provides a much greater level of

guidance on predetermination and bias. Planning Sub Committee Members must approach their decision-making with an open mind; they must not make up their mind on an application before they have read the Officers report, heard the full presentation and any representations made for and/or against it. Unless they have a disclosable pecuniary interest or a significant personal interest, Councillors will not appear to be predetermined through: listening or receiving viewpoints from residents or other interested parties; making comments to residents and others provided they do not consist of or amount to pre-judging the issue and the Councillor makes clear that they are keeping an open mind; seeking information through appropriate channels. Guidance is also provided in the code on actual bias and apparent bias.

Pre- application Sub Committee Meetings

- 4.6.8 The Code provides specific advice to members of planning committee on predetermination in connection with pre-application sub committee meetings. It clarifies that members may ask questions about details of the development in order to improve their understanding of a proposed scheme and its potential impacts. Members may express views on aspects of the proposed development which will often display a predisposition around these elements. Members should not at this stage express a firm view on the development as a whole, as this could amount to pre-determination. Such a view should only be formed at the end of the process when all the material considerations are available to consider and weigh up before finalising their view.
- 4.6.9 **Council Applications** - this is a new section clarifying that applications submitted by or on behalf of the Council should be treated with the same transparency and impartiality as applications by private developers so as not to give rise to suspicions of bias and of impropriety. (Section 10)
- 4.6.10 **Councillor and Officer Applications** - this is a new section setting out the processes should Councillors or officers submit a Planning application in a personal capacity (Section 11)
- 4.6.11 **Pre-Application Discussions** - this is a new section with guidance on how Councillors can engage with Planning applicants. The sharing of pre-application information requires the agreement of developer and must be treated as confidential (Section 12)

4.6.12 **Post-Submission Discussions** - this is a new section and provides guidance to all Councillors and the Mayor on how they should respond if approached by a developer on a live planning application. This section should be read alongside the section on lobbying. For planning committee members the advice is that they should not usually be involved in discussions with an applicant or agent when a planning application has been submitted and a decision has not been issued. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias. (Section 13)

4.6.13 **Lobbying** - this section on lobbying has been updated. It recognises the judgement made in a recent judicial review conclusion 'that lobbying is a normal and perfectly proper part of the political process: those who may be affected by a Planning decision will often seek to influence it through an approach to their elected ward Councillor or on occasion a Sub Committee Member.' However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Councillor being called into question. Guidance is provided in this section to all Councillors including the Mayor. If Planning Sub Committee members are approached by an individual or an organisation in relation to a particular application they are free to listen to a point of view about a planning proposal but should advise the person or organisation that it is not appropriate for them to personally comment on the application. Where a Planning Sub Committee member receives lobbying material about an application they should forward it to the Planning Officer responsible for the application and Governance Services as soon as they realise it is lobbying material. Guidance is provided to assist all Councillors in how to deal with lobbying requests from developers and applicants. A section is also provided to assist all Councillors on their engagement with developers and members of the public. (Section 14)

4.6.14 **Officer Reports** - this is a new section and sets out guidance to committee members on what the report sets out emphasising the need for members to read the committee report in advance of the meeting (Section 15)

4.6.15 **Site Visits** - this is a new section providing details of the purpose and arrangements for Planning Sub Committee member site visits and clarifying that site visits should not be used as a lobbying opportunity by objectors or supporters. (Section 16)

- 4.6.16 **Officer Presentations to Sub-Committee** - this is a new section explaining the purpose of the officer presentation. Elected Members of the Planning Sub Committee are expected to have read the Officer report, which contains the main assessment of the application. (Section 17)
- 4.6.17 **Public Speaking** - this section now provides much greater detail on the process for interested parties to register to speak, the allocated speaking time, the key issues of planning for speakers to focus on in their representation and the role of the Planning Sub Committee Chair if a speaker departs from speaking about material planning issues. (Section 18)
- 4.6.18 **Decision Making - Permitted Considerations** - This replaces part 8 of the current code. Guidance is expanded to reference other material Planning considerations that can be considered alongside the local plan. Examples of what are and are not material considerations are also included. (Section 19)
- 4.6.19 **Voting on Recommendations** - this is a new section setting out the process for voting (Section 20)
- 4.6.20 **Deferral of Planning Applications** - this is a new section setting out the process for deferring an application (Section 22)
- 4.6.21 **The Political Whip** - this is a new section setting out that Councillors involved in Planning determinations must not vote on party political lines. (Section 23)
- 4.6.22 **Planning Appeals** - this is a new section explaining the process if Councillors wish to take part in a Planning appeals. (Section 24)
- 4.6.23 **Planning Enforcement** - this is a new section explaining how Councillors can support residents in reporting Planning enforcement issues as well as clarity that where enforcement action is being formally progressed Councillors must not seek to exert influence on Officers and that such action may amount to a breach of the Code of Conduct for Members and Voting Co-Optees and may have significant implications for the Council (Section 25)
- 4.6.24 **Review of Previous Decisions** - this section notes that in line with LGA good practice, arrangements will be made for Planning Sub Committee Members to visit a sample of implemented Planning

permissions throughout the Borough every year with briefing notes having been prepared in advance. (Section 26)

4.6.25 **Review of the Planning Code of Conduct** - this section of the report commits the Council to review the Code on an annual basis. In line with recommendation 2 in this report the Council's Monitoring Officer may also make changes to the Code. (Section 27)

4.7 Government reform of Planning Committees

4.7.1 The Planning and Infrastructure Act 2025 delegates power to the Secretary of State to make regulations that require mandatory, standardised training for members of planning committee. The specifics of the training programme will be determined through the implementation of secondary legislation, but the general framework will include:

Content of training: The training will cover key areas such as planning law, environmental regulations, and community engagement.

Frequency: Regular updates and refresher courses to ensure ongoing competence

Certification: Members must complete the training and hold a valid certificate in order to participate in Planning decisions.

4.7.2 Updates to the Code will be made by the Monitoring Officer once new legislation is in place.

Risk assessment

4.8 The Planning Code of Conduct provides clarity and advice to support elected Councillors and will ensure that Councillors of the Planning Sub-Committee and any other elected Councillors act reasonably and openly and that planning decisions are made impartially, with sound judgement and for justifiable reasons thereby protecting the Council and individual Members from allegations of unfairness, findings of maladministration and any legal challenge.

5.0 **Financial implications**

5.1 There are no additional costs directly associated with the recommendations within this report. The costs associated with the preparation and implementation of the Code are covered by operational budgets.

Financial Implications prepared on behalf of the Group Director Finance &

6.0 Legal implications

- 7.1 Full Council has established the Corporate Committee which oversees the Council's regulatory functions, planning, elections and human resources. The Committee is also responsible for any other Council function that has not been specifically allocated to Full Council or any other committee.
- 7.2 The terms of reference for the Corporate Committee provides that it appoints a Planning Sub-Committee for the purposes of determining planning applications. The Corporate Committee is responsible for approving the terms of reference of that Planning Sub-Committee and for approving the procedures and protocols, including the adoption of a Planning Code of Practice (which is being renamed a Planning Code of Conduct to underline its importance in the decision-making process).
- 7.3 The Council's Constitution Committee is responsible for considering changes to the Constitution proposed by Councillors, officers and Committees and recommending changes to Council for approval. However, in this case as the Corporate Committee has been delegated authority by Full Council to adopt the Code, once the Corporate Committee has considered the draft there is no need for Full Council to formally amend the Constitution.

Legal implications prepared on behalf of the Director of Legal, Democratic & Electoral Services by: Georgia Lazari , Team Leader (Places) , 09.03.26

Appendices

Appendix 1 - Proposed Code of Conduct

[DRAFT Revised Planning Code of Conduct - Collated Edition](#)

Appendix 2 - Existing Code of Practice

[Planning Code of Practice for Members 26.1.22 \(1\).docx](#)

Background documents

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 the following background papers were used in the preparation of this report:

None