

## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: MEMBERS' CODE OF CONDUCT**

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### **Purpose**

Further to discussion of paper 1 at the Board Meeting on 10 October, this paper seeks agreement to an additional section to cover issues arising from dealing with planning and development control decisions.

### **Recommendations**

- That Members agree the addition of the proposed new section 7 on planning and development control;
- That the new section 7 is added to the rest of the Code approved on 10 October, and the complete Code formally sent to the Scottish Ministers (and copied to the Standards Commission) for their approval.

### **Executive Summary**

At its meeting on 10 October the Board approved the Model Code of Conduct for Members unchanged, except for the addition of a section on planning. The Board noted that the Code of Conduct for Councillors, in many ways very similar to the Model Code of Conduct for Board Members, included a section 7 covering matters arising when dealing with planning and development control matters. National Park Authorities are exceptional as Non Departmental Public Bodies in exercising planning and development control functions, and it was therefore concluded that the CNPA's Code of Conduct should include a section similar to section 7 of the Councillors' Code. A proposed section 7 on planning and development control is presented here for approval.

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**MEMBERS'S CODE OF CONDUCT**  
**Proposed additional section 7**

**SECTION 7: TAKING DECISIONS ON INDIVIDUAL APPLICATIONS**

- 7.1 On questions which Members have to decide on individual applications you may have to take account of different points of view. However, the legal responsibility for decisions will always be your own.

**Dealing with Planning Applications**

- 7.2 As a CNPA Board Member you may have to deal with planning applications. You may become involved in local cases as a ward representative, or you may be more actively in decision making as a member of the CNPA's Planning Committee. If so, it is your duty to ensure that development decisions are properly taken and that parties involved in the development process are dealt with fairly.
- 7.3 To reduce the risk of planning decisions being legally challenged, in your dealings with planning applications you must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 7.4 If you have substantial property or other interests which would prevent you from voting on a regular basis you should not sit on a committee which deals with planning applications.
- 7.5 You must not act on behalf of, or as an agent for, an applicant for planning permission with the CNPA other than in the course of your professional role which you have registered.
- 7.6 When making a planning application for your own property, you must not take any further part in the development control process following submission of the planning application.
- 7.7 You must never seek to pressure planning officers to provide a particular recommendation on any planning application, planning agreement or taking enforcement action.
- 7.8 You should organise support or opposition, lobby other Members or act as an advocate to promote a particular recommendation on a planning application, on a planning agreement or on taking enforcement action.
- 7.9 It is possible that you may receive representations from interested parties in relation to planning application. If you are a member of the committee which deals with planning applications, or if you are to attend a meeting of the CNPA to consider planning applications, and you wish to respond to lobbying by constituents or others by openly advocating a particular course of action prior to the meeting, you must declare an interest and not take part in any consideration of the application in question and you must leave the meeting room until consideration of the matter is concluded.

- 7.10 If you propose to take part in the consideration of planning applications at a meeting of the CNPA Board or Planning Committee, you must not give grounds to doubt your impartiality. You must not make public statements about a pending application, to ensure that you are not seen to be prejudging a decision which will be made at the meeting where all the information required to take a decision will be available. You must not indicate or imply your support or opposition to a proposal, or declare your voting intention, before the meeting. Anyone who may be seeking to influence you must be advised that you will not formulate an opinion on a particular proposal until all available information is to hand and has been duly considered at the relevant meeting.
- 7.11 If you have an interest, whether financial, non financial, or personal, in the outcome of a decision on a planning application, or a planning agreement, or on taking enforcement action, you must declare that interest and refrain from taking part in the consideration of the application.

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