

BABERGH DISTRICT COUNCIL

FROM: The Monitoring Officer

REPORT NUMBER **J111**

TO: STANDARDS COMMITTEE

DATE OF MEETING: 16 October 2009

GUIDANCE FOR THE CONDUCT OF SITE INSPECTIONS

1. **PURPOSE OF REPORT**

1.1 To approve the guidance for the conduct of site inspections attached as Appendix 1.

2. **RECOMMENDATION**

2.1 That the site inspection guidance at Appendix 1 be approved.

The Committee is able to resolve this matter.

3. **FINANCIAL IMPLICATIONS**

3.1 None

4. **RISK MANAGEMENT**

4.1 This report is most closely linked with the Council's Significant Business Risk No. 4 (Governance). Key risks are set out below:

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
The Council or a committee is brought into disrepute by high principles of ethical conduct not being observed at site inspections	Low	Significant	Update and circulate guidance for the conduct of site inspections
A challenge to the Council's decision making process due to conduct of/at a site inspection	Low	Critical	As above

5. **KEY INFORMATION**

5.1 Site inspections are predominantly conducted by Development Committee, but could be undertaken by other committees or Full Council e.g. Licensing Committee in respect of tree preservation orders, or Council in relation to designation of sites within the planning policy framework. It is crucial that high ethical standards of behaviour are observed at site inspections and that they are conducted fairly and in accordance with rules of natural justice.

- 5.2 Where a site inspection is necessitated, it could relate to an application or matter that is contentious or invokes high levels of public interest. It is possible that members of the public may be in attendance at the site or in its vicinity at the time the site inspection is conducted. It is therefore important that the rules for the site inspection are clear and understood by all in attendance. In particular, it should be clear who can participate in the site inspection and the role that they are able to play.
- 5.3 The Council has for a number of years operated to arrangements which set out the procedure for the conduct of site inspections. These arrangements may vary dependant upon the type of application. Additionally, the Planning Protocol contains information on site inspections and the procedures to be applied. There is a need of greater clarity for these arrangements to avoid misunderstandings and to ensure that high ethical standards are maintained throughout. Members are invited to approve the form of guidance shown at Appendix 1 which seeks to address issues that are common to all site inspections.

6. **APPENDICES**

Appendix 1 – Guidance for the Conduct of Site Inspections

7. **BACKGROUND PAPERS REFERRED TO:**

None.

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Guidance For the Conduct of Site Inspections

Introduction

This Guidance applies to the conduct of all site inspections by members of Babergh District Council. It supplements and should be read alongside the Planning Protocol contained within Part 5 of the Council's Constitution in relation to development control site inspections.

Purpose of the Site Inspection

The purpose of a site inspection is for members to familiarise themselves with the site being inspected and for key features or impacts to be highlighted. The aim of the site inspection is to enhance the member's understanding of the matter under consideration. It is a visual assessment of the site and surrounding area. It is not a meeting of the Council or Committee concerned. As such, there is to be no discussion on the merits of the application or matter which has prompted the site inspection.

Who May Attend

Access to premises to conduct the site inspection is with the consent of the landowner (or other person entitled to give consent). The landowner is therefore entitled to be present at the site inspection and, unless invited by the Chairman to answer specific questions, may not otherwise contribute to the proceedings at the site inspection.

Subject to any conflict of interest, all Members and substitutes of the relevant Committee are entitled to attend. The local ward member is also permitted to attend*. Other Members may attend with the prior consent of the Chairman of the Committee (or Council, as appropriate).

Subject to any conflict of interest, 1 representative of the Parish/Town Council is also permitted to attend*.

The role of the ward member and parish/town council representative will be to provide any relevant factual local information which is not already apparent. The Chairman of the site inspection will invite such submissions after the Officer's presentation and once Members have had opportunity to ask questions.

The Officer with conduct of the application or matter which has prompted the site inspection will attend along with such other supporting Officers as the relevant Head of Service considers appropriate.

No other persons shall be permitted to attend unless and in exceptional circumstances the Chairman exercises his/her discretion to allow other persons to be present.

Procedure to be Followed

The Chairman of the relevant committee (or Council) will have conduct of the site inspection and will adopt such procedure as he/she considers appropriate having regard to the Council procedures and protocols.

Unless, the Chairman of Development Committee directs otherwise, the procedure to be followed in respect of planning applications will be as set out within the Planning Protocol.

If there is interruption or conduct which may affect the impartiality of the site inspection, then the Chairman may at any time bring the site inspection to a close.

Conduct at Site Inspections

Members will attend the site inspection in their official capacity and the Code of Conduct for Members will apply to their conduct throughout. A Member with a personal and prejudicial interest in the item when it is considered at a meeting of the Council, should not attend the site inspection.

In addition to the Code, both Members and Officers should adhere to the general principles of good governance set out below:-

- There should be no discussion of the application or matter that prompted the site inspection. Care is needed to ensure that Members and Officers do not have private discussions which could be perceived as a discussion of the merits of the application/ matter or engage in conversations that could be misconstrued.
- No views on the application or matter should be expressed. Members should not give any indication as to how they may vote.
- Members and Officers should stay together as a group at all times to ensure that all members receive equal information.
- Members and Officers arriving early at the site should not commence any part of the inspection before the inspection has been opened by the Chairman.
- The purpose of the site inspection is not to secure views on the application or matter and there should accordingly be no discussions with members of the public or other persons present who may seek to influence the Member's views.

*N.B items marked * do not apply to site inspections for Tree Preservation Orders and Licensing Act 2003 hearings without the prior consent of the Chairman*