

MARHAMCHURCH PARISH COUNCIL

Protocol for Dealing with Developers in respect of pre-planning developments

Communication between a developer and the parish council prior to submitting an application to the local authority has benefits for both parties. However, councillors should exercise caution when communicating with developers. Councillors must avoid creating the perception that they have predetermined their position about a proposed development.

Please refer to the following guidelines:

1. The developer must provide information affecting the parish area in writing.
2. Even if the developer considers that the information is sensitive, this will not require the council to treat it as confidential. If the developer identifies information that they consider is confidential, they must advise the council at the outset and provide written reasons. If the council consider there are legitimate reasons for confidentiality, they will keep a written record of the confidential and non-confidential issues.
3. Information held by local council about a proposed development is subject to disclosure under the Freedom of Information Act 2000.
4. Any views expressed are provisional because not all the information is available and any communication (informal or formal) between the developer and council, councillors or staff about a development will not bind the council to making a particular decision.
5. Informal meetings and telephone conversations between a developer and councillors or staff will be documented in writing and are subject to disclosure under FOI Act 2000. The Clerk will arrange and attend meetings with councillors and send a follow up letter. Details of any meetings and telephone conversations will be given at the subsequent parish council meeting.
6. Meetings of a parish council meeting are open to the public Section 1 (1) Public Bodies (Admissions to Meetings) Act 1960) and developers may attend.
7. The developer may not speak at a parish council meeting unless invited to address the meeting or has an opportunity to do so during the part of the meeting designated for public participation. Even if the developer deems the information to be confidential or 'sensitive' and does not wish the public to be present, it is the councillors at the meeting who will decide if there are grounds to exclude the public. A parish council may exclude the public, if publicity about a matter being considered would prejudice the public interest due to its confidentiality or for other special reasons and refer to Section 1 (2) Public Bodies.
8. The council may invite developers to attend a parish council meeting to present or discuss their proposed development affecting the parish area.
9. It is an offence under Section 1 Bribery Act 2010 for a developer or his agent to promise or give a financial or other advantage to a local council with the expectation of an improper consideration of a planning application. If the developer is an organisation, for example a charity or company, the council may request sight of the developer's anti-bribery policy. If any councillor is approached and offered a promise, a financial or other advantage, the details will be given at a subsequent parish council meeting.

Adopted Minute Reference

Date