

## **GUIDANCE ON THE ROLE OF COUNCILLORS IN PRE-APPLICATION PROCEDURES**

### **Report by the Head of Communities and Economy**

#### **1 Purpose of Report**

- 1.1 This report informs the Committee of the Scottish Government guidance entitled 'Guidance on the Role of Councillors in Pre-Application Procedures', published in February 2014, and recommends action arising from its content.

#### **2.0 Background**

- 2.1 Members will be aware of the information in respect of ethical standards in public life, the role of the Commissioner for Ethical Standards in Public Life in Scotland, and the Councillors' Code of Conduct. The new guidance, which is the subject of this report amplifies and provides greater detail on that part of the Code relating to planning matters (paragraphs 7.7 and 7.8 of the Code specifically refer). As the new guidance is a relatively short document, it is reproduced in full as an Appendix to this report.

#### **3.0 Summary of the Guidance**

- 3.1 Scottish Government is seeking to ensure a consistent approach across Councils whereby councillors can be confident in engaging at the pre-application stage on substantial development proposals whilst acting within the terms of the Councillors' Code of Conduct. Such early engagement enables councillors to be better informed, to identify key issues, and to assist officers in addressing these issues. In order to achieve this the Guidance recommends that each Council prepares procedures to ensure that councillors and others are clear about their roles and responsibilities; and that such procedures should be prepared as a matter of priority.
- 3.2 The Guidance provides the context of changes arising from the Planning etc. (Scotland) Act 2006 under which the front-loading of engagement becomes more significant. Knowledge of councillors' provisional views at an early stage provides more certainty and confidence with the avoidance of unexpected issues emerging at a late stage in the assessment of a planning application.
- 3.3 The Guidance identifies some key considerations for pre-application discussions, and key provisions for pre-application procedures, including reference to the nature of the type of forum which may be most appropriate for councillors to express their provisional views.
- 3.4 In addition to the preparation and adoption of procedures, the Guidance recommends authorities to "*consider the need for further councillor training so that members can demonstrate objective levels of competence in planning generally and in the pre-application and development management processes, in particular*".

## 4.0 Report Implications

### 4.1 Resources

Any costs can be covered from within existing allocated budgets.

### 4.2 Risk

If the recommendations of the Guidance are not followed, Members could be at risk of contravening the Councillors' Code of Conduct.

4.3 **Single Midlothian Plan and Business Transformation** : themes addressed in this Report; Business Transformation and Best Value.

4.4 **Impact on Performance and Outcomes** : the increased opportunity for councillor involvement on substantial prospective developments at an early stage provides for a more informed and effective planning process.

4.5 **Adopting a Preventative Approach** : the greater involvement of councillors at an early stage can ensure that the resources and focus of both the applicants and the Council's planning officers are most effectively directed.

4.6 **Involving Communities and other Stakeholders** : not directly relevant to this Report.

4.7 **Ensuring Equalities** : not directly relevant to this report, although any procedures that are prepared will need to be equalities compliant.

4.8 **Supporting Sustainable Development** : not directly relevant to this report.

4.9 **IT Issues** : None.

## 5.0 Recommendations

5.1 It is recommended that Committee:-

- i) notes the 'Guidance on the Role of Councillors in Pre-Application Procedures' published by the Scottish Government in February 2014 ;
- ii) instructs that a report setting out draft procedures for the role of Midlothian Councillors in pre-application matters be submitted to the next scheduled meeting of the Committee; and
- iii) consideration be given to arranging further training of Members on their role in pre-application matters.

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Background Papers: Guidance on the Role of Councillors in Pre-Application Procedures : Scottish Government : February 2014