

Greater London Authority

Planning Protocol for Staff Exercising Delegated Planning Functions

("Delegated Planning Functions Protocol")

1. Introduction

- 1.1 This document is for use by individuals exercising Mayoral powers concerning planning functions as delegated under the Mayoral Scheme of Delegation ("the Scheme"). It is adopted under section 27 of the Localism Act 2011 in order to ensure the highest standards of probity in planning.
- 1.2 This Protocol should be read alongside the GLA Code of Conduct ("the Code of Conduct") for the Mayor and for Members of the London Assembly and the Code of Ethics and Standards for Staff ("the Staff Code").

2. Definitions

- 2.1 In this Delegated Planning Functions Protocol unless the context otherwise requires:

"disclosable pecuniary interest" shall be interpreted in accordance with Part 2 of the Code.

"Statutory Officers" means the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer;

"Mayoral appointees" means staff appointed by the Mayor under section 67(1) of the Greater London Authority Act 1999 (as amended);

"Scheme" means the Mayoral Scheme of Delegation as published from time to time by the Mayor under sections 38 and 380 of the Greater London Authority Act 1999;

"planning functions" include anything done in furtherance of any Mayoral power concerning town and country planning including (where appropriate) the PSI Application Powers¹ by those Mayoral Appointees authorised to exercise those functions under the Scheme;

"planning matter" includes all matters arising under town and country planning legislation in which the Authority is involved, including the exercise of any planning functions by the Mayor or by staff of the Authority.

¹ These are the Mayor's power to call-in an application of potential strategic importance (PSI Application) on the basis that the Mayor is to be the local planning authority to determine the application, and to determine the Application under section 2A (1), (1B), 2A and 2B of the Town and Country Planning Act 1990. Under section 28 of the Growth and Infrastructure Act 2013 the Mayor can now delegate these two powers to staff appointed by the Mayor under section 67(1), GLA Act 1999. The Mayoral Scheme of Delegation, applicable from 1 November 2013, authorises the following members of staff to exercise either or both of these two powers: the Chief of Staff, the Deputy Mayor for Housing, Land & Property, the Deputy Mayor for Transport and the Deputy Mayor for Education & Culture, on the basis set out in that Scheme.

“Procedure for Representation Hearings” refers to the document required under section 2F of the Town and Country Planning Act 1990 (“the 1990 Act”, as amended) (as inserted by section 35 of the GLA Act 2007) attached as appendix 4 to the Code of Conduct;

“PSI Application Powers” means the functions of (1) giving a direction under section 2A (1) or (1B) of the 1990 Act that the Mayor is to be the local planning authority to determine an application of potential strategic importance (“PSI Application”); and (2) determining such an Application by virtue of section 2A or 2B of that Act, by those Mayoral Appointees authorised to do so by the Mayoral Scheme of Delegation.

3. Principles

- 3.1 Persons exercising planning functions shall conduct themselves, in relation to planning matters in accordance with the principles of public life as set out within Part 1 section 1(3) of the Code and shall in particular ensure:
 - 3.1.1 that all planning matters are considered solely on their merits;
 - 3.1.2 that no improper or undue influence is brought to bear by or on any of the persons to whom this Protocol or the Code of Conduct applies or on any other person including staff of the Authority in connection with any planning matter; and
 - 3.1.3 that proper and adequate reasons are published for your decisions.
- 3.2 Persons exercising planning functions shall not misuse any information gained in the course of their work in relation to planning matters for the Authority for personal gain or a political purpose, nor seek to promote their private interests or that of any connected persons, businesses or other organisation.

4. Declaration of a disclosable pecuniary interest

- 4.1 Persons exercising or advising on the exercise of planning functions shall declare any disclosable pecuniary interest with (1) the relevant planning legal advisor and (2) the Executive Director of Development Enterprise & Environment and/ or the Assistant Director of Planning.
- 4.2 Where such a declaration is made, that person shall not exercise the function to which it relates and shall decline to exercise the delegation.

5. Pre-determination & Bias

- 5.1 Persons exercising planning functions must avoid doing anything from which they could reasonably be regarded as having a “closed mind” as to the outcome of the decision.
- 5.2 Having taking legal advice from the planning legal advisor, if such persons consider that it is possible to reasonably regard themselves as having a closed mind as to that particular decision, the decision should be delegated to another appropriate person.

6. Pre-application/post submission discussions/Site visits

- 6.1 In the interests of open consultation persons exercising planning functions may, for the purpose of discussion and clarification only, agree to receive presentations on potential planning applications, or to have meetings with potential applicants or applicants, local authorities and other interested parties, provided that relevant Authority staff are also present, and:
 - 6.1.1 shall ensure that a note is kept and filed of any such meetings and placed on the website in the event of such an application being formally notified to the Mayor in due course;
 - 6.1.2 may seek to involve other interested parties in such meetings;
 - 6.1.3 shall ensure that no indication of opinion is given or a view expressed that may give the impression that a final view on the application/matter in question has already been reached; and
 - 6.1.4 shall ensure that discussions do not develop into negotiations and confirm that such meetings do not form part of the formal determination process.
- 7.2 Where any planning matter requires a site visit these shall be carried out in accordance with section 3 of the Procedure for Representation Hearings.

8. Breach of the Planning Code for delegation

- 8.1 A failure to comply with the requirements of this Protocol can be investigated, and disciplinary action may be taken, in accordance with the Authority’s Code of Ethics and Standards for Staff (as amended from time to time).

Dated: