

Greater London Authority
General Planning Protocol for Staff

(except those covered by the Delegated Planning Functions Protocol)

1. Introduction

- 1.1 This document is the General Planning Protocol for Staff in relation to the exercise of the planning functions and matters of the Greater London Authority (“the Authority”). It seeks to explain how staff, particularly those acting in support of those actually exercising statutory town and country planning functions (covered by the Delegated Planning Functions Protocol) should behave with regards planning matters, and provides guidance on expected standards of behaviour in relation to such matters and is adopted under section 27 of the Localism Act 2011 in order to ensure the highest standards of probity in planning.

2. Definitions

- 2.1 In this General Planning Protocol for Staff unless the context otherwise requires:

“the Code” means the Greater London Authority Code of Conduct (as amended from time to time);

“person(s) to whom this Protocol for Staff applies” means Head of Paid Service employees, workers, statutory officers, and Mayoral appointees (except those to whom the Delegated Planning Functions Protocol applies who are covered by that Protocol instead);

“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 Mayoral Scheme of Delegation (as amended from time to time);

“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 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 (as inserted by section 35 of the Greater London Authority Act 2007) attached as appendix 4 to the Code of Conduct.

3. Principles

- 3.1 Persons to whom this Protocol for staff shall apply shall conduct themselves, in relation to planning matters and functions 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 its decisions.
- 3.2 No person to whom this Protocol applies shall misuse any information gained in the course of their work in relation to planning matters for the Authority for personal gain or political purpose, nor seek to promote their private interest or that of any connected persons, businesses or other organisations

4. Declarations of interests

- 4.1 All persons to whom this Protocol applies shall, when advising on the exercise of planning functions, declare any interests and ensure that their register of interests with the Monitoring Officer is up to date, in accordance with the Authority’s Code of Ethics and Standards.
- 4.2 Where such persons have registered an interest as set out above and it is relevant to the matter that they are advising on, they must disclose and discuss the interest with their Director (or Assistant Director) who will decide whether they can continue to advise on the matter. Where this interest is held by a Director they must disclose and discuss their interest with their line manager.

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

- 5.1 In the interests of promoting the highest standards of development in Greater London and facilitating consultation on matters of potential strategic importance, the staff of the Authority may provide pre-application advice relating to planning matters of potential strategic importance to potential applicants in accordance with the procedures set out in the Authority’s pre-application advice service.
- 5.2 Before any discussion takes place it must be made clear that the advice given by officers does not constitute a formal response or decision by the Mayor (or any person to whom the Mayor may have delegated the function). Any views or

opinions expressed are without prejudice to the Mayor's (or any person to whom the Mayor may have delegated the function) formal consideration of the application.

5.3 In the interests of open consultation the Mayor (or any person to whom the Mayor may have delegated the function) may agree to presentations on potential planning applications or applications, or have meetings with potential applicants or applicants, local authorities and other interested parties, provided that relevant Authority staff are also present for the purpose of discussion and clarification only and Staff:

5.3.1 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;

5.3.2 may seek to involve other interested parties in such meetings;

5.3.3 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

5.3.4 shall ensure that discussions do not develop into negotiations and confirm that such meetings do not form part of the formal determination process.

5.4 Where any planning matter requires a site visit these shall be carried out in accordance with section 3 of the Procedure for Representation Hearings.

6. Pre-determination & Bias

6.1 If a person to whom this Protocol applies is to advise on a planning function or matter, he must not fetter his discretion by expressing an opinion on a proposal or planning application to the extent that this could be interpreted as having prejudged the outcome of a future decision.

7. Enforcement

7.1 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: