

Greater London Authority
Planning Code of Conduct for elected and co-opted Members of the Authority

1. Introduction

- 1.1 This document is the Planning Code of Conduct (“the Planning Code”) for the exercise of the planning powers of the Greater London Authority (“the Authority”), and is adopted pursuant to paragraph 5.69 of the Secretary of State's Guidance on the arrangements for Strategic Planning in London (GOL Circular 1/2008) and extended to cover not only the Mayor, but Assembly Members and co-opted Members of the Authority (“Members”). The Authority’s Monitoring Officer may make minor and consequential amendments to this Planning Code, as and when required.
- 1.2 The Planning Code sets out how Members and the Mayor should behave with regards planning matters in order to ensure that they comply with the Authority’s Code of Conduct, and provides guidance on expected standards of behaviour of Members and the Mayor in relation to such matters.
- 1.3 Any allegation of a breach of the Planning Code of Conduct will automatically be referred to the Monitoring Officer who will consider whether this is also a breach of the Authority’s Code of Conduct. The Monitoring Officer will make an initial assessment as to whether to refer the allegation to the Assessment Sub-Committee who will then decide how to deal with the allegation. The Monitoring Officer will provide regular reports to the Standards Committee about any allegations of breaches of the Planning Code of Conduct including those that have not been referred to the Assessment Sub-Committee.

2. Definitions

- 2.1 In this Planning Code, unless the context otherwise requires:

“the Mayor” includes the statutory deputy Mayor

“personal interest” and “prejudicial interest” shall be interpreted in accordance with the Code of Conduct.

“persons to whom this Planning Code applies” means:

- (1) the Mayor;
- (2) any Member of the Assembly;
- (3) any co-opted Member of the Authority.

“planning functions” include:

- preparing and publishing alterations to, or a replacement of, the spatial development strategy (known as “the London Plan”) under the Greater London Authority Act 1999, Part VIII;

- giving a written opinion whether a local planning authority's local development documents are or are not in general conformity with the spatial development strategy, under the Planning and Compulsory Purchase Act 2004, s.24(4) the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (SI 2000 No 1491) and the Town and Country Planning (Local Development) (England) Regulations 2004 (SI 2004 No 2204) (as amended);
- issuing directions to local planning authorities requiring amendments to Local Development Schemes under the Planning and Compulsory Purchase Act 2004, s.15 (as amended by the Greater London Authority Act 2007, s.30);
- reviewing applications of potential strategic importance notified by a local planning authority under the Town and Country Planning Act 1990, sections 73 and 74(1B) and the Town and Country Planning (Mayor of London) Orders 2000 and 2008 (SI 2000 No 1493 and SI 2008 No 580), and deciding whether to direct the refusal of planning permission;
- the giving of a direction to a local planning authority that the Mayor is to act as the local planning authority to determine an application under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 the determination of such applications and any connected applications and the determination of any reserved matter applications or applications for approval of details pursuant to applications granted by the Mayor;
- participating in a planning appeal following such a direction to refuse planning permission or where the Mayor has determined an application;
- responding as a statutory or non-statutory consultee when consulted on any planning application, and engaging generally in discussion regarding planning matters affecting Greater London.
- preparing and publishing additional guidance (such as supplementary planning guidance, opportunity area planning frameworks, best practice guides or implementation reports) to supplement the policies contained in the spatial development strategy.

"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 Authority.

- 2.2 Expressions defined by the Greater London Authority Acts 1999 and 2007 or by subordinate legislation made under these Acts shall have, unless the context otherwise requires, the meanings given by those Acts or subordinate legislation made thereunder.

3. Principles

- 3.1 The Mayor and Members of the Authority shall conduct themselves, in relation to planning matters in accordance with the highest standards of probity, openness and transparency, and shall in particular ensure:
- 3.1.1 that all planning matters are considered solely on their merits;
 - 3.1.2 the avoidance of bias and the appearance of bias arising from a personal interest;
 - 3.1.3 that no improper or undue influence is brought to bear by or on any of the persons to whom this Planning Code applies on any other person including staff of the Authority in connection with any planning matter;
 - 3.1.4 openness in its relations with all interested parties;
 - 3.1.5 transparency in its handling of planning matters;
 - 3.1.6 that any discussion about a specific planning proposal or planning matters generally does not prejudge or prejudice the formal exercise by the Authority of its planning functions;
 - 3.1.7 that proper and adequate reasons are published for its decisions;
- 3.2 No person to whom this Planning Code 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.
- 3.3 The Mayor and Members of the Authority should read the Planning Code together with the following principles:

Selflessness

You should only serve the public interest and should never improperly confer an advantage or disadvantage on any person

Honesty and Integrity

You should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

Openness

You should be as open as possible about your actions and those of your authority, and should be prepared to give reasons for those actions.

Leadership

You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

4. Declarations of interest

- 4.1 All persons to whom this Planning Code applies shall, when exercising or advising on the exercise of planning functions, declare any personal interest and prejudicial interest (as defined in the Authority's Code of Conduct) in any planning matter of which they are aware, in accordance with the Authority's Code of Conduct.
- 4.2 When any person to whom this Planning Code applies is subject to a party whip in relation to any planning matter, that person shall declare the existence of the whip and its nature.

5. Effect of a personal and prejudicial interest

- 5.1 Where the Mayor has a prejudicial interest, the Mayor shall not exercise the function to which it relates and shall delegate that function to an appropriate person. Where the Mayor is prohibited from delegating that function by statute, the function should not be exercised by the Authority.

6. Pre-determination

- 6.1 If the Mayor is to take a decision on a planning matter, he must not do anything from which he could reasonably be regarded as having a closed mind as to the outcome of the decision. If it is possible to reasonably regard the Mayor as having a closed mind, , the decision should be delegated to an appropriate person. There is no pre-determination by virtue of the Mayor taking over a planning application for his own determination, or by the Mayor doing anything (including expressing views or campaigning on planning matters) from which he could not reasonably be regarded as having a closed mind, or having predetermined, a future planning decision, application or matter.

7. Pre-application/post submission discussions

- 7.1 In the interests of open consultation the Mayor 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:

- 7.1.1 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;
 - 7.1.2 may seek to involve other interested parties in such meetings;
 - 7.1.3 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;
 - 7.1.4 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 The Mayor shall not automatically be precluded from exercising his planning functions, including assuming jurisdiction over an application, when one of the GLA's Functional Bodies has an interest in that function. The Mayor must, however, avoid any perception of bias or pre-judgement. The Mayor should actively consider whether it is necessary to delegate his planning function.

8. Role of the Assembly, its Planning Committee, co-opted Members and the Functional Bodies and the Code of Conduct

- 8.1 An Assembly Member who has a personal or prejudicial interest in an application of potential strategic importance shall declare that interest before making any representation to the Mayor, statutory Deputy Mayor or any other person exercising planning powers.
- 8.2 No Assembly Member shall participate in any discussion in the Assembly of the Mayor's decisions or actions in respect of any planning application in which he or she has either registered or declared an interest, unless the Standards Committee has granted the member a dispensation in accordance with the GLA's guidance and procedure for obtaining a dispensation which is attached.
- 8.3 If a Member is also a member of:
 - (i) a local planning authority and of a committee of that authority responsible for planning matters, or
 - (ii) the board of a Functional Body

they shall declare that membership as an interest when attending any meeting with the Mayor or any meeting of a committee or sub-committee of the Assembly regarding any application involving that authority or Functional Body.

9. Planning decisions

- 9.1 Upon an application of potential strategic importance being notified to the Authority all representations received shall be considered before any final decision on the planning matter is made.
- 9.2 All planning decisions shall be given in writing and shall include a proper and adequate statement of the reasons for the decision.

10. Accountability to the Assembly

- 10.1 The Mayor shall include a report on all planning decisions in his next Report to the Assembly.

11. Role of the Standards Committee

- 11.1 The Authority's Standards Committee shall have the functions of:
 - 11.1.1 promoting and maintaining high standards of conduct by the persons to whom this Planning Code applies and assisting them in its observance;
 - 11.1.2 monitoring the operation of the Planning Code;
 - 11.1.3 agreeing to any revision of the Planning Code;
 - 11.1.4 advising, training or arranging to train persons to whom the Planning Code applies on matters relating to the Planning Code.
- 11.2 The Authority's Standards Committee shall review the operation of this Planning Code within 12 months of its adoption and thereafter annually.
- 11.3 Any allegation about a potential breach of this Planning Code should be made to the Authority's Monitoring Officer who will consider whether this should be referred to the Assessment Sub-Committee which deals with complaints about breaches of the Authority's Code of Conduct.

Dated: