

Land and Property Committee Protocol

Introduction

This protocol sets out the practices and procedures that should be followed by Members and officers of the Land and Property Committee in relation to the matters set out below when dealing with matters relating to land and property.

All meetings of the Land and Property Committee will be conducted in accordance with Devon County Council's Constitution and Standing Orders and the Code of Practice for Land and Property Transactions.

Representation by and from the Public

There will be no right of public participation at meetings of the Land and Property Committee, although the Committee may at its discretion invite any person or persons to address it.

Members' Site Visits

Members' site visits shall only be held where the proposals are of such a nature that the Committee is confident that the value added justifies the visit. The prime purpose of the visit is for Committee members to fully understand the key considerations to be taken into account in determining the relevant proposal.

Attendance at site visits is by invitation only. The local County Councillor representing the Division will be invited to attend in all cases.

Site visits will be made for information gathering purposes only. This should be made clear to any person who happens to be present at the site, such as landowners or occupiers or adjacent land or property owners. An officer's report and recommendation(s) will be made to the next/future Land and Property Committee meeting.

Lobbying and Decision-Making

Lobbying is a normal and perfectly proper part of the political process. Interested parties may seek to influence a decision by an approach to their local Member or to Members of the Land and Property Committee.

However, such lobbying can lead to the impartiality and integrity of a Member being called into question. Committee Members who have been lobbied on proposals before the Committee must declare this before the matter is considered.

Committee Members are free to listen to any point of view about a proposal. Even though they may agree with a particular view, Members of the Committee should avoid expressing an opinion which may indicate they or the authority have reached a final conclusion on a proposal until all the relevant information, evidence and arguments have been put before them at Committee.

Members of the Land and Property Committee need to preserve their role as impartial decision-makers and should not give advice to interested parties regarding proposals they have made or intend to make.

Local Members

Local Members who are also Members of the Land and Property Committee may participate in the Committee debate on a matter in their division and will normally be able to vote on the application. The exceptions would be if the Member had a disclosable pecuniary interest or was pre-determined.

Whilst local Members may wish to ensure that a particular body of local opinion is heard by the Committee, and may reflect those views to the Committee, they should take care to avoid bias. Members of the Land and Property Committee need to take account of the expectation that a matter before the Committee will be determined in a transparently, open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision. To commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality.

A Member may voice their concerns publicly before a meeting but they should make it clear that they will not form a final opinion until they have considered all the information.

District, Parish or Town Council Membership

Being a Member of a District, Parish or Town Council that has expressed a view on an application does not prevent a Land and Property Committee Member reaching the same or a different view when the matter is considered. However the Member should approach the decision making process afresh and not express a final view in advance of the Committee meeting or act as a mere mouthpiece for another Authority. To do so could give an appearance of bias.