

Legal Protocol for dealing with developers in respect of pre-planning application developments (per NALC legal advice LCR Summer 2015)

- The developer must provide information about the proposed development affecting the Parish area in writing
- Even if the developer considers that information provided to a local council is sensitive, this will not require the council to treat it as confidential. From the outset, the developer must identify information they want to be treated as confidential and explain the reasons in writing. If the developer has a legitimate expectation for confidentiality about the proposed development, the council will keep a written record of the confidential and non-confidential issues.
- Information held by a local council about a proposed development is subject to disclosure under the Freedom of Information Act 2000.
- Communications (including informal and formal meetings) between the developer and local council (or with individual councillors and staff) about a pre-planning application development will not bind the council to making a particular decision. Any views expressed are, at best, provisional because not all of the relevant information will be available to the council and formal consultations will not have taken place.
- Informal meetings and telephone conversations between a developer and individual councillors or staff will be documented in writing and are subject to disclosure under the Freedom of Information Act 2000. Council staff will arrange and attend meetings between councillors and developers and in all cases will send a follow-up letter containing minutes of the meeting.
- The meetings of a local council and its committees are open to the public (Section 1(1) Public Bodies (Admission to meetings) Act 1960) and developers may attend.
- The developer may not speak at a council or committee meeting unless they are invited to address the meeting or have an opportunity to do so during the part of the meeting designated for public participation. The developer may regard information about the proposed development as either confidential or 'sensitive' and therefore not suitable for discussion at a meeting open to the public. However, it is the councillors at the council or committee meeting who will decide if there are grounds to exclude the public from the meeting when the proposed development is being discussed and considered. A local council or committee meeting may exclude the public if publicity about a matter being considered at the meeting would prejudice the public interest due to its confidentiality or for other special reasons (section 1(2) Public Bodies (Admissions to Meetings) Act 1960).
- The minutes of council, committee and sub-committee meetings which record the decisions made at them are available to all via the council's publication scheme, a requirement of the Freedom of Information Act 2000.

- The Council may invite developers to attend an assembly of the parish meeting, which is also open to the public (Section 1(1) Public Bodies (Admission to meetings) Act 1960), to present or discuss their proposals for a proposed development affecting the parish area.
- It is an offence under section 1 Bribery Act 2010 for a developer or his agent to promise or give a financial or other advantage to a local council with the expectation of an improper consideration of a planning application. If the developer is an organisation, for example a charity or company, the council may request sight of the developer's anti-bribery policy.