

ADVICE TO COUNCILLORS

30th June 2016

It is understood that debate and discussion at the City of Inverness Area Committee (1st July) is likely to focus on Members' views upon the continued support for the River Connections Project and in particular, the principle of the Gathering Place proposal.

In anticipation of such a debate taking place prior to any planning application for such a proposal and having been requested to provide advice to Members I would like to advise Members as follows:-

1. SPAC members who publicly state (or have already publicly stated) that they do not want this specific project to go ahead at all are at risk of being considered to be in breach of the Councillors' Code of Conduct (<http://www.gov.scot/Publications/2010/12/10145144/0>) if they then participate in determining any planning application for it. Such members will have effectively stated that they are opposed to this specific project (and its design), irrespective of its location. This opinion is likely to give cause to doubt their impartiality when it comes to determining a planning application for the proposal in a specific location.

2. Similarly, any SPAC member who publicly states unconditional support for the project (irrespective of choice of site) will be in the same position as a member in category 1 above.

3. SPAC members who publicly state that they wish to see this project continue subject to appropriate siting (to be subsequently considered at planning application stage) would not be giving such obvious grounds to doubt their impartiality at a future planning application stage. The Members would be well advised to make it very clear, however, that their support for the project being taken forward is entirely conditional upon appropriate siting being subsequently proposed. If they say (or have said) anything which might indicate they are not entirely open-minded on the siting issue, their impartiality might later be questioned.

Ultimately responsibility for ensuring compliance with the Code of Conduct is a matter for each individual Member to consider.