

Design Review Panel: Legal Issues

1. Conflict of Interest

Panel members and staff will be required to declare any conflict of interest in advance of meetings, based on either direct commercial interest or other non-commercial connections that might be considered by a third party. For example:

- Being involved in another scheme the proponent is putting forward for review.
- Being involved in a related project with bearing on the scheme being put forward for review.
- Being involved in a rival scheme.
- Involvement or member of another group which forms part of the scheme.
- Family relationship.

Any direct or indirect conflict of interest must be declared to the Design Review staff team. A decision will then be made by the Design Review Manager and the Chair as to whether the panel member should attend the meeting in question or not. Panel members' interests which have been declared will be recorded in the notes. Panel members may attend as part of the presenting team, however not any other part of the same meeting in their capacity as a panel member.

2. Confidentiality

The Design Review Panel undertakes to use its best endeavours to hold in confidence any information provided in the Design Review, subject to its obligations under law, including the Freedom of Information (Scotland) Act 2002.

Schemes that are received prior to a planning application being submitted will be dealt with in confidence until such a time as an application is received or the client/agent requests it be made public. The panels' comments regarding confidential schemes will be disclosed only restricted to the design team, the client, the Local Authority and the Design Review Panel members.

This information will be considered to be in the public domain and to be used in the decision making process when an application has been received.

3. Reserved Rights

The right to release comments on confidential schemes is reserved in the following circumstances:

- When the comments / views of the panel have been misrepresented.
- At a Public Inquiry.
- As a result of a valid Freedom of Information request.

Views expressed in the written letter of advice will not be attributed to individual panel members. Wherever possible the advice will be made available to the public.

Advice is given in confidence only where requested by the applicant and as part of the pre-application process.