GUIDANCE ON RACIST & OFFENSIVE PLANNING REPRESENTATIONS

That a designated officer be appointed to determine whether correspondence is racist or offensive. This officer will be Development Management and Building Control Manager.

Responsibility for identifying potentially racist or offensive material lies with the appropriate case officer. Any letter that seems to contain racist material should always be referred to the designated officer for action.

The designated officer should confirm whether or not the letter is racist or offensive. If the letter is racist, and contains no material planning consideration, the officer should return the letter to the writer explaining that it is unlawful and cannot be considered. Offensive correspondence of the same nature should similarly be returned on the basis that the Council will not accept such representations. Receipt of such representations should not be identified in any planning application committee report as they are not material.

If the letter is racist, but also contains material planning considerations, the officer should return the letter to the writer because of its unlawful racist content, explaining that if the writer wishes the valid material planning considerations to be put before committee, they must write again, dealing only with these valid planning matters. If the writer fails to do this, and if the original letter raises a material planning consideration that is not already covered in the officer's report, the officer should raise it at the meeting and have it minuted to make sure that the objector cannot challenge the committee’s decision. A similar procedure should be adopted for offensive letters.

If certain people persist in making representations that the authority regards as racist, the matter should be referred to the Equality & Human Rights Commission or the police. However, the Commission has a role only in instances where there is a pressure to discriminate, or where actual discrimination on racial grounds has taken place or is likely to take place. Representations that are deemed to be offensive, abusive, insulting, threatening or inciting racial hatred are matters for the police.