



Design South East Expert Panel

Terms of Reference and Code of Conduct

June 2023

Design South East Expert Panel

Terms of Reference and Code of Conduct

June 2023

Terms of Reference

Introduction

The first part of this document explains the background to the Design South East Expert Panel and how it operates. The second part sets out how we expect panel members to conduct themselves. This document is applicable from 1st April 2023 and refers to the Design South East Expert Panel but will also be used for all local and project panels managed by Design South East.

In this document reference to 'Panel' (with a capital 'P') is used to signify the large pool of experts that Design South East engages to support its work whereas 'panel' (with a lower-case 'p') signifies the small group of Panel members attending a design review meeting.

About the Design South East Expert Panel

1. Background

The Design South East Expert Panel has evolved from the South East Design Review Panel originally established by the South East England Development Agency and Kent Architecture Centre (now Design South East) in 2002. At that time there was a national hierarchy of design review with the non-departmental Government agency CABE reviewing schemes of national significance and regional panels reviewing those of regional significance. With the demise of CABE as a Government body after 2010 that hierarchy disappeared and Design South East now reviews schemes of all sizes. The work of Design South East has also expanded to include design surgeries, advice, assessments, training, workshops and charrettes. Panel members play a role in all of this work and Panel expertise is a key part of the Design South East offer.

Design South East is now one of the leading and fastest growing providers of design review and other design advice services in the UK. Design South East has the potential to operate anywhere in England, or beyond, but we generally do not operate in areas where there is a regional or local panel providing a comparable quality of service. This means that our current principal area of operation is the South East, East of England and London.

2. Objective

The objective of the Panel is to support Design South East to raise the quality of development in the built environment. This objective is principally achieved through design review, but Panel members also assist Design South East with design advice for local authorities, training, design workshops and charrettes.

As an independent charity Design South East operates in the public interest. However, we believe that our objectives are most easily achieved if all parties to the development process

can achieve their own particular objectives. If the advice we provide is perceived to be helpful to all parties, it is more likely to be followed. We therefore above all promote a constructive and collaborative approach to discussions about the future of buildings, spaces and places.

3. Panel Members

The Design South East Panel of experts includes distinguished and experienced built environment practitioners. All have a commitment to improving the quality of buildings and public spaces in our cities, towns and villages. The Panel has a chair and a number of vice-chairs. Local panels managed by Design South East also have their own chairs and vice-chairs. These members provide the chairs for panel meetings.

4. Role of Design Review

Design South East's design review service provides timely, expert and independent design advice to local authorities, developers and design teams through a discursive process of critical appraisal of development proposals. Design South East design panels review a wide range of development proposals, from large town centre sites and urban extensions to sensitive rural development. Design review panels consider schemes following procedures and guidelines which have been developed by Design South East. While the design review panels are purely advisory, the National Planning Policy Framework states:

‘In assessing applications, local planning authorities should have regard to...any recommendations made by design review panels.’

This means that any comments from a panel will be given due weight by planning officers and planning committees and may be referred to by planning inspectors at appeal.

5. Scheduling of Design Review Meetings

Design South East will manage the operation of design review. At each design review meeting the panel will generally be composed of a chair and four other members. This number of panel members may be increased for very significant and complex schemes or reduced for follow-up reviews. Design South East will select appropriate and available members with relevant skills to sit on each design review panel. The panel chair is drawn from a group of experienced Panel members who have been selected to perform this role.

Design South East will establish a schedule of design review meetings and allocate Panel members to those meetings according to their availability and to achieve an appropriate mix of expertise. If no schemes come forward for these dates they will be cancelled, and panel members will be informed that they are not required with a minimum of seven days' notice. In addition, there may be a need to arrange a design review meeting outside the schedule of meetings. In these cases, a call will be issued to Panel members for the date in question and a panel will be selected according to availability and expertise.

In some cases, where a particular mix of skills is needed to review a particular scheme, the membership of a scheduled panel may be changed. Design South East will attempt to do this at no less than seven days' notice.

Each panel will be attended by a panel manager drawn from the Design South East's team of Design Advisors.

6. Organisation of Design Review Meetings

For each proposal considered by a panel, briefing information will be sent to the panel in advance of the meeting. The information generally includes a copy of the form submitted by the organisation requesting the review (normally the applicant), a selection of plans, sections and elevations and location plan. Additional briefings may be produced by Design South East staff or the local authority if necessary. Panel members are expected to familiarise themselves with this material in advance of the panel meeting.

Most design review meetings will follow the following format:

- A visit to the site of the proposed development (Design South East design reviews will always include a site visit unless the scheme has already been reviewed by the panel)
- A briefing from the local authority on the planning background
- A presentation from the team proposing the development (normally the architect, but sometimes also the client, planning consultants, landscape architects). Design South East does not specify what form that presentations should take.
- Questions for clarification from the panel
- Comments from the panel
- A summary by the chair of the panel's advice

Occasionally this format may change to meet the needs of a particular scheme or when undertaking follow-up reviews. Design South East is committed to allowing sufficient time in its reviews for proposed developments to be fully considered by the panel.

7. Feedback from Design Review

Following the panel meeting, the panel manager will prepare a draft report commenting on the design qualities and implications of the proposal and recommending opportunities to improve its design quality. This draft report will be circulated to the chair and panel members for comments and a final version will be drafted by the panel manager. Members of the panel should respond quickly so that the final report can be agreed within the deadline. The report should reflect the content of the meeting and not contain matters that were not covered in the meeting. However, where the panel makes comments of a general nature the panel manager may support these with specific examples or provide details of how recommendations might be implemented. When the draft is circulated, the panel members have an opportunity to say if they consider anything added by the panel manager is inappropriate.

Once agreed the report will be circulated to all attendees. We aim to do this within 10 working days of the meeting. The aim of the report is to assist and encourage the potential to achieve high quality design.

At the pre-application stage the Panel's advice is generally considered to be offered in confidence and as such will not be made public. When we review a scheme, which is the subject of a submitted planning application, the contents of the report are considered as a comment on the planning application. As such it will be available to the public and the planning committee and will be regarded as a material consideration.

8. Other Design Advice Services

Panel members may be called upon to support Design South East by participating in:

- direct advice to local authorities (for example at design surgeries where several smaller schemes are considered)
- training events for local authorities and other clients
- design workshops and charrettes

The role of panel members in such meetings is to provide expert advice and creative thinking.

9. Schemes Submitted to Design Review by Panel Members

Panel members are encouraged to submit, or encourage their clients to submit, schemes in which they are involved. They may attend meetings as part of a team presenting a project, however they should not join in any other part of the same meeting in their capacity as a Panel member. Panel members' interests will be documented in the letter and recorded.

Code of Conduct

10. Nolan principles

Panel members are expected to act in the public interest and adhere to the seven Nolan Principles of Public Life.

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reason for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

11. Panel member behaviour

Panel members are expected to carry out their role in a polite and courteous fashion at all times and in a way that reflects Design South East's constructive and collaborative approach. They should:

- show respect to the team presenting their scheme to design review and all others present (for example by acknowledging their commitment and the work they have done so far),
- remain calm and polite and not dominate discussion, speaking when they have the chair's permission to do so,
- remain attentive to the main discussion in the room,
- refrain from focussing too heavily on any one topic,
- maintain a balance in their comments between criticism of the scheme or the design process and specific design advice to improve it,
- recognise that some aspects or details of the scheme under consideration may be difficult to change, and therefore not spend excessive time discussing them.

12. Conflicts and Declarations of Interest

It is important that members of the Panel avoid any conflict of interest that might arise from schemes they consider. Details of the projects to be reviewed will be provided up to a week prior to meetings and panel members will be expected at this stage to declare any direct or indirect interests in the project.

Panel members should not participate in reviews or provide advice where they have an interest. Conflicts of interest will be recorded on the relevant design review report and a record kept by Design South East. Examples of conflict of interest may include:

- being personally or professionally involved with the proposal under review
- having a strong association with one or more of the firms submitting the proposal
- being involved with a property or proposal which will be strongly affected by the proposal under review
- having objected or otherwise commented on the proposal in a public forum

The above is not an exhaustive list and potential conflicts will be considered on a case-by-case basis by the Design South East team. Where the potential conflict is questionable, the panel

manager may consult with the proposing team and local authority to establish whether they are content to proceed with the panel member in question.

In some cases, panel members may have a connection with the scheme presented or firms presenting which is not considered strong enough to create a conflict. Such a connection and the decision that it did not constitute a conflict will be noted in the report.

13. Confidentiality

Panel members are required to maintain strict confidentiality regarding:

- any information supplied regarding schemes considered at design review or for design advice,
- discussions that may take place, formal or informal at design review or advice meetings,
- the contents of the panel report (unless for a submitted planning application),
- any other information, discussions or reports in respect of any other Design South East activity where it is stated or implied that confidentiality is required,
- any information, likely to be considered confidential, that they come across in the course of their role.

Confidentiality must be respected before and after reviews and other events have taken place. If in doubt about any issues of confidentiality, please refer to the Design South East Head of Design Advice or the relevant panel manager.

14. Promotion of Panel Members own Business

While it is accepted that in undertaking work for Design South East, Panel members are enhancing their reputations and public profiles, they should not use such participation to directly promote their own business interests. Approaches should not be made to people attending design reviews, surgeries, training events, workshops or charrettes, before, during or immediately after such meetings to canvass for work.

Panel members should refrain from behaviour which while not directly ‘pitching for work’ could be interpreted as such. For example, talking about their expertise or their success with particular types of projects. The prestige and expertise of Design South East Panel members should speak for itself, and Panel members should not feel they have to justify their right to their opinions, however provoked.

From time-to-time clients, local authorities and others attending Design South East reviews, advice and training events may approach Panel members independently to seek to engage them. Such approaches should be notified to Design South East. Generally, Design South East will not object to panel members taking on such work. However, Panel members should not take on work which would normally be undertaken by Design South East itself or when taking on such work would damage the reputation of Design South East. Rather, panel members should encourage further engagement with Design South East (for example suggesting follow-up activity and promoting the uptake of design review).

15. Responses and attendance

Panel members are required to respond promptly to correspondence from Design South East and to punctually attend all reviews and other meetings they have been scheduled for. At least 7 days' notice should be given if panel members need to withdraw from any review or other event.

16. Breach of Code of Conduct

If any Panel member is deemed to have breached this Code of Conduct the Head of Design Advice or Director will discuss the matter with them. Design South East reserves the right to suspend or remove a Panel member from membership if they consider a breach of the Code of Conduct, or series of breaches, to warrant it.

Any Panel member should alert the Head of Design Advice or Director of Design South East if they become aware of a breach of the Code of Conduct by raising the issue with them either at the time or immediately after the incident.

Design South East Limited
70 Cowcross Street
London
EC1N 6EJ

T 01634 401166
E info@designsoutheast.org
designsoutheast.org

© Design South East 2023