

**Rules of Procedure**  
**The Central Planning Authority &**  
**The Development Control Board**

**Chapter II: Authority, Purpose and Scope**

**1. Authority, Purpose and Scope**

- 1.1 **Authority.** These rules (the “Rules”) are adopted by the Central Planning Authority of the Cayman Islands (CPA) and the Development Control Board (DCB) pursuant to the provisions of Schedule 1, paragraph 10 of the Development and Planning Law (2015 Revision).
- 1.2 **Purpose.** The purpose of these Rules is to establish a reasonable and consistent process for the CPA and DCB to consider, hear and act upon certain regulatory matters under The Development Plan 1997, the Development and Planning Law (2015 Revision) and the Development and Planning Regulations (2015 Revision). The Rules are intended to ensure fair and impartial treatment of each matter being considered; and promote the orderly and efficient conduct of public proceedings convened to decide matters before the CPA and DCB.
- 1.3 **Scope.** These Rules apply to the CPA’s and DCB’s conduct of hearings on maintenance of land notices and any application for planning permission and modifications thereto. The CPA and DCB may, in its discretion, apply these Rules to the conduct of other matters.

**Chapter II: Definitions**

**2. Definitions**

2.1 **Applicability.** In these Rules the following definitions apply,

**2.2 Definitions.**

2.2.1 **“Applicant”** means a person that has submitted an application for planning permission or to modify planning permission pursuant to Sections 15(1) and 17(1) of the Development and Planning Law (2015 Revision).

2.2.2 “**Application**” means an application for planning permission or to modify planning permission pursuant to Sections 15(1) and 17(1) of the Development and Planning Law (2015 Revision).

2.2.3 “**Chairman**” means the Chairman of the Central Planning Authority or the Development Control Board or another member of the Authority or Board presiding in that capacity.

2.2.4 “**Day**” means a calendar day.

2.2.5 “**Objector**” means a person that has lodged an objection to an application for planning permission or to modify planning permission and who has lawfully lodged the objection in accordance with the provisions of the Development and Planning Law (2015 Revision) and the Development and Planning Regulations (2015 Revision)

### **Chapter III: Conflicts of Interest and Ex Parte Communications**

- 3.1 **Public Ethics Policy.** To promote confidence and trust in the conduct of public business, members of the CPA and DCB must, at all times and in all respects, observe an affirmative obligation to disclose an actual, apparent or potential conflict of interest pertaining to any application or alleged violation that is subject to the CPA’s and DCB’s jurisdiction and to this end, the CPA must adhere to the Conflict of Interest Guidelines first adopted on June 20, 2007.
- 3.2 **CPA’s and DCB’s Obligation to Avoid Improper Contacts.** When considering any matter decided under these Rules, the CPA and DCB deal with persons who are directly affected by its decisions (such as applicants and objectors). Each of these persons needs the assurance that other interested persons will not have an unfair advantage in presenting their version of the relevant facts or concerns to the CPA or DCB. To that end, the CPA and DCB members must avoid communicating with applicants or any other person about a pending application except at CPA and DCB meetings when the application is considered.
- 3.3 **Prohibitions.** If the CPA or DCB finds that any person has intentionally communicated or attempted to communicate with a CPA or DCB member in violation of this Rule, the CPA or DCB may impose an appropriate sanction, including adjournment of the CPA’s or DCB’s action concerning the application for a period of up to 6 months or exclusion of any testimony by the person from the record of the matter to which the prohibited communication pertained.

- 3.4 **Disclosure of Unsolicited Communications.** If a CPA or DCB member receives unsolicited communications about a pending application or alleged violation outside of a CPA or DCB meeting, the member must disclose and describe the communications at the earliest opportunity during the CPA's or DCB's consideration of the application.
- 3.5 **Scope of Rule.** Nothing in this Chapter applies to or otherwise restricts any member of the CPA or DCB from communicating with any other CPA or DCB member, Department of Planning staff member, or CPA/DCB legal counsel for the purpose of obtaining information or advice. This Chapter also does not restrict any CPA or DCB member from communicating with any third party in connection with any matter other than an application or alleged violation covered by these Rules.

#### **Chapter IV: Rules of Procedure for Public CPA and DCB Meetings**

- 4.1 **Notice of Meetings.** The CPA and DCB Meeting Schedules for each calendar year are posted on the Department of Planning's website. The Agenda for CPA and DCB meetings will be posted on the Department of Planning's website on the Friday preceding the CPA and DCB meetings. Applicants and Objectors to an application will be invited in writing to a scheduled CPA and DCB meeting a minimum of 14 days prior to the meeting.
- 4.2 **Public Attendance.** CPA and DCB meetings are open to the public and media. Persons from the public and media may listen to and observe the meeting proceedings, but they may not speak or submit any documentation. Audio and video recording of the proceedings of a CPA and DCB meeting is prohibited.
- 4.3 **Order of Events.**
- 4.3.1 The Chairman of the CPA or DCB will open the meeting. If there are members of the public or media in attendance, they will be invited into the CPA or DCB meeting room and will be advised of rule 4.2.
- 4.3.2 The CPA or DCB will review the minutes from the previous CPA or DCB meeting(s) and upon satisfaction that the minutes are accurate and complete, will confirm the minutes of those meetings.
- 4.3.3 The CPA or DCB will review and consider the applications on the CPA or DCB Meeting Agenda and this will include presentation of the applications by the Executive Secretary or his delegate.

4.3.4 For applications with scheduled appearances, the applicants and objectors, if any, and their representatives will be invited into the CPA or DCB meeting room. The applicant will be asked to provide testimony within a time limit of 10 minutes. The objectors may then provide testimony within a time limit of 10 minutes. If there are multiple objectors, it is the CPA's and DCB's preference that, if possible, one person be assigned to speak for the remaining objectors. The applicant will then have an opportunity to address any matters raised by the objectors within a time limit of 10 minutes. At all times, discussion from all parties must be directed through the Chairman.

4.3.5 Written documentation not contained in the CPA or DCB meeting Agenda will not be allowed to be introduced by any party at the meeting.

4.3.6 Upon considering all applications on the CPA or DCB Agenda, any persons from the public or media and any remaining applicants or objectors and their representatives will be asked to leave the CPA or DCB meeting room. This will conclude the public hearing portion of the CPA or DCB meeting. The CPA or DCB members will then revisit each application on the CPA or DCB meeting agenda and will render a decision on each application.

4.3.7 Upon all applications having been heard and any other matters addressed, the Chairman will declare the meeting to be closed.