

Corporate Governance and Standards Committee Report

Ward(s) affected: All

Report of Director of Finance

Author: John Armstrong

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Matt Furniss

Tel: 07891 022206

Email: matt.furniss@guildford.gov.uk

Date: 28 March 2019

## **Review of Probity in Planning – Local Code of Practice**

### **Executive Summary**

The Probity in Planning - Local Code of Practice document (see Appendix 1) has not been reviewed for some time and has been included as a part of the ongoing review of the Council's Constitution. The document provides guidance for councillors and officers on their role and conduct in the planning process. The guidance includes how councillors and officers should manage contact with applicants, developers and objectors or supporters. The purpose of the guidance provided in the document is to ensure that decisions made in the planning process are not biased and are taken openly and transparently, and based on material planning considerations only.

During the review, officers have undertaken a comparison process between the existing document and other councils' local codes published more recently. The Planning Development Manager, the Principal Planning Solicitor and the Monitoring Officer have reviewed the document. During the course of this process, it was suggested that the updated Probity in Planning - Local Code of Practice could be amalgamated with other relevant information in respect of the determination of planning applications, including how the Planning Committee operates in that regard, and published as a 'Probity in Planning Councillors' Handbook', which will be very useful for all councillors, particularly those newly elected following the Borough Council Elections on 2 May 2019.

The draft Handbook is attached as Appendix 2 to this report.

The report will be referred initially to the Planning Committee on 27 March 2019, and any comments from that Committee will be reported to this Committee. Full Council will be invited to consider adoption of the Handbook at its meeting on 9 April 2019.

**Recommendation to the Committee:**

**Recommendation to the Committee:**

That the 'Probity in Planning Councillors' Handbook' attached as Appendix 2 to this report be

commended to full Council on 9 April 2019 for adoption.

Reason for Recommendation:

To provide up to date and fit for purpose Probity in Planning guidance to councillors and officers, together with other relevant information on the planning process at the Council in a helpful handbook for councillors.

**1. Purpose of Report**

1.1 The purpose of this report is to set out why the Probity in Planning – Local Code of Conduct has been reviewed, the process of the review and the changes that have been made in draft to include other relevant information in respect of the planning process into a helpful Councillors' Planning Handbook. This report asks the Committee to commend the Handbook to full Council for adoption.

**2. Strategic Priorities**

2.1 Place-making. The Council, as the local planning authority, has a key role in local development, redevelopment and implementation of the Local Plan in line with legislation and the National Planning Policy Framework. The Council must ensure that councillors and officers are properly supported with fit for purpose guidance that can provide confidence in the decision-making process and reassurance to local residents and businesses.

**3. Background**

3.1 Probity in Planning guidance is provided by all local authorities and it normally sits within councils' constitutions. There is no statutory requirement to provide such codes of practice, but it is good practice to have accessible, up to date guidance available to all decision makers. The guidance should be read alongside the Councillors' Code of Conduct, the Code of Conduct for Staff and the Protocol on Councillor/Officer Relations.

3.2 The Council's Probity in Planning – Local Code of Practice has not been reviewed or updated for some time. It does not, for example, include guidance for councillors on bias, predetermination, and predisposition.

3.3 The review to date has involved a comparison process between the existing Local Code of Practice document (Appendix 1) and a number of other councils' local codes which have been published recently.

3.4 As the draft Probity in Planning document developed in terms of themes and information, it was suggested that it might be useful to councillors and officers to have all information and guidance related to the planning decision-making process in one place, in the form of a 'Handbook'. This will be useful for all councillors, particularly those newly elected following the Borough Council elections in May, especially those who are appointed to the Planning Committee. A copy of the draft 'Handbook' is attached as Appendix 2.

#### **4. Consultations**

- 4.1 The Planning Development Manager, the Principal Planning Solicitor and the Monitoring Officer have reviewed this draft version.
- 4.2 As stated above, the 'Handbook' will be a useful tool for all councillors, but as it is directly relevant to the planning process and the operation of the Planning Committee, it was considered appropriate that that Committee was afforded the opportunity of being consulted on it. Any comments arising from the Planning Committee's consideration of the report will be reported to this Committee at its meeting.
- 4.3 The draft 'Handbook' is now before this Committee for comment and feedback. The Committee is asked to commend the adoption of the Handbook to full Council on 9 April 2019.

#### **5. Equality and Diversity Implications**

- 5.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies
- 5.2 There are no equality and diversity implications arising from this report

#### **6. Financial Implications**

- 6.1 There are no immediate financial implications arising from this report; however, it is of vital importance that councillors and officers operate under the guidance issued in the Planning in Probity document so as not to expose the Council to awards of costs resulting from poor decision-making.

#### **7. Legal Implications**

- 7.1 The legal implications are set out in the draft Handbook.

#### **8. Human Resource Implications**

- 8.1 There are no human resource implications arising from this report

#### **9. Summary of Options**

- 9.1 The Committee may recommend that the existing Probity in Planning – Local Code of Practice be retained if councillors consider it remains fit for purpose.
- 9.2 The Committee may submit the matter back to officers for further revision if it considers it is still not fit for purpose after the recent review.
- 9.3 The Committee may commend the Probity in Planning Councillors' Handbook' to full Council for adoption.

#### **10. Background Papers**

Probity in Planning documents from the following local authorities:

- Broadland District Council
- Manchester City Council
- Rother District Council

'Probity in Planning for councillors and officers', Local Government Association and the Planning Advisory Service 2013

## **11. Appendices**

Appendix 1: Current Probity in Planning – Local Code of Practice

Appendix 2: Proposed Councillors' Planning Handbook