

Corporate Governance and Standards Committee Report

Ward(s) affected: All

Report of Strategic Services Director

Author: Carrie Anderson

Tel: 01483 444078

Email: carrie.anderson@guildford.gov.uk

Lead Councillor responsible: Joss Bigmore

Tel: 07974 979369

Email: joss.bigmore@guildford.gov.uk

Date: 28 July 2022

## **Protocol for Informal Presentations to Councillors relating to Development**

### **Executive Summary**

The Council often receives approaches from external parties who are generally commercial developers wishing to present early development concepts to councillors as a type of consultation exercise. Such presentations are mutually beneficial and allow councillors to understand proposals well before the pre-planning application phase. On occasion, the Council itself might be the developer or working in partnership with one of those parties. The Council's existing Probity in Planning Handbook is silent on the matter of commercial presentations.

As the Local Planning Authority, it is important for the Council to demonstrate full transparency regarding such presentations to both reassure the public there are no 'behind doors agreements' and to protect councillors with regard to probity and proper practice. It is also important that every presentation is organised and delivered in the same way so as to assure equality of opportunity to present by third parties. Helpfully, a protocol can be shared with a developer so that the Council's requirements are clearly understood by all in advance.

Consequently, a draft protocol has been drawn up under the supervision of the Corporate Governance Task Group to set out how all requests from third parties can be received and organised. The draft protocol, as a member approved document, also provides guiding principles for officers and councillors to turn to when it is considered that it would be inappropriate for a commercial presentation to take place. A copy of the draft Protocol is attached as **Appendix 1** to this report.

Depending upon the Committee's consideration, the protocol might be either a standalone document or perhaps more suitably as an annexe to the Probity in

Planning Handbook which is itself presently under review by the Corporate Governance Task Group. If approved by the Committee as a standalone document the protocol would be presented to the Executive for approval on 25 August; however, if approved as an annex to the Handbook the protocol would, in addition to Executive consideration, be submitted to Full Council on 11 October together with the outcome of the review of the Handbook, for final approval.

**Recommendation to Committee:**

The Committee is asked to review the draft protocol, make comments and indicate if it should be a standalone document or an annex to the Probity in Planning Handbook.

Reason(s) for Recommendation:

To provide guidance on how to deal with requests from external parties to make commercial presentations to councillors in respect of developments well in advance of the pre-planning application stage.

**Is the report (or part of it) exempt from publication? No**

**1. Purpose of Report**

1.1 This report presents the work of the Corporate Governance Task Group which has produced a draft protocol for the Committee to consider.

**2. Strategic Priorities**

2.1 Our values - we will ensure that our councillors and staff uphold the highest standards of conduct.

**3. Background**

3.1 It is important that the process and procedures relating to councillor involvement in pre-application and pre-decision discussions on proposed developments are clearly understood by councillors, officers, and the public and that such discussions are subject to good governance.

3.2 In September 2021, the Strategic Services Director and the Service Delivery Director raised a concern that there was no one point of contact for developers and no agreed procedure to be followed for commercial presentations to councillors. At the time, requests were being made to individual councillors and the directors themselves with varying arrangements being made.

3.3 Democratic Services officers were consulted, and it was proposed that the Chairman of the Corporate Governance Task Group be approached with regard to developing a protocol.

- 3.4 With the agreement of the Chairman, the protocol was added to the Task Group's work programme.
- 3.5 The Corporate Governance Task Group is a cross-party group reporting to the Corporate Governance and Standards Committee, made up of the following councillors:
- Councillor Deborah Seabrook (Chair)  
Councillor Nigel Manning  
Councillor Ramsey Nagaty  
Councillor Will Salmon  
Councillor James Walsh  
Julia Osborn (co-opted parish representative on the Corporate Governance and Standards Committee)  
Murray Litvak, (co-opted independent member of the Corporate Governance and Standards Committee)
- 3.6 Other councils have adopted similar commercial presentation protocols and the draft attached at **Appendix 1** is a model version that has been adapted by the Task Group as suitable for Guildford. Please see the 'Background Papers' section for other examples.

#### **4. Consultations**

- 4.1 The Corporate Governance Task Group members have consulted on the draft protocol as it was developed via the political groups.
- 4.2 The Executive has been consulted by email, and an early draft, together with the comments of the Strategic Services Director and Service Delivery Director, was considered by the Executive/Management Team Liaison Group. Their comments, which were incorporated into a re-drafted version of the Protocol, were referred back to the Task Group on 19 July 2022, for further consideration.

#### **5. Key Risks**

- 5.1 The risk for the Council as the Planning Authority is that an application later in the application process could be challenged unless all presentations are evaluated and organised following good governance.
- 5.2 Individually, councillors should understand the principles of probity in planning, adhere to [Section 25 of the Localism Act 2011](#) and not pre-determine their position.

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

- 6.1 There are no financial implications arising from this report.

## **7. Legal Implications**

- 7.1 There is no legal requirement to have a protocol, but it is considered good practice to have one. The purpose of the protocol would be to mitigate the risk of a future challenge during the planning application stage.

## **8. Human Resource Implications**

- 8.1 Aside from a requirement for the appropriate officers to attend an additional evening session, there are no HR implications arising from this report.

## **9. Equality and Diversity Implications**

- 9.1 There are no relevant equality and diversity implications arising from this report.

## **10. Climate Change/Sustainability Implications**

- 10.1 There are no relevant equality and diversity implications arising from this report.

## **11. Summary of Options**

- 11.1 The Committee is advised that the matter of commercial presentations ought to be addressed somewhere in planning guidance as a matter of good governance. The Committee is invited to take a view as to whether this should be as a separate protocol or as a section (or annex) in a revised Probity in Planning Handbook.
- 11.2 The Corporate Governance Task Group agree that the Handbook should be the overarching document setting out guidance on planning procedures and roles and responsibilities for councillors and officers who are involved in planning discussions, plan making and determining planning applications. It could be argued therefore that the protocol should be referenced in the Handbook and appended to it.

## **12. Conclusion**

- 12.1 Currently the Council's Probity in Planning Handbook is silent on the matter of commercial presentations. The Handbook is under review by the Task Group and a section might be included to cover this matter. However, a separate protocol that can easily be accessed and shared with councillors and developers would be advantageous.
- 12.2 The guiding principal in the decision to adopt a protocol might be what would a member of the general public think regarding the integrity of the way the Council operates. A protocol adopted by the Council would engender trust and transparency in its relationships with commercial

operators. Similarly, the protocol would demonstrate the professionalism and organisation with which the Council responds to early enquiries from commercial developers.

### **13. Background Papers**

[PART 5 - Section 9 - Protocol on Presentations of Planning Development Proposals by Prospective Deve.pdf \(blaby.gov.uk\)](#)

[Protocol for pre-application and pre-decision Member Engagement Briefing | www.wirral.gov.uk](#)

### **14. Appendices**

Appendix 1: Draft Protocol for Informal Presentations to Councillors relating to Development