



ROYSTON TOWN COUNCIL

Protocol and guidance on meetings with developers

Adopted by Full Council 19th October 2020 – Minute number 83/21

PURPOSE

Royston Town Council (the 'Council'), acknowledge that developers, may wish to present proposals at different planning application stages to the Council.

The National Planning Policy Framework states: "Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community."

The Council welcomes the desire of developers to consult with the Council and the local community more widely. However, the Council is also aware of the importance of public perception in planning and the critical need to avoid any appearance that the Council is conducting secretive negotiations or, colluding with developers or their Agents. In order to avoid improper lobbying by a developer or creating a perception that the Council has a predetermined position about a proposed development, we will follow this protocol guidance.

This protocol has been prepared to ensure that in the planning process there are no grounds for suggesting that a decision taken by the Town Council has been biased, partial or not well founded and that the Councillors are aware of their role within the planning process.

The designated authority for all local planning decisions is North Hertfordshire District Council. The Town Council is a statutory consultee.

SCOPE

This document applies to all Town Councillors, its Committees, employees and contractual third parties and agents of the Council who work and act on behalf of the Council. This document also applies to all developers, landowners, their employees and agents that act on their behalf.

DEVELOPERS BRIEFINGS WITH TOWN COUNCILLORS

A developer's briefing is a meeting of the Council at which a developer provides information on their proposed planning application to the Town Council and members of the public.

The Council is, in general, willing to hold meetings with developers/agents. If the Clerk receives a request from a developer/agent to meet with the Council to discuss a development, the Clerk will inform the Chair and Vice-Chair of the Planning Committee.

The Clerk will ask the developer/agent in advance of any meeting to provide information about the proposed development affecting the town and any information received will be forwarded to all members of the Planning Committee.

The Council will consider any material provided by the developer/agent as public information which the Council may make available to the public.

All information held by the Town Council about a proposed development is subject to disclosure under the Freedom of Information Act 2000.

Communications between the developer and the Council about a pre-planning application development will not bind the Council into making any decision. Any views expressed are, at best, provisional because not all the relevant information will be available to the Council and formal consultations will not have taken place at this stage.

PROTOCOL FOR DEVELOPERS BRIEFING

Developers are invited to provide the Town Council with a development briefing that is:

- Without prejudice and not binding in respect of the formal response the Town Council will make to the planning application consultation.
- Held in advance of a meeting of the Planning Committee.
- Advertised on the public meeting agenda.
- The presentation should not normally last longer than 15 minutes plus time for questions and answers.
- The meeting will be open to members of the public in accordance with the Public Bodies (Admission to Meetings) Act 1960.

PROTOCOL & GUIDANCE FOR COUNCILLORS

The Town Council's role as a consultee, is for Councillors collectively to make planning decisions openly, impartially, with sound judgement and for justifiable reasons during Town Council Meetings.

Councillors are reminded that a presentation by a developer or their agent at this stage is not part of the formal planning process. A presentation is a form of lobbying, therefore Councillors must not express any strong view or state how they might vote if a planning application is submitted in the future.

The role of the Members at the meeting is to learn about the emerging proposal, identify outstanding issues to be dealt with, but not to form or express a view on the proposal which would pre-determine their participation in making a representation on any formal application. In this respect Members are at liberty to identify elements which they believe the community would be likely to be supportive of or have concerns about.

Members will be able to ask questions following the presentation but must refrain from entering into debate directly with the applicant or giving advice that indicates a prejudging of the proposals. However, this is all about achieving a balance and there is no reason why a Member should not advise what they believe the community will be concerned about, as long as this is framed in a suitable manner.

Statements such as 'I will never support this scheme' would be considered pre-determination. However, advice such as 'I believe that local residents will be very concerned about the increased traffic and therefore we would want this issue to be fully explored further should you submit an application' is acceptable.

Members must maintain an impartial listening role and avoid expressing an opinion to the application which could be regarded as pre-judging the proposal. Questions and comments should focus upon clarifying aspects of the proposal or to flag up

issues of concern but must not develop into negotiations. It is equally important at this stage for Members not to have closed minds as to the merits of the proposal.

Declaration of Interests

The Law and the Code of Conduct sets out the requirements and guidance for Councillors on declaring personal and prejudicial interests and the consequences of those interests.

Councillors must disclose the existence and nature of any interest at any relevant meeting, whether a Full Council Meeting, Committee Meeting or a meeting with a developer/agent. Preferably, disclosing the interest at the beginning of the meeting and not just at the commencement of discussion on that item. If a Councillor is in any doubt about the application of this Protocol to their own circumstances, they should seek advice early on if they think they are required to declare any personal or pecuniary interests. Initially they can ask for guidance from the Town Clerk or contact the NHDC Monitoring Officer for further guidance.

Pre-determination

In all meetings with developers, Town Council Members, Employees and Professionals working on the Councils behalf are reminded of the critical importance of not pre-determining the position on any possible future planning application.

For individual Town Councillors in particular, this could require them to take no part in the discussion/decision making, when an application becomes live and appears on the Town Council agenda for consideration. It is noted, however, that expressing a pre-disposition, for example of either 'welcome in principle' or 'concerns because of x, y or z', is permissible.

Councillors Code of Conduct

Town Councillors will, when having meetings with developers:

1. Always apply the rules in the Councillors Code of Conduct.
2. Always apply the guidance in this Protocol, which seeks to explain and supplement the Councillors Code of Conduct for the purposes of making impartial decisions.

If a Councillor does not abide by this Protocol and the Code of Conduct, they may:

1. Put the Town Council at risk of proceedings on the legality or maladministration of any decisions made.
2. Put themselves at risk of being challenged with an allegation of misconduct in not complying with the Protocol and/or Code of Conduct

Individual Councillor discussions/meetings

Individual Councillors may be approached by developers for informal discussions and meetings for possible future applications. Such informal discussions and meetings should not take place unless expressly authorised by the Council.

Review date: October 2022