

**Title of Report:** Local Planning Authority and Delivery Agent Protocol for Staff  
**Meeting date:** 30 May 2019  
**Report to:** Board  
**Report of:** Tom Cardis, Interim Director of Planning

**For decision**

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**This report will be considered in public**

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**1 Summary**

- 1.1 This report seeks Board approval of the Local Planning Authority and Delivery Agent Protocol for Staff (appendix A). The protocol provides OPDC staff with general guidance only as to how best to maintain appropriate separation between OPDC's statutory planning and delivery functions. This protocol is necessary to ensure OPDC can manage any potential conflicts of interest between these functions as well as avoiding perceptions of bias and any associated risk of challenge.

**2 Recommendations**

**The Board is asked to:**

- 2.2 **Note the report and the associated appendices.**
- 2.3 **Note the comments of the Audit Committee set out in section 5**
- 2.4 **Approve the Local Planning Authority and Delivery Agent Protocol for Staff (appendix A).**
- 2.5 **Recommend that OPDC Planning Committee is notified of the decision of OPDC Board.**

### **3 Background**

3.1 OPDC is a relatively small organisation, with two core functions:

- OPDC as Local Planning Authority (LPA) with responsibility for the production of planning policy and guidance, for enforcement, where expedient, against breaches of planning control and for the determination of planning applications in its area; and
- OPDC as a Delivery Agent, which role includes undertaking delivery activities involving development, land assembly, infrastructure delivery and financing.

3.2 Where OPDC is promoting the delivery of development or infrastructure it is important that there is transparent separation of functions between OPDC's roles as LPA and Delivery Agent.

3.3 It is important to ensure OPDC can manage any potential conflicts of interest between these functions as well as avoiding perceptions of bias and any associated risk of challenge.

3.4 This protocol has been developed (see appendix A) to provide OPDC staff with general guidance only as to how best to maintain appropriate separation between OPDC's statutory role as local planning authority and that of OPDC's role in delivering development and infrastructure.

3.5 This protocol will be made publicly available on OPDC's website.

### **4 Scope of the protocol**

4.1 The protocol sets out practical arrangements for how OPDC's staff will be expected to act:

- as Local Planning Authority; and
- as Delivery Agent.

4.2 The protocol identifies that where an individual or organisation has concerns regarding an actual or potential conflict relating to the separation of OPDC's functions, they should raise them immediately with OPDC's Senior Management Team and that any questions or further clarification regarding the Protocol should be directed to TfL Legal.

### **5 Audit Committee comments**

5.1 Audit Committee reviewed the draft protocol on the 20<sup>th</sup> March 2019. The Committee noted the importance of the protocol, especially given that the

delivery agent role of OPDC was expected to greatly increase as a result of the success of the Housing Infrastructure Fund bid.

- 5.2 No revisions were requested directly to the protocol, but the Committee noted the importance of having adequate staff training in place upon the adoption of the protocol.

## **6 Next steps**

- 6.1 Should OPDC Board approve the Local Planning Authority and Delivery Agent Protocol for Staff, the protocol would be shared internally with OPDC staff and would be published on OPDC's website. Training sessions would be organised with staff to ensure that officers are fully aware of the protocol and the steps that should be taken to avoid conflicts of interest. The protocol and dedicated training sessions would also be included as part of the processes for inducting new staff.
- 6.2 OPDC Planning Committee would also be notified of OPDC Board's decision to approve the protocol.

## **7 Equality comments**

- 7.1 The implementation of this protocol will ensure that OPDC does not fetter its ability to take transparent planning decisions based on planning policy. OPDC's Local Plan is supported by an Integrated Impact Assessment which incorporates an Equalities Impact Assessment. The Equalities Impact Assessment shows that the policies in the Local Plan will have a beneficial impact on those with Protected Characteristics as defined in the Equality Act 2010. The approval and implementation of this protocol is therefore considered to have a positive impact on those with Protected Characteristics.

## **8 Financial Implications**

- 8.1 There are no particular financial issues arising from this report.

## **9 Legal implications**

- 9.1 It is necessary to have clear guidance on the separation of the different functions OPDC undertakes so as to ensure that its decision making processes are robust and thereby reduce the risk of legal challenge.

## **Appendices**

Appendix A – Local Planning Authority and Delivery Agent Protocol for Staff

## **Background Papers**

None

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