

STOKE ON TRENT AND STAFFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP PLANNING CHARTER MARK

Purpose of this Report

This report invites the Planning Committee to comment upon a proposal to be considered by Cabinet that the Council sign up to aspire to achieve a Planning Charter Mark that has been developed by the Stoke on Trent & Staffordshire Local Enterprise Partnership (LEP). The LEP is seeking commitment from local authorities to adopt the 'Red Carpet approach' to businesses by delivering against a set of five outcomes – Clarity and consistency, Effort & focus, Competence & respect, Accuracy & fairness, and Dialogue & understanding.

RECOMMENDATION

That the Planning Committee recommend to Cabinet that it signs up to the LEP's Planning Charter Mark as set out in this report, on the condition that it be made clear that it is for the Planning Committee to determine how its meeting are conducted, in the context of the Council's constitution, and the Council should not accept the imposition of a rigid LEP approach to the checking of accuracy for material facts.

1. Background

- 1.1 Members will be aware that Local Enterprise Partnerships are the relatively new bodies that promote enterprise and deliver economic growth and jobs following the abolition of the Regional Development Agencies. These bodies are business-led and include representation from local authorities. This Council is part of the Stoke-on-Trent & Staffordshire LEP. Councillor Boden, the Deputy Leader is a member of the LEP Board.
- 1.2 Last year the Stoke on Trent and Staffordshire Local Enterprise Partnership (the 'LEP') announced an intention to devise what they termed a Planning Charter Mark which would be awarded to Local Authorities that have met its requirements. They held a seminar/workshop in October 2011 for LEP members and representatives from Local Planning Authorities across Staffordshire at which they presented evidence from the experience of the Stoke on Trent and Staffordshire business community with the planning system. One of the purposes of the seminar was to explore the potential of a Charter Mark. The seminar was attended by the then Planning and Regeneration Portfolio holder, accompanied by the Executive Director, Regeneration and Development and the Head of Planning. At their meeting on 14 December 2011 the LEP adopted the Planning Charter Mark, and this was formally launched at an LEP event held on 9 February 2012.
- 1.3 The LEP see the proposed Planning Charter Mark as a process that will encourage economic growth and job creation in the LEP area.
- 1.4 The Borough Council has been invited to sign up to this process.
- 1.5 The LEP seeks certain 'outcomes' to be delivered by the Local Authorities. The LEP do say that they are not being prescriptive about exactly how these outcomes will be delivered but they have suggested proposals which are detailed below that they consider meet the needs of businesses, based upon a confidential survey they undertook of businesses.
- 1.6 The Stoke and Staffordshire Red Carpet is described as a process which provides single points of contact, individual case officers and a streamlined process for business development, inward investment and planning
- 1.7 The LEP indicate that the red carpet approach "*requires the whole organisation to acknowledge the importance of sustainable economic growth.*"
- 1.8 With respect to planning they suggest that "*every part of the planning process from initial enquiry to issuing the decision should be focussed on the importance of securing economic growth, and that this should ensure that incoming and existing businesses will receive clear advice so that they can plan for their future needs and secure the permissions that they need in a timely fashion.*"

- 1.9 The LEP has put together the following proposals as a way of meeting the concerns of businesses.

“Outcome 1 – Clarity and consistency

A clear statement of the Local Planning Authority’s strategy for economic growth that business can be rely on to be followed in every case and a single point of contact for guidance and advice.

Outcome 2 – Effort and focus

Local Planning Authorities to have a process review with a customer feedback element. The review should address ways to prioritise applications that deliver jobs and growth and help applications succeed rather than find reasons for them not to succeed. Ideally the process will deliver pre-application advice within 4-6 weeks, focus on business needs and explore all avenues for a satisfactory outcome, even if it results in refusal. There should be dialogue to identify potential sticking points and resolve them.

Outcome 3 Competence and respect

LPAs to adopt a formal training regime to support all committee members and ensure that they have an adequate and up to date knowledge of the planning system and an understanding of appropriate demeanour at planning committee. Special training and support for Chairs of Planning Committees.

Outcome 4 Accuracy and fairness

LPAs to ask if there are any disputed matters of fact after debate at committee, before making the decision.

Outcome 5 Dialogue and understanding

Central to the whole initiative, the LEP will promote face to face workshops with officers and members of the LPAs and representatives of the business community to build mutual understanding. This will enable closer and more co-operative working and lead to more appropriate and better quality schemes being brought forward”.

2. The Next Steps

- 2.1 Local Authorities are invited to sign up to the process. If they do so they will receive the Red Carpet Charter Mark when they have adopted measures to deliver the ‘outcomes’, and thereafter in subsequent years retention of the Charter Mark will depend upon sustained and measurable improvements in the service experienced by businesses.
- 2.2 The LEP indicate that they are seeking commitment from Local Authorities to adopt the red carpet approach by delivering the outcomes set out above. They say these outcomes are not definitive and that other action and existing good practice that can be demonstrated to deliver these outcomes would be equally welcomed by them.

3. Consideration

- 3.1 Members will be aware of the Planning for Growth Statement issued by the Minister of State for Decentralisation in March 2011. The approach set out in the LEP’s Planning Charter Mark is consistent with the Government’s approach to encouraging sustainable economic development.
- 3.2 With respect to the outcomes identified by the LEP it is difficult to dispute that they are desirable and would be considered to be the qualities of a good planning service.
- 3.3 Whilst the adoption of a ‘red carpet approach’ to businesses in the sphere of economic regeneration – with the emphasis on a streamlined and effective response to enquires - is perfectly reasonable and indeed has been the approach of this Authority for many years, caution does need to be exercised with respect to the determination of planning applications. Local Planning Authorities are required by law to determine planning applications in accordance with the provisions of the approved development plan and any other material planning considerations relevant to the development. It would be important for the Council to avoid any impression being given that favourable consideration will automatically be given to proposals from businesses, as that could lay it open to challenge, particularly in cases where such proposals are contrary to important development plan policies.

- 3.4 Giving an explicit priority to the determination of applications that deliver jobs and growth, and similarly to enquiries for such types of development, whilst it could well lead to concern by other applicants and enquirers, is a matter for the Council to decide to do if it wishes. In practice it may be somewhat difficult to determine which types of development do not fall within this category – in that almost all forms of proposals have some economic impact. Business applications would undoubtedly include both employment generating uses and housing developments.
- 3.5 The proposal seeks active and positive engagement by the Authority with the business community to seek to resolve problems with proposals where this is achievable within the context of relevant planning policies. On that basis it would be appropriate for the Council to aspire to the LEP Planning Charter Mark.
- 3.6 The likely resource implications of so doing will be a matter which will be addressed within the report to Cabinet.
- 3.7 With respect to the *detailed* proposals advanced by the LEP some further comments are considered necessary.
- 3.8 The LEP refer in the context of Outcome 3 (Competence and respect) to the need for members to be provided with training so that they have both an adequate and up to date knowledge of the planning system and “an understanding of appropriate demeanour at Planning Committee”. The LEP in later correspondence with South Staffordshire District Council have elaborated as follows.

“The reference to appropriate demeanour at planning meetings has come directly from the initial business evidence. Unfortunately at some Planning Committee, members have been known to behave inappropriately with pre-determination, inappropriate comments, not reading reports, etc. I am sure that nothing like this happens at South Staffordshire, but it does happen in Staffordshire and the LEP has to try and improve this”

The Planning Committee has already agreed that there should be the provision of mandatory training for members of the Planning Committee, although it is some time since that occurred and the need to move forward on that is recognised by your Officer. In the context of such mandatory training it may not always be necessary for additional special training to be undertaken by the Chairman of the Committee as the LEP seeks.

- 3.9 It is noted that the LEP suggest with respect to Outcome 4 (Accuracy and fairness) that Local Planning Authorities should introduce a procedure whereby applicants are given an opportunity, at the end of the Committee’s debate, to challenge any matters of fact which they dispute. Again in subsequent correspondence with South Staffordshire the LEP maintain that there is evidence of planning decisions being made on inaccurate material facts, and an example is quoted. The LEP have clarified that they are asking that *“in committee, after the debate, the Chairman checks for accuracy of material facts, with the applicant and objector, before the planning officer sums up and before the vote”* This would be a significant change from the Planning Committee’s existing procedures. If something that is plainly factually incorrect has been said during the debate whether by a Member of the Committee or by a member of the public i.e. an immaterial consideration has been referred to and may be taken into account by members, it is already the responsibility of the attending case officer to draw this to the attention of the Committee, and for the Chairman to permit such a correction to be made. Your Officer’s view is that the suggested procedural change is unnecessary, and may lead to unnecessary delays and the re-opening of debate.
- 3.10 It would be important in indicating this Council’s intention to aspire to the LEP Planning Charter Mark to make clear this position to the LEP.