

LOCAL ENTERPRISE PARTNERSHIP – PLANNING CHARTER MARK

Submitted by: Executive Director - Regeneration & Development

Portfolio: Planning, Regeneration and Town Centres

Ward(s) affected: All

Purpose of the Report

To give Cabinet the opportunity to decide whether or not the Council should 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 (detailed below).

Recommendations

- (a) That the Council should sign up to the LEP's Planning Charter Mark on the basis set out in this report.**
- (b) That the LEP be informed of the council's decision and be invited to keep under review the council's current decision-making processes, procedures and performance in relation to planning applications for development relating to the safeguarding and/or growth of jobs with a view to achieving continuous improvement.**
- (c) That the Planning Committee be advised of this decision and asked to introduce specific monitoring of business-related planning applications into its current performance monitoring regime.**
- (d) That officers bring forward proposals to a future meeting of Cabinet on the steps that are likely to be required to achieve Planning Charter Mark status in 2013.**

Reasons for recommendations

The outcomes identified by the LEP are desirable and would be considered to be the qualities of a good planning service. Additionally the said outcomes would be consistent with the Council's priority around promotion of a borough of opportunity.

1. Background

- 1.1 Members will be aware that LEPs 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 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. 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 the 9th 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. The Borough Council has been invited to sign up to this process.
- 1.4 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.
- 1.5 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
- 1.6 The LEP indicate that the red carpet approach *"requires the whole organisation to acknowledge the importance of sustainable economic growth."* In terms of Local Authority functions the focus of the Charter is the Planning system. Nevertheless there is a clear message in this statement about the LEP's expectation that councils will support economic growth in exercising all of its functions. The recent Peer Review process highlighted the importance of aligning the strategies and policies of regulatory functions (including the related decision-making processes) with the council's corporate priorities. Given that "a borough of opportunities" is one of this council's priorities the policy framework is in place to achieve the LEP's objective
- 1.7 Members should be aware that there are a number of systems/measures in place to capture and manage development enquiries including both member and officer forums for considering pre-application proposals for major development schemes. Also the Council subscribes to the Stoke-on-Trent and Staffordshire Inward Investment Service, including regular officer support.
- 1.8 Turning back to the Planning Service the LEP 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. Issues

- 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. Additionally, as indicated above, one of the Council's four corporate priorities ('borough of opportunity') seeks to achieve a similar outcome.
- 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. So in simple terms development proposals which would enable the safeguarding and/or growth of jobs should normally be approved in cases where they raise no material conflict with relevant planning considerations. All other things being equal it is reasonable for the LEP to expect local planning authorities to administer the process/systems to make speedy and positive decisions in such cases. That said 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 In considering this particular point it is noteworthy that this council is maintaining above average performance in the processing of all planning applications and there is no evidence of complaints about determination timescales. So perhaps at this stage members might want to reassure the LEP in this regard but offer to monitor decision-making on business-related planning applications.
- 3.6 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 entirely appropriate for the Council to aspire to the LEP Planning Charter Mark.
- 3.7 The resource implications of this will very much depend upon the nature of the proposals that come forward. One of the LEP proposals – that the Authority undertake a process review with a customer feedback element - would inevitably require some diversion of resources away from current tasks. Previous experience of similar reviews – such as the Lean Systems Review undertaken in 2008/2009 – indicates that such exercises can be resource demanding, although the intention is to provide longer term benefits following such a review. However it is not expected that aspiring to the Charter would lead to any long term financial savings, if the intention is to identify business customer requirements and aspire to meet them. To the contrary, seeking to meet such expectations – as to the level of service – may have cost implications.
- 3.8 Therefore rather than adopting a knee-jerk response on this point your officers would recommend inviting the LEP to review our current processes, procedures and performance record in order that any potential areas for improvement can be considered in a more focussed manner.
- 3.9 With respect to the detailed proposals advanced by the LEP some further comments are considered necessary.
- 3.10 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 one of the other Staffordshire districts 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.... it does happen in Staffordshire and the LEP has to try and improve this”.*
- 3.11 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 officers. In the context of such mandatory training the level of experience and knowledge of the Committee Chair would inform the need for any additional special training to be undertaken by the Chair as the LEP

seeks. Nevertheless the over-arching principle of having suitably trained members on this important regulatory committee is accepted.

- 3.12 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 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"*.
- 3.13 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. Consequently your officers would not recommend making any procedural change at this stage in the absence of any evidence of such poor decision-making. It is recommended that the LEP be invited to review the council's current decision-making procedure to satisfy themselves that it is consistent with the objective of Outcome 4. Additionally it is considered that pro-active monitoring (as recommended at paragraph 3.4) would enable the committee and the LEP to keep this matter under review.
- 3.14 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.
- 3.15 The Planning Committee's views on the proposal are being sought on the 4th December and will be reported to Cabinet.

4. **Options Considered**

- 4.1 Do nothing – whilst your officers feel that the efficiency and quality of decision-making on business related planning applications is satisfactory, to not sign-up to the Charter may undermine the council's credibility in the eyes of not only the LEP but the wider business community and government.
- 4.2 To sign up to the LEP's Planning Charter Mark process unconditionally – whilst this option might be preferred by the LEP it may result in the introduction of unnecessary and inefficient changes to procedures and practices.
- 4.3 To sign up to the LEP's Planning Charter Mark in terms of the overall spirit and intent – this option would enable the council to send a positive message to the LEP about our support for the principle of the Charter whilst affording us the opportunity to satisfy them about our decision-making approach in relation to planning applications for business-related development.

5. **Proposal/Preferred Option**

- 5.1 The preferred option is set out at paragraph 4.3, namely that Cabinet agrees that Council should sign up to the LEP's Planning Charter Mark on the basis set out in this report.

5.2 That the LEP be informed of the council's decision and be invited to keep under review the council's current decision-making processes, procedures and performance in relation to planning applications for development relating to the safeguarding and/or growth of jobs, with a view to achieving continuous improvement.

5.3 That the Planning Committee be advised of this decision and asked to introduce specific monitoring of business-related planning applications into its current performance monitoring regime.

5.4 That officers bring forward proposals to a future meeting of Cabinet on the steps that are likely to be required to achieve Planning Charter Mark status in 2013.

6. **Reasons for Preferred Solution**

6.1 The outcomes identified by the LEP are desirable, not least because they are broadly consistent with the council's corporate priority around the promotion of the borough of opportunity and would be considered to be the qualities of a good planning service.

7. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- Promoting a cleaner, safer, and sustainable Borough
- Promoting a borough of opportunity
- Transforming our council to achieve excellence

8. **Legal and Statutory Implications**

None have been identified.

9. **Equality Impact Assessment**

No adverse impact has been identified.

10. **Financial and Resource Implications**

At this stage there are no known financial or resource implications arising from the recommendations.

11. **Major Risks**

None identified relating directly to this report.

12. **Key Decision Information**

Not a key decision.

13. **Earlier Cabinet Resolutions**

None.