

Merton Council Sustainable Communities Overview and Scrutiny Panel



Date: 16 March 2016
Time: 7.15 pm
Venue: Committee rooms C, D & E - Merton Civic Centre, London Road, Morden
SM4 5DX

AGENDA

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**This is a public meeting – members of the public are very welcome to attend.
The meeting room will be open to members of the public from 7.00 p.m.**

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Sustainable Communities Overview and Scrutiny Panel Membership

Councillors:

Russell Makin
Stan Anderson
Ross Garrod
Abigail Jones (Chair)
John Sargeant
Imran Uddin
David Dean (Vice-Chair)
Janice Howard

Substitute Members:

Edward Foley
Daniel Holden
Abdul Latif
Laxmi Attawar
Jeff Hanna

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

What is Overview and Scrutiny?

Overview and Scrutiny describes the way Merton's scrutiny councillors hold the Council's Executive (the Cabinet) to account to make sure that they take the right decisions for the Borough. Scrutiny panels also carry out reviews of Council services or issues to identify ways the Council can improve or develop new policy to meet the needs of local people. From May 2008, the Overview & Scrutiny Commission and Panels have been restructured and the Panels renamed to reflect the Local Area Agreement strategic themes.

Scrutiny's work falls into four broad areas:

- ⇒ **Call-in:** If three (non-executive) councillors feel that a decision made by the Cabinet is inappropriate they can 'call the decision in' after it has been made to prevent the decision taking immediate effect. They can then interview the Cabinet Member or Council Officers and make recommendations to the decision-maker suggesting improvements.
- ⇒ **Policy Reviews:** The panels carry out detailed, evidence-based assessments of Council services or issues that affect the lives of local people. At the end of the review the panels issue a report setting out their findings and recommendations for improvement and present it to Cabinet and other partner agencies. During the reviews, panels will gather information, evidence and opinions from Council officers, external bodies and organisations and members of the public to help them understand the key issues relating to the review topic.
- ⇒ **One-Off Reviews:** Panels often want to have a quick, one-off review of a topic and will ask Council officers to come and speak to them about a particular service or issue before making recommendations to the Cabinet.
- ⇒ **Scrutiny of Council Documents:** Panels also examine key Council documents, such as the budget, the Business Plan and the Best Value Performance Plan.

Scrutiny panels need the help of local people, partners and community groups to make sure that Merton delivers effective services. If you think there is something that scrutiny should look at, or have views on current reviews being carried out by scrutiny, let us know.

For more information, please contact the Scrutiny Team on 020 8545 4035 or by e-mail on scrutiny@merton.gov.uk. Alternatively, visit www.merton.gov.uk/scrutiny

Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL

24 FEBRUARY 2016

(7.15 pm - 9.52 pm)

PRESENT: Councillor Abigail Jones (in the Chair), Councillor Russell Makin, Councillor Stan Anderson, Councillor Ross Garrod, Councillor John Sargeant, Councillor Imran Uddin, Councillor Daniel Holden and Councillor Janice Howard

ALSO PRESENT: Councillor Nick Draper (Cabinet Member for Community and Culture), Councillor Andrew Judge (Cabinet member for Environmental Sustainability and Regeneration) and Councillor Judy Saunders (Cabinet Member for Environmental Cleanliness and Parking)

Anthony Hopkins (Head of Library and Heritage Services), Chris Lee (Director of Environment and Regeneration), Paul McGarry (FutureMerton Manager), Christine Parsloe, Cormac Stokes (Head of Street Scene and Waste) and Annette Wiles (Scrutiny Officer)

Terry Downes (GMB Shop Steward)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Dean.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillor Russell Makin declared an interest as a member of the boards of the Wandle Valley Trust and the Mitcham Common Conservators.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

Three corrections to the minutes of the previous meeting were noted:

1. Councillor Russell Makin clarified he is a board member of the Wandle Valley Trust and the Mitcham Common Conservators;
2. Councillor Attawar noted that after the meeting it occurred that she would have wanted to declare an interest in Circle Housing Merton Priory and asked it be added to the minutes; and
3. Councillor Attawar's surname is incorrectly spelt and should be amended.

4 MORDEN LEISURE CENTRE: VERBAL UPDATE (Agenda Item 4)

Chris Parsloe provided the panel with a verbal update on current plans for the development of Morden Leisure Centre. It was highlighted that this is a work in progress and subject to change.

External:

- The centre will be located off the A24, further into the park, away from the mature habitat and closer to the College and existing car park;
- Positioning has been carefully considered in relation to the view from Morden Park House, to avoid noise from the A24 and to protect the swimming pool and swimmers from the sun;
- The external design is sympathetic to the park land; and
- The café and toilets have been positioned at the front of the building allowing easy access to all those using the park and not only those using the centre. There is outside shade available encouraging family use.

Internal (downstairs):

- The first stage of development excludes the sports hall. The designs allow for this to be added later. Whilst the initial build will be paid for from council funds, the sports hall requires external fundraising which is on-going;
- The swimming configuration accommodates all needs; there is a 25m, six lane pool and a smaller pool that has a movable floor allowing for a variable depth to support all activities from paddling for toddlers to diving;
- There is vanity screening between the pools allowing for events in the smaller pool not to be over-looked. (Blinds shielding swimmers from upstairs spectators, controlled by staff, also allow privacy for swimmers where required.);
- The village changing rooms approach is not considered suitable for Merton's community. There will be separate men's, women's and group areas (where dads can change with younger daughters etc); and
- The sports hall will be the size of four badminton courts and contain appropriate levels of storage space for the amounts of sports equipment needed.

Disabled users: there is disabled access throughout the centre.

Internal (Upstairs): there is a 100 station fitness suite that has been positioned to overlook the London skyline, some seating allowing sight of the pool, a flexible studio/ community space for activities such as yoga or Zumba, and, once the sports hall is built, there will be a mezzanine level over the storage in the sports hall creating a spinning studio.

In response to member questions, Chris Parsloe provided further clarification:

- The operator, Greenwich Leisure, will provide a shop for the sale of small sports goods on site, such as swim hats, goggles, etc;
- Plans for the leisure centre are targeted to go to the planning committee on 19 May 2016, work will then start on site in September/October 2016 with the planned opening in January 2018;

- Morden Park Pools will be decommissioned thereafter, demolished and the area landscaped;
- Expert advice from those that develop swimming facilities for Sport England has been taken on the development of the new leisure centre. The key requirement is to make this family friendly but also to consider on-going running costs and not just capital spend;
- The centre is focused on allowing family usage as opposed to being a spectator venue. There is some viewing space available but this is not extensive;
- Work is on-going to develop an accompanying pavilion for outside sports with Morden Park Playing Fields Community Trust;
- Full consideration is being given to transport to and from the centre. This is currently being modelled by transport planning consultants in consultation with our highways team and TfL; and
- The pools will be fully accessible and include a pool pod to provide the best possible access/experience for disabled users to enter the pools.

RESOLVED: to thank Chris Parsloe and the rest of the Leisure and Culture team for their work and to invite Chris back to the next meeting (16 March 2016) for a progress update.

5 PERFORMANCE REPORT: SUSTAINABLE COMMUNITIES (Agenda Item 5)

Chris Lee highlighted four key points from the performance report:

1. (CRP 044): revenue estimates for parking services have not and will not be achieved in this municipal year. This was projected to include revenue from the implementation of an automatic number plate recognition scheme which has been delayed. The council has been successful in lifting an injunction brought by the unsuccessful bidder, (although litigation against the council continues over the award of the contract), and is now working with the preferred bidder for the scheme to go live in June 2016;
2. (SP 065): rates of recycling have plateaued. This is a challenge facing all authorities;
3. (CRP 051 / SP 114): the council will achieve its target for processing major planning applications within 13 weeks. However, the Government is seeking to open up planning to the market through the provisions of the Housing and Planning Bill currently before parliament; councils will potentially compete to process planning applications and be able to offer fast track application services under new proposals including increasing fees. Whilst there are lots of unknowns about these changes they also offer opportunities; and
4. (SP024): the council is ahead of its own target for ensuring the occupancy rate of properties it owns which compares favourably with London and national averages.

In response to member questions, the following clarification was given:

- Chris Lee (SP113/SP380): it was confirmed that the backlog of development and building control enforcement cases has reduced during the year but not sufficiently to meet the annual target. Approximately 80% of cases are without merit and there is no ability to check all of them. There continues to be a role for the public in helping to notify the council of building infringements;

- Cormac Stokes (SP065): Bexley is the local authority with the highest level of recycling in London (50+%). Lambeth has seen the biggest increase in the last year (up by 7% from 21% to 28%). All authorities have their own bespoke schemes making it hard to compare and assess why some are more successful than others. Mixing general waste with recycling isn't a solution to green fatigue; such schemes aren't available because this damages items suitable for recycling and diminishes their value. The council's recycling promotions over the past few years mean that close to a third of residents have been spoken to face-to-face. The wheeled bin pilot did see a slight increase in recycling but also an increase in waste which may reflect waste that is usually picked up in street cleaning was going into wheeled bins;
- Cormac Stokes (SP046): the target for income for commercial waste will be exceeded. The billing for January looks low because the phasing of invoicing means invoicing for January actually happened in December;
- Chris Lee - enforcement fines: at the moment there isn't a strong business case for raising the number of enforcement officers and increasing their coverage beyond town centres. Currently, high foot fall areas are covered because of the costs involved. However, the Government is considering increasing fines;
- Chris Lee (SP071): the higher rate of sickness is partly explained by seasonal factors and some is due to long standing health issues. This is being addressed but is likely to continue in the meantime; and
- (SP127): it was unknown if visitor parking permits are included in the five working day issue target. As residents have been reporting difficulties in securing these, Chris Lee will check.

(All codes stated refer to the classifications in the performance report.)

RESOLVED: to note the report.

6 CYCLE ROUTES UPDATE REPORT (Agenda Item 6)

Having introduced the cycle routes update report, Paul McGarry provided the following clarification in response to member questions:

- Making previously no access roads permeable to cycle routes does not prevent access for emergency services. Large gate barriers are being replaced by trees at the outer edges and locked bollards in the middle. Emergency services have keys to these locked bollards. Paul McGarry will look into issues regarding motor bikes using these permeable routes;
- Merton is too far from the centre of London to be part of the TfL cycle hire scheme. Alternative schemes are currently being explored. Recovered stolen bikes are being put back into use across the borough. Paul McGarry will find out about the uptake of the Council's own schemes to encourage cycle use by staff;
- The Clapham Common to Wimbledon town centre scheme is currently subject to consultation and the recommendations from Sustrans are being considered. Consultation is on-going to make Mitcham better for cyclists. Designs for this are with TfL and awaiting sign-off;

- Success of the cycling strategy is measured through factors such as accident data and modal shifts in transport usage. Whilst not yet complete, it is planned that all the cycle schemes will join-up and achieve the vision for Merton to become Little Holland and easily navigable by bike. It was agreed to review the Big Wins Map at a forthcoming Panel meeting; and
- Access to adult cycle training is best achieved through the website and it is possible to email training requests. Paul McGarry will look into reported difficulties accessing the training.

RESOLVED: to note the report.

7 PHASE C PROCUREMENT PROGRAMME (INCLUDING PARKS, GROUNDS, MAINTENANCE AND WASTE) (Agenda Item 7)

Chris Lee provided a brief update as an introduction to the Phase C procurement programme. The council is now 15 months into the process and it is anticipated it will return to scrutiny in June 2016, (after the evaluation of final tenders and before the preferred bidder recommendation goes to Cabinet for decision in July).

The next stage is to invite final tenders. It was highlighted the key driver of this initiative is financial need; it is no longer financially viable for the council to provide these services by itself and make the required savings. The council is looking to achieve a collaborative arrangement in partnership with three other boroughs to achieve economies of scale. The partners have worked with the market to co-produce solutions.

Terry Downes, a GMB shop steward, was invited to address the meeting and made the following remarks:

- Consideration of this approach started in November 2013, earlier than stated;
- There is concern about the start date of this initiative as it applies to park and grounds maintenance. It is believed that this will be earlier than previously acknowledge (in February 2017), to accommodate horticultural needs. However, this won't allow sufficient time to fulfil requirements to staff transferring under TUPE;
- Questioned whether all the costs of transferring to another provider have been considered. (Is the value of the council's parks and ground maintenance capital assets, estimated at £250,000, included in the current bidding information?);
- Highlighted that there is still no contract specification;
- Reported that engagement with staff through DCC is not enough and that Friends groups are upset and frustrated; and
- Questioned why an in-house solution is not being considered and why the final tender process evaluation methodology detailed in the paper does not include a comparison with the in-house provision and what the in-house team can provide in terms of cost savings.

Terry Downes thanked the Panel for being given the time to make these points.

Members invited Chris Lee to respond to the points raised:

- Fully understands this is an anxious time for staff. Their questions are legitimate and will be answered in the fullness of time. However, currently there is no preferred bidder, final tenders are only just being invited and therefore the transfer of staff is over a year away, only at which point can staff's questions be answered;
- Consideration of this approach has been on-going for a long time; it is the duty of the council to continually look for innovative and more efficient ways to deliver services;
- An earlier start date for the parks and ground maintenance element is being considered because of the demands of the horticultural year. However, the council is very aware of its responsibilities and obligations to trade unions and staff and will fully comply with these. Pensions will need to be considered when the preferred supplier is appointed. It is hoped the contractor will be a Local Government Pension Scheme admitted body;
- The tenders will be compared to the costs of the current in-house provision. Only those that can provide a cost saving below what might be achieved in-house will be considered. The value of plant machinery is known and part of the budget comparison.

In response to questions from members, Chris Lee gave the following clarification:

- An in-house solution has been ruled out; following research it is understood this won't give the economies of scale and cost savings needed and since it would be one borough acting alone, it would also put off external bidders. There is confidence that external bids will exceed any cost saving that can be made internally. There has also been a need to be clear that an external provider will be selected to ensure potential bidders believe this is a real opportunity;
- The specific costs for Merton won't be known until the final bids are provided as this will be based on the final specification, specific asset values and staff that will be transferred; and
- Answers to staff concerns and questions will continue to be provided through DCC meetings to provide clarity as soon as it is possible.

Councillor Judy Saunders asked to address the Panel, Terry Downes and the other members of public attending. She provided her endorsement of the Director and her support for the Phase C proposal. However, she remains concerned about staff welfare and highlighted she is available to hear any concerns and be part of the dialogue.

RESOLVED: to note the report and for Phase C to return to the Panel for pre-decision scrutiny in June 2016

8 TOWN CENTRE REGENERATION UPDATE (Agenda Item 8)

Paul McGarry provided an update presentation on town centre development across the borough:

Wimbledon:

- Crossrail 2: the TfL consultation received 100,000 responses and closed in January 2016. The council provided a cross-party submission to which a formal

response is expected from TfL in March/April including consideration of other station options. TfL has already acknowledged there is need for more consultation in Merton which is now happening;

- Masterplan: the council is planning the development of Wimbledon in anticipation of Crossrail 2, reflecting the growing need for office and retail space. Development of the Masterplan will include community input through a series of thematic workshops; and
- Other developments in process include the Premier Inn Hotel, Pinnacle House and the theatre car park.

In response to a question from a member, Paul McGarry clarified that TfL will be contributing to the costs of the Masterplan development of Wimbledon as part of the Crossrail 2 initiative.

Raynes Park:

- There is less regeneration activity here because of all the work undertaken in the area in 2010 through the enhancement plan;
- Consideration is being given to the links between Crossrail 2 and Network Rail that will happen here;
- The High Street was runner up in the Great British High Street Award following an application by the Raynes Park Association; and
- Positive feedback for Greenspaces, Waste and futureMerton for input leading up to the judges' visit.

Mitcham:

- Rediscover Mitcham development is underway; the first phase of the Market Square and Clock Tower Gardens development is complete and the Majestic Way repaving and cycle lane development is in progress;
- The market is developing; the council is looking to appoint a co-ordinator to promote and ensure this is sustained and grows; and
- Next steps include the refurbishment of Three Kings Pond, a major traffic scheme that is awaiting approval from TfL and the cinema (the council is in talks with developers, an operator and potential restaurant operators).

Colliers Wood:

- The Colliers Wood Tower development is now underway and is set for completion at the end of 2017. A minor amendment to the planning permission is anticipated for decision in April/May 2016 and a pre-application for phase two of the development is in the early stages.
- TfL's highways work is complete, with snagging issues to be addressed;
- Baltic Close housing improvements are underway and should be completed in May 2016; and

- The library has been demolished and the new build has started.

In response to questions from members, Paul McGarry clarified:

- Phase 2 of the Colliers Wood Tower development will be a new planning application rather than another revision to the extant 10 year old scheme. This will consist of residential space for private rental and retail space at ground level. The initial plan for library space is no longer required as this is provided through the new development. However, community health space is needed in the area and is being discussed with the Merton Clinical Commissioning Group;
- The height of any new development will be in line with the council's planning policy; clustering and stepping up to the existing tower; and
- Colliers Wood library will open in summer 2017.

Morden:

- The consultation on the development of Morden town centre closed in November 2015 and the council's vision gained support from around 80% of respondents. Further information will be provided to the Panel when the analysis of data is complete;
- The GLA Housing Zone collaboration with TfL has been drafted with a development partner set to be in place in summer 2016;
- A successful bid has been made to TfL Highways to redesign the High Street and the bus station; and
- Morden Court Parade is set for a restoration back to its Art Deco original frontage. This is difficult as it means dealing with 60 different owners. The plan includes restoration of original balconies but costs to replace windows are prohibitive at this stage.

RESOLVED: to note the update presentation.

9 LIBRARIES ANNUAL REPORT (Agenda Item 9)

Anthony Hopkins provided an introduction. The key achievements of the library services over the past year were stated:

- The school library scheme that gives automatic library membership to all school children in the borough. This is the only active scheme of its kind in England;
- There has been an increase in the number of library volunteers;
- Five out of the six Key Performance Indicators (KPIs) for the service are being achieved at record levels;
- There has been an increase in the use of Merton's libraries at a time when use of libraries nationally is declining;
- The online offer is being developed; and
- The Department for Culture, Media and Sport is interested in Merton's library service which is being reflected in the development of national projects.

Key challenges were also outlined:

- The on-going need to realise financial efficiencies;
- Delivery of the Colliers Wood Library development and the conversion of the back space at Wimbledon Library; and
- Supporting more library users to access services digitally.

In response to questions from members, Anthony Hopkins clarified:

- The new library in West Barnes is due to open in 2018; a recommendation on the approach to be taken for the development will be made in March and go for ratification in May 2016. Development is due to start in 2017; and
- Merton's approach to the use of volunteers in libraries has already provided some commercial revenue; the Greater London Assembly commissioned the authority to rollout its approach to councils across London.

RESOLVED: to thank Anthony Hopkins, the whole of the libraries team and library volunteers for the quality of the service being provided and for an excellent annual report.

10 WORK PROGRAMME (Agenda Item 10)

The Panel agreed:

1. At the next meeting, (16 March 2016), the Environment and Regeneration Department will provide an addendum to the Shared Services report on the Government's proposals for reform of the planning market. This will include consideration of the options available to the council including shared services. It was request that this also be shared with the Commercialisation Task Group.
2. There will be no additional meeting to provide pre-decision scrutiny on the awarding of the construction contract for Morden Leisure Centre which will go to Cabinet on May 2016.

All members were asked to note the topic selection workshop will take place between 7 and 8:30pm on Tuesday 24 May 2016. This will determine the content of the work programme for the next municipal year (including task groups).

Resolved: the work programme was agreed.

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Committee: Sustainable Communities Scrutiny Panel

Date : 16th March 2016

Wards: all

Subject: Shared Services and potential changes in Development Control services

Lead officer: Chris Lee, Director of E&R

Lead member: Councillors: Andrew Judge , Nick Draper, Judy Saunders, Edith Macauley

Contact officer: Chris Lee x3050

Recommendations:

A. That Members discuss and comment on the report.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform members about the Departments consideration of Shared Services and also to update Members on the Governments consultation regarding possible changes in the way that Planning Applications may be handled in future.
- 1.2. The Department has an approach to Transformation which considers shared services as one of a range of potential opportunities to improve value for money. The Department has successfully established a Shared Regulatory Service Partnership which is looking to expand. Work is underway to explore the benefits of establishing a shared Planning service with R.B. Kingston and Sutton Councils.

2 DETAILS

- 2.1. **Shared Services**
- 2.2. Members asked for an update on Shared Services. Shared Services are one of a number of service delivery options available. They rely upon willing partners entering into legal agreements for the provision of services. They are particularly suitable for service areas where there is an absence of a mature market in which services could be market tested or externalised. Historically Merton has successfully provided the majority of environmental services in house, however, the financial challenge now facing services is such that this independence offers neither the economy of scale necessary to deliver financial savings nor the resilience required.
- 2.3. The Council has faced and continues to face a huge financial challenge. The adopted approach to service planning is to develop a Transformation Plan every 2 years which analyses the operating environment and sets out the Target Operating Model for the business over the coming 5 years. Table 1 sets out some of the areas where this is being developed and implemented.

Service	Position
Regulatory Services	<p>In August 2014 a Regulatory Services Partnership was established with Richmond Upon Thames Council. Merton is the Lead and Host Authority and all staff are now employed by Merton. In respect of governance, the service is overseen by a Joint Regulatory Committee with two Member representatives from each Council. The Joint Committee meets on a quarterly basis and is supported by a Shared Service Management Board that meets on a monthly basis. Savings for both boroughs have been delivered and further efficiencies and policy and practice harmonisation is being explored. The service provides greater resilience, especially where technical expertise can be shared across a broader base – eg Air Pollution matters and allows for more comprehensive monitoring/management of major events. such as The annual AELTC tournament.</p> <p>The service is now exploring the opportunity for its expansion to include Wandsworth Council. Work is underway to develop the Business case and project plan for this. In advance of this the service is working through a programme of improvement in business management to establish sounder arrangements for pricing and charging for services as well as exploring IT systems across the whole enterprise.</p>
Development & Building Control	<p>Work is underway to explore the business case for a shared service with Sutton and the Royal Borough of Kingston Upon Thames Councils. A report [see Appendix 1] was taken to Cabinet in March setting out the current thinking. It is hoped that the business case will establish a sound basis upon which to establish a shared service for the processing of planning applications and Building control work . In the event of a shared service being established then planning policy and planning decisions would all remain sovereign matters for the boroughs concerned.</p>
Parks / Grounds maintenance	<p>From April 2017 Merton and Sutton Councils will enter into a contract for services across parks , cemeteries and open spaces. Work is underway to identify how the Client management can be optimised and where there are opportunities for sharing capacity in order to save money.</p>

Table 1

- 2.4. Other areas where shared services may be appropriate and where opportunities will be explored over the coming years include :
- Property
 - Passenger Transport / Fleet management
 - Community safety
- 2.5. Officers are mindful of and seeking wherever possible and practicable to be consistent with the recommendations of the O&S Commission task group of July 2015. The Executive Summary and recommendations are appended at Appendix 3 to this report .
- 2.6. **Potential changes in Planning**
- 2.7. The purpose of planning is to help achieve sustainable development. It is important that the planning system supports the delivery of the high quality new homes and supporting infrastructure that the country needs. In pursuit of this the Government is consulting on the proposed approach to implementation of measures in the Housing and Planning Bill and potential secondary legislation. The complete consultation document is appended at Appendix 2. This report seeks to draw attention specifically to chapter 8 and inform Members of the possible changes in the processing of planning applications.
- 2.8. Chapter 8 of the consultation document seeks to explore the creation of competition in the processing of planning applications. This will not include changes to decision making on applications which will remain with the local authority whose area the application falls within.
- 2.9. What is proposed ? – In a number of specific geographic areas across the country, for a limited period of time , a planning applicant would be able to apply to either the planning authority for the area or an ‘approved provider’ (a person who is considered to have the expertise to manage the process of a planning application) to have their planning application processed. The thrust of the proposal is to reduce cost without affecting quality.
- 2.10. Consultation is underway on the broad principles for how this would operate. The principles are :
- 2.11. Scope - Whilst the final decision on an application will rest with the authority based on a report and recommendation from their own officers or from an approved provider where the applicant has chosen to go to one . Government is looking at whether competition should include both approved private providers and local authorities competing for the processing of all planning applications in test areas. However this could be limited to just local authorities or specific types of planning applications.
- 2.12. Fees – A market might work best where providers can set their own fee levels enabling them to set different levels for different levels of service.
- 2.13. Standards / performance and information – How quickly will the decision be taken after the approved provider has complete the work and produced the

report . How will standards and performance be maintained during the testing of competition, how will information be shared across providers and local authorities and what safeguards are needed.

- 2.14. The consultation closes on 15th April after which we should know more about the Government's intention. Officers will be preparing a response and welcome the input from Scrutiny Councillors. The proposals highlight the following issues :
- 2.15. The proposals pose a fundamental question regarding the role the Council plays in Planning decisions. At present income from planning applications does not cover the cost of handling them and with a significant increase in 'prior approval' applications that carry no fee combined with no control over fee levels this is not a viable business. If a market is developed then the authority may have the choice as to whether it allows that market to meet some needs. However it is clear that the Council will retain some handling of applications and the need to maintain a policy and decision making function. However, it is unclear where the handling of applications that carry no fee income would be handled – The expansion of Permitted development and 'prior approval' applications with no fee income would be unlikely to attract approved providers.
- 2.16. Who would be the 'approved providers' ? There is a very limited market of external bodies which includes Capita for example, who provide the Planning service for Barnet Council following their creation of a Joint Venture. This Joint venture provides all this work as part of a much larger contract package covering white collar services across environment & regeneration. Other Council Planning Authorities are also seen as approved providers – assuming they establish themselves to undertake this work. We would wish to explore whether this is work we would consider taking on.
- 2.17. 'Approved providers' have been compared to Approved Inspectors in the Building Control sector. However the circumstances are different in planning which is policy driven as opposed to governed by national or London building standards. It also relies heavily on a consultative process and a high degree of judgement based on a range of inputs. In addition Planning requires a decision at the end of the process and there may be an incentive on providers to promote the applicants desired decision as opposed to one which is impartial and based upon the relevant policies.

3 ALTERNATIVE OPTIONS

- 3.1. There are alternatives to shared services and these are explored as part of the service planning and Target operating model approach adopted by the Council.
- 3.2. With regard to planning. The council is already exploring a shared service and is keeping an open eye on the Barnet approach. The creation of a competitive market for planning may create other service delivery options.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None.

5 TIMETABLE

- 5.1. A planning / building control shared service is being explored for 17/18 Financial year at the earliest. A further report will be brought to Cabinet in September 2016.
- 5.2. The consultation on planning changes runs from 18/2 to 15/4/16.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The following table shows the current direct budgets (as at period 10) for Development and Building Control (Excl. depreciation):

	DEVELOPMENT CONTROL	BUILDING CONTROL	TOTAL
EXPENDITURE	£1,282,730	£613,290	£1,896,020
INCOME	(£1,065,990)	(£915,010)	£1,981,000
TOTAL	£216,740	(£301,720)	(84,980)

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Council has a duty to provide a Planning service Providing , trading and charging for services has been a feature of Local Government for a considerable time and is covered by legislation including within The Local Government Act 1972, 1976 and 2003

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. There are no specific issues.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. There are no specific issues

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. There are no specific issues

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

1. Planning Shared service – report to Cabinet 7/3/16
2. Technical consultation on implementation of planning changes – DCLG consultation February 2016
3. O&S scrutiny task group report July 2015 Executive summary and recommendations

12 BACKGROUND PAPERS

- 12.1. none

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Committee: Cabinet

Date: 7th March 2016

Wards: All

Subject: Planning shared service outline business case

Lead officer: James McGinlay

Lead member: Councillor Andrew Judge/Councillor Mark Allison

Contact officer: James McGinlay

Recommendations

The following recommendations are made in the Proposed Way Forward section of this report:

- i. Two options for a shared approach are followed up in detail:
 - a. a traditional shared service where one of the Councils is the employing authority
 - b. a shared service provided through a shared delivery company
- ii. A full business case recommending the best delivery model is agreed through a Joint Member Board with Sutton and Kingston and presented to members by September 2016.

Details of the financial figures will emerge as the result of developing options (a) and (b) in more detail. The benefits of adopting a shared approach include: delivery of more resilient services; the ability to compete with the private sector as the market opens up; improvement in the quality of services; financial savings and income growth.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This paper proposes to explore in more depth options for a shared service between the London Boroughs of Merton and Sutton and the Royal Borough of Kingston for elements of planning services.
- 1.2. The services included for the London Borough of Merton are Building Control, Development Management (minors/householder applications), major applications, land charges Trees, Enforcement, & Business Support. Kingston are not including majors or land charges at this point in time.
- 1.3. The shared approach's core objective is to explore options that will enable Merton to achieve the £612,000 saving target for DC/BC that is required in 2017/18.

2. DETAILS

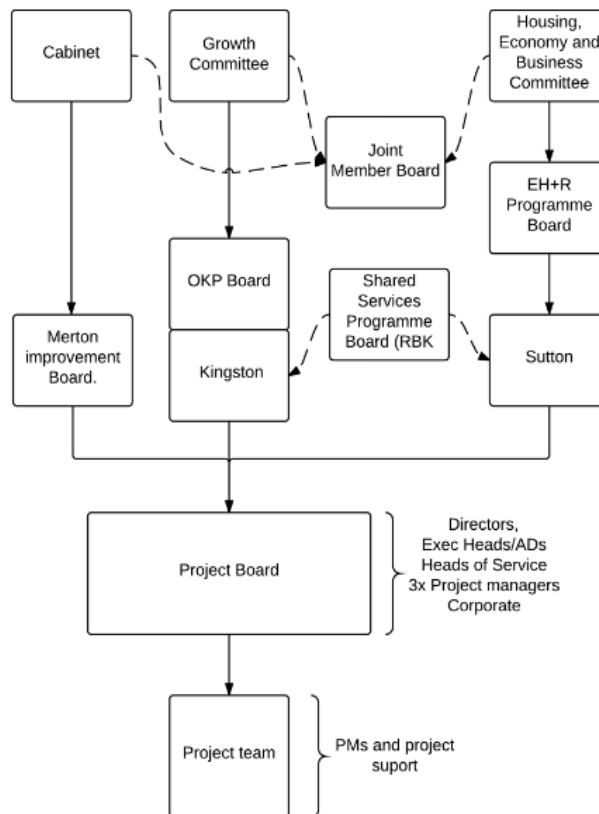
2.1. Objectives

- To retain sovereignty for each partner.
- To ensure that planning applications are processed in a timely and proportionate manner.
- To enhance each partner's reputation with residents and local business and the planning sector.
- To meet the savings targets of the three councils.

2.2. Decision points

Merton	Kingston	Sutton
Cabinet 7 th March Cabinet Oct 2016	Growth Committee - 17th March 2016	Housing, Economy and Business Committee - 22nd March 2016
Further development of potential models - March-August 2016		
Potential go live - April 2017		

2.3. Project Governance



**To clarify the London Borough of Merton will be a member of the Sutton and Kingston Shared services programme board. A Special Joint Member Board will be set up specifically for this project.*

2.4. Project Approach

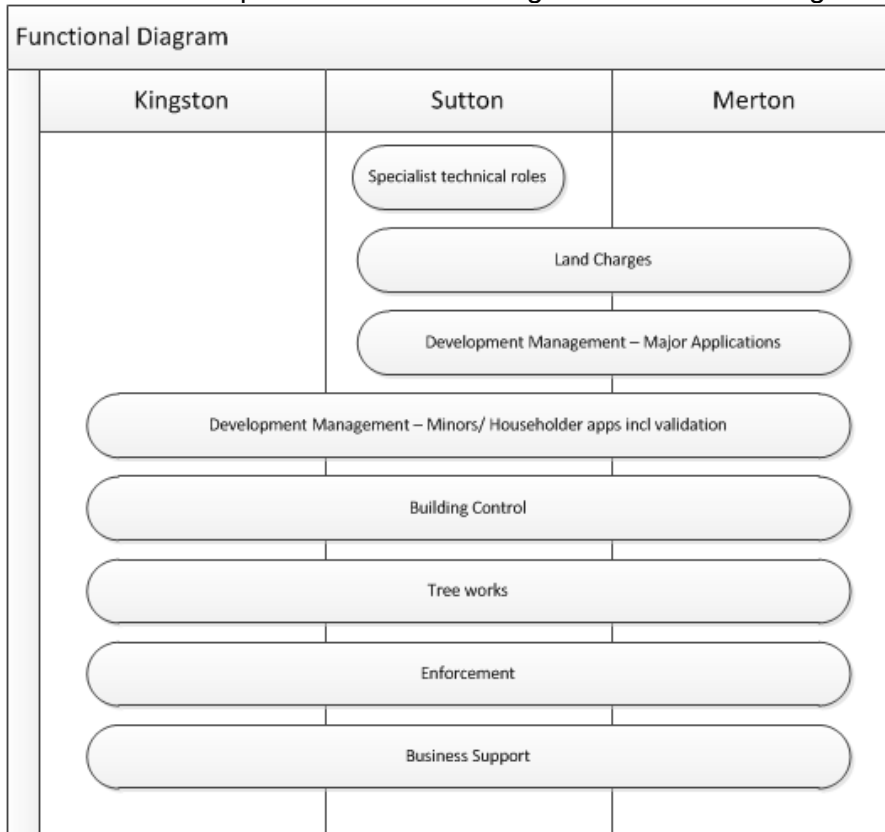
This project is being run following the project management approach adopted by each partner and is currently being led by Sutton who have commissioned an industry expert to help support the scoping and analysis phase.

3. Strategic Context

- 3.1. The planning services in scope face the same challenges as the public sector generally with reducing budgets, a struggle to maintain standards of service within the lower financial envelope and delivering a sustainable service through periods of fluctuating demand and increasing customer expectation. The growth in the economy over recent years has seen an increase in demand for planning services both in general householder applications and for major schemes. Each of the Councils has a healthy regeneration portfolio to drive through changes which will form the foundation for the future development of the boroughs. There are, however, some fundamental changes being proposed by the government which will have a significant impact on planning services and how they are shaped for the future.
- 3.2. The government wants to see a million homes built over the next five years. It intends to give house builders and decision makers the tools and confidence to deliver more homes in appropriate places and further streamline the planning system to assist them. The intended impact of this is to make it easier for builders to identify land which is agreed as suitable for housing. It is also intended to make it easier and faster for planning permission for housing to be granted and make interventions in the Local Plan process smarter, so homes can be completed quicker and decisions can be more informed.
- 3.3. As part of the Planning & Housing Bill 2015, the government is 'testing' the benefits of allowing planning applicants to choose who processes their planning application; Councils or the private sector. The pilots will take place in specific areas for a limited period and will be restricted to 'competition for the processing of applications, not their determination'. The approach is likely to be similar to building control which was opened up to competition back in the 1980s. Like building control, where statutory authority is retained by local authorities for the enforcement function, the decision on planning applications would remain with Councils and only the process of handling applications be opened to the market.
- 3.4. If, after testing, processing planning applications is fully opened to the market, then Councils could see a significant challenge in the extent of work undertaken in-house with a threat to the scale of fee income. This could follow a similar trend to building control where the three Councils currently have a range of 55%-65% of the market share. In parallel with this, it is likely that the fee structure will be opened up and Councils will have some freedom to set fee rates and not be constrained by a cost recovery only regime.
- 3.5. Opening up to the private sector would also make the job market even more competitive. The Councils are already losing staff to the private sector who pay staff more, which also makes it increasingly difficult to recruit. Even covering vacant posts with agency staff is difficult and expensive. There is also a risk that the private sector will pick and choose the 'plum' jobs leaving Councils with routine work. This in itself will not be helpful in attracting new recruits.
- 3.6. Councils will need to determine how best to front these challenges for planning services and organise themselves in ways which are best suited to securing services and meeting customer requirements.

4. Background

4.1. Services in scope are shown in the high level functional diagram below:



4.2. None of the Councils want to share the strategic planning and policy functions and planning decisions will remain with individual Council committees.

5. Data Comparison

Staffing levels

Building Control

	Merton	Kingston	Sutton
Total staff (current)	6	7	6
Current FTE	6.7	7	5.3
Vacancies	2	3	2
Total staff (when full)	8.7	10	8

Development Control

	Merton	Kingston	Sutton
--	--------	----------	--------

Total staff (current)	26	18	21
FTE	19	10	17.8
Vacancies (Currently backfilled with agency)	7	4	0
Total (when full)	26	22	21

*Currently the service is filling the establishment through temporary measures to deal with high volumes of applications.

Support Staff

	Merton	Kingston	Sutton
Total staff (current) - BC	Merton's support staff are built in the main service		
Total staff (current) - DC	Merton's support staff are built in the main service		4
Split roles covering BC and DC			6
FTE		12.4	
Total (when full)		12.4	10

Pre applications

	Merton	Kingston	Sutton	Commentary
No. of Pre-apps (2014)	64* (from June to Dec 2014)	Data not collected	163	
Break down of pre-apps (2014)	Major (CAT A + CAT B): 16%; Minor (CAT C): 78%; Subsequent meeting: 6%	Data not collected	Major: 20%; Minor: 34%; Householder: 20%; Trees: 1%; Other types of pre app: 12%; Blank:	Merton: CAT A - Large-scale, Complex Major Development CAT B - Major Development CAT C - Minor Development Sutton: In some cases 'Blank' may refer to an application being withdrawn or refunded

			12%	
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5.1. Differences across the councils planning services

Kingston and Sutton are jointly procuring a shared replacement IT system. Merton are currently preparing for the re-procurement of its IT planning system and will explore joining Sutton and Kingston as their procurement allows for other partners to join and would save Merton procurement costs. .

5.2. Budget overview to be added

Direct Expenditure Budget

	Merton	Kingston	Sutton
Building Control	£613,290	£750,000.00	£585,800.00
Development Control	£1,194,860	Figure not available	£710,000.00
Total BC + DC	£1,808,150.00	£750,000.00	£1,295,800.00

Income generation (2014/15)

	Merton	Kingston	Sutton
Building Control	£695,570.00	£559,000.00	£585,800.00
Development Control:	£1,158,940.00	£1,096,000.00	£788,410.40
<i>Major</i>		<i>£688,810.00</i>	<i>£207,608.00</i>
<i>Smallscale</i>			<i>£154,853.00</i>
<i>Minor</i>			<i>£215,962.40</i>
<i>Other</i>			<i>£145,931.00</i>
<i>Prior Approval</i>			<i>£5,304.00</i>
<i>PD & CLC</i>			<i>£58,752.00</i>

Pre application	£156,520.00	Figure not available	£69,900.00
Overall Total	£2,011,030.00	£1,655,000.00	£1,444,110.40

6. Key findings that will shape the way forward

6.1. There are a number of findings from the preliminary work undertaken that will need to be taken into account when shaping the way forward. The following comments are based on observations by the programme team, feedback from workshops and best practice research.

The move to allow planning applicants to choose who they wish to process their application

6.2. This will open up the market and challenge Councils to maintain a high percentage of the market share. As previously mentioned, many Councils experienced a significant drop in market share when building control was opened to competition with customers being free to use accredited agents rather than Council teams.

Difficulties in recruiting staff

6.3. All the Councils have found it difficult to recruit and retain quality planning staff. This is largely due to the private sector paying higher salaries and offering better career opportunities. This is compounded by the financial restraint in local government and the uncertainties this brings for the future.

Council teams will need to become more commercial and competitive

6.4. As the challenge from the private sector increases, current council teams will need to become more commercially focused and 'sell' their services to retain and/or grow their customer base. This will require a much better understanding of the true transaction and activity costs associated with planning functions. This will enable competitive assessments to be undertaken and pricing models to be determined. Teams will need to be proactive in chasing additional income.

Organisational culture and staff skills base

6.5. In order to be more commercially successful a significant change in organisational culture and behaviour would be required. It would also be vital to ensure that the right mix of staff skills are available.

In Sutton and Kingston business support is managed outside of the planning services

6.6. This model of operation will need to be reviewed if any form of shared operation is to be considered moving forward. An integrated approach is most likely to bring productivity to business support where resources are allocated according to workload across the Councils.

The introduction of an IT system with integrated workflow will bring service improvements

- 6.7. The implementation of a new IT system late in 2016 will bring old paper-based processes up to date with the introduction of integrated workflow across planning and business support functions. The sharing of the system across Sutton and Kingston, and potentially, Merton will facilitate the implementation of common processes to give maximum productivity gains.

Career progression across planning functions is a current feature in each Council

- 6.8. This opportunity for career progression needs to be retained across any delivery model that is considered in order to give staff the professional experience and career progression they required personally and to retain a flexible and high quality planning service. Any delivery model which separates functions will need to have paths in place that facilitate this integrated approach.

There are a lot of interdependencies for planning with other Council services

- 6.9. The close link of planning functions with other Council services is fundamental to the quality of service provision. Ways will need to be found to ensure that any future delivery model has inbuilt processes to retain these links and benefit all the services involved.

What other authorities have done

- 6.10. There are numerous councils that currently share their Planning Services The research shows that the far majority of these partnerships share only their building control service; only Waveney and Suffolk Coastal District Councils appear to have shared both their building control and development management services. All the partnerships from the research appear to have kept their additional Planning services in-house (land charges, protected trees etc).
- 6.11. There are also two partnerships that appear to be pending, these are Westminster, Kensington & Chelsea and Hammersmith & Fulham Councils (tri-borough) and South Cambridgeshire and Huntingdonshire District Councils.
- 6.12. The mid Kent planning partnership was a conspicuous failure and once consisted of Maidstone, Swale and Tunbridge Wells. The merger was supposed to make the administrative functions more efficient, but just over a year after formation Tunbridge Wells pulled out - allegedly after the partnership "failed to deliver savings". The cost of this u-turn has cost the council £150,000.
- 6.13. The failure of the partnership was largely no clear project management approach was followed, the manager appointed lacked planning experience and adequate resources were not allocated to meet demand put down to significant changes to planning legislation since the shared service went live and a large rise in applications which could not have been foreseen. However, the partnership also failed

- 6.14. A proposal has been put forward outlining the potential structure of a pan London building control entity. This would take the form of a central unit consisting predominantly of management roles, with a number of regional units of mainly surveyors.
- 6.15. Other Options - A smaller number of councils have implemented, or are investigating other models of service delivery, as opposed to the traditional shared service, Barnet have implemented an arrangement with Capita Symonds. (See Appendix A for more details).

7. Proposed Way Forward - Target Operating & Delivery Models

- 7.1. The London Boroughs of Kingston and Sutton have adopted a commissioning approach as their overall target operating model. In the future this will leave both authorities with small strategy and commissioning teams with commissioners specifying the outcomes the provider is to achieve and managing the contractual relationship with the supplier. .
- 7.2. The London Borough of Merton however has not adopted the same target operating model and is quite open to different approaches to service delivery. The different strategic approaches however do not affect the common approach to addressing the savings targets set by each of the respective councils. The strategic policy function will be retained by all councils.
- 7.3. The London Boroughs of Kingston and Sutton have already commissioned a shared IT service platform on the basis that the new system delivers a more effective and efficient work style through automation and the introduction of mobile working. The London Borough of Merton is likely to join this system to reap the same benefits in September 2016. Sharing the same IT system and streamlining of processes will remove a significant barrier to sharing services.

8. Delivery Models - Options Appraisals

- 8.1. In the initial stage of options appraisal a variety of options were considered, based on what has been done elsewhere, market conditions and the likely direction of travel for the service given policy changes. Based on this it was agreed that the option to do nothing actually contains significant future risk and that a three borough collaboration could provide solutions to some of these issues.
- 8.2. An initial options appraisal has been undertaken of a long list of potential delivery models:
- Retain in-house
 - Shared service with one Council as the employing authority
 - A shared service through a jointly owned council company
 - Joint Venture with a private company
 - Outsourced (all/part)
 - Employee led Mutual

8.3. The options were initially appraised by the project team and the results shared, and confirmed, with Heads of Service and Directors. The following criteria were used to appraise the options with the weightings shown:

Corporate (Weighting 35%)	Customers (Weighting 25%)	Staff (Weighting 20%)	Members (Weighting 20%)
<ul style="list-style-type: none"> · Strategic Fit · Savings/Income growth · Transitions Costs · Risks · Deliverability · Future Proofing · Timescales 	<ul style="list-style-type: none"> · Service Quality · Ease of Access · Performance 	<ul style="list-style-type: none"> · High Quality Development · Job Interest · Retention · Personal Development 	<ul style="list-style-type: none"> · Democratic Mandate · Local Economy · Planning Policy

8.4. The following table shows the scored options for Merton:

Criteria	In-house/As is	Shared Service	LG Company	Joint venture	Outsourced
Corporate (35)	22	24	26	21.5	24
Customers (25)	15	17.5	18.3	16.7	15.8
Staff (20)	11	15	15	13.5	13
Members (20)	14	14	14	14	14
Total	62	70.5	73.3	65.7	66.8

As the table shows, the two shared service options came out on top.

8.5. Key issues that influenced the scoring were:

- i. Moving from three council teams to a private sector option in one move was not considered feasible. A better approach would be to bring the three teams together in an environment controlled by the Councils and realise the savings and income growth that could bring through integrating the teams, adopting a commercial approach and implementing common business processes. Once the shared approach is settled then other delivery options could be explored
- ii. It was also assumed that the Councils will want to sort themselves out to be more competitive in order to retain the new income opportunities that will come once the market is opened up
- iii. The Mutual company approach was ruled out because there is currently no staff interest in exploring this route

- iv. The in-house option scored poorly because this did not meet the strategic fit criterion and was not considered a viable option to meet the challenges ahead with the opening up of the market and need to reduce costs and grow income. This option would also not provide the resilience needed to maintain current levels of service quality.

Recommendation: further work is undertaken to determine which of the following is the best option to carry forward to implementation;

- (a) a shared service with one Council as the employing authority**
- (b) a shared Council owned delivery company**

9. Next Steps

- 9.1. The next phase will develop the full business case for the way forward with a shared approach. The full business case will be presented to the Joint Member Board by September 2016 and to cabinet in October 2016 for agreement to implement the selected shared delivery model.

10. ALTERNATIVE OPTIONS

- 11. The boroughs will continue to review savings internally and options for delivering these as part of the Target operating Model (TOM) process.

12. CONSULTATION UNDERTAKEN OR PROPOSED

- 13. On-going consultation with staff, directors and members will become part of the core project plan. Monthly updates will be provided between now and September 2017, leading up to the decision.

14. FINANCIAL, RESOURCE, AND PROPERTY IMPLICATIONS

- 14.1. At this stage there are no financial implications to report. If agreement is given, financial details regarding savings and income growth along with transition costs and the financial model for apportioning costs and savings will be detailed in the business case. Finance staffs from the three Councils are already working together on baseline costs and the early consideration of principles for the financial model.

15. LEGAL AND STATUTORY IMPLICATIONS

- 16. There are no legal implications affecting exploring the planning shared service at this stage. As detailed proposal are developed the legal implications will be captured.

17. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 18. NONE

19. CRIME AND DISORDER IMPLICATIONS

- 20. NONE

21. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

The following table gives an indication of some of the key risks identified to date:

Risk	Probability	Impact	Mitigation
May not be political support across the three councils	Medium	High	Discuss in detail at the Joint Member Board
Different cultures & processes across the Councils slow down decision making	Medium	High	Build contingency allowance into time plans
Scale of organisational change programmes running in parallel may slow implementation	Medium	High	Dovetail timescales with other major project plans to avoid clashes of resource demands particularly HR
Geographic spread of the Councils makes a shared resource approach inoperable	Medium	High	Explore flexible working arrangements supported by mobile technology
Failure to agree a single delivery model	Medium	High	Identify at an early stage if either of the options are not acceptable. Work to resolve the issues
Lack of commercial acumen in current teams	High	High	Ensure these skills are recruited as part of the structuring of the agreed delivery vehicle

Appendix A

Example 1: Cheshire East Council

Cheshire East Council has created a planning support consultancy company called Civicance, a one-stop-shop for people seeking to make investments through land and property.

If the Council did nothing, it was estimated that the service would lose income to competitors, which could cost the authority £892,000 over the next five years. By setting up the new company and tapping into new income streams the potential loss could be converted into a saving of £269,000 – a net benefit of £1.161m. Services provided by the new company include building control, structural appraisal, local land charges and property searches, street naming and numbering, fire risk assessments and planning support and liaison.

Example 2: London Borough of Barnet

The London Borough of Barnet and Capita have come together to create a joint venture called Re (Regional Enterprise). The contract to provide Development and Regulatory Services (including highways, planning and development - building control; land charges; development management; strategic planning and regeneration, trading standards and environment health) is a ten year partnership, which Re believe will allow them to compete in markets that are not available to the public sector and give them freedom to draw in extra funds unavailable to the public sector.

Three major benefits of this new private/public sector hybrid company have been stated:

- Capita have guaranteed LB Barnet a cost saving of £39 million (over all services, not just Planning) over the next 10 years.
- Capita are investing £8.2 million in new technology to deliver the council's services.
- Capita are improving facilities and training staff.

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Department for
Communities and
Local Government

Technical consultation on implementation of planning changes



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Scope of the consultation

<p>Topic of this consultation:</p>	<p>This consultation seeks views on the proposed approach to implementing the planning provisions in the Housing and Planning Bill, and some other planning measures. It covers the following areas:</p> <ul style="list-style-type: none"> • Changes to planning application fees • Permission in principle • Brownfield register • Small sites register • Neighbourhood planning • Local plans • Expanding the planning performance regime • Testing competition in the processing of planning applications • Information about financial benefits • Section 106 dispute resolution • Permitted development rights for state-funded schools • Changes to statutory consultation on planning applications
<p>Scope of this consultation:</p>	<p>We are seeking views of all parties with an interest in the proposals, so that relevant views and evidence can be taken into account in deciding the way forward.</p>
<p>Geographical scope:</p>	<p>These proposals relate to England only.</p>
<p>Impact assessment:</p>	<p>We have included a summary of the Equality Statements prepared to support these policies. We are keen to receive feedback on the evidence in this document, and to receive any other relevant evidence that should be considered.</p>

Basic Information

To: This is a public consultation and anyone with an interest in the proposals may respond.

Responsibility: This consultation is being run by the Planning Consultation Team in the Department for Communities and Local Government.

Duration: This consultation will run from Thursday 18 February and will conclude on Friday 15 April 2016.

After the consultation: A summary of responses to each of the consultations contained within this document will be published on the Department's website within three months of the closing date.

How to respond to this consultation

To respond to this consultation use the following link:

<https://www.surveymonkey.co.uk/r/HZHX8H9>

Introduction

The purpose of planning is to help achieve sustainable development. It is important that the planning system supports delivery of the high quality new homes and supporting infrastructure that the country needs.

This consultation is seeking views on the proposed approach to implementation of measures in the Housing and Planning Bill, and some other planning measures. Responses to the consultation will inform the detail of the secondary legislation which will be prepared once the Bill gains Royal Assent. We are setting out proposals in the following areas:

Chapter 1: Changes to planning application fees;

Chapter 2: Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development;

Chapter 3: Introducing a statutory register of brownfield land suitable for housing development;

Chapter 4: Creating a small sites register to support custom build homes;

Chapter 5: Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums;

Chapter 6: Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place;

Chapter 7: Extending the existing designation approach to include applications for non-major development;

Chapter 8: Testing competition in the processing of planning applications;

Chapter 9: Information about financial benefits;

Chapter 10: Introducing a Section 106 dispute resolution service;

Chapter 11: Facilitating delivery of new state-funded school places, including free schools, through expanded permitted development rights; and,

Chapter 12: Improving the performance of all statutory consultees.

Chapters 1-12 are structured to allow respondents to comment on consultation proposals which are most relevant to them. We are also seeking views on whether proposals impact on protected groups as described in chapter 13, to ensure that we take into account all relevant evidence in our consideration.

Chapter 1: Changes to planning application fees

- 1.1. Fees for making planning applications are set nationally at present¹, and make an important contribution to meeting the costs of development management services. They were last revised, in line with inflation, in 2012. This consultation sets out proposals for amending fees to reflect changes since 2012, but in ways which link more effectively to the service which is provided.
- 1.2. We are particularly keen to encourage innovation and improvement in the way that planning services operate, for the benefit of both applicants and authorities. For example, some councils have successfully entered into partnerships with commercial providers that have enabled savings to be made while allowing the service to draw on a wider pool of staff. Opportunities exist to go much further, and the proposals in this consultation are designed to enable radical reform where authorities identify the scope for significant improvements.

What are we proposing?

National fees

- 1.3. We are proposing that national fees are increased by a proportionate amount, in a way which is linked to both inflation and performance. The national fee schedule would be revised in line with the rate of inflation since the last adjustment in 2012, with the exact level of increase reflecting when the change comes into effect². We also propose to make future adjustments on an annual basis, if required, to maintain fee levels relative to inflation.
- 1.4. We are clear that any changes in fees should go hand-in-hand with the provision of an effective service. Consequently, we are proposing that any increase in national fees would apply only to those authorities that are performing well. One approach would be to not apply an increase where an authority is designated as under-performing in its handling of applications for major development (or, in future, applications for non-major development)³. However we are interested in views on other approaches that could be employed, such as limiting increases to those authorities that are in the top 75% of performance for both the speed and quality of

¹ By regulations made under section 303 of the Town and Country Planning Act 1990; see the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 S.I. 2012/2920, as amended.

² This will need to follow the passage of the Housing and Planning Bill and revised fees regulations, so will not be before Autumn 2016. An amendment to the Bill will, once enacted, make it easier for different fee scales to be applied in different areas.

³ Designations made or revoked in accordance with section 62B of the Town and Country Planning Act 1990, and the published criteria for designation and de-designation (for current version see <http://tinyurl.com/nj7sn67>). The Housing and Planning Bill proposes to extend this approach to the handling of applications for non-major development.

their decisions⁴. Whatever approach is taken, we also wish to consider whether this change should be implemented as quickly as possible – so that under-performing authorities do not receive the next available increase – or whether authorities should be given a period of grace before the policy applies, so that there is further time to improve before any fee increases are withheld.

- 1.5. Where an authority is not eligible for a particular national increase, the pre-existing fee would continue to apply until the authority's performance improves to the point at which it becomes eligible for increases again, and the fees regulations are next revised (we expect that this would be on an annual basis, to implement any inflation-related adjustments in national fees). At that time the most recently-revised national fee would apply in that area.

Question 1.1: Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternative would you suggest?

Question 1.2: Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?

- 1.6. As an alternative to future increases in national fees linked to performance, we have considered whether fees should be set locally in all areas. However, as planning authorities are, at present, solely responsible for the planning service in their area, this approach risks unintended consequences: increases in fees might not be linked sufficiently to improved performance, and in some cases could even rise to a level that dissuades applications from coming forward. Nevertheless we believe that opportunities do exist for more locally-led approaches where there is a clear link to improvement.

Local flexibility and performance

- 1.7. We have embarked on a radical programme to decentralise power from Whitehall: using deals to give every part of the country the opportunity to innovate, improve services and show how funding can go further. Through this process we are keen to see proposals for ambitious reforms in the way that planning services are delivered, and which can enable greater flexibility in the way that fees are set.
- 1.8. Proposals need to be locally-led, and we wish to encourage a wide range of measures that can streamline the process for applicants and accelerate decisions. However, we are particularly interested in ideas that would:

⁴ This could, for example, be assessed annually against data that the Department would publish on performance over the most recent two-year period, across all application types.

a) provide applicants with the choice of a fast-track service (or services) in return for a proportionate fee. Such proposals would need to maintain the minimum standards for notification and representations set out in legislation⁵, while offering decisions in less time than the current statutory periods⁶. We are interested in your views on whether any fast track standards should be set out in regulations (and applied in specific areas that pursue this approach), or whether local performance agreements could be used to provide sufficient assurance of the enhanced service to be offered.

b) test the potential for, and benefits of, competition in application processing. Clauses in the Housing and Planning Bill will, if enacted, allow competition to be trialled in specific areas, with applicants having the choice of applying to the local planning authority or one of a range of approved providers (which could be other planning authorities). The final sign-off for decisions would remain with the local planning authority. A competitive market for processing applications would require the ability for providers – including the local planning authority – to set their own fees and service standards. Chapter 8 sets out our proposals for how competition could work.

1.9. Given the potential impacts of any changes in fees, service standards and suppliers of planning services, we would expect the local business community to be involved in formulating any proposals of this type, with the Local Enterprise Partnerships having an important role in this engagement.

Question 1.3: Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?

Question 1.4: Do you have a view on how any fast-track services could best operate, or on other options for radical service improvement?

1.10. We consider these proposals will benefit users in a number of ways: by encouraging radical improvements in development management processes, improving choice in the services on offer and linking any changes in fees to performance. However we are interested in your views on the potential impacts of the changes.

Question 1.5: Do you have any other comments on these proposals, including the impact on business and other users of the system?

⁵ See articles 14–16 (publicity), 18–21 (consultation) and 24–26 (representations and notifications) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 S.I. 2015/595 (the “DMPO”).

⁶ See article 34 of the Development Management Procedure Order.

Chapter 2: Permission in principle

- 2.1 The Housing and Planning Bill, currently being considered by Parliament, introduces a new 'permission in principle' route for obtaining planning permission. This is designed to separate decision making on 'in principle' issues (such as land use, location and amount of development) from matters of technical detail (such as what the buildings will look like). The Bill provides for permission in principle to be granted on sites in plans and registers, and for minor sites on application to the local planning authority.
- 2.2 By improving how matters of basic principle are dealt with in the planning system, we can help make the process more effective and support the delivery of new homes. The current system can often require too much information to be produced upfront before there is reliable certainty that a development can go ahead in principle. Greater certainty about whether land is suitable for development can bring benefits for all, especially when it is given early in the process.

Background

- 2.3 Two key issues with the present system are:
- It allows in principle decisions to be revisited at multiple points in the process. Local planning authorities, parishes and designated neighbourhood planning forums frequently identify land and assess its suitability for development when they propose the allocation of sites in plans. Even where land is allocated in a local plan, decision makers will reassess the basic principles of site suitability when a planning application is submitted.
 - It requires applicants to invest heavily in the finer detail of a scheme without sufficient certainty that a site is suitable in principle. Alongside uncertainty of outcome, the system requires applicants to invest upfront in producing information related to a wide variety of detailed technical matters, such as detailed design. The cost of producing this information can be considerable and the time spent considering it can be significant for local authorities and others, including consultees and communities, who are asked to comment on proposals. Even where only outline planning permission is sought with all matters reserved, an applicant often needs to invest heavily in illustrative detail (e.g. showing detailed layouts and other design features).
- 2.4 Our proposals aim to give greater certainty and predictability within the planning system by ensuring that the principle of development only needs to be established once. More certainty should be available earlier in the process, before heavy investment is made in costly technical details. At the same time we need to ensure an appropriate assessment of the development proposed against local and national policy, and the opportunity for involvement of communities and other interested parties.
- 2.5 We consider that permission in principle will have a number of benefits: it will increase the likelihood of suitable sites being developed; it will also improve the efficiency of the planning system by reducing the number of detailed applications that are unsuitable in

principle; and it will limit the amount of time spent reappraising the principle of development at different points in the process.

- 2.6 The Bill sets the overarching framework for permission in principle to be granted in two ways:
- on allocation in a locally supported qualifying document that identifies sites as having permission in principle; and,
 - on application to the local planning authority.
- 2.7 The primary decisions about when to grant permission in principle will be locally driven, taking account of national and local policy. Permission in principle must be followed by an application for technical details consent to agree the details of the scheme before the applicant obtains full planning permission and can start work on site.

Permission in principle on allocation in a locally supported qualifying document

- 2.8 The three key requirements that need to be met in order for permission in principle to be granted by this route are:
- a) the site must be allocated in locally produced and supported documents that have followed an effective process of preparation, public engagement, and have regard to local and national policy;
 - b) the document must indicate that a particular site is allocated with permission in principle. The choice about which sites to grant permission in principle in a qualifying document will be a local one, but our expectation is that it will be used in most cases. Allocations in existing plans cannot grant permission in principle i.e. it will not apply retrospectively;
 - c) the site allocation must contain 'prescribed particulars'. These are the core 'in principle' matters that will form the basis of the permission in principle.
- 2.9 The result of a grant of permission in principle is that the acceptability of the 'prescribed particulars' cannot be re-opened when an application for technical details consent is considered by the local planning authority. Local planning authorities will not have the opportunity to impose any conditions when they grant permission in principle. It will therefore be important for the development granted in principle to be described in sufficient detail, to ensure that the parameters within which subsequent application for technical details consent must come forward is absolutely clear.

Permission in principle on application for small sites

- 2.10 The Bill also makes provision for permission in principle to be granted following an application made to the local planning authority. An application can be used to establish the acceptability of the 'core in principle' matters for a particular site and a grant of permission in principle will have the same effect as described above. Applications for permission in principle will require less information upfront than an outline application, as the consent authorising the development (i.e. the planning permission subject to any conditions) is not secured until technical details consent is obtained.

2.11 Applications for permission in principle must be determined having regard to the development plan and any other material considerations, in the same way an application for planning permission is considered. Where it is justified a local planning authority can refuse permission in principle and in those circumstances the applicants will have a right to appeal.

Technical details consent

2.12 Whether permission in principle is granted on allocation or application, full planning permission will only be secured once technical details consent has been obtained by applying to the local planning authority. We expect that the parameters of the technical details that need to be agreed will have been described at the permission in principle stage. An application for technical details consent must:

- a) relate to a site where permission in principle is in place;
- b) propose development in accordance with the permission in principle; and
- c) be contained in a single application (i.e. not broken down into a series of applications).

2.13 An application for technical details consent for a site must be determined in accordance with the permission in principle in force at the time. This means that the question of whether the 'in principle matters' are acceptable cannot be re-opened. It does not prevent consideration of the technical details of the scheme against local and national policy and other relevant material considerations. A refusal of technical details consent can be appealed. Any conditions needed can be imposed when technical details consent is obtained. Technical details consent will also be the stage at which planning obligations will be negotiated and the Community Infrastructure Levy will apply.

2.14 The process for applying for technical details consent will draw on some of the key elements of information submission and consideration, engagement and decision making used for applications for outline planning permission, with some variation to avoid unnecessary requirements or duplication at the permission in principle and technical details consent stages. These elements of the process are considered further below. We expect that decisions on applications for technical details consent will be made efficiently as they will focus on whether the detail is acceptable, rather than re-appraising the principle of the development.

What are we proposing?

2.15 The Housing and Planning Bill sets the overarching framework for permission in principle. The detailed operation of it will be set out in a Development Order⁷. We are keen to hear views about our detailed proposals for how permission in principle will

⁷ A development order is made way of secondary legislation used to implement powers given in primary legislation – for example, the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the procedure connected with planning applications.

operate to help shape the secondary legislation. The areas for consultation can be broken down into eight areas:

- a) the qualifying documents that can grant permission in principle on allocation
- b) permission in principle on application
- c) the 'in principle matters'
- d) sensitive areas
- e) involvement of the community and others
- f) information requirements
- g) durations of permission in principle and technical details consent
- h) maximum determination periods

The locally supported qualifying documents that can grant permission in principle on allocation

2.16 Permission in principle can only be granted on allocation where it is identified in a qualifying document. The choice about whether to grant permission in principle should be locally driven and reinforces our commitment to a plan-led system. We therefore propose that qualifying documents should be:

- a) future local plans;
- b) future neighbourhood plans;
- c) brownfield registers⁸.

2.17 We think that using these as qualifying documents to grant permission in principle will allow local planning authorities, parishes, and designated neighbourhood groups⁹ to propose sites to be granted permission in principle as part of an effective process for identifying and assessing sites that are suitable for development. Central to this will be the consideration of in principle matters against local and national planning policy. Appropriate community engagement and involvement of other relevant consultees is also ensured.

2.18 Using plans and registers to grant permission in principle will make better use of the detailed work that already goes into making a plan. It will reinforce the allocation of sites in plans by ensuring that they send the strongest possible signal about which land is suitable locally for development.

Question 2.1: Do you agree that the following should be qualifying documents capable of granting permission in principle?

- a) future local plans;

⁸ See Chapter 3 of this consultation on brownfield – brownfield registers are being introduced by clause 137 of the Housing and Planning Bill 2015.

⁹ Parishes and designated neighbourhood groups for the purpose of neighbourhood plans only.

- b) future neighbourhood plans;
- c) brownfield registers.

Permission in principle on application

- 2.19 We recognise that developers of smaller sites can face particular challenges with the planning system due to lack of certainty. This is because the sites they want to develop often do not have the benefit of a plan allocation and developers of small sites can struggle to get access to timely pre-application advice. To help address these concerns, we propose that applicants for minor development¹⁰ should be able to apply directly to the local planning authority for permission in principle, submitting a minimum amount of information.
- 2.20 Permission in principle applications could also be of benefit to applicants for major development. As major development can involve greater information requirements, before making this route available we want to ensure that it would provide a sufficiently distinct option from existing outline planning permission. We therefore propose to consider the case for this following a closer examination of the operation of outline permission.

Question 2.2: Do you agree that permission in principle on application should be available to minor development?

The ‘in principle matters’ that should be covered in a grant of permission in principle

- 2.21 We want to make an appropriate distinction between decision making on ‘in principle matters’ and technical detail. The former will consist of the ‘prescribed particulars’ which must be included in a permission in principle, while the latter will focus on matters of technical detail to be agreed as part of a subsequent application for technical details consent.
- 2.22 The ‘in principle matters’ are the core elements underpinning the basic suitability of a site for development. We want to ensure that these core elements are established by a grant of permission in principle. We recognise that there is a careful balance to be struck between delivering the greater certainty that is needed and avoiding overloading a permission in principle with too many matters of detail that may undermine its fundamental purpose.
- 2.23 We propose that the only ‘in principle matters’ that should be determined as part of a permission in principle should be the location, the uses and the amount of development. These are described further below:

Location	We propose that this would be a red line plan drawn to a scale that clearly identifies the location
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¹⁰ Development that is not major development or a householder application as defined in Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015.

	and parameters of the site.
Uses	We propose that permission in principle should be given for proposals that are housing led. Retail, community, and commercial uses that are compatible with a residential use can also be granted permission in principle where they form part of a housing led development.
Amount of residential development	To achieve a good balance between ensuring upfront certainty and flexibility, it is proposed that permission in principle will specify a minimum and maximum level of residential development that is acceptable. This range will be indicated either by the number of units or by the dwellings per hectare. Using a range will allow some flexibility to address issues emerging at the technical details consent stage. The amount of non-residential development will not have to be specified.

2.24 We propose that anything other than location, use, and amount of development are not included in the permission in principle and will be regarded as technical details. These matters will need later agreement through an application for technical details consent. We expect that the parameters of the technical details that need to be agreed, such as essential infrastructure provision, will have been described at the permission in principle stage and will vary from site to site.

2.25 Examples of technical details include the provision of infrastructure, fuller details of open space, affordable housing, alongside matters of design, access, layout and landscaping. If the technical details are not acceptable for justifiable reasons, the local planning authority could justify a refusal at the technical details stage, and the applicant would have the right of appeal. The local planning authority may not use the technical details consent process to reopen the 'in principle' issues that have been approved in the permission in principle.

Question 2.3: Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included?

Question 2.4: Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage?

The approach to sensitive sites

2.26 Permission in principle will help bring forward suitable sites for development more quickly, while reducing the amount of time that the planning system spends considering the detail of development that is unsuitable in principle. We recognise that sites can have particular constraints and sensitivities - such as

proximity to heritage assets, contamination, and flood risk.

- 2.27 Permission in principle will not remove the need to assess the impact of development properly before full planning permission is granted. We are clear that the assessment of all sites against local and national planning policy is at the heart of both the decision to grant permission in principle and the subsequent agreement of technical details.
- 2.28 We expect that in most cases it should be possible to decide whether or not to grant permission in principle. In a small number of cases, the site might be suitable, but the extent or nature of development is highly constrained due to the sensitivity of the site or its surroundings. Where allocation is being considered in these circumstances, a decision may be taken to allocate a site, but not grant permission in principle. If it is an application, the local planning authority may decide that it cannot grant permission in principle given the sensitivity of the site.
- 2.29 When considering an application for technical details consent, the local planning authority will be able to consider the detailed proposals for how the development will be delivered on the site, having regard to local and national policy. In line with other permissions, it will be possible to impose conditions or seek planning obligations to mitigate impacts of the development, and where it is justified refuse planning permission.
- 2.30 Permission in principle will also not remove obligations in relation to European Directives. We would welcome views on options for addressing the requirements of the Environmental Impact Assessment Directive¹¹ including how this could be done alongside requirements such as Strategic Environment Assessment undertaken as part of plan production. We propose that where development on a site falls within Schedule 2 of the 2011 Regulations¹², it may only be granted permission in principle on allocation or application where:
- the local planning authority has sufficient information about the proposed development on that site to be able to screen it and as a result of screening the project, the authority determines that an environmental impact assessment is not required; or
 - as a result of screening, the authority decides that the development would be EIA development, that it carries out an Environmental Impact Assessment, including consultation, of all its significant effects, and ensures that permission in principle is only granted if any measures needed to address the significant effects of the proposal are in place.
- 2.31 The requirements of the Habitats Directive¹³ will also need to be met where they apply. The Habitats Directive provides protection for Special Areas of Conservation and Special Protection Areas. Plans or projects which are likely to have a significant effect on either of these areas, but are not directly connected with or necessary to the management of that area, must be subject to an

¹¹ EIA directive 85/337/EEC, as amended and consolidated.

¹² <http://www.legislation.gov.uk/ukxi/2011/1824/contents/made> as amended by http://www.legislation.gov.uk/ukxi/2015/660/pdfs/ukxi_20150660_en.pdf.

¹³ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

appropriate assessment of its implications for the site. A plan or project may only proceed if it will not adversely affect the integrity of the site concerned.

Question 2.5: Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites?

Involvement of the community and others

- 2.32 We want to ensure that, whether permission in principle is granted on allocation or application, communities and other interested parties have the opportunity to comment on the principle of whether a site should be developed for housing and the appropriate scale of development on the site. We also want to ensure that an appropriate opportunity for further engagement is available when the technical details are considered, while minimising any unnecessary duplication.
- 2.33 Where permission in principle is proposed on allocation in local and neighbourhood plans, the government considers that existing consultation arrangements provide an appropriate framework for involving communities and appropriate specialist bodies such as the Environment Agency and Natural England. We are seeking views on proposals relating to the brownfield register in Chapter 2.
- 2.34 For permission in principle applications, it is proposed to set consultation arrangements for involvement of communities and statutory consultees that are in line with requirements for planning applications¹⁴.
- 2.35 Before an application for technical details consent is determined, we do not propose to require by secondary legislation that local planning authorities consult with the community and others before making a decision. We would welcome views about giving local planning authorities the option to carry out further consultation with such interested persons as they consider appropriate. This would be based on their judgement and would be informed by the engagement that took place when permission in principle was granted. While we think that it is important for appropriate further engagement to take place at the technical details consent stage, we consider that centrally mandating what should be done risks unnecessarily repeating engagement and takes away an important local flexibility. We do propose that it should be mandatory for applicants to notify landowners and agricultural tenants of the application (as is currently the case with a planning application).

Question 2.6: Do you agree with our proposals for community and other involvement?

Information requirements

¹⁴ As set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 2.36 We want to ensure that local planning authorities have the information needed to determine an application for permission in principle or technical details consent. We also recognise that it is extremely important to ensure information requirements are proportionate and justified.
- 2.37 Local planning authorities, parishes and designated neighbourhood planning groups already produce information as part of plan production. We think that this will provide a sound basis from which to make decisions about the ‘in principle matters’ on allocation and whether permission in principle can be granted to a site, subject to further information being produced to agree the technical details later.
- 2.38 Where an applicant submits an application for permission in principle to the local planning authority for minor development, we think that a decision about whether the development is acceptable in principle should be possible with minimal information. It is proposed that that applications will include:
- a nationally prescribed application form;
 - a plan which identifies the land to which the application relates (drawn to an identified scale and showing the direction of north); and
 - a fee which we would expect to be set at a level that is consistent with similar types of applications in the planning system.
- 2.39 For applications for technical details consent, it is proposed that an application will include:
- a nationally prescribed application form (including an ownership certificate¹⁵);
 - plans and drawings necessary to describe the technical details of the development;
 - a fee which we would expect to be set at a level that is consistent with similar types of applications in the planning system.
- 2.40 The technical details to be agreed will vary from site to site depending on the parameters set by the permission in principle. We believe that most details can be broadly categorised as relating to either the design of the development or its impact. Accordingly, it is proposed that applications for technical details consent should be limited to only require two further sets of information:
- a design statement, which should contain information relating to design matters including layout, access and architectural detail; and
 - an impact statement, which should include:
 - i. required further assessments e.g. contamination study and flood risk assessment
 - ii. mitigation e.g. remediation and drainage schemes.

¹⁵ A certificate which applicants must complete that confirms that notice of an application or planning permission has been served on any landowners etc. See article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Question 2.7: Do you agree with our proposals for information requirements?

Question 2.8: Do you have any views about the fee that should be set for a) a permission in principle application and b) a technical details consent application?

The respective duration of permission in principle and technical details consent

2.41 The duration of permission in principle will set the maximum amount of time an applicant is given to submit an application for technical details consent before the permission in principle expires. The date a permission in principle is granted will be:

- the date that a plan that allocates land with permission in principle is adopted or approved;
- the date that land allocated as having permission in principle granted to it is formally placed on the brownfield register; or
- the date that an application for permission in principle is granted.

Duration of permission in principle on allocation

2.42 Where local planning authorities, parishes and designated neighbourhood planning groups propose to grant permission in principle through their plans and registers, we propose that it will have a maximum duration of 5 years. In order to grant permission in principle for a duration beyond 5 years, the plan or register granting it would need to be reviewed.

2.43 We are keen to hear views about whether we should allow for some local variation to the duration to facilitate plan led development – for example, to allow different start dates based on triggers like delivery of infrastructure and to allow the expiry date to be locally set.

Expiry of permission in principle on application

2.44 For expiry of permission in principle granted on application, we are considering setting a nationally prescribed period. Two alternative options for this are:

Option A – to set the expiry of a permission in principle granted on application at three years. This would achieve consistency with outline planning permissions.

Option B – to set the expiry at one year. This is to encourage applicants to bring forward an application for technical details consent quickly after receiving permission in principle.

2.45 We would welcome views about also giving local authorities the ability to vary the duration of permission in principle for shorter or longer periods, having regard to the provisions of the development plan and other material considerations, in a

similar way to section 91 of the Town and Country Planning Act 1990.

Expiry of permission of technical details consent

2.46 When technical details consent is granted by a local planning authority, the same standard condition limiting the duration of planning permission to three years will be implied as is the case for other planning permissions (unless the local planning authority provides otherwise). This is because a grant of technical details consent is a form of planning permission, so the existing provisions apply.

Question 2.9: Do you agree with our proposals for the expiry of on permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle?

The maximum determination periods for permission in principle on application and technical details consent

2.47 The maximum determination period is the timeframe set by government for the local planning authority to decide applications. It is used as the trigger point for when appeals can be made against non-determination and for monitoring the performance of local planning authorities.

2.48 In order to consider the most appropriate determination periods for permission in principle on application and technical details consent, we have examined other determination periods in the planning process. For example, an application for outline planning permission has a determination period of 8 weeks for minor applications, and a further 8 weeks for subsequent applications for reserved matters.

2.49 We think that the early certainty given by permission in principle about the acceptability of a development offers the potential to improve the efficiency of planning system overall. Reflecting this, we propose that permission in principle applications and applications for technical details consent should be subject to the following maximum determination periods:

Application:	Determination period:
Permission in principle minor application	5 weeks
Technical details consent for minor sites	5 weeks
Technical details consent for major sites	10 weeks

Question 2.10: Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?

Chapter 3: Brownfield register

- 3.1 Brownfield land has an important role to play in meeting the country's need for new homes. We are supporting the regeneration of brownfield land for housing through a range of measures, including the creation of a £2 billion Long Term Housing Development Fund to unlock housing development and providing £1.2 billion to unlock at least 30,000 Starter Homes on brownfield land.
- 3.2 The National Planning Policy Framework sets out that planning policies and decisions should encourage the effective use of land by reusing brownfield sites, provided they are not of high environmental value, and that local planning authorities may set locally appropriate targets for the use of brownfield land. Planning Practice Guidance also stresses the importance of bringing brownfield land back into use.
- 3.3 We want to go further to maximise the number of new homes built on suitable brownfield land. We have set out our commitment to introduce a statutory brownfield register, and ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. Through brownfield registers, a standard set of information will be kept up-to date and made publicly available to help provide certainty for developers and communities and encourage investment in local areas.

Background

- 3.4 Local planning authorities and communities share our ambition to maximise the use of brownfield land, and we are supporting them in a number of ways to drive up the number of permissions for new homes on suitable sites including:
- through brownfield registers which we propose will be a vehicle for granting permission in principle for new homes on suitable brownfield sites;
 - by offering financial support to authorities that are piloting the preparation of brownfield registers ahead of the proposed statutory requirement; and,
 - by supporting authorities that are spearheading the use of local development orders for housing. These orders help speed up the planning process and provide investor certainty. They are a valuable tool to help local planning authorities get planning permissions in place.
- 3.5 As set out in the previous chapter, we propose that brownfield registers should be a qualifying document to grant permission in principle¹⁶. We expect authorities to take a positive, proactive approach when including sites in their registers, rejecting potential sites only if they can demonstrate that there is no realistic prospect of sites being suitable for new housing. We also expect that the large majority of sites on registers that do not already have an extant planning permission will be granted permission in

¹⁶ See Chapter 2 Permission in Principle.

principle, and technical details consent subsequently, for housing. In a small number of cases, we recognise that it may not be appropriate for local registers to grant permission in principle, for example because there is a proposed planning application or local development order in the pipeline; or where the development raises environmental impacts or habitats issues that would be more appropriately dealt with through a planning application. We will publish Planning Practice Guidance to confirm our expectations on how brownfield registers should be drawn up and kept under review.

What are we proposing?

- 3.6 This consultation seeks views on proposals for preparing brownfield registers and keeping them up to date. This section sets out our proposals for identifying suitable sites, publicity and consultation, the proposed content of the registers and our intended requirements for publishing and updating the data.
- 3.7 Brownfield registers will comprise a comprehensive list of brownfield sites that are suitable for housing, including housing led schemes where housing is the predominant use with a subsidiary element of mixed use.

Preparing registers of brownfield land suitable for housing

Identifying provisional sites

- 3.8 Local planning authorities currently identify sites suitable for housing development as part of the evidence for their local plans and to demonstrate a five year supply. This plays a central role in meeting their communities' housing need. A key component of the evidence base for this work is the Strategic Housing Land Availability Assessment process which identifies a future supply of land that is suitable, available and capable of being developed for housing.
- 3.9 We are proposing that local planning authorities should use existing evidence within an up to date Strategic Housing Land Availability Assessment as the starting point for identifying suitable sites for local brownfield registers. To support this, we will encourage authorities to consider whether their Assessments are up to date and, if not, to undertake prompt reviews.
- 3.10 While sites contained within the Strategic Housing Land Availability Assessment are a useful starting point, we will encourage local authorities to ensure they have considered any other relevant sources if these are not included in their Assessments. This could include sites with extant planning permission and sites known to the authority that have not previously been considered (for example public sector land).
- 3.11 We will also expect authorities to use the existing call for sites process to ask members of the public and other interested parties to volunteer potentially suitable sites for inclusion in their registers. We propose that this would be a short targeted exercise aimed at as wide an audience as is practicable. That will enable windfall sites to be put forward by developers and others for consideration by the authority.

3.12 Authorities that have recently undertaken a full Strategic Housing Land Availability Assessment may not consider this to be necessary when initially compiling a register. However, in areas without up to date evidence and for all authorities completing subsequent annual reviews of their register, the process of volunteering potentially suitable sites will play an important role in refreshing the evidence base and help ensure all suitable sites, including windfall sites, are included.

Question 3.1: Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?

Identifying brownfield land that is suitable for housing

3.13 Brownfield or previously developed land is defined in Annex 2 of the National Planning Policy Framework¹⁷. Sites on brownfield registers will be required to meet this definition of previously developed land. This is a very broad definition and, apart from the exclusions, covers all land in England where there are or have been buildings or other development. Much of this land is already in productive use and would not be suitable for new housing.

3.14 We also intend to require potential sites to be assessed against specific criteria that we will set out in regulations to ensure that they are suitable for housing. In deciding whether to include a site on the register authorities will have to have regard to the National Planning Policy Framework and Planning Practice Guidance.

3.15 Authorities should also have regard to their local plan. Where a brownfield site is subject to an allocation for a use other than housing in an up to date local plan and there is compelling evidence supporting that allocation, it is unlikely that the site would be regarded as being suitable for housing.

3.16 Authorities should adopt a positive, proactive approach and consider both large and small sites. They should only reject potential sites if they can demonstrate that there is no realistic prospect of sites being suitable for new housing.

3.17 In defining the criteria in regulations we intend to draw from policy in the National Planning Policy Framework. To be regarded as suitable for housing our proposed criteria are that sites must be:

- Available. This means that sites should be either deliverable or developable¹⁸. Sites that are deliverable should be available and offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. To be considered developable sites are likely to come forward later on (e.g. between six and ten years). They should be in a suitable location for housing development and there should be a reasonable prospect the site will be available and that it could be viably developed at the point envisaged. Consideration about site viability should be proportionate having

¹⁷ See <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

¹⁸ See National Planning Policy Framework footnotes 11 and 12.

regard to the particular circumstances of the site and any other relevant factors. Sites that are not allocated in the local plan should be included in local registers where they meet the relevant criteria and local planning authorities conclude that they will come forward over a reasonable period of time.

- Capable of supporting five or more dwellings or more than 0.25 hectares. This approach to defining a minimum site size threshold is intended to be proportionate and is in line with Planning Practice Guidance on conducting Strategic Housing Land Availability Assessments. Authorities should also aim to seek suggestions for smaller sites from the public and other interested parties and include these sites in their registers whenever possible because of their valuable contribution to overall housing supply.
- Capable of development. Local authorities should ensure that sites are suitable for residential use and free from constraints *that cannot be mitigated*. The National Planning Policy Framework has strong policies for conserving and enhancing both the natural and the historic environment which should be taken into account, together with other specific policies in the Framework that indicate development should be restricted. Authorities will need to support decisions about potential constraints with strong evidence and appropriate mitigations should be considered wherever possible to enable sites to be included on the register.

Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?

The approach to development raising environmental impacts or habitats issues

Environmental Impact Assessment and Habitats Directives

3.18 When compiling brownfield registers, local planning authorities will need to have in mind obligations in relation to European Directives. We are considering options for addressing the requirements of the EIA Directive¹⁹. We propose that where development on a site falls within Schedule 2 of the EIA Regulations²⁰, it may only be included in local registers as a site suitable for a grant of permission in principle where:

- the local planning authority has sufficient information about the proposed development on that site to be able to screen it (i.e. the authority is in a position to determine the main or significant effects of the development) and as a result of screening the project, the authority determines that an environmental impact assessment is not required; or

¹⁹ EIA directive 85/337/EEC, as amended and consolidated.

²⁰ Town and Country Planning (Environmental Impact Assessment) Regulations 2011, SI 2011/1824, as amended.

- as a result of that screening, the authority decides that the development would be EIA development, that it carries out an Environmental Impact Assessment, including consultation, and if it determines that development should be included on the register, notes as part of the information to be contained on the register any measure necessary to address the significant impacts of that proposal.

3.19 The Habitats Directive²¹ will be of relevance when preparing registers. The Directive provides protection for Special Areas of Conservation and Special Protection Areas. Plans or projects which are likely to have a significant effect on these areas, but are not directly connected with or necessary to the management of that area, must be subject to an appropriate assessment of its implications for the site. A plan or project may only proceed if it will not adversely affect the integrity of the site concerned. It would be inappropriate for a site to be placed on the register if its development would be prohibited by the Habitats Directive.

Question 3.3: Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?

Strategic Environmental Assessment

3.20 The Environmental Assessment of Plans and Programmes Regulations 2004²² which transpose the requirements of the Strategic Environment Assessment Directive require an environmental assessment to be carried out for certain plans and programmes which are likely to have significant environmental effects. The directive requires an assessment for plans or programmes which:

- set the framework for future development consent of projects listed in the EIA Directive; or
- have been determined to require a Habitats Regulations Assessment.

3.21 The regulations also say that plans and programmes which determine the use of small areas at local level, and minor modifications to plans and programmes, require an environmental assessment only where they are likely to have significant environmental effects. The Supreme Court has recently considered the circumstances in which a plan or programme will be subject to the requirements of the directive.

3.22 Depending on the content of brownfield registers, there may be potential for the regulations to apply. We are considering this and how this might be handled. Our initial assessment is that in cases where it did apply, given the nature of the register, the content of the environmental assessment is likely to be limited in scope. It may also be appropriate in some cases to use the environmental assessment undertaken during the preparation of the local plan to assess the likely environmental effects of the register. Subsequent reviews of a register would only need an environmental assessment if it is considered likely that this would lead to significant effects.

²¹ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

²² SI 2004/1633, as amended.

Question 3.4: Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?

Publicity and consultation requirements

3.23 A key purpose of brownfield registers is to provide transparent information about suitable sites to local communities, developers and others. We propose that information about potentially suitable sites should be available at local authority offices and online. Once local authorities have considered representations on their proposed list of sites, we will encourage them to publicise their decisions, including reasons why sites have or have not been granted permission in principle.

3.24 We intend, through regulations, to require local planning authorities to carry out consultation and other procedures on their registers. This will give communities and other interested parties the opportunity to have their views heard or provide specialist advice where sites on brownfield registers are being considered for permission in principle for housing development. Engagement should be proportionate and follow the approach set out for our proposals for permission in principle.

3.25 Where a site is included in a register but is not suitable for a grant of permission in principle, the Housing and Planning Bill also contains a provision, which we intend to use, for the Secretary of State to give local authorities the discretion to consult their local communities and other interested parties, such as those who can offer specialist advice, about those sites. This recognises that local planning authorities are best placed to determine whether consultation with local communities and others would be helpful, and it provides authorities with flexibility to adapt their approach to particular circumstances. If planning permission for housing on suitable sites is to be granted through a planning application or local development order, separate consultation arrangements will apply.

Question 3.5: Do you agree with our proposals on publicity and consultation requirements?

Content of brownfield registers

3.26 Once local planning authorities are satisfied that sites are suitable for housing, they will be required to include them in their brownfield registers. This section sets out our proposals for the content of registers.

3.27 Brownfield registers will improve the availability and transparency of information on brownfield land that is suitable for housing. Authorities will be expected to include all sites considered suitable irrespective of their planning status and registers should include sites that:

- have extant outline or full planning permission or permission granted by local development order where sites have not yet been developed, and sites where

planning permissions are under consideration and local development orders are being prepared;

- have permission in principle for housing;
- are suitable for housing but have no form of existing permission.

3.28 The usefulness of local brownfield registers will be maximised if the data held across all local authority areas is consistent. We therefore propose that for each site in the brownfield register local planning authorities will be required to provide:

- site reference - Unique Property Reference Number (UPRN)
- site name and address
- grid reference
- size (in hectares)
- an estimate of the number of homes that the site would likely to be support, preferably a range of provision
- planning status (including link to details held elsewhere of planning permissions, permission in principle/associated technical details consents, and local development orders)
- ownership (if known and in public ownership)

3.29 In addition local planning authorities will be expected to include any other information that is considered useful, such as information on site constraints and site history.

3.30 We propose to work with local authorities to establish standards which define and describe which data items comprise a local register, and how they will be structured, organised and made openly available. This national standard will meet 'Open Data' principles (see below) and result in the data held in registers being freely available for aggregation and use by everyone with an interest in brownfield land that is suitable for housing.

Question 3.6: Do you agree with the specific information we are proposing to require for each site?

Published data requirements

3.31 We propose to require local planning authorities to meet 'Open Data' standards²³ by publishing their brownfield registers online on their own local websites, in an agreed standard form. This standardised uniform approach has various benefits including allowing data to be aggregated at local and national levels. We also propose that links to these local registers will be recorded or advertised via established data portals²⁴, so that there are opportunities for users to discover and re-use the data held in registers from multiple local authorities.

²³ See <https://www.gov.uk/service-manual/technology/open-data.html>

²⁴ Examples of potential data portals for recording links to local registers are data.gov.uk and the LGA's Local Open Data site.

Question 3.7: Do you have any suggestions about how the data could be standardised and published in a transparent manner?

Updating brownfield registers

3.32 As sites are developed and new sites become available, authorities will need to review their stock of brownfield land and its permission status on a regular basis. We expect this to be at least once a year. This will require a review and update of the information on sites already in registers. It will also require the addition of new sites that have been identified and assessed as suitable since registers were last updated, including sites that have come forward following local authority requests for potential sites to be identified by the public, developers and others on a voluntary basis.

Question 3.8: Do you agree with our proposed approach for keeping data up-to-date?

Assessing progress

3.33 We expect authorities to drive progress in getting permission for housing in place on suitable brownfield land, in particular through entering sites on registers in order for those sites to gain a grant of permission in principle and by timely consideration of the subsequent stage of technical details consent.

3.34 The Chancellor's Mansion House Speech in June 2014 made a commitment to maximising the use of suitable brownfield land for new homes, and for measures to underpin this ambition. The Government wishes to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020.

3.35 It is our intention to assess data held in brownfield registers annually from 2017 to track progress against this 90% commitment. We propose that both the baseline against which local authorities are making progress and their achievement against that baseline will be rolling rather than set against a fixed point in 2017, given that new land is likely to become available over time. Permission in principle will be treated as a planning permission when assessing progress given the degree of certainty that it provides.

3.36 We intend to introduce measures that will apply where additional action is needed to ensure that sufficient progress is being made. These measures could include a policy based incentive which would mean that local planning authorities that had failed to make sufficient progress against the brownfield objective would be unable to claim the existence of an up-to-date five year housing land supply when considering applications for brownfield development, and therefore the presumption in favour of sustainable development would apply.

3.37 We propose that the measures we adopt would take effect fully from 2020, and would apply to any local planning authority that had not met the 90% commitment by that date. However, in light of the need for local planning authorities to make continuous

progress towards the 90% commitment, we are also interested in views on any intermediate objectives and actions that might apply.

Question 3.9: Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle?

Question 3.10: Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter?

Chapter 4: Small sites register

4.1 Development on small sites, whether in rural or urban locations, can deliver a range of economic and social benefits, including:

- providing opportunities for smaller companies or individuals interested in self-build and custom housebuilding to enter the development market;
- increasing residential build out rates (especially if they can make use of existing infrastructure);
- creating local jobs and sustaining local growth, particularly in rural areas; and,
- making effective use of land which can be developed.

4.2 In particular, small sites of between one and four plot size play an important role in helping meet local housing need and are often ideally suited to self-build and custom housebuilding. In many other European countries individuals commission over half of new build housing, whereas in England this number is still below 10%. We believe there is significant demand for self-build and custom housebuilding in England which, if realised, would increase housing supply in general and has the potential to lead to higher quality housing.

4.3 There are still many challenges in bringing forward small sites for development. In particular, they are less likely to be part of the local plan process. Areas which have a neighbourhood plan are, however, more likely to allocate specific small sites for development. We are currently consulting on how to best use national policy to support proposals for sustainable development on small sites of less than 10 units²⁵.

What are we proposing?

4.4 We consider that a published list of small sites will make it easier for developers and individuals interested in self-build and custom housebuilding to identify suitable sites for development, and will also encourage more land owners to come forward and offer their land for development. A small sites register has particular utility in areas of high demand for self-build and custom housebuilding, as councils will be required to permission sufficient serviced land to match demand. A small sites register will also have a wider utility and support development on small sites more generally. Sites on the register will not necessarily have been subject to an assessment of their suitability for development therefore anyone wishing to develop a site on the register will need to apply for planning permission in the usual way. This will ensure that inappropriate development, for example in back gardens, does not occur. The Housing and Planning Bill contains a power to make regulations requiring local planning authorities in England to keep and publish a register of particular types of land in the authority's area. We are proposing to use this power to require local planning

²⁵ <https://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes>

authorities to have a part of their register dedicated to “small sites”. We believe that the definition of small sites for this purpose should be sites which are between one and four plots in size.

Question 4.1: Do you agree that for the small sites register, small sites should be between one and four plots in size?

4.6 So as not to discourage landowners from offering their sites for potential development or place an unreasonable burden on local authorities, we consider that there should be no need for any suitability assessment associated with placing a site on the register. Although this will mean that there is no guarantee that land on the register can be used for development, it will still achieve its overall objective of increasing awareness of the location of small sites.

Question 4.2: Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment?

4.7 We would be interested in understanding whether local planning authorities should be permitted to exclude sites from the register which they deem completely unsuitable for development. If so, we are keen to understand views on what level of screening should be carried out in a way which imposes minimal expectations on local planning authorities.

Question 4.3: Are there any categories of land which we should automatically exclude from the register? If so what are they?

4.8 We consider that the minimum information which the register should contain is:

- the location of the site (such as a six figure grid reference);
- the approximate size of the site (number of square metres); and
- contact details for the owner.

Question 4.4: Do you agree that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required?

Chapter 5: Neighbourhood planning

5.1 The Localism Act 2011 gave communities direct power to shape the development and growth of their local area through a neighbourhood plan or neighbourhood development order. By the start of January 2016, over 1,730 communities across England have taken up their new neighbourhood planning powers²⁶. There have been 135 neighbourhood planning referendums, all of which have been successful, with an average yes vote of 89%. We would like to see many more communities make use of their neighbourhood planning powers.

Background

5.2 In July 2014, we consulted on a number of proposals to make it easier for residents and businesses to come together to produce a neighbourhood plan or Order²⁷. In response to the consultation, steps were taken to speed up the first stage of the process by setting a period of time within which local authorities must decide applications to designate a neighbourhood area. This earlier consultation also sought views on whether there are other stages in the process where time periods may be beneficial. Greater use of time periods for decisions was supported by 50% of respondents from organisations that are, or could be, neighbourhood groups²⁸ and by 54% of those with a development interest.

5.3 We want to encourage communities already engaged in neighbourhood planning to complete the process successfully, and assist others to draw up their own plans or Orders. The Housing and Planning Bill will give new powers for government to set time periods for various local planning authority decisions, and give a new power for the Secretary of State to intervene to send a plan or Order to referendum.

What are we proposing?

5.4 We are proposing to set the various time periods for local planning authority decisions on neighbourhood planning; to set the procedure to be followed where the Secretary of State chooses to intervene in sending a plan or Order to a referendum; and to introduce a new way for neighbourhood forums to better engage in local planning.

²⁶ Based on informal monitoring using automatic reporting of updates from local authority websites, media and other sources.

²⁷ See gov.uk/government/consultations/technical-consultation-on-planning

²⁸ See <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/who-leads-neighbourhood-planning-in-an-area/>

Designation of neighbourhood areas

- 5.5 The first stage in the process is for an application to be made by a neighbourhood planning group²⁹ to the local planning authority for a neighbourhood area to be designated. Currently when a parish or town council apply for designation of the whole of their parish area, the authority has eight weeks to decide the application, and they have discretion to amend the boundary. Where the proposed boundary falls within two or more authority areas, the period is 20 weeks. In all other cases a decision must be made within 13 weeks of the application first being publicised.
- 5.6 We are now proposing that in certain circumstances a local planning authority must designate all of the neighbourhood area applied for, with no discretion to amend the boundary. The circumstances we propose are when:
- a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, or applies to enlarge an existing designation of part of the parish to include the whole of the parish area; or
 - in other cases, a local planning authority has not determined an application for designation of a neighbourhood area within the current time periods described above.
- 5.7 There would be an exception if any of the area had already been designated (other than where a parish want to enlarge an existing designated area), or if there was an outstanding application for designation. This is to avoid boundary changes that could impact on neighbourhood plans or Orders in preparation or already made.
- 5.8 Ninety per cent of all applications to designate a neighbourhood area are from parish councils and 90% of those applications are for the whole parish area. Experience suggests that nearly all such applications are successful. The changes would mean that a local planning authority's current requirement to consider parish applications and make a decision within eight weeks (with four weeks of publicity) will no longer apply. Instead, the designation should be made as soon as possible, once the authority is satisfied that the application is valid and complete. Our proposals would also act as a safeguard where a local planning authority is not meeting its statutory duty to decide other types of applications for neighbourhood areas within the current time periods, so that communities are not disadvantaged by the delay.

Question 5.1: Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?

²⁹ a parish council, a town council, or a prospective neighbourhood forum, or a community organisation in the case of a Community Right to Build Order

Designation of neighbourhood forums

- 5.9 When a community wants to take up the opportunities offered by neighbourhood planning and there is no parish council, a 'neighbourhood forum' must be designated by the local planning authority to lead the process. To be designated as a neighbourhood forum, the community group must meet certain conditions³⁰.
- 5.10 Based on information gathered in 2015, it appears to be taking local planning authorities on average 26 weeks to take decisions on applications to designate a neighbourhood forum³¹. 30 per cent of decisions took longer than six months. A number of communities have waited more than a year for a decision on their forum application.
- 5.11 We propose that local planning authorities should reach a decision on an application to designate a neighbourhood forum within 13 weeks. Where the application must be submitted to more than one local planning authority, we propose that this time period should be 20 weeks to allow time for the authorities to cooperate in considering the application. The proposed time periods for designating a neighbourhood forum are the same as the time periods for considering applications for a neighbourhood area to be designated, as these applications are often submitted and considered together. The time period would run from the date immediately following that on which the application is first publicised by a local planning authority (which must be as soon as possible after receiving the application). The local planning authority has to be satisfied that the application is valid and complete before publicising it.
- 5.12 There would be an exception to the time period where more than one neighbourhood forum application has been made in relation to the same or overlapping areas, including any under consideration. This will give groups, with the help of the local planning authority, time to resolve competing applications.

Question 5.2: Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?

Consideration by a local planning authority of the recommendations made by an independent examiner

- 5.13 An independent examiner of a neighbourhood plan or Order must send their report to the local planning authority, who must then decide what action to take in response to each of the report's recommendations. If the local planning authority is satisfied that a draft neighbourhood plan or Order meets the basic conditions and other legal tests (or would with modifications), then a referendum must be held.

³⁰ These are set out in [section 61F\(5\) of the Town and Country Planning Act 1990, as applied to neighbourhood plans by section 38C\(1\) and \(2\)\(a\) of the Planning and Compulsory Purchase Act 2004](#) (these provisions were inserted by Schedule 9 to the Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>). No conditions have yet been prescribed for designation under section 61F(5)(e) or (6) of the 1990 Act.

³¹ As of June 2015, the average time taken to designate a forum is 26 weeks (based on a sample of 72). 26 forums took longer than 6 months (26 weeks) to designate.

5.14 Information gathered earlier this year suggests that, on average, local planning authorities are taking between five and six weeks to issue their decision on whether to submit a neighbourhood plan or Order to a referendum³². There have been instances where authorities have taken over three months to reach a decision and in one case no decision had been taken a year after receiving an examiner's report.

5.15 Based on this average, we propose that there should be a time period of five weeks (from the date the authority receive the examiner's report) within which this decision must be taken. The exceptions to this would be when:

- a local planning authority proposes to make a decision which differs from that recommended by the examiner.
- a local planning authority and a neighbourhood group agree that more time than the proposed five week period will be required to reach a decision.

Question 5.3: Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?

5.16 When an authority's proposed decision differs from that recommended by the examiner the Secretary of State may prescribe people who must be notified and consulted. We propose that these should be the neighbourhood planning group and anyone who made representations during the period the plan was publicised by the local planning authority. This would also apply when the Secretary of State has intervened following a request from a neighbourhood planning group as set out below.

Question 5.4: Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner?

5.17 When a local planning authority comes to a different view to that of the examiner, this should not mean that there are long delays. We propose that the period during which further representations can be made should be limited to six weeks; and that the local planning authority should issue its final decision within five weeks of the end of that period (unless the authority considers it appropriate to refer the issue to independent examination).

Question 5.5: Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision?

Setting the referendum date

5.18 Before a neighbourhood plan or Order can come into force, it must be voted on by the local community in a referendum. Where the neighbourhood area has been designated as a business area, there is an additional referendum for the businesses in the area. We propose that local planning authorities should hold a referendum within ten weeks

³² Based on 52 cases as at January 2015.

of the decision that a referendum should be held (or 14 weeks where there is also a business referendum).

5.19 We propose three exceptions to this. First, where a neighbourhood planning referendum can be combined with another poll that is due to be held within three months of the end of the 10 or 14 week period described above. Secondly, where there are unresolved legal challenges to the decision to hold a referendum. Thirdly, where a local planning authority and the neighbourhood group agree an alternative time period.

Question 5.6: Do you agree with the proposed time period within which a referendum must be held?

Bringing neighbourhood plans into force

5.20 A local planning authority is required to make a neighbourhood plan or Order as soon as reasonably practicable after a successful referendum (or referendums). This brings the plan or Order into legal force as part of the development plan for an area, with the same legal status as the local plan. New powers in the Housing and Planning Bill allow the Secretary of State to set a date by which this must be done. We propose that this should be eight weeks from the date of the referendum or referendums, unless there are unresolved legal challenges to the decision to hold either referendum or around the conduct of either referendum³³.

Question 5.7: Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum?

Question 5.8: What other measures could speed up or simplify the neighbourhood planning process?

Requests for the Secretary of State to intervene

5.21 Once an examiner's report has been considered by the local planning authority, they have to decide if the draft plan or Order meets the 'basic conditions'³⁴ and other legal requirements (or would with modifications) and if so, they must put the plan to a referendum. New powers in the Housing and Planning Bill would enable the Secretary of State to intervene in this process, at the request of a neighbourhood planning group, in three circumstances:

- where the local planning authority has failed to take a decision within the period prescribed, or
- where the local planning authority do not accept all of the examiner's recommendations; or

³³ This will not affect the very narrow circumstances in which a local planning authority is required to make the plan or Order, where they consider this would be incompatible with EU law or Convention rights.

³⁴ <http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

- where the local planning authority propose to modify the plan or Order proposal in a way that was not recommended by the examiner.

5.22 These measures provide communities with an alternative route to a decision where the local planning authority disagrees with the report of the examiner, or when they do not make a timely decision. Such cases are currently extremely rare and we expect this to remain the case.

5.23 Following a decision to intervene, the Secretary of State could direct the local planning authority to send a neighbourhood plan or Order to referendum with any modifications made by the Secretary of State, or to refuse the proposal. The Secretary of State may also extend the referendum area.

5.24 The local planning authority may be required to notify certain persons of any decision the Secretary of State proposes to make that is not in accordance with the examiner's recommendations. We propose that these should be the same people set out in paragraph 5.16 above. The Secretary of State also has the option of requiring the local planning authority to refer the issue to a further examination.

5.25 The Secretary of State may prescribe the form and content of a request for intervention by a neighbourhood group and the date by which it must be made. We propose that a request for intervention must be made in writing, giving clear reasons why the proposed decision of the local planning authority should be reconsidered by the Secretary of State. In considering a request, the Secretary of State will consider whether the plan or Order plans positively for local development needs, taking account of the latest evidence. For instance where a neighbourhood plan allocates sites or contains policies for the supply of housing, the Secretary of State would expect that the neighbourhood plan has fully taken into account the latest, up-to-date evidence of housing need. In cases where the local planning authority has failed to make a decision within the set time period, the length and reasons for the delay and the likelihood of an imminent decision would also be taken into account. Each case would be considered on its individual merits.

5.26 In cases where the neighbourhood group is making the request because the local planning authority decides not to follow a recommendation of the examiner; or makes modifications that the examiner has not recommended, we propose that the request must be submitted within six weeks of the date that the authority publish their decision.

5.27 We also propose using new powers to prevent a local planning authority from taking their final decision on whether a neighbourhood plan or Order should proceed to a referendum until the Secretary of State has decided whether to intervene.

5.28 Once the Secretary of State has decided whether to intervene, we propose that the neighbourhood planning group and the local planning authority will be informed and invited to make representations. Views will also be sought from those who made representations during the original publicity period.

5.29 We propose using new powers to enable the Secretary of State to appoint a planning inspector to take the decision on the Secretary of State's behalf.

5.30 New powers allow certain matters to be set out, that the Secretary of State or an inspector must take into account when taking the decision on whether a neighbourhood plan or Order should proceed to referendum; and require a local planning authority to provide certain information to the Secretary of State or an inspector. We propose that the information provided should include: the examiner's report; all the documents submitted by the neighbourhood group with a neighbourhood plan or Order; any other documents submitted to the local planning authority by the neighbourhood group in relation to a neighbourhood plan or Order; any representations that were sent to the examiner; representations made in response to a local planning authority's proposal to depart from the examiner's recommendation; and the local planning authority's decision statement.

5.31 New powers allow for the Secretary of State, or a local planning authority on the direction of the Secretary of State, to notify certain persons and to publish the decision made on sending the plan or Order to referendum, as well as the reasons for making those decisions, and other matters relating to those decisions. We propose that the Secretary of State must notify the neighbourhood planning group and the local planning authority of the decision and reasons for it; publish the decision and the reasons for it; and send, to any person who had asked to be notified of the decision in relation to the neighbourhood plan or Order, a notice explaining that the decision has been made, and where details can be found.

Question 5.9: Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan or Order should be put to a referendum?

Engagement in local planning

5.32 Finally, we propose to amend existing regulations to include designated neighbourhood forums as consultation bodies that local planning authorities must notify and invite representations from where they consider the forum may have an interest in the preparation of a local plan. This proposal complements the measure in the Housing and Planning Bill which would enable neighbourhood forums to request notification of planning applications in their area, in the same way that parish councils can.

Question 5.10: Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan?

Chapter 6: Local plans

- 6.1 We have made clear our expectation that all local planning authorities should have a local plan³⁵ in place. Local plans are the primary basis for identifying what development is needed in an area and for deciding where it should go, providing the certainty communities and businesses deserve.
- 6.2 Local planning authorities have had more than a decade since the introduction of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) to prepare a local plan, and most have done so. At the end of January 2016, 84% had published a local plan and 68% had adopted a local plan³⁶.
- 6.3 We expect local plans to be kept up-to-date to ensure policies remain relevant. The National Planning Policy Framework is clear that housing policies should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites³⁷. Furthermore, guidance sets out clearly that most local plans are likely to require updating in whole or in part at least every five years³⁸. At the end of Jan 2016, 45% of authorities had a local plan which had been adopted in the last 5 years³⁹.
- 6.4 Local plans adopted since the National Planning Policy Framework was published in March 2012 allocate substantially more housing than those adopted before the Framework was published. The average post- National Planning Policy Framework plan makes provision for 109% of household projections⁴⁰ compared to only 86% for pre-Framework plans.
- 6.5 We have set out our commitments to take action to get plans in place and ensure plans have up-to-date policies by:
- publishing league tables, setting out local authorities' progress on their local plans;
 - intervening where no local plan has been produced by early 2017, to arrange for the plan to be written, in consultation with local people, to accelerate production of a local plan⁴¹; and
 - establishing a new delivery test on local authorities, to ensure delivery against the number of homes set out in local plans⁴²

³⁵ The local plans referred to in this consultation are development plan documents adopted or approved under the 2004 Act that set the strategic planning policies for a local planning authority's area.

³⁶ Planning Inspectorate Data reporting on local plans <https://www.gov.uk/guidance/local-plans>

³⁷ The National Planning Policy Framework, paragraph 49, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

³⁸ The National Planning Policy Framework, paragraph 49, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

³⁹ A further 23% of authorities have a Local Plan compliant with the 2004 Act which was adopted over 5 years ago (before 1st Jan 2016), a number of which have adopted or are in the process of preparing a Local Plan review

⁴⁰ Household projections are from census data indicating future household formation

⁴¹ Fixing the foundations: Creating a more prosperous nation 2015 (HM Treasury)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443898/Productivity_Plan_web.pdf

⁴² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/479749/52229_Blue_Book_PU1865_Web_Accessible.pdf

Background

- 6.6 We are consulting on criteria that will inform our decision on whether to intervene to deliver our commitment to get plans with up-to-date policies in place. We want to engage with authorities early on, and therefore we do not expect any authority to be surprised if we are considering intervention. We want to see local government take action to get plans in place and would be interested to receive details of examples of where authorities have worked collaboratively, including where one authority has supported another to bring forward local plans.
- 6.7 In those instances where progress is not being made, we will intervene to ensure plans with up-to-date policies are put in place in consultation with local communities. The Secretary of State can intervene in local plans using his powers under the 2004 Act⁴³. He may direct a local planning authority to review their existing plan, or to modify an emerging plan or submit the document for his approval. He may also arrange for a document to be prepared or revised for a local planning authority that is failing to do so and must be reimbursed by the authority for any costs incurred. We envisage that where it is necessary to intervene in this way, we will appoint an external party to undertake the work and we are considering potential sector-led approaches to this work.
- 6.8 In many instances, where the Secretary of State intervenes under these powers, the only option is to take over responsibility for the remaining process of plan-making. Measures in the Housing and Planning Bill refine these powers, enabling the Secretary of State to intervene in a more proportionate way, allowing responsibility for plan-making to be retained by the local planning authority wherever possible, while still ensuring that local plans are in place.
- 6.9 Where we have to intervene to get local plans in place or ensure that policies are up-to-date, because an authority has not done so, this should not compromise effective community engagement. Local plans, including those prepared or revised following intervention, are subject to a legal requirement to consult the public and others, along with the right to make representations on the plan. This provides a strong framework for protecting rights of public participation.

What are we proposing?

- 6.10 Local authorities need to put local plans in place to provide certainty to communities and developers on how local housing needs will be met. There is significant shortfall between the number of homes that we need to build to keep up with housing requirements and the net additions to the housing stock. We have therefore been clear that we will take action where there is a sustained under delivery of housing.
- 6.11 We are proposing to prioritise intervention where:
- there is under delivery of housing in areas of high housing pressure;

⁴³ See sections 21, 26 and 27 of the Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/contents> (section 21 is amended by section 112(5) of the Localism Act 2011: <http://www.legislation.gov.uk/ukpga/2011/20/section/112/enacted>). The Housing and Planning Bill amends sections 21 and 27: <http://services.parliament.uk/bills/2015-16/housingandplanning.html>.

- the least progress in plan-making has been made;
- plans have not been kept up-to-date;
- intervention will have the greatest impact in accelerating local plan production.

6.12 We have sought views on our proposals to implement a housing delivery test⁴⁴, which will inform our decision on how to assess housing pressure.

6.13 We propose that decisions will also be informed by the wider planning context of an area. We propose to publish information on each authority which shows the age of the existing local plan, and measures of local plan-making progress, on a six monthly basis.

Criteria that will inform decisions on government intervention

6.14 National planning guidance is clear that local plans should be kept up-to-date if they are to be effective⁴⁵. The date a local plan was adopted or last reviewed provides a clear indication of how relevant the policies in the plan are.. Authorities without a local plan in place, and authorities which have not kept the policies in their local plan up-to-date will be a high priority for intervention.

6.15 In July 2011 the government asked local planning authorities to keep the Planning Inspectorate up-to-date on the progress of their local plan-making⁴⁶. The Planning Inspectorate publishes this information for all authorities across England. We intend to use this data to identify the date a local plan was adopted. Where the Planning Inspectorate does not hold this data for an authority, we will obtain this information from the authority's website.

6.16 Local planning authorities are required⁴⁷ to publish and keep up to date a local development scheme which sets out the documents which will comprise their local plan⁴⁸. The National Planning Policy Framework makes clear that wherever possible there should only be a single local plan, and any additional documents need to be clearly justified.

6.17 Local development schemes set out when an authority expects to reach key milestones in the plan-making process. Explanations of these milestones and stages of the plan-making process can be found in our planning guidance⁴⁹. We will establish when an authority expects to publish, submit and adopt its new or reviewed local plan from its local development scheme. By comparing this information against information on plan progress published by the Planning Inspectorate⁵⁰ we will establish whether an authority is meeting the timetable it has set itself. We will also compare this information against any subsequent updates to an authority's local

⁴⁴ National planning policy: A consultation on proposed changes <https://www.gov.uk/government/consultations/national-planning-policy-consultation-on-proposed-changes>

⁴⁵ Planning Practice Guidance <http://planningguidance.communities.gov.uk/blog/guidance/local-plans/preparing-a-local-plan/>

⁴⁶ Planning Inspectorate Data reporting on local plans <https://www.gov.uk/guidance/local-plans#monitoring-local-plans>.

⁴⁷ Section 15 of the Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/contents> (as amended by: section 30 of the Greater London Authority Act 2007 <http://www.legislation.gov.uk/ukpga/2007/24/section/30>; section 180(2) of, and Schedule 13 to, the Planning Act 2008 <http://www.legislation.gov.uk/ukpga/2008/29/contents>; and section 111(3) of, and Part 17 of Schedule 25 to, the Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>), The Housing and Planning Bill amends section 15(4): <http://services.parliament.uk/bills/2015-16/housingandplanning.html>.

⁴⁸ Planning Practice Guidance <http://planningguidance.communities.gov.uk/blog/guidance/local-plans/preparing-a-local-plan/>

⁴⁹ Planning Practice Guidance <http://planningguidance.communities.gov.uk/blog/guidance/local-plans/local-plans-key-issues/>

⁵⁰ Planning Inspectorate monitoring data at <https://www.gov.uk/guidance/local-plans#monitoring-local-plans>.

development scheme to identify any slippage or acceleration in plan-making progress. We propose to take into account slippage against the timetable authorities have set for themselves when assessing the extent of progress.

6.18 Local planning authorities play a key role in supporting housing delivery. Getting a plan in place and ensuring that the policies in it remain up-to-date is particularly important in areas of high housing demand. We propose that in taking decisions about prioritising our intervention, we will take into account the extent of housing pressure and performance on housing delivery.

Question 6.1: Do you agree with our proposed criteria for prioritising intervention in local plans?

Wider planning context

6.19 In reaching decisions on prioritising our intervention in local plan-making, we also intend to take the following wider planning context into consideration:

6.20 Collaborative and strategic plan-making: we recognise the advantages of strong strategic plan-making across local planning authority boundaries, in particular in addressing housing need across housing market areas. Many authorities successfully achieve this through the duty to cooperate and others are putting forward proposals to work strategically through devolution deals. We propose to have regard to how authorities are working cooperatively to get plans in place, including progress that has been made in devolution deal areas.

6.21 Neighbourhood planning: without a local plan with up-to-date policies, work on neighbourhood plans is more challenging. Local authorities that fail to bring forward or fail to update their local plan limit the opportunities for communities to participate in the planning and long-term design of their areas. We propose to take into account the potential impact that not having a local plan has on neighbourhood planning activity.

Question 6.2: Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan-making and b) neighbourhood planning?

Question 6.3: Are there any other factors that you think the government should take into consideration?

Exceptional circumstances

6.22 Before taking decisions on intervention in a local plan, we will give authorities an opportunity to explain any exceptional circumstances which, in their view, would make intervention at the proposed time unreasonable. What constitutes an 'exceptional circumstance' cannot, by its very nature, be defined fully in advance, but we think it would be helpful to set out the general tests that will be applied in considering such cases. We propose these should be:

- whether the issue significantly affects the reasonableness of the conclusions that can be drawn from the data and criteria used to inform decisions on intervention;

- whether the issue had a significant impact on the authority's ability to produce a local plan, for reasons that were entirely beyond its control.

Question 6.4: Do you agree that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention?

Publishing local planning authorities' progress in plan-making

6.23 We have made clear our intention to provide increased transparency for local communities on local authorities' progress in plan-making. We propose to publish the information set out below for each local planning authority in England:

- the date that the local plan was adopted or last reviewed (for areas without an adopted local plan it would be the date of their last plan prior to the 2004 Act)
- for the publication and submission stages of the plan-making process, the date these stages have been achieved
- for each stage in the plan-making process (publication, submission, adoption) that has not been achieved:
 - a) the forecast date for achieving that stage as set out in the authority's local development scheme at a baseline date (likely to be April 2016)
 - b) for subsequent publications of this information, the most recent forecast dates. If this remains the same as the baseline date it will still be published to show the authority is meeting their timetable
 - c) any slippage or acceleration between the original baseline date and the most recent forecast dates.

6.24 Local development schemes may be formatted differently, so to measure slippage or acceleration consistently we intend to rationalise how we present information on dates. We propose to translate dates from local development schemes so that they are presented as quarters of the financial year.

6.25 We aim to publish our data on plan-making performance from June 2016, on a six monthly basis. We will give local planning authorities an opportunity to confirm the accuracy of the data prior to its publication.

Question 6.5: Is there any other information you think we should publish alongside what is stated above?

Question 6.6: Do you agree that the proposed information should be published on a six monthly basis?

Chapter 7: Expanding the approach to planning performance

- 7.1 Timely and well-considered decisions on planning applications are a key part of delivering an effective planning service. Applicants and local communities should be confident that a decision on development proposals will be reached within a reasonable time – whether that is within the statutory timescale or a longer period agreed transparently with the local planning authority.
- 7.2 Equally, everyone should have confidence in the quality of the development decisions being made by local planning authorities – that all relevant considerations are being taken into account, and that the weight being given to different considerations is reasonable in the context of national and local policies.
- 7.3 The Growth and Infrastructure Act 2013 introduced the existing performance approach for applications for major development:
- This assesses the speed⁵¹ and quality⁵² of decisions taken by local planning authorities against thresholds set out in a [Criteria Document](#);
 - If local planning authorities do not meet either (or both) performance standards, they risk being designated as underperforming, once any data corrections and other exceptional circumstances have been taken into account;
 - An authority that is designated by the government as underperforming is required to produce an action plan to address areas of weakness. Also, applicants for major development in that authority's area have the choice of submitting their application direct to the Secretary of State instead of to the authority;
 - Designation lasts for at least a year and is subject to review before the year ends, so a designated authority has an opportunity to improve its performance so that the designation can be lifted.
- 7.4 This approach has been effective in speeding up decisions on applications for major development⁵³.

What are we proposing?

- 7.5 Through the Housing and Planning Bill, we are extending this approach to include applications for non-major development, to ensure that all applicants can have certainty in the level of service to be provided. The assessment of applications for

⁵¹ Speed is assessed as the percentage of applications determined in the statutory period (including any agreed extended period) over a two year period.

⁵² Quality is assessed as the proportion of all decisions on applications for major development that are overturned at appeal, over a two year period.

⁵³ 79% of major applications were decided on time in July to September 2015, compared with 57% in July to September 2012, the quarter in which the designation approach was first announced.

non-major development would run alongside the existing performance approach to assessing applications for major development. Autumn Statement published on 25 November also set out a proposal to reduce the threshold for assessing the quality of local planning authorities' decisions to 10 per cent of applications for major development overturned at appeal, subject to considering an authority's appeal decisions prior to confirming designation on the basis of this measure.

7.6 We are now consulting on:

- revised thresholds for assessing the quality of performance on applications for major development and new thresholds for non-major development for both speed and quality;
- the approach to designation and de-designation for non-major development; and,
- which applications may be submitted to the Secretary of State in areas that are designated for their handling of non-major development.

7.7 We consider 'non-major development' to constitute applications for minor developments, changes of use (where the site area is less than one hectare) and householder developments⁵⁴. This is consistent with the data we have been publishing since March 2015 on the speed and quality of decisions on non-major development⁵⁵.

Thresholds for assessing performance

7.8 In considering the minimum performance thresholds for handling applications for non-major development, we wish to take into account both existing levels of performance and the scope for further improvement. In the two years to the end of September 2015, nationally an average of 79% of applications for non-major development were decided on time, and the average proportion of decisions on non-major development overturned at appeal was around 1%⁵⁶.

7.9 Against this background we think that the thresholds at which authorities would become liable for designation in relation to non-major development should fall within the following ranges:

- speed of decisions: where authorities fail to determine at least 60-70 per cent of applications for non-major development on time⁵⁷, over the two year assessment period, they would be at risk of designation
- quality of decisions: where authorities have had more than 10-20 per cent of their decisions on applications for non-major development overturned at appeal, they would be at risk of designation.

⁵⁴ This is set out in the the Town and Country Planning (Development Management Procedure) (England) Order 2015 http://www.legislation.gov.uk/ukxi/2015/595/pdfs/ukxi_20150595_en.pdf

⁵⁵ ⁵⁵ [Live tables P153 and P154 https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics](https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics)

⁵⁶ This is the figure for local planning authority decisions up to September 2014, and related appeal decisions up to June 2015.

⁵⁷ i.e. within the relevant statutory period, including any agreed extension of time

7.10 Prior to any initial designations the Housing and Planning Bill will need to be enacted, regulations made and the criteria for designation laid before Parliament. The earliest that the first designations would be made is therefore the final calendar quarter of 2016

7.11 For applications for major development, we have raised the designation threshold for the speed of decisions to 50 per cent made on time, and will continue to keep this under review. The threshold for the quality of decisions on applications for major development has remained at 20 per cent since 2013. The threshold needs to be at a level that drives improvement and safeguards against genuinely poor performance, and the Autumn Statement proposed that the threshold could now be reduced to 10 per cent of decisions on applications overturned at appeal.

Question 7.1: Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest?

Question 7.2: Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?

Approach to designation and de-designation

7.12 We are proposing that the general approach to designating and de-designating authorities for non-major development should mirror that which exists already for major development, as set out in the current criteria document⁵⁸: for example, taking into account performance data over a rolling two year period, allowing for data corrections and exceptional circumstances, and the tests that are required to be satisfied before an authority may be de-designated. This will include taking into account applications that are subject to Planning Performance Agreements and Extension of Time Agreements and setting the same thresholds for exempting authorities from designation in circumstances where very few applications have been submitted.

7.13 The data for major and non-major applications will not be aggregated, so the designation and de-designation processes for major and non-major development would be conducted separately (so that an authority could be designated on the basis of handling applications for major development, or non-major development, or both). This ensures the existing approach can continue and suitable thresholds can be applied to different categories of application.

7.14 However, there is one change we are proposing in the assessment of any exceptional circumstances that relate to the quality of decisions (for applications involving both major and non-major development): we would in future take into

⁵⁸ Improving planning performance: criteria for designation (July 2015) <http://tinyurl.com/odqu8v8>

account any situations where appeals have been allowed despite the authority considering that its initial decision was in line with an up-to-date plan⁵⁹. This is to ensure that this measure does not inadvertently discourage any authorities from making decisions that they believe to be in line with an up-to-date local plan or neighbourhood plan.

Question 7.3: Do you agree with our proposed approach to designation and de-designation, and in particular

- (a) that the general approach should be the same for applications involving major and non-major development?
- (b) performance in handling applications for major and non-major development should be assessed separately?
- (c) in considering exceptional circumstances, we should take into account the extent to which any appeals involve decisions which authorities considered to be in line with an up-to-date plan, prior to confirming any designations based on the quality of decisions?

Effects of designation in respect of applications for non-major development

7.15 Applicants can only apply directly to the Secretary of State for the category of applications to which a designation relates. As with the approach to major development, we are proposing that applicants would have a choice of applying directly to the Planning Inspectorate (on behalf of the Secretary of State) where an authority is designated for its performance in handling applications for non-major development. However we are proposing that this ability would be limited to applications involving minor development and changes of use, and not include householder development.

7.16 We consider that due to the small sized and high volume of householder applications, they are best dealt with at the local level. This does not, however, mean that under-performance in such areas would not be addressed: where authorities are designated on the basis of non-major development we will want to make sure that all aspects of their service improve, including then handling of applications for householder developments. We would therefore require a detailed improvement plan which focuses on improving processes for householder developments from designated authorities, where this relates to the reasons for their under-performance.

Question 7.4: Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?

⁵⁹ An up-to-date Development Plan Document

Chapter 8: Testing competition in the processing of planning applications

8.1 It is important that the planning process is resourced in a way that allows an efficient and effective service to be provided. Chapter 1 of this consultation proposes changes to planning application fees, linked to performance and the provision of innovative services. One form of innovation that we are keen to explore is competition in the processing of planning applications. This will not include any changes to decision-making on planning applications which will remain with the local authority whose area the application falls within. Nor is this about preventing local authorities from processing planning applications or forcing them to outsource their processing function. This section seeks views on how we could implement a programme to test how we can most effectively introduce competition in the processing of planning applications.

Background

8.2 Outsourcing and shared services are common for some local authority services. Some authorities have introduced such approaches to planning application processing, and shown that performance can be improved and costs reduced. The majority of research studies suggest cost savings of up to 20 per cent for competitively tendered or shared services⁶⁰.

8.3 Choice for the user also has an important part to play in the provision of effective public services⁶¹. In Building Control, applicants can choose to have their building work checked by the local authority or an approved inspector. Approved inspectors were first introduced in 1985, and now roughly 80 per cent of housing and 50 per cent of non-housing work is carried out by them.

8.4 We think there is merit in drawing on this experience, to test the benefits of competition in the processing of planning applications. These benefits could include giving the applicant choice, enabling innovation in service provision, bringing new resources into the planning system, driving down costs and improving performance.

What are we proposing?

8.5 The Housing and Planning Bill contains powers to enable the testing of competition in the processing of planning applications. We are proposing that in a number of specific geographic areas across the country, for a limited period of time, a planning applicant would be able to apply to either the local planning authority for the area or an 'approved provider' (a person who is considered to have the expertise to manage

⁶⁰ Domerberger et al in 1986 found that competitive tendering reduced the costs of refuse collection services by broadly 20 per cent, irrespective of whether contracts were awarded to the private sector or in-house teams. Hodge in 1999 concluded that outsourcing could achieve savings of between 6 and 12 per cent, while DeAnne Julius in 2008 concluded that the rigorous work on cost savings associated with contracting showed savings of around 20 per cent. The Confederation of British Industry claimed in 2012 that further outsourcing could secure cost savings of 10 per cent.

⁶¹ 2009 research from the British Social Attitudes (BSA) survey, reported by the Institute for Government in 2013, concluded 'There is widespread public support for the idea that people should be able to exercise choice when using public services'.

the processing of a planning application) to have their planning application processed. This does not prevent local planning authorities from continuing to process planning applications nor does it force them to outsource their development management service – it means that other approved providers will be able to compete to process planning applications in their area. A number of companies already provide outsourced processing services for local planning authorities. Local planning authorities, in addition to processing planning applications in relation to land in their area, would also be able to apply to process planning applications in other local authorities' areas.

- 8.6 The democratic determination of planning applications by local planning authorities is a fundamental pillar of the planning system. This will remain the case - decisions on applications would remain with the local planning authority. However, an approved provider would be able to process the application, having regard to the relevant statutory requirements for notification, consultation and decision making, and make a recommendation to the local planning authority giving their view on how the application should be decided. But, it would be for the local planning authority to consider the recommendation and make the final decision, ensuring no loss of democratic oversight of local planning decisions.
- 8.7 We are consulting now on the broad principles for how this would operate.

Scope

- 8.8 The final decision on individual planning applications would remain the responsibility of the local planning authority, based on a report and recommendations from their own officers or from an approved provider where the applicant has chosen to go to one.
- 8.9 Competition can be tested in different ways within this overall approach. More innovation may be possible and better use of resources, efficiency and performance, with full competition involving both approved private providers and local authorities competing for the processing of all planning applications in test areas. However, competition could be limited to just local authorities or specific types of planning application.

Question 8.1: Who should be able to compete for the processing of planning applications and which applications could they compete for?

Fees

- 8.10 A market for planning application processing might operate best by allowing approved providers and the local planning authority in test areas to set their own fee levels, enabling them to set different levels of fee for different levels of service⁶². The legislation would allow us to intervene if we considered that excessive fees were being charged and the market was not self-regulating them. It will also allow for fees

⁶² We currently have no plans to change the legislative time limit for determination of planning applications: 8 weeks (minor development) and 13 weeks (major development) and 16 weeks (Environmental Impact Assessment development).

to be returned to the applicant where promised service and performance standards are not met by approved providers and/or the local planning authority in test areas.

- 8.11 However, in competition test areas we could, as an alternative approach, restrict approved providers and local planning authorities to setting fee levels within a range. Local authorities could be limited to charging no more than cost recovery for processing planning applications. A requirement for providers in test areas to provide a low-cost processing option could also be explored. It is likely that even where an approved provider processes a planning application the local planning authority will incur small costs, for example reviewing the provider's report and recommendation to be able to take a decision. A balance will need to be struck between ensuring costs can be recovered fairly but without introducing duplication and additional costs to the applicant.

Question 8.2: How should fee setting in competition test areas operate?

The role of applicants, approved providers and local planning authorities in competition test areas

- 8.12 In competition test areas, applicants would select who they want to process their planning application and pass it direct to the provider with the appropriate fee.
- 8.13 We envisage an approved provider will undertake all the tasks a local planning authority would ordinarily undertake. This includes, for example, checking and validating the application, posting site and neighbour notices, undertaking site visits, undertaking statutory consultation⁶³, carrying out informal engagement with the community, seeking more information from the applicant, negotiating section 106 agreements and undertaking Environmental Impact Assessment screening⁶⁴. Local people and councillors will need to be able to comment on planning applications as they can at the moment. An approved provider would not be able to decide the planning application – they would need to pass a report and recommendation to the local planning authority for decision.
- 8.14 When a local planning authority in a test area receives a report and recommendation from an approved provider for a decision, it would be required to take the decision within a short specified period (perhaps a week or two); we will ensure that the application could not be delayed unreasonably. Authorities would continue to process in the normal way any planning applications they received directly from applicants.

Question 8.3: What should applicants, approved providers and local planning authorities in test areas be able to?

Standards and performance

- 8.15 Approved providers would not be able to process applications in which they and the member(s) of staff dealing with the application have an interest. They would also

⁶³ Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (made under section 74 of the Town and Country Planning Act 1990).

⁶⁴ Under section 62 of the Town and Country Planning Act 1990.

need to demonstrate that they have the professional skills and capabilities to process planning applications on behalf of applicants, and we are interested in your views on how this should be established. We would expect high levels of performance both from approved providers and local planning authorities involved in the test, but may need to relax the current designation approach⁶⁵ for local planning authorities participating in the testing of competition, given the different circumstances in which they would be operating.

Question 8.4: Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition?

Information

- 8.16 Local planning authorities and approved providers would need to share information so that planning applications are processed effectively during the test. Local planning authorities would need to provide an approved provider with the planning history for the site relevant to the application, so the provider could for example ascertain whether it is a repeat application⁶⁶ and whether there are any other outstanding planning permissions in relation to the site.
- 8.17 Approved providers would need to provide summary details to the relevant local planning authority of any planning applications they receive directly, so that the application could be listed on the planning register. We intend to provide that information can only be shared between providers and planning authorities for the purposes of processing planning applications during the testing of competition and must not be disclosed to any other persons.

Question 8.5: What information would need to be shared between approved providers and local planning authorities, and what safeguards are needed to protect information?

- 8.18 Competition could benefit both communities and applicants. A more effective and efficient planning system would be better able to secure the development of the homes and other facilities that communities need. Improved choice in the services on offer would mean that applicants would be able to shop around for the services which best met their needs.

Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system?

⁶⁵ Under section 62A of the Town and Country Planning Act 1990.

⁶⁶ Under section 70A of the Town and Country Planning Act 1990.

Chapter 9: Information about financial benefits

9.1 The potential financial benefits of planning applications are not always set out fully in public during the course of the decision making process, particularly for larger, more significant or controversial applications which are more likely to be considered by a planning committee. This has a negative impact on local transparency and prevents local communities from both understanding the full benefits that development can bring and fully holding their authority to account for the decisions it makes.

9.2 Financial benefits can accrue to local areas as a result of development, which can influence how local communities perceive development. An evaluation of the New Homes Bonus found that the bonus has had a positive impact on local authority attitudes towards new housing⁶⁷. The 2013 British Social Attitude survey found that people might be more supportive of the development of new homes in their area if they thought that local authorities might receive more funding⁶⁸.

9.3 Despite amending Planning Practice Guidance to make clear that local finance considerations may be cited for information in planning committee reports (even where they are not material to the decision), we remain concerned that potential financial benefits may not be being fully set out publicly in planning committee reports⁶⁹. This prevents local communities from seeing the financial benefits of development, potentially preventing a change in attitudes towards development. We are addressing this issue through the Housing and Planning Bill.

What are we proposing?

9.4 The Housing and Planning Bill proposes to place a duty on local planning authorities to ensure that planning reports, setting out a recommendation on how an application should be decided, record details of financial benefits that are likely to accrue to the area as a result of the proposed development. It also explicitly requires that planning reports list those benefits that are “local finance considerations”⁷⁰ (sums payable under Community Infrastructure Levy and grants from central government, such as the New Homes Bonus).

9.5 The Bill also provides for the Secretary of State to prescribe, through regulations:

- other financial benefits beyond “local finance considerations”, that must be listed in planning reports if they are likely to be obtained as a result of the proposed development;

⁶⁷ Evaluation of the New Homes Bonus, DCLG, December 2014 - around 40 per cent of planning officers agreed the Bonus had resulted in officers and their elected members being more supportive of new homes.

⁶⁸ People were asked if they would be more supportive of new homes if the government provided local authorities with more money to spend on services for each new home that is built. 47 per cent of respondents stated that this would result in them becoming more supportive of new homes.

⁶⁹ Evaluation of the New Homes Bonus – 56 per cent of officers said that they never took into account Bonus revenues when considering planning applications. The research found that views on the Bonus are evolving and consideration of it in the context of planning applications was likely to change.

⁷⁰ Section 70 of the Town and Country Planning Act as amended by section 143 of the Localism Act 2011.

- information about a financial benefit that must be recorded in a planning report; and,
- A financial benefit to be listed in the planning report where it is payable to another person or body other than to the authority making the planning decision.

Other financial benefits that should be listed

9.6 The Bill proposes a requirement for “local finance considerations” to be listed in planning reports. However, new development can bring a number of other financial benefits beyond “local finance consideration”. New homes will be chargeable for council tax and therefore bring additional revenue to the relevant local authority. New business development will be subject to business rates and similarly bring additional revenue to the relevant local authority. Also section 106 agreements⁷¹ can require a sum or sums to be paid to mitigate the impact of development.

9.7 We are therefore proposing that, alongside “local finance considerations” as defined in section 70 of the Town and Country Planning Act, the following benefits should be listed in planning reports where it is considered likely they will be payable if development proceeds:

- Council tax revenue;
- Business rate revenue;
- Section 106 payments.

Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports?

Information about a financial benefit that must be recorded

9.8 Local communities may be particularly interested in the estimated level of the financial benefits that might result from a proposed development and we are proposing that this should be reported for each financial benefit that is listed in a planning report. However, this needs to be proportionate and in practice a report to a planning committee will include an estimate of what appears to the person making the report to be the likely value of the benefit to be obtained (i.e. the best estimate at the time the report is produced). This is likely to mean:

- Community Infrastructure Levy - the tariff from the authority’s charging schedule that is likely to be applied for the proposed development;
- government grant⁷² – calculating an estimate of the of the likely grant to be received;
- council tax revenue – making a broad judgement about the likely council tax band for new properties and subsequently estimating the likely additional council tax revenue, or for existing properties estimating the impact of the development on the current council tax band;

⁷¹ Under section 106 of the Town and Country Planning Act 1990. Section 106 agreements may only be a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Such payments should be material to a planning decision and therefore already included in a planning report.

⁷² Under “local finance considerations” such as the New Homes Bonus.

- business rates revenue – making a broad judgement about the potential rateable value for the property following development and subsequently estimating the likely additional business rate revenue; and,
- section 106 payments – the payment level that has been negotiated with the developer where this has taken place at the time of the report.

Other persons or bodies receiving a financial benefit

9.9 A financial benefit might accrue to a local authority or body other than the one making the planning decision. For example, a National Parks Authority or the Broads Authority may grant planning permission but the additional council tax or business rate revenue from the development will go to the relevant local authority. In addition to any payments made to the local planning authority making the decision, we are therefore proposing to prescribe that financial benefits accruing to any local authority, or if and where relevant a Combined Authority or Community Infrastructure Levy charging authority⁷³, should be listed in the planning report, recognising that authorities may need to liaise to collate some of the information required to be reported in the planning report.

9.10 In a few circumstances, developers may make financial payments to a local community where they propose to develop a site as for example, shale gas companies are committed to doing or for wind development. We are, therefore, interested to hear if there are other beneficiaries, such as a local community, that we should be considering when preparing regulations and the type of developments they might receive benefits or payments from.

Question 9.2: Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure?

⁷³ Section 206 of the Planning Act 2008 provides for the Mayor of London to be a charging authority for the Community Infrastructure Levy.

Chapter 10: Section 106 dispute resolution

10.1 We are introducing a new dispute resolution mechanism for section 106 agreements, to speed up negotiations and allow housing starts to proceed more quickly. This consultation seeks views on some of the detail about our proposals for how this new process will work, including the proposed scope, processes for commencing and running the dispute resolution, appointed persons and post-dispute resolution.

Background

10.2 Obligations under section 106 of the Town and Country Planning Act 1990 help mitigate the impact of development to make it acceptable in planning terms. Policy and law on this is set out within the National Planning Policy Framework and in the Community Infrastructure Levy Regulations 2010. Delays in granting planning permission slow the rate at which new development is delivered and can increase costs.

What are we proposing?

10.3 We are introducing a dispute resolution mechanism for section 106 agreements through the Housing and Planning Bill. The dispute resolution process is intended to be provided by a body on behalf of the Secretary of State, concluded within prescribed timescales, and to provide a binding report setting out appropriate terms where these had not previously been agreed by the local planning authority and the developer.

Scope of the dispute resolution process

10.4 The dispute resolution process will potentially apply to any planning application where the local planning authority would be likely to grant planning permission where there are unresolved issues relating to section 106 obligations. Regulations may set a size threshold or other criteria that applications must meet in order to be eligible for dispute resolution, though we propose not to set any thresholds or criteria at this stage. This would mean that the dispute resolution process would be available in a broad range of cases, including some small scale ones with relatively simple section 106 obligations. We consider that delays to section 106 agreements may affect smaller developers particularly acutely and that they should also benefit from measures to speed up the process.

Question 10.1: Do you agree that the dispute resolution procedure should be able to apply to any planning application?

Commencing the dispute resolution process

10.5 The dispute resolution process can be initiated at the request of the applicant, the local planning authority or another person as set out in regulations, by making a request to the Secretary of State. We consider that the existing statutory timeframes (8 weeks for a minor application, 13 weeks for a major application and 16 weeks for an application accompanied by an Environmental Impact Assessment), with

extensions possible where agreed, are the most appropriate time limits before the dispute resolution process can be triggered.

10.6 The regulations can set out when requests for dispute resolution can be made as well as their form and manner. We consider that such requests should be made in writing, provide full details of the planning application in question (including plans and supporting documents), a draft section 106 agreement and a statement clearly setting out the matters which are the subject of dispute.

10.7 Upon receiving a request, there would be a statutory duty on the Secretary of State to appoint someone to help resolve any section 106 issues that are still in dispute. This would only apply if the Secretary of State considers that the local planning authority were likely to grant planning permission if satisfactory planning obligations were entered into. The new duty would not apply where the relevant planning application is being appealed or is before the courts, or has been called in by the Secretary of State for determination.

10.8 Where a request is made to initiate the dispute resolution process, it is intended that there will be a short 'cooling off' period prior to a person being appointed. This will give the local planning authority and applicant a final opportunity to focus minds and resolve outstanding issues. Where this is achieved the party requesting dispute resolution can withdraw the request. . We consider that two weeks would be an appropriate length of time for the cooling off period, striking a balance between allowing a late agreement on matters of dispute and enabling a speedy process.

Question 10.2: Do you agree with the proposals about when a request for dispute resolution can be made?

Question 10.3: Do you agree with the proposals about what should be contained in a request?

Question 10.4: Do you consider that another party to the section 106 agreement should be able to refer the matter for dispute resolution? If yes, should this be with the agreement of both the main parties?

Question 10.5: Do you agree that two weeks would be sufficient for the cooling off period?

Appointed person to deliver the dispute resolution process

10.9 We intend that the dispute resolution process would be undertaken by an independent body on behalf of the Secretary of State. We envisage that this body will consider requests and appoint people who will help resolve outstanding issues once the dispute resolution process has been requested. There is scope for the level of qualifications of the appointed person to be set out in the regulations.

Question 10.6: What qualifications and experience do you consider the appointed person should have to enable them to be credible?

Running the dispute resolution process

- 10.10 The Secretary of State will have discretion, through regulations, to set the level of fees payable. Regulations could also give the appointed person the ability to award costs where, for example, either side does not engage in the resolution process or if one party is found to have acted unreasonably. We propose that fees should be set in such a way that in normal circumstances the costs of the process would be shared evenly between the local planning authority and the applicant.
- 10.11 The appointed person would have a set time for producing a report. We envisage that in many cases they could produce their report in four weeks. We would like to explore through consultation what the maximum time should be for the appointed person to prepare their report and send it. The local planning authority and applicant would be required to cooperate with the appointed person throughout the process, comply with requests for information and to participate in any meetings that are arranged. Regulations can also set out what the appointed person must and must not take account of as part of their consideration of the matter and how corrections can be made to the report. We consider that the matters open to be considered by the appointed person should be limited to those in dispute between the parties.
- 10.12 The appointed person's report would set out the matters in dispute, the steps taken to resolve these and the terms of the section 106 (if both sides are in agreement) or recommendations as to what the appropriate terms would be (if parties continue to disagree). The regulations will also set out the manner and timing of the appointed person's report. We propose that the report should be published on the local planning authority's website as soon as reasonably practical to ensure the transparency of the process.
- 10.13 In circumstances where there may be an error in the appointed person's report, we consider that there should be a mechanism for this to be corrected. This is so that the validity of the report and its recommendations are not undermined. It is acknowledged that there is a risk that such a process, framed too broadly, could act like an informal appeal process, delaying the outcome of dispute resolution. We therefore propose that either party would be able to request the correction of errors.

Question 10.7: Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support?

Question 10.8: Do you have any comments on how long the appointed person should have to produce their report?

Question 10.9: What matters do you think should and should not be taken into account by the appointed person?

Question 10.10: Do you agree that the appointed person's report should be published on the local authority's website? Do you agree that there should be a mechanism for errors in the appointed person's report to be corrected by request?

Post-dispute resolution

10.14 We would like to explore through consultation what the most appropriate maximum time should be for entering into section 106 obligations and determining the planning application following the issuing of the report, which we consider could be between two and four weeks after the report is received. Regulations could allow for different periods to be set to take account of circumstances, including the scale and complexity of certain section 106s. The parties can still enter into an agreement during the prescribed period with terms that differ from the report as long as the parties agree.

10.15 The range of decisions that the authority can take after the report is received will be limited. As such, the local planning authority would be unable to refuse the application on a ground that relates to the appropriateness of the terms of the section 106, except in prescribed cases or circumstances. If no section 106 obligation is completed within the prescribed period, permission would have to be refused. Where the application is subsequently appealed following dispute resolution, the Inspector (or Secretary of State) must have regard to the report issued by the appointed person.

10.16 There may be circumstances where the local planning authority seeks to grant the application and make the grant conditional on the other party undertaking other obligations not specified in the section 106 agreement, for example through use of section 278 (Highways Agreements). We are considering whether to restrict this through regulations.

Question 10.11: Do you have any comments about how long there should be following the dispute resolution process for a) completing any section 106 obligations and b) determining the planning application?

Question 10.12: Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply?

Question 10.13: What limitations do you consider appropriate, following the publication of the appointed person's report, to restrict the use of other obligations?

Question 10.14: Are there any other steps that you consider that parties should be required to take in connection with the appointed person's report and are there any other matters that we should consider when preparing regulations to implement the dispute resolution process?

Chapter 11: Permitted development rights for state-funded schools

- 11.1 The government is committed to opening at least 500 new state-funded free schools during this Parliament, which could provide up to 270,000 new school places. To support this ambition, we are proposing to increase current permitted development rights that support delivery of new state-funded schools and the expansion of current schools.
- 11.2 Existing permitted development rights allow certain buildings to change use to a state-funded school, allow for extensions to be added to existing schools, and allow the temporary use of buildings as state-funded schools for up to one academic year, without the need to apply for planning permission.
- 11.3 The government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and raising educational standards. The current permitted development rights have been developed over recent years to support the delivery of these aims, by making it easier for new schools to open, good schools to expand and all schools to adapt and improve their facilities.

What are we proposing?

- 11.4 Our proposals seek to build on these rights. They seek to ensure that where there is an identified need for school places, schools can open quickly on temporary sites and in temporary buildings while permanent sites are secured and developed. It is also the intention to allow larger extensions to be made to school buildings in certain cases without the need for a planning application.
- 11.5 The proposals are to:
- Extend from one to two academic years the existing temporary right to use any property within the use classes for a state-funded school;
 - Increase from 100 m² to 250 m² the threshold for extensions to existing school buildings (but not exceeding 25% of the gross floorspace of the original building); and,
 - Allow temporary buildings to be erected for up to three years on cleared sites where, had a building not been demolished, the existing permitted development right for permanent change of use of a building to a state funded school would have applied.
- 11.6 Free schools on temporary sites contribute to the delivery of new school places, and so these measures will further support the roll out of the free schools programme. In particular, they will help avoid delays for those wishing to set up a new school, and enable providers to respond quickly and flexibly to local demands, while planning permission for a permanent site is being sought.

Extending temporary rights to use any property within the use classes for a state-funded school will also better reflect the lead in time necessary for bringing on stream permanent school sites.

- 11.7 Before changing use of a building or land to a state-funded school for a single year, approval must be sought from the relevant Minister to use the site as a school, who must notify the local authority of the approval. When permanently changing use of a building to a state-funded school, prior approval must be sought from the local planning authority as to highways, noise, and contamination impacts.
- 11.8 As there are often space restraints on existing sites, we would also be interested in views on whether other changes should be made to the thresholds within which school buildings could be extended, such as reducing the limit on building extensions within 5 metres of a boundary of the curtilage of the premises.

Question 11.1: Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made? For example, should changes be made to the thresholds within which school buildings can be extended?

Question 11.2: Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right?

Section 12: Changes to statutory consultation on planning applications

12.1 In certain circumstances, consultation must take place between a local planning authority and certain organisations, prior to a decision being made on a planning application. The organisations in question, known as statutory consultees, are under a duty to respond to the local planning authority within 21 days (or a longer period if agreed with the local authority) and must provide a substantive response to the application in question.

What are we proposing?

Improving the performance of all statutory consultees

12.2 Statutory consultees are required to report their performance in terms of responding to consultation requests about planning applications each year. The most recent performance data, provided by statutory consultees that respond to the majority of planning application consultee requests, indicates that for between 5 and 12% of cases they requested and received additional time from the local planning authority to respond beyond the 21 day statutory period.

12.3 The government considers that requests for extension of time may affect the ability of local planning authorities to reach timely decisions on applications and that there is scope to reduce them.

12.4 To address this issue, the government is interested in hearing views on the benefits and risks of setting a maximum period that a statutory consultee can request when seeking an extension of time. The performance data indicates that the average extension period is between 7 and 14 days and therefore a period of 14 days may be an appropriate maximum period to set for any extension sought.

Question 12.3: What are the benefits and/or risks of setting a maximum period that a statutory consultee can request when seeking an extension of time to respond with comments to a planning application?

Question 12.4: Where an extension of time to respond is requested by a statutory consultee, what do you consider should be the maximum additional time allowed? Please provide details.

Chapter 13: Public Sector Equality Duty

13.1 The proposals covered in this consultation have been assessed by reference to the public sector equality duty contained in the Equality Act 2010. The overall aim of these proposals is to speed up and simplify the planning system and ensure it is supporting the delivery of new homes that the country needs. None of the proposals are specifically aimed at persons with a protected characteristic and we have not identified any adverse cumulative impact of these proposals. The measures covered by this consultation are:

- proposals to link fees for planning applications more effectively to the service which is provided;
- details of the proposed approach to enabling planning bodies to grant permission in principle for housing development on sites allocated in local and neighbourhood plans or identified on brownfield registers; and allowing small builders to apply directly for permission in principle for minor development;
- proposals to require local authorities to have a statutory register of brownfield land that is suitable for housing development and improving the availability and transparency of up-to-date information;
- proposals for creating a small sites register to achieve a doubling in the number of custom build homes by 2020;
- proposals to speed up and simplify neighbourhood planning and giving more powers to neighbourhood forums;
- proposals for criteria to inform decisions on intervention if local plans are not produced by early 2017 together with the content of league tables
- proposals extending the existing designation approach to include applications for non-major development;
- proposals for testing competition in the processing of planning applications;
- detailed proposals for putting the economic benefits of proposals for development before local authority planning committees;
- detailed proposals for a Section 106 dispute resolution service;
- proposals for facilitating delivery of new state-funded school places, including free schools, through expanded Permitted Development Rights; and,

- proposals for improving the performance of all statutory consultees.
- 13.2 These proposals are focused on streamlining and speeding up the planning system and supporting a general increase in housing delivery for the benefit of all groups of people. For example, an increase in house building may reduce demand for rental properties helping to reduce upward pressures on rents. We do not envisage a significant differential impact of any of these proposals on protected groups (those who share a “protected characteristic”; namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity).
- 13.3 Proposals to speed up and simplify the planning system include the measures on neighbourhood plans, permission in principle, the brownfield and small sites register, the s106 dispute resolution service and proposals for improving the performance of statutory consultees. These proposals will improve and speed up the overall operation of the planning system. We have not identified any adverse equalities impacts of these proposals but will be interested to hear views on these proposals and any potential equalities impacts through this consultation.
- 13.4 The proposed criteria to inform decisions on intervention if local plans are not produced by early 2017 and our proposals to extend the designation approach to include non-major developments are focused on improving the performance of local authorities, whilst the proposals for putting the economic benefits of proposals for development before local planning authority committees seeks to enhance local decision making. These proposals will improve the performance of local planning authorities.
- 13.5 We have also included a proposal to support the delivery of free schools through expanded permitted development rights. These changes are intended to facilitate the development of state-funded schools.
- 13.6 There is limited data available about the involvement of protected groups in the planning process or as developers. We are keen to hear about any potential impacts of these new proposals on those with a protected characteristic, suggestions for any appropriate mitigation together with any supporting evidence which can assist in deciding the final policy approach in due course.

Question 13.1: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate any impact identified?

Question 13.2 Do you have any other suggestions or comments on the proposals set out in this consultation document?



London Borough of Merton

Executive summary and recommendations arising from the scrutiny task group review of shared services in Merton

Overview and Scrutiny Commission

July 2015

Task group membership

Councillor Peter Southgate (Chair)
Councillor Hamish Badenoch
Councillor Suzanne Grocott
Councillor Russell Makin
Councillor Imran Uddin

Scrutiny support:

Julia Regan, Head of Democracy Services
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Acknowledgements

The task group would particularly like to thank the council officers and directors who shared their experiences and thoughts with us.

All contributors are listed in Appendices 1 and 2 of this report.

Executive Summary

This is the first in a series of task group reviews established by the Overview and Scrutiny Commission to increase its knowledge of different models of service provision and the associated implications for scrutiny. This review has focussed on shared services. Subsequent reviews are planned to examine outsourced and commissioned services, amongst other models to be determined by the Commission.

Task group members have had in-depth discussions with service managers and directors in order to identify the different ways in which local authorities can co-operate to share service provision, management or procurement; what benefits and challenges are associated with shared services; and what the key factors are for successful sharing. They have spoken to directors and managers of existing and planned shared services as well as discussing instances where initial discussions have not led to the establishment of a shared service.

The task group found that, as for all delivery models, how the service is specified and managed will be key to its success. Other factors contributing to success are strong, enthusiastic leadership, senior management and political support, good project management and support from a range of internal support services.

The council has taken a pragmatic approach towards setting up shared services, seizing opportunities as they arose as well as actively seeking partnerships for those services that would benefit from this. The task group found that, although this approach has served the council well, more could be done to support service managers through the initial assessment, negotiation and establishment phases.

The task group found that the benefits to be gained from a shared service arrangement are considerable. What the benefits are will depend on the nature of the services being shared and the model of shared service delivery that is chosen, and may include financial savings, services that are of better quality, more specialised and more resilient as well as opportunities for staff development and better retention of staff.

The task group has made a small number of recommendations aimed at strengthening the decision making process and supporting service managers through the negotiation, set-up and delivery phases of a shared service. It has also recommended that scrutiny should take a role in reviewing the operation, performance and budget of large or strategically important shared services.

It is anticipated that a number of these recommendations may also apply to other models of service provision and so the task group has recommended that the Overview and Scrutiny Commission receives several task group reports before forwarding a composite report to Cabinet for its consideration.

The task group's recommendations run throughout the report and are listed in full overleaf.

List of task group's recommendations

	Responsible decision making body
Recommendation 1 (paragraph 14)	
We recommend that the Head of Democracy Services contacts the Chief Executive of Achieving for Children (a shared service between Richmond and Kingston Councils) to organise a visit for task group members to scrutinise their delivery model on a date that is convenient to Achieving for Children	Overview and Scrutiny Commission
Recommendation 2 (paragraph 22)	
We recommend that decision making on the establishment of new shared services is strengthened through the production of a standardised business case that is presented to the Corporate Management Team and to Cabinet (or the relevant individual Cabinet Member for smaller shared services) for approval. This business case should include financial modelling as well as details of other expected benefits so that vigorous challenge can be provided prior to a formal decision being made.	Cabinet
Recommendation 3 (paragraph 29)	
We recommend that Cabinet should ensure there is support provided to service managers who are exploring the feasibility of establishing a new shared service so that these managers can draw on learning and expertise that already exists within the council. We suggest that this should take the form of an on-line resource such as a checklist of issues to consider and contact details of officers who can provide advice and support. The resource should also include guidance on developing the business case for the service as set out in recommendation 2 above.	Cabinet
Recommendation 4 (paragraph 49)	
We recommend that Cabinet ensure that a training or briefing resource is developed for officers in those corporate teams (such as HR, IT, finance and facilities) so that they understand the delivery model and likely support requirements of the council's shared services.	Cabinet
Recommendation 5 (paragraph 50)	
We recommend that the council's Corporate Management Team use its review of the Target Operating Model, in particular the corporate layers, to ensure that learning from existing shared services has been captured and that	Cabinet – delegated to CMT

there is a standardised approach to modelling proposed new shared services.	
Recommendation 6 (paragraph 53)	
We recommend that scrutiny should take a role in reviewing the operation, performance and budget of large or strategically important shared services 15 months after their start date and when the agreement is due for review.	Overview and Scrutiny Commission
Recommendation 7 (paragraph 54)	
We recommend that in considering which shared services to scrutinise, the Overview and Scrutiny Commission and Panels should bear in mind the governance structure for the service so that scrutiny activities do not duplicate the function of elected members on any governance committee that has been established.	Overview and Scrutiny Commission
Recommendation 8 (paragraph 62)	
We recommend that the Overview and Scrutiny Commission should continue to commission mini task groups to examine other models of service delivery.	Overview and Scrutiny Commission
Recommendation 9 (paragraph 63)	
We recommend, that due to the cumulative approach to learning adopted through this series of task group reviews, the Overview and Scrutiny Commission should send a joint report to Cabinet once several task group reviews have completed rather than sending each one separately.	Overview and Scrutiny Commission

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Committee: Sustainable Communities Overview and Scrutiny Panel

Date: 7th January 2016

Agenda item: 5

Wards: All

Subject: Commercial Services Task Group - update

Lead officer: Stella Akintan Scrutiny Officer

Lead member: Councillor Abigail Jones, Chair of the Sustainable Communities Overview and Scrutiny Panel

Contact officers: Stella Akintan, Scrutiny Officer, stella.akintan@merton.gov.uk, 020 8545 3390

Recommendations:

That Members consider the progress of the Commercial Services task group review .

1. PURPOSE OF REPORT

- 1.1 To make proposals to Members for the commercial services task group review, and to seek agreement on the proposed Terms of Reference, timescales, sources of evidence and witnesses for the review.

2. DETAILS

- 2.1 At the meeting of the Sustainable Communities Overview and Scrutiny Panel held on 2nd September 2015, it was agreed to conduct a task group review of Commercial Services.
- 2.2 The following Members were nominated to sit on the Task Group: Cllr Russell Makin (Chair), Cllr John Sargeant, Cllr Najeeb Latif and Cllr James Holmes

3. AIM OF REVIEW

- 3.1 To explore the council's approach to commercialisation and opportunities within the Environment and Regeneration Department to increase income from services delivered, with a particular focus on the following services:
- Green Spaces
 - Leisure and Cultural Services
 - Development and Building control
 - Future Merton
 - Property

4. Progress to date:

- 4.1 The task group recently met with the Head of Sustainable Communities and the Future Merton Manager. The following issues were discussed:
 - 4.2 The Sustainable Communities team are working towards a strategy to manage the risks and opportunities that arise from council owned land.
 - 4.3 Officers are already pursuing many of the suggestions put forward by task group such as maximising opportunities from existing land however the council has an important role in balancing the needs of the local community alongside income maximisation.
 - 4.4 The task group will be meeting with the Chief Executive at the next meeting to consider the council's approach to risk management.
-
- 5.1 The Chair will also be meeting with neighbouring boroughs to discuss their approach to income maximisation.

7. ALTERNATIVE OPTIONS

- 7.1 The Panel may choose to agree a different scope and terms of reference to those proposed in this scoping report.

8. CONSULTATION UNDERTAKEN OR PROPOSED

- 8.1 Members are asked to give consideration to if, and how, they would like to engage witnesses in this review.

9. TIMETABLE

- 9.1 It is envisaged that the Task Group will undertake and complete its review within 6 months.

10. CO-OPTION

- 10.1 Members are asked to give consideration to co-opting representatives onto the Task Group for part, or the duration, of the review to assist the Task Group. In accordance with the Constitution any representative co-opted onto the Panel or Task Group will be a non-voting member of the Task Group and will be required to adhere to the Council's Code of Conduct for Members.

11. PUBLICITY

- 11.1 Members can publicise the review to encourage and facilitate resident and partner engagement and to promote the outcomes of the review upon completion. The following mechanisms for promotion/publication may be utilised throughout the review: -
 - Press release in local press;
 - My Merton;
 - Community Forums;

- Merton council website;
- Ward councillors;
- Posters/materials in libraries and Merton Link;
- Staff bulletin board and plasma screens in civic centre; and
- Residents' panel and Centre for Public Scrutiny (outcomes)

12. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 12.1 There are none specific to this report. Any financial, resource and property implications arising from the review will be accounted for in the Task Group's Final Report.

13. LEGAL AND STATUTORY IMPLICATIONS

- 13.1 None for the purposes of this report. Any legal and statutory implications arising from the review will be accounted for in the Task Group's Final Report.

14. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 14.1 None specific to this report. Any human rights, equalities and community cohesion implications arising from the review will be accounted for in the Task Group's Final Report.

15. CRIME AND DISORDER IMPLICATIONS

- 15.1 None specific to this report. Any crime and disorder implications arising from the review will be accounted for in the Task Group's Final Report.

16. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 16.1 None for the purposes of this report. Any risk management and health and safety implications arising from the review will be accounted for in the Task Group's Final Report.

17. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- 17.1 None

18. BACKGROUND PAPERS

- 18.1 None

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Committee: Sustainable Communities Overview and Scrutiny Panel

Date: 16 March 2016

Wards: all

Subject: Climate Change and Green Deal Task Group

Lead officer: Director for Environment and Regeneration, Chris Lee

Lead member: Councillor Andrew Judge, Cabinet Member for Environmental Sustainability and Regeneration,

Contact officer: Damian Hemmings (Future Merton)

Recommendations:

- A. The Panel discuss and comment on the latest report and accompanying action plan detailing progress on the implementation of the agreed recommendations of the Climate Change and Green Deal Task Group.
 - B. That future progress reporting is limited to those on-going recommendations that relate to energy charging and the development of a Merton ESCO (i.e. Recommendations: 7, 8 & 9).
 - C. That progress reports on the above actions are henceforth reported to the commercialisation of council services scrutiny task group, due to the commercial nature of the recommendations and the large financial implications for the council..
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to set out the Executive Response and Action Plan to the Sustainable Communities Overview and Scrutiny Panel to demonstrate how the agreed recommendations of the Climate Change and Green Deal Task Group will be implemented.

2 DETAILS

- 2.1. At their meeting on 30 June 2014, Cabinet considered the final report and recommendations resulting from the task group review of Climate Change and the Green Deal. Officers have since been tasked with delivering the agreed recommendations.
- 2.2. Members received an update on progress at their meeting in September 2015. This paper presents a summary of progress made since the last meeting.

Progress on agreed recommendations

- 2.3. Appendix A to this report sets out the Task Group's recommendations, status and progress on each issue. It should be noted that some of the recommendations must take place sequentially. Actions have therefore been reordered to reflect their sequential progress.
- 2.4. A summary of the progress since the Task Group reported their 11 recommendations to Cabinet in June 2014 is included below. Full details are included in Appendix A:

- **9 / 11 recommendations have been completed / on-going:**
 - Recommendation 1: Work with public and private landowners to install solar PV on their buildings. Deemed complete: 17/12/2015.*
 - Recommendation 2: Cabinet explore how solar PV could be made available to residents to access at cheaper rates/costs and how the council may promote or support this scheme. Deemed complete: 17/12/2015.*
 - Recommendation 3: Adoption of Merton's Climate Change Strategy. Completed: 09/07/2014.*
 - Recommendation 4: Build consideration of energy efficiency measures in appropriate contracts by procurement. Completed: 17/11/2015.*
 - *Recommendation 5: Climate Change Steering Group participants from each directorate. Completed: 21/10/2015.*
 - *Recommendation 6: Feasibility of delivering a local Merton Green Deal. Deemed complete: 01/10/2015.*
 - *Recommendation 9: report on ESCO legal advice (Appendix B: available to councillors only on request). Completed: 04/12/2015.*
 - *Recommendation 10: Climate change marketing and engagement strategy (Appendix C). Completed: 12/11/2015.*
 - *Recommendation 11: Cabinet to consult Circle Housing/MPH on opportunities for joint working on the task group recommendations. Status: On-going.*
- **Two recommendations are outstanding:**
 - *Recommendation 7: That Cabinet commission a feasibility study to look at establishing an Energy Services Company*

Consultants AECOM have been appointed to explore the techno-economic feasibility for establishing district heating scheme(s) in the borough. Anticipated completion date: 31/03/2017.
 - *Recommendation 8: Report on progress and future expansion potential of Merton solar PV portfolio.*

Officers are currently considering options; a report to Cabinet is in development. The expansion of the solar PV will be determined by financial viability in light of the Feed in Tariff review, and the scope for the introduction of energy charging. Anticipated completion date: 31/03/2017.

3 ALTERNATIVE OPTIONS

- 3.1. None for the purposes of this report

4 CONSULTATION UNDERTAKEN OR PROPOSE

- 4.1. Internal engagement is undertaken via the council's Climate Change Steering Group, chaired by the Director of Environment and Regeneration. The

quarterly meetings are organised thematically in accordance with the sustainability themes outlined in the Climate Change Strategy.

- 4.2. Wider engagement with community stakeholders and partners is undertaken through Merton's Environmental Sub-Group of the Merton Partnership.

5 TIMETABLE

- 5.1. The action plan for the Climate Change Strategy and the final report of the Task Group review (Appendix A) set out the timescales for delivery.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The Council faces considerable financial pressure in current and future years. The delivery of the Task Group recommendations has the potential to contribute on-going savings and open up new income streams for the council.
- 6.2. Due to the large financial and commercial implications of the development of a Merton ESCO, it is imperative that these issues are considered as part of the wider scrutiny review into the commercialisation of council services.
- 6.3. Officers therefore recommend that the remaining actions related to the development of a Merton ESCO are reported to the council's Commercial Services task group.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The initial legal implications of energy generation, supply, distribution and sales are outlined in Appendix C.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A: Action Plan and progress to date on the agreed recommendations resulting from the Task Group review of Climate Change and the Green Deal.
- Appendix B: Bevan Brittan report: Legal & statutory implications relating to the generation, supply, distribution and sale of energy (available to councillors only on request)
- Appendix C: Climate Change Communication Plan.

12 BACKGROUND PAPERS

Report of the Climate Change and Green Deal Task Group (June 2014);

Appendix A: Executive response to the recommendations of the Climate Change and Green Deal Scrutiny Task Group

It should be noted that many of the Task Group's eleven recommendations must take place sequentially. The Task Group's recommendations have been reordered to reflect this.

Recommendations	Stakeholder	Action / Progress	Timeline	Status
<p>Recommendation 9 – That Future Merton obtain specialist legal advice on the Council's scope and legal limitations in generating, distributing and selling energy and advise on the development of an ESCO (paragraph 8.40)</p>	Cabinet	<p>The legal firm Bevan Brittan was appointed in August 2015 following a competitive tender process to provide a report on the legal implications of Merton's energy proposals.</p> <p>The final report (Appendix B: available to councillors only on request), completed in December 2015, provides an overview of the relevant legal issues on a range of potential local energy proposals, including: energy charging for solar PV, local heat distribution and the business models that can be applied to deliver these schemes. In summary, the report findings are:</p> <ul style="list-style-type: none"> • The council has the power to adopt its energy proposals but further detailed advice will be needed once LBM has determined its priorities and developed the business case for these projects. • As one of the objectives of this work is trading and income generation, there is a legal obligation for the council to trade through a company. Charging for electricity is likely to constitute trading. <p><u>Solar PV proposals:</u></p> <ul style="list-style-type: none"> • Power purchase agreements (PPA) have already been agreed with schools so introducing energy charging should be relatively straightforward – but there is scope 	Oct 2015	Complete

		<p>to strengthen the PPAs from a contractual perspective to ensure they are enforceable.</p> <ul style="list-style-type: none"> • It's recommended that the PPAs are entered into between the school and a company (i.e. not between the school and the council). <p><u>Non-operational sites: (inc. commercial, housing – social & private)</u></p> <ul style="list-style-type: none"> • Careful consideration is required of the terms of any lease granted to the council particularly re: ownership of the roof space • There are <i>significant complexities</i> around the installation of PV on social housing sites that may be prohibitive to the expansion of this proposal. <p><u>District heating proposals:</u></p> <ul style="list-style-type: none"> • Depending on the role the council wishes to take, it will need to enter into various commercial agreements; including power purchase and connection agreements. • The council will need to consider whether generation / supply are required, or whether it can take advantage of exemptions, in respect of its final energy proposals. • Further exploration of the district heat opportunities and proposals will be informed by the HNDU funded work (see Recommendation 7). <p><u>Organisational structures:</u></p> <ul style="list-style-type: none"> • There are a range of options that could be explored depending upon the aims of the 		
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		<p>council. This can include both local authority owned and public/private partnership models. The selection of the model will be determined by the role that Merton takes in local energy provision, weighted against financial and risk parameters.</p> <ul style="list-style-type: none"> The 'Teckal' corporate vehicle to supply electricity back to Councils is increasingly taking place in the local authority market. This model is one that the council may wish to consider in its exploration of delivery vehicles for its energy activities. <p>Further detailed legal advice may be required once the ESCO opportunities for Merton are further informed from the outcomes of Recommendation 7 (detailed below).</p>		
<p>Recommendation 7 – That Cabinet commission a feasibility study to look at establishing an Energy Services Company (ESCO) for Merton, with a view to producing a business case for the ESCO which should include a risk assessment of the proposals. A further detailed investigation into the potential for a Merton ESCO should include:</p> <ul style="list-style-type: none"> Feasibility investigations into the potential for district heating at Morden Town Centre and Colliers Wood / South Wimbledon Further scoping of energy efficiency retrofit potential in Merton Identification of where existing regeneration proposals/programmes may take forward energy efficiency improvements, alone or in partnership without the need for an ESCO to be in place. (paragraph 8.40) 	<p>Cabinet</p>	<p>AECOM have been appointed to undertake energy master-planning and district heating feasibility for Merton following a competitive tender in November/December 2015.</p> <p>This work is primarily (66%) funded by grant funding secured through DECC's Heat Networks Distribution Unit (HNDU). The remainder is funded by Future Merton.</p> <p>The contract will:</p> <ul style="list-style-type: none"> Deliver a comprehensive assessment of the potential opportunities and options for establishing a district heating scheme in connection with major regeneration schemes within the borough. Explore the full range of potential options for developing a decentralised energy 	<p>Mar 2017</p>	<p>G</p>

network in Merton.

- Examine the different options and approaches for network development.

The work will be delivered in three stages set out in two phases:

- Phase 1: refresh of borough district heat mapping; a review of the Council's CHP opportunity areas, and energy master-planning in order to identify the full range for potential district heating options in relation to major regeneration projects around the High Path Estate and Morden Town Centre (Map 1).
- Phase 2 – Part 1: High level feasibility and options appraisals for the opportunity areas around the two regeneration projects at Morden Town Centre and South Wimbledon / Colliers Wood.
- Phase 2 – Part 2: Detailed feasibility studies and financial modelling for the preferred options in order to support the delivery of the energy master-plans.

The consultants will deliver the district heat feasibility work over the period December 2015 – March 2017 in accordance with the following outline programme of works:

- a) Heat mapping refresh and energy master-planning (borough wide)
- b) Workshop 1 (Councillors & Senior Officers)
- c) Council decision (Break point 1)
- d) High level techno-economic feasibility

		<ul style="list-style-type: none"> e) Workshop 2 (Councillors & Senior Officers) f) Council decision (Break point 2) g) Detailed techno-economic feasibility h) Workshop 3 (Councillors & Senior Officers) i) Final report <p>Together with the legal report produced via Recommendation 9, this work will enable the Council to gain a detailed understanding of the technical, financial and sustainability issues around developing an ESCO in the borough. The Council will then be better placed to determine what options there are for ESCO development and what implications there may be for the council.</p>		
<p>Recommendation 8 – That Cabinet receives a report on progress on rolling out the expansion of the Merton solar PV portfolio, and on the scope for making further investment, subject to the results of a scoping exercise and a viable business case. This business case should include an appraisal of whether this should be undertaken via an ESCO or not (paragraph 8.40).</p>	<p>Cabinet</p>	<p>Merton’s current PV installed capacity is 1.5MWp (mega-watt peak). This includes installations on 34 sites. The council is in the process of installing a further 160kWp of solar PV on five sites prior to the end of the current financial year.</p> <p>In December 2015 the Government announced its review of the Feed in Tariff. As a result FiT subsidies have been reduced across all capacity bands, and will continue to do so when certain ‘tariff depression’ thresholds are reached. This has had a significant impact on the business case for solar PV expansion.</p> <p>Any future PV installs will be subject to the new (reduced) tariff rates. As a result, the council has been exploring a broad range of options to enable future installations. This includes:</p>	<p>Due – summer 2016</p>	<p>G</p>

		<ul style="list-style-type: none"> • Increasing the system payback period • Factoring in electricity bill savings from displacing grid consumption (LBM corporate sites only) • Implementing energy charging on existing PV sites <p>The business case for continued expansion of PV on any non-corporate sites (including schools) is currently marginal; even with the use of PPAs. It is therefore likely that further tariff depression will render non-corporate projects unviable. As such, the council is aiming to maximise non corporate installs under the existing business case, before tariff depression pushes them into non-viability.</p> <p>The council is currently considering the options for development of the PV portfolio in light of these issues. A report to Cabinet exploring future options is in development.</p>		
<p>Recommendation 1 - That Cabinet, further to maximising the potential of its own sites, work with other public and private sector landowners, such as Registered Providers, private homeowners, businesses and community organisations installing solar PV (photovoltaics) on their buildings where this is supported by a business case (paragraph 4.17).</p>	Cabinet	<p>As outlined in Recommendation 8, Government changes to the Feed in Tariff rates, as announced in December 2015, have reduced subsidies across all PV system bands. This has had a significant impact on the business case for solar PV expansion.</p> <p>Due to these changes the council will prioritise solar PV expansion on those sites where:</p> <ul style="list-style-type: none"> • It can additionally benefit from electricity bill savings through offsetting grid electricity (i.e. council owned sites); or • Energy charging may be more easily implemented. 	December 2015	Complete

		<p>The outcomes of Recommendation 9 (Legal report) have highlighted the complexities and challenges in instigating energy charging on third party sites – notably on social housing.</p> <p>It is therefore unlikely in the present economic and political climate that the council would seek to install solar PV outside of those sites where it retained an ownership or operational interest.</p> <p>The recommendation has been explored and progressed as far as possible and is therefore deemed complete.</p>		
<p>Recommendation 2 - That Cabinet explore how solar PV could be made available to residents to access at cheaper rates/costs and how the council may promote or support this scheme to enable communities to purchase their own renewable technology. This may be achieved through external capital investment or the ESCO (paragraph 4.17).</p> <p>*Note that this recommendation being implemented is dependent upon recommendations 8 and 9 being achieved.</p>	Cabinet	<p>In September 2015 Merton was in the process of exploring the potential for a collective (bulk) PV purchasing trial for residents called ‘Solar Together’. This scheme was based on a successful trial of bulk purchasing delivered in Norfolk by the organisation iChoosr in autumn 2015.</p> <p>In December 2015 the Government finalised its Feed in Tariff review, with solar PV subsidies for domestic systems (<10kW) reducing by 63.5%. As a result of these changes iChoosr postponed the Solar Together scheme and it is unlikely to recommence under current market conditions.</p> <p>In lieu of any alternate external funding support, and due to the lack of a viable business case for LBM to support any expansion on non council owned sites at present (see comments in Recommendation 1, above), it is unlikely that this recommendation can be progressed any further. The recommendation is therefore deemed complete.</p>	Dec 2015	Complete

<p>Recommendation 3 - That the council adopt Merton's Climate Change Strategy 2014-2017, which has been reviewed by the Task group and revised to take account of its recommendations (paragraph 5.6).</p>	Cabinet	CC Strategy 2014-2017 adopted at full council	July 2014	Complete
<p>Recommendation 4 - That Cabinet agree to build consideration of the adoption/installation of energy efficiency measures in appropriate council contracts being established or renewed by procurement, where feasible (paragraph 5.6).</p>	Cabinet / Partners	<p>There is limited scope to adopt an all encompassing approach to inclusion of energy efficiency measures in council contracts. However, measures may be taken on a case-by-case basis, where deemed appropriate.</p> <p>In addition, new public contracts regulations (implemented in February 2015) include a pre qualification questionnaire that can be used in all procurement exercises that are over the EU services threshold (£172,514) although this is not obligatory.</p>	Nov 2015	Complete
<p>Recommendation 5 - That representatives from each council Directorate participate in the Climate Change Steering Group, as appropriate, to consider cross cutting issues and projects relating to tackling climate change to ensure a strategic focus and leadership on climate change priorities (paragraph 5.6)</p>	Cabinet	Climate Change Steering Group meetings are structured thematically in line with the key topics detailed in the CC Strategy and the actions incorporated therein. Representatives from relevant directorates are invited to attend meetings accordingly.	On-going	Complete
<p>Recommendation 6 - That Cabinet commission a proposal on the feasibility of whether Merton might roll out a local Green Deal that addresses some of the issues associated with the national Green Deal scheme, as reported by residents, which has resulted in low take up (paragraph 6.16).</p>	Cabinet	<p>The Green Deal Finance Company was closed by Government in April 2015; effectively ending the Green Deal scheme. To date there have been no announcements on any replacement for the Green Deal.</p> <p>The establishment of a local 'Green Deal' scheme would be incredibly challenging without a national Green Deal framework / mechanism to support this and without significant dedicated funding (none allocated in existing budgets).</p> <p>Recommendation 6 has been progressed as far</p>	Oct 2015	Complete

		<p>as possible under current market conditions and is no longer deemed viable. The recommendation is deemed complete.</p> <p><i>(N.B. Future Merton is delivering a non-domestic energy efficiency project for businesses having secured £175k of funding from the London Enterprise Panel). The 'Brighter Business' scheme will aim to increase business resilience through energy efficiency over the period 2015-17).</i></p>		
<p>Recommendation 10 - That the council develop a marketing and engagement strategy to ensure the widest promotion and awareness raising of energy efficiency measures and improvements that staff, residents and local businesses can access (paragraph 9.6)</p>	Cabinet	<p>A Climate Change Communication Plan was prepared by the Communication Team in November 2015. A copy of the plan is available for review in Appendix C. This will form the basis of communication and engagement to be undertaken each year. Additional project bases communication plans will be developed for individual projects, as per the Merton Approach to Projects (MAP).</p>	Nov 2015	Complete
<p>Recommendation 11 – Cabinet to consult Circle Housing/MPH on the possibility of joint working and initiatives that could be taken forward in partnership that the task group have made recommendations on (tabled at the SC Panel meeting on 26th March 2014).</p>	Cabinet / Circle Housing	<p><i>Recommendation wording has not been defined.</i></p> <p>The council has actively consulted with MPH on sustainability issues via the housing regeneration programme (see progress on Recommendation 7). The council will continue to consult MPH on joint working opportunities as they arise, including the ESCO feasibility work to be undertaken by AECOM (Recommendation 7).</p>	On-going	Complete (on-going)

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Climate Change Communications Plan

Prepared by Abby Burford

13 October 2015

Version: 0.2

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Document History

Document Location

H drive/Communications/Campaigns

Revision History

All changes and amends to be logged here:

Version	Revision Date	Summary of Changes	Lead
0.1	07/11/2015	Original draft	AB
0.2	12/11/2015	Amended formatting Additions to Background & Objectives Completed SWOT analysis Added background and specific project objectives to Brighter Business and BLES projects Added Appendix 1: BLES comms plan	DH

Approval

The communications plan requires the following approvals:

Title	Name	Email signature	Date of Issue	Date of Approval
Project Manager	Tara Butler		09/09/2015	09/09/2015
Project lead	Damian Hemmings		09/09/2015	15/09/2015
Communications	Abby Burford		09/09/2015	15/09/2015

Distribution

This communications plan has been/will be distributed to:

Name	Date of Issue	Version number
Tara Butler	15/09/2015	0.2
Damian Hemmings	15/09/2015	0.2
Jon Buick	15/09/2015	0.2
Abby Burford	15/09/2015	0.2

1

1. Background and Scope

The Climate Change Team provides support on a variety of environmental sustainability issues, including: sustainability planning policy and development control; renewable

The Council published its latest Climate Change Strategy in 2014. The Strategy and action plan contains 31 actions that outline the council's aspirations for addressing climate change in Merton over the period 2014–2017. The actions are spread across the following five themes:

- Energy
- Planning and Development
- Sustainable Resources
- Natural Environment & Greenspace
- Greening Business

The Sustainable Communities Scrutiny Panel established a task group in 2014 to consider the issue of climate change and further steps for how it might be addressed in the borough. The Task Groups final report included 11 recommendations for new approaches that will enable the council to:

- Mitigate the impact of climate change
- Ensure that Merton is an energy efficient borough
- Ensure that the delivery of our climate change strategy and associated initiatives are sustainable in the short and long term financially;
- Allow residents and the council to deliver solutions to meet energy demand in the borough at lower costs and with greater efficiency

This strategy provides an overview of the communication approaches to support the delivery of climate change activities within Merton and support the delivery of the recommendations of the Sustainable Communities Scrutiny Task Group. Furthermore, the strategy helps to fulfil Recommendation 10 of the Scrutiny Task Group final report:

Recommendation 10: 'That the council develop a marketing and engagement strategy to ensure the widest promotion and awareness raising of energy efficiency measures and improvements that staff, residents and local businesses can access.'

The climate change team are running two key projects:

Brighter Business

Merton Council's Brighter Business programme offers local businesses in Merton the chance to access expert energy efficiency advice and support to help reduce their running costs and environmental impact and increase business resilience.

The scheme will offer businesses meeting the eligibility criteria a fully funded energy efficiency assessment, good practice training; access to grant funding to support the installation of energy efficiency measures identified in the survey, and access to an installer appointed by us to install the improvement measures – or the option to use their own independent preferred installer. The Brighter Business programme is supported by the Mayor of London.

The Big London Energy Switch

The Big London Energy Switch (BLES) is a collective switching scheme being run by a number of boroughs across London, including Merton. The scheme aims to help residents gain a better deal on their energy bills by switching their energy provider. The more people that register for The Big London Energy Switch, the greater the buying power and the lower the price that may be offered by energy companies to residents participating in the scheme.

The BLES scheme is open to all residents across London. The scheme operates three 'auctions' or periods throughout the year where residents can register to switch supplier. The scheme is free to take part in and registrants are not obligated to accept any offer they receive through the scheme.

The scheme has been running for two years and so far 1,106 Merton residents have registered to participate in the auctions with 243 (19%) opting to switch. Residents that have switched to date have collectively saved over £50k on their energy bills (approximately £200 per resident).

2. Overall business objectives *(the high level business SMART objectives of the project/service which should exist in the overall strategy document)*

The overall business objective is to tackle climate change in Merton.

3. Risks and issues *(SWOT analysis to help identify opportunities and threats particularly considering legal and political implications which need to be addressed in the strategy).*

<p>Strengths:</p> <ul style="list-style-type: none"> • Support on climate change projects via the outcome of the cross-party Climate Change Scrutiny Review • Defined projects (and associated funding) over the next 24 months. 	<p>Weaknesses:</p> <ul style="list-style-type: none"> • Lack of dedicated climate change capital or revenue budget • Some projects are reactive in response to external funding or opportunities making it challenging to plan communications activities accordingly • Lack of promotion of key successes to date
<p>Opportunities:</p>	<p>Threats:</p>

<ul style="list-style-type: none"> • Brighter Business engagement with businesses • Extension of BLES project • To promote projects and successes more widely 	<ul style="list-style-type: none"> • Changing Government policy (e.g. National Planning Policy and Feed in Tariff review). • Removal of schemes to deliver efficiency savings to residents (e.g. Green Deal)
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4. Communications Objectives (A clear detailed statement of the objectives in communicating, the principles underpinning this strategy aligned with the objectives of the project/service)

This communication strategy has been developed in order to help ensure the widest promotion of sustainability messages, measures and opportunities in Merton and increase the awareness of the various stakeholders and stakeholder groups across the borough, in accordance with the recommendations of the Climate Change Scrutiny Review of 2014.

The main communication objectives are to:

- Influence behaviour and increase awareness about how residents and businesses can contribute to reducing energy use and CO2 emissions through providing information and support
- Increase the uptake of renewable / low carbon energy technologies in the borough
- Improve homes, businesses and community buildings to reduce their emissions and make them more comfortable places in which to live and work
- Enhance the green economy by creating training and job opportunities for residents
- Promote the progress and successes of the Climate Change Strategy

Annual Residents Survey (ARS)

- Decrease residents concerned about pollution to 9% (-2%)
- Increase to 86% (+2%) young people who think it's important that the council look after the environment through its policies
- Decrease to 15% (-2%) young people mentioning concern about pollution of the environment

Project specific objectives:

Brighter Business

- To promote and encourage businesses to take part in the Brighter Business survey through media and marketing campaigns
- To engage 1000 businesses across the borough via marketing/engagement over the course of the project
- To help ensure uptake of fully funded energy surveys by 100 businesses in the borough
- To promote the availability of energy efficiency improvement grants to small businesses through the Brighter Business programme
- To secure at least one piece of coverage in each edition of My Merton
- To secure at least 92.5% positive or neutral press coverage
- To create suitable branding and a logo that can be used throughout the duration of the campaign.
- To include social media as an integral part of all marketing and PR activity.

- Work with business stakeholders, including the Chamber of Commerce.

Big London Energy Switch

- To promote and encourage the sign-up of Merton residents in collective switching schemes
- To sign-up a minimum of 250 Merton residents to Big London Energy Switch in 2015/2016
- To maintain a conversion rate of approx. 20% for residents opting to switch
- To deliver annual savings in excess of £10,000 for 2015/16
- To deliver average savings in excess of £200 per switching resident in 2015/16

5. Key messages (what messages are you communicating – a detailed description which underline the communications objectives and how these vary according to different stakeholders)

Key stakeholder	Key message
Business	Merton Council wants its residents, schools and businesses to reduce the amount of energy they use and think about where the energy they do use comes from.
	Reducing energy makes environmental and economic sense
	Taking part in the Brighter Business survey could save your business money
	Many small actions/simple lifestyle changes make a huge difference
	The council is committed to reducing the pressure on the national grid and helping businesses cut costs.

6. Implementation timetable

Timing	Activity	Target stakeholder	Channel	Key message	Officer
Oct	Big London Energy Switch	Residents	Website Digital (6 weeks prior to autumn auction)	Reducing energy could save you money Many small actions/simple lifestyle changes make a huge difference	AB
Nov	Launch Brighter Business	Business Partners	Media Face to face Website – homepage feature and webpages Social Media Digital Marketing (see <i>tactics table</i>)	Reducing energy makes environmental and economic sense Taking part in the Brighter Business survey could save your business money Many small actions/simple lifestyle changes make a huge difference	AB/DH
Dec	General climate change Christmas messages	Residents	Media Website Social media (see <i>social media channel below</i>)	Many small actions/simple lifestyle changes make a huge difference Reducing energy could save you money	AB/DH
Jan	Big London Energy Switch	Residents	Website Digital (6 weeks prior to winter auction)	Reducing energy could save you money Many small actions/simple lifestyle changes make a huge difference	AB
Feb	General climate change Christmas messages	Residents	Media Website Social media	Love where you live Many small actions/simple lifestyle changes make a huge difference	AB/DH
Mar	Climate Change Week	Residents Businesses	Press Website Social Media		
	Mayor's Air Quality Action Fund – Willow Lane project article	Residents	Press		

7. Evaluating Success (How will you know if you have succeeded and met the communication objectives? How will you evaluate success, what performance indicators and measures will you use?)

Comms objective/outcome	Evaluation Measure	Target
1. Take up and tone of news stories	Vuelio	
2. Social media take up and sentiment	Vuelio	
3. Brighter Business: How many businesses receive an energy efficiency survey	Brighter Business Registration forms	100 businesses
4. How many surveys completed	Survey reports and invoices	100 businesses
5. Number / investment (£) in energy efficiency measures	Funding requests	Fully allocate grant funding

8. Communications Resource

Capacity Names of individuals/suppliers responsible for the delivery of the communications plan and estimated capacity required.			
Title	Name	Role / Responsibility	Capacity (hrs per month)
Senior Communications Officer (media relations)			
Senior Communications Officer (marketing)			
Graphic Design supplier assigned			
Print room			
Head of Communications			

Budget and Creatives List all creatives to be produced and associated costs				
Name of creative	Distribution	Timing	Responsible delivery officer	Approx Cost
<i>Brighter Business</i> A4 double sided leaflet		November	DH	
<i>Brighter Business</i> Facebook advertising	Merton	November – March	Abby Burford	£200
<i>Brighter Business</i> Google advertising display	Merton	November – March	Abby Burford	£150
<i>Brighter Business</i> Goggle advertising cookie tracker	Merton	November – March	Abby Burford	£150
TOTAL				£700

Brighter Business Campaign Tactics:

Timing	Channel	Key messages	Officer
November	Media	A story will be drafted to let businesses and residents know about the campaign. This will include information about how companies can receive an energy efficiency survey and get involved	
November Dates TBC:	Social media: Facebook, Twitter	Sign up to Merton's Brighter Business and save energy and money Are you a business owner? Sign up to Merton's Brighter Business and you could save money Are you a business owner? Simple environmental changes could make a huge difference The Brighter Business campaign could save you energy and money	
November	Digital Marketing: Facebook, Google display ads and cookie tracker		
	Website: Feature and BB pages		
	Direct mail: Leaflet drop to all business	Case studies and sign-up information	
5 December	Event: Small business Saturday		
	Schedule JCD for 2016		
March	Direct mail: Business rates letter		
	Advertising: My Merton Spring edition		

The Big London Energy Switch Campaign Tactics:

Timing	Channel	Key messages	Officer
Eight weeks prior to auction	Promotional material finalised	-	DH/AB
Six weeks prior to auction	Promotional leaflets and display boards – Libraries	Financial savings available through energy switching Process for switching and signposting to further guidance	DH
Four weeks prior to auction	Website Mail out to residents / benefit claimants JC Decaux Boards	Financial savings available through energy switching Process for switching and signposting to further guidance	DH RD AB
Two weeks prior to auction	Promotional leaflets and display boards – Civic Centre	Financial savings available through energy switching Process for switching and signposting to further guidance	DH

See BLES project communication plan – Appendix 1

Appendix 1: BLES Communications Plan

What	Action	Contact	When
Pre-auction			
My Merton Promotions	Full page advertisement of scheme – release quarterly	Felix Ampofo (Communications)	Booked for 2014/15. To renew next FY - subject to funding
Design materials	Check designs and amend as appropriate	Abby Burford (Communications) Damian Hemmings (FM)	Eight weeks prior to auction
Print materials	Contact print room to arrange printing of leaflets and posters, where needed	Keith Bartlett (Print Room)	Six weeks prior to auction
Information to Libraries	Print and distribute x2 A3 posters to Donald Hope, Merton, Mitcham, Pollards Hill, West Barnes and Wimbledon libraries. Pull up stand to Morden, Wimbledon & Mitcham only.	Ieschia Santiago (Libraries Admin) Tracey Wilson (Libraries Admin)	Arrange six weeks prior Distribute four weeks prior to auction
Contact partner organisations	Contact Sustainable Merton and Green Coffee to include BLES information in their email updates	Tom Walsh / Kevin Godding (Sustainable Merton) Joyce Pountain (Green Coffee)	Five weeks prior to auction
Internal promotions	Intranet and internal information screens	Felix Ampofo (Communications)	Contact one month prior Release two weeks prior to auction
External press release	Liaise re: draft and release	Felix Ampofo (Communications)	Contact one month prior Release two weeks prior to auction
Merton webpage	Info on homepage and/or hot topics	Daniel Poulter (Web Team)	Contact one month in advance Release two weeks prior to auction
Mail-out to registered offline registrants	Mail merge using templates and send to post room for print and mail-out S:\Shared Energy and Climate Change Folder\Collective Energy Switching\Auctions	Damian Hemmings (FM) Keith Bartlett (Print Room)	Four weeks prior to auction date
Mail-out to benefits claimants	Approval for BLES leaflets to be included in benefits letters / correspondence	Rebecca Dodd (Customer Service Support & Development)	Four weeks prior to auction date
	Inclusion of BLES leaflets in benefits letters	Keith Bartlett (Print Room)	Arrange four weeks prior Distribution from three weeks to two days prior to auction date
Merton Link	Display posters in Civic Centre lobby	Sean Cunniffe (Merton Link)	Three weeks prior to auction

Contact Centre	Notify and outline protocol for registration	Sean Cunniffe (Merton Link)	Three weeks prior to auction
Future Merton admin	Notify and outline protocol for registration	Abigail Okuley (FM) Caroline Raisey (FM)	Three weeks prior to auction
Registration letters and info	Send confirmation letters and registration form to residents registered offline	N/A	Immediately after online registration
Post auction			
Recall pull-up stands from libraries	Liaise with Libraries Admin	Ileschia Santiago (Libraries Admin) Tracey Wilson (Libraries Admin)	Day following the auction
Arrange for return of spare leaflets from print room	Contact print room	Keith Bartlett (Print Room)	Day following the auction
Post auction press release	Liaise with comms over drafting – provide auction data when available	Felix Ampofo (Communications)	Four weeks after auction

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Committee: Sustainable Communities Overview and Scrutiny Panel

Date: 16th March 2016

Agenda item:

Wards: All Wards

Subject: Executive Response and Action Plan - Adult Skills and Employability

Lead officer: Chris Lee, Director of Environment & Regeneration

Lead member: Councillor Andrew Judge, Cabinet Member for Environmental Sustainability and Regeneration

Contact Officer: Sara Williams, Future Merton Programme Manager
Sara.Williams@merton.gov.uk, x3066

Recommendations:

- A. That the Sustainable Communities Scrutiny Panel discuss and comment on the recommendations endorsed by Cabinet in relation to their task group review of Adult Skills and Employability – Appendix 1;
- B. That the Sustainable Communities Scrutiny Panel discuss and comment on the progress report shown in the Action Plan since the last presentation to Scrutiny on 26th March 2014 as Appendix 1.
- C. That the Sustainable Communities Scrutiny Panel discuss and comment on the agreed business rates discount scheme attached as Appendix 2.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To provide a progress report to the Sustainable Communities Scrutiny Panel on the recommendations made by the Adult Skills and Employability Task Group.
- 1.2 At the Sustainable Communities Overview and Scrutiny Panel meeting of the 12th November 2013 it was resolved that the Panel noted the report and asked that:

- 1.2.1 The notes of the meetings of the Economic Wellbeing Sub Group be circulated to all Panel members when available by the E&R Department (every 6 weeks);
- 1.2.2 Councillor James Holmes is appointed Member Champion overseeing implementation of the agreed review recommendations.
- 1.2.3 A progress report on implementation is brought to the Panel every three months.
- 1.2.4 The timescales for reporting to Cabinet on business rates be shared with the Panel when available.

2. DETAILS

- 2.1 The Council's Sustainable Communities Scrutiny Panel agreed to the Action Plan which aims to increase economic viability and prosperity of the borough by reducing unemployment and attracting inward investment.
- 2.2 Cabinet considered the findings and recommendations of the Adult Skills and Employability Task Group at its meeting held on 16th September 2013. The recommendations were presented to the Panel on 12th November 2013 and it was agreed that the panel would receive regular updates on the action plan recommendations.
- 2.3 The accompanying Action Plan (Appendix 1) details how the agreed recommendations will be implemented and shows the progress since November 2013.
- 2.4 Councillor Holmes was appointed member Champion and is now included in the circulation of the minutes of the Economic Well Being who meet every 6 weeks.
- 2.5 The business rates local discount policy was agreed in the end by CMT on 21st January 2014 and did not need to go to Cabinet. The scheme detail is attached as Appendix 2.

3. ALTERNATIVE OPTIONS

- 3.1 None for the purpose of this report

4. CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 None for the purposes of this report.

5. TIMETABLE

- 5.1 The Action Plan will be delivered according to the timescales outlined in Appendix 1.

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 None for the purposes of this report - financial, resource and property implications of implementing the agreed recommendations have been accounted for in the Final Report of the Adult Skills and Employability Task Group submitted to Cabinet for consideration.

7. LEGAL AND STATUTORY IMPLICATIONS

- 7.1 None for the purposes of this report – legal and statutory implications of implementing the agreed recommendations have been accounted for in the Final Report of the Adult Skills and Employability Task Group submitted to Cabinet for consideration.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 None for the purposes of this report – human rights, equalities and community cohesion implications of implementing the agreed recommendations have been accounted for in the Final Report of the Adult Skills and Employability Task Group submitted to Cabinet for consideration.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None for the purposes of this report – crime and disorder implications of implementing the agreed recommendations have been accounted for in the Final Report of the Adult Skills and Employability Task Group submitted to Cabinet for consideration.

10. RISK AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 None for the purposes of this report – risk management and health and safety implications of implementing the agreed recommendations have been accounted for in the Final Report of the Adult Skills and Employability Task Group submitted to Cabinet for consideration.

11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THIS REPORT

- 11.1 Appendix 1 –Adult Skills and Employability Task Group Action Plan and Progress report
Appendix 2 - Merton Council Local Business Rates Discount Policy

12. BACKGROUND PAPERS

- 12.1 Minutes of the meeting of Cabinet held on 16th September 2013.
Minutes of the Sustainable Communities Overview and Scrutiny Panel of 12th November 2013.

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ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

NAME OF SCRUTINY PANEL: Sustainable Communities Overview and Scrutiny Panel

NAME OF SCRUTINY REVIEW/TASK GROUP: Review of Adult Skills and Employability

DATE OF FINAL REPORT: June 2013 – Review for March 2016

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	RECOMMENDATION	PROPOSED ACTION	LEAD OFFICER	PROGRESS UPDATE NOV 2014
1	<p>Recommendation 1 That Cabinet engage the councils apprenticeship group, and work closely with the Economic Well Being Sub Group (EWG) to utilize existing good practice, to increase the number and diversity of apprenticeships available to adults from 18 years onwards (and beyond 24 years of age) to increase employment opportunities for adults.</p>	<p>Officers sit on both the Sutton and Merton Apprenticeship Forum and the Economic Well Being Group (EWG) and so information and good practice is shared between the groups. Representation includes officers from Children, Schools and Families who work with NEET's and looked after children. There are also training providers, JCP, RSL's, Merton Chamber of Commerce, Grenfell and Commonsense Trust representatives.</p>	<p>Sara Williams futureMerton</p>	<p>Ongoing</p> <p>The Economic Well being Group (EWG) and joint apprenticeship groups continue to work together to support employment and particularly apprenticeship opportunities. Members of the EWG are actively involved in the review of the Skills and Employment Action Plan. The priorities set for the current plan include:</p> <ul style="list-style-type: none"> • Support for older unemployed residents • Supporting those on ESA • Support for those in work on low pay

ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

		<p>The Employment and Skills Action Plan (2013-14) sets out reducing youth unemployment/NEETs as a priority</p>		<ul style="list-style-type: none"> • Support for long-term unemployed • Support for lone parents • Support for carers • Support for care leavers • Support for ex-offenders <p>Support for Care Leavers and Ex offenders, was previously delivered by The Vine Project, who went into administration in November 2015. We recommissioned this programme in January 2016, and this has now been awarded to Grenfell training.</p> <p>The remaining programmes are due to finish 30 June 2016.</p> <p>To date the programme has sustained 21 sustainable job outcomes</p>
2	<p>Recommendation 2 That Cabinet identifies and establishes 100 new apprenticeships in the borough for adults of all ages within the next 12</p>	<p>The EWG can encourage employers to employ apprentices by promoting the benefits of apprenticeships. The EWG launched the “Take One”</p>	<p>Sara Williams futureMerton</p>	<p>Merton Chamber of Commerce (MCC) are now using the Take One and EWG model to promote a “Skills for the Workforce” pan London initiative which is to promote and support SME’s to participate in the Apprenticeship</p>

ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

	<p>months.</p>	<p>initiative led by Merton Chamber of Commerce. This is a programme of engagement with local businesses to encourage them to take on one new person as an apprentice, for work experience or employment.</p> <p>The number of apprenticeships placed can be reported back to Scrutiny within an agreed timetable.</p>		<p>programme and to offer opportunities to young adults. The Council have provided funding to the Chamber to continue Take One for this financial year and 2016/17.</p>
<p>3</p>	<p>Recommendation 3 That the Council, engaging with all relevant departments increase the number of apprenticeships available for adults through the:</p> <ul style="list-style-type: none"> • Tendering process; • Community Plan; and • Regeneration Plans for Merton 	<p>Merton’s Skills and Action Plan (2013-2014) sets a priority action of increasing employer demand and take-up of apprenticeships. This will be actioned by using suppliers and the Councils procurement policy to increase the number of apprenticeships through suppliers and contractors.</p>	<p>Kim Brown Joint Head of HR Policy Development</p>	<p>Discussion has started between the EWG and the Council’s procurement department to work with the EWG to develop a supply chain event for local businesses to understand how to bid for council contracts. Naomi Martin from Commonsense Trust and co chair of the EWG raised a question at the Full Council meeting in February 2015 asking whether Merton Council was making full use of the Social Value Act 2013 which <i>“has the potential to transform the way public services are commissioned, requiring public bodies to consider choosing providers based on the social</i></p>

			<p><i>value created in an area and not on cost alone” (see http://www.socialenterprise.org.uk/advice-services/topic/the-social-value-act). This has also prompted the need to consider how relevant departments will work together to encourage apprenticeships and local employment via the council’s tendering process. The EWG will continue to encourage the council to consider ways to improve the tendering opportunities.</i></p> <p>A discussion was held with personnel to allow those who had completed their apprenticeship in the past 12 months to be given priority when entry level opportunities were being recruited in the council. Unfortunately, due to how the data is managed once an individual finishes their apprenticeship this has not been able to take place.</p> <p>FutureMerton are in discussions with the current apprenticeship co-ordinator to look at how we can provide a joined up approach to include adults within the household as well as the individual completing the apprenticeship so that we are able to provide them with opportunities within the council and also the borough.</p>
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ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

				<p>In addition we are looking at adult apprenticeships within the council or looking at changing some apprenticeship roles to entry level opportunities.</p> <p>We have been in talks with CITB to deliver a client based approach, which will increase the number of apprenticeships and work experience placements provided at construction/ building stage. A test project has been identified, which will be used as a pilot. Further information to be provided once agreed.</p>
4	<p>Recommendation 4- That Cabinet considers establishing an information portal for use by partner organisations to facilitate greater information sharing, working with the Economic Well Being Sub Group.</p>	<p>A portal has not been created but information is shared through the EWG minutes. Information amongst members on good practice, bid opportunities and share information is regularly discussed. This is serviced through futureMerton. Meetings take place every 6 weeks. A portal would require a dedicated officer to manage and update.</p>	<p>Sara Williams futureMerton</p>	<p>Ongoing</p> <p>A newsletter was produced during 2014 but this was halted for a while whilst a review of the employment and skills activities took place at the end of 2014. One of the recommendations of the report was to produce a communications plan which celebrates the successes and provides an update on contacts and programmes available. This is due to be published at the end of March 2016.</p>
5	<p>Recommendation 5 That Cabinet support/endorse adult</p>	<p>The EW Group has been recognised for the</p>	<p>EWG</p>	<p>The new Action Plan sets out an action to reduce unemployment and up skill residents in the borough by continuing to</p>

ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

	employment and skills activities being delivered through the Partnership's Economic Wellbeing (EW) Sub Group.	achievements to date. There is a proposal for the Group to apply for Flexible Support Funds to support adult employment and skills activities.		work collaboratively to raise money and bid for government funding including ESF. The EWG have been awarded Flexible Support Funding . This will fund a programme of 6 x 10 people on a 6 week programme, they must be referred/signed off by Job Centre DWP plus. Customers would have an employment interview to create a personal plan to determine the support required. Programmes will start in early 2016. The Delivery Group would meet as sub group and meet monthly. Duration of project is 10 months.
6	Recommendation 6 That Cabinet endorse the provision of tailored support programmes in local libraries to support writing applications, CV's, and accessing online resources for interview practice etc, building upon the good practice that already exists in libraries, as part of the councils assisted digital strategy.	There is a Citizen Advice Bureau website which is facilitated through the libraries and this provides guidance on job-ready activities such as applications and CV writing. The Council are working closely with JobCentre Plus and the voluntary sector to deliver programmes of on-line activity to support unemployed residents. In our libraries we now have support programmes.	Anthony Hopkins Head of Library & Heritage Services	On going All libraries provide employability support workshops on a weekly basis and events have recently been added to further broaden the offer. An online training package is currently being rolled out to staff to further improve their skills in providing employability support for customers.
7	Recommendation 7	The brief for the Inward	Eric Osei,	On going

ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

	<p>That Cabinet agree to debate and consider the Councils inward investment Strategy by December 2013.</p>	<p>Investment Strategy and Action Plan (IISAP) is being prepared.</p> <p>Cabinet and the Adult Skills & Employment Task Group will be consulted on the IISAP.</p> <p>When completed the IISAP will include :</p> <ul style="list-style-type: none"> • Merton’s offer for attracting inward investment (from foreign and UK companies) • Place marketing (marketing & promotion of Merton as a place for inward investment) • Specific projects for attracting inward investment –and the type of investment the borough can realistically attract 	<p>Business Growth Officer</p>	<p>IIBR Strategy and Action Plan completed 30 Sept 14. It sets out in a clear and practical manner what LBM and its partners should be doing to attract new companies. (both domestic and foreign companies) as well as supporting existing firms (business retention and aftercare). A business event targeted at Merton’s large, medium size and high growth companies was held on 13 November 2014.</p> <p>Since 2014 futureMerton have commissioned activities that have enabled us to prepare an inward investment offer. However, we struggle with premises availability and the announcement of Crossrail which has meant our original programme has had to be affected. We still encourage inward investment activities as part of the business support programmes and hope to have an online brochure and website by the end of the 15/16 financial year.</p>
<p>8</p>	<p>Recommendation 8 That Cabinet undertake an appraisal of the</p>	<p>A futureWimbledon Conference took place on 17th October 2013.</p>	<p>Paul McGarry futureMerton</p>	<p>Wimbledon and the SW19 offer will be a major element of the overall Inward Investment and Business Retention</p>

ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

	<p>opportunities for exploiting the SW19 brand to attract investment to the borough, working with the Wimbledon Business Improvement District, to develop a partnership led strategic vision for the borough.</p>	<p>Information collected from businesses and developers at the event will be included in the Councils overall Inward Investment Strategy and Action Plan (IISAP). futureMerton work closely with LoveWimbledon (Wimbledon BID) and the Head of Sustainable Communities sits on the BID Board so partnership is well established and any ideas on promoting SW19 within our forthcoming IISAP are/will be in consultation with LoveWimbledon.</p>		<p>Strategy (IIBRS). On going FutureMerton planned to commission a Master Plan for Wimbledon in 2015 to guide investment and manage growth for the next 15 years, considering the potential of Crossrail2 as a catalyst for growth. The Council and LoveWimbledon are almost at the point to commission the works to start early next financial year.</p>
<p>9</p>	<p>Recommendation 9 That Cabinet consider the feasibility of offering business rate incentives and more flexible packages to attract investment into the borough.</p>	<p>futureMerton and Revenue & Benefits have developed policy and eligibility criteria for the new Business Rate “Discount” scheme. The proposals are pending approval. In addition, advice on business rate (including rate relief) is advertised on</p>	<p>David Keppler, Head of Revenue & Benefits.</p>	<p>On going A scheme is in place offering business rates discounts to those that meet the eligibility criteria. Details are on our Merton web pages. Businesses submit an application and are awarded if they meet the criteria of the scheme.</p>

ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

		the Council’s website as well as the new futureMerton brochure on business support and finance for Merton businesses.		
10	Recommendation 10 That Cabinet, in consultation with local businesses, considers the viability of offering additional courses/training that meet employer demand and may increase the employment opportunities of residents in the borough. The Task Group acknowledges that any delivery model and the courses that will be delivered are part of a wider Cabinet decision on the outcomes of the Public Value Review being undertaken of Merton Adult Education. (MAE)	Business consultation training needs exercise to be undertaken. MAE have engaged with the Tesco South Kensington and New Malden branches regarding IT and ESOL training for staff	Jill Iliffe Service Manager for Adult Learning and Anthony Hopkins Head of Library and Heritage Service	Significant networking has been undertaken to capture training needs. Partnership work with Wimbletech has assisted in providing bespoke training to start-ups and assisting with grow on space for more established companies. Room letting facilities have been developed for local businesses and make use of online facilities such as Google search. Partnership work with Tesco resulted in some bespoke provision for Tesco employees by Merton Adult Education. Any new collaborative work will be drawn into the provision of new providers of adult education services starting from 2016/17 academic year.
11	Recommendation 11	Discussion underway with	Jill Iliffe	. Due to the service review new higher

ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

	<p>That Cabinet explore the possibility of offering an enhanced set of courses and qualifications that are more attractive to employers for example, offering bespoke training to local companies or diplomas that enable students to graduate and move into the second year of a degree programme.</p>	<p>the Higher Education Funding council regarding degree programmes.</p> <p>Consultation on the types of courses required will be integrated in the survey in point 10.</p> <p>Bespoke Adult Social Care courses being developed for launch in the new year. The service has undergone a staffing re-structure whereby new commercially focused sales roles have been established.</p>	<p>Service Manager for Adult Learning and Anthony Hopkins Head of Library and Heritage Service</p>	<p>level courses have not been developed but will be picked up as part of the new service provision.</p> <p>Higher level courses in Early Years have been successful, attracting learners who move into employment or better employment as a direct result.</p> <p>There is an increased focus on employability skills within all courses provided as part of government reforms of the adult education sector and this will be factored into the new provision and will be a key component of the new contracts.</p>
12	<p>Recommendation 12 That Cabinet support the development of the Merton Adult Education service as a commercial brand, alongside longer term work on further developing the reputation and provision of MAE.</p>	<p>Development and implementation of commercial business plans.</p>	<p>Jill Iliffe Service Manager for Adult Learning and Anthony Hopkins Head of Library and Heritage Service</p>	<p>This work has been superseded by the move towards a commissioned service. Merton Council will work with providers to ensure that there is increased take up of courses with new courses developed to meet demand.</p>
13	<p>Recommendation 13 That Cabinet consider setting up a virtual Merton</p>	<p>MAE will develop further for possible implementation in 2015</p>	<p>Jill Iliffe Service Manager for</p>	<p>There are a number of well-established online learning providers. The focus of the new commissioned service will</p>

ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

	Business School that will support Merton residents and existing and prospective businesses.		Adult Learning and Anthony Hopkins Head of Library and Heritage Service	continue to be on class based activities whilst seeking to take advantage of new developments in the technology market in partnership with our providers.
14	Recommendation 14 That Cabinet agree to Merton Adult Education (MAE) becoming accredited to deliver higher level qualifications and to engaging local in the delivery of these courses.	Discussion underway with the Higher Education Funding council regarding degree programmes. Currently delivering the CELTA Cambridge higher level qualification	Jill Iliffe Service Manager for Adult Learning and Anthony Hopkins Head of Library and Heritage Service	Merton Council is exploring extending the curriculum offer to include Access Courses. ABE Accreditation to deliver Higher Education Qualifications has been prepared, submitted and approved, a range of leadership and marketing courses now on offer.
15	Recommendation 15 That Council endorse the development and refresh of the Adult Skills Strategy and engage futureMerton and partners in this process to make the relevant linkages in terms of economic development in the borough.	The current Employment and Skills Action Plan (2013-2014) is being implemented. It is proposed that an update report be presented for the first years activities to Cabinet in December/January 2014. Taking forward a further Plan beyond 2014 could require additional funds to be provided for activities to	Sara Williams futureMerton	The Economic Well Being Group (EWG) worked with Shared Intelligence to review the existing Employment and Skills Action Plan and now have a revised plan for 2015-2017. Although youth unemployment/ NEET's will remain a priority for the forthcoming action plan, other groups are also being presented for targeted support. These are shown under recommendation 1.

ADULT SKILLS AND EMPLOYABILITY TASK GROUP- MARCH 2013

		support the objectives and outputs.		
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Notes:-

Merton Council Local Business Rates Discount Policy

Business Rates retention has given authorities the discretion to introduce local discounts for business rates for the first time. This new relief can be used on individual cases or as part of a wider strategy to enhance or encourage business to occupy empty premises in Merton.

The cost of the local discount would be split in line with Business Rates Retention arrangements, so the authority would bear 30% of the cost.

The aim of the local discount scheme is to:

- Support the attraction of new businesses (and the associated investment and jobs) into the borough, particularly into the East and other part of the borough undergoing regeneration
- Help reduce the number of empty premises and thereby reverse the physical and economic decline of areas associated with high levels of vacant premises
- Help increase Council income generated from business rate in the medium and long term.

General scheme

- The scheme is aimed at small to medium businesses with a rateable value of £6,500 or above who occupy or re-locate within the borough or for existing businesses expanding within the borough
- The discount will run for a fixed period within the financial year.
- The discount can be awarded for up to two years but any discount in year two can be no more than 50% of the discount awarded in year one.
- A business can apply at any time but can only benefit from the discount up until the end of financial year
- The level of discount awarded can be between 20% and 100% of the rates for a given period.
- The level of discount awarded will depend on the individual circumstances of the application

The scheme will initially target Mitcham, Morden and Colliers Wood areas – focusing on:

- Mitcham town centre
- Willow Lane Industrial Estate (Mitcham)
- Colliers Wood High Street
- Merton High Street
- South Wimbledon Industrial Estate

Eligibility Criteria

Businesses eligible for the local discount include:

- Those who are relocating from other boroughs or locations and will bring significant additional employment to Merton
- Existing Merton businesses who need additional premises to expand and will create significant additional jobs

- High quality new business start-ups with the potential to grow and create new jobs
- Businesses employing 2 or more staff and have the potential to grow.
- Businesses trading for more than one year and have minimum of one year lease on the property

Ineligible businesses/organisations

Businesses that would **not** be eligible for the local discount:

- Payday loan companies
- Betting shops and other gambling establishments
- Charity shops - unless they have at least 5 existing employees, or can generate at least 3 new jobs in the first year of operation.
- Businesses trading in sectors in activities that could bring the scheme into disrepute (e.g. pornography etc.).
- Business that have received up to approximately £170,000 of aid or assistance from public bodies/agencies over any consecutive three financial years (European Commission State Aid Rules- “De Minimis”.)

Application Process

A formal application form must be submitted via the Future Merton team with a recommendation for the application and the level of the discount requested. This application will be considered by the Head of Revenues and Benefits. The application form along with supporting documentation will be presented to the Director of Corporate Services to assist him/her as to whether the discount should be granted.

Applications can be received and decided, in principal, in advance of the business entering into a lease for the property to enable the business to enter into any agreement knowing the rates liability for the year.

Budget

The level of local discount to be awarded for the year will be set by the Director of Corporate Services as part of the budget process and submission of the NNDR1 (Formal government return that estimates the Council’s business rates collection for the year)

The level of discount awarded will need to take in to consideration current spend on the local discount and expected future spend within the financial year.

Committee: Sustainable Communities Overview and Scrutiny Panel

Date: 16 March 2016

Agenda item:

Wards: All

Subject: Planning the Panel's 2016/17 work programme

Lead officer: Julia Regan, Head of Democracy Services

Lead member: Councillor Abby Jones, Chair of the Sustainable Communities Overview and Scrutiny Panel

Contact officer: Annette Wiles; annette.wiles@merton.gov.uk; 020 8545 4035

Recommendations:

- A. That the Panel reviews its 2015/16 work programme (set out in the appendix), identifying what worked well, what worked less well and what the Panel would like to do differently next year;
 - B. That the Panel suggests items for inclusion in the 2016/17 work programme – both agenda items and potential task group review topics;
 - C. That the Panel advises on agenda items for its meeting on 9 June 2015.
-

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To enable the Panel to plan its work programme for the forthcoming municipal year and, in particular, to agree agenda items for the first meeting of the municipal year.

2. DETAILS

Identifying issues for the 2016/17 work programme

- 2.1 At the beginning of each municipal year, each Overview and Scrutiny body determines the issues it wishes to build into its work programme for the forthcoming year. The Overview and Scrutiny bodies have specific roles relating to budget and business plan scrutiny and performance monitoring, and these should automatically be built into the work programme.
- 2.2 In addition to this, Overview and Scrutiny bodies may choose to build a work programme which involves scrutinising a range of issues through a combination of pre-decision scrutiny items, policy development reviews carried out by task groups, performance monitoring, on-going monitoring items and follow up to previous scrutiny work. Any call-in work will be programmed into the provisional call-in dates identified in the corporate calendar as required.
- 2.3 The remit of the Sustainable Communities Overview and Scrutiny Panel is as follows:
 - 2.3.1. housing, including housing need, affordable housing and private sector housing;
 - 2.3.2. environmental sustainability, including energy, waste management, parks and open spaces and the built environment;

- 2.3.3. culture, including tourism, museums, arts, sports and leisure;
- 2.3.4. enterprise and skills, including regeneration, employment, adult education and libraries; and
- 2.3.5. transport
- 2.4 The scrutiny officers are currently gathering suggestions for issues to scrutinise, either as Panel agenda items or task group reviews. Suggestions are being sought from members of the public, councillors and partner organisations including the police, NHS and Merton Voluntary Service Council. Other issues of public concern will be identified through the Annual Residents Survey. The council's departmental management teams have been consulted in order to identify forthcoming issues on which the Panel could contribute to the policymaking process.
- 2.5 The Panel is therefore invited to suggest items for inclusion in the 2016/17 work programme – both agenda items and potential task group review topics.
- 2.6 All the suggestions received will be discussed at the Panel's topic workshop on 25 May 2016. As in previous years, participants will be asked to prioritise the suggestions using criteria so that the issues chosen relate to:
- the Council's strategic priorities;
 - services that are underperforming;
 - issues of public interest or concern; and
 - issues where scrutiny could make a difference

Planning the first meeting of the 2016/17 municipal year

- 2.7 A note of the workshop discussion and draft work programme will be reported to the first meeting of the Panel in the new municipal year. The Panel will be requested to discuss this draft and agree any changes that it wishes to make.
- 2.8 The Panel is asked to advise on any other items that it would be helpful to include on the agenda for its 9 June 2016 meeting.

3. ALTERNATIVE OPTIONS

- 3.1 The Panel can select topics for scrutiny review and for other scrutiny work as it sees fit, taking into account views and suggestions from officers, partner organisations and the public.

4. CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 To assist Members to identify and prioritise a work programme for 2015/16, the Scrutiny Team will undertake a consultation programme with Panel Members, co-opted members, members of the public, LB Merton Officers, Local Area Agreement partners (Merton LSP) and Voluntary and Community Sector organisations to determine other issues/items for Members consideration for inclusion in the Panels 2015/16 work programme.

5. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 5.1 There are none specific to this report. Scrutiny work involves consideration of the financial, resource and property issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific financial, resource and property implications.

6. LEGAL AND STATUTORY IMPLICATIONS

- 6.1 Scrutiny work involves consideration of the legal and statutory issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific legal and statutory implications.

7. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 7.1 It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engaging with local partners in scrutiny reviews. Furthermore, the outcomes of reviews are intended to benefit all sections of the local community.
- 7.2 Scrutiny work involves consideration of the human rights, equalities and community cohesion issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific human rights, equalities and community cohesion implications.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 Scrutiny work involves consideration of the crime and disorder issues relating to the topic being scrutinised.

9. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 9.1 There are none specific to this report. Scrutiny work involves consideration of the risk management and health and safety issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific risk management and health and safety implications.

10. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- 10.1 2015/16 work programme

11. BACKGROUND PAPERS

- 11.1 None

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Sustainable Communities Work Programme 2015/16

This table sets out the Sustainable Communities Panel Work Programme for 2015/16; the items listed were agreed by the Panel at its meeting on 11th June 2015. This Work Programme will be considered at every meeting of the Panel to enable it to respond to issues of concern and incorporate reviews or to comment upon pre-decision items ahead of their consideration by Cabinet/Council.

The work programme table shows items on a meeting-by-meeting basis, identifying the issue under review, the nature of the scrutiny (pre decision, policy development, issue specific, performance monitoring, partnership related) and the intended outcomes.

Scrutiny Support

For further information on the work programme of the Sustainable Communities Scrutiny Panel please contact: -
Annette Wiles, Scrutiny Officer)
Tel: 020 8545 4035; Email: annette.wiles@merton.gov.uk

For more information about overview and scrutiny at LB Merton, please visit www.merton.gov.uk/scrutiny

Meeting date – 11 June 2015

Scrutiny Category	Item/issue	How	Lead member/lead officer	Intended outcomes
Setting the work programme	Priorities for 2014/15 – Cabinet Member/Director presentation	Report	Chris Lee/Simon Williams and Cabinet Members	To provide an overview of the departments priorities to establish where the Panel might focus their work programme and add value to the work of the council.
Setting the work programme	Agreeing the 2014/15 work programme	Report	Rebecca Redman	To enable the Panel to agree the draft 2015/16 work programme.
Scrutiny Review	Morden Leisure Centre	Verbal Update	Christine Parsloe	To provide the Panel with an update on work undertaken and planned in relation to the Morden Leisure Centre development.
Performance Monitoring	Circle Housing Merton Priory (Performance Monitoring)	Presentation	Representatives from CHMP	To enable the Panel to performance monitor progress with delivery of the stock transfer commitments, repairs and maintenance and to receive an update on the regeneration

				programme.
Performance Monitoring	Performance Reporting(including focus on waste management and street scene)	Verbal Report	Chris Lee	To highlight to the Panel any items for concern where under performance is evident and to make any recommendations or request information as necessary

Meeting date – 2nd September 2015

Scrutiny Category	Item/issue	How	Lead member/lead officer	Intended outcomes
Pre decision scrutiny	Creating a Tourist Industry in Merton	Report	Chris Lee/James McGinlay	To provide the Panel with an overview of the councils work in this area to determine if Members feel a task group review of the tourist industry in Merton would add value.

Pre decision scrutiny	Merton Adult Education	Report	Simon Williams	To enable the Panel to comment on proposals for the Merton Adult Education Service and to make any recommendations for Cabinet consideration.
Scrutiny Review	Draft Final Report – Housing Supply Task Group	Report	Rebecca Redman/Cllr Ross Garrod	To present the Final Report and recommendations of the Housing Supply Task Group to the Panel for endorsement and submission to Cabinet their consideration.
Scrutiny Review	Commercial Services and opportunities to maximise resources	Report	Chris Lee	To provide the Panel with an overview of the councils work in this area to determine if Members feel a task group review of commercial services would add value.
Performance Monitoring	Climate Change and Green Deal Task Group	Progress Report	James McGinlay	To provide the Panel with an update on the delivery of the action plan to implement all agreed recommendations

				resulting from this task group review.
Performance Monitoring	Performance Reporting(including focus on waste management and street scene)	Verbal Report	Chris Lee	To highlight to the Panel any items for concern where under performance is evident and to make any recommendations or request information as necessary
Setting the work programme	Work Programme 2015/16	Report	Rebecca Redman	To amend/agree the Panels work programme and accommodate any pre decision or other items that the Panel may wish to consider.

Meeting date – 11th November 2015

Scrutiny Category	Item/issue	How	Lead member/lead officer	Intended outcomes
Pre decision scrutiny	Budget/Business Plan Scrutiny (round 1)	Report	Chris Lee/Simon Williams/Caroline Holland	To comment on the councils budget proposals at phase 1.

Pre decision scrutiny	Results of the wheeled bin pilot	Report	Chris Lee	To comment on the findings of the wheeled bin pilot and make any recommendations to Cabinet.
Scrutiny Review	Morden Leisure Centre	Verbal Update	Chris Parsloe	To provide an update to the Panel on the development of Morden Leisure Centre.
Performance Monitoring	Performance Reporting(including focus on waste management and street scene)	Verbal Report	Chris Lee	To highlight to the Panel any items for concern where under performance is evident and to make any recommendations or request information as necessary
Setting the work programme	Work Programme 2015/16	Report	Rebecca Redman	To amend/agree the Panels work programme and accommodate any pre decision or other items that the Panel may wish to consider.

Meeting date – January 2016

Scrutiny Category	Item/issue	How	Lead member/lead officer	Intended outcomes
Pre decision scrutiny	Budget and business plan scrutiny (round 2)	Report	Chris Lee/Simon Williams/ Caroline Holland	To comment on the budget and business plan proposals at phase 2 and make any recommendations to the Commission to consider and coordinate a response to Cabinet.
Scrutiny Review	Scoping Report – Commercial Services Task Group	Report	Stella Akintan	To agree the scope for the Panels task group review of commercial services.
Performance Monitoring	Circle Housing Merton Priory	Presentation	CHMP	Content of presentation to be discussed. Primarily covering repairs and maintenance issues and how they have been addressed and further issues mitigated.

Scrutiny Review	Executive Response and Action Plan – Housing Supply Task Group	Report	James McGinlay/Steve Langley	To provide the Panel with a response to the Report and recommendations of the Housing Supply Task Group further to Cabinet consideration.
Performance Monitoring	Performance Reporting (including focus on waste management and street scene)	Verbal Update	Chris Lee	To highlight to the Panel any items for concern where under performance is evident and to make any recommendations or request information as necessary
Setting the work programme	Work Programme 2015/16	Report	Rebecca Redman	To amend/agree the Panels work programme and accommodate any pre decision or other items that the Panel may wish to consider.

Meeting date – February 2016

Scrutiny Category	Item/issue	How	Lead member/lead officer	Intended outcomes
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Scrutiny review	Merton Leisure Centre	Verbal update	Chris Parslow/Chris Jones (Sweett Group)	
Scrutiny review	Cycle Routes	Report	James McGinlay	To provide Members with an update on developments to cycling provision in Merton.
Pre decision scrutiny	Phase C Procurement programme (including parks, grounds, maintenance and waste)	Report	Cormac Stokes	To enable Members to undertake pre decision scrutiny of the contract for Phase C.
Performance Reporting	Town Centre Regeneration Update (including updates on developments re: developing cycling provision)	Presentation	James McGinlay	To provide a progress update on delivery of the councils town centre regeneration programme.
Performance Monitoring	Libraries Annual Report	Presentation	Anthony Hopkins	To provide the annual report on libraries service and to inform members of proposed future development of the libraries service.

Performance Monitoring	Performance Reporting: environment and regeneration (including focus on waste management and street scene)	Verbal Report	Chris Lee	To highlight to the Panel any items for concern where under performance is evident and to make any recommendations or request information as necessary
Setting the work programme	Work Programme 2015/16	Report	Annette Wiles	To amend/agree the Panels work programme and accommodate any pre decision or other items that the Panel may wish to consider.

Meeting date – March 2016

Scrutiny Category	Item/issue	How	Lead member/ lead officer	Intended outcomes
Scrutiny review	Merton Leisure Centre	Verbal update	Chris Parslow/Chris Jones (Sweett Group)	

Performance Monitoring	Climate Change and Green Deal Task Group	Progress Report	James McGinlay	To provide the Panel with an update on the delivery of the action plan to implement all agreed recommendations resulting from this task group review.
Scrutiny review	Shared Services	Report	Chris Lee	Briefing on shared services to update the Panel on work being undertaken by the Panel in this area, including proposals for establishing shared services across functions/services within the E&R department.
Performance Monitoring	Adult Skills and Employability Task Group – Progress on implementation of action plan	Report	James McGinlay/Yvonne Tomlin Cllr Holmes (Member Champion)	To performance monitor delivery of the action plan resulting from the task groups review of adult skills and employability.
Scrutiny Review	Commercialisation task group	Update	Russell Makin/Stella Akintan	To provide members with an update on the progress of the current task group

Scrutiny Review	Topic Suggestions 2016/17	Report	Annette Wiles	To seek topic suggestions from the Panel to inform discussions about the Panels 2016/17 work programme.
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