

	<p><b>Policy &amp; Resources Committee</b></p> <p><b>22<sup>nd</sup> March 2016</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Planning Additional Services</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Service Director – Development Management &amp; Building Control</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public with an accompanying exempt appendix</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Appendix 1 – Proposed additional planning services charges Exempt Appendix 2 – Legal Advice</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Joe Henry, <a href="mailto:joe.henry@barnet.gov.uk">joe.henry@barnet.gov.uk</a>, 020 8359 4620</p>

<p><b>Summary</b></p>
<p>The report seeks approval to provide additional planning services and associated charges.</p>

<p><b>Recommendations</b></p>
<p>That Policy and Resources Committee approve the proposed additional planning services and the associated charges (detailed in Appendix 1).</p>

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Policy & Resources Committee approved the provision of additional planning services and associated charges as a pilot until 31<sup>st</sup> March 2016 at the Committee held 24<sup>th</sup> March 2015. The approval was subject to the pre-application planning advice service (not the “fast track” additional service) arranging meetings within 2 weeks of a written request and written advice being provided within 3 weeks.
- 1.2 The Committee required the results of the pilot to be reported back to the Committee.
- 1.3 Before the pilot commenced, the Planning Service was regularly asked whether it could offer enhanced planning services to allow applications and pre-application advice to be dealt with faster on payment of additional fees.
- 1.4 Fees and charges for statutory planning services are set by Policy and Resources Committee and as such it is appropriate that this Committee should consider whether to agree to the additional chargeable planning services being offered permanently.
- 1.5 The proposed charges for the additional planning services are outlined in appendix 1.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The proposed additional services are set out in appendix 1 and in the main offer fast track; pre-application advice, registration of planning applications and recommendations on planning applications.
- 2.2 It is considered that offering chargeable additional planning services has the following benefits:
  - It demonstrates Barnet is delivering services in an innovative and proactive manner
  - Improvement in service delivery
  - Improvement in meeting Government targets on making decisions within statutory target date
  - Increased customer satisfaction levels
  - Substantial increase in the number of pre-application advice being sought which helps to streamline the planning process and deliver better outcomes when a planning application is submitted
  - Income generated by the additional chargeable services has been used to help finance the employment of additional planners and the creation of an additional management position.
  - Investment in this service has helped to attract additional investment into the Borough through development.

2.3 The Department of Communities & Local Government recently published (February 2016) a consultation paper titled: “Technical Consultation on Implementation of Planning Changes”. This consultation paper is seeking views on the proposed approach to implementation of measures in the new Housing and Planning Bill. Section 1.7 of this document specifically encourages; *“a wide range of measures that can streamline the process for applicants and accelerate decisions. However, we are particularly interested in ideas that would:*

*a) provide applicants with the choice of a fast-track service (or services) in return for a proportionate fee.”*

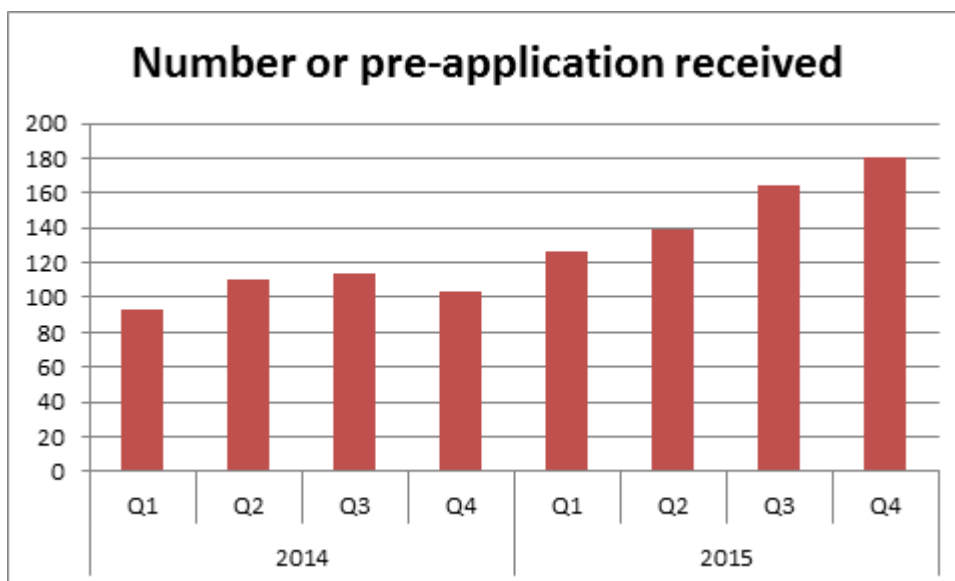
This demonstrates the Government are seeking to encourage other local planning authorities to embark on providing additional planning services.

2.4 Members had raised concerns at the Policy & Resources Committee held 24<sup>th</sup> March 2015 that the additional planning services may lead to a “two tier planning system” with “fast track” services being prioritised over providing a very good “business as usual” planning service. And that is why the approval of the pilot was subject to the pre-application planning advice service (not the fast track additional service) arranging meetings within 2 weeks of a written request and written advice being provided within 3 weeks. The tables below outlines performance for both “fast track” pre-application services and “business as usual” pre-application services.

<b>Period: April 2015 – end January 2016</b>	<b>Total</b>
Number of “fast track” pre-application notes issued	70
No. of “business as usual” pre-application notes issued	386

<b>Period: April 2015 – end January 2016</b>	<b>Percentage</b>
Percentage of “fast track” pre-application meetings arranged within accelerated target date.	100%
Percentage of “business as usual” pre-application meetings arranged within target date (3 days of written request).	94%
Percentage of “fast track” pre-application notes issued within accelerated target date.	87%
Percentage of “business as usual” pre-application meetings arranged within target date (target date 2 to 3 weeks depending on scale of scheme).	78%

The increase in demand for the pre-application advice service can be demonstrated by the continual increase in demand over the last three years which is shown in the graph below.



It is considered that the substantial increase in demand generated by the pre-application service demonstrates large numbers of customers want to use this service offering. And this is because it is considered the “business as usual” service and the “fast track” services are seen by customers as a very good service.

Planning Services ask for customer satisfaction feedback at the point a planning decision is made. Over the period Feb 2015 – end January 2016 81% of customers were satisfied with the service provided, 65% confirming they thought it was good or very good service (18% of respondents used the planning fast track pilot).

During the period April 2015 – end January 2016, 481 “fast track” planning type application requests were made compared to a total of 6984 planning type applications being received. The percentage of applications decided within the statutory target date for the period April 2015 – end February 2016 was 91%. This places Barnet’s Planning Services in the top three of all London local planning authorities for speed of decision making - it should be noted that planning officers encourage amendments to a proposal if it is likely to lead to a positive outcome even if it means a decision would need to be made past the statutory target date and this has helped improve customer satisfaction with the Service overall.

The table below outlines information about the “fast track” planning services for period April 2015 to end January 2016.

Cases processed in Pilot	Total number applications received	% of applications that were “fast tracked”	Fast Track Income	Average charge per case
481	6934	6.9%	£162,448	£338

The Planning Service has received excellent feedback on the enhanced services provided. Examples of some comments are as follows:

*“Brilliant, I am very delighted how the system is working. Never get this quick and efficient service before.” (Feb 2016)*

*“very encouraging to have this option to offer clients. Within the overall development costs these additional fees are very reasonable and will go a long way in expediting matters” (Jan 2016)*

*“It’s a great service the council are offering, normally I discount pre apps mainly due to the time it takes to get a response.” (Dec 2016)*

*“I have to say I am hugely delighted with current Planning services, since taken by Re. Speed and pro-active approach for both normal and fast-tracked applications.” (Nov 2015)*

*“Pretty amazing this premium service....That is the fastest discharge of planning condition I have ever seen!” (Sept 2015)*

*“I spoke to an agent, who was very complimentary of your service. He said he “and other developers have noticed a significant improvement in the response and service by the Council”. He also said that other councils should learn from us, in particular the effectiveness of the fast track.” (June 2015)*

2.4 Customers who submit applications without opting for premium type services will continue to receive a very good service. For example, the priority of the Planning Service is to ensure the percentage of decisions made within statutory target dates is maintained in the top five as benchmarked against other London Local Planning Authorities performance on speed of decision making - the drive for decisions to be made within statutory timescales does not undermine applicants ability to amend planning proposals even if the decision would need to be made outside the statutory target date.

2.5 An example of where the Service offers both a fast track service and an enhanced “business as usual service” is how the Service processes certificate of lawfulness application. 78 of the 1027 certificates the Service determined in the period April 2015 – end of January 2016, were fast tracked (1, 2, 5 or 10 days). Overall performance relating to certificates in the same period was 94% of certificates were determined (where no amendments were necessary to approve) within 4 weeks against the statutory determination period of 8 weeks.

### **3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 The alternative option is not to offer additional planning services. In this scenario customers will continue to receive the statutory planning service and pre application services with no enhanced options. This would likely lead to a decrease in customer satisfaction, reduce speed of decision making, reduce developers engagement at pre-application stage, decrease income with a

consequential impact on resource provision, cause reputational damage, and lead to less confidence in the development industry to invest, through development, in the borough.

#### **4 POST DECISION IMPLEMENTATION**

- 4.1 If approved, it is proposed the service is immediately rolled out with effect from 1<sup>st</sup> April 2016.

#### **5 IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

5.1.1 Barnet Council will work with local partners to create the right environment to improve the satisfaction of residents and businesses within the London Borough of Barnet as a place to live, work and study.

5.1.2 The Corporate Plan (2015-2020) has three guiding principles; Fairness, Responsibility and Opportunity.

5.1.3 The proposed additional planning services would; help to promote responsible and timely development in the Borough; help to improve customer (including residents) and business satisfaction; and improve the council's ability to meet the financial challenges it is facing which will in turn benefit the residents of the Borough.

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 The additional income generated by the pilot service will be included in the guaranteed income generated by Planning services that Re provides to the council, which has a target of £1.753m for 2015/16, and is forecast to achieve £2.784m.

5.2.2 The costs of additional planners and costs associated with the additional service will be funded from the management fee the council pays to Re to deliver the planning service.

##### **5.3 Social Value**

5.3.1 The provision of chargeable additional planning services gives more choice to customers. Safeguards are in place (refer to section 5.5.2 of this report) to ensure all planning services meet a high standard of service provision.

5.3.2 The additional services and safeguards in place to ensure all planning services meet a high standard of service provision (refer to section 5.5.2 of this report) will attract developers to the Borough to provide high quality sustainable development, including the provision houses to meet housing need.

##### **5.4 Legal and Constitutional References**

- 5.3.1. Local authorities have a variety of powers to charge for specific statutory services set out in statute. The Localism 2011 provides a power to trade and a power to charge for discretionary services, the latter on a costs recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.
- 5.3.2 Where authorities have a duty to provide a statutory service free of charge to a certain standard, no charge can be made for delivery to that standard, however delivery beyond that point may constitute a discretionary service for which a charge could be made.
- 5.3.3 There is a variety of legislation permitting charging for different services, some which set prescribed fees and charges (or the range of charges for a given service), and others which allow discretion based on costs of providing the service.
- 5.3.4 In relation to planning services, it is settled law that charges can be levied for pre-application advice or services on a cost recovery basis.
- 5.3.5 Detailed legal advice on the legal powers to charge for each service is set out in the exempt - Appendix 2.
- 5.3.6 Constitution Responsibilities for Functions Annex A sets out the terms of the Policy and Resources Committee including:
- To be the principal means by which advice on strategic policy and plans is given and co-ordinated
  - To be responsible for the overall strategic direction of the Council
  - To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.

## **5.5 Risk Management**

- 5.5.1 Not providing the additional planning services as provided through the pilot would likely lead to a decrease in customer satisfaction, reduce speed of decision making, reduce developers engagement at pre-application stage, decrease income with a consequential impact on resource provision, cause reputational damage, and lead to less confidence in the development industry to invest, through development, in the borough. This risk could be partly mitigated by improving the planning services overall performance but this would need additional resource.
- 5.5.2 Section 2.4 & 2.5 of this report addresses concerns that there is a risk that the additional planning services could lead to a “two tier” planning service. Mitigating measures include contract commitments that require the planning service to meet performance indicators and customer satisfaction levels that would ensure the “business as usual” planning service is a very good service.

## **5.6 Equalities and Diversity**

- 5.6.1 The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 5.6.2 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.
- 5.6.3 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.
- 5.6.4 The introduction of these additional services has been assessed and it is not considered to impact any of the protected groups. Whilst the services will be offered based on ability to pay the extra fees, the statutory planning service will not be impacted detrimentally by the introduction of additional planning services.

## 5.7 Consultation and Engagement

- 5.7.1 Customers using the pre-application and additional planning services will be surveyed to assess how satisfied they are with the service.

## 5.8 Insight

- 5.8.1 Section 2.4 outlines the data used to inform the recommendation.

## 6 BACKGROUND PAPERS

- 6.1 Report to Policy & Resources Committee (24<sup>th</sup> March 2015) titled: "Planning Additional Services Pilot".  
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=7866&Ver=4>