

Democracy Commission

Friday 8 July 2011

6.30 pm

Town Hall, Peckham Road, London SE5 8UB

Please note the Commission will exclude the public and press at the start of the meeting and the open section of the meeting will begin at 7.00pm.

Membership

Councillor Abdul Mohamed (Chair)
Councillor Columba Blango
Councillor Mark Glover
Councillor Michael Mitchell
Councillor Helen Morrissey
Councillor Paul Noblet
Councillor Cleo Soanes

INFORMATION FOR MEMBERS

Contact:

Tim Murtagh on 020 7525 7187 or email: tim.murtagh@southwark.gov.uk

Members of the panel are summoned to attend this meeting

Annie Shepperd
Chief Executive
Date: 1 July 2011



Order of Business

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1.	INTRODUCTION AND WELCOME BY THE CHAIR	
2.	APOLOGIES	

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3.	ITEMS OF BUSINESS THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any items of urgent business being admitted to the agenda.	
4.	EXCLUSION OF THE PUBLIC AND PRESS	
	That the public be excluded from the meeting for agenda item 5 only, on the grounds that the item involves the likely disclosure of exempt information as defined in paragraphs 1 and 2, Access to Information Procedure rules of the Constitution.	
5.	STAFFING ROLES	
	To consider the information in the closed report – to be circulated at the meeting.	
6.	MINUTES	1 - 3
	To confirm as a correct record the minutes of the meeting held on 26 May 2011.	
7.	LOCALISM	4 - 9
	Report on the Localism Bill.	
8.	PLANNING AT COMMUNITY COUNCILS	10 - 19
	Report and presentation on planning at community councils.	
9.	PUBLIC COMMENTS	
	Opportunity for residents in attendance to comment on any matters raised during the meeting.	
 ADDITIONAL INFORMATION		
	Neighbourhood Planning Guidance 20 -39	
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Date: 1 July 2011



DEMOCRACY COMMISSION

MINUTES of the Democracy Commission held on Thursday 26 May 2011 at 7.00 pm
at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Abdul Mohamed (Chair)
Councillor Columba Blango
Councillor Mark Glover
Councillor Michael Mitchell
Councillor Helen Morrissey
Councillor Paul Noblet
Councillor Cleo Soanes

OFFICER SUPPORT: Stephen Douglass (Head of Community Engagement)
Alexa Coates (Principal Constitutional Officer)
Ian Mark (Senior Lawyer, Governance Team)
Darryl Telles (Neighbourhoods Manager)
Tim Murtagh (Constitutional Officer)

1. INTRODUCTION AND WELCOME BY THE CHAIR

Councillor Mohamed welcomed councillors and officers to the meeting.

2. APOLOGIES

There were none.

3. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were none.

4. MINUTES

That the minutes of the meeting held on 21 April 2011 be agreed as a correct record of the meeting, and signed by the chair.

5. DEMOCRACY COMMISSION: OVERVIEW REPORT FOR MAY MEETING - ROLE AND PURPOSE OF COMMUNITY COUNCILS, NEIGHBOURHOODS AND BOUNDARIES

Councillor Soanes explained that Peckham Community Council (CC) did not have a Transport sub-group as the report had stated. Councillor Glover said that was Nunhead & Peckham Rye CC that had the sub-group.

Members asked for clarification that the report on neighbourhood and boundary options was a discussion paper and that no decision had been taken. The chair confirmed that this was the case and that the Commission were asked to consider the current boundaries and options for change.

5.1 ROLE AND PURPOSE

Ian Mark, Senior Lawyer – Governance Team, gave an overview of the legal framework and the paper on role and purpose. Members discussed various options including reducing the number of area committees. Members requested further details on the arrangements of other, comparable local authorities. Officers agreed to provide a further summary of a selection other local authorities and their arrangements for area forums/committees.

Ian said he would come back on how and when the use of delegated powers under the strong leader model may happen.

5.2 NEIGHBOURHOODS & BOUNDARY OPTIONS

Members considered possible changes to Community Council boundaries in light of the options set out in the report. The options took into account traditional areas within Southwark along with population sizes. Member noted that the size and population of a particular community council area could not exceed two fifths if decision-making powers were to remain.

Some issues such as Elephant and Castle regeneration were currently dealt with at more than one Community Council and that would probably happen increasingly if areas were enlarged. Members commented that it may be difficult to agree agendas in future if larger areas were implemented.

Members discussed the permutations of fewer Community Council areas and less meetings. The budget was made up of fixed costs such as staffing, and variable costs for meetings. Members requested further information on the financial impact of reducing the level of meetings, for example if meetings were reduced from 6 a year to 5 or 4. Staffing costs would be discussed in closed session.

Members discussed if taking away planning meetings from Community Councils would pass additional costs to the planning department. The head of planning would be invited to the next Democracy Commission meeting to discuss this.

Officers explained that some of the budget was not simple to quantify such as amounts paid for officers attending meetings to present reports or take questions.

Members discussed the issue of splitting wards which most were keen to avoid in any boundary review, although it was stated that under current arrangements the split of Livesey between Peckham and Rotherhithe Community Councils worked in practice and reflected how some residents identified with their location.

Members requested that options for reducing costs be presented to the public at community council meetings to gauge their opinion. Officers said that this could be done at the Community Councils in September and would request items at the Chair's and Vice Chair's meeting in July.

Action: Tim to circulate dates for future meetings.

6. PUBLIC COMMENTS

The chair asked residents for additional comments. There were none.

The meeting ended at 8.50pm

CHAIR:

DATED:

Item No. 7	Classification: Open	Date: 8 July 2011	Meeting Name: Democracy Commission – Phase 2
Report title:		Democracy Commission: Localism Bill	
Ward(s) or groups affected:		All	
From:		Strategic Director of Communities, Law & Governance	

RECOMMENDATION(S)

1. That the Democracy Commission notes the contents of this report on the Localism Bill.

BACKGROUND INFORMATION

2. The Localism Bill was introduced to Parliament on 13 December 2010 and aims to devolve greater powers to councils and neighbourhoods and give local communities more control over housing and planning decisions.
3. The Bill has passed through the House of Commons and has recently undergone its second reading in the House of Lords (7 June). It will pass to the Committee stage in the House of Lords on 20 June 2011.
4. Nevertheless, as the Localism Bill is still going through Parliament its provisions are still subject to change. More information on the progress of the bill can be found at: <http://services.parliament.uk/bills/2010-11/localism.html>

KEY ISSUES FOR CONSIDERATION

5. As the Localism Bill contains specific provisions around planning, regeneration and community empowerment, its implications could have been directly relevant to this current review of community councils. However, the devolution of power from local councils under the Bill appears largely to be to community groups rather than local elected representatives. There is no strengthening of legislation regarding area committees.

Overview of the Localism Bill

6. Specifically, the provisions of the Localism Bill relating to councils include:
 - giving councils a general power of competence
 - allowing councils to choose to return to the committee system of governance and allowing for referendums for elected mayors in certain authorities
 - abolishing the Standards Board regime and the model code of conduct, and introducing local accountability and a criminal offence of deliberate failure to declare a personal interest in a matter

- giving residents the power to instigate local referendums on any local issue and the power to veto excessive council tax increases
- allowing councils more discretion over business rate relief
- providing new powers to help save local facilities and services threatened with closure, and giving voluntary and community groups the right to challenge local authorities over their services.

7. The housing provisions will:

- abolish the requirement to have a Home Improvement Pack
- reform the Housing Revenue Account system
- provide for a new form of flexible tenure for social housing tenants
- allow local authorities to discharge their duties to homeless people by using private rented accommodation
- give local authorities the power to limit who can apply for social housing within their areas
- abolish the Tenant Services Authority and provides for a transfer of functions to the Homes and Communities Agency
- amend the way in which a social tenant can make a complaint about their landlord
- improve the ability of social tenants to move to different areas.

8. The planning and regeneration provisions will:

- abolish Regional Spatial Strategies
- abolish the Infrastructure Planning Commission and return to a position where the Secretary of State takes the final decision on major infrastructure proposals of national importance
- amend the Community Infrastructure Levy, which allows councils to charge developers to pay for infrastructure. Some of the revenue will be available for the local community
- provide for neighbourhood plans, which would be approved if they received 50% of the votes cast in a referendum
- provide for neighbourhood development orders to allow communities to approve development without requiring normal planning consent
- give new housing and regeneration powers to the Greater London Authority, while abolishing the London Development Agency.

Localism and Decentralisation

9. The Localism Bill is a central plank of the coalition government's decentralisation agenda, which is being driven by "six essential actions", which are to :

- Lift the burden of democracy
 - Empower communities to do things their way
- } FUNDAMENTAL ACTIONS
- Increase local control of public finance
 - Diversify the supply of public services
- } RESOURCES AND CHOICE
- Open up government to public scrutiny
 - Strengthen accountability to local people
- } PEOPLE TAKE CONTROL

10. Local authorities are viewed as having two vital roles, both as beneficiaries of decentralisation, and as facilitators through the passing of power to communities and individuals.

11. The key provisions of the Localism Bill contribute to these six essential actions in the following way:

Actions of Decentralisation Agenda	Key Provisions of Localism Bill
Lift the burden of bureaucracy	<ul style="list-style-type: none"> • Abolition of Regional Strategies • Standards Board Regime to be scrapped • End to ‘predetermination’ rules preventing councillors acting on local issues due to risk of bias
Empower communities to do things their way	<ul style="list-style-type: none"> • General Power of Competence to enable local authorities to do anything not specifically prohibited by law • Community Right to Buy will give communities powers to save local assets or bid for their management/ownership • Neighbourhood Plans – a radical reform of the planning system providing new rights for communities to shape their local areas
Increase local control of public finance	<ul style="list-style-type: none"> • Introduction of Council Tax referendums, ending central imposition of council tax and allowing local people to veto excessive increases • Business rate discounts to enable local authorities the power to respond to concerns of local businesses • Community Infrastructure Levy requiring local authorities to plough a proportion of

<p>Diversity the supply of public services</p>	<p>revenues back into neighbourhoods</p> <ul style="list-style-type: none"> • Community Right to Challenge gives local people the right to challenge to run local authority services • Community Right to Buy gives community organisations greater opportunity to identify and bid for assets from which they can deliver local services
<p>Open up Government to public scrutiny</p>	<ul style="list-style-type: none"> • Requirement for local authorities to produce annual statements on their policy re chief officer remuneration
<p>Strengthen accountability to local people</p>	<ul style="list-style-type: none"> • Local referendums can be instigated by local people via petitions • Elected mayors in 12 cities in England from 2012

Localism and Planning

12. An important element of the Localism Bill for community councils are the proposed changes to the planning system, designed to give local people more influence over decisions in their area, promote growth and speed up the planning process.
13. Community councils have devolved decision-making powers in relation to local planning and one of the potential savings options being proposed by officers relates to this function. It is therefore relevant to highlight some of the potential impacts of the legislation on planning.
14. The key changes to the planning system included in the Localism Bill are as follows:
 - **Abolition of Regional Spatial Strategies** meaning that local authorities are responsible for determining targets for new housing.
 - A new right for communities to draw up **Neighbourhood Development Plans**, allowing people to come together through a local parish council or neighbourhood forum and decide the location and appearance of new houses, businesses and shops and their area. These would come into force following a local referendum.
 - **Neighbourhood Development Orders** which give local people a role in granting full or outline planning permission to facilitate the development of new homes and businesses in priority areas.
 - A **community right to build** allows local people to bring forward plans for small developments e.g. new homes, shops or businesses. Any profits made from such developments would remain within the community.
 - Greater flexibility in setting rates and use of the **community infrastructure levy**, including through passing this directly to communities who accept the development

- Introduction of a **duty to cooperate** to strengthen working between neighbouring authorities in the absence of a regional tier e.g. around transport.
- Establishment of **central government control of nationally significant infrastructure projects** and the abolition of the Infrastructure Planning Commission.
- A requirement for developers to consult local communities in advance of applications for very large developments.
- Strengthening enforcement rules to tackle abuses of the planning system.
- Reforming the way local plans are made by limiting the discretion of planning inspectors to insert their own working, and shifting to a focus on reporting to local communities, rather than central government.

Reactions to the Localism Bill

15. Whilst the aim of the Localism Bill – decentralising power and enabling local people to have a greater say in local decisions and services – has been widely welcomed, its provisions have attracted some criticism. In local government circles it has particularly been highlighted that the legislation confers many powers on central government and the Secretary of State, and is as such more centralist than decentralist.
16. Some further reactions to the overall provisions of the Localism Bill include:
 - Welcoming the emphasis on community rights, e.g. to build and to buy and the hope that enshrining these in law will strengthen these, whilst recognising the need to ensure these rights are accessible to all
 - Recognising the significance of granting local authorities a general power of competence to do anything that isn't prohibited by law
 - That it is a positive move to enable local people to have a greater say in neighbourhood planning
 - That it defines localism in a top-down, prescriptive manner, rather than allowing it to adapt to and reflect local needs e.g. the intention to create precise regulations on how neighbourhood planning should work
 - Opposition to the extension of central government intervention in local issues e.g. through the introduction of “shadow mayors” and the constitution of excessive council tax rises
 - Unease around the imposition of referendums e.g. in relation to neighbourhood plans when in some cases these may be unnecessary and are expensive to run

Policy implications

17. The terms of reference for the Democracy Commission phase two have been drawn up within the specific context of current council policies, plans and strategies. The information gathered during the second phase of the commission's

work will provide opportunities for the council to engage in debate with residents and will potentially provide decision makers with new information when developing council policy.

Community impact statement

18. The aim of the Democracy Commission is to bring the Council closer to its residents, making it more accountable to them and more connected with their concerns. The work of the Commission will be led by the Community Engagement team that has significant experience in leading work of this nature, aimed at improving the voices of local people in decision-making. The engagement activity will be underpinned by principles of equality and human rights (including the new public sector equality duty which comes into force in April 2011) and will reflect the diverse residents of the borough.

Resource implications

19. The task of the Commission will be to deliver a reduction of £344,000 in the total costs of community councils to take effect from 1 April 2012 as agreed in the council's Policy and Resources Strategy 2011-2014.

Consultation

20. The work of the commission includes public consultation and involvement: public meetings and conferences, questionnaires, focus group and recording vox pops. This work will be developed and improved upon during phase two.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Democracy Commission Phase 2 reports and agenda	Tooley Street, London, SE1 2TZ	Tim Murtagh 020 7525 7187

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Stephen Douglass, Head of Community Engagement	
Version	Final	
Dated	30 June 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	No
Finance Director	No	No
Cabinet Member	Yes	No
Date final report sent to Constitutional Team	30 June 2011	

Item No. 8	Classification: Open	Date: 8 July 2011	Meeting Name: Democracy Commission
Report title:		Planning at Community Councils	
Ward(s) or groups affected:		All	
From:		Strategic Director Communities Law & Governance	

RECOMMENDATION(S)

1. To consider the report on planning at community councils.
2. To consider evidence provided by witnesses at the meeting.
3. To consider drafting any recommendations based on the evidence considered in the report and at the meeting.

BACKGROUND INFORMATION

4. At the meeting of the commission held on 21 April 2011, members asked officers to prepare a paper on planning options, including the costs implications of deleting the function from community councils and some options for retaining some area based decision making on a sub-committee basis.
5. Currently community councils take planning decisions where the development proposed involves the creation of fewer than 50 housing units or less than 3500m². Community councils deal with a wide breadth of planning applications including majors, minors, and others. However, the large majority of applications heard by community councils fall into the minors and other categories of applications. The community councils also have consultative/non decision-making roles in areas such as s106 funding and conservation area adoption, as set out in the democracy commission information pack at pages 12-14.
6. 70 community council planning meetings were supported in 2010/11, 26 scheduled meetings were cancelled due to a lack of business and 1 meeting was inquorate. Meetings lasted between 30 minutes to 4 hours. Approximately 192 applications were considered by community councils in 2010/11.
7. In terms of officer support, planning at community councils is supported by the constitutional team (community councils), the planning division and legal services.

KEY ISSUES FOR CONSIDERATION

8. The Democracy Commission has been tasked with making recommendations on the role and powers of community councils with the aim of identifying savings of £344,000. In terms of the planning function there are options available for the commission to consider:

- retain the planning function at community councils
- delete the planning function at community councils
- develop another planning decision making model.

9. The financial impact of the options are set out in the table below, some will deliver no savings at all,

Potential savings		Retain planning at community councils	Delete planning from community councils	Sub-committee model 1 (11 meetings)	Sub committee models 2 or 3 (24 meetings)
Security Services (Van hire etc)	£16,610	✗	✓	✓	✓
Hire of rooms/halls	£5,885	✗	✓	✓	✓
Legal Services for planning	£30,200	✗	✓	Partially £25,670	Partially £19,932
Printing and postage	£14,740	✗	✓	Partially £12,300	Partially £9,951
Staffing costs	£48,000	✗	✓	✓	✗
Departmental support costs - planning	£71,000	✗	✓	Partially £60,350	Partially £46,860
Total Savings		£0	£186,435	£120,815	£92,238

Notes

- 1) The maximum saving would require the majority of decisions currently taken by community councils to be delegated to officers. The savings are based on the percentage reductions from 70 community council meetings to the suggested sub-committee cycles.
- 2) Model 1 – 1 strategic planning committee (existing) and 1 subcommittee (minor applications)
Model 2 - 1 strategic planning committee (existing) and 2 subcommittees with a fixed membership
Model 3 - 1 strategic planning committee (existing) and 2 subcommittees with a pooled membership
- 3) The table does not factor the level of Special Responsibility Allowances (SRA) to be paid to sub-committee chairs. This could significantly reduce the savings proposed from the sub-committee models depending on the level of SRA paid.

Retaining the planning function

10. No saving could be made by retaining the planning function at community councils. There are some advantages to taking planning decisions at community council level for example:

- Taking the decision making process closer to local people.
- Accountability of decisions by local councillors.
- Providing for member discussions on applications to be in the local community.

11. However, there are also difficulties:

- Planning decisions at community council level can sometimes be difficult for members when faced with strong local opinion which may contradict planning policy.
- As planning decisions are taken by a variety of committees planning policy is not always applied consistently
- Members are often faced with the decision as to whether to sit on the committee and take a decision or withdraw from a decision in order to represent the views of constituents, this can limit the ability of members to get involved in local campaigns on planning applications
- Scheduling community council planning meetings causes extra pressure on the council calendar due to the need to schedule meetings on a 4 week cycle.
- A number of applications which are considered by community council planning meetings are 'out of date' that is they are considered by community councils after the application expiry date and can be challenged for non-determination.

Delete the planning function at community councils

12. Deleting the planning function from community councils would allow a potential saving of £138,435 from the community council budget, as set out in page 10 of the information pack. This does involve £71,000 and £30,200 divisional payments to the planning and legal. However, although efficiencies could be made by planning and legal this is unlikely to amount the full level of the payments, unless the majority of decisions taken by community councils are delegated to officers. If the Commission is minded to recommend removal of the planning function from community councils officers will need to make further recommendations to Council, via the Constitutional Steering Panel, to ensure the correct constitutional arrangements are in place to ensure that the number of applications considered by the main planning committee does not increase significantly as a result. A review of the category of applications considered by members and the number of objections required for members to consider is recommended.

Impact on Staffing

13. There is a potential staff impact to deleting the planning function at community councils. With the current 8 community council areas a new staff structure could be introduced saving one constitutional officer post at Grade 10. This would save an estimated £48,000. This would bring the total estimated saving of deleting planning community council meetings to: £186,435 (delivering over 50% of the targeted savings). However, if this function is transferred to planning committee or a sub-committee models 2 and 3 then this would reduce significantly the opportunity to make savings from staffing. Any recommendations relating to staffing will need to be considered alongside the final recommendations of the Commission and issues relating to staff numbers are reserved to the chief executive and officers appointed by her.

Planning policy and community councils

14. If the decisions on applications were deleted from the role and functions of community councils this could be balanced with a more formal role in terms of strategic planning policy. Some community councils have been successfully involved in the development of area actions plan such as the Canada Water Area Action Plan and Aylesbury Area Action Plan. These roles are not defined in the constitution but this role could be developed giving community councils more

influence over the policy which determines how applications are determined in their local area.

Options if the planning function is removed from community councils

Officer delegation

15. If the planning function is removed from community councils then those decisions need to be taken elsewhere. The most cost effective approach would be to delegate those decisions to officers. These would not require any meetings and it is meetings which account for most of the community council budget on the constitutional side. The delegation of decisions to officers would also take away the representation issues that members sometimes face at community councils. However, delegating decisions to officers does take away the current accountability of decisions taken by members. This could be balanced by adding a note in the Part 3F of the constitution to allow a community council chair (with the support of at least two thirds of the members of the community council) to request that controversial applications or applications which attract significant local opposition in their community council area be considered by the planning committee. This means councillors would still have the ability to request that an item is considered by a committee of councillors rather than taken by officers.
16. Around 88-90% of applications are considered by officers through delegated powers, this compares favorably with the national average of 90-91% Government targets were previously set at 90%. Comparative levels from a sample of London Boroughs are set out in appendix 2. Between June 2010 and May 2011 approximately 76% of applications considered by community councils were over the application expiry date and could therefore be challenged for non-determination. An explanation of this is that the report cycle required to process applications differs from the monthly cycle of community council planning meetings (except in August)

Main planning committee

17. Decisions currently taken by community councils could be taken by the planning committee. This would involve revising the thresholds to increase the number of applications considered by planning committee. This would involve a direct transfer of decision making from community councils to the planning committee. The planning committee would consider approximately 192 additional applications a year. This would result in more frequent planning meetings which will have a cost implication. This has not been considered in the cost analysis as the cost implications would depend on how many more meetings would be required and the officer support required.
18. Set out in appendix 2 are the triggers that certain different boroughs employ for referring delegated cases to their committees. In every borough senior officers have the discretion to put delegated cases to committee. Beyond that the arrangements vary widely.

Sub-committee model (pooled membership of all councillors)

19. At the April meeting of the Democracy Commission members asked officers to produce some information on a sub-committee model for planning. One idea was to draw from a membership of all councillors to sit on a sub-committee. A sub-committee model would take away some of the difficulties faced by community councils in taking planning decisions at a local level.
20. If any sub-committee model was introduced the savings proposed by deleting the planning function at community councils would be reduced, as outlined in the

table at paragraph 9. The impact of this would vary depending on the model which was introduced and other factors such as SRAs.

21. A pooled membership, for consideration of planning applications, of all councillors as suggested at the April meeting would not be recommended, as it takes away the advantages of a fixed membership. A fixed membership not only provides for more consistent application of planning policy in decisions but also a consistency expectation of membership, which provides clear accountability.
22. Including 63 councillors in this process would create a lack of consistency in the decisions taken and application of planning policy which could leave the council open to challenge. There are also additional administrative costs associated with maintaining a pooled committee membership.
23. Councillors would need to open their calendars and liaise with committee clerks on their availability for meetings. This is resource intensive and impractical. Operating a pooled membership also impacts on the ability to summons quorate meetings to meet performance and legislative targets.
24. The Local Government and Housing Act 1989 requires all committees of the council (except cabinet) to be proportional to council. Sub-committees would need to be proportional ensuring each sub-committee meetings is proportional and quorate would be difficult and resource intensive. The Council could agree for an arrangement whereby the pool was proportionate but the individual membership of each sub-committee was not but this would require a constitutional amendment with no members voting against it. If one member votes against the proposal for sub-committee not to be proportional then each sub-committee summoned would need to be proportional, again this is also resource intensive and impractical.

Other sub-committee models

25. Another option would be to introduce a sub-committee model but with a limited pool of councillors. For example a model including 1 strategic planning committee and 2 subcommittees with a pooled membership meeting on a rotational basis. Further information on possible models is set out at appendix 1. These models do not take away all of the administrative difficulties created with a pool of all councillors.
26. Special Responsibility Allowances have not been factored into the cost analysis but members may wish to consider what type of allowances should be paid to sub-committee chairs. The level of SRAs paid will impact on the level of savings proposed and will reduce the savings that could be made if a sub-committee model was introduced.

Localism Bill and Neighbourhood Plans

27. The Localism Bill includes some significant changes to the national planning policy framework. Government aims to return decision making powers on planning to local councils.
28. Southwark is a neighbourhood planning 'front runner' (formerly 'vanguard') and plans are being prepared in Bermondsey and Bankside. The council has chosen to work with neighbourhood forums (who approached the council to apply for Vanguard status) to develop the neighbourhood plans. In the current front runner arrangements, the forums concerned are seeking to prepare plans for areas that do not coincide with ward boundaries nor, as a result, with community council

boundaries. The criteria for recognition as a qualifying body to prepare a neighbourhood plan are subject to further change during the course of the Localism Bill but it is unlikely that community councils will meet the criteria because, among other things, they do not have their own written constitution (for full details of criteria for qualifying bodies see Schedule 9 to the Localism Bill). Community councils could, however, have a very important role in the development of neighbourhood plans as a place for debating and exchanging information.

29. The Localism bill also seeks to clarify pre-determination issues by confirming the current case law position. Specific evidence of a closed mind will be required to justify a claim of unlawful determination, pre-determination will not be established just because the decision maker has previously indicated a view on the matter.

Policy implications

30. The Democracy Commission is being conducted within the context of current council policies, plans and strategies.

Community impact statement

31. The report is a discussion paper and any specific proposals will be included in the final report of the Democracy Commission

Resource implications

32. The task of the Commission is to make recommendations to deliver a saving of £344,000 across the community council budgets to take effect from 1 April 2012 as agreed in the council's Policy and Resources Strategy 2011-2014.
33. This report identifies a potential saving of £186,435 from the community council budget by deleting the planning function from community councils and explains these potential savings would be reduced to a large extent by introducing a sub-committee model.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Democracy Commission Information Pack	Constitutional Team 160 Tooley Street	Tim Murtagh Tim.murtagh@southwark.gov.uk 020 7525 7187

APPENDICES

No.	Title
Appendix 1	Possible sub-committee options
Appendix 2	Comparative Data on thresholds

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities Law & Governance	
Report Author	Stephen Douglass, Head of Community Engagement	
Version	Final	
Dated	30 June 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Head of Planning and Transport	Yes	Yes
Head of Development Management	Yes	Yes
Cabinet Member	Yes/No	Yes/No
Date final report sent to Constitutional Team	30 June 2011	

Possible sub-committee models

(all sub-committees with 7 members)

The Local Government & Housing Act 1989 requires all committees of the council (except cabinet) to be proportional to council. With the current number of seats each political group has on the council as a whole the following seat allocation would be proportional (4 Labour, 3 Liberal Democrats, 0 Conservatives.).

The proportionality on sub-committees is calculated based on the proportion of seats held by political groups on the council and must ensure a majority on each committee for the majority group on the council. Committees of 7 are suggested as they are more manageable than larger committees, smaller committees lend themselves to a more efficient decision making process.

Model 1 – a strategic planning committee and 1 sub-committee (minor applications) fixed membership

- All committees would be proportional
- Members may wish to consider the SRA paid to community council chairs in the context of the wider review of community councils and the SRA paid to the chair of the sub-committee
- The subcommittee would consider some of the applications considered by community councils which are referred by members
- Meeting frequency 12 monthly meetings of the strategic planning committee
11 monthly sub-committee meetings.

Model 2 – 1 strategic planning committee with a fixed chair, 2 planning subcommittees with a fixed membership (including 2 fixed chairs) meeting on a rotational basis

- It is suggested that the strategic planning committee has a distinct membership.
- All committees would be proportional
- Members may wish to consider the SRA paid to community council chairs in the context of the wider review of community councils
- Members would also need to decide the level of SRA paid to the chairs of planning sub-committees.
- Membership of the sub-committees could be area based e.g. east and west sub-committees
- Meeting frequency 12 monthly meetings of the strategic planning committee
24 subcommittee meetings (12 per subcommittee)

Model 3 - 1 strategic planning committee with a fixed chair, 2 planning sub-committees with a pooled membership (1 chair and 1 vice chair) meeting on a rotational basis

- The chair or vice chair could chair individual meetings depending on availability
- more difficult to organise meetings with pooled membership
- additional administrative costs of organising meetings with a pooled membership
- reduces risk of meetings being inquorate or meetings not going ahead because of prejudicial interests or pre-determination (this currently impacts on community council meetings)

- ensuring each sub-committee meetings is proportional and quorate would be difficult and resource intensive. Council could vote for an arrangement whereby the pool was proportionate but the individual membership of each sub-committee was not but this would require a constitutional amendment with no members voting against it. Meeting membership would be based on member availability on a rota basis.
- This model would possibly require two SRAs to the chairs; members may wish to consider reducing the SRA paid to community council chairs if they no longer consider planning applications.
- Members may wish to consider if it would be appropriate to paying an attendance allowance in a similar way to Licensing subcommittees
- Meeting frequency 12 monthly meetings of the strategic planning committee
24 subcommittee meetings (12 per subcommittee)

Borough	Percentage of delegated officer decisions	Triggers for referring delegated cases to a committee of councillors
Brent	95%	If the planning committee specifically indicate they wish to consider a particular application. If requested by 3 Councillors 3 objections were officers are recommending approval
Lambeth	85-90%	At the request of the Head of Development Control. At the written request of 1 Councillor
Kens & Chelsea		Complex system – consisting of a committee for major developments and a planning application committee. At the request of a Director At the request of the planning application committee
Hackney		At the request of the Head of planning with particular regard for applications which have received substantial public response Written request of at least 5 members of the planning committee Written request of 10 members of the council.
Bark & Dag	88%	5 or more objections 1 councillor request, subject to the agreement of the chair of the planning committee At the request of the Director, based on scale, impact on the environment or level of public interest, subject to the agreement of the chair of the planning committee.
Waltham Forest	95%	Requested by 1 councillor Significant public interest Requested by the Director.
Westminster	90%	The planning committee specifically indicate they wish to consider the application Refer by Director or Head of Service Chair or 2 Councillors request the item and set out reasonable grounds

Information on the percentage of officer delegated decisions provided by Association of London Borough Planning Officers in 2010.



Neighbourhood planning

a guide for ward councillors

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Foreword

The Localism Bill sets out how communities will be able to get more involved in planning for their areas – specifically around creating plans and policies to guide new development and in some cases granting planning permission for certain types of development.

Neighbourhood planning is about letting the people who know about and care for an area plan for it. It is led by the residential and business community, not the council, and is about building neighbourhoods – not stopping growth.

Neighbourhood planning is optional but if adopted by the Council, neighbourhood plans and orders will have weight becoming part of the plan making framework for your area.

Neighbourhood planning is also not entirely new – it can build on existing community planning work.

If you felt a bit removed from planning as a ward councillor then neighbourhood planning is an opportunity for you to get more involved – even if you've previously been put off planning by perceived complexity, controversy or jargon.

This guide is to help you:

- understand the basics of neighbourhood planning
- think about what this means for your community
- think about your role as a ward councillor.

Please remember that until the Localism Bill is enacted some specific details may change.



How does neighbourhood planning work?

Prepared by community groups

Neighbourhood planning is not led by the local authority. These are the 'Qualifying Bodies' who can prepare a plan:

Parish and town councils

The area covered by the plan may be the parish/town boundary, just a part of it, or combined areas. You can help define the right area to deal with the right issues.

Neighbourhood forums

These can be set up to prepare neighbourhood development plans in areas without parish councils. There can only be one forum per neighbourhood area. The boundaries for the neighbourhood will be proposed by a community group but the council will need to agree this. Forum membership will be open to residents, employees and businesses. In May 2011 the government tabled a Bill amendment to raise the minimum membership of a forum to 21.

Businesses, investors, developers and other commercial organisations will be able to get involved with the forums or parishes. With their agreement, businesses could sponsor the process.

What is it?

Communities can choose to use any or all of the new neighbourhood planning tools to help shape and deliver new development in their areas. As they will have a statutory status they must be prepared following a formal process.

Neighbourhood development plans

These will set out a vision for an area and planning policies for the use and development of land. It will be about local rather than strategic issues. For example it could cover where new shops, offices or homes should go and what green spaces should be protected. The plan does need to be compatible with national policies and the policies in the authority's local plan. It should be focused on guiding development rather than stopping it. If adopted it will become a statutory plan and be used in making decisions on planning applications.

Neighbourhood development orders

These can grant planning permission for specified developments in a neighbourhood area, for example, certain types of household extensions, shop fronts, 'green energy' proposals. Where there is a neighbourhood development order in place there would be no need to apply to the council for planning permission for the development it covers. This is a bit like a Local Development Order that a council can do.

More information on Local development orders is available on the PAS website at www.pas.gov.uk/ldo

Community right to build orders

This is similar to a neighbourhood development order.

Appropriately constituted community groups will be able to identify land for new, small scale development such new homes, shops or other community facilities.



What will it cover?

Although there is a lot of community planning work out there, no neighbourhood development plans have been done yet.

- The Government is running a 'front runner' project involving 42 councils working with communities on neighbourhood planning. They cover a big range of planning issues.
- Affordable housing is a critical issue for the community in Lynton and Lynmouth. Their town council is working with Exmoor National Park to work up a series of sites and appropriate policies to enable affordable housing.
- In Gedling, the neighbourhood plan for Newstead Village focus will include the need for a more balanced housing offer in the village, anti-social behaviour, community facilities and enhancing its village centre.
- For the community of Devonshire Park in Birkenhead 'preserving the character and balance of our unique neighbourhood' is the aim of their neighbourhood planning work. This will include preserving their housing stock and the physical fabric and architecture, green character and spaces and community safety in their area.
- In Much Wenlock, Shropshire, community needs and priorities identified and to be included in their planning work cover improved traffic management in the town, affordable housing, the retention of high street retailing, and improvements to leisure facilities.

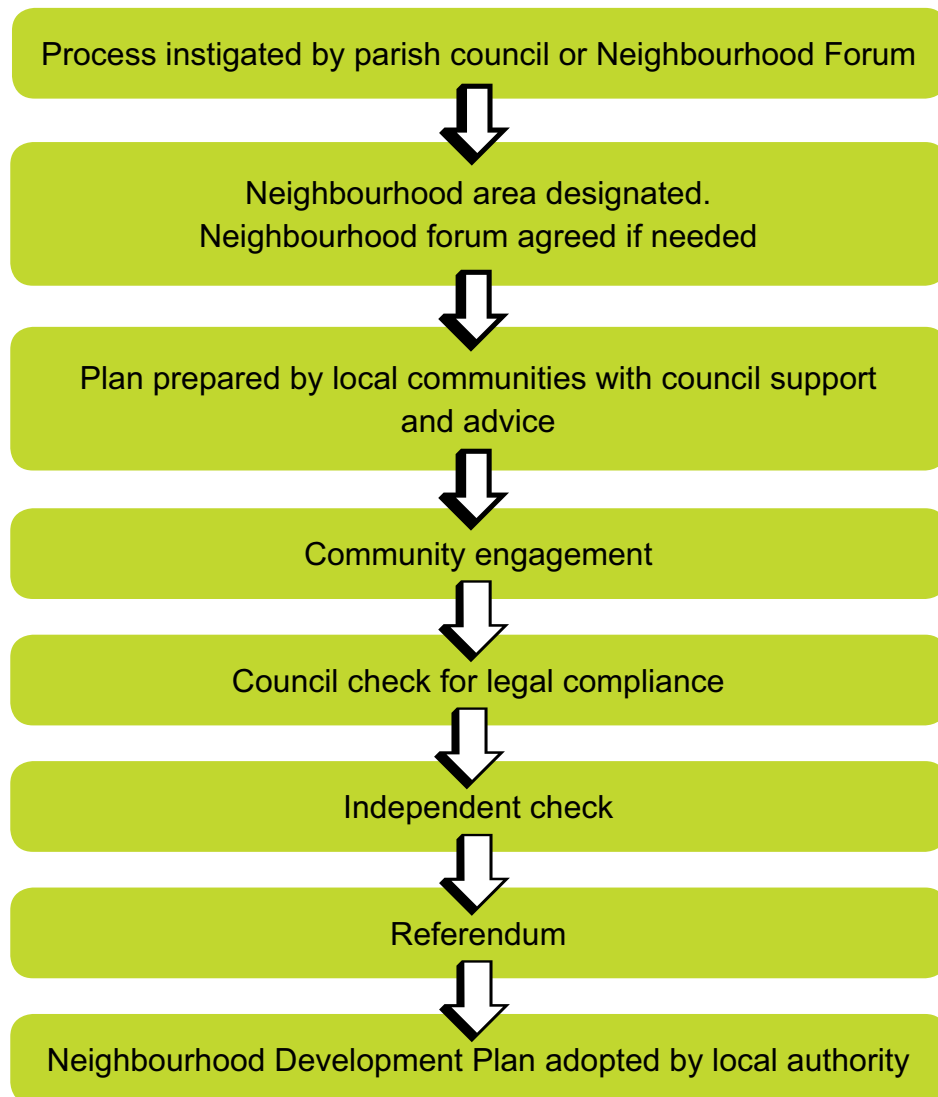
- The neighbourhood plan for Bookham, Surrey will address topics including planning for a wider range of new homes in the area eg affordable and smaller homes and housing for the elderly, maintaining the vitality of the village centre and infrastructure needs.

You and the community – using local knowledge and passion – will know what is important. But as a local councillor you can help make sure the issues raised are compatible with the local plan and avoid wasting time by going up the wrong garden path.

There may be planning issues for which a neighbourhood development plan or order isn't an answer. For example, if whole scale change or regeneration is needed with involvement of and funding from other bodies, then an action area plan might be the right route. Talk to the planning officers about this.



Process map



What role does the planning authority have?

The local planning authority has to provide ‘technical advice and support’ to communities preparing neighbourhood development plans but it’s up to you to decide what this should be. It could include gathering evidence, help with facilitation or advice on consultation. It can – but doesn’t have to – include financial support. You’ll need to think about how this is resourced and how much you’ll be able to do, and this will depend on how much neighbourhood planning activity comes forward.

The council also has to agree and formally designate a neighbourhood area. They can cross authority boundaries. If proposals come forward for overlapping areas the council, including ward councillors, will need to arbitrate, and decide which boundary makes most sense in planning terms.

In non-parished areas a neighbourhood forum will need to be formed and designated by the council against a range of criteria, such as the forum having tried to recruit a broad section of the community including residents, businesses and councillors.

Once the plan is written, the council needs to check it against the legislation and regulations. This check isn’t about saying whether the content is right or wrong, but about the consultation and procedure followed.

If the plan is alright, the council has to arrange (and pay for) an independent check. This will look at the plan/orders fit against the local plan, national policies, and any adjoining neighbourhood plans. If it passes the check, the council needs to arrange (and pay for) a referendum on the plan or order. The referendum can go beyond the neighbourhood area if its impacts will be felt more widely. If it is agreed by a majority, the council then adopts the plan or order.

How much will it cost the local authority?

The costs will depend on the nature and scale of help and support provided. It is up to the authority to decide what it wants to do here – how many neighbourhood development plans are anticipated? How equipped and ready are the parishes/forums? Do they already have survey data and evidence or can the authority provide this? What technical support, for example around sustainability appraisals, can be provided or will you expect the neighbourhood group to find and fund this themselves? As a minimum there will be costs associated with the independent check and referendum. Funding from the Government will be made available to help cover these costs but no details are available as yet.

How much will it cost the community?

Not much is known about this yet. But it will take time and probably some money. It partly depends on how complex the plan is and on how much help and support the authority can give. There may be scope for some sponsorship from local businesses or landowners; just think about how this might be perceived, though.

Questions

From the work that PAS and the wider Local Government Group have done with councillors and planning officers, some concerns have been raised around the system and how it will work. These questions are:

What happens if there isn't an adopted local plan?

Around 25 per cent of authorities have an adopted core strategy. This can be used to set the strategic framework for neighbourhood planning. Where there isn't an up to date local plan there's no strategic context and neighbourhood plans will only need to be compliant with national planning policy.

Our advice: Put the pressure on to make sure your local plan (core strategy) is focused on what is strategically important and progressed as quickly as possible.

Won't people think neighbourhood planning will enable them to stop housing developments?

This isn't the intention. Communities will have influence over what housing will look like and where it will go – but not to stop it altogether when there is an identified local housing need.

Our advice: Explain this again, and again, and again.

Will single issues and the usual suspects dominate this?

Our advice: Get out and about to get as many people involved as possible; or at least ensure they are invited, too. Stand up and make sure the process is inclusive, the group representative and single issues don't dominate if there are wider issues to be addressed.

What is the difference between neighbourhood plans and community plans?

Community plans can cover all things important to a community. Neighbourhood plans relates only to the use and development of land in their area.

Our advice: Work with and build on existing community planning activities. A joined up approach to community engagement will help avoid confusion about the work help make best use of the resources available.

What happens if councillors don't want to get involved in shaping development but want to stop it?

Lots of councillors stand on a platform of opposing specific schemes or development in general.

Our advice: Think carefully about this. Policies in the local development plan will often be trying to balance preserving the special characteristics of places with the need for housing or economic growth. Neighbourhood plans which go against these are unlikely to get through the process. Work with your planning officers and communities to help chart a way forward or risk having development done to you rather than being done with you.

Your role and getting started

It is only after the Localism Bill is enacted that neighbourhood development plans can be examined, put to a referendum and adopted (currently scheduled for the end of 2011). But don't wait. If you aren't already involved in local planning, you can start now.

Neighbourhood planning puts all councillors centre stage in the planning process. You will be a first port of call for communities in your ward wanting to prepare neighbourhood development plans.

More than ever your role will be about explaining and managing community expectations, enabling, supporting, mediating, collaborating, explaining options and finding solutions. Although you will obviously want to champion your area, you'll need to do so within the context of the authority's strategic needs and plans. You can help promote the plan with the wider community and local areas, involve businesses to promote and deliver new development to meet community ambitions.

At a recent PAS event on neighbourhood planning, councillors identified that their priority responsibilities are to:

Understand

- Be clear about what neighbourhood planning is, what it can and can't do and what it means in practice. It's not about stopping development but about getting it right for the area.
- Neighbourhood planning has to take place within the context of the authority's strategic planning work – do you know much about this? Find out. There's no point in supporting the neighbourhoods on an issue in conflict with the local plan – the plan won't get passed.

Manage expectations

- Anecdotally, many councillors feel that communities think this will mean they can plan how they like – but it isn't a free for all. There are still parameters set by national and local planning policies. You might have to repeatedly make this clear to communities.
- Work with your communities to ensure that planning proposals are both feasible and viable. Any proposals will need to be, realistic, in line with the strategic plans for the area and deliverable.
- Be clear about what support the local planning authority can offer.

Communicate

- Articulate, with the community, needs and priorities.
- Bridge the gap between your community and officers, working with both to find the best way forward: neighbourhood development plan or order, community plan or the more strategic local plan or area action plan.

Represent

- The local authority will have to agree the neighbourhood areas in your ward or possibly across ward boundaries. Get involved in this process and share your local knowledge.
- Make sure the full spectrum of your neighbourhood is represented in the process and not just the usual suspects.
- Ensure the issues identified in a neighbourhood plan are truly representative of needs on the ground.
- Understand the type of help and support needed by community groups.
- If you're not already involved, join your parish/town councils or neighbourhood forums when they form.
- Work with other ward members to represent the interests of your local areas.

Mediate

- Work with communities, local business, residents, schools, service providers to find new, joined up approaches to delivering on needs and ambitions.
- Manage competing or conflicting proposals in neighbourhood development plans for your ward and those in others.

Understand resource implications

- Think about how much demand there will be for neighbourhood planning in your ward or across the whole authority area. Talk to your community groups, parish/town Councils, residents associations, business forums to get a feel for the level of demand. Who is already doing community planning – are there resources there that can be used?
- Work out how your authority's limited resources can really help support neighbourhood planning eg what type of support can you offer on evidence, the technical aspects etc. But remember, neighbourhood planning is optional – what value will it add to the area?
- Work with colleagues to assess needs and allocate resources between neighbourhoods.
- Understanding how the council will allocate new financial resources eg from New Homes Bonus and CIL.
- Referendums – it's not just in planning that these can happen. Work corporately on a programme to avoid holding them repeatedly.

Recognise the long haul

- The process of adopting a neighbourhood plan is only the beginning. It will require support and continued care to deliver its goals.
- For neighbourhood planning to really take off it must involve people in making things materially improve. This will involve oversight and mediation as priorities and needs change over time.
- Neighbourhood planning requires everyone involved to listen, learn and collaborate. There will be bumps along the way as people find new skills and make new relationships.

Further support

Further support for councillors is available from the Planning Advisory Service website. This includes a number of downloadable briefings. We are also planning a number of events throughout 2011 to help councillors understand and respond to planning reform.

www.pas.gov.uk



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Environment and housing

How planning works

an introductory guide for councillors

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Introduction

Whether you are a newly elected councillor or just new to planning, this guide will help you understand how planning impacts your ward and how you can use it to help your community address local issues.

You may feel overwhelmed by the perceived complexity of the planning system and the jargon involved. This guide will help you understand the most important elements of your role as an elected councillor working with planning.

The Coalition Government wants to see local people taking a greater role in shaping their neighbourhoods. This will in part be enabled by some of the proposed changes in the Localism Bill, giving communities the chance to have a greater influence over some planning decisions.

There is a clear government commitment towards planning promoting growth in the form of jobs, new businesses, and housing.

There is a section on planning reform and localism that summarises changes to the planning system and the implications for you and your residents. The Localism Bill may be changed as it moves through the parliamentary process. Please keep this in mind when reading sections on proposed changes.

This guide was written and published by the Planning Advisory Service. We provide consultancy and peer support, learning events and online resources to help local authorities understand and respond to planning reform. We are a part of the Local Government Group.

After reading this guide we invite you to review the further information section provided at the back of this guide.

Five tips to get you started

1. Get involved. Talk to your residents and local businesses and help them get involved in planning.
2. Find out where your authority is in the process of developing its local plan, and what the plan says.
3. Work in partnership with your officers and use constructive challenge when necessary.
4. Don't be afraid to work with developers and officers to ensure local benefits from new development.
5. Understand the implications of the Localism Bill and the opportunities for your council and neighbourhood.

What does planning do?

One of the reasons that you became a councillor is because you care about the area. Because of that, you should also care about planning.

Planning is about getting the right things built in the right places, about the spaces around buildings, and about other issues too, such as job creation, social justice, regeneration, and climate change.

Hopefully you and your community will want to be involved in what planning can do for your place. This could mean getting involved in the plan-making process as well as deciding planning applications.

Fundamentally, planning is about sustainable development – balancing the economic, environmental and social impacts of new development. Finding this balance is what makes your job challenging and exciting. Through discussions with residents, developers, officers and other partners you will be assessing the different benefits and impacts of an application.

If you sit on the planning committee it will be your task to weigh up these considerations against national policy and the local plan. It is a big task, but the potential rewards for your community are tremendous. Even if you don't sit on the planning committee you still have a key role to play in supporting your residents to engage in the planning process.



What is the best way for residents to influence development?

Often, the only time residents and businesses encounter the planning system is when they, or their neighbours, want to do something to their property – at the planning application stage. This is actually quite late in the whole process. It's the plan-making stage that sets out how the authority sees the area as developing and outlines the policies against which individual proposals will be assessed. So if you and your community really want to influence the future of the area, the local plan is a good place to start.

Reading Borough Council used their plan to prioritise regeneration. Community consultation showed that residents wanted to see growth and rejuvenation of the city. Reading's plan allocated a particular area in the south of the borough for regeneration. They have since granted permission for several developments in the area, including private hospitals and hotels.

The local plan

The local plan (sometimes called the local development framework) is written and implemented by the local planning authority in close consultation with the community. The high-level part is often called a core strategy. This is based on evidence the authority has gathered and sets out the vision and strategic policies. The plan also sets out the type of development that will be required to achieve the vision, working within the opportunities and constraints of the evidence. The evidence is not only about flooding and population growth. It's also about what aspirations the community has for their streets and neighbourhoods. The plan doesn't have to be one document and can be made up of a series of publications known as development plan documents.

The whole process involves engagement and partnership working with other council services, community groups, the third sector, businesses, neighbouring authorities and statutory consultees like the Environment Agency and English Heritage.

Your council is also likely to be part of a local enterprise partnership. These are new sub-regional partnerships between the public sector and businesses. They are being led by the private sector with the aim of stimulating local economic growth. Local enterprise partnerships are currently identifying priorities for their area and developing different ways of working. They represent a new opportunity for joint-working through neighbouring authorities and the private sector. Many are looking to play a role in planning, housing, transport and major infrastructure developments in the sub-region.

“One of the things we’re doing at South Lakeland is in the drive to increase our efficiencies and reduce costs, we’re looking at partnership working with other authorities. Our adjacent authorities are Lancaster, Eden, Barrow and Craven. We thought this would be an ideal opportunity for joint working – getting our planning departments together.”

Councillor Brendan Jameson, South Lakeland District Council

You can help residents and organisations influence the future of their neighbourhoods by encouraging them to express their views in the plan-making process.

Richmondshire District Council recognise the importance of community engagement. They used charismatic employees from across the council to lead engagement activities ranging from school visits to a provocative poster campaign. Beyond fulfilling a statutory requirement, this communications strategy improved the council’s reputation externally and boosted staff motivation and cross-council working.

How are local plans made?

Planning policies are developed through a process that involves setting a vision, gathering and reviewing evidence, developing and consulting on options, and assessing the plan against a series of national and European Union criteria for sustainability. Your officers will be heavily involving your community and will need your input and involvement throughout the process as well.

When the authority is happy with their plan and satisfied that it addresses the issues for the area, the plan is submitted to the Planning Inspectorate for examination. If agreed – or

found 'sound' – the authority can then 'adopt' the plan, making it the statutory plan for the area.

This has to be a rigorous process to ensure that all of the impacts of the policies are sufficiently considered. After all, the plan is your foremost consideration when making decisions on applications. The policies will direct what kind of development can happen and in which places it can go. It can also have a huge influence on land values.



What is my role in the plan-making process?

Councillors play a very important leadership role in the local plan's development. These are the policies that you and your successors will be basing planning decisions on for years to come. It is important that you ensure the priorities expressed by your community are well reflected in the plan. When it is time to make a tough decision, it will be easier if the plan is based on sound evidence and strong community engagement.

Your local plans need to be in conformity with national policy. Currently they should be in conformity with regional spatial strategies, but the Secretary of State has already written to all English planning authorities of his intention to abolish these through the Localism Bill. Your authority needs to start thinking about what implications this will have for your plan now. Don't wait for the bill to become an act.

What is the local plan about?

Your local plan will reflect issues of local importance such as where people live, work and spend their leisure time. Issues of national importance like economic development and climate change will also be reflected in your

plan. National policy will require certain topics to be covered, but the local interpretation and weight placed on these issues will vary.

National planning policy is currently set out in topic-based planning policy statements, circulars and guidance. These set out the national priorities for sustainable development in England. In 2010, Planning Minister Greg Clark announced a review of these documents. They will be consolidated into a single **national planning policy framework**. A draft is expected to be published in the summer of 2011. The new framework has

been described as light-touch, meaning it will be much shorter and allow local authorities more freedom of interpretation.

This changing policy context means that your role as a local councillor is increasingly important. With less prescription from central government, you will need to prioritise the plans and topics that are most important for your area. For example, if job creation is needed in your area you might want to prioritise policies that make the area attractive to new businesses like the provision of a flexible supply of land.



Planning reform and localism

The Coalition Government has introduced several planning reforms to speed up the system, promote growth and strengthen community-led planning. Changes have been introduced primarily in the Localism Bill and The Plan for Growth paper, published alongside the budget. This section gives you a summary of the most important changes.

The Localism Bill makes community-led planning a powerful mechanism for achieving change at the neighbourhood level. Community-led planning has been going on for a while in some areas. It involves residents taking a stronger lead in identifying local issues that they want to address. There are many organisations working on this (see further information).

Neighbourhoods and parishes would be able to develop a **neighbourhood development order**. This order would be passed by through a local referendum. It would set out specific developments or types of development that would automatically have planning permission in that neighbourhood. The developer would not need to submit a planning application.

Neighbourhood development plans, written by the neighbourhood forum or parish, will have legal status. Once they are passed through a light touch examination and a local referendum, they will be part of the planning framework. This means they set the context for some individual planning decisions. These tools are about influencing growth and helping it to happen, not about stopping new businesses or housing where it is needed.

The Localism Bill will **abolish regional spatial strategies**. The regional tier of planning will no longer exist, meaning local authorities will be responsible for determining their own targets for new housing.



The **duty to cooperate** is being proposed to strengthen working between neighbouring authorities. In the absence of a regional tier, authorities will be able to group together to respond to sub-regional issues like flooding and transportation in ways that make sense for them.

There are several incentives to growth. The **New Homes Bonus** matches council tax funding for new homes and existing homes brought into use and is already available.

The **community infrastructure levy** is paid by developers to the authority to mitigate the impacts of development. The changes

would give authorities greater flexibility in how they used the money raised by the levy. The money could also be given directly to the neighbourhoods who accept the development.

The **community right to build** proposal allows residents to come together and develop a proposal for new homes, shops or businesses. They would consult with their community and the local authority to work through the opportunities and constraints. The local authority would hold a referendum on the proposal. If passed, the development would not require planning permission. The community would be allowed to keep the profits or lettings arising from the development.



How do these changes affect my role as a councillor?

It has never been more important for local authorities to get a local plan in place. A presumption in favour of sustainable development will be set out in the national planning policy framework. Without a local plan, decisions will have to be made with reference to national, rather than local planning policies. This means the presumption would have a big effect on planning decisions.

Your local plan is also needed to set the strategic context for any neighbourhood development plans. In this changing environment one of the most important things you can do is to ensure that your local authority has an up-to-date local plan that makes absolutely clear what new development is desired and acceptable in your area.

Councillors have a role in supporting residents to engage with the planning system. You may need to gear-up quickly to support neighbourhoods with making their own neighbourhood plan or development order. There could be resource implications for you and your officers. Your authority will have to meet the costs of a neighbourhood's examinations and referendums.

The removal of the regional planning tier means that local authorities need to find their own ways of working sub-regionally. Some issues are larger than local and require cross-boundary partnerships. Transport flooding and waste are some examples.

The local enterprise partnerships may offer one route to sub-regional working. Your role is to speak up about these types of issues in your area and make sure that they are being addressed at the appropriate level.

Keep an eye on the PAS website for more information on the changes summarised in this section.

“With neighbourhood planning, our role will change in a number of ways from being the local ward councillor representing their community – to becoming the local community leader and helping them to make the decisions about their neighbourhoods themselves.”

Councillor David Smith, Lichfield Borough Council

Development management

If you had experience of the planning system outside of local government it was probably through a planning application for changes to your personal property or a neighbour's. This would have been handled by the development management function of your local planning authority. You may know of this as development control. Determining planning applications is just one aspect of what development management does to bring forward development in an area.

Can development bring about positive benefits for my area?

Development management is a positive and proactive way of controlling development and managing the use of land. It doesn't mean that you always have to say 'yes' to development, but it allows you to work with applicants to find mutually acceptable solutions. The goal is to promote development that helps to deliver the vision set out in your local plan and the community strategy.

However, if a development isn't acceptable for your area, planning permission can be refused provided there are sound planning reasons for doing so.

City of Lincoln Council used a development management approach to lead a regeneration scheme on Brayford Waterfront. They invited the owners of adjacent sites at the waterfront to discuss their varying goals and timing issues. The planners were then able to coordinate development on the sites to achieve a range of council priorities for the area, including student accommodation, improved pedestrian routes and additional vehicle access.

As a councillor you can encourage developers and partners to engage with the local authority and residents at the early stages of the planning process. When problems arise in discussions, your officers should be able to propose appropriate solutions that would mitigate any adverse impacts of the development.

Councillors at Islington Council were involved in a former factory development that has recently reached the construction stage. A ward member involved in early scoping discussions identified the need for accessible replacement premises for a local GP practice. Planners worked with the local primary care trust and doctors' groups at the design stage to ensure that the surgery requirements were met.

“The days of members being dissuaded against talking with developers are rapidly falling behind us. Because if we are to look at the future properly then we need to understand what the developers want to do in our area. And the developers need to understand what we as community leaders are prepared to accept. If we can come together like that, then we can deliver the high-quality developments, infrastructure and facilities that everybody in our community wants.”

Councillor Dale Birch, Bracknell Forest Borough Council

What planning decisions will I be making?

If you are on the planning committee, your role in deciding planning applications is also a part of development management. Your authority will have its own policy on delegated decision-making. Officers are likely to deal with all of the straightforward planning applications. This gives the planning committee more time to focus on the strategic or controversial applications.

There are two main types of applications that you will see: outline and full planning permission. You will also see specific applications requesting consent for changes to a listed building or advertisements, for example. Regardless of the type of application, you may be lobbied by a range of groups who seek to sway your opinion on the proposal.

Imagine an application for consent to put solar panels on a listed building. You might have the Victorian Society writing to you with a range of conservation issues to consider. A local sustainability group may ask you to prioritise environmental concerns over heritage. It's your job to weigh up these issues and make a decision based on national and local policies.

What can I base my decisions on?

Planning decisions can only be made on valid planning grounds. These are called material considerations. The following material considerations are relevant in most planning applications:

- national planning policy and advice
- local planning policies
- draft policy
- the environmental, social and economic impacts of the proposal
- access and provision of infrastructure for the site
- the design of the proposal
- the planning history of the site
- the views of organisations and individuals, in relation to relevant planning matters.

Other considerations exist and ultimately the courts are the arbiters of what is a material consideration. It is also important that planning decisions are made in line with other corporate objectives in the council such as regeneration. This should be reflected in your local plan. But you may need to work with colleagues across the local authority to

The following issues are **not** material considerations for planning decisions:

- loss of views
- competition between businesses
- moral considerations (for example, religious objections to licensed premises)
- political or ideological opinions
- the cost of the development
- whether or not the applicant owns the site
- issues covered by other legislation (for example Building Regulations).

understand what a specific proposal could do to meet wider objectives.

When applications are approved they often have conditions attached. For example, there could be a condition specifying the type of construction materials to be used. Sometimes a section 106 planning obligation will be agreed through a condition. This could require affordable housing or on-site remedial works.

An applicant can appeal against a refusal, or against conditions. These appeals are heard by a planning inspector, who then makes the final decision.

Are there risks to my involvement in development management?

Probity and conduct are areas of concern for many councillors. This is understandable given the consequences of behaviour or decisions that are perceived to be driven by a bias. But these concerns shouldn't prevent you from performing your role. Your involvement in the development management process is crucial. It is important that you represent the needs of your residents in discussions with developers.

Your local authority will have a code of conduct for councillors. This will clearly state the parameters for your involvement on proposals. Your role in development management has to be transparent. Your decisions and behaviour in relation to applications are accountable to the public. It is important that you can explain the basis for your decision.

You will need to declare personal or prejudicial interests on applications and may not be able to discuss the application or vote with the planning committee. National guidance on probity in planning is available to ensure that you understand the situations and behaviour that could be considered inappropriate or even illegal (see further information).



Conclusion

We hope that this guide has demystified planning for you. We also hope you understand how the planning system works to achieve what residents want to see in their community. Good planning requires strong plans with a clear vision for the future. The plan is used in development management to achieve the development and investment you need to make your place look like the vision set out in your plan. Sometimes that will mean saying that a development is the wrong building in the wrong place because it will not produce the right outcome.

Your specific role will vary depending on whether you are a planning portfolio holder or a backbench councillor. Either way, your role as a councillor is to represent the views and aspirations of your residents through plan development, discussions with developers or deciding on planning applications.

If you would like more detailed information on how to get involved, the Planning Advisory Service has a range of guidance and support to help you. There are training sessions for councillors that can be delivered in your council by a PAS consultant and a Local Government Group councillor peer. You may also find our discussion forums and monthly newsletter a useful way of keeping up to date with the world of planning.

Use this link to find information on the PAS website for councillors:
www.pas.gov.uk/councillors

Further information

Councillor's Guide 2011/12

Introductory resource for newly elected councillors from the Local Government Group.

Probity in planning: the role of councillors and officers

Revised guidance note on good planning practice for councillors and officers dealing with planning matters by the Local Government Group.

Planning Advisory Service resources:

Training for councillors on plan-making

In-house training covering all aspects of the plan-making process.

Councillor briefings

Presentations available for delivery or download covering: an introduction to planning, development management, localism and planning, climate change, decision-making, and probity.

Positive engagement: a guide for planning councillors

A pocket guide for planning councillors to help them navigate the probity risks in developer meetings and pre-application discussions.

Neighbourhood planning: ward councillors' guide

A guide to the basics of neighbourhood planning that explores what this level of planning means for the community and the ward councillor's role.

For more information on other PAS support and consultancy visit our website www.pas.gov.uk or contact us at pas@local.gov.uk.

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