

<b>Committee(s):</b>	<b>Date(s):</b>
Audit and Risk Management Planning and Transportation Committee	15 October 2013 5 November 2013
<b>Subject:</b> Review of Planning Governance	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Information</b>
<p><b><u>Summary</u></b></p> <p>At its meeting of 5 March 2013, your Committee agreed that a review of the Director of the Built Environment's new Processes and Procedures be undertaken after their first year of operation.</p> <p>The Committee agreed that the Review would draw on expertise from a Group of officers representing the Chamberlain, Internal Audit, Comptroller &amp; City Solicitor and the Town Clerk, and would benefit from an external perspective into the City's existing planning processes.</p> <p>As part of the Review, external opinions were sought on the matter from practitioners and stakeholders, and extensive documentation was compiled. Critical challenge was provided by Officers from outside the Department of the Built Environment as requested by the Committee.</p> <p>The Review confirmed that the City's processes were fully satisfactory and legally sound.</p> <p><b>Recommendations</b></p> <p>That the report be received and its contents noted.</p>	

## **Main Report**

### **Background**

1. At its meeting of 5 March 2013, your Committee agreed that a review of the Director of the Built Environment's new Processes and Procedures be undertaken after their first year of operation. The Terms of Reference of that Review were as follows:-

*It was proposed by the Chairman, seconded by Alderman Anstee and agreed unanimously, that:*

1. *A review of the Director of the Built Environment's new Processes and Procedures be undertaken after their first year of operation, in the context of the governance concerns expressed by Alderman Anstee.*

2. *The Town Clerk co-ordinate the review, to be presented to the Audit and Risk Management Committee, drawing on appropriate resources, including from Internal Audit, Comptroller and City Solicitor's and the Built Environment, so as not to preclude use of other expertise including (if necessary) external expertise.*
3. *Subsequent to the meeting, the Chairman and the Town Clerk agreed that the Review should be presented to the October Audit and Risk Management Committee.*

### **Current Position**

2. Alderman Anstee led on this initiative and pressed for a review. This presented an opportunity for the City to look closely at its planning processes and procedures to see whether they are professional and of an appropriate ~~standard for~~standard for the City Corporation. This review has enabled us to demonstrate that, generally, we are in a good place and this report explains in a little more detail the work that has gone into the review and the findings.
3. Following the resolution of the Audit and Risk Management Committee, the Director of the Built Environment was asked to prepare a report setting out how the new processes and procedures are working, in the context of the concerns expressed by Alderman Anstee. . He was also asked to include the arrangements for internal communication and external consultation.
4. In addition, the Director of the Built Environment and the Planning Services and Development Director arranged two meetings during the summer recess. They met Jane Smith and Tim Macer, the Chairman and Deputy Chairman of the Barbican Association, together with Dr Garth Leder, the Chairman of the Barbican Association Planning Sub Committee, to discuss the way we consult on planning applications. They also met Simon Ricketts, a partner from SJ Berwin specialising in planning, compulsory purchase and local government law, recommended by Alderman Anstee, to seek his views on our procedures.
5. A 'star chamber' meeting was arranged for the afternoon of Friday 13 September, to provide critical challenge and to review the concerns raised by Alderman Anstee.
6. The following documentation was compiled and reviewed ahead of the 'star chamber' meeting:-
  - i. Resolution from the Audit and Risk Management Committee, dated 5 March 2013
  - ii. Governance issues raised by Alderman Anstee and Tim Macer (representative from the Barbican Association), during a meeting with Internal Audit on the 28 October 2011.

- iii. Report on the Department of Built Environment planning processes and procedures.
  - iv. Pre application checklist
  - v. Pre application meeting request
  - vi. Pre application agenda
  - vii. Pre application pro-forma for recording the meeting
  - viii. Pre application practice note
  - ix. Minutes of the Meeting dated 4 September 2013 between the Director of the Built Environment and Jane Smith, Tim Macer and Dr Garth Leder from the Barbican Association.
  - x. Notes of the meeting held on the 23 August 2013 between the Director of the Built Environment and Simon Ricketts.
  - xi. Email received from Simon Ricketts on the 2 September 2013.
7. Having reviewed the above documentation, a Group of officers comprising the Chamberlain, the Comptroller and City Solicitor, the Deputy Town Clerk and Head of Audit and Risk Management met with the Director of the Built Environment and the Planning Services and Development Director to provide critical challenge. They were joined by Mike Kiely, Director of Planning and Building Control London Borough of Croydon and President of the Planning Officers' Society, to provide external challenge.
8. The report on the Department of the Built Environment planning processes and procedures set out how the system was working, prior to the changes being put in place. Prior to the new procedure being implemented the pre application meetings were less formal. Developers were inclined to submit data, such that officers could not consider it in advance and nor could all those officers who might have a view be consulted. There was also a concern raised about the time when the public is made aware of a developers' proposal. A view was expressed by objectors to schemes that the consultation stage is too late in the planning process to influence the outcome, although officers seek to anticipate these concerns, as the scheme is being developed.
9. During the challenge session, the review group of officers scrutinised the new arrangements put in place by the Director of the Built Environment and looked at how they were working: this included the Practice note for meetings with Planning Applicants, attached at Appendix 1 and the new procedures introduced, to ensure the efficient arrangements of these meetings. The group noted the revised processes were working well.

10. The group also discussed the outcome of the meeting with the Barbican Association, which emphasised that their interface with officers was good and their desire to continue to work effectively together. The Barbican Association also made some suggestions regarding how they felt the developers could improve further the consultation with them and this included arrangements for advising the Barbican Association representatives to meet planning officers on larger and more contentious applications and to be alerted about minor applications, The Department of the Built Environment agreed to add something to the supplementary guidance encouraging developers to discuss their plans with residents and to incorporate their comments into their proposals in accordance with the National Planning Policy Framework. The group also noted the informal reaction of the external planning lawyer who commented that the new pre-application checklist and practice note is good and useful.
11. The Group noted that the statutory planning process and Government guidance was designed to give developers a degree of certainty along the way and that, in general, the public was well aware of the limits within which they could raise objections to planning applications. Mr Kiely commented that, in the strictest sense, the public was ‘notified of’ rather than ‘consulted on’ planning applications.
12. Mr Kiely made observations concerning the City of London’s planning procedures and confirmed that he was fully satisfied with these from a legal point of view. Mr Kiely went on to describe the process followed by Croydon bearing in mind the different characters of the two areas, and the different political environment.
13. Other points raised as part of the session were as follows:-
  - A key aspect of the Planner’s job was to anticipate issues which might be raised by residents and other stakeholders and the purpose of pre-application meetings was to mitigate those.
  - It was underlined that pre-application discussions did not take place in a “vacuum”; planning was governed by an extensive array of planning advisory documents, policies including the Core Strategy and the Draft Local Plan, supplemented ~~by constraints~~by constraints relating to conservation areas, heights, views etc. as well as government guidance such as the National Planning Policy Framework. This context meant that the remit and character of pre-application meetings was shaped by those policies.
  - Developers valued a greater degree of certainty in the City than elsewhere given its non-party political status, and we needed to retain our high quality service.

- The City Corporation already encouraged developers to engage with the community and applications that have demonstrably benefitted from pre-application consultation are likely to be more favourably considered. The Department of the Built Environment is considering ways to ensure that residents are better informed about proposed developments, including ensuring that we have an agreed and consistent point of contact. It was added that the Draft Local Plan might be amended to reflect this.

## **Conclusion**

14. A review of how the new Planning Processes and Procedures are operating following their first year in operation has been conducted, as requested by the Audit and Risk Management Committee. External views were sought on the matter from practitioners and stakeholders, and extensive documentation was compiled. A Group of officers comprising the Chamberlain, the Comptroller and City Solicitor, the Deputy Town Clerk and the Head of Audit and Risk Management provided critical challenge as part of the Review. The Review found the City's processes to be fully satisfactory and legally sound.

## **Background Papers:**

*None*

## **Appendices**

*Appendix 1 Practice Note for meetings with Planning Applicants.*

**Contact:**

*Susan Attard | [susan.attard@cityoflondon.gov.uk](mailto:susan.attard@cityoflondon.gov.uk) | 020 7332 3724*