



Oversight and Governance

Chief Executive's Department
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CABINET

SUPPLEMENT PACK

Tuesday 15 September 2020
2.00 pm
Virtual Meeting

Members:

Councillor Evans OBE, Chair

Councillor P Smith, Vice Chair

Councillors Haydon, Coker, Dann, Lowry, Penberthy, Jon Taylor, Laing and Kate Taylor.

Members are invited to attend the above meeting to consider the items of business overleaf.

Please find enclosed additional information for your consideration under agenda item numbers 10, 11 and 13.

Tracey Lee

Chief Executive

Cabinet

10. Completed Pledge Report	(Pages 1 - 10)
11. Planning For The Future: The Governments White Paper	(Pages 11 - 26)
13. Joint Trading Standards Services	(Pages 27 - 40)

Cabinet



Date: 15 September 2020

Title of Report: **Completed Pledges Report**

Lead Member: Councillor Mark Lowry (Cabinet Member for Finance)

Lead Strategic Director: Giles Perritt (Assistant Chief Executive)

Author: Andrew Loton (Head of Governance, Performance and Risk)

Contact Email: Andrew.loton@Plymouth.gov.uk

Your Reference: P2020/Sept20

Key Decision: No

Confidentiality: Part I - Official

Purpose of Report

The administration continues with its four year programme to deliver against the 100 pledges, by March 22, for a better, greener and fairer Plymouth. Following the completion of pledges 14, 68 and 70 in August, the total number of pledges completed is 78 of the 100.

A “pledge on a page” overview has been prepared for each of the following pledges listed below:

- **Pledge 14:** Working with Network Rail, Plymouth University, Great Western Railway and Government partners, we will support the development of the new gateway project at Plymouth Train Station. This will include plans for a grand new entrance overlooking the city, a new car park and more spaces for business and retail.
- **Pledge 68:** We will work with Mayflower 400 to ensure that Plymouth is not only at the heart of national and international commemorations, but that the benefits from this year of events last long into the future, creating a legacy for the whole city, not just those communities along the waterfront.
- **Pledge 70:** We will use phone apps and digital technology to enrich the tourism experience. This will also mean that local residents can hold the keys to our city’s past in their hands.

To see a full list of pledges completed please visit our [on-line pledge board](#).

Recommendations and Reasons

- I. Cabinet are invited to note the completion of pledges 14, 68 and 70 in August 2020, bringing the total number of completed pledges to 78.

Alternative options considered and rejected

N/A

Relevance to the Corporate Plan and/or the Plymouth Plan

The 100 Pledges and manifesto priorities continue to inform development and delivery of the Corporate Plan and therefore have been adopted by the Council as part of delivery of the Corporate Plan.

Implications for the Medium Term Financial Plan and Resource Implications:

All resource implications have been considered and incorporated within the MTFP and Service Business Plans.

Carbon Footprint (Environmental) Implications:

Pledge completions complement the Council's existing policy framework with respect to the above. However, where potential environmental implications are identified from the implementation of any new activities arising from pledge delivery, assessments will be undertaken in line with the Council's policies.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

Where potential implications are identified from the implementation of any new activities arising from pledge delivery, assessments will be undertaken in line with the Council's policies.

Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12 of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Completed Pledges 14, 68 and 70							

Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
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Sign off:

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Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)

Please confirm the Strategic Director(s) has agreed the report? Yes
Date agreed: 09/09/2020

Cabinet Member signature of approval: Approved verbally
Councillor Mark Lowry



Date: 09/09/2020

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FOR KEEPING PLYMOUTH ON THE MOVE

Pledge 14 – Support the development of the gateway project at Plymouth Train Station

What we said we would do: Working with Network Rail, Plymouth University, Great Western Railway (GWR) and Government partners, we will support the development of the new gateway project at Plymouth Train Station. This will include plans for a grand new entrance overlooking the city, a new car park and more spaces for business and retail.

What we wanted to achieve: We recognised that the successful regeneration of the city's train station and the area around it could only be achieved if we worked with Network Rail, GWR and the University of Plymouth. Each of these parties have an important stake in the project and a critical role to play in its delivery. We therefore wanted to set up an effective governance structure for the project that would help all of the parties to work together. We also needed to agree to a number of property deals that would release land for development, and we needed to secure internal and external funding to ensure that the project is financially viable.

What we have done: We have set up a governance structure, which has ensured that the key stakeholders have remain engaged and have understood what is required to deliver the project, including a quarterly Steering Board and a monthly Executive Group. In July 2019 we carried out public consultation on a draft masterplan for the site and this has been incorporated within a formal Site Planning Statement, published by the Local Planning Authority. The masterplan includes the refurbishment of InterCity House by the University of Plymouth to provide a new teaching facility, improvements to the station concourse, a multi-storey car park, public realm improvements, a hotel, a new pedestrian link to the city centre, and a second university building. On 31 July 2020 the University of Plymouth completed a long lease of InterCity House, having already obtained planning consent for its change of use. At the same time Plymouth City Council exchanged contracts with Network Rail on a series of land deals that will see the release of land to the east of InterCity House for the construction of a new multi-storey car park. When that is completed Network Rail will transfer the existing car park to the Council for demolition and redevelopment. We have also secured the provision of funding for the project including £4.79m from the Heart of the South West Local Enterprise Partnership; £500,000 from Cornwall Council and the Cornwall and Isles of Scilly Local Enterprise Partnership; £2.7m from the Department of Transport's Transforming Cities Fund; and over £20m from Plymouth City Council. This funding has already helped to relocate services within the station so that InterCity House could be emptied prior to the University taking it over. Work has also started on the relocation of GWR's driver training simulator and improvements to the station concourse.

What's next: GWR will complete the relocation of the driver training simulators later in 2020 and will continue the concourse improvement works, the final phase of which are expected to be finished in early 2022. GWR will also be providing a new building for its staff accommodation. The University of Plymouth will refurbish InterCity House and open it to students in September 2022. Meanwhile, Plymouth City Council will progress designs for improvements to the public realm and a new multi-storey car park so that work on these can start in late 2022. The Council will also continue its delivery of public realm improvements at North Cross to improve the link between the station and the city centre, including new planting, artwork and signage. The existing car park will be demolished in late 2024 in order to make way for a new hotel, pedestrian link and university building.

Find out more!

Here are some news stories about our work to deliver the pledge:

<http://plymouthnewsroom.co.uk/plymouth-railway-station-look-like/>

<http://plymouthnewsroom.co.uk/plans-create-new-gateway-plymouth-railway-station-set-green-light/>



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FOR A SAFER, WELCOMING CITY

Pledge 68 – Mayflower 400

What we said we would do: We will work with Mayflower 400 to ensure that Plymouth is not only at the heart of national and international commemorations, but that the benefits from this year of events last long into the future, creating a legacy for the whole city, not just those communities along the waterfront.

What we wanted to achieve: Profile Plymouth on a national and international stage as a historic, cultural and modern ocean city that leads a national and international commemoration. We also wanted to engage Plymouth residents from across the city and across different communities.

What we have done: We have received extensive national and international coverage, pre-pandemic, showing Plymouth as a leading destination to visit and leader of the cultural programme, including over 3,000 news items with a value of over £6 million. With partners, we have created a cultural programme of events that will deliver through 2020-21, with funding support from Arts Council England and other grant funders. This programme will explore in many different ways and from many different perspectives all aspects of the Mayflower history, and it is centred in Plymouth. We have supported and co-funded 60 'M400 Community Sparks' projects spread across all parts of the city and across diverse communities of identity and interest. A programme of capital works that have been completed or are completing imminently includes:

- Restoration of the Mayflower Steps monument and West Pier.
- Repairs and improvements of the Barbican streets and pavements.
- New Mayflower heritage trail installed, and other city trails launched, completing the national Mayflower 400 trail.
- Elizabethan House restoration being completed.
- New brown signage and restored walking signage.

Other achievements include the delivery of a cruise marketing programme, re-establishing Plymouth as a cruise destination, and leveraging of a further £8 million through grant funding and sponsorship. We have established iMayflower – a city programme extending beyond 2020 to engage more than 3,000 people through an exciting programme of workshops, events and courses, supporting more than 200 businesses and creating nearly 350 jobs. Events for future repeats have also been established, including the Marine Tech Expo and Illuminate.

What's next: The Box will open at the end of September with the lead national Mayflower 400 exhibition 'Legends & Legacy' and the 'Look II' statue by Anthony Gormley. The historic date of the 16 September will be marked with a live event for remote viewing and a digital broadcast. The programme of events and performances will run through from September 2020 to August 2021, culminating in the Mayflower 400 International Festival including the Mayflower Muster and the Four National Ceremony. A programme evaluation will be completed by the University of Plymouth.

Find out more!

Here is a link to the Mayflower 400 site for more information about the programme and trails:

<https://www.Mayflower400uk.org>



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FOR A SAFER, WELCOMING CITY

Pledge 70 – Use phone apps and digital technology to enrich the tourism experience

What we said we would do: We will use phone apps and digital technology to enrich the tourism experience. This will also mean that local residents can hold the keys to our city's past in their hands.

What we wanted to achieve: Deliver the Plymouth Trails project complete with three newly developed trails, an engagement programme, and a free walking app for tourists and locals. These trails would open up Plymouth's heritage and link both to tourist attractions and to other heritage offers in the city, including The Box, Smeaton's Tower and the Elizabethan House. The three newly developed trails were to be the Mayflower Trail, City Centre Trail and the Hoe Trail.

What we have done: Initial development of the new trails started in 2018 with core research being carried out by Cornerstone Praxis (part of the University of Plymouth) and multiple consultations on the routes. The engagement programme, funded by the National Lottery Heritage Fund (NLHF), saw continued consultation with volunteers and partners across the city, including Plymouth College of Art and community groups via Theatre Royal Plymouth. This shaped the content and style of the three core trails, with additional research and content development taking place throughout the project until June 2020. The engagement programme also increased the accessibility of the trails, in collaboration with PADAN (Plymouth Area Disability Action Network), with numerous dropped kerbs, added seating and improved facilities, plus dedicated booklets and alternative routes. Children's activity pages and school resources were created for the three core trails, all of which are available to download free of charge. Local groups were consulted in this process, including Arts Society South Devon and local teachers. The NLHF funding also enabled the delivery of three Mayflower murals – one on the Barbican and two in the wider community; Leigham and Ford.

Plymouth Trails was launched in July 2020 and is [available to download for free from both the App Store and Play Store](#), containing the three core trails and three partner trails. The partner trails include the American Tree Trail (in collaboration with Plymouth Tree Partnership), Sutton Harbour Heritage Trail (from Sutton Harbour Company) and the Waterfront Walkway (South West Coast Path). The app unveils Plymouth's heritage using real-time maps, text, historical images, videos, image overlay and audio guides. The audio guide element was voiced by a local woman, selected from an open call for an authentic Plymouth voice. Within the app, the three core trails are also available in French, Spanish and German. As of 31 August 2020 the app had 2,045 users. The Mayflower Trail was also delivered via bronze monoliths and in-ground markers on the Barbican. Throughout the project, the intention was to work with local suppliers and groups, including artists, designers, translators and recording studios.

What's next: Generating further downloads and adding more trails to the offer. This will extend the reach of the app past the city centre and waterfront, to the north of the city and to other areas such as Devonport. It will also work to widen the type of trail available for tourists (i.e. art, nature, heritage). New potential trails and content include the Cooperative Way, the Devonport Heritage Trail, Women in Plymouth, Royal William Yard, and a Heritage Locator, among many more.

Find out more!

Here are some news stories about our work to deliver the pledge:

<https://www.visitplymouth.co.uk/visitor-information/news/2020/7/20/new-app-set-to-take-you-on-a-journey-through-plymouth-s-past-a3698>

<https://www.visitplymouth.co.uk/visitor-information/news/2020/8/28/audio-now-available-on-the-plymouth-trails-app-a3709>

https://www.facebook.com/watch/live/?v=1614332578745739&ref=watch_permalink



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Cabinet



Date of meeting: 15 September 2020

Title of Report: **“Planning for the Future” White Paper**

Lead Member: Councillor Mark Coker (Cabinet Member Strategic Planning and Infrastructure)

Lead Strategic Director: Anthony Payne (Strategic Director for Place)

Author: Paul Barnard, Service Director for Strategic Planning & Infrastructure

Contact Email: paul.barnard@plymouth.gov.uk

Your Reference: service management/government consultations/PWP/200915Final

Key Decision: Yes

Confidentiality: Part I - Official

Purpose of Report

The report summarises the Government’s proposals set out in the “Planning for the Future” White Paper published on 06 August 2020 which, if carried forward into the necessary primary and secondary legislation, alongside the required changes to accompanying national planning guidance, represent the most radical changes to the planning system since its creation in the 1947 Town and Country Planning Act. The report summarises the implications of the 24 proposals set out in the White Paper for the future planning of Plymouth.

The report concludes that the proposed changes are, from a local authority perspective, profoundly undemocratic; seek to centralise more planning decisions, thereby severely limiting the ability of local people to effectively influence the planning of their city and neighbourhoods, and inappropriately continues to deregulate aspects of planning control which deliver important planning outcomes for the city. The report finds that the Planning White Paper misses a once-in-a-generation opportunity to place the climate emergency at the heart of the English planning system and are likely to lead to increased inequalities across the country through an unfair distribution of resources that favours London, the South East and other higher value areas. Furthermore, although the White Paper includes some interesting ideas, there is a dearth of information on key proposals and so it is unclear whether or not they are even achievable and at what cost. The report provides the framework for the City Council’s detailed response to the consultation on the Planning White Paper, the deadline for which is 29 October 2020.

Recommendations and Reasons

It is recommended that Cabinet:

1. Instruct the Service Director for Strategic Planning & Infrastructure to incorporate the concerns and objections to the Government's "Planning for the Future" White Paper as set out in the report, in consultation with the Cabinet Member for Strategic Planning and Infrastructure.

Reason: To ensure that the views of Cabinet are reflected in the final consultation response.

2. Instruct the Leader to raise the concerns and objections to the "Planning for the Future" White Paper set out in the report with local Members of Parliament.

Reason: Given the need for primary and secondary legislation to give effect to a number of proposals contained in the "Planning for the Future" White Paper, to ensure that local Members of Parliament are reflecting the City Council's concerns through any subsequent legislative processes that seek to give effect to the proposals.

Alternative options considered and rejected

1. Do nothing – this was rejected given the fundamental implications the proposals contained in the "Planning for the Future White Paper" will have on the future planning of Plymouth.

2. Respond differently to the Planning White Paper Proposals – this was rejected as all the proposals have been carefully assessed by officers and the key issues set out in this report reflect the concerns these proposals will have on the future planning of the city.

Relevance to the Corporate Plan and/or the Plymouth Plan

Several elements of the Planning White Paper are likely to mean that the delivery of the city's vision for Plymouth to be a vibrant waterfront city would be compromised. The proposals could lead to an unfair distribution of infrastructure and affordable housing funding across the country and remove the local tools such as Section 106 Agreements that can be used to support city objectives. Additionally, the proposed deregulation and centralised control which would follow from implementation of the new planning system would significantly erode the capacity of local authorities to determine their own future. Responding to the Planning White Paper gives effect to the City Council's values, most notably in relation to providing strong community leadership. In relation to the priorities of a "growing city" and a "caring council" and the vision and strategy set out in the Plymouth Plan, a number of aspects of the proposals set out in the Planning White Paper are likely to curtail the ability of the City Council and its partners to achieve these desired outcomes for the people of the city. At its meeting on 16 December 2019 the City Council resolved to: "Undertake an early review of the Plymouth Plan with city partners in order to ensure that the plan responds to the climate emergency and the commitments set out in the Climate Emergency Action Plan". That review work is well underway, and although this will be completed ahead of any legislative change that will be necessary to give effect to a number of the proposed reforms within the Planning White Paper, these changes are likely to result in a loss of control for how key local actions to deliver the climate emergency can be implemented. Nevertheless, there will be a continuing need for a single, integrated policy framework like the Plymouth Plan to achieve the desired decarbonisation outcomes for the city.

Implications for the Medium Term Financial Plan and Resource Implications:

The Planning White Paper indicates that in developing the final proposals for the new system a “comprehensive resources and skills strategy for the planning sector” will be developed. The proposals set out in the Planning White Paper, if taken forward by the Government, are likely to have significant implications for how planning services are funded in the future. Given the significant increase in the scope and role of local plans and design in the planning process, alongside the implied reductions in the need to apply for planning permission arising from the hybrid zonal approach being advocated, it is unlikely that planning application fees will achieve the levels currently budgeted. Because the Planning White Paper has yet to set out the details of precisely how the proposed new system is to be funded, other than to say that planning fees will continue to be set nationally, alongside some other funding options, the longer term financial implications for the future delivery of planning and related functions remain unclear.

Carbon Footprint (Environmental) Implications:

The proposals contained in the Planning White Paper are inconsistent with the declaration of a Climate Emergency by the City Council on 18 March 2019 and, due to the lack of detail regarding climate change it contains, are unlikely to therefore assist with the delivery of the existing commitments on moving towards net zero by 2030 set out in the Corporate Carbon Reduction Plan (2019 – 2021) and the Climate Emergency Action Plan 2019: Moving Towards Carbon Neutrality. The Planning White Paper proposals envisage a more targeted and limited role for “a reformed planning system in mitigating and adapting to climate change” – as opposed to addressing the root causes of climate change and proposing proactive measures and integrated policies to assist with decarbonising key areas of human activity; alongside further deregulatory measures to advance “changes with a simpler, effective approach to assessing environmental impacts” which may well constrain the existing low carbon policy framework already established in both the adopted Plymouth and South West Devon Joint Local Plan and the Plymouth Plan.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

None directly arising from the report.

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Planning White Paper Briefing Report							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
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Sign off:

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Originating Senior Leadership Team member: Paul Barnard, Service Director for Strategic Planning & Infrastructure											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 09/09/2020											
Cabinet Member approval: Councillor Mark Coker, Cabinet Member for Strategic Planning and Infrastructure											
Date approved: 09/09/2020											

“PLANNING FOR THE FUTURE” WHITE PAPER BRIEFING REPORT



I.0 Introduction

- I.1 On 06 August 2020 the Government published “Planning for the Future”, its White Paper setting out a wide ranging set of fundamental reforms to the planning system.
- I.2 The Planning White Paper sets out 24 specific proposals under 3 “pillars” of reform:
- Planning for Development.
 - Planning for Beautiful and Sustainable Places.
 - Planning for Infrastructure and Connected Places.
- I.3 The 1947 Town and Country Planning Act, which essentially nationalised the right to develop land, and created the concept of local planning authorities working to a plan for their areas provides the foundation for the planning system that exists today, despite numerous reforms in every decade since its inception. The planning system has always been a discretionary system rather than a zonal rules-based system, of the type that exists in various forms around the world, allowing decisions on individual proposals to be tested against the policy framework set out usually in a local plan, but ultimately considered on its individual merits. The planning system has, on the whole, enabled England to respond to the various societal, economic and environmental challenges of a changing society over the last 70-odd years. The planning system created by the 1947 Act is inherently locally democratic and acts in the wider public interest. Although the system in England, compared to almost every other liberal democracy has always been heavily centralised, the basis of the system has always been predicated on democratically elected members and professionally qualified planning officers together comprising the Local Planning Authority working with local communities to plan for the future of their areas. However, that is not how the Government sees the planning system in the Planning White Paper, describing it as “a relic” from the 20th century, “outdated, and ineffective”, and “artificially constraining the potential of the country”. Indeed, the White Paper suggests that “thanks to the planning system, we now have nowhere near enough homes in the right places”.
- I.4 The basis for the Government’s approach is that, as it sees it, there are 9 fundamental problems with the current planning system:
- It is too complex.
 - Planning decisions are discretionary rather than rules-based.
 - It takes too long to adopt a Local Plan.
 - Assessments of housing need, viability and environmental impacts are too complex and opaque.
 - It has lost public trust.
 - It is based on 20th-century technology.

- The process for negotiating developer contributions to affordable housing and infrastructure is complex.
- There is not enough focus on design.
- It does not lead to enough homes being built.

1.5 The Government therefore proposals a 9-point new vision for the planning system to:

- Be more ambitious for the places we create.
- Move democracy forward in the planning process and give neighbourhoods and communities an earlier and more meaningful voice.
- Improve the user experience of the planning system.
- Support home ownership.
- Increase the supply of land.
- Help businesses to expand with readier access to commercial space.
- Support innovative developers and house builders.
- Promote the stewardship and improvement of our precious countryside and environment.
- Create a virtuous circle of prosperity.

1.6 The planning system has become complex, but this is not as a consequence of local community engagement in the planning system; rather it is caused by governments who have tinkered with the legislative framework and created layer upon layer of new challenges for Local Planning Authorities to overcome. However, many authorities such have Plymouth have been able to perform well even in this complex system, delivering sufficient homes and driving regeneration. The Planning White Paper contains no compelling evidence that the entire system needs to be replaced with a fundamentally different system which has no clear overarching legal purpose or governance.

1.7 The Government – wrongly – see planning being about regulation and control rather than about place-shaping and being locally democratically accountable to local residents and business needs; and many of its proposals seem to be driven by this negative view, with a focus on procedural problems often the result of previous Government reforms, with an emphasis on speed and housing delivery at the expense of democratic process and the wider role of planning in delivering sustainable communities. Whilst exhortations are for a system that is “simpler, clearer and quicker to navigate”, that “makes it harder for developers to dodge their obligations”, and which gives local people “a greater say about what gets built” are hard to argue with, it is considered the actual proposals set out in the Planning White Paper will fall far short of these stated outcomes.

2.0 Pillar I: Planning for Development

2.1 Pillar I of the Planning White Paper brings forward 10 specific proposals to fundamentally change the current planning system from one based on discretionary local decision-making, with the acceptability of development proposals being based pre-eminently (unless other material planning considerations indicate otherwise) on the policies and proposals of a Local Plan, to one that is streamlined, rationalised and simplified to a new hybrid style zonal system. “The starting point for an effective planning system”, the Planning White Paper argues, “is to establish a clear and predictable basis for the pattern and form of development in an area”.

This leads the Government to assert that “in places like Japan, the Netherlands and Germany where plans give greater certainty” that a system of permitting up front the principle of development through new style local plans automatically granting outline permission would be more effective.

2.2 The specific proposals in the Planning White Paper under this pillar are:

PROPOSAL 1: THE ROLE OF LAND USE PLANS SHOULD BE SIMPLIFIED. WE PROPOSE THAT LOCAL PLANS SHOULD IDENTIFY THREE TYPES OF LAND – GROWTH AREAS SUITABLE FOR SUBSTANTIAL DEVELOPMENT, RENEWAL AREAS SUITABLE FOR DEVELOPMENT, AND AREAS THAT ARE PROTECTED.

PROPOSAL 2: DEVELOPMENT MANAGEMENT POLICIES ESTABLISHED AT NATIONAL SCALE AND AN ALTERED ROLE FOR LOCAL PLANS.

PROPOSAL 3: LOCAL PLANS SHOULD BE SUBJECT TO A SINGLE STATUTORY “SUSTAINABLE DEVELOPMENT” TEST, REPLACING THE EXISTING TESTS OF SOUNDNESS.

PROPOSAL 4: A STANDARD METHOD FOR ESTABLISHING HOUSING REQUIREMENT FIGURES WHICH ENSURES ENOUGH LAND IS RELEASED IN THE AREAS WHERE AFFORDABILITY IS WORST, TO STOP LAND SUPPLY BEING A BARRIER TO ENOUGH HOMES BEING BUILT. THE HOUSING REQUIREMENT WOULD FACTOR IN LAND CONSTRAINTS AND OPPORTUNITIES TO MORE EFFECTIVELY USE LAND, INCLUDING THROUGH DENSIFICATION WHERE APPROPRIATE, TO ENSURE THAT THE LAND IS IDENTIFIED IN THE MOST APPROPRIATE AREAS AND HOUSING TARGETS ARE MET.

PROPOSAL 5: AREAS IDENTIFIED AS GROWTH AREAS (SUITABLE FOR SUBSTANTIAL DEVELOPMENT) WOULD AUTOMATICALLY BE GRANTED OUTLINE PLANNING PERMISSION FOR THE PRINCIPLE OF DEVELOPMENT, WHILE AUTOMATIC APPROVALS WOULD ALSO BE AVAILABLE FOR PRE-ESTABLISHED DEVELOPMENT TYPES IN OTHER AREAS SUITABLE FOR BUILDING.

PROPOSAL 6: DECISION-MAKING SHOULD BE FASTER AND MORE CERTAIN, WITH FIRM DEADLINES, AND MAKE GREATER USE OF DIGITAL TECHNOLOGY.

PROPOSAL 7: LOCAL PLANS SHOULD BE VISUAL AND MAP-BASED, STANDARDISED, BASED ON THE LATEST DIGITAL TECHNOLOGY, AND SUPPORTED BY A NEW TEMPLATE.

PROPOSAL 8: LOCAL AUTHORITIES AND THE PLANNING INSPECTORATE WILL BE REQUIRED THROUGH LEGISLATION TO MEET A STATUTORY TIMETABLE FOR KEY STAGES OF THE PROCESS, AND WE WILL CONSIDER WHAT SANCTIONS THERE WOULD BE FOR THOSE WHO FAIL TO DO SO.

PROPOSAL 9: NEIGHBOURHOOD PLANS SHOULD BE RETAINED AS AN IMPORTANT MEANS OF COMMUNITY INPUT, AND WE WILL SUPPORT COMMUNITIES TO MAKE BETTER USE OF DIGITAL TOOLS.

PROPOSAL 10: A STRONGER EMPHASIS ON BUILD OUT THROUGH PLANNING.

- 2.3 It is naïve of Government to think that a planning system could ever function in the public interest for the wider benefit of society without the ability for case by case judgments, as circumstances inevitably vary and there can be no effective one-size-fits all. There is always a balance to be struck between the need for certainty and the need for flexibility to reflect changing circumstances. Whilst greater certainty on the principle of development would be provided through a revised role for Local Plans granting outline planning permission (as opposed to Permission in Principle) the proposed three standard classifications set out in Proposal 1 are being used to remove democratic consideration later in the planning process which effectively will disfranchise communities despite the claims of the Planning White Paper to the contrary. Plymouth City Council, working with partners, has already used very effective community engagement processes and within the current legislative requirements sought to maximise the use of interactive technologies but again this cannot justify the substitution of appropriate democratic oversight of subsequent planning issues of legitimate concern to local communities. The City Council should therefore strongly object to Proposal 1.
- 2.4 The current system of examination of local plan policies already mitigates against the duplication and replication of national policy issues so in reality Proposal 2 removes all local distinctiveness in policy making and centralises all non-site-specific issues.
- 2.5 Proposal 3 effectively seeks to correct the bureaucratic process which have inhibited creative plan-making in the last 10 years including abolishing the failed duty to cooperate.
- 2.6 Somewhat ironically, in light of the abolition of the Regional Spatial Strategies by the previous Coalition Government, the housing standard methodology set out in Proposal 4 centralises control of setting local housing targets, with Whitehall, using processes and procedures that the Planning White Paper is silent on, to make judgements about local environmental constraints rather than Local Plans based upon the preparation of a clear evidence base allowing local councillors to make those judgements. The Planning White Paper appears to suggest a permissive strategic planning approach but with no legislative provisions to secure the proper provision and consideration of cross-border issues that are best assessed on a wider functional spatial level, so as to ensure sound strategic planning and policy interventions to deliver sustainable patterns of development.
- 2.7 Under Proposal 5 “there would be no need to submit a further planning application to test whether the site can be approved”, with different consent regimes dealing with tightly defined very technical matters in the growth and renewal areas, but in protected areas this being determined through a planning application process as it is now. It is clear is that what is intended by the Planning White Paper is a much more constrained role for the Planning Committee who would only deal with exception issues in the growth and renewal areas. The Planning White Paper is quite explicit about limiting the future role of elected councillors in this respect by stating that the Government intends to achieve its streamlining objectives by proposing “the delegation of detailed planning matters to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgement”. This fails to understand the importance of openness and probity within the planning system. It also fails to understand the importance of local councillors who are elected amongst other reasons to formulate and pursue planning policies on behalf of local residents. This involves exercising a formal scrutiny and challenge function as well as representing legitimate concerns and issues raised by local people – as opposed to these being raised with unelected officers.

- 2.8 Proposal 6 seeks to further streamline planning processes, and whilst the modernisation of procedures could potentially be welcomed, the thrust of the reforms is to place speed of decision-making above achieving sustainable planning outcomes for local communities. The Planning White Paper also proposes sanctions on the Local Planning Authority if mandatory time periods are not met, with planning fees having to be returned and consent automatically granted. The City Council should object to these measures.
- 2.9 Proposal 7 has the potential to be supported provided that issues of digital exclusion and the resourcing implications are addressed as a clear map-based approach to development proposals has been the approach Plymouth has taken over many decades in the plans it has prepared.
- 2.10 The Planning White Paper states that the average time taken from plan publication to adoption rose from 450 days in 2009 to 815 days in 2019. There is a very clear reason for this. The government decided to abolish the flexible local development framework process and introduced the National Planning Policy Framework and its inflexible tests of soundness. Under the local development framework system Plymouth managed to adopt 8 Development Plan Documents in just three years, with its Core Strategy moving from Regulation 18 to adoption in just 25 months. In the era of the National Planning Policy Framework the evidence base requirements for plans were massively ratcheted up, because planning inspectors became highly risk averse to the ever-present risk of legal challenge. Plymouth City Council, South Hams District Council and West Devon Borough Council signed a Collaboration Agreement to undertake a Joint Local Plan in May 2016 and 35 months later the Plymouth and South West Devon Joint Local Plan had been adopted. It took 20 months from submission of the plan to the Planning Inspectorate to receipt of the inspector's final report. In other words 57% of the overall time for plan preparation was taken up in seeking Government approval for the plan! Proposal 8 therefore sets out a binding period of 30 months, with sanctions if Local Planning Authorities do not meet this requirement, including direct intervention by the Secretary of State to take over a council's Local Plan. In addition the Planning White Paper suggests removing the automatic right to be heard at a public examination before the Planning Inspector and potentially removing the examination process altogether. This is contrary to the right to be heard set out in Section 20(6) of the 2004 Planning and Compulsory Purchase Act and despite the claims of the Planning White Paper to enhance community engagement actually would disenfranchise local people from planning processes. The City Council should strongly oppose this.
- 2.11 Proposal 9 proposes the continuation of neighbourhood plans which can be a positive tool for local communities to mobilise to create a clear vision for their area. However the experience in Plymouth has been that with an up to date Joint Local Plan, and supporting details in Supplementary Planning Documents, few neighbourhood plans have come forward because of the extensive community engagement approaches the City Council has taken. The status of neighbourhood plans and its relationship with the proposed hybrid zonal approach set out in the Planning White Paper is unclear because of the absence of detail.
- 2.12 Proposal 10 seeks to deal with the fact that developers are failing to implement the planning consents for houses that have been granted by Local Planning Authorities but there is nothing in what is proposed that breaks the relationship between slow delivery by developers and 'low absorption rates' – the capacity of a local housing market for new home sales in a given time

period. The Planning White Paper provides no evidence that the existing planning system holds up the building of new homes, rather than the dominant position of the major house builders working to shareholder imperatives. Once again planning is seen as the problem, inhibiting the unfettered approach of the market. The Local Government Association estimate that nationally there are over 1 million homes consented which have not been built. As at April 2020, there were 4,183 dwellings with planning permission yet to commence construction. In the last 5 years, 98% of major planning applications were determined within the statutory time period in Plymouth, and 99% of these were approved. It is not planning that is the problem it is the failure of the Planning White Paper to address the complex barriers to delivering housing, tackle the vested interests of the major house builders, and listen to its own commissioned evidence from the Letwin Review on build out rates.

3.0 Pillar 2: Planning for Beautiful Places

3.1 Pillar 2 of the Planning White Paper brings forward 8 specific proposals that seek to give effect to the recommendations of the Building Better, Building Beautiful Commission in order to “set clear expectations for the form of development which we can expect to see in different locations”. Of course creating genuinely sustainable places is not just about beauty but dealing effectively with wider locational and design issues that go beyond the architectural appearance of buildings, so that important biodiversity, natural environment and sustainability considerations can meaningfully be addressed, which are vital to the decarbonisation of housing to meet climate change objectives.

3.2 The specific proposals in the Planning White Paper under this pillar are:

PROPOSAL 11: TO MAKE DESIGN EXPECTATIONS MORE VISUAL AND PREDICTABLE, WE WILL EXPECT DESIGN GUIDANCE AND CODES TO BE PREPARED LOCALLY WITH COMMUNITY INVOLVEMENT, AND ENSURE THAT CODES ARE MORE BINDING ON DECISIONS ABOUT DEVELOPMENT.

PROPOSAL 12: TO SUPPORT THE TRANSITION TO A PLANNING SYSTEM WHICH IS MORE VISUAL AND ROOTED IN LOCAL PREFERENCES AND CHARACTER, WE WILL SET UP A BODY TO SUPPORT THE DELIVERY OF PROVABLY LOCALLY-POPULAR DESIGN CODES, AND PROPOSE THAT EACH AUTHORITY SHOULD HAVE A CHIEF OFFICER FOR DESIGN AND PLACE-MAKING.

PROPOSAL 13: TO FURTHER EMBED NATIONAL LEADERSHIP ON DELIVERING BETTER PLACES, WE WILL CONSIDER HOW HOMES ENGLAND'S STRATEGIC OBJECTIVES CAN GIVE GREATER EMPHASIS TO DELIVERING BEAUTIFUL PLACES.

PROPOSAL 14: WE INTEND TO INTRODUCE A FAST-TRACK FOR BEAUTY THROUGH CHANGES TO NATIONAL POLICY AND LEGISLATION, TO INCENTIVISE AND ACCELERATE HIGH QUALITY DEVELOPMENT WHICH REFLECTS LOCAL CHARACTER AND PREFERENCES.

PROPOSAL 15: WE INTEND TO AMEND THE NATIONAL PLANNING POLICY FRAMEWORK TO ENSURE THAT IT TARGETS THOSE AREAS WHERE A REFORMED PLANNING SYSTEM CAN MOST EFFECTIVELY PLAY A ROLE IN MITIGATING AND ADAPTING TO CLIMATE CHANGE AND MAXIMISING ENVIRONMENTAL BENEFITS.

PROPOSAL 16: WE INTEND TO DESIGN A QUICKER, SIMPLER FRAMEWORK FOR ASSESSING ENVIRONMENTAL IMPACTS AND ENHANCEMENT OPPORTUNITIES, THAT SPEEDS UP THE PROCESS WHILE PROTECTING AND ENHANCING THE MOST VALUABLE AND IMPORTANT HABITATS AND SPECIES IN ENGLAND.

PROPOSAL 17: CONSERVING AND ENHANCING OUR HISTORIC BUILDINGS AND AREAS IN THE 21ST CENTURY.

PROPOSAL 18: TO COMPLEMENT OUR PLANNING REFORMS, WE WILL FACILITATE AMBITIOUS IMPROVEMENTS IN THE ENERGY EFFICIENCY STANDARDS FOR BUILDINGS TO HELP DELIVER OUR WORLD-LEADING COMMITMENT TO NET-ZERO BY 2050.

- 3.3 Proposal 11 demonstrates a very narrow focus on housing and architectural design matters. There is little evidence to suggest that sustainability is at the heart of the Planning White Paper as the focus seems to be on the speed of decisions. The Planning White Paper has missed a once-in-a-generation opportunity to put sustainability and the climate emergency right at the heart of a reformed planning system. In support of the related proposals to front load community engagement at the Local Plan stage, and limit the role of elected councillors in what are seen as subsequent technical matters, the Planning White Paper requires Local Planning Authorities to prepare, in consultation with local communities, local design codes which would be binding. This has obvious resource implications but in the absence of local codes, the National Design Guide, National Model Design Code and a revised Manual for Streets – all produced centrally – will prevail. So, whilst the City Council already has a good track record of engaging local communities in design coding, master planning, and planning for real-type processes (for example in relation to the regeneration of Devonport, North Prospect and Sherford) in reality these proposals again seek to centralise control whilst purporting to give more power to local communities.
- 3.4 Having abolished the Commission for Architectural and the Built Environment as part of the “bonfire of the quangos” in 2011, the Government now propose the creation of a new body to deliver “locally-popular design codes”. How this will interface with Local Planning Authorities is unclear as the Planning White Paper indicates that it will consult further in the autumn on further changes to the National Planning Policy Framework to reflect the recommendations of the Building Better, Building Beautiful Commission. The City Council has a long track record of utilising Design Review Panels and its own in-house urban design expertise to ensure that design considerations are an integral part of the planning process. Proposal 12 also suggests that a Chief Officer for Design and Place-making should be established as a statutory role.
- 3.5 Proposal 13 suggests that Homes England’s strategic objectives should be modified to give greater weight to delivering beautiful places. However this must not be at the expense of other key policy objectives – such as achieving policy-compliant levels of affordable housing or securing low carbon outcomes.
- 3.6 Proposal 14 proposes a “fast track for beauty”, the objective being to “incentivise attractive and popular developments”. This would be achieved by changes to the National Planning Policy Framework, legislating for master plans and codes to be agreed as a condition attached to a Permission in Principle (not a further detailed planning application) and by further legislation that “enables popular and replicable forms of development to be approved easily and quickly,

helping to support ‘gentle intensification’ of our towns and cities”. There are significant concerns regarding the deregulatory nature of these proposals, especially concerning the use of permitted development rights and “pattern book” approaches. A “fast track for beauty” should rely on the local authority having confidence in the design proposal for a site creating a genuinely sustainable outcome rather than the speed at which an application is determined. The planning system should be efficient but it should also support due diligence in assessing development proposals which, once approved, will impact on local communities for decades to come.

- 3.7 Proposal 15 contains a woefully inadequate understanding of the role that planning can play in addressing the climate emergency: it is about far more than views, public access, renewable energy and woodland issues. The whole pattern of development (its layout, orientation, mix of uses, infrastructure, the end-to-end process of construction, (such as use of materials and their sourcing, construction waste management and future adaptability), and the overall approach to transport and other infrastructure, are all key factors which the Planning White Paper overlooks.
- 3.8 Proposal 16 proposes the streamlining of processes for assessing environmental impacts including those related to protected habitats and species, including making processes such as Strategic Environmental Assessment, Sustainability Appraisal and Environmental Impact Assessments simpler and removing duplication. Despite the suggestion that the emerging Environment Bill will strengthen these protections now that the UK has left the European Union from which many of these regulations derive, there is a concern that the overriding philosophy is one of deregulation rather than ensuring the new planning system will genuinely have the tools and methods of assessment to provide the necessary environmental safeguards.
- 3.9 Proposal 17 seeks to define the climate issues in relation to the need to allow for adaptation of historic buildings in response to the climate emergency. Historic environment considerations have a unique status in planning decisions because the weight afforded to them as a material planning consideration in primary legislation and through established case law. The City Council should also oppose the suggestion in the Planning White Paper that “suitably experienced architectural specialists can have earned autonomy from routine listed building consents”. This effectively privatises the determination of some listed building consent applications and removes those applications from Local Planning Authority scrutiny.
- 3.10 The changes reflected in Proposal 18 seem to be driven mainly by a desire for speed and improving the appearance of buildings, as well as supporting private developers through the removal of requirements to provide community benefits. If there is one issue more than any other that should justify a complete reform of the planning system it is surely the climate emergency, and the opportunity to link many of the proposals that are about simplifying and speeding development up to net zero developments. However there is a complete lack of ambition in the Planning White Paper in relation to climate issues. The position regarding the implementation date for the proposed Future Homes Standard remains unclear. It is understood that in the autumn Government will introduce transitional measures from 2020 to reduce emissions by 31% as a first step towards the Future Homes Standard of 75-80% lower emissions (known as ‘zero carbon ready’) by 2025 and net zero emissions by 2050. It is also unclear how delivery, monitoring and enforcement of these measures are to be financed.

4.0 Pillar 3: Planning for Infrastructure and Connected Places

4.1 Pillar 3 of the Planning White Paper brings forward 6 specific proposals to address the “uncertain and opaque” current approach to planning obligations, which have been “inflexible in the face of changing market conditions”. Whilst the existing Community Infrastructure Levy and Section 106 regimes are flawed, being overly complex, open to gaming by developers who regularly use viability assessments to by-pass evidenced and legitimate planning policy and infrastructure requirements, especially in relation to the provision of much-needed affordable housing, the new proposals contain insufficient detail in relation to a nationally set Infrastructure Levy to be supported. Whilst there are strong theoretical advantages to a consistent land value capture approach arising from the uplift in values brought about by the exercise of public planning policy through the grant of a planning permission, as was originally envisaged by the betterment provisions that were a central part of the 1947 Town and Country Planning Act, the centralised approach advocated is likely to significantly disadvantage lower value areas such as Plymouth.

4.2 The specific proposals in the Planning White Paper under this pillar are:

PROPOSAL 19: THE COMMUNITY INFRASTRUCTURE LEVY SHOULD BE REFORMED TO BE CHARGED AS A FIXED PROPORTION OF THE DEVELOPMENT VALUE ABOVE A THRESHOLD, WITH A MANDATORY NATIONALLY-SET RATE OR RATES AND THE CURRENT SYSTEM OF PLANNING OBLIGATIONS ABOLISHED.

PROPOSAL 20: THE SCOPE OF THE INFRASTRUCTURE LEVY COULD BE EXTENDED TO CAPTURE CHANGES OF USE THROUGH PERMITTED DEVELOPMENT RIGHTS.

PROPOSAL 21: THE REFORMED INFRASTRUCTURE LEVY SHOULD DELIVER AFFORDABLE HOUSING PROVISION.

PROPOSAL 22: MORE FREEDOM COULD BE GIVEN TO LOCAL AUTHORITIES OVER HOW THEY SPEND THE INFRASTRUCTURE LEVY.

PROPOSAL 23: AS WE DEVELOP OUR FINAL PROPOSALS FOR THIS NEW PLANNING SYSTEM, WE WILL DEVELOP A COMPREHENSIVE RESOURCES AND SKILLS STRATEGY FOR THE PLANNING SECTOR TO SUPPORT THE IMPLEMENTATION OF OUR REFORMS.

PROPOSAL 24: WE WILL SEEK TO STRENGTHEN ENFORCEMENT POWERS AND SANCTIONS.

4.3 There are very substantial concerns regarding the implications of a nationally set Infrastructure Levy as set out in Proposal 19, which is likely to lead to an increase in regional disparities as it could deliver much higher levy contributions to high value locations such as London and the South East. The proposed value based minimum threshold may mean that for many parts of the country no Infrastructure Levy revenues will be received at all. In addition, Section 106 Agreements don't just secure contributions to infrastructure, they also coordinate how development is delivered, phased, the precise mixture of uses, and important issues that local people often raise concerning community engagement in the management of open spaces, construction hours and management plans, and in relation to mitigating the impacts of developments on the European-designated Sites in Plymouth Sound. If the intention of the

Planning White Paper is for Local Planning Authorities to no longer control these issues then this reinforces concerns about how non-financial issues can be controlled for the benefit of local people in the future. Whilst there are benefits to setting a levy at the time when a development is completed, as opposed to when planning permission is granted, during which many changes to the funding and economic context may have occurred, such an approach is also open to gaming by developers. Decisions about how to spend the levy must be made locally, but need to be aligned with the Local Plan Infrastructure Needs Assessment as they are now, and the Infrastructure Delivery Plans upon which the Planning White Paper is silent. One of the failings of the current Community Infrastructure Levy Regulations is that Regulation 60 prevents the City Council from borrowing against projected receipts. The proposal in the Planning White Paper to allow councils to borrow against future Infrastructure Levy receipts is therefore to be welcomed in principle, but overall the City Council should object to a national Infrastructure Levy.

- 4.4 Proposal 20 is an interesting proposition which seeks to extend the application of the new Infrastructure Levy to permitted development, meaning that developments that do not require planning permission would still, nevertheless, have to contribute towards the impacts they are having on a locality. In the last few years the Government has significantly extended permitted development rights and so whilst the proposal establishes an interesting new principle that permitted development should contribute towards addressing the impacts it has – currently avoided under the present system - the continued expansion of permitted development should be opposed by the City Council as it does not allow the proper assessment of development proposals, excludes democratic decision-making, disenfranchising communities who are often frustrated that the Local Planning Authority cannot control such developments. As has been seen, the use of permitted development rights has resulted in some absolutely appalling new homes, built to poor standards in inappropriate and unsustainable locations.
- 4.5 The White Paper's proposal to use the Infrastructure Levy to fund affordable housing, as set out in Proposal 21, will create an inevitable false choice between the need for the provision of infrastructure and the need for affordable homes. Once again the Planning White Paper is light on the details so how this would work in practice remains unclear. The costs associated with affordable housing delivery could mean that any in-kind delivery, the value of which is taken off the Infrastructure Levy, could leave little funding for mitigating the infrastructure impacts of development. It is also unclear what powers the Local Planning Authority would have to require provision on site, to achieve balanced and mixed community objectives, thereby avoiding mono-tenure developments.
- 4.6 Proposal 22 suggests a much more flexible approach to the use of the Infrastructure Levy, which would break the critical link that currently exists between the Community Infrastructure Levy and the provision of infrastructure that mitigates the cumulative impact of development on an area. Such a break would be dangerous and should be opposed, as it will lead to unsustainable and harmful development that does not provide the infrastructure needed to support communities and address climate change.
- 4.7 Proposal 23 sets out 9 options for the future funding of the new planning system, indicating that following the development of a "comprehensive resources and skills strategy", more detailed funding options will be brought forward. Whilst the Planning White Paper claims that "Local Planning Authorities remain at the heart of our ambitious reforms", the Government sees the new system being "principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer". This fundamentally

misunderstands that the planning system operates in the public interest. The proposition in Proposal 23 almost amounts to a form of regulatory capture seeing developers and landowners as the main beneficiaries of the operation of the planning system. Moreover, whilst recognising that “local planning departments are under great pressure – with spending per person on planning and development down 60%”, nevertheless “planning fees should continue to be set nationally” despite years of lobbying by the Local Government Association and the Royal Town Planning Institute amongst others seeking the decentralisation of local planning application fee setting to Local Planning Authorities. It is extremely disappointing that the Planning White Paper has no detailed or credible response to these long-standing funding issues.

- 4.8 Proposal 24 proposes to strengthen enforcement powers and sanctions to “place more emphasis on the enforcement of planning standards and decisions”, but other than citing issues associated with unauthorised encampments and developments located in flood risk areas, there is a paucity of detail. Over many decades governments have been promising major reforms to planning enforcement powers which are notoriously weak, slow and biased towards private property rights. Whilst the commitment to strengthening enforcement powers and sanctions could be potentially welcomed, in the absence of specific details and dedicated resources for enforcement, the implications for Local Planning Authorities remain unclear.

5.0 Conclusions

- 5.1 Plymouth’s approach to planning is one founded on the concept of proactive positive planning. The Planning White Paper is undoubtedly the most radical set of proposals to be put forward by any Government since the creation of the planning system in 1947, not least because it seeks to fundamentally move from a discretionary system based on local democratic decision-making to a hybrid, rules-based zonal approach not seen anywhere else in the world. However, the overarching problem with the proposed reforms is that they are poorly evidenced, see the planning process and planning system as about regulation and control rather than achieving wider sustainable outcomes, are profoundly undemocratic from a local authority perspective in the future role it envisages for elected councillors, and in reality, the much more limited influence local people will have in relation to decisions about their city and neighbourhoods, are based upon a philosophy of further deregulation which will result in poor outcomes, and continue the trend of successive governments to centralise more power. The Planning White Paper misses a once-in-a-generation opportunity to place the climate emergency at the heart of the English planning system and are likely to lead to increased inequalities across the country through an unfair distribution of resources that favours London, the South East and other higher value areas, disenfranchising local communities in the process.
- 5.2 It is therefore recommended that the concerns and objections to the Planning White Paper set out in this report forms the basis for the detailed response which has to be submitted to the Government by 29 October 2020, in further consultation with the Cabinet Member for Strategic Planning and Infrastructure. It is also recommended that given the need for primary and secondary legislation, and the stated intention in the White Paper to have the new style Local Plans in place by the end of this Parliament in 2024, that the Leader be instructed to raise these concerns with local Members of Parliament in seeking their support for resisting the proposals.

- 5.3 Ultimately what is the purpose of planning? This involves considerations about what a society wants from urban change, to what extent governments should limit the operation of the market in pursuit of private interests and lastly what government should deliver in the public interest. Therefore at the heart of planning are issues of democracy. What the Planning White Paper brings to a head is a clash between competing visions for the future of planning: one based on a centralised, rules-based, streamlined, fast, and deregulated structure versus a values-based one that is democratic, transparent, accountable, equitable, outcome-focussed and which positively promotes the achievement of sustainable development. The Planning White Paper proposes change based on the first of these visions for the future. The choices made now will define the future for several generations to come which makes the consultation response of the City Council crucial in a seeking to persuade the Government to take a fundamentally different direction in relation to its proposed planning reforms.

Cabinet



Date of meeting: 15 September 2020

Title of Report: **Trading Standards Joint Service**

Lead Member: Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety)

Lead Strategic Director: Ruth Harrell (Director of Public Health)

Author: Alex Fry/Sarah Lees

Contact Email: Alex.fry@plymouth.gov.uk

Your Reference:

Key Decision: Yes

Confidentiality: Part I - Official

Purpose of Report

This report outlines the proposal to create a joint Trading Standards Service for the Heart of the South West area by Plymouth joining with the existing Devon, Somerset and Torbay Trading Standards Service. It provides background information on the role of Trading Standards and outlines the advantages of creating the joint service. It introduces a joint Full Business Case which provides detailed information to assist members in deciding whether or not to proceed.

Recommendations and Reasons

It is recommended that:

1. Approval be given for Plymouth to enter into a joint Trading Standards Service with Devon, Somerset and Torbay subject to;
 - (i) the satisfactory conclusion of negotiations in relation to the legal agreement on the principles contained in the business case/cabinet report.
 - (ii) a report authorising the detailed governance arrangements and any necessary proposed amendments to the constitution.
2. The Director for Public Health is authorised to conclude the terms of the legal agreement.

A Heart of the South West joint service offers significant advantages and will bring together the resources, skills and expertise of four authorities in order to meet the significant challenges ahead. Current Trading Standards staffing is at a minimum level and joining to become part of a larger joint service will provide a more resilient model to ensure high-quality service delivery to the people and businesses in the Heart of the South West area.

Alternative options considered and rejected

Maintaining in-house provision of the Trading Standards Service. However, we need to adopt alternative models of service delivery to ensure future resilience for the Trading Standards Service.

Relevance to the Corporate Plan and/or the Plymouth Plan

An effective Trading Standards Service contributes to all the key city priorities but especially, growing (supporting business and them from illegal and unfair competition) and caring (contributing to community safety and protecting scam victims and the vulnerable). Likewise, the service contributes to the aims of the Plymouth Plan particularly by ensuring safe communities, reducing inequalities and ensuring economic growth.

Implications for the Medium Term Financial Plan and Resource Implications:

There will be initial costs when implementing the merger, including staff time and IT to a maximum of £30,000

It is envisaged that long-term savings can be achieved within a joint service through maximising income generation, economies of scale and the sharing of best practice.

Carbon Footprint (Environmental) Implications:

No direct implications although a more resilient service could enable more enforcement of environmental regulations such as energy performance advertising requirements

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

No direct implications

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Proposed Heart of the South West Trading Standards Joint Service							

Background papers:

**Add rows as required to box below*

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7
Joint Full Business Case			x				

Sign off:

Fin	pl.20. 21.78	Leg	lt/622 25/08 0920	Mon Off		HR	KB09 0920	Asset s		Strat Proc	
Originating Senior Leadership Team member: Ruth Harrell (Director of Public Health)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 24/08/2020											
Cabinet Member approval: Councillor Sally Haydon – approved verbally											
Date approved: 24/08/2020											

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PROPOSED “HEART OF THE SOUTH WEST” TRADING STANDARDS JOINT SERVICE



I. Background on PCC's Trading Standards Service

I.1 The Trading Standards (TS) Service protects and promotes the safety, economic and environmental interests of Plymouth consumers and businesses. It aims to ensure that Plymouth's prosperity is not jeopardised by unfair or illegal trading. Particular consideration is given to the protection of customers who may be vulnerable. It fulfils those statutory obligations of the local authority that form part of the National Regulatory Framework, to protect consumers and to maintain a fair and equitable trading environment in which local businesses can thrive.

I.2 Key information on the current Plymouth City Council Trading Standards Service:

Customers	262,700 population. The local population requires protection from fraudulent businesses and advice and support to ensure consumer confidence to enter into transactions. 8000 local businesses who want to trade in a 'level legal playing field' and not face unfair competition.
Gross expenditure (actual 2019-20)	£0.383m excluding Central Recharges
Demand (2019-20)	220 Business enquiries. 1800 Consumer and business referrals/Intelligence reports.
Income (actual 2019-20)	£0.035m excluding Proceeds of Crime recovery. This mainly comes from the Buy with Confidence scheme, testing fees and includes recovery of legal costs.
Legislation enforced	Approx. 250 pieces - Largely statutory requirements.
Key external partners	National Trading Standards, SW Growth Hub, Trading Standards South West (Regional Coordination body), Police, Citizens Advice, HMRC, neighbouring Trading Standards services.
Establishment	10 posts equivalent to 9.29 FTE, Grades J to E. (Senior Officer position Vacant)

1.3 Service activities are dictated by a mixture of statute, national government priorities, and the corporate priorities of the Authority. In broad terms the Service operates in the following functional areas.

- Weights and Measures
- Tobacco control
- Protection of the vulnerable in terms of combatting scams
- Product Safety
- Fair Trading including fraudulent business practices
- Doorstep Crime
- Intellectual Property
- Age Restricted Products
- Animal Health and Welfare & disease control
- Consumer & Business Advice & Assistance

The work of the service contributes to the Plymouth Plan, particularly in relation to developing strong and safe communities (Doorstep crime, scams and age restricted products) and helping to reduce health inequalities (illegal tobacco, product safety).

Likewise, ensuring a 'level playing field' for business and a supportive regulatory environment is vital in order to promote the 'Growing Plymouth' priority in the Corporate Plan and the Resurgam agenda.

- 1.4 The service is provided by one of the operational teams within the Public Protection Service in the ODPH Directorate. It works closely with the Environmental Health teams and Licensing. It has staff of 9.29 FTE which includes a Senior Officer post which is currently vacant. For the purposes of the Shared Service, the Senior Officer post has not been budgeted for. The service is currently managed within a Multi-disciplinary team together with officers from Public Health. This means that a multi-disciplinary approach can be taken to deal with issues such as tobacco, smoking and scams.
- 1.5 The Service is intelligence-led and operates in line with the National Intelligence Operating Model. It works closely with other Trading Standards services across the region to tackle cross-border crime. Officers within the service contribute a significant role within the Trading Standards South West regional coordination body.
- 1.6 The Service operates a Buy with Confidence trader approval scheme. This scheme is a nationwide Trading Standards led initiative run with the objective of supporting good businesses, giving confidence to consumers and marginalising rogue traders. To join the scheme businesses must meet the required criteria and pay a membership fee. There are presently 137 members of the scheme in Plymouth.
- 1.7 Trading Standards is presently co-located with the other Public Protection Services at Windsor House. It shares some technical support with the other services in the Public Protection Service.

2. National developments

- 2.1 In recent years within the context of reducing local authority funding nationally, local Trading Standards services have been diminished in terms of overall resources, including staff and levels of expertise available. The Plymouth service has been reduced to what is currently considered the minimum level in order to deliver a legally compliant and acceptable service to the local population.
- 2.2 The 2015 Local Government Association review of Trading Standards provision delivered the key message that “in order to ensure the future sustainability of trading standards services, councils should explore the options for merging their services to create larger units. The LGA accepts the view that having fewer, larger TS services would help ensure greater resilience of trading standards services”.
- 2.3 The Chartered Trading Standards Institute has called for the creation of larger, more strategic Trading Standards authorities. They say “research and practical experience around the UK has shown that larger, more resilient units of trading standards delivery can result in a more appropriate allocation of resources, stronger strategic and operational leadership and benefits of scale.”
- 2.4 The National Audit Office 2017 report “Protecting Consumers from scams” considered joint services and commented that “...officers we spoke to (in joint services) were positive about their profile in the local authority and their enhanced ability to respond flexibly and efficiently”. It reported that around a third of TS services were actively considering forming joint services.
- 2.5 The following authorities have created joint TS Services:
Richmond and Merton, Surrey and Bucks, Kensington and Hammersmith & Fulham, Devon, Somerset and Torbay, Bridgend, Cardiff and Vale of Glamorgan, Torfaen and Blaneau Gwent, Bracknell Forest, West Berkshire and Wokingham, Peterborough and Cambridgeshire, West Yorkshire Joint Services.
- 2.6 The current Coronavirus pandemic has brought increased demands on all trading standards services, with additional investigative and enforcement responsibilities within the Coronavirus Regulations 2020 to ensure businesses are only open in appropriate and COVID secure ways.
- 2.7 At the end of 2020, Britain will exit the EU. Whether there is an agreed set of exit trade conditions or whether World Trade Organisation rules apply, it will be a time of great change, challenge and opportunity for British businesses and many will require support, advice and guidance to enable them to continue to trade successfully with Europe and internationally. Local businesses will need the support of a well informed and responsive Trading Standards service to enable this. Plymouth port in particular will require expertise to ensure that our border provides appropriate protection for our local

population and businesses and to ensure that animal health and welfare is appropriately monitored and enforced

3. Background on the current Devon, Somerset, Torbay Joint Service

- 3.1 In 2013 Devon Trading Standards and Somerset Trading Standards services merged. In 2017 that joint service merged with Torbay Trading Standards to form Devon, Somerset and Torbay Trading Standards Service (DST) TS.
- 3.2 Devon County Council is currently the lead and employing authority of a joint service for Devon, Somerset and Torbay local authorities and the model has proved effective and efficient in the view of the participating authorities.
- 3.3 The current Joint Service is predominantly funded through partner contributions established initially by a comparison of the individual budget ratios per capita, per business and per consumer complaint. Budgets are set over a 3 year period in order to balance the need for a degree of operational stability whilst ensuring that the Service can still effectively respond to uncertain funding pressures in the future. Provision is made for the sharing of any redundancy or exceptional costs. Any underspend or excess income is paid back to partner authorities according to the same ratio weighting.

4 Proposal for PCC Trading Standards to join and create and extended Joint Service covering the Heart of the South West area

- 4.1 A single service would be formed through partnership to cover the local authority areas of Devon, Somerset, Torbay and Plymouth.
- 4.2 The parties enter into an agreement to enable Devon to discharge Plymouth's trading standards functions under Section 101 of the Local Government Act 1972, as they currently do for Somerset and Torbay. If Plymouth joined, a new 10 year service agreement would be put in place. The agreement can be terminated by any of the parties by giving twelve months' notice.
- 4.3 A Joint Service Review Panel (JSRP) is established as the forum for consultation, discussion, resolution of strategic risks, issues and recommendations back to all parties on all aspects of delivery and strategy for the service. There is a dispute resolution provision in the agreement that details a chain of escalation should an issue not be resolved by the JSRP.
- 4.4 The JSRP reviews regular management reports in order to assess the performance of the Joint Service.

- 4.5 The JSRP is constituted from an elected member and a senior representative officer from each participating authority. Each party has an equal vote.
- 4.6 Currently, formal written approval is required from an authority's Authorised Representative for any variation in the legal agreement, proposed major restructure not detailed in the Annual Operational Plan or other issues not in the Annual Plan that have a significant impact on the Joint Service.
- 4.7 Individual parties retain ultimate control for setting their budget for the service and for approval of the strategic and operational plans.
- 4.8 The current JSRP, in its advisory capacity to Devon, Somerset and Torbay Councils, has considered the Full Business Case for this extended joint service and has recommended that approval be given to enter into a new 10 year agreement that includes Plymouth.
- 4.9 It is proposed that Plymouth City Council staff would TUPE transfer across to Devon County Council. The current Trading Standards staff have been kept fully up to date with the potential for change and the union lead representatives have been briefed. Any transfer of employees or other assets would be supported by the use of established processes which include formal consultation with Trade Union colleagues.
- 4.10 The Joint Service would have a single management structure, shared business support and would maintain offices in Plymouth as well as across Devon, Somerset and Torbay in order to be close to its customers, to ensure it can respond quickly to any urgent matter, to minimise travel costs and to minimise disruption to staff.
- 4.11 A SWOT analysis has been prepared to help analyse the benefits of this proposal and are attached in Appendix I. Risks and mitigations are detailed in the Full Business Case

5 Proposed Timeline

- 25th August 2020 - CMT
- 1st September 2020 and 8th September 2020 - Cabinet Planning [to be confirmed]
- 15th September 2020 - Agreement of Full Business Case by PCC Cabinet
- Finalise the Formal Agreement by 13 November 2020
- Execution of the Formal Agreement with the implementation of the Joint Service and transfer of staff by 1 April 2021

6 Financial Model

- 6.1 A Joint Service is likely to increase income generation from specialist services for businesses (for instance Buy with Confidence and Primary Authority agreements) and in securing additional external funding (through national and regional bidding for service

- delivery programmes). Economies of scale, joint advertising/promotion budget, resources and access to specialists will assist with this. The DTS Joint Service has a Business Support & Innovation team that allows businesses to access comprehensive business support packages including funding opportunities from one place as well as generating resilience and visibility within the local authorities and LEP area.
- 6.2 A key aim of the Joint Service will be to increase its income generation; a) through further development of the Buy With Confidence Scheme, b) through the use of a Metrology laboratory (which PCC do not have) and c) through Primary Authority Partnerships. Any additional income generated would be fed back into the Joint Service on the basis of a percentage split. The existing Business Support and Innovation service will be available to Plymouth businesses and the expectation is that this will support a significant drive to increase income generation without the need for additional staff resource. At present, the Plymouth Trading Standards Service struggles to generate significant income due to the minimum staffing levels.
- 6.3 It is anticipated that the Joint Service approach would more effectively deliver any savings required by member parties, whilst still maintaining an acceptable level of service delivery. It is extremely unlikely that any significant level of saving could be achieved by the service operating individually, without impacting significantly on front-line service delivery and the ability to continue to meet statutory requirements and customer needs.
- 6.4 A Joint Service would reduce costs through sharing resources, including IT and databases, intelligence, financial, legal and other specialist TS roles that can cover the wider service area more economically. As an example, our Accredited Financial Investigator (AFI) recently left the Authority and we now have no AFI resource and if needed, we would need to employ the services of one from another authority, likely to be DST TS. By having access to this provision within the joint service more Proceeds of Crime Act money could be retained by the Joint Service.
- 6.5 The budget for 2021/22 includes £0.007m of budget to cover back office functions. There will also be some one-off financial costs during 2021/22 in creating a Joint Service, estimated to be £0.030m although, as yet, the amount that PCC will be expected to fund is being finalised.
- 6.6 The TS team are currently located at Windsor House but, going forward, it has not yet been agreed if the team will stay there or relocate to other offices. There is a commitment from the existing Joint Service to maintain an office presence in each of the member authority areas.

- 6.7 Any budget savings will be shared between the four authorities broadly in line with their annual contributions (adjusted for one-off items and support service costs to ensure a like for like comparison). It is likely that the savings would be shared in the following proportions:

55.3% for Devon County Council

27.9% for Somerset County Council

6.8% for Torbay Council

10.0% for Plymouth City Council

Any exceptional costs will also be shared between the four authorities.

Year	Outturn £m	Proposed Budget
2018/19	£0.410m	
2019/20	£0.348m	
2020/21	£0.374m (Forecast)	
2021/22		£0.365m

7 Outcomes

- 7.1 The following outcomes are envisaged from the proposed joint service:

- A large, robust and resilient Service offering excellent Trading Standards provision to the population and businesses in the Heart of the South West area.
- A Service that can fully meet the challenges of a rapidly changing consumer protection landscape, world-wide pandemic and EU Exit to keep its residents and businesses safe and informed.
- The ability to enhance and maintain within the service the skills, knowledge and competency needed to fully cover the range and complexity of Trading Standards legislation enforced.
- Significantly increased income generation, resulting in potential future surplus being returned to the member authorities
- A Joint Service that has positive influence at a regional and national level
- Wider career opportunities for employees, better career pathways and professional development, enabling the recruitment and retention of excellent staff.

8 Present Delivery Option considered

- 8.1 The current internal service is at minimum staffing levels. Any further reduction would mean the authority could not fulfil its statutory requirements. It currently lacks resilience to fully respond to new challenges such as EU Exit.
- 8.2 The complexity and breadth of legislation means that currently not all specialist areas can be maintained
- 8.3 Alignment with alternative Departments is being considered. However, due to the specialist nature of Trading Standards work, which includes the requirement for Statutory based qualifications, alternative in-house options do not increase resilience and provide the benefits of scale of a joint service.
- 8.4 Individual elements of expertise and support could be commissioned from other Trading Standards Services e.g. Financial Investigation, Metrology lab, but this model does not provide cost saving opportunities and could increase the cost of service delivery.

9 Conclusion & Recommendation

There are a number of benefits from joining with a large cross-border Trading Standards Service. Foremost of these is the fact that it will provide resilience moving forward in an environment of fast changing consumer and business legislative requirements linked to events such as EU exit. It will enable the delivery of an excellent trading standards service across the whole spectrum of legislation to the population and businesses of Plymouth. It will also assist with resilience in terms of the current and potential financial pressures and challenges within the partner local authorities. It would also have added benefits in terms of a greater ability to drive income generation, economies of scale and improved staff development .

There is an established model that demonstrates how a large joint Trading Service can achieve these benefits and it is believed that the addition of Plymouth gives us the opportunity of creating the leading Trading Standards Service in the Country.

It is therefore recommended that Cabinet agree to the creation of the joint Trading Standards service to cover the Heart of the South West area.

Appendix I - SWOT ANALYSIS

Below a summary SWOT analysis is provided of both the in-house and potential merged service of TS for Plymouth.

IN-HOUSE

Strengths	Weaknesses
<p>Local focus and prioritisation within the regional/national priorities that meet local need</p> <p>Responsiveness to local intelligence/emerging threats</p> <p>Close working links with Environmental Health and Licensing</p> <p>Good results for Plymouth consumers and business (despite size) with large criminal cases taken, best practice examples acknowledged nationally, high regard for service with partners</p>	<p>Sustainability- recognised minimum staffing levels. Any further reduction would mean the authority could not fulfil its statutory requirements</p> <p>Complexity and breadth of legislation means not all specialist areas can be maintained (drawn on from neighbouring teams if/when required at additional cost)</p> <p>Limited resilience to respond to unforeseen challenges and external factors such as product safety emergencies, complex frauds, animal disease outbreak, impact of EU Exit etc.</p> <p>No existing capacity to increase income generation</p>
Opportunities	Threats
<p>There is limited potential with additional resource for some increase in income from:</p> <ul style="list-style-type: none"> • Primary Authority/business advice work • Buy with Confidence 	<p>Opportunity for merger may be time limited in the future if “late to the table” or Devon CC and partners change their position – Nationally 1/3 services currently considering merger.</p> <p>Further financial savings that reduce FTE would result in an unsustainable service</p>

SWOT ANALYSIS - JOINT SERVICE

A summary SWOT analysis is provided below of the potential for a future joint TS service with Devon, Somerset and Torbay (DST). Devon County Council being the Lead Authority.

Strengths	Weaknesses
<p>Existing Joint Service considered to be a success by current member authorities and in national context</p> <p>Benefits of scale in Joint Services evidenced in research and practical experience by Chartered Trading Standards Institute</p> <p>Larger service enables full range of skills, knowledge and competency amongst staff to deliver excellence for local businesses and people across the full range of statutory function areas</p> <p>Larger service offers resilience and capacity to react swiftly and efficiently to new demands</p> <p>Larger services provide improved development opportunities for staff with improved recruitment and retention</p> <p>DST has a joint Trading Standards, Business Support & Innovation team – provision of a strengthened offer to local businesses</p>	<p>Resource required to join the joint service in first year – to establish legal agreement and agree joint provision</p> <p>Reduced operational control locally.</p> <p>Centralised management structure.</p> <p>Weakened links with Plymouth Environmental Health, Licensing and Public Health</p>
Opportunities	Threats
<p>Opportunity to create a large, resilient service covering the Heart of the South West area</p> <p>Sharing of best practice and expertise in specialist areas enabling it to be a centre of excellence</p> <p>HotSW¹ footprint –generate more grant funding to be spread across the joint service</p> <p>More capacity and skill set for business advice, Buy with Confidence & commercial services enabling greater income generation that could be distributed across the shared service.</p> <p>Enhanced profile nationally and associated influence on policy making. Aim is to be the leading TS Service in the Country.</p> <p>Greater opportunity for staff development.</p>	<p>Potential loss of local prioritisation</p> <p>Likely loss of internal recharging for service, specifically for Plymouth Legal Services, DELT etc.</p> <p>Loss of qualified Trading Standards professional within Plymouth City Council for governance and local controls</p>

¹ Heart of the South West Local Enterprise Partnership