



PLANNING COMMITTEE – 4TH NOVEMBER 2015

**SUBJECT: PROPOSALS RELATING TO STRATEGIC PLANNING PANEL
REGULATIONS: COMPOSITION AND FINANCIAL MATTERS**

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To consider and approve the Council's response to the Welsh Government's consultation in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters.

2. SUMMARY

- 4.1 Welsh Government (WG) is currently running a number of consultations concerning changes to the planning system with a view to making it more positive. The changes are in respect of not only the development management system but also the development plan system in Wales.
- 4.2 The current consultation is in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters. The deadline for the submission of comments is 2 November 2015.

3. LINKS TO STRATEGY

- 3.1 The Council has a statutory duty to prepare a Local Development Plan for its area to provide a policy framework for the development and use of land in the County Borough. In future, the Strategic Development Plan will be part of the development plan framework for the county borough. This consultation seeks views on the composition and financial matters associated with Strategic Planning Panels, which will be the body responsible for the preparation of the Strategic Development Plan.

4. THE REPORT

Introduction

- 4.3 Welsh Government (WG) is currently running a number of consultations concerning changes to the planning system with a view to making it more positive. The changes are in respect of not only the development management system but also the development plan system in Wales.
- 4.4 The current consultation is in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters. The deadline for the submission of comments is 2 November 2015.
- 4.5 A summary of the proposals is provided below, along with comments from officers. Should members agree with the officers' comments, they will then be adapted for completing the standard consultation form for WG.

Context

- 4.6 The Planning (Wales) Act 2015 (the Act) amends Part 6 of the Planning and Compulsory Purchase Act 2004 to introduce Strategic Development Plans (SDPs) into the Development Plan Framework in Wales.
- 4.7 In future, the SDP will be prepared by a Strategic Planning Panel (Panel), which will be a public body and have one function: that is plan making. It will have corporate body status and will be formed of both local planning authority (LPA) members and nominated members from social, economic and environmental groups. Only the local planning authority members will have voting rights.
- 4.8 The Panel will be a plan making body only and will not make decisions on planning applications. The Panel will be required to make decisions on governance arrangements of the Panel, such as nominating members, agreeing standing orders, finance, appointment of technical staff etc. The Panel will also be required to make decisions on the production of the SDP, including whether a SDP is ready for independent examination. Importantly the Panel does not require agreement from the constituent LPAs.
- 4.9 Schedule 1 of the Planning (Wales) Act 2015, sets out the powers to make regulations in relation to: the gender composition; and financial matters that affect Strategic Planning Panels.
- 4.10 The current consultation paper is split into two main sections. The first deals with the proposed composition of Panels and the second concerns financial matters relating to those Panels.

Strategic Planning Panel Composition

- 4.11 Local planning authorities and public bodies are all under the duty in the Equality Act 2010 to have due regard to the need to promote equality of opportunity. There is ongoing research into improving diversity within local authorities, which includes looking at measures to increase gender balance. These tools, such as mentoring schemes, look to increase the number of females who would be eligible for appointment to the Panel from within LPAs and social, economic and environmental bodies.
- 4.12 It is recognised that public bodies do not currently reflect the proportion of men and women in society and that achieving diversity on public bodies increases the credibility and public confidence in them as they reflect the people that they serve. The WG is committed to increasing equality and diversity on public bodies and is progressing a number of strategies and policies to deliver this agenda.
- 4.13 One of the WG's policies, taking forward the broadening participation agenda includes the White paper - Reforming Local Government: Power to local people (2015) that looks at proposals to achieve diversity to ensure Councils are places where an open culture thrives and people are made to feel welcome and respected whatever their background. This work includes an action plan to achieve 40% female candidates for political parties. The WG is also delivering on an Action Plan to increase the diversity in public appointments. This is also reflected in the Programme for Government 2011 which includes provision to 'identify steps to deliver a more representative pool of decision makers' and the Labour Party Manifesto 2011, which include commitments to seek to introduce *'Norwegian style gender quotas for appointments to public bodies in Wales ensuring at least 40% of appointments are women'*.
- 4.14 In terms of Strategic Planning Panels there are no known equivalent Panels in Wales and therefore the potential make-up of members is unknown. However historically it is recognised that there has been difficulty in achieving gender balance in local government. Women have been entitled to be councillors since 1907; however, following the 2012 local government elections only 26% of local council seats in Wales were held by women, and in 2014 this only increased slightly to 27%.

Questions

Q1 Are you aware of any further evidence that would support the approach proposed, in particular evidence on appointments from local authorities to similar public bodies?

No Comment

Q2. Do you know of further evidence around the number of female local planning authority appointments to public bodies?

No Comment

Q3 Do you support the inclusion of a minimum percentage for both women and men on the Panels?

The Council welcomes the commitment to deliver equality in the public sector and recognises the role of quotas in achieving greater equality. It should be noted that whilst the Council would aim to achieve 40%, there is no guarantee that the target could be met.

Q4. Do you agree with the percentage being set at 40%, if not why not? Do you consider an alternative percentage to be more appropriate and if so why?

The target should be challenging in order to achieve the step change required but given the current percentage of women councillors in local authorities 40% could be too ambitious.

Q5. Do you consider LPAs can work together collaboratively to identify an appropriate balance of members or should a more prescriptive approach be used?

LPAs can work collaboratively and there are past examples of local authorities doing so to achieve political balance. It is noted that these Panels will not be politically balanced.

Q6. If the gender balance requirement was not complied with how could this be addressed?

The powers of the Welsh Ministers to issue a direction are noted, however this should be a last resort after all avenues of support and assistance to LPAs have failed.

Q7. Do you think the Welsh Ministers should be able to intervene on failure to comply by making member appointments to panels?

No. It is not appropriate for Welsh Ministers to make member appointments. Panels will be more effective if they are made up of LPA members with an interest in planning rather than those that have being pressured into being part of the SPP merely to make up a quota.

Q8. Are there mechanisms to secure compliance with a gender balance requirement? If so, how would that operate?

Having a greater pool of women in local government will increase the likelihood of compliance with a quota for SPPs.

Q9. Do you consider that gender balance could be achieved in a timely fashion without a quota requirement?

The Council welcomes the commitment to deliver equality in the public sector and recognises the role of quotas in achieving greater equality. It is unlikely that gender balance would be achieved without a quota requirement.

Q10. What are the reasons, in your view, for under-representation by women in public bodies such as National Park Authorities and similar bodies.

No comment

Financial Matters relating to Strategic Planning Panel

4.13 Part 3, Schedule 1 of the Planning (Wales) Act 2015 sets out the legislative requirements for the financial arrangements of Strategic Planning Panels. This sets out the procedures including:

- qualifying expenditure details;
- setting an annual work programme;
- the dates by which payments are to be made;
- payments by the Welsh Ministers including grants and loans (where appropriate);
- accounts and auditing requirements;
- annual reporting requirements; and
- defining a financial year.

4.14 The majority of the financial matters for a Strategic Planning Panel are set out in Schedule 1 of the Planning (Wales) Act 2015, details of which are set out in Appendix 1 of this report). This current consultation is only seeking views on the definition of qualifying expenditure and adjustment of payments that are to be set out in the regulations that will apply to all Strategic Planning Panels.

Qualifying Expenditure Definition

4.15 Welsh Government propose that that the costs relating to the following functions of the Strategic Planning Panel should be met in future by the constituent local authorities:

- Staff costs including salary, pension, redundancy, HR, professional fees, travel and subsistence etc.;
- Auditing and Accounts;
- Remuneration of staff and nominated members;
- Leases/rental and running of office space and spaces for consultation, engagement events and examination;
- Equipment including furniture, reprographics, IT and stationary;
- Examination costs including Programme Officer and Inspector costs and associated resources;
- Printing, design and cartography;
- Procurement of technical work;
- Legal Advice;
- Training for Staff and Members;
- Translation;
- Servicing and maintenance;
- Website; and
- Insurance.

4.16 WG consider that the following functions should not to be regarded as qualifying expenditure under the definition:

- Remuneration of local authority members;

- Salaries for Chair and deputy chair;
- Staff costs of nominated members (excluding expenses); and
- Co-opted members remuneration.

4.17 In addition WG indicates that there may be unforeseen aspects of the Panels activities that would require funding in the future and therefore the regulations should provide flexibility to allow all functions of the Panel to be funded as long as the payments can be justified, in order to ensure that the Panel can function effectively.

Questions

Q11 Do you agree with the proposals relating to what might constitute qualifying expenditure?

The Welsh Government intends to provide start-up funding for the establishment of a Panel and they also have the power to make grants, loans or other payments to the Panel within set conditions. The Panel cannot borrow money unless it is from the Welsh Ministers

The Act specifies that the qualifying expenditure of Panels be funded and determined by the constituent LPAs on a proportional basis between the constituent LPAs. Within SE Wales the Panel would therefore be funded on a proportional basis by the ten local authorities (including Caerphilly) subject to that being the area that the Strategic Development Plan would cover in future. Specifically, Welsh Government expects local authorities to divert scarce, diminishing resources to fund this process.

This consultation is not seeking the Council's views on how the Panels should be resourced as this is set out in the face of the Act. However, officers' remain firmly of the view that for Strategic Planning to be successful in Wales, Panels have to be adequately resourced and that Panels should be awarded sufficient funding by Welsh Government to enable them to undertake this work, which they acknowledge is critical to the future economic fortunes of the area.

Notwithstanding the above, the definition of qualifying expenditure, which is the subject of this current consultation, needs further consideration as follows:

- 1) Staff costs should include National Insurance and Employment Benefits in Kind but should exclude professional fees (if this is taken to mean individual officer's membership fees of professional bodies e.g. Royal Town Planning Institute);
- 2) Support services for the process (Auditing, Accounts, Legal, Insurance, Procurement, Translation etc) should fall with the lead responsible body that is directed to prepare the SDP. The costs associated with these support services should properly be charged to the Panel on a basis to be agreed and thus should be included in the definition.
- 3) Costs associated with Social Media and Communications should also be included in the definition.

It is agreed that the regulations should provide flexibility to allow all functions of the Panel to be funded as long as the payments can be justified.

Q12 Do you support the approach proposed in relation to adjustment to payments?

Although the Welsh Ministers have powers to set adjustments to the payments that are to be made by the constituent LPAs through regulations, they do not intend at this stage to use this power. However Welsh Government has indicated that this will be kept under review.

Q13 Do you have any comments on the draft Equalities Impact Assessment that supports this consultation paper?

No comment.

5. EQUALITIES IMPLICATIONS

5.1 There are no direct implications associated with this report. However the Consultation document recognises that public bodies do not currently reflect the proportion of men and women in society and that achieving diversity on public bodies increases the credibility and

public confidence in them as they reflect the people that they serve. The WG is committed to increasing equality and diversity on Strategic Planning Panels in the future and this is to be welcomed.

6. FINANCIAL IMPLICATIONS

- 6.1 This consultation is not seeking the Council's views on how the Panels should be resourced as this is set out in the face of the Planning (Wales) Act. However, officers' remain firmly of the view that for Strategic Planning to be successful in Wales, Panels have to be adequately resourced and that Panels should be awarded sufficient funding by Welsh Government to enable them to undertake this work, which they acknowledge is critical to the future economic fortunes of the area

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications as a consequence of this report.

8. CONSULTATIONS

- 8.1 All responses received are reflected in the report.

9. RECOMMENDATIONS

- 9.1 To consider and approve the Council's response to the Welsh Government's consultation in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to provide Welsh Government with the Council's views on the consultation document.

11. STATUTORY POWER

- 11.1 Planning and Compulsory Purchase Act 2004

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Appendices:

Appendix 1 Financial procedures