



## Public Document Pack

# Uttlesford District Council

Chief Executive: Peter Holt

To all Members of Uttlesford District Council, you are hereby summoned to attend the meeting of the District Council to be held as shown below to deal with the business set out in the agenda.

Chief Executive: Peter Holt

## Council

**Date:** Monday, 11th March, 2024

**Time:** 7.00 pm

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

**Chair:** Councillor G Driscoll

**Members:** Councillors M Ahmed, A Armstrong, H Asker, G Bagnall, S Barker, N Church, M Coletta, A Coote, C Criscione, J Davey, A Dean, B Donald, J Emanuel, J Evans, C Fiddy, M Foley (Vice-Chair), R Freeman, R Gooding, N Gregory, N Hargreaves, R Haynes, P Lees, M Lemon, J Loughlin, T Loveday, S Luck, C Martin, D McBirnie, J Moran, E Oliver, R Pavitt, A Reeve, N Reeve, B Regan, G Sell, R Silcock, M Sutton and M Tayler

### **Public Speaking**

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements, subject to having given notice by 12 noon two working days before the meeting. A time limit of 3 minutes is allowed for each speaker.

Those who would like to watch the meeting live can do so by accessing the live broadcast [here](#). The broadcast will start when the meeting begins.

# AGENDA

## PART 1

### Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**

To receive any apologies and declarations of interest.
- 2 Minutes of the previous meeting** To Follow

To receive the minutes of the previous meeting held on 26 February 2024 (to follow).
- 3 Chair's Announcements**

To receive any announcements from the Chair.
- 4 Reports from the Leader and Members of the Executive** 5 - 14

To receive matters of report from the Leader and members of the Executive.

  - Portfolio Holder for Planning report.
  - Portfolio Holder for Housing report.
  - Portfolio Holder for Communities report.
  - Portfolio Holder for the Environment and Climate Change report.
- 5 Questions to the Leader, Members of the Executive and Committee Chairs (up to 30 minutes)** 15 - 17

To receive questions from members for the Executive and committee chairmen.
- 6 Matters referred from the Executive and the Council's committees**

To consider any reports referred from the Executive and the Council's committees and receive questions and answers on any of those reports.
- 6a Constitutional Amendments to Planning Codes and Protocols** 18 - 53

To consider the report regarding constitutional amendments to planning codes and protocols.

**7 Matters received about joint arrangements and external organisations**

To consider matters concerning joint arrangements and external organisations.

- No matters to report.

**8 Business Rates Relief Policy**

54 - 65

To consider the report regarding the Business Rates Relief Policy.

## **MEETINGS AND THE PUBLIC**

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information, please call 01799 510510.

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## **Councillor John Evans – Portfolio Holder for Planning**

**Report to Council: 11 March 2024**

### **Local Plan & Planning Policy**

The publicity around the Regulation 18 Local Plan consultation last year generated 1742 individual responses, including some very detailed responses from the county council, other organisations, developers as well as many residents. The totality of responses (by topic/theme/item) exceeded 5,000.

Officers have now reviewed all the responses and they will be published online in March. It is not simply a case of publishing each one as it is received. They must first be read, categorised, checked for instances of potential defamation and GDPR issues, redacted if necessary, and then published accordingly. The council will also publish its response to each and every matter raised during the consultation. This work will be published alongside the Regulation 19 version of the plan and submitted to PINS.

Many of the responses received have resulted in officers exploring various amendments to the plan (for example, alternative ways to provide new education facilities, levels of affordable housing etc). This work has started to be provided to the newly formed Local Plan Panel (LPP), the Councillor working group now overseeing work on the local plan.

The first meeting of the LPP took place on 8 February and the Panel agreed the Regulation 19 work programme and provided officers with their views on the emerging affordable housing policy. The Panel also noted the threat of government intervention contained within the letter received from the Secretary of State of Levelling-up, Housing & Communities dated 19 December 2023. If the council does not continue to progress a local plan there is a risk that the Secretary of State will intervene in which event, central government would essentially be able to “impose” a local plan on Uttlesford. Back in October, we published a robust Local Development Scheme (LDS), which provides a high-level timetable of our local plan work. This has been sent to the Secretary of State. The timetable is being met.

The Department of Levelling-up, Housing & Communities has asked the Planning Advisory Service (PAS) to visit the council again and review the timetable and project plan. The review is scheduled for the week commencing 4 March.

The next public meeting of the LPP is scheduled for 21 March, with further meetings to be held in April, May and June. The LDS timetable sets out that the council will formally consider the Regulation 19 version of the plan this coming summer.

Finally, Members will wish to be advised of the “reach” and means used in the Regulation 18 consultation. In summary, it amounted to:

- 35,000 leaflets distributed to households
- 24 posts “pushed” by UDC social media with a combined reach of 23,761 persons (the number of people receiving the content) with an impression hit of 27,188 (the number of times the content was displayed)

- 3,761 people reached via Facebook and Instagram
- 5 Local Plan e-newsletters (10,500 subscribers) with 4,100 links clicked
- 2 Parish Briefings
- 3 District News
- 6 Local Plan Press Releases and associated local press coverage
- Full page news paper advertisement
- 284 social media engagements, including video presentation by Portfolio Holder
- 5 across District Exhibitions (attended by planning policy officers, cabinet and several other members)
- Members' Bulletin and Staff News

## **Development Management (DM) & Planning Enforcement**

### *Applications & Performance*

So far this this municipal year (as of mid-February) the Planning Service has received 2570 planning and related applications and decided 2613. The team is further increasing its efforts to resolve 'stalled' or 'backlogged' applications hence the numbers decided is higher than those received within the year.

In December we were successful in bidding for a government grant to support the development of staff skills and knowledge and thus improving performance in DM. Uttlesford received £99,348 (the full amount sought), which is being used to fund the cost of an additional planning officer, and also a junior ecologist for the next six months, as well as to fund training for all officers throughout the year. The two additional staff members have just taken up their posts with the new junior ecologist supporting the council's Principal Ecologist. Training on specialist areas of planning such as Bio-diversity, design, and performance management is in progress.

It is not just officers who are being offered enhanced training and development. In January 2024 alone, two joint training sessions were run for officers and Members of our Planning Committee, attended also by the Portfolio Holder. The first on design and the work of quality review panels, and the second on legal matters, the NPPF and relevant legislation which was delivered by Senior Counsel. All councillors will soon be invited to attend general Planning Training which will be offered in May / early June.

Training and development, performance, and income generation continue to be priorities in Development Management. In terms of performance the Planning Service has procured Idox Insights (Power BI). This is an interactive software tool which shows live performance data. From March, officers and managers will be able to immediately interrogate the progress of any planning application; what work has been done and what needs to be done by when and by whom. The use of this software, the additional planning officer, and enhanced training is expected to further improve performance (and therefore service-user experience) and income generation within DM.

At the current time 85% of our major applications and 84% of our non-major applications are decided in accordance with target timescales (the government target is 60% and 70% respectively). This compares well to other councils. Our quality of decision making for non-major applications has improved and we have only lost 1.25% of appeals against non-major decisions (government target is no more than 10%).

### *Designation*

In terms of quality of decisions for major planning applications (the applicable metric and reason for which we are designated) the latest statistics place us at around 13%; over the 10% threshold for designation. As far as government is concerned, the council is still losing too many of its major planning appeals; in other words, refusing applications that government (through the appeal mechanism provided by PINS) considers should have been granted permission. It is unlikely that the Secretary of State will de-designate the council while it remains above the threshold. Regular meetings are held with DLUHC officials in order to monitor this and provide them with details of our progress in this and all other areas.

The absence of an up-to-date local plan and now having to add a 20% buffer to our five year housing land supply<sup>1</sup> (which we cannot achieve) as a result of slow build-out rates in the district, means that our Planning Committee's ability to refuse applications is challenged considerably and officers themselves are defending planning appeals from a weakened policy position. In June we expect to publish our Regulation 19 Local Plan which will assist in that we will then be required to demonstrate a four year, as opposed to five year housing land supply.

### *Business Support Team*

In addition to validating and consulting on the 2570 applications referred to above, our small administrative team has processed 117 applications for new street naming and numbering; logged 232 new enforcement cases and 2200 building regulations applications while further supporting 109 planning appeals submitted this year. It has attracted fee income of £44,000 for street naming and numbering work and supported all other fee income referred to below.

### *Planning Enforcement*

Our Planning Enforcement Team dealt with over 200 planning enforcement referrals this year. During the first half of the year the team prioritised unauthorised off-airport airport parking. Enforcement Notices and Stop Notices were served on two established car parks and one emerging car park. One of the sites was cleared of airport car parking, the other will now likely be subject of formal legal action. The team continues to deal with a substantial number of referrals of differing urgency and there is a clear proportionate balance to prioritise the major breaches in the public interest against a backdrop of high public expectation. Moving into the end of the

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<sup>1</sup> [\(Public Pack\)Agenda Document for Planning Committee, 10/01/2024 10:00 \(modern.gov.co.uk\)](#) Agenda Item 15 provides an overview of UDC's position in terms of five year housing land supply.

year the team has formulated new performance indicators covering every element of the enforcement investigation process.

### *Planning Fee Income*

The DM Team has generated some £1.14m in way of planning application fees this year. In addition, it has generated almost £190,000 in pre-application and PPA fee income. This assists in mitigating pressures on the public purse.

### **Building Control**

Our Building Control Team continues to attract almost 80% of all building regulations applications in the district with the remaining work going to approved inspectors in the private sector. This market share is high compared with officer experiences from other local authorities. It has resulted in attracting fee income of £390,000 this year. The team also won a record number of 'Partnership Applications' (applications for work on sites outside our district) which has generated a further £150,000.

Due to changes in building safety legislation following the Grenfell Tower tragedy, all Building Control Officers must now pass exams to enable them to continue accreditation as inspectors. This is referred to as 'compulsory registration' under the Building Safety Act 2022<sup>2</sup>. Thus, the last quarter has been particularly demanding for our officers while they carry out their day-job and concurrently submitting portfolios of their work and sitting the necessary exams required in order to continue working as local government inspectors. They all the while continue to ensure buildings in Uttlesford are built to the highest safety standards.

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<sup>2</sup> [Professional codes and standards - Building safety - HSE](#)



## **Councillor Arthur Coote – Portfolio Holder for Housing**

**Report to Council: 11 March 2024**

### **General Summary**

#### **Repairs and Maintenance**

It was agreed at an extraordinary Cabinet meeting on the 9<sup>th</sup> January 2024 that UDC would not extend the joint venture arrangements with Norse Group and that we would exit from UNSL from the 31<sup>st</sup> March 2025.

UDC have appointed an Interim Director of Property, Brian Burton, to oversee the exit and demobilisation of the UNSL arrangements and to shape and procure the repair and maintenance service of the future. Brian will be ensuring that we are able to achieve and maintain expected service levels to UDC tenants as well as ensuring that we have the best solution in place for April 2025 and beyond.

A capital works programme will be published before the end of March 2024. This will identify the investment needed to ensure our homes meet the Decent Homes standard and includes replacement kitchens, bathrooms, windows, roofs, heating upgrades etc.

We have made an application for £3.2M of government funding to improve energy efficiency and save residents money on their bills as the government announces the allocation of nearly £2 billion in funding energy-saving measures ranging from loft insulation to new windows.

The match funding will go towards improvements to properties and off-gas grid homes with an EPC rating of D or below and could save tenants between £220 and £400 a year on energy bills.

We have worked extremely hard to increase our position across all areas of compliance to 99.89% on our gas servicing, our 5-year electrical programme is at 95.02% and our 10-year electrical testing programme is at 99.89%. Asbestos, Legionella and LOLER all remain at 100%. We are creating a new dashboard to include Damp and Mould statistics within our health and safety compliance work streams and will report this at next Council.

#### **Housing Management**

The Housing Management team are asking Cabinet to review the use of Introductory tenancies. This will ensure that we can implement a rolling programme of tenancy audits and can use data to triangulate the properties that we need to prioritise. This will also enable us to update tenant and household details, so we have a more up to date picture of who is living in our properties and what their needs are.

Housing Board is running well, with a clear forward plan that includes overseeing KPI's and performance data as well as well as ensuring that UDC are meeting regulatory requirements and consumer standards.

The Housing Management team have been working closely with the Income Team to address rent arrears and provide support for tenants who may be affected by the cost-of-living crisis.

**Housing Options**

A Housing Options Duty Officer will be available on site in Saffron Walden, daily during working hours. This re-instates our pre-covid levels of service and underlines our commitment to assist those in need or help and support.

## **Councillor Maggie Sutton – Portfolio Holder for Communities**

**Report to Full Council: 11 March 2024**

### **General Summary**

We are currently undergoing recruitment to replace Fiona Gardener, Communities Manager. Interviews take place on the 23<sup>rd</sup> February 2024 and we hope to announce the successful candidate shortly.

### **Safeguarding and Domestic Abuse**

We have completed and have submitted a Section 11 safeguarding audit with Essex County Council safeguarding boards for adults and children. The results and actions from the audit will inform the basis of a Safeguarding Action Plan, which will be measured and delivered via the Safeguarding Steering Group who will ensure that we are meeting our statutory duties as a District Council.

We have re-commissioned services of Next Chapter, a Housing Navigator service for victims of Domestic Abuse within Uttlesford. The worker provides support to residents as well as families seeking housing in Uttlesford due to domestic abuse and can risk assess harm as well as sign-post to relevant services. The post is match funded by Essex County Council.

The Community Safety and Safeguarding teams are currently engaging with the Domestic Abuse Housing Alliance to become an accredited partner of the scheme and to ensure that UDC's policies and procedures are updated and that our governance and partnership arrangements are fit for purpose.

### **Refugee and Asylum Seeker Support**

Further to the Rent Assist Programme and grant pots available for community and emergency items for UDC's Ukrainian guests and hosts, we are currently seeking approval for strategic grant pots to assist the integration and well-being of refugees and Asylum Seekers. The money is available to UDC through government grants and we will be seeking to commission the following strands of work;

- Emotional well-being and mental health
- Information, advice and guidance on a range of topics including housing, welfare and benefits, employment, education and training
- Organised activities for children and young people and families
- Individual emergency grant pots

## **Grants Update**

We have met with all the applicants of the Voluntary Support Grant and decisions will be made on the 29<sup>th</sup> February 2024 by a committee of the Cabinet and recommendations will go to Cabinet in March for ratification.

We have recommended to Cabinet the award of two grants from the large scale sports grant that was rolled-over from 2022-2023.

We have been undertaking a review of grant giving across the organization under the Blueprint Uttlesford programme and are proposing savings of £250K and will be using some of the UKSPF grant funding to support the Voluntary and Community projects. The Community Support Grant will open in the new financial year.

## **Community Safety**

The Community Safety Partnership are hosting a partner away day on the 21<sup>st</sup> February 2024 to discuss CSP priorities arising from the Strategic Assessment and to inform the five year Community Safety Action Plan.

UDC will be continuing their funding of local Police Community Support Officers and will be working much more closely with Essex Police to brief and task the PCSO's in the community, depending on emerging issues and ASB, working much more aligned to community need.

UDC is leading on the Closure Order of a Housing Association property that has been responsible for crime and ASB in the area and associated with the address. There is a multi-agency working group that is dealing with reports and taking tenancy action at the address but it is felt that intervention is needed to prevent further ASB from taking place and to seek respite for neighbours.

UDC is currently engaging with the Police, Fire and Crime Commissioners office to seek opportunity to access the Safer Streets funding and will be liaising with the public and partners to identify need and projects in the community to help in the prevention of ASB, youth diversionary activities and safer streets activities.

## **Health & Well-Being Board**

Key partners of the Health and Well-Being Board have met to form a delivery plan that sits under the Uttlesford Health and Well-Being Strategy. A series of workshops and data sharing will help us to determine priorities, which we will then share with wider agencies, residents and Councillors to ensure that priorities are aligned.

## **Councillor Neil Reeve, Portfolio Holder for Environment and Climate Change**

### **Report to Full Council 11 March 2024**

**This report reflects the highlights of the Portfolio from Late November 2023 to End February 2024**

### **Environmental Services**

Firstly, as Portfolio Holder I wish to apologize sincerely to all residents and Councillors for the extensive disruption to the waste collection service in late January and February. It is accepted that this was unacceptable. After a difficult period, we are hoping that we are now back to collections according to the planned schedule. A new full operator licence has now been issued.

I wish to appreciate the work of the hard-working team, and their leadership, during this period. I also wish to thank our neighbouring Local Authorities, ECC. and Widdington Recycling for their assistance. Specifically, I wish to thank Braintree District Council for providing their in-house waste crews when needed. All sincerely appreciated.

A Task and Finish Group has been established by the Scrutiny Committee to analyse UDC's 'Operational Resilience', in the context of the Waste Collection disruption, but with a brief to look at all UDC's operations and services. The results of this will be made public, and will be brought to the next full Council meeting.

Going forward, we have now set our annual budget and will be increasing the number of bin crews we employ permanently, up from 10 to 11, as the population in the district rose between the 2011 and 2021 censuses from 85,000 to 95,000, so we are at the point when we simply need more people to collect from all these extra houses. We also agreed the budget proposal to bring forward, by two years, the replacement costs for the first third of our bin lorries by two years, meaning that we will have more modern and reliable vehicles which suffer fewer breakdowns, and therefore provide a more reliable service to residents all round.

I attended meetings of the Essex Waste Partnership - Member Advisory Board 12 December 2023 and 28 February 2024.

ECC Waste Strategy 2024-2054: The Consultation for this has ended on 22 Nov 2023. The consultation responses are being considered. It is planned that ECC complete implementing the comments in June 2024, with UDC Cabinet to consider in July 2024.

Recycling Centre Bookings: The ECC Consultation on this ended mid-Nov 2023. ECC Cabinet approved the new process of having to make bookings to use this service. They noted that Uttlesford were an outlier in not wanting this change.

## **Climate Change**

The Climate and biodiversity team have been very active working through their work programme.

Preparation of the next 'Action Plan' is well advanced and will shortly be presented.

### **A personal climate change note**

I have recently learned that 25% of the volume of our 'residual' domestic waste, the Black Bins, is made up of flexible plastic packaging. Maldon District Council and a few other District Councils nationally are conducting pilot trials (for DEFRA) to collect this waste from resident's homes. In the meantime, we (at home) are separating this waste (in our case mostly plastic foil from cat food) to take to the local supermarket for collection, and recycling. Another small step towards 'zero waste' by 2050.

## Uttlesford District Council Meeting 11 March 2024

### Written Questions to Members of the Executive and Committee Chairs

#### Written responses to be published on 8 March 2024

**1. By Councillor Gregory to Councillor Coote – Portfolio Holder for Housing:**

“To ask Cllr Coote what progress has been made on remediation of the problems discovered at Reynolds Ct, the cost to date and the extent to which those costs have been recovered?”

**2. By Councillor Barker to Councillor Evans – Portfolio Holder for Planning:**

“I note that the Council is still using Place Services at Essex County Council to provide Listed Building advice. Can I ask what progress has been made towards recruiting our own Listed Building Officer.”

**3. By Councillor Barker to Councillor Lees – Leader of the Council:**

“Can the leader confirm that the regulation 19 consultation will see the number of new housing allocations reduce by c2000 as a result of the additional permissions between April 1st 2023 and March 31st 2024.”

**4. By Councillor Moran to Councillor Evans – Portfolio Holder for Planning:**

“On inspection of the records it is clear that there was a large spend on agency planning officers during the period April to December 2023. Can I please ask the cabinet member responsible for planning how many of UDCs planning officers are direct employees of the council and how many are agency and relief?”

**5. By Councillor Moran to Councillor Evans – Portfolio Holder for Planning:**

“Following on from the recruitment of additional planning enforcement staff can I please ask the relevant cabinet member how many active planning enforcements there as of 1st of March 2023 and as at 31st of December 2023. How many have been closed since then and of those how many were deemed ‘not expedient’ to follow up.”

**6. By Councillor Gooding to Councillor Reeve – Portfolio Holder for Climate Change and the Environment :**

“Street Cleansing of pavements and footpaths in our towns, villages and rural areas is the responsibility of Uttlesford District Council not Essex Highways but I am receiving a significant growth in complaints that the footpaths are contaminated with debris that is not being cleared. Will the portfolio holder please confirm the following: -

Whether he has sufficient budget and other resource to properly complete this work and what the level of that budget is and whether the capital equipment required to complete this work is adequate and in a good state of repair?

Whether the use of any vehicles designed to sweep the gutters and gulleys has been affected by the hiatus in the vehicle operating licence.

What efforts are being made to reassure the residents of Uttlesford that this function is both adequate and being properly implemented.

**7. By Councillor Dean to Councillor Lees – Leader of the Council:**

“My recollection of the last meeting of Council on February 26th is that the Leader of Council reported enthusiastically about her experiences during the recent waste and recycling service failure.

The Leader reported that she had been well informed about absences and changes to services in her own ward, and this had enabled her to tell her constituents what service standard and service absences to expect.

Would Cllr Lees confirm that all Members of Council who wished to be similarly briefed on the impact in each of their wards of what some have called Bingate were appropriately so informed?”

**8. By Councillor Sell to Councillor Hargreaves – Portfolio Holder for Finance and the Economy:**

“One of the consequences of Blueprint Uttlesford is an increasing reliance on fixed term contracts for our employees. a) What is the current proportion of staff employed on such contracts? b) Is there a danger that the replacement of permanent contracts with fixed term contracts will have a negative impact upon the quality of service delivery?”

**9. By Councillor Sell to Councillor Reeve – Portfolio Holder for the Environment and Climate Change:**

“How many complaints have been received in 2024 regarding the non-collection of waste?”





# Agenda Item 6a

<b>Committee:</b>	Council	<b>Date:</b> Monday,
<b>Title:</b>	Constitution, Part 5 – Codes and Protocols & Part 3 Responsibilities and Functions: Amendments to Probity in Planning, Public Attendance at Planning Committee, and Delegations	11 March 2024
<b>Lead Member:</b>	Councillor Edward Oliver, Chair of the Audit and Standards Committee	
<b>Report Author:</b>	Dean Hermitage, Strategic Director of Planning <a href="mailto:dhermitage@uttlesford.gov.uk">dhermitage@uttlesford.gov.uk</a> Nurainatta Katevu, Head of Legal Services and Monitoring Officer <a href="mailto:nkatevu@uttlesford.gov.uk">nkatevu@uttlesford.gov.uk</a>	

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## Summary

1. This report asks members to consider a number of proposed amendments to the Codes and Protocols (Part 5) section of the Council's Constitution and one change to (Part 3) Responsibilities and Functions. These relate to the council's Planning function.
2. The amendments arise from the recommendations of the Planning Peer Review team following their assessment of the Council's Development Management (DM) function in June 2023 and January 2024. This was focused on the quality of decision making on major planning applications. The amendments also formalise planning appeal procedures following the Stansted Airport legal challenge as well as a general review of planning-related good practice.
3. The Council's DM function is currently 'designated' by government and the implementation of these proposals would be in keeping with the Council's aspiration to improve performance and be lifted out of special measures.

## Recommendations

4. That Council agrees the following amendments:
  - 4.1. Codes and Protocols (Part 5) section of the Constitution as set out in tracked changes at Appendix A:
    - i. 3.1 – 'Pre-application Discussions'
    - ii. 3.2 – 'Reports to Committee'
    - iii. 3.3 – 'Committee Procedures and Decisions'
    - iv. 3.5 – Addition of 'Appeals against committee decisions' and to renumber thereafter

- v. 3.6. – ‘Public Attendance at Committee Meetings’
- vi. 3.7 – ‘Site Visits’
- vii. 4.1 – ‘Member Training’
- viii. 4.2 – ‘Monitoring of Decisions’
- ix. Appendix 2 – ‘Procedure for Parish/Town Council Representatives/ Members of the Public Attending Meetings of the Planning Committee’
- x. Protocol for Calling in Planning Applications

4.2 Responsibilities and Functions (Part 3) section of the Constitution as set out in tracked changes at Appendix B to allow for the determination of s73 planning applications under delegated powers (members would still be able to call-in these applications if required).

4.3 To approve the amended terms of reference of the Planning Committee Working Group (Appendix D) in order to expand membership to the entirety of the Planning Committee and the Portfolio Holder for Planning.

### Financial Implications

- 5. No direct costs arising from this report although it should be noted that reducing the length of planning committee meetings will result in greater efficiency.

### Background Papers

- 6. None.

### Impact

- 7.

Communication/Consultation	The PCWG were asked to provide comment regarding the peer review. There was no agreement to take these recommendations forward.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

### Situation

8. The Planning Peer Review's findings have been captured in the report attached at Appendix C. By way of an introduction, and in terms of the review's aims, the report states:

"This report summarises the findings of a planning peer review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Development Management (DM) with a particular focus on the quality of decision making on major planning applications. The scope of the review has arisen as a consequence of the authority being 'designated' by the Secretary of State due to it underperforming (against the Government threshold target) on the quality of decision making on major planning applications."

9. A more in-depth outline of the scope and focus of the exercise is set out in Section 5 of the Peer Review report. The team spent two days at the Council and the following methodology was used in the collation of evidence and data which would inform their recommendations:
- Spoke to around 40 people including a range of council staff together with Councillors and external partners and stakeholders.
  - Gathered information and views from 15 meetings, observations of online planning committee meetings and additional research and reading.
  - Collectively spent nearly 65 hours to determine their findings; the equivalent of one person spending nearly 9 days in Uttlesford District Council.
10. Section 5 of the report provides detail on the Review's findings, and members are asked to note the extensive feedback that justify the recommendations set out at Section 2. The recommendation to which this report provides response to is:
- R10** Review scheme of delegation and codes of practice to reduce the number of applications being considered by committee and the length of each committee meeting and review the appropriateness of the degree of summarisation of Town/Parish Council representations in committee reports.
11. The Strategic Director of Planning has assessed these proposals and puts forward the changes as attached at Appendix A and Appendix B (in tracked changes for ease of reference) in order to implement the Peer Review team's, and other, recommendations.
12. The proposals were considered at the 1 February 2024 meeting of Audit and Standards Committee. The recommendations made by the committee have been incorporated into the proposed changes.
13. All proposed changes are set out in the appendices to this report. They have been reviewed for conformity with the council's code of conduct.

14. In addition, the Planning Committee Working Group requested at its meeting on 29 November 2023 that membership be expanded to include all Planning Committee members and the Portfolio Holder for Planning. The revised terms of reference can be found at Appendix D.

## 15. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Public speaking at committee provides direct democratic engagement with the council's planning processes. However, Planning Committee's primary purpose is to determine business in accordance with the council's policies and the NPPF. There is some concern that public speaking occupies a significant amount of time at committee, which is not necessarily conducive to the decision making process.	2	2	Uttlesford District Council's public speaking protocol is extremely generous in comparison to other local authorities, often resulting in repetition of points. The public can engage with the planning process via the public consultation that takes place for each application. Setting out an overall maximum amount of speaking time per planning application would improve the efficiency of meetings and serve to avoid repetition of points.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



### 3. The Decision-Making Process

#### 3.1 Pre-application Discussions

3.1.1 Discussions between a potential applicant and the Council (through its planning officers) prior to the submission of the application can be of considerable benefit to both parties and is encouraged by the Audit Commission, the Local Government Association and the National Planning Forum. It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed are personal and provisional. Advice should be considered and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning officers. In addition, all officers taking part in such discussions should make clear whether or not they are the decision maker. A written note should be made of all potentially contentious meetings and telephone discussions. A follow up letter to the applicant – may be advisable will should be provided following a pre-application discussion, especially when documentary material has been left with the Council.

3.1.2 Councillors should not seek to advise applicants or agents about the likely acceptability of planning proposals. They should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. They should make it clear that they will only be in a position to take a decision after having considered the officers' reports and any representations and have heard any debate in the committee meeting.

3.1.3 Councillors should not agree to meet applicants or agents or third parties in connection with a current or proposed application. If councillors do agree to meet they should only do so in the presence of a planning officer. In exceptional circumstances, where it is not possible to arrange a meeting in the presence of a planning officer without causing undue delay councillors should notify the relevant planning officer of the proposed meeting beforehand and the notification recorded in the application file. Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are personal, rather than those of the Council. A note should be taken of the meeting

and placed on the application file. The fact that a councillor has discussed any proposal with the applicant, agent, supporters or objectors must be made clear when the application is before the committee for determination. [This does not disbar Councillors from speaking with residents about concerns they have regarding planning application in their ward.](#)

3.1.4 If councillors receive information that is relevant to a planning decision they must declare that information to the relevant planning officers and to the committee. Discussions with applicants, agents or objectors should be reported and any correspondence made available to officers before the committee meeting.

3.1.5 Paragraphs 3.1.2 to 3.1.4 above do not apply to councillors when they are acting as agents for people pursuing a planning matter with the Council or submitting planning applications on behalf of their employers as part of their job. However, they should make it clear to their clients that they cannot and will not use their position as a councillor to influence the outcome of an application.

3.1.6 Any councillor may request that an application delegated to officers for determination be reported to committee for determination.

### Member Pre-application Briefings

#### 3.1.7 Enabling a Developer to brief and seek the views of elected Members

about planning proposals at an early stage can bring about better understanding of the issues through open exchange of information, discussion, and constructive questioning. Members can provide a steer on what is likely to be acceptable to the community and can allow problems and opportunities to be identified and addressed as the proposals for the development are put together.

With respect to large or strategic planning proposals (100 or more dwellings or 5,000sqm or more of commercial floorspace) officers may arrange briefings for the Planning Sub-Committee with the agreement of the Chair of the committee. These will be carefully managed and attended by officers to assist in protecting elected Members position as decision-takers. Prospective applicants will present a draft scheme and members given the opportunity to ask questions. No decisions will be taken at such meetings. A summary note of the meeting will be taken.

### **3.2 Reports to Committee**

3.2.1 Officer reports to committee should be accurate and cover, amongst other things, the

**Commented [DH1]:** Councils pre-application service offers this to developers.

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substance of objections and views of consultees. Relevant points should include a clear exposition of the development plan, the site, its related history and any other material considerations. Reports should contain a clear written recommendation. Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur. If the report's recommendation is contrary to the provisions of the development plan the material considerations which justify this must be clearly stated.

3.2.2 Members of Planning Sub-Committee will not attempt in any way to unduly influence the contents of the Officer's report or the recommendation made on any matter. Representations made by Members whether or not in writing will be recorded by the relevant officer and included in the report.

3.2.3 Any concerns or criticism about the work of Planning Officers by Members of the Planning Committee shall be made in writing, to the Director of Planning. Members should endeavour to avoid any public criticism of officers but this does not prevent Members asking officers proper questions.

**Commented [DH2]:** Good practice and transparent statement

### **3.3 Committee Procedures and Decision**

3.3.1 Pre-committee briefing meetings between officers and councillors are not part of a formal committee proceeding. They must always be after the agenda has been set and officers' recommendations have been made. The purpose of the meetings is to inform the Chair/Vice-Chair on planning issues, the reasons for officer recommendations and to give the Chair/Vice-Chair an opportunity to give notice of or to be told about any potential problems or the need for more information.

3.3.2 Councillors should endeavour to obtain factual information from officers prior to the meeting. This can assist in reducing delays which may be caused by deferral to obtain further information.

3.3.3 The committee's decision must be in accordance with the provisions of the

development plan unless material considerations indicate otherwise. When councillors propose to make a decision contrary to officer recommendation the proposer must set out clearly the reasons for so doing. The Chair will ensure that the planning officer is given an opportunity to comment before a vote is taken. Any decision contrary to the provisions of the Development Plan must be clearly justified and recorded in the Minutes.

3.3.4 Any information received after preparation of the committee report which is relevant to the determination of an application will be summarised on the supplementary representation sheet circulated prior to the meeting. Any information or documents received after its printing will be verbally reported to the meeting. No documentation should be accepted during the course of a meeting. In certain circumstances consideration of the application may need to be deferred.

**Commented [DH3]:** Accepting documents mid-meeting does allow for all parties to review them. Procedurally unfair.

3.3.5 Officers will prepare formal decision notices giving effect to decisions of the planning committee. In the event that the previously settled policy decision is unclear or that circumstances materially change prior to issuing the decision, officers may urgently refer the matter back to planning committee for a fresh decision. Officers will not materially alter the substance of a decision made by the planning committee without a referral back to the committee, or in the case of minor alterations, agreement from the chair.

**Commented [DH4]:** This is in line with the recommendation following the stansted airport challenge review.

### 3.4 Deferments

The decision on any application should not be deferred without proper justification.

Justification for deferring a decision might be for one of the following reasons:

- Additional information necessary for determining the application is required
- A site visit is required

A site visit is not part of the formal committee proceedings and is not a forum for debate or for making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or as an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

### 3.5 Appeals against committee decisions

The preparation of planning appeal statements, strategies and witness statements is delegated to officers. Officers will seek to put forward a robust defence in response to an appeal against a planning decision. Should it become apparent that a decision of the planning committee (or any individual reason for refusal or condition imposed) is not defensible on appeal, or that circumstances have materially changed since the committee

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made its decision, officers will refer the matter back to the committee before submitting the council's defence. Such a referral back to committee is likely to be required to be held in private so as not to prejudice the council's case at appeal.

In cases where the government-imposed appeal timetable does not afford sufficient time to make a referral back to planning committee, the matter will be discussed with the chair (and/or vice chair and proposer of the committee's resolution) of the planning committee who may make the decision. In such cases officers will then notify all members of the planning committee of the decision.

**Commented [DH5]:** In line with findings of Stansted challenge review

### **3.65 Public Attendance at Committee Meetings**

3.5.1 All planning applications, other than those determined by officers exercising delegated powers, will be considered in public session and all background information will be made available for public inspection upon publication of the agenda papers, unless there are specific reasons for exempting information in accordance with the Local Government Act 1972.

3.65.2 Applicants, agents and members of the public, representatives of parish councils and members of the Council who are not members of the committee may speak at the meeting. The procedures for notifying the Council and speaking are set out in part 5 of the Constitution ([appendix 2](#)).

### **3.76 Site Visits**

Site visits can cause delay and additional costs and should only be used when the expected benefit is substantial. A site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers. The reason for requesting a site visit must be clearly set out by the proposer and recorded in the Minutes. All site visits must be carried out in accordance with the Council's agreed procedures set out in Appendix 1 to this Code. A site visit is not part of the formal committee proceedings and is not a forum for debate or making planning decisions. Site visits are not open to the public and should not be used to canvass local opinions or as an opportunity for lobbying or advocacy. Councillors should not express personal opinions during site visits.

#### 4. Administrative Matters

##### 4.1 Member Training

Councillors will be given regular updates to keep them informed of important changes in legislation, procedures or practices, either verbally at meetings or as briefing notes (for example in the Members' Bulletin). Officers will arrange an annual **basic** mandatory training session for Councillors who are members or substitute members of Planning Committee. This training must be undertaken **prior to any elected Member before** participating in decision making at Planning Committee. All members of

the Council who are not on Planning Committee or a substitute member of planning committee will be invited to attend on a voluntary basis **however, those that do not attend may not call in a planning application.** Officers will arrange and offer (in consultation with the Chair of Planning) a programme of topic focussed training to run throughout the year. Topics to include review of decision made, visits to implemented schemes and updates on changes to planning law. **It is recommended that Members of the planning committee undertake a minimum of 5 hours planning training per year.**

**Commented [DH6]:** The training goes beyond "basic"

**Commented [DH7]:** It is mandatory in Scotland. Making mandatory would be more robust but more onerous.

##### 4.2 Monitoring of Decisions

The Council should monitor planning decisions taken, on an annual basis, both in terms of quality and consistency. Annually, councillors will visit a sample of implemented planning permissions to assess the quality of the decisions.

the committee should formally consider the annual report and decide whether it gives rise to the need to review any policies or practices. The review may include information identifying the number of cases where officers' recommendations were not accepted and the outcome of any related appeal decisions. The results of the monitoring will be reported to councillors along with any recommendations to improve quality, consistency or performance.

#### APPENDIX 2

#### PROCEDURE FOR PARISH/TOWN COUNCIL REPRESENTATIVES/ MEMBERS OF THE PUBLIC

#### ATTENDING MEETINGS OF THE PLANNING COMMITTEE

## 1. Agendas

1.1 The Council will send out the agenda ~~sheets~~ for all committee meetings to all parish and town councils, unless a parish/town council has specifically requested not to receive any agendas.

1.2 The agenda ~~sheets~~ will be sent out a week before the meeting.

1.3 ~~All relevant reports and background documents will be published online. If the parish/town council would like a copy of a particular report, the clerk should telephone the committee officer listed at the end of the agenda.~~

## 2. Attendance by Parish/Town Councillors and Members of the Public

2.1 Town/parish councils and applicants/agents, objectors and supporters may make representations on all applications. ~~If an application is recommended for approval and there are no registered speakers against the application the applicant/agent will not have the right to make representations.~~

2.2 Two representatives of the town or parish council may also attend site visits. (see Procedure for Members' Site Visits above).

2.3. A town or parish council representative and members of the public may attend the meeting and speak on any application.

~~2.4 To allow those who have applied to make representations to be heard by the committee on items on the agenda for the meeting; and to get through the agenda expeditiously to avoid delay to applications and wasted journeys by the public, the following protocol will be applied:~~

2.5 ~~Speakers must~~ ~~They must~~ ~~first~~ register with the Democratic Services Officer at Uttlesford District Council (telephone 01799 510410) or email: [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk) by 2pm on the day before the meeting.

The order of speaking for each application will be as follows

1. Non-committee member

Commented [DH8]: Reasons for structured protocol

Appendix A – Proposed changes to Part 5 of the Constitution: Probity in Planning

- 2. Supporters
- 3. Objectors
- 4. Town or parish council
- 5. Applicant or Agent

2.4 A non-committee member may speak for up to 5 minutes. A town/parish council representative may also speak for up to 5 minutes. Up to TEN members of the public may each speak for up to 15 minutes in total in support. Up to TEN members of the public may each speak for up to 15 minutes in total in objection. In the case of highly contentious 'Strategic applications', the Chair may exercise his discretion to allow a further 10 minutes bringing the total speaking time for each group to 25 minutes. Applicants and their representatives may speak

For the same time as those speaking against (non-committee members, town/parish council, and objectors) up to a maximum of 15 minutes. Ten speaking slots are available between supporters/ objectors. In the event there are no speakers in objection to the application and the application is recommended for refusal, the applicant will be given the right to speak for up to 5 minutes.

If an application is recommended for approval and there are no registered speakers against the application the applicant/agent will not have the right to make representations but may be asked points of clarification by Members of the planning committee.

2.5 At the meeting those making representations should sit in the public area until the relevant

item is to be considered.

2.6 Those making representations should be called to sit at the allotted desk alongside members to make

their statement and having made their statement should then return to the public area (or leave the meeting).

2.7 Those making representations should not seek to circulate materials at the meeting. If new or further material is to be allowed following the publication of the Committee papers it should be received by Planning Officers by 5.00pm the Friday before the meeting to be published in the Late List.

2.8 Written statements from third parties will not be read out in lieu of a speaker making representations in person. Statements will be included in the papers where received in time. This does not apply to Members.

**Commented [DH9]:** Planning representations are sought in writing on every application.

**Commented [DH10R9]:** Need to balance the time spent at meetings with enabling interested parties have a voice. Currently public speaking can total over an hour an application if all slots used. Peer Review notes extreme length of UDC meetings.

**Commented [DH11]:** Applicants may be able to assist the committee in answering Qs. However, not using it as an opportunity to put their case over again and again.

**Commented [DH12]:** As per 3.3.4 above

**Commented [DH13]:** Question of provenance of written statements being sent in to be read out. Recommend they be disallowed.

## PROTOCOL FOR CALLING IN PLANNING APPLICATIONS

### 1. Introduction

## Appendix A – Proposed changes to Part 5 of the Constitution: Probity in Planning

1.1. Uttlesford District Council is the local planning authority for the district of Uttlesford. As such it is responsible for taking decisions on planning applications within the District. Under the Town and Country Planning Act 1990 decisions on planning applications must be taken in accordance with the development plan unless material planning considerations indicate otherwise.

1.2. Most applications are dealt with by officers under delegated powers. Officers have power to refuse any applications which are not in accordance with the development plan and have delegated authority to grant planning permission in specified cases where the proposed development does accord with the development plan. The full scope of the delegated powers can be found in the Members' Handbook.

1.3. This protocol sets out the procedures to be followed when a member wishes an application for planning permission which can be dealt with by officers under delegated powers to be considered by the Planning Committee ("calling in an application").

### **2. Procedure for calling in an application**

2.1. Any member of the council may call in an application which would fall to be dealt with by officers under delegated powers regardless of where the application site is situated within the District.

2.2. If a member is considering calling in an application for a site in a ward in respect of which that member is not a ward member then before calling in the application the member shall inform the member or members for that ward of the intention to do so.

2.3. A request for a planning application to be called in must be:-

2.3.1. In writing (including e-mail [to memberplanningcasework@uttlesford.gov.uk](mailto:to_memberplanningcasework@uttlesford.gov.uk) or the [Head of Development Management](#) );

2.3.2. Made within 44 weeks of the validation date (which may be ascertained from the

Commented [DH14]: Master inbox - checked every day.

Appendix A – Proposed changes to Part 5 of the Constitution: Probity in Planning

Council's website);

2.3.3. State if the application is to be called in if the officer recommendation is for approval or refusal (but not both);

2.3.4. Give valid planning reasons for requesting that the application be called in.

3. Invalid call-ins

3.1. A request for a call-in may be rejected by the ~~StrategicAssistant~~ Director of ~~—~~Planning and Building Control if s/he is not satisfied that the reasons given for the call-in are planning reasons.

3.2. An application should not be called in merely because it is controversial. Applications should only be called in where there are planning reasons for disagreeing with the officer recommendation.

3.3. Members should not call in an application because they are requested to do so by an applicant, an objector or a parish or town council unless the member concerned is satisfied that there are planning reasons for disagreeing with the officer recommendation.

3.4. Members should not call in an application made by or opposed by a related person (as defined by the Code of Conduct of Uttlesford District Council) under any circumstances



## STRATEGIC DIRECTOR OF PLANNING

1. Carry out any functions laid out in the Schedule below, except for the determination of:

1.1. Any application to implement permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission where the application was accompanied by an Environmental Statement;

1.2 Any application a member has called in for a planning reason within the agreed time period;

1.3 Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 202109.

1.4 Approval of major applications which fall into the category of a major application (as defined by the Town and Country Planning (General Permitted Development) Order ~~2015~~1995 [with the exception of applications made under section 73 of the Town & Country Planning Act 1990.](#)

1.5 Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;

1.6 Any application where the applicant is an officer of the Council, an elected Member or a spouse, child or partner.

1.7 Applications which would otherwise be delegated but which the Director of Planning considers should come before the Committee.

1.8 Any application for a Deed of Variation to a s106 Agreement which is an alteration to a Head of Term agreement by Planning Committee.

2. Carry out all functions related to the enforcement of planning legislation contained in the Schedule.

3. Carry out all functions related to appeals against planning and enforcement decisions made by Uttlesford District Council.

4. All powers conferred under this section shall be subject to all duties and obligations contained in the Human Rights Act 1998 and all primary and secondary legislation concerning equal opportunities



Planning Peer Review

Uttlesford District Council

21st and 22nd June 2023

FEEDBACK REPORT

8 August 2023

## **1.0 EXECUTIVE SUMMARY**

- 1.1 This report summarises the findings of a planning peer review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Development Management (DM) with a particular focus on the quality of decision making on major planning applications. The scope of the review has arisen as a consequence of the authority being 'designated' by the Sec of State due to it underperforming (against the Government threshold target) on the quality of decision making on major planning applications.
- 1.2 Since 2019, the authority has been under the control of Residents for Uttlesford political group and the recent elections (May 2023) saw the party remain in control.
- 1.3 The Council has in place a Corporate Plan with a vision to make "Uttlesford the best place to live, work and play". The plan, at its heart, has public engagement and acting in a way that is responsive to its residents. The Plan and vision were something that members and officers were not especially able to reference.
- 1.5 The Council has a strong commitment to community engagement which is commendable. However, care has to be taken to ensure that the level of engagement is manageable / sustainable in the long term and that the expectations of the community are suitably managed.
- 1.6 The Council is without a current local plan as the existing plan adopted was in 2005 with virtually all of the allocated residential allocations now built out. There have been several attempts to progress a new local plan but these have faltered. Consequently, the Council has and is receiving planning applications in unallocated locations in a situation where UDC does not currently have a five-year supply of housing-land as required by national policy (UDC has a reported 4.89 years supply). As a result, in Framework terms, the Local Plan is deemed out-of-date and paragraph 11d of the Framework therefore applies. Against the backdrop of the concerns and philosophy of the controlling party (which relate to the community being in control of development in its area), the authority has faced a difficult period of time in terms of considering these planning applications. The Authority is now progressing a Local Plan and it is anticipated that this should reach Regulation 18 stage (first consultation on a full draft of the plan) in Autumn 2023. There is a strong will and desire to make this happen. However, there is the concern that the Council's desire to listen to its community could cause the progression of the local plan to adoption falter again and that the planning service will not be able to fulfil /sustain the high expectations of the Town and Parish Councils. There is the clear need to have a robust communication strategy around the new local plan and to effectively manage the expectations of the Town and Parish Council so that the relationship / engagement is sustainable for the Planning Service. It is hoped that the

impact of being a designated authority will also shine a light on the importance of having an adopted local plan.

- 1.7 The Development Management service benefits from good management, competent and committed staff with plenty of appetite for continued innovation and change being demonstrated. However, there is the need to develop the leadership skills of middle managers so that performance management is truly embedded across the service.

In terms of performance, the speed of undertaking validation checks was found to be good. The speed of the determination of planning applications was satisfactory. Delays in the completion of legal agreements was identified as being down to fluctuating legal resources at the Council and the lack of sufficiently prompt engagement by key partners. The service should aim to better embed the culture of performance within the whole service rather than rely too heavily on the senior managers to drive performance. It should also strive to continue to change and innovate (through the review of work flow, processes and use of ict) and look to ensure that the pre-application service is meeting its objective and that the opportunities for planning performance agreements are explored. The quality of decision making, as measured against the national performance indicator, was found to be good for non-major developments and the Council is now close to performing within acceptable performance target for major developments. The planning service has recently been boosted by the recruitment of a number of inhouse specialist posts and given the significance of the airport, there is the need to build a skills and knowledge bank in this work area. A planning performance agreement with the airport would help resource this.

- 1.8 The scheme of delegation was seen to result in a high number of applications being determined by committee which resulted in overly long meetings and engaging committee in applications that did not always merit their attention. Whilst the Peer Review Team only met those developers / agents that had not submitted applications to the Planning Inspectorate, the feedback was that there were good working relationships between them and development management officers. However, there was concern from them about the reliability of the Planning Committee in its decision making and this is perhaps reflected in the number of applicants that elect to have their applications determined by the Planning Inspectorate. A workshop so that members can appreciate the 'developers' side of planning' would be a helpful addition to their training programme.

- 1.9 The Council is liaising with the Department of Levelling Up, Homes and Communities (DLUHC) (in respect of the former designation) and there are a number of performance metrics that DLUHC is gathering from the Council so that an informed decision can be made on whether, at a point in time, it would be appropriate to de-designate the Council. The Council is showing evidence of progress in relation to the various performance metrics.

## 2.0 RECOMMENDATIONS

**R1** Uttlesford District Council needs to embed the Council's vision and corporate strategy including through the emerging 'workforce plan', to ensure it is relevant and drives the Council. There is a need to align the Local Plan and Corporate strategy with each other in relation to having a clear spatial vision for the council that meets the wider corporate vision.

**R2** Implement a skills and development programme for the middle managers in planning to help them develop as leaders / future leaders and continue to grow and embed the culture of performance with officers and Members with 1-2-1s / case reviews happening consistently for all.

**R3** Review key development management processes / workflows for inefficiencies / inconsistencies and the use of ICT

**R4** Manage the expectations of Town & Parish Councils regarding a serviceable level of engagement through a programme of training and consistent communication.

**R5** Robust communication strategy is needed for the emerging local plan to help manage the risk of derailment following Reg 18 consultation.

**R6** Hold an applicant / development led workshop with members and officers to improve understanding from applicant and council perspectives that can then form the basis for improved partnership working with developers and agents.

**R7** Work with key external partners to secure more timely engagement from them in Sec 106 matters and use external legal support to reduce S106 delays.

**R8** Take up offers of training support from key consultee partners.

**R9** Provide further support and training for staff on the use of PPAs and keep the pre-application service under review to ensure that it is appropriately priced and is meeting the objectives set by the Council

**R10** Review scheme of delegation and codes of practice to reduce the number of applications being considered by committee and the length of each committee meeting and review the appropriateness of the degree of summarisation of Town/Parish Council representations in committee reports.

**R11** Fill skills gap in airport related development and consider a PPA to support this / fund part of the officer resource.

## 3.0 BACKGROUND AND SCOPE OF THE PEER CHALLENGE

3.1 The peer team Peer challenges are delivered by an elected member and officer peers with substantial experience in Local Government. The make-up of the peer team reflected the Council's requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed with the Council. The peers who delivered the peer challenge at Uttlesford District Council (UDC) were:

- Julian German – **Councilor (Ind)**, Cornwall County Council

- Tracy Darke – **Assistant Director Economy and Place**, Shropshire Council.
- Peter Ford - **Principal Consultant**, Planning Advisory Service.
- Nick Harding, **Peer Review Manager**, LGA consultant.

Thanks also go to Kalash Patel, **LGA Programme Support Officer**, Local Government Association for her administrative support.

3.2 Importantly thanks go to all of the staff and councillors at Uttlesford District Council for their valuable assistance with the review.

#### 4.0 SCOPE & FOCUS

4.1 The peer review was intended to highlight key issues that Uttlesford District Council should focus on. It was not intended to investigate individual applications or complaints but provide recommendations, including practical quick wins. The main focus was on the matter of the quality of decision making on major planning applications. Planning Enforcement was excluded from the review as this had been the subject of an EELGA peer review relatively recently. The Planning Peer Review covers the following themes:

Theme
<b>Vision and leadership</b> - how the authority demonstrates leadership to integrate planning within corporate working to support delivery of corporate objectives
<b>Performance and Management</b> - the effective use of skills and resources to achieve value for money, and the effectiveness of processes (and the roles of officers and members) in decision-making on development proposals.
<b>Community engagement</b> – how the authority understands its community leadership role and community aspirations and uses planning to help deliver them.
<b>Partnership engagement</b> – how the authority works with partners to balance priorities and resources to deliver agreed priorities.
<b>Achieving outcomes</b> - how well the service leverages national and local planning policy to deliver the sustainable development and planning outcomes its community requires.

4.2 Given the DLUHC oversight that is currently in place, a section of this report looks at progress in relation to the various metrics that are in place under the arrangement. This does result in a degree of crossover with the themes identified in the table above.

4.3 Peer challenges are improvement focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement and are not an inspection. The process is not designed to provide an in-depth or technical assessment of

specific plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read. The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing (albeit that the information was not as comprehensive as would normally be expected as the lead times for the review were short. The majority of the 'gaps' were filled either during or just after the close of the 'virtual visit'). The team then spent two days working at UDC, during which they:

- Spoke to around 40 people including a range of council staff together with Councillors and external partners and stakeholders.
- Gathered information and views from 15 meetings, observations of online committee meetings and additional research and reading.
- Collectively spent nearly 65 hours to determine their findings; the equivalent of one person spending nearly 9 days in Uttlesford District Council.

4.4 This report provides a summary of the peer team's findings. It builds on the feedback presentation provided by the peer team shortly after its on-site visit (21<sup>st</sup> June to 22<sup>nd</sup> June 2023). In presenting feedback to the Council, they have done so as fellow local government officers and Councillors, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. The peer team appreciate that some of the feedback may be about things the Council is already addressing and progressing.

## **5.0 DETAILED FEEDBACK**

### **5.1 Vision and Leadership**

5.1.1 The Council's corporate strategy is currently contained in the Corporate Plan [2023 to 2027](#). The Council's vision is to make "Uttlesford the best place to live, work and play". The Plan gives priority to the fact that the organisation will put residents first and be a council that listens to and acts for residents. Specific reference is made to planning as it is stated that the organisation will: "increase the voice and influence of residents in planning".

5.1.2 Under the priority of "active place-maker for our towns and villages" it is stated that the Council will Masterplan new communities for and with residents and as an integral part of this it will "continue to develop our 20-year Local Plan, reflecting the unique character of our area as best as possible within central government constraints and statutory requirements".

5.1.3 Another priority identified in the Corporate Plan is that the Council will be a "progressive custodian of our rural and historic environment" and as part of delivering this it will "encourage positive planning that values and protects our heritage and landscape".

- 5.1.4 Under the final priority (“Champion for the District”), the Council identifies that, in its role as a place-maker, it must work with other authorities and organisations to influence, prioritise and coordinate actions to collectively deliver the best for the district and its resident.
- 5.1.5 What was evident during the visit was that whilst members and staff were acting / doing their work in a way that was generally compatible with the Corporate Plan, they were generally unable to identify the vision key components of the Plan. This is a significant shortcoming and could be addressed including through the forthcoming corporate workforce plan.
- 5.1.5 There appears to be an inbuilt tension between the elements of the Corporate Plan as summarised above (5.1.1 to 5.1.4) and a significant part of the role and activity of the planning service. Simply put, the tension lies in the area of listening to and acting for residents and the task of determining planning applications and the production of the new local plan. Whilst it is acknowledged by the Council in the Corporate Plan that the task of preparing the local plan and allocating land for development are a “must”, there is undoubted tension which could potentially compromise the Council as it goes about the business of determining planning applications and preparing the local plan. During the peer visit, there appeared to be a situation in which some members had high expectations about the range and depth of policy issues that would be tackled by the new plan, whereas the members and officers at the “coal face” of plan preparation understood that given the timetable, there would have to be some “under delivery” against the expectation. The level of risk posed by these different positions could not be established in any great detail due to the limited time the Peers were on site. However, it is an area that the peer team considers should be addressed by the council as a priority. There was a sense that getting ‘a’ local plan over the line was of most importance, understandably so, given the current designation, lack of current local plan and the five year housing land supply position.
- 5.1.6 At this time a “Corporate Plan Delivery Plan” (which will be used to guide the implementation of the Corporate Plan) is being prepared and will be published later in the year. This may help ease the perceived tension between the Corporate Plan and the preparation of the Local Plan and the determination of major applications for residential and employment development.
- 5.1.7 With regard to the production of the new Local Plan it was evident from the Members who met the Peer Team that there was a strong commitment to seeing it through to adoption within the timescales that have been set out in the [Local Development Scheme](#). In addition, it was seen that strong and effective arrangements had been put in place for:
- Member engagement in the production of the Local Plan via the cross party [Local Plan Leadership Group](#).
  - Public engagement via the [Community Stakeholder Forum](#).



- 5.1.8 The commitment from Members to the new Local Plan reflected the desire to be more in control of their 'destiny' than they currently have notwithstanding the fact that they don't necessarily agree with the quantum of development they need to accommodate.
- 5.1.9 From the conversations with UDC staff from various service areas, the Peer Team saw that they had a clear understanding of the importance of the Local Plan as a work stream in its own rights and how it relates to the Corporate Plan and the work of the different service areas within the Council.

## **5.2 Performance and Management**

- 5.2.1 The staff that we met demonstrated that a positive approach to work and performance had been created. The Council appeared to be an enjoyable place to work. The team has had a high turnover of staff but it now appears more settled and during a period where it is difficult to recruit to planning jobs, it was pleasing to see that during the week of the Peer site visit, more of the vacant posts had potentially been filled.
- 5.2.2 Validation speed was found to be very good with nearly all applications have the checks completed within 2 days of being submitted. In addition, the planning case officers considered that the accuracy of validation was satisfactory. The Peer Team heard no negative feedback from the applicants and agents that they spoke with. However, the Peer Team was only invited to speak to applicants who have not used the option of submitting Major planning applications to the Planning Inspectorate and therefore there could have been an element of bias in the feedback received.
- 5.2.3 It was evident that the service performs satisfactorily in relation to the speed of determination of applications. With regard to Major applications, between April 2023 and the end of May 2023, 88% of applications were determined in 13 weeks or within an Extension of Time (EoT). This is well above the Government set minimum target. This represents an improvement in performance when compared against the published [Live Tables](#) (table P151). The Authority currently ranks 242<sup>nd</sup> out of 322 authorities (in the live tables) but with current performance it would potentially jump the Council to being 173<sup>rd</sup> out of 322 authorities. With regard to non-Major applications, between April 2023 and the end of May 2023, 84% of applications were determined in 8 weeks or within an EoT. This is well above the Government minimum target (there has been a slight slippage in comparison to the 85% performance in the published [Live Tables](#) (Table P153) and would rank the authority 184<sup>th</sup> out of 322 authorities. Approximately 40% of applications of non-major applications have EoTs in place.
- 5.2.4 Extensions of Time can sometimes mask resource or procedural shortcomings. The Peer Team saw and heard no evidence of this during the visit. With the prompt validation process, there was virtually no lag between applications being made valid and being passed to planning case officers for processing. Coupled with this is the approach whereby applicants were only

allowed 1 round of amendments (save for major applications) and provided an EoT was entered into. There was a drive to reduce EoT's in the near future.

- 5.2.5 Retention and recruitment within the legal service has been difficult and it was reported to the Peer Team that staffing changes were causing delays in the completion of S106 agreements. Consideration could be given to the possibility of using a 'framework' legal service provided so that there would be access to a dedicated lawyer until a permanent in-house resource is secured. As the applicant is required to meet the council's legal cost there would be no budget implications for the Council.
- 5.2.6 The Council has recently reviewed its pre-application scheme with clear application forms and fee structure. Provision has also been made for a fast-track lawful development certificate process (even though the team understands that this service has not been taken up by any applicant to date). These initiatives are all useful and welcomed. However, there could perhaps be the inclusion of a free / low-cost option so that proposals that are of no merit can be filtered out without the applicant being put to significant time / trouble. In addition, it is important that the use made of the pre-application service is kept under review to make sure it is serviceable by the team, is appropriately priced and that it is meeting its intended objective or delivering better planning application submissions. Pre-application services should not be used as a money making exercise disproportionate to the resource being provided.
- 5.2.7 In terms of managing application cases, two approaches were being employed. Firstly, for large scale major applications, there were regular case review meetings taking place (example in Appendix 1). These identify the actions (and timescales) required to progress the applications and programmed the run in to a decision being made. Secondly, case officers held regular 1-2-1 case reviews with their line manager. Some feedback was received that some staff experienced (in their view) too frequent cancellation of these sessions. Having said that, feedback was also received that staff enjoyed the "open door" access that was offered by line managers. It is important that there is a balance between effective performance management and appropriate customer service. Whilst the Peer Team heard about generally good working relationships between agents/developers and officers, there was an example reported to the Team which appeared to show poor practice.
- 5.2.8 The service does make provision for planning performance agreements (PPAs), though the Peer Team noted that the bar for these was set at schemes of 200 dwellings or more. There is the potential to offer the service (PPA 'light') to smaller schemes (on demand), if it was considered that these could be appropriately serviced. Equally, the Peer Team saw that airport related development was going to be a constant and ongoing area of activity for the Council and there was perhaps scope for building up expertise in this area again (the skills and knowledge having been lost as a result of staff

leaving the organisation) and entering into a PPA with the airport so that this major facility knows that it has a dedicated resource available for it to access. It is not considered that this would cause any difficulties in terms of a conflict with the Council's corporate plan which sets out the wish to resist an additional runway, reduce night flying and flights over conservation areas.

5.2.9 With regard to the use of workflows and ICT, the staff were generally satisfied with their operation with the only reported inefficiencies / concerns being around:

- the insertion of planning conditions into the decision notice template (it is understood that the standard conditions are not available from a 'pick list' in the back-office system).
- The workflow / responsibilities at the preparation / issue of decision notices.
- some manual collation of statistics / data but since the visit this nearing resolution through the installation / use of Power BI a data visualisation tool.

As these are regular daily tasks, these should be reviewed by the service.

5.2.10 As already mentioned the Council is performing satisfactorily in relation to the speed of determination of planning applications. As a result of designation, performance management has been a key area of activity and not just in respect of the quality of decision making on major planning applications. It is important that once the Council comes out of designation.

5.2.11 There was clear leadership at the top levels of management within the service and whilst the middle managers in the Development Management Service showed good technical ability and a desire to manage the performance of their teams, there was the concern that there is too much dependence on individuals and the culture of performance needs to be better embedded within the whole service. The loss of key individuals who are the driving force behind improvement and change would possibly drag the service back to where it was is a potential risk. It is a stated objective of the Council for staff to have Personal Development Plans in place and the organisation is finalising its organisational development plan. This is the opportunity to help develop the leadership skills of the middle managers within the service.

### **5.3 Community & Partnership engagement**

5.3.1 As previously mentioned, the Council's Corporate Plan placed a significant emphasis on engagement with and listening to its residents. The service interfaces with the public centres primarily around:

- a) Consultation on planning applications.
- b) The operation of planning committee.

c) Consultation on the new local plan.

There is also engagement with a number of key partners and operators in the district such as Essex County Council and Stansted Airport and the services internal to the Council.

5.3.2 In respect of the consultation with the public and Town / Parish Councils, the Peer Team heard of no concerns with how the service was undertaking this work. The [Council's Statement of Community Involvement](#) (SCI) was adopted in 2021. No concerns were expressed by any parties the Peer Team spoke to in respect of the SCI not being complied with. However, the Town and Parish Council group thought that an updated version had been produced by the Council and that it had not been published yet. It appears that this may be a misunderstanding and relates to the "[Community Involvement Protocol](#)". The protocol (now adopted by the District Council) sets out how various parties (developer, UDC, Town / Parish Council) will contribute towards community engagement and is a voluntary agreement which is entered into on a case-by-case basis. As well as the possible misunderstanding of the status of the document, there also seemed to be a misunderstanding of how the protocol would be applied.

5.3.3 There is a reasonable level of delegated decision making on planning applications under the Council's constitution and associated [scheme of delegation](#). However, it was noted that the following applications are automatically considered by the planning committee:

"Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere"

This was seen by the Peer Team to result in applications, where there has been little or no comment from the public or Town / Parish Councils, going through the committee process. The Planning Committee should ideally have its focus on the more strategic and contentious applications. Currently the agendas are very long which is absorbing a high level of resource and creating very long meetings and the Peer Team is unclear why some of the items need Planning Committee consideration. Meetings being 7/8 hours long will not provide good quality decision making, particularly towards the end.

5.3.4 The Peer Team watched parts of a number of the Planning Committee meetings via the Council's You Tube channel (the most recent meeting available being June 2023). The meetings were chaired well, there was good debate and there was good legal support at the meetings. The interplay between officers was professional and showed that there was generally a good working relationship between officers and members. However, the Peer Team were made aware of some cases where planning committee members had openly declared at meetings that they had not read the committee papers.

If true, this is poor practice. The Committee is an important shop window to the organisation and the district and it is important that it projects a professional and competent image to the outside world. There is no need for officers to provide presentations, apart from any update, if members have read the reports.

5.3.5 The [public speaking scheme](#) operated at UDC is very generous and this fits with the element of the Corporate Plan relating to engagement with the public and involving them in decision making. The scheme allows for up to 10 members of the public to speak for up to 4 minutes. This arrangement can sometimes result in significant parts of the meeting being taken up with public speaking and planning concerns being repeated by the speakers. With the fact that the representations for and against the applications will have been summarised in the report, the public speaker presentations will be a reinforcement of the points made. As such there could be scope for setting a maximum amount of time per speaker (4 mins for example) with an overall maximum (12 mins for example) and if (in the example given) there were say 5 public speakers, the time should be shared equally before them or they elect a spokesperson.

5.3.6 In the session with the Town & Parish Councils, it was very evident that they were very much engaged in both development management, planning policy matters as well as enforcement. With regard to the former, it was sometimes the case that they commissioned specialist consultant advice to support them. The group explained that in the past there had been mistrust between them and the planning service. It was stated that relations had measurably improved but a number of concerns were expressed around:

- Summaries of objections and technical reports submitted by objectors being too brief.
- Inaccurate statements being made around important aspects of development (which they had to spend time correcting when speaking against applications at committee).
- Variable application of Neighbourhood Plan Policy.

5.3.7 The above concerns should be reflected upon by the planning service to establish the degree of truth, frequency and significance of these criticism and action should be taken as may be deemed appropriate.

5.3.8 The Peer Team was made aware that some Parish and Town councils benefitted from regular meetings with the planning service. These gave progress reports on major applications, significant enforcement / S106 matters as well and miscellaneous matters. There was some commentary that the Council under delivered on these in terms of useful content, though these meetings continue to take place. Consequently, the Peer Team concluded that the issue was one of differing expectations around what the meetings could realistically do / cover.

5.3.9 During the visit, the Peer Team met with a group of developers and agents. The general opinion expressed was that there were good and effective working relationships with planning officers. Notwithstanding the fact that none had applied directly to the Inspectorate for planning permission, there was a general concern about the reliability / consistency of decision making by the Planning Committee. An offer was made from the development sector to hold a workshop so that members to gain a better understanding of the development process and industry and the Peer Team thought that UDC should give consideration to accepting the invitation.

5.3.10 Relationships between officers and the internal and external partners appeared to be good (based on the feedback from the partners the Peer Team met with). However, some of the external partners felt that the relationship with members was not so positive but there was the hope and expectation that things will improve. At the meetings with the Peer Team, a number of the external partners did offer training and support to the Council and this is something that should be pursued. Officers expressed the view that some key external partners engagement in the S106 process was variable and this was causing delays in the completion of the agreements. These partners could be brought together so that they get a better understanding of the importance of a timely contribution to this part of the process.

5.3.11 In respect of the emerging Local Plan, the Council has a 'landing page' on its web site that provides the community with key information about the new local plan. Specific arrangements have been made to put public and member engagement front and centre of the preparation of the plan through:

- the establishment of the Local Plan [Leadership Group](#) where its activities are document through the web site.
- The [Consultation and Community Stakeholder Forum](#) (an initiative which won an RTPI award).

5.3.12 Whilst the Council has caveated its corporate commitment to listening to and allowing the community to shape the local plan by making clear that it must meet the obligation to prepare a new local plan, the Peer Team thought that there will be challenges ahead in respect of managing the expectations of the community and that it was important that there should be a communication strategy which could play a part in helping managing this.

5.3.13 In the discussions with the Town and Parish Councils, they expressed concerns about information about the Local Plan being held back from them. A key example of this was the list of sites that had come forward through the call of sites the results of their evaluation. The Peer Team thought that there would be benefits in breaking down the timetable so that it could include more detailed information about the various elements of the plan / process so that the expectations of the Town & Parish Councils could be better managed. Alternatively, these messages could be delivered as part of the ongoing training / knowledge exchange sessions with them.

## 5.4 Achieving outcomes

- 5.4.1 The planning team is well respected and valued within the Council and across other services. The Development Management team is also seen as open and approachable within the Council. The service has been proactive in launching the service's new pre-application advice process to support applicants although further take up needs be encouraged. There is no question about the skills and knowledge that the council's planning team provide (save for airport related development) and it is noted that specialist inhouse resources have been increased. This puts the authority in a strong position in terms of delivery.
- 5.4.2 Whilst the authority has not enjoyed the experience of dealing with planning applications for unplanned and uncoordinated development proposals, it is edging closer towards having a 5-year land supply and as/when/ if this is achieved then the implications arising from having to consider the tilted balance will ease.
- 5.4.3 With regard to the Local Plan, there was a clear drive and enthusiasm for progressing the Local Plan towards adoption by both Members and Officers and keeping to timetable. As previously mentioned, the process needs careful management to ensure that the goal is achieved given the strong desire of the council to listen to the community and the hope and expectations of community groups in respect of the scale and location of new development and infrastructure provision.
- 5.4.4 Remaining with the topic of planning policy, the Council has put in place systems in place to:
- Support communities in the preparation of neighbourhood plans through its partnership with the Rural Community Council of Essex.
  - Engage the community in the production of a design code for the district.

These will help ensure that residents have the opportunity to shape their high quality urban and rural areas as aspired to in the Corporate Plan.

- 5.4.5 As result of the designation of the Council for its underperformance in respect of the quality of decision making on major planning applications, DLHUC is monitoring the progress of the Council against a series of metrics. These are listed below and are perhaps a key area to look at in terms of 'outcomes' (notwithstanding a degree of cross over with a number of other headings in this Peer Review Report):
- a) Percentage of qualifying applications taken via s62A / UDC.
  - b) Major applications dealt with in time or in accordance with agreed extension.
  - c) Speed of response to s62A applications.
  - d) Major applications granted by s62a compared to UDC over same

period.

- e) Number of pre-application or PPA requests (major schemes) through UDC that went on to submit an application to S62A / UDC.
- f) Dwellings Permitted UDC and PINs (Issued).
- g) Percentage of major applications where recommendation for approval is over- turned by Planning Committee.
- h) Percentage of Major Applications overturned at appeal.
- i) Hours of Member Training provided.
- j) Measure of staff turnover.
- k) Percentage of vacant posts
- l) Percentage of professional staff with Personal Development Plan in place.

#### Percentage of qualifying applications taken via s62A / UDC

5.4.6 17 % of applicants for major development proposals have elected to have their applications determined by PINS and this has remained steady since designation (with 3 out of 10 applications being for solar farm proposals). This is not considered to be a particularly high level of applications 'leaking' away from the Council for determination elsewhere. However, this does still show that there is a lack of confidence amongst a proportion of applicants in the Council's decision making. The Council has sought to increase the confidence of applicants by:

- Delivering a member training programme including specifically on renewable energy developments.
- Holding regular agent and developer forum meetings.
- Improving the pre-application service.
- Letting applicants know about the strong speed of decision-making performance.

#### Major applications dealt with in time or in accordance with agreed extension

5.4.7 85% of major planning applications determined by the Council are determined on time and to support continued performance the council has put in place the following measures:

- a) The creation of a major's team and project officer post
- b) Fortnightly application project meetings
- c) Improvements to the pre-application service

#### Speed of response to s62A applications

5.4.8 100% of these applications have been responded to on time by the Council and this has been achieved through:

- a) The monitoring of validation performance.
- b) Having a dedicated s62A validation officer.
- c) Project managing the s62A applications.

#### Major applications granted by s62a compared to UDC over same period



Year	UDC issued	Approved	Refused	PINs issued	Approved	Refused
01/02/2022 – 31/01/2023	39	28	11	2	2	0
01/02/2023 – 31/01/2024	11	7	4	4	2	2

5.4.9 In the 2022/2023 reporting period PINS approved 100% of the applications determined by it. By comparison UDC approved only 72%. By contrast in the 2023-2024 reporting period (so far) UDC approved 64% of applications compared to 50% by PINS. This perhaps demonstrates that the metric is perhaps a blunt tool as no two applications are the same and the outcome of the application is based on material planning considerations pertinent to the case in hand.

The number of pre-application or PPA requests (major schemes) through UDC that went on to submit an application to S62A / UDC

5.4.10 The table below suggests that there may be more confidence in UDC as a decision maker but this is not definitive due to the limited reporting period so far in 2023

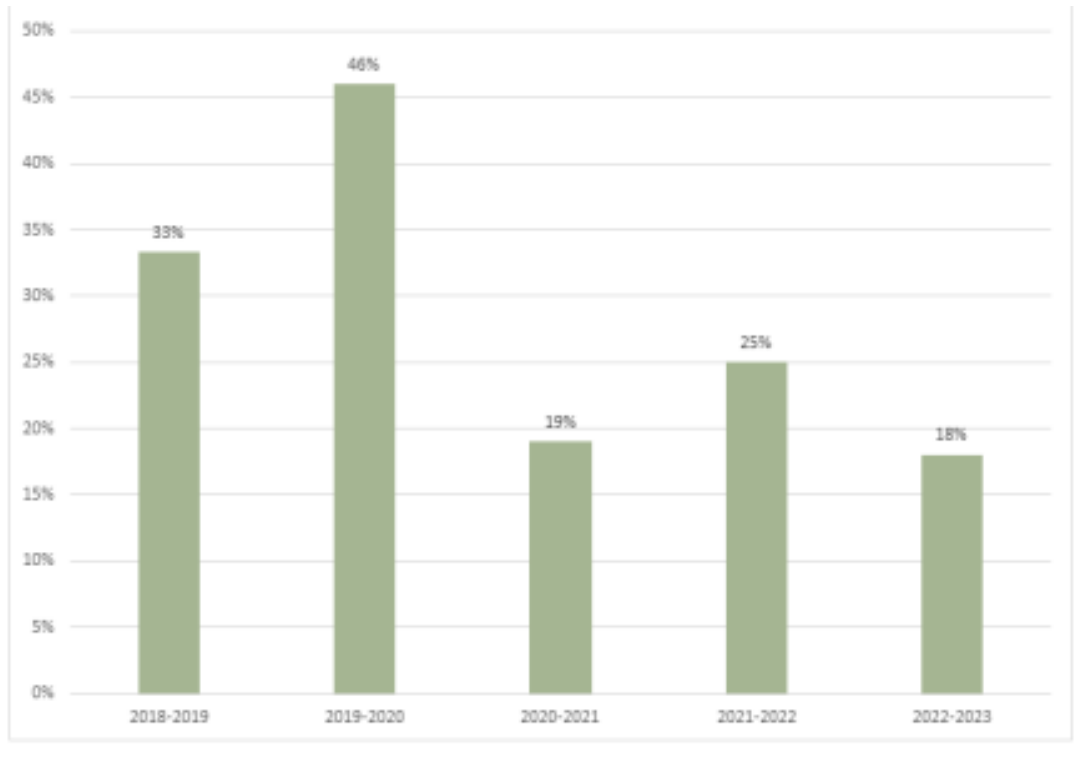
Year	Number of Major scheme Pre-apps UDC	Went on to submit application to UDC	Went on to submit application to PINs
01/02/2022 – 31/01/2023	25	5	3
01/02/2023 – 31/05/2023	7	1	0

Dwellings Permitted UDC and PINs

5.4.11 UDC has issued decisions on 50 major applications (85% within 13 weeks or an EOT) since designation. 35 of these were granted planning permission. This equates to 1516 homes, 70 extra care beds and 49 retirement flats. By comparison 466 dwellings have been approved via 3 applications approved by PINs. Whilst not part of the metric, the Peer Team felt that it might be useful if it could look at the comments submitted to PINs by UDC on those applications that submitted to / being determined by PINs. Due to the tight timeframe for submitting their comments, UDC would be ‘blind’ to the responses of other technical consultees outside the organisation which would ordinarily influence the UDC response. In addition, it is difficult to judge if a decision based on some planning considerations is right or wrong (such as the setting of a settlement especially when the ‘tilted balance’ is in play) and so the Peer Team was unable to draw any conclusions on whether or not the Council was acting ‘appropriately enough’ when making its recommendations to PINs.

Percentage of major applications where recommendation for approval is overturned by Planning Committee.

5.4.12 The graph below shows that the level of overturns has decreased from previous highs which is an improved position. However, it is difficult to say if this is down to any particular change in the approach to decision making or other factors. This is because of the large number of variables that there when making planning decisions.



Percentage of Major Applications overturned at appeal

5.4.13 As can be seen in the table below, the Council is winning more appeals than in the recent past and so it is no longer performing below the Government performance threshold.

	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending*	Result
Apr 2021 - Mar 2023	73	29	18	3	5	10	6.85%
Apr 2022 - Mar 2024	39	10	7	n/a	n/a	7	0.00%

Member Training

5.4.14 There is a programme of member training in place for committee members and this is covering a variety of topics. Attendance has been generally good and with the recent elections there has been some change in which members are sitting on the committee. An introduction to planning / quality of decision-making event has already been held (using PAS support) and future topics are set to include Local Plans, planning obligations / development viability and enforcement.

Measure of staff turnover

5.4.14 The turnover of staff is summaries below and it is evident that it is slowing (see table below).

<b>Job role in Planning</b>	<b>Average Number of Employees</b>	<b>Total Number of Leavers in the last 12 months (to end Feb 2023)</b>	<b>Turnover % in the last 12 months (to Feb 2023) (target 15%)</b>	<b>Total Number of Leavers from Feb 2023</b>
Development Management	16	6	37.5%	1
Local Plan & New Communities	8	4	50%	0

Percentage of vacant posts

5.4.15 The table below shows the level of vacancies in the team. The level is due to reduce as, during the week of the peer review visit, interviews were being held and verbal offers had been made to a series of candidates.

	<b>As at 01/02/2023</b>	<b>As at 31/05/2023</b>	<b>Covered by agency</b>
<b>DM including Enforcement</b>	33.33%	43.75%	Yes
<b>Policy</b>	50%	12.5%	Yes
<b>Specialist Team</b>	40%	20%	No
<b>Support &amp; Registration Team</b>	0%	0%	n/a

Percentage of professional staff with Personal Development Plan in place

5.4.16 At present only 20% of staff have PDPs in place and so clearly more progress needs to be made on these.

5.4.17 When looking at the performance against the metrics as a whole, it can be said that good progress is being made and that there is a case for UDC being de-designated.

## **6.0 IMMEDIATE NEXT STEPS**

- 6.1 We appreciate that the senior managerial and political leadership will want to reflect on the findings within this report in order to determine how the organisation wishes to take things forward. To support you in your improvement journey, the Peer Team have identified a number of key recommendations, some of which you may already have in hand. We welcome your response to these recommendations within the next three months through the development of an action plan. Your Principal Adviser, Peter Ford will be in contact to assist the council going forward and to provide additional support, advice and guidance on any areas for development and improvement and he will be happy to discuss this. In the meantime, we are keen to continue the relationship we have formed with the Council throughout the peer challenge.

## **7.0 FURTHER SUPPORT**

A range of support from the LGA and PAS is available at

<http://www.local.gov.uk> and via the PAS website <https://www.local.gov.uk/pas>.

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## **PLANNING COMMITTEE WORKING GROUP – DRAFT TERMS OF REFERENCE**

### **1. Purpose**

The purpose of the Planning Committee Working Group is to monitor the procedures, training programme and practices of the Planning Committee to ensure that it works as effectively and as efficiently as possible, and that it makes consistent decisions. It shall also be responsible for schemes which were approved by Planning Committee and have been implemented.

### **2. Status**

The Planning Committee Working Group is a working group of Council and shall be an advisory board to the Planning Committee. The Planning Committee Working Group will not have Sub-Committee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply. However, it is expected that the Planning Committee Working Group will be established on a cross party basis.

### **3. Areas of focus**

The Planning Committee Working Group will focus on improving the functionality of the Planning Committee. It will also take responsibility for progressing the timetable and actions required by the EELGA PEER Review as they relate to the Member Development Implementation Pathway and Planning Committee.

The actions are:

- All Member training to build a mutual understanding of the benefits of good Member and officer relationships and the Code of Conduct
- Councillors on Planning Committee to undertake mandatory training with annual refreshers Encouraged to read the NPPF
- Councillors on Planning Committee to observe a recognized best practice LPA Planning Committee at work
- Review and update the scheme of delegation
- Update call in protocols so they are based on material planning considerations, are time bound, include a responsibility for the Chair and Deputy Chair to check whether call ins are based on material planning considerations and ensure clarity about the view of the relevant member (refusal or approval).

It shall also receive verbal updates regarding the progress of wider Service Transformation.

### **4. Reporting**

The Planning Committee Working Group will report to the relevant Committee or Full Council with recommendations as necessary.

### **5. Membership**

~~Membership of the Planning Committee Working Group shall consist of 5 Planning Committee Members and the Chair of the Planning Committee, following nominations by their Group Leaders to reflect the political composition of the Council. Membership of the Planning Committee Working Group shall consist of all members appointed to the Planning Committee and the Portfolio Holder for Planning.~~

### **6. Meetings and ways of working**

The Planning Committee Working Group ~~Page 53~~ shall set its own meeting schedule as necessary.

# Agenda Item 8

<b>Committee:</b>	Council	<b>Date:</b>	Monday, 11 March 2024
<b>Title:</b>	Business Rates Reliefs Policy 2024/25		
<b>Portfolio Holder:</b>	Councillor Neil Hargreaves, Portfolio Holder for Finance and the Economy		
<b>Report Author:</b>	Jody Etherington, Director of Finance, Revenues and Benefits  JEtherington@uttlesford.gov.uk		

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## Summary

1. The Council is required to review and approve its policy for the application of business rates reliefs on an annual basis. This policy covers both reliefs which are mandatory (as determined by central government), and discretionary (as awarded by the Council under section 47 of the Local Government Finance Act 1988).
2. In practice, most discretionary reliefs are funded by way of central government grant, provided that the Council agrees to adopt and administer the reliefs in line with the associated government guidance. As such, for the most part, the Council's Business Rates Reliefs Policy serves simply to enact central government policy at a local level.
3. The proposed Business Rates Reliefs Policy 2024/25 is set out at Appendix A to this report. There are very few changes to the 2023/24 policy, and those of significance are set out at paragraphs 8 to 18 below.

## Recommendations

4. It is recommended that Council approves and adopts the Business Rates Reliefs Policy 2024/25 as set out at Appendix A to this report, to take effect from 1 April 2024, using its discretionary powers under section 47 of the Local Government Finance Act 1988 (as amended).

## Financial Implications

5. The financial implications of the proposed Business Rates Relief Policy 2024/25 have already been factored into the 2024/25 General Fund budget, which was approved by Council on 26 February 2024.

## Background Papers

6. This report has been prepared with reference to published government guidance on each of the forms of business rates relief set out in Appendix A. This guidance is available to the public on the gov.uk website.

## Impact

7.

Communication/Consultation	Corporate Management Team (CMT) and Informal Cabinet Briefing (ICB)
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	Policy ensures compliance with the Subsidy Control Act 2022
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

## Changes to Policy

8. The changes of substance from the equivalent 2023/24 policy are set out in the following paragraphs:

### Backdating of Reliefs

9. Previously, local authorities were only permitted to award reliefs with effect from the start of the financial year in which an application was made. However, the Non-Domestic Rating Act 2023 allows the Council full flexibility on the award, backdating, and revocation of discretionary reliefs from 1 April 2024.
10. It is proposed that the Council applies these new discretionary powers in order to consider the backdating of reliefs in the following limited circumstances:-
- i. where the application for relief is made and determined within 6 months of the end of that financial year; or
  - ii. where a hereditament is entered into the rating list for the first time and an application for relief is made within 3 months of the hereditament entering the rating list; or
  - iii. where the cost of the backdated relief will be met by central government through a funded scheme (e.g. retail, hospitality and leisure relief, local newspaper relief, and supporting small business relief), provided that any additional conditions set by government have been met.

11. In all cases, any backdating remains at the discretion of the Council, and under legislation no backdating can be considered in respect of any period prior to 1 April 2023.

#### Improvement Relief

12. This new relief will support businesses undertaking qualifying improvements to their property, by effectively delaying any resultant increase in business rates for 12 months.
13. In order to qualify for this relief, works must increase the area of any building, otherwise improve the physical state of the hereditament, or add to the rateable value of its plant and machinery. In addition, works must be completed by 31 March 2028, and the same ratepayer must be in occupation from the date of completion throughout the period that the relief is claimed. Improvement relief does not apply to new builds, refurbished hereditaments which are removed from the rating list whilst works are carried out, changes of use alone, or the addition of land.

#### Heat Network Relief

14. Heat network relief was introduced as a discretionary relief with effect from 1 April 2023. It provides 100% relief for eligible hereditaments which are wholly or mainly used for the purpose of a heat network, where heat is expected to be generated from a low carbon source.
15. With effect from 1 April 2024, heat network relief will change from a discretionary relief to a mandatory relief. The amount of relief available and eligibility criteria are unchanged.

#### Small Business Multiplier

16. Following changes to legislation with effect from 1 April 2024, the small business multiplier will now apply to most properties with a rateable value of under £51,000. This will include properties which were previously ineligible such as those occupied by charities and unoccupied properties.

#### Business Development Relief

17. This local discretionary relief was funded from the £1 million Business Recovery Fund. This was always intended to be a time-limited measure, and will cease as planned on 31 March 2024.

#### Extension of Existing Reliefs

18. The following reliefs, which had been due to end on 31 March 2024, have now been extended by the government until 31 March 2025 on the same terms as they currently operate:
  - i. retail, hospitality and leisure relief; and
  - ii. supporting small businesses relief.



## Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
The Council's policy is not in accordance with government guidance	1 – low due to the level of expertise within the Revenues and Benefits service	3 – Council may be unable to reclaim the cost of providing some reliefs from central government if conditions have not been met	Policy has been reviewed by senior officers prior to recommendation to Council
Reliefs are not administered in line with the policy, or inaccurate or fraudulent applications for reliefs are made	1 – low due to the level of expertise within the Revenues and Benefits service, information held on businesses, and access to the central valuation register	2 – incorrect allocation of reliefs, loss of income from government reimbursement of ineligible claims	Officers collect and check details against various databases, and have the support of software provided by HMRC to check for fraudulent claims

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project

UTTLESFORD DISTRICT COUNCIL

BUSINESS RATES - DISCRETIONARY RATE RELIEF/DISCOUNT

POLICY EFFECTIVE 1 APRIL 2024

**Policy objectives**

1. To support the local economy by providing incentives for occupation of empty premises and encouraging business start-up and business expansion within Uttlesford.
2. To support rural communities by assisting businesses operating in rural locations.
3. To contribute to maximising the Council's financial position under the business rates retention scheme by encouraging longer term rateable value growth.
4. To support town centres to evolve during a period of significant changes in customer behaviour.

**Administration**

- Page 58
- The policy will be administered by the Council's Revenues and Benefits service, who will determine the relief application process using the criteria set out in this policy. Eligibility for relief will typically be based upon objective criteria such as the rateable value, location, and nature of an organisation's business. Business profitability will not ordinarily be a relevant factor for determining eligibility. The intention is for a streamlined process that is simple to administer for both applicants and the Council. The Council shall have the right to request any additional information it considers necessary to determine an application.
7. The Council will usually award relief from the beginning of the tax year in which an application is made, or the start date of the ratepayer's liability, whichever is the later. Backdating relief for periods before the current rate year will be considered where:
    - a) the application for relief is made and determined within 6 months of the end of that financial year; or
    - b) a hereditament is entered into the rating list for the first time and an application for relief is made within 3 months of the hereditament entering the rating list; or
    - c) the cost of the backdated relief will be met by central government through a funded scheme (e.g. retail, hospitality and leisure relief, local newspaper relief, and supporting small business relief), provided that any additional conditions set by government have been met.
  8. Under the Non-Domestic Rating Act 2023, any backdating of relief is at the discretion of the Council, and no backdating can be considered for periods prior to 1 April 2023.
  9. The overriding consideration in the determination of any application is that the granting of relief must be judged to be in the wider interests of the Uttlesford community and its council tax payers.
  10. Appeals against unsuccessful applications for relief will be determined by the Section 151 Officer, whose decision shall be final. There shall be no further right of appeal.
  11. The granting of discretionary relief will typically be on a rolling one year basis so that the Council can adjust its policy to reflect changing needs and circumstances.
  12. The policy will be subject to annual review and approval by the Council.

**Subsidy Limitations**

13. Granting of discretionary rate relief is subject to limitations under the Subsidy Control Act 2022.

## Business Rates Relief Policy

14. To the extent that a local authority is seeking to provide discretionary relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act allows an economic actor (e.g. a holding company and its subsidiaries) to receive up to £315,000 in a three year period (consisting of the current financial year and the two previous financial years). Note that this limit applies cumulatively to all support received from UK public authorities during this period, including other forms of support under MFA arrangements, Service of Public Economic Interest Assistance (SPEIA), aid given under the EU State Aid de minimis regulations, and subsidies given as small amounts of financial assistance under the UK-EU Trade and Cooperation Agreement.
15. Extended Retail Discounts granted in 2021/22 or 2022/23 do not count towards the limit, although Covid-19 business grants received from local government should be counted.
16. Where a business identifies a risk that the MFA threshold may be breached, it has a duty to notify the Council immediately, whether or not relief has already been granted.

### Categories of Relief

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
<b>Retail, Hospitality and Leisure Relief</b> 1 April 2024 31 March 2025	For retail, leisure and hospitality businesses that are in occupation for the 2024/2025 financial year.	Not applicable	To further support businesses during the cost of living crisis, in the autumn budget on 22 November 2023 the government announced an extension to the retail, hospitality and leisure relief for the 2024/2025 financial year. <ul style="list-style-type: none"> <li>• Occupied retail, leisure, and hospitality properties for 2024/2025 (subject to certain exceptions – see government guidance).</li> <li>• No rateable value limits.</li> <li>• 75% discount for the period 1 April 2024 – 31 March 2025.</li> <li>• This relief will be subject to a cash cap limit of £110,000. This cap applies to the business and its subsidiaries not to individual properties or premises.</li> <li>• The discount will only be applied after all other mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied.</li> <li>• Locally funded reliefs such as hardship relief must be applied after this relief.</li> </ul>

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 00</p>			<p>In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves, certain precepting authorities (e.g. a parish or county council), or a functional body within the meaning of the Greater London Authority Act 1999.</p> <p>Local authorities will be fully reimbursed for their local share by way of a section 31 grant.</p> <p>Businesses may choose to opt out of this discount, by providing notification to the Council of their request to refuse support, per eligible hereditament, but will be unable to opt back in at a later date.</p> <p>This scheme will end on 31 March 2025.</p>
	<p><b>Improvement Relief From 1 April 2024</b></p>	<p>Improvement Relief will support businesses wishing to invest in their property.</p> <p>It will ensure that no ratepayer will face higher business rates bills for 12 months because of qualifying improvements to a property they occupy.</p>	<p><b>Eligibility</b></p> <ul style="list-style-type: none"> <li>• Qualifying works condition – the works should increase the area of any building in or on the hereditament, otherwise improve the physical state of the hereditament, or add to its rateable plant and machinery.</li> <li>• Occupation condition – the same ratepayer has been in occupation of the hereditament on each day since the qualifying works commenced.</li> <li>• Applies to all eligible works completed by 31 March 2028.</li> </ul> <p><b>Exclusions</b></p> <ul style="list-style-type: none"> <li>• New builds.</li> <li>• Refurbished hereditaments (which had left the rating list during the</li> </ul>

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF																
		<p>works).</p> <ul style="list-style-type: none"> <li>• A change of use alone or the addition of land.</li> <li>• New occupiers who have inherited the improvements from a previous occupier.</li> </ul>																	
<p><b>Transitional Relief 1 April 2024</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 61</p>	<p>The rateable value of businesses was subject to a revaluation with effect from 1 April 2023.</p>	<p>This scheme limits the amount of additional rates a business will need to pay over a three year period following the revaluation, as follows:</p> <table border="1" data-bbox="790 651 1355 906"> <thead> <tr> <th>Rateable value</th> <th>2023 to 2024</th> <th>2024 to 2025</th> <th>2025 to 2026</th> </tr> </thead> <tbody> <tr> <td>Up to £20,000 (£28,000 in London)</td> <td>5%</td> <td>10% plus inflation</td> <td>25% plus inflation</td> </tr> <tr> <td>£20,001 (£28,001 in London) to £100,000</td> <td>15%</td> <td>25% plus inflation</td> <td>40% plus inflation</td> </tr> <tr> <td>Over £100,000</td> <td>30%</td> <td>40% plus inflation</td> <td>55% plus inflation</td> </tr> </tbody> </table> <p>New burdens funding will be provided by the government.</p>	Rateable value	2023 to 2024	2024 to 2025	2025 to 2026	Up to £20,000 (£28,000 in London)	5%	10% plus inflation	25% plus inflation	£20,001 (£28,001 in London) to £100,000	15%	25% plus inflation	40% plus inflation	Over £100,000	30%	40% plus inflation	55% plus inflation	<p>Not applicable</p>
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<p><b>Heat Network Relief From 1 April 2024</b></p>	<p>Heat networks take heat or cooling from a central source or sources and deliver it to a variety of different customers such as public buildings, shops, offices, hospitals, universities, and homes.</p> <p>By supplying multiple buildings, they avoid the need for individual boilers or electric heaters in every building.</p>	<p>To be eligible for heat network relief the hereditament must:</p> <ul style="list-style-type: none"> <li>• have their own business rates assessment;</li> <li>• be wholly or mainly used for the purpose of a heat network; and</li> <li>• the heat, over the next 12 months, is expected to be generated from a low carbon source (irrespective of whether that source is located on the hereditament or on a different hereditament).</li> </ul>	<p>Not applicable</p>																

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
<p>Page 62</p>	<p>Heat networks have the potential to reduce bills, support local regeneration and be a cost effective way of reducing carbon emissions from heating.</p>	<p>Full details for this relief and the eligibility rules can be found on the <a href="#">government website</a>.</p> <p><b>Exclusions</b> The following hereditaments are not eligible for heat network relief:</p> <ul style="list-style-type: none"> <li>• Those that are wholly or mainly providing heat for a different purpose, for example an industrial process.</li> <li>• Those that do not have their own business rates assessment such as small and medium scale heat networks, for example common heating systems in multi-occupied buildings or estates, which do not give rise to a separate business rates bill. In these cases, the heat network forms part of the services of the properties which have a wider purpose (e.g. offices).</li> </ul> <p>Relief is available at 100% of the chargeable amount for the hereditament for any day on which the eligibility criteria are met.</p> <p>This scheme will continue until 31 March 2025.</p>	

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
<p><b>Supporting Small Business Relief 2023/24, 2024/25 &amp; 2025/26</b></p>	<p>Eligible businesses will be those where the following circumstances apply:</p> <ul style="list-style-type: none"> <li>• The business rates bill is increasing after the revaluation effective from 1 April 2023; and</li> <li>• the business will lose some or all of the small business rate relief or rural rate relief.</li> </ul>	<p>Not applicable</p>	<p>Up to and including the 2025/26 financial year, this relief will limit the annual increase in rates as a result of the 1 April 2023 revaluation to no more than £600 for eligible businesses.</p> <p>If the property becomes entitled to 100% small business rate relief or rural rate relief after 1 April 2023, no supporting small business relief will be applicable.</p> <p>If the entitlement to supporting small business relief ends, e.g. if the property becomes unoccupied, there will be no entitlement on a later date if reoccupied.</p> <p>There is no second property test for eligibility. However, those that lost entitlement to small business rate relief because they failed the second property test, but have been given a 12 month grace period before their relief ended, can continue under this scheme for the remainder of the 12 grace month period.</p> <p>This is a section 47 relief, therefore will be applied after all other mandatory reliefs.</p> <p>Eligible businesses whose rateable values are £51,000 or more will not be liable to pay the supplement (1.3p) to fund small business rate relief.</p> <p>A change of ratepayers will not affect eligibility for this relief, but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club.</p> <p>Local authorities will be fully reimbursed through a section 31 grant.</p> <p>This scheme will end on 31 March 2026.</p>

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
<b>Local Newspaper Relief</b>	Local newspapers occupying office space	Not applicable	<p>One discount of £1,500 per newspaper title.</p> <p>Local authorities will be fully reimbursed through a section 31 grant.</p>
<b>Rural Rate Relief From 1 April 2024</b>	Situated in a rural settlement with a population below 3,000	<p>100% mandatory rate relief for:</p> <ul style="list-style-type: none"> <li>• A sole general store, post office or food shop with a rateable value of less than £8,500.</li> <li>• A sole public house or petrol station with a rateable value of less than £12,500.</li> </ul>	<p>Situated within a rural settlement with a population below 3,000.</p> <p>A sole general store, post office, food shop, public house or petrol station with a rateable value exceeding the stated mandatory thresholds, but with a rateable value of up to £16,500, may be considered for up to 100% discretionary rate relief.</p> <p>From 2017/18: A sole general store, post office, food shop, public house or petrol station with a rateable value of between £16,501 and £27,500 may be considered for 100% discretionary rate relief up to the value of the £16,500.</p> <p>For example, a qualifying business with an RV of £18,500 would receive 100% discretionary relief up to £16,500 rateable value and would be required to pay rates on the remaining £2,000 of rateable value.</p>
<b>Charitable relief</b>	<p>Registered charities</p> <p>Registered Community Amateur Sports Clubs</p> <p>Community Interest Companies</p>	Charities and registered Community Amateur Sports Clubs are entitled to 80% relief where the property is occupied by the charity or Club and is wholly or mainly used for charitable purposes or as a registered Community Amateur Sports Club.	<p>Charities and registered Community Amateur Sports Clubs may be considered for up to 20% discretionary rate relief.</p> <p>Community Interest Companies that have charitable aims (and use profits for charitable purposes) may be considered for up to 100% discretionary rate relief.</p>



CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
<p><b>Small Business Rate Relief</b></p>	<p>Businesses with a rateable value of up to £14,999.</p> <p>Businesses with a rateable value between £15,000 and £50,999 will have their business rates calculated using the small business rates multiplier.</p> <p>From 1 April 2024, new legislation provides that most properties with a RV under £51,000 will be calculated with the small business multiplier. This will include properties occupied by charities and unoccupied properties which previously did not qualify.</p>	<p>Businesses with a rateable value up to £12,000 will receive 100% relief.</p> <p>Businesses with a rateable value between £12,000 to £14,999 – relief decreases on a sliding scale by 1% for every £30 of rateable value between £12,000 and £14,999.</p> <p>Rateable value of £15,000 to £51,999 – no relief is allowed; the bill is calculated using the small business multiplier.</p>	<p>None</p>
<p><b>Flooding Rate Relief</b></p>	<p>Businesses whose premises are flooded due to bad weather.</p>	<p>Not applicable</p>	<p>100% rate relief for three months from the date of the first flooding. (Approved by Full Council 27 February 2014).</p>
<p><b>Unoccupied property rating</b></p>	<p>Any business.</p>	<p>Business rates are not payable in the first three months that a property is empty. This is extended to six months in the case of certain industrial properties.</p> <p>Certain definitions and exemptions apply – please refer to the Council’s website.</p>	<p>None</p>
<p><b>Hardship Relief</b></p>	<p>Businesses who are suffering financial hardship because of a one-off event beyond their control.</p>	<p>Not applicable</p>	<p>Discretionary rate relief of up to 100% for a limited period depending on circumstances. Consideration would also be giving to deferring payment due dates.</p>