



CABINET

Subject Heading:	Review of Amendments to Service Offer within Planning in light of Covid-19
Cabinet Member:	Councillor Joshua Chapman, Lead Member for Housing and Planning
SLT Lead:	Barry Francis, Director of Neighbourhoods
Report Author and contact details:	Helen Oakerbee, Assistant Director of Planning, 01708 432800, helen.oakerbee@havering.gov.uk
Policy context:	National Planning Policy Framework (2019) London Plan (2017) Havering Corporate Plan 2019/20 Havering Local Development Framework (2008)
Financial summary:	There is a potential loss of income of circa £0.036m from the changes described within this report
Is this a Key Decision?	Indicate grounds for decision being Key: (c) Significant effect on two or more Wards
When should this matter be reviewed?	All of the changes recommended will end by 30 th September 2020, with a review point of 31 st August 2020.
Reviewing OSC:	Towns and Communities O&S

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>

SUMMARY

1. This report seeks authority to continue to apply the changes described to enable the Planning Service to function and deliver its service in light of Covid-19 and the Government's ongoing advice regarding essential journeys and social distancing measures.
2. The retained measures include the ongoing cessation of face-to-face meetings and site visits in all but specific circumstances, cheque payments and hard copy submission of documents, applications and representations in all but specific circumstances and the use of conferencing calling, alternative payment methods, electronic submission of documents, applications and representations and photograph review as an alternative.

RECOMMENDATIONS

1. That authority is delegated to the Assistant Director of Planning from Councillor Joshua Chapman, Lead Member for Housing and Planning, to continue to effect the changes outlined in report until 30th September 2020, with a review point of 31st August 2020.

REPORT DETAIL

1. To ensure that members of staff and agency workers engaged by the service are kept safe in the course of their work and that similarly, residents and others are kept safe through the prevention of non-essential visits to their homes and businesses or through interactions with staff at Mercury House or PASC, a range of changes were introduced at the beginning of April 2020 in response to the Covid-19 pandemic.
2. This introduction followed a related Key Member Decision, which was taken under the special urgency provisions. The decision gave authority for these changes to be effected until 30th June 2020, with a review point of 29th May 2020.
3. The changes applied to the following work streams within the Planning Service:

Development Management

Pre-Application Advice Service

- All face to face meetings have been replaced with a conference call
- All site visits have been replaced with a photograph review

Planning Applications

- Electronic submission of planning applications via the Planning Portal has been encouraged wherever possible, with paper based submissions sent directly to Terraquest (the external contractor who undertakes application validation for the Planning service)
- Payment of application fees through a payment method other than a cheque has been required
- Wherever possible, the submission of neighbour representations electronically has been encouraged
- All site visits have ceased, with the focus switched to a photograph review, based on images sent in by applicants or their agents, objectors and where they are available and recent, photographs taken during earlier case officer visits to a property or site

Building Control

- Electronic submission of building regulation consent applications via the Planning Portal or the Council's website has been encouraged wherever possible, with any paper based submissions received by the Council directly
- Payment of application fees through a payment method other than a cheque has been required
- Unless required in connection with a dangerous structure call-out, all site visits have ceased, with the focus switched to telephone based inspections and a photograph review. Customers will still be able to make a same day booking for a call with a Building Control Surveyor

Planning Enforcement

- Wherever possible, the making of an enforcement complaint via electronic channels has been encouraged
- Most site visits have ceased, with the focus switched to a photograph and/or evidence review, based on information sent in by complainants, home/property owners and where it is available and relevant, information already held by the service
- If a gypsy and traveller incursion occurs, or there is an alleged breach involving a listed building or preserved tree (unauthorised work to a listed building or preserved tree is a criminal offence), a site visit remains possible. Each case is risk assessed before a visit is undertaken.

Land Charges

Personal Search Agents

- Dispatch of personal searches via email instead of in person inspection of paper copies at the PASC

General Enquires from Solicitors and others

- All enquiry letters from solicitors and others are required to be submitted electronically
4. Given the ongoing situation with Covid-19 and the Government advice which remains in place, there is a need to retain the measures outlined above for a further three month period until 30th September 2020 with a review point of 31st August 2020, with the following adjustment:

Building Control

- The Government have published guidance to indicate that Building Control bodies should not rely exclusively upon photographic review and recorded/noted telephone discussion to undertake inspections and that some in-person inspection is required. Building Control Surveyors are now undertaking some site visits at the excavation/groundworks and completion stages of a build. A risk assessment is in place and appropriate PPE is being used. All remaining inspections continue to be carried out via a photograph review and over the telephone.

REASONS AND OPTIONS

Reasons for the decision:

The decision is required to ensure that members of staff and agency workers engaged by the service are kept safe in the course of their work and that similarly, residents and others are kept safe through the prevention of non-essential visits to their homes and businesses or through interactions with staff at Mercury House or PASC, as a direct result of the Covid-19 pandemic.

Other options considered:

The option of not making any of the recommended changes was considered and rejected as it is not possible to continue to operate the service in the same manner due to current Government guidance regarding essential journeys and social distancing measures.

IMPLICATIONS AND RISKS

Financial implications and risks:

The recommendations outlined enable the Planning Service to continue to primarily operate a 'business as usual' service, with customers remaining able to access paid-for services.

The sole recommendation which directly impacts upon income is the dispatch of personal searches via email instead of in person inspection of paper copies. To ensure equitable service provision, those that currently pay for copies of the same documents will no longer be charged.

Operation of the amendments outlined over the last two months has resulted in an unforeseen increase in personal searches with two solicitors using the personal search route as opposed to the paid for option previously used. This will result in the loss of circa £0.036m of income annually.

Legal implications and risks:

Although the provision of pre-planning application advice is discretionary service, the Government has made clear via the National Planning Policy Framework ("the NPPF") that Council's should work positively and proactively with applicants. The proposed changes enable all pre-application discussions to continue where that engagement is sought.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the legislative basis against which planning applications should be processed and determined. The 2015 Order sets out that planning applications or representations can be submitted electronically or in paper form. This decision will switch the Council's emphasis to electronic submission wherever possible, however it does not exclude the receipt of paper based submissions. In relation to decision making, this decision enables planning applications to still be determined where there is confidence that the decision to grant or refuse is sound and robust. All planning decisions can be subject to legal challenge, so it is important that the thresholds of soundness and robustness continue to be met. If they cannot be met, the planning application will not be determined.

Effective planning enforcement is important as a means of maintaining public confidence in the planning system. The Town and Country Planning Act 1990 (as amended) sets out the process for enforcing against unauthorised development, where it is identified. However, the decision to take any action in a discretionary one. This decision would enable enforcement investigations to continue.

The Building Act 1984 (as amended) sets out the legislative basis against which building regulation consent submissions should be processed and determined.

The Act does not specifically identify the means of submission. This decision will switch the Council's emphasis to electronic submission wherever possible, however it does not exclude the receipt of paper based submissions.

The statutory duty for a local authority to provide the Local Land Charges (known as the LLC1) service comes from the Local Land Charges Act of 1975. The Local Land Charges Rules of 1977 give effect to this Act. The decision would enable Personal Searches to continue.

Human Resources implications and risks:

Given the Covid-19 pandemic, the paramount consideration of the Council is the health and wellbeing of Members and officers.

Equalities implications and risks:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. It is acknowledged that in emergency or urgent situations it will not always be possible to carry out an EqHIA in advance of a relevant activity, however, managers will undertake the required EqHIAs at the earliest opportunity. Where managers are already clear that protected groups/users will be impacted negatively by the intended activity, then this will be noted in the next paragraph and/or put into EqHIAs. Where the negative impact of the intended activity can be mitigated, this too should be set out in this report and/or the EqHIA.

The recommended changes would apply to all residents, including those with protected characteristics. Whilst the recommended changes may disadvantage those without internet access, the ability to submit paper based representations and enforcement complaints will continue to exist. The changes described are

considered to be a proportionate response to the current Covid-19 situation and designed to ensure that that members of staff and agency workers engaged by the service are kept safe in the course of their work and that similarly, all residents and business owners are kept safe through the prevention of non-essential visits to their homes and businesses.

Health and Wellbeing implications and Risks

The changes described are considered to be a proportionate response to the current Covid-19 situation and designed to ensure that that members of staff and agency workers engaged by the service are kept safe in the course of their work and that similarly, all residents and business owners are kept safe through the prevention of non-essential visits to their homes and businesses.

The COVID 19 pandemic is a global and national emergency with serious impact on lives and socio economic activities. National guidance recommends social distancing measures, working from home and only essential travels to reduce further risk to lives.

Given the threat to lives posed by the ongoing pandemic, the overriding consideration is to follow national guidance to protect lives. This decision is consistent with that guidance.

BACKGROUND PAPERS

None