

Cabinet Member Decision Report – 27 October 2017

Report title: Revised Draft Employment and Skills Supplementary Planning Document

Wards: All

Report Authorised by: Sue Foster, Strategic Director for Neighbourhoods and Growth

Portfolio: Councillor Matthew Bennett, Cabinet Member for Planning, Regeneration and Jobs

Contact for enquiries: John Bennett, Lead Commissioner, Welfare, Employment and Skills, 020 7926 6452, jbennett7@lambeth.gov.uk

Report summary

The draft Employment and Skills Supplementary Planning Document (SPD) sets out an approach to securing appropriate contributions through Section 106 agreements towards employment and skills initiatives. The draft Employment and Skills SPD was published for consultation on 12 December 2016. The consultation closed on 13 February 2017. This report provides a summary of the comments received to that consultation and the Council's response to those comments. Some revisions have been made to the draft document in the light of that consultation. Approval is sought to begin a further four week period of consultation from 6 November 2017 on the content of a Revised Draft Employment and Skills SPD.

Finance summary

The preparation of the revised draft Employment and Skills SPD has been accommodated within existing budgets. The costs of consultation will be met from existing budgets in the Neighbourhoods and Growth directorate. There will be no publication costs associated with the revised draft document.

Recommendations

- (1) To agree the revised draft Employment and Skills SPD in Appendix 1 and the Consultation Statement in Appendix 2.
- (2) To approve the revised draft Employment and Skills SPD for public consultation for four weeks from 6 November to 4 December 2017.
- (3) To agree the proposals for public consultation as set out in sections 5 and 10 of the report.

1. Context

- 1.1 The Lambeth Local Plan was adopted in September 2015. Policy D4 of the Lambeth Local Plan sets out the Council's policy for seeking planning obligations. Policy ED14 of the Lambeth Local Plan sets out the Council's policy in relation to employment and training.
- 1.2 A draft Employment and Skills SPD has been produced to provide additional guidance for the implementation of Policies D4 and ED14 of the Local Plan.

2. Proposal and Reasons

- 2.1 Following a decision by the Deputy Leader of the Council (Investment and Partnerships) on 9 December 2016, a draft Employment and Skills SPD was published for consultation for eight weeks from 12 December 2016 to 13 February 2017. The following consultation methods were used:
- Copies made available on the Council's consultation and planning policy webpages
 - Notification of the consultation to those on the planning policy consultation database (including businesses, community groups, amenity societies, residents, developers, landowners and individuals who have asked to be kept informed)
 - Notification of the consultation to the Lambeth Working Providers List
 - Notification of the consultation to neighbouring boroughs and the Greater London Authority
 - Copies of the draft SPD made available at Phoenix House and all of Lambeth libraries
- 2.2 A total of nineteen separate responses to the consultation were received. These came from a range of organisations, including statutory bodies, developers, and training providers.

Respondent Type	Number of responses
Training providers	3
Developer/agent	6
Statutory/public body	10
Total	19

- 2.3 All of the feedback received related to Section 6 of the draft Employment and Skills SPD. The responses can be broadly summarised as follows:
- a. Concern about the impact of the obligations on development viability
 - b. Concern about how end-use job opportunities can be included by developers when they are uncertain about future tenants/owners
 - c. Questioning the reason Employment Support Allowance figures are used in calculating costs of supporting unemployed residents
 - d. Suggestion of continuing to use construction value, rather than floorspace/number of residential units, as the basis for calculating obligations
 - e. Interest from employment and training providers about how they can access funding or ensure the funding supports their priority groups
 - f. Suggestions of where the document could be clearer in expectations

- 2.4 A consultation statement which outlines all of the comments received during the first round of consultation along with the Council's response is provided in Appendix 2.
- 2.5 The consultation statement details all of the changes that have been included in the revised draft SPD as a result of the consultation feedback. A number of points have been clarified to provide greater clarity in the document. The changes made can be summarised as follows:
- a. A definition of a Lambeth resident has been provided, namely a person of working age living in the London Borough of Lambeth, and that this applies at the time they start employment (i.e. they are considered a Lambeth resident if they are living in Lambeth at the time they begin employment and this is not affected if they subsequently move out of the borough during the course of their employment).
 - b. Clarification that the Council will have regard to evidence on employment densities of end-users (where the end-user is not known at the planning application stage) using standard employment density benchmarks for the planning use class being applied for.
 - c. Clarification that benchmarks relating to floorspace will be considered on the basis of Gross Internal Area (GIA)
 - d. References to "unemployed" residents replaced with "out-of-work" residents in paragraph 6.9 of the draft SPD to provide clarity for the reason the Council has included the particular cost of training and support for a resident to find a job which has been used in the draft SPD.
 - e. Amendment to wording in paragraph 6.8 to be clear that the monetary contributions sought in paragraph 6.8 are in addition to those obligations sought in paragraphs 6.1-6.7.
 - f. Amendment to wording in paragraph 6.9 to show that the example is not "fully worked" and is just an example.
- 2.6 A further change has been made to Appendix 1 of the draft SPD in relation to the financial contributions expected in lieu of Employment and Skills Plan obligations. The costs associated with engaging with schools and young people have been amended. It was felt that the costs included previously did not adequately reflect the scale of activity required for the Council or schools to deliver these activities in place of the developer and so the proposed calculation has been changed, although still using the same source of evidence for the costs.
- 2.7 This report asks for approval to begin a second round of consultation on a revised draft SPD, as further detailed in Section 5.

3. Finance

- 3.1 The cost of preparing the revised draft Employment and Skills SPD and of the second stage of public consultation will be funded within existing budgets.
- 3.2 The work will be completed using existing staff resources.

4. Legal and Democracy

- 4.1 The relevant statutory framework that governs preparation of supplementary planning documents is located chiefly in the Town and Country Planning (Local Planning) (England) Regulations 2012. The National Planning Policy Framework and the associated Planning Practice Guidance sets out national policy about the circumstances in which SPDs should be prepared.
- 4.2 The 2012 Regulations have to be interpreted as requiring a two stage process of consultation in relation to the preparation of a proposed supplementary planning document.
- 4.3 The first stage of consultation does not include any particular timescale for representations to be made, or specify who must be consulted. Once the first stage has been undertaken, a statement must be prepared in accordance with Regulation 12 of the 2012 Regulations that explains who was consulted at the first stage, what issues were raised and how those issues have been addressed. The second stage of consultation requires that statement, together with the draft supplementary planning document, to be made available to the public. A consultation period of at least four weeks is then required.
- 4.4 This report seeks authorisation to carry out the second stage of consultation.
- 4.5 This proposed key decision was entered in the Forward Plan on 29 August 2017 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days – the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5. Consultation and co-production

- 5.1 A first round of consultation on the draft Employment and Skills SPD took place for eight weeks from 12 December 2016 to 13 February 2017. This report has outlined the feedback received from that consultation and how the Council has responded.
- 5.2 The development of the Investment and Opportunity Strategy was the result of significant engagement with a broad range of partners and stakeholders. The strategy development process included a workshop with local developers and their representatives. At this workshop the developers expressed their keenness to work with local residents and communities, for example recognising the benefits that having a well skilled local workforce would bring to their developments through both the construction and post-construction phases. The developers encouraged the Council to adopt a more flexible approach to seeking planning obligations relating to employment and skills, in particular allowing developers to offer employment and skills outputs as in-kind contributions but with the option to pay a monetary contribution where they did not feel able to deliver the outputs directly themselves. This was reflected in the draft SPD published in December 2016 and continues to be reflected in this revised draft SPD.

- 5.3 This report is seeking approval to consult on a revised draft Employment and Skills SPD as set out at Appendix 1. The Council is also publishing a consultation statement from the first round of consultation. This details the feedback from that consultation and the Council's response.
- 5.4 The consultation mechanisms for the revised draft SPD will reflect those outlined in the Council's Statement of Community Involvement, as approved by Council in September 2015 (report 62/15-16). The revised draft SPD will be published on the Council's website; hard copies will be made available at all Lambeth libraries; and the revised draft SPD will be sent electronically to everyone on the Council's planning consultation database. The consultation will be open to anyone who wishes to respond, including local residents, developers and community groups.
- 5.5 The consultation will begin on 6 November 2017 and close on 4 December 2017.

6. Risk management

- 6.1 The Council is adhering to the statutory requirements for preparing an SPD. The process requires the Council to undertake consultation as explained in this report.
- 6.2 The adoption of the Lambeth Local Plan, the changing economic circumstances in the borough and the feedback from developers seeking a more flexible approach to employment and skills planning obligations are considered to necessitate a review of the Council's approach to these obligations. A risk of not having an up to date policy framework in place for securing these obligations is that the impact of new development may not always be optimally managed. A clear and up to date policy framework also enables applicants to understand at an early stage in the planning process what the Council's expectations will be in relation to individual schemes. .

7. Equalities impact assessment

- 7.1 An Equalities Impact Assessment was carried out on the draft SPD. It highlighted the potential positive impact that the draft SPD and its implementation could have on reducing inequality within Lambeth's communities. As the revised draft SPD has not been significantly revised, it was not considered necessary to update the EIA.

8. Community safety

- 8.1 There are no community safety implications arising from this report.

9. Organisational implications

9.1 Environmental

An initial Strategic Environmental Assessment (SEA) screening assessment was carried out on the draft SPD in order to identify whether there are any significant environmental effects. This found that the draft Employment and Skills SPD was unlikely to have any significant environmental effects. As the revised draft SPD has not been significantly revised following the initial SEA, a further SEA screening has not been undertaken.

9.2 Staffing and accommodation

None

9.3 Procurement

None

9.4 Health

None

10. Timetable for implementation

10.1 Following the approval of this report, public consultation will begin on 6 November 2017. Responses to the consultation will be invited over a four-week period. A timetable is shown below, with indicative dates for the analysis of responses and beyond as any action the Council takes in respect of those stages will be dependent on any responses received during this stage of consultation.

Stage	Indicative date
Cabinet Member Decision to proceed with second round of consultation	27 October 2017
Publication of consultation statement and revised draft SPD for 4 weeks	6 November 2017
Deadline for comments on consultation statement and revised draft SPD	4 December 2017
Consideration of representations	December 2017
Cabinet – adoption of SPD (subject to outcome of consultation)	5 February 2018

Audit Trail				
Consultation				
Name/Position	Lambeth directorate/department or partner	Date Sent	Date Received	Comments in para:
Sue Foster	Strategic Director for Neighbourhoods and Growth	19.09.17	18.10.17	
Sandra Roebuck	Director, Growth, Planning and Employment	19.09.17	05.10.17	
Doug Black	Interim Assistant Director Planning, Transport and Development	19.09.17		
Dawn Redpath	Head of Economic Inclusion	19.09.17	05.10.17	
Paul Badiani	Finance	19.09.17	20.09.17	3
Susan Boucher	Legal Services	19.09.17	28.09.17	4.1-4.4
Maria Burton	Democratic Services	19.09.17	26.09.17	4.5
Councillor Matthew Bennett	Cabinet Member: Planning, Regeneration and Jobs	17.10.17	19.10.17	

Report History	
Original discussion with Cabinet Member	24.08.17
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	29.08.17
Key decision reasons	Meets community impact test
Background information	Lambeth Local Plan Investment and Opportunity Strategy National Planning Policy Framework Town and Country Planning (Local Planning) (England) Regulations 2012
Appendices	1. Draft Employment and Skills Planning Obligations SPD (October 2017) 2. Consultation Statement

APPROVAL BY CABINET MEMBER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:

Signature: _____ **Date:** _____

Post: John Bennett, Lead Commissioner, Welfare, Employment and Skills

I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:

Signature: _____ **Date:** 27 October 2017

Post: Councillor Matthew Bennett, Cabinet Member for Planning, Regeneration and Jobs

Any declarations of interest (or exemptions granted):

Any conflicts of interest:

Any dispensations: