

Committee: Cabinet

Date: 18th December 2023

Wards: All

Subject: Proposed changes to the Council's charging scheme for pre-application advice.

Lead officer: Lucy Owen, Executive Director of Housing and Sustainable Development

Lead member: Councillor Andrew Judge, Cabinet Member for Housing and Sustainable Development

Contact officer: Jonathan Berry – Head of Development Management and Building Control Ext: 3099

Recommendations:

- a) That Members agree to the adoption and implementation of the changes to the pre application fees system as set out in this report and based on inflation since the last increase with effect from 1st January 2024.
- b) That Members agree to the proposed charging and remuneration proposals, and the code of conduct and process changes for Merton's Design Review Panel.
- c) That charges and fees are increased each April in line with the annual rate of inflation.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out a proposal for expanding the existing framework regarding charging for pre-application advice – a chargeable discretionary service under the terms of S93 of the Local Government Act 2003.
- 1.2 Financial assessment is a key part of the review. The fees for the service have not been increased for 12 years, and while supplementary (hourly rate) charges have been introduced more recently, officers consider that there is a need to increase overall charges significantly to ensure they cover costs and are comparable with other London Boroughs.
- 1.3 This local review of discretionary pre-application charges complements initiatives being undertaken by the Government part of which includes a proposed major uplift in statutory planning fees to be introduced in December 2023 as the Government seeks to ensure that planning authorities have the resources they need to deliver effective planning services. ([Technical consultation: Stronger performance of local planning authorities supported through an increase in planning fees: government response - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/stronger-performance-of-local-planning-authorities-supported-through-an-increase-in-planning-fees))
- 1.4 The report outlines the current legislative framework, present charging arrangements, provides comparative charging data from other local authorities, along with recommendations for both baseline charges and

supplementary (hourly rate) charges, and a suitable review mechanism to provide a transparent framework against which charges will be levied and increased in the future.

- 1.5 In conjunction with proposed increases to pre-application charges this report also considers the introduction of charging and remuneration measures, a code of conduct and other process changes to deliver the Council's Design Review Panel. The Design Review Panel proposed fees and charges are set out within the body of this report and in Appendix B. Appendix C sets out the proposed Design Review Panel process changes. These were endorsed by the Council's Overview and Scrutiny Panel in February 2022 ([DRP Review - Scrutiny 22-01-22 Report \(merton.gov.uk\)](#))

2 BACKGROUND AND CURRENT SITUATION INCLUDING CHARGING ARRANGEMENTS AND FEE INCOME

- 2.1 Section 93 of the Local Government Act 2003 provided Local Authorities with the power to charge for the provision of certain discretionary services. However, this is limited to the cost of providing the service.
- 2.2 The National Planning Policy Framework (NPPF), the first version of which was published in 2012, recognizes that "early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community".
- 2.3 The NPPF acknowledges that while "They (Local Authorities) cannot require that a developer engages with them before submitting a planning application" "they should encourage take-up of any pre-application services they offer".
- 2.4 The majority of Local Planning Authorities including Merton have introduced a charging system for the provision of detailed planning advice and this system is firmly embedded in the workings of the Section. It is recognised that pre-application advice can assist in securing major and minor application schemes of sufficient quality and allow them to be processed within their respective timeframe. Officers consider that the introduction of a charging system for pre-application advice has successfully secured the following:
- improvements in the quality of submission of major /minor planning applications; including S106 heads of terms
 - reductions in the time taken to determine major/minor applications following submission;
 - discourage meaningless, time-wasting speculative meetings on large sites;
 - fostering a development team approach which provides the highest standard of service of pre-application advice to the public.
- 2.5 Charges are currently levied against 4 categories of submission:

- A – Large-scale and complex major developments - £3,300 (initial meeting and advice note and £1,056 (follow up meeting and advice note)
- B – Major developments - £1,650 (initial meeting and advice note) and £660 (follow up meeting and advice note).
- C – Minor developments - £990 (initial meeting and advice note) £528 (follow up meeting and advice note).
- D - Small-scale and householder development and lawful development certificates - £99 (initial meeting and advice note).

2.6 For submissions within Categories A, B and C the charge provides for a meeting with the case officer and written report covering:

- information on relevant policies and planning requirements
- the estimated timescale to process your application
- the information you need to provide on your planning application
- Section 106 matters including likely heads of terms
- best practice consultation methods.

While for Category D submission the charge currently provides

- a meeting with the case officer and e-mailed notes.

2.7 The charges determine baseline costs to an applicant. Where inputs from multiple officers may be required on more complex submissions and where an initial meeting may be followed up with separate meetings with in-house specialists, charges will increase and the Council may broker a Planning Performance Agreement (PPA) with the applicant.

2.8 Hourly rates, as published on the Council's web site are currently as follows:

Role	Charge per hour (inclusive of VAT)
Assistant Director/Director	£276
Head of Service	£161
Area Team Leader	£122
Principal Planning Officer	£107
Planning Officer	£71
Administrative Officer	£50

The charges inform supplementary fees where they are deemed appropriate on more complex pre-application submissions and when brokering Planning Performance Agreements.

2.9 Currently the two key fee earning pre-application categories are for proposals that will lead to major or minor category planning applications (proposals for one or more dwellings and above, for 100 q.m of non-residential floorspace and a combination of the above and up to the largest major proposals such as those more recently at the All-England Club in Wimbledon and at Mitcham Gasworks).

2.10 The fees in the table below include VAT. The Council is providing a non-statutory/discretionary service unlike planning applications the determination of which is one of the Council’s legal requirements. Against a background of general inflation, rising staff costs, increasing complexity on major schemes of technical assessments including those associated with the drive towards zero carbon developments, changing flood risk modelling, promoting biodiversity improvements and air quality neutral objectives there has been no increase in the schedule of fees levied during this period.

Table 1 – Total pre-app fees charged 2018 to 2023

Year	Total pre-app fees charged (includes VAT)
2018	£124,674
2019	£157,893
2020	£129, 524
2021	£150,854
2022	£127,116
2023 (1 st Jan to 31 st October or 0.8 of whole year)	£96,178

2.11 The Council’s Design Review Panel provides a further strand to the pre-application process with both minor and major submissions being brought before the panel for review and comment. The panel is made up of built environment experts and is serviced by the Council’s Urban Design officers who sit within the Future Merton Section. Officers liaise with panel members and applicants and circulate agenda and minutes from the meetings. The feedback from the meetings helps inform discussion with prospective applicants.

2.12 A review of the Council’s Design Review Panel service was undertaken by officers who reported to councillors on [Merton’s Sustainable Communities Overview and Scrutiny Panel in February 2022](#). The review drew from best practice across the country including the London Design Review Charter and involved consultation with Design Review Panel members. In February 2022 Scrutiny resolved to agree all recommendations including a number of process and operational changes including the introduction of fees and charges. The Design Review Panel draft code of conduct, process changes and fees and charges, details of which are set out in Appendix C and B respectively, requires the resolution of Cabinet before they can be introduced and this remains outstanding.

2.13 The Government has conducted a review of fees for planning applications and has announced this month (November 2023) that from the 6th December 2023 the Planning Fee’s in England will be updated and increased. Fees to be paid in respect of applications, deemed applications,

requests or site visits relating to major development will be increased by 35%. All other existing fees will be increased by 25%. A new provision is added to the 2012 Fees Regulations so that, from 1st April 2025, all fees under those Regulations can be increased annually (new regulation 18A). The amount of any increase will be in line with inflation, or if lower, 10%.

3. COMPARISON WITH PRE-APP CHARGES AND ARRANGEMENTS IN NEIGHBOURING BOROUGHES.

- 3.1 While there are subtle differences in the way in which individual fees are levied an examination of neighbouring boroughs charges for comparable categories of development indicates Merton's charges are light in comparison. Variation in fees charged runs through from the smallest to the largest developments. The categories of development generating the highest proportion of Merton's pre-application fee income are minor through to major developments. For these categories of development Merton's fees are increasingly adrift with those of neighbouring boroughs.
- 3.2 The table below provides an up-to-date comparison with neighbouring boroughs.

Table 2. Pre-app comparison with neighbouring boroughs.

	Householder	Minor Works	Concept Meeting	Minor Development (1-4 resi units/commercial 100-499sqm)	Minor Development (5-9 resi units/commercial 500-999sqm)	Major (10-24 resi units/commercial 1000sqm – 1,999sqm)	Major (25-50 units/commercial 2,000-4,999sqm)	Major (50+ units.commercial >5,000sqm)
Merton	£99	£99		£990	£990	£1,650	£1,650	£3,300
Wandsworth	£240 (with 1 hour meeting) £120 (no meeting)	£240 £240 (additional charge if building is Listed)		£1,196 (up to 2 hour meeting & written advice) 50% fee if written advice only	£1,196 (up to 2 hour meeting & written advice) 50% fee if written advice only	£3,110 (2 hour meeting only) £1,062 (written advice) £2,228 (additional meeting)	£5,209 (2 hour meeting only) £1,062 (written advice) £2,228 (additional meeting)	£8,098 (2 hour meeting only) £1,062 (written advice) £2,228 (additional meeting)
Richmond	£136 £536 (external works to Listed Buildings) £456 (internal works to Listed Buildings)		£734	£1,156	£1,656	£2,529	£4,634	£7,324
Croydon	£200 + VAT	£200 + VAT		£1,000 + VAT	£2,000 + VAT	£3,500 + VAT	£3,500 + VAT	£3,500 + VAT
Lambeth	£462 (includes site visit) £239 (written advice only)	£417 £2,460 (All types of dev to Listed Building)		£1,371 (commercial up to 64.99sqm and conversion of 1 unit) £2,333 (commercial between 65-499.99sqm / 2-3 resi units)	£3,038	£7,725	£12,362	£12,362
Sutton	£230 (formal response, meeting and site visit) £124 (formal response, meeting but no site visit) £75 (bullet point summary & meeting)			£450 (commercial <199sqm/1 resi unit) £600 (commercial up to 299sqm/2 resi units) £750 (commercial up to 399sqm/3 resi units) £900 (commercial up to 499sqm/4 units)	£1,800	£3,750 (commercial up to 4,999sqm/10-30 resi units)	£4,750 (commercial up to 9,999sqm/31-75 units)	£5,750 (commercial up to 14,999sqm/76-150 resi units) £6,750 (151-200 resi units) £7,750 (commercial over 15,000sqm/251-350 resi units) £8,750 (over 350 resi units)

4 PROPOSED INCREASE IN PRE-APPLICATION FEES AND THE INTRODUCTION OF CHARGES FOR MERTON'S DESIGN REVIEW PANEL

- 4.1 The fees charged by Development Management for the service have not been increased for 12 years, a period broadly corresponding with the last increase in fees for planning applications nationally in November 2012. While supplementary (hourly rate) charges provide an enhanced fee along with instances where officers broker Planning Performance Agreements, the fees need to be increased to ensure that they are covering the cost of work undertaken.
- 4.2 Officers have drawn on three key sources in their consideration of the level of uplift in charges.
1. Rate of inflation for the period during which there has been no increase in fees (2011 to end of 2023).
 2. Benchmarking, comparing Merton's charges with those of neighbouring boroughs;
 3. Increases in the Town and Country Planning Fees Regulations scheduled to be implemented in December 2023.
- 4.3 Officers consider the Bank of England inflation calculator is a reliable source to calculate general inflationary costs to the delivery of services. The calculator uses Consumer Price Index (CPI) inflation data from the Office for National Statistics from 1988 onward. Between 2011 and 2023 inflation is calculated to be 41.3%.
- 4.4 Benchmarking exercises between Councils can provide a useful tool to ensure consistency of approach and, in this instance, charging regimes. However, the Planning Advisory Service recognizes that Councils are complex organizations and that while a goal may be to arrive at an accurate comparison, attempting to get to 100% perfect in terms of costs can lead to delay.
- 4.5 Following an announcement by the Government earlier this month (November 2023) fees to be paid in respect of applications, deemed applications, requests or site visits relating to major development are to be increased from 6th December, by 35%. All other existing fees are increased by 25% from the same date. Given the increase derives from a formal consultation exercise with local planning authorities in England earlier this year conducted by the Government, and which examined resource implications for the delivery of statutory planning services, officers consider that this too should inform Merton's approach.
- 4.6 Categories of charges. No changes are proposed to the categories of charges which, for the most part, are broadly consistent with those of neighbouring authorities.

- 4.7 Category A and B – Large-scale and complex major developments and other major developments. While baseline costs are likely to be greater than smaller scale submissions with more extensive background work being undertaken by Admin officers to set up a file, a key difference to other submissions is likely to be involvement of specialist technical officers, senior officers including principal planning officers, along with internal meetings, the team leader and potentially the Head of Service in discussion with the Assistant Director. Specialist officers may accompany the case officer at any meeting with the applicant, which may be on site, in addition to providing feedback tailored to individual and more complex submissions. Based on the current hourly rates, and likely work involved, it is considered the fee received does not provide an adequate resource to deliver a suitable level of service for proposals which can have a significant social, economic and environmental impact on the borough.
- 4.8 Categories C and D – Minor development and small scale and householder development. While baseline costs are likely to be lower than large scale submissions with less background work being undertaken by Admin officers to set up a file, Category C submissions are nevertheless likely to involve the input of specialist officers to provide for example design input (a significant proportion of minor pre-apps being for additional dwellings and the development of infill sites), and expertise on arboricultural, flood risk and drainage matters. The assessment is likely to entail input from multiple officers including principal planning officers to guide and assist case officers where necessary, along with internal meetings with senior officers. Specialist officers may accompany the case officer at any meeting with the applicant, which may be on site, in addition to providing feedback, which while on occasion generic, will routinely need to be tailored to individual submissions. As with Category A and B submissions, based on the current hourly rates, and likely work involved, it is considered the fee received does not provide an adequate resource to deliver a suitable level of service.
- 4.9 Effective negotiation to optimise housing output on Category C pre-applications are of particular significance in Merton given the importance attached to the potential for small sites to contribute to delivering Merton's housing targets.
- 4.10 While a relatively light touch approach in terms of resourcing may be applied to some work on Category D, householder and similar small scale proposals, sites in many parts of the Borough will fall within conservation areas where specialist design input may be required. Fee levels again fail to reflect current service costs.
- 4.11 Given the above, officers have considered the impact of applying to pre-application submissions both the yardstick of the Government's proposed increase to fees for planning applications and also a uniform increase for all categories based on inflation.

Table 3. Merton pre-application charges (1) and fees based on Government proposed increase to Planning Application Fees (2) and cumulative inflation from 2011 to 2023 (42%) (3).

Category of Pre-app	Category A	Category B	Category C	Category D
Initial meeting and advice note	1. £3,300 2. £4455 3. £4,653	1.£1,650 2.£2,228 3. £2,343	1.£990 2.£1238 3. £1,406	1.£99 (* plus £99 for conservation officer input. 2.£125(*plus £125) 3.£141 (*plus £141)
Follow up meeting and advice note.	1. £1056 2.£1425 3. £1,500	1. £660 2.£891 3. £937	1.£528 2.£660 3.£750	
Combined fee. Initial meeting and note plus follow up meeting and note	1.£4,356 2.£5880 3. £6,186	1.£2,310 2.£3,118 3. £3,280	1.£1,518 2.£1,897 3.£2,155	1.£99 2.£125 3.£*141 4. £141 (*plus £141)

- 4.10 It should be noted that the service is not permitted to make a profit. A local authority must offset any surplus or deficit in income as a result of any over or under recovery of charges when setting future charges for the discretionary services. In this way, the income generated by the discretionary service should equate to the cost of provision. Officers consider the announcement by the Government to increase planning application fees is both timely and helpful insofar as it helps to inform the pre-application fees review. There is however a significant divergence between the level of inflation since Merton's last fees increase and the level of increase proposed by the government in terms of applications more generally. Given the importance attached by the Government to early engagement in the planning process, as set out in the NPPF, along with the importance of effective pre-application negotiation to optimise development opportunities on both small and large sites in Merton, officers consider that the Council should approach increases in a way that better reflects its resourcing demands more generally. Officers recommend uniform increases for all categories broadly based on general inflation since the last increase.
- 4.11 While the uplift in charges would not come close to those charged for the larger scale pre-applications received by LB Lambeth and LB Wandsworth officers do not have evidence to substantiate increase to a comparable level. The charges would however better align with those levied by LB Sutton and LB Richmond.

- 4.12 Officers consider that the changes would:
- Better align with those charged by neighbouring boroughs with similar spatial characteristics to Merton;
 - Retain the ability for supplementary charges to be levied based on the Council's published hourly rates in the event that topic-based meetings where technical and expert officers are required;
 - Retain the ability for officers to broker bespoke Planning performance Agreements where covering the Council's costs of multiple meetings, and inputs from both in-house and external experts may be required;
 - Not preclude further adjustment subject to a more detailed analysis of internal costs.
 - Be consistent with the general direction and scale of uplifts to fees proposed by the Government following consultation with local authorities in England.
- 4.13 Once the fees have been increased, it is then recommended that they be increased each April, in line with the inflation rate for the previous 12 months, for the year ending in March. Subject to the recommendation of this report being adopted the first increase would take place in April 2025. Review and update would correspond with a further change to the regime for national planning application fees being introduced by the Government which would come into effect at the same time and allow for increases in fees along similar lines.

DESIGN REVIEW PANEL FEES

- 4.14 In 2021 and 2022, officers conducted a review of Merton's Design Review Panel service and reported to councillors on Merton's Sustainable Communities Overview and Scrutiny Panel in February 2022. The review of Merton's processes ([DRP Review Scrutiny 22-01-22](#)) along with its appendices [DRP Review - Scrutiny 22-01-22 - Appendix 6.pdf \(merton.gov.uk\)](#) drew on best practice across the country including the London Design Review Charter and involved consultation with Design Review Panel members. The report recommended changes to the format of the panel, appointments procedures and the introduction of a code of conduct which are set out in Appendix C to this report. Additionally, and integral to the resourcing of the pre-application service given that pre-application submission are routinely assessed by the Panel, the report proposed introducing both charging for applicants and payment for reviewers thus incurring no cost to the council.
- 4.15 The charging arrangements are based on a thorough survey of the arrangements in other London Boroughs. The report to the Scrutiny Panel confirms that remuneration for Panel members is nominal and very similar across London. Charging for applicants varies widely across similar London Borough design panels and the figures proposed for Merton are set at the lower end of the range. The approach reflects that this is the first time

Merton Council will be charging applicants for this service, that most development sites in Merton are small scale, that attending Design Review Panel is not a statutory requirement and there is a desire to encourage and not discourage applicants from presenting their proposals to an independent panel of experts.

4.16 Tables 4 and 5 below set out the recommended charges which were reported to and endorsed by the Scrutiny Panel in February 2022. Given the spike in inflation in the period since figures were compiled the tables also include an uplift based on inflation up until October 2023.

Table 4. Merton Design Review Panel - proposed charging to applicants.

- 1) Charges proposed in Feb 2022 based on data collected in 2021.
- 2) Charges proposed in December 2023 allowing for CPI inflation – 11.8%.

	Full Review (Chair plus 5 reviewers) 1)	Workshop/Early Review (chair plus 3 reviewers)	Desktop review (Chair plus 1 reviewer)
First review	1) £3,000 2) £3,354	1) £2,000 2) £2,236	Not available
Subsequent review	1) £2,500 2) £2,795	Not available	a) £1,000 b) £1,118

Table 5. Merton Design Review Panel – proposed remuneration to panel.

- 1) Charges proposed in Feb 2022 based on data collected in 2021.
- 2) Charges proposed in December 2023 allowing for CPI inflation – 11.8%

	Full Review (Chair plus 5 reviewers)	Workshop/Early Review (chair plus 3 reviewers)	Desktop review (Chair plus 1 reviewer)
First review	(Maximum fee charged.) 1) £2,000 2) £2,236	1) £1,400 2) £1,565	Not available

Subsequent review	1) £2,000 2) £2,236	Not available.	(Minimum fee charged.) 1) £800 2) £894
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5. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 5.1 The pre-application system has the potential to generate significant levels of income and help meet the costs of the service.
- 5.2 Annual uplifts to charges aligned with inflation would be consistent with the Council's approach to uplifts to charges for other discretionary services.

6 LEGAL AND STATUTORY IMPLICATIONS.

- 6.1 The legal background to the system is set out in S.93 of the 2003 Local Government Act. It is important that the pre-application system and Design Review Panel are operated and managed in a fair and transparent manner. The operation of the pre-application system will be monitored by the Head of Development Management , while the operation of the Design review Panel will be monitored by the Head of Future Merton who will both report to the Head of Regeneration.

7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 7.1 The pre-application service provided to Merton will ensure that it continues to be accessible to all residents especially those with protected characteristics.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 None known.

9. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 9.1 None known.

10 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- 10.1 A. Schedule of proposed fees and service provided.

11 CONSULTATION UNDERTAKEN

- 11.1 Planning pre-app fees – No consultation has been undertaken.

- 11.2 Design Review Panel fees and remuneration – Consultation with Panel Members. Feedback summarised in Report to Overview and Scrutiny Panel report (2022)

Report to Overview and Scrutiny Panel (2022) proposing the introduction of charges for the Design Review Panel.

12 BACKGROUND PAPERS

- 12.1 Planning Advisory Service – Briefing Note – Pre-application services in local authorities. [pre-application-services--bf1.pdf \(local.gov.uk\)](#)

- 12.2 [Technical consultation: Stronger performance of local planning authorities supported through an increase in planning fees: government response - GOV.UK \(www.gov.uk\)](#)

- 12.3 Letter from Government Chief Planner to local authorities (14th November 2023) regarding increases planning fees and other changes to the fees Regulations. [Letter about Planning Fees Increase \(14 November 2023\) \(publishing.service.gov.uk\)](#)

- 13.4 Report to Overview and Scrutiny Panel (2022) proposing the introduction of charges for the Design Review Panel.

[Link to Agenda item 7 and minutes – Design Review Panel review - Merton's sustainable communities overview and scrutiny panel \(February 2022\)](#)

- [Link to committee report](#)
- [Link to appendix on fees and charges](#)

Appendix A - Merton pre-application service.

No changes are proposed to the operation of the service including what an applicant is required to provide and what steps the Development Management team will take to undertake its assessment of a pre-application submission. Details are outlined on the Council's Planning web pages:

[Planning pre-application advice service | Merton Council](#)

Category of proposal and schedule of charges from 1st January 2024.

Category 'A' proposals – large-scale, complex, major development.

- Provision of 50 or more residential dwellings (including conversion)
- Provision of 2000m² or more of floor space
- Change of use of buildings or land over 2000m²
- Mixed-use developments where the combined floor space is over 2000m²
- Development involving a site of 1ha and over
- Developments requiring an Environmental Impact Assessment
- Development requiring the submission of an Environmental Statement under the Environmental Impact Assessment Regulations.
- Planning/ development briefs/ frameworks
- Sites for which the landowner wishes to establish their potential value, or where such briefs for potential developers will expedite the development process.

Category 'B' proposals – major development

- Provision of 10 - 49 residential dwellings (including conversion)
- Provision of 1000m² - 1999m² of floor space
- Change of use of buildings or land between 1000m² – 1999 m²
- Development involving a site of 0.5ha – 0.99ha
- Composite proposals for telecommunication masts/equipment – 10 or more sites
- Mixed use developments where the combined floor space is between 1000m² - 1999m²

Category 'C' proposals - minor development

- Provision of 1 - 9 residential dwellings (including conversion)
- Provision of 100m² - 999m² of floor space
- Change of use of buildings or land between 100m² -999m²
- Individual proposals for telecommunications equipment and masts not being confirmation of permitted development
- Advertisement applications
- Complex listed building applications

Category 'D' proposals – small-scale and householder development and lawful development certificates

- Provision of 1m² - 99m² of floor space

- Change of use of buildings or land between 1m² - 99m²
- Householder applications (small extensions/alterations)
- Certificates of Lawful development - for non-householder related applications such as confirmation of existing lawful use

NB - All charges are inclusive of VAT.

Category of Pre-app	Category A	Category B	Category C	Category D
Initial meeting and advice note	£4,653	£2,343	£1,406	£141 (*plus £141 for Conservation Officer input)
Follow up meeting and advice note.	£1,500	£937	£750	
Combined fee. Initial meeting and note plus follow up meeting and note	£6,186	£3,280	£2,155	£*141 (*plus £141 for Conservation Officer input)

Officer's hourly rates

Role	Charge per hour (inclusive of VAT)
Assistant Director/Director	£276
Head of Service	£161
Area Team Leader	£122
Principal Planning Officer	£107
Planning Officer	£71
Administrative Officer	£50

Appendix B - Merton Design Review Panel - Charging and remuneration.
 Details of new arrangements to be uploaded onto Council's planning web pages.

Merton Design Review Panel – proposed remuneration to panel.

	Full Review (Chair plus 5 reviewers)	Workshop/Early Review (chair plus 3 reviewers)	Desktop review (Chair plus 1 reviewer)
First review	(Maximum fee charged.) £2,236	£1,565	Not available
Subsequent review	£2,236	Not available.	(Minimum fee charged.) £894

Merton Design Review Panel – proposed charges for applicants.

	Full Review (Chair plus 5 reviewers)	Workshop/Early Review (chair plus 3 reviewers)	Desktop review (Chair plus 1 reviewer)
First review	£3,354	£2,236	Not available
Subsequent review	£2,795	Not available.	£1,118

APPENDIX C – MERTON DESIGN REVIEW PROPOSED CODE OF CONDUCT

1. INTRODUCTION

- a) The Merton Design Review Panel is set-up, organised and managed by the London Borough of Merton, and reviews development proposals within the London Borough of Merton. As a group of independent experts, it is important that the Merton Design Review Panel provides independent and impartial advice according to principles of good practice in public life, and guidelines produced by relevant organisations. This includes Central Government, the Greater London Authority and Design Council CABE. This Code of Conduct applies principally to the conduct of Panel members, but also includes all those attending meetings and involved in the design review process. It also includes guidelines on what is and is not considered a conflict of interest and how this process is managed.

2. PANEL MEMBERS

- a) Panel members are expected to conduct themselves to a high standard and in a professional manner, maintaining the integrity of the Panel, not bringing it into disrepute by their actions as part of their work on the panel, outside the panel or by association through other inappropriate behaviour. They are also expected to adhere to good practice in how they review schemes. Particularly, Panel members are expected to:
 - i) Adhere to the seven Nolan Principles of Public Life, the CABE 10 Principles of Design Review², and the Mayor of London's London Quality Review Charter³,
 - ii) Behave in a professional, respectful and courteous manner to all during Panel meetings, including allowing one person to speak at a time and respecting one another's views,
 - iii) Understand and respect that all pre-application proposals are commercially confidential in line with LB Merton pre-application service, and not discuss or disseminate information on them to any third party,
 - iv) Give an informed and open-minded view of a scheme in its context, beyond narrow realms of expertise and not allowing strongly held personal preferences and predilections to dominate or inappropriately influence advice,
 - v) To consider a scheme 'in the round' starting from the big issues, working to the detailed, and remaining focussed on relevant design issues,
 - vi) Give advice and criticism in a constructive, encouraging and non-adversarial manner with a view to encouraging applicants to willingly take comments on board,
 - vii) Have due regard to the planning process, current planning policy and standards within which the Design Review Panel operates and give appropriate comments within this context,
 - viii) Not engage in negotiating on behalf of the local authority, not recommend other designers and not attempt to design schemes themselves, or the projects being reviewed,
 - ix) Not attend Panel meetings as a reviewer to act on behalf of any person or client having their proposals reviewed at that meeting,
 - x) Not engage in separate or independent discussions or give advice – paid or unpaid – with applicants who will be or have previously presented to the Design Review Panel, during the lifetime of the project,

- xi) Following reviewing a scheme, not comment on the proposal in any other formal capacity, eg. through a public consultation exercise,
- xii) Not engage with, or encourage any interested party in attempting to lobby them individually or to the Panel as a whole, or in any way attempting to influence their views, and report this immediately to Panel management as soon as it happens,
- xiii) Not bring the work of the Panel into disrepute by association, through actions and behaviours outside their work on the Panel,
- xiv) Familiarise themselves with the list of companies and employees involved in all schemes being reviewed as identified on the agenda and inform the Panel management of any actual or potential conflicts of interest. Attendance at meetings will be dependent on Panel management receiving confirmation from Members there is no known conflict of interest,
- xv) Familiarise themselves with proposals sites and their context, either by visiting the sites themselves, or researching them on-line,
- xvi) Familiarise themselves with previous reviews for sites where they exist and with previous planning applications where indicated.
- xvii) Punctually attend all review meetings and other meetings they have been scheduled for. If members find they cannot attend, they should ideally give at least 7 days notice, although it is understood this may not always be practical. Continued inability to attend meetings may result in the member being removed from the panel.

Conflicts of Interest

- b) To ensure the Design Review Panel operates in an independent and impartial manner, with high standards of probity, it is essential that conflicts of interest are not allowed. A proper process for ensuring this is also important in policing this and giving confidence that such conflicts do not take place. Firstly, it must be clear what constitute conflicts of interest and what is expected of Panel members in this regard. Panel members must:
 - i) Provide Panel management with a list of interests to be held on a Register of Interests to aid assessment of conflicts of interest. This list should include interests such as development projects members are involved in in Merton, property they own in Merton, membership of local groups and societies, positions held in companies such as directorships, financial stakes and investment interests in relevant companies and organisations, and active political work. Anything that is or could be construed as a potential conflict of interest with the work of the Panel should be identified. This should include members places of residence and of work. Panel members must update panel management in a timely manner of any relevant changes to their circumstances in this respect. In some cases, such interests may bar Members from attending a review.
 - ii) Declare to the Panel management relevant pecuniary and non-pecuniary interests they (or their family) have in relation to the operation of the panel in general, and they have in relation to any specific site, company, development team member in relation to any specific proposal being reviewed. Pecuniary and non-pecuniary interests are defined for councillors on the council website⁴ and should form the reference point for Panel members. Pecuniary interests will bar

Members from attending a review and non-pecuniary interests will be assessed on a discretionary basis by Panel management and the Chair.

- iii) Identify to Panel management if they are involved, in any way, with sites that are adjoining, opposite, adjacent or in any other way affected or in close proximity to schemes being reviewed. In cases where such a site will be clearly affected by the proposal under review, this will bar Members from attending the review for that scheme. Make the Panel management aware of any projects they are working on within the borough that are likely to come to the Design Review Panel. The Panel management will decide whether these schemes should be reviewed according to normal procedure. Where a Panel member has a scheme that comes to review, they must step down from their position on the Panel for the duration of the project – from the first submission for pre-application advice to the final discharge of conditions and signing of legal agreements. This is in order to ensure there are no blurred lines between the reviewing role and applicant role of Panel members. A clear distinction is essential to ensure the Panel is impartial and seen to be impartial.
- iv) Not take part in a review where they, in the preceding 12 months, have been personally, professionally or informally involved with the proposal being reviewed, either paid or unpaid or in any other way giving advice on the proposal.
- v) Not become involved in sites personally, professionally or informally, that have been presented to a Panel review that they sat on, for a period of at least 24 months after the Council have determined the scheme.
- vi) Not review any other schemes at a review meeting where they will be involved in any way with one or more of the schemes being reviewed (i.e. they will not be allowed to 'cross the floor' during a review meeting).
- vii) State whether, in any other forum, they have objected to or otherwise commented on a proposal to be reviewed, including any other plans, policies or other factors affecting the proposal. Such a connection is likely to bar a member from attending the review for that scheme.
- viii) Not use their participation as a reviewer on the Panel to directly or indirectly promote their own business interests. Approaches should not be made to anyone involved in schemes being reviewed before, during or after a review in order to actively or by default canvass for work. It is accepted that working for the panel, members are enhancing their reputations and public profiles, but the right balance needs to be struck in this regard. Panel members accept that this may affect their ability to conduct their professional business in the borough.

Mechanism for avoiding Conflicts of Interest

- c) Panel members are required to state to Panel management, each time they receive an agenda for a meeting, that they have no known conflicts of interest. This is based on the companies and individuals identified by the applicants and in accordance with this Code of Conduct document. Access to review material will be dependent on this communication. This process may be made electronic in the future.

- d) The above is not an exhaustive list and potential conflicts will be considered on a case by case basis at the discretion of the Panel management and Chair. Where the conflict may not be strong, the panel management may consult with the applicant team to establish whether they are content to proceed with the panel member in question.
- e) Where a member experiences conflicts of interest to a degree that it adversely affects their ability to regularly attend or be chosen for meetings, it may be deemed by panel management that their continued membership of the panel is impractical (through no fault of their own), and that it is brought to an end.
- f) The role of Panel management is important in providing a clear and unbiased notes and aiding in the independence, credibility and professionalism of the Panel. To this end, the following procedures will be applied by the Panel management:
 - i) The Design Review Panel administrator will take notes at meetings and provide a draft set of notes. These will then be distributed to Panel members for comment on the notes. The notes will be passed to the Chair for amendment based on members comments and production of a 'final' set of notes. The Chair will send out the notes to applicants (and other relevant parties), normally within one working week from the review.
 - ii) Notes will be written in prose form, synthesising individual comments into text that broadly comments from the larger scale and fundamental issues first, moving towards details. Notes should include a short introduction and conclusion culminating in the verdict. Notes should not be ambiguous and indicate the strength of opinion of the Panel on issues where there is a clear and strong view.
 - iii) The notes of the panel will be based on a collective view of the panel as a whole, presenting a single point of view, and will provide a consistent, clear and concise report to be as useful a steer as possible to the applicant. They will not be based on individual members' preferences or any formal system of voting.
 - iv) Following this process, the notes are final and not subject to variation or negotiation either by Panel members, council officers, applicants, councillors or any other third party.

3. PANEL MANAGEMENT

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- iv) Following this process, the notes are final and not subject to variation or negotiation either by Panel members, council officers, applicants, councillors or any other third party.
- v) Notes of the reviews will be based only on a record of what was said at the review meeting and no other subsequent commentary offered by panel members, council officers or others will be included. The traffic light verdict given at the end of meetings will not change in the final notes from that given at the review.
- vi) The agenda and full set of plans and drawings will be made available to Panel members approximately one week prior to the review meeting to enable Members sufficient time to familiarise themselves with the proposals.
- vii) The agenda/applicant documentation will include a list of companies and employees involved in all schemes being reviewed to aid Members in identifying potential conflicts of interest.
- viii) Council officers will not take part in the review itself but will play a role in factchecking on points of planning policy for the purposes of clarity and accuracy.

4. COUNCILLORS

- a) As elected representatives of the council it is currently considered appropriate that councillors are able to attend panel meetings as observers, whether applications or preapplications. Councillors should, like others, conduct themselves appropriately.
- b) Councillors must abide by their own Code of Conduct as elected representatives as well as this code of conduct.
- c) Councillors are permitted to attend only where they have a relevant ward member or cabinet portfolio interest, do so as observers, and respect this in the same manner as members of the public.
- d) Councillors must also respect the confidentiality of pre-applications and not disseminate any information shown or discussed as part of the review, including the review notes, with any third party. This includes not taking photos of, recording or videoing the meeting or use of social media.

5. THE PUBLIC

- b) The public (including representatives from local groups, societies and organisations) must:
 - i) Adhere to this Code of Conduct and do not attempt to speak or otherwise influence the views of Panel members before, during or after meetings.
 - ii) Not engage in any other behaviour that is likely to disrupt or otherwise hinder the effective and impartial work of the Panel,
 - iii) Not unduly attempt to engage with applicants as they wait to enter the review meeting, nor attempt to record or film applicants without permission. If they wish to speak to the applicant, this should be done outside the design review process, as part of the applicants own consultation in accordance with the National Planning Policy Framework (NPPF).
 - iv) Recording by audio, video or any other means of Panel meetings is not permitted. Anyone found to be secretly filming or recording by any means will automatically be barred from attending any future Panel meetings. Recording will only be permitted by the council, whether meetings are held in person or electronically.
 - v) Not engage in lobbying of panel members by communicating or attempting to communicate with them or, in any other way to attempt to influence their views and decisions on schemes, before, during or after review meetings.
 - vi) When attending, be willing to give their names to the panel management for accurate recording of the meeting attendees. People attending as observers will only be allowed on this basis. Failure to do so may lead to them being excluded from attending public DRP meetings in the future, in person or electronically.

6. THE APPLICANT

- a) The way the applicant presents their proposals and responds to the review can have an important impact on how productive and positive the review is for all, including keeping to time and extracting the maximum advice from the Panel. To this end, the applicant team are expected to:
 - i) Be clear and honest in their presentation and do not attempt to mis-represent schemes,
 - ii) Not use the review as an opportunity for the client or architect/designer to directly advertise or promote their company, development or practice,
 - iii) Do their best to keep to time in their presentation and present a clear design-based narrative of their proposals,
 - iv) Understand that their primary role is to absorb the comments of the panel and not feel duty bound to respond to or defend all criticism,
 - v) Feel free to identify any misinterpretations or inaccuracies they feel arise in the review discussion
 - vi) Not approach panel members to in any way become involved in projects that have been or are likely to be reviewed by the panel.
- g) The applicant has a right to expect that Panel members have no conflict of interest when reviewing their proposals. However, it is considered inappropriate to give applicants the opportunity to choose or vet members to review their proposals as this equally could be open to abuse. It would also take away the role of Panel management in choosing the most suitable balance of expertise for the schemes on the agenda. To address this issue, this Code of Conduct has

intentionally been made more comprehensive and robust than the original Terms of Reference. It is considered that this will adequately address concerns applicants may have in this regard.

7. THE PRESS

- a) Whilst the Design Review Panel respects the confidentiality of pre-application stage proposals, it is not de-facto a confidential process. Therefore, for schemes that are at the public application stage, the press are also welcome to be present. They should also adhere to this Code of Conduct in the following way:
 - i) Adhere to their own professional codes of conduct and ethics as set out by the Independent Press Standards Organisation (IPSO).
 - ii) Adhere to this Code of Conduct and do not attempt to speak or otherwise influence the views of Panel members.
 - iii) Recording by audio, video or any other means of Panel meetings is not permitted. Anyone found to be secretly filming or recording by any means will automatically be barred from attending any future Panel meetings.
 - iv) They must identify themselves as members of the press to the Panel administration if they are attending in that capacity. If they are attending in a personal capacity then they must adhere to this Code of Conduct as it applies to the public and not subsequently write an article in any publication in their capacity as a member of the press.
 - v) Where they subsequently write a press article they should give the LB Merton communications team the opportunity to check the article for factual accuracy as it may be published before the formal meeting notes, and as a matter of courtesy.
 - vi) Be willing to give their name and employer details to the panel management for accurate recording of the meeting attendees.

8. BREACHES OF THE CODE OF CONDUCT

- a) For Panel members, an identified breach of this Code of Conduct will be verified by the panel management and a verbal warning given. Ongoing failure to comply with the Code of Conduct will be followed by a written warning. If the panel member still fails to comply with the code of conduct and cannot offer a satisfactory explanation for their behaviour, they will be dismissed from the Panel by agreement of the Panel Chair and management. Any Panel member should notify the Panel management if they become aware of a breach of the Code of Conduct.

Summary of Merton Design Review Panel process changes

Please see [report to Merton's sustainable communities overview and scrutiny panel \(Feb 2022 – agenda item 7\)](#) for the consultation feedback from Design Review Panel members and a complete explanation for the justification for these proposals

1. **Format, Charging and Payment.** The council will introduce charging for applicants and payment for reviewers and three review formats – Workshop, Full and Desktop.
2. **Design Expert Chair.** The council will appoint a design expert chair and deputy chairs as set out in the approved recruitment process.
3. **Membership & Review.** The council will refresh membership periodically in order to maintain a workable pool of members with an appropriate and relevant mix of expertise, and this will be undertaken by the Future Merton team and Panel Chair as set out in the approved recruitment process.
4. **Recruitment.** The council will set out a process for recruitment and use it to re-appoint the whole DRP membership according to the newly agreed formal, code of Conduct and new Terms of Reference.
5. **Terms of Reference & Code of Conduct.** The Council will produce a new, up to date Terms of Reference and Code of Conduct.
6. **Timing and number of reviews and reviewers.** Reviews will take place during the working day with a maximum of three reviews per meeting, and a reduction in the number of reviewers, to five plus the Chair.
7. **Meeting format.** The meeting format for a full review will be changed so that reviews for each proposal will take one hour. This will consist of a five minute briefing by the case officer/panel administrator, a 15 minute presentation by the applicant, a 30 minute review session and a 10 minute summary and verdict administered by the chair. Workshop and chair's reviews will have their own formats and chair's reviews are likely to be shorter. The agenda and format for each item will be agreed beforehand by the chair and administrator based on the nature of the proposal.
8. **Web-based meetings.** All full reviews will be held by electronic means using Zoom or similar. They will include the administrator and an additional staff member to manage the meeting. A separate protocol on how this will be done will be included in the terms of reference. The council will also use other means of holding meetings as and when considered suitable, including e-mail and face-to-face meetings. Workshop meetings will be held face-to-face when possible as this involved a smaller number of people and is more practical.
9. **Notes of Meetings.** As set out in the proposed Code of Conduct, notes of Panel meetings will be written as a collective view of the Panel as a whole, which represents an objective summary of the review and is signed off by the Chair. This is in accordance with good practice, and how other independent companies such as Design SouthEast, DC CABE and Frame operate. It provides applicants with clear and unambiguous guidance, and guards against cherry picking by applicants and grandstanding by reviewers.
10. **Permanent Members.** The practice of permanent reviewers who attend all meetings will be discontinued.

11. **Verdict.** The current Red-Amber-Green verdict given at the end of DRP meetings will be changed to a four-stage verdict, namely Red – Amber (towards Red) – Amber (towards Green) – Green.
12. **Scheme Identification.** A new more structured procedure will be set up to identify proposals suitable for review. All pre-applications, when they are received, will be marked as either suitable or not suitable for design review based on a set of agreed parameters.
13. **Timing of reviews.** Proposals at application stage will not be reviewed unless they have previously been reviewed at pre-application stage. Proposals will not be reviewed until after a pre-application meeting has taken place.
14. **Review as part of the Planning Process.** Panel members' comments should sit within the planning policy context. All internal officer comments – where they exist – will be included in the information pack for reviewers
15. **Public Realm Schemes.** Major public realm and highways projects proposed and implemented by the council may be reviewed by the DRP at development stage in the workshop format. A schedule of planned projects will be produced and appropriate schemes selected for review.
16. **Planning Policy Documents.** Design related planning policy documents produced by the council will be reviewed by the Design Review Panel at an appropriate time in their consultation process.
17. **Design Review Panel webpage.** The DRP Webpage will be updated. It will include downloadable copies of the new Code of Conduct, Terms of Reference and Member profiles and a fuller explanation of what the Panel is and does. It will be redesigned to automate and make more efficient the process for applicants submitting documentation for reviews. As the DRP is not a council committee, the DRP webpage will be the single point of contact for all DRP matters.
18. **Review.** The working of the Panel will be reviewed annually in the form of a short annual report. To help in this, forms will be produced to aid presentations and provide feedback and for other purposes where deemed beneficial.

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