

# North Somerset Council

## Report to the Council

**Date of Meeting: 19th July 2021**

**Subject of Report: Response to Peer Review recommendations on Planning**

**Town or Parish: All**

**Officer/Member Presenting: Cllr John Crockford-Hawley, Chair of Peer Review Member Working Group**

**Key Decision: No**

**Reason:**

**Not an Executive decision**

## Recommendations

The recommendations of the Local Government Association Planning Advisory Service Planning Peer Review be noted, the recommendations made therein be agreed and the Assistant Director Legal & Governance and Monitoring Officer, Director of Place and Head of Planning be authorised to implement them.

### 1. Summary of Report

The Peer Review of Planning was carried out in January 2021. As a result, 12 recommendations were made which were referred by Council on 20<sup>th</sup> April to a Review Working Group for further discussion. The member Working Group has had 5 meetings to consider all the recommendations and agree that Council be recommended to accept them.

### 2. Policy

None

### 3. Details

#### 3.1 Background

The aim of the Peer Review of Planning was to assess the operation of the Council's Planning service (the Service) focusing on pre application responses and decision making, structure and workforce, member engagement and Planning & Regulatory Committee (P&R Committee) in the context of becoming a more 'enabling' council.

The review took place virtually during the week of 25<sup>th</sup> January and comprised a "critical friend" assessment by a small team of officers and members from other Councils and of the

LGA. The review team met with almost 100 stakeholders in discussion groups and one to one interviews. These included:

- Members – the Leader, relevant Executive Member, the P&R Committee Chair & Vice Chair, Chair of SPEDR, the political group leaders, and P&R committee members.
- The Chief Executive, Director of Place and other managers and officers
- Representatives of Town and Parish Councils
- Two groups of agents and planning consultants
- Representatives of the planning policy and enforcement teams
- Internal stakeholders such as officers from Human Resources and legal and democratic services, and
- Representatives of internal and external consultees to the planning process (eg Environment Agency, Historic England, Natural England).

The Review Team has provided its report and the executive summary sets out the main findings (see below). 12 specific recommendations were made (see section 3.3 below) and these have been considered by a member Working Group chaired by the Chair of the Place Policy and Scrutiny Panel as requested by Council at its April meeting. The Working Group met on five occasions between 10<sup>th</sup> May and 10<sup>th</sup> June on a “task and finish” basis to consider the 12 recommendations.

### 3.2 Summary of findings

The Executive Summary of the review team’s report highlighted the following conclusions which led to the recommendations set out in 3.3 below and which have been considered by the Member Working Group.

- The development of a new Local Plan provides a great opportunity for the relatively new political administration to ensure that its corporate priorities guide and influence planning policy and delivery. Given that planning and land use needs to be at the heart of place making and tackling climate change, members, officers, public and stakeholders can work collaboratively to devise an appropriate spatial approach for North Somerset.
- To achieve the corporate and new Place Directorate ambitions to become an ‘enabling’ council the review team saw the need for a ‘gear change’ in culture and practice in the Planning and supporting services. It recommends that the current transformation programme reviews how it can best achieve clear prioritisation, stronger collaboration and more focus on delivery. The report encourages the council to reinforce its Planning Service as vital and at the heart of place shaping in its main towns such as Weston-super- Mare.
- The Planning Service is well managed and performs very well against Government indicators on speed and quality. However, staff capacity and resilience are stretched. Managers, staff and customers see the need for Service improvements and the review team make recommendations about creating efficiencies in order to try and free up staff capacity. In particular there is an urgent need to tackle blockages in responses of internal consultees in the development management process that are having a debilitating impact. The recommendations (see below) are designed to support the Service in becoming more outward looking and more outcome focussed.
- The P & R Committee moved on line during the Covid 19 pandemic and its operation has improved as members and officers have become more proficient in this virtual

setting. The review team found good practice in the way the Committee owns Service performance through regular updates.

- The review team strongly recommend that in order to support the council's growth agenda through acting strategically with well-trained members, that the Committee's size stays as close as possible to its current number of 13. Changes to public speaking offer potential to better meet the administration's value of becoming a more 'inclusive' and 'listening' council.
- The Service can demonstrate good strategic working in planning policy issues with the authorities that make up the West of England Combined Authority (WECA). Town and Parish Councils are heavily engaged in their role as statutory consultees and the report makes a recommendation as to how to perhaps better manage expectations in closing the feedback loop. The Service recognises weaknesses in its preapplication and Planning Performance Agreement (PPA) offer. The review team consider this area so important to delivering improved engagement and better outcomes that it suggests an overhaul in approach, focus and prioritisation.
- The peer review team recognises that the council is self-aware of many of the improvement areas required. This offers good potential for significant improvement.

### 3.3 Peer Review Recommendations

Following on from the main findings, the Peer Review made 12 recommendations (abbreviated as "R" below) which have been considered by the Member Working Group as requested by Council on 20<sup>th</sup> April. The Group noted that a number of recommendations were matters for the Director of Place and Head of Planning to deliver but endorsed the work being carried out.

**R1** Move at speed to meet key milestones in Local Plan delivery including testing the aspirations of the administration and ensuring timing of vital infrastructure delivery.

Summary of Working Group discussion and conclusions:

*The Group noted and supported the work in progress and in particular noted that the Executive agreed the Spatial Strategy and key principles on 28<sup>th</sup> April. It noted that the timetable and key milestones were being established as recommended by the Peer Review.*

**R2** Undertake a wider review of the structure of Place Directorate to give capacity to key managers to take a more focused role on delivery. This should include a review of where in the hierarchy the Head of Planning should sit.

Summary of Working Group discussion and conclusions:

*The Group noted that the Director of Place had carried out a consultation on the future structure of the Place Directorate which ran from 4<sup>th</sup> May to 7<sup>th</sup> June. This included relevant proposals and further work was ongoing to deliver a new Directorate structure.*

**R3** Review the pre application processes, including internal collaboration and potential beneficial impact across whole organisation, by using bench marking with best practice councils to ensure that strategically important development proposals help to meet the Local Plan delivery aspirations.

Summary of Working Group discussion and conclusions:

*The Group noted that a review of processes is to be carried out by officers following consultation with agents focus group and a review of best practice. This would include a senior officer forum to consider key development proposals at the earliest opportunity (see below). The Group agreed that briefings of relevant members by prospective applicants on emerging major development proposals should be encouraged as part of the pre-application process. Officers must attend such briefings*

**R4** Examine the establishment of an internal forum that enables the key decision makers in the development management process to support and guide case officers on key strategic applications.

*Summary of Working Group discussion and conclusions:*

*The Working Group noted that an officer "Development Forum" is being set up to meet this recommendation. The first meeting took place on 7<sup>th</sup> June to consider the group's objectives, governance and Terms of Reference.*

**R5** Review opportunities to create a more flexible team structure to enable officers to gain greater breadth of experience and career path to support recruitment and retention and increased staff morale.

*Summary of Working Group discussion and conclusions:*

*The Group noted that the consultation on the Place Directorate restructure closed on 7th June. Relevant proposals included consideration of revised structures to give greater opportunity for officers to gain new experiences. Responses to the consultation are being considered and options will be developed through an officer steering group from across the service. The opportunity for greater officer training/development opportunities, expanded career grades, apprenticeship and Employer of Choice initiative are all being considered.*

**R6** Create the opportunity to maximise staff resources and staff retention by better linking staffing to funding sources e.g. increased Urban Design and case officer capacity through NSC led regeneration projects, PPAs and S106 planning obligations.

*Summary of Working Group discussion and conclusions:*

*It was noted that work on maximising PPA income is also underway as a means of securing additional resource through NSC development projects as well as other developments. The review of the pre-application advice process (see R3 above) would also consider the income generation opportunities. The Place Directorate transformation project will also to consider the role of S106 and CIL.*

**R7** Take the opportunity to reduce the size of the P & R Committee. The current size of 13 appears to work well and a tighter more focussed Committee can assist in delivering the Place shaping aspirations.

*Summary of Working Group discussion and conclusions:*

*The Working Group supports the recommendation to reduce the Committee to 13. In doing so it took into account comments received from other members, considered examples of committee sizes at other councils in the area and further advice from the Planning Advisory Service (PAS) about the characteristics of a good committee. The Group considered that a committee of 13 was consistent with the size of similar committees elsewhere and with PAS advice. It recognised that the committee is required to be politically balanced but that non-members of the committee should be able to attend. Non-members of the committee should be able to address the committee on applications in their ward or where an application materially affects their ward. The issue of substitution arrangements was considered. It*

*was recommended that group leaders be asked to nominate two members per group who would attend the member training (see R10 below) and act as substitutes for any committee member who could not attend.*

**R8** Introduce a member training programme, involve members in planning it and consider use of independent facilitators/trainers to deliver so it is both owned by members and fit for purpose.

*Summary of Working Group discussion and conclusions:*

*The Working Group supports the recommendation. The Group agreed that members of the committee should be expected to have attended refreshers on planning law and procedures to be provided by officers or external trainers as appropriate. Members not on the Committee would also be able to attend if they so wished. The Group reviewed the training provided in 2018 which involved a combination of full day event led by an external trainer coupled with internal officer led workshops supported by written material. A number of issues and options related to member training were considered, including recognition of different learning styles, and the Head of Planning was requested to develop a programme in consultation with the Working Group.*

**R9** Introduce a specific Code of Conduct for Planning that addresses Planning specific probity matters and the roles of members and officers. This could include a review of public speaking arrangements including: 1) Allow public to join MS teams and speak at Committee during Covid regime. 2) Public input at start of relevant agenda item rather than all together at start of meeting.

*Summary of Working Group discussion and conclusions:*

*The Working Group supports the recommendation to move public speaking on planning applications so that the public speaking on an individual planning application takes place just before that application is considered (as opposed to the current arrangement whereby all speakers are heard at the start of the meeting). The Group considered that all other existing public speaking arrangements should remain unchanged although it noted that the Committee had the power to agree the suspension of Standing Orders when circumstances warrant it. The Working Group considered the LGA's "Probity in Planning" advice to Councils and considered an example of a local Code of Conduct for Planning currently operated by South Gloucestershire Council. It acknowledged that a Code of Conduct for Planning would be helpful in the wider context of model Code of Conduct for the Council and provide a single source of guidance on the Councils various planning procedures, codes and protocols.*

**R10** Ensure that the P & R Committee focuses on the most strategically important section 1 decisions in order to optimise time to facilitate enabling and growth agenda and address needs to deliver wider community benefits.

*Summary of Working Group discussion and conclusions:*

*The Working Group supported this recommendation. In doing so it reviewed the mix and balance of planning applications considered by the P&R Committee since May 2019. It supported the existing arrangements for "section 1" and "section 2" items and recommended that the revised delegation arrangements introduced during the Covid lockdown be made permanent. These arrangements reduce the number of automatic triggers for referral of applications to committee. The Working Group was supportive of the P&R Chairman playing a role in officer discussion with members seeking to refer uncontentious small applications to committee. It also recommended that members*

wanting to call applications in to committee should speak to the Chairman, Vice Chairman and officers first. It considered call into a committee should be an exception.

**R11** Create a more collaborative approach with developers/agents eg through recasting the developers'/agents' forum and targeted regular liaison with key partners.

Summary of Working Group discussion and conclusions:

*It was noted that after being suspended during lockdown, the service reinstated its 6 monthly Agents Forum on 27<sup>th</sup> May. Two separate smaller focus groups representing major developers and agents for small scale developments were held in the winter and it is proposed to convene these on a more regular basis as a sounding board for service issues and initiatives.*

**R12** Create space for Enforcement Service to develop clear processes, prioritisation and work with members/parishes including:

- Wider messaging and comms around expediency and planning harm to assist better understanding of national issue.
- Process review to identify efficiency for example through use of triage
- Focus proactive work on priority cases with strong and effective public communication

Summary of Working Group discussion and conclusions:

*The Group noted that initial actions are being implemented by service managers to assist with current work pressures pending preparation of longer term action plan. The Group agreed to convene a further meeting of the Working Group to consider further the issues raised by this recommendation.*

#### **4. Consultation**

The Peer Review involved consultation and discussion with a range of parties as set out in the report. Further discussion and consultation has taken place with relevant stakeholders following publication of the review findings.

#### **5. Financial Implications**

It is expected that any associated costs arising from the implementation of the recommendations can be met with existing budgets. Further income generation through PPAs and pre-application advice services will be reviewed as part of ongoing financial management.

#### **6. Legal Powers and Implications**

As set out in the Town and Country Planning Acts and Local Government Act 1972 and related legislation and regulations

#### **7. Climate Change and Environmental Implications**

The proposals have no direct climate change or environmental implications.

#### **8. Risk Management**

Implementation of the individual recommendations will be risk assessed as appropriate.

## **9. Equality Implications**

Equality implications will be assessed as required according to the changes being implemented. It is not anticipated that any process changes would disproportionately affect protected characteristic groups.

## **10. Corporate Implications**

The Peer Review was carried out to inform the Corporate and Place Directorate transformation programmes. The recommendations arising from the review have been taken into account as appropriate in future service design and planning.

## **11. Options Considered**

As set out in the report.

### **Authors:**

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### **Appendices:**

None

### **Background Papers:**

Peer Review Report

Working Group notes and related material