

Planning Peer Challenge North West Leicestershire District Council

13-15th February 2018

Feedback Report

1. Executive Summary

North West Leicestershire District Council (NWLDC) shows strong performance as reflected in its planning data. Between March 2016 and March 2018 the council made 1774 decisions on planning applications, including 151 major applications and 1623 minor applications. During this time there were 11 allowed appeals. Staff work well together across the council on planning matters and employees and some members of the council are respected by external peers and stakeholders.

The Local Plan was adopted in November 2017. Although this sets out the strategic framework for planning approvals, the membership of the council overall has a low awareness of the Local Plan and how it relates to the decision making process. There is a danger that if it is not used as the overarching strategic framework the council will be at risk of more appeals, and in doing so, create pressure on resources including staff time and energy, as well as financial costs.

The reputation of the council is good with other Leicestershire authorities, particularly through the Members Advisory Group led by NWLDC with all councils across the area, and in this arena the council demonstrates that it can work well at a strategic level. However, this reputation is becoming diminished due to emerging knowledge and concern of partners and stakeholders about the discord within the planning function at the council.

The good performance of the service is at risk due to this ongoing disharmony: it is a major distraction and drain of members' and officers' time and effort. With the exception of planning matters there appears to be positive and constructive relationships across the council. But on planning matters there are poor member and officer relationships within NWLDC, to the extent of becoming adversarial. Most internal participants reflect that this has been regarded as a serious and deteriorating problem for a long time, and is in need of significant and fundamental improvement. The strong performance as shown in the headline data appears to be achieved despite the absence of positive working relationships between members and officers. Whilst there are examples of some good and constructive member-officer engagement in planning, these are few and far between. Members across the political groups do not appear to trust the advice offered by their professional officers and we witnessed examples of rude, dismissive and discourteous behaviour towards officers in both public and private arenas. This distrust results in defensive behaviour from officers towards members, which also at times can be unprofessional. There is little sense that the planning function in its broadest sense is working as a team.

A very high number of overturns is a marker of this lack of trust. The number of applications which are considered by the committee and determined against officer advice appear to be on an upward trend and are significantly higher than some other councils. In the team's view this is not because these applications in themselves are particularly unusual, but it is because the strong tendency to overturn an officer's recommendation seems to have become the norm. At one meeting we observed, 7 of 9 applications were overturned and it was difficult to see why this was the case.

This lack of trust also extends to behaviours on the Planning Committee. Councillors largely appear to engage with it on party political lines rather than on planning grounds, making it difficult to see if all decisions are made in accordance with the Local Plan, officer advice or other material planning considerations.

Officers can also up their game by taking steps to improve the quality of some of their outputs and engagement including sharper reports, being more confident about the advice they are giving, and taking steps, however difficult at times, to challenge when their advice is not being heeded. Ultimately it is for members to make the decisions about planning applications, either by delegating to officers or making decisions at Planning Committee: however in doing so they must show they have received and reflected on professional advice, and where this is not followed, being clear about why particular decisions are made.

The council's senior leadership has a clear ambition and determination for a stronger customer focus for the council as a whole, and this also applies to planning. For some people the planning application process is a very significant aspect of how they engage with the council and could be the most important interaction they have with NWLDC, so it is important that the process is as accessible and understandable as possible. The customer experience at the committee is variable at best and consideration is needed to how improving how the council engages with applicants.

The Planning Committee day consumes extensive resources yet is not as effective as it could be. Significant improvements can be made to the processes in the lead up to the day, so that the customer is put at the forefront of what the council is trying to achieve. This includes developing clearer rationale for delegations to committee, the effectiveness of processes leading up to the meeting including site visits and briefings, how and what information is communicated to applicants and councillors. This applies to all aspects of their engagement including the pre-application stage, engagement with members and officers and the Planning Committee meeting. The layout of the meeting, presentations, discussions and behaviours need an overhaul.

A radical approach is also needed to the membership of the committee. It is too large and cumbersome to be effective and needs to be reduced to be commensurate in size relative to the overall size of NWLDC's membership, as well as in accordance with the Planning Advisory Service's (PAS) guidance.

The key element going forward will be for everyone involved with planning at NWLDC to utilise and act upon their clearly expressed desire for the planning function to improve. Most contributors to this peer challenge were clear that there is significant room for the planning function to improve. In achieving improvement however members and officers will need to take active, and sometimes challenging, steps to do things differently. Officers will need to be more confident, members will need to play closer heed to professional advice and everyone – members working with members, and members working with officers - will need to work together as a team.

2. Key recommendations

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions, in addition to the conversations onsite, many of which provided ideas and examples of practice from other organisations. Recommendations for how the council can improve its approach to planning are distributed throughout this report. The following are the peer team's key recommendations to the Council:

- **Evaluate the potential for a more comprehensive approach to pre-application advice.** During the transition to the new Local Plan the council received a number of complaints from applicants. Charging for pre-application advice should result in improved speed of decision making and quality customer service, however this does not appear to have been consistently achieved. Take steps to ensure that the pre-application advice given is clear and consistent across all applications and with a stronger focus on customer experience.
- **Raise the profile and significance of the Local Planning Advisory Committee (LPAC)** and take steps towards it becoming the formal planning policy decision making body for the council. The Local Plan has been agreed, and the council is about to start the review of the Local Plan as advised by the planning inspectorate on employment land. There is still the ongoing need for transparency on planning policy and raising the profile of the LPAC would help to achieve this. The Committee has a key role to understand and respond to changes in policy making at a national level through the updated National Planning Policy Framework (NPPF) that is due out before Easter 2018, including how these changes will affect NWLDC. It will be even more important that there is full engagement with councillors at each stage of the review.
- **Training for members and officers needs to be provided urgently:**
 - **On the role of councillors and member-officer protocols. This needs to be provided across the council.** There are many incidences of poor behaviours from councillors including disrespect to officers and widespread disregard for professional advice: sometimes this extends to discourtesy and rudeness and needs to be tackled quickly and consistently. Officers need also to be reminded of their roles and responsibilities to members.
 - **For all members on the content and significance of the Local Plan.** There are low levels of awareness about both the content and importance of the Local Plan, not only from the broader membership of the council but also by the membership of the Planning Committee. What it includes and awareness of how it should be considered by members in making planning decisions needs to improve significantly.
 - **Training for all members of the Planning Committee on a regular and ongoing basis.** This training should be compulsory and conditional for ongoing membership of the Committee. Non-attendance should be actively managed by senior councillors.
- **The Chairman and Deputy Chairman of the Planning Committee, the Leader of the Council and the Leader of the Opposition need to create a culture of calling out and challenging poor behaviour as and when it happens.** Poor behaviours including rudeness appear to be tolerated and are in danger of becoming normalised; tackling this applies to behaviours between members, and

between members and officers. Staff also need to be clear of the member officer protocol and ensuring their behaviours are professional at all times.

- **Call-in procedures for Planning Committee applications are not clear and need reworking.** The current approach is not transparent for the public and its application results in applications clogging up the committee. More thought needs to be given to how and why call-in applies to applications and the best way forward for members to be able to flag up their concerns of applications, irrespective of where the councillor is currently based. A more strategic approach would enable members to call-in any application if they had concerns. However in being able to challenge more widely, members should be careful not to exploit call-in and the Chair, advised by officers, should be able to approve or sanction call-in requests before they reach the Planning Committee stage.
- **The stages up to the Planning Committee day should be reconsidered:**
 - **The Planning Committee briefing should not be on the Planning Committee day.** An earlier briefing, for example several days before the Committee day, would allow a reasonable amount of time for officers to prepare responses to queries from members. Overall there need to be more frequent opportunities for interaction between members and officers to discuss issues and resolve them ahead of the Planning Committee meeting.
 - **Steps should also be taken to tackle perceptions that this briefing could involve any aspect of pre-determination.** Conducting the meeting immediately before the Planning Committee meeting does not aid transparency
 - **Site visits need rethinking.** The approach to site visits uses up a great deal of member and officer time and yet does not appear to add much value to the decision making process. The current approach seems to be to visit all sites on the PC agenda, irrespective of the type of application, its complexity or controversy. Clearer reasons for site visits and better uses of technology could make this aspect of the process more informative and more efficient.
- Overhaul how the Committee operates including
 - **Reduce the size of the Planning Committee.** The size of the Committee of 17 councillors from a total membership of 38 councillors is too large. National guidance from PAS suggests the ideal size to be 9-11 councillors. However members need to consider that this guidance applies to all councils including the very largest which have council memberships of around 100 councillors, and we suggest that a better and more manageable size for NWLDC should follow this guidance
 - **Refresh the membership of the Committee.** The council needs to ensure that the membership of the whole committee is considered
 - **Change the seating arrangements to improve transparency and to improve the public's understanding of the Committee.** Members should desist from sitting on party political lines and could sit in alphabetical order. Consideration should be given to clearer "zones" for seating so that the public can understand the roles of those present, and so that members and officers can be clearly identified
 - **Officers need to be more confident in presenting their advice to the meeting and members need to take greater heed to the advice being proffered, even if they choose not to follow the advice.** In some instances it is not clear whether members are following officer advice or not.

Where members choose not to follow their advice, it should be clearly articulated and recorded

- **Improve the quality of visual materials, including presentations.** Some investment needs to be considered to improve the quality and number of projections for the committee and public to view. Officers need to ensure that the material being displayed on the screen(s) is directly relevant to the points they are making at the time
 - **Undertake a best proactive review of the structure and layout of reports.** The quality of written material could be better, with more clarity, better structure and a different layout. This will help members and the public to be clearer about the information they are receiving and the basis for decisions
 - **Take steps to improve the quality of member debate.** Discussion at the meeting needs to focus on material considerations relative and relevant to the applications presented to the Committee.
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- **NWLDC has seen the potential benefit of the Planning Peer Challenge, it is recommended that the council considers undertaking an LGA Corporate Peer Challenge**

3. Summary of the Peer Challenge approach

The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected your requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed with you. The peers who delivered the peer challenge at North West Leicestershire District Council were:

- Tim Burton, Head of Planning, Taunton Deane and West Somerset Councils
- Karen Syrett, Housing and Planning Manager, Colchester Borough Council
- Cllr John Cotton, Leader, South Oxfordshire District Council
- Cllr Jack Hopkins, LB Lambeth Council
- Judith Hurcombe, Peer Challenge Manager, LGA

Scope and focus

You asked us to explore a number of specific areas, agreed with the council in advance, and which you identified as being most in need of improvement:

1. How well is the planning service focusing on and assisting in delivering overall priorities
2. The customer experience of the planning service
3. The Local Plan
4. Neighbourhood plans
5. Roles, responsibilities and relationships
6. The role of the Planning Committee, including public engagement and transparency

7. The format and process of the Planning Committee day
8. Call-in
9. Reports, minutes and updates

The peer challenge process

It is important to stress that this was not an inspection. Peer challenges are improvement focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing. The team then spent 3 days onsite in North West Leicestershire, during which they:

- Spoke to more than 76 people including a range of council staff, councillors, external partners and stakeholders, including agents and developers
- Gathered information and views from more than 25 meetings, visits to key sites in the area and additional research and reading
- Collectively spent more than 175 hours to determine their findings – the equivalent of one person spending more than 5 weeks in North West Leicestershire.

This report provides a summary of the peer team's findings. It builds on the feedback presentation provided by the peer team at the end of their on-site visit (15th February 2018). In presenting feedback to you, they have done so as fellow local government officers and members, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. We appreciate that some of the feedback may be about things you are already addressing and progressing.

4. Feedback

4.1 How well is the Planning Service focusing on and assisting in delivering the council's overall priorities?

The Planning Service shows good performance and receives around 900 planning applications each year, which results in income of over £1m per year for the council. Planning enforcement staff dealt with 344 cases during 2017-18. Local targets for determining applications are set higher than national targets, at 85% in each category, and this is largely achieved. At February 2018 the cumulative performance during 2017-18 is 88.88% for major applications, 80.08% for minor applications and 88.65% for other applications.

The government's recently proposed standardised Local Housing Assessment gave NWLDC a needs assessment of 360 new homes per annum. The council has set through the Local Plan a target of 481 homes each year, and has historically delivered above this amount.

The county wide Members' Advisory Group oversees the Strategic Growth Plan for the whole of Leicestershire and Leicester, and includes all of the councils in the area. The preparation of the Plan is being overseen by a Members' Advisory Group (MAG), which includes representatives from each of the local authorities, together with the LLEP whose representative attends as an observer. The MAG is supported by a Strategic Planning Group, which is made up of senior officers from the local authorities. Chaired by the portfolio holder from NWLDC, it brings visible and effective leadership to this partnership of councils.

Through the county-wide MAG but also more widely, stakeholders told us that the council is good to work with and adds value when involved.

Overall we were told of a positive culture within the council, with good team working. Officers are highly regarded externally by their peers in other councils.

As in all other councils the Planning Committee is a very public window into the council's decision making processes and the outcomes from this committee are very important in shaping the future of the district and the lives of communities now and in the future. The aim of the Planning Committee must be to enable the public to engage in this complex and often controversial process in order to be satisfied with and be clear about the decision making process, if not always the outcome. However in NWLDC this focus appears to have been lost and there are significant concerns about the Planning Committee works to the extent of it being dysfunctional. This could undermine delivery of the council's strategic objectives.

4.2 The customer experience of the planning service

Planning officers are largely well regarded by customers. However the overall profile of customer service is quite low and during our onsite work there was little

mention of the customer or their experience through planning. Overall there is a strong sense of uncertainty for customers on outcomes.

The pre-application stage works reasonably well but does not appear to reduce application timescales. There are delays in processing arising from a number of factors including registration being relatively slow, validation, responses to consultation and discharge of conditions. PAS has lots of advice about how to best organise and use pre-application advice <https://www.local.gov.uk/pas/pas-topics/planning-applications/pre-application-suite>.

Linkages between the planning service and enforcement could be improved. The current sense of detachment between the two is exacerbated by the enforcement team being located away from the Planning Service staff within the council offices. Some of this is down to simple communication between both elements, including creating regular flows of information about forthcoming applications.

Although parish councils do not have a statutory right to be consulted about planning applications, they do have a statutory right to be informed. At the moment they do not feel listened to and the feedback loop between them and NWLDC can be improved. One consideration could be to give some simple feedback about why an objection to an application did not result in a refusal of permission, for example, explaining why the objection was not valid on planning grounds. Giving such reasons may enhance parish councils' understanding of the planning process, and help to achieve more valid contributions in the future. Parish councils could attend councillor training sessions so they are best informed.

Case officers need to take more active steps to balance consultee responses for more effective and quicker decision making. There are often significant delays at the consultation stage, especially on highway related matters, and some of this may arise from the county council's resources being stretched. The current approach could be improved by exploring a service level agreement (SLA) between the two bodies to simplify, clarify and speed up responses and response times.

The customer experience of the Planning Service could be significantly better. The council's call centre arrangements do not seem to work to best effect for planning applicants. This is because the generic roles played by customer service staff do not enable them to be able to answer often technical details from members of the public, and this results in enquiries being addressed by planning officers, who are a more expensive resource. Any future review of customer service needs to take this into account, because the current approach means that members of the public do not receive a streamlined service, and neither is it an efficient use of resources. Consideration needs to be given to how the planning specialism can be dealt with effectively at the call centre stage, particularly as this may be the first encounter that customers have with the council and it is therefore important to get this element right.

The council does not charge for advice at the pre-application stage on minor applications, although many other councils do charge for this advice. Developing

a more comprehensive pre-application advice service which is charged to customers might improve the customer service because it may create a greater profile of customer needs and expectations. The potential for charging, and the rationale for doing so, are worthy of further exploration.

Recommendations

- **Explore and agree a Service Level Agreement with the county council so that the consultation process can be accelerated and improved**
- **Make better use of the call centre resource in order to free up professional planning officer time**
- **Evaluate the potential for a more comprehensive service for pre-application advice**
- **Consider if charging for pre-application advice would improve the effectiveness of the advice given**

4.3 The Local Plan

The Local Plan 2011-2031 was agreed in November 2017 and the previous Local Plan was adopted in 2002. It provides the plan for development across the district, and as such it should provide certainty and be the guide for that development. At planning policy level this provides the direction for future decisions and gives certainty about what the council wants to achieve through its spatial planning framework for the district and its communities.

However it does not appear to be commonly understood or owned by councillors. It has a very low profile across the membership of the council and its role in being the overarching strategic plan is either not understood or is being ignored when planning decisions are being made. Despite only being adopted a few months ago it is at risk of becoming redundant.

Reports to Planning Committee do not make enough reference to the Local Plan. Although policies are listed, there is not always a clear analysis or narrative of how those policies relate to the specific proposal. The style of writing means that the reference back to those policies is lost in large paragraphs, making difficult for members to follow.

How the Local Plan fits with the council's overall strategic objectives is not clear: it should be the land use manifestation of the council's strategic objectives. The Council Delivery Plan 2017-2020 is being refreshed but we heard little discussion about the overall objectives of the council and how planning might help deliver some of those corporate objectives.

The role of the Local Planning Advisory Committee (LPAC) is viewed within the council as largely complete due to the approval of the Local Plan, and it has a low profile amongst members and officers. Planning policy is currently determined in NWLDC by Cabinet and Full Council. However, going forward the LPAC has the potential to play a much more significant role in enabling the council to become more transparent, as well as becoming the body which develops planning policy. The LPAC should be taking a leading role in responding to the changes to the

national planning agenda that are due to be announced imminently with the update to the national Planning Policy Framework (NPPF). LPAC has a considerable role to play in developing how this will affect NWLDC, the Local Plan and the delivery of new homes. Consideration should be given to making it more important and powerful within the current constitution so it can play a role in determining other relevant issues such as agreeing the five year land supply for the district.

Recommendations

- **Formalise the role of LPAC to become a formal decision making body of the council**
- **Make clearer reference to the Local Plan and what it means in officer reports on applications to Planning Committee**
- **The whole membership of the council – not just those on Planning Committee - need training on the content and significance of the Local Plan**

4.4 Neighbourhood plans and CIL

The support from officers on neighbourhood plans in Ashby has been well received by communities. However to date there has not been much overall interest in the concept or roll out of neighbourhood plans.

Neither has there been progress on the development of a Community Infrastructure Levy (CIL) across the district. This may be because S.106 funds are seen to be more significant and there is relatively low awareness of other means of planning related reward schemes.

At national level it appears that the policy on CIL is beginning to change and it may become more beneficial for NWLDC to explore the potential for a CIL in more depth.

Recommendations

- **Consider how a proactive stance on neighbourhood development plans might help with community engagement and delivering council priorities**
- **Any undertaking to develop of more neighbourhood plans needs to reflect which resources will be required to deliver it**
- **Publish comprehensive details of S.106 monies on the council's website for greater transparency**
- **Revisits decisions on CIL to assess whether a CIL could be desirable and effective**

4.5 Roles, responsibilities and relationships

Relationships across the council appear to be positive, both between members and between members and officers. Although outside of the remit of this peer challenge, non-planning meetings including the Full Council meeting, were described to us as courteous, with constructive and engaged debate. However

this is not the case with the Planning Committee, where relationships at all levels are fraught, and we gained little sense of members working together or more widely with officers as a team. The tension at this level is becoming known externally and if not dissipated will have a serious impact on the council's reputation with partners, stakeholders and developers.

Relationships between members on the Planning Committee are fractious and clearly divided along political lines. There is no sense of a general common purpose on planning matters between members across the committee. Behaviours between members on the committee, including voting, suggest that members appear to have lost their sense of public interest and customer service.

Members have a greater and more overt role to play in ensuring that the Planning Committee, like any other decision making or public arena of the council, is conducted in accordance with the highest standards of public life. In particular there are too many instances of where poor behaviour is ignored and is tolerated, to the extent that it has become normal for the Planning Committee meeting to become chaotic and difficult to follow, officers are criticised and procedures are not clearly followed. All members, particularly those in senior positions, need to play a clearer and more overt role in tackling poor behaviour as and when it occurs. Improved behaviours need to extend to all members showing leadership through actively working with the Chair and Deputy Chair to facilitate professional and effective meetings.

Relationships between members and officers are poor on matters relating to planning, although there are a few exceptions to this. Some officers have developed a tendency to be defensive in their interactions with some members, and this has not helped to improve relationships overall.

Members do not appear to trust or want to follow the professional advice given to them by officers about matters relating to planning issues. In some instances officers are not even invited to comment on matters raised at committee. There appears to be a prevailing culture of disregarding officers' views and advice, reflected in a number of ways:

- The number of overturns at committee is very high relative to other councils. The extensive use of overturns seems to be driven by members wanting to go against officer advice for the sake of it, or if there are other reasons for overturning officer recommendations, it is not clear what these are
- At the committee meetings we observed there were instances of members appearing to ignore officer advice, or being reluctant to hear it
- Numerous examples of criticising officers in public, including discourteous comments, which sometimes descends into rudeness. Members should be reminded that officers do not have a public right of reply in such circumstances, and that poor behaviours do not enable members or the public to gain a better service from the council. Such attacks reflect very poorly on the members involved.

- Instances where members, despite having had plenty of time to raise issues, use the Planning Committee meeting as the opportunity to try and catch out officers on technical matters
- Officers inevitably become defensive because they are unable to respond, and occasionally feel cornered by the behaviour of members.

Neither are members distinguishing between their ward councillor and committee membership roles sufficiently. It is inevitable and right that members will have a keen interest in what goes on in their wards, but there seems to be less focus on achieving the best for the district as a whole and often it appears that members are defaulting to ward-only interests rather than achieving a greater purpose. Committee members need to be very clear about the role that they take on any planning application in their own ward: either as decision maker for the authority as a whole or community advocate for the ward. It is advisable that Planning Committee meeting members do not vote on decisions which affect their wards.

Councillors not on the Planning Committee need to have earlier options for engagement than at present. Earlier engagement will enable better relationships to be built and improve trust and understanding between members and officers. Ward members should be encouraged to have dialogue with the case officer or other members of the planning team in order to get a better understanding of the proposal and relevant issues. It would be helpful for officers if members flagged at an early stage that they were minded to call-in an application.

Some of this is reflected in a focus on the minutiae of process without a broader concern about what the public observing and interacting with the committee are witnessing. The October 2017 and November 2017 Planning Committee meetings provide an illustration of both the disregard for officer advice as well as lengthy and unnecessary discussions and distractions about minutes and individual words, none of which will have helped to enhance either decision making or the broader public perception of the committee.

Recommendations

- **Urgent and immediate training is required for all councillors on the role of members and on the member-officer protocols and code of conduct**
- **More structured engagement with group spokespersons needs to be introduced**
- **Senior members need to create a culture of calling out poor behaviour**
- **Improve committee procedures and operation to support the Chairman in running the committee well. The procedures should include provision for officers to respond to comments made by councillors and public speakers**

4.6 The role of the Planning Committee, including public engagement and transparency

Despite the enthusiasm of members in being on the Planning Committee, and the clear importance attached to its function, the overall impression given is of a muddled and messy meeting. It is difficult for non-planning professionals to follow and understand, and even people who attend regularly can find it difficult and sometimes frustrating to follow. It is considered good practice for the chair of the committee to explain the process that the Planning Committee will follow at the start of each committee, including how the committee will be making decisions on material planning reasons. This is also available for all attendees to read as an information sheet given to all attendees.

Visual materials projected at the meetings could be better displayed as they are not easy for everyone to see. Some of this is down to the design of the council chamber, the layout of the meeting, and where people are seated in relation to the projector. However, clearer and sharper images are needed and consideration should be given to having more than one screen on display so that the information can be easily viewed from a wider variety of points in the room. Officers also need to ensure that in their verbal presentations on individual agenda items, the commentary directly relates to the material being shown in the room.

The seating arrangements need reviewing because it does not aid understanding or transparency:

- As an outsider it is difficult to distinguish between members and officers
- The layout results in some people having their backs facing the Chair
- Applicants and opponents seem to be sat with each other in the room
- Members sit in party groupings. A better arrangement could be for members to sit alphabetically around the table

The use of microphones for speaking is inconsistent and makes the dialogue difficult to follow. In addition, some members appear to conduct mini-meetings during the course of the main meeting, which is a distraction from principal business. This further contributes to an impression of a disjointed and disconnected approach to decision making. Planning and planning committee decisions can often appear complex to someone that has never engaged with it before. The management of the process by the Committee Chair and respect to the Chair by all involved, especially fellow committee members, is absolutely key to allowing clear decision making to occur.

The experience for all applicants at the meetings needs to become consistent with the procedures set out by the council, and in particular needs to be much more transparent. From one meeting to the next the applications of the procedures seems to vary, making it challenging for any observers to follow. Some of this is not helped by members' enthusiasm for voting on the applications, which seems to take precedent over proper and appropriate debate relevant to planning matters.

The inconsistencies include:

- Lack of debate on material considerations for each application
- Lack of discussion on additional conditions when an application is approved

- Allowing a deferral of an application without offering a clear rationale or purpose
- Reasons for going against officer advice were not challenged or clearly explained
- Rushing towards a vote without allowing officers to give advice

The quality of the debate at recent meetings has been very poor. Some applications do not appear to merit proper debate and often where debate does take place, it is not on planning grounds. Members appear to be side tracked by process rather than focusing on the substance of applications and overall there is a lack of knowledge and understanding of material considerations, which in turn affects members' ability to appropriately determine applications. Little reference appears to be made to how applications relate to the objectives set out in the Local Plan. Members often seem to talk over one another during the meeting, and sometimes members do not appear to be listening to each other nor the officers' presentations.

Towards the end of the agenda the length of debate on individual applications seems to diminish, to the extent that some items seem to be rushed through the decision making process. All members have a responsibility to work more overtly with the Chair of the committee to ensure that it runs well, and that each application is considered in a balanced manner.

Concerted efforts are needed to ensure that the whole planning process is transparent. Members should be vigilant in ensuring their conduct, including their responses at committee, is always mindful of perceptions of pre-determination.

A number of factors contribute to the overwhelming perception that decisions taken at Planning Committee are made on party political lines:

- Where members sit in the bus and how they congregate on site visits
- Where members sit in the council chamber
- The nature of the discussion during the meetings
- Voting on individual applications appears to be partisan

Motions at the start of the debate seem to stifle discussion whereas better approaches would be to have the motion at the end of the debate, or better still would be an opportunity for someone to move at the natural conclusion of their contribution (i.e., not having to wait until all members have spoken). The debate should have an ebb and flow, encouraged and shaped by the Chair and including officers' contributions.

The role of individual officers is also unclear. Case officers should be encouraged to present their individual cases and should also be allowed to answer technical matters arising from members' queries. Senior staff should only be involved if there are strategic issues to address, rather than attempting to answer all queries from members at the meeting. Members also need to be more open to actively listening to and considering that advice.

The number of overturns of officer recommendations at committee appears to be increasing and is another key marker of poor levels of trust between members and officers, giving an overwhelming impression that members do not want to accept the professional advice and judgement offered. During the first five months of 2015 there were no overturns but the rate of overturns has increased to the extent that it has become normalised: for the remainder of 2015 it was 25.67%, during 2016 it was 30.28%, during 2017 it was 35.36% and for the three meetings between November 2017 and February 2018 the average overturn was 65%. In comparison, at Colchester Borough Council 54 applications were determined by committee since April 2017 and only 1 of these was an overturn.

This high volume of overturns creates uncertainty for all involved and does nothing to add to the customer experience or certainty about the outcome of their application. It also puts the council at greater risk of appeals and in turn, a stretching of officer resources and increased legal costs. Between March 2016 and July 2017 of the six appeals allowed, five were a result of member overturns. The council and committee need to be aware of their performance for appeals since the government has introduced a “quality” performance measure of the number of appeals for major and non-major applications. If an authority loses 10% of applications on appeal over a two year period they can be “designated” by government and so have their decision making powers on applications removed, as well as the threat of having to pay costs against cases lost on appeal.

The size of the Committee, at almost half of the overall membership of the council, is too large and is a factor in the meeting becoming difficult to participate in, and difficult to understand and observe. We understand that being involved in planning decision making is a key area of interest for members across the country, but nonetheless best practice suggests a smaller committee size would be more effective. PAS suggests the ideal size of the committee should be between 9-11 members and consideration should be given to the lower end of this suggestion.

The size of the committee should be reviewed within a broader refresh of the overall approach to planning governance. A refresh of all of the appointments to the committee, including those of the Chair and Deputy Chair, should be considered: this, combined with the many recommendation made within this report, will help the council to turn over a new leaf.

Recommendations

- **Reduce the size of the committee**
- **Refresh the membership of the committee**
- **Encourage political Group Leaders to ensure seating at the committee is not on political Group lines**
- **Change the seating layout at the committee**
- **Review officer roles at the committee**
- **Officers need to be given more opportunity to respond to the public’s and members’ comments**
- **Increase the size and quality of projected matter at the meeting**
- **Consistently apply the public speaking rules at the meeting**
- **Review the requirement for motions at the start of the debate**

- **Explore how the overall experience could become more transparent e.g., through webcasting, more extensive and consistent use of the council's website, explaining procedures more clearly to the public. Brent Council has some guidance which illustrates how this can be provided effectively**
- **Have name plates for all individuals involved: Chairman, Deputy Chairman, committee members, Head of Development Management, case officers, legal advisors, democratic service managers, etc. These should be clearly visible to the public.**

4.7 The format and process of the Planning Committee day

Too much emphasis is being placed on everything coming together on the Planning Committee day, and the amount of resource involved on the day appears to be extensive and yet is not leading to the best decision making. Some participants told us that they dread the day because it brings out the worst behaviours in everyone and it creates too much negative stress.

Site visits appear to take place for every application referred to the Committee, without a clear rationale for why each application needs a site visit. Members sit in party groups on the bus and also cluster in party groups when they alight from the bus to look at land or premises. If the weather is poor then members are reluctant to alight from the bus. Drive-by viewings do not appear to add much to the overall decision making process.

The briefings which take place on the bus are less effective than they could be. This is partly because of the distribution of where members sit on the bus, but also because of the lack of plans diminishes the value of what members are being shown. Overall the bus element of the planning day represents a poor use of resources and other means of communicating the information to members, making better use of new technology where appropriate should be considered. Can Google Earth and Google Street view or other mapping applications provide an interactive illustration of proposed sites?

The pre-committee briefing session immediately before the formal meeting also needs to be reconsidered because it's overall contribution to good decision making is questionable. This is because the timing of the session does not allow for sufficient time for officers to prepare detailed and accurate responses to members' queries. Questions asked by councillors at the briefing may sometimes be better asked at the Planning Committee meeting as they would add to the quality of the debate. In other instances questions were raised at the briefing that could have been raised earlier in the process. In addition the private nature of the meeting taking place so close to the formal meeting adds to the perception that pre-determination is taking place. Consideration should be given to having a Chair's briefing at least a few days before the committee meeting.

Recommendations

Site visit

- **Limit site visits to those where there is clear value added**

- **Review whether hiring a bus is necessary each time**
- **Where site visits do take place there needs to be more readily accessible plans available**
- **Consider whether site visits should be on a different day to the committee meeting**

Briefing

- **Change the timing and nature of the briefing**
- **Consider whether it should be on a different day to the committee meeting**

4.8 Call-in

The call-in arrangements are complicated and are not easy to understand and often the reasons for call-in do not appear to be articulated on planning grounds.

The potential for ward-only call-ins reinforces the ward-only focus for members rather than supporting and encouraging them to have a more strategic, district-wide overview. It is also not appropriate for members to sit on the committee for applications in their ward. The committee member(s) should step back from the committee for the duration of that item, whether or they called it in or not.

The current two-stage call-in process enables call-in once representations and consultation responses have been received, in addition to the initial three week period. This is overly complex and difficult for both councillors and the public to understand and would seem to have no obvious benefit over an approach where the initial period is simply extended by a week or so.

The procedures surrounding the call-in of members' officers' and their relatives' applications are understandable, in that the council needs to show that the applications are not subject to bias. However the practical reality is that the opposite can happen. Despite the procedures in place to prevent this, a review of the procedures needs to take place to ensure that the current processes involved do not unwittingly create a degree of advantage.

Recommendations

- **Develop a single stage for call in, possibly over a longer periods, for example 28 days, at the start of the determination process**
- **Members need to clearly articulate the strong planning reason for call in**
- **Officer/member/relatives' applications should only be referred to committee if officers are minded to approve an application**
- **Consider amending the constitution trigger so only serving members' and officers' applications are sent to committee**

4.9 Reports, minutes and updates

There is room to improve the quality of reports sent to committee across a range of issues, particularly to make reports more user friendly for the council's customers:

- A greater focus on the use of plain English and better grammar
- Reports should follow a more narrative structure as some of the examples we saw were formulaic
- Having an executive summary can discourage members and the broader audience from reading the full content and details of the papers
- Some reports contain dense paragraphs and are difficult to understand. The introduction of numbered paragraphs would also help to support improved debate at committee by enabling members to raise issues clearly, and for others to be able to more easily follow the debate
- A lack of assessment of the representations received does not improve public confidence in each application being received on its own merits

Looking at what other Planning Committees receive will help to bring in new ideas on how reports can be presented, for example in Bury:

<https://councildecisions.bury.gov.uk/ieListMeetings.aspx?CId=134&Year=0>

Plymouth:

<http://web.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fdemocracy.plymouth.gov.uk%2FieListDocuments.aspx%3FCId%3D251%26amp%3BMId%3D6776%26amp%3BVer%3D4>

and Hastings:

<http://hastings.moderngov.co.uk/ieListMeetings.aspx?CId=129&Year=0>

The minutes of the meeting are very detailed and are more detailed than necessary. Although an audio recording of the meeting is made, it is not made available to the public, and as its primary purpose is to support the compilation of the minutes, the overall quality of the recording is not as good as it could be. Moving forward developing a better recording of the meeting either through audio recordings, or as some councils are doing, via webcasting the meeting, would help the planning process in NWLDC to become more transparent and customer friendly.

At the meetings we observed there could have been more opportunities for officers to make clearer contributions, both through the quality of the written material they are submitting, but also through the oral presentations they make.

Recommendations

- **Officers need to develop more confidence in their decisions and justifications for decisions**
- **Members need to show they have received and considered officer advice when making decisions**
- **Carry out a best practice review of the structure and layout of reports**

5. Next steps

Immediate next steps

We appreciate the senior managerial and political leadership will want to reflect on these findings and suggestions in order to determine how the organisation wishes to take things forward.

PAS and the LGA where possible will support councils with implementing the recommendations as part of the council's improvement programme and we would be happy to discuss this further. Mark Edgell, Principal Adviser is the main contact between your authority and the Local Government Association (LGA). His contact details are: mark.edgell@local.gov.uk

In the meantime we are keen to continue the relationship we have formed with the council throughout the peer challenge. We will endeavour to provide signposting to examples of practice and further information and guidance about the issues we have raised in this report to help inform ongoing consideration. PAS has a range of support available to the council: <https://www.local.gov.uk/pas/pas-support/councillor-development>. In the near future a Leadership Essentials event is available on planning committee decision making for committee chairs or vice chairs, on 20th & 21st March and a further session will take place in September 2018.