

## REPORT OF THE RAPID ACTION TASK AND FINISH GROUP ON PLANNING

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### 1.0 Summary

- 1.1 This paper presents the report and recommendations of the 'Rapid Action Task and Finish Group on Planning' to the Enterprise and Growth Scrutiny Committee. Appendix A contains a full record of the work of, and evidence gathered by, the Group.

### 2.0 Main Findings

- 2.1 The Task and Finish Group find that:

- the Planning Section has already made significant savings and developed innovative ways of working to address reductions that have been made over the last 3 years.
- Planning Officers are already working to the upper quartile when compared with similar Authorities (survey 2011).
- there will be a further significant reduction in the number of case officers as a result of Voluntary Redundancy, and this will be concentrated in the Southern Area.

- 2.2 The result of this reduction, combined with similar staffing decreases in other support areas, is a lack of capacity to continue to service three planning committees *at the current levels of applications* being considered by those committees. A Committee item costs on average 8 times more to process than a delegated item.

- 2.3 Having considered all the issues, the Group consider that a level of delegation to Officers of at least 96%, together with a system of simplified reports (reducing the effort on Officers to write) should result in fewer Committee meetings being held, and enable the current three Committee structure to continue.

### 3.0 Recommendations

3.1 The Committee is asked to endorse the following recommendations and forward them to the Political Structures Monitoring Group and Portfolio Holder for Planning, Housing and Commissioning (Central) as appropriate.

1. That every effort be made to increase the delegation rate is to over 96%:

To achieve this:

- Refine the Member trigger referral so that there is more challenge from the Lead Officer and Committee Chairs, rather than simply letting inappropriate applications come through to Committee.
  - Members be provided with support in respect of requests to refer to Committee so that they clearly understand the planning issues and whether these can be addressed by means of conditions or negotiation.
  - Local Members should strongly advise Parish and Town Councils that their support to refer to Committee is dependent on the Parish then also speaking at the Committee meeting, wherever possible.
  - Establishing a strong expectation that Local Members will attend and address a Committee if they have referred an item
  - A mechanism be set up to allow Parish and Town Councils to access decision reports so they can understand the reasons decisions have been made (possibly through an FAQ sheet)
  - Following Planning Committee meetings, Committee Chairs and Officers reflect and collate information on what might have been delegated, so as to further refine the process
2. That Delegated decision reports and Committee reports be shortened and simplified, whilst still meeting Legal requirements.
3. That for the time being three Committees meeting monthly are retained, acknowledging that if the delegation rate is not increased to the required 96 % this cannot be sustained, and will require further urgent review in 6 months' time or earlier or on the request of the Portfolio Holder.
4. That the three Committees all meet centrally in Shrewsbury in order to minimise meeting costs to the authority [e.g. venue hire, lunches] and to provide sufficient operational assistance to the Council's customers – the applicants, developers and their agents.

5. That consideration be given to the benefits of holding a special meeting in the appropriate local area when an application of major local importance is to be determined.
6. That Planning Committee members do not vote or take part in the Committee debate when applications from their own Ward are considered [The Member to physically move away from the Committee 'table' but stay in the room]. This will allow Members to speak freely on applications from their own area and to provide advice to their local Parish/Town Councils on these matters.

#### 4.0 Risk Assessment and Opportunities Appraisal

The following risks have been identified:

Not achieving the required levels of delegation	Delegation levels need to improve rapidly to compensate for lack of capacity. Failure to achieve this will place stresses on the planning system which could not be easily resolved in the time available.
Breakdown in Member-Officer relationships	A more rigorous approach to consideration of items by Committee may require local members to accept that their request cannot be accommodated.
Deterioration in reputation of the Council with Parish and Town Councils	Currently Parish and Town Councils in some areas feel that the Council does not listen to them. Refusals to have matters considered by Committee may reinforce this view.
Deterioration in reputation of the Council with the public	Increased delegation could be viewed as a further way of removing public involvement in or witness to, decision making.
Appeals or Judicial Reviews launched against decisions on the grounds of lack of process or due consideration	Streamlined reports may be challenged on the grounds of lack of due process or adequate consideration of material planning issues, and such challenges may not be defensible because of reduced detail.

## 5.0 Financial Implications

5.1 There are no immediate financial implications as a result of the above recommendations.

<b>Background Papers</b>
<b>Human Rights</b> There are no Human Rights issues associated with this paper.
<b>Environmental Appraisal</b> There are no environmental issues associated with this paper.
<b>Risk Management Appraisal</b> The risks are identified within the report.
<b>Community / Consultations Appraisal</b> Consultation is a key element of effective scrutiny activity.
<b>Member Champion</b> Councillor M Bennett
<b>Local Member/s</b> All
<b>Appendices</b> Appendix A – The report of the Rapid Action Task and Finish Group on Planning Appendix B – The survey results Appendix C – Questions and Answers from the meeting with Herefordshire Planning Committee representatives



# Report of the Rapid Action Task and Finish Group on Planning

October 2013

## **Acknowledgments**

The Group wishes to thank those who answered questions and provided information, in particular:

The 34 Members who completed the on-line Survey

14 Members who either met the Group or made an e-mail submission to the Group

Mal Price, Portfolio Holder for Planning, Housing and Commissioning (Central)

Ian Kilby, Planning Services Manager

Tim Rogers, Principal Planner

Councillors Phil Cutter and Barry Durkin, Chairman and Vice-Chairman of Herefordshire Council's Planning Committee

Mike Willmont, Head of Neighbourhood Planning, Herefordshire Council

## **Members of the Task and Finish Group:**

### **Councillors:**

Ted Clarke

Steve Davenport (Chairman)

Pauline Dee

David Lloyd (Vice Chairman)

Madge Shington

Robert Tindall

Advisor to Group on Scrutiny Process: Martin Bennett, Lead Member for Scrutiny

## **REPORT**

### **1. Background**

The Chairman of the Enterprise and Growth Scrutiny Committee, and the Lead Member for Scrutiny agreed to establish a 'Rapid Action Task and Finish Group' on 1 October 2013.

This followed a meeting with the Portfolio Holder for Planning, Housing and Commissioning, and the Planning Services Manager which had highlighted urgent changes needed in Planning Services to address reductions in staff following the voluntary redundancy process.

### **2. Membership**

All Members of the Council were invited to submit expressions of interest in joining the Group. Appointment was made in accordance with the 'Protocol on Membership of Task and Finish Groups' approved by Council on 18 July 2013.

### **3. Scope and focus of the work**

The Group agreed to focus its attention on Planning Committee Structures, particularly in the knowledge of the depleted staff resource in the south of the county and having regard to the fact that decisions taken at Planning Committee meetings are on average eight times more expensive to process than delegated items.

### **4. What has the Task and Finish Group done?**

During October 2013, the Group has:

- Met as a Group on three occasions.
- Heard from and questioned the Portfolio Holder and Planning Services Manager.
- Drawn up and analysed the results of a survey of members on alternative committee delivery models.
- Met with 11 members on an individual basis to hear their views on alternative committee delivery models.
- Considered e-mail submissions from individual members.
- Met with and questioned Planning Committee Members from a neighbouring authority which has only one Planning Committee.

## **5. Meeting 1 – 8 October 2013**

The Portfolio Holder and Planning Services Manager were questioned on the context for proposals to review Planning Committees.

This was being driven largely by cuts being made across the organisation, accelerated by the Voluntary Redundancy (VR) process taking place between now and April. As a result of the VR process, the Planning Service would be losing:

One of the six Principal Planning Officers  
Three of the 7.5 fte Senior Planning Officers  
Two of the 6 Enforcement Officers

The impact of this would be compounded because ALL of these officers worked within the south, the largest geographical area of the County. This was also in addition to a reduction of Planning Service Staff by 33% since 2011.

This had necessitated a service redesign, and as part of this exercise, business processes were being examined, including the scheme of delegation and committee process. A survey carried out in 2011 had shown that officers were already performing in the top quartile against similar Authorities.

The Task and Finish Group agreed that the challenge was delivering the service, as efficiently and locally as possible in a large and sparse county, in an environment where significant savings were being sought. Members were informed that things were already not being done as fast as the public (and in some areas the Government) wanted, and further significant budget savings would be needed.

The Group discussed initial thoughts on options for a structure comprised of three, two or one Planning Committee, and the desirability of and ways of improving the percentage of delegated decisions.

They decided to canvass the views of all Members of these issues and an electronic Survey was drawn up to gather these. (Survey questions are attached at Appendix B)

The Group also agreed to offer to meet any Members who wished to express their opinions in person.



## **6. Meeting 2 – 21 October 2013**

In the light of the survey results, meetings held with 11 Members, and e-mail submissions from Members, the Group identified:

### *Areas of General Agreement between the majority of Members-*

- That the delegation rate can be increased by tightening up on procedure already in place
- Local Members have been sending decisions to Committee as it is the easiest way to deal with sensitive difficult local issues
- Town and Parish Councils should be strongly encouraged to attend Committee Meetings – to present their case and be questioned
- Parish and Town Councils need help and support with access to a clear explanation of Material Planning Considerations, and access to the Core Strategy.
- Retaining three Committees is most desirable and currently works well – any reduction would impact on localism, transparency and democracy and potentially erode public confidence
- One or Two Committees would have a substantial workload, and would need to meet frequently and travel extensively for site visits.
- Relationships with Parish and Town Councils could be improved through feedback after a decision has been made (and this could help to raise the delegation rate)
- Delegated decision reports could be more concise whilst still meeting legal requirements
- Committee reports could be more concise, whilst still meeting legal requirements (by cross referencing to other documents, avoiding repetition)

### *Areas of Divergence between Members*

However, the Group identified some areas of divergence between Members.

Whilst most felt that Committees needed decision makers with local knowledge, others felt that as a function heavily regulated by statute, national policy and Government guidance, Planning Committee decision

making should be objective, and that properly trained Members should be able to determine any application in any part of the county, informed by Local Members and Parish Councils.

Members heard from the Head of Planning Services that a trend analysis showed that application numbers were rising and that staff capacity had reduced.

2010/2011	304 Committee Items
2011/2012	210 Committee Items
2012/2013	167 Committee Items
2013/2014	178 Committee Items

Based on predicted application numbers a delegation rate of 96% would mean about 120 + applications being considered by Members each year.

For a single committee that would be 10 items a month, two area Committees, five applications a month and three committees would deal with between three and four applications a month.

**Delegation Trends % of applications considered by committee**

Committee	10/11 %applications considered by committee	11/12 applications considered by committee	12/13 applications considered by committee	13/14 applications considered by committee	Office Observation
Central	6.43	6.80	6.87	6.36	Could improve but stable despite changes politically and with officers
North	10.70	7.16	4.95	4.77	Good trajectory - small increase in delegation would be beneficial
South	10.30	5.38	5.74	7.42	Deteriorating – intervention required

**7. Summary of the Task and Finish Group Survey**

45% of Members responded to the survey/invitation to speak to the Group.

Overall, a move away from 3 Committees was seen as reducing the perceived democratic input into planning decisions (local decisions with local knowledge), and harmful to the reputation of the Council with Parish and Town Councils and the general public.

Given the extensive rural nature of the County, scepticism was expressed at the capacity for 1 committee to be able to work effectively, and cover site inspections and the actual meeting in less than 2 days in every 4 week period

Against the need to support localism, it was accepted that local members needed to play an active part in reducing the number of applications which would be considered by Members, and considerable support was advanced for improving levels of delegation. However local Members would need to be able to appreciate the material planning issues associated with contentious applications, and be able to explain clearly to residents and to Parish and Town Councils why it would not be appropriate for an application to be referred to committee.

Members appreciated however, that Parish and Town Councils needed a greater awareness of planning issues, and timely feedback on why an application might have been approved (or refused) contrary to their views against or for it.

It was felt that if an application had been referred to committee by a Parish or Town Council (with local member support) then they and the local member should be expected to be able to give their views at the meeting.

Members largely supported the idea that the current committee reports could be refined and written more succinctly, citing some material which appears to be duplicated or replicated across the reports. A clear section specifying the material planning considerations and how they have been applied against opposing views should appear early in the report.

## **8. Meeting with Herefordshire Council Planning Committee Members**

An informative meeting was held between members of the Task and Finish Group and the Chairman and Vice Chairman of Herefordshire Council's Planning Committee and the Head of Neighbourhood Planning. Attached as Appendix C to this report is a copy of the questions posed to the Herefordshire Council representatives together with a précis of the responses received.

## **9. Conclusion**

The Group view, supported by representations made to them, is that time and costs can be potentially saved by refining the Committee referral process, so that delegation is improved to at least 96%. It is accepted that this will require more discipline from both Members and Officers, and presents a risk should this not be achievable. It is also accepted that reducing the number of applications referred to Committee does conflict with an absolute view of local applications being locally determined.

If referrals can be reduced to some 3% or 4% of all applications, and reports streamlined within the essentials required to evidence that due process has been carried out and due consideration given to applications, then, based on the reduced need for committees to meet as frequently, this reduction should be commensurate with the reduced capacity to service 3 committees.

If this proves not to be sustainable, or further changes in the Council lead to removal of non-planning support structures for the planning system, then the only remaining option would be to reduce the number of committees.

There are a number of risks attached to this strategy, the main one being the ability to increase the level of delegation, which in itself removes decision making from the public gaze and reduces potential public involvement. However members generally support the need for all sectors of the Council to be involved in the transformation agenda, facing the challenge of doing more with less.

## **10. Recommendations**

- i) That every effort be made to increase the delegation rate to over 96%:

To achieve this:

- Refine the Member trigger referral so that there is more challenge from the Lead Officer and Committee Chairs, rather than simply letting inappropriate applications come through to Committee.
- Members be provided with support in respect of requests to refer to Committee so that they clearly understand the planning issues and whether these can be addressed by means of conditions or negotiation.
- Local Members should strongly advise Parish and Town Councils that their support to refer to Committee is dependent on the Parish then also speaking at the Committee meeting, wherever possible.
- Establishing a strong expectation that Local Members will attend and address a Committee if they have referred an item
- A mechanism be set up to allow Parish and Town Councils to access decision reports so they can understand the reasons decisions have been made (possibly through an FAQ sheet)
- Following Planning Committee meetings, Committee Chairs and Officers reflect and collate information on what might have been delegated, so as to further refine the process

- ii) That Delegated decision reports and Committee reports be shortened and simplified, whilst still meeting Legal requirements.
- iii) That for the time being three Committees meeting monthly are retained, acknowledging that if the delegation rate is not increased to the required 96 % this cannot be sustained, and will require further urgent review in 6 months' time or earlier or on the request of the Portfolio Holder.
- iv) That the three Committees all meet centrally in Shrewsbury in order to minimise meeting costs to the authority [e.g. venue hire, lunches] and to provide sufficient operational assistance to the Council's customers – the applicants, developers and their agents.
- v) That consideration be given to the benefits of holding a special meeting in the appropriate local area when an application of major local importance is to be determined.
- vi) That Planning Committee members do not vote or take part in the Committee debate when applications from their own Ward are considered [The Member to physically move away from the Committee 'table' but stay in the room]. This will allow Members to speak freely on applications from their own area and to provide advice to their local Parish/Town Councils on these matters.