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Uttlesford District Council

Chief Executive: Peter Holt

Audit and Standards Committee

Date: Thursday, 1st February, 2024

Time: 7.00 pm

Venue: Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

Chairman: Councillor E Oliver

Members: Councillors H Asker, S Barker, G Driscoll, C Fiddy, M Foley (Vice-Chair), N Gregory, T Loveday, S Luck, D McBirnie and R Silcock

Substitutes: Councillors A Dean, B Donald, C Martin and R Pavitt

Independent Persons (Standards functions): G Butcher, D Paul, D Pearl and C Wellingbrook-Doswell

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements, subject to having given notice by 12 noon two working days before the meeting. A time limit of 3 minutes is allowed for each speaker.

Those who would like to watch the meeting online, you can do so by accessing the live broadcast here. The broadcast will start when the meeting begins.

AGENDA
PART 1

Open to Public and Press

1   Apologies for Absence and Declarations of Interest

To receive any apologies and declarations of interest.

2   Minutes of the Previous Meeting

To consider the minutes of the previous meeting.

3   External Audit of Outstanding Accounts

To consider the update on the current position of Government on plans to clear the backlog of unaudited accounts.

4   Amendments to Probity in Planning, Public Attendance at Planning Committee, and Delegations

To consider a number of proposed amendments to the Codes and Protocols (Part 5) section of the Council's Constitution and one change to (Part 3) Responsibilities and Functions in relation to the Planning Function.

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any Council, Cabinet or Committee meeting and listen to the debate. All agendas, minutes and live broadcasts can be viewed on the Council's website, through the [Calendar of Meetings](#).

Members of the public and representatives of Parish and Town Councils are permitted to make a statement or ask questions at this meeting. If you wish to speak, you will need to register with Democratic Services by midday two working days before the meeting. There is a 15-minute public speaking limit and 3-minute speaking slots will be given on a first come, first served basis.

Guidance on the practicalities of participating in a meeting will be given at the point of confirming your registration slot. If you have any questions regarding participation or access to meetings, please call Democratic Services on 01799 510 369/410/460/548. Alternatively, enquiries can be sent in writing to committee@uttlesford.gov.uk.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information, please call 01799 510510.

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Agenda Item 2 Public Document Pack

AUDIT AND STANDARDS COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 28 NOVEMBER 2023 at 7.00 pm

Present:	Councillor E Oliver (Chair) Councillors H Asker, S Barker, G Driscoll, C Fiddy, M Foley (Vice-Chair), T Loveday, S Luck, D McBirnie, R Pavitt and R Silcock
Independent Persons:	D Paul and C Wellingbrook-Doswell
Officers in attendance:	P Hardy (Electoral Services Manager), P Holt (Chief Executive), P Honeybone (Audit Manager), N Katevu (Monitoring Officer), A Knight (Director of Business Performance and People), C Shanley-Grozavu (Democratic Services Officer) and A Webb (Strategic Director of Finance, Commercialisation and Corporate Services)

AS15 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received by Councillor Gregory, as well as David Pearl and Georgina Butcher (Independent Persons).

There were no declarations of interest.

AS16 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were approved as a correct record.

AS17 INTERNAL AUDIT INTERIM REPORT (NOVEMBER 2023) AND AUDIT PLAN (DECEMBER 2023 - MARCH 2024)

The Audit Manager provided members with an overview of the the interim Internal Audit report as well as the audit plan for December 2023 to March 2024. This summarised the work that Internal Audit has undertaken to date during 2023/24, as well as the priorities for the rest of the financial year.

In response to questions from members, the following was clarified:
- The plan was to delivered 12 audits to at least draft report by the end of March 2024 including one newly identified audit on Blueprint Uttlesford Governance Arrangements. The Audit Manager also flagged two other audits, clarifying that the Key Financial System to be audited was Accounts Payables and that the planned Uttlesford Norse audit would focus on Health and Safety Checks.
- The team were previously under resources but were now up to capacity, following the arrival of the Audit Manager.

- A full audit was planned for the Uttlesford Norse partnership, however this year the Audit team intended to narrow the scope and focus on Health and Safety checks.
- The 2024/25 Audit Plan would include a risk assessment of all audits deferred in the 2023/24 plan in order to ensure audits are focussed on the key risks facing Uttlesford. The Committee could expect the 2024/24 plan in March 2024.
- The audit for the Air Quality Grant had been instructed under the previous Audit Manager as a separate audit to "Grants Received". The risk assessment for the 2024/25 plan will determine whether this was appropriate.

The Chief Executive confirmed that officers were looking at the co-ordination between the forward plans of Audit and Standards, Scrutiny and other working groups to ensure a more joined up approach in future.

The report was noted.

AS18   **POLLING DISTRICTS AND PLACES REVIEW 2023/4**

The Electoral Services Manager presented the report on the revised Scheme of Polling District and Polling Places for the North West Essex Parliamentary Constituency.

Members raised concerns regarding accessibility, should the polling station for Saffron Walden Castle East area of Castle ward be moved from the Homebase car park to the Town Hall, and the Football Club was suggested as an alternative.

Officers explained that the Football Club had been considered previously but was not ideal as a voting facility. The Town Hall was more suitable as it was along bus routes and close to other services, however they would continue to monitor feedback from residents. There was always the opportunity to vote via proxy or with a postal vote, if required.

Members supported the proposal by the Acting Returning Officer for Harlow about moving voting from the Church at Bush End to the Hatfield Broad Oak village hall as this was a far superior voting place and felt that the local residents would not object to this as voting facilities were very limited at the church.

It was confirmed that the Local Government Boundary Commission had launched a consultation on their draft proposals for new boundaries for Essex County Council divisions which would result in an additional division in Uttlesford. Should these be adopted, the existing polling stations would remain.

RESOLVED: That approval be given to the (Acting) Returning Officer's recommendations for a revised Scheme of Polling District and Polling Places for the North West Essex Parliamentary Constituency and for changes to other Polling District and Places within the district, as from 1

December 2023, as set out in paragraph 24 of the report and in Appendix 2.

AS19   **INTERIM REVIEW – COMMUNITY GOVERNANCE OF PARISHES**

The Electoral Services Manager presented the report on the Interim Community Governance Review of four Parish Council boundaries.

It was confirmed that all the Parish Councils concerned were in agreement with the realignments.

RESOLVED: To approve the following boundary realignments, as set out in Section 6, and as shown in the Appendices.

- Saffron Walden Town Council and Sewards End Parish Council
- Great and Little Chesterford Parish Councils

AS20   **DATA BREACHES AND DIRECT DEBITS**

The Strategic Director of Finance, Commercialisation and Corporate Services provided members with an overview of three recent data breaches and the 1 November Direct Debit issue.

In response to questions, officers confirmed that the Council offered several Direct Debit dates to help residents manage their budgets, and the issue had affected the first of the month which was the largest collection date.

A process had now been put in place which required senior management sign-off Direct Debit collections to reduce the risk of human error again.

The report was noted.

Meeting ended at 19:57

Committee:	Audit and Standards Committee	**Date:**
Title:	External audit of outstanding accounts	Thursday, 1 February 2024
Report Author:	Adrian Webb, Strategic Director of Finance, Commercialisation and Corporate Services	
	awebb@uttlesford.gov.uk	
	Tel: 01799 510421	

Summary

1. This report sets out the current position of Government on plans to clear the backlog of unaudited accounts.

Recommendations

2. Members note the report.

Financial Implications

3. None

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Situation

5. In July 2023 the then Minister for Local Government wrote to all councils setting out a plan to consult on a timetable for the external auditors to clear the unaudited accounts backlog within a nine month period starting with the first phase being completed by 31 December 2023 (for UDC this was the 2019/20 accounts), the 2020/21 and 2021/22 accounts by 31 March 2024 and the final 2022/23 accounts being completed by 30 September 2024.

6. For whatever reason the consultation did not happen and the situation remains unresolved.

7. On 19 January 2024 the Council received a copy of a letter sent from the new Minister for Local Government to the Chair, Levelling up, Housing and Communities Committee (attached at appendix One) setting out that there would soon be a new consultation issued with the backstop date (final date) for completion of all audits up to 2022/23 being completed by 30 September 2024.

8. The 19 January letter is in response to a critical report from the Levelling up, Housing and Communities Committee issued in November 2023. A link to that report is below

https://committees.parliament.uk/publications/42279/documents/210125/default/

9. Given that the consultation has not yet started a completion date only eight months away when this Council has four sets of accounts to be audited seems an improbable target if the proposal will be for full audits to be undertaken on all years.

10. If available, further information on the consultation will be brought to the March meeting of this Committee.

11. A verbal update on the current position with regards to the audit of the 2019/20 accounts by BDO will be given at the meeting, but at the time of the writing of this report, despite chasing, no contact has been had with BDO since 17 November 2023 and no timetable for audit clearance exists.

12. Members will however be pleased to note that the Council's new auditors KPMG have started preparatory work on the 2023/24 accounts and are working with officers to gain a full understanding of the way in which the Council works. The audit director for KPMG will bring an update on their audit plan for the 2023/24 accounts to the March meeting of this Committee.

Department for Levelling Up, Housing & Communities

Simon Hoare MP
Minister for Local Government
2 Marsham Street
London
SW1P 4DF

Clive Betts MP
Chair, Levelling Up, Housing and Communities Committee
House of Commons
London
SW1A 0AA

9 January 2024

Dear Clive

Thank you for your considered report on *Financial Reporting and Audit in Local Authorities,* published by the Levelling Up, Housing and Communities Committee on 24 November 2023.

The Government recognises the vital role played by our systems of local authority financial reporting and audit. Accurate and independently audited financial information, delivered on time, enables local bodies to effectively plan, make informed decisions and manage their services. This aids transparent and accountable local democracy which engenders public confidence and trust.

In July my predecessor, Lee Rowley MP, wrote to you providing a cross-system statement on proposals to clear the backlog of local audits. He set out that there exists a shared resolve and commitment amongst the organisations which comprise the local audit system to take action to tackle the exceptional circumstances of the current backlog and ensure a return to timely delivery of high-quality financial reporting and external audit in local bodies. This resolve remains strong and considerable. Detailed development of the proposals, alongside engagement with stakeholders across the sector, has taken place since the Summer. I am pleased that the Committee have acknowledged that *"a resetting of the system through a limited series of statutory deadlines… represents a necessary first step...".*

I can now confirm that the Department, supported by the FRC, alongside the National Audit Office, will launch consultations on these proposals soon. Our proposals will include an initial backstop date for local authorities and auditors of 30 September 2024 for all outstanding local audits in England up to and including the financial year 2022-23. Subject to the outcome of the consultations on necessary legislative changes as well as changes to the Code of Audit Practice, we intend to bring forward legislation to implement the backstop proposals. While these consultations take place, preparers and auditors should continue undertaking existing work to produce and audit local authority financial statements to ensure the system is in the best place possible to implement any final package of measures.

The Government is carefully considering the Committee's report, and its content is helping to inform our work with key system partners to develop solutions to the challenges in the local authority financial reporting and audit system. The Committee's report makes a wide range of recommendations for both the backlog and the future of local financial reporting and audit and I agree that important questions concerning systemic challenges must be addressed.

Yours ever,

SIMON HOARE MP
Minister for Local Government

Agenda Item 4

Committee:	Audit and Standards Committee	**Date:**
Title:	Constitution, Part 5 – Codes and Protocols & Part 3 Responsibilities and Functions: Amendments to Probity in Planning, Public Attendance at Planning Committee, and Delegations	Thursday, 1 February 2024
Report Author:	Dean Hermitage, Strategic Director of Planning dhermitage@uttlesford.gov.uk Nurainatta Katevu, Head of Legal Services and Monitoring Officer nkatevu@uttlesford.gov.uk	

Summary

1.	This report asks members to consider a number of proposed amendments to the Codes and Protocols (Part 5) section of the Council's Constitution and one change to (Part 3) Responsibilities and Functions. These relate to the council's Planning function.

2.	The amendments arise from the recommendations of the Planning Peer Review team following their assessment of the Council's Development Management (DM) function in June 2023. This was focused on the quality of decision making on major planning applications. The amendments also formalise planning appeal procedures following the Stansted Airport legal challenge as well as a general review of planning-related good practice.

3.	The Council's DM function is currently 'designated' by government and the implementation of these proposals would be in keeping with the Council's aspiration to improve performance and be lifted out of special measures.

Recommendations

4.	To recommend to Full Council for approval the following amendments:

4.1.	Codes and Protocols (Part 5) section of the Constitution as set out in tracked changes at Appendix A:
	i.	3.1 – 'Pre-application Discussions'
	ii.	3.2 – 'Reports to Committee'
	iii.	3.3 – 'Committee Procedures and Decisions'
	iv.	3.5 – Addition of 'Appeals against committee decisions' and to renumber thereafter
	v.	3.6. – 'Public Attendance at Committee Meetings'
	vi.	3.7 – 'Site Visits'
	vii.	4.1 – 'Member Training'
	viii.	4.2 – 'Monitoring of Decisions'

ix. Appendix 2 – 'Procedure for Parish/Town Council Representatives/ Members of the Public Attending Meetings of the Planning Committee'

x. Protocol for Calling in Planning Applications

4.2 Responsibilities and Functions (Part 3) section of the Constitution as set out in tracked changes at Appendix B to allow for the determination of s73 planning applications under delegated powers.

Financial Implications

5. No direct costs arising from this report although it should be noted that reducing the length of planning committee meetings will result in greater efficiency.

Background Papers

6. None.

Impact

7.

Communication/Consultation	The PCWG were asked to provide comment regarding the peer review. There was no agreement to take these recommendations forward.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

8. The Planning Peer Review's findings have been captured in the report attached at Appendix C. By way of an introduction, and in terms of the review's aims, the report states:

"This report summarises the findings of a planning peer review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Development Management (DM) with a particular focus on the quality of decision making on major planning applications. The

scope of the review has arisen as a consequence of the authority being 'designated' by the Secretary of State due to it underperforming (against the Government threshold target) on the quality of decision making on major planning applications."

9. A more in depth outline of the scope and focus of the exercise is set out in Section 5 of the Peer Review report. The team spent two days at the Council and the following methodology was used in the collation of evidence and data which would inform their recommendations:

- Spoke to around 40 people including a range of council staff together with Councillors and external partners and stakeholders.
- Gathered information and views from 15 meetings, observations of online planning committee meetings and additional research and reading.
- Collectively spent nearly 65 hours to determine their findings; the equivalent of one person spending nearly 9 days in Uttlesford District Council.

10. Section 5 of the report provides detail on the Review's findings, and members are asked to note the extensive feedback that justify the recommendations set out at Section 2. The recommendation to which this report provides response to is:

R10 Review scheme of delegation and codes of practice to reduce the number of applications being considered by committee and the length of each committee meeting and review the appropriateness of the degree of summarisation of Town/Parish Council representations in committee reports.

11. The Strategic Director of Planning has assessed these proposals and puts forward the changes as attached at Appendix A and Appendix B (in tracked changes for ease of reference) in order to implement the Peer Review team's, and other, recommendations.

12. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Public speaking at committee provides direct democratic engagement with the council's planning processes. However, Planning Committee's primary purpose is to determine	2	2	Uttlesford District Council's public speaking protocol is extremely generous in comparison to other local authorities, and the public can engage with the planning process via the public consultation that takes place for each application. If, for instance, the number

business in accordance with the council's policies and the NPPF. There is some concern that public speaking occupies a significant amount of time at committee, which is not necessarily conducive to the decision making process.		3	of speakers was reduced to 5 (plus non-committee member, parish or town representative and applicant), there still would be up to 20 minutes of speaking time for individual members of the public to address committee.

1 = Little or no risk or impact
2 = Some risk or impact – action may be necessary.
3 = Significant risk or impact – action required
4 = Near certainty of risk occurring, catastrophic effect or failure of project.

3. The Decision-Making Process

3.1 Pre-application Discussions

3.1.1 Discussions between a potential applicant and the Council (through its planning officers) prior to the submission of the application can be of considerable benefit to both parties and is encouraged by the Audit Commission, the Local Government Association and the National Planning Forum. It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed are personal and provisional. Advice should be considered and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning officers. In addition, all officers taking part in such discussions should make clear whether or not they are the decision maker. A written note should be made of all potentially contentious meetings and telephone discussions. A follow up letter to the applicant, should be provided following a pre-application discussion , especially when documentary material has been left with the Council.

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3.1.2 Councillors should not seek to advise applicants or agents about the likely acceptability of planning proposals. They should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. They should make it clear that they will only be in a position to take a decision after having considered the officers' reports and any representations and have heard any debate in the committee meeting.

3.1.3 Councillors should not agree to meet applicants or agents or third parties in connection with a current or proposed application. If councillors do agree to meet they should only do so in the presence of a planning officer. In exceptional circumstances, where it is not possible to arrange a meeting in the presence of a planning officer without causing undue delay councillors should notify the relevant planning officer of the proposed meeting beforehand and the notification recorded in the application file. Councillors should listen and may ask questions but should not comment or negotiate. They must make clear that any views they express are

personal, rather than those of the Council. A note should be taken of the meeting

and placed on the application file. The fact that a councillor has discussed any

proposal with the applicant, agent, supporters or objectors must be made clear

when the application is before the committee for determination.

3.1.4 If councillors receive information that is relevant to a planning decision they must

declare that information to the relevant planning officers and to the committee.

Discussions with applicants, agents or objectors should be reported and any

correspondence made available to officers before the committee meeting.

3.1.5 Paragraphs 3.1.2 to 3.1.4 above do not apply to councillors when they are acting

as agents for people pursuing a planning matter with the Council or submitting

planning applications on behalf of their employers as part of their job. However,

they should make it clear to their clients that they cannot and will not use their

position as a councillor to influence the outcome of an application.

3.1.6 Any councillor may request that an application delegated to officers for

determination be reported to committee for determination.

Member Pre-application Briefings

3.1.7 Enabling a Developer to brief and seek the views of elected Members

about planning proposals at an early stage can bring about better understanding of the issues through open exchange of information, discussion, and constructive questioning. Members can provide a steer on what is likely to be acceptable to the community and can allow problems and opportunities to be identified and addressed as the proposals for the development are put together.

With respect to large or strategic planning proposals (100 or more dwellings or 5,000sqm or more of commercial floorspace) officers may arrange briefings for the Planning Sub-Committee with the agreement of the Chair of the committee. These will be carefully managed and attended by officers to assist in protecting elected Members position as decision-takers. Prospective applicants will present a draft scheme and members given the opportunity to ask questions. No decisions will be taken at such meetings. A summary note of the meeting will be taken.

3.2 Reports to Committee

3.2.1 Officer reports to committee should be accurate and cover, amongst other things, the

Commented [DH1]: Councils pre-application service offers this to developers.

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substance of objections and views of consultees. Relevant points should include a clear exposition of the development plan, the site, its related history and any other material considerations. Reports should contain a clear written recommendation. Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur. If the report's recommendation is contrary to the provisions of the development plan the material considerations which justify this must be clearly stated.

3.2.2 Members of Planning Sub-Committee will not attempt in any way to influence the contents of the Officer's report or the recommendation made on any matter. Representations made by Members whether or not in writing will be recorded by the relevant officer and included in the report.

3.2.3 Any criticism of Planning Officers by Members of the Planning Committee shall be made in writing, to the Director of Planning. Members should endeavour to avoid any public criticism of officers but this does not prevent Members asking officers proper questions.

Commented [DH2]: Good practice and transparent statement

3.3 Committee Procedures and Decision

3.3.1 Pre-committee briefing meetings between officers and councillors are not part of a formal committee proceeding. They must always be after the agenda has been set and officers' recommendations have been made. The purpose of the meetings is to inform the Chair/Vice-Chair on planning issues, the reasons for officer recommendations and to give the Chair/Vice-Chair an opportunity to give notice of or to be told about any potential problems or the need for more information.

3.3.2 Councillors should endeavour to obtain factual information from officers prior to the meeting. This can assist in reducing delays which may be caused by deferral to obtain further information.

3.3.3 The committee's decision must be in accordance with the provisions of the

development plan unless material considerations indicate otherwise. When

councillors propose to make a decision contrary to officer recommendation the

proposer must set out clearly the reasons for so doing. The Chair will ensure that

the planning officer is given an opportunity to comment before a vote is taken. Any

decision contrary to the provisions of the Development Plan must be clearly

justified and recorded in the Minutes.

3.3.4 Any information received after preparation of the committee report which is

relevant to the determination of an application will be summarised on the

supplementary representation sheet circulated prior to the meeting. Any

information or documents received after its printing will be verbally reported to the

meeting. No documentation should be accepted during the course of a meeting. In certain

circumstances consideration of the application may need to be

deferred.

> **Commented [DH3]:** Accepting documents mid-meeting does allow for all parties to review them. Procedurally unfair.

3.3.5 Officers will prepare formal decision notices giving effect to decisions of the planning committee. In the event that the previously settled policy decision is unclear or that circumstances materially change prior to issuing the decision, officers may urgently refer the matter back to planning committee for a fresh decision. Officers will not materially alter the substance of a decision made by the planning committee without a referral back to the committee, or in the case of minor alterations, agreement from the chair.

> **Commented [DH4]:** This is in line with the recommendation following the stansted airport challenge review.

3.4 Deferments

The decision on any application should not be deferred without proper justification.

Justification for deferring a decision might be for one of the following reasons:

-    Additional information necessary for determining the application is required
-    A site visit is required

A site visit is not part of the formal committee proceedings and is not a forum for debate or

for making planning decisions. Site visits are not open to the public and should not be used

to canvass local opinions or as an opportunity for lobbying or advocacy. Councillors should

not express personal opinions during site visits.

3.5 Appeals against committee decisions

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The preparation of planning appeal statements, strategies and witness statements is delegated to officers. Officers will seek to put forward a robust defence in response to an appeal against a

planning decision. Should it become apparent that a decision of the planning committee (or any individual reason for refusal or condition imposed) is not defensible on appeal, or that circumstances have materially changed since the committee made its decision, officers will refer the matter back to the committee before submitting the council's defence. Such a referral back to committee is likely to be required to be held in private so as not to prejudice the council's case at appeal.

In cases where the government-imposed appeal timetable does not afford sufficient time to make a referral back to planning committee, the matter will be discussed with the chair (and/or vice chair and proposer of the committee's resolution) of the planning committee who may make the decision. In such cases officers will then notify all members of the planning committee of the decision.

3.6 Public Attendance at Committee Meetings

3.5.1 All planning applications, other than those determined by officers exercising

delegated powers, will be considered in public session and all background

information will be made available for public inspection upon publication of the

agenda papers, unless there are specific reasons for exempting information in

accordance with the Local Government Act 1972.

3.6.2 Applicants, agents and members of the public, representatives of parish councils

and members of the Council who are not members of the committee may speak

at the meeting. The procedures for notifying the Council and speaking are set out

in part 5 of the Constitution (appendix 2).

3.7 Site Visits

Site visits can cause delay and additional costs and should only be used when the

expected benefit is substantial. A site visit is only likely to be necessary if the impact of the

proposed development is difficult to visualise from the plans and any supporting material,

including photographs taken by officers. The reason for requesting a site visit must be

clearly set out by the proposer and recorded in the Minutes. All site visits must be carried

out in accordance with the Council's agreed procedures set out in Appendix 1 to this

Code. A site visit is not part of the formal committee proceedings and is not a forum for

debate or making planning decisions. Site visits are not open to the public and should not

be used to canvass local opinions or as an opportunity for lobbying or advocacy.

Councillors should not express personal opinions during site visits.

Commented [DH5]: In line with findings of Stansted challenge reivew

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4. Administrative Matters

4.1 Member Training

Councillors will be given regular updates to keep them informed of important

changes in legislation, procedures or practices, either verbally at meetings or as

briefing notes (for example in the Members' Bulletin). Officers will arrange an

annual mandatory training session for Councillors who are members or

substitute members of Planning Committee. This training must be undertaken

prior to any elected Member, participating in decision making at Planning Committee. All members of

the Council who are not on Planning Committee or a substitute member of

planning committee will be invited to attend on a voluntary basis however, those that do not attend may not call-in a planning application. Officers will

arrange and offer (in consultation with the Chair of Planning) a programme of

topic focussed training to run throughout the year. Topics to include review of

decision made, visits to implemented schemes and updates on changes to

planning law. It is recommended that Members of the planning committee undertake a minimum of 5 hours planning training per year.

4.2 Monitoring of Decisions

The Council should monitor planning decisions taken, on an annual basis, both in

terms of quality and consistency. Annually, councillors will visit a sample of
implemented planning permissions to assess the quality of the decisions.

the committee should formally consider the annual report and decide whether it gives

rise to the need to review any policies or practices. The review may include

information identifying the number of cases where officers' recommendations

were not accepted and the outcome of any related appeal decisions. The results

of the monitoring will be reported to councillors along with any recommendations

to improve quality, consistency or performance.

APPENDIX 2

PROCEDURE FOR PARISH/TOWN COUNCIL REPRESENTATIVES/ MEMBERS OF THE PUBLIC

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Commented [DH7]: It is mandatory in Scotland. Making mandatory would be more robust but more onerous.

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ATTENDING MEETINGS OF THE PLANNING COMMITTEE

1. Agendas

1.1 The Council will send out the agenda for all committee meetings to all

parish and town councils, unless a parish/town council has specifically requested

not to receive any agendas.

1.2 The agenda will be sent out a week before the meeting.

1.3 All relevant reports and background documents will be published online.

2. Attendance by Parish/Town Councillors and Members of the Public

2.1 Town/parish councils and applicants/agents, objectors and supporters may make

representations on all applications.

2.2 Two representatives of the town or parish council may also attend site visits.

(see Procedure for Members' Site Visits above).

2.3. A town or parish council representative and members of the public may attend the

meeting and speak on any application.

2.4 To allow those who have applied to make representations to be heard by the committee on items on the agenda for the meeting; and to get through the agenda expeditiously to avoid delay to applications and wasted journeys by the public, the following protocol will be applied:

2.5 Speakers must first register with the Democratic

Services Officer at Uttlesford District Council (telephone 01799 510410) or

email: committee@uttlesford.gov.uk by 2pm on the day before the meeting.

The order of speaking for each application will be as follows

1. Non-committee member

2. Supporters

3. Objectors

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telephone the committee officer listed at the end of the agenda.

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approval and there are no registered speakers against the application the ¶
applicant/agent will not have the right to make representations....

Commented [DH8]: Reasons for structured protocol

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4. Town or parish council

5. Applicant or Agent

2.4 A non-committee member may speak for up to 5 minutes. A town/parish council representative may also speak for up to 5 minutes. Up to TEN members of the public may each speak for up to 15 minutes in total in support. Up to TEN members of the public may each speak for up to 15 minutes in total in objection. Applicants and their representatives may speak for the same time as those speaking against (non-committee members, town/parish council, and objectors) up to a maximum of 15 minutes. In the event there are no speakers in objection to the application and the application is recommended for refusal, the applicant will be given the right to speak for up to 5 minutes.

If an application is recommended for approval and there are no registered speakers against the application the applicant/agent will not have the right to make representations but may be asked points of clarification by Members of the planning committee.

2.5 At the meeting those making representations should sit in the public area until the relevant

item is to be considered.

2.6 Those making representations will be called to sit at the allotted desk alongside members to make

their statement and having made their statement should then return to the public area (or

leave the meeting).

2.7 Those making representations should not seek to circulate materials at the meeting. If new or further material is to be allowed following the publication of the Committee papers it should be received by democratic officers by midday day the day before the meeting.

2.8 Written statements from third parties will not be read out in lieu of a speaker making representations in person. Statements will be included in the papers where received in time.

PROTOCOL FOR CALLING IN PLANNING APPLICATIONS

1. Introduction

1.1. Uttlesford District Council is the local planning authority for the district of

Uttlesford. As such it is responsible for taking decisions on planning applications

within the District. Under the Town and Country Planning Act 1990 decisions on

planning applications must be taken in accordance with the development plan

unless material planning considerations indicate otherwise.

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Commented [DH9]: Planning representations are sought in writing on every application.

Commented [DH10R9]: Need to balance the time spent at meetings with enabling interested parties have a voice. Currently public speaking can total over an hour an application if all slots used. Peer Review notes extreme length of UDC meetings.

Commented [DH11]: Applicants may be able to assist the committee in answering Qs. However, not using it as an opportunity to put their case over again and again.

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Commented [DH12]: As per 3.3.4 above

Commented [DH13]: Question of provenance of written statements being sent in to be read out. Reccommend they be disallowed.

1.2. Most applications are dealt with by officers under delegated powers. Officers have power to refuse any applications which are not in accordance with the development plan and have delegated authority to grant planning permission in specified cases where the proposed development does accord with the development plan. The full scope of the delegated powers can be found in the Members' Handbook.

1.3. This protocol sets out the procedures to be followed when a member wishes an application for planning permission which can be dealt with by officers under delegated powers to be considered by the Planning Committee ("calling in an application").

2. Procedure for calling in an application

2.1. Any member of the council may call in an application which would fall to be dealt with by officers under delegated powers regardless of where the application site is situated within the District.

2.2. If a member is considering calling in an application for a site in a ward in respect of which that member is not a ward member then before calling in the application the member shall inform the member or members for that ward of the intention to do so.

2.3. A request for a planning application to be called in must be:-

2.3.1. In writing (including e-mail to memberplanningcasework@uttlesford.gov.uk or the Head of Development Management));

> Commented [DH14]: Master inbox - checked every day.

2.3.2. Made within weeks of the validation date (which may be ascertained from the Council's website);

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2.3.3. State if the application is to be called in if the officer recommendation is for approval or refusal (but not both);

2.3.4. Give valid planning reasons for requesting that the application be called in.

3. Invalid call-ins

3.1. A request for a call-in may be rejected by the Director of Planning if s/he is not satisfied that the reasons given for the call-in are

planning reasons.

3.2. An application should not be called in merely because it is controversial.

Applications should only be called in where there are planning reasons for

disagreeing with the officer recommendation.

3.3. Members should not call in an application because they are requested to do so by

an applicant, an objector or a parish or town council unless the member

concerned is satisfied that there are planning reasons for disagreeing with the

officer recommendation.

3.4. Members should not call in an application made by or opposed by a related

person (as defined by the Code of Conduct of Uttlesford District Council) under

any circumstances

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Building Control

STRATEGIC DIRECTOR OF PLANNING

1. Carry out any functions laid out in the Schedule below, except for the determination of:

1.1. Any application to implement permission otherwise than in accordance with conditions imposed by Committee, within 10 years of the grant of permission where the application was accompanied by an Environmental Statement;

1.2 Any application a member has called in for a planning reason within the agreed time period;

1.3 Any application the granting of which would represent a departure from the Development Plan where the departure application is to be notified to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021.

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1.4 Approval of major applications which fall into the category of a major application (as defined by the Town and Country Planning (General Permitted Development) Order 2015 with the exception of applications made under section 73 of the Town & Country Planning Act 1990.

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1.5 Any proposal involving the District Council either as applicant or landowner, either on its own, or jointly with another individual or body;

1.6 Any application where the applicant is an officer of the Council, an elected Member or a spouse, child or partner.

1.7 Applications which would otherwise be delegated but which the Director of Planning considers should come before the Committee.

1.8 Any application for a Deed of Variation to a s106 Agreement which is an alteration to a Head of Term agreement by Planning Committee.

2. Carry out all functions related to the enforcement of planning legislation contained in the Schedule.

3. Carry out all functions related to appeals against planning and enforcement decisions made by Uttlesford District Council.

4. All powers conferred under this section shall be subject to all duties and obligations contained in the Human Rights Act 1998 and all primary and secondary legislation concerning equal opportunities

Planning Peer Review

Uttlesford District Council

21st and 22nd June 2023

FEEDBACK REPORT

8 August 2023

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1.0 EXECUTIVE SUMMARY

1.1 This report summarises the findings of a planning peer review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Development Management (DM) with a particular focus on the quality of decision making on major planning applications. The scope of the review has arisen as a consequence of the authority being 'designated' by the Sec of State due to it underperforming (against the Government threshold target) on the quality of decision making on major planning applications.

1.2 Since 2019, the authority has been under the control of Residents for Uttlesford political group and the recent elections (May 2023) saw the party remain in control.

1.3 The Council has in place a Corporate Plan with a vision to make "Uttlesford the best place to live, work and play". The plan, at its heart, has public engagement and acting in a way that is responsive to its residents. The Plan and vision were something that members and officers were not especially able to reference.

1.5 The Council has a strong commitment to community engagement which is commendable. However, care has to be taken to ensure that the level of engagement is manageable / sustainable in the long term and that the expectations of the community are suitably managed.

1.6 The Council is without a current local plan as the existing plan adopted was in 2005 with virtually all of the allocated residential allocations now built out. There have been several attempts to progress a new local plan but these have faltered. Consequently, the Council has and is receiving planning applications in unallocated locations in a situation where UDC does not currently have a five-year supply of housing-land as required by national policy (UDC has a reported 4.89 years supply). As a result, in Framework terms, the Local Plan is deemed out-of-date and paragraph 11d of the Framework therefore applies. Against the backdrop of the concerns and philosophy of the controlling party (which relate to the community being in control of development in its area), the authority has faced a difficult period of time in terms of considering these planning applications. The Authority is now progressing a Local Plan and it is anticipated that this should reach Regulation 18 stage (first consultation on a full draft of the plan) in Autumn 2023. There is a strong will and desire to make this happen. However, there is the concern that the Council's desire to listen to its community could cause the progression of the local plan to adoption falter again and that the planning service will not be able to fulfil /sustain the high expectations of the Town and Parish Councils. There is the clear need to have a robust communication strategy around the new local plan and to effectively manage the expectations of the Town and Parish Council so that the relationship / engagement is sustainable for the Planning Service. It is hoped that the

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impact of being a designated authority will also shine a light on the importance of having an adopted local plan.

1.7 The Development Management service benefits from good management, competent and committed staff with plenty of appetite for continued innovation and change being demonstrated. However, there is the need to develop the leadership skills of middle managers so that performance management is truly embedded across the service.

In terms of performance, the speed of undertaking validation checks was found to be good. The speed of the determination of planning applications was satisfactory. Delays in the completion of legal agreements was identified as being down to fluctuating legal resources at the Council and the lack of sufficiently prompt engagement by key partners. The service should aim to better embed the culture of performance within the whole service rather than rely too heavily on the senior managers to drive performance. It should also strive to continue to change and innovate (through the review of work flow, processes and use of ict) and look to ensure that the pre-application service is meeting its objective and that the opportunities for planning performance agreements are explored. The quality of decision making, as measured against the national performance indicator, was found to be good for non-major developments and the Council is now close to performing within acceptable performance target for major developments. The planning service has recently been boosted by the recruitment of a number of inhouse specialist posts and given the significance of the airport, there is the need to build a skills and knowledge bank in this work area. A planning performance agreement with the airport would help resource this.

1.8 The scheme of delegation was seen to result in a high number of applications being determined by committee which resulted in overly long meetings and engaging committee in applications that did not always merit their attention. Whilst the Peer Review Team only met those developers / agents that had not submitted applications to the Planning Inspectorate, the feedback was that there were good working relationships between them and development management officers. However, there was concern from them about the reliability of the Planning Committee in its decision making and this is perhaps reflected in the number of applicants that elect to have their applications determined by the Planning Inspectorate. A workshop so that members can appreciate the 'developers' side of planning' would be a helpful addition to their training programme.

1.9 The Council is liaising with the Department of Levelling Up, Homes and Communities (DLUHC) (in respect of the former designation) and there are a number of performance metrics that DLUHC is gathering from the Council so that an informed decision can be made on whether, at a point in time, it would be appropriate to de-designate the Council. The Council is showing evidence of progress in relation to the various performance metrics.

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2.0 RECOMMENDATIONS

R1 Uttlesford District Council needs to embed the Council's vision and corporate strategy including through the emerging 'workforce plan', to ensure it is relevant and drives the Council. There is a need to align the Local Plan and Corporate strategy with each other in relation to having a clear spatial vision for the council that meets the wider corporate vision.

R2 Implement a skills and development programme for the middle managers in planning to help them develop as leaders / future leaders and continue to grow and embed the culture of performance with officers and Members with 1-2-1s / case reviews happening consistently for all.

R3 Review key development management processes / workflows for inefficiencies / inconsistencies and the use of ICT

R4 Manage the expectations of Town & Parish Councils regarding a serviceable level of engagement through a programme of training and consistent communication.

R5 Robust communication strategy is needed for the emerging local plan to help manage the risk of derailment following Reg 18 consultation.

R6 Hold an applicant / development led workshop with members and officers to improve understanding from applicant and council perspectives that can then form the basis for improved partnership working with developers and agents.

R7 Work with key external partners to secure more timely engagement from them in Sec 106 matters and use external legal support to reduce S106 delays.

R8 Take up offers of training support from key consultee partners.

R9 Provide further support and training for staff on the use of PPAs and keep the pre-application service under review to ensure that it is appropriately priced and is meeting the objectives set by the Council

R10 Review scheme of delegation and codes of practice to reduce the number of applications being considered by committee and the length of each committee meeting and review the appropriateness of the degree of summarisation of Town/Parish Council representations in committee reports.

R11 Fill skills gap in airport related development and consider a PPA to support this / fund part of the officer resource.

3.0 BACKGROUND AND SCOPE OF THE PEER CHALLENGE

3.1 The peer team Peer challenges are delivered by an elected member and officer peers with substantial experience in Local Government. The make-up of the peer team reflected the Council's requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed with the Council. The peers who delivered the peer challenge at Uttlesford District Council (UDC)were:

- Julian German – **Councilor (Ind)**, Cornwall County Council

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- Tracy Darke – **Assistant Director Economy and Place,** Shropshire Council.
- Peter Ford - **Principal Consultant**, Planning Advisory Service.
- Nick Harding, **Peer Review Manager**, LGA consultant.

Thanks also go to Kalash Patel, **LGA Programme Support Officer**, Local Government Association for her administrative support.

3.2   Importantly thanks go to all of the staff and councillors at Uttlesford District Council for their valuable assistance with the review.

4.0   SCOPE & FOCUS

4.1   The peer review was intended to highlight key issues that Uttlesford District Council should focus on. It was not intended to investigate individual applications or complaints but provide recommendations, including practical quick wins. The main focus was on the matter of the quality of decision making on major planning applications. Planning Enforcement was excluded from the review as this had been the subject of an EELGA peer review relatively recently. The Planning Peer Review covers the following themes:

Theme
Vision and leadership - how the authority demonstrates leadership to integrate planning within corporate working to support delivery of corporate objectives
Performance and Management - the effective use of skills and resources to achieve value for money, and the effectiveness of processes (and the roles of officers and members) in decision-making on development proposals.
Community engagement – how the authority understands its community leadership role and community aspirations and uses planning to help deliver them.
Partnership engagement – how the authority works with partners to balance priorities and resources to deliver agreed priorities.
Achieving outcomes - how well the service leverages national and local planning policy to deliver the sustainable development and planning outcomes its community requires.

4.2   Given the DLUHC oversight that is currently in place, a section of this report looks at progress in relation to the various metrics that are in place under the arrangement. This does result in a degree of crossover with the themes identified in the   table above.

4.3   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 and are not an inspection. The process is not designed to provide an in-depth or technical assessment of

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specific 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 (albeit that the information was not as comprehensive as would normally be expected as the lead times for the review were short. The majority of the 'gaps' were filled either during or just after the close of the 'virtual visit'). The team then spent two days working at UDC, during which they:

- Spoke to around 40 people including a range of council staff together with Councillors and external partners and stakeholders.
- Gathered information and views from 15 meetings, observations of online committee meetings and additional research and reading.
- Collectively spent nearly 65 hours to determine their findings; the equivalent of one person spending nearly 9 days in Uttlesford District Council.

4.4   This report provides a summary of the peer team's findings. It builds on the feedback presentation provided by the peer team shortly after its on-site visit (21st June to 22nd June 2023). In presenting feedback to the Council, they have done so as fellow local government officers and Councillors, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. The peer team appreciate that some of the feedback may be about things the Council is already addressing and progressing.

5.0   DETAILED FEEDBACK

5.1   Vision and Leadership

5.1.1 The Council's corporate strategy is currently contained in the Corporate Plan 2023 to 2027. The Council's vision is to make "Uttlesford the best place to live, work and play". The Plan gives priority to the fact that the organisation will put residents first and be   a council that listens to and acts for residents. Specific reference is made to planning as it is stated   that the organisation will: "increase the voice and influence of residents in planning".

5.1.2 Under the priority of "active place-maker for our towns and villages" it is stated that the Council will Masterplan new communities for and with residents and as an integral part of this it will "continue to develop our 20-year Local Plan, reflecting the unique character of our area as best as possible within central government constraints and statutory requirements".

5.1.3 Another priority identified in the Corporate Plan is that the Council will be a "progressive custodian of our rural and historic environment" and as part of delivering this it will "encourage positive planning that values and protects our heritage and landscape".

5.1.4   Under the final priority ("Champion for the District"), the Council identifies that, in its role as a place-maker, it must work with other authorities and organisations to influence, prioritise and coordinate actions to collectively deliver the best for the district and its resident.

5.1.5   What was evident during the visit was that whilst members and staff were acting / doing their work in a way that was generally compatible with the Corporate Plan, they were generally unable to identify the vision key components of the Plan. This is a significant shortcoming and could be addressed including through the forthcoming corporate workforce plan.

5.1.5   There appears to be an inbuilt tension between the elements   of the Corporate Plan as summarised above (5.1.1 to 5.1.4) and a significant part of the role and activity of the planning service. Simply put, the tension lies in the area of listening to and acting for residents and the task of determining planning applications and the production of the new local plan. Whilst it is acknowledged by the Council in the Corporate Plan that the task of preparing the local plan and allocating land for development are a "must", there is undoubted tension which could potentially compromise the Council as it goes about the business of determining planning applications and preparing the local plan. During the peer visit, there appeared to be a situation in which some members had high expectations about the range and depth of policy issues that would be tackled by the new plan, whereas the members and officers at the "coal face" of plan preparation understood that given the timetable, there would have to be some "under delivery" against the expectation. The level of risk posed by these different positions could not be established in any great detail due to the limited time the Peers were on site. However, it is an area that the peer team considers should be addressed by the council as a priority. There was a sense that getting 'a' local plan over the line was of most importance, understandably so, given the current designation, lack of current local plan and the five year housing land supply position.

5.1.6   At this time a "Corporate Plan Delivery Plan" (which will be used to guide the implementation of the Corporate Plan) is being prepared and will be published later in the year. This may help ease the perceived tension between the Corporate Plan and the preparation of the Local Plan and the determination of major applications for residential and employment development.

5.1.7   With regard to the production of the new Local Plan it was evident from the Members who met the Peer Team that there was a strong commitment to seeing it through to adoption within the timescales that have been set out in the   Local Development Scheme. In addition, it was seen that strong and effective arrangements had been put in place for:

- Member engagement in the production of the Local Plan via the cross party Local Plan Leadership Group.
- Public engagement via the Community Stakeholder Forum.

5.1.8 The commitment from Members to the new Local Plan reflected the desire to be more in control of their 'destiny' than they currently have notwithstanding the fact that they don't necessarily agree with the quantum of development they need to accommodate.

5.1.9 From the conversations with UDC staff from various service areas, the Peer Team saw that they had a clear understanding of the importance of the Local Plan as a work stream in its own rights and how it relates to the Corporate Plan and the work of the different service areas within the Council.

5.2 Performance and Management

5.2.1 The staff that we met demonstrated that a positive approach to work and performance had been created. The Council appeared to be an enjoyable place to work. The team has had a high turnover of staff but it now appears more settled and during a period where it is difficult to recruit to planning jobs, it was pleasing to see that during the week of the Peer site visit, more of the vacant posts had potentially been filled.

5.2.2 Validation speed was found to be very good with nearly all applications have the checks completed within 2 days of being submitted. In addition, the planning case officers considered that the accuracy of validation was satisfactory. The Peer Team heard no negative feedback from the applicants and agents that they spoke with. However, the Peer Team was only invited to speak to applicants who have not used the option of submitting Major planning applications to the Planning Inspectorate and therefore there could have been an element of bias in the feedback received.

5.2.3 It was evident that the service performs satisfactorily in relation to the speed of determination of applications. With regard to Major applications, between April 2023 and the end of May 2023, 88% of applications were determined in 13 weeks or within an Extension of Time (EoT). This is well above the Government set minimum target. This represents an improvement in performance when compared against the published Live Tables (table P151). The Authority currently ranks 242nd out of 322 authorities (in the live tables) but with current performance it would potentially jump the Council to being 173rd out of 322 authorities. With regard to non-Major applications, between April 2023 and the end of May 2023, 84% of applications were determined in 8 weeks or within an EoT. This is well above the Government minimum target (there has been a slight slippage in comparison to the 85% performance in the published Live Tables (Table P153) and would rank the authority 184th out of 322 authorities. Approximately 40% of applications of non-major applications have EoTs in place.

5.2.4 Extensions of Time can sometimes mask resource or procedural shortcomings. The Peer Team saw and heard no evidence of this during the visit. With the prompt validation process, there was virtually no lag between applications being made valid and being passed to planning case officers for processing. Coupled with this is the approach whereby applicants were only

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allowed 1 round of amendments (save for major applications) and provided an EoT was entered into. There was a drive to reduce EoT's in the near future.

5.2.5 Retention and recruitment within the legal service has been difficult and it was reported to the Peer Team that staffing changes were causing delays in the completion of S106 agreements. Consideration could be given to the possibility of using a 'framework' legal service provided so that there would be access to a dedicated lawyer until a permanent in-house resource is secured. As the applicant is required to meet the council's legal cost there would be no budget implications for the Council.

5.2.6 The Council has recently reviewed its pre-application scheme with clear application forms and fee structure. Provision has also been made for a fast-track lawful development certificate process (even though the team understands that this service has not been taken up by any applicant to date). These initiatives are all useful and welcomed. However, there could perhaps be the inclusion of a free / low-cost option so that proposals that are of no merit can be filtered out without the applicant being put to significant time / trouble. In addition, it is important that the use made of the pre-application service is kept under review to make sure it is serviceable by the team, is appropriately priced and that it is meeting its intended objective or delivering better planning application submissions. Pre-application services should not be used as a money making exercise disproportionate to the resource being provided.

5.2.7 In terms of managing application cases, two approaches were being employed. Firstly, for large scale major applications, there were regular case review meetings taking place (example in Appendix 1). These identify the actions (and timescales) required to progress the applications and programmed the run in to a decision being made. Secondly, case officers held regular 1-2-1 case reviews with their line manager. Some feedback was received that some staff experienced (in their view) too frequent cancellation of these sessions. Having said that, feedback was also received that staff enjoyed the "open door" access that was offered by line managers. It is important that there is a balance between effective performance management and appropriate customer service. Whilst the Peer Team heard about generally good working relationships between agents/developers and officers, there was an example reported to the Team which appeared to show poor practice.

5.2.8 The service does make provision for planning performance agreements (PPAs), though the Peer Team noted that the bar for these was set at schemes of 200 dwellings or more. There is the potential to offer the service (PPA 'light') to smaller schemes (on demand), if it was considered that these could be appropriately serviced. Equally, the Peer Team saw that airport related development was going to be a constant and ongoing area of activity for the Council and there was perhaps scope for building up expertise in this area again (the skills and knowledge having been lost as a result of staff

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leaving the organisation) and entering into a PPA with the airport so that this major facility knows that it has a dedicated resource available for it to access. It is not considered that this would cause any difficulties in terms of a conflict with the Council's corporate plan which sets out the wish to resist an additional runway, reduce night flying and flights over conservation areas.

5.2.9 With regard to the use of workflows and ICT, the staff were generally satisfied with their operation with the only reported inefficiencies / concerns being around:

- the insertion of planning conditions into the decision notice template (it is understood that the standard conditions are not available from a 'pick list' in the back-office system).
- The workflow / responsibilities at the preparation / issue of decision notices.
- some manual collation of statistics / data but since the visit this nearing resolution through the installation / use of Power BI a data visualisation tool.

As these are regular daily tasks, these should be reviewed by the service.

5.2.10 As already mentioned the Council is performing satisfactorily in relation to the speed of determination of planning applications. As a result of designation, performance management has been a key area of activity and not just in respect of the quality of decision making on major planning applications. It is important that once the Council comes out of designation.

5.2.11 There was clear leadership at the top levels of management within the service and whilst the middle managers in the Development Management Service showed good technical ability and a desire to manage the performance of their teams, there was the concern that there is too much dependence on individuals and the culture of performance needs to be better embedded within the whole service. The loss of key individuals who are the driving force behind improvement and change would possibly drag the service back to where it was is a potential risk. It is a stated objective of the Council for staff to have Personal Development Plans in place and the organisation is finalising its organisational development plan. This is the opportunity to help develop the leadership skills of the middle managers within the service.

5.3 Community & Partnership engagement

5.3.1 As previously mentioned, the Council's Corporate Plan placed a significant emphasis on engagement with and listening to its residents. The service interfaces with the public centres primarily around:

a) Consultation on planning applications.
b) The operation of planning committee.

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c) Consultation on the new local plan.

There is also engagement with a number of key partners and operators in the district such as Essex County Council and Stansted Airport and the services internal to the Council.

5.3.2 In respect of the consultation with the public and Town / Parish Councils, the Peer Team heard of no concerns with how the service was undertaking this work. The Council's Statement of Community Involvement (SCI) was adopted in 2021. No concerns were expressed by any parties the Peer Team spoke to in respect of the SCI not being complied with. However, the Town and Parish Council group thought that an updated version had been produced by the Council and that it had not been published yet. It appears that this may be a misunderstanding and relates to the "Community Involvement Protocol". The protocol (now adopted by the District Council) sets out how various parties (developer, UDC, Town / Parish Council) will contribute towards community engagement and is voluntary agreement which is entered into on a case-by-case basis. As well as the possible misunderstanding of   the status of the document, there also seemed to be a misunderstanding of how the protocol would be applied.

5.3.3 There is a reasonable level of delegated decision making on planning applications under the Council's constitution and associated scheme of delegation. However, it was noted that the following applications are automatically considered by the planning committee:

"Approval of Major Applications (as defined by the GDPO) in Great Dunmow, Saffron Walden and Stansted and approval of applications of more than 5 dwellings elsewhere"

This was seen by the Peer Team to result in applications, where there has been little or no comment from the public or Town / Parish Councils, going through the committee process.. The Planning Committee should ideally have its focus on the more strategic and contentious applications. Currently the agendas are very long which is absorbing a high level of resource and creating very long meetings and the Peer Team is unclear why some of the items need Planning Committee consideration. Meetings being 7/8 hours long will not provide good quality decision making, particularly towards the end.

5.3.4 The Peer Team watched parts of a number of the Planning Committee meetings via the Council's You Tube channel (the most recent meeting available being June 2023). The meetings were chaired well, there was good debate and there was good legal support at the meetings. The interplay between officers was professional and showed that there was generally a good working relationship between officers and members. However, the Peer Team were made aware of some cases where planning committee members had openly declared at meetings that they had not read the committee papers.

If true, this is poor practice. The Committee is an important shop window to the organisation and the district and it is important that it projects a professional and competent image to the outside world. There is no need for officers to provide presentations, apart from any update, if members have read the reports.

5.3.5 The public speaking scheme operated at UDC is very generous and this fits with the element of the Corporate Plan relating to engagement with the public and involving them in decision making. The scheme allows for up to 10 members of the public to speak for up to 4 minutes. This arrangement can sometimes result in significant parts of the meeting being taken up with public speaking and planning concerns being repeated by the speakers. With the fact that the representations for and against the applications will have been summarised in the report, the public speaker presentations will be a reinforcement of the points made. As such there could be scope for setting a maximum amount of time per speaker (4 mins for example) with an overall maximum (12 mins for example) and if (in the example given) there were say 5 public speakers, the time should be shared equally before them or they elect a spokesperson.

5.3.6 In the session with the Town & Parish Councils, it was very evident that they were very much engaged in both development management, planning policy matters as well as enforcement. With regard to the former, it was sometimes the case that they commissioned specialist consultant advice to support them. The group explained that in the past there had been mistrust between them and the planning service. It was stated that relations had measurably improved but a number of concerns were expressed around:

- Summaries of objections and technical reports submitted by objectors being too brief.
- Inaccurate statements being made around important aspects of development (which they had to spend time correcting when speaking against applications at committee).
- Variable application of Neighbourhood Plan Policy.

5.3.7 The above concerns should be reflected upon by the planning service to establish the degree of truth, frequency and significance of these criticism and action should be taken as may be deemed appropriate.

5.3.8 The Peer Team was made aware that some Parish and Town councils benefitted from regular meetings with the planning service. These gave progress reports on major applications, significant enforcement / S106 matters as well and miscellaneous matters. There was some commentary that the Council under delivered on these in terms of useful content, though these meetings continue to take place. Consequently, the Peer Team concluded that the issue was one of differing expectations around what the meetings could realistically do / cover.

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5.3.9 During the visit, the Peer Team met with a group of developers and agents. The general opinion expressed was that there were good and effective working relationships with planning officers. Notwithstanding the fact that none had applied directly to the Inspectorate for planning permission, there was a general concern about the reliability / consistency of decision making by the Planning Committee. An offer was made from the development sector to hold a workshop so that members to gain a better understanding of the development process and industry and the Peer Team thought that UDC should give consideration to accepting the invitation.

5.3.10 Relationships between officers and the internal and external partners appeared to be good (based on the feedback from the partners the Peer Team met with). However, some of the external partners felt that the relationship with members was not so positive but there was the hope and expectation that things will improve. At the meetings with the Peer Team, a number of the external partners did offer training and support to the Council and this is something that should be pursued. Officers expressed the view that some key external partners engagement in the S106 process was variable and this was causing delays in the completion of the agreements. These partners could be brought together so that they get a better understanding of the importance of a timely contribution to this part of the process.

5.3.11 In respect of the emerging Local Plan, the Council has a 'landing page' on its web site that provides the community with key information about the new local plan. Specific arrangements have been made to put public and member engagement front and centre of the preparation of the plan through:

- the establishment of the Local Plan Leadership Group where its activities are document through the web site.
- The Consultation and Community Stakeholder Forum (an initiative which won an RTPI award).

5.3.12 Whilst the Council has caveated its corporate commitment to listening to and allowing the community to shape the local plan by making clear that it must meet the obligation to prepare a new local plan, the Peer Team thought that there will be challenges ahead in respect of managing the expectations of the community and that it was important that there should be a communication strategy which could play a part in helping managing this.

5.3.13 In the discussions with the Town and Parish Councils, they expressed concerns about information about the Local Plan being held back from them. A key example of this was the list of sites that had come forward through the call of sites the results of their evaluation. The Peer Team thought that there would be benefits in breaking down the timetable so that it could include more detailed information about the various elements of the plan / process so that the expectations of the Town & Parish Councils could be better managed. Alternatively, these messages could be delivered as part of the ongoing training / knowledge exchange sessions with them.

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5.4　Achieving outcomes

5.4.1　The planning team is well respected and valued within the Council and across other services. The Development Management team is also seen as open and approachable within the Council. The service has been proactive in launching the service's new pre-application advice process to support applicants although further take up needs be encouraged. There is no question about the skills and knowledge that the council's planning team provide (save for airport related development) and it is noted that specialist inhouse resources have been increased. This puts the authority in a strong position in terms of delivery.

5.4.2　Whilst the authority has not enjoyed the experience of dealing with planning applications for unplanned and uncoordinated development proposals, it is edging closer towards having a 5-year land supply and as/when/ if this is achieved then the implications arising from having to consider the tilted balance will ease.

5.4.3　With regard to the Local Plan, there was a clear drive and enthusiasm for progressing the Local Plan towards adoption by both Members and Officers and keeping to timetable. As previously mentioned, the process needs careful management to ensure that the goal is achieved given the strong desire of the council to listen to the community and the hope and expectations of community groups in respect of the scale and location of new development and infrastructure provision.

5.4.4　Remaining with the topic of planning policy, the Council has put in place systems in place to:

- Support communities in the preparation of neighbourhood plans though its partnership with the Rural Community Council of Essex.
- Engage the community in the production of a design code for the district.

These will help ensure that residents have the opportunity to shape their high quality urban and rural areas as aspired to in the Corporate Plan.

5.4.5　As result of the designation of the Council for its underperformance in respect of the quality of decision making on major planning applications, DLHUC is monitoring the progress of the Council against a series of metrics. These are listed below and are perhaps a key area to look at in terms of 'outcomes' (notwithstanding a degree of cross over with a number of other headings in this Peer Review Report):

a) Percentage of qualifying applications taken via s62A / UDC.
b) Major applications dealt with in time or in accordance with agreed extension.
c) Speed of response to s62A applications.
d) Major applications granted by s62a compared to UDC over same

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period.

e) Number of pre-application or PPA requests (major schemes) through UDC that went on to submit an application to S62A / UDC.

f) Dwellings Permitted UDC and PINs (Issued).

g) Percentage of major applications where recommendation for approval is over- turned by Planning Committee.

h) Percentage of Major Applications overturned at appeal.

i) Hours of Member Training provided.

j) Measure of staff turnover.

k) Percentage of vacant posts

l) Percentage of professional staff with Personal Development Plan in place.

Percentage of qualifying applications taken via s62A / UDC

5.4.6 17 % of applicants for major development proposals have elected to have their applications determined by PINS and this has remained steady since designation (with 3 out of 10 applications being for solar farm proposals). This is not considered to be a particularly high level of applications 'leaking' away from the Council for determination elsewhere. However, this does still show that there is a lack of confidence amongst a proportion of applicants in the Council's decision making. The Council has sought to increase the confidence of applicants by:

• Delivering a member training programme including specifically on renewable energy developments.

• Holding regular agent and developer forum meetings.

• Improving the pre-application service.

• Letting applicants know about the strong speed of decision-making performance.

Major applications dealt with in time or in accordance with agreed extension

5.4.7 85% of major planning applications determined by the Council are determined on time and to support continued performance the council has put in place the following measures:

a) The creation of a major's team and project officer post

b) Fortnightly application project meetings

c) Improvements to the pre-application service

Speed of response to s62A applications

5.4.8 100% of these applications have been responded to on time by the Council and this has been achieved through:

a) The monitoring of validation performance.

b) Having a dedicated s62A validation officer.

c) Project managing the s62A applications.

Major applications granted by s62a compared to UDC over same period

Year	UDC issued	Approved	Refused	`PINs issued	Approved	Refused
01/02/2022 – 31/01/2023	39	28	11	2	2	0
01/02/2023 – 31/01/2024	11	7	4	4	2	2

5.4.9 In the 2022/2023 reporting period PINS approved 100% of the applications determined by it. By comparison UDC approved only 72%. By contrast in the 2023-2024 reporting period (so far) UDC approved 64% of applications compared to 50% by PINS. This perhaps demonstrates that the metric is perhaps a blunt tool as no two applications are the same and the outcome of the application is based on material planning considerations pertinent to the case in hand.

The number of pre-application or PPA requests (major schemes) through UDC that went on to submit an application to S62A / UDC

5.4.10 The table below suggests that there may be more confidence in UDC as a decision maker but this is not definitive due to the limited reporting period so far in 2023
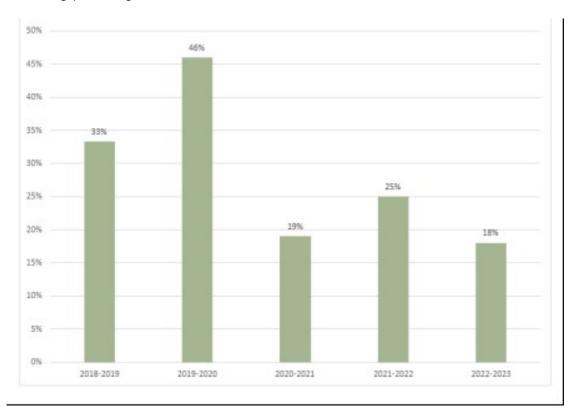
Year	Number of Major scheme Pre-apps to UDC	Went on to submit application to UDC	Went on to submit application to PINs
01/02/2022 – 31/01/2023	25	5	3
01/02/2023 – 31/05/2023	7	1	0

Dwellings Permitted UDC and PINs

5.4.11 UDC has issued decisions on 50 major applications (85% within 13 weeks or an EOT) since designation. 35 of these were granted planning permission. This equates to 1516 homes, 70 extra care beds and 49 retirement flats. By comparison 466 dwellings have been approved via 3 applications approved by PINs. Whilst not part of the metric, the Peer Team felt that it might be useful if it could look at the comments submitted to PINs by UDC on those applications that submitted to / being determined by PINS. Due to the tight timeframe for submitting their comments, UDC would be 'blind' to the responses of other technical consultees outside the organisation which would ordinarily influence the UDC response. In addition, it is difficult to judge if a decision based on some planning considerations is right or wrong (such as the setting of a settlement especially when the 'tilted balance' is in play) and so the Peer Team was unable to draw any conclusions on whether or not the Council was acting 'appropriately enough' when making its recommendations to PINS.

Percentage of major applications where recommendation for approval is over-turned by Planning Committee.

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5.4.12 The graph below shows that the level of overturns has decreased from previous highs which is an improved position. However, it is difficult to say if this is down to any particular change   in the approach to decision making or other factors. This is because of the large number of variables that there when making planning decisions.

Percentage of Major Applications overturned at appeal

5.4.13 As can be seen in the table below, the Council is winning more appeals than in the recent past and so it is no longer performing below the Government performance threshold.

	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending*	Result
Apr 2021 - Mar 2023	73	29	18	3	5	10	6.85%
Apr 2022 - Mar 2024	39	10	7	n/a	n/a	7	0.00%

Member Training

5.4.14 There is a programme of member training in place for committee members and this is covering a variety of topics. Attendance has been generally good and with the recent elections there has been some change in which members are sitting on the committee. An introduction to planning / quality of decision-making event has already been held (using PAS support) and future topics are set to include Local Plans, planning obligations / development viability and enforcement.

Measure of staff turnover

5.4.14 The turnover of staff is summaries below and it is evident that it is slowing (see table below).

Job role in Planning	Average Number of Employees	Total Number of Leavers in the last 12 months (to end Feb 2023)	Turnover % in the last 12 months to Feb 2023 (target 15%)	Total Number of Leavers from Feb 2023
Development Management	16	6	37.5%	1
Local Plan & New Communities	8	4	50%	0

Percentage of vacant posts

5.4.15 The table below shows the level of vacancies in the team. The level is due to reduce as, during the week of the peer review visit, interviews were being held and verbal offers had been made to a series of candidates.

	As at 01/02/2023	As at 31/05/2023	Covered by agency
DM including Enforcement	33.33%	43.75%	Yes
Policy	50%	12.5%	Yes
Specialist Team	40%	20%	No
Support & Registration Team	0%	0%	n/a

Percentage of professional staff with Personal Development Plan in place

5.4.16 At present only 20% of staff have PDPs in place and so clearly more progress needs to be made on these.

5.4.17 When looking at the performance against the metrics as a whole, it can be said that good progress is being made and that there is a case for UDC being de-designated.

6.0 IMMEDIATE NEXT STEPS

6.1 We appreciate that the senior managerial and political leadership will want to reflect on the findings within this report in order to determine how the organisation wishes to take things forward. To support you in your improvement journey, the Peer Team have identified a number of key recommendations, some of which you may already have in hand. We welcome your response to these recommendations within the next three months through the development of an action plan. Your Principal Adviser, Peter Ford will be in contact to assist the council going forward and to provide additional support, advice and guidance on any areas for development and improvement and he will be happy to discuss this. In the meantime, we are keen to continue the relationship we have formed with the Council throughout the peer challenge.

7.0 FURTHER SUPPORT

A range of support from the LGA and PAS is available at

http://www.local.gov.uk and via the PAS website https://www.local.gov.uk/pas.

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