

Committee:	Cabinet	Date:
Title:	Report of the review of the planning service	Tuesday, 19 October 2021
Portfolio Holder:	Councillor John Evans, Portfolio Holder for Planning and the Local Plan	
Report Author:	Peter Holt, Chief Executive pholt@uttlesford.gov.uk	Key Decision: No

Summary

1. The Council commissioned a review of the planning service in 2020 from the East of England LGA. This work was addressed in three strands, the first two addressing the preparations for the development of a local plan. The third strand effectively addressed the Council's development management service. This report relates to the third strand review and its subsequent report. The review of the development management service was undertaken by two Associates of the East of England LGA in late 2020 and early 2021.
2. The finalised report on the development management service has now been received from the East of England LGA and accompanies this report.
3. The Scrutiny Committee considered the matter at the meeting on Thursday, 7 October. During the Chair's summary of the discussion, he said it was important that residents received the best possible service in the future, and there needed to be clarity on who would take responsibility for the delivery of the service. There also needed to be an understanding of how the recommendations would be implemented.
4. At the meeting, Councillor Evans agreed to provide a brief implementation plan at the November Scrutiny Committee that set out levels of responsibility and included estimated timelines. He also agreed that a more comprehensive plan would be produced in time for the Scrutiny meeting in February.

Recommendation

5. Cabinet is recommended to
 - a. receive and consider the report, together with any comments or recommendations from the Scrutiny Committee;
 - b. note the improvement actions implemented to date;
 - c. approve the recommendations of the report, as amended if agreed under (a) above, for implementation towards an improved planning management service;

- d. acknowledge the recommendations directed to the Cabinet and its Executive Members and requests the Chief Executive and the Leader to bring forward proposals to address these recommendations;
- e. consider any consequential resource implications as part of consideration of the Council budget for 2022-23;
- f. require a progress report to Cabinet on implementation of the recommendations no later than six months from this meeting; and
- g. refer the report to the Planning Committee for its information and consideration.

Financial Implications

6. The report makes a number of recommendations which may have financial implications for future budgets. In setting the budget for 2021-22 the Council agreed growth of £240,000 for the planning service and £140,000 for the legal service in order to facilitate implementation of any recommendations arising from the review.

Background

7. In early 2020 the Council invited the East of England LGA to carry out two peer reviews into planning functions. The first review provided advice regarding the inspector's letter concerning the stage 1 hearings into the submitted local plan. This advice informed the Council's decision, in April 2020, to withdraw the plan.
8. The second peer review comprised three strands. The first strand focussed on providing advice to help the Council make the best possible operational start for the drafting of a new local plan. The second strand provided support to ensure that the programme, processes, resources and support were identified and put into place to allow the achievement of a sound local plan in a timely manner. Both of these strands were delivered by early 2021 and the preparation of the local plan is progressing well, as outlined later.
9. The third strand of this peer review was entitled "Local Planning Authority Strategy and Operational Development Plan" but essentially addressed how to improve the development management service. This piece of work was eventually undertaken in late 2020 and early 2021. The finalisation of the report arising from this study has taken a considerable time to be finalised and is the principal subject of this report. The report from the East of England LGA is attached.
10. The review was undertaken by two Associates from the East of England LGA, Malcolm Sharp and Simon Smith. The Associates undertook desk top reviews of resources, performance and previous reviews of the service before engaging with staff, Members and stakeholders. The report and response to a previous review, in 2018, of the planning service particularly informed this review. That earlier review, by the Planning Officers Society, would seem to

have had little impact on the development management service and, as a result, it is the more important that Members and officers endorse and ensure that the recommendations in this report are acted upon.

11. The review concludes that the development management service is “underperforming”, in a worse position than reported in the 2018 review, at risk of “designation” under Ministry criteria, with a staff complement which has a lower base of expertise and experience than before and under pressure, and with issues of appropriate leadership. The report compares its findings with those of 2018 and highlights a range of practical, process, actions that need to be instigated.
12. The review contains considerable focus upon the level of resources available, and needed, to deliver a sound development management service. It focusses heavily on the growth bid submitted by service managers as part of the Council’s budget setting for the 2021-22 financial year. There is a risk of over-emphasis and over-reliance on additional resources resolving the challenges facing the service and distracting from what also needs to be addressed in terms of process redesign, appropriate leadership and guidance, and enhanced Member engagement and behaviours. Despite the Council building considerable growth into the 2021-22 budget for planning, the expectation and reliance which seems to have developed amongst some staff around the large growth bid, and it not being fully delivered, feels like it became an excuse for lack of improvement.
13. The report also highlights the role of Members as part of development management, and the impact of adopted behaviours. The development management service provided by the Council is a partnership between officers and Members and the report and its recommendations reflects this position. Whilst the Council has a good scheme of delegation for managing planning applications the number of applications referred to committee for decision and the number of applications refused against officer recommendations are high compared to like authorities. The report contains four clear recommendations directed to Members.

The Report and its recommendations

14. The report contains eight recommendations aimed at helping improve the development management service. These recommendations are, for ease, contained in Appendix 1 of the East of England LGA report and are listed in three distinct groups, those for the Council’s leadership (the Chief Executive, directors and Administration), those specifically for elected Members to adopt, and one comprehensive recommendation addressing the process. If the Council is to make headway in improving its development management it is imperative that it embraces and ensures delivery on all eight recommendations.

Actions so far

15. The preparation of a new local plan is well underway, as report to Members have illustrated, and this has been influenced by the work of the review team

through the early work strands. During the time with the Council the review team attended and array of meetings and Member briefings, influencing and helping embed a range of sound working practices, including the creation of the Local Plan Leadership Group (LPLG) which is aiding the delivery of an ambitious work programme. Arrangements are operating to ensure appropriate engagement, a Strategic Infrastructure Delivery Group, a draft Vision and Objectives and Preliminary Outline Strategy for the emerging Local Plan, with climate change at its heart, and as part of a partnership approach, the model Memorandum of Understanding for landowners and developers which was considered at the September meeting of Cabinet.

16. Work on improvements to the development management service has been taking place in advance of the final report from the review, albeit informed by earlier drafts. As part of a separate review, as well as recommendations contained in this report, a task group on a new approach to legal agreements (s106 agreements) has been instigated. An Interim Planning Transformation Lead Officer has been appointed and has been in post since mid August, working with the planning teams and driving new ways of operating and improvements. These actions have included, so far, a redesigned report to the Planning Committee on applications with a pilot beginning in late October, work to better use and publish performance statistics, the recruitment of two principal planning officers to augment our capacity to deal with major applications, and the recruitment of specialist planning lawyers, these recruitments facilitated by the approved growth in the 2021-22 budget. The two principal planner posts will, in turn, allow the two team leaders to provide greater leadership, support and management of the planning staff and their caseloads. The retirement of the Assistant Director for Planning and the imminent retirement of the Director of Public Services will also allow the new chief executive to consider the most appropriate organisational structure and leadership to meet future needs and pressures.

Commentary

17. If this review, and its recommendations, are to have the most impact it will be important that the Council, its Members and officers, recognise it as reflecting a point in time and focus on how best to use the recommendations to deliver a fit for purpose planning service for the future. The planning system comprises a partnership between officers and Members and the report contains recommended actions from planning officers, the corporate leadership and from Members. All need to be addressed to make a lasting difference. Some additional resource is likely to be required but additional resources alone will not provide the improvements needed. There are undoubtedly improvements to be achieved in the processes in place to manage applications and compliance, but also, as or more importantly, in behaviours, in leadership, in support and in mutual trust.

Impact

18. The principal impacts arising from this report, if the recommendations are implemented, will be enhanced service delivery for applicants and other citizens, improved organisational reputation, and a more balanced workload,

enhanced working environment and reduced work-related stress and pressure for staff.

Recommendation

19. The Cabinet is recommended to consider the report of the planning review, along with any comments or recommendations from the Scrutiny Committee, and to agree the detailed recommendations contained in paragraph 3 of this report.

Risk Analysis

20.

Risk	Likelihood	Impact	Mitigating actions
That the recommendations from the report are not adopted and implemented	1	4	<ul style="list-style-type: none"> • Interim planning transformation lead officer in place and already driving improvement • New principal planning posts being recruited and team leader post being filled permanently • Revised s106 policy in place

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.