

HERTSMERE BOROUGH COUNCIL

Meeting name & Date	OPERATIONS REVIEW COMMITTEE 8 January 2020
Agenda item	5
Report title	Planning Service Peer Review – Overview
Report reference no.	OR/20/01
Wards affected	All wards
Report author, job title & email	Adrien Waite, Head of Planning and Economic Development Adrien.Waite@hertsmere.gov.uk
List of Appendices	Appendix 1: Action Plan Progress Report
Reason for urgency	Not applicable

1 RECOMMENDATION

- i. **That the Operations Review Committee note the progress made on the Action Plan to take forward the recommendations of the East of England Local Government Association (EELGA) Peer Review of the Council's Planning Service.**

2 PURPOSE OF THIS REPORT

- 2.1 This report provides an overview of the recent Peer Review of the Council's Planning Service undertaken by the East of England Local Government Association (EELGA). Their Planning Peer Review Report, published on the 27 September 2019, identified opportunities for the department to deliver improved outcomes and put forward 48 recommendations of possible changes and areas of improvement for the Council to consider.
- 2.2 In October 2019 the Council commenced a project to implement an Action Plan to carry forward the consideration of these recommendations, supported by the appointment of an external consultant. This report provides an update on the progress made in the implementation of this Action Plan.

3 REASONS FOR RECOMMENDATION

- 3.1 Not Applicable.

4 ALTERNATIVE OPTIONS

4.1 Not Applicable.

5 BACKGROUND

- 5.1 The Planning Service is key to the Council's ability to guide and manage the future development of the Borough, impacting on the quality of place experienced by residents, businesses, workers and visitors for generations to come. Within the service, the Strategic Planning function is working to bring forward the Council's new Local Plan that will provide the spatial context and policies to ensure future growth meets the Council's priorities (for example spatial responses to the declared climate emergency). The Development Management function seeks to ensure that development proposals are taken through a process of public consultation and are consistent with the adopted plans of the Council, and the Enforcement function which seeks to address breaches of planning control and therefore maintain public trust in the planning system.
- 5.2 An external review of the service was undertaken in 2019 by the East of England Local Government Association (EELGA). Their Planning Peer Review Report, published on the 27 September 2019.
- 5.3 In the Executive summary, Peer Review sums up the key findings under a number of themes:

Corporate

There is work to be done to put Planning at the forefront of the corporate agenda by fleshing out the corporate plan to include a clear vision of how the Council wishes the Borough to develop to accommodate the anticipated growth and meet the needs of an expanded population delivering great places. To do so it will also need to work collectively with its local authority partners which will require political commitment and adequate resources. There is also a need to ensure that delivering these objectives is a Council wide endeavour, providing timely support to achieve quality outcomes through planning mechanisms.

Cultural Change

Within the Planning Service there is a need to bring together a complex set of activities in a Service Plan backed up by more vigorous transparent and fair performance management systems and project management across all aspects of the service This should include seeking qualitative outcomes as well as efficient processes. There should be a move away from rushed decision making and a much greater emphasis on mentoring, customer care and pre-application engagement.

Governance

The Council is encouraged to review its decision-making procedures and codes of conduct as they apply to the Planning function. Aspects of the current arrangements have the potential to waste resources, provide a less than favourable public perception and lead to a poor reputation. Greater involvement by Members in significant pre-application work should be encouraged.

Resources

Undertaking the production of a robust 'sound' Local Plan requires a significant investment and the Council will need to assure itself that following the production of a detailed project plan sufficient resources are available. Specialist urban design and sustainability skills are also needed to drive quality place-making. Similarly, once the current backlog of Development Management cases is dealt with the Council should review staffing levels to ensure that sufficient resources and skills, at the appropriate level, are available to make timely and effective recommendations including pre-application advice. To improve efficiency and to aid recruitment and retention through flexible working, investment in appropriate technology is needed together with a more effective use of the current planning processing system by planning officers.

- 5.4 Against these themes the Peer Review identifies opportunities for the department to deliver improved outcomes. The 48 recommendations are split between different issues. There are 11 that relate to Strategic Planning/Planning Policy, 26 which relate to Development Management and General Planning Management, and 11 which relate to the Planning Committee and Corporate Issues.

Summary of Issues

- 5.5 For each category, a summary of the type of issues raised in the report has been set out below:

Summary of Issues by category	
Category	Recommendations
Strategic Planning	1 - 4
<ul style="list-style-type: none">• Communications regarding the Joint Strategic Plan (JSP), its relationship with the emerging local plan, and the main benefits of the Council's involvement.• Regular briefings to the Executive updates on the JSP.• Explore opportunities for a more structured approach to joint working to	

<p>support the JSP.</p> <ul style="list-style-type: none"> • Develop corporate objectives around place-making to inform the Councils' contribution to the JSP and its own Local Plan. 	
Local Plan / Policy	5 - 11
<ul style="list-style-type: none"> • Establish a project management approach to the delivery of the emerging Local Plan. • Review staff resources. • Allow for a dedicated urban design/sustainability resource in the light of emerging major sites and potential new settlement, and produce appropriate Supplementary Planning Documents including development frameworks and masterplans. • Produce a programme and resources to deliver and maintain an Infrastructure Delivery Plan. • Produce a prioritised plan for the use of CIL receipts. • Update policy on Developer Contributions. • Investigate and procure interactive software for production of the Local Plan and use in consultation phases. 	
Development Management	12 - 32
<ul style="list-style-type: none"> • Review and implement improvements to the pre-application service, including a protocol for the appropriate involvement of members. • Establish a culture for the regular and effective use of Planning Performance Agreements (PPAs) for major applications. • Review the structure of the Development Management Team to enable dedicated staff resources at an appropriate skill level. • Establish a task and finish project to deal with the bulk of the current backlog of cases as a matter of high priority. • Apply project management principles to the most complex cases, for example those large sites emerging through the Local Plan process. • Ensure Service Level Agreements are in place as a matter of priority for all work with statutory consultees and relevant Council services. • Establish a robust, transparent and fair performance management approach to DM workload. This should include benchmarking against similar authorities, celebrating success and learning from mistakes. • Cease the reliance and regular use of extensions of time especially for householder and more routine applications except in very exceptional 	

circumstances.

- Establish a triage system for initial and early assessment of applications.
- Establish a weekly Planning Forum of senior planning staff where emerging issues can be discussed especially on major cases.
- Review DM resources to match the workload once the backlog is removed from caseworkers.
- Corporate investment in appropriate IT solutions to enable the effective and efficient use of flexible working arrangements including home working.
- Review the use of the duty system and enable improved frontline response first time. Replace duty system of planning staff with appointments system.
- Review job descriptions of DM Manger and Principal Planners to establish clear responsibilities.
- Establish training to ensure the full and effective use of the planning application processing system and avoid duplication.
- Fill support team vacancies as soon as possible and consider workflow analysis to ensure efficient and timely validation procedures.
- Develop a culture of seeking quality outcomes through mentoring, training and review of implemented planning permissions.
- Review Committee reporting template to ensure consistency and avoid unnecessary repetition.
- Review delegated reporting and sign off system using the planning processing software.
- Review the Council's enforcement priorities and reporting systems and provide member training.
- Produce a DM Improvement Plan

General Planning Management	33 - 37
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| <ul style="list-style-type: none">• Develop a Planning Service Plan that will support the implementation of new ways of working.• Ensure formal staff appraisals are carried out and staff receive regular feedback on performance and quality of outcomes.• Ensure regular Team Meetings are held at least quarterly• Establish a strategy to support and encourage flexible working• Establish a Developers Forum for frequent users of the service. |
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Planning Committee / Corporate Issues	38 - 48
<ul style="list-style-type: none"> • Review composition of Planning Committee • Review the Councils constitution in respect of the appropriateness of continuing with the Planning Referral Committee. • Review the scheme of delegation in order to ensure it is clear consistent and up to date. It should be permissive (delegating authority to officers except for clearly defined exception's), and encourage that only larger schemes with a wider impact and those of public interest are referred to the planning committee. • Replace the Technical Briefing Meeting with Chairs/Vice chairs pre-agenda meeting ensuring Members have effective access to Planning Officers in advance of Committee for any technical queries. • Establish regular site visits for Members for appropriate Planning Committee items operating to a site visit protocol. • Refresh and re-issue the Code of Conduct for Planning Committee Members, include probity and conduct in next available training and review how Members can access professional advice in an appropriate and timely manner. • Cease the use of the Council Chamber with its rigid fixed benches and seating and change the physical format of Planning Committee to allow for all Members to be sitting in the round at one level. • At Committee encourage Members to declare any direct lobbying not already notified to Officers and recorded earlier. • Undertake a broader programme of training for Members and consider using specialist external trainers to implement. • The Heads of Planning and Legal Services to carry out a review of professional advice being offered at Planning Committee in consultation with Members. • Ensure the corporate plan sets out a vision which seeks to ensure positive place making outcomes and priorities. 	

Table 1: Summary of Issues by category

5.6 It should be noted that these points raised by the Peer Review do not indicate a failure of the current service, but areas which could benefit from improvement. It is highlighted in the report's Executive summary that:

“the purpose of the Peer Review was to consider how the Council carries out its duties as a Local Planning Authority...to make recommendations for improvement in the context of an aspiration for the Council to deliver an excellent rather than an average or purely acceptable planning service”.

Action Plan

5.7 In October 2019 the Council commenced a project to implement an Action Plan across the Planning Service to carry forward the consideration of these recommendations. This project is supported by the appointment of an external consultant.

5.8 The Action Plan is designed to be dynamic in nature due to the wide scope and multiple approaches that could be taken to address many of the area raised. For example, Recommendation 15 relates to a task and finish project to clear the backlog in Development Management team. As part of steps identified against this recommendation in the Action Plan, some soft market testing is being undertaken to see what options there are for the Council to secure additional short-term resource. The outcome of this process will have an impact on the next steps dependant on the approach, or mix of approaches, chosen and therefor the related steps in the Action Plan will be updated accordingly.

Priority Areas

5.9 For each of the recommendations highlighted within Peer Review, a priority rating was identified. These are summarised by area in the table below:

Priority Levels for Peer Review Recommendations				
Recommendations	Red	Amber	Green	Total
Strategic Planning / Local Plan	5	6	0	11
Development Management / Planning management	13	11	2	26

Planning Committee / Corporate Issues	5	5	1	11
Totals:	23	22	3	48

Table 2: Priority Levels for Peer Review Recommendations

5.10 These priority ratings have been used in-part to focus the activities of the external consultant. However, there has also been an operational review of the different 'red' priorities to ensure that the most urgent of these are tackled with the greatest energy.

Closed Recommendations

5.11 At the time of publication for this report, 8 of the recommendations have been worked through to a conclusion. This are listed in the table below.

Closed Recommendations
<p>Recommendation 4: Develop corporate objectives around place-making</p> <ul style="list-style-type: none"> Member Planning Panel have attended workshops, with more planned for early 2020. This engagement allows members to identify the relative priority levels for the different development requirements as the Local Plan work is taken forward (bottom up approach). <p>Recommendation 21: Weekly Planning Forum</p> <ul style="list-style-type: none"> Refresh and relaunch of the Major Applications meeting has been implemented. This is supported by new Terms of Reference and lists for Majors and Pre-Apps. <p>Recommendation 24: Review duty officer service</p> <ul style="list-style-type: none"> New Duty System based on pre-booked appointments system running between 9am and 1pm on Monday and Fridays has been implemented and published to customers. <p>Recommendation 27: Fill support team vacancies and ensure efficient and timely validation procedures</p> <ul style="list-style-type: none"> Following recruitment, new staff started December 2019. Recruitment to the Apprentice post has been delayed until next financial year (April

2020).

- Since the time of the Peer Review, there has been greater stability in the Support Team and new staff have been trained up. An analysis of the last 5 months shows performance of 1-2 days for validation which exceeds internal target of 4 days.

Recommendation 35:

Ensure regular Team meetings held at least quarterly

- Arrangements for Team meetings put in place
- New Terms of Reference and guidance for staff drawn up and circulated.
- Introduction of 'Huddles' which allow for better team working and sharing of information.

Recommendation 44:

Cease using Chamber for Planning Committee

- Consideration of a trial period be used to test the merits of using a different room. It was concluded that the guidance of the Peer Review was noted, but that the Planning Committee will continue to be based in the Council Chamber.

Recommendation 48:

Ensure Corporate Plan ensures positive place making outcomes

- Agreed that this would be Actioned in the next Municipal Year 2020-2021.

Table 3: Closed Peer Review Recommendations

Current Key areas of work

- 5.12 The function of the Development Management team to determine planning applications is both an important and time sensitive activity for the Planning Service. Failure to deal with planning applications in a timely manner can negatively impact on related activities, for example causing construction delays for people as they wait for their decision. On this basis, the need to address the backlog in Development Management (Recommendation 15); the establishment of a weekly planning forum (Recommendation 21); a review of resources within Development Management (Recommendation 22), steps to ensure effective use of the planning software (Recommendation 26); and implementing improvements to decision making (Recommendation 30), are all being taken forward urgently. This also recognises the interrelationship between these areas, for example Recommendations 26 and 30 which both involve ensuring the assessment of applications and their management review is handled efficiently through the Council's line of business IT system.

- 5.13 The Council's Executive has agreed funding of £90,000 to fund a Task and Finish Project to deal with the planning backlog. A Soft Market Testing process has been undertaken to identify possible partners to work with the Council to quickly address the backlog. Discussions are on-going and it is likely that support will be in place in January 2020.
- 5.14 Officers have also had a demonstration of software that is designed as a complimentary addition to the Council's existing planning system to add additional functionality. Visits to other Authorities using these products to see them in action are booked for early January 2020.

Further Approvals and Consideration

- 5.15 Some of the Recommendations relate to suggestions for possible improvements to the Council's procedures or rules. For example, suggestions that a review be undertaken of the Council's Planning Referral Committee (Recommendation 39) and the Planning Scheme of Delegation (Recommendation 40). Changes such as these would require the approval, ultimately, of Full Council and the timescales associated with these recommendations in the Action Plan will reflect this.

Review and timescales

- 5.16 The work of the external consultant and the progress being made against the Action Plan tasks is monitored on a weekly basis. It is anticipated that the bulk of the issues will have either: (i) been addressed, or (ii) have identified a clear plan of future actions, by the end of January 2020.

6 FINANCIAL AND BUDGET FRAMEWORK IMPLICATIONS

- 6.1 To support the implementation of the Peer Review Action Plan an external consultant has been secured for an initial period of 3 months to the end of January 2020.
- 6.2 For the individual actions, some related to procedural or operational matters that have a neutral financial impact and will be dealt with within the existing service budget. For those that involve additional resource or significant capital investment separate approval processes will be followed. For example, the approval of the Executive was obtained on the 13 November 2019 for £90,000 to fund the Task and Finish Project to deal with the planning backlog.
- 6.3 The Personnel Committee in December 2019 considered increased resourcing for the Strategic Planning team to help deliver the Local Plan. This included the extension of 2 fixed term Planning Assistant posts; additional fixed term post of Infrastructure and Delivery Officer; creation of Principal Planning Officer (Strategic Sites); and an increase to the team of 0.6 FTE. Subject to Executive approval, this would represent additional investment of approximately £76,630 per annum to the team.

7 LEGAL POWERS RELIED ON AND ANY LEGAL IMPLICATIONS

7.1 None for the purposes of this report.

8 EFFICIENCY GAINS AND VALUE FOR MONEY

8.1 The Action Plan will look to ensure that efficiencies are secured via the improved use of the Council's line of business IT software.

9 RISK MANAGEMENT IMPLICATIONS

9.1 None for the purposes of this report.

10 PERSONNEL IMPLICATIONS

10.1 Action HR6 of the Updated Workforce Development Action Plan 2019/2020 relates to the need to develop and implement a workforce development plan for Planning and Economic Development to support the Planning Peer Review Action Plan. Following the analysis of staffing requirements, any new proposals will be taken to future meetings of the Personnel Committee for consideration.

11 EQUALITIES IMPLICATIONS

11.1 None directly from this report.

12 CORPORATE PLAN and POLICY FRAMEWORK IMPLICATIONS

12.1 None for the purposes of this report. Future work on both the Corporate Plan and the Council's Policy Framework are referenced in the Peer Review but are not directly impacted upon by this update report.

13 ASSET MANAGEMENT IMPLICATIONS

13.1 None for the purposes of this report.

14 HEALTH AND SAFETY IMPLICATIONS

14.1 None for the purposes of this report.

15 BACKGROUND DOCUMENTS USED TO PREPARE THIS REPORT

Document Title:	Filed at:
Hertsmere Borough Council, Peer Review of Planning function undertaken by the East of	Hard copy held in

England Local Government Association (EELGA), 27 September 2019.	Corporate Suite.
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16 CONSULTATION ON DRAFT REPORT

16.1 A draft of this report was sent to the following on the following dates:

Consultee	Report sent	Comments rcvd
Chief Executive & Corporate Director (COB)	10/12/2019	
Head of Finance	5/12/2019	
Head of Legal & Democratic Services	5/12/2019	
Head of HR & Customer Services	5/12/2019	
Planning Portfolio Holder	23/12/2019	