

Governance and Audit Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Wednesday, 22 December 2021 at 2.00 pm
Council Chamber - South Kesteven House, St. Peter's Hill,
Grantham. NG31 6PZ

Committee Councillor Mark Whittington (Chairman)
Members: Councillor Paul Wood (Vice-Chairman)

Councillor Ashley Baxter, Councillor Gloria Johnson, Councillor Kaffy Rice-Oxley,
Councillor Jacky Smith and Councillor Sue Woolley

Agenda Supplement

10. Planning Service Review - Progress Report

(Pages 3 - 13)

This report updates the Governance and Audit Committee on the actions undertaken following a review of the Planning Service.

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Governance and Audit Committee

22 December 2021

Report of: Councillor Nick Robins
Cabinet Member for Planning and
Planning Policy



Planning Service Review – Progress Report

This report updates the Governance and Audit Committee on the actions undertaken following a review of the Planning Service.

Report Author

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Corporate Priority:	Decision type:	Wards:
Growth	Administrative	All Wards

Reviewed by:	Ken Lyon (Assistant Chief Executive)	14 December 2021
Approved by:	Emma Whittaker (Assistant Director of Planning)	14 December 2021
Signed off by:	Nick Robins (Cabinet Member for Planning and Planning Policy)	15 December 2021

Recommendations to the decision makers

To note the Planning Review update and associated action plan.

1 The Background to the Report

- 1.1 A key theme in the Corporate Plan (2020-2023) is the provision of housing that meets the needs of all residents. High quality housing is essential for all, and the Council is committed to working with partners to provide this. A main action has been to undertake a planning review to improve performance and support local sustainable, high quality growth.
- 1.2 Planning has a positive and proactive role to play at the heart of South Kesteven District Council, helping to stimulate growth whilst looking after important environmental areas. Planning helps to translate the Council's Corporate Plan (2020-2023) goals into action, balancing social, economic and environmental needs to achievement sustainable development.
- 1.3 This report outlines the progress achieved with the Planning Service Review, examines actions undertaken and further considerations for the Council. The report is requested as an update following the 21 July 2021 Governance and Audit Committee. The Committee also requested that further engagement with Members of the Planning Committee take place prior to this update, which has taken place and is outlined in section 2 of this report.
- 1.4 An internal project team were deployed to engage with the Planning Service. The implementation of the actions are as illustrated within **Annex A**.
- 1.5 The actions focus upon several areas, including (but not limited to):
- Embedding good practice in the operational (officer) delivery of the service.
 - Identifying areas where change to the protocols and functioning of the Planning Committee are likely to be beneficial.
 - Highlighting opportunities to invest in technology and communication to help improve the service.
- 1.6 Since the development of this item of work, critical posts have now been resourced and the service is functioning with a fully staffed management team, including the appointment of an Assistant Director for Planning in September 2021. This has brought stability and consistent leadership to the service, providing clearer direction for officers and improved engagement with Members.
- 1.7 In proposing steps to support the Planning service, a significant consultation between officers and Planning Committee Members has taken place. This examines in detail, the procedural which underpin service delivery and to provide clarity around how the protocols function.
- 1.8 Informal planning committees (which were held in the public domain) took place in September 2021 and November 2021 to debate the proposed changes to the protocols and processes of the Planning Committee which impact on the Constitution. At the meeting of 26 November an amended set of protocols and processes were agreed that will be considered by Constitution Committee and then, ultimately, Full Council in early 2022.

2 Consultation and feedback received, including overview and scrutiny

- 2.1 In the period since the last report was presented to Governance and Audit Committee a significant two stage consultation has been undertaken with members of the Planning Committee. These sessions were delivered informally due to the restrictions of the

Planning Committee in determining items outside the delegations made by Full Council. These sessions took place in the public domain and were held as close to Committee conditions as possible (with the exception that the Members were permitted to attend virtually to enable the maximum number of Members to engage with the sessions).

- 2.2 On 27 September 2021, a first draft of amendments was presented to the Planning Committee. Member feedback was encouraged and received to provide a basis for further revisions.
- 2.3 The feedback from the Committee was positively received by the officer team and the Assistant Director for Planning reviewed the proposals in line with this feedback. The Assistant Director for Planning, in consultation with the Chair of Planning Committee and Cabinet Member for Planning produced a revised set of proposals for Article 16 of the Constitution for consideration by the Committee on 27 November 2021, the report for which is available within Section 14 (Background Papers).
- 2.4 The revised proposals for Article 16, accompanied by a Local Code of Good Practice, were debated by the Informal Planning Committee on the 26 November 2021, which provided Members with the opportunity for questions and answers and for Members to propose further amendments. Following the discussion and further amendments the Informal Planning Committee unanimously voted to recommend that the revisions be approved by Constitution Committee and Full Council.
- 2.5 Prior consideration of the wider work programme was undertaken at the 21 July 2021 Governance & Audit Committee. During this meeting, several matters pertaining to the overarching review and intrinsic items were noted.
- 2.6 A significant amount of informal engagement with Members has taken place. These informal sessions have previously included private briefing and workshop sessions to enable Members (and Officers) to engage with the Planning Service Review and subsequent work to help shape the recommendations. Taking place from October 2020, the meetings have developed familiarity with the service and examine items for improvement. The process has included discussion with: Planning Committee Members, All Member and Officer briefings.

3 Available Options Considered

- 3.1 Do Nothing – note the report but do not request further action or updates to the Governance and Audit committee.

4 Preferred Option

- 4.1 The preferred option is to note the report and the associated action plan and note that the proposed amendments to the Councils Constitution will be considered by Constitution Committee and Full Council in 2022.

5 Reasons for the Recommendations

- 5.1 The preferred option provides Governance and Audit Committee with the assurance that the areas for development highlighted by the Planning Service Review are being prioritised and addressed, with improvements embedded. The approach outlined, provides the Audit and Governance Committee with the opportunity to maintain ongoing oversight and refinement of the action plan.

5.2 As indicated earlier in the report, the relevant Committees will be engaged to debate changes as appropriate.

6 Next Steps – Communication and Implementation of the Decision

6.1 The next steps are to finalise the delivery of the action plan.

7 Financial Implications

7.1 There are no direct financial implications arising from the report. Should any additional costs be required, this will be assessed and considered at the appropriate time in line with the service plan.

Financial Implications reviewed by: Richard Wyles, Interim Director of Finance

8 Legal and Governance Implications

8.1 External reviews are essential to ensure good governance of public services.

8.2 The recommendations are to be welcomed from a governance perspective, as it indicates that service delivery can be improved if implemented.

Legal Implications reviewed by: Graham Watts, Head of Democratic Services and Deputy Monitoring Officer

9 Equality and Safeguarding Implications

9.1 Impacts upon equality and safeguarding will be examined on a project-by-project basis and those deemed to have an impact will feature an Equality Impact Assessment as part of the programme of works.

10 Risk and Mitigation

10.1 No risk relating to this report have been identified.

11 Community Safety Implications

11.1 There are no direct community safety implications resulting from this report.

12 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?

12.1 The delivery of the service will take into account matters pertaining to a climate emergency where possible. For a majority of this review, officers have continued to work remotely which reduces the impacts of travel related emissions.

13 Other Implications (where significant)

13.1 None identified.

14 Background Papers

14.1 Governance and Audit Committee 30 November 2020: Planning Service External Review: <http://moderngov.southkesteven.gov.uk/documents/s28333/Planning%20Service%20Review.pdf>

14.2 Governance and Audit Committee 21 July 2021: Planning Service Review – Progress Report: <http://moderngov.southkesteven.gov.uk/documents/s30479/Planning%20Service%20Review%20-%20Progress%20Report.pdf>

- 14.3 Informal Planning Committee 27 September 2021: Consultation on Suggested Amendments to Planning Protocols
<http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CId=165&MId=4201&Ver=4>
- 14.4 Informal Planning Committee 26 November 2021: Consultation on Suggested Amendments to Planning Protocols
<http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CId=165&MId=4219&Ver=4>

15 Appendices

- 15.1 Annex A – Planning Review Action Plan [updated]

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PLANNING REVIEW ACTION PLAN

DATE: DECEMBER 2021

PURPOSE OF PAPER:

To provide Governance and Audit Committee with an overview of the development of and progress of the improvement plan arising from the externally commissioned review for the Planning Service.

The table below provides an overview of the action, progress to date and anticipated completion date of the action. This has been split into actions that are within the scope of the officers (i.e. improvements to the Planning service) and those that include Member engagement (i.e. engagement with the Planning Committee).

OVERVIEW OF PROGRESS:

Action No.	Action	Progress	Expected Completion Date
Officer Programme – Operation of Planning Service			
11.	Develop a tailored and targeted member training programme which addresses specific concerns and in particular addresses issues raised around application of planning policy in decision making, the framework and appropriate use of conditions, and the key stages in determination of a larger planning application.	<ol style="list-style-type: none"> 1. Audit of the training which has taken place. 2. Review training for gaps and examine training process for committee members. 3. Future training needs identified and a draft schedule developed to support ongoing development of the planning service. Training schedule in place until February 2022.	Complete
12.	A series of workshops in relation to Local Plan “ownership” and future revisions. This is likely to be an ongoing piece of engagement with elected members.	Programme of training to be constructed and shared as per Recommendation 11. Early delivery includes Sessions on 27th January and 24th February on Local Plan housing/environmental policies and the draft Design SPD. Future sessions to be incorporate as part of the ongoing training programme.	Complete – February 2021 (with ongoing action)
13.	More training for officers on best practices when presenting to the planning committee.	The newly appointed Director for Growth and Culture to oversee the delivery of this action. The sessions to be delivered with support of Chair and Vice Chair of planning committee.	In progress with ongoing training in Winter / Spring 2022.
17.	Quarterly reporting of Section 106 income and expenditure, and enforcement matters should be scrutinised by the monitoring officer and reported to committee.	Publication of the Infrastructure Funding Statement and Associated documents to MHCLG. Regular quarterly briefings for Planning Committee in place.	Complete - December 2020 (with ongoing action)
18.	The Enforcement policy should be reviewed and appropriately resourced.	Additional Planning Enforcement budget approved for 2021/22 and recruitment activity was undertaken. Peter White appointed as new enforcement officer. Regular Quarterly Planning Enforcement Update - November 2021	Resourcing - Complete Enforcement update is now part of the regular cycle of Planning Committee
21.	Implement a system of regular Directorate Team meetings between the Director and the Heads of Service to provide leadership, direction and focus to the service.	Regular management meetings scheduled with Assistant Director of Planning. Weekly Team Leaders meetings and 1-2-1s in place.	Regular 1-2-1 meetings have been booked and made available for members of the team. Team Leader Meetings across Planning, Planning Policy and Support Team held on a weekly basis. Monthly Planning Department team meeting in place.
22.	Linked to resolving issues of structure and permanence within the officer core, establish a culture of collaborative and strong leadership including regular opportunities for engagement between officers, Heads of Service and Directors.	Create channels for junior staff to receive regular communications and seek support from Leadership. Ensure engagements from 1-2-1's are meaningful and support the development of officers.	Complete and continues as per yearly appraisal.
23.	Establish a system of performance indicators which are easily understood by members and officers and hold regular feedback sessions for teams and individuals.	Service Plan developed and approved in April 2021. Delivery against objectives and implementation to continue.	Complete

		Continuous review of the KPIs to ensure an accurate reflection of the Corporate Plan Objectives and to deliver improvements to service performance.	
24.	Develop in-house experience within the planning team by aligning Special Projects, the Local Plan, and Development Management teams under a single head of planning service and exercise greater restraint over the use of external consultants.	Review Structure aligned to Assistant Director role and implemented (May-June 2021). Item achieved within current structures. Senior Planning Officer's started in May 2021 / Enforcement Officer August / recruitment in place for Principle Conservation officer and Assistant Director of Planning appointed to join in September 2021.	Complete
25.	Fully exploit the opportunity of technology investment.	Audit of functionality across systems complete. Implementation plan in development working with the South Kesteven ICT service to provide training and appropriate solutions across the service.	Roll out and delivery – Ongoing with Spring / Summer 2022 completion.
26.	Revise the validation process to be a back of house function.	Engagement and workshop conducted with individual teams and jointly. A resource analysis has been completed to understand the required resource to absorb validation requirements. Transfer of activity to commence in July 2021.	To be re-examined once resourcing has been completed.
27.	Ensure clarity within the Council on who holds responsibility for the delivery of the IT strategy, updates, and training of staff.	Included within Item 25 once current upgrades have been implemented.	Spring / Summer 2022 Completion with external supplier.
28.	The conditions for permanence within the staffing structure and review recruitment proposition to ensure the Council can attract and retain high quality personnel. This will enable clear leadership, structure, and lines of engagement between officers.	Review Structure aligned to Assistant Director of Planning role and further programmed work to take place.	Summer 2022 completion
5.	Senior staff advice including legal advice, should routinely be available to committee members at the committee	This has been agreed and implemented.	Complete
Officer and Member Programme – Engagement with Planning Committee and Other Processes			
1.	Consider whether the present Committee arrangements are fit for purpose	The committee arrangements are being considered as part of a wider review of protocols and processes, which are referenced in the actions outlined below.	Significant Consultation with Planning Committee, Chair of Planning and the Cabinet Member for Planning & Planning Policy to examine this in detail. Following November 2021 Informal Planning Committee – members agreed a set of recommendations to be considered by Constitution Committee and Full Council. Further work to attend Constitution Committee and Full Council scheduled for 2022.
2.	Clarify the protocols for representations to the Planning Committee, ensuring consistency and equity in those for and against an application. Adhere strictly to the time limits.	Current speaking arrangements and protocols for representations are appropriately clear and have been clarified in Informal Committee meetings. The Chair and Vice Chair of the Planning Committee are responsible for ensuring that these protocols are adhered to.	Significant Consultation with Planning Committee, Chair of Planning and the Cabinet Member for Planning & Planning Policy to examine this in detail. Following November 2021 Informal Planning Committee – members agreed a set of recommendations to be considered by

			<p>Constitution Committee and Full Council.</p> <p>Further work to attend Constitution Committee and Full Council scheduled for 2022.</p>
3.	<p>Ensure the new protocols are published and readily understood by all participants at each planning committee and that prospective speakers are reminded of them before the meeting.</p>	<p>Existing protocols and amendments have been presented in consecutive committees.</p> <p>Two informal consultations we're undertaken with Planning Committee with the process being overseen by the Chair of Planning and the Cabinet Member for Planning & Planning Policy.</p> <p>Revisions to the protocols will now be considered by relevant committees prior to formal adoption (i.e. Constitution Committee and Full Council).</p>	<p>Significant Consultation with Planning Committee, Chair of Planning and the Cabinet Member for Planning & Planning Policy to examine this in detail.</p> <p>Following November 2021 Informal Planning Committee – members agreed a set of recommendations to be considered by Constitution Committee and Full Council.</p> <p>Further work to attend Constitution Committee and Full Council scheduled for 2022.</p>
6.	<p>The Council changes its procedures to ensure applications are only refused at Committee where members have voted to do so based on clear and cogent planning grounds.</p>	<p>A Local Code of Good Practice has been provided which outlines guidance to members throughout the process of determination. This will aid committee members and add to further learning from member training sessions.</p>	<p>Complete with ongoing training plan in place.</p>
7.	<p>Agree a revised Scheme of Delegation collaboratively with elected members for adoption by the Council and ensure any deviation can only be agreed on an exceptional basis by the Chief Executive, in consultation with the Leader of the Council.</p>	<p>Following consultation with the Planning Committee – a proposed scheme of delegation will be taken forward.</p> <p>This was voted and agreed at the 26 November 2021 Informal Planning Committee.</p>	<p>Significant Consultation with Planning Committee, Chair of Planning and the Cabinet Member for Planning & Planning Policy to examine this in detail.</p> <p>Following November 2021 Informal Planning Committee – members agreed a set of recommendations to be considered by Constitution Committee and Full Council.</p> <p>Further work to attend Constitution Committee and Full Council scheduled for 2022.</p>
8.	<p>Agree a revised Call-In protocol which permits members to call-in applications within their wards, on submission of a request containing a sound planning reason. This should be adjudicated by a senior manager, ideally the Service Director.</p>	<p>Following consultation with the Planning Committee – the call-in procedure was examined in detail. Call-ins will now be adjudicated by the Chair and Vice-Chair of Planning in Consultation with the Assistant Director of Planning.</p> <p>This was voted and agreed at the 26 November 2021 Informal Planning Committee.</p>	<p>Significant Consultation with Planning Committee, Chair of Planning and the Cabinet Member for Planning & Planning Policy to examine this in detail.</p> <p>Following November 2021 Informal Planning Committee –</p>

			<p>members agreed a set of recommendations to be considered by Constitution Committee and Full Council.</p> <p>Further work to attend Constitution Committee and Full Council scheduled for 2022.</p>
9.	<p>The creation of a criteria for when an application justifies a site visit will help provide greater clarity and confidence in the planning system.</p>	<p>Following consultation with the Planning Committee – a revised site visit process will be taken forward.</p> <p>Members are able to undertake site visits individually. Risks associated with Health and Safety, Lone-Working and Probity will be the responsibility of the elected member.</p> <p>A regular schedule of site visits will be set and scheduled for Planning Committee members to attend.</p> <p>Guidance can be read in the Local Code of Good practice.</p>	<p>Significant Consultation with Planning Committee, Chair of Planning and the Cabinet Member for Planning & Planning Policy to examine this in detail.</p> <p>Following November 2021 Informal Planning Committee – members agreed a set of recommendations to be considered by Constitution Committee and Full Council.</p> <p>Further work to attend Constitution Committee and Full Council scheduled for 2022.</p>
10.	<p>Further, a Code of Conduct for members when attending site visits will help protect the council and members from any vexatious or otherwise pre-determination and other legal challenges.</p>	<p>Following consultation with the Planning Committee – a revised site visit process will be taken forward.</p> <p>Members are able to undertake site visits individually. Risks associated with Health and Safety, Lone-Working and Probity will be the responsibility of the elected member.</p> <p>A regular schedule of site visits will be set and scheduled for Planning Committee members to attend.</p> <p>Guidance can be read in the Local Code of Good practice.).</p>	<p>Significant Consultation with Planning Committee, Chair of Planning and the Cabinet Member for Planning & Planning Policy to examine this in detail.</p> <p>Following November 2021 Informal Planning Committee – members agreed a set of recommendations to be considered by Constitution Committee and Full Council.</p> <p>Further work to attend Constitution Committee and Full Council scheduled for 2022.</p>
14.	<p>The Council should revise the expectations of elected members who serve on the Planning Committee to ensure the highest standards of transparency and openness in relation to other tiers of Government in the District.</p>	<p>This was examined within both Informal Planning Committees and a Local Code of Good Practice has been provided to support the Members who serve upon the committee.</p> <p>Significant chapters to aid this section include:</p> <ul style="list-style-type: none"> - Fettering discretion in the planning process - Lobbying - Decision Making - Site Visits 	<p>Significant Consultation with Planning Committee, Chair of Planning and the Cabinet Member for Planning & Planning Policy to examine this in detail.</p> <p>Following November 2021 Informal Planning Committee –</p>

			<p>members agreed a set of recommendations to be considered by Constitution Committee and Full Council.</p> <p>Further work to attend Constitution Committee and Full Council scheduled for 2022.</p>
15.	Create a clearly defined pre-application process which distinguishes between strategic and minor applications, and between corporate discussions in relation to growth and investment versus technical input from the planning service.	Further work will be undertaken in 2022 to review the pre-application advice service and this will include further protocols to support member engagement.	Commencement: January 2022
16.	The Council should replace the existing 'Design Pad' with full briefings for all members of the Committee on major applications.	<p>Design pad has been retained with amendments to ensure smooth running of the service and to reduce the risk of probity.</p> <p>The deliver of this service will be reviewed as part of the overall pre-application process (item 15).</p>	Commencement: January 2022
19.	Use the opportunity of a revised planning and development structure to revisit member and officer relationships through the lifecycle of an application to ensure value added and appropriate interaction. This could be achieved through internal and external training and support - and must be undertaken collaboratively.	<p>The new Assistant Director of Planning in engaging with the service has reclarified the roles of Members and Officers. This will be supplemented by the Member training programme.</p> <p>This has been identified in the Local Code of Good Practice where Member and Officer roles are outlined. The guide goes further to identify the 'do' and 'do not' items to assist member interaction throughout the lifecycle of an application.</p>	Completed with scheduled member training programme as an ongoing item.
20	Outlines the clear roles and responsibilities of elected members and officers in the determination of planning applications.	<p>To be communicated and clarified as part of any process involving revisions to delegations and processes.</p> <p>Further training will also be available to support Members and Officers.</p> <p>The Local Code of Good Practice outlines Member and Officer roles across various scenarios. The guide goes further to identify in context, where members should be cautious and approach situations with clarity of various risks.</p>	November 2021
29.	Establish clear pathways for engagement with the Council at strategic and operational levels in respect of planning consents and development proposals. For example: Developers to meet with Leader and Chief Executive or Director only. No members of the planning committee should be meeting with developers.	<p>Following an external review a suggested pathway has been developed with clear roles in engaging with developers (i.e. who should/should not communicate with developers at different stages).</p> <p>Clear protocols have been established with significant engagement with members ensuring this is clarified. The next items of work will be to examine the pre-application advice service to ensure we are evolving with the demands of the service. This is to be delivered in line with items (15 and 16).</p>	Commencement: January 2022
4.	Specific training for Chair and Vice-Chair on running procedures and Chairing of meetings.	To be examined and provided in consultation with the Chairman and Vice-Chairman of the Planning Committee alongside the Director of Growth and Culture and newly appointed Assistant Director for Planning.	Completed 6 th October 2021 – Chairing Skills for Councillors

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