



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

27 September 2021

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



# Consultation on suggested Amendments to Planning Protocols

The purpose of this report is to consult the Planning Committee in relation to the suggested constitutional amendments to planning protocols.

### Report Author

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**Corporate Priority:**

**Administrative**

**Decision type:**

**Administrative**

**Wards:**

**All Wards**

**Reviewed by:**

Emma Whittaker, Assistant Director of Planning

16 September 2021

**Approved by:**

Nicola M<sup>c</sup>Coy-Brown, Director of Growth and Culture

16 September 2021

**Signed off by:**

Nick Robins, Cabinet Member for Planning and Planning Policy

17 September 2021

### Recommendation to the decision makers

**It is recommended that the Planning Committee:**

- Notes the content of the Planning Review following a series of workshop engagements on the subject of the external report.**
- Provide feedback during the meeting to the Cabinet Member on the proposed amendments in relation to protocols and processes and the constitution.**

- 3. Notes that this report and the associated feedback will be presented to Constitution Committee in October, with a view to a further report being considered by Constitution Committee and Council in November.**

# 1 The Background to the Report

- 1.1 This report serves two purposes; in noting the initial planning review undertaken with the Development Management (DM) service and secondly, consults with Planning Committee on the proposed amendments to the protocols and processes associated with the operation of the Committee. These items to have an impact on the wider Constitution.
- 1.2 It is good practice to have an independent external review of the Service which can critically assess the DM function and make recommendations for improvement. To facilitate this the Council chose to commission an external specialist, Cratus Communications to undertake a review of the Planning Service, who developed recommendations associated with:
  - Embedding good practice in the operational (officer) delivery of the service
  - Highlighting opportunities to invest in technology and communication to help improve the service.
  - Identifying areas where change to the protocols and functioning of the Planning Committee are likely to be beneficial.
- 1.3 The Planning review recognises the importance of planning as a critical component in supporting economic growth and unlocking future prosperity for local communities. This aligns with the growth priority within the Corporate Plan (2020-2023) along with providing new developments which are sustainable, high quality and of good design. The DM Service is one of the Council's most public facing services provided by the Council in it's role as the Local Planning Authority.
- 1.4 The review, which took place in summer 2020 included a process of interviews, feedback sessions, and 1-2-1 discussions with officers and members. This provided tailored feedback on items which the Planning Service could improve upon at South Kesteven District Council. There have been a number of engagements with Councillors and Officers relating to the initial report. This was formally presented to Governance and Audit, alongside and implementation plan in July 2021.
- 1.5 The report outlined a number of improvements to the officer led elements of the service, which included resourcing, training and modernisation of practice. These items are underway and, in most cases complete, or very close to completion – which has led to noticeable improvements in the service. The operational matters have been progressed under delegated power for officers.
- 1.6 The initial review also highlighted a number of ways in which operation of the Planning Committee could be improved, to optimise the transparency & consistency of decisions and making it easier for members of the public to engage in the process. To that end a further piece of work was commissioned from Cratus Communications, particularly utilising Steve Quartermain (former Chief Planner for the Ministry of Housing, Communities and Local Government) to develop suggested revisions to the protocols and processes. These suggestions are attached in Annex 1 and reflect best practice across local government with the contextual knowledge of South Kesteven planning processes.
- 1.7 The protocol document in Annex 1 engages with:
  - Presentations to Planning Committee (core applications and enforcement matters);
  - A robust set of protocols for Committee Members and Officers;

- The provision of site visits for Members including a review of implemented decisions;
- Pre-application processes and briefings with committee members on major applications.

- 1.8 The document would require revisions to the Council's Constitution, and this has been examined with the Deputy Chief Executive and the Head of Democratic Services and Deputy Monitoring Officer to ensure that the new protocols are able to be incorporated without significant impediment. For ease, Annex 2 provides a detailed breakdown of paragraphs for review, the core document mirrors Annex 1.
- 1.9 Although the Planning Committee is not the formal decision-making body to the proposed changes within this document, the views of the Committee are important. It should be noted that informal engagement with the Planning Committee has previously taken place in prior sessions. The purpose of this report is to consult with the Committee on its views with regards to proposed changes.
- 1.10 The Committee is invited to provide feedback during the meeting on the suggested protocols, prior to further reports being presented to the Constitution Committee and, ultimately Full Council, in October and November 2021.
- 1.11 It is noted that the Council's Constitution is currently undergoing a review and the matters pertaining to the Development Management protocols will be taken forward separately.

## **2 Consultation and Feedback Received, Including Overview and Scrutiny**

- 2.1 There have been a series of informal engagements with Members and Officers on the initial report, which were detailed in the report to Governance and Audit Committee in July 2021. The subject of this report is the proposed amendments to the protocols and practices of the Planning Committee. The informal engagements with Councillors on this subject are as detailed.
- 2.2 Proposals in relation to the planning review included a refinement to the protocols to bring the Committee in line with best practice across the public sector. The drafted protocols were produced collaboratively with the current / former Cabinet Member responsible for Planning and the Chair / Vice Chair of the Planning Committee to ensure that they reflected and understood practice in South Kesteven.
- 2.3 A series of informal meetings were held with Councillors to provide engagement with the protocols, clarity and refinement prior to the item being formally proposed to any Committee.
- The engagement included an extended informal session with the Planning Committee on the 26<sup>th</sup> May. The session focused on how the protocols would work in practice and enable the smoother operation of Planning Committee and practical examples of how this would function in practice.
  - Two informal sessions took place on 20 July, one with substitute Members of Planning Committee (and those Committee Members who were unable to attend on 26<sup>th</sup> May).
  - Secondly, a virtual All-member briefing which explored the draft protocols and how they seek to protect the Council, providing greater points of stability for members and officers throughout the period of determination.

- Each of these sessions were facilitated and a thorough question & answer session was provided.

2.4 In concluding the informal briefings with members, there have been minor amendments to the original protocols.

### **3 Available Options Considered**

3.1 Do Nothing – note the report, however do not request further actions.

### **4 Preferred Option**

4.1 The preferred option is to note the report and engage with the consultation of the protocols and to examine these in detail providing comments and routes of progression.

### **5 Reasons for the Recommendation (s)**

5.1 The preferred option provides Planning Committee opportunity to engage with the protocols, examine the appropriate items to be progressed and support an important part of the Constitution considering the wider Constitution review being undertaken.

5.2 The Council will be appropriately engaging and developing an integral committee. Improvements will provide clarity in processes, assist the decision-making process and provide greater alignment between Committee Members and Officers.

### **6 Next Steps – Communication and Implementation of the Decision**

6.1 To take forward recommendations and comments made by the Planning Committee.

6.2 Refine the protocols and provide a further report for the Constitution Committee on the 11 October 2021. The report for the Constitution Committee will be concerned with providing alignment with the current Constitution.

6.3 A secondary report will be taken to Constitution Committee on the 8<sup>th</sup> November which details the accepted changes with an intention to present the matter to Full Council.

6.4 This matter is expected to attend the 25<sup>th</sup> November Full Council.

### **7 Financial Implications**

7.1 There will be no direct financial implications arising from the implementation of the stated protocols as the matter relates to procedural matters.

**Financial Implications reviewed by: Richard Wyles, Assistant Director of Finance and s151 Officer**

### **8 Legal and Governance Implications**

8.1 External, independent, reviews are a valuable way of assessing the Council's current policies, protocols and governance which can contribute to the sharing and implementation of good practice and improve the way in which services are delivered.

8.2 There are no detrimental legal and governance implications to specifically highlight as a result of the recommendations proposed as part of the review.

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

## **9 Equality and Safeguarding Implications**

- 9.1 The Planning review has identified improvements to support the decision making, by officers and members. These impacts are not anticipated to have any direct impacts on equality or safeguarding.
- 9.2 As this report is part of consultation, an equalities impact assessment is not required. However, the equalities impact assessment is being examined and this will form part of the report at the forward constitution committee.

## **10 Risk and Mitigation**

- 10.1 The review seeks to safeguard the Council on various aspects within the field of Planning. The determination of applications is heavily governed and can be scrutinised via various legal perspectives. Having robust internal protocols supports the efficient running of the authority and ensures the committee manage any undue risks associated with the determination of planning applications.
- 10.2 The Council is actively working to mitigate any interference in the determination process ensuring Members and Officers have due regard to external risks.
- 10.3 The Council aligns with best practice. The Planning service is managed efficiently and reduces the risk of challenges or appeals. Over time, the Council is able to retain resources which would otherwise be required to provide representations at appeals.
- 10.4 Reputationally, the Council maintains clarity and transparency in planning matters underpinned by stable constitutional foundations which govern the service.

## **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 There is a suggestion within the protocols that site visits will be made collectively which should reduce the impact on vehicular travel to the destination of the site visit.
- 12.2 This will reduce emissions and additional travel where possible. However, due to the current pandemic, a common sense application of this matter will be applied.

## **13 Other Implications (where significant)**

- 13.1 None identified.

## **14 Background Papers**

- 14.1 Governance and Audit Committee 30<sup>th</sup> November 2020: Planning Service External Review:  
<http://moderngov.southkesteven.gov.uk/documents/s28333/Planning%20Service%20Review.pdf>
- 14.2 Governance and Audit Committee 21<sup>st</sup> July 2021: Planning Service Review: Progress Report:  
<http://moderngov.southkesteven.gov.uk/documents/s30479/Planning%20Service%20Review%20-%20Progress%20Report.pdf>

## 15 Appendices

15.1 Annex 1 – Development Management Protocols (Proposed)

15.2 Annex 2 - Development Management Protocols (Paraphrased protocols)

<b>Report Timeline:</b>	Final Decision date	N/A
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