Planning Services Review

Herefordshire Council

Audit 2008/09

March 2009

audit commission

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- any director/member or officer in their individual capacity; or
- any third party.

Summary report

Introduction

1 The planning system plays an important role in people's lives. Effective land use is vital for the well being of the country. Planning is about delivering what people want: jobs, homes, lively city centres, better transport, and sensitive care for our historic buildings and the countryside.

2 The planning service within local authorities provides the means to resolve the many competing demands for land and development. It protects the environment in towns, cities and the countryside. Planners strike a balance between meeting today's needs and those of future generations.

3 An effective, progressive service will be enable local community, regional and national priorities to be realised, and do so efficiently, and in a manner which enhances public satisfaction and confidence with both the process and the outcome of the planning decisions the Council makes.

4 Through its audit and inspection remit, the Audit Commission supports improvement in councils and provides assurance to the public. Work is programmed annually through an audit and inspection planning process that takes account of what the Council is aiming to achieve, service and corporate performance, and value for money. We agreed with the Council a 2008/09 programme that includes a planning services review, the outcome of which is reported here.

Background

5 The county of Herefordshire has a population of 178,000. Herefordshire Council is the second largest unitary by area and is the most parished unitary in the country with around 1,300 parish councillors, within 238 parishes and on 134 parish councils. The county of Herefordshire has the fourth lowest population density of the 150 'top tier' authorities in England. The Wye Valley is designated an area of outstanding natural beauty. There are 3,460km of public rights of way in the county. Key issues include access to services, high levels of dependency on the car, housing affordability, low income levels, and a lack of local employment opportunities for the highly skilled.

6 The planning service currently determines around 2,500 planning applications per year, and is exceeding government targets for the speed of handling applications, although the Council was briefly designated a planning standards authority in 2006/07 for failing to meet all three BVPI 109 standards.

7 Planning services have not been the subject of an Audit Commission planning inspection in the past. The service itself reports half yearly to the main planning committee using a range of qualitative and quantitative measures. In 2008/09 the service will be reviewed by the Scrutiny Committee, as well as by the Audit Commission.

Contribution of the planning service

8 The Council has recently revised its (2007 to 2010) corporate plan. In addition to the top priorities of children and young people, vulnerable adults and older people and the economy, is the priority to increase the availability of appropriate, decent and affordable housing for the community, particularly for disadvantaged groups and first-time buyers.

9 Planning services aim to provide better services, quality of life and value for money through continuous improvement. In addition the service aims to contribute to corporate priorities by enabling:

- the essential infrastructure for a successful economy;
- sustainable prosperity for all; and
- affordable housing to meet the needs of local people.

10 Emerging national and regional housing priorities are reflected in the Council's core strategy (options stage - May 2008) which outlines the possibility of an increase in the rate of housing completions per year in the long run, with this also contributing to the provision of high levels of affordable housing. The Council supports the proposal for the city of Hereford to be designated as a new growth point.

11 The County's local area agreement The Story of Place 2008 to 2011 has recently been agreed. This includes the following priorities.

- Economic development and enterprise including Increasing the economic potential of the county, with particular regard to higher skilled and better paid jobs.
- Stronger communities, including increasing the availability of appropriate, decent and affordable housing and improving the availability of sustainable services and facilities and access to them.
- The environment, including leading a local contribution to climate change reduction.

Scope and objectives

12 We agreed a number of key questions as the focus of our work following an initial risk assessment and a discussion with officers relating to the work the Council is doing within its own scrutiny of planning services during 2008/09. These key questions are as follows.

- How is learning from appeals outcomes (and other forms of challenge eg ombudsman's findings and internal complaints processes) incorporated into officer and member development, and development of management arrangements?
- Do arrangements ensure that planning decision-making is efficient and effective including transparent and accessible procedures, effective use of call-ins, referrals and delegation?
- How effectively is advice given and received in committee decision making and are the existing safeguards effective?
- How well do councillors balance their different responsibilities (to individual members of the community, to neighbourhoods or settlements, their area committee, and the countywide community?
- Are the arrangements effective for providing members with knowledge and skills development opportunities in relation to planning?

13 A fuller explanation as to how these themes have arisen can be found in the separate project brief, October 2008. The project brief clarifies why the audit work is focused narrowly on learning and development, and on decision making. This review does not look more widely at the positive outcomes the planning service has achieved nor is this an assessment of the general strength of the service.

Audit approach

14 Fieldwork has been undertaken in three phases. Initially we conducted a document review based upon a document request. The second phase involved area planning committee paper reviews and a series of committee observations. In the third phase of our work we conducted a range of on-site interviews with councillors and officers, a file review and further reality checks. Details of all inputs can be found in Appendix 1.

Main conclusions

15 Our work focused on a narrow range of issues which had been previously identified as potential areas of risk for the Council. Our findings have not identified any individual, significant actions that have resulted in the Council acting illegally or that require an urgent review of governance arrangements. However, we found a number of concerns that need addressing as a matter of some urgency to ensure that in the future more serious problems are avoided.

16 Some of these concerns relate to planning decisions being overturned by the Planning Inspectorate or by the courts, particularly where this has resulted in the award of costs or compensation for which there was no budget. Failure to address these concerns will lead to the continuation of a high number of appeals being determined by the Planning Inspectorate with the loss of local sovereignty for decision making. It will also result in a high risk of further financial claims being made against the Council which will impact adversely on the planning service budget and capacity. Finally unless the concerns set out in this report are addressed the reputation of the Council is at risk which will ultimately undermine its ability to deliver its corporate priorities, especially those around regeneration and housing.

17 Existing planning decision-making arrangements at committee are cumbersome. Key characteristics include a system where all councillors play a part in decision making through area committees, a two-tier committee structure, and complex referral and delegation mechanisms. Furthermore, the way councillors participate in planning decision making within these arrangements is having a negative impact on the efficiency and effectiveness of the service.

18 Finally, unless the concerns set out in this report are addressed, the reputation of the Council is at risk, which will ultimately undermine its ability to deliver its corporate priorities, especially those around regeneration and housing.

Learning from challenge

19 The Council is not effectively using the judgements of external bodies, such as the Local Government Ombudsman, the courts, or the Planning Inspectorate to improve the soundness of its planning decision making and its service delivery, and thereby reduce potential risks. The service has overspent by more than £400,000 in legal costs alone in the last four years in defending appeals, yet councillors have so far not accepted the findings of external bodies and initiated appropriate action to resolve or minimise future reoccurrence. This undermines the Council's reputation, jeopardises future delivery of corporate priorities and increases financial risk. The Council is also missing the chance to use existing contact with stakeholders, such as the Agent's Forum, as a means of gaining users' views on service quality. There are no mechanisms in place to seek such feedback which could be used to gain external views about the planning service to improve future delivery.

Main conclusions

Decision-making process

20 The existing decision-making procedures for determining planning applications are complex and unlikely to be readily understood by the public. As a consequence, the perception is that they are not consistent, fair or transparent despite the fact that the procedures are formally set out in the constitution. Planning files and reports to committee provide a clear account of how applications have been handled, but on occasion planning committee members are perceived to be voting and making decisions in the absence of established reasons. The call in and referral processes lack transparency and add delay and uncertainty to the decision-making process. This also leads to a lack of accountability for the final decision. The delegation agreement identifies what decisions are delegated to officers but its wording is confusing and the number of applications referred to committee remains high. This adversely impacts on the capacity of the planning service. It is unclear whether the Council understands both the costs and value added of the present arrangements.

Councillor roles in planning decision making

21 Councillors are not effectively balancing their different responsibilities. Councillors take their local representational role very seriously: they have a deep-seated belief that this is the purpose for which they have been elected. However this local advocacy carries over into planning decision-making which is then unduly influenced by the local perspective. This means decision-making is overly parochial although it does not routinely raise significant probity issues. This bias is amplified by the existing committee and decision-making arrangements and by the way debate is conducted. The impact of continued parochialism will be an inability to deliver fully the Council's countywide strategic planning ambitions, and the investment of officers' and members' energies and resources in heading off appeals and other challenges rather than improving outcomes for the wider community.

Member training and development

22 Training and development activity is adequate, but it has weaknesses which limit its overall effectiveness. The quality of training is generally good and it is well received by those members who attend. However, there is no clear structure to training and development opportunities to ensure learning and experience is consolidated, and training is not mandatory or needs based.

Way forward

23 We have made a set of recommendations which arise from the main conclusions of this review. We have asked councillors and officers to respond to these recommendations by 30 June 2009. We will monitor progress in relation to the appended action plan as part of our ongoing audit.

Key recommendations
R2 Exploit the potential for councillors' and officers' learning from appeals and other significant challenges within a training and development setting. Ensure lessons are drawn from key challenges, and that action is taken to address identified weaknesses.
R5 Review and amend the planning decision-making processes to ensure these are more efficient, fair and transparent and increase accountability for decisions by: • reviewing the operation of the delegation scheme and call in system; • abandoning or amending the area committee referral mechanism to increase committee accountability; and • evaluating the costs and value added by the present two-tier committee arrangements that involve all councillors, compared to other alternative committee structures.
R8 Reinforce through training, committee advice or through changes to the existing committee arrangements the importance of preparedness, impartiality, open-mindedness and policy primacy for members participating in planning decision making.
R9 Ensure greater separation of roles between the local ward councillor and the planning decision maker through a review of current committee membership and application of codes of conduct and good practice.

Detailed report

Introduction

24 The review's main focus is on learning and development, and on decision making in line with the project brief, October 2008. Audit work aims to answer the following four descriptors.

The Council learns from challenge ie:

- officers are effective in raising and developing members' awareness of challenges to the planning process at HCC its outcomes (including judicial review, ombudsman's findings, appeals and complaints); and
- Members are receptive to learning from sources of challenge.

Decision making is transparent and sound ie:

- planning decision-making procedures are clearly laid out and understood by stakeholders;
- the application of procedures is well documented (eg case management, call ins, referrals and delegation);
- planning reasons are provided, evaluated and taken into account as part of decision making; and
- appropriate advice (eg legal, technical, statutory consultation) is sought, given and taken account of, and this is done in a timely manner.

Councillor roles in planning decision making are clear and effective ie:

- committees reflect an acceptable balance of members' different responsibilities;
- time taken in committee dealing with overly parochial thinking is kept to the minimum; and
- exchanges in meetings (between members, the chair, officers, the public) are courteous and businesslike.

Member development is effective ie:

- Member development is well structured and designed to encourage ongoing learning; and
- development opportunities are effective in engaging members.

Learning from challenge

25 The Council is not effectively learning from the judgements of external bodies, such as the Local Government Ombudsman, the courts, or the Planning Inspectorate in order to improve the soundness of its planning decision making, its service delivery, and reduce potential risks. The service has overspent by more than £400,000 in legal costs alone in the last four years in defending appeals, yet councillors have so far not accepted the findings of external bodies and initiated action is taken to resolve or minimise future reoccurrence. This undermines the Council's reputation, jeopardises future delivery of corporate priorities and increases financial risk. The Council is also missing the chance to use existing contact with stakeholders, such as the Agent's Forum, as a means of gaining users' views on service quality. There are no mechanisms in place to seek such feedback which could be used to gain external views about the planning service to improve future delivery.

26 The Council is not maximising routine learning opportunities in order to improve the planning service. Some useful arrangements are already in place such as the agents' forum, and the planning chairman's group. However, the forum is primarily used by the Council to impart information to the agents and not to seek regular, constructive feedback from an important section of users of the planning service. There are no other standing arrangements for gathering feedback from other key stakeholder groups such as regular consultees, parish councils, businesses, committee attendees or applicants. The chairman's group is used with some success to share practice on the way the three area committees are run. It also issues a regular newsletter to planning members but it does no structured evaluation of learning points arising from sources of challenge such as appeals or formal complaints. These weaknesses represent lost opportunities to thoroughly engage and learn from stakeholders in the planning process.

27 Councillors are not receptive to views on planning decision making given by external bodies. The number of complaints to the Local Government Ombudsman about planning, building control and enforcement matters fell in 2007/08 to its lowest level of the past four years. However the Council has a high number of appeals against refusal of planning permission. In the last two years the Council has lost 34 per cent of these appeals which is slightly higher than the national average, and much higher than its two previous years' performance. Arrangements have been recently introduced to provide regular summary feedback on the success rate at defending appeals to the three area committees. However individual appeal outcomes are underutilised, with planning members reluctant to revisit decisions overturned by planning inspectors. Some area committee members view getting on with planning decision making as their main business, and have little interest in learning from upheld, or even dismissed, appeals either within a committee setting or outside of it. Without the willingness to complete the feedback loop between decisions made and the process of decision making, there is a risk of poor decision making being perpetuated.

28 More serious challenges to the planning decision-making process fail to secure Council commitment to learn from the points arising and to take action. The recent judicial review of the Council's decision to allocate a particular site within the UDP did prompt an extraordinary Council meeting, but did not secure either a public inquiry, a scrutiny review, or even a clear set of learning points, recommendations and an action plan. In one case in late 2007, the local government ombudsman awarded costs to the complainant but also recommended that the Council produce 'a good practice guide for members of the planning committee on dealing with all aspects of the decision-making process'. To date no action has been taken to do this, nor are there future plans to do so. In several cases recently costs have been awarded to appellants, likely to amount to more than £30,000. In one case, costs were awarded against the Council due to weaknesses in the decision-making process even though the inspector agreed with the Council's decision. Such cases have not triggered specific learning points to be identified and shared in order to reduce the likelihood of future challenges.

29 There is a lack of openness about the extent of the impact of external challenge on the capacity of the planning service and on the reputation of the Council more widely. A budget of around £10,000 has been agreed each year for the last four years to meet legal and associated costs in defending appeals, yet the actual additional cost, excluding officer time and overheads, for the same period, including the award of costs, amounts to £440,000. This means the planning service budget has absorbed an extra £400,000 of costs arising from planning appeals over this four-year period. Further unquantifiable costs arise from officer time in preparing the Council's position in defending appeals, and depending on the volume of cases and their complexity each year these represent a significant opportunity cost. There is therefore a mismatch between the expectations of those setting budgets and the planning performance of the Council. In the extraordinary Council meeting to discuss the UDP judicial review, the Council's costs were estimated at £15,000 but there was limited recognition of the wider reputational damage to the Council, or the community capital and goodwill expended in pursuing the case. This means it is more difficult for the Council to weigh up the importance of learning and taking action to prevent similar mistakes happening in future.

Recommendations	
R1	Maximise opportunities to engage and learn from existing stakeholders on an ongoing basis as a means of informing service improvements. Consider ways of engaging new stakeholders.
R2	Exploit the potential for councillors' and officers' learning from appeals and other significant challenges within a training and development setting. Ensure lessons are drawn from key challenges, and that action is taken to address identified weaknesses.
R3	Develop a full understanding of the impact of external challenge and decisions on the capacity and reputation of the Council and the importance of responding to such challenges or decisions, and agree resources accordingly.

Decision making – transparent and sound

30 The existing decision-making procedures for determining planning applications are complex and unlikely to be readily understood by the public. As a consequence, the perception is that they are not consistent, fair or transparent despite the fact that the procedures are formally set out in the constitution. Planning files and reports to committee provide a clear account of how applications have been handled, but on occasion planning committee members are perceived to be voting and making decisions in the absence of established reasons. The call in and referral processes lack transparency and add delay and uncertainty to the decision-making process. This also leads to a lack of accountability for the final decision. The delegation agreement identifies what decisions are delegated to officers but its wording is confusing and the number of applications referred to committee remains high. This adversely impacts on the capacity of the planning service. It is unclear whether the Council understands both the costs and value added of the present arrangements.

31 While planning decision-making procedures are formally set out[1], procedures are complex, and run the risk of being poorly understood by the public. The existing two tier system with three area planning committees and an overarching planning committee, and the associated referral process is difficult to understand and results in a lack of ownership of, and responsibility for, the final decision. National studies show that the operation of an area based decision-making structure for development control raises potential concerns[2] around the consistency of decision making; probity; maximising use of resources and improvement in development control performance. To varying degrees all of these concerns are present in the current arrangements and these concerns are set out in this report.

32 There is a perceived lack of clarity around who determines a planning application. The delegation agreement is not written in 'Plain English' and therefore does not help users and local residents understand who is responsible for determining planning applications and other planning matters. Professional agents voice concerns over its clarity and consistency of interpretation. The current delegation agreement includes a long list of what is delegated, whereas good practice guidance issued by then ODPM and Local Government Association (LGA)[3] and other organisations such as the Planning Officers Society (POS)[4] recommends that a 'by exception' approach is adopted. This is where all applications are delegated unless they fall into defined exceptional categories. The benefits of such an approach are that it is simple; understandable by users, applicants, agents, interested parties and officers and has the advantage of being easily adaptable to local conditions.

[1] DC Manual, Herefordshire Council code of conduct for members and officers dealing with planning matters, Council Constitution App18 and App 18(i).
[2] Area based decision making for development control: a review, PAS April 2006.
[3] Delivering Delegation, ODPM and LGA, March 2004.
[4] Excellence checklist for a successful scheme of delegation, Planning Officer Society.

33 Call in procedures to area committee lack transparency. Many elements of the delegation agreement include reference to decisions to call in an application to committee being made in consultation with the Chairman or Vice Chairman of an area planning and Ward councillor sub committee. While there will be occasions where quick action is required, such as the serving of stop notices, such internal consultation procedures need to be clearly documented so that applicants and third parties can see why, or why not, an application has been called in to committee. Such a process is not in place and the present system is perceived, at best, as not being transparent, open and consistent.

34 The number of applications determined under delegated powers is relatively low at 89 per cent whereas the best performers nationally routinely achieve over 95 per cent. The delegation agreement includes a clause requiring any application which has attracted objections on significant material planning considerations to be referred to committee for decision. The term 'significant' is open to interpretation and often, as in this council, leads to the majority of such applications being automatically referred. Any practice to automatically refer applications where there are objections to a committee needs to be continually challenged and it is not evident that this is happening. Again good practice suggests not all applications with objections need to go automatically to committee but it is important that a balance is struck between the need to achieve speedy delivery of decisions, an effective process and the public's desire to see significant applications aired at committee. It is the quality of objections, not the quantity or who makes them that should support a call in to committee. Effective use of delegation powers allows the councillors to focus on key matters that affect the area where their input is important. It also permits officers to focus on pre-application discussions or negotiations to improve the quality of development in the area since any application that is reported to committee requires a significantly greater amount of time spent report writing and presenting at committee. It is not clear if the Council is aware of the costs of the current arrangements and whether they reflect value for money in terms of improving development quality and ensuring development contributes to the delivery of the Council's priorities.

35 Referral up to the overarching planning committee is clearly explained in the constitution, but it is not clearly understood by the public or by some councillors. The senior planning officer at an area committee is required to make the final judgement whether or not a voted on, provisional decision stands or should be referred on up to the overarching planning committee. This referral is made to the Head of Planning Services who then makes the final decision to refer or not. This leads to a small delay, and a greater level of uncertainty for the applicant when it is not known whether the provisional decision stands or not. It also undermines the area committee's accountability for its decisions, as lines become blurred between officers' and members' roles and between the two layers of planning committee.

36 Furthermore, in area committee decision making, chairs do not consistently support a full understanding of decision making for the benefit of the public in attendance. Turn taking is not always observed, with some councillors being allowed two or even three turns before others have spoken. Some chairs and vice chairs insist on a more obvious show of hands in the eventual vote than others. Some reiterate the decision, especially when a contrary or amended motion has been moved and then passed. Others do not. A perceived fair process and clear outcomes are important for the public in attendance, who may be very unfamiliar with committee procedures.

37 There is generally a good formal record of how planning applications have been handled by officers. Case files tell the story effectively of how applications have been validated, and evaluated, with good use of digital photos, and short delegated decision reports. Officer reports to the committees are also clear, covering the relevant local and national policy considerations and with an appropriate summary of objections. This means the public can review files and committee reports and gain an understanding of how their applications have been determined.

38 In the past there has been a limited approach to providing a formal record of discussions between officers, developers and councillors. The Council has a clear policy on how meetings between councillors and developers or applicants should be conducted in its code of conduct on planning matters. The UDP judicial review case highlighted weaknesses in this record of internal and external meetings, but officers have since indicated that procedures have been tightened up.

39 Officers and councillors have a variable track record in providing reasons in support of the arguments put forward to overturn recommendations. Several recent judgements by external bodies, such as planning inspectorate, the Local Government Ombudsman and the judge in the recent judicial review case highlight inadequacies in the evidence base to support of a line of thinking. At a more routine level, legal and planning officers pursue members in committee with mixed success to provide a clear rationale for amendments, and potential overturns of officer recommendations. Appropriate planning reasons are sometimes provided for site visits, call-ins and overturns but not in all cases. A lack of openness and transparency can undermine confidence and lead to unnecessary delay.

40 Members are generally receptive to officers' advice in committee, but on occasion members are perceived to be voting and making decisions in the absence of established reasons. This observation is made by officers, by people who attend committee and by councillors themselves. This is despite planning, technical and legal officers providing a good and consistent level of advice in committee to members. However, there are occasions when area committee members appear:

- to have already made up their minds at the outset and be beyond reason, including when ward members speak at overarching planning committee on applications in their ward referred up from an area committee;
- to apply different tests of materiality depending on portfolio interests;
- to vote according to an affinity with others in the committee;
- to place undue weight on emotional appeals rather than on policy; and
- to have not read the planning reports circulated prior to the meeting.

41 This means there is a risk that some decisions are based on factors other than the planning reasons made transparent to the public.

Recommendations	
R4	Review the planning delegation scheme ensuring it reflects good practice and is written in an accessible form.
R5	Review and amend the planning decision-making processes to ensure these are more efficient, fair and transparent and increase accountability for decisions by: • reviewing the operation of the delegation scheme and call in system; • abandoning or amending the area committee referral mechanism to increase committee accountability; and • evaluating the costs and value added by the present two-tier committee arrangements that involve all councillors, compared to other alternative committee structures.
R6	Clarify minimum expectations about how committee business is to be conducted in area planning committees in order to meet the needs of the public in attendance.
R7	Improve documentation and insist on greater level of precision from councillors in identifying planning reasons for call-ins, site visits, committee amendments and overturns to proposals and make sure this is consistent between committees.
R8	Reinforce through training, committee advice or through changes to the existing committee arrangements the importance of preparedness, impartiality, open-mindedness and policy primacy for members participating in planning decision making.

Councillor roles

42 Councillors are not effectively balancing their different responsibilities. Councillors take their local representational role very seriously: they have a deep-seated belief that this is the purpose for which they have been elected. However this local advocacy carries over into planning decision-making which is then unduly influenced by the local perspective. This means decision-making is overly parochial although it does not routinely raise significant probity issues. This bias is amplified by the existing committee and decision-making arrangements and by the way debate is conducted. The impact of continued parochialism will be an inability to deliver fully the Council's countywide strategic planning ambitions, and the investment of officers' and members' energies and resources in heading off appeals and other challenges rather than improving outcomes for the wider community.

43 Councillors are not effectively balancing their different responsibilities[5]. This is because many members place too much emphasis on the local community in which a planning application falls, and too little on the countywide community. Councillors, officers and agents all identify the over-emphasis of area committee ward members who routinely strongly advocate the prevailing view of the local community. This is often synonymous with the view of the Parish Council for the smaller settlements, and this is then presented as the justification for agreeing or disagreeing with the officer's recommendation. Furthermore there is a perceived culture of reciprocity between area committee members. Since ward members are the first committee members to speak, this then sets the tone for the following debate, with other members often deferring to the ward member view. In this way the local perspective is given undue weight to the extent that it overrides legitimate policy considerations, and in some cases a reasoned argument. There is a significant risk that this orientation towards the parochial will prevent the Council from achieving its policy objectives as set out in its emerging local development framework.

44 Time taken in committee dealing with overly parochial thinking is not being minimised. This is because councillors frankly express the view that they are local advocates first and foremost, and that member involvement in planning decision making is about exploiting policy flexibility, or in extreme situations, overriding policy to delivery the outcomes local people want. This is not limited to a few members on any one area committee but occurs in any area committee and seizes any member on occasion when strong local views surface. This is less likely to happen at the overarching planning committee, where a better balance is struck between local and wider community interest.

[5] Different responsibilities of councillors: for example, within a planning decision-making setting this will include responsibilities to individual members of the community, to neighbourhoods or settlements, to their area committee, and to the countywide community, and outside of the planning decision-making process, to political groups.

Councillor roles

45 Since all councillors are on area committees, there is no clear separation of roles between local ward councillor role, the executive portfolio holder and the area committee decision maker. Councillors have an important role in representing their local community but by having all councillors on planning committees this restricts the way that they can become involved in ward councillor activities, in community leadership or in taking up a campaigning role on planning matters affecting their constituents, or the wider community in the case of executive members. The existing arrangements mean members speak and vote on planning matters even when there is a possibility that the councillor's view will affect a local election outcome. This also means members on occasion 'grandstand', either unnecessarily emphasising points already clearly made, or, raising spurious counter-arguments. This detracts from clear, balanced and effective decision making which must give appropriate weight to planning policy.

46 The quality of area committee debate is generally fair, although it is variable. The overarching planning committee debate is more effective. The quality of debate is due to differences in the member make up and balance within each of the three area committees. Other than the local ward member, executive portfolio members often make a major contribution to debate, although not directly in relation to their portfolio interest. The number of executive members varies in the three area committees. Some applications prompt little or no debate while some members say little until prompted by a specific issue of interest to them. Since there is no system of substitutes, on occasion attendance is relatively low and this can affect the nature of debate. This means there is a risk of inconsistency in the treatment of applications between committees.

47 Committee meetings are usually courteous and business like, and the committee chairs work hard at developing a unique committee culture, and at putting the public at their ease. Interaction between officers and members is usually, although not always, cordial and respectful. Some committee meetings are more effective than others at making the committee process accessible to the lay person. Councillors identified that all committees had settled down after a period of difficulty following the May 2007 elections.

Recommendations	
R9	Ensure greater separation of roles between the local ward councillor and the planning decision maker through a review of current committee membership and application of codes of conduct and good practice.
R10	Continue to build commitment to and ownership of the UDP and the emerging countywide planning policy framework which should form the basis of all planning decisions.
R11	Reinforce the need for all councillors to make a more balanced and consistent contribution to the debate over all planning applications that come to committee.

Member development

48 Training and development activity is adequate, but it has weaknesses which limit its overall effectiveness. The quality of training is generally good and it is well received by those members who attend. However, there is no clear structure to training and development opportunities to ensure learning and experience is consolidated, and training is not mandatory or needs based.

49 Training and development activity is adequate, but it has weaknesses which limit its overall effectiveness. Training activity has ensured many members are able to make an effective contribution to the planning decision-making process much of the time. Initial training was timed to ensure most members were able to sit in a planning capacity following elections in May, 2007. Due to the number of new members in 2007 (40 per cent of all councillors) and the frequency of area meetings, some members were unable to take advantage of even basic training prior to sitting. Training is not mandatory, and neither do members attend according to need. This means some members who could benefit from training do not. This presents a significant risk following election, although this risk has diminished since then, as members develop their effectiveness through hands-on experience.

50 The quality of training is generally good. The Council has organised both in-house and externally run events, and members' evaluation of training indicates a mostly good level of satisfaction, although a significant minority are unsure of the impact of the training in improving future decision making. Attendance is variable, given all members sit in a planning decision-making capacity.

51 There is no clear structure to training and development opportunities to ensure learning and experience is consolidated. For example there is no formal competency framework[6] or appraisal for planning members. Training themes during 2007 focused on decision making and probity, with an emphasis on building commitment to the UDP, while in 2008 training has covered more topical themes such as wind turbines and place shaping. Development needs are identified by the planning chairman's group, by officers and on occasion in committee by councillors during debate on individual applications. This risks undermining public confidence in the decision-making process.

52 The Council does look elsewhere for examples of good practice. Officers and councillors refer to good practice visits focusing on planning committee arrangements, but are unable to identify any learning resulting from these visits. This risks such visits being perceived as a means of validating the Council's arrangements already in place.

[6] Elected members' planning skills framework, Planning Advisory Service, sets out key competence for councillors exercising their planning responsibilities.

Recommendations	
R12	Make induction and regular planning specific training mandatory for all councillors involved in the planning decision-making process.
R13	Set out planning competencies and future training and development opportunities for all councillors involved in the planning decision-making process.
R14	Continue to explore good practice, and share your experiences with other planning authorities.

Appendix 1 – Audit inputs

Stage 1

Committee observations

- 17 September Southern Area Planning Committee
- 1 October Central Area Planning Committee
- 17 December Northern Area Planning Committee
- 21 January Southern Area Planning Committee

Stage 2

Document reviews

- Summaries of valuation of planning training 2007 and 2008
- Scrutiny Review survey feedback of councillors and PC clerks
- DC manual and constitution
- Documents relating to appeals with costs, and LGO outcome (application DCNC 2005/3689/0)
- Judicial Review - claimant Dinedor judgement and four September Council reports on the UDP JR outcome
- DC half yearly reports 2007/08 and 2008/09.

Stage 3

Interviews and focus groups

- Cllr Philips - Leader
- Cllr Jarvis - executive member, portfolio Environment
- Cllr Wilcox - executive member, portfolio Transport and Highways
- Cllr Blackshaw - executive member, portfolio Economic Development
- Cllrs T Hunt, Cutter, and Pemberton - Chairs and Vice Chairs of planning committees
- Cllrs Grumbley, and Seldon - Area Planning Committee Members
- Chris Bull - Chief Executive
- Geoff Hughes - Director of Regeneration
- Alan McLaughlin - Assistant Chief Executive
- Kevin O'Keefe - Legal Practice Manager
- Andrew Ashcroft - Head of Planning services
- Peter Yates - Development Control Manager
- Mark Tansley, Mike Willmott, Simon Withers, Team leaders
- Agents' and Developers' forum

Appendix 2 – Action plan

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
	Learning from challenge					
11	R1 Maximise opportunities to engage and learn from existing stakeholders on an on-going basis as a means of informing service improvements. Consider ways of engaging new stakeholders.	2				
11	R2 Exploit the potential for councillors' and officers' learning from appeals and other significant challenges within a training and development setting. Ensure lessons are drawn from key challenges, and that action is taken to address identified weaknesses.	3				
11	R3 Develop a full understanding of the impact of external challenge and decisions on the capacity and reputation of the Council and the importance of responding to such challenges or decisions, and agree resources accordingly.	2				
Decision making – transparent and sound						
15	R4 Review the planning delegation scheme ensuring it reflects good practice and is written in an accessible form.	2				

Appendix 2 – Action plan

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
15	R5 Review and amend the planning decision-making processes to ensure these are more efficient, fair and transparent and increase accountability for decisions by: • reviewing the operation of the delegation scheme and call in system; • abandoning or amending the area committee referral mechanism to increase committee accountability; and • evaluating the costs and value added by the present two-tier committee arrangements that involve all councillors, compared to alternative committee structures.	3				
15	R6 Clarify minimum expectations about how committee business is to be conducted in area planning committees in order to meet the needs of the public in attendance.	2				
15	R7 Improve documentation of and insist on greater level of precision from councillors in identifying planning reasons for call-ins, site visits, committee amendments and overturns to proposals and make sure this is consistent between committees.	2				
15	R8 Reinforce through training, committee advice or through changes to the existing committee arrangements the importance of preparedness, impartiality, open-mindedness and policy primacy for members participating in planning decision making.	3				

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
Councillor roles						
17	R9 Ensure greater separation of roles between the local ward councillor and the planning decision maker through a review of current committee membership and application of codes of conduct and good practice.	3				
17	R10 Continue to build commitment to and ownership of the UDP and the emerging countywide planning policy framework which should form the basis of all planning decisions.	2				
17	R11 Reinforce the need for all councillors to make a more balanced and consistent contribution to the debate over all planning applications that come to committee.	2				
Member development						
19	R12 Make induction and regular planning specific training mandatory for all councillors involved in the planning decision-making process.	2				
19	R13 Set out planning competencies and future training and development opportunities for all councillors involved in the planning decision-making process.	2				
19	R14 Continue to explore good practice, and share your experiences with other planning authorities.	2				

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For further information on the work of the Commission please contact:

Audit Commission, 1st Floor, Millbank Tower, Millbank, London SW1P 4HQ

Tel: 0844 798 1212 Fax: 0844 798 2945 Textphone (minicom): 0844 798 2946

www.audit-commission.gov.uk