

# **Title of report: General Scrutiny Committee recommendations and the executive responses - update on the planning service**

**Meeting: Connected Communities Scrutiny Committee**

**Meeting date: Friday 18 November 2022**

**Report by: Tracey Coleman, Interim Assistant Director Planning and Regulatory Services**

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards)

## **Purpose**

To provide the response to the Connected Communities Scrutiny Committee, the successor committee to the General Scrutiny Committee (GSC), on the executive response to the recommendations made by the GSC on 21 March 2022. The recommendations made by the committee followed the Planning Advisory Service (PAS) Peer Review on the Planning Service in November/December 2020.

## **Recommendation(s)**

**That:**

- a) The Connected Communities Scrutiny Committee note the executives response to the predecessor GSC recommendations made in March 2022, and**
- b) The committee offer any further constructive challenge, define any further action or recommendations to inform and support the process for the continuing improvements being made to planning services within Herefordshire Council.**

## **Alternative options**

1. There are no alternatives. Scrutiny committees can make reports and recommendations to the executive with respect to the discharge of any functions which are the responsibility of the

executive. The executive are not required to implement the recommendations but do have to consider any recommendations made.

2. The chief executive will notify the relevant scrutiny committee of the response of the executive within two months of receipt of the scrutiny report. If, as in this case, with the cabinet member wishes to extend the deadline a report will be made to the relevant scrutiny committee explaining why this is considered necessary. Decisions of the executive or Council on any scrutiny recommendations will be recorded in the usual way.

## **Key considerations**

3. The PAS Peer Review was carried out in November/December 2020 and a report received in June 2021. The purpose of the Peer Review was “To assess the operation of the Development Management (DM) service encompassing delivery and resourcing, enforcement, Section 106 and how the service has operated remotely during the pandemic.”
4. Following on from the Peer Review there were a number of management changes proposed in regard to improving the council’s planning service. These included the introduction of a number of Interim Directors who are tasked with delivering a transformation review based upon a number of recommendations for change and improvement. The recommendations fell broadly into the following categories to be actioned within the timescales outlined running from the receipt of the report:
  - a. Short Term Priorities to be addressed within 6 months; and
  - b. Medium Term Priorities to be addressed within 12-18 months.
5. In light of the PAS review the GSC invited presentation from the planning service on the ‘Planning Services Improvement Plan’. Following the representations made by the Cabinet Member and the then Interim Assistant Director – the GSC made an additional 19 recommendations for the Executive to consider and respond to. Those recommendations and the detailed responses are set out in Appendix A.
6. This report also seeks to provide an update on progress made, since March 2022, by the service in connection to their improvement journey. An explanatory note is set out in Appendix B.

## **Community impact**

7. The Planning Service should have a positive and beneficial impact on the community through the promotion of sustainable development. Development that enhances and protects the environment, mitigates the impacts of climate change and increases in the local population. The planning service looks to serve the needs of the community in providing the right development in the right locations accompanied by appropriate planning gains. By working toward implementing the recommendations of the Planning Advisory Service Peer Review the Planning Service is better placed to meet the needs of the community it serves.
8. The Local Plan will look to influence and help provide the best possible environment for the care and safeguarding of children who are looked after by the Council and the needs of all children will form a major consideration in determining how the County develops in a sustainable way to ensure that the environment within which we live, work and play is passed onto the next generation in the best state possible.
9. In accordance with the principles of the code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.

## **Environmental impact**

10. The Planning Service seeks to meet the Council's stated environmental objectives and the Local Plan is one of the few statutory frameworks that will help the Council meet its net zero ambitions. In particular the Local Plan will seek to:
  - a) Increase flood resilience and reduce levels of phosphate pollution in the county's river
  - b) Reduce the council's carbon emissions
  - c) Work in partnership with others to reduce county carbon emissions
  - d) Improve the air quality within Herefordshire
  - e) Improve residents' access to green space in Herefordshire
  - f) Improve energy efficiency of homes and build standards for new housing
  - g) Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport
11. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.

## **Equality duty**

12. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
13. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty. However, wherever required and appropriate, our providers will be made aware of their contractual requirements in regards to equality legislation.

## **Resource implications**

14. There are no direct resource implications from this decision. Current and future resource implications are under consideration by the executive and planning service leads.

## **Legal implications**

15. There are no direct implications from the report as the primary decision-makers are the Executive.

## **Risk management**

16. There are no direct risks associated with this decision. The most substantial risks have been considered and assessed as part of the response to the PAS review and improvement journey. Risks will continue to be monitored.

## Consultees

17. None

## Appendices

- Appendix A - The Executive response to the General Scrutiny Committee recommendations
- Appendix B - Scrutiny Briefing Note
- Appendix C - Minutes from the General Scrutiny Committee, 21 March 2022

## Background papers

- [The Planning Advisory Service Review \(November/December – 2020\)](#)

## Glossary of terms, abbreviations and acronyms used in this report

1. **The Planning Advisory Service (PAS)** provides consultancy and peer support, learning events and online resources to help local authorities understand and respond to planning reform. PAS is a Local Government Group programme and is directly funded by the Ministry for Housing Communities and Local Government. It helps local authorities to deliver:
  - strong and strategic planning for neighbourhoods and local areas
  - effective development management and good decision making
  - accountable and value for money planning services
2. **Section 106 (S106) Agreements** are legal agreements between Local Authorities and developers; these are linked to planning permissions and can also be known as planning obligations.