



Planning Committee Peer Review

**South Cambridgeshire District Council**

**August 20 & 25, September 15 & 16, 2020**

## Executive Summary

1.1 This report summarises the findings of a planning committee peer challenge review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Council's Planning Committee with particular regard to the Council's Scheme of Delegation.

1.2 South Cambridgeshire District Council and Cambridge City Council operate an integrated shared planning service across the two authorities (the Greater Cambridge Shared Planning Service -GCSPS) The peer team are also reviewing the quality of Cambridge City's Planning Committee which will include some short references to the Joint Development Control Committee which is the responsibility of both councils.

1.3 Due to the ongoing limitations to normal working practices and the need for social distancing as a result of the continuing Covid 19 world pandemic, the Council agreed with the peer team that the review would be undertaken virtually. Therefore, our report and findings reflect a set of specific circumstances that have prevailed since the coronavirus crisis and the report should be viewed within this context. The peer review was also undertaken around the time of the release of the Government's White Paper 'Planning For The Future' in August 2020 with the consultation not closing until after the completion of this work. The peer team have not therefore considered the potential implications of the proposals in the White Paper on the operation of Planning Committees.

1.4 We clearly recognise the existing and on-going impacts that the Council and planning service has had to manage since March 2020 as a result of the Covid 19 pandemic. This has affected all the work of the planning service, including the requirement to carry out planning committee meetings online to comply with Government guidance and regulations in relation to public meetings in indoor spaces.

1.5 Other important context for our review is that the GCSPS continues to overcome issues of the coming together of the staff into a shared service from Cambridge City and South Cambridgeshire Councils. While the Planning Services merged in 2016 the process of forming the shared service has required substantial organisation, staffing and process changes – including the roll out and delivery of a service wide re-structure and a new ICT solution. This continues to provide challenges for the management team and staff in addition to managing the service through the changes prompted by Covid 19. At the same time the Greater Cambridge economic area remains remarkably buoyant even through the pandemic, with continued pressure with respect to major applications involved in the development of the large-scale urban extensions and high levels of planning activity and significant focus on planning and development related matters within the sub-region Added to this are the national shortages in the planning profession which are more acutely felt in high growth areas such as Cambridgeshire and which have impacted the service's ability to recruit in response to high levels of activity. .

1.6 There are some 100 parished areas who take their statutory consultee role very seriously and who want to play a significant role in planning decision making in the District. Members also have a clear commitment to community engagement and this plays into the operation of the Planning Committee. All of these factors create high expectations and heightened demand on an already stretched planning service.

1.7 The Council responded quickly to the Covid 19 pandemic in moving its Planning Committee onto an online platform backed by appropriate guidance and information. We found accessing the Committee relatively easy both in its live form and via web casting.

The Council has maintained a good focus on public engagement, especially through maintaining the capacity for public and parish councils to speak at Committee. We provide some recommendations for building on the existing online platform to help improve the customer experience.

1.8 We found that members of the Planning Committee have a clear understanding of their roles, a good grasp of the plan led system and local plan policies and good accountability for their decisions. When measured by the main quality indicator of appeals lost the Council performs well, while the speed of deciding applications is improving. The Planning Committee have also shown the clear ability to take hard decisions on major urban extensions and commercial development in the face of widespread opposition.

1.9 However, members and officers are not always working collaboratively leading up to, or at, Committee to harness the potential of their different but complementary roles. A lack of trust and confidence is having a debilitating impact on the efficiency and public image of the Planning Committee. This and a number of third-party legal challenges has caused members to doubt the judgement of officers in some cases and has resulted in the operation of a set of almost defensive behaviours. While any significant and lasting change will take time and commitment, we provide some initial suggestions for the first steps of this journey to build stronger collaborative working such as improved communications, greater officer awareness of the political dimension and stronger briefings.

1.10 Opportunities exist to significantly improve the quality and efficiency of the Planning Committee. We provide suggestions to support the Chair in terms of the length of officer reports, officer support to members and the process of decision making in terms of points of clarification and debate. We also recommend learning from best practice in other Council areas.

1.11 Parishes play an important role in the community and political life of this largely rural district. A significant body of parish councils feel ignored by the planning system since allowed appeals have seen significant changes in the character of villages such as Cottenham, Linton and Caldecote. Parishes want to see stronger and more effective communication from planning officers and greater public engagement in planning decision making through increasing the number of decisions taken by Planning Committee.

1.12 The Council has recently adjusted its officer delegations and raised the level at which delegated decisions are signed off to a more senior level of Principal Officer or above. This seeks to improve consistency and provide strengthened oversight. The Council has also reviewed its Constitution and approach to deciding formal requests for applications to be heard by Committee (Chair's Delegation process) and now provides much clearer feedback to local members and parish councils on the reasons for any refusal of such requests. Some parish councils recognise the introduction of better feedback processes.

1.13 We found however, strongly contrasting views between senior managers, the Chair and Vice Chair, members of the Planning Committee and parish councils in relation to the types and numbers of planning applications that should go in front of Planning Committee. We do not agree with the view shared by some interviewees that delegated decisions are inherently undemocratic. We recognise however, that the numbers of applications going in front of Committee are low compared against other councils. But this, as we describe in our detailed report, is a matter for local determination. It may be sensible to see how the new arrangements for district councillor and parish call beds in before taking any further decisions on this. In any event, any significant changes are best dealt with through a broad consensus between the parties and senior managers at the Council.

## **1.0 Recommendations**

**R1** Adopt a set of clear and realistic expectations and improve cultural behaviours between Planning Committee members, district councillors and officers that seek to build trust and confidence. The LGA/PAS can give support on a collective agreement of how the behaviours will translate into actions. This is likely to involve a series of small but important steps in consistently doing the basics well in terms of more effective communication between officers and members, stronger briefings and timely and appropriate intervention from planning and legal officers at Committee in support of efficient and sound decision making.

**R2** Continue to keep under review the Scheme of Delegation so that the Planning Committee focuses on deciding the most important planning applications for the district and thereby making optimum use of the skills and experience of Planning Committee members. We suggest that a formal review is undertaken no later than a year from the date of this report. Focus on implementing the new 'Call In' arrangements under the Scheme of Delegation with an emphasis on ensuring district councillors and parish councillors are clear and informed of the outcome of the 'Call In' Delegation Meetings.

**R3** Ensure Planning Committee receives regular updates on the Council's five year housing land supply and housing delivery test position to ensure members are aware of this important contextual information. Appeal decisions also need to be brought to the attention of Planning Committee members more frequently.

**R4** Re-establish the Chair's briefing with planning managers to support improved communication between members and officers and explore ways to establish opportunities for informal (non-decision making) pre planning briefings for members of the planning committee, district councillors and parish councillors.

**R5** Co-design with members a more targeted and structured planning training programme with expert led input with a good focus where relevant on joint training with officers to help engender collaborative working. Where possible include training for parish councillors especially in relation to upskilling in the areas of relevant and material planning objections.

**R6** Ensure that the efficiency of Planning Committee is maximised through a review of best practice and learning from experience of other Planning Committees. Examine the measures suggested in the detail of our report including reducing the level of deferrals, aiming to shorten the length of meetings, review officer reports based on best practice from elsewhere and ensure that these are quality assured.

**R7** Improve the customer experience of the online Planning Committee by reviewing opportunities listed in our detailed report to enable members of the public to better understand and follow the decision making process.

**R8** Examine the possibility of creating a joint member/officer Planning Improvement Group on a 'task and finish' model to take the improvement recommendations contained in this report forward alongside other necessary development areas. This will support collaborative working and help build joint accountability.

**R9** Review opportunities for managing external influences and challenge ensuring working corporately with in particular the Head of Legal Services, Joint Director, Chief Executive and Portfolio Holder and the strategic communications team.

### 3.0 Background and Scope of the Peer Challenge

3.1 This report summarises the findings of a planning improvement peer challenge, organised by the Local Government Association (LGA) in cooperation with the Planning Advisory Service (PAS) and carried out by its trained peers. Peer challenges are managed and delivered by the sector for the sector. They are improvement orientated and are tailored to meet the individual council's needs. Designed to complement and add value to a council's performance and improvement they help planning services review what they are trying to achieve; how they are going about it; what they are achieving; and what they need to improve.

3.2 The aim of the peer challenge was to review the procedures, practices and conduct of South Cambridgeshire District Council's Planning Committee, with a specific emphasis on the Scheme of Delegation and including comparisons to other councils and best practice. As part of the LGA's work for the Greater Cambridge Shared Planning Service the peer team also reviewed the Planning Committees at Cambridge City and the Joint Development Management Committee (a Planning Committee that deals with major often cross boundary developments) sat on by councillors from both authorities.

3.3 Our review took the form of an analysis of the Council's background and context statement in relation to the Shared Planning Service, review of some supporting documents and structured interviews with political leaders, planning committee members, senior managers and parish councils. Due to the continuing impacts as a result of Covid 19, interviews were conducted online.

3.4 Peers were:

- Bryony Rudkin, Labour Group peer, Deputy Leader Ipswich Borough Council;
- Adele Morris, Liberal Democrat peer, Vice Chair, Planning Sub Committee, Southwark Council;
- Nicola Sworowski, Principal Consultant, Local Government Association/Planning Advisory Service;
- Rachael Ferry-Jones, Principal Consultant, Local Government Association/Planning Advisory Service;
- Robert Hathaway - Peer Challenge Manager, LGA associate.

3.5 Where possible, PAS and the LGA support councils with the implementation of the recommendations as part of the council's improvement programme. A range of support is available from the LGA at <http://www.local.gov.uk>. It is recommended that South Cambridgeshire discuss ongoing PAS support with Rachael Ferry Jones, Principal Consultant, [rachael.ferry-jones@local.gov.uk](mailto:rachael.ferry-jones@local.gov.uk) and any corporate support with Rachel Litherland, Principal Adviser, [rachel.litherland@local.gov.uk](mailto:rachel.litherland@local.gov.uk)

3.6 As part of the peer challenge impact assessment and evaluation, PAS and the LGA will contact the council in in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.

3.7 The team would like to thank officers and members at South Cambridgeshire District Council and everybody they met during the process for their time and contribution.

## **4.0 Detailed Feedback**

### **4.1 Purpose and Structure of the Committee**

4.1.1 It is to the Council's credit that it moved quickly to react to the Covid 19 pandemic and adopt new guidance, protocols and procedures to enable the Planning Committee to meet virtually through online technology. This involved good collaborative work between officers in democratic and planning services and Committee members. While this has meant officers, members and stakeholders having to learn new skills to participate, the online Committee was up and running quickly. To the extent that the Planning Committee only missed a meeting in April this responsive approach has enabled applications coming before the Committee to be heard. Given that most councils have taken far longer to get to the same position, the Council's speed of approach is to be commended

4.1.2 The size of the Planning Committee at 11, out of 45 district councillors, appears to strike the right balance in allowing for members who can bring a range of skills and experience in a politically balanced setting while at the same time not over burdening the process with high numbers. Training of members before they are allowed to sit on Planning Committee is obligatory but we see opportunities to strengthen this.

4.1.3 Planning Committee members recognised opportunities for more effective and bespoke training. A new Member Development Programme is planned for the remainder of the year and the Council should examine opportunities to develop a bespoke programme for Planning Committee members and, where relevant, joint training with officers. Examples include learning and development that helps promote a better understanding of the challenges of their respective roles, report writing for impact, making defensible decisions and more detailed areas such as viability, planning obligations and design. An important aspect to consider are members and officers learning styles and also, during Covid 19, the best ways to deliver successful programmes. Some creativity of approach like bite size training and development might be required here.

4.1.4 The Council performs well in terms of the overall quality of planning decision making in terms of appeals allowed by the Planning Inspectorate, as measured by the Government's indicator. Based on the last full two years recorded figures (March 2017 – March 2019) the Council has only lost 1.9 per cent of major appeals (based on the percentage of appeals upheld against the number of major planning applications decided). Given the Government threshold is 10 per cent the Council lies well below that target figure.

4.1.5 Based on watching three separate Planning Committees between July and September 2020 and interviews with senior managers, councillors and members of the Planning Committee we found good emphasis in decision making on planning policies. The questions and debate at Planning Committee was characterised by a good grasp of local plan policies and with recognition of the need that planning decisions had to be taken in accordance with the development plan unless material considerations indicated otherwise.

4.1.6 Most Planning Committee members understand their quasi-judicial decision-making roles while sitting on Committee, as opposed to their representative ward councillor roles, although we did witness the Chair having to remind at least one member of the separation

of these roles. Members were aware of the need to come to the Planning Committee with an open mind and not to be pre-determined. In instances where it was clear that members could not do this – we were told that members withdraw from Committee and voting and speak as ward councillors.

4.1.7 One of the main concerns expressed by both senior managers, some councillors and most members of the Planning Committee is that there has been a breakdown in trust and confidence between members and officers. This it is agreed, is having a negative impact on collaboration and is not optimising the different skill sets and roles that officers and members have in the decision-making role. One leading councillor referred to the situation as a feeling of two teams - 'them and us'.

4.1.8 The apparent reasons for this lack of trust and confidence are numerous and some are picked up in more detail throughout our report. They include however elements of a lack of respect and understanding for the different but complementary roles of members and officers in the planning decision making process; a feeling by some Committee members, and certainly the majority of parish councillors, that officers want to keep planning decision making away from them via delegated decisions; embarrassing mistakes at Committee through some poorly drafted officer reports; members oftentimes reluctance to decide an application and instead delay and defer; and lack of collaborative working between the Chair and supporting officers and the remainder of the Committee.

4.1.9 An example where members and officers see issues quite differently at Committee is in certain situations where members want to refuse an application against an officer recommendation. Members recognise that they can sometimes find it difficult to articulate cogent reasons for refusals and they want more proactive, timely and well-prepared officer support to prepare high quality defensible reasons of refusal. Officers however consider that members reasons for refusal are not often well founded on material planning reasons and that they struggle to articulate reasons to demonstrate this.

4.1.10 It is however the responsibility of officers to support members in such a situation and to display political emotional intelligence. If the Chair, supported by the legal and planning managers, sees that members of the Planning Committee are struggling to clearly articulate clear reasons for refusal it may be necessary for the Chair to adjourn the meeting and to explain clearly to the meeting and members of the public what is happening. Working with the Chair, officers could possibly seek to be more proactive in such situations and be better briefed in advance of Committee to enable their political antennae to be more finely tuned. We discuss the need for stronger officer/members briefings in the next section of our report.

4.1.11 There are two external factors that have not helped the trust issue. The first is that members of Planning Committee feel very strongly that the National Planning Policy Framework's policy presumption in favour of sustainable development, where the Council cannot evidence a five-year housing land supply, has led to poor appeal decisions. These they feel have imposed profound long-lasting environmental damage on many of the district's smaller towns and villages against their democratic wishes. Many such developments in villages such as Cottenham, Linton and Caldecote were won on appeal in line with Government policy and against the general thrust of the local plan.

4.1.12 Parish councillors we spoke to were particularly incensed about what they saw as an external imposition on local decision making. It was clear to us that despite these decisions being in line with national policy, this has had an adverse impact on the trust and confidence of some district and the majority of parish councillors we spoke to in the planning system. Unfortunately, this disappointment has been unfairly reflected onto local

planning officers accentuating the degree of mistrust between officers and elected district and parish representatives. Although these were not decisions made locally, now that the reserved matters or discharge of condition details are coming through, the parishes want to use this opportunity to have a second bite at the cherry on refusing them and are frustrated when this doesn't happen.

4.1.13 Given the importance of the five year housing land supply figures in the planning decision making process it is vital that Committee members receive updates on this in their reports. This performance information along with metrics on the Housing Delivery Test is reported to other Scrutiny and Cabinet meetings and regular updates would be very useful context for the Committee.

4.1.14 The second is that the planning system in the Greater Cambridge area is subject to significant scrutiny and almost forensic analysis by members of the public, interest groups and lawyers. Planning reports and consultation responses are often challenged in minute detail in an effort to get applications refused at Committee. We were told that the officer time absorbed in handling such third party interventions is significant. It will be for the Council to review how it manages external challenge and ensure it is not open to excessive challenge. It is the peer team's view that managing the current adverse impact of external influences is a corporate rather than simply a planning service issue.

4.1.15 Some district councillors and the majority of parish councillors we spoke to felt that communications with individual case officers was often poor with a lack of e mail response and a lack on proactive engagement on planning issues. Some councillors considered that case officers lacked confidence to engage on the very contentious planning issues in certain areas. It was also not clear to us whether there was always effective communication between district councillors and their parish counterparts.

4.1.16 There appears to be confusion over the main forum for discussions between planning officers and clusters of parishes which at one time was a good mechanism for an exchange of views and reviews of current practice. Parishes are unclear whether these are continuing and they saw these meetings as good opportunities for both sides to understand contentious issues. We understand that the planning service is modelled on three area teams with the area team leader responsible for relationship management issues and this may be the level for improved communications with parishes on an umbrella level with agreement reached at what is realistic to expect for communication at a case officer level given the huge demands on officer time. Again, we consider that establishing clear, realistic and achievable expectations is vital.

4.1.17 In watching a number of Committees and from our interviews it is clear that issues of deferment are not uncommon. During the four committees in July, August and September 2020 over one in five items (21 per cent) of the 19 applications due to be considered were deferred. This adversely impacts on efficiency and can frustrate applicants/objectors and internal stakeholders and delay development. Indeed, while the Council's speed of determining planning applications is improving across 'major', 'minor' and 'other' planning applications, there remains room for improvement and focusing on reducing deferrals can be part of this drive. There were also deferrals for site visits, which ideally should have taken place before the Committee meeting.

4.1.18 Reasons for deferment include member's request for more information that could possibly have been requested beforehand, members wanting to go against expert statutory consultee advice and mistakes in officer reports. While obviously deferrals are sometimes the right thing to do, one would expect such occurrences to be rare and entirely



justified. Officers and members need to improve collaborative constructive working practices to reduce high levels of deferment in the interests of improved efficiency.

## **4.2. The format and processes**

4.2.1 The Council's Planning Committee has demonstrated a clear ability to take difficult decisions on significantly large and contentious major applications in the face of widespread public opposition and concerns from district and parish councillors. Examples include strategic urban housing extensions such as the 6500 houses at Waterbeach, the commercial expansion at Welcome Trust and new corporate premises for Huawei Technologies Co., Ltd. Given the strategic importance of growth to the economic buoyancy of the area and to national prosperity the ability of the Council's officers and committee members to work collaboratively alongside applicants, advisers and stakeholders is commendable. Indeed, it was encouraging to hear that in general terms the Planning Committee was not considered 'anti development' which given the already large amount of new housing and other development provision in the district was encouraging.

4.2.2 We were told that a key ingredient of success in many of these complex and contentious large applications was a strong focus on early engagement with the public, councillors and local stakeholders through early briefings, public exhibitions involving where necessary technical expertise in areas such as landscaping, drainage and highways. On Waterbeach for example there were six months of briefings, site visits and exhibitions in a variety of non-Committee decision making settings.

4.2.3 While large scale and significant major applications on allocated sites benefit from comprehensive cross party and public briefings there appears to be no clear and strong briefing processes for the majority of applications that come before Committee. Indeed, unusually in the peer team's experience, there is no Chair's briefing and no consistent opportunity for party group leaders to be briefed by officers or the Chair/Vice Chair in the run up to Committee. The Council should reconsider this approach as introducing more formal regular briefings has the potential to significantly improve the exchange of information in the run up to Committee and improve dialogue and collaboration between officers and members. It would also provide officers with a stronger steer of any member's concerns/questions in advance of the Committee thereby allowing more time in advance to support member's efficient decision making at the Committee itself.

4.2.3 It is clear that some of the Planning Committees last a very long time with the two Committees in July 2020 lasting over 7 hours and the September 2020 Committee over 6 hours. At least some district councillors and officers consider that taking decisions after such long periods of concentration can be difficult. We see opportunities to improve the efficiency of decision making at Committee which will also make the process easier for planning customers, advisers and objectors and stakeholders.

4.2.4 Ways to achieve a tighter, more focused format which has clear potential to improve collaborative working between officers and members could include:

- working to suggested timetables of items and greater willingness to pause and take stock of where longer debates are heading and agreement via the Chair on next steps enabling a clearer route map for the Chair, Committee and the watching public;
- tightening the procedures around points of clarification and even questioning whether this part of the process is ultimately that beneficial in arriving at the eventual planning decision;

- efficient management of the meeting which strikes the right balance between engagement and focused not repetitious debate;
- ensure short and focused officer presentations focusing on the key issues that members need to consider in the planning balance;
- meetings characterised by mutual trust and respect for the differing roles of officers and members and members asking relevant questions before hand in the run up to Committee;
- ensuring that the timing and content of legal advice balances the need between ensuring sound decision making and avoiding bringing in extraneous issues that sometimes alter the direction and thrust of the debate;
- ensuring that the debate has a clear purpose and that the process for motions to be proposed is understood by all;
- appropriate training/mentoring for the Chair to consistently maintaining a clear focus on the direction and efficiency of the meeting with appropriate support from the Vice Chair and supporting officers given the added complication of online working with the chat room function; and
- not allowing third parties acting as public speakers to dominate or set the direction for the Committee but the Chair with good support from the legal and planning officers commanding the respect of Committee members.

4.2.5 Clearly the above suggestions are not simply matters for the Chair to get right and it would make sense for there to be cross party collaboration on working on ways to help support efficient decision making. Of course, the controlling administration will want to ensure that the Chair, Vice Chair and planning lead member work together productively to think how members and officers can be supported and processes can be streamlined to drive change. Opportunities for mentoring, training and development and viewing perhaps how other Committees operate are all ways for the Committee to effect change.

4.2.6 Officer reports to Committee are very long; to the extent that they can be off putting for members to get to grips with the salient issues for consideration due to the density of information, especially the listing in full of statutory comments. Officers consider that such detailed reports are necessary to avoid challenge by litigious third parties and what they regard as often almost relentless scrutiny from an ever-demanding public. Officers also believe that members want this level of detail. It was also clear to us that officer's mind sets are often in 'defensive mode' when preparing reports. This is an unhelpful state of affairs and increases officer time in writing such reports with members expected to trawl through some very long reports before Committee. In relation to this issue the peer team is mindful of an important court judgement that may help the Council reflect on the issue of report length, namely;

*'part of the expert function in reporting to the committee must be to make an assessment of how much information needs to be included in the report in order to avoid burdening a busy committee with excessive and unnecessary detail' (R v Mendip DC ex parte Fabre 2000).*

4.2.7 Officer reports are also not properly quality assured by managers before the Committee reports are issued and this has led to a large number of mistakes, member frustration and in some cases deferment of the item at Committee with at least one decision having to be re-run. Managers recognise this problem which is due to a number of factors including considerable competing priorities and time pressures, many of which have resulted from additional burdens imposed by Covid 19, a variety of ICT challenges

and a large influx of new staff. This however is a fundamental management issue and must be urgently resolved in discussion with senior managers in the Directorate.

4.2.8 We would recommend therefore that officers and the Chair and Vice Chair look at good practice elsewhere (see support section at the end of this report) and come up with a suitable template for use. One suggestion that has broader application than just report templates is the setting up of a Planning Improvement Group of members and officers to consider what changes could be made together – possibly in the form of a task and finish group

4.2.9 A similar lack of capacity at an administrative support level has also led to missing consultee letters or oversights in terms of public speaking. We recognise the complicated issues of the services coming together especially with the change in operating IT platforms, the recruitment issues and the additional strains caused by Covid 19. However, all these issues have added to the frustration of members with the Planning Service and a period of consolidation and ‘back to doing the basics right’ is required.

4.2.10 Some parish councils consider that the IDOX software function has enabled better understanding of and communication with the Council and this can help their comments on planning applications. At least one parish mentioned the potential value of having a checklist to use to help them understand application detail and comment on applications. However, some still find it hard to navigate the digital system. This includes accessing historic records and plans that may have been archived as well as finding their own comments published on the portal.

4.2.11 Many parish councils, and especially the smaller ones, considered that the loss of being sent paper-based plans had made consultation more difficult for them. In the peer team’s experience, most councils have withdrawn this facility and moved to paperless working to reduce printing and postage costs and be more sustainable.

### **4.3 Scheme of Delegation**

4.3.1 The Council has this year amended its Constitution and Chair’s delegation process following a legal challenge to the way decisions on whether requests from local members or parish councils should be called in. Previously the Chair of Planning Committee in consultation with the Delivery Managers took the decision whereas this has now been changed to the Joint Director of Planning and Economic Development (who has also in turn delegated this function to Delivery Managers) taking the decision in consultation with the Chair of Planning.

4.3.2 The peer team consider that the revised approach to the Council’s decisions on whether to accept ‘call in’ requests is a much more transparent model. The new Delegated Decision-Making Meeting considers ‘call in’ requests from ward members and parish councils against criteria namely;

- issue of significant planning concerns;
- adherence to planning policies;
- nature and scale; and
- planning History.

4.3.3 The decision of the Joint Director/Delivery Manager in consultation with the Chair of the Planning Committee is then communicated in writing to the ward member or parish council requesting the ‘call in’ and gives clear grounds for making that decision. This provides for a much clearer audit trail and the few parishes who had requested ‘call in’ and

had such a response appeared to find the revised process clearer and more transparent. Not all parishes or Planning Committee members seemed fully briefed on this new procedure so this might be an area for stronger communication.

4.3.4 The Council also took the opportunity when updating officer delegations to reduce the level of delegation to planning officers. Until the creation of the Shared planning service and joint service and implementation of joint development teams in March 2020, staff below principal officer level were signing off their own discharge of condition applications and senior planners were signing off planning applications. The planning service had identified this as a problem partly as a result of high turnover of staff historically including agency staff resulting in a lack of consistency of decision making. This has resulted in delegated decisions being taken at principal officer level or higher to help ensure that officers have the relevant experience and expertise and can take account of political and strategic issues.

4.3.5 Despite these changes we were told of significant concerns by some Planning Committee members, the majority of parish councils and some members of the public in relation to the operation of the Council's Scheme of Delegation. Our interviews revealed strongly contrasting views on the numbers of items going to Committee. The majority of Planning Committee members were comfortable with the number, a minority felt there were far too few and officers considered that they were adopting a cautious approach and referring more items to the Committee. The main concerns expressed were that too few applications were decided by the Planning Committee; especially in situations where parish councils and sometimes district councillors had requested that the planning application be 'called in' for a committee decision. Anecdotally, a number of parish councils told us that only around 5 per cent of requested 'call ins' were granted. The Council may want to look further into this.

4.3.6 Concerns about the Scheme of Delegation often stemmed from a view that a delegated decision was an 'undemocratic' decision and that there was, to quote one interviewee, a clear risk that the officer would be 'judge, jury and executioner'. Other people we spoke to were perhaps more balanced, considering that members will often weigh planning policies and material considerations differently to officers. Therefore, they felt that more applications should come before Committee to provide what was often referred to as a better understanding of 'local issues' involved in the decision making.

4.3.7 We consider that the parish council views on delegated decisions being somehow 'undemocratic' to be misplaced, even if genuinely held. An appropriately made delegated decision is as much a democratic decision as a Committee decision given that its authorisation is established through appropriate channels and has to be taken in accord with the development plan and supporting guidance. Given that in most councils delegation rates are around 90-95 per cent it can be seen that if substantially more decisions were taken by Committee in its current performance, the decision making system in South Cambridgeshire would be adversely impacted.

4.3.8 In general terms Planning Committee should be reserved for the largest and most contentious type of applications and not because local representatives feel that they cannot trust officers or they have more expert knowledge than statutory consultees. In this latter regard it is important for district councillors, parish councils and third parties to be aware that in planning decision making it is an established principle that *'weight is a matter for the decision maker, but in expert areas (for example habitats, flooding, highways, heritage) there are bodies whose views should be afforded considerable weight*

*in the absence of cogent reason to the contrary*'. (*Wealden v Secretary of State for Communities and Local Government 2017 EWHC 351*).

4.3.9 The Planning Committee decides a very low proportion of the total number of planning applications it receives. In 2019 the Planning Committee decided 31 decisions which amounts to 0.8 per cent of its decisions with 99.2 per cent being delegated officer decisions. Up to the end of September 2020, out of 2543 decisions, South Cambridgeshire's Planning Committee has decided 1.2 per cent of planning applications with 98.8 per cent of decisions delegated.

4.3.10 Further analysis of the types of applications that are decided by the Planning Committee shows that in 2019, 15 major decisions were decided by Committee amounting to 48.4 per cent of all Committee decisions. For minor applications the figures were 10 and 32.2 per cent.

4.3.11 While the numbers of applications being reported to Planning Committee are comparatively low, we have already commented on the length of existing Planning Committees even with these reasonably low numbers. Clearly the metrics shown above may help the Council to either confirm its current approach or reconsider its approach to the scale of matters coming in front of Committee. Without seen to be ducking the issue this is a matter that requires local determination and agreement. Indeed, the Council may want to see how the new arrangements for managing 'call in' requests operate once this new system beds in further.

## **4.4 Customer Experience**

4.4.1 We mentioned earlier in our report that the Council had been quick to move onto an online platform and the peer team found comprehensive guidance for members of the public on how the Committee is run and how to take part. Helpfully the Council provided separate wide-ranging guidance for public on accessing the virtual Planning Committee and advice on how to participate if required. We found accessing the live on-line meeting and accessing previous webcasts of the Committee relatively easy.

4.4.2 Having viewed a number of the virtual Planning Committees we consider that there are clearly many positives to reflect on and some opportunities for change to improve the customer experience. Clearly as with previous comments, these are made at a time when Planning Committee is meeting online and so the experience for customers will be different to the previously normal operation of the face to face Committee.

4.4.3 Strengths include;

- comprehensive written guidance on Committee procedures with phone numbers/e mails for additional assistance;
- Chair's opening overview, that welcomed observers and introduced supporting officers; re-emphasised the written guidance on procedures and amplified the importance of matters such as taking decisions based on appropriate planning grounds; provided advice on what to do if technology failed and other general matters;
- Chair's thorough knowledge of the planning system and openness to allowing extensive engagement and debate from all members on the Committee;
- quality of supporting plans and images in the officer presentations that we were told are much clearer online than they would be in the room where the Committee is normally held;

- continued opportunities for public speaking which some councils have stepped back from on virtual platforms allowing written statements only; and
- general ease of access allowing planning customers, objectors and third parties to access public decision making from their own home or other locations and not having the inconvenience of travelling to Cambourne Business Park.

4.4.4 Some officers and members we spoke to also commented that they felt that the virtual Committee experience also avoided the appearance of party-political issues influencing the debate given that members were not seated together in their groups as they would be at a face to face Committee.

4.4.5 However, we were told of and saw for ourselves opportunities to improve the customer experience during virtual Committees and would suggest that the Council look at issues including:

- avoiding use of the 'chat' facility to promote alternative meeting type scenarios which are then played into the online discussion leaving people outside the 'chat' facility to be confused as to what is happening;
- clarity as to what happens when there are technology issues and ensuring that there are good protocols or practice in place to cover how to deal with this;
- ensuring that the screen shows the speaker rather than on times being stuck on a slide or visual once the discussion has clearly moved on;
- having the councillors listed as such along with their surname to enable the public to better understand who is speaking;
- reminding councillors, officers and participants to ideally be in quiet environments so they can be heard and they are able to fully concentrate on the debate (we recognise the difficulties in always achieving this);
- examine ways to ensure that public speakers could be advised of approximate timings for their slot to avoid have to listen to all the preceding items;
- members and officers supporting the Chair to move the meeting along at an appropriate pace; and
- ensure that the Chair, Vice and supporting officers constantly keep in mind that for some participants in the process the experience is new and confusing and to take the public along with appropriate summing up and explanation of the process.

4.4.6 We were told of the significant challenges facing democratic services officers in managing the Planning Committee process on line. The current arrangement to support Committee demands three staff members, one in the on line meeting, one on production and one on production back up. The difficulties with managing and improving the external facing presentation of the Planning Committee reflects corporate IT issue as it is run from a remote laptop in Huntingdon as part of shared ICT services between Greater Cambridge and Huntingdon. For example, the remote laptop does not have the same format of MS teams as those in the meeting and therefore the format that democratic services officers see is somewhat different and less customer friendly. While democratic services officers recognise the need to do something about this it is also a cross authority discussion. The peer team consider that given the importance rightly attached to the live and archive web casting of the Planning Committee that this requires corporate attention and input to help secure any necessary investment and improvement.

4.4.7 While we applaud the desire to make the Planning Committee accessible to public speakers we would ask the Council to reflect on one of its processes that seemingly allows any member of the public to speak on the Committee as long as they give 24 hours notice.

This allows people who have no involvement in the application as supporters or objectors up to that point to belatedly get involved. Most councils limit public speaking opportunities to applicants, agents or those who have made comments during the statutory consultation period and who during that period have indicated their desire to speak at Committee. We recommend that the Council review its current process on this point.

4.4.8 We also recognise that some of these issues are relevant only to the holding of online Committees although some of the principles will have applicability when eventually face to face Planning Committees can safely return.

## **5.0 Further Support**

5.1 A range of support from the LGA and PAS is available at <http://www.local.gov.uk> and via the PAS website <https://www.local.gov.uk/pas>. Costs may vary.

5.2 Planning Advisory Service (PAS) & LGA Support Offers:

### **PAS Planning Committee Training & Materials**

PAS will work with the authority to deliver to deliver specific training requirements for the Planning Committee.

Short case assessments on areas that support delivering a good development management service can be found at the following website:

<https://local.gov.uk/pas/development-mgmt/planning-applications-support/good-development-management>

PAS has general materials available on available from the PAS website:

- Development Management - Decision making, committees and probity
- Making Defensible Planning Decisions
- Developer Payments - Community Infrastructure Levy, s106 agreements and Viability
- Getting engaged in pre-application discussions
- Design training for councillors

<https://www.local.gov.uk/pas/pas-support/pas-subscribers/councillor-briefings/councillor-briefing-planning-committees>

PAS worked with Association of Democratic Services Officers (ADSO) to produce some materials for committee clerks. This covers an introduction to planning, decision making, motions and amendments, dealing with the public, interests and probity matters.

<https://www.local.gov.uk/pas/pas-topics/planning-committee/materials-committee-clerks>

### **Other Local Authority Planning Committee Information**

Plymouth planning committee webcasts

<https://plymouth.public-i.tv/core/portal/webcasts>

<https://plymouth.public-i.tv/core/portal/webcasts/enctag/Planning>

Plymouth planning committee public information

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/whathappensafteryoumakeplanningapplication>

<https://www.plymouth.gov.uk/planningcommittee>

District Councillor engagement in Pre Briefings

<https://www.plymouth.gov.uk/sites/default/files/ProbityInPlanningPlanningCommitteeCodeOfPractice.pdf>

The following three councils are considered to have run good virtual committees: Brent, Liverpool and West Suffolk

Havant developer consultation forums. Havant has a developer forum that developers present their proposal pre application submission to the council, the public can attend. This may be a charged service.

<http://www.havant.gov.uk/development-consultation-forums>

5.3 For more information about planning advice and support, please contact [rachael.ferry-jones@local.gov.uk](mailto:rachael.ferry-jones@local.gov.uk)

### **LGA Support**

5.4 The LGA has a range of practical support available. The range of tools and support available have been shaped by what councils have told LGA that they need and would be most helpful to them. This includes support of a corporate nature such as political leadership programmes, peer challenge, LG Inform (our benchmarking service) and more tailored bespoke programmes.

5.5 Rachel Litherland, Principal Adviser is the LGA's focal point for discussion about your improvement needs and ongoing support and can be contacted at [Rachel.Litherland@local.gov.uk](mailto:Rachel.Litherland@local.gov.uk)

5.6 PAS and the LGA will follow up about the support that they can provide to the council to help address the recommendations highlighted in this report. A further 'light touch' visit will be made in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.



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