

## **Corporate Governance and Audit Committee**

### **Note of Working Group**

**Monday 7<sup>th</sup> September 2020**

## **Annual Assurance Report on Planning Decision Making and Enforcement Arrangements**

The Head of Development Management presented the report of the Chief Planning Officer. The report sets out key internal controls and processes in place to mitigate risks in relation to planning control and enforcement.

In relation to planning compliance the Committee were advised that guidance places emphasis on informal resolution, with formal enforcement action being a last resort.

The Committee were informed that the case studies set out within the report showed details of the way in which relevant controls were embedded. They also demonstrate that where those controls are changed consultation takes place.

The Committee received assurance that monitoring has indicated that the council is performing in the upper quartile when benchmarked against its peers.

Members of the Committee asked questions and received responses as follows:

Q: In relation to public comments on planning applications, what process has been put in place to mitigate the risk of breach of GDPR.

A: In place of the previous system which enabled the public to comment directly in the online record, comments are now reviewed by officers and redacted to remove personal data or malicious comments. Guidance on appropriate content is provided to those wishing to make comments, and redaction takes place in accordance with a protocol for officers and comments are published within five working days. The protocol was subject to legal and information governance advice to ensure that it is GDPR compliant.

Q: In relation to Paragraph 3.4 what is meant by the phrase “not always consistently applied”?

A: The planning service review has identified inconsistencies in the application of the officer delegation scheme with a number of matters being referred to Plans Panel despite not meeting the defined criteria that necessitate a referral. This has cost implications as the cost of taking a decision through a panel meeting is considerably higher than it would be for an officer decision.

Q: With reference to the Householder Agents Conference what is meant by the phrase “efficient transactional approach”

A: For high volume case work processes have been implemented to ensure that applications are dealt with efficiently and cost-effectively. For example applications which are clearly unacceptable on planning grounds will be refused on first application rather than being subject to protracted revisions which will not

necessarily make the application acceptable and would be better dealt with via a new application . This will enable those decisions to be dealt with at cost.

Q: With reference to the pre-application fee; how often is pre-application advice sought? At what stage is it required? Is it essential or desirable?

A: Pre-application advice is a discretionary service and can therefore be the subject of charging. The Council's fee scale has historically been low in comparison to peer authorities. Following benchmarking new fees were proposed and consultation indicated that developers were happy to pay those fees in light of the good service provided.

Q: What changes are coming into place in relation to the Member officer communication protocol?

A: The planning SharePoint site is being developed to enable Members to find information directly and therefore more quickly, with less reliance of officers to provide the information

Q: Members noted that although the scheme of delegation is clear, it is important to have an equally defined scheme of escalation in place. Particularly Members asked what escalation is in place in relation to planning compliance and enforcement on Council owned land?

A: In accordance with the discussion and recommendations on this matter when the previous annual report was presented, a process has been put in place where breaches of control on council owned land are recorded and referred to the relevant department. There are currently limited formally defined avenues to escalate.

The Chair of Committee invited the Chief Planning Officer to draft a protocol for enforcement of breaches of planning control on Council land which does not rely on formal enforcement action and which should be adopted by the whole council and undertook to write to the Chief Executive to seek support in ensuring that departments complied with the new protocol once agreed.

Q: Members referenced a recent application and asked is it possible to change drawings after plans panel has met and consultation closed but prior to approval of an application where approval has been delegated by plans panel to officers?

A: The Head of Development Management advised that any new plans presented post panel would not be expected to be materially different, however he undertook to investigate the particular application and to confirm whether the issue was isolated.

Q: What is the process by which Members and the public can query changes in applications once Panel has considered an application?

A: The Head of Development Management undertook to provide clarity regarding the circumstances under which plans can be changed.

Q: Is there a clear and published process to determine whether the public are able to speak in Plans Panel?

A: The Protocol for Public Speaking at Plans Panel is included in the Council's Constitution which is a public document. The Protocol is approved by the Chief Planning Officer in consultation with a joint meeting of the Plans Panels.

The Chair undertook to write to the Chief Planning Officer requesting details of the process for reviewing the protocol including consultation with appropriate Members, and requesting further consideration of Member speaking rights.

It is recommended by the working group that

1. The Committee approves the recommendations set out in the report.
2. The Committee supports the Chair of Committee in writing to the Chief Planning Officer to
  - Invite him to draft a protocol for enforcement of breaches of planning control on Council land which does not rely on formal enforcement action and which should be adopted by the whole council and undertook to write to the Chief Executive to seek support in ensuring that departments complied with the new protocol once agreed; and
  - To request that the Protocol on Public Speaking at Plans Panel be reviewed with particular regard to members' rights to speak at Plans Panel, and that the Chief Planning Officer confirm the process for doing so and that the Plans Panel chairs are engaged in the review;