

Bromsgrove District Council

Planning Committee Review

March 2023

1. EXECUTIVE SUMMARY

1.1 The Planning Advisory Service (PAS) has undertaken a review of the practices, procedures and performance of Bromsgrove District Council's Planning Committee. The reviewer observed Planning Committee meetings held on 5th September 2022 and 5th December 2022 and has reviewed relevant information, as well as interviewing key officers, Councillors and regular contributors to the Planning committee process.

1.2 From the information available and observation of the two Committees, the meetings appear to be well managed and demonstrate good teamwork from the Committee Chair, Planning Officers and the Democratic Services staff. The 'production' of the meeting is carried out professionally and the Democratic Services staff ensure that the technology and process are working and planned. Officer/Councillor relationships are seen as generally being professional and respectful.

1.3 Those attending the meeting are well supported and are able to contribute to the meeting effectively, although as outlined above an inability to view the meetings remotely is identified as a weakness in the process.

1.4 The lack of recordings of earlier meetings coupled with no major and/or controversial proposals being determined at either meeting attended has meant that it has not been possible to reach conclusions or make recommendations that relate to the quality of debate at the meetings or Councillor's behaviours when faced with potentially difficult decisions.

1.5 The recommendations in this report are designed to help further improve performance.

KEY RECOMMENDATIONS

R1 Review options to enable live streaming of all meetings and saving of recordings

R2 Replace nameplates to show Councillors names only

R3 Chair should introduce officers present at start of each meeting

R4 Carry out review of the content of officer reports to ensure that they are proportionate to the size and complexity of the proposal being determined

R5 Improve connectivity in the meeting room in order to facilitate a paperless process

R6 Make update sheet available to all those present at the meeting

R7 Councillors should be reminded of the need to provide 48 hours' notice of questions

R8 Provide refresher training on roles and responsibilities of Planning Committee members

R9 Appeal decisions and planning application performance should be reported to and discussed by the Planning Committee

2 INTRODUCTION

2.1 The Planning Advisory Service (PAS) is part of the Local Government Association (LGA) and provides high quality help, advice, support and training on planning and service delivery to councils, primarily in England. Its work follows a 'sector led' improvement approach, whereby local authorities help each other to continuously improve. PAS were invited to undertake a review of the Bromsgrove District Council Planning Committee's practices and performance.

2.2 Section 62A of the Town and Country Planning Act 1990 allows applications for planning permission and reserved matters consent to be made directly to the Secretary of State where the Local Planning Authority for the area has been designated for this purpose. Designations are made by the Secretary of State based upon the quality of decision-making and the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period. Under the quality of decision-making assessment, any authority that has more than ten per cent of either major or non-major applications overturned at appeal over a specified two-year period is at risk of designation. 17.9% of major applications for the period to September 2022 within Bromsgrove have been allowed at appeal, which means that the Council's performance is below the designation threshold.

2.3 Tim Burton was appointed to undertake the review on behalf of PAS. Tim has over 30 years' experience working for local authorities, including most recently as Head of Planning for Taunton Deane and West Somerset Councils. For the last 3 years he has worked with PAS providing a range of support to many local planning authorities, including service reviews, Planning Committee reviews and Member and Officer training.

2.4 The review considered best practice in decision-making based on the PAS Development Management (DM) Challenge Toolkit with particular emphasis on the section on Political leadership. The toolkit aims to provide a 'health check' for Planning Authorities and act as a simple way to develop an action plan for improvements to their Development Management service. The recommendations seek to push high standards in terms of the impact upon the quality of decision making and the customer's experience.

2.5 The scope of the review was agreed with Ruth Bamford (Head of Planning, Regeneration and Leisure Services) and Dale Birch (Development Management Manager).

2.6 This has included viewing the Planning Committees held on Monday 5th September 2022 and 5th December 2022, together with interviews carried out with key members of the Development Management service and the Council's Democratic Services Officer and Principal Solicitor, as well as with Councillors who sit on the committee. Regular attendees from Parish Councils were also interviewed, as were planning agents. However, as the agendas for recent meetings have been comparatively short, it has given little opportunity to observe representations being made or in-depth debate of planning matters. The report therefore needs to be read in this context.

2.7 All those interviewed were friendly and welcoming and engaged fully with the process and are thanked for providing their honest opinions and feedback.

3 PROCESSES AND PROCEDURES

3.1 Whilst all Committee Members attend the meetings in person, the Council does offer an option whereby others who wish to, can make their representations remotely. This is particularly appreciated by agents who can address the meeting without the need to travel or attend the whole meeting. The Democratic Services Officer ensures that Microsoft Teams is working at the start of each meeting to enable this to happen.

3.2 The Council currently only live streams meetings in circumstances where proposals are being considered that are likely to give rise to very high levels of public interest. The recordings are then deleted following the signing of the minutes. None of the meetings during the period of this review have been live streamed. The reason given for not live streaming all Planning Committees is one of cost as the Committee Room is not set up for broadcasting. However, it is likely that the preference for interacting through digital technology will only increase over time. Therefore, it is recommended that the Council looks to install technology to enable this to happen. If all meetings become live streamed, there would be advantages from retaining the recordings for future reference, rather than deleting them once the minutes are agreed, as is presently the case. Oral recordings of the meetings should be considered as an interim option should live streaming not be able to be implemented in the short term.

3.3 The Democratic Services Officer takes responsibility for the administration of the meeting which allows other officers to focus on their own professional roles. This approach works very successfully and is a demonstration of good practice. The Democratic Services officer meets and greets all members of the public who are scheduled to speak. This puts people who may not otherwise feel comfortable in the formal setting of a Planning Committee meeting at ease. Those regular attendees interviewed did not raise any concerns relating to the administration of the meetings.

3.4 The layout of the Committee Room is conducive to this type of formal meeting, without appearing to be intimidating, which Council Chambers often can be. However, this comment should be caveated as the observer's perception is based solely upon attending a meeting where only a few members of the public attended in person, and only one person dialling in via Microsoft Teams.

3.5 It is helpful that Members of the Committee are supplied with nameplates, although the orientation of Councillors at right angles to the public means that the nameplates may not always be visible. The nameplates are colour coded for each political party. It is unclear why this is the case. The Councillor's role on the Planning Committee should not be as a representative of their party. Identifying the party they represent on their nameplate would seem to run counter to this, and could lead to a perception of political influence or block voting. Whilst there was no evidence found or suggested that this was the case, removal of the colours would reinforce this.

3.6 The Committee Chair introduces the meeting. This introduction was clear and proportionate. However, it would be helpful to observers if the Chair were to introduce the officers in attendance at this point.

4 COMPOSITION AND WORKLOAD

4.1 The Committee currently comprises eleven members. This is considered to be an appropriate size for a Planning Committee and retention of a committee comprised of this number is supported.

4.2 During the interviews, it was explained that in the past that the number of items being referred to the Planning Committee was at times very high, resulting in extremely long meetings. The consensus view from those interviewed was that by taking a more rigorous approach to the consideration of call-in requests, the length of meetings has been reducing and the Committee's workload is now manageable, as is demonstrated by the short agendas in recent months. However, for consistency it is important that planning related reasons are provided with all call-in requests.

5 OFFICER REPORTS AND PRESENTATIONS

5.1 The officer report not only supports Councillors in their decision-making, but it should also demonstrate that a decision has been properly considered, taking into account relevant legislation and policy. The reports viewed were consistently thorough and comprehensive in their analysis of relevant considerations. However, as advised in the DM Challenge toolkit, it is important that officers spend the right length of time writing a report depending on the application it concerns to ensure that resources are deployed proportionately. The Council may wish to review smaller-scale or less contentious cases to assess whether reports can be shortened and/or simplified without impacting on the quality of decision-making.

5.2 Members of the Planning Committee are provided with printed copies of the Agenda papers. It was suggested that these are not shared electronically due to connectivity issues and a preference of councillors. However, it would appear more professional and save cost and waste if the whole Committee process could become paperless.

5.3 Prior to the meeting a written update sheet is provided to members of the Committee. This represents good practice. However, this information is not provided to others attending the meeting, which can at times make it more difficult for them to follow the debate.

5.4 Officer attendance at the meetings is deemed to be appropriate, with legal representation as well as the Development Management Manager attending with relevant case officers. The Head of Planning only attends when the meeting is due to consider proposals of strategic importance. This approach is supported. Transport advice is also available (remotely) as may be required. However, it is agreed that it would not be proportionate to require a Worcestershire County Council officer to attend all meetings. Officers will also liaise with other key consultees to decide whether their attendance at the meeting is required. However, it appears that such attendance is rarely seen as necessary and planning officers provide the advice.

5.5 Whilst only two comparatively short meetings were able to be witnessed by the reviewer, the general consensus amongst those interviewed is that officer presentations are good and the approach whereby case officers present the application, whilst the Development Management Manager (Dale Birch) picks up questions and guides Councillors is effective. However, this does

put a lot of emphasis on Dale Birch to respond to questions. The Council may wish to consider whether the presenting officer takes a more significant role in responding to questions, freeing up Dale Birch to provide only more strategic guidance. Case officers are often in a better position to answer questions of fact as they should know the issues around their caseload in detail, which a more senior officer is less likely to. At present there would appear to be an over-reliance on Dale Birch to advise.

5.6 In the absence of being able to view detailed debate it is not possible to provide a definitive opinion on the quality and robustness of advice provided to the Committee. Whilst Planning agents suggested that both legal and planning officers in attendance might take a stronger approach at times, it was suggested by others that officers provide good support to Councillors and provide consistently sound advice.

6 DEBATE AND DECISION-MAKING

6.1 As only two comparatively short Committee meetings were able to be observed, it would not be appropriate to provide detailed commentary and conclusions on the effectiveness of the Committee in terms of the quality of debate and decision-making.

6.2 In discussions with agents, they expressed frustration around a perceived inability to provide points of clarification on occasions when the presenting officer has not seemed to be adequately prepared or not got the relevant information to hand. This can at times lead to deferments, whereby if the Chair had asked the applicant or agent provide clarification, they feel that the matter could have been resolved.

6.3 Those interviewed were without exception complimentary around the way the meetings are currently chaired. They suggested that the Chair can be firm where required, but always carries out the role in a polite way.

6.4 No concerns were raised around party political influence upon Planning Committee decision-making. However, in the meetings observed, it was noted that each debate tended to be led by a small number of Councillors. It is important that the remaining members of the Committee are fully engaged and encouraged to contribute to debate.

6.5 Whilst it was suggested that Councillors can struggle with resolutions to overturn officer recommendations, the Development Management Manager and solicitor provide good support to ensure that decisions made are sound. It was suggested that an area where such difficulties can occur is around justifying the very special circumstances required to support development in the Green Belt (most notably for care homes).

6.6 The release of strategic sites has clearly been controversial, with concern being raised by Councillors and other interested parties, particularly in relation to transport and highway considerations. A number of those interviewed expressed a view that this had led to a loss of confidence in the Worcestershire County Council advice amongst Committee Members. This then influenced subsequent decisions related to major development. However, the consensus is that this is no longer represents an issue.

6.7 There was a concern raised amongst those third parties interviewed that due weight had not been given to their concerns in relation to applications for major strategic developments. Detailed analysis of individual cases has not been carried out as part of this review. However, in light of

the criticism received, the Council may wish to consider how it intends to foster better relationships with these important stakeholders moving forward.

7 OFFICER/COUNCILLOR INTERACTION

7.1 There is a general perception amongst both officers and Councillors that interaction both at the Committee meeting and elsewhere is generally professional and respectful. Councillors are encouraged to speak to officers as may be required with interaction not limited to the Planning committee forum. This represents good practice and will undoubtedly be a contributory factor to the overall positive approach to enacting the business of the Planning Committee.

7.2 The DM challenge toolkit identifies an excellent service as “one which the Committee has a Chair who works well with officers and in particular the officer lead and legal advisor. There are structured Chair’s briefing session prior to the Committee and the Chair keeps in regular touch with officers on Committee business so there are no surprises at the Committee meeting.” This is an accurate reflection of the procedures and relationships in place at Bromsgrove.

7.3 The way Council’s administer Planning Committee site inspections can vary greatly and if not handled appropriately can lead to issues both of probity and of unnecessary delay. The approach taken at Bromsgrove was described as being ‘pragmatic’ with inspections only taking place in exceptional circumstances and where the officer presentation is not considered sufficient to inform Councillors of the particular site circumstances. No issues were raised around this process in terms of either probity or unnecessary delay.

7.4 To ensure that officers have sufficient time for research in advance of the Planning Committee meeting, it is an established convention set out in the agenda papers that committee members should provide 48 hours’ notice, should they wish to ask a question. This does not appear to happen on all occasions. Councillors should be reminded of this requirement.

7.5 Parish Councils raised a concern around accessibility and responsiveness of planning officers leading to an inability to resolve issues and answer questions prior to applications being referred to the Planning Committee.

8 TRAINING AND DEVELOPMENT

8.1 The DM Challenge toolkit recognises good practice as being one where “All Committee members are trained annually using a set training programme that is delivered by competent people either within or external to the Council.” This is the case at Bromsgrove where there is a good in-house programme supported by refresher training based upon PAS ‘making defensible decisions’ material.

8.2 Notwithstanding this, the reviewer felt that some Councillors interviewed were not fully conversive of how the role of the Committee member was distinct from their Ward Councillor responsibilities. A representative from a Parish Council also raised a concern that at times ward Councillors resisted engagement with them due to fear of predetermination. Whilst no specific evidence was cited, it is recommended that refresher training is undertaken focussing on this particular issue.

8.3 It is important that Councillors revisit their decisions for learning and development. Whilst copies of appeal decisions are sent to Councillors it is recommended that there is a slot on the Committee agenda where appeal decisions are reported and possible learning discussed.

8.4 Performance information is not reported to Planning Committee members and as a result there would appear to be a lack of awareness amongst Councillors that the Council could be at risk of designation. Appreciation that the Council has not been performing well in terms of the quality of its decision-making should be used as an opportunity for review and training. However, by not sharing the issue with Councillors this opportunity has to date been missed.

9 OVERALL CONCLUSIONS

9.1 The organisation and administration of the Committee is undertaken in an efficient and professional manner. Roles and responsibilities are clear and those attending the meeting are provided with excellent support.

9.2 The officer presentations are generally good, and Councillors are provided with necessary support. Notwithstanding this, the presenting officers could take a more active role in responding to issues, with the Development Management Manager providing strategic guidance to the Committee.

9.3 The Committee composition is of an appropriate size and the scheme of delegation as currently administered has sufficient capacity to ensure proportionate length of agendas and is not a block to timely decision-making.

9.4 Relationships between Councillors and officers are seen to be both professional and respectful.

9.5 Councillors are well trained, although refresher training around roles and responsibilities is recommended.

9.6 The lack of live streaming or being able to access recordings is an identified weakness that should be resolved to enhance customer experience. Furthermore, the lack of this facility has made carrying out this review more difficult as it was not possible to view a meeting with detailed debate, which would have enabled the reviewer to provide analysis of the quality and robustness of advice provided to the Committee or of the quality of debate undertaken. Live streaming would not only have enabled a more detailed review of decision-making possible, but is also a wider reflection of the benefits of customers being able to engage with the process of decision-making virtually.