



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

---

to  
**COUNCIL**  
15 DECEMBER 2022

**AREA PLANNING COMMITTEES REVIEW**

**1. PURPOSE OF THE REPORT**

- 1.1 To review planning committee arrangements and confirm whether future approach will include Area Planning Committees or a single planning Committee. The report considers two aspects, objective / sound decision making and resourcing implications in maintaining the current ways of working

**2. RECOMMENDATIONS**

- (i) That the Council reviews the table set out at paragraph 3.8 and notes the concerns associated with the current Area Planning Committee structure;
- (ii) That the Council updates the Committee structure to remove the Area Planning Committees and replace with a nine seat Planning Committee from May 2023 (adopting the Terms of Reference at **APPENDIX A**);
- (iii) That should the Council agree to (ii) a detailed implementation plan with clear updated Member call in process and expectations are brought back to a future meeting of the Council.

**3. SUMMARY OF KEY ISSUES**

- 3.1 Area Planning Committees are a part of the Maldon Committee structure. They cover the South Eastern, North Western and Central areas to cover the whole district and all Ward Members to the associated area are automatically allocated a seat on their corresponding Area Planning Committee.
- 3.2 Within the Constitution it is set out that all Members should have recent planning training before making decisions on a Planning Committee. The current Area Planning set up means this training requirement applies to all Members, but uptake of the training has not been 100%, with only 90% of Members attending the first two sessions that were recently put together. Whilst it is understood some Members have not able to attend for various reasons the consequences are this adds to officer workloads through rescheduling and bespoke training sessions.
- 3.3 It is also a legal requirement that all Members should have read and thoroughly reviewed paperwork ahead of planning meetings, and with all Members involved in Area Planning, this puts an expectation / burden on all members to keep on top of agenda papers as well as for other Committees.

- 3.4 The Planning Advisory Service (PAS) is a branch of the Local Government Association. *They provide high-quality help, advice, support and training on planning and service delivery to councils. Helping local government officers and councillors stay effective and up to date. They have a 'sector-led' improvement approach, where local authorities help each other to continuously improve.* In March 2021, the PAS did a review of planning committees at Maldon to understand how well we had managed their virtual operation. The review looked at how the Council's Committees are working, both practically and with good decision making, using good practices from Local Planning Authorities across the country to push high standards of accessibility and good decision making through the delivery of the virtual Committee. However, a number of wider recommendations came out of this that were to do with our general operations / working practices.
- 3.5 The Corporate Governance audit in July 2022 found that the PAS recommendations were not properly considered when they were put to the Council in August 2021, and the audit recommended a review of this matter.
- 3.6 The Council has a £819k budget deficit this year increasing in future years and the management team have been looking at areas of efficiency that would help to address this. A business case looking at how we run planning committees has also been put together as part of this and highlights the staff savings we could also make in adjusting our committee structure. This is further detailed in the operational / financial considerations below.
- 3.7 Members agreed a Transformation review of the planning service, to improve operational efficiency and resilience in delivery for the future. The findings from the report show that Area Planning Committees are contributing to an efficiency across the service, and at least 25 hours per month officer resource is additionally needed to be able to sustainably manage this arrangement going forwards.
- 3.8 High level detail of the current governance concerns and financial impact of Area Planning Committees are listed below for Member attention.

<b>Governance Concerns</b>	
BDO- Governance Audit	<p>Governance audit finding (July 2022) that the Council did not properly consider Planning Advisory Service recommendations in August 2021 Council meeting.</p> <p>A link below to the paper considered is included. This paper revisits the governance point of area planning committee arrangement.  <a href="#">6f - Corporate Governance Final Report - 2022-23.pdf (maldon.gov.uk)</a></p>
Planning Advisory Service (PAS) report	<p>The PAS report put together highlighted that Area Planning arrangement poses a risk, Members act as Ward Members / not objective in planning committees and leaves us open to wider legal and financial challenge. Key challenges raised:</p> <ul style="list-style-type: none"> <li>• There is a risk that district wide policies could be applied inconsistently across the district by the different committees</li> <li>• With all Members sitting on committees there is less opportunity for individual Members to gain expertise, experience and confidence.</li> <li>• A situation where not all Members sit on a Planning Committee gives the opportunity for Ward Members to address Committee and advocate for their residents while not taking part in the final decision making a clear separation of their roles.</li> </ul>

	<p>The Corporate Governance Working Group reviewed these, and reported back to the Council</p> <p><a href="#">13 Planning Advisory Service - Review of Recommendations.pdf (maldon.gov.uk)</a>  <a href="#">Appendix A.pdf (maldon.gov.uk)</a></p>
Planning Advisory Service report	<p>Current area planning means inconsistency in planning decisions, and we are not working to national standards</p> <p><i>R11 Review of the current multiple committee arrangements, the high number of committee members and the scheme of delegation to ensure that it provides the best decision making process with the resources that are Available. NB 5% of applications are recommended by the Government to be considered by committee but in Maldon this is 20%</i></p>
Planning Advisory Service report	<p>The PAS report recommends well trained Members, and a smaller committee would improve this.</p> <p>Uptake of compulsory planning training is not currently 100%, but all Members are allocated Area Planning Committee seats. It would also be operationally easier to schedule training updates with a smaller cohort of Members.</p>
Planning Advisory Service report / legal resource	<p>The PAS recommended having a legal officer in planning meetings. Legal officers have advised they could not resource this on the current committee schedule but would be able to if there was a move to one planning committee.</p>
Guidance / best practice advice from Local.gov	<p>PAS training <a href="#">making-defensible-planning-decisions 2022 version.ppt (live.com)</a> highlights key points that further support a review of the Area Planning Committee model:</p> <ul style="list-style-type: none"> <li>• Should only make decision by Committee if it is in the public interest, otherwise leave it to officers;</li> <li>• Most Councils have a delegation rate over 90% (Maldon was around 80%);</li> <li>• Planning decisions – your duty is to the whole community, not in acting as a ward Member.</li> </ul>
Overview and Scrutiny Committee (O&S) - planning decision review	<p>The O&amp;S currently has a workplan item around 'planning decision process' that was initiated following a particular case.</p> <p>The interim report reviewed by the Committee on 26 October 2022 included similar findings around member training and capacity, that could be addressed by having a smaller core member group involved in planning.</p>
<b>Operational / financial considerations</b>	
Inefficiency in running current meetings schedule	<p>The sum of average monthly reports considered in total across the three Area Planning Committees was 4.87. One scheduled meeting could manage these and reduce the triplication of workloads.</p> <p>There have been five scheduled Area Planning Committees cancelled due to lack of business since May 2022. Work is also required to initially schedule, then confirm and action cancellations, which points to an inefficiency in working practice.</p>

<p>Recruiting and retaining Committee resource</p>	<p>We have often been carrying the third Committee Clerk post as a vacancy. It is very hard to attract candidates and recruit to this role.</p> <p>This places pressure on the officers in post and means we do not have resilience in the team (e.g. officers planning leave mindful of meeting cover).</p> <p>Reducing the number of meetings run for area planning matters would support with resilience.</p>
<p>Officer resource</p>	<p>Each planning committee is very resource intensive officer activity includes</p> <p>Committee Services:</p> <ul style="list-style-type: none"> <li>• Reminding officers of report deadlines;</li> <li>• Chasing officers on report deadlines;</li> <li>• Liaising with Chairmen if meetings need cancelling/ changing/ arranging availability;</li> <li>• Formatting, proofing and checking reports;</li> <li>• Creating and checking a draft agenda in Mod.Gov ;</li> <li>• Publishing the agenda;</li> <li>• Arranging any public speakers and addressing specific queries ahead of the meeting;</li> <li>• Servicing the meeting / supporting with voting etc.;</li> <li>• Creating minutes;</li> <li>• Sharing minutes with officers and Chairmen for checking;</li> <li>• Finalising minutes;</li> <li>• Publishing minutes to Mod.Gov.</li> </ul> <p>Planning:</p> <ul style="list-style-type: none"> <li>• Co-ordinating reports due and specific Committee deadlines;</li> <li>• Drafting reports;</li> <li>• Checking reports (senior officer);</li> <li>• Issuing letters around the meeting arrangements to interested parties;</li> <li>• Addressing specific queries ahead of the meeting;</li> <li>• Servicing the meeting on the night and presenting reports / addressing queries;</li> <li>• Checking minutes;</li> <li>• Issuing decision notices/ following up on decisions made.</li> </ul> <p>Attributing which of these activities would need to happen and estimated time taken on the current three committee set up versus one Planning Committee there could be:</p> <ul style="list-style-type: none"> <li>• 57 hours reduction in Committee Services per month, 14.25 hours per week</li> <li>• An efficiency in planning that will contribute to overall resilience</li> </ul>
<p>Budget savings</p>	<p>Reducing from three Area Planning Committees (APC) to one Committee would contribute £21,409 per annum recurring budget savings to contribute to the annual deficit by reducing associated officer resource.</p>
<p>Inconsistency / additional support for South Eastern Area Planning meetings</p>	<p>We are currently running a different model for South Eastern Area Planning Committee at Burnham Town Council to the rest of Planning Committees – requiring additional ICT officer time, venue hire and facilities cost – around £375 per meeting.</p> <p>The streaming set up is still having difficulties and we are not</p>

	delivering the same customer experience for Burnham-on-Crouch meetings presently.
Planning structure – planning officer feedback	Officers in Planning have work separated to areas to try and manage / split the reporting across area planning. They are struggling to keep on top of multiple deadlines that come out of the split of area planning and one clear meeting and deadline per month would help planning officers and managers better manage the planning caseload.
Planning transformation	The Development Management (DM) transformation review highlights the inefficiency caused by Area Planning Committees, and this is impacting process delivery and pressure in the service. To be able to continue with the current area planning model, we would have to add at least 0.2 Full Time Equivalent (FTE) specialist resource to allow for resilience
Facilities team feedback	Due to team capacity, resourcing building and first aid support for the current Committee meeting schedule is challenging. A reduction in the frequency of Area Planning Committee meetings would reduce the current pressure this is having on the team.

#### 4. CONCLUSION

- 4.1 A number of governance and resource concerns are associated with running Area Planning Committees, and this report recommends moving to a single Planning Committee for current area planning matters, whilst retaining the District Planning Committee for prescribed business.

#### 5. IMPACT ON STRATEGIC THEMES

- 5.1 The proposals in this paper are aimed to support the Performance and Efficiency corporate goal.

#### 6. IMPLICATIONS

- (i) **Impact on Customers** – No external customer change, applications would be processed in expected timescales. Fairness and consistency may improve overall customer experience.
- (ii) **Impact on Equalities** – Reduction in Member numbers sitting on Area Planning Committees could reduce feeling of equal access.
- (iii) **Impact on Risk** – There are a number of governance risks highlighted in section 3.8 that the recommendations seek to address.

If the Council moves to one area planning there is potential that Members call in more because they are not included in Committee, and workload increases or more policy compliant decisions are overturned. A review of call in process and Member training and support will need to be part of the implementation plan.

- (iv) **Impact on Resources (financial)** – There are cost savings possible in the recommended move away from area planning committee structure.

- (v) **Impact on Resources (human)** – There are a number of resource and resilience issues that would be addressed in the move away from three Area Planning Committees, as highlighted in the report.
- (vi) **Impact on the Environment** – Reducing the volume / frequency of planning meetings would mean less travel and carbon emissions associated with these meetings.
- (vii) **Impact on Strengthening Communities** – If Members moved away from Area Planning Committees, and non-Committee Members were able to lobby / act as Ward Members, this may strengthen their link to local residents.

Background Papers: None.

Enquiries to: Cheryl Hughes, Programmes, Performance and Governance Manager.