



## Democracy & Standards Committee Monday, 13 March 2023

<b>Report Title</b>	<b>Proposed Amendments to the Planning Scheme of Delegation &amp; Committee Structure</b>
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### List of Appendices

**Appendix A – Proposed Amendments to Scheme of Delegation**

**Appendix B – Proposed Geographic Split of Amended Committee Structure**

**Appendix C – Proposed Amendments to the Planning Committees Terms of Reference**

### 1. Purpose of Report

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- 1.1. This paper seeks to provide a response to recommendations relating to the Council's Planning Scheme of Delegation and committee structure made by the Planning Advisory Service (PAS) resulting from their Peer Review of the Planning Service that took place in September 2022.

### 2. Executive Summary

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- 2.1. In the last week of September 2022, a review of the Council's Planning service was undertaken by a PAS Peer Review Team. This included an extensive set of interviews and focus groups with a wide range of internal and external stakeholders.
- 2.2. The details and outcomes of the Peer Review are set out in a PAS report which has been provided to the Council. This sets out a series of recommendations for the planning service that are designed to help it through the current transformation journey, bringing together five legacy local planning authorities under North Northamptonshire Council to form a single harmonised and high-performing planning service for North Northamptonshire.

- 2.3. Within the report received from PAS was a recommendation to review the scheme of delegation and the number of committees. This review has been undertaken and the proposals subsequently considered by both the Planning Transformation Board (set up in January 2023 to oversee the delivery of the Action Plan that responds to the PAS Peer Review) and the Constitutional Working Group.

### **3. Recommendations**

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- 3.1. That the Democracy & Standards Committee recommend to full Council that:
- (a) The proposed amendments to the Council's Planning Scheme of Delegation, as set out in Appendix A, be approved
  - (b) The Council's Planning Committee structure be amended to two planning committees (North & South Planning Committees) with a geographic split as set out in Appendix B.
  - (a) That the Terms of Reference for Planning Committees be amended as set out in Appendix C to reflect the proposed Planning Committee structure
- 3.2. Reason for Recommendations –
- To maximise the benefit of the advice and recommendation received from PAS through their peer review of the Council's Planning service
  - To put in place an appropriate Planning Scheme of Delegation and Committee Structure that will ensure that the resources of the committees are focussed on determining the most significant planning proposals across North Northamptonshire
  - To put in place a Planning Scheme of Delegation and Committee Structure that maximises efficiency and cost effectiveness.
  - To ensure that customers and stakeholders of the Planning service receive maximum benefit from a harmonised and efficient service of which this is a fundamental part

#### 3.3. Alternative Options Considered –

A number of alternative options have been considered including the complete removal from the Scheme of Delegation of the trigger for town and parish councils and statutory consultees, and alternatively the introduction of making mandatory the attendance of a representative from the town or parish council, triggering an application being considered by a committee, to make their representations to the committee in person.

Several alternative options were considered in terms of amending the committee structure, including a single planning committee, as operated by a number of other high-performing unitary authorities and alternatively the

option of retaining the Strategic Planning Committee along with two area planning committees.

#### 4. Report Background

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- 4.1. In the last week of September 2022, a peer review of the Council's Planning service was undertaken by a Planning Advisory Service (PAS) Peer Review Team. This included an extensive set of interviews and focus groups with a wide range of internal and external stakeholders.
- 4.2. The details and outcomes of the Peer Review are set out in a PAS report which has been provided to the Council and was considered by the Executive on the 23 December 2022. A copy of the PAS report can be found here:  
<https://northnorthants.moderngov.co.uk/documents/s13629/Appx%20A%20-%20Final-PPR-report-north-northants-06-11-22.pdf>. This sets out a series of recommendations for the planning service that are designed to help it through the current transformation journey, bringing together five legacy local planning authorities under North Northamptonshire Council to form a single harmonised and high-performing planning service for North Northamptonshire.
- 4.3. In response to the Peer Review, the Council has set out an Action Plan that seeks to harness the advice and recommendations received and to plan a detailed programme of transformational activity and governance arrangements that will oversee the progress of this work. The Action Plan and governance arrangements, including the formation of a Planning Transformation Board, were considered and approved by Executive on the 22 December 2022.
- 4.4. With regard to the Council's Planning Scheme of Delegation and committee structure, the PAS Peer Review report identifies that:

*The governance structure is not efficient and effective for a council of this scale. Four planning committees have been retained exactly reflecting the predecessor council boundaries. These have been supplemented by an additional strategic planning committee that considers very large or contentious applications. All five committees are scheduled to meet monthly. In the period from January to September this year (2022), several committees were cancelled and many were very short. The same scheme of delegation applies across the committees although we heard that it is not consistently applied. An excessive number of householder and minor applications are considered by committee because of the current scheme of delegation. The costs of taking applications to committee are much higher than delegated decisions and committees should be considering only the most significant applications and, of course, any which involve the council, councillors, or planning staff as the applicant. The current scheme of delegation essentially allows town and parish councils to dictate which applications should go to committee as well as giving undue weight to the number of objections.*

4.5. The PAS report also makes the following recommendations:

*Further review the scheme of delegation and the number of committees:*

- *Ensure that householder and minor applications only go to committee in exceptional circumstances*
- *Trial a significantly reduced number of committees with a proportionate geographical spread (based on an analysis of applications needed to go to committee after the changes to the scheme of delegation).*
- *To encourage the move to a new joined up planning service, it would be better if the new committee boundaries were not aligned to the predecessor council boundaries*

4.6. In response to the observations and recommendations raised in the PAS Report, it has been agreed through the approval of the corresponding North Northamptonshire Council (NNC) Action Plan that the following actions be undertaken:

- A review of the Planning Scheme of Delegation and the development of an amended scheme based upon best practice and supported by NNC planning data
- A review of the planning committee system and the development of proposals for a revised committee structure, supported by NNC planning data, that optimises efficiency and enables committees to focus on the most significant applications

#### **Planning Scheme of Delegation:**

4.7. The Planning Scheme of Delegation is integral to the efficient operation of the planning committee system. PAS have identified that the current Scheme of Delegation does not operate as effectively as it might and consequently results in 'an excessive number of householder and minor applications' being taken to committee. PAS recommends that only the most significant applications, along with any which involve the Council, Councillors or Planning staff as the applicant should be considered by committee. They also highlight the cost to the Council of taking applications to committee, which is significantly more than delegated decisions.

4.8. PAS identifies the key issues affecting the performance of the current Scheme of Delegation are:

- the ability for town and parish councils to dictate which applications go to committee
- that undue weight is given to the number of objections

4.9. Table 1 below provides the data on application numbers to the different NNC planning committees:

**Table 1: NNC Planning Committee Meetings Data**

Committee	No. Applications Determined by Committee		No. Cancelled Meetings		No. Meetings Held with a Single Application	
	2021	2022	2021	2022	2021	2022
Strategic	6	12	3	6	2	2
Corby Area	13	14	3	5	1	4
Kettering Area	28	21	0	1	0	4
Thrapston Area	47	41	1	2	0	0
Wellingborough Area	20	19	1	2	0	3
<b>Totals</b>	<b>114</b>	<b>107</b>	<b>8</b>	<b>16</b>	<b>3</b>	<b>13</b>

4.10. The data above shows that significantly more applications are taken to the Thrapston Area Planning Committee than any other. Although this is the largest geographic area in North Northamptonshire, the number of applications determined in this area over the course of 2022 was less than in either the Kettering or Wellingborough area (where 41 and 103 more decisions issued respectively). This suggests that a disproportionately large number of applications are being triggered for consideration by committee through the Scheme of Delegation in the Thrapston area, which PAS understood to be largely a result of a town and parish councils' objections to the case officer's recommendations.

4.11. This is supported by the NNC data in Table 2 below, which relates to applications where the trigger is made by a town or parish council requiring an application to be determined by a planning committee:

**Table 2: Town & Parish Council Committee Trigger Data**

Committee	Total No. Applications Determined by Committee 2021 & 2022	No. Reports Triggered to Committee by Town or Parish Council	% Reports Triggered to Committee by Town or Parish Council	No. of these Reports Where Officer Recommendation Followed by Committee	% of these Reports Where Officer Recommendation Followed by Committee
Strategic	18	8	44	8	100
Corby Area	27	14	52	13	93
Kettering Area	49	23	47	20	87
Thrapston Area	88	67	76	62	93
Wellingborough Area	39	22	56	22	100
<b>Totals</b>	<b>221</b>	<b>134</b>	<b>61</b>	<b>125</b>	<b>93</b>

4.12. The data in Table 2 above illustrates that 61% of all planning applications considered by the Council's planning committees are triggered by an unresolved representation from a town or parish council. And that of these applications that are referred to committee for a decision, 93% of the decisions are made in line with the officer's recommendation.

4.13. In order to consider how best to address the concerns raised by PAS and supported by NNC data, officers have researched the Planning Schemes of Delegation used in seven other high-performing unitary authorities. These authorities were short-listed from a sample of 10, selected as a result of considering the performance of each authority (as measured by the government) and the size, scale and type of unitary authority.

4.14. It proved difficult to find many unitary authorities that compare in size and scale to North Northamptonshire and which also compared favourably against NNC's current performance across a range of measures, including speed of decision-making and successfully defended appeals. Table 3 below shows the performance of each authority included in the sample measured against NNC:

**Table 3: Planning Performance of other Unitary Authorities**

Local Planning Authority	Major applications % within 13 weeks or within agreed time	Non-major applications % within 8 weeks or within agreed time	County matters	Quality of major decisions (% overturned at appeal)	Quality of non-major decisions (% overturned at appeal)
North Northamptonshire	95.0	89.0	92.9	0.5	1.3
Selected Unitary Authorities					
Cheshire West and Chester	95.1	92.0	100	0.6	0.8
Hartlepool	100	99.0	100	2.1	0.6
North East Lincolnshire	100	99.6	No data	1.6	0.6
Southampton	100	95.1	No data	1.9	0.5
East Riding of Yorkshire	97.3	93.7	100	1.3	0.5
Medway	94.5	94.4	No data	0.8	1.0
Central Bedfordshire	89.7	92.2	85.7	0.4	0.9
Other Similar Unitary Authorities Not Selected					
Cheshire East	95.0	82.6	93.3	3.1	1.1
South Gloucestershire	76.6	70.4	71.4	3.1	0.6
Dorset	76.9	74.8	81.5	5.3	4.7

**Key:** Green – performance better than NNC  
 Amber – performance the same as NNC  
 Red – performance worse than NNC

4.15. From this research the following can be concluded:

All the other high-performing unitary schemes share some common ground with the current NNC scheme. These include the following triggers:

- Significant implications to, or departure from, the Development Plan (7 of 7 authorities)
- Ward member call-in (7 of 7 authorities)

The majority of schemes include certain other triggers shared with NNC's scheme:

- Senior officer referral for contentious applications (6 of 7 authorities)
- Application by a member (or their immediate family) (4 of 7 authorities)
- Application by a senior officer (4 of 7 authorities)
- Application by an officer in the Planning Service (5 of 7 authorities)
- Application where the Council is the landowner (5 of 7 authorities)
- An unresolved representation from a town or parish council (4\* of 7 authorities) (\* One authority only for major applications)

Very few other schemes share the following triggers:

- An unresolved representation from a statutory consultee (2 of 7 authorities)

4.16. In order to address the recommendations made by PAS and to bring the NNC Scheme of Delegation further into line with other high performing unitary planning authorities, the Planning Transformation Board and Constitutional Working Group have given detailed consideration to how the Scheme of Delegation could be best amended, the conclusion of which is outlined in the proposals below:

- i) Amend the Planning Scheme of Delegation so that the trigger relating to an unresolved objection from a town or parish council only relates to major applications
- ii) Amend the Planning Scheme of Delegation so that the trigger relating to an unresolved objection from a statutory consultee only relates to major applications

4.17. These proposals, along with some minor changes to wording seek to fine-tune the Scheme of Delegation to help improve the clarity of the Scheme, and to reduce the excessive number of householder and minor applications being taken to committee and to ensure that only the most significant applications are considered by Committee in line with the recommendations of PAS. It should be noted that these proposals place no restriction on a town or parish council, or other statutory consultee from making representations on any planning application, or where considered appropriate to liaise with local NNC ward councillors to seek a member call-in to committee.

4.18. A draft Planning Scheme of Delegation is attached at Appendix A that reflects the proposed amendments described above.

## Planning Committee Structure:

- 4.19. The efficiency of the Planning Committee system is a fundamental element of an effective planning service. PAS conclude through their review that the current committee structure is 'not efficient and effective for a council of this scale'. Their report highlights that a number of the committee meetings have been cancelled or are short with small agendas. This is evidenced through the data in Table 1 above.
- 4.20. The PAS report concludes that:
- *The costs of taking applications to committee are much higher than delegated decisions*
  - *Committees should be considering only the most significant applications*
  - *An excessive number of householder and minor applications are being considered by committee*
- 4.21. The data for NNC Planning Committee Meetings detailed in Table 1 indicates that in general, the number of applications being considered by the committees does not warrant the number of committees the Council has. This is evidenced by the number of committee meetings cancelled due to lack of business, or those where only a single application appeared on the agenda. In 2022, these accounted for 29 meetings (48% of all scheduled planning committee meetings).
- 4.22. Research has therefore been undertaken to examine the planning committee structures used within the same seven high-performing unitary planning authorities detailed in Table 3 above. The outcome of this work shows that:
- 6 of the 7 authorities operate a structure with a single planning committee meeting on a monthly basis
  - 1 authority operates a Planning Committee with two sub-committees (however 33% of its Planning Committees in 2022 considered a single application)
- 4.23. The data relating to the current operation of the NNC planning committee meetings in Table 1, the conclusions and recommendations of the PAS report and the outcome of the research relating to the committee structures of other high-performing unitary authorities, has been given detailed consideration by the Planning Transformation Board and Constitutional Working Group.
- 4.24. Both the Planning Transformation Board and Constitutional Working Group agree that the current committee structure does not work well as outlined in the PAS report and that amendments need to be made in order to achieve more efficient and cost-effective committees. They concluded to recommend that the optimal number of planning committees for North Northamptonshire is two and that these should be aligned to specific geographic areas within the administrative boundary of North Northamptonshire. This proposal aligns



with the recommendations issued by PAS in their report and as detailed in Paragraph 4.5.

- 4.25. It was considered that a two committee structure will ensure that (based upon the last two years committee data) there will be sufficient capacity to undertake the likely committee business (at circa 110 applications per year, this equates to an average of between 4 and 5 applications per committee), whilst helping to ensure that there is sufficient business on the committee agendas to significantly improve their cost-effectiveness.
- 4.26. The Board also considered that two planning committees with a geographic split across the area would help to ensure that committees could still be held in relatively local locations within North Northamptonshire and can be attended by committee members that brought local knowledge as well as planning knowledge to the decision-making process.
- 4.27. In considering how a geographic split of North Northamptonshire might be best achieved, the following criteria was applied to establish a proposal for the most appropriate split:

- i) The data from the throughput of planning applications in each of the current four areas to help ensure that the proposed split has a reasonable prospect of producing a similar committee workload. The planning application workload in 2022 across the four geographic areas is as follows:

Corby area	12.6%
Kettering area	27.1%
Thrapston area	30.6%
Wellingborough area	29.7%

- ii) That the boundary between committee areas follow NNC ward boundaries. This is because planning applications are linked to wards in the back-office ICT systems, which is helpful for example when searching for applications or producing reports such as weekly lists. In terms of having a clear understanding and managerial control of which planning applications are assigned to a particular committee, this is most easily achieved by assigning wards to committees. It is also considered that for the ward councillors and local residents, it would be helpful to have a clear understanding that every application within the ward that is referred to committee for a decision goes to the same committee.
- iii) That there is at least one suitable venue within the geography of each area where the planning committee can be held.
- iv) That in order to address the recommendation made by PAS that '*To encourage the move to a new joined up planning service, it would be*

*better if the new committee boundaries were not aligned to the predecessor council boundaries'* the geographical split differs from the former district and borough administrative boundaries.

- 4.28. Taking account of the criteria outlined above, a proposed method of splitting the geography of North Northamptonshire into two areas was considered and supported by both the Planning Transformation Board and Constitutional Working Group, each of which would have its own planning committee. A map outlining the proposed areas is attached at Appendix B.

## **5. Issues and Choices**

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- 5.1. The PAS Peer Review was invited by the Council in order to provide an independent assessment of the planning service and to undertake extensive engagement with a wide range of the service's stakeholders. As a result of this review, the Council has received a final report and recommendations from PAS that help to inform the transformation journey being undertaken by the Planning Service bringing together five legacy local planning authorities under North Northamptonshire Council to form a single harmonised and high-performing planning service for North Northamptonshire.
- 5.2. In reaching the proposals set out in this report, the findings of the PAS report and the recommendations provided relating to the Scheme of Delegation and committee structure have been thoroughly considered by both the Planning Transformation Board and Constitutional Working Group. NNC data relating to the operation of the Scheme of Delegation and committee system has been collected and analysed in order to ensure that the findings of PAS can be evidenced and this has proved to be the case in relation to the town and parish council trigger in the Scheme of Delegation and the lack of efficiency in the current committee structure.
- 5.3. Seven high-performing unitary authorities have been identified in order to compare and inform the proposals for amending NNC's Scheme of Delegation and committee structure and a number of alternative options were considered as set out Paragraph 3.3 before arriving at the proposals set out in this report.
- 5.4. The proposals included within the report seek to address the findings and recommendations from PAS and it is believed will improve the efficiency and cost-effectiveness of the planning committee system, helping to ensure that valuable resource of the committees is focussed on considering only the most significant applications.
- 5.5. Council could choose to reject the findings of the PAS Peer Review. Should this be the case, then the options open to the Council would be to either continue operating the current planning service delivering business as usual as it does presently, or to formulate transformation plans for the service ignoring the advice and recommendations of the PAS Peer Review Team.

## **6. Next Steps**

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- 6.1. Subject to Committee's approval, these proposals will then be taken to full Council for consideration at the meeting scheduled for the 30 March 2023.

## **7. Implications (including financial implications)**

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### **7.1. Resources and Financial**

- 7.1.1. These proposals are designed to improve the efficiency of the planning committee system. In reducing the number of committees the proposals seek to ensure that the resource of the committees are focused on considering the most significant planning matters and that there is a reduction in the number of meetings that are either cancelled or held to consider a single item.
- 7.1.2. By reducing the number of committees and meetings held over the course of a year, there will be a corresponding financial saving in travel costs for staff and members of the committee, and an opportunity to close council office buildings earlier on more occasions (the proposals equate to 36 less evening committees per year).

### **7.2. Legal and Governance**

- 7.2.1. The proposals will require amendments to the Council's Constitution in order to introduce the proposed changes to the Planning Scheme of Delegation and the committee structure.
- 7.2.2. In implementing these proposals, there will be a need to ensure that the Council continues to operate a legally sound planning service and that all planning decisions are robust and able to withstand the potential for legal challenge.

### **7.3. Relevant Policies and Plans**

- 7.3.1. These proposals will assist in delivering the actions as set out in the NNC Action Plan, as agreed by the Executive on the 23 December 2022, which is designed to respond to the PAS Peer Review findings and recommendations.
- 7.3.2. The proposals will assist the Council meeting its commitments in the Corporate Plan by contributing towards the Key Commitment of Modern Public Services – 'providing good quality and efficient services valued by our customers', and 'using our assets, skills, knowledge and technology most effectively'.

#### **7.4. Risk**

- 7.4.1. The risks associated with this report are in not progressing with the proposals that seek to address the PAS recommendations and potential failure to deliver an end product that provides an efficient and cost-effective planning service for North Northamptonshire that is able to help deliver planned growth for the area, make great places and assist in leveraging inward investment into North Northamptonshire.
- 7.4.2. Should the Council choose not to progress the proposals in this report that responds to the PAS recommendations, there is a risk that the Council continues to operate a disjointed service that cannot meet the expectations of its customers and that fails to realise the efficiencies that can be delivered through transforming the function into a single, harmonised planning service.

#### **7.5. Consultation**

- 7.5.1. As a part of the PAS Peer Review, significant consultation was undertaken, both internally with a wide range of elected members and officers and externally with a variety of stakeholders, such as developers, planning agents, statutory consultees and town & parish councils, details of which are included within the PAS report, available here:  
<https://northnorthants.moderngov.co.uk/documents/s13629/Appx%20A%20-%20Final-PPR-report-north-northants-06-11-22.pdf>
- 7.5.2. Further engagement with representatives of NCALC and North Northamptonshire's Town & Parish Councils has also been undertaken through a meeting held on 2 March 2023 to update on the proposals outlined in this report.

#### **7.6. Equality Implications**

- 7.6.1. None impacting on the nine protected characteristics defined in the Equality Act 2010.

#### **7.7. Climate Impact**

- 7.7.1. The Council has an opportunity through these proposals to realise efficiencies that will have a positive climate and environment impact. A potential reduction in 36 evening meetings per year will reduce the requirement for both officers and committee members to travel to meetings, and will enable council office buildings to be closed earlier on more occasions thus reducing energy demand.

## **7.8. Community Impact**

7.8.1. The proposals seek to ensure that planning committee meetings remain accessible to members of the public by recognising the need to hold meetings at venues within the locality of each geographic area associated with a planning committee, as set out in Paragraph 4.27 iii) of this report.

## **7.9. Crime and Disorder Impact**

7.9.1. There are no specific crime and disorder implications relating to this report.

## **8. Background Papers**

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### **8.1 PAS Peer Review Report:**

<https://northnorthants.moderngov.co.uk/documents/s13629/Appx%20A%20-%20Final-PPR-report-north-northants-06-11-22.pdf>

### **8.2 Corresponding NNC Planning Transformation Board Action Plan:**

<https://northnorthants.moderngov.co.uk/documents/s13630/Appx%20B%20-%20Planning%20Peer%20Review%20-%20Planning%20Transformation%20Board%20Action%20Plan%201%20Dec%2022.pdf>