



Planning Service Peer Challenge

Mid Suffolk District Council

22-29 November 2021 Interviews

March 2022 Final Report

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1. Executive Summary

- 1.1 This report summarises the findings of the planning service peer challenge delivered with the Local Government Association (LGA) with the Planning Advisory Service and a group of serving officer and councillor peers from local authorities from across the country for Mid Suffolk District Council. The aim of the review was to assess the role of the Council's Planning Committees in decision making, public transparency within the process and efficiency of planning decision making.
- 1.2 The planning service appears very well managed with some very efficient processes. The Council is performing well against all the national planning performance indicators for the timeliness and quality of decision making, it has a strong land supply position and good record of housing delivery. The Council is progressing towards having a new up to date local plan, jointly with its neighbouring authority of Babergh District Council, whom the Council has a shared service workforce with. The review has identified a number of good processes and procedures within the planning service that would highlight it as a well performing service in what could be considered quite challenging times in planning terms; with very high numbers of listed buildings and conservation areas in the District and dealing with a high volume of applications that have recently seen year-on-year-on-year increases since 2019. The planning service, both officers and members, appears to have responded positively to the challenges of continuing to deliver the service through the covid pandemic and should be commended for this.
- 1.3 The Council's planning committee structure of two Development Control committees; A & B committees, and a third Referrals Committee; which applications can be referred to, has been in place for several years and has worked successfully in the past to allow large volumes of applications to be seen at committee and very contentious applications to be seen at the larger Referrals committee.
- 1.4 However, recently meetings of all three of the Council's planning committees have become very long and extremely detailed in their focus on the applications they are discussing. Individual applications are consistently taking between an hour to over two hours to move from being introduced to a decision. Committees are sitting for between seven to nine hours at a time, with some even running into second sittings. This length of time is around three times the amount of time that a planning committee of other authorities sits for. The review considers that a committee sitting for such a long period is not conducive to good robust decision making, making the best use of the resources of the service or accessible to the public.
- 1.5 This extended time that the committees are sitting appears to be due to few factors.
- 1.6 The finely balanced nature of political representation in the local authority is something that everyone inside and outside of the Council are very aware of and is a fact that planning officers and committee members need to be strongly aware of but make the non-political, practical planning process work within. However, it appears to have brought political or ideological debate of many planning applications that are reported to the Council's planning committees.
- 1.7 This has in part brought with it extended questioning of both internal and external officers, and even non-professional representors to the committees. Some of this questioning by some committee members was viewed as being excessive and sometimes quite aggressive towards some officers, almost appearing to become

personal in some reported situations. This is eroding the key professional relationship between officers and members that is required in the service. Officers and members need to acknowledge the issues around behaviour and culture and work collectively together to address them. Rebuilding trust, confidence, and professional respect from both sides of the key relationship between committee members and professional planners of the authority. Building a closer, more open and aware working relationship between officers and committee members through an ongoing programme of joint training for officers and members which gives improved recognition and understanding of both officers and members roles and does not shy away from the reality of the finely balanced political situation.

- 1.8 There is insufficient interaction between Committee Members and case officers prior to the meeting and this rarely touches upon a Members intended motion in any detail. This is where there is an opportunity for committee members to add value early in the process, to raise questions for clarification, highlight questions that will be raised at committee and discussing if they are minded to go against the officer's recommendations rather than first raising them in the committee. This will allow case officers to be able to better support the committee members to make good decisions by having relevant information available.
- 1.9 There is some variety in officers' reports, but they are often very lengthy and overly detailed. The resulting committee papers have become very detailed and long, along with the resulting case officer presentations being very lengthy and detailed as well. The committees' requirement for these extensive papers to be produced in a hard copy form, which is an outlier to the rest of the Council that has embraced a digital agenda, takes a lot of resourcing by the authority.
- 1.10 It appears, in the opinion of the review team, that some committee members are not reading the extensive committee papers prior to the committee but relying on the detailed officer presentations to inform them of the information to be able to undertake decisions on the case taken to committee.
- 1.11 We believe that this detailed level of reporting and presentations is in part due to the level and nature of challenge that some officers are receiving and the low level of engagement that is occurring between case officers and committee members prior to the committee sitting.
- 1.12 These characteristics appear in the reviews opinion to show a breakdown in trust, confidence, and professional respect from both sides in the key relationship of some committee members and professional planners of the authority.
- 1.13 The presentations and committee papers need to be simplified, to be in an agreed structure, that is more succinct and accessible, that highlight the key planning issues for discussion, with shortened overviews of the case and digital as the principal form, with a greater confidence that committee members have read the papers and are aware of the cases.
- 1.14 It was not clear to the review team and many individuals that we spoke with why applications were referred to the planning committees. The referrals process of taking all applications for Major Development, or where it is called in by a councillor, or if an application is considered controversial means there are a high volume of applications being seen at the committees of which many have no real planning reason to be discussed. This is also extending the time the committee is sitting for. There should be a clear understanding of the planning reasons to be discussed at the

committee, with the committee looking at the applications that have a fine planning balance or are highly controversial. Committee time is precious; it should be used well.

- 1.15 The Council's planning committees are deferring almost 30% of application decisions in a year, which is a very high number of applications to be seen through the committee process more than once. This high number of deferrals appears to be due to the balanced political position of the Council and there being a greater reliance to shift decision making to the Referrals Committee. It is our opinion that the Council should strongly consider removing the Referrals Committee. Through collective working between the committee chairs, committee members and officers have confidence to make decisions at the A & B committees and not require the applications to be deferred. If the Council decides to continue to have the Referrals Committee there needs to be a concerted effort and collective working from all committee members and officers to refrain from deferring applications to it unless in exceptional circumstances, of which they are highlighted early and could be sent straight to the Referrals committee if required.
- 1.16 It was concerning through the review that we received some diametrically opposite messages from individuals about how on a planning committee officers and members are supposed to engage and work together. How the committee is presently functioning, and the level of challenge towards professional officers, is not how planning committees work in other local authorities and is not a good "shop window" of decision making on the Council.
- 1.17 The Council has some very engaged and well-informed parish councils. It should look to build on its already welcomed support as we move into a period of change with the proposed national Planning Reform agenda and the Council's own local plan changes, to support these groups. The Council should look to include these groups in training and improved sharing of information to aid their positive interaction in the planning policy and decision-making processes and allow the committees to make good decisions.
- 1.18 The finely balanced political position of the authority and non-political role of planning will require close cross-party working on the issues and solutions highlighted in this review. The overarching aim is for the committees to make good decisions and this needs to be in line with a recognition that the committee is getting professional advice to allow them to make these decisions, with an interdependence and trusted professional relationship between officers and members. This starts with having a clear understanding of each other's roles, agreeing, and updating the Council's Planning Charter, having shared formal and informal learning and training between officers and members that is driven together for a better understanding of each other's roles and responsibilities

2 Key Recommendations

- 2.1 This section summarises the key / priority recommendations and more detail on each one can be found in the main body of the report.
- R1.** The finely balanced political position of the authority and non-political role of planning will require close cross-party working on the issues and solutions highlighted in this review.
- R2.** Officers and members need to acknowledge the issues around behaviour and culture and work collectively together to address them. Rebuilding trust, confidence, and professional respect from both sides of the key relationship between some committee members and professional planners of the authority. Build a closer, more open and aware working relationship between officers and committee members through an ongoing programme of joint training for officers and members which gives improved recognition and understanding of both officers and members roles and does not shy away from the reality of the finely balanced political situation.
- R.3** Have earlier engagement of committee members with case officers on issues and requests for information and questioning prior to the committee rather than just at committee. Giving committee members the opportunity to add value early in the process and allowing case officers to be able to better support the committee members to make good decisions by having relevant information available.
- R4.** The committee is presently not a great “shop window” to decision making for the Council. Shorten the length of time that the committee sits - 7hrs to 9hrs sitting with an application taking more than 3hrs is significantly too long and is not best practice. It needs to be shortened through improved clarity of processes, shortened presentations, focused technical questioning to officers, with others only giving clarifications, as well as reducing the number of items on the agenda. Think about how the committee is viewed both in person and online. A primary focus should be delivering clarity and understanding of the process by the watching public as a primary concern, with such elements as signage, explanation of the process and showing the voting on screen.
- R5.** Strengthen the recognition that decision making at committee is not political. This needs to be explicit in the training that all councillors that sit on the committees, recognised and supported by each party leadership.
- R6.** Have a more consistent approach to how cases are reported and presented with a great emphasis that papers are more succinct with more focused committee process.
- R7.** Embrace a more modern/digital approach to the committee papers/bundle in line with the Council’s corporate digital commitment and potentially freeing up more officer time to better respond to applicants, communities, and councillors.

- R8.** Remove the Referral Committee; A & B Committees should be making decisions without referrals. This should reduce the number of deferred decisions.
- R9.** Tighten the “call in” requirement to reduce the time that the committee is sitting for; spend the key time available to the committees on the important applications that have the biggest impact on the area. Make sure that the requirement for the planning reason for an application to go to committee are strongly enforced. Have more political “buy-in” if required with the chair, vice chair or even cross-party involvement. Remove the applications from the committees that don’t have objections and are not contentious or need discussing through a chairs review panel or cross party call over process but keeping it under review as the profile of applications changes. Make it clear to everyone what this requirement is and make the “call in form” easier to understand and complete for councillors.
- R10.** Build on the welcome support the authority already delivers to parishes and improved Parish information and training sessions to aid their understanding and engagement with both planning policy and decision making.
- R11.** Update the Council’s Planning Charter.

3. Background, Scope and Context of the review

3.1 Background:

- 3.1.1 This report sets out the findings of a planning improvement peer challenge, organised by the Local Government Association (LGA) in cooperation with the Planning Advisory Service (PAS) for Mid Suffolk District Council. Peer challenges are managed and delivered by the sector for the sector. It is important to stress that this review is not an inspection; they are improvement orientated and are tailored to meet the individual council’s needs. Designed to complement and add value to a council’s own 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.
- 3.1.2 The review is not designed to provide an in-depth or technical assessment but for the peer team to use their experience and knowledge to reflect on the information presented to them by people they met, things they saw and material that they read whilst undertaking the review across late November 2021. This was at a time whilst waiting for the Government’s response to the Planning Reform White Paper ‘Planning for the Future’ in 2020, that will give details of any future changes in the national planning process.
- 3.1.3 This report is a summary of the peer team’s findings. By its nature, the review represents a snapshot in time. We appreciate that some of the feedback in this report may touch on things that Mid Suffolk Council is already addressing and progressing. The PAS review team has presented a verbal summary of this report and recommendations to an audience made up of council officers and members.
- 3.1.4 The peer team is made up of serving council officers, serving councillors and a PAS review manager:

- **Richard Purcell** - Assistant Director of Planning, North East Derbyshire District Council
- **Neil Watson** - Planning, Economic Development & Regulatory Services Manager, Pendle Borough Council
- **Cllr Dale Birch**, Deputy Leader and Planning Committee member, Bracknell Forest
- **Cllr Leo Littman**, Chair of Planning Committee, Brighton & Hove Council.
- **Steve Barker**, Planning Advisory Service, Peer Challenge Manager

3.2 Scope

3.2.1 The aim of the peer challenge was to assess the role of decision making in the planning service and the role and operation of the Council's Planning Committee, public transparency and the efficiency within the process. It was asked to look at if the Council is making robust and defensible decisions, if the call in and delegation procedures are working effectively, to review the quality of committee reports, the quality of debate at committee, levels of engagement, openness & transparency of decision making and overall efficiency and effectiveness within the service.

3.2.2 The review structured our reporting on 4 key themes as they relate to the Development Management decision making service:

Theme 1: Councillor and Officer working relationship

Theme 2: Maintaining a Development Management culture and being an accessible service

Theme 3: Member "call in" / referral to Committee

Theme 4: Development Management Committees; A&B and Referrals Committees

3.2.3 The PAS review team would like to thank the community representatives, councillors, staff, customers and partners for their open, honest and constructive responses during the review process through the remote interviews and socially distanced in person meetings to allow the review to occur within covid safe practices. All information collected is on a non-attributable basis. The team was made to feel very welcome and would especially like to mention the invaluable assistance and excellent onsite and remote support provided by the Council.

3.3 Context

3.3.1 Following the 2019 election the political control of the Council is very finely balanced with 17 members of the Conservative and Independent Group and 17 members of the Green and Liberal Democrat group. Political control of the Council is held by the Conservatives through the Chairman's casting vote.

3.3.2 This review is only focusing on Mid Suffolk but the Council has a shared service workforce with their neighbouring local authority of Babergh District Council. Mid Suffolk Council is performing well against all the national planning performance indicators for the timeliness and quality of decision making, it has a strong land supply position and good record of housing delivery. The Council is progressing towards having a new up to date local plan through a joint plan with Babergh, which at the time of the review was progressing through the examination stage. Decision making whilst the local plan has been in production has been challenging at times, with discussions of how much weight it can have in decision making and a number of

appeals finding that present policies were not deemed to be “up to date” and so there has been a reliance on using the National Planning Policy Framework and the presumption of sustainable development within it.

- 3.3.3 Within the local authority area there are a very high numbers of listed buildings and conservation areas in the district and several made and emerging neighbourhood plans. The planning service deals with a high volume of applications that have recently seen year-on-year increases since 2019. The planning service, both officers and members, appear to have responded positively to the challenges of continuing to deliver the service through the covid pandemic and should be commended for this.
- 3.3.4 The Council has a planning committee decision making structure of two Development Control committees, A & B committees, and a third Referrals Committee that applications can be referred to if the Development Control Committees fail to agree with the recommendation of the Chief Planning Officer or where the Chairman is of the opinion that the decision would not be in accordance with the overall policies and procedures of the Council. There are 8 committee members each on A & B committee, which are also politically balanced, with the Referrals committee having all 16 members of both A & B sitting on it. All three committees have Conservative chairs, who can hold casting votes if required.
- 3.3.5 This three-committee system has been in place for several years and has worked successfully in the past to allow the large volumes of applications to be seen at committee and only very contentious applications to be seen at the larger Referrals Committee. However, in the last couple of years there has been a marked increase in how often applications are being referred to the Referrals Committee possibly related to the emerging local plan position and the challenging political position.
- 3.3.6 It feels like it is a good time to take stock of the Council’s planning decision making with the new local plan close to hopefully being formally adopted and the proposed national planning reform agenda due for release shortly.

4. Theme 1: Councillor and Officer working relationship

- 4.1 The review team found a very professional planning team that is dedicated to the area and the Council. There are some very well informed councillors and well-respected professional planners within the Council, along with some well informed and engaged parish councils, that have good connections to their ward councillors. The Council is performing strongly against all the national planning performance indicators for the timeliness and quality of decision making, it has a strong land supply position and good record of housing delivery. The service appears very effectively managed with some very strong and efficient processes in place.
- 4.2 It was consistently recognised by many people, both inside and outside of the Council and the service, that the officers and members are working in a challenging position with the finely balanced political situation of the Council, a changing planning policy position at both a local and national level, a high volume and complexity of planning applications and responding to the challenges that the Covid pandemic and restrictions have brought.

- 4.3 By the very nature of the planning process there are always going to be tensions with individuals not getting the decisions for or against an application that they want.
- 4.4 How a planning service functions, and particularly a planning committee, is strongly reliant on how strong and trusted the relationship is between the councillors and planning officers. Planning committee members especially are reliant on the professional advice they receive from their planning officers to make good defensible decisions, that are often on the most contentious or finely balanced planning reasons. These can have impacts on the communities and places they serve presently and for generations to come. This can bring tensions to both roles.
- 4.5 The tight political situation of the Council is manifesting itself at the committee. This is of concern. All committee members need to continue to work to strengthen the recognition that decision making at committee does not become or look like it is political. It is essential that each committee member recognises that they are there to make their individual judgement on the planning evidence and issues put in front of them.
- 4.6 What we have heard and seen at times in the interaction of committee members and officers is that there is a breakdown in trust and the required professional relationship between some councillors and planning officers in both directions. We believe that this is due to a lack of clarity and understanding of each other's respective roles. This has been heightened by the changing policy weighting and position of the Council's emerging local plan and the close political balance of the Council.
- 4.7 There is a recognition by most councillors that there is presently an issue around some members' behaviour. However, some believe that how the planning committees presently function and the present interactions are normal. This is of concern. This is highlighted in excessive and sometimes aggressive questioning and challenge of internal and external officers during the committee, a lack of trust, confidence, and professional respect in officer advice. There is little or no interaction of committee members with case officers prior to the committee, with no requests for clarification on thoughts or highlighting of issues that will be raised at a committee so case officers can prepare information to help the councillors make a sound decision; rather than officers feeling like they are being "interrogated" at committee and "ambushed" by councillors' questions. This is leading to some officers feeling very uncomfortable not wanting to present cases at committee, which should be of great concern.
- 4.8 We believe that this is in part responsible for the variety in officer reports and presentations to committee. The often very lengthy and overly detailed case reports and presentations are being produced to try and cover potential issues and questioning but might actually be leading in part to lengthy questioning and debate.
- 4.9 How this relationship works is especially key within the very public decision making of the Council's "shop window" of the planning committee and presently this is not a great "window" into the Council.
- 4.10 The Council has previously had some good member training. This had been put on hold due to the covid restrictions. The Council should prioritise the reinstatement of training sessions and deliver some of these as informal sessions between the committee members and planning officers to rebuild the relations, understanding

and trust between them. The sessions should focus on both the specific roles of professional advice and councillor decision making.

- 4.11 The Council's Planning Charter is a really useful document that can help to recognise the processes, requirements and roles within the delivery of the planning service. There are lots of things within the Charter that would be highlighted as good practice such as the two-yearly review of a sample of previous decisions as a training opportunity and regularly reviewing the Charter to make sure that it is still update to date; however, it does not appear that either of these things are done and it would be good to formally include the members in this process. The Charter is pretty conclusive in its coverage, it has good advice about being open minded and weighing up the evidence, using the Council's policies, early engagement with case officers for questions and technical information for the committee, lobbying and engagement with applicants and site visit protocols. It does not appear that some of these are not being followed particularly around the early engagement with case officers and adherence by all members. It is considerably out of date with it being a joint Charter with Babergh Council. We understand that a revision has been discussed but not completed to date. We would recommend that this should be undertaken working with members from all parties to build ownership of the Charter.
- 4.12 The present and recent position of having an emerging local plan, out of date planning policies and a reliance on the National Planning Policy Framework and its presumption of sustainable development as the main policy framework for decisions has played some part in increasing the present tensions.
- 4.13 It was surprising that little or no clear linkage was given between the Council's corporate strategic aims and the role of the planning service and decision making, particularly as the planning service is central to the Council achieving its vision and strategic priorities.
- 4.14 The progressing of the local plan and moving to a solid policy framework will hopefully go some way to reducing these tensions, and improve the narrative and linkages between the service, and decision making and the corporate aims and objectives.

Recommendations

- Officers and members need to acknowledge the issues around behaviour and culture and work collectively together to address them. Rebuilding trust, confidence, and professional respect from both sides of the key relationship between some committee members and professional planners of the authority. Build a closer, more open and aware working relationship between officers and committee members through an ongoing programme of joint training for officers and members which gives improved recognition and understanding of both officers and members roles and does not shy away from the reality of the finely balanced political situation.
- Have an ongoing joint programme of training for officers and members, building an understanding of each other's roles, requirements and motivations
- Have earlier engagement between committee members and case officers - rather than at committee

- Have a more focused committee process with a more consistent approach to how cases are reported, presented and discussed with more succinct (shorter) committee bundles
- Expectations of the process will need to be managed as changes are made
- Update the Planning Charter

5. Theme 2 - Maintaining a Development Management culture and being an accessible service

- 5.1 The Council is performing well against all the national planning performance indicators for the timeliness and quality of decision making, it has a strong land supply position and good record of housing delivery. The service appears effectively managed with some very strong and efficient processes in place around the registration and validation of applications, timely decision making, positive engagement on applications, making decisions that aren't appealed, there appears to be minimal backlogs of applications, good planning fee and pre-application receipts all of which are good characteristics of a strong development management culture.
- 5.2 There is a general recognition by many external representatives that we spoke with that the Council is limited by the national policy and requirements to make decisions to deliver housing and development and the challenging policy position of the Council trying to progress the local plan.
- 5.3 The Council has some very active and well-informed groups of Parish Councils within the district, some of which hold detailed planning knowledge. There are obviously some challenging relationships between some Parish Councils and the service. This stems from around how they see their role in the process in planning decision making, how some decisions that have been made in the past, an historic issue of neighbourhood plans not being given proper weight in decision making and what they felt is apathy towards neighbourhood planning from council planners. There were divergent views around what the Council's offer of support was to Parish Councils with some recognising the support and commending it and others not being aware of it or feeling not supported enough.
- 5.4 The high amount of activity of neighbourhood planning, with both made and emerging plans should be commended for all that have been involved. However, some parishes reported that they were losing faith in neighbourhood planning and the decision-making process.
- 5.5 With lots of neighbourhood planning activity the new plan and potential national reform could affect plans that have already been made and are emerging, as well as open new opportunities for parish engagement in the planning process.
- 5.6 The Council should make sure that there is a common, clear and consistent approach of support to parish councils engaging in both neighbourhood planning and the decision-making process. This means giving them a clear understanding of their role in commenting on applications. The Council should look to improve the information that the Parish Councils receive and training sessions to aid their understanding and improve future engagement.

- 5.7 It was highlighted by the agents that we spoke with that they don't generally see any difference between the decision making at the A & B committee. This consistency should be commended as it can be hard to achieve when a council has multiple planning committees.
- 5.8 It was also highlighted by the agents that it was apparent that political tensions were manifesting in planning and at the committee and this brought a lack of confidence in decision making.
- 5.9 There was a general perception from agents and developers that it takes a long time to get a decision on applications within the district compared to other authorities. It was reported that there were some inconsistencies between access to and outputs from different case officers from applicants and the community, and some poor responsiveness from case officers, which was generally felt to be due to capacity within the service. The present committee processes, or the present committee culture, is a large resource drain on case officers time, especially the volume and amount of time that committee papers require, and the length of time committees sit for. By moving to shorter reports and presentations, digital committee papers and reduced committee times this will free up more time and resources for cases officers to better respond to applicants, communities, and councillors.
- 5.10 It was suggested both internally and externally that a lot of Extensions of Time (EoTs) were being used by the service on planning applications. Having examined the services data the review concluded that this is within a comparable amount to other local authorities, but the use of Extensions of Time has increased nationally, in part due to resourcing challenges of covid, but it would be worth while making sure that the service does not become overly reliant on their use.
- 5.11 There was no consensus from people outside of the service and the Council who the political lead for development in the district is. There was also a lack of a consistent message throughout the service linking the Council's corporate aims and priorities through to the Council's planning decision making. For a positive development management service both aspects are surprising and something the Council should look to rectify.

Recommendations

- Build consistency in access, reporting and presentation of cases
- Make changes in the committee process to give more time and resources to cases officers to better respond to applicants, communities, and councillors
- Embrace a more modern/digital approach to the committee papers/bundle
- Build on the welcome support the authority already delivers to parishes
- Improve parish information and training sessions to aid their understanding and improve future engagement

6. Theme 3 – Member “call in” / referral to Committee

- 6.1 The review was asked to look at how the Council's “call in” procedure for applications to go to the planning committees was working. We have looked at how applications are referred to the Referrals committee in a separate section of the report.

- 6.2 It was not clear to the review team, and most individuals that we spoke with, why some applications were referred to the planning committees and that too many applications being presented. Some thought that the 'call in' process was working very well, allowing decision making on applications to be made in public. However most recognise that there is an issue and there was consistent recognition that the committees were too long in duration (7 – 9 hours) and this is not good for the public viewing, engagement or decision making.
- 6.3 The Council's Planning Charter lays out the requirements for why applications should be referred to committee. The referrals process of taking all applications for Major Development, or where it is called in by a Councillor, or if an application is considered controversial means there are a high volume of applications being seen at the committees of which many have no strategic planning reason or even a basic planning reason to be discussed. This is also extending the time the committee is sitting for along with the detailed presentations and questioning.
- 6.4 Some individuals were not aware of what the 'call in' requirement to committee was and many highlighted that it wasn't clear and transparent and that there appears to be a lack of consistency in the reasons why applications were going to the committees. It was also highlighted that the form that members complete to call an application to committee is difficult to complete and it should be made more accessible.
- 6.5 The Council should consider introducing a chairman review panel or 'call over' process to make sure the right applications are going to the committee. This could potentially be a cross party panel to remove the applications from going to the committees that are not contentious or need discussing to focus committee time on the important applications that have the biggest impact on the area.
- 6.6 There should be a clear understanding by everyone, including ward councillors and parish councils, of the planning reasons required for an application to be presented at a committee. The committee should consider only the applications that have a fine planning balance or are highly controversial. Committee time is precious; it should be used well.
- 6.7 The Council's profile of planning applications, like all local planning authorities in the country, has been altered by the Covid pandemic, with a decrease in major applications and an increase in non-major or householder applications. Due to this issue, now is probably not the best time to consider the applications going to committee as there has been a general reduction in the larger, more strategic applications that would be expected to go to committee. We would suggest that even if altered, or if planning reasons are enforced better, that this call in requirement should be kept under regular review whilst the overall profile of applications the Council receives changes and any changes to the committee processes reflect what is needed.
- 6.8 There are a lot of good things within the Council's Planning Charter and there was a consensus that it should be updated – it's a good basis but out of date.
- 6.9 The practice of taking a two-yearly sample review of delegated decisions, as noted in the Charter is very good practice. It gives the service, including members, an opportunity to see if the 'call in' level is correct and that there is consistency and confidence in the delegation of decisions. However, we weren't aware if this happened in practice, but is something that the Council should consider as part of an ongoing review of call ins. The Council should also take the opportunity on an annual basis for the committee and case

officers to visit previous decisions made by the committee; built and not built, as a learning opportunity.

Recommendations

- Keep the “call-in” requirement under regular review until the profile of applications return to pre pandemic levels and any other changes to the committee process are embedded
- Update the Council’s Planning Charter
- Require the planning reason or recognition of the strategic importance of an application for it to go to committee. Make it clear to everyone including ward councillors and parish councils
- Use a chairman review panel or call over process to make sure the right applications are going to the committee – potentially as a cross party panel – to free up committee time to discuss the important applications that have the biggest impact on the area
- Make the “call in” form more accessible, easier to understand and complete

7 Theme 4: Development Management Committees: A&B and Referrals Committees

7.1 The review team observed a sample of the committees including one A or B planning committee in person, a live stream of both A & B committees and half a dozen recorded committees including A, B and the Referrals Committees.

7.2 The Council’s planning committees’ structure of the three committees has been in place for several years and has worked successfully in the past. It has allowed large volumes of applications to be seen at committee, with very contentious or applications that could be considered a potential risk of being lost at appeal to be seen at the larger Referrals Committee, which was used as required. It is noted that the Council has a historic record of not losing many appeals against its decisions.

7.3 However, recently all three of the Council’s planning committees have become very long and extremely detailed in their focus on the applications they are discussing. Individual applications are consistently taking more than an hour to sometimes over three hours to move from being introduced to a decision or deferral. Committees are sitting for between seven to nine hours at a time, with some even running into second sittings on another day. This is around three times the length that a planning committee of other authorities would sit for. The review considers that a committee sitting for such a long period is not conducive to good robust decision making, making the best use of the resources of the service or most importantly being accessible to the public, with officers, public, etc all waiting around to present.

7.4 We believe that the number of committee members on A & B Committees, of 8, is a good manageable number that should be conducive for good decision making, however having all 16 committee members on the Referrals Committee makes this committee too big and, if the committee is retained, it should be reduced in size to between 8 and 11.

7.5 The Council’s planning committees are deferring almost 30% of application decisions in a year, which is a very high number of applications to be seen through the committee process more than once. We would expect only a half dozen or fewer applications to be

deferred in a year. The perception of a large majority of the people we spoke with was that the use of the Referrals Committee had become a safety valve or “back stop” approach, that there had become too many referrals to the Referrals Committee, it was considered overly complex, that its use was not clearly understood by many and should not be required.

- 7.6 It is the review teams opinion that the Council should strongly consider removing the Referrals Committee. Through collective working between the committee chairs, committee members and officers have confidence to make decisions at the A & B committees and not require the applications to be deferred. If the Council decides to continue to have the Referrals Committee there needs to be a concerted effort and collective working from all committee members and officers to refrain from deferring applications to it unless in exceptional circumstances, of which they are highlighted early and could be sent straight to the Referrals committee if required.
- 7.7 Having an A & B committee works well to allow fortnightly meetings, but it should be recognised that this places a resourcing challenge on the Council and the officers especially when you consider the extensive material that is being produced, the time the committees are taking and the high number of deferrals of applications. This is taking case officers time away from being able to respond to applicants, communities, and councillors.
- 7.8 There are several ways that could help to reduce the time that the committee is sitting for. This includes, updating or tightening the ‘call in’ requirement to reduce the number of applications going to committee and reviewing how some applications are signed off so those without any objections don’t go to committee and the focus can be given on the ones that need discussing.
- 7.9 The streaming of the committees is of a very high quality and one of the best online presentation/productions that PAS have seen with the presentations and all committee members being visible and audible and clearly named. The Council should consider visually showing the voting on the screen to make the process clearer. This could be either listed by committee member as for, against, or abstained, as other authorities that have embraced an electronic voting system have done.
- 7.10 It is not as clear when watching the committee in person as there are no name plates people are not introduced. It is worth thinking “how the committee looks” to someone who has never attended one before; is the process and proceedings clear to understand?
- 7.11 It was highlighted to the review from the agents that we spoke with that they don’t generally see any difference between the decision making at the A & B committee. This consistency should be commended as it can be hard to achieve when a council has multiple planning committees. The committee chairs and officers need to keep a focus on having consistent approaches and decision making across the committees with consistent Chairing including how casting votes are used.
- 7.12 There are some obviously very well-informed members on the committees, and we saw some examples of very good and informed debates at the committees.
- 7.13 The established process that the committee follows is fine and the chairing of the committees was seen as good by many. However, the process was often not followed with committee members questions often straying into debate, making proceedings hard for the public to follow. It needs to be clear when clarification is being given in questioning stage, and when the committee has moved into the debate stage.

- 7.14 There is extensive questioning occurring of both internal and external officers, and even non-professional representors to the committees. Some of this questioning by some committee members was viewed as being very excessive and sometimes quite aggressive towards some officers, and not planning based in some instances. Committee members are looking to challenge the reports and presentations, and examples were seen of even asking for “an opinion” from the non-professional representors and ignoring expert opinion from the professional planners. It is very concerning that we heard that professional planners do not want to present cases or give professional advice to the committees of the Council due to this extensive and intensive level of questioning.
- 7.15 It was concerning through the review that we received some diametrically opposite messages from individuals about how a planning committee, officers and members are supposed to engage and work together. How the committee is presently functioning, and the level of challenge towards professional officers, is not how planning committees work in other local authorities.
- 7.16 It should be recognised that these approaches do not make the committee look good to the public as a “shop window” to decision making of the Council and the service; it appears adversarial, not making clear decisions, and very “jargony” with very technical responses during questioning.
- 7.17 The Chairs briefings that have been introduced are seen as useful in reducing some of the aggressive questioning that occurs. There is a recognition by many that the policy position is changing and that the Joint Local Plan when adopted will make things better with a clearer framework for decisions, - but it needs to be recognised that this is not going to fix all these issues.
- 7.18 There is some variety in officers’ reports, but they are often very lengthy and overly detailed. This is resulting in the committee papers or “bundle” becoming very detailed and long, along with the resulting case officer presentations being very lengthy and detailed as well. The committees’ requirement for these extensive papers to be produced principally in a hard copy form, as an outlier to the rest of the Council that has embraced a digital agenda, requires a lot of resourcing in time and money by the authority.
- 7.19 It appears, in the opinion of the review team, that some committee members are not reading these extensive committee papers prior to the committee (some obviously do with great diligence) but relying on the detailed officer presentations to inform them of the information to be able to undertake decisions on the case taken to committee.
- 7.20 We believe that this detailed level of reporting and presentations is in part due to the level and nature of challenge that some officers are receiving and the low level of engagement that is occurring between case officers and committee members prior to the committee sitting.
- 7.21 These characteristics appear in the reviews opinion to show a breakdown in trust, confidence, and professional respect from both sides in the key relationship between some committee members and professional planners of the authority. To rebuild this key relationship it will require all officers and members to acknowledge the issues around behaviour and culture and work collectively together to address them.
- 7.22 The Council should look to reinstate training sessions to rebuild the relations, understanding and trust between them and improve the interaction of committee members with case officers prior to the committee sitting so case officers can better

support the committee members to make good decisions as highlighted earlier in the report.

7.23 The presentations and committee papers need to be simplified to be in an agreed structure, that is more succinct and accessible, that highlight the key planning issues for discussion, with shortened overviews of the case and digital as the principal form with a greater confidence that committee members have read the papers and are aware of the cases.

7.24 It was highlighted by external parties that to them it was appearing that political tensions were manifesting in planning and a perception or belief that political voting was occurring at the committee and this brought a lack of confidence in decision making. This is not good and something that, even if only a perception rather than actually proven, needs to be watched closely by all parties and individual committee members.

Recommendations

- Remove the Referral Committee, A & B Committees should be making decisions without the need to referrals.
- The present committees are not a great “shop window” to decision making for the Council and needs to improve through shortening the length of time that the committees sit - 7hrs to 9hrs for a committee and a single an application taking more than 3hrs – are all much too long.
- Improve or tighten the process at committee – focus the questioning to officers, others should only be giving clarifications
- Tighten the ‘call in’ requirement – so the committee can spend the time on the strategically important applications
- Think about how the committees are viewed both in person and online by the watching public
- Visually show the voting on the screen – either listed by committee member or as general numbers for, against, abstained.
- Review how some applications are signed off - no objections don’t go to committee
- Officers and members need to acknowledge the issues around behaviour and culture and work collectively together to address them. Rebuilding trust, confidence, and professional respect from both sides of the key relationship between some committee members and professional planners of the authority.
- Refresh and repeat training regularly helping to build understanding and trust between the roles of the committee members and planning officers.

8 Implementation, next steps and further support

8.1 Where possible, PAS and the LGA will 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 Mid Suffolk District Council discuss ongoing PAS support with Steve Barker, Principal Consultant, stephen.barker@local.gov.uk and any corporate support with Rachel Litherland, Principal Adviser, Rachel.Litherland@local.gov.uk

8.2 As part of the LGA's peer review peer impact assessment and evaluation, PAS and the LGA may contact the Council in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.

8.3 The author of this report is Steve Barker (stephen.barker@local.gov.uk), on behalf of the peer review team.

8.4 This report was finalised in agreement with the Council on 10/03/22.

8.5 We are grateful for the support of everyone that contributed to this review.



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