

**REGENERATION SCRUTINY PANEL**

A meeting of the Regeneration Scrutiny Panel was held on Wednesday 1 November 2023.

**PRESENT:** Councillors I Blades (Chair), J Ewan, S Hill, L Hurst, D Jackson and I Morrish

**ALSO IN ATTENDANCE:** P Ford, Principal Consultant, Planning Advisory Service

**OFFICERS:** S Lightwing and P Clarke

**APOLOGIES FOR ABSENCE:** were submitted on behalf of Councillors N Hussain, J Kabuye and J Ryles

23/21 **WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed all present to the meeting and read out the Building Evacuation Procedure.

23/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

23/23 **MINUTES - REGENERATION SCRUTINY PANEL - 11 OCTOBER 2023**

The minutes of the Regeneration Scrutiny Panel meeting held on 11 October 2023 were submitted and approved as a correct record.

23/24 **PLANNING CAPACITY - SCRUTINY REVIEW**

The Planning Advisory Service (PAS) comprised a team of 15 people and was part of the Local Government Association and ran projects funded by the Department for Levelling Up, Homes and Communities (DLUHC), the Department for Environment, Food and Rural Affairs (DEFRA) and Natural England. PAS supported English Planning Authorities to provide effective and efficient planning services and help the implementation of changes in the planning system.

The Principal Consultant led on Development Management support, helping Local Authorities to improve their decision making and performance. PAS carried out reviews for Planning Authorities on a regular basis and had contacted Middlesbrough Council after noting a dip in the speed of decision making, which was the measure used by the Government to class performance.

The Council accepted the offer of support and PAS agreed to undertake a quick review of Development Management using the PAS Development Management Toolkit. The review looked at the Council's key development management statistics such as the number of applications received, how quickly they were processed and validated and officer caseloads. Decision making processes, IT, administration, workload management and consultation were examined.

The review focussed on three elements over one day which were identified as most important by officers. The review ascertained what the issues were, what Middlesbrough was doing well and not so well and then suggested areas that could be improved upon. PAS drew on best practice and issues experienced by other Councils to share, as well as experience of what worked well.

Since this was a quick review, Planning and Development Committee, Political Leadership, Planning Enforcement and the Appeals Process were not included and the Consultants only spoke with officers.

Under the Town and Country Planning Act 1990, Designation was applied where a planning authority was not meeting performance targets. Middlesbrough was slightly below the threshold of 60% for the speed of decision making on major applications between October

2021 and September 2023 and therefore potentially at risk. Middlesbrough was below the threshold on non-major applications and appeals for the same time period.

If a planning authority was Designated, it would lose its planning powers. Applicants would have the option of applying directly to the Planning Inspectorate who would receive the fee. However, the Planning Authority would still need to prepare a report and make a recommendation on the application. Being Designated would also harm the reputation of the Planning Authority. There was currently only one Council in England that was designated, there were ten Councils that had been on the Government's "minded to designate" list and managed to avoid it, and seven were awaiting a decision. If a Planning Authority was not meeting the performance targets it would receive a letter from DLUHC, usually in early January asking the Authority to outline any "exceptional circumstances", to which the Authority had two or three weeks to respond.

Some of the key positives with regard to Middlesbrough's service that were listed in the PAS review report included:

- Good back office and software systems.
- Some very good staff at all levels.
- Staff who had specialist skills - telecommunications, trees etc.
- Manageable caseloads if staff were in place and software could be fully exploited.
- Good communication with corporate communications on Major developments.
- Making good decisions – Major decisions not being overturned at appeal.

Issues for improvement included:

- Lack of an up-to-date Local Plan.
- Planning seen as a barrier corporately.
- Lack of effective staff development programme – no staff appraisals.
- Staff vacancies.
- Staff not spending enough time physically working together.
- Slow and uncoordinated consultation responses and lack of specialists in key areas such as Biodiversity Net Gain.
- Software not used to its full potential.
- Lack consistency in processes.
- Website not as informative as it could be.

In order to address the issues raised, the PAS report made short, medium and long term recommendations as follows:

Short Term:

- Officers should spend a day each week in the office and sit together.
- Strengthen management capacity and give Principal Officers more decision-making powers.
- Make best use of software for work management and monitoring performance – Agile Planning and Power BI.
- Carry out regular case reviews to speed up the process.
- Improve website to reduce time spent on queries and complaints - better signposting to the Planning Portal.
- Take a firmer approach to informal advice - direct people to the pre-application service.

Medium Term:

- Bring together existing process notes and guidance for case officers into a single Development Management Manual.
- Develop standard wording and templates for reports.
- Develop and agree a consultation protocol with both internal and external consultees, including agreed standing advice.
- Take a stronger line on validation and amendments – enforce one opportunity to amend.

Longer term:

- Promote the role of Planning corporately as place-making rather than a hurdle to overcome.

- Develop better relations with local agents and developers:
  - Establish an agent's forum.
- Consider an accredited agents' scheme
- Develop the pre-application offer using the PAS guidance.

The Head of Planning endorsed the findings of the PAS review and a report to progress the recommendations would be considered by the Council's Leadership and Management Team (LMT). The management issues had built up over time through lack of resources and the impacts of the covid-19 pandemic. Items such as getting the process plan in place had also been hindered due to lack of time. On a positive note the Development Control Team would be fully staff from 6 December 2023 to deal with the workload. It was vital that the new members of staff could work and develop together as a team.

As had been highlighted previously, the planning service was reliant on others in its decision making, and did not always get a timely response from internal consultees on highways and drainage. It was emphasised that these posts had been moved into different service areas, job roles had been changed and the postholders had other functions.

The Principal Consultant commented that many Councils were in a similar position to Middlesbrough and the key thing was to make sure the service was resilient for the future. There was a national shortage of planners and it was good news that Middlesbrough now had a fully resourced team. It was important to retain staff and ensure they were able to develop and progress within the organisation.

The Chair thanked the Principal Consultant from PAS for his presentation and input.

**AGREED** that the information provided was received and noted.

23/25

#### **LOCAL PLAN**

The Head of Planning provided a brief verbal update on progress with Middlesbrough's new Local Plan.

The Council was currently undertaking an Asset Review and clarification was awaited on which sites needed to be factored into the Local Plan. Other studies were also being undertaken which included one on Highways.

The intention was to bring a draft Local Plan forward by December 2023 with consultation to follow.

**NOTED**

23/26

#### **OVERVIEW AND SCRUTINY BOARD UPDATE**

The Chair provided an update on some of the items discussed at the latest meeting of the Overview and Scrutiny Board which was held on 18 October 2023.

The Executive Member for Children's Services provided an update on his portfolio. The recently appointed Executive Director of Children's Services and the Director of Children's Care were also in attendance.

The final draft of the Council's Boundary Review 2023 submission to the Local Government Boundary Commission was presented to the Board and approved.

**NOTED**

23/27

#### **DATE AND TIME OF NEXT MEETING**

The next meeting of the Regeneration Scrutiny Panel was scheduled to take place on Wednesday 6 December 2023 at 10.00 am.

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**ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.