

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	17th FEBRUARY 2014
SUBJECT:	PAS PEER REVIEW
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	JOHN CUMMINS
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report provides a brief summary of the PAS Peer Review of the working of the PCC analysis the recommendations of same.
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. The Committee is recommended to the note the report and appendix and to support the following recommendations in the report below. 2. Option, do nothing.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management N/A
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No (Each application is considered having regards to these requirements)
Considered by Monitoring Officer:	No Not required

Wards Affected:	All
Scrutiny Interest:	No

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 In July last year the Planning Advisory Service (PAS) asked 'have you got the best planning committee in the world?'
- 1.2 Being committed to ensuring that we run an efficient, responsive and customer orientated service, discussion took place between officers and the Chairman and it was decided that we should look for PAS carrying out an independent Peer Review of how the PCC is run and to make recommendations on how we could make it better.
- 1.3 Two reviewers were appointed Simon Taylor, Head of Development Management at Kirkless and Cllr Tony McDermot, past leader of Halton Borough Council and they attended two PCC meetings in November and December and carried out interviews of professional officers, Councillors and a number of agents and members of the public who attended the PCC meeting they attended.
- 1.4 They have now produced a report of how they carried out the work, what they found and they made a number of recommendations.

2.0 Findings

- 2.1 The full report is attached as appendix 1 as is a short summary of the headlines of the report.
- 2.2 The first paragraph of the Conclusion states;

'We cannot say the Bury is the 'best in the world', but from our review they are certainly offering a strong and professional service to the citizens of Bury'

2.3 The key positive aspects of the operation of the PCC are listed as follows:

- The Chair led the main meeting with empathy, an appreciation of the process and with a positive attitude.
- Officer reports and presentations were clear and informative.
- Meetings are held in the evening, which ensures that members of the public with “day jobs” can attend – as indeed can elected Members in the same position.
- The debate, in particular at the pre-meeting, was strong, well informed and Councillors had read and understood the reports as well as knowing the local area.
- There appeared to be a good deal of mutual respect between officers and Members, and also – both in the committee and in our private discussions – mutual respect between Councillors in the different political groups.
- Planning agents were positive about officers and the PCC generally.
- It was pleasing that Members were very respectful of speakers, and appeared to be listening carefully, the chair was particularly courteous.

2.4 The potential areas for improvement were listed as follows:

1. Consider an ‘introduction on process’ from the chair particularly when contentious items are on the agenda.
2. Keep under review the use of electronic paperless agendas.
3. Review use of plans and photographs in the committee agenda in favour of recommendations 4 and 5 below.
4. Consider use of microphone and visual aid system for the Peel Room.
5. Introduce full officer presentation with visuals at PCC meeting.
6. Consider introduction of web casting to reinforce transparency of decision making.
7. Use the Greater Manchester Development Management Group as critical friend on all aspects of service delivery.
8. Formalise customer feedback.
9. Keep under review the scheme of delegation to ensure parity with similar authorities.
10. Review the activity of the pre-meeting to avoid eclipsing the importance of the main PCC meeting to ensure that the vibrant debate witnessed is transferred to public meeting.

11. Enhance the pre-application offer to include a slot for pre-application discussions at the PCC pre meeting which could involve ward Members.

12. Review the need for signage inside the Town Hall.

3.0 Recommendations.

3.1 That a short review of the handling of the 'presentation of applications' at the PCC be carried out and a further report presented to the PCC. (Items 1 to 6 and 12 above).

3.2 That on a bi-annual basis a 'peer review' by other AGMA authorities is carried out.

3.3 That a simple 'customer feedback form' be issues to all public attendees of the meeting and that an annual report on this be presented to the PCC on its findings.

3.4 That the scheme of delegation be reviewed on an annual basis.

3.5 That the scope of Pre-Application Enquires be widened to include local Councillor and PCC involvement.

4.0 Conclusion

4.1 The findings of the independent review supported the changes that have taken place in the operation of the PCC to ensure it has maintained credibility with both the public and professionals.

4.2 The running of an efficient and professional PCC is a key part of making Bury a place where people want to live and work and bring investment into the area.

4.3 The way that this is done by both officers and members can be no better summarised by the conclusion of the reviewers who say;

'The commitment of both the professional officers and Councillors to delivering a first class service is excellent.

In particular the commitment of the Councillors to the training and their understanding of the role of the Committee are impressive.

The desire of the officers and Councillors to make sure the correct decision is made on its planning merits, which is not always an easy option, is also admirable.'

Contact Details:-

John Cummins
Development Manager
Environment and Development Services
3 Knowsley Place
Bury BL9 0EJ

Tel: 0161 253 6089

Email: j.cummins@bury.gov.uk



Bury Planning Committee Peer Review: Final Report February 2015

PEERS

- **Cllr. Tony McDermott – Halton Borough Council**
- **Simon Taylor – Kirklees Metropolitan Council**

PURPOSE AND BACKGROUND

A challenge has been offered to Bury Council following a review by the Planning Advisory Service (PAS) in June 2014. That challenge was 'Do you have the best Planning Committee in the world?'. Bury Council believe it has in place a good offer for its citizens and was keen to get this ratified.

As a consequence PAS were asked to support a peer review of Bury's Planning Control Committee (PCC). Two planning peers, Tony McDermott (Labour Councillor Peer) and Simon Taylor (Officer Peer) carried out the review and are the authors of this report.

The purpose of this review is to establish a view of the PCC from a Member, customer, officer and external peer perspective. We have been particularly asked to consider whether the public is effectively engaged and to highlight where improvements can be made.

Our report follows the headings outlined in the "scope of the review" and agreed between Bury Council and PAS. As a result our report is structured around different aspects of the committee's functioning that we were invited to consider. We make a number of observations and suggestions which we hope will assist in the development of the committee.



During our time at Bury, which was conducted over three sessions, we were able to observe two meetings of the PCC. We were able to talk at length with both officers and Members including the chair of the committee and the Assistant Director.

We were also able to speak to local agents about their views of the activities in Bury and their experiences of the PCC.

We would like to record our thanks to the Members and officers of Bury Council who were generous with their time and attention and who were, without exception, helpful and co-operative during the times we visited.

FORMAT AND PROCESS

The PCC meets monthly on a Tuesday evening in Bury Town Hall at 7pm. The committee consists of 13 elected members though at the time of visiting there was one continuing vacancy. The Chair of the PCC (there is no designated Vice Chair) introduces each application and there is a good deal of flexibility in adjusting the running order of the agenda to coincide with levels of interest demonstrated on the evening.

Visiting members of the public, including professional agents, are greeted on arrival by a very effective clerk to the committee who patiently and skilfully explains the forthcoming process. Each visitor attending is furnished with a succinct and clear account of proceedings on one side of A4. This has also been updated to include details of the elected Members on the PCC and is a welcome addition.

The meetings we observed were welcoming and accessible though one member of the public remarked on their difficulty in finding the meeting room in the large town hall building. Perhaps some additional signage would be helpful especially for people arriving after the start of the meeting when the committee clerk is otherwise occupied.



Publicity of PCC

This is similar to many other authorities. The Council publishes annually the dates for all PCC meetings which are held on Tuesday evenings at 19.00 in the Town Hall. The week prior to the PCC the applicant/agent and interested parties, both objectors and supporters, are informed of the PCC by letter and/or email.

The Officer report is published in PDF format on the Council's web site and the availability of the report is promoted via the Planning department and the Council's Facebook and Twitter feeds. These have links to take interested parties to the relevant web page.

The day after the meeting a PDF of the results of the meeting are published on the Planning web pages.

All web updates can be subscribed to and the applications themselves can be tracked by interested parties using the Council's on-line services. Controversial applications are often followed by the local newspaper (Bury Times) and they do also give the date and time of the PCC for these applications.

Site Meetings

These take place regularly in the daytime prior to the PCC in the evening. They are well attended and well organised. They cover the main application sites which are likely to be contentious.

There was a minority opinion that objectors should be allowed onto site during the visits in order that Members hear "local views". However the orthodoxy is that site visits are not an appropriate place for that to take place and that the risks outweigh any advantages. Site

visits are opportunities for fact finding rather than debate. However it may be that views change over time and it is as well, occasionally, to review the arrangements for such visits.

Members are also given virtual site visit tours using web technology at the Pre-Meeting. This is an extremely useful tool and has a number of cost and time saving advantages over the traditional form of site visit. This method should be continued.

Briefing of PCC Members

The agenda and supporting information are made available more than a week in advance. The papers can be accessed electronically but printed papers are still made available for all members and are the favoured format. Although the savings from "paperless" agendas is acknowledged the withdrawal of printed information is not supported by the Members at this time.

Committee Members are very well versed in the planning process and are careful listeners and speakers. There is an evident mutual respect between Members and officers which is well merited on both sides. Members declare interests meticulously (although Members did not appear to be furnished with forms to record interests).

There is a Chair's briefing with officers the day before the PCC to establish main issues, potential problems and agree any amendments to the agenda.

The pre-meeting of the PCC is extremely thorough. It is where Members gain the opportunity to have a full presentation by officers including visuals of the site mentioned above. Any questions are tabled at that session and are comprehensively dealt with by officers. This mechanism means that the committee and not just the chair are very well briefed before the main meeting. It has to be said that this level of briefing is impressive.

PCC Room Layout

The Chair is flanked by officers at the head of the table and the Members sit on the two adjacent sides. Members, commendably, do not sit in political groups but in alphabetical order so that there are no evident political factions. There is a table set up opposite the Chair for speakers with a hand microphone, water jug and glass available. The acoustics are reasonable in the Peel Room but it is sometimes difficult to follow what is being said. The single microphone is rarely used and there is no set of microphones for Members. This is not a great problem but installing a system may be an idea for the future when funds permit.

Committee Reports

Overall these are well ordered and clear. As outside observers there appears to be much effort put into making the reports as easy to use by a non planning expert as possible. This is often difficult and should be commended. However, the applications we observed at our two sessions were in the main reasonably small scale and were not notably contentious.

It was noted that reports contained plans and other material which whilst helpful probably could be delivered in other ways to the public. Some suggestions on this are outlined below.

Officer Presentations

Presentations by officers were of a high standard. Those presenting clearly new their audience well and were well informed and helpful. We witnessed officers making suggestions to Member comments which helped to shape the final decision. As observers it showed a collaborative approach and some mutual respect.

Across the two sessions, the pre-meeting and the PCC, Members were clearly well served by officers. As highlighted in the section above the greatest emphasis was ensuring that



Members were clearly informed. Whilst the presentation at the PCC was clear and effective members of the public did not have the benefit of visuals used in the pre-meeting. To introduce this step of fuller presentation would, we feel, enhance the PCC from the public's perspective.

Member Debate

As stated before, Members are well informed both on local issues and planning matters. The debate at the pre-meeting was the most in depth and challenging. Across the two sessions we visited we noted that the spirit from those sessions did not always translate into the main meeting. Whilst this is not a major issue care needs to be taken, to ensure that the pre-meeting does not entirely eclipse the PCC itself.

The use of a pre-meeting is not common to all authorities although we see the benefit of this arrangement. It may be that the pre-meeting as a full briefing session could be put to other uses as suggested in this report. This may leave less time for in depth debate on the individual applications but pass the greater debate to the PCC itself.

THE CUSTOMER EXPERIENCE

Public and Applicant Management

The public are clearly well informed on the procedures involved in planning meetings. There is no webcasting facility. This has become practice for the Full Council Meeting, but for planning it is not thought to be practicable at the present time due to cost constraints. However, the use of webcasting does add a further element of transparency to the meetings which can improve the public's confidence in the decision making process.

On a practical note the recent changes to allow recording at public meetings by members of the public last year means that to ensure another body's recording can be put into context serious consideration should be given to its reintroduction.

The committee clerk is active on the public's behalf as well as for Members of the committee. While we were there they amended their handout for public attendees to include names of Members of the PCC as well as their identifying photos for easy identification by public attendees. A welcome addition. Overall the public are dealt with well and seem appreciative of the fact.

Increasing Public Understanding

We have commented on officer reports and presentations earlier in this report. The standard of both will assist in the public's understanding. To further enhance the customer experience the excellent visuals used during the pre meeting could also be incorporated into the main PCC meeting for future clarity.

A further point here would, particularly at sessions which attract large numbers, be to add a formal introduction at the start of the meeting. This should include how the meeting operates and expectations from Members, public and agents. A short video might be helpful here if a visual aid is introduced.

The visual aid step is not essential and these explanations can as easily be carried out by the chair as a standard introduction at the beginning of the meeting. However, what remains important is that the public, no matter how few, are fully aware of the process and the expectations of Members, officers and the speakers.

Public Speaking Arrangements

Objectors can speak for 3 minutes. Only one objector can speak on each application. Similarly there is room for one speaker from the agent/developer side and there is accommodation for representation from a ward councillor not on the committee. These are common public speaking arrangements and consistent with many local planning authorities in the area.

The time restrictions did not seem to impede the speakers that we saw. The planning agents spoken to did not raise public speaking at the PCC as a particular area of concern. However, during our discussion one member suggested that 5 minutes per speaker may be more appropriate especially since the number of objectors for controversial applications can be very large. This is a very modest change which could be accommodated if it is felt that this would add value to the overall process.

Greater public engagement tended to arise in some of the discussions with Members and officers. In particular how this can be improved. Greater public speaking at committee can give the impression of greater public involvement. However, it is the very last stage of the overall process and there may be better ways of drawing in the public so that they can influence development proposals. Better pre-application consultation for example.

Decision Making Arrangements

During discussions with various participants the issue of delegated powers and whether the PCC was the correct body for making planning decisions in the authority were raised.

In terms of delegated decisions there was a small number of Members who expressed a view that more applications should be heard by the PCC. Related to this was the issue of delegated powers for officers.

We understand that the delegation agreement is a typical by exception arrangement with Members being able to ask for applications to be heard by the PCC rather than delegated to officers.

To engender a pro-growth approach in the authority the development management function has to demonstrate that it can provide a fast and effective service. Inevitably this has led to, rightly or wrongly, speedy decisions being paramount. If this is to be maintained a good delegation agreement is central to this.

It is noted from the latest DCLG Planning Statistics (Q2 2014) that the Planning Authority performs well and is currently above the Metropolitan average in majors and other applications. In terms of delegated decisions these statistics show that 90% of applications are delegated to officers in the authority. This is below the current 95% Metropolitan average.

Based on this information alone there would be little to indicate that more applications should be delegated to officers. We would recommend that this aspect be kept under review to ensure that parity is maintained with similar types of authority.

The decision making process in Bury is currently simple and easy to follow. The single PCC arrangement helps with that. During our discussions there were some comments made about decisions being made by 'area forums'. At this point in time the single PCC arrangement works well and linked to this is the fact that the service's performance is competitive. A change in decision making process would undermine this. Whether devolving decisions to other forums increases public participation would remain to be seen however there other ways to improve this as suggested in this report.



In conclusion Bury offers a simple and effective solution to decision making on planning applications that is consistent with other local planning authority good practices.

QUALITY & IMPROVEMENT

Our observations are that the PCC in Bury is working very well and Members and officers should be proud of what they have done to establish a system so well regarded by customers and colleagues. Members go to great lengths to be aware of the importance of planning procedures and are served by officers who are trusted and who are supportive. The planning papers are read carefully by members who are forthright but reasonable in expressing their views.

Nevertheless it is important that in order to stay in the vanguard that there is a constant search for improvement.

Training

There is a regular training session for one hour prior to the PCC. These sessions are well regarded and generally well attended. The topics are not specifically related to that evening's meeting but follow a list of topics pre planned by Members and officers. They take place in a well equipped and comfortable environment. During our visit the topics tackled were design and latest permitted rights.

In the current climate on-going training is vital as the changes being made at a national level to policy and procedure are occurring quite rapidly. To ensure Members are well informed and knowledgeable then this type of programme is essential. We would commend the approach and recommend that the service seeks to keep this at the forefront of its improvement programme.

Monitoring and Review

Clearly this review is part of the continuous improvement process and is a good measure of comparative performance. We would recommend that you continue this in the future and use your wider Greater Manchester Development Management Group to be a critical friend. Such groups, which officers referred to enthusiastically, are useful for sharing ideas and common practice.

The use of visits to implemented schemes is a useful learning tool for both officers and Members we recommend that this is continued into the future.

It was not clear how the authority took ongoing feedback from its customers. A formal annual process would be a useful feedback loop into the quality of the service provided including how effectively a particular participant was engaged in the process.

Further Public Engagement

Striking the balance between economy, environment and community is often the dilemma faced by many planning services. As a service there is evidence that you are seeking to ensure your development management function supports your pro-growth agenda. From our observations the PCC arrangement is tailored to suit a speedy and effective decision making process. Sometimes this is at the loss of engagement.

It is difficult to assess from our limited contact and visits whether the public is fully engaged with the planning process in Bury. Clearly from the questions posed by Members and officers there is a desire to improve this. Whilst the PCC could be one vehicle to increase public contact this may not be the most meaningful in terms of shaping decisions.

It is clear from discussions with officers, in particular, that the pre-application service is working well and we are assuming that the current 100% performance in major applications is in part attributable to this.

However, our discussions have also highlighted a desire to involve Members (PCC and Ward) in the pre-application process. This would seem a genuine opportunity to introduce Members to developer aspirations at an early stage in the scheme development and may be an area that the PCC pre-meeting could successfully get involved in. It may also be the main route to reinforce and assist in pre-application consultation with a particular community.

COMMENTS AND RECOMMENDATIONS

Key Comments

We would like to highlight a number of positive aspects of the PCC's operation:

- The Chair led the main meeting with empathy, an appreciation of the process and with a positive attitude.
- Officer reports and presentations were clear and informative.
- Meetings are held in the evening, which ensures that members of the public with "day jobs" can attend – as indeed can elected Members in the same position.
- The debate, in particular at the pre-meeting, was strong, well informed and Councillors had read and understood the reports as well as knowing the local area.
- There appeared to be a good deal of mutual respect between officers and Members, and also – both in the committee and in our private discussions – mutual respect between Councillors in the different political groups.
- Planning agents were positive about officers and the PCC generally.
- It was pleasing that Members were very respectful of speakers, and appeared to be listening carefully, the chair was particularly courteous.

Potential Areas for Improvement

1. Consider an 'introduction on process' from the chair particularly when contentious items are on the agenda.
2. Keep under review the use of electronic paperless agendas.
3. Review use of plans and photographs in the committee agenda in favour of recommendations 4 and 5 below.
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10. Review the activity of the pre meeting to avoid eclipsing the importance of the main PCC meeting to ensure that the vibrant debate witnessed is transferred to public meeting.
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CONCLUSION

We cannot say that Bury is the 'best in the world', but from our review they are certainly offering a strong and professional service to the citizens of Bury.

The commitment of both the professional officers and Councillors to delivering a first class service is excellent. In particular the commitment of the Councillors to the training and their understanding of the role of the Committee are impressive. The desire of the officers and



Councillors to make sure the correct decision is made on its planning merits, which is not always an easy option, is also admirable.

The commitment to using technology to pioneer virtual site visits is also impressive as is the desire to ensure the working of the PCC remains relevant to the public in times of change for local authorities.

We are sure that both the officers and Committee members want to engage as fully with the public as practically possible and the introduction of Councillor involvement in the pre-application stage of the planning process will be a further example of this intent.

Peer Review

Comments and Recommendations

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Review in detail - Summary

Format and Process

1. Reception
 - a. Efficient reception process where both applicants/agents and the public are greeted and the process clearly explained to them.
 - b. Late attendees do not have this service.
2. Site visits
 - a. Minority view that objectors should be allowed on site visits
 - b. 'Virtual' site visits were a valuable and extremely useful tool which enhanced the understanding of the location surrounding applications being considered.
3. Briefing
 - a. Paper agendas are preferred by members and 'paperless' agendas is not supported.
 - b. Declarations of interest meticulously declared
 - c. No forms for recording interest (this is done by the committee Clerk)
 - d. Level of briefing is impressive and allows members to be 'very well briefed before the main meeting'.
 - e. Not a common occurrence amongst LPA's
4. Room
 - a. It is commendable that members do not sit in political groups and there is no evident political factions
 - b. Layout of the room is good
 - c. Acoustics reasonable but the lack of a sound system can make it difficult to follow what is being said. Consideration should be given to installing a system.
5. Reports
 - a. Easy to use by non-planning experts and commendable
 - b. Consideration should be given to other methods of displaying material to the public attending the PCC
6. Officer presentations at the meeting
 - a. Of a high standard, clear given and helpful to members as it allowed them to shape the final decision.
 - b. Clear mutual respect and a collaborative approach was demonstrated
 - c. Lack of visuals at the meeting meant that the public were not as involved as they could have been.
7. Member debate
 - a. Concerns that the 'Briefing' could eclipse the PCC and care needs to be taken that this is not the case.
 - b. Recommendations for possible changes.

Customer Experience

1. Public and Applicant Management
 - a. Well run but webcasting should be looked at to improve transparency which would increase confidence.
 - b. Changes that now permit 3rd parties to record the PCC may well reinforce the need for webcasting
2. Increasing Public Understanding
 - a. Visuals especially the 'virtual site visit' should be incorporated into the PCC meeting itself
 - b. That the introduction at the start of the meeting should be regularly reviewed.
3. Public Speaking
 - a. An increase of 3 minutes to 5 minutes a speaker could be considered, however, the 3 minutes currently allowed did not appear to impede speakers.
 - b. Better engagement of the public may be better sort though an involvement in the pre-application process rather than at the PCC.
4. Decision Making Arrangements
 - a. Some members wished for more applications to be presented to the PCC. However, the delegation scheme to officers was typical of many authorities and should be maintained in-line with others.
 - b. The single PCC as a decision making point is a simple and effective process in line with good practice.
5. Quality and Improvement
 - a. Works well and Members and offices should be proud of the system they have established.
 - b. The commitment to continued improvement is important.
6. Training
 - a. This is a critical item and the officers and members should be commended for their commitment to this programme.
 - b. It should continue in order to maintain the quality of the service offered.
7. Monitoring and Review
 - a. That a 'critical friends' group be established with AGMA authorities to engender good practice.
 - b. The annual 'outcomes tour' is a good method of continued assessment and improvement and should be continued.
 - c. A process of formal feedback from customers should be investigated.
8. Further Public Engagement
 - a. There is a clear desire on all parties to ensure that the public as as fully engaged in the process as they can be.

- b. The use of the pre-committee briefing for introducing pre-application enquiries to the PCC may be a useful tool in early engagement.