

Review of the Planning Service's Governance Arrangements – Vale of Glamorgan Council

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Report summary

Report summary and recommendations

Exhibit 1: report summary and recommendations

The exhibit below summarises the reason we undertook this audit, our key findings and recommendations for the Council.

Why governance arrangements supporting a Planning Service are important

- 1 The planning service and the planning policy team are key services for a Council. The planning service manages the development and use of land in the public interest. It contributes to improving the economic, social, environmental, and cultural wellbeing of Wales.
- 2 The Planning Service must reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land. Thereby, ensuring the sustainable management of natural resources and protecting, promoting, conserving and enhancing the built and historic environment. The governance arrangements to support the planning service are crucial to this.

The focus of our audit

- 3 The focus of this review was on the planning service's governance arrangements which included the planning policy team. As part of this, we looked at how the planning service supports the Council in the delivery of its overall objectives, its role and responsibilities, and how the planning service reviews and monitors its governance arrangements.
- 4 We did not review the performance of the planning service.
- 5 We did not look at the decisions of individual planning applications.

Our key findings

- 6 We found that the Planning Service has a positive working culture and effectively supports the Council deliver its well-being objectives but there are some gaps in governance arrangements which need addressing.

Our recommendations for the Council

Governance arrangements

- R1 The Council should strengthen its Planning Service's governance arrangements by:
- developing a plain language Planning Protocol and include it in the constitution and on the Planning Service Council webpage so that it is easily accessible to members and the public. The Council should ensure members and officers understand and act in accordance with the Planning Protocol.
 - agreeing a Terms of Reference for the Council's Planning Committee to clearly state its purpose, role and responsibilities. The Council should regularly review this Terms of Reference.
 - undertaking its planned review of the Scheme of Delegation to ensure the Planning Committee is focussed on the most strategically important planning applications.
 - ensure planning applications submitted by, or on behalf of, the officers in the Planning service and supporting services are considered by the Planning Committee and not under officer delegated powers, to safeguard against any perceived conflicts of interest and to promote independence and transparency.

Service plan

- R2 The Council's Planning Service should clearly present its performance measures and targets in its service plan.

Detailed report

What we looked at and why – the scope of this audit

- 1 Our objective for this audit was to gain assurance as to whether the Council has in place proper arrangements for the governance of its planning service that secure value for money in its use of resources.
- 2 Our findings are based on document reviews, Planning Committee meeting observations and interviews with elected members and officers. The evidence we used to inform our findings is limited to these sources.
- 3 We set out to answer the question '**Do governance arrangements relating to the planning service demonstrate proper arrangements to secure value for money in the use of its resources?**' We did this by exploring the following questions:
 - Does the Planning Service have objectives aligned to corporate strategic priorities?
 - Does the Planning Service have clearly defined roles and responsibilities which are adhered to?
 - Does the Planning Service review and monitor the effectiveness of its arrangements?
- 4 **Appendix 1** sets out the detailed questions we set out to answer along with the audit criteria we used to arrive at our findings.
- 5 We undertook this review in July 2023.

Why we undertook this audit

- 6 This audit was undertaken to help fulfil the Auditor General's duties under section 17(2)(d) of the Public Audit (Wales) Act 2004 and Section 15 of the Well-being of Future Generations Act (Wales) 2015.

What we found: the Planning Service has actions clearly aligned to the corporate well-being objectives and a supportive working culture but there are gaps in governance arrangements making some procedures unclear

There is clear alignment between the Planning Service's key actions and the Council's well-being objectives

- 7 The planning service is a key enabler to the Council delivering its well-being objectives. The planning service contributes at an early stage in major project developments to help establish if a project is feasible and advises on relevant local and national planning policies. This means the Council is receiving professional planning advice at the appropriate time before the allocation of potentially significant resources on developing major developments that may not meet relevant planning policies.
- 8 The Planning Service's objectives clearly align with the Council's priorities. The Sustainable Development service plan 2023-24 and Planning Service team plan 2023-24 include actions which contribute to the delivery of the Council's objectives. However, the Planning Service team plan only reflects the planning, enforcement and policy actions cited in the Sustainable Development Service Plan. There is no added detail, no performance measures, and no targets, therefore the lack of detailed information, such as performance measures, can limit the service's ability to accurately monitor and determine performance.
- 9 The Council has increased its resources to support delivery of the replacement Local Development Plan (LDP). The LDP forms the basis of planning decisions made by the Council and, where possible, links with the aims of the Corporate Plan. The planning policy team is currently working on a Replacement Local Development Plan (RLDP). This is driven by the impending end date of the current LDP with a need for the RLDP to be adopted by October 2026. This is a significant piece of work which will shape the future development of the County and the Council. Producing an RLDP is both time intensive and costly. At the time of our fieldwork, the planning policy team were fully staffed, and the Council had increased its budget for 2023-24. Allocating additional resources demonstrates the value the Council places on developing an RLDP and its strategic importance in contributing to its well-being objectives.
- 10 The planning policy team communicates regularly and innovatively on the progress and activity of its RLDP. There is also evidence that the planning policy team is constantly reflecting and developing as a team particularly with its consultation and engagement methods both internally and externally. The planning policy officers work with the Council's Communications Team on this

engagement, which demonstrates the existence of integrated working practices. There have been several engagement events held with Town and Community Councils, senior Council officers, elected members, planning officers, Public Services Board, Natural Resources Wales and the local Health Board. This demonstrates a strong collaborative approach in developing the RLDP.

There is a positive working culture, good communication and an agile use of resources within the Planning Service

- 11 There is a positive culture of learning and development in the planning service with staff well supported with learning and development needs. There are well-structured wider team meeting arrangements between development management, enforcement and the planning policy team, providing a regular flow of communication throughout the planning service, which officers value. This open and regular flow of communication results in a positive collaborative and supportive working culture.
- 12 Within the service, the weekly team meetings with team leaders encourage discussion of more subjective or complex planning applications or enforcement cases. This is particularly important in a planning service as the interpretation of planning policy is to a degree subjective. Therefore, planning officers may occasionally have differing views when determining a planning application. This arrangement encourages transparency and consistency when dealing with planning matters.
- 13 The Council recognises the long-term value to the planning service of investing in the role of student planners. In collaboration with Cardiff University, the Council created a role of student planner to provide opportunities for students completing their university degree to acquire practical experience working in a planning service. This arrangement appears to be mutually beneficial to both the students and the Council. It often results in the Council employing Student Planners as Planning officers thereby strengthening its succession planning.
- 14 The Council has a Section 106 (S106)¹ officer. This role provides considerable value for money and has the potential to demonstrate the very practical impact planning can have on sustainable development. The Council has reflected on this role over the years and concludes it supports the team, which drives wider corporate objectives, such as green and open spaces and community wellness.
- 15 The Council can demonstrate that it is agile with its use of resources to achieve the needs of the service. Prior to our fieldwork, the Council had a vacant senior planner role. Due to a high demand for a conservation specialist, the Council recruited a conservation officer rather than a senior planner as originally planned

¹ A Section 106 agreement (S106) is a legally binding private contract between a developer (or a number of interested parties) and a Local Planning Authority (LPA) that operates alongside a statutory planning permission.

as there was a need for the skills. This flexible culture allows the planning service to respond to internal and external pressures making a more sustainable service.

There are gaps in the Planning Committee's governance arrangements resulting in a lack of clear procedures to support planning officers and members in their roles

- 16 At the time of our fieldwork, there were gaps in the Council's Planning Service governance arrangements, and this has been the case for some time. There are three key documents which can provide the Council with robust and clear procedures to support its planning governance arrangements: a Terms of Reference for the Planning Committee; a Scheme of Delegation; and a Planning Protocol. Collectively, they can provide the Council, the planning committee and the public with robust procedures, expectations and standards of those governance arrangements which support the planning service and Planning Committee.
- 17 The Council does not have a clear and sufficiently detailed Terms of Reference for its Planning Committee. The existing Terms of Reference for the Committee states the Committee exists 'to deal with all matters relating to development control, including planning applications'. Having a clear Terms of Reference outlining the Planning Committee's purpose and objectives, key areas of responsibility and review arrangements should provide clarity and focus on the activity of this integral Council committee. This lack of clarity does not support the role of the Planning Committee being clearly and consistently understood. This may also lead to an over reliance of Members needing to know their role rather than being supported by clear arrangements.
- 18 The Council's current Scheme of Delegation for the planning service does not clearly define major or strategically important applications. Therefore, it is not clear whether the Planning Committee or officers, under delegated powers, determines major applications. The Planning Service has an action within their Sustainable Development Action Plan 23-24 to review the scheme of delegation to ensure the Planning Committee is focussed on the most strategic issues. This action could lead to greater clarity on who determines strategically important planning applications.
- 19 The Council's constitution does not include a Planning Code of Practice or Planning Protocol, which is often part of other Local Planning Authorities' constitutions. It sets standards of probity and conduct which the residents and planning agents operating in the Vale can expect of its members and Council officers. It can also safeguard the planning service's officers and members by having clear arrangements for how they engage directly with planning agents and applicants. Without a planning protocol, there is a lack of guidance to members, officers and the public on Council procedures for dealing with planning matters.

- 20 Typically, a Planning Protocol/Code of good practice in planning may include:
- a. Elected member involvement in pre application advice
 - b. Personal, prejudicial and pecuniary interests
 - c. Pre-determination, pre-disposition and bias
 - d. Lobbying of Members
 - e. Site Visits
 - f. Officer/Member relations
 - g. Local Ward Member involvement in the Planning process
 - h. Referral of delegated planning applications to Planning Committee
 - i. Conducting the meeting
 - j. Public speaking at Planning Committee meetings
 - k. Decisions contrary to officer recommendations
 - l. Reviewing the code of practice
- 21 The Council has not defined the duties of a Planning Committee member when addressing the Committee in their capacity as a Local Ward Member who has called a planning application to the committee. This also includes clarity around their subsequent voting rights. During our fieldwork, there were differing views on how a member should interact with the committee in this situation. By not clarifying these arrangements, there is an increased risk of conflicts of interest and pre-determination.
- 22 The development of a clear and accessible Planning Protocol would provide the Council with a framework for the planning process. This would assist training, support and monitoring of the Planning Committee and allow for self-reflection and accountability for any deviation from the arrangements.
- 23 During our fieldwork, we noted there is no current requirement for a planning application submitted by an officer from the planning service to be determined by the Planning Committee. A planning application submitted by a planning officer is determined by planning officers under delegated powers. Although this approach is permitted, it is good practice for such planning applications to be determined by the Planning Committee. This helps to safeguard officers against any perceived conflicts of interest and to promote independence and transparency, especially for the public.

The Council has sufficient arrangements in place to monitor and report on the Planning Service's contribution to the well-being objectives

- 24 The Council has arrangements in place to regularly monitor and report on the performance of the Planning Service. The Director of Place reports performance quarterly to the Environment and Regeneration scrutiny committee. This

arrangement provides assurance the service is performing as expected and, if necessary, scrutinises areas of poor performance in a timely manner.

- 25 The S106 annual report contains the value of S106 contributions the Council receives and detail on which projects the Council allocates the money. These projects drive wider Council objectives, such as green and open spaces, sustainable transport and community wellness, and these are listed in the annual report. This annual report on S106 monies is sent directly to all members, and town and community councils as well as being uploaded onto the Council's website. This is a demonstrable way of reporting and monitoring the effectiveness of the S106 arrangements and their clear contributions to the sustainable development principle. There is opportunity to publicise and report the success and impact of this work more widely and demonstrate the very practical positive impacts planning can have on the development of communities.
- 26 Since the requirement from the Welsh Government to produce a Planning Annual Report ended due to the pandemic, there is no standalone report which pulls all Planning Service performance, successes and challenges into one place for review. Whilst there is no requirement for this to happen, there is an opportunity for the service to highlight current challenges and the positive work the service delivers.

Appendix 1

Audit questions and audit criteria

Below are the questions we sought to answer in carrying out this audit, along with the audit criteria we used to arrive at our findings.

Main audit question: **Do governance arrangements relating to the planning service demonstrate proper arrangements to secure value for money in the use of its resources?**

Exhibit 2: audit questions and audit criteria

Level 2 questions	Criteria
1. Does the Planning Service have objectives aligned to corporate strategic priorities?	<p>The planning service has a business plan (or equivalent) with relevant objectives which are understood by those involved in the planning service.</p> <p>The Local Development Plan objectives are integrated into planning service delivery.</p> <p>The planning service has set out measures that reflect short and long-term impacts, with milestones that reflect progress as appropriate.</p> <p>The Council has effective internal communication including regular team meetings within the service and with its partners.</p> <p>There is a supportive culture to address any differences of professional opinion when determining planning applications and planning enforcement cases.</p> <p>The planning service has set out how the service business plans will be resourced over the medium to longer term as far as is practical (eg plans to support developments such as Developments of National Significance etc)</p> <p>The planning service is integrated as a key enabler to support the Council achieve its corporate objectives.</p>

Level 2 questions	Criteria
<p>2. Does the Planning Service have clearly defined roles and responsibilities which are adhered to?</p>	<p>There is a clear terms of reference for the Planning Committee.</p> <p>Planning Committee members and planning staff receive appropriate training and support to understand the service objectives, planning policies, the role of a committee member and committee procedural arrangements.</p> <p>The Council has a planning committee protocol (or equivalent) containing a code of conduct and planning committee procedural arrangements which officers and members understand and adhere to.</p> <p>The Council guides non-Planning Committee members on local and national planning policies and committee procedural arrangements.</p> <p>The Council has a clear and transparent scheme of delegation which is adhered to.</p> <p>The planning service has clear and transparent processes for determining planning applications.</p>
<p>3. Does the Planning Service review and monitor the effectiveness of its arrangements?</p>	<p>The Planning Service demonstrates how it involves staff and key partners in designing future service delivery.</p> <p>There is a supportive culture of learning and development for planning staff and Members which is regularly reviewed.</p> <p>The Planning Service and Planning Committee have a culture of continuous development and observe best practice from other Local Planning Authorities.</p> <p>There are arrangements for the Planning Service to report its performance against its objectives to senior management, members and the public.</p>



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