

Meeting of:	Planning Committee
Date of Meeting:	Thursday, 25 January 2024
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Audit Wales Recommendations Regarding Governance and the Planning Service
Purpose of Report:	To present the findings of Audit Wales' review of the Planning Service's governance arrangements, and to present the proposed response to those recommendations
Report Owner:	Ian Robinson, Head of Sustainable Development
Responsible Officer:	Marcus Goldsworthy, Director of Place
Elected Member and Officer Consultation:	No specific member consultation has been undertaken.
Policy Framework:	This is a matter for decision by Full Council
<p>Executive Summary:</p> <ul style="list-style-type: none"> • In March 2023 Audit Wales advised the Council that their local audit work for 2023-2024 would be regarding Planning. In July 2023 Audit Wales forwarded their project brief, which explained that the review would be focussed on the Planning Service's Governance Arrangements. This project brief is attached as Appendix A. • The review was subsequently undertaken by Audit Wales in July/August 2023 to gain further assurance that there are appropriate arrangements around governance of the Planning service, and that there is value for money in its use of resources. • The report At Appendix B outlines the key findings of this work. The review findings were generally positive and the key finding was: 'We found that the Planning Service has a positive working culture and effectively supports the Council to deliver its well-being objectives but there are some gaps in governance arrangements which need addressing'. • Other findings include: <ul style="list-style-type: none"> • 'There is clear alignment between the Planning Service's key actions and the Council's wellbeing objectives' • 'There is a positive working culture, good communication and an agile use of resources within the Planning 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'
- 'The Council has sufficient arrangements in place to monitor and report on the Planning Service's contribution to the well-being objectives'
- The following recommendations were made:
- R1: The Council should strengthen its Planning Service's governance arrangements by:
 - 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;
 - 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;
 - undertaking its planned review of the Scheme of Delegation to ensure the Planning Committee is focussed on the most strategically important planning applications; and
 - ensuring 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.
- R2: The Council's Planning Service should clearly present its performance measures and targets in its service plan.
- In response to the above recommendations, it is proposed that the Council should adopt a Planning Protocol and Terms of Reference, amend the Scheme of Delegation (to include explicit reference to excluding Planning/related Officers' own applications from delegated powers), and provide more explicit performance measurements in future Service Plans. These matters are detailed in the Organisational Response Form (ORF) which is attached at Appendix C.
- Members are asked to consider the contents of this and the appended reports with any recommendations /comments being referred to Environment and Regeneration Scrutiny Committee, with a subsequent referral to Governance & Audit Committee and thereafter, a separate report to cabinet for their consideration and endorsement ahead of reporting to Full Council. This is set out in the ORF. It is proposed that the Terms of Reference, Planning Protocol and any specific changes to the Scheme of Delegation be provided to cabinet (and then Full Council).

Recommendations

1. That Planning Committee considers the findings arising from the review of the Planning Service's governance arrangements, Audit Wales' recommendations and the proposed response to those recommendations comprising the adoption of a Planning Protocol and Terms of Reference, amending the Scheme of Delegation (including to make explicit reference to excluding Planning/related Officers' own applications from delegated powers), and providing more explicit performance measurements in future Service Plans
2. That subject to recommendation one, the report be referred to Environment and Regeneration Scrutiny Committee, thereafter to Governance & Audit committee, and thereafter a separate report to Cabinet for their oversight and endorsement, prior to being reported to Full Council. It is proposed that the Terms of Reference, Planning Protocol and any specific changes to the Scheme of Delegation be provided to Cabinet (and then Full Council).

Reasons for Recommendations

1. To provide for scrutiny of the findings of Audit Wales's review of the Planning Service's governance arrangements
2. To ensure the Council responds appropriately and implements areas of improvement as identified by Audit Wales.

1. Background

- 1.1 In March 2023 Audit Wales advised the Council that their local audit work for 2023-2034 would be regarding Planning. In July 2023 Audit Wales forwarded their project brief, which explained that the review would be focussed on the Planning Service's Governance Arrangements. This project brief is attached as Appendix A.
- 1.2 The review was subsequently undertaken by Audit Wales in July/August 2023 to gain further assurance that there are appropriate arrangements around governance of the Planning service, and that there is value for money in its use of resources.
- 1.3 This involved desk based work reviewing existing processes and protocols, and a series of interviews with Officers and Members.

2. Key Issues for Consideration

- 2.1 The report At Appendix B outlines the key findings of this work. The review findings were generally positive and the key finding was: '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'.

2.2 Other findings include:

- 'There is clear alignment between the Planning Service's key actions and the Council's wellbeing objectives'
- 'There is a positive working culture, good communication and an agile use of resources within the Planning 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'
- 'The Council has sufficient arrangements in place to monitor and report on the Planning Service's contribution to the well-being objectives'

2.3 The following recommendations were made:

R1: The Council should strengthen its Planning Service's governance arrangements by:

- 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;
- 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;
- undertaking its planned review of the Scheme of Delegation to ensure the Planning Committee is focused on the most strategically important planning applications; and
- ensuring 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.

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

2.4 The following paragraphs consider those recommendations and conclude on the merit in responding positively to those recommendations:

2.5 Terms of reference: The Audit Wales (AW) review states that 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.' AW considers that 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. A lack of clarity does not support the role of the Planning Committee being clearly and consistently understood.

- 2.6** It is considered that a more comprehensive Terms of Reference would assist this goal, and consequently it is proposed to construct and adopt a new Terms of Reference.
- 2.7** Planning Protocol: The AW review notes that a Planning Protocol is to set 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. While the Council did originally develop a specific Planning Protocol pre 2004, this is now significantly outdated and specific processes and requirements in this document have been changed and/or updated by legislation.
- 2.8** In 2015 and 2016 following work by Welsh Government and the WLGA to agree a 'Voluntary Planning Committee Protocol' in an attempt to find a greater consistency in the operation of planning committees across Wales, an updated Planning protocol was prepared. Unfortunately at that time, Council refused to agree the new Protocol and work to update the protocol was put on hold.
- 2.9** In 2017 Welsh Government introduced a new Development Management Manual and The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017. The Manual made recommendations regarding adopting a standard protocol.
- 2.10** The various elements of the recommendations in the Development Management manual have been incorporated into standard practice but it has now been recommended by AW that a new updated protocol is produced to promote good practice.
- 2.11** The AW report recommends adoption of an updated protocol to 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 Planning process;
 - h. Referral of delegated planning applications to Planning Committee;
Conducting the meeting;
 - i. Public speaking at Planning Committee meetings;

- j. Decisions contrary to officer recommendations; and
- k. Reviewing the code of practice.

- 2.12** The Council's procedures and processes cover a number of the above items, however, it is considered that it would be beneficial for that protocol to be more comprehensive on these matters, and for it to comprise one consolidated document for ease of reference. It is also considered that the protocol should include provisions for regular review and, where necessary, updating of the protocol to respond to any changes in guidance or legislation, and to allow the Council to respond to and learn from successes or otherwise of the protocol.
- 2.13** Scheme of Delegation: AW consider that the Council's current Scheme of Delegation for the planning service does not clearly define major or strategically important applications. Therefore, in AW's view it is not clear whether the Planning Committee or officers, under delegated powers, determine major applications.
- 2.14** The Council's existing Scheme of Delegation for Planning Matters sets out the types of applications that can be determined under delegated powers. AW consider it would be clearer if the Scheme of Delegation were inverted such that it listed explicitly the developments that are to be determined by Planning Committee. It is recommended that further consideration be given to this potential change, and whether ALL major developments should be determined by Planning Committee.
- 2.15** The review recommends that all 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. Presently the Scheme of Delegation only includes a requirement for applications made by Chief Officers and Members to be determined by Planning Committee.
- 2.16** The review recommends more explicit reference to performance measures and targets in Service Plans. It is recommended that this proposal is accepted and would be likely to add to the value that Service Plans currently provide.
- 2.17** In response to the above recommendations, it is proposed that the Council should adopt a Planning Protocol and Terms of Reference, amend the Scheme of Delegation (including to make explicit reference to excluding Planning/related Officers' own applications from delegated powers), and provide more explicit performance measurements in future Service Plans. These matters are detailed in the Organisational Response Form (ORF) which is attached at Appendix C.
- 2.18** Members are asked to consider the contents of this and the appended reports with any recommendations /comments being referred to Environment and

Regeneration Scrutiny Committee, with a subsequent referral to Governance & Audit Committee and thereafter, a separate report to cabinet for their consideration and endorsement ahead of reporting to Full Council. This is set out in the ORF. It is proposed that the Terms of Reference, Planning Protocol and any specific changes to the Scheme of Delegation be provided to cabinet (and then Full Council).

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** Governance of the service underpins how Planning contributes to delivery of the Council's Corporate Plan and its Well-being Outcomes. Our Corporate Plan has been structured around the Well-being of Future Generations (Wales) Act 2015, through the development of four Well-being Outcomes and eight Well-being Objectives. By aligning our Well-being Outcomes in the Corporate Plan with the Well-being Goals of the Act, this will enable us to better evidence our contribution to the Goals.
- 3.2** External Regulation is an important vehicle for driving continuous improvement across our services. Progressing the improvement areas identified by our regulators not only enables us to demonstrate our commitment to continuous service improvement, but also contributes to further strengthening our impact on the national well-being goals through the achievement of our well-being objectives.
- 3.3** The proposed response to the review findings will be developed with the five ways of working in mind. The focus is on ensuring that there is a clear structure in place to ensure confidence and trust in the Planning service, which itself contributes to improving the economic, social, environmental and cultural wellbeing of the Vale of Glamorgan, and Wales beyond. As noted in the AW brief, the Planning Service must reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, to ensure the sustainable management of natural resources and protecting, promoting, conserving and enhancing the built and historic environment.
- 3.4** Planning involves decision making with long terms impacts and it is critical that sound governance underpins those decisions. This will ensure that negative impacts are prevented- whether in respect of buildings, use of land, the environment, or stakeholder's interactions with and faith in the service. The proposed recommendations require an integrated approach to the Planning service and would ensure that different elements of the service are not operating in silos in respect of governance. The recommendations also seek to integrate the views and inputs of a number of stakeholders. The proposed reporting process will require collaboration and input from a number of Committees/Members, and has already involved significant collaboration and involvement of Members and Officers in the completion of the review. The proposed changes will assist future collaboration between stakeholders as a

consequence of roles and responsibilities being clear. Protecting faith and trust in the service will encourage stakeholders to become involved and to engage in Planning in the Vale of Glamorgan.

4. Climate Change and Nature Implications

- 4.1** There are no implications directly arising from this report albeit, improved governance of the Planning service will potentially have a positive impact on its delivery. The delivery of this service involves an assessment of nature and climate implications on a continual basis, particularly in light of recent changes to Planning Policy Wales. Re-appraising and improving on the governance arrangements underpinning the service generally will have potential positive impacts on the efficiencies of all work streams, to the benefit of the climate and nature objectives that also underpin the Planning service.

5. Resources and Legal Considerations

Financial

- 5.1** There are no additional budgetary implications directly arising from this report, although failure to progress the improvement areas outlined in the report could have a negative impact on any future external regulatory assessments of the Council which could in turn put funding opportunities at risk.

Employment

- 5.2** There are no direct workforce related implications associated with this report.

Legal (Including Equalities)

- 5.3** The statutory duties of the Auditor General are contained within the Local Government & Elections (Wales) Act 2021, the Well-being of Future Generations (Wales) Act 2015, the Public Audit (Wales) Act 2004, the Local Government Act 1999 and the Code of Audit Practice.
- 5.4** Under the LG&E Act, a special inspection of the Council may be undertaken if the Auditor General for Wales considers that the council is not, or may not be meeting performance requirements. This inspection is to assess the extent to which the Council is meeting the performance requirements, in exercising its functions effectively; using its resources economically, efficiently and effectively; and in ensuring its governance is effective.
- 5.5** Additional governance to the Planning Service will have a positive impact in respect of security of Planning decisions and minimising likely of successful legal challenge.

5.6 It is considered that there are not any equalities implications likely to arise from this review and the recommendations.

6. Background Papers

None

Project Brief – Review of the Planning Service’s Governance Arrangements – Vale of Glamorgan Council

Audit year: 2023-24

Date issued: July 2023

Document reference: 3676A2023

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We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

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Project brief

Background

- 1 The Auditor General has a duty under the Public Audit (Wales) Act to assure himself that the Council has put in place proper arrangements to secure value for money in the use of its resources. He also has to assure himself that the Council is acting in accordance with the sustainable development principle.
- 2 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. 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.
- 3 As part of our 2023-24 performance audit programme at the Vale of Glamorgan Council (the Council) we will undertake a review to understand the Council's governance arrangements relating to its planning service.

Legal basis

- 4 We are carrying out this audit under the duties/powers contained within Section 17(2)(d) of the Public Audit (Wales) Act 2004 and Section 15 of the Well-being of Future Generations Act (Wales) 2015.

Audit objective

- 5 Our objective for this audit is to gain assurance as to whether the Council has in place proper arrangements for the governance of its planning service that secures value for money in its use of resources.

Audit questions

- 6 This proposed audit will seek to answer the overall question: Do governance arrangements relating to the planning service demonstrate proper arrangements to secure value for money in the use of its resources?

Audit criteria

- 7 **Appendix 1** contains the audit questions and audit criteria. The development of the questions and criteria has been informed by our cumulative knowledge of our reviews at other Local Planning Authorities.

Audit scope

- 8 The audit will cover the following: a review of the planning service's governance arrangements to include the planning policy team; the extent the planning service is supporting the Council in the delivery of its overall objectives and the extent it is delivering its own service objectives, and how the planning service reviews and monitors its governance arrangements. We will not be reviewing the performance of the planning service.

Audit methods

- 9 We will be reviewing documents, observing Planning Committee meetings, and interviewing officers and members of the Council.

Output

- 10 When we have completed our work, we will produce a report of our findings.

Timetable

- 11 **Exhibit 1** shows the high-level timetable of the main audit stages.

Exhibit 1: audit timetable

Stage	Date
Issue project brief	July 2023
Issue draft output	October 2023
Issue/publish final output ¹	November 2023

Publishing an output means uploading the output to the Audit Wales website.

¹ For local/regional outputs this will be issuing the final output. For VFM Studies, Local Government studies, national themed reviews and other stand-alone outputs that are press released and have a national profile, this will be publishing the final output.

Audit Wales contacts

12 **Exhibit 2** sets out the Audit Wales team that will be working on this audit.

Exhibit 2: Audit Wales contacts

Name	Contact details
Audit Director	Gary Emery
Audit Manager	Sara-Jane Byrne
Audit Lead	Bethan Hopkins
Senior Auditor	Allison Rees

Fieldwork schedule

13 We will conduct our fieldwork in line with the organisation's stated language preference. We will make every reasonable effort to accommodate language preferences of individuals during the audit, if we receive these at the point of setting up fieldwork.

Document request

14 We will undertake a review of the documents listed below. The list is not exhaustive and we may request additional documents during the course of the project. Where documents in the list below are publicly available please direct us to their online location. Also, we would be grateful if you could provide us with any additional documents that you feel may be relevant to this work.

Exhibit 3: initial document request

Document title
<ul style="list-style-type: none">• Planning committee operational procedures/protocol• Planning Committee Terms of Reference• Planning Service budget for 2023-24, 2022-23 and 2021-22 plus end of year outturns• Planning Service’s Service Plan 2023-24• Relevant reports on the Planning Service’s delivery and performance in the last three years including reports to Senior Leadership Team, Council, Executive, Planning Committee, Governance and Audit Committee and relevant Scrutiny Committee• Any customer and/or stakeholder surveys undertaken by the Planning Service• Outcome of any Planning Service reviews and/or restructures• Member induction materials on the role and responsibility of the Planning Committee including materials presented to non-members of the committee• Additional training materials for the Planning Committee• A list of all major planning applications since April 2022• LDP Working Group (or similar) terms of reference• LDP Working Group agendas and meeting notes for previous 12 months• Any complaints relating to planning since April 2021

Interviews

15 **Exhibit 4** sets out the initial list of people we would like to interview during our work. We will contact you again to arrange mutually convenient dates and times when we begin the evidence gathering stage.

Exhibit 4: interviewees – via Microsoft Teams

Title	Title
Cllr Ruba Sivagnanam	Cabinet Member for Community Engagement, Equalities and Regulatory Services
Group Interview: Cllr Mark Wilson, Cllr Christine Cave, Cllr Sandra Perkes, Cllr Ian Perry	Members of Planning Committee

Title	Title
Cllr Neil Thomas	Planning Committee Chair
Marcus Goldsworthy	Director of Place
Ian Robinson	Head of Sustainable Development
James Dougherty	Solicitor
Liam Jones	Operational Manager for Planning and Building Control
Sarah Feist	Principal Planner Appeals and Enforcement
Victoria Morgan	Principal Planner Policy
Joint interview: Rob Lankshear and Steve Butler	Principal Planner South Principal Planner North
Group interview: to include Lucy Butler (S106)	Senior Planner x 4 Council to confirm three other Senior Planners
Group Interview: John Marks, Andrew Wallace, and Marcus Bayona-Martinez	Senior Planning Policy officers

Appendix 1

Audit questions and criteria

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

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 (e.g., 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 observes 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>

Appendix 2

Fair processing notice

Date issued: April 2023

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We process your personal data in accordance with data protection legislation, including the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (GDPR). Our lawful bases for processing are the powers and duties set out in the Public Audit (Wales) Acts 2004 and 2013, the Government of Wales Acts 1998 and 2006, the Local Government (Wales) Measure 2009, the Local Government & Elections (Wales) Act 2021 and the Well-being of Future Generations (Wales) Act 2015. Depending on the particular power or function, these statutory bases fall with Article 6(c) and (e) of the UK GDPR—processing necessary for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority.

Who will see the data?

The Auditor General and relevant Wales Audit Office staff, such as the study team, will have access to the information you provide. Our published report may include some of your information, but we will contact you before any publication of information that identifies you—see also “your rights” below.

We may share information with:

- Senior management at the audited body(ies) as far as this is necessary for exercising our powers and duties;
- Certain other public bodies/ public service review bodies such as the Office of the Future Generations Commissioner, Care Inspectorate Wales (Welsh Ministers), Estyn and the Public Services Ombudsman for Wales, where the law permits or requires this, such as under section 15 of the Well-being of Future Generations (Wales) Act 2015.

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We will generally keep your data for 6 years, though this may increase to 25 years if it supports a published report—we will contact you before any publication of information that identifies you—see also “your rights” below. After 25 years, the records are either transferred to the UK National Archive or securely destroyed. In practice, very little personal information is retained beyond 6 years.

Our rights

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Your rights

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We welcome correspondence and telephone calls in Welsh and English.
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg.

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

Audit year: 2023-24

Date issued: November 2023

Document reference: 3923A2023

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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 is 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; and
- 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 secures 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 wellbeing 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 a 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 2023-2024. Allocating additional resources demonstrates the value the Council places on developing a 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. [QG15-007.pdf \(senedd.wales\)](#)

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 Planning process;
 - h. Referral of delegated planning applications to Planning Committee;
Conducting the meeting;
 - i. Public speaking at Planning Committee meetings;
 - j. Decisions contrary to officer recommendations; and
 - k. 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, scrutinise 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 its 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 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 (e.g., 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 observes 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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We welcome correspondence and telephone calls in Welsh and English.
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg.

Organisational response

Report title: Planning Service Governance arrangements

Completion date: December 2023

Document reference: FINAL

Ref	Recommendation	Organisational response Please set out here relevant commentary on the planned actions in response to the recommendations	Completion date Please set out by when the planned actions will be complete	Responsible officer (title)
R1	<p>Governance arrangements The Council should strengthen its Planning Service’s governance arrangements by:</p> <p>A. 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;</p> <p>B. 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;</p> <p>C. undertaking its planned review of the Scheme of Delegation to ensure the Planning Committee is focussed on the most strategically important planning applications; and</p> <p>D. 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.</p>	<p>A. Undertake the writing of a plain language Planning Protocol, to be included in the constitution and on the Planning Service webpage.</p> <p>This Recommendation A will need to be subject to approval by Full Council, following a reporting procedure involving Planning Committee, Environment and Regeneration Scrutiny Committee, Governance & Audit Committee, and Cabinet.</p> <p>B. Undertake to agree a Terms of Reference for Planning Committee, to sit alongside/as part of the Planning Protocol, including a provision to enable review of the terms every 12 months. This Recommendation B will be subject to the same reporting process as A. above.</p> <p>C. Review the Scheme of Delegation alongside The Planning Protocol. This Recommendation C will be subject to the same reporting process as A and B above.</p> <p>D. To include this recommendation as part of the Scheme of Delegation review referred to in C above. This Recommendation D will be subject to the same reporting process as A, B and C above.</p>	<p>Reporting dates as follows:</p> <p>Planning Committee- December 2023</p> <p>E&R- January 2024</p> <p>G&AC- February 2024</p> <p>Cabinet- February 2024</p> <p>Full Council March/April 2024</p>	<p>Ian Robinson (Head of Sustainable Development), for all recommendations.</p>

R2

Service plan

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

The next Service Plan will present performance measures and targets.

Next Service Plan cycle-
Jan-April 2024 (and
subsequent Service Plans
thereafter).