Planning Peer Challenge

Brighton and Hove City Council

22- 24 March 2016

Report

Final

1. Background and scope of the peer challenge

This report is a summary of the findings of a planning peer challenge organised by the Local Government Association (LGA) in cooperation with the Planning Advisory Service (PAS) and carried out by its trained peers. Peer challenges are managed and delivered by the sector for the sector. They are improvement oriented and are tailored to meet individual councils' needs. Indeed they are designed to complement and add value to a council's own performance and improvement focus.

The council wanted the challenge team to consider and comment upon key aspects of their modernisation programme for planning including:

- Is the programme focused on the right areas
- What more can we do to address the backlog
- How can we be more responsive, innovative and commercial
- Are we too process driven and risk averse
- How can we address staff morale and retain staff

These specific areas for examination are picked up under the themes and focus used for a planning peer challenge:

- Vision and Leadership
- Management and Service Delivery
- Planning Policy
- Customer and Community Engagement
- Achieving Outcomes

Peers were:

- Paul Barnard – Assistant Director for Strategic Planning & Infrastructure Plymouth City Council
- Nick Harding – Head of Planning at Peterborough City Council and Fenland DC
- Councillor Jack Hopkins – Cabinet member for Jobs and Growth - London Borough of Lambeth (Labour Member peer)
- Councillor Dale Birch – Deputy Leader Bracknell Forest Council (Conservative Member peer)
- Gilian Macinnes – Principal Consultant, Planning Advisory Service
- Darienne Law - Peer Challenge Manager, LGA

The LGA and PAS make a significant investment in planning peer challenge delivery and are keen to ensure councils follow this up with an improvement programme. After the planning peer challenge report is finalised the following support is available to the council:

- A LGA and PAS no cost Improvement Planning day structured to meet the council's requirements and involving members of the peer challenge team.

- A range of additional planning support – much of this at no cost – is available from PAS http://www.pas.gov.uk/

- Follow-up advice through Gilian Macinnes – PAS and Mona Seghal, Principal Adviser, LGA on further support that the planning service and the council might require

- A range of other support from the LGA – some of this might be at no cost, some might be subsidised and some might be fully charged http://www.local.gov.uk/

The LGA may ask to meet with the council 6-12 months after the peer challenge to make an assessment of the peer challenge recommendations; how the council acted on these; and what beneficial impact came from this.

The team appreciated the welcome and hospitality provided by Brighton and Hove City Council and the candour and openness in which discussions were held. The team would like to thank everybody that they met during the process for their time and contribution.

2. Executive summary and recommendations

The council is at the turning point of a new era of growth, the emerging City Plan, alongside the agreement of the City Deal could enable a transformation of the City and growth of the employment and housing sectors, building on the successes established by a number of significant developments including the Marina and the i360.

The council has made significant progress towards delivering its City Plan. Having recently adopted its Part One City Plan this is a key achievement. Planning policy is understood in the context of the wider city vision by some but not most members. There is a risk that a lack of political consensus on this will derail the delivery of the council's growth agenda, and especially Part 2 of the City Plan, and could jeopardise the delivery of homes and infrastructure at a strategic level. Brighton and Hove needs to establish a more positive relationship with local agents and developers.

The commitment to, and ownership of, the City Plan by the whole council, is a key part of delivering the growth agenda and will provide opportunities for the council to generate income through business rates, increased council tax and new homes bonus. Effective leadership and effective communications will be needed to support the service particularly when Stage Two is developed and contentious sites are considered. The council should consider how to get buy in across all departments and Members to ensure delivery to secure the investment (staff resource and capital investment in infrastructure) needed to achieve delivery. It will also be important to work with communities and external stakeholders to ensure that the benefits of growth are better understood.

The council's planning service has a mixed picture when considering time based performance indicators. There is a good current performance on national performance indicators for times in processing major applications; however the performance on "minors" and "others" is of significant concern. Decision making is supported by a high proportion over 97.1% of decisions delegated to officers. However, the customer journey is inconsistent and varies depending on the point of entry into the council and there is a focus on making decisions at the last minute in relation to government targets. The inconsistency of advice, and perception that case officers are frequently over ruled, leaves applicants and developers with little certainty and confidence in the service.

The planning service has seen a decline in its performance, particularly on "minor" and "others" when looking at the national time based performance indicators, over a 3 year period. The performance plan to address this and a backlog of applications has not addressed this decline with sufficient urgency. These challenges and the associated risks of "designation" are not politically owned by the three main parties, or the corporate leadership team. This is of such significance including the reputational impact, that ownership of the performance measures and improvement plan at both senior political and managerial level is an urgent requirement.

The current operations of the service are not supported by strong ICT, are too process-driven and risk-averse, involving multiple-hand offs, an inefficient clearing house approach, and various non-value-adding activities which need to be removed through a business process review. There are significant issues of staff morale, staff retention and empowerment.

The Acting Executive Director Environment, Development and Housing has recently established a "City Planning and Development Modernisation Programme" and resources have recently been committed to enable the change, these now need to be drawn down

immediately to affect this. The team found that the modernisation programme contained all the key elements that would be required to modernise the service and found that the staff within the service have a genuine commitment to improving the quality of planning services and really want change to happen.

There are considerable risks associated with implementation of multiple changes (office move, poor performance, new IT, new business processes) and these will need to be programme managed and led to ensure successful delivery. Additional capacity and skills may well be needed in the short term to drive the changes and deliver the modernisation programme.

In order to free up some time and resources to address the backlogs and improve performance the peer team suggest that capacity could be obtained from reducing the layers of management who check and quality assurance work, stop multiple sign-offs of case officer reports; empower staff and case workers and refocus management on the key added value areas: performance management, dispute resolution, process redesign, developer and member engagement. .

The team would recommend the urgent **implementation** of more quick fixes to drive performance between now and September 2016, including changes in processes and practices for example validation, checklists for simpler delegated decisions, sharing staff across sections and improving the use of IT in both business process and customer engagement, look at less printing (using document management as the default method of working) and shorter reports to committee.

The peer team strongly believe that performance management needs to be improved. The team found three different versions of the statistics used to measure and monitor performance, and no evidence of this being used to reprioritise work and refocus existing resources. Accordingly the peer team concluded there is limited ownership of performance management within the service and the wider council. The peer team through its discussions and interviews noted a "can't do" and defensive culture, if not addressed, possess a significant risk to the implementation of the modernisation programme and turnaround in performance.

The service has suffered from substantial lack of investment in ICT infrastructure. It is currently managing without meaningful development management software and has limited GIS capability. There have been many failed attempts to deliver improvements dating back many years and the service is now considerably behind its comparator authorities in adopting and delivering a digital by default service The peer team found a lack of clarity on who is leading on various elements of the modernisation programme and limited engagement with and by staff on this.

Additional resources need to be dedicated to manage the migration to a new system and the project plans for these needs to be understood. ICT is an enabler for new and different streamlined processes and the service needs to engage with new ways of working – or risk replicating the existing inefficient bureaucracy.

In addition to the increased demand and reduced staffing capacity (through the loss of staff along with lengthy period where the posts were kept vacant and previous unsuccessful recruitment), the policy framework that is in place and being further developed is complex and burdensome, with the policy development process divorced from the practicalities of implementing this through the development management service and enforcement.

Part 2 of the City plan provides an excellent opportunity to prioritise and streamline the policy framework by removing the excessive weight of policy which is a burden on decision making and makes the service risk averse and slow and is an impediment to growth objectives. It is the peer review team's strongly held view that notwithstanding the many unique characteristics of Brighton and Hove in terms of the historic and natural environment that there are simply far too many policy documents and these should be significantly streamlined.

There should be greater corporate clarity over the role and scope of what Planning is expected to do, despite the reduction in its own resources and its own capacity issues, the peer team were made aware of several examples where the pressures on planning have been increased due to changes in other departments.

There is currently little feedback sought from customers, developers and potential investors, about their experience of the service and their suggestions for improvement don't appear to be given proper consideration. The developers, the team met with, are open to meeting regularly to explore different ways of working and provide feedback to the council to ensure continuous improvement. Similarly, the relationship with local agents requires complete rebuilding given their serious concerns about how the department currently operates.

There is also a risk of inconsistent treatment and approach to developers depending on which 'door' of the council they come in. The adoption of City Plan policies will assist in this by ensuring greater consistency, as will the creation of a vision of place. The council will need to understand and agree the developers' customer journey from idea to completion to ensure they give clear advice and a consistent service.

Recommendations

To support the planning service at Brighton and Hove City Council to improve further, the peer challenge team has made the following recommendations. These are:

R1:-Establish a standing planning policy committee to provide the required political focus on spatial planning, including the ownership prioritisation and rationalisation of planning policy, oversee improved planning and performance monitoring.

R2: Political ownership of the City Plan Part 1 and engagement in the site allocation work for Part 2 would be improved by further familiarisation sessions so that the wider membership can gain a greater understanding of the adopted City Plan and its significance.

R3: Produce a radically streamlined policy framework that will provide certainty for everyone and project plan to an overall timetable the production of a rationalised and prioritised set of Supplementary Planning Documents (SPDs)

R4: Consider changes to the operation of the Planning Committee to engender better behaviours and better running of the process including contra-motion procedures, provide additional training on planning policy, significantly reduce the length of reports and reassess the scheme of delegations around major applications.

R5: Urgently implement a programme of quick fixes to drive performance between now and September 2016 (including ceasing site visits/delegated reports for low risk applications; discontinuing poorly attended member briefing and site visits, cease draft

decision checks; cease all majors going to Planning Committee; stop multiple sign-offs of case officer reports; secure additional capacity to clear the backlog from interims/consultancy support; identify and prioritise new applications that can be determined quickly within time).

R6:- Release management capacity by reducing the layers of management who check and QA work, stop multiple sign-offs of case officer reports; empower staff and case workers and refocus management on to the key added value areas, performance management, dispute resolution, process redesign, developer and member engagement.

R7:- Adopt and resource a programme management approach to the delivery of the modernisation agenda to ensure the implementation of changes in a coordinated manner, commit to a vision of a digital by design service and ensure the engagement of the staff in the migration to a new system. ICT is an enabler for new and different streamlined processes and the service needs to engage with new ways and reengineering its business processes.

R8: Develop a new effective developer contributions policy that complies with the regulations. CIL and developer contributions could be used as a tool to demonstrate positive elements of growth.

R9: - Take time to understand the customer journey and take action to ensure a common (good) experience and consistency of service. This maybe by setting service standards and agreeing a common approach, so that employees feel empowered and confident that their decisions will be supported.

R10:- To improve the customer experience, consider adopting different approaches for different types of application: a development team approach for major applications and providing an integrated, co-ordinated and customer-orientated service for inward investors and developers for their specific proposals. Alongside this consider ways of fast tracking simple applications.

R11: Look at ways of improving engagement with the key developers; suggestions include the adoption of a development team approach, more Planning Performance Agreements (PPAs) in particular in the context of major applications which might otherwise not be able to be adequately resourced from within the service and convening a regular developers' forum.

R12: Support the continuation of the shift of the service, from a regulatory outlook, to one with a proactive, positive development management philosophy, where the approach is more enabling to operate within a new streamlined policy framework. This will require a review of capacity as well as a consideration of the culture of the service.

R13: Provide investment in personal development to make sure everyone is up to date with current best practice, and consider sharing staff between different parts of the service to assist with sharing practice and cultural change as well as managing peaks and troughs in workload.

3. Detailed findings

3.1 Vision and Leadership

Strengths

The team found an emerging recognition of the importance of planning in delivering outcomes for the City.

The council has seen through the Local Plan process, with the recent adoption of the City Plan Part One. This is a significant achievement and provides a strong platform for housing and economic growth. This was delivered through a cross party working group at a senior level with representation of the three party leaders, this was positive and had high level buy in (deputy leader of administration and leaders of both main opposition parties).

The level of delegation of planning applications to officers and Planning Committee is generally seen as appropriate, although there are opportunities for further refinement.

The Acting Executive Director Environment, Development & Housing has recently established a Modernisation Board for the planning service and the service has positively engaged with the Planning Advisory Service to seek solutions and learn lessons from other planning services.

Areas for consideration

The team found that there was no concerted leadership on planning from the three political parties. This is allowing for a proliferation of policy, a dysfunctional local planning system and declining performance. All three elements, which if not addressed, severely risk the development of Part Two of the City Plan, delivery on the City Deal and possible "designation" of the council with the Secretary of State removing the council's decision making powers to determine certain applications.

The role of a planning service in enabling growth did not seem to be understood by political and managerial leaders, nor did frontline planners fully understand the centrality or nature of their own role in shaping growth to which the authority is clearly committed. Leaders were perceived to see planning as a problem, rather than part of the growth solution. The planning service needs to play its role in informing the wider organisation of what it achieves by monitoring and articulating clearly what it is enabling through its work – jobs, homes, new employment floor space, Gross Development Value secured.

Planning policy is understood in the context of the wider city vision by some, but not most members. Currently planning policy sits within the Environment Committee but has implications for almost all other committees. The team found little clarity over how policy is instigated and consulted on with members of the Committee itself or the wider membership. Without this understanding the City Plan Part Two faces a challenge to gain cross party ownership and agreement.

The plan to engage and consult the public in a meaningful way in the development and delivery of City Plan Part Two is unclear.

An imbalance of experience, party political posturing and positioning on the planning committee has damaged cross party ownership of the existing policy and meant that planning processes are politicised along party lines. This could jeopardise the delivery of

7

homes and infrastructure at a strategic level and impair relationships with the development community. This has also impacted on Brighton and Hove's reputation which is currently seen as requiring improvement by developers and local agents

The impact of the declining performance position, including to the council's reputation and the very real probability of "designation" are not politically owned by the three main parties, or the corporate management. There is no forum for focusing and addressing the related issues at a member or at a corporate management team level. This is of such significance that ownership of the performance measures and improvement plan at both senior political and managerial level is an urgent requirement. The agreement on location (planning group, leaders' group or policy and resources committee) and terms of oversight needs to be agreed urgently.

The overly adversarial political system in both its form and its practice has impacted on and shaped a risk aversion and 'just in case' culture. This is adding to the burden on planning officers and the current backlog. A concern about political and public pressure has created unnecessary stress in the system and on an individual basis. Greater certainty in the system is not only craved by applicants but officers too, and at the moment there is huge effort put in for uncertain outcomes.

There is a need to establish an informal mechanism for the three groups to be able to discuss planning policy and planning performance concerns.

We would recommend that a new planning policy working group be formally constituted to take forward planning policy. This committee, with lead representatives and to include the chair of the planning committee, could agree the scope of work for policy rationalisation, and future development plan documents and supplementary planning documents (SPDs). Members of this cross party working group would be responsible for canvassing opinion from their respective groups about the scope to be considered. The lead administration member would be responsible for working with officers to bring forward policy options to the group.

The cross party challenges and highly informed general public means that the engagement over City Plan Part Two and site specific policies will need a high level of engagement and greater management

It is highly likely that without a media and engagement plan, coupled with a political sense check of which sites are more feasible, that necessary development will be confounded and delayed unnecessarily. Where and how concerns are raised and responded to needs to be very clearly thought about and agreed upon by the political leadership.

We recommend that an engagement and public consultation plan be agreed between officers and the three parties as soon as possible for City Plan Part Two.

There is a lack of understanding and knowledge of planning policy amongst the wider political groups, yet planning policy underpins the council's agendas on housing, transport, economic development and almost all other place based improvements. Over 50% of Councillors are new and this has created a disconnect with the new City Plan. This has led to a lack of ownership and a willingness to play politics with both policy and practice over planning.

We would recommend a significant training programme for all Councillors on aspects of Brighton and Hove's planning policy, its implications and the relation to the council's vision and City Deal.

3.2 Management, and service delivery

Strengths

There is strong commitment from the Acting Executive Director towards supporting improvements in planning functions, and this is recognised and welcomed by the staff. Staff in the planning service have a passion for the service and are committed to making changes.

A "City Planning and Development Modernisation Programme" been devised and resources have recently been committed to enable the change, these now need to be drawn down immediately to affect this. The team found that the modernisation programme contained all the key elements that would be required to modernise the service and found that the staff within the service have a genuine commitment to improving the quality of planning services and really want change.

The service has managed to deliver a City Plan Part One and has improved its performance in determining major applications every year over the last three years.

The principle of introducing Planning Performance Agreements and pre-application charging is a positive development, but care is required to ensure the required level of service can be delivered and unless effectively resourced, this may further harm the services reputation. The team would question the timing of the decision to provide this service when the non-majors are so ineffectively resourced.

Areas for Consideration

There is a significant and serious risk of "designation" due to the current performance in the time taken to determine "minors" and "other" applications. The deterioration of the performance of the service in these areas has been ongoing for three years and until very recently there has been a lack of focus and urgency in taking meaningful action to address this and the backlogs.

The current operations of the service are too process-driven and risk-averse, involving multiple-hand offs, an inefficient and late clearing house approach, and various non-value-adding activities which need to be challenged through a business process review. The implementation of the new ITC solution will need to be accompanied by a fundamental review of business processes to avoid the continued non adding activities and practices being hardwired into the new system.

There is significant pride amongst officers for the quality of the work they do, however the peer team also found a low level of morale amongst many staff teams. Most staff like living and working in Brighton and Hove, but feel that previous changes were unjust and that they have not been engaged in, and are therefore unable to influence, the changes to their service. Many of the frontline planning staff feels untrusted and unsupported by senior leaders. They also have limited input into, and awareness of, the changing policy framework which they are required to use when considering applications, much of which is considered to be policy purist in nature.

This combination has created for many staff poor morale levels, a sense of disempowerment and a lack of ownership of the decisions being taken. The clearing house approach to quality assure decisions is so late in the process that it is causing issues with

9

inconsistent advice to customers and disempowering caseworkers. Delivering on improved performance and demanding growth plans will require the retention of high quality staff and will demand high levels of commitment and motivation.

The current Planning Service was often referred to as 'Development Control' by staff, partners and customer alike: a description which is dated and presents an impression of a regulatory and controlling service. Instead modern planning services are more often described as having a 'Development Management' approach and philosophy. This approach is more enabling than controlling, supports an 'end to end' process, and recognises the importance of planning to enable sustainable development, even though this must operate within a defined policy framework and the particular constraints specific to Brighton and Hove. There is a need to ensure the move to development management is really embedded and the capacity and culture of the teams is set to deliver this.

The peer team strongly believe that performance management needs to be improved. The team found three different versions of the statistics used to measure and monitor performance, and no evidence of this being used to reprioritise work and refocus existing resources. The team were initially aware of the backlogs in determination of minor and other applications, but established there are also backlogs in validation and enforcement. Accordingly the peer team concluded there is limited ownership of the issues within the service. The peer team through its discussions and interviews noted a "can't do" and defensive culture, if not addressed, possess a significant risk to the implementation of the modernisation programme and turnaround in performance.

The peer team found a lack of clarity on who is leading on various elements of the modernisation programme and limited engagement with and by staff in the modernisation programme. By way of example, who is the project manager and senior owner responsible for delivering the suite of ICT enabled improvements? This was not clear to the team or to staff and there is limited involvement of planning staff in the ICT redesign which is being introduced to assist their service.

The service has suffered from substantial lack of investment in ICT infrastructure. It is currently managing without meaningful development management software and has limited GIS capability. There have been many failed attempts to deliver improvements dating back many years and the service is now considerably behind its comparator authorities in adopting and delivering a digital by default service. Most casework is managed with paper files and printing out documents with a lot of wasted work moving between different pieces of software, e.g. decision notices which are created it in one system and then email through another. Restricted permissions to do certain actions are also resulting in delays and poor service because of bottlenecks around those people with the relevant permissions.

Additional resources need to be dedicated to manage the migration to a new system and the project plans for these needs to be understood. ICT is an enabler for new and different streamlined processes and the service needs to engage with new ways of working – or risk replicating the existing bureaucracy.

There are considerable risks associated with implementation of multiple changes (office move, poor performance, new IT, new business processes) and these will need to be programme managed and led to ensure successful delivery. Additional capacity and skills may well be needed in the short term to drive the changes and deliver the modernisation programme.

10

There should be greater corporate clarity over the role and scope of what Planning is expected to do, despite the reduction in its own resources and its own capacity issues, the peer team were made aware of several examples where the role of planning has been increased due to changes in other departments, e.g. Assets of Community Value (ACVs) and to resource the production of evidence that other services could contribute to e.g. Employment Land Studies, Retail Study.

The scope of the new service needs to reflect the realities of wider resource constraints and challenges facing the City Council; with a clearer articulation of what really is the priority for delivery and what will no longer be delivered. There is an opportunity to consider capacity issues of most significance to the City's growth agenda through possible revisions to the draft restructure proposals published in March 2016. The balance between the teams and the capacity and caseload per officer should be further considered. There is currently a culture of silo working with limited communication; engagement and support across the various teams and any restructuring will need to ensure this culture is also addressed.

<u>Reduction of the Backlogs and Turnaround performance</u>

The peer team were asked to look at what else could be done to reduce the backlog simplify processes and ensure the service is more responsive.

In order to free up some time and resources to address the backlogs and improve performance the peer team suggest that capacity could be obtained from changes in processes and practices e.g. validation, checklists for simpler delegated decisions, sharing staff across sections and improving the use of IT, look at less printing and shorter reports.

The team would recommend the urgent **implementation** of more quick fixes to drive performance between now and September 2016. Options could include:-

- There is duplication of effort dealing with enquiries and validation issues where the same subjects keep coming up, but bespoke responses are supplied. The service is recommended to consider investing some time on drafting some validation FAQ's for the website and in correspondence direct people there to reduce telephone calls ensure that everybody gets the agreed response and avoid reinventing the wheel.

- To assist with capacity and to aid productivity consider limiting phone access to the technical administration team to mornings only, or operate a staff rota, so that one or two people are on 'phone duty', enabling the others to be engaged in validation with fewer interruptions.

- Ceasing the Planning Permission enquiries (Duty planning officer line) - These take up considerable time and provide limited security. Refer people to the interactive house on the Planning Portal and if they want written confirmation they will need to submit an application for a certificate of lawfulness and pay the appropriate fee.

- Validation - 60-70% of applications are thought to be invalid and therefore the time and resources to validate applications is very high, the team were told of a backlog and customer frustration about the requirements. Consider taking a more pragmatic approach to the assessment of projects against the Local Validation List to reduce the significant number of invalid applications. Review the validation list and robustly challenge whether the information really is needed. It is understood that validation issues might not be just down to the performance of the planning service; unresponsive agents can impact on this figure. Consider working with agents,

11

copying in the applicant to correspondence, and if they remain unresponsive then publish their performance statistics.

- Reduce application handoffs - The end to end process time can be speeded up with no additional resources by minimising the number of handovers. It appears that every time an application is passed on from one person to another it goes to the end of another queue. There have been delays in allocating applications currently the team heard that all applications are allocated to an "Application team" at the start. It is unclear how this works in practice and there is a need to ensure delays don't happen when applications are later allocated to a case officer. Reduce the length of reports where decisions are taken under delegations

- Improving workforce management and temporary additional capacity could be further used to assist with the backlog consider further, weekend working, overtime, requiring all planners to be asked to help clear backlog, secure additional capacity to clear the backlog from interims/consultancy support . Take the old applications and send them out to consultants and/or have a couple of officers and PPO doing them.

- Create a manual setting out how things are done so a culture of this is how we do things here and service standards are establish e.g. extension of time letters ensure this is from all officers and all applications (i.e. consistent approach and standards).

- Planning committee - reduce the support required to create capacity within the planning service. By ceasing poorly attended member briefing and site visits, cease all majors as a matter of course going to Planning Committee, reduce the length of agenda papers by only publish last months delegated decision list on the website for members to view and significantly reduced the length of reports.

- Stop servicing other forums such as CAG, to create capacity within the planning service.

- Reduce the layers of management who check and QA work, stop multiple sign-offs of case officer reports; empower staff and case workers and refocus management on to the key added value areas, performance management, dispute resolution, process redesign, developer and member engagement.

- Strengthen the performance management arrangements to establish a culture of performance including; created bi-monthly performance tables for each officer and team so performance is owned and improvements celebrated, introduce target date for officer report and recommendation two weeks before deadline to minimise those going over time, establish weekly caseload reviews and countdown to when decision is needed.

- Weekly management meetings to triage simple applications, decide whether to approve / refuse and where applications are coming up to decision these are discussed and managers challenged if applications are going over time, discontinuing draft decision notices; identify and prioritise new applications that can be determined quickly within time

- Enforcement – Look at adopting a realistic target for live cases establish clear prioritisation of cases in discussion with members and officers and then focus officers on clearing cases focus on closing all cases where " not expedient to pursue in public interest" to reduce backlog

12

In the medium term to retain staff and address the issues of morale there is an urgent need to involve staff in creating an improvement action plan for the service for the next 3 years.

- There should be a clear commitment to digital by default to create capacity and remove unnecessary printing of documents and engagement of staff in this process so that they see and shape the benefits

- Ensure that Development Management is engaged at the earliest opportunity on corporate and growth priorities and are clear what strategic outcomes are the priorities.

- Establish a staff forum to ensure ideas for improvements can be considered, progress is reported, and successes celebrated.

- Secure support from Housing Strategy to prepare "ready reckoners" for off-site affordable housing calculations to assist case officers and identify other policy areas that could benefit from this approach.

- Upfront viability negotiations and expertise is needed to maximise outcomes from development. This is an area where skills will need to be developed to tackle the medium term challenges and could be used to enhance job roles or provide career progression. The key skills include undertaking viability assessments, developing business acumen skills and taking a commercial approach

- Income generation – develop the PPA offer, pre- app advice, sharing services, selling specialist services,

It will clearly be important for the service to continuously monitor work demand and resources that are deployed. This would be supported by regularly utilizing the planning benchmarking available from PAS.

The customer journey is inconsistent and varies depending on the point of entry and case officer allocated; there is a need to look at ways of managing this to ensure a common (good) experience. There is scope for developing a better relationship with applicants – particularly major developers; a development team approach for majors should assist this as will the further use of PPAs.

There is a need to look at ways of improving engagement with the key developers and customers through mechanism such as a developers' forum and regular customer satisfaction surveys this is particularly important as a way of enhancing communications during a programme of change.

Planning committee

The council has good levels of delegation with over 95 % of applications being determined by officers, which should enable the committee to consider and determine larger and more significant and controversial applications.

Whether or not a formal planning policy working group is established, the team would recommend the council to consider changes to the operation of the committee to engender better behaviours and better running of the process:

- The scheme of delegation is operated in a way that still sees a number of items going unnecessarily to committee. For example, currently all major applications are

13

decided by Committee, is this necessary? Currently five objectors trigger a referral is this number significant if the proposal does not contravene planning policy?

- Can Councillors call things in too easily and should there be an expectation that planning concerns should be raised earlier in the process and call ins should only be allowed on the basis of sound planning reasons?

- Should there be a contra-motion procedure to avoid public perceptions and concern about secrecy?

- Should there be an expectation that if a premeeting or a site visit is deemed necessary that all members sitting on the committee should attended?

- Does an afternoon planning meeting and site visit prevent working Councillors, applicants and residents from playing as full a part as should be expected?

- Given the split of the Council and the numbers of members available is 12 too high a threshold for a committed committee? Would a smaller number of sitting members from a larger pool of trained members make the decision making process richer?

There is certainly a training requirement to level up the expertise of members, especially for newer members, an understanding of the gravity of decision making and the quasi-judicial nature of committee membership. The programme of Member training and development programme would benefit from more structure so that it covers dealing with planning applications, legal considerations, the committee process, how objections are handled, policy development and its role in determining applications.

Planning Committee members and especially the Chair should be included much earlier in major planning applications to foresee challenging elements and have them resolved. We do not think that this should fetter the discretion of members.

Planning members, especially newer members, would benefit from an in-depth understanding of agreed policy, levels of evidential expectation and some training on the practical application of planning policy in Brighton and Hove, perhaps using cases or themes which have presented challenges in the past, consider getting a developer to explain what they have to do to prepare an application to get the customers perspective.

Some Members are experiencing uncertainty on understanding predetermination and predisposition and where they stand if they discuss an application prior to it being considered by committee. This could be addressed by some short refresher training or guidance notes if not already provided as part of the induction training. Similarly there is uncertainty on their role in weighing up policy in making a decision, so there is the need include policy training for members in the training programme. It may be worth considering visiting other councils and observing their approach to conducting a planning committee. These are all areas that lend themselves to targeted personal development to provide greater Member confidence.

3.3   Planning Policy

Strengths

The council has made significant progress towards delivering a Local Plan, having recently consulted on, been examined and adopted its City Plan Part One. It has produced a wide range of policy documents and has plans for a further suit of supplementary planning

documents (SPDs) to be produced. The team found evidence of good consultation and joint commissioning of information with other key policy areas e.g. housing, transport etc.

The peer team was told that the Part One of the City Plan and associated Policies Map will provide a much clearer policy framework for decision-making particularly in relation to having an agreed housing target for the city (13,200 new homes by 2030). It will allow out of date 2005 Local Plan policies to be replaced; provide a clear monitoring and implementation framework, introduce an Infrastructure Development Plan and Housing Implementation Strategy to 2030.

The peer team understand that it is intended to take a Part Two scoping document out to consultation in June 2016. The aim is to prepare a full draft version of the Plan by summer 2017 and to adopt the Plan by late 2018. This will allow the 2005 saved Local Plan to be fully replaced.

Areas for consideration

There is less political leadership in the policy production process than the team would have expected to see, with no mention of regular meetings with key political leaders and political steer of planning policy documents during its production.

Although there was good awareness of the City Plan there were comments that suggested that there is a lack of understanding on the use of the council's own planning policies both within and outside of the planning department.

The council is moving into an important period of activity in taking forward City Plan Part 2 which will include the more contentious issues such as the detailed development management policies and site allocations and designations, political engagement will be tricky and political and public engagement (not just consultation) is essential. The policy needs to be understood and owned by the wider council and particularly the Planning Committee.

The plan to engage and consult the public in a meaningful way in the development and delivery of City Plan Stage Two is unclear; this will be essential and will shape the overall timetable for the achievement of Part Two

The peer team concluded that there is too heavy a weight of policy which is a burden on decision making, and this is significantly contributing to the service being risk averse and slow. Furthermore the policy team and development management teams appear disconnected. There is a need to engage the Development Management teams early in the review and prioritisation of the policy framework as well as ensuring that new Policy is focussed on delivering the corporate objectives, is fit for purpose but suitably lean. Once agreed it needs to be ensured that all officers are trained on the implementation of the City Plan and the new policy landscape

Current policy would also benefit from a sense check to ensure it is sufficiently commercially aware, linked to the wider regeneration and transportation requirements of the City Deal and becomes a practical policy framework to aid growth delivery.

It is important that the detailed SPDs and policy framework is reviewed, prioritised and streamlined to reduce the burden on the decision makers and to add real value. Those engaged in writing policies need to be aware of how it will be used in practice and what is really possible. A prioritised and agreed set of policies will provide certainty for everyone and assist in streamlining decision making.

15

There is also a need to create and publish an enforcement protocol that has been through a prioritisation process.

The council has an out of date developer contributions policy that does not meet Community Infrastructure Levy (CIL) Regulations, this will need to be addressed. The new effective developer contributions policy could be used as a tool to demonstrate the positive elements of growth.

3.4   Customers and Partners

Strengths

The peer team heard that partners and many customers have a high regard for frontline planning officers and recognise the difficulties and environment that officers are working in. Customers are prepared to help when they can and a keen to see the City Council planning service improve.

The parish council felt they were well consulted on major applications and sub regional partners report positive engagement on the City Plan referencing many good collaborative discussions.

Areas for consideration

The peer team heard a consistent message that there is a lack of confidence in the planning process and planning service.

Whilst there were the obvious concerns over the major delays in dealing with applications and queries, the main feedback and issues raised were about the lack of consistency high levels of uncertainty, and differing levels of service depending on which case officer was involved. There was a strong sense of frustration that effort was wasted as "too many opinions were changed by officers/managers and usually at the last minute", leading to the feeling that the system is "anti-development". Customers referred to a culture of refusal and "so many policies" that refusal is a high risk.

There is a need to consider the customers perspective and respond to their feedback and learn from and act upon their complaints.

The customers had a clear set of requirements, about how they want the planning service to function: - consistency along with constructive, timely, collaborative and informative engagement.

3.5 Achieving outcomes

Strengths

Good development opportunities exist in Brighton & Hove and plans and guidance are in the process of being put in place to support the delivery of outcome and improve quality. The team were shown some examples of recent good quality developments, and in general regeneration schemes taken forward are seen to be well done.

Neighbourhood planning is positively referred to where it is taking place, and there is good partnership working with local sub-regional partners.

Areas of Consideration

The link between growth and investment is not widely understood or acted upon by members which is impacting on appetite. The introduction of CIL may assist with demonstrating the benefits of growth.

The unclear customer journey and timing / consistency of planning engagement limits the positive influence that planning can have on quality outcomes and results in unproductive effort. The peer team recommend the service establish an internal protocol for working with developers/ major applications that sets out the customer journey and establishes the key outcomes to be achieved by delivery stage.

The council should look to develop a culture of continuous improvement, including post development review and learning from best practice from elsewhere.

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Planning Advisory Service

The Planning Advisory Service (PAS) offers a wealth of information, tools and activities. Information is available at: http://www.pas.gov.uk . PAS will engage with Brighton and Hove City Council to discuss what further support might be suitable for Brighton and Hove City Council following this planning peer challenge.

17