



**Committee:** OVERVIEW AND SCRUTINY COMMITTEE

**Date:** WEDNESDAY, 7 FEBRUARY 2024

**Venue:** MORECAMBE TOWN HALL

**Time:** 6.00 P.M.

Councillors are reminded that as Members of Overview and Scrutiny they may not be subjected to the Party Whip, which is prohibited under the Lancaster City Council Constitution.

## A G E N D A

**1. Apologies for Absence**

**2. Minutes**

Minutes of the Meeting held on 17th January, 2024.

**3. Items of Urgent Business authorised by the Chair**

**4. Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

**5. Update on LGA Peer Challenge Review regarding Planning (Pages 3 - 12)**

Report of the Chief Officer – Planning and Climate Change.

**6. Work Programme (Page 13)**

Work Programme attached.

**7. Forthcoming Key Decisions**

The List of Forthcoming Key Decisions can be viewed [here](#)

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Brett Cooper (Chair), Jack Lenox (Vice-Chair), Suhir Abuhajar, Martin Gawith, Chris Hanna, Paul Hart, Abi Mills, Sue Penney and John Wild

### **(ii) Substitute Membership**

Councillors Martin Bottoms, Hamish Mills and James Sommerville

### **(iii) Queries regarding this Agenda**

Please contact Jenny Kay, Democratic Support - email [jkay@lancaster.gov.uk](mailto:jkay@lancaster.gov.uk).

### **(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support email [democracy@lancaster.gov.uk](mailto:democracy@lancaster.gov.uk).

MARK DAVIES,  
CHIEF EXECUTIVE,  
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<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
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**Local Government Association  
Planning Peer Challenge – Update**

**7 February 2024**

**Report of Chief Officer – Planning and Climate Change**

<b>PURPOSE OF REPORT</b>
To consider the latest Update Report regarding the November 2022 Planning Peer Challenge (published January 2023).
<b>This report is public.</b>

**RECOMMENDATIONS**

- (1) **That Members note the Update Report.**

**1.0 Background**

- 1.1 This is the third Update Report following Lancaster City Council's Peer Challenge (November 2022). The Peer Challenge was requested by the City Council, and it was co-ordinated by the Local Government Association (LGA), working with the national Planning Advisory Service (PAS). The aim of the Peer Challenge was to independently review the local planning authority's operations and performance and consider how it can respond to the present and future challenges.
- 1.2 Details of the Peer Challenge process, including the LGA/PAS report (January 2023) and the City Council's subsequent response (the Implementation Plan 2023/24) were set out at the 12 July 2023 Overview and Scrutiny Meeting. Both documents were appended to the July Meeting report.
- 1.3 The LGA/PAS Peer Challenge was a positive experience for internal and external participants, with some pleasing outcomes. The recommendations of this independent review were fair.

**2.0 Update Report**

- 2.1 The Update Report Table is appended to this covering report. It provides details of progress in addressing the recommended actions. Each workstream activity is given a Red, Amber, Green (RAG) rating.

2.2 Since the previous Update Report, the PAS team have revisited Lancaster (25 January 2024) to assess progress. Informal feedback was generally positive. The PAS Team will shortly provide a summary of their visit, which if received prior to the Committee Meeting can be circulated. The Council anticipates that it will publish this letter.

2.3 There has been continued progress regarding the workstream activities. Some larger, structural workstreams will begin to be expedited once other exceptional workload (e.g. Supaskips emergency response) has alleviated.

**3.0 Conclusion**

3.1 The next Update Report will be provided in six months' time, August 2024. It is envisaged that this will be the final update due to the (anticipated) completion of the workstreams.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

Some of the measures described in the Implementation Plan 2023/24 will have a positive impact in terms of service delivery, particularly regarding accessing relevant planning application information and improved guidance on the Council's website.

**LEGAL IMPLICATIONS**

There are no legal implications stemming from this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**

None, all recommendations can be addressed within current resources.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no comments to add.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no comments to add.

**BACKGROUND PAPERS**

- Update Report Table, February 2024.

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**Telephone:** 01524 582390  
**Email:** mcassidy@lancaster.gov.uk  
**Ref:** N/A

# Planning Peer Challenge: Implementation Plan

## Update Report: February 2024

This Update Report Table includes the following Red, Amber, Green (RAG) rating to illustrate workstream activity progress.

<b>Red Rating</b>	Workstream not yet started
<b>Amber Rating</b>	Workstream started and continuing
<b>Green Rating</b>	Workstream completed

Each RAG rating is accompanied by explanatory text, which sets out the activities in each workstream (in **bold**) and the progress made so far (in *italics*).

Workstream	Progress to Date – Individual Actions and RAG Rating
<p><b>A:</b></p> <p><b>Review the operation of Planning Regulatory Committee</b></p> <p>Several matters in Workstream A were the subject of consideration by the Informal Planning Task Group (Winter 2022/Spring 2023), which had previously been established by Overview and Scrutiny Committee. The findings of this Group’s work were presented to Cabinet on 11 April 2023. Cabinet agreed with some findings, rejected others and noted the remainder.</p>	<p><b>Develop a forward planning mechanism for briefing the Chair and Planning Group Leaders regarding upcoming Committee items.</b></p> <p><i>The PRC Group Leader and Chair’s Briefing provides an effective mechanism for this. The Service Manager and Planning Applications Manager are also empowered to provide advance briefings on any upcoming, complex planning applications.</i></p> <p><i>There is ongoing work (October 2023) regarding potentially extending the Committee Briefing to all Members of PRC, rather than just Chair, Vice-Chair and Group Leads.</i></p>
	<p><b>Produce new, consistent scripts for Committee meetings</b></p> <p><i>The Chair of PRC has a revised script for Committee meetings.</i></p>
	<p><b>Review length of committee reports and accompanying presentations</b></p> <p><i>This review has taken place. Except for major cases which have a complex planning history, committee reports are more commensurate with the scale/complexity of development being proposed. Case Officers are briefed by Managers before presentation to ensure that their own presentations to PRC do not repeat the report. Officers will continue to take soundings from Members periodically to ensure that reports and presentations do not increase unnecessarily in length and complexity.</i></p>
	<p><b>Develop the existing member training and support arrangements for Planning Committee, including the introduction of review meetings</b></p> <p><i>A more detailed training programme for Planning Regulatory Committee Members is now established. This started with a mandatory session regarding planning decision-making and the national planning system. Further topic specific sessions have been taking place and will continue to do so on a rolling basis (including sessions to cover any significant changes to legislation).</i></p>
	<p><b>Review current Planning Committee speaking arrangements to better manage speaking time (instead of unlimited number of speakers)</b></p> <p><i>This was discussed with Members after the 29 January 2024 Planning Regulatory Committee. Consensus was to retain the public speaking scheme as present (i.e. with an unlimited number of speakers).</i></p>
	<p><b>Consider a review of the Scheme of Delegation to reduce the number of items being determined at Committee.</b></p> <p><i>The scheme of delegation was considered by the Informal Planning Task Group and subsequently Cabinet (11 April 2023). Both agreed that the existing scheme struck the appropriate balance between ensuring timely planning application decision-making (in accordance with national timescales), and the necessary consideration of strategic major planning applications at</i></p>

	<p><i>Committee level. A reduction of the number of items at Committee, as suggested by the Peer Review, was therefore not considered appropriate.</i></p> <p><b>Fix an agreed procedure for defending Committee overturns at any subsequent planning appeal (noting the Institute’s professional Code of Conduct)</b> <i>Officers have not yet finalised the options for this piece of work.</i></p> <p><b>Additional work</b> (i.e. over and above the identified tasks in Workstream A) have also been completed:</p> <ul style="list-style-type: none"> <li>• <i>That there should be no change to the system of calling-in planning applications. This was a recommendation of the Informal Planning Task Group and was subsequently endorsed by Cabinet in April 2023.</i></li> <li>• <i>Clearer guidance for making observations on planning applications was provided in November 2022, and is available on the Council’s website.</i></li> <li>• <i>The location of Planning Regulatory Committee will remain unchanged at Morecambe Town Hall to enable future meetings to be live streamed.</i></li> </ul>
<p><b>B:</b></p> <p><b>Review the operation of the Local Plan Review Group (LPRG) prior to further (new) policy production</b></p>	<p><b>Revisit the terms and reference of LPRG to determine the purpose of the Group going forward</b> <i>The terms and reference of LPRG was revised and agreed at the 20 September 2023 LPRG meeting.</i></p> <p><b>Consider the membership arrangements of LPRG</b> <i>A call for new Members followed the May 2023 Local Elections. Membership was capped at Chair + 10 Members, and the membership includes a diverse range of political representatives. The 20 September meeting was a successful reset of LPRG.</i></p> <p><b>Agree the forward plan for LPRG meetings for 2023/34 including a review of report length and content</b> <i>Future meetings will usually be bi-monthly but will not be fixed in advance due to the need (occasionally) to be reactive to national planning announcements. This was agreed by the new membership of the LPRG in September 2023.</i></p>
<p><b>C:</b></p> <p><b>Align corporate priorities with the priorities of the Planning and Place (now Planning and Climate Change) Service</b></p>	<p><b>Determine methods for ensuring aligned priority delivery (following remodelled service delivery post-senior leadership team restructure)</b> <i>The work undertaken by the Local Government Association in with Cabinet and the Council’s Senior Leadership Team concluded on 28 September 2023. This work provided greater clarity regarding the corporate priorities within the Council plan, which were published in late-January 2024. These priorities will now be used to inform the workstream below.</i></p> <p><b>Embed shared priorities within Service teams via training</b> <i>This workstream has been delayed slightly but aims to be complete before end-April 2024.</i></p>

<p><b>D:</b></p> <p><b>Undertake the (already scoped) review of the planning enforcement service.</b></p>	<p><b>Review Enforcement Charter, including expediency flowchart and timescales and match with existing resources;</b>  <i>A new Local Planning Enforcement Plan (to replace the existing Planning Enforcement Charter) was approved by Planning Regulatory Committee in January 2024. The LPEP will shortly be published and will inform all enforcement casework.</i></p>
	<p><b>Produce new standard letters with flexibility for all circumstances;</b>  <i>The Planning Systems Manager has been working with the Enforcement Team to produce new templated letters. Ongoing.</i></p>
	<p><b>Consider whether other forms of digital communication might be deployed;</b>  <i>A programme of digital communication (web and explanatory videos) is currently being considered. There will be greater use of social media to report on prominent cases (i.e. those that have been the subject of court decisions).</i></p>
	<p><b>Empower PEOs to be taking expediency decisions rather than Planning Officers (includes greater awareness of Development Plan);</b>  <i>There is an expectation that PEOs will take expediency decisions on smaller planning breaches, but larger breaches will continue to involve a team-approach to assessment (PEOs and Planning Officers).</i></p>
	<p><b>Review length of electronic file records and methods of recording meetings/dialogue on cases.</b>  <i>This will be implemented following agreement of the revised standards in the draft Local Planning Enforcement Plan.</i></p>
	<p><b>Consider approaches to educating agents and architects re: enforcement responsibilities, especially condition compliance. Restructure of decision notices may assist;</b>  <i>Restructure of decision notices is problematic given current software. A more likely course of action will be discussion of enforcement at a future Developer Forum (see later workstream for details of this).</i></p>
	<p><b>Handover of casework from Senior Planning Enforcement Officer (SPEO) to Planning Enforcement Officers (PEOs) with the exception of major strategic cases.</b>  <i>This work continues. The recent retirement of one of the more experienced PEOs has necessitated some case work retention by the SPEO in the short term.</i></p>
	<p><b>Recruit to vacant existing Planning Enforcement Graduate role to bolster capacity</b>  <i>The role has now been advertised and the recruitment process is ongoing. Candidates had been shortlisted at the time of compiling this update report.</i></p>



	<p><b>Review longstanding enforcement cases to clear historic work as much as possible</b>  <i>This process has been overseen by the Service Manager for Development Management and the Senior Planning Enforcement Officer, and it has resulted in a considerable reduction of longstanding cases.</i></p>
<p><b>E:</b>   <b>Seek greater liaison with developers, inward investors and/or partners.</b></p>	<p><b>Ongoing monitoring of new pre-application planning service via feedback forms and other methods</b>  <i>This is not live yet, but a new feedback inbox has been set up and a monitoring form created. Currently looking at the potential to include QR codes to create digitally accessible feedback opportunities.</i></p>
	<p><b>Re-establish the Agents' Forum</b>  <i>A decision was taken to expand this to a 'developers and agents' forum to capture the widest possible audience. The first Forum took place on 6 December 2023. It was attended by approximately 80 developers/agents, and the topics for discussion and presentation were diverse (changes to legislation, Local Plan updates, 'showcase' Passivhaus development at Halton; presentation by Electricity North West, etc). Feedback was positive. The next event will be in June and the Forums will be twice-yearly (June and December).</i></p>
	<p><b>Consider the establishment of a Partners' Board or Forum to help deliver the local regeneration and growth agenda (and attract inward investment).</b>  <i>This is a larger piece of work that involves collaboration with strategic partners. Internal discussions considered how this might be established, although this was one workstream that was delayed due to resources arising from the SupaSkips events of December 2023 and January 2024.</i></p>
<p><b>F:</b>   <b>Make the planning system more accessible to external users and improve communication</b></p>	<p><b>Review and consider various methods for improved communication with communities, Parish and Town Councils</b>  <i>The use of improved mapping has potential to improve the provision of information to the local community (particularly about planning application decisions and appeal decisions). See below ("other digital forms of communication") for an update regarding this. Further work is required regarding new ways of engaging with Town/Parish Councils particularly regarding changes to legislation. Officers are beginning to explore a possible briefing/planning training programme for Parish and Town Councils, should there be demand for this.</i></p>
	<p><b>Review all outgoing literature (reports, policy documents, etc) and ensure that planning jargon is, as far as is possible, minimised.</b>  <i>Work in the Planning Enforcement Team has started (review of outgoing correspondence). Once completed this will be expanded to other Teams.</i></p>

	<p><b>Assess what further improvements can be made to website and other digital forms of communication</b>  <i>Digital mapping is now provided in one location on the website (Neighbourhood Plan Area mapping; the mapping of over 1300 Listed Buildings, all Scheduled Ancient Monuments and Conservation Areas and Registered Parks and Gardens; the mapping of Non-Designated Heritage Assets; and the mapping of planning application decisions and appeal decisions). A new 2023 digitally interactive Housing Land Monitoring Map has also been provided. The map shows sites that are included in the council's calculation of a five-year housing land supply.</i></p> <p><i>Some of the most-used parts of the Planning webpages have been reviewed and updated since the Peer Review to improve accessibility. These include the 'Do I Need Permission' pages; the 'Pre-Application Advice' pages; the 'Designations and Constraints' pages (which explain about Listed Buildings, Conservation Areas, Tree Preservation Orders, Article 4 Directions, etc); the 'Planning Enforcement' pages; Neighbourhood Planning; and the Local Plan pages.</i></p>
<p><b>G:</b></p> <p><b>Review processes and priorities to ensure best use of officer time commensurate with agreed service priorities.</b></p>	<p><b>Review length of delegated reports and templates</b>  <i>Length of delegated reports has been reviewed internally. Further template modification will be considered in response to any future changes to the planning system.</i></p> <p><b>Review existing consultee list</b>  <i>Not yet commenced due to pending changes to national planning system – the Government announced a 3-month long review of the statutory planning consultee system in December 2023. Outcome awaited.</i></p> <p><b>Reconsider role of internal consultees (especially with Service) and devise strategy for communication, rather than formal consultation</b>  <i>Fewer internal consultation within the Service are being sent out, with a greater emphasis being placed on internal collaboration/problem-solving. Work continuing, including potential to merge some pre-application work (which may reduce further the need for internal consultation on subsequent planning applications).</i></p> <p><b>Review what standing advice can be agreed with consultees and within our own Service documents</b>  <i>This is currently difficult to achieve due to resourcing challenges (for external consultees). Awaiting the outcome of the Government's 3-month long review of the statutory planning consultee system in December 2023. Outcome awaited.</i></p> <p><b>Review other examples of local authority policy production, to compile good practice with an aim to move away from detailed policy development where practicable</b>  <i>This approach is being embedded via the full District Local Plan Review.</i></p>

	<p><b>Review end-to-end planning application (and other similar consenting regimes) process</b>  <i>Planning application work activity plans are identified and help guide officers to produce timely decision-making.</i></p> <p><b>Review existing planning conditions and seek to reduce quantum (whilst ensuring fit-for-purpose from an enforcement perspective)</b>  <i>This is a significant piece of work that due to resource issues in Development Management has not yet started.</i></p> <p><b>Review structure and appearance of Decision Notices</b>  <i>This is dependent upon future decisions regarding service provider (IT systems) that are due to be taken on or before 31 March 2024.</i></p> <p><b>Review length of committee reports and accompanying presentations</b>  <i>This review has taken place. With the exception of existing, longstanding major cases which have a complex planning history, committee reports are more commensurate with the scale/complexity of development being proposed. Case Officers are briefed by Managers before presentation to ensure that their own presentations to PRC do not repeat the report (i.e. it assumes that PRC Members have read the report before attending Committee).</i></p>
<p><b>H:</b></p> <p><b>Explore corporate opportunities to create improved delivery vehicle for strategic and other major sites</b></p>	<p><b>Assess the current range of projects and strategic sites and agree priorities commensurate with resources; then, Agree roadmap to delivery with clear milestones; then Establish multi-disciplinary projects teams to assist with delivery</b>  <i>This includes the Council's own strategic sites/properties and externally owned strategic sites (such as major housing land allocations). It is considered that an internal officer group, meeting on a regular basis (suggested 6-weekly) would provide the opportunity for Senior Leadership Team, Service/Team Managers and other senior specialists to have early input into the City Council's corporate strategic site projects, to ensure that priorities, resources, and delivery milestones are agreed. Multi-disciplinary teams would be established in each individual case. Once established, a similar group would be considered to assist with external strategic site delivery.</i></p> <p><i>The corporate Peer Review in April 2024 is likely to consider this issue in depth.</i></p>
<p><b>I:</b></p> <p><b>Work alongside Lancashire County Council and other strategic partner to explore delivery</b></p>	<p><b>Increase the work with strategic partners to agree a preferred way forward on developer contributions in South Lancaster</b>  <i>The County Council decision regarding the Housing Infrastructure Funding (HIF), which was supported by the City Council, means that there is no currently deliverable strategic transport infrastructure intervention proposed in South Lancaster. Therefore, this workstream has been overtaken by events. Developer contributions for planning applications in the South Lancaster area will be considered on the same basis as contributions in other parts of the district, and no further work in this strand of the workstream is necessary.</i></p>

<p><b>challenges in South Lancaster</b></p>	<p><b>Agree preferred options and roadmap to delivery with partners, establishing clear milestones</b>  <i>The City Council's decision to cease work on the Lancaster South Area Action Plan, and commence a full Local Plan Review, has been approved by Cabinet (12 September) and endorsed via Council (27 September). The new Local Plan will determine what form of development should now emerge in South (and Central) Lancaster. As such, it will be for the Local Plan to set the preferred options and roadmap to delivery.</i></p> <p><b>Establish a new multi-disciplinary project team for South Lancaster (which includes external partners) to assist with strategic delivery</b>  <i>The City and County Councils have met to discuss future transport infrastructure issues (which in turn would facilitate much-needed housing delivery in the district). There is no involvement of external partners at this stage, until a new 'project' emerges.</i></p>
<p><b>J:</b></p> <p><b>Review wider developer contribution position across the district as part of the plan-making process</b></p>	<p><b>Review governance of section 106 contributions</b>  <i>Work has been undertaken with the support of the Planning Advisory Service to understand the baseline position regarding the developer contributions process. This identified the following recommendations:</i></p> <ul style="list-style-type: none"> <li><i>(a) Greater senior officer strategic oversight in developer contribution collection, monitoring and spend;</i></li> <li><i>(b) The establishment of formal internal structures to enhance the City Council's co-working in developer contributions;</i></li> <li><i>(c) The delivery of consistent stakeholder engagement on the allocation of developer contributions;</i></li> <li><i>(d) The establishment of regular meetings with the County Council regarding contributions;</i></li> <li><i>(e) Consideration of a Community Infrastructure Levy;</i></li> <li><i>(f) Consideration of how Elected Members could be involved in developer contribution decision-making; and,</i></li> <li><i>(g) Maintaining an up-to-date policy and evidence to underpin developer contribution decisions;</i></li> <li><i>(h) Investment in new IT systems and databases to ensure greater certainty regarding data (possibly supplemented by new charging regimes for monitoring of Section 106 Agreements)</i></li> <li><i>(i) More structured approach towards integrating the use of developer contributions within the Council's Capital Programme.</i></li> </ul> <p><b>Create an officer group to review mechanisms for securing financial and non-financial developer contributions and prepare options for consideration</b>  <i>This is the second stage of the process – not yet commenced – the first stage is highlighted above.</i></p>

<u>Matter for Consideration</u>	<u>Detail</u>	<u>Expected Date of Meeting</u>	<u>Outcomes</u>
Update on LGA Peer Challenge Review regarding Planning.	Update report form the Chief Officer – Planning and Place.  That the LGA Peer Challenge Review regarding Planning be moved to the February meeting and further updates be provided on a 6 month basis rather than 3 month.	7 <sup>th</sup> February 2024	
Eden Project North.	Request a progress report.	2024	
Health Care meeting.	That with regard to the Annual Health Care meeting, an update on the current model of the Health Care System be requested. The Committee would then consider if an annual meeting was required.	2024	
Air Quality Management Areas.	Add to Work Programme for a Teams Briefing in 2024.	2024	
Flooding in Lancaster - Lancaster City Surface Water Management Plan.	Request an update from County Council.  An update from Lancashire County Council is awaited.	2024	
Consideration of the Draft Fly Tipping Strategy.	That the Committee request that the Cabinet Member presents the draft Fly Tipping Strategy to the Committee once the draft had been prepared.	2024	
Cabinet – Scrutiny Protocol.	Statutory guidance on Overview and Scrutiny in Local and Combined Authorities.	New Municipal Year.	