

DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday 2 September 2020

Time: 6.30 pm

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

Membership:

Councillors Mrs Blackmore, Chappell-Tay, Mrs Gooch (Chairman), Hastie, Joy, Lewins, Perry, Purle and Webb (Vice-Chairman)

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 1 July 2020	1 - 3
9. Presentation of Petitions (if any)	
10. Question and Answer Session for Members of the Public	
11. Questions from Members to the Chairman (if any)	
12. Committee Work Programme	4
13. Reports of Outside Bodies	
14. Workforce Strategy Update report	5 - 22

Issued on Monday 24 August 2020

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

INFORMATION FOR THE PUBLIC

In order to ask a question at this remote meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Friday 28 August 2020). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to submit a written statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Friday 28 August 2020). You will need to tell us which agenda item you wish to comment on.

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MAIDSTONE BOROUGH COUNCIL

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 1 JULY 2020

Present: Councillors Mrs Blackmore, Chappell-Tay, Mrs Gooch (Chair), Hastie, Joy, Lewins, Perry, Purle and Webb

93. APOLOGIES FOR ABSENCE

There were no apologies for absence.

94. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

95. URGENT ITEMS

There were no urgent items.

96. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

97. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

98. DISCLOSURES OF LOBBYING

Councillors Mrs Blackmore, Chappell-Tay, Mrs Gooch, Hastie, Lewins, Perry and Purle stated that they had been lobbied on Item 14 – Member Agenda Item Request from Cllr Jonathan Purle – Review of Arrangements Empowering Planning Officers to Defer or Overturn Planning Refusals by Elected Members.

99. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

100. MINUTES OF THE MEETING HELD ON 11 MARCH 2020

RESOLVED: That the minutes of the meeting held on 11 March 2020 be approved as a correct record and signed.

101. PRESENTATION OF PETITIONS

There were no petitions.

102. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

103. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

104. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

105. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

106. MEMBER AGENDA ITEM REQUEST FROM CLLR JONATHAN PURLE - REVIEW OF ARRANGEMENTS EMPOWERING PLANNING OFFICERS TO DEFER OR OVERTURN PLANNING REFUSALS BY ELECTED MEMBERS

The Democratic and Electoral Services Manager introduced the item noting that as per the Council's Constitution, a Member may submit an item for consideration by the Committee.

Councillor Purle introduced his agenda item request and noted that he was a Member of the Policy and Resources Committee. Research had been conducted as to the prevalence of arrangements similar to those outlined in Rule 30.3, Part 3.1 of the Council's Constitution, in other Kent Authorities.

Several members of the Committee expressed concerns that the training requirements as outlined in the Constitution were too onerous and requested that planning training requirements be included in the officer report produced.

RESOLVED: That the Committee request an officer report on the item, with the Member planning training requirements as outlined in the Constitution to be included.

107. EXTENSION OF THE APPOINTMENT OF THE INDEPENDENT PERSON

The Head of Legal Partnership introduced the report and outlined the legal requirement for an Independent Person to consider Code of Conduct complaints. The term of office needed to be extended from 1 August 2020 to 31 July 2021, as the position had not been advertised due to the disruption caused by the Coronavirus Pandemic.

The Head of Legal Partnership explained that the role would then be advertised in January 2021, with any applications received to be reviewed by this Committee. It was confirmed that the payment for this

appointment was £750, which fell within the existing approved budget. A reserve position would also be advertised.

RESOLVED: That

1. Full Council be recommended that the term for the current Independent Person be extended for one year from 1 August 2020 to 31 July 2021; and
2. The role of the Independent Person and a reserve position be advertised.

108. MEMBER TRAINING 2020-21, DISCUSSION PAPER

The Head of Policy, Communications and Governance introduced the report and noted that there had been a significant number of activities undertaken over the last year concerning planning, governance and new member training, amongst other topics. It was confirmed that training sessions would be recorded when possible and placed in an area that Members can all access. A short survey to discern Members preferred learning strategies was proposed.

In response to questions, the Head of Policy, Communications and Governance confirmed that the planning training necessary for the Policy and Resources Committee could be recorded and shared with members. It was agreed that discussions would take place between the Head of Policy, Communications and Governance and Councillors Chappell-Tay and Purle regarding member learning styles within the proposed Member survey.

RESOLVED: That the Member Learning and Development Update be noted and the proposed approach to the programme for 2020-21 be agreed.

109. OUTSIDE BODIES - CURRENT STATUS

The Democratic and Electoral Services Managed introduced the report as an update on the administration of Outside Bodies.

It was noted that the Democratic Services team were experiencing as increased workload, in part due to staff shortage and the requirements of remote meetings.

The Committee expressed thanks to the Democratic Services Team for their hard work.

RESOLVED: That the low operational priority currently being given to Outside Bodies administration and the update on Outside Body vacancies be noted.

110. DURATION OF MEETING

6.30 p.m. to 7.25 p.m.

2020/21 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Access to Information Review	D&GP	11-Nov-20	Governance		Patricia Narebor	Jayne Bolas
Pay Policy Statement 2021	D&GP	27-Jan-21	Governance	?	Bal Sandher	Bal Sandher
Review of Governance arrangements	D&GP	27-Jan-21	Governance	Yes	Angela Woodhouse	Ryan O'Connell
Timetable for Community Governance Review	D&GP	27-Jan-21	Governance	No	Angela Woodhouse	Ryan O'Connell
Workforce Strategy Update	D&GP	27-Jan-21	Officer Update	?	Bal Sandher	Bal Sandher
Democratic Representation Review - Community Governance Review	D&GP	TBC	Governance	Yes	Angela Woodhouse	Ryan O'Connell
Member Training Plan	D&GP	TBC	Governance	No	Angela Woodhouse	Ryan O'Connell

DEMOCRACY AND GENERAL PURPOSES COMMITTEE

2 September 2020

Workforce Strategy Update Report

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Bal Sandher, Head of HR Shared Services
Lead Officer and Report Author	Bal Sandher, Head of HR Shared Services
Classification	Public
Wards affected	No wards

Executive Summary

The Council has had a Workforce Strategy since 2008 and this has been reviewed and developed as the priorities and environment have changed. The most recent version covers the period 2016 - 2020 and was agreed at the Policy and Resources Committee on 29 June 2016. As part of the approval the P&R Committee requested that the Employment Committee should receive progress updates twice per year. Following the Committee Structure Review undertaken by the Democracy Committee in the 2018/19 municipal year, the functions of the Employment Committee now fall under the Democracy and General Purposes Committee.

At Appendix 1 the report sets out the progress made against the action plan that supports the Workforce Strategy.

Purpose of Report

The report is for noting.

This report makes the following recommendations to this Committee:

1. That the progress of the actions set out in the Workforce Strategy be noted.

Timetable

Meeting	Date
Democracy and General Purposes Committee	2 September 2020

Workforce Strategy Update Report

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Workforce Strategy has an impact on all aspects of the corporate priorities.	Bal Sandher, Head of HR
Cross Cutting Objectives	The Workforce Strategy has an impact on all objectives.	Bal Sandher, Head of HR
Risk Management	The overarching risk is that if the council does not have a Workforce Strategy it may fail to put in place the appropriate resources to implement actions to deliver the priorities and outcomes for delivery of the Council's Strategic Plan .	Bal Sandher, Head of HR
Financial	Workforce costs are the single biggest area of expenditure for the Council, accounting for around half of the Council's total budget. The Workforce Strategy therefore has a financial impact, but this is costed within the normal annual budget. Specific initiatives described within this report are also funded from within existing budgets.	Section 151 Officer & Finance Team
Staffing	The Workforce Strategy will have an impact on staff – this should be a positive impact as we work to ensure that there are improvements.	Bal Sandher, Head of HR
Legal	Although there may be specific actions arising out of the Strategy that require legal input, there is nothing identified in the plan overall that will have legal implications.	Keith Trowell, Team Leader (Corporate Governance), MKLS
Privacy and Data Protection	No personal data is contained in the report.	Keith Trowell, Team Leader (Corporate Governance), MKLS
Equalities	No impact identified because of this update report. As an employer the Council has a duty to fulfil under the Equality Act 2010. This is ongoing and is embedded in the processes to deliver the Work Force Strategy	Equalities and Corporate Policy Officer
Public Health	No impact identified at this time	Bal Sandher, Head of HR

Crime and Disorder	No impact identified at this time	Bal Sandher, Head of HR
Procurement	No impact identified at this time	Bal Sandher, Head of HR

2. INTRODUCTION AND BACKGROUND

2.1 The current Workforce Strategy covers the period 2016 – 2020. The work to review the strategy to create a new Workforce Strategy for 2021 onwards has not commenced due to the Covid-19 pandemic. Since the outbreak of Covid-19, all our resources have been focused on dealing with the unprecedented emergency by ensuring the council has the guidance and support to help maintain service delivery in all parts of the Council. This report will highlight the work we have carried out to support the council during this crisis.

There has also been a level of uncertainty created by Covid-19 on the future direction of services, the way we work and our support to staff. We have started to review our work practices caused by Covid-19, this will help to identify future workforce requirements such as skills and competencies which will be needed to deliver new, different or improved services. For these reasons, it would be more appropriate to complete the refreshed strategy in 2021 as by then we will have a better idea of our future plans for the council and consequently needs and expectations for our workforce.

2.2 The current key themes of the Workforce Strategy are:

- Organisation culture and change;
- Resourcing;
- Development, and
- Reward.

2.3 There has been progress against all the themes, much of which is cross cutting and affects more than one theme.

2.4 Organisation culture and change

2.4.1 During 2020 we have conducted 3 all staff surveys. The first, In February was a regular survey focussed on experience of working for the council and staff engagement. Subsequently we have conducted two surveys to enable a good understanding of the impacts of COVID-19 in terms of well-being and a complementary survey concerning managers' experience of managing people and projects during the pandemic. A further survey is in progress concerning future working arrangements and this will inform future accommodation options.

2.4.2 In previous years, the Council has gathered feedback from staff through the Best Companies survey and Investors in People. In 2019 the Council decided to bring the survey in-house so that we could focus on the areas of most importance to us. The HR and Policy teams worked closely together

to design and conduct the survey. This was sent to all staff in February 2020 and was open for six weeks. 71% of staff completed the survey, the highest completion rate we have had for any recent survey.

The results showed high levels of engagement from across the workforce, and high scores in the areas:

- Council objectives and values
- My work
- My team
- Wellbeing
- My Manager

Areas that scored lower and are highlighted for development are:

- Reward and recognition
- Engagement
- Learning and development
- Leadership

The results for each department have been shared with Heads of Service for discussion with staff in team meetings. Any actions identified from the meetings are being shared with HR to develop the corporate action plan for the council. Any team actions will remain in Service units to implement. In addition, we will also be introducing pulse surveys to establish progress against actions or particular issues. This will help to target hotspots and measure engagement on a regular basis.

2.4.3 The annual engagement plan for 2020-21 has been updated to reflect the different methods of communication that will be used to inform staff of important key messages. This has been particularly important during Covid-19 to ensure we are engaging with staff on a wide range of issues. Since May, we have introduced all staff webinars led by the Chief Executive to update staff on our response to Covid-19 which has included our first steps to recovery in terms of arrangements for a phased return to work at our offices and changes we have made to our buildings to ensure these are covid secure. We have also shared the corporate staff engagement results and recently a staff recognition webinar to say 'thank you' to all staff for working hard during these unprecedented times.

2.4.4 The current COVID-19 pandemic has meant that many staff have been required to work from home but for some this has been the first time they have worked remotely. For employees who have never worked from home before, this situation has presented several challenges from setting up an ergonomic, designated workspace to coping with the sudden loss of social interaction with colleagues. To understand the impact of the current working environment, we have carried out two staff wellbeing surveys to capture staff feedback on their experience of working remotely. Both surveys have provided a positive response as staff have reported that they feel connected to their teams, are supported by their manager, they are clear on the priorities and are able to work effectively at present. Some of the challenges faced by staff included social isolation, general anxiety, internet connections and childcare issues. The results of the surveys have

been presented to CLT and WLT and have been shared with staff in order to address some of the concerns from the survey.

In addition, we have also carried out a line manager survey to gather data on managers' experience of home working as well as managing teams remotely. The overall response to the survey has again been positive. There were similar concerns to the wellbeing survey of teams feeling isolated, IT/network problems and childcare issues. In addition, managers reported the difficulty of switching off while working from home and some found it difficult managing teams remotely. The data from the survey will help to support any changes to the way we work in the future.

2.4.5 In our response to Covid-19 pandemic we have developed and introduced guidance to support all staff during the crisis. This has included:

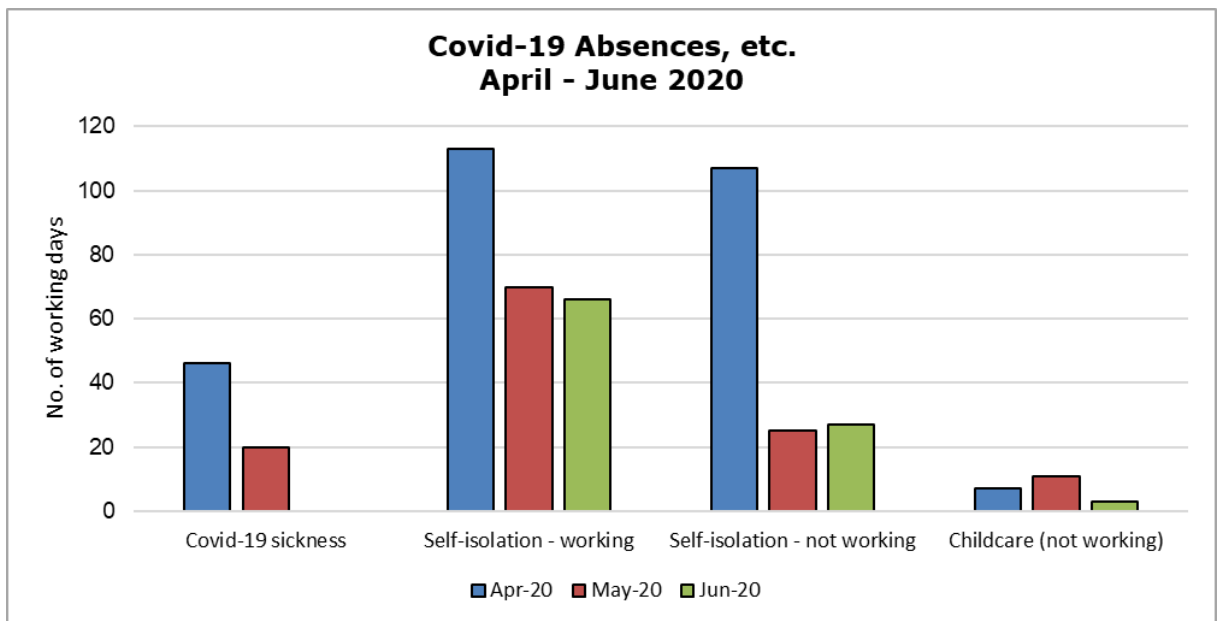
- Advice through FAQ's on a wide range of issues such as health and safety, risk assessments, returning to the office, managing childcare and support on wellbeing.
- Redeployment policy to allow staff to be redeployed in areas of emergency to support critical services.
- Guidance on key workers to allow staff to continue working in critical roles
- Updated annual leave policy to manage quarantine requirements on return from holidays
- Guidance for home workers from making sure workspaces are set up properly, through to achieving the right balance between work and home life, staying mentally fit, active and healthy.
- Guidance on the new rules for staff returning to the office as part of the welcome pack

2.5 Resourcing

2.5.1 One of the changes we made to our HR and Payroll system, iTrent was in relation to recording absence caused by Covid-19. It was essential that the council was able to have up to date absence information reported accurately for employees that had been impacted by Covid-19 which was reported separately to normal sickness.

The absence reports were reviewed daily at the start of the pandemic by the senior management team and this has continued on a regular basis. The information has enabled the council to have a better understanding of staff that are either sick due to Covid-19, self-isolating/shielding and unable to work from home including childcare issues as well as information on staff that are self-isolating but are able to work from home due to Covid-19.

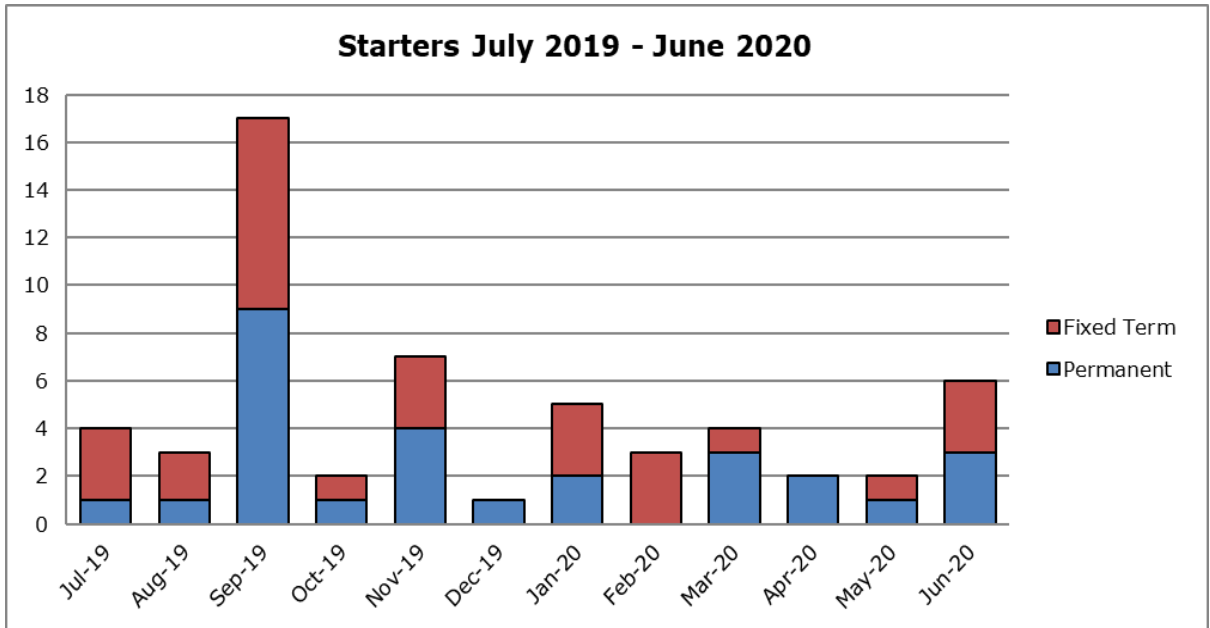
The number of working days lost or spent in self-isolation for Covid-19 has been low. The table below outlines the absences caused by Covid-19 during April to June 2020:



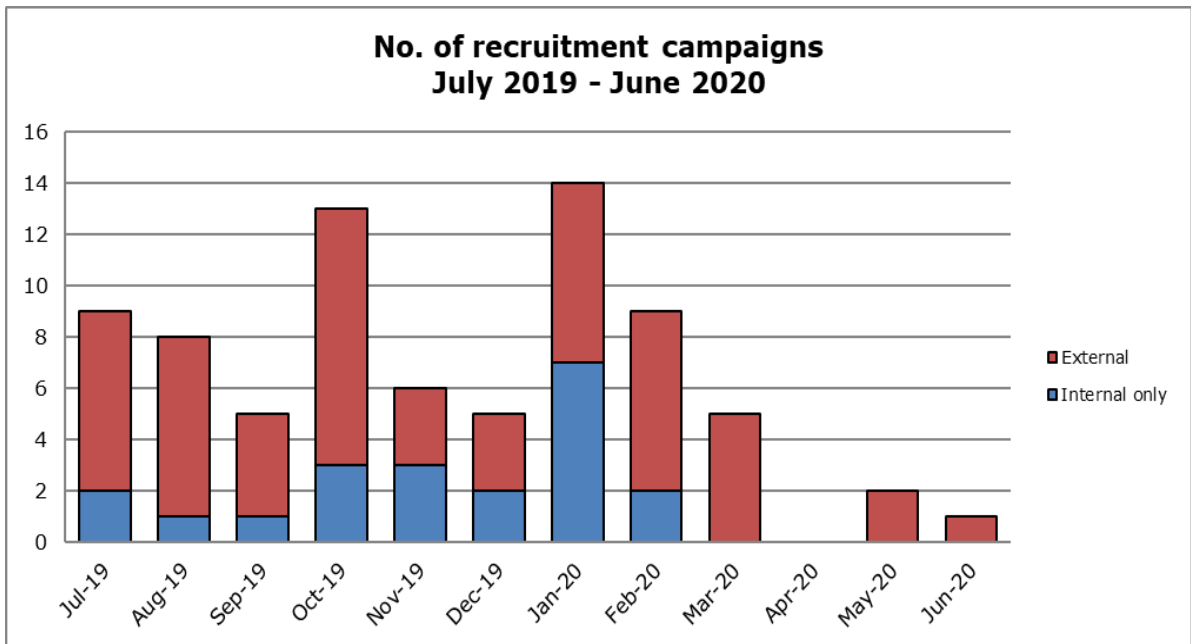
In the period April to June 2020, 9 people were absent with Covid-19, 13 people were working whilst self-isolating, 9 people were self-isolating and not working, and 2 people had spells of not working due to childcare.

- 2.5.2 We continue to work with the 5 students from Grow 19 College that helps students learn functional and life skills. The students all have additional needs and are aged from 19-25. This has been a successful project for the council and a positive experience for the students from the Grow 19 College which has been recognised at the One Council event in January by the team receiving an STRIVE award.
- 2.5.3 During the period from July 2019 to June 2020, the HR team has supported managers in recruiting 56 new staff at the council. This has included permanent and fixed term contracts to various positions at the council. In addition, there were 39 staff on permanent contracts that left the organisation over this period.

The Council's turnover during the year July 2019 to June 2020 was 7.28%. According to a Local Government Workforce Survey report dated June 2019, the average turnover has been reported as 13.4%. The Council's turnover is therefore generally below that of other local authorities.



The number of recruitment campaigns completed during the same period has been 77; this includes internal and external recruitment. Since the beginning of April, the number of recruitment campaigns has fallen due to the impact of Covid-19.



2.5.4 All employers with a salary cost of over £3 million per annum must pay an apprenticeship levy of 0.5% of their monthly pay bill. In addition, we are required to have 2.3% of the workforce on apprenticeships as an average from period 01/04/2017 to 31/03/2021. For Maidstone Borough Council this equates to approximately 14 apprentices a year on average.

An apprentice can be a newly appointed member of staff, employed into an apprentice post, or can be an existing member of staff undertaking an apprenticeship qualification. We currently have 6 apprentices within the Council. We also have 8 staff studying for a qualification through this route. This will support the Council in meeting the public sector targets of 2.3% of the workforce undertaking an apprenticeship programme.

2.6 Development

2.6.1 At the start of lockdown, the Learning & Development team introduced webinars into the training schedule to support staff with their wellbeing and working from home and provide guidance to managers on managing remote teams. Over the last 5 months, further sessions have been developed and delivered to all staff based on feedback received. In addition, the team has also introduced virtual breakroom sessions on a range of topics and weekly quizzes to allow staff to network with others and provide some fun during a time of uncertainty caused by the pandemic.

As well as providing information and guidance to staff, the webinars have also enabled the Council to continue to demonstrate its commitment to employee wellbeing, and provided support to those who fed back through the wellbeing surveys that they were feeling socially isolated. In addition to being able to attend the live webinars and participating, a recorded version has also been saved and is available to staff to view anytime. We have received positive feedback from staff that have attended the webinars and a summary of the feedback has been included in Appendix 2, including a list of webinars that have been delivered since April 2020.

Wellbeing maintenance calls have been made available to the front-line staff making up the COVID Community Response team. These calls are facilitated by Mid-Kent Mind and are weekly 15-minute calls from a Wellbeing Worker to get guidance and support on an individual basis of need.

2.6.3 In the latter part of 2019 we ran a pilot with teams from Commissioning and Business Improvement, and the Street Scene team within the Environment and Public Realm Service Unit, to trial a fresh approach to performance review and planning which enables staff and their managers to have more regular and effective 1:1s. After a successful pilot, the Council has decided to go ahead with changing its approach to performance management by putting more focus on regular conversations and less reliance on the bi-annual reviews of Appraisal and Mid-Year Review. The new approach will require all employees to have a monthly Check-in with their manager, discussing progress on objectives, development needs, wellbeing, and career aspirations. The check-in, objectives and the actions agreed will be captured on Clear Review software which is designed for this purpose and easy to use. The roll out will begin across the Council in September, with an expectation that all staff will be using it by the end of 2020.

2.6.4 At the start of the 2019/2020 year there was £126,740 available in the training budget for allocation. The central training budget was allocated £44k to provide training to staff in areas such as Health & Safety,

Safeguarding, IT, Management and Leadership and Personal Effectiveness. The rest was allocated out to those Service Units who access the central budget (several Mid Kent Services have their own budget and don't access the central pot) based on headcount. Some service areas added additional budget taking the total training budget to £136,720 and total expenditure was £138,374, resulting in a small overspend of £1654.

For the 2020/2021 year, the training budget has been reduced by 35% to £84.7k. This reflects in part disruption to training and development provided through traditional face to face events for a substantial part of the year and substitution of remote learning and development events. It also reflects the need to carefully manage resources given the significant impact of COVID-19 on the council's finances ie increased spending to support the community and diminished income. The central training budget has been allocated £22k to meet the costs of essential training only (health and safety and safeguarding) and training where contracts are already in place. The L&D team will continue to deliver training internally in some key areas. The remaining amount has been allocated to Service Units based on headcount and will enable training, including for qualifications, to continue.

- 2.6.5 A project to introduce a digital employee onboarding platform commenced late 2019 and work has continued throughout 2020. The current employee induction programme relies on managers following and completing a paper-based induction guidance document and holding face to face meetings with a member of the HR team. Given the recent move to homeworking, there is a need for a more digital induction process that enables both the manager and the new starter to manage the onboarding process.

The paper induction checklist has been replaced with a website that the new employee will be able to access before they join the council. The site includes:

- Welcome to Maidstone
- Our responsibilities
- Political leadership
- One council
- Next steps in your new role
- Your 1st day, 1st week, 1st month, 1st 6 months at the council.

The new process will be tested before we launch the onboarding programme to new staff from September. The changes to induction will help to support the current and future working arrangements.

2.7 Reward

- 2.7.1 In April 2020, the council implemented the real Living Wage which is independently calculated by the Living Wage Foundation. The real Living Wage is higher than the government's minimum, or National Living Wage, and is an independently calculated hourly rate of pay that is based on the actual cost of living. The changes to the current pay grade structure was agreed as part of the annual pay negotiations with the trade unions. Moving to the real Living Wage has provided a significant increase to the lowest paid

by matching them to the hourly rate of £9.30 per hour (increase of 7% to the lowest pay grade).

- 2.7.2 Several benefits have been promoted as well as wellbeing events organised over the last few months. Information on National Carers Week was shared in June with staff. Many staff were having to manage caring for elderly relatives, other family relatives or friends and neighbours during the Covid 19 pandemic. The advice, support and guidance that has been provided has been beneficial to staff. In addition, every month, as part of our actions to protect mental health and resilience we make staff aware of the Action for Happiness calendar. The calendars are full of actions to help create a happier and kinder world. We also promoted and continue to promote the Action for Happiness 10-day free online coaching programme which has been designed to help staff cope better. The Covid-19 pandemic has brought challenges for employees' mental health due to isolation at home or trying to live with the new restrictions.
- 2.7.3 The annual Wellbeing week took place in February 2020. Several events were organised across the council at different sites to promote the importance of being healthy and active. This also included working with Maidstone Leisure Centre who provided staff the opportunity to use their facilities free of charge for 1 week. Staff feedback on the wellbeing week was very positive about the events offered and delivered during the week. The aim of the week is to raise awareness on wellbeing by arranging opportunities for staff to get involved in activities that will improve their fitness, mental health and their overall wellbeing.
- 2.7.4 We have also supported staff through the challenges of Covid-19 and launched a 21-day self-care challenge with Sodexo, our staff benefits partner. An experienced lifestyle coach helped to run the programme aimed at motivating employees during isolation. Those that signed up were given a list of examples of things they may wish to temporarily cut out of their life and to replace these with more positive things. The programme was also interactive as staff were given the option to share their challenge on social media and ask any questions during a Q&A session.
- 2.7.5 Our Occupational health provider delivered five specially developed webinars aimed at supporting staff through the Covid-19 pandemic. The council's Employee Assistance Programme provider also put together information for staff on how to safely isolate and deal with loneliness. The webinar advised on how to minimise the spread of the virus and provided other helpful tips on managing their own health during isolation.
- 2.7.6 The current cycle to work scheme has been updated by increasing the spend limit up to £2,000 to enable staff to purchase an electric bike with the cost spread over a period of time to make payments more convenient. The tax-free scheme allows staff to consider a healthier, more sustainable way of travelling to work. The scheme has also been made available to Members and can be used throughout the year.

- 2.6.7 We have introduced webinars on the Councils rewards and benefit schemes for staff. The webinars have allowed staff to obtain a better understanding of their full employment package with the council as this includes all rewards/benefits received by staff as well as other benefits that are available to them as an employee of the council.
- 2.8 The Workforce Strategy sets out the key themes for the period 2016-2020, there is an associated action plan that has been updated on a regular basis to ensure the council continues to develop. The action plan is at Appendix I.
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3 AVAILABLE OPTIONS

- 3.1 The Committee is asked to note the progress to date and agree that work continues on the current action plan. Members could substitute alternative actions or add to the existing ones.
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4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is for the Committee to note the developments and support the on-going work.
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5 RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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6 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Workforce Strategy was developed with input from the managers in the organisation and discussed with both the trade unions and Staff Forum.
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7 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Developments based on the Workforce Strategy are regularly communicated to managers and staff through the council's newsletter, Team Talk activities, consultation with trade unions, Staff Forum and by email.
- 7.2 Actions within the Workforce Strategy are regularly reviewed by the Wider Leadership Team and twice a year by the Committee.
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8 REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Workforce Plan 2016-2020 Progress September 2020
 - Appendix 2: Webinar feedback
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9 BACKGROUND PAPERS

Workforce Strategy

https://www.maidstone.gov.uk/_data/assets/pdf_file/0007/164653/MBC-Workforce-Strategy-2016-to-2020-final-002.pdf

Appendix I Workforce Plan 2016-2020 Progress September 2020

Key Theme	Need / Driver	Outcome	Action	Responsibility	Update / Timescale
17	Organisational culture and change	Flexibility in workforce movement.	Secondments arranged into and out of partner sector Redeployment policy	HR Manager HHR	Ongoing Implemented April 2020
	Maintain and develop the organisation culture to be consistent with the values and priorities	Increased levels of employee engagement	Employee engagement survey and action plan Team talks/briefs; One Council meetings; Service planning and appraisal Develop a Council engagement plan	Wider Leadership Team (WLT)	Outcome of survey presented to CLT, WLT and all staff. Corporate action plan to be developed. Team talks ongoing. One Council briefing on 22 January 2020 included staff awards. Monthly webinars introduced to update on our recovery and return to offices. Engagement plan for 2020/21 has been updated and events are delivered regularly – monitored by CLT
	Minimise stress amongst the workforce	Training for staff and managers to recognise and manage stress and reduce the organisational causes of stress	L&D Manager	Webinars introduced on wellbeing and mental health. Mental Health First Aid supervision sessions regularly organised. Wellbeing surveys introduced to review wellbeing of staff and managers during Covid-19	
	Increased income generation including through regeneration and commercialisation	Organisation structure designed to meet key priorities	Senior management structure and development programme Strengthen project and programme management capacity and skills	Chief Executive Officer (CEO) with Corporate Leadership Team (CLT) and WLT	On-going capital projects Payroll service for Dartford Borough council - ongoing. Support provided to Sevenoaks council on payroll.

	Senior Leadership is visible	Employees feel that senior leaders are approachable, listen and live the values	One Council briefings, back to the floor and attending local team meetings	Policy, Wider Leadership Team (WLT)	One Council briefings All staff webinars Back to the floor carried out by the WLT
			Staff Forum meetings to gain representative views	CLT	Staff forum review complete
			WLT to visit staff during wellbeing week and birthday teas	WLT	Ongoing
	Employees are engaged with organisation purpose	Employees know where they fit in to the organisation and how they help deliver priorities	Team talks delivered by line managers	WLT Line managers	Ongoing
Key Theme	Need / Driver	Outcome	Action	Responsibility	Update/ Timescale
18	The organisation is fully resourced with the right skills to deliver council priorities	Streamlined processes for greater efficiency	Review induction programme for all staff	Head of HR (HHR) Web Team	New digital onboarding induction programme has been designed – to be launched Sept 2020
		Council is presented in the best light to attract good candidates	Council job page with attractive information for candidates	HR Manager	New job page created with information on the borough and the council.
		Competitive employment package to attract and retain good people	Appropriate use of market supplements in skill shortage areas	HR Manager	Ongoing and has improved recruitment in hard to fill areas (Planning and Building Control)
		Maximise effectiveness of the full team to deliver council priorities	Line managers are trained and address performance and absence issues	Line managers	Absence management and Performance management training on-going. New absence records created in iTrent to monitor Covid-19 absence and general sickness
	A representative and balanced workforce	Increase the % of employees under the age of 25	Apprenticeship programme	HHR	Training and qualifications agreed for existing staff through the apprenticeship levy. Recruitment of apprentices to continue. Careers fairs at local schools and colleges to continue
A representative and balanced workforce	Council that values equality, diversity and inclusion	Meet the Disability Confident employer status	HHR	Ongoing – further supported by the work experience opportunities provided to the students from the Grow 19 college.	

			Calculate and report on the Gender Pay Gap		Figures are updated and published on the Govt website to meet the deadline of 31 March 2020. Minimal difference between male and female pay rates
	The organisation is fully resourced with the right skills to deliver Council priorities	No skill / knowledge gaps because of retirements or turnover	Succession planning and multi-skilling to ensure business continuity	WLT	To complete 'Developing Everyone' analysis following Appraisals in March/April 2020
		Organisational effectiveness increased, workloads reduced	Change in mind-set of employees to overcome challenges in their roles	L&D Manager	Personal Best training for staff delivered. Personal Best for Leaders – introduced programme for managers and supervisors.
Key Theme	Need / Driver	Outcome	Action	Responsibility	Update/Timescale
19	Develop consistency of approach by leaders and managers	Managers and leaders know what is expected of them as a 'Maidstone Manager'	Management development; 360° feedback. All new managers to go through the manager induction programme	L&D Manager and WLT	Line manager induction programme to be developed and communicated to managers via Managers Forum and Intranet.
			Pilot new software on performance management	L&D Manager	To implement Clear Review system for performance management and regular 'check in' meetings.
	The organisation is fully resourced with the right skills to deliver council priorities	Blended approach to learning All employees engaged in personal development	All employees have development plan; training plan in place to address future skill gaps	L&D Manager Line managers	Reinforced through the introduction of the 'Developing Everyone' appraisal process. Will be included as part of Clear Review process
			Development of new eLearning package with tailored programmes	L&D Manager	Ongoing
	A flexible workforce	Internal recruitment and selection enables horizontal movement to develop careers and give employment stability	Streamline processes for internal re-deployment. Training for new roles and ways of working eg arising from service reviews and business transformation	HHR	Ongoing
	A flexible workforce	Develop a range of skills	Secondments encouraged	HHR	Ongoing
Work shadowing process			HHR	WLT/CLT Job Swap programme	

			developed to facilitate people spending time in other areas		in place.	
	A safe workforce	A strong health and safety culture with minimal accident levels.	Deliver the Health and Safety action plan	Health and Safety Officer Line managers	Ongoing monitoring through the Health & Safety Committee.	
Key Theme	Need / Driver	Outcome	Action	Responsibility	Update/Timescale	
Rewards	Retain competitive position as an employer	Reinforce benefits package so that employees feel they are fairly rewarded.	Update and re-issue employee handbook	HR Manager	To update with new Strategic Plan	
			Health and wellbeing initiatives developed	HR Manager Community Development	Ongoing, Well-being week took place in February 2020. Roll out wellbeing events during the rest of the year. Flu vaccinations organised for Sept 2020 Webinars introduced on staff wellbeing and support provided through EAP and occupational health	
			Total benefits statement developed	HHR	Developed TRS in iTrent and delivered statements to all staff	
				Enhance rewards and benefit provision at the Council	HR Manager	Ongoing - Improved cycle to work scheme offer
		Employees feel they are fairly rewarded	Review pay for lower graded staff Review and promote current rewards and benefits	HHR	Implemented Real Living wage in April 2020 for lowest paid staff. Webinars delivered on rewards and benefits Regular communication provided on staff benefits	
		Staff feel valued for their contribution	Awards ceremony continued and strengthened	HHR	Included as part of One Council event in January 2020	
			Mechanisms developed to increase the ways for recognising staff	HHR	Ongoing – webinar to all staff in July to say ‘thank you’ Revised recognition process through policy & performance introduced	

April – July Webinar Data

14 different webinars have been created.

42 Sessions have been run

656 total attendees from Maidstone Borough Council.

Session	Amount Of Sessions	Overall Score	Number of Attendees
5 Ways to Wellbeing	4	Very Good	48
Leadership Styles	4	Excellent	49
Working From Home	4	Very Good	56
Absence Management	2	Excellent	18
Being Resilient and managing stress	4	Very Good	68
Coaching Conversations	2	Very Good	24
Coping With Change	2	Very Good	33
Growth Mindset	2	Very Good	43
Managing Remote Teams	3	Good	46
Skype Training	4	Very Good	69
Staff Benefits	2	Excellent	49
Talking to and Trusting Remote Colleagues	3	Good	46
Understanding Anxiety	3	Very Good	72
Wellbeing at your desk	3	Very Good	35

Positive Feedback:

- I found this an extremely useful way to get in some training. Normally I'm just too busy to find time to fit things in and I have worked for MBC from home for 16 years . All training is useful and I normally pick up something from it. I think it would be great to carry on this type of training even after we may have returned to the office
- This was recommended to me by team members but I have been really busy to date so first opportunity and will recommend to others when we meet as a team tomorrow
- Thank you, I felt so much better afterwards as I was feeling really low. But this session made so much sense and has made a difference to how I look at things.
- They work really well, please keep doing what you are doing as they are making a difference
- All the sessions have been very good and useful, and are about the right duration too. The follow up slides are also really useful to refer back to.
- I hope that sessions like the one I have just attended will continue to be available after the lockdown is lifted.
- small sessions make them enjoyable and easy to attend
- Keep doing them!
- as a councillor I was very pleased to see care for our staff in action!
- well managed - sufficient time allowed for IM messages to come through, but not too much! The right amount of encouragement was given to get involved and respond / comment. Overall, very well handled

Suggestions:

- More Management courses
- Plain English Writing Course
- More Wellbeing Sessions
- recruitment process for aspiring managers
- Best ways to answer questions specifically in committee meetings .
- Tips/etiquette for meetings with larger groups/lots of attendants and speakers.
- Health and Safety

Democracy and General Purposes Committee

2 September 2020

Planning Decisions with Significant Cost Implications

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report follows the Member agenda item request to review the planning referrals process; it sets out the Committee and procedural options for managing the risks arising from planning decisions with significant cost implications.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That an option for the planning referral process and subsequent actions as contained in section 3 of this report be approved; and
2. That Planning Committee be consulted as to their views on the current training requirements for Members on the Planning Committee and asked to recommend any changes to the constitution to Council.

Timetable

Meeting	Date
Democracy and General Purposes Committee	2 September 2020
Council	30 September 2020

Planning Decisions with Significant Cost Implications

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The appropriate governance of decisions, including risk management, supports all priorities indirectly.	Democratic and Electoral Services Manager
Cross Cutting Objectives	The appropriate governance of decisions, including risk management, supports all objectives indirectly.	Democratic and Electoral Services Manager
Risk Management	The report considers the options to appropriately manage the risks arising from the decision-making processes for planning decisions with significant cost implications. Risks are covered generally throughout the report and specifically in paragraph 5.	Democratic and Electoral Services Manager
Financial	<ul style="list-style-type: none"> One of the key risks arising from planning decisions with significant cost implications is financial. Whilst planning decisions cannot take into account impact on the Council's budget they nevertheless can impact it significantly. The purpose of the referrals process is to manage that risk. The definition of 'significant cost' is not currently clearly set out in the constitution and any recommended option chosen by the Democracy and General Purposes committee would remedy this. 	Democratic and Electoral Services Manager
Staffing	None	Democratic and Electoral Services Manager
Legal	<p>The constitution will be amended to reflect the option chosen. All of the options presented are within legal requirements and would continue to provide a sound planning application determination process.</p> <p>The Council, discharging functions as the local planning authority, whether through a Committee and/or by an officer has the</p>	Head of Legal Partnership (and Monitoring Officer)

	<p>obligation to consider applications in line with the statutory requirements.</p> <p>The Town and Country Planning Act 1990, section 70(2) requires that in dealing with applications for planning permission, the authority shall have regard to:</p> <p>(a) the provisions of the development plan, so far as material to the application,</p> <p>(b) a post-examination draft neighbourhood development plan, so far as material to the application, and</p> <p>(c) any other material considerations.</p>	
Privacy and Data Protection	No impact identified.	Policy and Information Team
Equalities	No impact identified as a result of the recommendations set out in this report.	Equalities and Corporate Policy Officer
Public Health	No impact	Democratic and Electoral Services Manager
Crime and Disorder	No impact	Democratic and Electoral Services Manager
Procurement	No impact	Democratic and Electoral Services Manager

2. INTRODUCTION AND BACKGROUND

2.1 In considering planning matters the Planning Committee and any referrals committee must follow the regulatory procedures in order to ensure robust decisions that can withstand challenge. This includes circumstances where the Committee chooses not to agree with officer recommendations to approve a planning application i.e. goes against officer recommendations. The committee must both:

- have robust reasons for refusal, based solely on planning grounds; and

- have sound reasons for going against the officer recommendation. This requirement has been established through case law.

The reasons must be clearly documented.

A subset of these decisions are those where the Committee wish to go against the officer recommendation and there is the risk, on the basis of the reasons given, of a significant award of costs against the Council at appeal. It is those minority decisions that the Council introduced its planning referrals process for.

- 2.2 In 2006 the planning referrals process was introduced following a significant award of costs (£500k) against the Council, after a Planning Committee decision against an officer recommendation. The response was to put in place a planning referrals process designed to reduce the risk of a similar decision occurring again by having another body look at the application. This process, in its subsequent forms, has been used three times in fourteen years. The most recent occasion involved the Policy and Resources Committee meeting in its role as Planning Referral body with respect to two planning applications (outline and full) for development at Church Road, Otham. On two previous occasions meetings of the Planning Referrals Committee were held to check the reasons for refusal once an application was already at appeal (see Appendix 2 for a brief summary of those occasions).
- 2.3 The Planning Referrals process was reviewed by Councillors in 2017, and it was also revisited in the recent Committee Structure Review (2019) where in both cases Members agreed to the process being retained and that its home should be the Policy and Resources Committee. The training requirements for councillors who sit on Planning Committee also apply to councillors on the Policy and Resources Committee, when acting as the Planning Referrals body, as a consequence.
- 2.4 A repeat of the 2017 research exercise has been carried out to compare the Council's referrals process with that of other authorities. This is included at Appendix 1. The matter of planning applications being determined contrary to an officer recommendation is not a unique process to Maidstone and is a process that needs to be managed across all authorities. This is because of the regulatory

nature of planning decisions and the need to ensure that they can stand up to appeal and challenge in the courts. Where Maidstone's process differs is that, as a result of the significant costs award in 2006, Maidstone's current process focusses on decisions with significant cost implications rather than all decisions contrary to officer recommendations. In such instances the option of deferral is available if required and the Committee is reminded by the legal officer of the need to express clear and cogent planning reasons for why they are going against the advice of officers, following established case law. It is because of this additional governance for managing the risk of significant costs that Maidstone's process appears to stand out as being more rigid in its requirements. Experience demonstrates that the need to apply the process is a rare event i.e. it has been applied, in some form, on 3 occasions in 14 years.

- 2.5 No other authority that has been researched has a planning referral process the same as Maidstone's. Only one of the authorities has a Planning Referrals Committee but that is set up to have applications of a particular nature referred to it as an alternative to the Planning Committee (optional alternative committee). Eight authorities were looked at in total and can be summarised as follows:

Optional deferral	Conditional deferral	Optional referral	No special procedure	Optional Alternative Committee
3	2	1	1	1

Whilst a few authorities have an optional deferral process it should be noted that the option for deferring an application until the next meeting is available on all applications considered by the Maidstone Planning Committee. Of those reviewed the model used at Swale Borough Council (conditional deferral) most closely matches option 4 (remove the referrals body) considered later.

- 2.6 Further to the Church Road, Otham applications being referred to, and determined by, Policy and Resources on 13 July 2020 feedback on the process has been received from Members, Officers and individual members of the public on the process. This feedback primarily falls into four areas:

- That the Policy and Resources Committee is less experienced than the Planning Committee at determining planning applications;
- That the process is confusing – particularly as to why Policy and Resources are used, and what Policy and Resources are looking at;
- That matters of predetermination along with Visiting Member/Substitute Member provisions causes concerns about Members rights to address the Committee; and
- That the current protocol and provisions in the Constitution when followed correctly, give the impression of frustrating the Planning Committee.

2.7 Notably there has not been an argument that the original reason for the referrals process does not exist, namely that planning decisions with significant cost implications do represent a risk that needs to be managed. The question then becomes how that risk is managed and whether any chosen option manages that risk sufficiently whilst retaining decision making with an appropriate body. As a regulatory function it is crucial that decision making processes are robust.

2.8 Whichever option is chosen, it is for Council to determine its delegations and the management of the risks. Officers and Committee Members will be bound by Council's decisions as part of the Constitution.

2.9 **Planning Training**

The Committee also requested as part of the consideration of the Member Agenda Item Request that the planning requirements to be able to sit on the planning committee were brought forward for consideration. The options for considering this are set out below.

3. AVAILABLE OPTIONS

3.1 Options for the Referrals Process:

1. Do Nothing – retain the current arrangements
2. Minor changes – clarify and strengthen wording in the Constitution. For example setting out thresholds for 'significant' costs and the process that would be followed in

steps that are easier to follow (i.e. being clear on what status the planning committee 'decisions' have)

3. Make a change to the Referrals body – change the referrals body away from the Policy and Resources Committee
4. Remove the referrals body – remove the referrals body, but retain the deferral and provision of Counsel's advice to a second meeting of the Planning Committee
5. Remove the deferral process – remove the deferral process and have the original Planning Committee decision stand following advice from Legal and Head of Planning and Development at the meeting

3.2 **Option 1 – Do Nothing**

The existing process does provide an escalation route, and enables the decision to be considered three times, twice by the Planning Committee and then by the Policy and Resources Committee acting as the Planning Referrals body.

What the current process does not address is that the final decision, the one that would potentially go to appeal, is made by the least experienced Planning body of the two.

- 3.3 A do nothing option would mean that the Constitution retains the same wording as now. This would not address the need for greater clarity on the definition for Significant Applications at Planning Committee and the relevant considerations for the decision taker (i.e. the Policy and Resources Committee) when a referral occurs. Addressing these points would improve transparency.

- 3.4 For example, feedback was received on the recent referral that it was assumed Policy and Resources Committee would be considering costs as they have budget responsibility, rather than solely determining the application on planning matters as they are required to.

- 3.5 Lastly, matters of predetermination need to be considered in the constitution more generally. The need to do so was accentuated by the most recent experience of applying the planning referral provisions. Namely that whilst a Member with Other Significant Interest (OSI) can address the Committee and then absent themselves without taking part in the decision, a pre-determined member who is on the final decision-making Committee (i.e. Policy and Resources Committee) cannot.

3.6 **This option is therefore not recommended.**

3.7 **Option 2 – Minor Changes**

This option would retain the current process and bring forward detailed amendments to the Constitution to overcome the lack of clarity and transparency described in option 1 above. The wording in the Constitution would be amended to provide definitions of significant costs, the status of the Planning Committee 'decisions' at each stage, the nature of the considerations of the planning referral body (i.e. they will be considering planning matters), being explicit about determining the application from scratch. Further, matters arising from pre-determination and the inability of pre-determined Committee Members to address the Committee and then absent themselves (as for OSIs) could be explored through this option. Changes to the constitution would be made to reflect the committee's decision and then presented to Full Council for final approval.

3.8 **If Members wish to retain a separate Planning Referrals Body this option could be considered on its own or it can be combined with option 3 or 4.**

3.9 **Option 3 – Change the Referrals Body**

Historically the Council has previously had three Members as the Planning Referrals body before changing this to the Policy and Resources Committee in 2017. The Democracy Committee and committee review also considered whether decisions with significant cost implications could be referred to Council as an alternative. It would also be possible to consider a sub-committee of Policy and Resources, or of Planning Committee to determine the application. There are pros and cons of such options (reducing the number of Members can be viewed as reducing the democratic input, or sending it to Council would require all Members to be trained in planning to take part in the decision making process at Council).

3.10 Advantages of a reduced body include more directed training and the ability to choose experienced planning Members. Full Council making the decision would provide the greatest perceived weight of support for the decision (though in reality a decision of any Committee has the full weight of Council at appeal). It should also be noted that this was considered in the 2017 review and the Policy and Resources Committee was chosen as part of that process.

3.11 **This option should be considered in combination with Option 2 if Members are satisfied with a referrals process as the means of managing the risks from a decision with significant cost implications, but not happy with it being Policy and Resources Committee.**

3.12 Option 4 – Remove the Planning Referrals Body (and retain deferral process step)

Removing the planning referrals body would mean the final decision on a decision with significant cost implications remains with the Planning Committee. The planning committee is the most experienced and trained committee the Council has on planning matters and determines all Council applications that are not delegated to officers except for those that have been referred in the past.

3.13 The rest of the process for decisions with significant cost implications would be retained. Namely that the Head of Planning and Development would defer the item to the next meeting of the Committee and seek legal advice on the specific reasons for refusal, or conditions the Planning Committee have put forward. This would then be available for the Committee to consider at its next meeting. If the Planning Committee then wished to proceed the decision would go ahead. This option has the benefits of addressing most of the concerns raised with the existing process – but the risk management element needs to be carefully considered.

3.14 It is recommended that this be combined with option 2 such that the wording in the constitution be changed to significant, the status of the first decision of the committee and other wording changes that may be required.

3.15 This option should be considered if Members feel it is sufficient to manage the risks arising from decisions with significant cost implications. If this option is chosen it is recommended that it be combined with option 2.

3.16 Option 5 – Remove the deferrals process

This option goes one step further in allowing the original decision to go ahead as is without the benefit of additional legal advice, or additional time for the Planning Committee to consider it. The process would be that the officers and legal advisors present at the meeting would inform the committee that the decision was likely have significant cost implications, the Committee would then move into Part II if necessary to hear legal opinion without prejudicing any future case, and then come back to confirm their decision at that meeting. Whilst this would address a number of the points of feedback raised it would remove the additional legal advice on the reasons for refusal/conditions, which can often be of a level complexity that exceeds that possible to give in a committee environment and could therefore increase the risks of the decision causing a significant cost award against the Council through failure if appealed.

3.17 This option is not recommended as it is considered to reduce the risk management of decisions with significant cost implications too far whilst doing little more than option 4 to address the feedback received.

3.18 Planning Training Options

The Planning Committee currently sets its own programme of training and requirements to be able to sit on the Committee. These currently extend to the Planning Referrals Body (in this case Policy and Resources) but depending on the option chosen above that could change.

3.19 Given that Planning Committee determine their own training requirements it is recommended that the Planning Committee be consulted and asked for their views on the any matters the Committee wishes to raise regarding training – for example is the required training too much, or too little, whether the lengths of time for renewing mandatory training could be changed, whether the current requirements are too complicated.

3.20 If changes are necessary because of that consultation the Planning Committee could recommend them to Council directly.

4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The recommended options for planning decisions with significant cost implications are either option 2 – Minor changes, or option 4 in combination with option 2. Each option is analysed above, but in summary Members should determine whether a Planning Referrals process is necessary to manage the risks arising from decisions with significant cost implications and choose accordingly. Whether a referrals process is required or not the constitution should be amended to make the process and definitions clearer. Matters of pre-determination and right of members to address a committee can also be looked at as part of that option.

4.2 For planning committee training it is recommended that the Planning Committee be consulted as to their views on the current training requirements for Members on the Planning Committee and the Planning Committee be asked to recommend any changes to the constitution to Council, if necessary.

5 RISK

- 5.1 The risks arising from planning decisions with significant cost implications are threefold – financial, reputational and loss of control on significant applications (i.e. that they are determined by another body).
- 5.2 In considering which option to take Members need to be satisfied that the risks of the Planning Committee reaching a decision that will be lost at appeal, with costs awarded are properly mitigated through which ever option is taken. Current mitigations include, training for the committee, attendance by legal and planning officers at committee, professional planning officers producing reports to an agreed format, internal checking within planning.
- 5.3 The current approach is then for the decision, following a warning from officers of significant cost implications, to be deferred, then if necessary, referred before a final decision is made.

6 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Feedback received during and since the Church Rd, Otham applications were considered, the most recent example of the current procedure being used has been summarised within the body of the report.

7 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The next steps will be to
- (i) consult with the planning committee regarding training; and
 - (ii) to make the consequential changes to the constitution to reflect this committee’s decision.
- 7.2 The amended constitution will then go to Council for adoption.

8 REPORT APPENDICES

Appendix 1: 2020 Planning Decisions Against Officer Recommendation Research Summary

Appendix 2: Planning Referrals History Case Summary

9 BACKGROUND PAPERS

Democracy Committee – 15 November 2017 – Planning Referrals
Process Review – [Online Here](#)

2020 Planning Decisions Against Officer Recommendation Research Summary

Ashford Borough Council

Optional Deferral

*In cases where Members propose to make a decision contrary to officers advice, officers may **request** deferral (which would remain at the discretion of the Committee) but only in the following exceptional circumstances where the complexity of the case demands:*

- In order to formulate proper summary reasons and/or appropriate conditions and/or planning obligations in relation to a grant of permission.*
- In order to formulate effective full reasons in relation to a refusal of permission in the light of members' views at the meeting.*

Requests would be made only in exceptional circumstances where the issues arising are so complex that officers consider the Council's interests are best served by a deferral to allow time to prepare such.

In such cases the "first" Committee would make a resolution that it is minded to grant/refuse whilst the "second" Committee would make the formal decision and give reasons and agree conditions etc. This is necessary as a matter of law to avoid the situation of one Committee formulating reasons etc for a decision taken by a different Committee which would be legally problematic. (Minute No. 72/6/08 refers).

Canterbury City Council

Optional deferral

Planning Committees can make a decision which is different from the officer recommendation. However, certain steps should be followed before making a decision

which differs from the officer recommendation:

- a. Record the detailed reasons as part of the mover's motion*
- b. Adjourn the meeting for a few minutes for those reasons to be discussed and then agreed by the committee*
- c. Where there is concern about the validity of reasons, consider deferring to another meeting to have the putative reasons tested and discussed.*
- d. Conditions should be clearly understood before the Committee votes on applications to grant permission.*
- e. Should the Planning Committee make a decision contrary to the officers' recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the committee's reasons should be made and a copy placed on the application file.*
- f. Councillors should explain in full their planning reasons for not agreeing with the officer's recommendation.*

g. Pressure should not be put on officers to 'go away and sort out the planning reasons'. The officer should be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council, should one be made.

Chichester District Council

Optional Referral (to Council)

When any planning application is being considered by the Committee, if, before any decision is made in respect of that application, a Committee member proposes that the decision on the application shall be made by the Council, and if, on a vote being taken by the Committee, there is a majority of votes in favour of the proposal, then the conclusion of the Committee on the planning merits of the application shall be treated as a recommendation by the Committee to the Council.

Dartford Borough Council

Optional deferral

If the Development Control Board makes a decision contrary to the Officer's recommendation (whether for approval or refusal), the Officer should always be given the opportunity to explain the implications of the contrary decision. Unless the Board's argument against the Officer's recommendations are very clear and substantiated on planning grounds, the application should be deferred to enable the Officer to draft a further report for a subsequent meeting of the Board, outlining the implications of making a decision contrary to the Officer's recommendation. The Board's reasons must be formally recorded in the minutes.

13.2.3 When a planning application has been deferred following a resolution of 'minded to approve' or 'minded to refuse', contrary to the Officer's recommendation, then at the subsequent Board meeting, the Head of Regeneration will have the opportunity to respond both in a further written report and orally, to the reasons formulated by the Board for granting or refusing permission. If the Board is still of the same view, then it will again consider its reasons for granting or refusing permission, and a summary of the planning reasons for that decision will be given, which reasons must then be formally recorded in the minutes of the meeting.

13.2.4 The Courts have expressed the view that reasons should be clear and convincing. The personal circumstances of an applicant will rarely provide such grounds. A notable exception is where planning policy allows for this e.g. a dwelling for an agricultural worker.

13.2.5 In the case of conditions which the Board wishes to add or amend, the Officer should be invited to draft the condition and either refer this to the Board for approval at a subsequent meeting, or agree the condition with the Board Chairman.

Dover District Council

No special process

Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

Harrogate Borough Council

Conditional deferral (solicitor's view)

Planning Committee is empowered to determine any application and development control matter unless such determination would;
(i) be contrary to an objective policy of the Development Plan and the Executive Officer Development Management and Building Control recommends refusal, or
(ii) where costs may be awarded against the Council (advice from the Solicitor to the Council may be given either before or after the vote is taken).
In such cases, the Solicitor to the Council will be the final arbiter and will advise that the application in question shall stand deferred and be brought to the next available meeting of the Committee for further consideration.
When the final decision is contrary to the recommendation of the Executive Officer Development Management and Building Control the Planning Committee must define the reasons for rejecting the recommendation and those reasons must be recorded in the minutes of the meeting.

St Albans City and District Council

Planning Referrals committee available instead of Planning Committee (Head of Service choice)

Have a separate Planning Referrals Committee for:

An application which raises district – wide issues or is particularly contentious may be referred by the Head of Planning and Building Control to the Referrals Committee.

Applications which materially depart from adopted planning policy.

Applications which are of a strategic nature and/or have cross-district boundary implications, including applications submitted in adjoining Districts, upon which this Council's views are sought.

An application referred from an Area Development Control Committee if a majority of Members of that Committee so decide.

Applications submitted by Members, officers or their close relatives.

Major applications submitted by or on behalf of the Council.

Major applications which affect land which the Council owns or in which it otherwise has an interest

Allocation of land in Part 2 Brownfield Register (grant of Planning Permission in Principle under the Town and Country Planning (Permission in Principle) Order 2017)."

Swale Borough Council

Conditional deferral by Head of Service

If the vote does not follow the officer recommendation to approve then:

- a. the Chairman will invite the Head of Planning to consider if the application should be deferred in accordance with Part 3 of the Constitution. If the application is deferred to a future meeting, the Head of Planning will advise Members of the prospects of such a decision being challenged on appeal and on the implications of a cost application being made against the Council.*
- b. If the decision is not deferred to a next future meeting, a further motion must be made to refuse the application. Before voting on this new motion:*
 - i. The Chairman will give the planning officer the opportunity to explain the implications of any decision contrary to his/her recommendation.*

- ii. The Chairman will remind the meeting that the courts have expressed the view that the Committee's reasons for refusal should be clear and convincing, capable of articulation and open to public scrutiny and be material planning reasons. The precise wording of the reasons for refusal must be clearly defined before the Committee votes on the motion. The Chairman will propose a short adjournment of the meeting to allow officers to draft the framework wording rather than leaving the reasons to the officers to draft following the meeting, and to provide delegated authority to the Head of Planning to make any necessary detailed wording changes. A detailed minute of the Planning Committee's reasons (which should be full, clear and relate to material planning considerations) should be made by the Democratic Services Officer and a copy placed on the application file. If the vote is passed then planning permission will be refused subject to the issue of the decision notice.*

Where the vote does not follow the officer recommendation to refuse:

23. If the vote does not follow the officer recommendation to refuse for the reasons given in the report, the Chairman will invite the Head of Planning to consider if the application should be deferred in accordance with Part 3 of the Constitution and reported back to a future meeting.

- a. A further motion must be made to approve the application with delegated authority given to the Head of Planning to impose suitable conditions;*
- b. If the vote is passed then planning permission will be **approved** subject to the issue of the decision notice*

Planning Referrals History Case Summary

1. Neither use of the previous Planning Referrals process matches the current process in the Constitution. In both cases the Planning Referrals Committee considered whether to agree not to defend reasons for refusal at appeal, and on both occasions agreed to not to defend them.
2. Comparisons with the current process are further complicated by the fact that public inquiries on significant applications can be complex. Below is a very brief summary of the relevant parts of the process of each case.
 - i. MA/13/2197 – Land at Boughton Lane, Maidstone
 - Planning committee refused application on 2 grounds – (i) harm to ancient woodland, (ii) lack of affordable housing
 - Application was appealed – on Counsel’s advice and new evidence from the applicant Planning Committee dropped a ground and then Planning Referrals was used to drop (not to defend) the other one. Planning Referrals did not re determine the application.
 - However, due to emerging North Loose Neighbourhood Plan and public representations at time of appeal the application was refused for different reasons, namely, highway congestion

Outcome: Refusal (on different grounds to Planning Committee)

- ii. 15/503288/OUT – Land at Woodcut Farm, Ashford Road, Hollingbourne
 - Planning Committee refused on harm to AONB and to Grade II Listed Building
 - The application and appeal were caught up with the submitted Local Plan and Main Modifications – the applicant made amendments - there was a question over whether these could be accepted at appeal or a new app submitted
 - Planning Referrals were asked to give permission for the reason for refusal to not be defended at appeal (not to redetermine the application)
 - New application was submitted by applicant and approved (17/502331/OUT)

Outcome: New application submitted and approved by Planning Committee