



HOUSING AND REGENERATION SCRUTINY COMMITTEE

MINUTES OF THE SPECIAL MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 9TH DECEMBER 2020 AT 5.30 P.M.

PRESENT:

Councillor A. Whitcombe - Chair
Councillor Mrs C. Forehead - Vice-Chair

Councillors:

J. Bevan, D. Cushing, C. Elsbury, R. W. Gough, L. Harding, G. Kirby, Ms P. Leonard,
B. Owen, Mrs D. Price, Mrs M. E. Sargent, W. Williams and B. Zaplatynski.

Cabinet Members:

S. Morgan (Deputy Leader and Cabinet Member for Economy and Enterprise).

Together with:

Mark S. Williams (Interim Corporate Director – Communities), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), M. Jacques (Scrutiny Officer), S. Hughes (Committee Services Officer) and R. Barrett (Committee Services Officer).

RECORDING ARRANGEMENTS

The Chairperson reminded those present that the meeting was being recorded and would be made available to view via the Council's website, except for discussions involving confidential or exempt items.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. G. Higgs, Mrs G. D. Oliver and Mrs L. Phipps (Cabinet Member for Housing and Property).

2. DECLARATIONS OF INTEREST

There were no declarations received at the commencement or during the course of the meeting.

REPORTS OF OFFICERS

Consideration was given to the following reports.

3. PLANNING SERVICES STAFFING AND BUDGET REPORT

Consideration was given to the report which outlined proposals for staff budget growth and realignment of fee income targets within the Planning Services Section of the Regeneration and Planning Service and sought Scrutiny Committee endorsement for their implementation.

Members were advised that in the last year the Regeneration and Planning Service has undergone the final stages of a restructure to accommodate significant budgetary pressures. The Service has experienced a 72% cut in the budget over the last 5 years and staff resources are now well below historic level. The low staffing levels have led to increased workload. It was highlighted that with regard to planning application workload, on average the Authority determines in excess of 1000 planning and related applications per annum. On this basis, and following the restructure, future individual caseloads will on average comprise of some 200 cases per case officer, which will be well above sustainable levels and significantly more than traditionally recommended caseloads of 135 per annum. The current level of enforcement complaints of over 300 per annum coupled with an existing caseload of in excess of 250 enforcement cases also presents a significant challenge for the Authority's two remaining Enforcement Officers.

The Committee were made aware that e-mails had been received from Cllr. A. Gair and Cllr. C. Bezzina outlining their concerns in relation to the proposals.

Points of clarification were requested on various aspects of the report and Officers responded to all the points raised.

A Member referred the Committee and Officers to section 5.4 of the report and questioned whether it contravened the Single Equalities Act. The Planning Services Manager explained that the report identified a significant risk to the resilience of the service area in the future given the lack of recruitment, particularly from a graduate development point of view, over the last 10 years. The service needs to develop skills and experience internally to allow the service to move forward and maintain its statutory responsibilities. Members were advised that an EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential unlawful discrimination and/or low level or minor negative impact had been identified, therefore a full EIA has not been carried out.

In response to a Member's query on fee income, Officers advised that the fee income targets were set approximately 10 years ago when the economy, and the development industry was a lot more buoyant and since that time those fee income targets have not been adjusted to reflect the development industry today. Members were informed that the fee income is highly dependent on planning application fee income, building control fee income and land charges and that can fluctuate depending on the strength of the economy. This is an adjustment to that budget to allow the budget to be managed more effectively. During the course of the ensuing debate, Members sought further information in relation to the financial implications and Officers responded to the points raised.

An Officer responded to the queries regarding staff training and it was confirmed that the organisation is looking at staff development. Members were advised that enquires are being made about the Degree Apprenticeship Scheme and were also advised that the Grade 8

posts are entry level posts for graduates. Other development opportunities in the staff structure will be considered.

Following consideration of the report, it was moved and seconded that the recommendations be approved. By way of electronic voting this was agreed by the majority.

RESOLVED that the Housing and Regeneration Scrutiny Committee:

- a) Endorsed the creation of 2 No. full time permanent entry level Planning Officer posts (Grade 8, £84.4k per annum with on costs) partly funded from the unallocated £31.4k staff budget following restructure and partly from staff budget growth from 2021/22. If recruited during 2020/2021 the part year funding required for the posts could be financed from increased fee income from the 20% increase in fees and/or unallocated staff budget.
- b) Endorsed the creation of 1 No. full time permanent Principal Enforcement Officer (Grade 10, £52.3k) and 2 No. full time permanent Enforcement Officers (Grade 8, £84.4k). If recruited during 2020/2021 the part year funding required for the posts could be financed from increased fee income from the 20% increase in fees and/or unallocated staff budget.
- c) Endorsed the creation of a Trainee Building Control Officer post (Grade 5-7, £29.2k-37.5k) part funded by the existing staff budget for the apprentice post of £12.2 and part funded from staff budget growth from 2021/22.
- d) Endorsed a reduction in the Building Control fee income target of £100k from 2021/22.
- e) Endorsed a reduction in the Land Charges fee income target of £20k from 2021/22.
- f) Endorsed the creation of a permanent full time CIL officer post funded by staff budget growth of £46.7k per annum in 2021/22. If recruited during 2020/2021 the part year funding required for the posts could be financed from CIL administration fee income generated in 2020/2021 and/or unallocated staff budget.
- g) Endorsed staff budget growth of £46.7k per annum in 2021/2022 to cover the costs of a Strategic Planning Officer (Grade 9). This post was originally planned to be a 2-year fixed term post funded from approved use of Communities Directorate ring fenced reserve agreed by Council in October 2019. If budget growth is provided in 2021/2022 the ring-fenced reserve funding would no longer be required and could be reutilised for other initiatives. Alternatively, budget growth for this permanent post could be delayed until 2023/2024 and the ring fence reserve utilised for the first 2 years.
- h) The Scrutiny Committee agreed that these proposals are included as part of the budget proposals for 2021/22 to be considered by full Council and the resultant recruitment progresses once the 2021/22 budget has been agreed.

4. REVIEW OF SERVICE LEVELS AND DECISION-MAKING PROCESSES FOR THE DEVELOPMENT MANAGEMENT AND PLANNING ENFORCEMENT FUNCTIONS OF THE PLANNING SERVICE

Consideration was given to the report which provided a review of service delivery and decision making processes for the development management and enforcement functions of Planning Services, and sought a view from Scrutiny Committee on the service levels

proposed and on the recommendations for amendments to the Scheme of Delegation and Member protocols and for a review of the size of the Planning Committee.

The Cabinet Member for Economy and Enterprise highlighted that the Planning Service will play a key role in facilitating the delivery of a sustainable recovery as the country emerges from the COVID-19 crisis and faces the challenges and opportunities presented by Brexit.

Members were advised that an efficient, flexible and responsive development management and enforcement function which facilitates sound and timely decision making and the investigation of breaches of planning control was central to the delivery of the Council's well-being objectives. The Cabinet Member highlighted that the Authority's current Planning Committee comprises some 20 Members and is one of the largest Planning Committees in Wales, the largest within the Cardiff Capital Region and significantly larger than other large urban Authorities such as Cardiff (12), Swansea (12), Newport (11) and Rhondda Cynon Taff (11). It was outlined that reducing the membership to 16 would be in line with the Authority's Scrutiny Committees.

It was noted that the Scrutiny Committee had received e-mails from Cllr. A. Gair and Cllr. C. Bezzina, raising concerns about the proposals.

Points of clarification were requested on various aspects of the report and Officers responded to the points raised. During the ensuing debate one Member raised the issue of political representation if membership of the Planning Committee was reduced. Members were advised that the Planning Committee would still reflect the political balance of the Council, as is the case with other Committees. The Member then raised the issue of attendance at Planning Committee meetings and the role of members in terms of decision-making. Members were informed that average attendance at each Planning Committee was 14 in 2019/20. Reducing members will provide consistent membership, which will result in consistent decision making. A Member raised concerns that changing the scheme of delegation for planning applications would make it more difficult for smaller parties to raise objections.

A Member raised concerns about the proposed scheme of delegation. He informed that whilst he agreed with paragraph 5.18 of the report, that the Planning Committee should not have to deal routinely with a plethora of minor development proposals which have minimal impact upon the wider area, they should only deal with minor proposals if they are a matter of concern or controversy within the ward. It was thought that there should not be an arbitrary high bar to clear, concerning the number of complaints received before a Member can seek adjudication from the Planning Committee. The Member said he would be happy to endorse all the recommendations with the exception of recommendation 3.1 (d) *'that Scrutiny Committee endorses changes to the Scheme of Delegation to provide Planning Committee with a more strategic role and focus'*. The Member told the Scrutiny Committee that, in his opinion, this recommendation takes away the power from Members of the Planning Committee to represent the whole community and from Ward Members to represent their local community by making representations to the Planning Committee. He concluded that Members should be able to take concerns before the Planning Committee without having to face a high bar which he believed the proposed changes to the scheme of delegation would create.

Following consideration and discussion, it was proposed and seconded to amend the recommendations to exclude the following recommendation:

3.1 (d) To endorse changes to the Scheme of Delegation to provide Planning Committee with a more strategic role and focus.

By way electronic voting this was agreed by the majority. Therefore, subject to the exclusion of recommendation 3.1 (d) it was RESOLVED that the Housing and Regeneration Scrutiny Committee:

- a) Endorsed the output driven service delivery model proposed for the development management and enforcement function, with a focus on the delivery of its statutory obligations, frontloading, further commercialisation and the delivery of major and strategically significant schemes underpinned by the introduction of a new Wellbeing local performance indicator.
- b) Endorsed amendments to the Enforcement Charter.
- c) Endorsed changes to the Planning Committee structure with a reduction from 20 to 16 Members.
- d) Removed the recommendation to endorse changes to the Scheme of Delegation to provide Planning Committee with a more strategic roles and focus.
- e) Endorsed the Non-Planning Committee Member Protocol for Ward Members.

The meeting closed at 6.41 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 26th January 2021, they were signed by the Chair.

CHAIR