

Committee Ref:

CONsub/11/20



Notice of Meeting

Consitution Sub Committee

Date : Wednesday, 04 November 2020

Time : 18:00

Place : Virtual meeting via*Skype

Councillors : A. Hussain
M. Hussain
S. Saleem
Skepelhorn
Young

Quorum: 3 Members

Contact Officer: Debbie Janes (01582 546038)
Email Debbie.janes@luton.gov.uk

[Skype Meeting Link](#)

PURPOSE

To consider and make recommendations to the Full Council in respect of proposed amendments to the Constitution and all incidental matters.

***SKYPE:** During the Covid 19 emergency period, this meeting will take place virtually, via Skype. To access the meeting, please click on the link to the meeting above.

AGENDA

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
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1. Apologies for Absence

2. Minutes

1. 21 July 2020

3. Section 106, Local Government Finance Act 1992

Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).

4. Disclosures Of Interest

Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.

A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members.

5. Urgent Business

The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.

Reports

6. Constitution Review - Update

(Report of the Transformation Business Partner, Change Team)

7. Procurement thresholds & 'Light Touch' procurement regime

(Report of the Service Manager, Procurement)

8. Constitution Review – Matters affecting Development Control

(Report of the Service Manager, Development Management)

9. Local Government Act 1972, Part VA

To consider whether to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting during consideration of any item listed above if it is likely that if members of the public were present during those items there would be disclosure to them of exempt information falling within the Paragraphs of Part1 of Schedule12A to the Local Government Act 1972.

Constitution Sub-Committee

Minutes

21 July 2020 at 5.00 pm

Present: Councillors Abbas Hussain, Mahmood Hussain, S. Saleem, Skepelhorn and Young

1 Election of Chair (Ref 1)

Resolved: That Councillor Abbas Hussain be elected Chair of the Sub-Committee.

2 Constitution Review – A case for change (Ref: 6)

Members were reminded that Constitution Committee had, at its meeting held on 30th June 2020, agreed to establish this sub-committee to support the ongoing process of review of the council's constitution and to make recommendations to Constitution Committee for approval.

The sub-committee was presented with the 'Case for Change' which proposed a comprehensive evaluation and review of the organisation's processes, systems, practices and procedures, several of which formed part of the Council's Constitution.

Members' attention was drawn to paragraphs 32 to 35 of the case for change, which set out the approach to the review. It was planned to split the current constitution documents into two parts, those documents that needed to form the core of the constitution and those protocols that supported the decision making process but did not necessarily need to form part of the constitution document. The sub-committee were agreeable to this approach.

In relation to the rules set out in the constitution, members welcomed a plain English, clear and easily comprehensible document, so that both councillors and the public could understand the extent of decision making by committee, the types of decisions that needed to be made by members and the extent of authority to officers. This would provide clarity and accountability in the arrangements.

In terms of the role of the sub-committee, members were interested to receive back proposals for more detailed consideration and debate, prior to submission to the Full Constitution committee. It was agreed that a series of meetings be diarised and officers report back when there were specific proposals requiring consideration.

Resolved: (i) That the constitution review case for change and the approach to the review set out at paragraphs 32 to 35, be noted.

(ii) That a series of meetings be arranged by the democracy manager following consultation with members.

(iii) That the detail of proposals submitted to the sub-committee for debate in the first instance, with recommendations being made to Constitution Committee for consideration and approval.

(iv) That if any controversial matters arose in the development of proposals, those issues be communicated to the sub-committee in advance so that any challenges can be understood in advance and debated at a sub-committee meeting.

(v) That any straightforward proposals be circulated to members by e-mail.

(Note: The meeting ended 6.00 pm)

Committee:	Constitution Sub-Committee			
Date of Meeting:	04 November 2020			
Subject:	Constitution Review - Update			
Report Author:	Transformation Business Partner, Strategic Change			
Contact Officer:	Paul Joghee			
Implications:	Legal	<input type="checkbox"/>	Community Safety	<input type="checkbox"/>
	Equalities	<input type="checkbox"/>	Environment	<input type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input checked="" type="checkbox"/>
Wards Affected:	All			

Purpose

1. To provide an update to Members of the Sub-committee on progress of the Constitution review.

Recommendations

2. **The Sub-Committee is recommended to note the progress to date and plan for the next phase.**

Background

3. The Constitution is the foundation that will enable and support the delivery of the Luton 2040 vision. The current format of the Constitution is being improved to make it more up to date and easier to read, navigate and understand.
4. The impact of the COVID 19 pandemic has increased the need to ensure that our processes and procedures are as efficient as possible. They need to work seamlessly together, creating a framework that enhances and supports elected members and officers to make informed, lawful and timely decisions, implemented in a transparent and accountable way.

Report

5. Due to capacity challenges across the programme delivery team, additional time has been provided to complete the full review of the Constitution. It is now planned to bring part of the Constitution review to Full Council in January 2021 and the final draft to the Full Council in March. This timeline amendment will not impact on the date for when the revised Constitution will go live following the annual Full Council meeting on the 18 May 2021.
6. The current Constitution document, with the exception of Part 4, is now in the required accessible format. The legal complexity of Part 4 has meant that it requires more detailed input to ensure that any changes to make it accessible do not materially change its interpretation. Officers are currently scoping what additional support will be required to complete the work on Part 4 and are working on a solution to ensure this is completed in a timely manner.
7. The Scheme of Delegation work regarding what changes to roles, responsibilities and legislative references are required for the Exec and Non-Executive functions, has been collated and shared with the relevant principal solicitors to ensure accuracy from a legal perspective. The legal team have significant workload capacity challenges at

this time and this work will take longer than initially thought, this will however be completed within the revised timeline.

8. The consultation with tier 3 managers and above was extended until the 25 October to enable more managers to complete the consultation document. Once the data has been analysed a further review of the financial regulations will take place and an update provided.
9. The Constitution review consultation for Members was extended to the 25 October to enable more members to provide their feedback. Once the data has been analysed, a feedback session will be arranged for those who would like one.
10. Some examples of the processes that sit behind how we make decisions have been mapped, these are under review to establish what efficiencies in the process, if any, can be found.
11. Also on the agenda at Item 7 for this meeting is a proposal to change the procurement thresholds that appear in Part 4 of the Constitution.
12. Proposals for changes regarding the management and delivery of Development Management matters, including the Scheme of delegation to Officers and administrative processes supporting the work of the Committee has been undertaken, reviewed by the Officer Constitution Review Group and is presented at agenda item 8 for this meeting.

Proposal/Options

13. To present the proposed changes and updates completed to date and reviewed by the Constitution Sub-committee on 4 November and for theses to be submitted to Constitution Committee on 1st December and on to Full Council on 19 January 2021, as planned.
14. For the arrangement of a further Constitution Sub-committee meetings in late January 2021 and Constitution Committee in late February 2021 for the finalised document to be scrutinised and reviewed to allow the revised Constitution document to be confirmed at Full Council 23 March 2021.

Appendix

15. None

List of Background Papers - Local Government Act 1972, Section 100D

16. None

Committee:	Constitution Sub-committee			
Date of Meeting:	04 November 2020			
Subject:	Council Constitution – Part 4, Chapter 9 – Procurement Thresholds and Light Touch Procurement Regime			
Report Author:	Service Manager, Procurement			
Contact Officer:	Catharine Southern			
Implications:	Legal	<input checked="" type="checkbox"/>	Community Safety	<input type="checkbox"/>
	Equalities	<input type="checkbox"/>	Environment	<input type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input type="checkbox"/>
Wards Affected:	All			

Purpose

1. To ensure that the Contract Procedure Rules support the efficient and effective delivery of a procurement service and enshrine the actions from a recent internal audit report in relation to spot placements for adults and children's services.

Recommendations

2. The Sub-Committee is requested to recommend Constitution Committee to recommend the Full Council to:
 - (i) increase the procurement threshold set out at Standing Order 85.1 (Chapter 9, Part 4 of the Council's Constitution) from £1,000 to £5,000
 - (ii) revise Chapter 9 of Part 4 of the Council's Constitution to reflect in the Contract Procedure Rules the 'Light Touch' procurement regime required by the Public Contract Regulations 2015, in particular with reference to the transparency, oversight and governance of spot care placements for Adults and Children.

Background

3. In order to enable to corporate procurement service to support deliver of Luton 2040, it is important to ensure that resources are released to focus on more strategic activity. A review of historical transactions to understand the potential benefit of moving the current procurement threshold at which purchase orders come into the procurement service has been undertaken.
4. The draft internal Procurement Contract audit report also highlighted the need for the Council's Standing Orders (Part 4 of the Constitution) to be updated to include the 'Light Touch Regime' and procurement process for adults and children's care placements as part of the constitution review which is in progress.

Report

5. The current procurement thresholds set out at Chapter 9 of Part 4 of the Council's Constitution (Standing Order 85.1), means that all purchase order requests raised within AFP (the councils corporate finance system) of £1K or more, come into the corporate procurement service to be approved/ raised. Increasing this threshold to £5k enables the procurement service to focus on more strategic activity whilst empowering services to raise orders more efficiently to meet service needs. The increase in

threshold does not significantly reduce the value of expenditure under the oversight of the procurement team.

6. The recommendation arising from the internal audit report in relation to the inclusion in Part 4 of the 'Light Touch Regime' will ensure that the Councils Constitution reflects the Public Contract Regulations 2015, in particular, with reference to the transparency, oversight and governance of spot care placements for Adults and Children.

Proposal/Options

7. For members to support the changes to Contract Procedure Rules contained in chapter 9 of Part 4 of the Constitution set out at recommendations 2 (i) to 2 (ii) above.
8. The proposed working of the changes to Part 4 of the Constitution in relation to spot care placements for Adults and Children will be available for the Constitution Committee on 1 December 2020.

Appendix

9. None

List of Background Papers - Local Government Act 1972, Section 100D

10. Public Contract Regulations 2015

Implications

Item	Details	Clearance Agreed By	Dated
Legal	Details of any legal implications will be included in the report to Constitution Committee on 1 December 2020.		

Committee:	Constitution Sub-Committee			
Date of Meeting:	04 November 2020			
Subject:	Constitution Review – Matters affecting Development Control			
Report Author:	Service Manager, Development Management			
Contact Officer:	Sunny Sahadevan			
Implications:	Legal	<input checked="" type="checkbox"/>	Community Safety	<input type="checkbox"/>
	Equalities	<input type="checkbox"/>	Environment	<input type="checkbox"/>
	Financial	<input checked="" type="checkbox"/>	Consultations	<input checked="" type="checkbox"/>
	Staffing	<input checked="" type="checkbox"/>	Other	<input checked="" type="checkbox"/>
Wards Affected:	None			

Purpose

1. To provide the Sub-Committee with further justification and clarification around the proposed changes set out in the “Constitution Review – A Case for Change” report which was presented to the Sub-Committee on the 21st July 2020. At that meeting, Members considered that they needed a separate meeting focussed on the implications for the proposed changes affecting Development Management functions of the Council, and how that would affect the ability of Members to serve their constituents.
2. These changes are recommended because they are considered necessary for creating a framework that enhances and supports elected Members and officers to make effective, lawful and timely decisions, implemented in a transparent and accountable way, in furtherance of our objective to be a ‘Future Ready’ modern, 21st Century Council. These changes are considered to improve efficiencies, reduce unnecessary costs and delays, empower Members and positively position the Council in terms of perception, reputation, effectiveness, performance and delivery.

Recommendations

3. That the Sub-Committee consider the following changes to the constitution for recommendation to Constitution Committee:
 - i) The Scheme of Delegation is amended and corrected (Part 7 (non-executive functions) which has currently been temporarily amended for Covid reasons).
 - ii) The “Call-In” Powers are amended (Part 7 (non-executive functions) which has currently been temporarily amended for Covid reasons).
 - iii) The Right to Speak procedure is amended (Part 16).
 - iv) The ability to refer a planning application to Full Council is reviewed (Part 4, Standing Order 68).
 - v) “Development Control Committee” is renamed “Development Management Committee” and the “Planning Manager” is replaced with the “Head of Development Management or its equivalent (throughout the constitution).

- vi) **The introduction of new regular and formal meetings, namely “Pre-application briefing/forum” and “Pre-Committee briefings” (Part 16).**
- vii) **The provision for an item to be deferred for a site visit is included (Part 16).**

Background

3. The Case for Change is part of the Council’s Future Ready Programme which sets out the vision of enabling the Council becoming a highly productive and efficient organisation. This includes reviewing costly processes as we continue to adjust to the rigours presented by the Emergency Budget and moving the organisation towards a new Target Operating Model (TOM). This includes reviewing the current Council Constitution with a particular focus on the delivery of effective, timely and statutorily/financially robust formal and devolved decision making, which holds the confidence of elected Members and provides transparency and accountability for members of the public.
4. The Case for Change includes a number of proposals that could affect the Development Management parts of the Constitution. The Development Management service within the Council is in the process of being reviewed and transformed in line with the Council’s Future Ready Programme. It was also subject to a Local Government Association/Planning Advisory Service Peer Review, which took place in November 2019. The review resulted in a number of recommendations which have already been actioned or are now being actioned by the service. The Peer Review Report and Recommendations are set out in full in Appendix 2 of this report. The recommendations also included potential changes to the wider organisation, including changes to the Council’s Constitution. These recommendations are now presented through the Case for Change. Whilst most of the recommendations within this report relate to the proposed changes/amendments and additions to the Council’s adopted constitution, there are some suggested recommendations which are purely procedural or administrative that do not need to amend the constitution. These have been included in this report to provide a useful context to the Council’s overall strategy and assist Members in appreciating better how the various recommended constitutional changes sit with other Council transformational strands. A summary has been provided at the end of each section which identifies which recommendations are constitutional and which are procedural. The summary will also identify the relevant part of the constitution that is affected for reference purposes.

Report

5. The parts of the Constitution that affects the Development Control function of the Council together with procedural changes, that officers are now recommending potential amendments include the following;
 - The Scheme of Delegation
 - “Call-in” powers
 - The Right to Speak procedure
 - Referral to Full Council
 - Renaming Committee
 - Additional Meetings

- DC Members Site-Visits

6. Each of these proposals are set out below.

The Scheme of Delegation

7. The Council, as a Local Planning Authority, has a statutory duty to determine planning applications submitted to it for determination. Under the Council's existing Constitution delegated authority is granted to officers to deal with more of the "straight-forward" and non-contentious applications, such as house-holder and minor applications. Those of a more contentious or complex nature are determined at Development Control Committee (DCC).
8. Those applications that follow the DCC route for determination involve a lot more resourcing for the Council to process and adds to delay. The Transformation Team at Luton have undertaken a review of the difference in cost and resourcing of determining a typical application at DCC compared to determining a similar or same application using delegated powers. Their findings have established that the on average the cost to the Council for determining an application through the delegated process is £200 per application, whilst the cost to take it through the Committee process is £800 per application.
9. Given this, it is clear that there is a significant additional cost to the Council for dealing with planning applications through the DCC process. Many Councils have recognised the additional costs involved and have amended their SOD to reflect the need to try and deal with more business through the delegated route. Therefore there is a view that the Council's own SOD needs to be reviewed to ensure that DCC is afforded sufficient time to concentrate mainly on strategic/controversial applications and at the same time save on resources and speed up business.
10. Currently, Committee considers a large body of applications that do not fall into the category of contentious or complex applications; including applications that have been recommended for refusal. In comparison, some Council's do not bring applications to Committee should it be a "non-major" application, which has also not been called-in and has been recommended for refusal. There was one occasion recently at Luton where an application for a MOT station, which was clearly contrary to policy, was recommended for refusal, and had a large number of objections and no letters of support was considered at Committee. The Committee process also included a site visit for Members prior to the meeting. The item took 30 minutes to determine at DCC, which included time for the applicant to exercise his right to speak, which they fully exercised. The application was eventually refused. The same final outcome (i.e. refusing the application) would have been the same outcome if officers were allowed to determine the application under delegated powers.
11. A further burden to the service in bringing non-major applications to Committee, that are recommended for refusal, is that by the time the Committee report is published (7 days in advance of Committee), often the applicants will use this period to make amendments to their scheme in the hope of addressing the reasons for refusal which they have now become aware of. This then necessitates the withdrawal of the scheme from the agenda as further assessment and consultation needs to be undertaken before preparing a new report. The scheme may still be unacceptable following that process, but the cycle can then repeat.
12. The scheme of delegation also requires applications to be returned to Committee for consideration should they be modified after granting permission. Particularly with large

significant schemes, it is quite often the case that following grant of permission there may be some minor amendments that will be required to either the approved drawings, the conditions or the agreed S106 (legal agreement). With other Council's these matters, if they are of a minor nature, are dealt with under delegated authority. Currently at Luton, these applications have to be returned to Committee for their consideration. There was a recent example of a S106 being considered at Committee because of a proposal to delete a few words from the original drafting. The consequences of the amendment were both minor and acceptable, but took up Committee time, where it was eventually approved.

13. Following the Covid 19 pandemic lockdown, and the need to keep business moving as much as possible, officers recognised the added difficulties associated with dealing with planning applications at DCC which could now only operate in a "virtual" medium with less opportunity for Member and public participation than the situation before lockdown. In recognition of this, officers proposed for the Council to adopt a temporary emergency SOD. This was presented to DCC on the 22nd April 2020. The details of the meeting is found here;

<https://democracy.luton.gov.uk/cm5public/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/5557/Committee/1111/Default.aspx>

14. The emergency SOD sought to reduce the volume of applications dealt with at DCC. In summary, the following category of applications would now only need to be dealt with at DCC compared to the pre-existing situation. The key changes can be summarised as follows;

- Applications on sites over 0.5ha or the erection of 10 or more dwellings.
- Applications involving more than 1000m² of a change of use 1000m² floorspace
- Applications involving more than 15 objections to the officer recommendation (as opposed to the previous threshold of 4)

Delegated authority was also granted to officers to deal with the following category of applications;

- Refusal of applications contrary to the Development Plan
- Approval of variation of existing planning permissions (Section 73 applications)
- Enter into S106 legal obligations or vary previous obligations.
- Approve reserved matters applications

15. The emergency SOD was agreed at DCC and was initially granted for a 4 month period. Members considered extending the SOD again in their meeting on the 26th August 2020. The link to that meeting is provided here;

<https://democracy.luton.gov.uk/cm5public/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/5717/Committee/1111/Default.aspx>

16. Subject to the continued agreement with Members the emergency SOD is now extended until the 1st May 2021. In agreeing to extend the original emergency SOD, it is significant that Members also agreed to increase the scope even further and increased the scope of delegated powers to include the following;

- Temporary structures and permissions.

- Departure from the Development Plan no longer being a barrier to refusing applications under delegated authority.

17. The experience of introducing the emergency SOD has largely been considered positive. Committee meetings are much more focussed with a more manageable number of applications and reports to consider. Prior to lockdown, the number of applications typically considered at DCC was in the regions of 10-12 items, and the meetings lasting more than 3 hours in some cases. The average number of items has reduced by a half. This has allowed Members more scope for detailed and focussed discussion on the applications that they do consider and to ensure that their decisions are more focused on the quality of their decisions and the quality of the outcomes. Their agreement to not only extend the emergency SOD in August but to also allow for further delegated authority is a good indication of how positively the changes have been received.
18. A “by-product” of the changes in the SOD has resulted in more resources being available for officers to deal with business. At a time when other Local Planning Authorities are struggling to maintain performance during the lockdown, Luton’s performance has actually and measurably improved. A good indication of performance is the speed with which the 3 categories (Major, Minor and “Other”) of planning applications are dealt with within the statutory time period. The table below compares Luton’s performance last year (April 2019 to March 2020) compared to the first quarter this year (April to June 2020). The emergency SOD was introduced on the 22nd April 2020. The improved performance could be as a result of better allocation of resources for the service following the changes to the SOD and reducing the number of applications that now have to be considered at DCC.

	Performance (April 2019 to March 2020)	Performance (April 2020 to June 2020)
MAJOR	88.89%	100%
MINOR	94.92%	84.48%
OTHER	93.29%	96.32%

19. Apart from the endorsement of the emergency SOD from DCC, another indication of its success is that there has been no incidents of complaints or criticisms from members of the public or applicants since its introduction.
20. Officers also took the opportunity to review the existing SOD to make amendments to matters that needed minor correcting and also types of applications (such a Prior Approvals and Discharge of Conditions applications) not previously included. Any review of the existing SOD may need to include these corrections apart from reviewing the thresholds for delegation.

Summary

What is recommended?	Is this a constitutional change? And if so which part of constitution is affected?
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The Scheme of Delegation is amended and corrected.	Yes, Part 7 (non-executive functions) which has currently been temporarily amended for Covid reasons.
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Call-In Powers

- 21.** Call-in powers are considered necessary to help facilitate the democratic dimensions of the planning system and is generally supported. However, there may be a need to review the current practice in Luton, and consider whether the way it currently operates is in the best interests of the organisation and whether it needs to be modified. Currently the constitution allows a “call-in” of a planning application that would be otherwise delegated to officers. The principle is supported, as some applications may have significant or controversial dimensions which need greater consideration and assessment at DCC. The call-in powers as they operate in Luton can be invoked by any Member, at any time and without providing a reason for the “call-in” and the “call-in” mechanism does not need to be for a valid planning reason. This however sometimes results in a significant proportion of applications being considered at Committee that are of a relatively minor nature and which take up time and resources that could have been spent on determining more strategic applications. On some occasions, the Member that called in the application does not attend nor speak at Committee when the application is considered. Therefore there are no further consequences arising from that personal and unilateral decision other than additional work created for DCC Members and officers accommodating that call-in. In addition, this also impacts upon the applicants awaiting their delayed decision and has a negative impact upon the Council’s resources in general. The current practice can also be criticised for not being open and transparent and could generate accusations about impartiality or accusations around probity.
- 22.** At some Council’s, “call-ins” are only exercised where a Member is seconded by another Member (usually a Member on the DC Committee), and where that call-in occurs within a defined period; usually 14 days of the application being publicised, and a reason for the “call-in” is provided in writing. For instance Corby Borough Council’s Constitution states the following in relation to their “call-in” powers;

“The application to be referred to Committee when so requested by any Member with signed support of one member of Development Control Committee (not substitute) within 14 days of the application being registered (Officers having published the application within 5 days of receipt) and made in writing with valid planning reasons, ideally on the attached pro forma”.

In the context of other Council’s, the current call-in powers may benefit from a review to consider whether a better balance can be achieved in still being able to allow Members the ability to serve their constituents whilst also maintaining a Corporate focus on what is the most suitable for the organisation as a whole.

Summary

What is recommended?	Is this a constitutional change? And if so which part of constitution is affected?
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The Call-In Powers are amended.	Yes, Part 7 (non-executive functions) which has currently been temporarily amended for Covid reasons.
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The Right To Speak Procedure

23. The Right To Speak (RTS) procedure is an important part of the DCC process to consider and determine applications. It is recognised that this plays an important role in the democratic process and informs DCC and allows them to ask questions of clarification of objectors as well as supports. It also allows Ward Councillors an opportunity to address DCC. However, as part of the overall review of the Development Management process, this is another area which has been identified for potential improvements.
24. Currently, all applicants, objectors and supporters have a right to speak at Committee regardless of the recommendation. Up to 5 minutes is allowed for the RTS. This has resulted on occasions where an application is acceptable in terms of planning policy, has been recommended for approval and there are no objections or objectors at Committee, but the right to speak for the applicant remains. In such situations, the applicant has occasionally used their full allotted 5 minutes expressing their gratitude for the recommendation and expressing their thanks to the officers- rather than providing anything useful for the Committee to consider that is not already covered in the report.
25. Other Council's only allow a RTS to applicants if the application has been recommended for refusal. In addition, the period allowed for speaking for everyone under the RTS is reduced to no more than 3 minutes. This is a recommendation from the Peer Review team that observed DCC in action when they undertook their review.
26. In addition, currently, the Constitution imposes a time restriction on speaking on the applicants and members of the public, but not on Ward Councillors. Usually Ward Councillors that have spoken at Committee have been reasonable in the amount of time they have taken up to air their views. However, there have been occasions where balance between the overall time utilised by the Ward Councillor and considering the item in a reasonable amount of time without affecting the time DCC has to consider other items may need to be re-evaluated. A review of this allowance should be considered and whether an unrestricted time allowance is in the best interests of the Council as a whole.
27. As part of the emergency measures that officers sought and secured from DCC to deal with business during the Covid 19 pandemic lockdown, reports were taken seeking temporary amendments to the RTS. However, these changes were sought to allow the process to operate within the technological constraints presented by the virtual platform used to deliver DCC during this period, rather than seeking wholesale or more general changes the pre-existing RTS procedures, which this report now seeks.

Summary

What is recommended?	Is this a constitutional change? And if so which part of constitution is affected?
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The Right to Speak procedure is amended.	Yes, Part 16.
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Referral to Full Council

- 28.** Currently planning applications in the process of being considered at DCC can be referred up to Full Council by a Committee Member if the motion is seconded. The risk is that if the motion is not agreed at Full Council then the application is referred back down to DCC. There is a risk that this process could be caught in a perpetual loop. There was a risk of this happening with the recent determination of the Venue 360 planning application, where a Member enacted this Constitutional ability to propose a motion to have the application referred up to Full Council for approval. The motion was seconded. At Full Council it could not be agreed to approve the motion, and therefore the application was referred back down to DC Committee. The application was eventually decided at DCC, however it identifies a weakness in the current Constitution that may need to be reviewed. The Constitutional “ambiguity” over which Committee ultimately can make the final decision is an issue that is currently under consideration by the Court of Appeal, given opponents of the Venue 360 application (and now permission) have brought a legal challenge questioning whether the Council had erred constitutionally in the process followed. An opportunity to review this part of the Constitution would therefore seem advantageous.

Summary

What is recommended?	Is this a constitutional change? And if so which part of constitution is affected?
The ability to refer a planning application to Full Council is reviewed.	Yes, Part 4 – SO 68. Please note that this could affect all Regularity Committees and not just DCC.

Renaming Committee

- 29.** Most Councils have now replaced the terminology “Development Control” with “Development Management” to better describe the purpose and role of the Planning process and to bring it into line with the ethos Central Government is advocating. The Council have accordingly updated the name of the service itself however the name of the Committee lags behind. This was an early recommendation of the Peer Review team.
- 30.** Similarly, the constitution refers to “Planning Manager” however there is currently no one in post under that title. A better reference should be “Head of Development Management or its equivalent”.

Summary

What is recommended?	Is this a constitutional change? And if so which part of constitution is affected?

DCC is renamed Development Management Committee and “Planning Manager” is replaced with the “Head of Development Management or its equivalent”.	Yes, the references appear throughout the constitution.
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Additional meetings

31. One of the recommendations from the Peer Review Team was that whilst they advocated various changes to reduce the involvement of DCC in the planning process (outlined above), they did recommended that other new processes should be introduced that helped engage Members in the planning process in alternative ways. Officers have already acted on this recommendation and have set up the following;

- The Major Sites Schedule – which is distributed monthly and provides an update to Members on all the current “live” planning applications currently under consideration.
- Greater consultation of Ward Councillors – they are now directly consulted on all telecommunication planning applications, even though there is currently no statutory requirement to do so.
- A DCC Members and Ward Councillors are invited to pre-application briefings on major and strategic applications. This is currently provided on an informal and ad hoc basis but some Councils have introduced this engagement as part of their Constitution. Consideration regarding this could be included as part of the Constitutional Review.
- Pre-DCC briefing meeting – this is a briefing meeting provided ahead of the main DCC meeting. This provides an opportunity for Members to seek clarification and offer comments to officers. Whilst respecting the requirements around pre-determination, this practice has ensured that the actual DCC meetings have run much more smoothly than used to be the case, with very few deferments. Again, this engagement is on an ad hoc basis but could be considered as part of any Constitutional Review.

Summary

What is recommended?	Is this a constitutional change? And if so which part of constitution is affected?
<p>The introduction of new regular and formal meetings for members and officers;</p> <p>1) Pre-application briefing/forum for members</p> <p>2) Pre-committee briefing</p>	Yes, Part 16.

Additional consultation and notification for members on planning applications	No, these are procedural changes and included in this report for members to note.
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DCC Members Site Visits

32. A review of the DCC Site visits was not originally included as part of the report for A Case for Change. However, it has become apparent at a recent DCC meeting that this aspect should be included as part of any review. Officers recognise that a separate report regarding this should be brought to DCC first for their agreement before including as part of the Constitutional Review, and such a report will be considered by DCC at their meeting on the 28th October 2020. However, as a purely discussion point for the Sub-Committee it has also been included in this report.
33. There currently is no provision in the Constitution setting out how Members site visits should operate. However, it may be useful for the Council to set this out for the purposes of clarity of procedure.
34. Currently, under DCC protocol, any Member can defer an item from the agenda for a formal site visit. This happened recently at a DCC meeting, and there was vocal disagreement between the Members whether the item should be deferred and whether a site visit was needed. The Council's planning lawyer advised Members that whilst there was nothing in the Constitution regarding this, the previously established protocol at DCC was that any Member could defer the item in this manner. The site visit took place with only the local ward councillor attending with officers, there is of course nothing to stop individual ward councillor's from undertaking their own site visit. There is therefore a procedural gap that increases the use of resource and delays decision making
35. An alternative Constitutional arrangement could be to have an agreed procedure in place. The procedure could be that Members can only agree a deferment for a Member site visit where there are accessibility issues (i.e. that the site cannot be accessed without the involvement of the applicants/owners. Such a motion at DCC would need to be seconded and put to the vote. If a majority is in favour of a visit, then the item can be deferred until the site visit is undertaken. Members are also expected to undertake their own site visits to sites that are publically accessible ahead of the DCC meeting before the item is considered. The agenda is published 10 in advance of the meeting and therefore should afford enough time to undertake the visit. Having this set out in the Constitution will have significant saving on resources and also speed up the DCC decision making process. Officers are currently preparing to present an item on this issue for Members to resolve at DCC at their meeting on the 28th October 2020.
36. In summary, it is considered that all of the proposed changes to the Constitution outlined above are considered worthy of putting forwarded for further discussion and agreement. It is considered these proposals are fully aligned with the Council's new Target Operating Model and would allow for the current constitution to become more agile, efficient and accountable in line with the Council's corporate direction of travel.

Summary

What is recommended?	Is this a constitutional change? And if so which part of constitution is affected?
That the provision for an item to be deferred for a site visit is included.	Yes, Part 16 will need to be amended for this inclusion. The precise procedure by which the provision is invoked can be left to DCC to determine and adopt as part of their own protocol.

Proposal/Options

37. That members provide a steer on how they would like to amend the relevant parts of the constitution in line with the recommendations and options set out above and how they wish to approach the detail of the Case for Change.

Appendix

Appendix A - Planning Peer Challenge Final report

List of Background Papers - Local Government Act 1972, Section 100D

- i) National Planning Policy Framework (NPPF, or the Framework)
- ii) National Planning Practice Guidance (NPPG)
- iii) Coronavirus Act 2020 (the CV19 Act)
- iv) The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the FLAMR 2020)
- v) Ministry of Housing Communities and Local Government (MHCLG): Chief Planners Letter (dated March 2020)
- vi) Constitution of Luton Borough Council (CLBC): Part 7 – Scheme of Delegation to Officers (Non-Executive Functions)
- vii) Probity in planning: Advice for councillors and officers making planning decisions – Planning Advisory Service Dec 2019.

38.

Implications

Item	Details	Clearance Agreed By	Dated
Legal	The proposed recommendations will have legal and constitutional implications		
Finance	None		
Equalities	None		
Environment	None		
Community Safety	None		
Staffing	None		
Consultations	None		
Other			



Planning Service Peer Challenge

Luton Council

November 2019

Feedback Report

Final Version (issued Feb 2020)

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1. Background & Context

- 1.1. Luton council adopted its Local Plan in 2017 – it includes several strategic regeneration and growth areas including Century Park, Power Court, High Town and Marsh Farm. Expectations are high and the council is taking an opportunity to be bold.
- 1.2. Alongside the Local Plan is the Luton Investment Framework also adopted in 2017 which sets a 20-year vision for major transformation including the delivery of 5,700 new homes and 18,500 new jobs. Couple this with the expansion of London Luton Airport and the direct air to rail transit (DART) system, and you have an impressive and ambitious development agenda.
- 1.3. The inspector's report following the examination of the Local Plan recommended that it be subject to an 'early review' towards the end of 2019. This is to address issues such as school provision, the development of the Town Centre, strategic site allocations, and giving time to allow neighbouring areas to progress their local plans – particularly important in addressing Luton's unmet housing need.
- 1.4. Luton is a key partner in the wider region including the 'Oxford to Cambridge arc'- earmarked by the Government as an area of significant economic potential. Luton is densely developed, and the lack of available space makes the Borough dependent on its surrounding neighbours to help meet its housing needs. As such, Luton must continue to work with its neighbours to realise benefits from significant opportunities that exist outside its administrative borders.
- 1.5. The council wholly owns London Luton Airport. The contribution the airport plays in terms of investment, income, profile, and jobs is significant. Some of this comes at a cost and the council must take care to ensure that these benefits are enjoyed by all its present communities as well as those it is hoping to attract. However, the decline of traditional employers including Vauxhall and the impact on the town centre mean that the continued prosperity of Luton is intrinsically linked to the strength of the airport and the business which support it.
- 1.6. Luton is diverse – it has a large BME population, a significant transient population, is attracting a young professional demographic and has high levels of deprivation. Many staff are residents and the planning service staff are reflective of the community.
- 1.7. After a period of instability, a new Head of Development Management was appointed in August 2019 and has been tasked with improving things 'across the board'; realigning the service and its culture to facilitate the delivery of the Council's ambitious regeneration and growth objectives. This will require the rapid modernisation of some deeply embedded traditional approaches in both the political and officer spaces.
- 1.8. To help with identifying the priorities and direction for change, the Corporate Director for Place and Infrastructure invited Planning Advisory Service (PAS) to independently and objectively consider how well placed the planning service is to deliver the council's corporate development agenda.

2. Executive Summary

- 2.1 Luton council and its planning service is facing a key 'moment in time'. It has successfully established an ambitious growth agenda predicated around the Luton Investment Framework. The Leader and Chief Executive want the planning service at the heart of the effort to deliver its corporate ambitions. To do this the planning service needs a better platform to interact and communicate with the rest of the council especially internal partners - housing, regeneration, economic growth. The present way of operating results in the good work and value added by the planning team going unnoticed at best and, at worst, unintentionally positions the planning service as a barrier to delivery.
- 2.2 The council has appointed a new Chief Executive and Head of Development Management, this year. After 18 months of instability, with only acting up arrangements in DM, the planning service now has a reasonably settled workforce. There is a willingness at all levels, including within the service itself, for planning to take on the role of being enablers of development, and there is an active development community that is ready to invest. All of this adds up to a clear opportunity to restate planning's mandate and for the service itself to 'step up' and play a leading role in the corporate effort to co-ordinate a high-quality, place based approach to development across the borough.
- 2.3 The early review of the Local Plan is a key opportunity for planning to bring the various elements of the council together and take a truly multi-disciplined place-based approach to delivery; consolidating the planning, housing and regeneration agendas into a single, corporately owned document which sets a clear spatial vision for the next 10 years. There is also a constitutional review being carried out - a good opportunity to review the role of committee, call-in and delegation procedures.
- 2.4 Luton benefits from its airport which has an Enterprise Zone. There is great potential to attract planning applications of great magnitude. In order for Luton to be an attractive area to receive planning applications, a robust, seamless planning service needs to be in place. The planning service must take the opportunity presented to it to find a new balance between its reputation as a regulator and establish itself as a supportive facilitator of the council's growth agenda for all of Luton's communities.

Vision & Leadership

- 2.5 The council's vision for growth and regeneration is clearly set out in its Corporate Plan, the Luton Investment Framework and the Local Plan. These plans were all adopted in 2017, and the Luton Investment Framework is recognised by most internal and external stakeholders as the key framework for inclusive growth.
- 2.6 The Chief Executive and Council leader want planning on the front line of delivering its growth agenda but at the moment the role for planning is not well defined or communicated. Planning has not played any significant role in the development of the Luton Investment Framework but it must now push itself forward and take a more prominent role within the council. This review provides an opportunity for the planning service to 'step up' and play a greater role in influencing corporate thinking and strategy.
- 2.7 Beyond securing a better-defined corporate role the planning service needs to carry out fundamental modernisation and improvement to its current ways of working (see also 'Theme 2 Decision Making'). Whilst much of this is related to improvements to systems

and processes, a significant proportion relates to seemingly longstanding cultural and structural issues which must be addressed for the service to become more efficient

- 2.8 Growth needs to be corporately owned and everyone needs to focus on delivering the right decisions for Luton. Planning is currently 'off-centre' but has an opportunity, through the review of the Local Plan, to take the lead in establishing greater levels of collaboration by bringing together senior staff from Planning, Property, Housing, and Economic Growth to establish ways of working together and joining-up on delivery of the 'place agenda'. This will set a single, clear context for investors and developers against which the DM service can make decisions.
- 2.9 The council needs to appreciate that the planning service has a statutory function to perform and that the strength of the process it follows can be the difference between securing an implementable consent or seeing schemes mired in judicial review and external challenge.
- 2.10 The present structure is not helping - it needs to be more coherent. Having Development Management and Policy in different teams and the physical and/or managerial separation of the DM, technical, building control, and Planning Policy teams means that many of the traditional alliances enjoyed in other authorities do not exist in Luton. This has removed strategic capacity from the DM service and risks further isolation of DM from wider corporate thinking. Efforts should be made to bring these services closer together services physically and operationally.
- 2.11 The lack of clarity around the role of planning and the lack of a joined up corporate approach, has contributed to a blurring of functions with senior members of the Council's staff being perceived as simultaneously acting as strategic relationship managers, stakeholder managers and doing the 'planning piece' somewhat in isolation on the big strategic sites alongside specialist consultants. This represents several risks; planning advice on some larger schemes gets fragmented/confused, there is the potential for conflicts of interest or legal challenges to eventual planning decisions, the potential for 'single points of failure' increases, and investor/developer confidence is negatively affected.
- 2.12 At present planning is viewed at best as the 'regulatory step' and at worst as 'getting in the way'. This is damaging and de-motivating to staff. The service (both professionally and politically) must tackle this head-on. Planning needs to be 'championed' as the enabler of growth, but it also needs to be comfortable taking on that mantle.
- 2.13 A better dialogue is needed between officers and members. Greater levels of understanding and trust need to be developed between the two groups if the service and committee is going to successfully modernise and introduce new ways of working. The most successful places operate in an atmosphere of collaboration between officers and members. At the moment most of the officer/councillor interaction is narrowly focused on what happens around committee with little opportunity taken to engage on strategic matters or development proposals much earlier in the process. The planning service needs to work with members to create a narrative around the growth agenda that they can own publicly.

Decision making and service delivery

- 2.14 The planning service is keen to take a more proactive role and change perceptions that the service is traditional and regulatory focused. The service is actively seeking to improve, and developers think that, fundamentally, the service is doing a good job. There

are process issues to address but there is good positive feedback about how accessible the planners are. A few developers said that, given a choice, they would choose Luton over its immediate neighbours as easier to deal with.

- 2.15 Statutory performance is good. The planning service is performing well against all the government's national planning performance indicators. The recently completed PAS DM self-assessment and the commissioning of this planning peer challenge is a clear indicator of the service's commitment to continuous improvement.
- 2.16 The service would benefit from looking more closely at how resources could be better used taking account of the variety in the work, opportunities to eliminate duplication and hand-offs and giving officers more responsibility to sign-off work. To some extent this will depend on the authority's attitude to and tolerance of risk.
- 2.17 Managers need the capacity to be able to lead on the change agenda. There are several discreet process/procedural projects that senior management is 'stepping down' into which could reduce their capacity to drive the change needed.
- 2.18 The planning service is only just getting to grips with the commercial agenda. There are clear opportunities for (and customers are supportive of) learning from others to rapidly introduce a more commercial approach by creating a clearer value-add offer for the pre-application service, making Planning Performance Agreements (PPA's) the 'bedrock' of all major schemes and commercialising some of the lower level services such as charging for the duty service and charging for copying documents.
- 2.19 There are also opportunities to regularise the approach to some applications, particularly householders. Whilst the currently flexible and open approach to negotiation is valued by agents, even they recognised the resource constraints this is placing on the service. A more consistent, firmer approach on pre-app and negotiation would greatly reduce the burden of a significant area of work which is currently considered to be 'sticking the gears' of the planning service.
- 2.20 Developers are keen for planning performance agreements (PPAs) to be put in place. They are happy to pay for what they see as tool for engagement and keeping communications open across the council and to be more confident about the allocation of resources to get developments through in a timely manner and to generate income to be reinvested to ensure a good service can be provided.

Planning Decision Making – Committee

- 2.21 There is a question whether in their present form and structure the committee arrangements are making the most of opportunities to represent a more open and engaging experience for the public, and whether opportunities are being missed for resolving issues earlier in the decision-making process.
- 2.22 It is right that there is a process that allows development that is of legitimate concern to councillors, communities and officers to be assessed in public by committee. The current delegation and call-in procedures can however result in a large number of agenda items which are often focussed on small applications with few objections. This is increasingly unusual and should be reviewed. Consideration should also be given to the arrangements in respect of deferrals, site visits and public speakers all of which impact on the effectiveness of the committee and its ability to efficiently conduct its business.

- 2.23 Engagement and debate on development proposals is often skewed towards planning committee. This is very late in the decision-making process. Reviewing the delegation and call-in procedures, empowering officers and councillors to resolve issues at a local level and involving committee members earlier (e.g. at pre-application stage) will create a more engaged process for all, and a better focus for committee resources.
- 2.24 Committee members and officers need to be more creative in presenting and debating schemes. Often debates focus on issues that have already been resolved or are the subject of clear policies (e.g. parking) and detract from the positive aspects of schemes. Officers can help by positioning development proposals in terms of strategy/policy allowing a more balanced focus on the key issues.

Community, Partners & Outcomes

- 2.25 Luton is delivering – the development pipeline is strong with the growth of the airport, the town centre regeneration, stadium, and consented sites. The housing targets in the Luton Local Plan 2011-2031 are being met, and Luton's Housing Delivery Test result is +178%.
- 2.26 The provision of affordable housing remains a challenge; there has been significant under-delivery when compared to the 50% target from the previous Local Plan, things are presently broadly in-line with the 20% policy expectation in the new Luton Local Plan 2011-2031 but there is a concern over whether the homes being delivered are meeting the needs of the local community.
- 2.27 Luton must continue to work positively across its boundaries; especially about its unmet housing need. Most of Luton's neighbours are some way behind Luton in adopting their Local Plans, and there are varying degrees of certainty from neighbouring councils regarding actual commitments to accommodate an element of Luton's unmet need.
- 2.28 Luton needs to take a more strategic approach to building positive relationships between officers and members if it is to fulfil the potential of the geographical opportunities open to it e.g. the 'OxCam Arc'. Luton's approach appears not joined up and to have no strategic lead. There appears to be a lack of clarity over who is doing what.
- 2.29 Following the recommendations in this report, PAS expects to see a more confident, better engaged planning service that can focus its attention on supporting the corporate effort to achieving the right outcomes for Luton. At the moment, individual departments can end up 'defending their ground' rather than looking to deliver objectively on the overall outcomes the council is trying to achieve.

3. Key Recommendations

This section summarises the key / priority recommendations and some more detail on each one can be found in the main body of the report. It is important that Luton consider these recommendations alongside its own transformation plan to ensure that the recommendations in this report are aligned to a clear set of outcomes.

R1	<p>Planning needs a clear role and strategy for delivering the corporate vision.</p> <p>The council's regeneration and growth objectives are clearly set out in its Corporate Plan, the Luton Investment Framework and the Local Plan. These objectives now need to be turned into a clear set of prioritised objectives for the planning service and communicated across the organisation.</p>
R2	<p>Planning has become detached from the rest of the organisation and needs to have a greater influence over corporate strategy.</p> <p>Town Planning should be at the heart of the organisation but is currently 'off-centre'. The planning service's leadership team needs to 'step up' and play a greater role in influencing corporate thinking & strategy. Planning, Property, Housing, and Economic Growth senior staff need to seek out ways of joining-up the efforts to deliver a 'place-based agenda'. Everyone needs to focus on delivering the right decisions for Luton and the planners need to be confident in playing a leading role in this. The critical ingredient of success, whichever route is taken, is that the cultural leadership in all key services must be committed to joined-up, corporate planning and delivery. This would also help to "de risk" complicated corporate projects.</p>
R3	<p><u>The present structure is not helping, is not understood internally or externally and needs reviewing.</u></p> <p>The physical and/or managerial separation of the DM, technical and Planning Policy teams and relocation of the GIS service, means that many of the traditional alliances enjoyed in other authorities do not exist in Luton. This has removed strategic capacity from the DM service and risks further isolation of DM from wider corporate thinking. Efforts should be made to bring these services closer together services physically and operationally.</p>
R4	<p>Planning needs a mechanism that gives it strategic oversight of and an opportunity to input into major development schemes.</p> <p>A mechanism (e.g. a 'Board') should be established, potentially above the existing Housing Delivery Board, to provide a more transparent and robust governance structure for the development of the growth agenda and the definition/agreement of corporate priorities. A Board, set up with appropriate political support and departmental representation, would help the planning service influence decision making from the outset and ultimately give clarity to its role in facilitating the delivery of major development schemes.</p>
R5	<p>There needs to be more formal approach to relationship management with the council's strategic partners.</p>

	<p>There is currently a confused picture over who manages the planning relationships with Luton's key investment partners. The council has several long-term strategic partners and at present the relationship management from a planning perspective is fragmented across different people and parts of the organisation.</p>
R6	<p>The early review of the Local Plan should be the focal point for a more formal and joined up approach to place-making across the whole council.</p> <p>The required review of the Local Plan is an opportunity to establish more formal and joined-up levels of collaboration and shared ownership of 'place-making' across the whole council. There needs to be a commitment to how departments will work together (and on what) and include a clear set of objectives and timetabled priorities that meet all of the council's agendas.</p>
R7	<p>The planning service needs 'championing' – both by senior management and politicians</p> <p>The planning service and its staff has been somewhat entrenched and felt ignored. The service has a reputation both internally and externally for taking a traditional, regulatory-focused approach. The service leadership must tackle this head-on and needs to champion the planning service as the enabler of growth, not, as is the case at present, that it is the 'regulatory step that gets in the way'. Consideration should be given to creating a portfolio holder role for development management. The planning service needs to work with members to create a narrative around the growth agenda that they can own publicly.</p>
R8	<p>Planning senior management resources need re-focusing on strategic management and delivery</p> <p>Senior management needs to re-focus its resources and bring together the wider corporate team to do the 'planning piece' on the big strategic projects. At the moment this work is being done in a slightly detached way by senior management or by specialist consultants, which is creating confusion internally and affecting developer confidence. It is also an effective development opportunity for staff.</p>
R9	<p>Committee practices and procedures should be reviewed to create a platform for a more open and engaging experience for the public, more firmly focused on strategic applications.</p> <p>Planning committee is the shop window for how the council makes planning and place-shaping decisions. The review should consider:</p> <ul style="list-style-type: none"> - How effective the call-in powers and scheme of delegation is in ensuring that committee is focused on the discussion of significant schemes; - Arrangements around public speaking, deferrals and site visits to ensure that the committee operates effectively and efficiently when it meets;

	<ul style="list-style-type: none"> - Creating opportunities for the presentation of pre-application schemes to committee and possibly formal pre-application public meetings in advance of committee to give members more involvement in strategic schemes and reduce the reliance on committee as the sole point of influence; - Introducing a programme of briefings throughout the lifetime of a scheme's development and rely less on reports presented as part of the committee preparation process; - The introduction of a 'screening' role for the Chair before cases are allowed on the agenda.
R10	<p>Extend the range of topics provided in committee and councillor training.</p> <p>Training needs to be open to all councillors, not just committee members, and needs to extend beyond functional matters (e.g. probity, declarations of interests etc.) into a broader set of topics e.g. the new/reviewed local plan policies, LEP, OxCam Arc, affordable housing, density, parking standards, design, and viability.</p>
R11	<p>Stop the negative internal 'narrative' on resourcing.</p> <p>The planning service needs to change its narrative from one that currently says, 'we are under-resourced', to one that focuses on how the planning team will use the peer challenge and its own internal improvement projects to re-focus the service, release capacity, connect with internal partners and focus on the value being added. Commercialisation is a significant opportunity to add to the available resources, bringing in specialists where required.</p>
R12	<p>Resources need reorganising and re-focusing.</p> <p>Development Management service has the resources to deliver the current day-to-day service but needs reorganising and re-focusing to be more effective and efficient. This could start by looking at ways of using the variety in the work of planning to take different approaches, a review of processes to eliminate duplication and hand-offs, and consideration given to ways of giving officers more responsibility to sign-off work.</p>
R13	<p>Delegate decision making among a greater number of staff.</p> <p>The planning department deals with a variety of work and has experienced and competent staff at all levels. Allowing decision making to filter across a greater number of staff will create capacity, a more consistent and efficient service for customers, support career development, increase staff confidence and encourage more aligned local decision making. This would also have the associated benefit of identifying potential efficiency gains and better use of resources.</p>
R14	<p>The service should adopt a more consistent approach to determining non-major applications.</p> <p>Finding ways of resolving objections and negotiating with agents and applicants as early as possible will help deliver a more customer-oriented</p>

	service and improve efficiency, reduce cost, reduce the number of withdrawn applications/refusals and the number of resubmissions and appeals.
R15	<p>The planning service needs to continue to review and support the work of the technical team.</p> <p>There are issues with the validation process which reflect poorly on the service, reduce the time available for determination and drive additional work in negotiating extensions of time.</p>

4. Scope of the review

- 4.1. Luton has requested that the Planning Advisory Service (PAS) carry out a peer challenge of its development management planning function. The council asked for an independent and objective assessment of how well placed it is for delivering the council's corporate priorities and its own change and improvement programme.
- 4.2. The PAS review is carried out by fellow local government planning professionals and a senior councillor, not consultants, inspectors or lawyers.
- 4.3. The review focused on **4** key areas as they relate to the Development Management service:
 - 3.1.1 Theme 1: Vision & Leadership**
 - 3.1.2 Theme 2: Decision Making & Service delivery**
 - 3.1.3 Theme 3: Planning Committee**
 - 3.1.4 Theme 4: Community, Partners & Outcomes**
- 4.4. It is important to stress that this review is not an inspection; it is improvement focussed and designed to complement and add value to a council's own performance and improvement plans. The review is not designed to provide an in-depth or technical assessment but for the peer team to use their experience and knowledge to reflect on the information presented to them by people they met, things they saw and material that they read while on site.
- 4.5. This report is a summary of the peer team's findings. By its nature, the review represents a snapshot in time. We appreciate that some of the feedback in this report may touch on things that Luton is already addressing and progressing.
- 4.6. The PAS review team has presented a verbal summary of this report and recommendations to an audience made up of those that took part in / were interviewed as part of the review.
- 4.7. The PAS review team would like to thank the community representatives, councillors, staff, customers and partners for their open, honest and constructive responses during the review process. All information collected is on a non-attributable basis. The team was made to feel very welcome and would especially like to mention the invaluable assistance and excellent onsite support provided by Luton's planning and support team.

5. Planning Advisory Service (PAS)

- 5.1. PAS is a Local Government Association (LGA) programme which is funded primarily by a grant from the Ministry of Housing Communities and Local Government (MHCLG).
- 5.2. It is our principal mission to ensure that local planning authorities (LPAs) are continuously improving in their execution and delivery of planning services.
- 5.3. To achieve this, the PAS work programme focuses on:
 - a) Helping local government officers and councillors to stay effective and up to date by guiding them on the implementation of the latest reforms to planning.
 - b) Promoting a 'sector-led' improvement programme that encourages and facilitates local authorities to help each other through peer support and the sharing of best practice.
 - c) Providing consultancy and peer support, designing and delivering training and learning events, and publishing a range of resources online.
 - d) Facilitating organisational change, improvement and capacity building programmes - promoting, sharing and helping implement the very latest and best ways of delivering the planning service.
- 5.4. PAS also delivers some of its services on a commercial basis including change and improvement programmes for individual and groups of planning authorities in England, Scotland, Wales and Northern Ireland.

6. The review team

- 6.1. The peer team is made up of serving council officers, a serving councillor and a PAS review manager:
 - **Phil Mason - *Strategic Director Economic Growth and Development*, Cornwall Council**
 - **Ian Ward – *Leader Birmingham City Council***
 - **Matthew Essex - *Operational Director of Regeneration, Property and Planning*, London Borough of Redbridge**
 - **Marilyn Smith – *Planning Decisions Manager*, London Borough Barking & Dagenham**
 - **Martin Hutchings - *Planning Advisory Service, Peer Challenge Manager***

7. Theme 1: Vision & Leadership

- 7.1. The council's vision for growth and regeneration is set out in its Corporate Plan, the Luton Investment Framework and the Local Plan, all of which were adopted in 2017. The Chief Executive and Council Leader, as well as others, are clear that they want planning on the front line, working with colleagues across the Council to facilitate the delivery of an exciting and significant growth agenda. However, there are concerns that the planning service is not currently ready or able to perform this function.
- 7.2. It feels as though the planning service is at a critical moment in time. A long period of consistent management brought stability but resulted in a lack of innovation in terms of systems and processes and some deeply embedded, traditional approaches to the role of Development Management. This stability was ultimately lost following a period of high staff turnover (there was no DM manager for 6 months) but has the potential to return following the very recent appointment of a new Head of Development Management in addition to the Service Director for Planning and Transportation.
- 7.3. This review represents an opportunity for the planning service to 'step up' and play a greater role in influencing corporate thinking and strategy around the growth agenda. Recent experiences, notably the determination of the applications for and supporting the new Luton Town FC stadium, have given rise to a significant credibility gap, as the planning service has had to manage the expectations of the public while getting the balance right between its own corporate ambitions and planning policy. As well as the modernisation which all parties acknowledge is required, the planning service is going to need to address its own culture and become much more comfortable and confident acting in a leading role to facilitate and enabling growth if the Council's full ambitions are going to be realised.
- 7.4. The Local Plan clearly sets out the spatial framework and is positioned correctly as the delivery vehicle for change and growth. This has subsequently been added to by the Corporate Plan and Luton Investment Framework as well as the housing delivery aspirations. This is not an unusual occurrence in authorities promoting rapid growth where various plans and strategies get developed to meet a range of different needs and agendas, however it does seem to have presented the planning service with particular challenges around primacy/legitimacy of these strategies against the Local Plan and their role in delivering against what they consider to be non-statutory documents. Despite the misgivings of some in the planning service, the Luton Investment Framework is recognised by most internal and external stakeholders as the key framework for inclusive growth. The challenge for Luton is to use the early review of the Local Plan as an opportunity to translate these various strategies into a single, shared place-based vision for the borough which can inform a clear set of expectations for the planning service with timetabled priorities.
- 7.5. Growth needs to be corporately owned. Everyone needs to focus on delivering the right decisions for Luton but acknowledge that, on occasion, this will require difficult decisions for different parties. The council needs to appreciate that the planning service has a statutory function to perform and that the strength of the process it follows can be the difference between securing an implementable consent or seeing schemes mired in judicial review and external challenge. Conversely, the planning service needs to build its own confidence so that it is comfortable both advising on the challenges and issues arising from schemes and identifying the mitigation actions that would make proposals acceptable.

- 7.6. At the moment, the organisation has not found the appropriate balance and, as a result, planning is currently 'off-centre'. It now has an opportunity however to take a leading role in establishing greater levels of collaboration by bringing together senior staff from Planning, Property, Housing, and Economic Growth to establish ways of working together and joining-up to secure the delivery of the council's place-based agenda. To perform this role effectively there are some fundamental service modernisations and improvements to ways of working required (see 'Theme 2 Decision Making'). However, there are first some cultural and structural issues to address.
- 7.7. At a corporate and senior management level there is little evidence of structured collaboration on place-making. The only readily identifiable group, the Housing Delivery Board, is geared to driving forward the delivery of committed council housing projects and doesn't appear to have a role in setting the strategic agenda, considering how private sector led projects should be facilitated or supported or considering anything not related to housing. Whilst this does not appear to have overtly hindered progress to date, it is notable that there is no corporate forum to discuss differences of opinion and there are signs emerging that the absence of a structured approach could represent a risk to delivery of the council's agenda going forward. Evidence of the risk this represents is illustrated by the Wandon Park development where different parts of the organisation have starkly contrasting views as to whether the issues regarding the mitigation of the loss of public open space have been satisfactorily resolved yet.
- 7.8. Most people interviewed are confused by the current corporate departmental structure. It needs to be more coherent. Having Development Management and Policy in different teams and the physical and/or managerial separation of the DM, technical, and Planning Policy teams and relocation of the GIS service, for instance, means that many of the traditional alliances enjoyed in other authorities do not exist in Luton. This has removed strategic capacity from the DM service and risks further isolation of DM from wider corporate thinking. Efforts should be made to bring these services functionally and operationally closer together. Whilst this does not necessarily require wholesale changes to the management structure, senior leaders should work harder to find opportunities to bring the various teams together around a variety of thematic and specific topics to build relationships and, critically, understanding of the motivations and drivers for different parts of the organisation.
- 7.9. Aligned to better inter-departmental collaboration is the need for a better strategic oversight of the major development schemes coming forward and what they are delivering. The council should consider establishing a mechanism (e.g. a 'Board') to achieve a more transparent and robust governance structure for strategic decision making and major development schemes across the whole borough. Governance is in place for decision-making via the planning committee, but there is a gap when it comes to the strategic oversight of development across the whole council. A Board set up with appropriate political support and representation from Housing, Economic Growth, and Foxhall Homes could help the planning service work corporately to actively steer the delivery of major development schemes.
- 7.10. The planning service has felt and entrenched and ignored. This has been damaging and de-motivating to staff. Without a clear role for the whole service in delivering the growth agenda, it is struggling to shake off a reputation both internally and externally for taking a traditional, regulatory-focused approach. The service leadership must tackle this head-on and needs to champion the planning service as

the facilitator/enabler of growth and not, as is the case at present, just a 'regulatory step that gets in the way'. The perception issues are being somewhat perpetuated by the service itself – it refers to itself and many of its functions and job titles as development 'control' rather than development 'management' – a small but important quick win.

- 7.11. For the service to successfully take on a facilitating/enabling role it needs to be comfortable acting in a way that is likely to be very different to its historic approach. There is a perception drawn from the discussions held that the service is holding itself back from fully embracing this new challenge; that planning is more comfortable acting as the 'council's conscience' and waiting for others to invite the service to join existing discussions than playing a leading role and expecting to be included as a partner in a shared endeavour to deliver change. The service's management team will have to make a conscious effort to introduce and support the behaviours that will be needed to bring about this change in culture.
- 7.12. Managers need the capacity to be able to lead on the change agenda. The review team found that due to the fire-fighting nature of the work at the moment, managers are finding themselves 'stepping down' into the detailed work at officer level which is reducing their capacity to manage the teams and therefore drive the change needed. The managers need to be disciplined and focus on the team / service improvements tasks to build resilience, mutual support and a shared sense of purpose.
- 7.13. A quick step in terms of cultural change would be to stop using the 'we are under-resourced' narrative. This is having a negative affect both in terms of confidence to drive the development management service forward and staff morale. It is being used too often to justify the service's own decisions to opt out of key pieces of work, such as the recent affordable housing SPD, which as corporate priorities should be a key focus for the planning service. The planning team needs to present a united, positive and confident front and can use the peer challenge findings and its own internal improvement projects to re-focus the resources of the service on real priorities, connect with internal partners and focus on the value that the planning team can undoubtedly add.
- 7.14. If resources are genuinely considered to be an issue, then the commercialisation of the service offers a clear opportunity to increase capacity relatively quickly at no broader cost to the wider organisation. Luton is starting its thinking on commercialisation relatively late in comparison to other authorities. The benefit of this is that there is a wealth of existing practice to learn from and potentially adopt allowing the service to commercialise rapidly. The service is already considering these opportunities and is encouraged to accelerate this thinking into implementation. Critically, the service needs to take the opportunity to not only raise revenue through commercialisation but also professionalise elements of its service using much improved management information to deliver greater efficiencies and release further capacity.
- 7.15. Beyond the culture, it is undeniably apparent that the planning service requires urgent modernisation. Alongside establishing a clearer strategic role (see above) and updating of the Committee (see Theme 3), the service needs to implement a review of processes, systems and resources, particularly around validation, and set itself on a more commercial footing with a greater focus on productivity linked to outcomes. The service has been late in providing staff with modern laptops and phones, despite 'investment in IT' being the priority

recommendation when the council had a corporate peer challenge in 2018. The service is also being held back by a poorly serviced back office system.

- 7.16. There needs to be an improved dialogue between officers and members. At the moment most of the officer/councillor interaction is narrowly focused on what happens around committee, with little opportunity taken to engage on development proposals much earlier in the process. The whole planning service, including committee, needs to make a big leap if it is to modernise, but any change it makes must be alongside a package of organisational changes that allow it to operate in a modern and effective way. The most successful places operate in an atmosphere of collaboration between officers and members. Buy-in to change is required by officers and councillors and trust will be key. The planning service needs to understand that for any change to successfully embed it has to be able to demonstrate a clear benefit to members as well as officers.

8. Theme 2 - Decision Making & Service Delivery

- 8.1. The PAS review team found a very professional and dedicated development management team that really wants to do a good job and who are committed to working with and providing a better service to residents. Staff are supportive of each other and the review team found that even among groups critical of the council, there is a general recognition of the quality of individual staff in the planning team.
- 8.2. Planning staff care about delivering the DM planning service in a way that benefits the borough as a whole. They demonstrated a good understanding of the issues and challenges in the community – many of them are residents – however they would benefit from a better understanding of the role planning is expected to play away from the day-to-day service delivery and in delivering the strategic growth and regeneration agenda.
- 8.3. The planning service needs a better platform to interact and communicate in a more structured way with the rest of the council especially internal partners such as housing, regeneration, economic growth. The present way of operating and communicating results in the good work and value added by the planning team going unnoticed at best, and at worst can be a risk to development.
- 8.4. The staff of the service are committed to sustaining improved performance and customer service. In workshops, excellent customer service was strongly identified as a key priority by staff as was the desire to provide a timely service to applicants that is not reliant on extension of time agreements.
- 8.5. Luton has a well-performing planning service in respect of the statutory performance indicators. The leadership and staff are clear that performing well on 'paper' is not enough and that it will be through better engagement, transparent decision-making and good quality customer service that its communities will ultimately judge it on.
- 8.6. Developers and agents are complimentary. Developers interviewed said that, fundamentally, the service is doing a good job. There is good positive feedback about how accessible the planners are, and, that, given a choice, most agents and developers interviewed said they would choose Luton over its immediate neighbours to work with. In terms of areas to improve, developers highlighted that the registration and validation process is slow, inconsistent and needed attention. There were reports of household applications regularly taking 4-5 weeks to get validated which then has a knock-on impact on timescales for determination which results in a higher than expected use of extensions of time.
- 8.7. Discussions with the technical team highlighted the issues caused by the existing, very old, validation checklist which was resulting in 50% of applications being invalidated. The team also highlighted issues about relationships, roles and responsibilities, a lack of consistent training and poor IT systems as being contributory factors. These things need tackling alongside the more immediate update of the checklist to secure a sustainable improvement in validation. It may also allow an opportunity to reallocate technical officers to deal with some householder applications which are considered to be 'clogging up the gears' of the planning service.
- 8.8. The development management service has around 10 planners including an officer that has skills and interests in dealing with conservation matters, 3 enforcement officers, a S106 monitoring officer and 5 technical support staff which the peer

challenge team feels should be enough to deal with the workload which is typically c.2,000 applications a year. However, the reality is that staff do feel under pressure and 'run at capacity every day'. This suggests that the service needs to re-think how it deploys the resources at its disposal, prioritises its effort, and how reviewing the operation of resource-intensive procedures (e.g. committee) can free-up resources

- 8.9. The service should re-focus its current resources by taking account of the variety in the work (e.g. does the same approach need to be taken to all types of application?), eliminate duplication and hand-offs within the service and consider giving officers more responsibility to sign-off work. To some extent this final point will depend on the authority's attitude to and tolerance of risk, but it has already been demonstrated in a number of authorities that this can increase the speed of decision making, reduce workloads and empower staff.
- 8.10. In terms of the planning service's current systems, the service is not getting as much out of its IDOX system in terms of performance and workflow management as it could be. An upgrade to the existing IDOX system should be a priority with a drive to stronger workflow management and the use of standardisation (reports, decision notices, conditions etc) to increase efficiency and free up capacity. This is a common problem and the peer challenge team are encouraged that the new Head of Planning is bringing forward ideas and is working with IDOX to better understand how it can use the 'Enterprise' workflow and performance management system better, correct errors in the current system, create templates and introduce more useful management reports.
- 8.11. It was not possible to complete a full review and establish a clear opinion on resources and structures in the limited time available on site. While the structure may eventually benefit from a more in-depth review, more value is likely to be extracted from the current arrangement by looking at ways of using existing capacity differently to more consistently drive the various strands of modernisation and improvement.
- 8.12. At present, the Head of Development Management is leading the change agenda and is focussed on several specific projects including the review of the validation checklist, introduction of Planning Performance Agreements (PPAs) and commercialisation alongside the day to day management of the service. As noted in Theme 1, whilst these improvements are very much needed, they are not going to deliver the fundamental change that is being sought from the planning service without wider, council wide strategic and cultural change. Consideration should be given to using the additional capacity that may exist to enable the Service Director Planning and Transportation to focus on securing these broader corporate changes.
- 8.13. From the discussions held with staff and stakeholders, including external partners, it is apparent that the current approach to managing relationships with key partners from a planning perspective, i.e. investors and developers, should be reviewed. Whilst the use of external expertise to deal with specialist matters is commonplace, consultants would not typically be expected to form the main link with a developer as is the case with the airport. This gives rise to risks around single points of failure but also removes the opportunities for permanent staff to gain experience working on some of the council's most exciting projects. Consideration should be given to establishing small planning project teams made up of a mix of senior and more junior staff to lead the work on major schemes such as the airport, football club and larger housing schemes. Some staff reported that these

arrangements had been tried in the past but had broken down owing to competing priorities, it is for all parties to prioritise this way of working if it is to be successful.

- 8.14. Although not tested in any way by the review team, anecdotally the service has a severe issue with its technology, particularly its back-office system. The issue with IT/Technology was a priority finding in the Corporate Peer Challenge carried by the LGA last year – it would appear that there is still a way to go to address the issues for planning. The service is keen to ‘urgently encourage more digital uptake of planning services’, but the review team suggest that it first concentrates on getting its current set-up working properly.
- 8.15. The service needs to take advantages of the opportunities for taking a more commercial approach. The pre-application service needs to have a clearer value-add offer - some agents see pre-application especially for householders as ‘not worth the effort’. PPAs should be the bedrock of all major schemes and are beginning to come through. There are also ‘lower level’ commercial opportunities and cost saving measures such as charging for the duty service and for copying documents.
- 8.16. Developers are keen for planning performance agreements (PPAs) to be put in place and are happy to pay if they can become a better tool for engagement and keeping communications open across the council. External partners see PPAs as a way of providing them with more confidence about the allocation of resources to get developments through in a timely manner.
- 8.17. The service does not have its own set of corporate performance or departmental targets and therefore performance management and communication of performance is not happening. The service needs to embed a performance management ‘ethos’ to help create a better understanding among staff of the service priorities, especially as they relate to the delivery of the growth programme. The service would also benefit from a set of performance measures, designed around the purpose of the service, focused more widely on quality (not simply how quickly things are done) and communicated in a more formal way to all staff.
- 8.18. The service should also establish some standards for what customers can/should expect and have a specific route for disputes to be resolved and for comments and feedback to be received. This could be created alongside the introduction of a developer’s forum. This would create a more formal way of finding out what customers want and being able to align services to deliver it (sometimes referred to and effectively marketed as ‘you said – we did’). Using the customer views on service delivery as the basis for, and a measure of success, is an extremely effective driver for improvement.

9. Theme 3 – Planning Committees

- 9.1 There is a need to re-establish the purpose, role and focus of the Planning Committee on more strategic applications and decisions. Some committee sessions have sat late into the night dealing with small householder applications alongside larger more strategic development proposals. The council is encouraged to review and re-establish the purpose of the planning committee alongside a wider review of the call-in and delegation procedures.
- 9.2 In terms of the practical operation of the committee the peer challenge team found a functional and well-run meeting overall. Some debates between members were repetitive and focused on 'secondary' issues (e.g. the benefits of one proposal for a significant number of homes with a healthy mix of tenures was overshadowed by a debate about parking) that should have been resolved much earlier in the process based upon the council's own policies in the Local Plan.
- 9.3 Committee members and officers need to be more creative in presenting and debating development proposals at committee. Efforts should be made to make sure that development proposals are positioned in terms of their fit with council policy/strategy, that the key issues are clear and how/if these have been or need mitigating, and the justification for why the scheme has been recommended for approval/refusal. As a meeting held in public, Planning Committee is the 'shop window' for how the council makes planning and place-shaping decisions. The committee should avoid repetitive, drawn-out debates on issues that have already been (or should have been) resolved earlier in the process e.g. parking which can overshadow positive aspects of a scheme.
- 9.4 Committee practices and procedures should be reviewed to create a platform for a more open and engaging experience for the public and to focus resources on the right types of development. The existing Council wide review of the constitution presents an ideal opportunity to make some changes and the following should be considered:
- 9.4.1 Cases can presently come before committee with 4 objections – this is a low threshold and should be increased in line with other councils;
 - 9.4.2 Tightening the rules on when and which (e.g. only ward or adjacent ward) councillors can call-in applications and planning reasons should be required;
 - 9.4.3 Increasing the minimum number of councillors requesting a call-in before it is allowed and requiring attendance of councillors who have called in an application to trigger consideration by the committee;
 - 9.4.4 Tighter enforcement of the need to be specific about the planning grounds on call-ins;
 - 9.4.5 Councillors objecting should have to attend the committee to speak to the application;
 - 9.4.6 Reviewing the nature of applications which should be considered by committee, particularly in respect of s73 and associated applications linked to larger schemes;
 - 9.4.7 Giving a 'screening' role to the Chair to consider the extent to which a call in to committee is justified before cases are allowed on the agenda.

- 9.5 The number of public speakers should be limited (there is no maximum number of speakers that can register to speak), and the time given to speak should be reduced in line with many other councils to 3 minutes. Members of the Council can also address the committee and there is currently no time limit to how long they can speak for. This is an unusual arrangement. For the purposes of good committee management consideration should be given to applying the same limit on speaking time to members as is placed on the public.
- 9.6 Training needs to be open to all councillors, not just committee members and needs to extend beyond functional matters (e.g. probity, declarations of interests etc.) into a broader set of topics e.g. the new/reviewed local plan policies, LEP, OxCam Arc, affordable housing, density, design, and viability. The recent adoption of the local plan provides a great opportunity for the council to broaden out councillor (not only committee councillors) training to include a greater range of topics especially on Luton's planning policies. There are some strong perceptions among councillors about what is/is not acceptable development in Luton, and this could be part of the process of education.
- 9.7 This training programme should extend to a programme of member briefings on major schemes targeted at the Planning Committee and ward councillors. This would provide opportunities for members to help shape proposals as they progress, build their familiarity and understanding of the issues presented by the scheme and lead to a more focussed debate at committee on anything which remains genuinely unresolved.
- 9.8 The peer challenge team heard a variety of accounts of the repeated use of deferrals and site visits by committee members and it was notable that the committee witnessed by the peer challenge team reviewed an application which had been to committee four times. Site visits are an important tool in understanding the context within which a scheme is being considered, however, they are not always necessary and a more consistent approach to their use would reduce the work of the committee and officers, lead to quicker decision making and provide greater clarity to applicants and the public. Consideration should be given to a protocol for the use of site visits with those schemes which require one identified ahead of committee discussions.

10. Theme 4: Community, partners, outcomes

- 10.1 The Council positions itself as a 'community leader' and a 'place shaper' in its Corporate Plan. The peer challenge process did not allow the opportunity to speak to a range of community groups so were unable to test this to any significant extent with community groups.
- 10.2 Luton is delivering – the development pipeline is strong with the growth of the airport, the town centre regeneration, stadium, and consented sites. The targets in the Luton Local Plan 2011-2031 are being met, largely as a result of a significant increase in delivery over the last two years – Luton's Housing Delivery Test result is +178%.
- 10.3 The provision of affordable housing remains a challenge; there has been significant under-delivery when compared to the 50% target from the previous Local Plan, however things are presently broadly in-line with the 20% policy expectation in the new Luton Local Plan 2011-2031.
- 10.4 While delivery of housing is healthy, there is a tension between what developers want to build and what Luton's communities' need. Many large development proposals are for 1-bedroom apartments and studios with an increasing interest from build-to-rent investors driven by proximity to London and the growth of the airport. The council's SHMA suggests that, whilst there is a need for smaller homes, there is a more significant need for larger, family accommodation – particularly as affordable housing. If the Council wants to address this it will require a corporate effort drawing in support from housing, regeneration and property as well as the planning service to ensure an appropriate policy base exists which can be used to exert greater control over the private sector's development proposals.
- 10.5 Luton must continue to work positively across its boundaries especially on its unmet housing need. The peer challenge did not give an opportunity to speak to neighbouring councils so views on this from a neighbouring council perspective could not be obtained. Most of Luton's neighbours are some way behind them in adopting their Local Plans, so there are varying degrees of certainty regarding actual commitments to accommodate an element of Luton's unmet need.
- 10.6 Luton needs to take a more strategic approach to building positive relationships if it is to fulfil the potential of the geographical opportunities open to it e.g. the 'OxCam Arc'. Luton's approach appears not joined up and to have no strategic lead. There appears to be a lack of clarity over who is doing what.
- 10.7 The council needs to get better at celebrating success. So much has been achieved in a short space of time and needs to be recognised. The progress of the stadium development is a case in point. An appreciation of the significance of the progress of this development seems to have been lost; staff focus on the fact that it is taking a long time and been challenging. The planning service should take time to step back and celebrate with staff all of its key achievements – even if, as is the present case, they feel slightly dis-engaged in the decisions that are being made.
- 10.8 Following recommendations in this report we'd expect to see a better – engaged planning service that can focus its attention on achieving the right outcomes. The Wandon Park development is a good example of how, internally, different parts of the council were approaching the mitigation of the scheme's loss of public open space.

Planning is often about mitigation and compromise – when things aren't joined up / communication isn't happening early enough, individual departments can end up 'defending their ground' rather than looking to deliver objectively on the overall outcomes.

- 10.9 Communities need a better steer on what the council means by Neighbourhood planning. The council makes it clear in its corporate plan that it intends to strengthen the role of communities through neighbourhood planning – it forms a key part of the Council's vision to become a 'place shaper' and 'community leader' in building strong, safe and cohesive communities. The community group interviewed were keen on exploring neighbourhood plans as part of the council's planning policy formulation.
- 10.10 The council needs to establish a more formal approach to relationship management with the council's strategic partners. There is currently a confused picture over who manages the planning relationships with Luton's key investment partners. The council has several long-term strategic partners and at present the relationship management from a planning perspective is fragmented across different people and parts of the organisation.
- 10.11 The council wholly owns London Luton Airport but the way the relationship is managed by the council feels very isolated / separate. The airport passenger traffic is currently 18 million passenger movements per annum and early thoughts suggest that this might ultimately rise as high as 30 million per annum, so the council needs to prepare for/understand what that means in terms of resources to deliver the enabling developments and infrastructure. There is a positive intention to develop a Planning Performance Agreement (PPA) – this should include a jointly developed delivery plan as a context for the airport developments.
- 10.12 The early review of the Local Plan and the development of the Luton Investment Framework sites will provide the means for the planning service to test the progress it has made and try to test how it intends to engage with its neighbours especially on its unmet housing need.

11. Implementation, next steps and further support

11.1 To be discussed with Luton Council.

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We are grateful for the support of everyone that contributed to this review.



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