

Planning Service Peer Challenge

Walsall Council

Date 5th – 7th March 2025

Version for Council Review

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1. Background and Context

- 1.1. This report summarises the findings of a Planning Peer Challenge for Walsall Council, conducted by the Local Government Association (LGA) and the Planning Advisory Service (PAS) in March 2025. The review picked up on the progress of Development Management (DM) since the last review in 2021, with particular focus on the Planning Committee's decision-making.
- 1.2. Peer challenges are led by the sector to meet individual council needs and enhance their performance. They help planning services assess their goals, methods, achievements, and areas for improvement.
- 1.3. Walsall Council is undertaking a significant £1.5 billion transformation through various projects and partnerships. The Council has a clear future vision outlined in its Council Plan (2025-2029) and the 'We are Walsall 2040 Borough Plan'. Their aim is to become the most improved borough in the region, continuously improving, delivering excellence, reducing inequalities, and enhancing life chances. A key challenge is the Council's current and decreasing land supply for development.
- 1.4. Local government and planning services face ongoing national resourcing issues. This review took place during a period of planning reform, including the recent Levelling Up and Regeneration Act, the updated National Planning Policy Framework, and anticipated changes to the Local Plan system.
- 1.5. Recent leadership changes at both officer and member levels have occurred, with a period of stabilisation resulting in a stable member and officer leadership team. The review team observed a strong passion for Walsall and a genuine desire to deliver the best outcomes for its residents among staff, councillors, communities, and partners.
- 1.6. The main goal of this peer challenge was to update the 2021 Planning Peer Challenge findings. This included reviewing implemented recommendations and assessing service improvements and areas needing further development to achieve a best-in-class reputation.
- 1.7. Another key objective was to evaluate the Planning Committee's function and decision-making effectiveness. Effective decision-making is vital for the council's regeneration ambitions, and the Planning Committee plays a primary role. This peer challenge was a timely opportunity to review the operational effectiveness of Walsall Planning Committee, especially given emerging planning reforms.
- 1.8. As part of the peer challenge the Council also asked us to look at the following key areas, which are listed:
 - Consideration of the effectiveness of the Planning Committee and the quality of decision making.
 - The types of items that are referred to the Committee, based on the recently reviewed scheme of delegation.
 - A detailed review of the way that Planning Committee and member involvement in pre applications are managed and prioritised within the Council and how further capacity can be created to be able to provide a more proactive and responsive pre application service.
 - A review of how the Council manages post Planning Committee decision matters in terms of processes and staff resources. In particular this relates to the management of the appeals and enforcement processes within the Council.
 - Consideration into the effectiveness of managing consultee responses in terms of quality and timeliness and how this impacts Planning Committee scheduling.

- A review of the current committee report and presentation format benchmarked against current best practice to ensure that the reports are both fit for purpose to defend against challenge but also proportionate for the risk.

1.9. The timing of the Planning Peer Challenge coincides with both [the national survey of Planning Committee's by the Planning Advisory Service](#) and the Government's focus on modernising planning committees. On the 13th February 2025, the Government launched its '[Planning Reform Working Paper: Planning Committees](#)'. These reforms to planning committees are reflected in the proposed primary legislation through the Planning and Infrastructure Bill which was introduced to Parliament on the 11th March, shortly after the on-site review. The Government's [guide to the planning and infrastructure bill](#) states The Bill will include the following:

- introducing a national scheme of delegation that will, through regulations, set out which planning functions should be delegated to planning officers for a decision and which should go instead to a planning committee.
- Introduce measures will ensure that there is greater consistency and certainty across England about who in a local planning authority will be responsible for making planning decisions.
- Enable a power to legislate, through regulations, for the size of committees, to support effective debate and avoid sprawling committees.
- Introduce a national training requirement - committee members will be required to undertake and complete mandatory training before they can take planning decisions. The power to require planning committee members to complete training aims to create consistency in training and ensure that key areas of law that are relevant to a planning committee member's decision-making functions are understood across the country.

1.10. The peer challenge involved an assessment of a local authority planning function against a framework which explores five main themes.

- Vision and leadership: How the authority integrates planning within corporate working to support corporate objectives.
- Performance and Management: Effective use of skills and resources for value for money, and the effectiveness of decision-making processes (officer and member roles).
- Community engagement: How the authority understands community leadership and aspirations and uses planning to help deliver them.
- Partnership engagement: How the authority works with partners to balance priorities and resources.
- Achieving outcomes: How well the service uses national and local policy to deliver sustainable development and planning outcomes.

1.11. The review took the form of an analysis of data and information relating to the operation of the Planning Service. The review involved analysing data and information, observing Planning Committee meetings in February and March 2025 (in-person and online meetings from March 2024 to January 2025), reviewing council documents, and conducting interviews with councillors, senior managers, staff (within and outside planning), external consultees, developers, and agents.

1.12. The peer team was made up of serving council officers and councillor from local authorities from across England and a PAS Review Manager. The review team were:

- David Brackenbury – Councillor at North Northamptonshire, Executive Member for Growth and Regeneration
- Andrew Hunter - Executive Director Place, Bracknell Forest Council
- Anna Lee – Service Manager for Development Management, Dorset Council

- Nicola Townsend – Head of Development Management, London Borough of Croydon
- Shelly Rouse – Planning Advisory Service, Peer Challenge Manager

2. Executive Summary

- 2.1. The Planning Peer Challenge was conducted from March 5th to 7th, 2025, at the invitation of Walsall Council. The purpose of the review was to provide an honest assessment of the council's planning service, highlight strengths, and identify areas for improvement. The peer challenge team engaged with council officers, councillors, and external stakeholders to assess how the planning service functions within the broader corporate framework and to make recommendations for continued improvement.
- 2.2. Key findings from the review indicate that Walsall's planning service has made substantial progress since the 2021 Planning Peer Challenge. Performance improvements, strong leadership, and engaged officers have contributed to an evolving service that is striving for excellence. The service has been on a journey of continuous improvement following a planning advisory service peer review in 2021. They have actioned, and embedded, the resulting peer review recommendations and transformed into a high performing and customer focussed service. It is clear that officers within the service are living the values of the council, understands its role in delivering strategic priorities and is 'open for business'. The substantive improvement journey is well communicated within the service itself, but this is not understood by all within the council and wider corporate buy-in is needed for evolution of the service to excellence. The service is on the cusp of excellence and can achieve this with minor improvements to its pre-application commercialisation and corporate support from wider services which touch, and feed into Planning decisions. Appendix A provides an update to the progress made against the 2021 review recommendations.
- 2.3. However, challenges remain in terms of Planning Committee operations, stakeholder engagement, and bolstering existing alignment between planning decisions and corporate objectives. Planning Committee is a high profile meeting that can be seen as a key 'shop window' for the council. However, at present there is a perception held, both internally and externally, that the Planning Committee is operating with undue influence and suspicions over probity; this casts a dark cloud over the council and severely affects its reputation. This 'cloud' overshadows the improvement of the planning service and the council's wider 'open for business' position.
- 2.4. Planning Committee needs a fundamental overhaul to address these issues. The Council must have a unified front between officers and members to drive the change needed to tackle ingrained behaviours. Addressing these issues will be crucial in solidifying Walsall's reputation as a high-performing planning authority that is both efficient and transparent.
- 2.5. The Local Plan will be a key document for the Council, and will need full resources, with involvement and buy in from Councillors, stakeholders and officers alike. There is a tight timetable for production of the Local Plan with the Council aiming for submission to the Planning Inspectorate in December 2026, thus meeting the Government's deadline for plans produced under the current planning system and National Planning Policy Framework. To ensure all stakeholders can take a meaningful role in the Local Plan's preparation there is a need to establish a member steering group to formalise member engagement, understanding, and 'buy-in' to the Local Plan.
- 2.6. The Council's enforcement team is valiantly working through the backlog in enforcement cases following the addition of resources and has worked hard to prioritise the caseload of the service. This, in time, should give experienced officers more time to undertake the vital work of stepping

back from the case work and reviewing the present enforcement process, modernising and digitising the process, and embedding the updated Enforcement Plan enabling the Council to communicate a new and improved service to the public, key community groups and councillors.

- 2.7. Within the local area there are a large variety of interesting regeneration projects and developments. There are lots of committed local developers, inward investors, and partners in the area that the service should look to harness their interest, capacity and the pride for the area. The service should be proactive and harness the potential for enhanced pre-application services to drive delivery.
- 2.8. Finally, the long-term resilience of the planning service must not be forgotten. It has been very successful in recruiting and stabilising the service, including supporting junior planning officers. This “grow your own” approach and supportive environment is a key strength during these times of limited experienced planners nationally. The review highlighted a desire from many within the service to continue supporting this process and strengthen the links across the whole of planning. Developing stronger relationships between officers and councillors will be key to retaining and developing staff.
- 2.9. There is much that the Council and the service should be very proud of in its present work. There is a strong pride for the place and the work that is being undertaken. There needs to be a concerted focus from the council through the Economy, Environment and Communities directorate working together with partners to unpick some of the issues on delivery. The review team believe that the skills are held with the Council already but need to be focused on the issue.
- 2.10. The recommendations outlined in this report focus on enhancing leadership, improving committee operations, improving effectiveness of engagement with stakeholders, and ensuring the Council builds on the recent improvement towards a more strategic approach to planning service delivery. By implementing these recommendations, Walsall Council can continue its positive trajectory and establish itself as a model of excellent practice in local authority planning.

3. Recommendations

This section summarises the key/priority recommendations. More detail on each one can be found in the main body of the report. The recommendations are numbered in priority order for the council to address. There are specific detailed recommendations for Planning Committee reform.

R1	<p>Planning Committee requires a fundamental overhaul to address issues of perception held, both internally and externally, that planning committee is operating with undue influence and suspicions over probity.</p> <p>At present there is a perception held, both internally and externally, that Planning Committee is operating with undue influence and suspicions over probity; this casts a dark cloud over the council and severely affects its reputation. Addressing these issues will be crucial in solidifying Walsall’s reputation as a high-performing planning authority that is both efficient and transparent</p>
R2	<p>To support the Planning service’s transition to excellence the council needs to adopt a ‘one council’ ethos</p> <p>The service is living the values of the council, understands its role in delivering strategic priorities and is ‘open for business’. All parts of the council need to be aligned and pulling in the same direction to support the service and facilitate its improvement from high-performing to excellent.</p>

R3	<p>The distinction between the roles and responsibilities of officers and members in the planning process needs to be defined, documented, understood and respected by all.</p> <p>The Council should quickly review the planning protocol within the constitution looking at best practice examples from elsewhere setting out the clear roles and responsibilities for officers and Councillors in the planning process.</p>
R4	<p>The council needs to work to foster a 'one council' approach which is evident to residents, applicants, developers and key partners.</p> <p>The Council needs to develop clear processes for working with key partners, investors and developers, so communications are clear and consistent and signed up to by all parties. One way to achieve this would be by expanding the use of Planning Performance Agreements, which can be an effective project management tool for more complex applications, whilst also enabling cost recovery for officer time. There is scope for more positive comms regarding the planning service and delivering the Walsall is 'open for business' message.</p>
R5	<p>Planning should be rightly proud of the substantive improvements and the high performing service it is, and this could be better communicated to internal and external stakeholders.</p> <p>There is scope for more positive comms regarding the planning service and delivering the Walsall is 'open for business' message. The council should celebrate and communicate the Planning service's successes via strong media relationships and communication strategy.</p>
R6	<p>The Council should capitalise on the success of the pre-application/PPA offer and expand the Development Team approach to encompass cross-directorate support and build on positive service experience, using PPAs as a tool to facilitate proactive engagement with applicants.</p> <p>By expanding the use of PPA's to other development partners and key complex projects the Council can benefit from achieving better quality developments, better working relationships and embed the 'open for business' message with its key delivery partners. We recommend the council review internal consultee processes and prioritise specialist input to planning applications, ensuring specialist teams have sufficient resources to provide timely advice with a focus on facilitating development.</p>
R7	<p>Increase councillor buy-in to the customer charter and reinvigorate the councillor enquiry system.</p> <p>Communication between officers and councillors requires improvement and will help the council establish a clear distinction between the roles and responsibilities of officers and members in the planning process. The council should review the process for councillor enquiries and refocus the roles and responsibilities.</p>
R8	<p>The Local Plan needs corporate support and effective councillor engagement needed to achieve the tight timescales</p> <p>This vital project needs buy in from all concerned. The council needs to review the engagement strategy for the Local Plan to ensure all stakeholders can take a meaningful role in its preparation as well as establish a councillor steering group to formalise councillor engagement in the Local Plan. The council needs to review the development management and internal consultee processes to prioritise specialist input to the Local Plan, ensuring specialist teams have sufficient resources to provide timely advice with a focus on facilitating the Local Plan timetable. The Council needs to ensure it has sufficient specialist resources available for both aspects: informing planning decisions and pre-app advice; and informing the Local Plan.</p>

	Expanding the use of PPAs may assist, providing that the PPAs include cost recovery for specialist officer input.
R9	<p>Further work on extensions of time (EoTs) usage is needed to ensure they are being limited to major developments and only where necessary.</p> <p>The council should continue its good work on reducing the use of extensions of time (EoTs) and instead consider an extension to the PPA approach that would further improve efficiency and be a useful project management tool for major schemes fostering key relationships with partners.</p>

Recommendations for Planning Committee	
PCR1	<p>The council needs to review its Planning Committee purpose, structure and format to both improve effectiveness and address perceptions of undue influence, including the rebalancing of roles and responsibilities.</p> <p>Planning committee is not operating as a positive shop window to show that the council is open to business with refusals and overturns being showcased. The council needs to recognise that the planning committee requires the highest standards of integrity and transparency.</p>
PCR2	<p>Members, including Planning Committee, need to recognise their role in reflecting the corporate priorities being set and collaboratively embed the 'golden thread' so that key decisions support the Council plan.</p> <p>The planning service needs to work with Planning Committee to help them reflect the corporate priorities being set and collaboratively embed the 'golden thread' in formal decision making.</p>
PCR3	<p>Restructuring to a smaller more focussed, highly trained committee, in line with PAS best practice. The committee should reflect the political balance of the council rather than individual ward representatives.</p> <p>This would address the perception of undue influence and probity matters as well as formalising the members roles and responsibilities in planning committee, separating the quasi-judicial role away from a ward member dynamic. The Planning Committee's role is to uphold the Council's planning policies and apply them consistently, at the moment the ward based approach does not achieve this.</p>
PCR4	<p>Review the processes for call ins to restrict them to necessary and justifiable matters.</p> <p>Review the protocols and scheme of delegation to focus on the more strategic and finely balanced applications introducing an additional checkpoint with officer sign-off to ensure only the most complex items which require democratic scrutiny are put before committee. The call in of items to be refused should be only used in very special circumstances of strategic importance and for sound planning reasons.</p>
PCR5	<p>Review the processes for deferrals to restrict them to necessary and justifiable matters.</p> <p>Committee deferrals are very high and lead to duplication of effort for officers and is at odds with approach contained within the customer charter. This is linked to the blurring of roles and responsibilities of councillors and officers, as well as undermining the 'one council' approach for clear lines of communication and service expectations. r</p>

PCR6	<p>Review of the committees public speaking format including a) introducing a ward member speaking slot, b) revising speaking slots to 3mins with an objector, applicant and ward member slot and c) tightly controlling or removing the questioning of speakers.</p> <p>The unusual practice of public speaker questioning is not tightly controlled. The questioning from committee members often strays into technical matters which should be directed to the officers. This current approach can add to the perception of bias and a lack of impartiality by councillors. The council should give serious consideration to removing the questioning of speakers or a tightening up of procedures which are understood by all. Whichever option is chosen by the council it is important that this is clear and transparent.</p> <p>Consideration should be given to making it a requirement of the member that calls in an application to register to speak at planning committee to support greater public transparency and probity. Where the member chooses not to register to speak within a set timeframe the item would divert back to officers to issue the decision under delegated powers. A good example of this existing practise is found in current protocols at London Borough of Croydon.</p> <p>The PAS national survey found a national conformity with public speaking and the council may wish to take this opportunity to a standardised position, especially as the Planning and Infrastructure Bill introduces a more focussed committee format nationally. The Council should consider moving to a 3min speaking for a single objector/applicant. The council should introduce a dedicated ward member speaking slot of 3 or 5mins.</p>
PCR7	<p>Review the councillor code and planning committee protocol for declaring interests and ensure its implementation with a programme of training.</p> <p>The process for declaring member interests or links to applications is not consistent and is reinforcing a perception of uncertainty around councillors' ethics and probity. It is essential that Members of the Planning Committee, as well as anyone else taking part in the meeting such as Planning Officers, are clear whether they have any disclosable pecuniary interests and other significant interests' in the items being discussed. These interests need to be declared and, if necessary, it might exclude participation in the decision making process. Therefore, it is really important that strong protocols cover this issue of probity so that Members and officers are clear what action, if any, they need to take.</p>
PCR8	<p>The council should bring forward a succession plan for the chair and should start with the following:</p> <ol style="list-style-type: none"> 1. Identifying the CPD needs of individuals, and the committee collectively, to support succession planning. 2. Skills and knowledge are increased through training, e-learning and other CPD. Shared learning to increase capacity through the committee, or one-to-one meetings. 3. It is possible to appoint more than one person to share the role of chair or vice chair. Councils regularly have chair/vice chair who alternate meetings to develop chairing skills. 4. Consider a fixed term approach to the chair position to create development opportunities for new chairs/vice chairs.
PCR9	<p>Planning committee needs to 'own' its performance and the impact of the decisions it makes on council resources.</p> <p>Officers should assist the Planning Committee in understanding the impact, resource implication and reputational impact from the decisions they make. The committee needs to own its data, its performance, the impacts it has on the service and the accountability for</p>

	<p>its decision including at appeals. We recommend regular monitoring reports and open discussion with planning committee about performance and outcomes, including appeal decisions related to committee decisions.</p> <p>Reflections on good and bad outcomes, policy interpretations, site visits and appeal results would ensure a consistent approach to decision making.</p>
PCR10	<p>A more robust Member training and engagement programme to develop knowledge and skills and support relationships with officers needs to be implemented</p> <p>There needs to be a comprehensive councillor training programme aimed at addressing this issue. This should be done collaboratively between planning, legal and democratic services and explore the issues of undue influence, probity, call-ins and declaring interest raised in this report. The council needs to deliver a training programme for committee members on ethics and processes for declaring interests. There should be a process in place to monitor the implementation of such a training programme. Elements of any training programme should explore opportunities for joint training with councillors and officers as a further way of building relationships across the service and committee. External facilitation of this training may be useful.</p>
PCR11	<p>The council should tighten up and formalise the introduction, running and voting procedures of committee.</p> <p>Small changes to the introductions processes, identifying individuals and recording the vote will improve clarity of meetings and will improve the transparency of decision making for those observing in-person and online.</p>

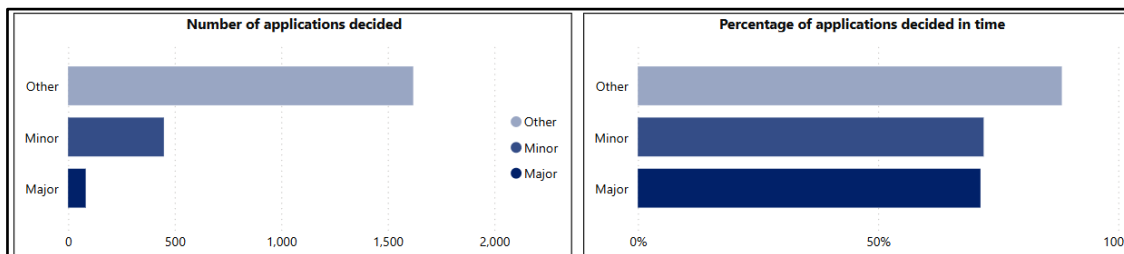
4. Vision and Leadership

- 4.1. The Council has shown their faith in the planning service though making more resource available to aid fixing the backlog of planning applications, driving improvement and innovation within Development Management and progressing the policy work of the service. The new Chief Executive and Leadership team have been clear to articulate, establish and deliver the strategic direction and priorities for the council and sees the role of the planning service as a key driver for delivering them, and the service fully embraces this.
- 4.2. The Council has worked hard to establish its strategic direction and priorities through both the Council Plan (2025-2029) and the 'We are Walsall 2040 Borough Plan' which have full endorsement by Councillors, CMT and officers as the direction of travel for the service. The clear and demonstrable vision for the borough is penetrating through the organisation and improvement is at the heart of everything the council does. This is demonstrated with the Council being awarded the 'Most Improved Council' at the Local Government Chronicle awards 2024 where the judges commended Walsall for its substantial improvements, driven by the Council's Proud Programme which has transformed the Council's service delivery across all areas of the organisation using digital improvements. The peer team considers the award well deserved and heard that the digital improvements in the Planning service related to data, insights and workforce were included in the accolade. This report will cover the impact of those specific improvements later on.
- 4.3. Senior Leadership have communicated the expectations and priorities for the service and this is clearly filtering through the planning team. Whilst it was demonstrated that officers understand their role in delivering the strategic priorities for the council, they need support to defend the Council's adopted policies and to strive for high quality schemes. The service will need to continue its good work on aligning council ambitions and regeneration opportunities when dealing with planning applications.
- 4.4. There is a need for further work to manage relationships with key developers and partners and there needs to be a focus with defined channels of communication developed creating a "one Council" approach. There should be a clear process for approaches or complaints received via either CMT or Councillors to be directed through the appropriate channels with the full support and compliance by CMT. The council needs to develop clear processes for working with key partners, investors and developers, so communications are clear and consistent and signed up to by all parties. There is scope for more positive comms regarding the planning service and delivering the Walsall is 'open for business' message.
- 4.5. Planning is a crucial enabling function for the strategic priorities of the Council, and this is well understood by officers across the service; however this message should be strengthened for parts of the wider directorate and council services that interact with Planning. The service is high performing and is on the cusp of excellence – but this is not understood by all and wider corporate buy-in is needed for evolution of the service.
- 4.6. Good planning is about delivering the right outcome – Council priorities are set out in the fully supported Council Plan. Members, including Planning Committee, need to recognise their role in reflecting the corporate priorities being set and collaboratively embed the 'golden thread' so that key decisions support the Council plan. The planning service needs to work with Planning Committee to help them reflect the corporate priorities being set and collaboratively embed the 'golden thread' in formal decision making.

- 4.7. The Council has recognised the importance of Planning by investing in the improvement journey since the 2021 Planning Peer Challenge. The Planning Road Map is very successful in communicating excellence and embedding the vision of the council into the day-to-day running of the service. The success of the improvement journey in Planning should also be communicated to those wider services, councillors and the wider public. There are high levels of staff engagement and professional dedication, and Planning should be rightly proud of the substantive improvements and the high performing service it is. This could be better communicated to internal and external stakeholders. This communication to services that touch Planning, such as those in the directorate and consultees, will ensure that the Council develops a 'one Council' approach. Regeneration ambitions and council development schemes are impressive and the Planning service plays a positive and pivotal role in achieving corporate aims.
- 4.8. All parts of the council need to be aligned and pulling in the same direction to support the service and facilitate its improvement from high-performing to excellent. Wider corporate services and teams should be supported to assist Planning in an effective and timely way. The council needs to work to foster a 'culture of togetherness' and 'one council' approach which is evident to residents, applicants, developers and key partners. The Council should review internal consultee processes and prioritise specialist input to planning applications, ensuring specialist teams have sufficient resources to provide timely advice with a focus on facilitating development.
- 4.9. Throughout the review the team have found engaged and happy staff from across the service, who have communicated a consistent pride in the area and a strong desire to get stuff done. There are high levels of professionalism, with a commitment to deliver a good service. At the senior leadership level, as with other areas of the service, officers are respectful and supportive of the other officers. During the review all stakeholders including Councillors, officers, external partners, CMT and other service heads speak very highly of the work of the Head of Planning & Building Control.
- 4.10. Councillors are engaged in the planning process and are proud of their place. Generally, trust and respect between members and officers is reasonable, but to have a truly excellent planning service, in areas, this needs to be improved. A clear distinction between the roles and responsibilities of officers and members in the planning process needs to be defined, documented, understood and respected by all. At present there is a blurring of roles and responsibilities which firstly has led to the role of the officers as technical experts being eroded and secondly, members misunderstanding their role at committee to determine the application in front of them rather than negotiate a planning application. As referenced above the council should develop a clear process for dealing with approaches and engagement with key partners, investors and developers, so that communications are clear and consistent and signed up to by all parties. The Council should quickly review the planning protocol within the Constitution looking at best practice examples setting out the clear roles and responsibilities for officers and Councillors in the planning process.
- 4.11. The member training programme is in place and covers the basic needs. This should be developed further and would be a good opportunity for members and officers to work through issues together. There is an opportunity for legal, democratic services and planning to deliver a consistent and comprehensive programme of training on probity, predetermination, declaring interest, the wider ethics of public life and transparency in decision making.
- 4.12. The Local Plan will be a key document for the Council, and will need full resources, with involvement and buy in from Councillors and Officers alike.

5. Performance and Management

- 5.1. The service is performing well against the national planning performance regime for speed and quality of planning decision making, with a very low number of complaints. Over the time period, 2022/23 – 2024/25 the service has a record of granting 86% of the applications processed, with 84% decided 'in-time' comfortably meeting the national thresholds for speed of decision making.



Source: MHCLG Return Figures 2022-2024

- 5.2. The service has managed the reduction of the backlog of planning applications (down by 67%) whilst maintaining performance levels and was supported by the Council with access to extra resources to achieve this. The hard work to fix the backlog of applications has been widely recognised during the review and the Council and hard work of the Development Management service should be commended for this.
- 5.3. Like many Planning Services, Walsall is using 'extensions of time' (EoTs). EoTs are an agreement with customers to extend the planning decision-making time beyond statutory minimums - effectively an 'agreed delay'. The 2021 Planning Peer Review which found extensive use for all developments, with between 95% - 100% of major and minor development relying on an EoT to make a decision in-time. Reliance on EoTs has significantly reduced. The council are achieving between 70% of decisions being issued without an EoTs within time. The council presented data to show that between 30-60% of all applications are determined without an EoT, depending on the time frame reviewed. The latest figures of 60% (not yet reported in published statistics) this is considered exceptional when benchmarked nationally. Further work on EoTs usage is needed to ensure they are being limited to major developments which naturally have more complexity and the need for officers to negotiate. We recommend an extension to the Planning Performance Agreement approach would further improve efficiency and be a useful project management tool for major schemes fostering key relationships with partners.

Total	Total decisions (all)	Total granted (all)	Percentage granted (all)	Total decisions (exc PAs)	Total decided in time (exc PAs)	Percentage decided in time (exc PAs)	Total decisions (PAs only)	Total decided in time (PAs only)	Percentage decided in time (PAs only)	Total decided in time (all)	Percentage decided in time (all)
Total	2,574	2,201	86%	970	683	70%	1,604	1,467	91%	2,150	84%
Major	115	85	74%	27	7	26%	88	75	85%	82	71%
All other developments	29	18	62%	9	1	11%	20	17	85%	18	62%
Dwellings	54	37	69%	15	3	20%	39	32	82%	35	65%
General industry/storage/warehousing	22	22	100%	2	2	100%	20	18	90%	20	91%
Offices/R&D/light industry	0	0	-	0	0	-	0	0	-	0	-
Public service infrastructure developments	0	0	-	0	0	-	0	0	-	0	-
Retail and services	10	8	80%	1	1	100%	9	8	89%	9	90%
traveller caravan pitches	0	0	-	0	0	-	0	0	-	0	-
Minor	624	464	74%	206	83	40%	418	366	88%	449	72%
Other	1,835	1,652	90%	737	593	80%	1,098	1,026	93%	1,619	88%

Source: [MHCLG Return Figures 2022-2024](#)

- 5.4. Caseload management and individual caseloads using data analytics (PowerBI), is exceptional and the team are able to be hyper performance focused. Planning officers benefit from the task flow work streams and the system enables the service to direct efforts to the work priorities. There is excellent communication around performance within the team. Caseloads are manageable, at around 30-40 per officer – this is significant improvement from the backlog period of pre-2023 where caseloads of 80-90 were common. The update to the APAS software will help move the service forward and should be actioned immediately, including the responsible AI validation tool.

- 5.5. The service has an expanded pre application service and a charged for cross-service Development Team approach, this complements a 'one revision' policy for householder applications contained within the customer charter. These initiatives are resulting in better quality applications and reducing the amount of wasted effort to negotiate unsuitable applications. The Council should capitalise on the success of the pre-application/PPA offer and expand the Development Team approach to encompass cross-directorate support e.g. the inclusion of Legal, Highways and other internal specialisms, this will assist with ensuring that developers opt to use this new service and build on positive service experience and use PPAs as a tool to facilitate proactive engagement with applicants for major schemes.
- 5.6. The Council has recently undertaken its first Planning Performance Agreement which is in place with Walsall Housing Group (WHG), the biggest housing provider of affordable housing within the borough. There are excellent relationships between the Council and Walsall Housing Group. We heard there is a high level of external and internal satisfaction with the service and the resources provided; with individual officers highlighted for their professionalism. However, the PPA only applies to resources within the development management service and does not account for any internal specialist input. A Planning Performance Agreement (PPA) offers several benefits, including improved communication, clearer timescales, and better resource utilisation, ultimately leading to more efficient and transparent planning processes for complex projects. PPAs can contribute to better quality development and places by facilitating early engagement and addressing potential issues; applicants have the opportunity to work with the council to shape the process. By expanding the use of PPA's to other development partners and key complex projects the Council can benefit from achieving better quality developments, better working relationships and embed the 'open for business' message with its key delivery partners. We recommend the council review internal consultee processes and prioritise specialist input to planning applications, ensuring specialist teams have sufficient resources to provide timely advice with a focus on facilitating development.
- 5.7. There is a lot of potential for the existing pre-application and PPA offer to become an excellent example of best practice nationally through commercialisation and cost recovery for the service. The recently laid Planning and infrastructure Bill proposes a locally setting planning application fees which will most likely use a cost recovery model and we recommend this should apply to the Council's discretionary services.
- 5.8. The Walsall Council Customer Charter is excellent and sets clear expectations for the services and its customers. We heard it needs to time to embed with the public and developers, this could be improved via corporate and councillor 'buy-in' for the charter as well as additional external communications.
- 5.9. There is regular communication between Planning and Regeneration, leading to recognition of the pivotal role the service has played in the delivery of high-profile development projects, such as the Sparks development. There is a clear understanding of the pipeline of projects coming forward including at Willenhall. Whilst service has been on an improvement journey, further success to an excellent service is impeded by a lack of 'buy-in' and resources to the improvement journey by other parts of the directorate and wider council.
- 5.10. There is scope for more clarity about how the planning service and senior management can support the wider corporate priorities for regeneration whilst managing expectations for applicants. Officers understand the quality of service needed for majors compared to householders. However, there is scope for concentrating the services recognition of the potential reputational impacts if not proactively keeping applicants updated and the importance of

prioritising significant schemes. There has been good work to date to improve the service in terms of officer empowerment to take responsibility for driving cases forward and driving the right cases forwards but there is more work to do to transition from high-performing to excellence. The service should capitalise on its successful pre-application offer and it will be important to channel use of PPAs going forward. This will be hugely supportive in major projects or large-scale regeneration and will link to the 'one council' approach in Recommendations 2 and 4.

5.11. Regular performance updates are shared with members, plus regular meetings with the Chair and portfolio holder to discuss planning performance. However, a number of key messages are not filtering through to Planning Committee, namely the improvement in performance, the work to limit EoTs, or the customer charter approaches. Performance and statistics around decisions and appeals, especially committee performance is not communicated frequently enough to members and the wider council. We recommend regular monitoring reports and open discussion with planning committee about performance and outcomes, including appeals. This will be covered in more detail further in the report.

5.12. We heard some conflicting messages about approach to negotiations and amended plans and that not all councillors are fully on board with the limited negotiations approach contained within the customer charter and are encouraging officers to make exceptions. This was especially referenced for committee deferrals to allow more time to resolve issues but leads to duplication of effort for officers. This is linked to the blurring of roles and responsibilities of councillors and officers, as well as undermining the 'one council' approach for clear lines of communication and service expectations. We recommend that the Council embeds a 'one council' approach, increases councillor buy-in to the customer charter and reinvigorates the councillor enquiry system, in combination these recommendations will be effective in redressing the balance of roles and responsibilities within the service.

5.13. The view from officers is that hybrid working works well and enables officers to work more effectively, with improved productivity. The councillor view is the opposite, and members expressed a disconnect from officers. We heard that the councillor inquiry system is ineffective or not being used. Communication between officers and councillor requires improvement and will help the council establish a clear distinction between the roles and responsibilities of officers and members in the planning process. Passing all inquiries through an audited clear system will reinstate officers into the Planning technical role.

6. Stakeholder and Community Engagement

6.1. The planning service offers an opportunity for greater partnership working across the council with external partners. There are existing strong and meaningful relationships between internal & external partners and key officers in the Planning Service. The service understands its role in delivering for partners and achieving growth – it is open for business. There is a strong feeling by stakeholders that the council is serious and ambitious in driving forwards its regeneration agenda and respect the significant improvement in service delivery since the previous Planning Peer Review. Some external stakeholders have commented that frequent changes of Case Officers could affect clear communications, we recommend that this view should be considered as part of the improvement journey and the work the council has done to stabilise the service and bring in case management improvements. We heard the existing developer/agent forum has waned in attendance, we recommend the council re-energise this as to both communication successes but also as a useful tool for testing emerging evidence base of the Local Plan, particularly around viability and future policy obligations.

- 6.2. Plan production is currently working well but there is a tight timeframe to achieve the Government's deadline of December 2026 for submission for examination. It is currently not clear how councillors, other than the cabinet member, are engaged in the process of Local Plan production. We recommend the council review the engagement strategy for the Local Plan to ensure all stakeholders can take a meaningful role in its preparation as well as establish a councillor steering group to formalise councillor engagement in the Local Plan.
- 6.3. This vital project needs buy in from all concerned. We recommend the council review the development management and internal consultee processes to prioritise specialist input to the Local Plan, ensuring specialist teams have sufficient resources to provide timely advice with a focus on facilitating the Local Plan timetable. The Council needs to ensure it has sufficient specialist resources available for both aspects: informing planning decisions and pre-app advice; and informing the Local Plan. Expanding the use of PPAs may assist, providing that the PPAs include cost recovery for specialist officer input.
- 6.4. We heard that stakeholders and the community need to have confidence that applications called to Planning Committee are considered fairly and impartially. There is a perception that this is not always so. This will be covered further within the report.

7. Planning Committee

- 7.1. The review team watched two in-person Planning Committee meetings on 6th February and 6th March 2025, as well as a large number of online meetings (March, April, June, July, September, October, November 2024 and January 2025). The peer team observed a range of items varying in development scales and typologies. The review team observed a number of different officers and chairs/vice chairs across the meeting timescales. The team reviewed key documents and supporting material produced by the council on Planning Committee performance, outcomes of its decisions and a large number of officer reports and presentations. The team undertook interviews from 5th to 7th March 2025 with councillors, senior managers, and staff from both inside the planning service and other parts of the council, external consultees, developers and agents. The team also held a workshop with the Planning Committee to which all 21 committee councillors were invited.
- 7.2. The review concluded that officer reports and presentations are concise and well-balanced, presenting the consideration of the planning balance in a logical manner drawing to a conclusion and recommendation. The reports and presentations are factual and do not present a biased or leading view. Presenting Officers are clear, professional and respond well to questions. We heard that some councillors would prefer officers to be physically present when presenting items but the peer team did not observe any reduction in the quality of officer presentation when attending remotely. However, in the re-establishment of roles and responsibilities between officers and councillors, the council may wish to consider if the responding to questions and drawing councillors' attention to the salient points could be best achieved, in some circumstances, with officers attending wholly in-person for items.
- 7.3. Generally, councillor and officer relationships are good, however there is room for improvement to assist the service in transitioning to excellence. Overall, councillors are passionate and engaged and there is a wealth of knowledge and experience held by councillors on the committee, and the current chair is recognised as having in-depth knowledge of the borough.
- 7.4. Throughout the review, we consistently heard concerns about the impartiality and probity of the planning committee was in question. Challenges remain in Planning Committee operations,

stakeholder engagement, and better aligning planning decisions with corporate objectives. Planning Committee is a high-profile meeting representing the council; however, there is an internal and external perception of undue influence and suspicions regarding probity. This perception negatively impacts the council's reputation and overshadows the planning service's improvements and the council's 'open for business' stance.

- 7.5. The Council must address this perception, and the Planning Committee requires a fundamental overhaul. A unified approach between officers and members is essential to address ingrained behaviours. Resolving these issues is crucial for solidifying Walsall's reputation as an efficient and transparent high-performing planning authority. This report will pick up a number of recommendations pertinent for planning committee.
- 7.6. This report and the recommendations draw on the PAS national survey findings and the Government's direction of travel on modernising planning committees. These recommendations should be borne in mind as the committee is reviewed.

Planning committee purpose

- 7.7. The officer role as the technical expert is not always prominent at meetings and there is a blurring of roles between councillors and officers which needs to be rebalanced to reflect the quasi-judicial function of the committee. There is a commonly held perception that councillors almost act as planning agents and have discussions outside of the formal application and committee process. We heard from multiple sources that if applicants are unhappy, the tendency is to go straight to the Chair or planning committee councillors to intervene. The peer team consider that the committee is frequently unclear that it is its role to determine the application in front of them and it is not for them to negotiate a solution either during the committee meetings or outside the formal process.
- 7.8. We observed a number of committee meetings when speakers, councillors on the committee or the chair were seeking to act as technical experts, interjecting frequently, and putting forward anecdotal or subjective evidence on technical matters and undermining professional view on the levels of harm, or mitigation measures. This frequently resulted in councillors, or public speakers, deferred to as the 'experts' during questioning or debate. We also observed a number of incidents when councillors questioned their officer's professionalism. This nature of debate leads to negative perception and is not seen as the council being open for business.
- 7.9. Planning committee is not operating as a positive shop window to show it is open to business, with refusals and overturns being showcased. We also heard from external stakeholders that councillors can be over friendly during meetings with developers/agents when officers are present giving a perception of bias. At present there is a blurring of roles and responsibilities; with the role of the service as technical experts being eroded and secondly, members misunderstanding that their role on the committee is to determine the applications in front of them rather than negotiate planning applications. As referenced above, the council should develop a clear process for dealing with approaches and engagement with key partners, investors, applicants and developers, so that all communications are clear and consistent and signed up to by all parties. The Council should quickly review the planning protocol within the constitution looking at best practice examples setting out the clear roles and responsibilities for officers and Councillors in the planning process. Councils have different approaches to involving councillors and the general public in pre application discussions, which are applicable to other councillor interactions, and it is important that this is clear and transparent. Councils that cover this area well include
- [Bracknell Forest](#) - Section 9 of the protocol relates pre application involvement to the NPPF, explains how developers can engage and how councillors can express their views at

pre application stage. Section 10 sets out the process for councillors attending exhibitions and presentations.

- [Cotswold](#) - section 3.4 of the protocol sets out the constraints that councillors are under when being involved in pre application discussions and sets out the need for officer guidance.
- [Ribble Valley](#) - section 3 of the protocol sets out the importance of impartiality for members of Planning Committee and the need for a clear audit trail.
- In addition further best practice can be found on the separate PAS webpages that cover [pre applications and PPAs](#)

7.10. A well-managed Planning Committee that makes sound, defensible planning decisions is dependent on councillors who understand the Planning and decision making process and officers who can provide the councillors with the advice they need to make those decisions. In particular, it relies on mutual respect and trust between the officers and the committee. This respect and trust does not simply happen because it is stated in the codes, but the code will set out a framework on how councillors and officers work together.

7.11. The following councils are particularly good at explaining this relationship.

- [Harrow](#) - section 4 of the protocol sets out a very helpful checklist of the Member role and the officer role.
- [Wolverhampton](#) - section 3 of the protocol provides an alternative, but equally relevant checklist of the Member and officer role.
- [Trafford](#) - paragraphs 3.8 - 3.10 of the protocol have particularly helpful guidance for officers at Planning Committee.

7.12. Officers should take a more 'front and centre' role at committee meetings with questions and clarifications coming to officers first. The committee must work on deferring to officers for technical responses for questions as this will build confidence, trust and skills in officers and councillors alike. Following questioning of public speakers, officers should be permitted to resolve any issues or points of clarification needed arising from the questioning of public speakers. The lead planning officer should be given the opportunity support the chair/vice chair in bringing the committee's attention to the relevant policies. Following the debate the committee should return to officers for a final summary before the vote. This report also makes recommendation on public speaking later.

7.13. Councillors need to recognise the planning service as a high performing service and see their role in the wider objectives and enabling strategic priorities. We observed councillors bringing localised ward issues to big strategic decisions at Planning Committee meetings. There is also a need for committee to 'own' its performance. The council provided the peer team with statistics of committee overturns from officer recommendations and the outcome of subsequent appeals, see Box A.

Box A. Key decision-making headlines

- Over 50% reduction in number of applications reported to planning committee following updated scheme of delegation in Oct 22.
- 95% applications determined at delegated officer level, 5% at planning committee. This proportion also applies from Oct 22.
- 68% of all applications reported to planning committee are small-scale developments.
- 77% of all member call-ins relate to small-scale developments.
- 49% of all applications reported to planning committee result in member overturns, contrary to officer recommendation.

- 26% of all applications reported to planning committee result in a deferral.
- 81% of all appeals against officer decisions are dismissed by PINs (showing quality of delegated decision-making and our ability to defend our adopted policies).
- Conversely 88% of all appeals against planning committee decisions are allowed by PINs.
- £0 appeal costs awarded against council arising from delegated officer decisions.
- £66k appeal costs awarded against council arising from planning committee overturn

7.14. This data showed that items going to committee have a 49% likelihood of having an overturn from officer recommendation, this is abnormally high when benchmarked nationally where overturn rates of 10% or under are considered within the normal range. The data also showed that where committee refusals were appealed by applicants that 88% of appeals were dismissed by the Planning Inspectorate, thus flipping back to the original officer recommendation. These levels are not replicated when officers make decisions.

7.15. When this data was discussed during interviews and a workshop with councillors, they seemed unaware of their performance and role in it. Planning committee is not aware of the impact of the decisions it makes on council resources and performance. Officers should assist the Planning Committee in understanding the impact, resource implication and reputational impact from the decisions they make. The committee needs to own its data, its performance, the impacts it has on the service and the accountability for its decision including at appeals.

Planning committee – structure and format

7.16. The committee is abnormally large, [when benchmarked nationally](#), and gives the perception members are operating as ward members rather than the Local Planning Authority on a quasi-judicial committee. The current committee has 21 councillors sitting, each nominated from a ward. The PAS national survey found that only 3% of councils have committees of over 15 councillors sitting, with some of the highest reported as between 20 -23. Over half of all councils have between 9-12 members and thus making Walsall a significant outlier nationally. PAS best practice advocates for a committee of 9-12 members as the optimum for effective debate and scrutiny of applications. The Planning and Infrastructure Bill indicates the Government's intention to mandate the size of planning committees with an emphasis on a smaller, more focussed format. It is unlikely that a committee of over 20 sitting councillors will fit either best practice or any mandated size. We recommend the Planning Committee review its structure and format to both improve effectiveness and address perceptions of undue influence. We recommend considering restructuring to a smaller more focussed, highly trained committee, in line with PAS best practice. This is likely to mean that the committee should reflect the political balance of the council rather than individual ward representatives.

7.17. The committee's large size contributes to the perception members are operating as ward members rather than as the Local Planning Authority in a quasi-judicial position. Another very visible observation was the level to which Members considered an item based on very local issues. This is perhaps inevitable when the committee is based on representatives from each ward geographic boundaries. Councillors appeared proud to speak on very local issues to support their local ward constituents. Whilst this is completely appropriate behaviour for a ward councillor who wishes to speak for their local residents, it is not appropriate for councillors of a Planning Committee who must consider an application based on the needs of all residents in the council area and not just the local ward constituents, applying council policy consistently.

7.18. This emphasis by councillors towards very local considerations could be a cause for challenge by an aggrieved party and adds to the widely held perception of a lack of impartiality.

We heard that at Planning Committee there are more overturns between November to May which coincides with the re-election of committee members from wards into their committee roles. The structure of the committee, at present, does not have a clear or regularly used route for ward members to bring the 'community voice' to committee meetings. We observed that ward member speakers were not always present for committee items and that any ward member wishing to speak has to take one of the public speaking slots. The council should consider, through the review of its public speaking format, introducing a dedicated ward member speaking slot.

- 7.19. Most councils have a process whereby ward councillors can speak at the Committee either as an objector or supporter of a proposal. Most codes include some reference to ward councillor responsibilities and speaking options at Planning Committee. Plymouth's protocol is a particularly good example of providing clear and comprehensive guidance to ward councillors.
- 7.20. As recommended above, in restructuring to a smaller more focussed, highly trained committee, the council should consider moving to a committee based on reflecting the political balance of the council and away from a ward member dynamic. This would help address the perception of undue influence and probity matters as well as formalising the members roles and responsibilities in planning committee, separating the quasi-judicial role and the firmly establish the 'community voice' at committee meetings via a dedicated ward member speaking slot.
- 7.21. We recognise the significant improvement in meeting agenda lengths and meeting times from the changes to the scheme of delegation since the 2021 Planning Peer Challenge. However, this has not tackled some of the behaviours and format of committee which make Walsall an outlier nationally. Call-in rates are very high (when benchmarked nationally) and the rate of call-in for items with an officer recommendation for refusal is much higher than the peer team expected to see. The rationale for the call-in being in the public interest isn't always articulated.
- 7.22. Councillors have a form to complete when calling in an item and are required to select the planning reason from a list, the list contains very generic terms. This appears to allow any item to be called-in with very little justification of the rationale. This is again contributing to the perception that councillors are calling-in with undue influence and impropriety. We recommend that the council review its processes and that both call ins and deferrals should be restricted to necessary and justifiable matters.
- 7.23. The council must review the protocols and scheme of delegation to focus on the more strategic and finely balanced applications utilising the agenda setting meeting for this process. The PAS national survey found that a common feature in councils nationally is to have an additional checkpoint for items called in, this tends to be via agreement between the chair/vice chair and head of service/chief planner or a panel meeting of committee councillors and officers. This additional checkpoint to set the agenda ensures only the most complex items which require democratic scrutiny are put before committee.
- 7.24. The peer team were presented with data showing which councillors had called in particular applications and this is also presented on the committee report front sheets. This transparency over call-ins is considered helpful. It was noted that call-ins can be from any councillor and not just those from the ward for which the application relates. We recommend a tightening up of this process, [Croydon Council in their constitution](#) require councillors from the relevant ward to facilitate the call-in, and then if the councillor does not register to speak as ward member on that item then the decision is delegated back to officers.
- 7.25. Most councils have a councillor referral process to Planning Committee. It is really important that this is explained clearly to councillors so that they can follow the correct procedure

and assist their ward residents. Normally there are restrictions in the referral process with regard to timeframes and reasons for referral. The following councils follow best practice in explaining this procedure in their protocols.

- [Cotswold](#) - paragraph 2.3 of the protocol explains the procedure in detail and includes a helpful flowchart to help councillors.
- [Kirklees](#) - paragraphs 11.10 - 11.11 of the protocol set out in detail the procedure to follow for a ward councillor to refer a matter to Planning Committee and helpfully cross references this with the section on material and non material considerations. It also explains the process if a councillor wants to speak as a ward councillor and be a Member on the Planning Committee.
- [Lichfield](#) - appendix 3 of the protocol sets out a very clear councillor request form that needs to be followed for a councillor to refer a matter to the Planning Committee.

7.26. The council will need to keep a close eye on the emerging details of a national scheme of delegation, following the Planning and Infrastructure Bill making its way through Parliament and any changes to the ability of ward member to facilitate call-ins.

7.27. Public speakers questioning is not as tightly controlled as it could be. The questioning often strays into technical matters which should be directed to the officers. This approach can add to the perception of bias and a lack of impartiality by councillors. Public speaking at Planning Committees is now a normal practice. However, councils vary in how they allow the public to speak at committee. Sometimes the committee will allow councillors to ask questions of the speakers and at other committees speakers are simply allowed to speak for a set time (normally 3 - 5 minutes) and then cannot take any further part in the debate.

7.28. Walsall currently allows questioning of speakers, which the peer team observed strayed into nonmaterial matters and diminished the officer role as technical experts in planning matters. The council should give serious consideration of removing the questioning of speakers or a tightening up of procedures for questions of clarification only. Whichever option is chosen by the council it is important that this is clear and transparent.

7.29. The following councils explain their processes well in the protocol.

- [Hammersmith and Fulham](#) - the council has a separate protocol on public speaking that sets out who can speak, how to register, the length of speaking time and the policy on presentation material
- [Stafford](#) - the council also has a separate protocol for speaking. It is more in depth than Hammersmith and Fulham and differentiates between Major applications and other applications. It also gives more detail on the conduct that is expected from speakers.
- [Plymouth](#) - paragraphs 11.9 - 11.14 of the protocol provide detailed guidance on the behaviour expected of speakers and actions the chair can take if s/he considers that the behaviour breaches the code.

7.30. The [PAS national survey](#) found a national conformity with public speaking and the council may wish to take this opportunity to adopt a standardised position, especially as the Planning and Infrastructure Bill introduces a more focussed committee format nationally. The survey found that 83% of councils allow a 3 or 5min speaking slot, normally restricted to one objector and one applicant. Over 50% of councils allow ward members a longer speaking slot, via a dedicated speaking slot, this tends to be for 5mins. The Council should consider moving to a 3min speaking for a single objector/applicant or perhaps 5min to be shared by two speakers to reflect the current process of two slots per viewpoint available. The council should introduce a dedicated ward member speaking slot of 3 or 5mins.

- 7.31. The peer team reviewed the Walsall Council 2021 Codes of Conduct for Elected Members taking into account the 2020 [LGA published Model Councillor Code of Conduct](#). The 2021 code sets out the Nolan principles and when councillors should declare interests, including those related to a financial interest or well-being of a relative or close associate. In relation to planning committee the Code then prohibits councillors from taking part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. This is in line with common practice. However, the perception of internal and external stakeholders is that the code is not upheld or consistently implemented. We recommend the council review the code and planning committee protocol, using the case studies referenced below. The matter of implementing the code and training is discussed later in this report.
- 7.32. The process for declaring member interests or links to applications is not consistent and is reinforcing a perception of uncertainty around councillors ethics and probity. It is essential that Members of the Planning Committee, as well as anyone else taking part in the meeting such as Planning Officers, are clear whether they have any disclosable pecuniary interests or other significant interests in the items being discussed. These interests need to be declared and, if necessary, it might exclude participation in the decision making process. Therefore, it is really important that protocols cover this issue of probity so that Members and officers are clear what action, if any, they need to take. Most councils cover these interests very well in their codes and the following have particularly good practice.
- [Plymouth](#) - section 4 of the protocol sets out in detail the differences between a disclosable pecuniary interests and other significant interests' and sets out clearly what action needs to be taken if a Member considers that they are affected by any of these interests.
 - [Thanet](#) - section 3 of the protocol sets out in great detail the definition of a disclosable pecuniary interests and other significant interests' and the actions that a Member would need to take if they had a disclosable pecuniary interests and other significant interests'.
 - [Bracknell Forest](#) - section 4 of the protocol gives a very helpful guide to who might reasonably be defined "Affected Persons".
- 7.33. An issue that councillors often find confusing is how to differentiate between someone who is pre-determined, pre-disposed or biased. Whilst a councillor who is pre-disposed to a view can still sit on a Planning Committee, a councillor who is pre-determined cannot take part. Therefore, it is important to understand this difference. The following councils explain this particularly well
- [Hastings](#) - paragraphs 22 - 29 of the protocol spell out very clearly and simply the difference between pre-determination, pre-disposition and bias.
 - [Kingston](#) - paragraphs 5.1 - 5.7 of the protocol explains the terms using a practical example and a simple diagram to reinforce the text.
- 7.34. Lobbying of Members of the Planning Committee regularly takes place prior to a meeting as applicants and other interested parties look to persuade the Committee of their point of view. Planning Committee Members are often unsure what to do with the lobbying material that they receive. The following councils provide particularly good advice to Members
- [Croydon](#) - paragraphs 6.2 and 6.3 of the protocol give very clear practical advice on what to do when Members are lobbied.
 - [Harrow](#) - paragraph 5.1 of the protocol gives advice to ensure that Members retain impartiality and integrity and are seen to do so.
 - [Tamworth](#) - section 4 of the protocol gives a very detailed explanation for Members on how to respond to various forms of lobbying.

- 7.35. There is a wealth of knowledge and experience held by councillors of the Committee, with members are passionate and engaged in their place. The Chair is very experienced which is acknowledged by officers and councillors; however this has created a 'single point of reliance' on their knowledge and a reliance on their Chairing skills. The planning committee works as a collective, with the chair as its leader. It is the chair's leadership that helps to achieve successful teamwork and a competent committee. The single point of reliance means that were the chair to no longer hold the position a leadership gap would be created. The council should bring forward a succession plan for the chair and should start with the following:
- Identifying the CPD needs of individuals, and the committee collectively, to support succession planning.
 - Skills and knowledge are increased through training, e-learning and other CPD. Shared learning to increase capacity through the committee, or one-to-one meetings.
 - It is possible to appoint more than one person to share the role of chair or vice chair. Councils regularly have chair/vice chair who alternate meetings to develop chairing skills
 - Consider a fixed term approach to the chair position to create developments opportunities for new chairs/vice chairs.
- 7.36. Members have a programme of training, which was reviewed by the peer team. The training programme covers the basics and updates to changes in national planning policy & legislation.
- 7.37. There needs to be a comprehensive councillor training programme aimed at addressing this issue. This should be done collaboratively between planning, legal and democratic services and explore the issues of undue influence, probity, call-ins and declaring interest raised in this report. The council needs to deliver a training programme for committee members on ethics and processes for declaring interests. There should be a process in place to monitor the implementation of such a training programme. Elements of any training programme should explore opportunities for joint training with councillors and officers as a further way of building relationships across the service and committee. External facilitation of the training may help in this regard.
- 7.38. The peer team noticed that the introduction and running of the meetings could be improved and that these improvements would assist in addressing the perception issues. The council should tighten up and formalise the introduction and running of committee. When viewing meetings online and in-person the team observed that the introduction to the meeting does not cover full introduction to the key staff members attending or the chair/vice chair. The introduction by the chair covered the basics but did not cover the overall purpose of the committee, its quasi-judicial nature or the running order of the meeting.
- 7.39. [Lichfield District Council](#) have a particularly good opening statement to the committee and viewers online which sets out the procedures in a clear and transparent way. The peer team observed that councillors do not have name plates, or sometimes forget to introduce themselves when speaking, which can lead to a lack of transparency especially around whether councillors are from the ward relevant to the application and in voting outcomes. The vote is conducted by a show of hands and is announced very quickly, without a verbalisation of numbers for against and abstained; this can be frustrating for public viewing online and adds to a perception of transparency concerns. This can be simply rectified and would benefit community perceptions for those dialling into meetings.
- 7.40. We heard that committee processes, especially around agenda setting, deferrals as well as decisions made at committee are negatively impacting on the services performance. Officers are having to produce reports and presentations for called-in applications which are not in the public

interest for committee to determine and aborted reports for deferred items. Often applications at committee have necessitated an extension of time therefore impacting the services good work in reducing their usage. The committee should be owning its performance on both the decisions it makes and appeals performance. The following councils hold post committee 'lessons learnt' meetings between Chair and lead officer: [Trafford Council](#), [London Borough of Camden](#), [London Borough of Hackney](#), [Bath and North East Somerset Council](#) The appeals data demonstrated that appeals against officer decisions are likely to be upheld, whereas committee decision have 88% overturned by the Planning Inspectorate. The peer team noted that to date the cost awarded against the council have been around £66,000 and that there is an ongoing high-risk of further costs awards. The council should consider providing officers with a delegated authority to decide not to defend an appeal.

8. Achieving outcomes

- 8.1. We found high levels of professional, engaged, committed staff. Officers feel empowered to have autonomy over processing applications and managing caseloads. The service would benefit from reassurance from CMT in its function where it is striving for excellence and further emboldening officers in their autonomy of decision making. The message that there is a 'no fear of failure' from management should be strengthened and the service will need CMT support to officers as they build confidence and in transitioning to excellence.
- 8.2. As previously stated, the council's regeneration activities are impressive, and the Planning service plays a positive and pivotal role in achieving corporate aims. The pre-application and PPA offer is strong and well liked externally, especially the development team approach. Linked to this, the PPA approach is considered excellent and promotes an 'open for business' message to external partners.
- 8.3. Achieving the delivery of homes in-line with the Governments growth agenda and the land supply position will have its challenges. The Council's 3 year supply of deliverable housing land is a cause of concern and can lead to speculative development and planning by appeal. The land supply and delivery position in the borough is challenging, yet the service is working proactively with key partners to address this and has an ambitious Local Plan timetable. The council, especially CMT, will need to be fully committed to the Local Plan and assisting the service across all functions in achieving excellence in the face of deliver challenges. The recommended move to a 'one council' approach will assist in this endeavour.
- 8.4. Unlike the 2021 Planning Peer Challenge Section106 matters were not raised with the peer team. In the absence of any triangulation this report cannot provide any comment or recommendations.
- 8.5. The service, alongside celebrating its successes and improvements, doesn't currently make time for reflection to ensure learnings and consistency of decisions are captured. This is perhaps due to the focus on improvement the service has undertaken. We recommend the service introduce a process to ensure learnings, on specific topics and application types, are communicated across the service. Reflections on good and bad outcomes, policy interpretations, site visits and appeal results would ensure a consistent approach to decision making is happening across the service.

9. Implementation, next steps and further support

- 9.1. We recognise that senior political and managerial leadership will want to consider and reflect on these findings.

- 9.2. To support openness and transparency, we recommend that the council share this report with officers and that they publish it for information for wider stakeholders. There is also an expectation that the council will develop an action plan to be published alongside the report.
- 9.3. Both the peer team, PAS and the LGA are keen to build on the relationships and the peer challenge process includes a 12-month check-in meeting to take place in March 2026. This will be a facilitated session which creates space for the council's senior leadership to update peers on its progress against the action plan and discuss next steps and any further support required.

A range of support from the LGA and PAS is available on their websites. This includes:

- helping with options for planning committee changes
- pre-app and PPAs
- training and development for members
- local plan project management

For more information about planning advice and support, please contact shelly.rouse@local.gov.uk

The LGA has a range of practical support available. The range of tools and support available have been shaped by what councils have told LGA that they need and would be most helpful to them. This includes support of a corporate nature such as political leadership programmes, peer challenge, LG Inform (our benchmarking service) and more tailored bespoke programmes.

Helen Murray, Senior Adviser is the LGA's focal point for discussion about your improvement needs and ongoing support and can be contacted at helen.murray@local.gov.uk

Appendix A – Progress on 2021 PPC Recommendations

Recommendation	Status
R1 The Leader and Executive's Vision for Walsall needs clearly articulating within an updated longer-term Corporate Strategy.	The council has successfully articulated the corporate priorities and direction of travel for the council and its Planning service.
R2 The development of the Black Country Plan can be a focal point for a more formal and joined up approach to place-making across the whole council.	Following the collapse of the Black County Plan, the Council has begun work on Walsall Local Plan. The council has undertaken a Call for Sites in September 24, and other evidence base is being progressed. The council is aiming for submission at the end of 2026. A recent Cabinet report set out the new LDS timeframe.
R3 Continue to strengthen the governance structure that gives Planning more control and better strategic oversight of major development schemes.	Planning & Regeneration teams are working closely together under the same directorate. Planning is playing a pivotal role in delivering strategic and major schemes.
R4 Establish an Agent's/Developer's forum, with an external chair.	The developer forum has been established.
R5 Re-establish and strengthen relationships with key strategic partners through the introduction of some new collaborative ways of working.	The Council has good relationships with key strategic partners and developers, and has developed a PPA with Walsall Housing Group.
R6 A review mechanism should be built into the restructure of the Planning Service to ensure that the objectives and outcomes it is expected to prioritise and deliver are linked to corporate priorities.	The service understands its role in delivering the objectives and strategic priorities of the council. The service is high performing and has performance reporting and use of Power BI.
R7 Delegate decision making among a greater number of staff.	A revised scheme of delegation adopted Oct 22 has widened the delegation powers, including sign off decisions.
R8 Embed process reviews and identifying efficiencies as part of the normal ways of working	The council has produced a customer charter and the introduction of processes and efficiencies.
R9 Work through the PAS Development Management (DM) Toolkit. as part of any ongoing process and service improvement work.	The council has reviewed and implemented where possible.
R10 Significantly reduce the reliance on Extensions of Time (EoTs)	The council has made significant in-roads into the reduction of EoTs.
R11 Update the enforcement plan, review resources, act on enforcement backlogs and prioritise new work	The council has reviewed the enforcement plan, which is in draft form. There has been some progress made on the enforcement backlog.
R12 Review the service level provisions of the for the outsourced legal work	The council are still working on how it outsources S106 work.
R13 Continue to roll-out systems for improving caseload management	The council anticipate a APAS software upgrade along with recently procured AI validator tool to be rolled out early 2025 which will further support caseload management.
R14 The service should adopt a more collaborative approach to negotiating on non-major applications.	The service is continuing to work collaboratively with the wider corporate services that touch planning.

R15 Consider extending the role of local Members in the decision-making process to resolve planning issues locally	The council has provided member training, a member newsletter and member enquiry system. There is further work to be done on establishing clear roles and responsibilities for officers and members.
R16 Committee practices and procedures should be kept under review to ensure an ongoing open and engaging experience for the public and to focus resources on the right types of development.	The 2021 amended constitution has yield benefits to the running of committee. There is significant work still to be done.
R17 Re-instate the Authorities Monitoring Report (AMR)	The council's AMR is now published annually.
R18 Introduce protocols for Member / Officer communications and foster a better understanding of between Members and Officers of their respective roles.	There is further work to be done on establishing clear roles and responsibilities for officers and members.