

Project Brief – Planning Service Review – Newport City Council

Audit year: 2023-24

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We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

Contents

Background.....	4
Legal basis.....	4
Audit objective.....	4
Audit question	4
Audit criteria	4
Audit scope	4
Audit methods.....	5
Output	5
Timetable	5
Audit Wales contacts	6
Fieldwork schedule	6
Document request	6
Interviews.....	7
Appendix 1 – Audit questions and criteria	10
Appendix 2 – Fair processing notice.....	14

Project brief

Background

- 1 The Auditor General has a duty under the Public Audit (Wales) Act to assure himself that the Council has put in place proper arrangements to secure value for money in the use of its resources. He also has to assure himself that the Council is acting in accordance with the sustainable development principle.
- 2 The planning service and the planning policy team are key services for a Council. The planning service manages the development and use of land in the public interest. It contributes to improving the economic, social, environmental, and cultural wellbeing of Wales. The planning service must reconcile the needs of development and conservation, securing economy, efficiency, and amenity in the use of land. Thereby, ensuring the sustainable management of natural resources and protecting, promoting, conserving, and enhancing the built and historic environment.
- 3 As part of our 2023-24 performance audit programme at Newport City Council (the Council), we will undertake a review of the Council's planning service to include planning policy, planning enforcement and the Planning Committee.

Legal basis

- 4 We are carrying out this audit under the duties/powers contained within Section 17(2)(d) of the Public Audit (Wales) Act 2004 and Section 15 of the Well-being of Future Generations Act (Wales) 2015.

Audit objective

- 5 Our objective for this audit is to gain assurance as to whether the planning service has proper arrangements to deliver value for money in its use of resources.

Audit question

- 6 This proposed audit will seek to answer the overall question: Does the Planning Service have proper arrangements to deliver value for money in the use of its resources?

Audit criteria

- 7 **Appendix 1** contains the audit questions and audit criteria. The development of the questions and criteria has been informed by our cumulative knowledge of our reviews at other Local Planning Authorities.

Audit scope

- 8 The audit will cover the following: the extent the planning service is supporting the Council in the delivery of its well-being objectives; the arrangements in the planning service to support

delivery of its objectives; whether there are clearly defined roles and responsibilities in the Planning Service, including the Planning Committee, and adherence to them; and how the planning service reviews and monitors the effectiveness of these arrangements. This audit will also review the performance of the planning service. This audit will not review planning application individual decisions.

Audit methods

- 9 We will be reviewing documents, observing Planning Committee meetings, and interviewing officers and members of the Council.

Output

- 10 When we have completed our audit, we will produce a report of our findings.

Timetable

Exhibit 1 shows the high-level timetable of the main audit stages.

Stage	Date
Issue project brief	January 2024
Issue draft output	April 2024
Issue/publish final output	June 2024

Publishing an output means uploading the output to the Audit Wales website.

Audit Wales contacts

Exhibit 2 sets out the Audit Wales team that will be working on this audit.

Name	Contact details
Audit Director	Gary Emery Gary.Emery@audit.wales
Audit Manager	Sara-Jane Byrne Sara-Jane.Byrne@audit.wales
Audit Lead	Ian Phillips Ian.Phillips@audit.wales
Senior Auditor	Allison Rees Allison.Rees@audit.wales

Fieldwork schedule

- 11 We will conduct our fieldwork in line with the organisation's stated language preference. We will make every reasonable effort to accommodate language preferences of individuals during the audit if we receive these at the point of setting up fieldwork.

Document request

- 12 We will undertake a review of the documents listed below. The list is not exhaustive and we may request additional documents during the course of the project. Where documents in the list below are publicly available, please direct us to their online location. Also, we would be grateful if you could provide us with any additional documents that you feel may be relevant to this work.

Exhibit 3: initial document request

Document title
<ul style="list-style-type: none">• Planning Committee Terms of Reference• Planning Service budget for 2022-23 and 2023-24 including end of year outturns plus any budget saving proposals for the Planning Service for 2022-23, 2023-24, and proposed for 2024-25• Regeneration and Economic Development Service Plan 2023-24• Planning Service’s Business Plan 2023-24 (or equivalent)• Relevant reports containing the Planning Service’s delivery and performance in the last two years including reports to Senior Leadership Team, Council, Cabinet, Planning Committee, Governance and Audit Committee and relevant Scrutiny Committee• Any customer and/or stakeholder surveys undertaken by the Planning Service• Outcome of any Planning Service reviews and/or restructures• Member induction materials on the role and responsibility of the Planning Committee including materials presented to non-members of the committee• Additional training materials for the Planning Committee• LDP Working Group (or similar) terms of reference• LDP Working Group agendas and meeting notes for previous 12 months• List of any complaints relating to the Planning Service since April 2022• List of major planning applications since April 2022

Interviews

13 **Exhibit 4** sets out the initial list of people we would like to interview during our work. We will contact you again to arrange mutually convenient dates and times when we begin the evidence gathering stage.

Exhibit 4: interviewees – via Microsoft Teams

Name	Title	Interview length
Council to insert name	Cabinet Member responsible for the planning service	1 hour
Cllr Mark Spencer	Planning Committee Chair	1 hour

Name	Title	Interview length
Group Interview: Cllr Tim Harvey, Cllr Mark Howells, Cllr John Jones, Cllr Malcolm Linton	Members of Planning Committee	1½ hours
Tracey Brooks	Head of Regeneration and Economic Development	1 hour
Andrew Ferguson	Planning and Development Manager	1½ hours
Joanne Evans	Senior Solicitor – Planning and Land	1 hour
Joint Interview: Joanne Davidson and Stephen Williams	Planning Managers: East area and West area	1½ hours
Neil Gunther	Senior Strategic Enforcement Officer	1 hour
Group interview: Paul Marshall, Ben Worrall and Lauren Arnold	Senior Enforcement Officers and Enforcement Officer	1 hour
Victoria Gee	Planning Policy Manager	1 hour
Alun Lowe	Planning Contributions Manager	1 hour
Laura Smith	Conservation Officer	1 hour
Joint Interview: Samantha Kremzer and John Gibson	Principal Policy Officer and Senior Policy Officer	1 hour

Name	Title	Interview length
Geraint Roberts (one vacant post)	Principal Planning Officer	1½ hours
Group interview: Council to select	Senior Planning Officers x 3	1½ hours
Group Interview: Lydia Burrows, Emma Brinkworth and Marnie Ostler	Planning Officers	1½ hours
Joint Interview: Parris Atwal and Ben Webster	Student Planners	1 hour
Diane Morgan	Technical Services Manager	1 hour

Appendix 1

Audit questions and criteria

Does the Planning Service have proper arrangements to deliver value for money in the use of its resources?

Level 2 Questions	Audit Criteria
1. Is the planning service supporting the Council in the delivery of its well-being objectives?	<ul style="list-style-type: none">• Senior Officers and Members understand the role of the Planning Service as a key enabler to support delivery of the Council's well-being objectives and this can be demonstrated.• Senior officers in the Planning Service are members of corporate/strategic groups to ensure the service is involved in corporate developments.• The Planning Service is well-connected to other Council services which support and advise on planning matters.• The Local Development Plan (LDP) is a relevant document which is adhered to and understood by those involved in planning decisions in the Council.• The Council has a clear direction for planning enforcement with resources aligned to deliver the Council's chosen intention.• The Planning Service including Planning Policy is resourced to enable the service to support the delivery of the Council's well-being objectives.

Level 2 Questions	Audit Criteria
<p>2. Does the Planning Service have arrangements to deliver its objectives?</p>	<ul style="list-style-type: none"> • The Planning Service has a business plan (or equivalent) with service objectives aligned to the Council's well-being objectives which are understood by those involved in the Planning Service. • The Planning Service has set out how the service business plan will be resourced over the medium to longer term as far as is practical (eg plans to support developments such as Developments of National Significance and the Replacement LDP etc). • The Planning Service has performance measures including baseline data, targets and milestones that reflect progress as appropriate, which planning officers understand. • The Council understands the reasons for its Planning Service performance and takes action to manage the performance. • The Planning Service has effective internal communication including regular team meetings within the service. • There is a supportive culture to address any differences of professional opinion when determining planning applications and planning enforcement cases. • There are positive working relationships with consultees (statutory and internal). • The Planning Service has a planning system (IT) which supports delivery of the service.

Level 2 Questions	Audit Criteria
<p>3. Does the Planning Service have clearly defined roles and responsibilities which are adhered to?</p>	<ul style="list-style-type: none"> • There is a clear terms of reference for the Planning Committee. • The Council has a planning committee protocol (or equivalent) containing a code of conduct and planning committee procedural arrangements which officers and members understand and adhere to. • Planning Committee members and planning staff receive appropriate training and support to understand the service objectives, planning policies, the role of a committee member and planning committee procedural arrangements, and this is updated when required. • The Council guides non-Planning Committee members on local and national planning policies and committee procedural arrangements. • The Council has a clear and transparent scheme of delegation which is adhered to. • The planning service has clear and transparent processes for determining planning applications. • The Planning Service clearly identifies risks, opportunities and a clear rationale for any planning application decisions made against professional officer advice, and this is recorded.

Level 2 Questions	Audit Criteria
<p>4. Does the Planning Service review and monitor the effectiveness of its arrangements?</p>	<ul style="list-style-type: none"> • The Planning Service demonstrates how it involves staff and key partners in designing future service delivery. • The Planning Service uses complaints and compliments (both internal and external) to improve. • There is a supportive culture of learning and development for planning staff and Members which is regularly reviewed. • The Planning Service and Planning Committee have a culture of continuous development and observe best practice from other Local Planning Authorities. • The Planning Service can demonstrate it works with support services such as legal services to review and monitor its arrangements and conduct. • There are arrangements for the Planning Service to report its performance against its objectives and the Council’s wellbeing objectives to senior management and members.

Appendix 2

Fair processing notice

Date issued: January 2024

Auditor General for Wales – Privacy Notice

This privacy notice tells you about how the Auditor General for Wales and staff of the Wales Audit Office process personal information collected in connection with our work.

Who we are and what we do

The Auditor General for Wales' work includes examining how public bodies manage and spend public money, and the Wales Audit Office provides the staff and resources to enable him to carry out his work. 'Audit Wales' is a trademark of the Wales Audit Office, and is the umbrella identity of the Auditor General for Wales and the Wales Audit Office.

Data Protection Officer (DPO)

Our DPO can be contacted by telephone on 029 2032 0500 or by email at infoofficer@audit.wales

The relevant laws

We process your personal data in accordance with data protection legislation, including the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (GDPR). Our lawful bases for processing are the powers and duties set out in the Public Audit (Wales) Acts 2004 and 2013, the Government of Wales Acts 1998 and 2006, the Local Government (Wales) Measure 2009, the Local Government and Elections (Wales) Act 2021 and the Well-being of Future Generations (Wales) Act 2015. Depending on the particular power or function, these statutory bases fall with Article 6(c) and (e) of the UK GDPR—processing necessary for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority.

Who will see the data?

The Auditor General and relevant Wales Audit Office staff, such as the study team, will have access to the information you provide. Our published report may include some of your information, but we will contact you before any publication of information that identifies you—see also 'your rights' below.

We may share information with:

- senior management at the audited body/bodies as far as this is necessary for exercising our powers and duties; and
- certain other public bodies/public service review bodies such as the Office of the Future Generations Commissioner, Care Inspectorate Wales (Welsh Ministers), Estyn, and the

Public Services Ombudsman for Wales, where the law permits or requires this, such as under section 15 of the Well-being of Future Generations (Wales) Act 2015.

How long we keep the data

We will generally keep your data for six years, though this may increase to 25 years if it supports a published report—we will contact you before any publication of information that identifies you—see also ‘your rights’ below. After 25 years, the records are either transferred to the UK National Archive or securely destroyed. In practice, very little personal information is retained beyond six years.

Our rights

The Auditor General has rights to information, explanation and assistance under paragraph 17 of schedule 8 Government of Wales Act 2006, section 52 Public Audit (Wales) Act 2004, section 26 of the Local Government (Wales) Measure 2009 and section 98 of the Local Government and Elections (Wales) Act 2021. It may be a criminal offence, punishable by a fine, for a person to fail to provide information.

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To obtain further information about data protection law or to complain to complain about how we are handling your personal data, you may contact the Information Commissioner at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, or by email at casework@ico.gsi.gov.uk or by telephone 01625 54574



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