

HIGH LEVEL GROUP ON PERFORMANCE
13:30 – 15:00; THURSDAY 21 FEBRUARY 2013
ROOM TG:44, SCOTTISH PARLIAMENT

ATTENDEES

- **Derek Mackay MSP**, Minister for Local Government and Planning
- **Councillor Stephen Hagan**, COSLA Spokesperson for Development, Economy & Sustainability.
- **John McNairney**, Chief Planner
- **Keith Winter**, Head of Enterprise, Planning and Protective Service at Fife Council, representing SOLACE.
- **Fraser Carlin**, Head of Planning at Renfrewshire Council and Chair of HOPS
- **Jim Birrell**, Senior Manager, Fife Council, representing HOPS
- **Alan Farquhar**, Manager – Planning Advice and Engagement, SEPA, representing Key Agency Group
- **Laura Hoskins**, Policy Manager, COSLA
- **Marie Ferguson**, Policy Officer, SG (secretariat)

NOTE OF MEETING

- The remit of the group (copy attached)
- The Scottish Government would carry out the Secretariat role for the group
- The next meeting of the group would take place in early April 2013

Action Points

- **SG and SOLACE in consultation with COSLA** to draft clear guidance on Councillor involvement in planning applications and seek agreement and endorsement from the Standards Commission.
- **SG** to circulate Key Markers of Good Performance paper to the group to be refined via e-mail and agreed by COSLA leaders by next meeting.
- **SG** to circulate paper on proposals on implementing the link to performance and fee reduction to be refined via e-mail and agreed by COSLA leaders by next meeting.
- **SG** and HOPS officials will continue to encourage authorities to take action to remove legacy cases from the system.
- **SG** officials to put together action programme for joint Ministerial/COSLA/HOPS performance roadshow events for local authority planning staff across country.
- **SG** to arrange to meet with officials from SOLAR/SOLACE separately to discuss issues around legal agreements.
- **HOPS/SOLACE** to identify areas of good practice in the planning process that could support clearer evidence of good practice and improvement in the planning service which SG can help promote.

Date of next meeting

TBC, expected to be early April

HIGH LEVEL GROUP ON PERFORMANCE

Tuesday 21 May, 12:00 – 13:30

President's Meeting Room, COSLA, Verity House, Edinburgh.

ATTENDEES

- **Derek Mackay MSP**, Minister for Local Government and Planning
- **Councillor Stephen Hagan**, COSLA Spokesperson for Development, Economy & Sustainability.
- **John McNairney**, Chief Planner, SG
- **Keith Winter**, Head of Enterprise, Planning and Protective Service at Fife Council, representing SOLACE.
- **Fraser Carlin**, Head of Planning at Renfrewshire Council and Chair of HOPS
- **Alan Farquhar**, Manager – Planning Advice and Engagement, SEPA, representing Key Agency Group
- **Laura Hoskins**, Policy Manager, COSLA
- **Andy Kinnaird**, Policy Manager, SG
- **Ian Black**, Policy Manager, SG (Secretariat)

The group agreed the following:

- The Performance Markers (paper 4 at the meeting), subject to amendment to title and purpose of paper be amended to state that it identifies key markers for performance but no reference to the Better Regulation Bill

Action Points

- **SG** to provide delegate evaluation forms for completion at performance roadshow events.
- **SOLACE** to coordinate a draft, broadening out the Reform Action Plan to wider corporate interests within authorities beyond planning, involving SOLACE, SOLAR and SLAED. Attempt would be made to have a finalised version in time for the Economic Summit at the end of June.
- **COSLA /SG /SOLACE** meeting to be arranged with chair of SOLAR and a joint letter to issue to SOLAR regarding improved handling of section 75 agreements.
- **COSLA/HOPS/SG/SOLACE** to discuss Councillor Involvement in Planning Paper through a teleconference; thereafter to redraft the guidance paper setting clear parameters and providing legal certainty about what councillors can and should offer to do. Guidance to be supported by SG, COSLA, SOLACE, SOLAR and Standards Commission.
- **SOLACE/SG/HOPS** to prepare a joint letter to Stuart Allan (Standards Commissioner) regarding the Councillor Involvement in Planning Paper.
- **SG** - the Planning Performance Framework Feedback -
 - is to be addressed to Chief Executives, copied to Heads of Planning
 - Minister's letter to be modified to: include 'Council Performance' in the title; recognise HOPS' involvement in the development of the framework; be clear that planning performance is not solely a matter for planners; and to clearly separate out the reference to the High Level

Group from text about the proposed penalty clause given COSLA position on the penalty clause

- is to include the paper on Performance Markers
- is to be issued after the HOPS AGM and conference (6/7 June)
- is to be adapted to issue feedback to key agencies
- **SG** to provide copies of all authorities' feedback reports to COSLA and HOPS.
- **SG** to provide charts that trend performance at the next meeting of the group.
- **HOPS** to discuss and report at next meeting on how authorities have used the fee increases.
- **SG** to progress with stakeholders, pilots to address specific barriers to good performance, measuring the benefits and promoting successful outcomes.

Date of next meeting

TBC, expected to be early September

Meeting to be held at COSLA

HIGH LEVEL GROUP ON PERFORMANCE

Thursday 26 September, 13:30 – 15:00

Burns 2 Meeting Room, COSLA, Verity House, Edinburgh

ATTENDEES

- **Derek Mackay MSP**, Minister for Local Government and Planning
- **Councillor Stephen Hagan**, COSLA Spokesperson for Development, Economy & Sustainability
- **John McNairney**, Chief Planner
- **Keith Winter**, Head of Enterprise, Planning and Protective Service at Fife Council, representing SOLACE
- **Malcolm McLeod**, Head of Planning at Highland Council and Chair of HOPS
- **Alan Farquhar**, Manager – Planning Advice and Engagement, SEPA, representing Key Agency Group
- **Rob McIntosh**, Principal Solicitor at Aberdeenshire Council, representing SOLAR
- **Bryan McGrath**, Scottish Borders Council, representing SLAED
- **Laura Hoskins**, Policy Manager, COSLA
- **Andy Kinnaird**, Policy Manager, SG
- **Marie Ferguson**, Policy Officer, SG

Action Points

Reform Action Plan

- **SOLACE/SLAED** to consider amending economic outcome programme to include planning; expect to complete by December 2013.

Section 75 Agreements

- **SOLAR** – through working group – to examine breakdown of timescales, identify and share good working practices.

Councillor Involvement in Planning Paper

- **SOLACE/HOPS/SOLAR/COSLA** to provide comments on text of draft paper to Graham Robinson, SG. In particular to consider whether the document should be the agreed guidance for consistency across the country as opposed to each authority interpreting it and subsequently adopting their own approaches.
- **SG** to confirm with Commissioner for Ethical Standards that they are content with the paper and the changes suggested by the HLG and make final version of the paper available for early November.
- **SOLACE** to take the paper to their office bearers.
- **SG, SOLACE, HOPS, SOLAR, COSLA** and the Commissioner to consider and agree the scope for joint-badging the guidance for publication.

- **COSLA** to take the finalised paper to their Executive Group in November and to promote it among members.

Performance Statistics

- **SG/COSLA/HOPS** to pursue a possible joint statement on the 2013/14 Quarter 1 statistics due to be published on Wednesday 2 October. To seek endorsement/supportive quote from HfS / SPF.
- Future statistical charts provided for meetings of the group to include a chart covering average timescales for electricity generation (missing from paper for this meeting).
- **SG** to publish Statistical Bulletins using chart format (including dialogue) alongside future statistical publications going forward; not to publish a retrospective bulletin for statistics published previously for 2012-13.

Performance Markers

- **SG** to consider evidence provided on each of the markers in authorities' PPF reports and provide focus on these in feedback.
- **HOPS** to consider variance in priority and relevance of the individual markers in different parts of the country.
- **All** – to consider how the offer of a joint handling of planning and RCC consents might be added to the performance markers in the future, or other options for implementing the Designing Streets method as normal.

Next Steps

- **All** – the group to consider the remit of the group and take stock of what has been done, to ensure energies are channelled where they have the greatest positive impact.

Date of Next Meeting

Not agreed at meeting; expect this to take place in early 2014.

HIGH LEVEL GROUP ON PLANNING PERFORMANCE NOTE OF MEETING – 30 JANUARY 2014

Attendees:

Derek Mackay - Minister for Local Government and Planning
Stephen Hagan - COSLA Spokesperson for Development, Economy and Sustainability
Malcolm Macleod HOPS
Rob Macintosh - SOLAR
Craig McLaren - RTPI
Laura Hoskins - COSLA
John McNairney - Scottish Government
Suzanne Stephen - Scottish Government
Marie Ferguson - Scottish Government

Apologies received from:

Alan Farquhar - Key Agency Group
Bryan McGrath - SLAED
Keith Winter - SOLACE

Councillor Code of Conduct

It was agreed that no date for preparing guidance was required in the paper. It would be badged as an SG/COSLA/Standards Commission document. Once finalised COSLA will issue to local authorities.

Action: SG to finalise guidance.

Action: COSLA to issue.

Section 75 Agreements

Aberdeenshire are rolling out a Section 75 'tracker' which if successful would be shared with other authorities. SOLAR asked for policy/support from the SG on this issue. The Minister asked if the work being undertaken to reduce timescales for Section 75 could be evidenced.

Performance

Section 41 - The Minister explained that now the Bill had been passed a process had to be put in place. Mr Mackay explained he wanted this to be a collaborative process involving the High Level Group and that it should not be an overly bureaucratic process. The PPF and Key Markers provided the base from which to work. HOPS explained that they were already looking at the feedback to look at benchmarking amongst authorities to help them improve. It was agreed that collaboration was the best way forward and COSLA would take a paper on the outcomes of this group to an appropriate COSLA member meeting..

Action: COSLA will report to members on the outcome of the HLG discussions.

Improvement projects

Progress has been slow in some areas but it was hoped now the improvement methodology was in place these need to pick up momentum however the SG reiterated that it still where planning authorities have agreed to help with the projects identified progress needs to be demonstrated.

Action: SG to discuss progress with existing partner authorities in the coming weeks.

Action: SG to prepare short note on Road Construction Consent project and progress to be issued with note of the meeting.

Costing of the Planning Service

Malcolm Macleod set out the main strands of this work, three main components of time recording; performance information and detailed financial information. The group agreed that the exercise has provided an objective basis to start with and has revealed that fee income does not cover the cost of the processing of planning applications. Detailed information will be passed to the SG. HOPS would wish to run the exercise again in 2014 and are seeking financial support from the SG for this. It was felt that the information presented was helpful and a breakdown of the variance of costs between different types of authorities (using SOLACE benchmarking groups) could also be provided.

Fees

After a discussion on the potential to increase fees it was agreed that a smaller more focussed group would re-convene before 31 March to focus on fees and performance

Action: SG to provide funding support HOPS for second costings exercise.

Action: HOPS to look at the inclusion of 'legal fees' within the exercise to see if these are included or can be drawn out.

Action: HOPS to provide evidence of improved performance at the next meeting through the assessment of Red, Amber and Green indicators.

Remit and function of the group

It was agreed that the group would continue.

Date of next meeting

As noted above a smaller more focussed meeting, with only SG, COSLA, SOLACE and HOPS to attend, will be held at 9:00 – 11:00 on Thursday 27th March at the Scottish Parliament.

**High Level Group – Fees meeting
0900 – 1100 – Thursday 27 March 2014
Scottish Parliament**

Attendees

Derek Mackay - Minister for Local Government and Planning
Stephen Hagan - COSLA Spokesperson for Development, Economy and Sustainability
Malcolm Macleod - HOPS
Keith Winter - SOLACE
Laura Hoskins - COSLA
John McNairney - Scottish Government
Suzanne Stephen - Scottish Government
Marie Ferguson - Scottish Government

All

Please find below the agreed action points from the above meeting which was held last week. It was agreed the next meeting would be a full meeting of the group and would take place in mid-May. I will come back to you all on your availability shortly but in the meantime thought I would get these out to you.

Kind regards
Marie

ACTION POINTS

- HOPS to provide the detailed information on the updated performance markers analysis that they have done to the rest of the group.
- HOPS to take revised submission date of mid-July for PPFs to their Exec committee for consideration/agreement.
- SG to take forward further modelling on how the following fee scenarios would affect authorities and by how much income may increase and share this with HOPS and COSLA prior to next meeting:
 - 5% increase
 - Re-structure of fees looking at specific categories and changes to cap levels.
 - Adoption of English fee structure
- Group to convene again in mid-May to consider further information the above action points will provide

Date of next meeting: May 2014

HIGH LEVEL GROUP ON PERFORMANCE
Thursday 15 May 2014. 17:15-18:15
Scottish Parliament

Note of Meeting – 15 May 2014

Attendees:

Derek Mackay MSP, Minister for Local Government and Planning
Cllr Stephen Hagan, COSLA spokesperson for Development, Economy and Sustainability (Chair)
Keith Winter, SOLACE
Malcolm Macleod, HOPS
Rob McIntosh, SOLAR
Alan Farquhar, Key Agencies Group
Craig McLaren, RTPi
Laura Hoskins, COSLA
John McNairney, SG
Marie Ferguson, SG

Performance

1. **HOPS** noted that the PPF submission timing would not be brought forward until the 2014/15 reporting period. It would remain as 30 September for this reporting year and then move to a date in June in 2015. This change in timing had broad support and authorities had committed to 'buddying-up' to ensure reports were submitted on time.

2. **HOPS** talked through Paper A and highlighted that authorities were taking 'red' markings very seriously and that a lot of work was happening in respect to development plans and processing agreements.

3. **SOLACE** noted that they regularly report on the Group's work. Similarly **SOLAR** have engaged on cross-party working with HOPS and vice-versa.

Fees

4. **SG** gave a rundown on fees, possible increases and the issues around the cap level. The Minister outlined his view that the fees costings exercise was very useful, the fees gap remains an issue as is comparison with UK fees and that a 5% fee rise on top of a 20% rise must have a connection to improved performance. After discussions around evidence, what was required as part of improved performance, and possible targets, the Minister agreed to increase fees by 5% subject to the Cabinet Secretary's agreement as a recognition of the effort authorities were putting into improving their service, inflation and possible extra resourcing should application numbers increase. Cllr Hagan confirmed that he would take this to COSLA Leaders on 30 May as a private item.

ACTION: The Minister to seek agreement from Cabinet Secretary on 5% increase. If agreed, officials to draft and lay legislation to increase planning fees as soon as practicable.

ACTION: SG Officials and HOPS to develop a shared understanding of performance as described in annual statistical reviews.

5. Discussion turned to other ways to ensure authorities were covering the cost of processing applications. It was suggested that the issue of free applications for Listed Building Consent and Conservation Area Consent be looked at again.

ACTION: SG officials to provide Minister with paper on number of LBC and CAC being dealt with by authorities and the policy around this.

Pre-Application Discussions

6. There was general discussion around charging for pre-application discussions and the differing legal advice provided at a local authority and SG level. There was agreement to take work forward on this but ideally authorities should have the discretion to charge for pre-app and not be obliged to do so, with possible consultation and legislation to follow further down the line. The ability of Key Agencies to charge, or receive part of the fee was also discussed but dismissed. There was however a view that there was a clear expectation agencies should be involved at pre-application stage as they can clearly set out their requirements as part of the application.

ACTION: The legal issue raised about discretion should be explored further. SG, HOPS and SOLAR to take forward at an official level.

AOCB

7. The issue of timescales and decision making was discussed further. Where additional information was not forthcoming to allow an authority to make a decision on an application then they should consider refusing it rather than drawing out negotiation. There was an acknowledgement however that many planning authorities have a culture of trying to encourage development.

Date of next meeting: October 2014

High Level Group on Planning Performance Note of Meeting - 28 October 2014

Attendees:

Derek Mackay MSP, Minister for Local Government and Planning (Chair)
Cllr Stephen Hagan, COSLA spokesperson for Development, Economy and Sustainability
Keith Winter, SOLACE
David Littlejohn, HOPS
Ivan Clark, Key Agencies Group
Craig McLaren, RTPi
James Fowle, COSLA
John McNairney, SG
Suzanne Stephen, SG
Marie Ferguson, SG

Apologies:

Kevin Graham, SOLAR

1. **Process to link fees and performance**

The group agreed that any process needs to be sophisticated but non-bureaucratic. It should be a tool to incentivise good performance. Not just planning but corporately. Concern was expressed that authorities will refuse applications in order to improve decision making stats, however it was noted that the number of applications being decided had gone up, approval rates had stayed same and the statistics had improved. There was discussion about the potential to use a panel and what the triggers might be. It was agreed that there should be clarity in the approach to fees and that for the time being the link to fees will be based on decision making timescales.

Agreed approach – SG to set out expectations of each authority. This year, the focus is on timescales.

Action – SG to redraft paper on process and circulate for comment. Once finalised by e-mail, stakeholders to put to relevant committees. For agreement at February meeting.

2. **SDPA.**

Action - Option 3 agreed. Open to review at later date.

3. **Pre-app charging**

Action – Option 1 - do nothing agreed.

4. **S75**

SG will continue to reflect its' view of policy in responding to formal requests for clearance of SPG.

5. **Listed Building Consent**

Action – PAD to resubmit paper to Minister for consideration.

6. **Date of next meeting**

February 2015, post COSLA leaders (30 January). Other communication on penalty clause to take place by email.

PAD

29 October 2014

High Level Group on Planning Performance Note of Meeting - 25 June 2015

Attendees:

Alex Neil, Minister for Local Government and Planning
Cllr Stephen Hagan, COSLA spokesperson for Development, Economy and Sustainability (Chair)
Keith Winter, SOLACE
Malcolm McLeod, HOPS
Aileen Mackenzie, Key Agencies Group
Craig McLaren, RTPi
John McNairney, SG
Suzanne Stephen, SG
Marie Ferguson, SG

Apologies:

Rob McIntosh, SOLAR

1. Feedback on Planning Performance Framework and Annual Report

SG reported on the Annual Report to the group. The group heard that performance levels had improved since the last round of reporting and that generally things were going in the right direction. SG also explained that they had agreed with HOPS some changes to reporting on feedback.

The Cabinet Secretary noted that he was aware of the maximum fee levels for larger applications and the impact these were having on performance and that he would consider looking at fee levels again where it was possible to ensure any increases were ringfenced for the planning service.

2. Process to link fees and performance

COSLA welcomed the decision to defer implementation of the penalty clause to 2016 and asked that the penalty clause be put in abeyance indefinitely to enable CoSLA, SOLACE and HOPS to work with those Councils with 'red' identified so that the issues could be addressed. Where it became obvious that the issues were not addressed then the penalty clause would then become active.

The Cabinet Secretary considered there was still the need for pressure to be applied and the penalty clause was a specific tool for this.

John McNairney reminded the group that the creation and agreement of a penalty clause process was a fundamental part of the remit of the High Level Group and that the group needed to decide a final process. The flowchart for the process was agreed, on the basis that there could be further dialogue between SG and authorities at stage 2.

There was a recognition that some of the very lengthy legacy cases which are skewing the performance statistics and that the delays were often not the fault of the authority and the way of reporting statistics was considered. It was agreed that decision making timescales should remain as the only consideration for the penalty clause at the present time.

Action – Cabinet Secretary to consider timing of penalty clause.

Action – COSLA/HOPS/SOLACE to discuss what more they might do to support poorer performing authorities identified as 'red' and provide a note to the SG on how this might be taken forward.

Action – Officials to compare decision making statistics using the median instead of the mean and report back to the Cabinet Secretary's consideration.

3. Housing Delivery

The group noted the ongoing work being taken forward around housing delivery. The Cabinet Secretary identified the provision of housing as a priority but there remained a number of barriers to its delivery, specifically the co-ordination of infrastructure.

Action – RTPI to engage with SG Housing (Brad Gilbert)

Action – Officials to provide information to the Cabinet Secretary on timescales for changes to CPOs in Scotland.

4. Legal Agreements

Action – The paper was noted.

5. Restoration

There was support for better monitoring and discussion about the tools available for this. Agreement that any response should be proportionate.

Action– COSLA/HOPS/SOLACE to further consider how they might improve monitoring of coal and future technologies.

6. Date of next meeting

Action – Officials to arrange next meeting for October 2015

PAD
30 June 2015

High Level Group on Planning Performance Note of Meeting - 29 October 2015

Attendees:

Alex Neil, Minister for Local Government and Planning (Chair)
Cllr Stephen Hagan, COSLA spokesperson for Development, Economy and Sustainability
Keith Winter, SOLACE
Steve Rogers, HOPS
Rob McIntosh, SOLAR
Aileen Mackenzie, Key Agencies Group
Craig McLaren, RTPI
John McNairney, SG
Suzanne Stephen, SG
Marie Ferguson, SG

1. Feedback on Planning Performance Frameworks

SG reported on the recently issued feedback to the group. The group heard that performance levels had improved again since the last round of reporting. Some sensitivities had emerged around the assessment of a number of the Key Markers and that it was proposed that a separate meeting take place between officials to consider these further.

Action - Officials to discuss possible changes/revision/ refinements to Key Markers and their assessment at separate meeting and feedback to the HLG (SG, HOPS, COSLA)

Action - HOPS to prepare and submit paper on performance to the Planning Review Panel (HOPS)

Action - Officials to pass performance summary sheets to the Panel (SG)

2. Timing of the Penalty Clause

The Cabinet Secretary considered that given that the review may make significant changes to the planning system it would not be appropriate to implement the Penalty Clause at this time. It was agreed this would be best put into abeyance until after the conclusion of the review of planning.

3. RTPI Resourcing Report

Action - Copy of the RTPI resources report summary to be passed to the Panel along with costings information to so they can consider the link to performance and delivering full cost recovery.(SG)

4. The Review of Planning

The outline of the review and its timing was discussed. It was agreed the High Level Group would meet to discuss the recommendations of the panel .

Action - SG to circulate Review timetables to group

5. Legacy Cases

The SG outlined the findings of the Legacy case exercise and there was some discussion about the reasons for delay, the lack of a statutory basis for withdrawal of applications and the effect decisions on these had on the performance statistics.

Action - Officials to consider form/remit and membership of a sub-group to take forward legacy cases and report back to Cabinet Secretary and Councillor Hagan (SG/COSLA/HOPS)

6. RICS request for membership

The request was outlined to the group. It was agreed that the HLG would have a pivotal role in the next 2 years and it was time to look again at widening the remit and composition of the group in the future. Whilst not immediate this would be considered when the group next meet.

Action - Officials to advise RICS of outcome of their request (SG)

Action - Officials to meet to draft an options paper on revising the remit and widening the scope of the HLG for consideration at the next meeting. (SG/COSLA)

6. Date of next meeting

Action – Officials to arrange next meeting for February 2016

PAD
29 October 2015

HIGH LEVEL GROUP ON PERFORMANCE
Thursday 24 November, 0930-1100
Room P1.02, Scottish Parliament, Edinburgh

ATTENDEES

- **Kevin Stewart MSP**, Minister for Local Government and Planning
- **Councillor Stephen Hagan**, COSLA Spokesperson for Development, Economy & Sustainability
- **John McNairney**, Chief Planner
- **Keith Winter**, Executive Director, Fife Council, representing SOLACE
- **Steve Rogers**, Head of Planning, Dumfries and Galloway Council and Chair of HOPS
- **Aileen MacKenzie**, Manager – Scottish Water, representing Key Agency Group
- **Rob McIntosh**, Principal Solicitor, Aberdeenshire Council, representing SOLAR
- **Craig McLaren**, Director, RTPI
- **Robert Nicol**, Policy Manager, COSLA
- **Suzanne Stephen**, Principal Planner, SG
- **Marie Ferguson**, Policy Officer, SG

From: Ferguson M (Marie)

Sent: 12 December 2016 16:16

To: 'steve.rogers@dumgal.gov.uk'; robertn@cosla.gov.uk; Keith Winter (keith.winter@fife.gcsx.gov.uk); Aileen Mackenzie ADP (Aileen.Mackenzie@scottishwater.co.uk); Rob McIntosh; Craig McLaren

Cc: Stephen S (Suzanne); Sinclair C (Chris)

Subject: High Level Group on Planning Performance - Action Points

All

Please find below the action points from last month's meeting. I will be in touch separately to progress a number of these.

Kind regards

Marie

Actions

Stopping the Clock – SG officials to work with HOPS on consistency around clock stopping to create more robust guidance.

Statistics – SG officials to explore ways in which the statistics could be presented with more of a narrative and whether non-SG stakeholders can get early sight of statistics.

Legacy cases – SG officials to arrange a meeting with HfS and SPF on the causes of delay for major applications.

Performance - SG officials to set up a meeting to discuss how peer review and self-assessment can be made more robust and credible.

Remit – SG and COSLA to draft new remit for agreement with the group.