

## PLYMOUTH CITY COUNCIL

**Subject:** Plymouth - Torbay Strategic Planning Collaboration Agreement

**Committee:** Cabinet

**Date:** 16 January 2018

**Cabinet Member:** Councillor Patrick Nicholson

**CMT Member:** Anthony Payne, Director of Place

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**Ref:** 160116/PWB

**Key Decision:** No

**Part:** 1

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### **Purpose of the report:**

In November 2016, Torbay Council invited Plymouth City Council to conduct a comprehensive service review of their spatial planning functions. Torbay Council wanted to drive forward, at pace, the necessary modernisation needed to achieve a more sustainable and resilient planning service. A final report was published in February 2017 and made 30 recommendations for improvement.

In June 2017, following on from Plymouth's review of their planning services, the Mayor of Torbay Council agreed:

- That Torbay Council should explore further how it could work with other Local Planning Authorities in relation to the delivery of the Development Management Service to maximise value for money and improve overall resilience of the service.
- That the Chief Executive, in consultation with the Executive Lead for Planning, Transport and Housing and the Executive Head of Business Services, be given delegated authority to explore and establish a suitable partnership arrangement for the delivery of Development Management and Spatial Planning functions with a nearby Local Planning Authority, so that Torbay Council can drive forward, at pace, the necessary modernisation needed to achieve a more sustainable and resilient planning service.

In August 2017, the Chief Executive of Torbay Council confirmed that after careful consideration, they wished to invite Plymouth City Council to enter into formal discussions to develop a model for integrated working to deliver spatial planning services and a range of associated functions to be agreed, through a phased approach.

Through a Collaboration Agreement, the statutory responsibilities for planning would still rest with Torbay Council but the leadership of Torbay's spatial planning functions would be integrated with Plymouth City Council.

If the Council agrees 'in principle', the proposal would be to enter an exploratory phase that would look to quickly stabilise the situation in Torbay Council, and to explore a range of planning and planning related functions to proceed to full operational management, pending a further decision by the Cabinet, expected to be in March 2018.

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### **Corporate Plan 2016/17-2018/9:**

The collaborative arrangement supports the Corporate Plan in terms of the Council's ambition to be a pioneering city. The arrangement will provide a platform to explore more efficient and effective services and will provide a greater scale for more innovative approaches. The collaboration will enable spatial planning to be considered across a larger geography and this will support growth in both council areas, in particular when viewed as part of the Plymouth-Exeter-Torbay "High Growth Corridor" Initiative. The collaboration agreement also supports the aspiration of the Council to be a confident city in terms of growing our reputation for good practice and leadership across the region. The Strategic Planning and Infrastructure department has a track record of working in partnership over a long period of time which has been recognised regionally and nationally. This proposal is a further opportunity to demonstrate the strength of that planning-related leadership and innovation.

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

The initial "due assurance"/"strategic options analysis" phase will be cost neutral to Plymouth City Council with all costs being covered by an agreed reimbursement mechanism. The initial funding would come from an unfilled senior post in Torbay Council's Spatial Planning Services. The required finance, human resources, operational and improvement, quality assurance/performance management, communications/engagement, ICT and legal support will be provided (within both councils), mirroring the process used to prepare the contractual arrangement for Torbay Children's Services. However, the work required will be less complex and on a smaller scale, and will draw on information that was collated for the Torbay Planning Service Review undertaken by the City Council in late 2016. Following the initial "due assurance" phase, Torbay Council will need to provide assurance that the on-going contractual arrangement will continue to be at nil cost to Plymouth City Council, and confirm the available funding mechanism. There is no opportunity to cross-subsidise from the DfE grant funding for Children's Services; this is a stand-alone contractual arrangement.

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### **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:**

The main risks associated with the proposal are around ensuring that the arrangement is at no cost to Plymouth City Council and therefore that all costs are covered. In addition there should be no reputational harm from any poor or unpopular planning decisions, or from the overall quality of Torbay planning services. The risk would be mitigated by ensuring that there is absolute clarity that accountability remains with Torbay Council. The other major risk is that the collaboration agreement adversely impacts on the delivery of the unprecedented growth agenda Plymouth is currently delivering. This will be addressed by the preparation of a risk register and the implementation of mitigation actions.

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## Recommendations & Reasons for recommended action:

It is recommended that Cabinet:

1. Agree 'in principle' to progress the development of a strategic planning collaboration agreement regarding planning and related functions with Torbay Council.

Reason: To enable the potential benefits from a collaboration agreement with Torbay Council to be explored.

2. Delegate to the Assistant Director for Strategic Planning & Infrastructure, in consultation with the Cabinet Member for Strategic Transport, Housing and Planning and Shadow Cabinet Member, development of the detailed collaboration agreement with Torbay Council.

Reason: To enable the collaboration agreement to be finalised following further discussions with Torbay Council.

3. Delegate to the Assistant Director for Strategic Planning & Infrastructure to make all necessary managerial and operational arrangements associated with the proposed strategic planning collaboration agreement with Torbay Council.

Reason: To ensure that all the required day-to-day operational and managerial issues arising from the collaboration agreement and the exploration of all opportunities related to planning and planning-related functions can be undertaken speedily.

4. Accept the recommendations of the Place and Corporate Overview and Scrutiny Committee following their examination of the draft Cabinet report and draft collaboration agreement and agree to the changes in response to these as set out in the report.

Reason: To ensure the implications of the proposed "in principle" arrangements have been considered through the scrutiny process to assist the decision-making of Cabinet and to respond to the recommendations made by the Place and Corporate Overview and Scrutiny Committee on 3<sup>rd</sup> January 2018.

5. Agree to receive a further report, following the "due assurance"/"strategic options analysis", before any binding decision is made, setting out which planning and planning-related functions are to be taken forward for integration with Torbay Council.

Reason: To allow the "due assurance"/"strategic options analysis" of planning and related functions within the project scope to be explored in order to enable Cabinet to make a binding decision on what functions will be integrated with Torbay Council and managed by Plymouth City Council in the future from April 2018.

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**Alternative options considered and reasons for recommended action:**

Torbay Council needs to modernise their spatial planning services to become more sustainable and resilient. The Service Review undertaken by the City Council and published in February 2017 raised a number of fundamental challenges regarding the future resilience of spatial planning services in Torbay Council. Plymouth City Council has undertaken a number of innovative approaches to the delivery of planning functions over the years and faces its own challenges of resilience within the context of driving forward growth beyond the city. At this stage therefore the alternative options are:

**Option 1: Merge All Planning and Related Services Now**

The City Council could simply decide to merge the services directly now, which could achieve efficiencies and savings. However this option was rejected because it would not allow proper scrutiny of the opportunities and consideration of the potential risks. It would also not allow for the “due assurance” process to take place to inform a final decision.

**Option 2: Not Proceed with Any Planning or Related Services Now**

This would be a missed opportunity for Plymouth City Council to demonstrate its expertise and strong leadership in this area. Having already worked closely with South Hams and West Devon Councils to develop a Joint Local Plan, the City Council has a proven track record for collaborative working that delivers results. A decision not to proceed now would mean that any further opportunities for the innovative delivery of planning services, linked to the delivery of the Plymouth-Exeter-Torbay “High Growth Corridor” initiative, would be lost. This option has therefore been rejected on the basis that the potential opportunities outweigh the potential risks and will at least allow Cabinet to consider a final proposal following the “due assurance” exercise.

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**Background papers:**

None.

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**Sign off:**

Fin	<b>Djn17 18.159</b>	Leg	<b>LS/295 41/JP/ Dec17</b>	HR	<b>DA- HR15. 12.201 7</b>	Corp Prop	N/A	IT	N/A	Strat Proc	N/A
Originating SMT Member <b>Anthony Payne, Director for Place</b>											
Have you consulted the Cabinet Member(s) named on the report? <b>Yes</b>											

## **1.0 Context**

- 1.1 In November 2016, Torbay Council invited Plymouth City Council to conduct a comprehensive service review of their spatial planning functions. Torbay Council wanted the review to assess 3 key areas – “smart working”, a “cradle to the grave” approach to inward investment, and a “one team approach” to development. The final report included 30 recommendations covering vision and leadership, management, community engagement, partnership engagement, and achieving outcomes and was published on 13th February 2017.
- 1.2 The Service Review highlighted a leadership void which alongside budget reductions had created serious service resilience issues. This was combined with issues associated with the investor interface and outdated non-value-adding processes. Notwithstanding these significant challenges, the Service Review also found that Torbay’s Spatial Planning Service compared reasonably well with its peers in terms of planning application performance and in terms of the dedication and professionalism of its staff. However, the Service Review also highlighted a number of opportunities for the service to modernise and to work in a more efficient and collaborative way, potentially with another local authority partner.
- 1.3 In April 2017 Torbay Council asked Plymouth City Council to consider entering into a collaborative arrangement as their ‘preferred partner’ to help them secure the improvements they were seeking. Following this, preliminary discussions were held between the Assistant Director for Strategic Planning and Infrastructure at Plymouth City Council, and the Executive Head of Assets and Business Services in Torbay Council.
- 1.4 This request from Torbay Council coincided with a recommendation from the Commissioner for Children’s Services appointed to Torbay by the Department for Education to address failings identified through successive Ofsted inspections. In April 2017, the Commissioner identified Plymouth City Council as the preferred choice to enter into a delivery contract with Torbay Council to manage Children’s Services. The profile and significance of the delivery arrangements for Children’s Services has taken priority, due to the urgent need to secure agreement ‘in principle’ to develop an improvement model. An ‘in principle’ decision was taken by Plymouth City Council to progress through to the next stage of the Children’s Services arrangement at Cabinet on 29<sup>th</sup> August 2017 which was then subsequently endorsed on 25<sup>th</sup> September 2017 by the City Council. Work is continuing to undertake the due assurance and to develop a contract and operational model which, subsequent to a final decision being made in January 2018, will go live on 1<sup>st</sup> April 2018.
- 1.5 In the meantime, due to the post holder being on secondment, the position of the “Head of Spatial Planning” at Torbay Council remained vacant. Consequently, the need to explore longer term joint working arrangements on planning and related functions remained an issue. As such, on 28 June 2017, the Mayor of Torbay made a delegated decision to authorise:

“that the Chief Executive, in consultation with the Mayor and Executive Lead for Planning, Transport and Housing and the Executive Head of Business Services, be given delegated authority to explore and establish a suitable partnership arrangement for the delivery of Development Management and Spatial Planning functions with a nearby Local Planning Authority, so that Torbay Council can drive forward, at pace, the necessary modernisation needed to achieve a more sustainable and resilient planning service”.

- 1.6 Subsequently, on 10 August 2017 the Torbay Chief Executive formally wrote to Plymouth City Council indicating the desire to explore entering into a long term arrangement with Torbay Council to deliver a shared spatial planning service, and a range of associated functions to be agreed on a phased approach to deliver integrated working. The Torbay Chief Executive also confirmed that this initiative has been welcomed by Torbay Council's political leaders and that further formal decision making processes were delegated to him.
- 1.7 The decision taken by the Torbay Mayor in June 2017, and the subsequent invitation from the Chief Executive in August 2017, provided the necessary mandate from Torbay Council to enable formal conversations to begin with Plymouth City Council. Further discussions then commenced between August 2017 and December 2017 which included developing a phased approach to the possible integration of services that would help to alleviate the immediate challenges facing Torbay. Following these further discussions, Torbay Council subsequently requested that the scope of functions were extended to include a number of strategic planning, transport and related functions. During these discussions a draft Collaboration Agreement (Appendix 1) has been developed to oversee the initial stage through to March 2018. The purpose of this document is to set out the guiding principles, operating arrangements, governance and timeframe for the development and implementation of an integrated approach to the delivery of strategic planning and related services between Plymouth City Council and Torbay Council. It is intended to provide the baseline for the initial "due assurance"/"strategic options appraisal" stage and the more detailed work required to establish the "route map" for future service delivery which will be reported back to Cabinet, expected to be in March 2018.

## **2.0 Foundations for Improvements in the Delivery of Planning Services**

- 2.1 Plymouth City Council has a long track record of innovation in the delivery of planning functions. There is also strong corporate support for delivering wider growth aspirations, reflected in the Corporate Plan. Plymouth also has a strong track record of cross party working on growth and housing issues.
- 2.2 The Strategic Planning & Infrastructure department within the Place Directorate already has extensive experience of cross-boundary working outside Plymouth on planning and planning-related functions. In the 1990's and 2000's this included working with partners on the South West Regional Spatial Strategy and the Devon Structure Plan. More recently this has included the establishment of a Cornwall-Plymouth Building Control Partnership and playing a leading role in relation to Plymouth and South West Devon Joint Local Plan. The department is also active in relation to the Local Enterprise Partnership through the Local Transport Board, and the Place Group.
- 2.3 The department also has a strong track record of service delivery and innovation in the delivery of planning and planning-related functions and through the Planning Advisory Service has extensive experience of sector-led improvement. It has a strong strategic approach to delivering planning and related functions and securing funding for growth through driving the delivery of infrastructure and housing. The department works to the philosophy of: "proactive positive planning".

- 2.4 Plymouth has also been playing a leading role in the development of the Plymouth-Exeter-Torbay “High Growth Corridor” initiative. There is an increasing recognition that major urban areas are the real catalysts of growth, in this case, generating around £21 Billion of GVA per annum from a population of 1.1 Million with over 500,000 jobs. The Plymouth-Exeter-Torbay “High Growth Corridor” initiative seeks to raise productivity levels by creating an optimum scale for joint working and collaboration. The initiative seeks to double GVA, position the corridor as a global exemplar for digital and marine industries, deliver 50,000 homes and reduce net fiscal balances through the agglomeration of benefits from these city economies, improved strategic connectivity and significant and sustained strategic levels of investment in infrastructure. As such, integrating strategic planning and related functions between Torbay Council and Plymouth City Council provides strong synergies with the corridor approach. Increasingly Government appears to prefer to engage with areas at a greater scale – City Regions, Combined Authorities, Local Enterprise Partnership geographies and through bespoke deals. Working on a wider geography for planning, housing and transport functions could open up further opportunities both now and in the future.

### **3.0 Scope**

- 3.1 In undertaking the initial review of what functions should be in scope, the various planning and planning –related functions of the Torbay Spatial Planning Service and the Plymouth Strategic Planning & Infrastructure have been compared.

- 3.2 The following functions will be within scope, and therefore subject to the initial “due assurance”/”strategic options analysis”:

- Planning Compliance
- Major Developments
- Non-Major Developments
- Technical Planning Support
- Historic Environment/Archaeology
- Strategic and Local Planning Policy
- CIL/Section 106 Management and Monitoring
- Strategic Appraisal and Environmental Policy
- Strategic Transport
- Public Transport
- Smarter Choices
- Transport Planning
- Infrastructure and Investment Planning
- Strategic Growth delivery
- Neighbourhood Planning
- Low Carbon

- 3.3 Subject to the agreement of both Torbay Council and the City Council, the following functions may be included within the “due assurance”/”strategic options analysis” phase if considered appropriate:

- Natural Infrastructure
- Housing Delivery
- Building Control

- Master Planning
- Local Land Charges
- Flooding

## 4.0 Benefits and Risks

- 4.1 The strategic outcome that is sought from the consideration of a Collaboration Agreement with Torbay Council is to drive forward long-term integrated working on a phased basis between the Strategic Planning & Infrastructure Department in Plymouth with the Spatial Planning Service in Torbay in support of the ambitions set out in the Plymouth-Exeter-Torbay “High Growth Corridor” submission to Government.
- 4.2 There are a number of potential benefits from developing a more integrated approach to the delivery of planning and related functions:
- It demonstrates Plymouth’s strategic leadership of place-based growth to Government.
  - It demonstrates Plymouth’s sector-led credentials to Government.
  - It enhances Plymouth’s reputation as a sub-regional leader and provides a stronger voice to Government, linking with the Plymouth-Exeter-Torbay “High Growth Corridor” Initiative.
  - It is consistent with the direction of legislative change in various recent planning Acts of Parliament.
  - It provides new “more than local” funding opportunities for growth (e.g. Housing Deal).
  - It potentially improves service resilience, especially around staffing and succession planning.
  - It potentially facilitates opportunity to explore “centres of excellence” and efficiencies.
  - It potentially facilitates opportunities for job enrichment and staff development.
  - It potentially facilitates staff retention.
  - It could strengthen Plymouth’s own planning improvements, innovations and partnership initiatives.
  - It further consolidates the relationship with Torbay and opens up further opportunities around service delivery where it makes sense to do so.
- 4.3 There are however a number of potential risks associated with developing a more integrated approach to delivering planning and related services with Torbay Council which include:
- The potential lack of political consensus from Plymouth City Council.
  - The potential lack of capacity from Torbay Council’s leadership.
  - The potential lack of political buy in and decision-making by Torbay Council’s leadership.
  - The lack of certainty regarding the future long term direction for Torbay Council and their services.
  - The potential uncertainty regarding lines of accountability to ensure that Plymouth City Council’s reputation is not harmed.
  - The potential to destabilise the Plymouth growth agenda including the Plymouth and South West Devon Joint Local Plan, as well as the delivery of major infrastructure projects most notably transport and natural infrastructure.
  - Inadequate funding to implement the Plymouth-Torbay Strategic Planning Collaboration Agreement.



- Inadequate HR/Legal/Finance support for the Plymouth-Torbay Strategic Planning Collaboration Agreement.
- The potential lack of capacity of the Strategic Planning & Infrastructure leadership and management structures to take on new responsibilities given existing commitments.
- The need to ensure buy-in and agreement from planning and other staff in both Plymouth and Torbay who will be within scope.

4.4 Ultimately the judgement as to whether the benefits outweigh the risks comes down to an assessment of the potential wider opportunities from strategic leadership of various place-based agendas versus the risks to current operational performance. Central to that assessment is the possible impact not only on Plymouth City Council's overall improvement journey, but also on the delivery of an unprecedented programme of housing, commercial and infrastructure projects currently in train. This is a fine balance: but taking a longer-term perspective, it is considered that with a clear risk register identifying mitigation strategies for the identified risks, the balance lies in favour of proceeding.

## 5.0 Operational Issues

- 5.1 The Strategic Planning & Infrastructure Management Team would provide strategic management direction and mentoring to the managers in Torbay, but would not directly line manage staff initially. Plymouth City Council would share oversight of Torbay Spatial Planning Services budget to implement an improvement plan and to enable the due diligence necessary to undertake the "strategic options analysis" so as to inform the final proposals for integrated working to be presented back to Cabinet in March 2018.
- 5.2 There would be no cost to Plymouth City Council or pooling or cross subsidy of budgets. This has been agreed by Torbay Council.
- 5.3 A Joint Strategic Planning Improvement Board, jointly chaired by the Assistant Director for Strategic Planning and Infrastructure at Plymouth City Council, and the Executive Head of Assets and Business Services in Torbay Council would be set up. It would undertake the "strategic options analysis" for all the functions listed within the scope (set out in paragraph 3.2, and with agreement paragraph 3.3). It would oversee the Service Improvement Plan and explore future opportunities for more efficient ways of working through economies of scale and the digital delivery of these functions.
- 5.4 Political accountability for statutory planning decisions in Torbay would remain with Torbay Councillors and the Torbay Planning Committee. Similarly, in Plymouth decision-making by Members would remain unchanged.
- 5.5 In undertaking the initial "strategic options analysis" this will involve extending the remit/responsibilities of the Head of Transport, Infrastructure and Investment, the Head of Development Management and the Head of Development Planning as well as the dedication of a significant amount of time from the Assistant Director for Strategic Planning & Infrastructure. The costs of this will be met by Torbay Council and have already been agreed. There may need to be consequential changes that will be required in the rest of the Strategic Planning & Infrastructure department with increased responsibilities for some key staff and additional duties pending a wider review and restructure of the department.

- 5.6 The overall philosophy of this is to create a contractual “transactional” relationship moving towards a contractual collaborative agreement to deliver integrated services if supported by the “due assurance” / “strategic options analysis” process: this being subject to a further decision by Cabinet.
- 5.7 Support from Torbay’s Transformation Team has already been agreed. The required support services will draw upon the resources already approved by the Corporate Management Team as necessary in relation to human resources, ICT, legal and finance.

## **6.0 Scrutiny Considerations**

- 6.1 A draft of the Cabinet report and the proposed collaboration agreement was considered by the Place and Corporate Overview and Scrutiny Committee on 3<sup>rd</sup> January 2018. The Committee agreed the recommendations contained within the report, subject to the inclusion of the following:
1. the involvement of elected members in the termination of the Collaboration Agreement;
  2. cross party working in Plymouth (including briefing Shadow Cabinet members).
- 6.2 In response to the first recommendation, Clause 9.8 of the Collaboration Agreement has been changed to make it clear that the termination of the agreement requires ratification by Portfolio Holders in both councils. To clarify wider governance issues discussed by the Committee, a new clause 8.4 of the Collaboration Agreement has been inserted making it clear that all final decisions regarding future collaboration on planning and related functions will be taken by Elected Members. Recommendation 5 of this report further emphasises this approach.
- 6.3 In response to the second recommendation, and specifically commitments given in response to questions to Members of the Place and Corporate Overview and Scrutiny Committee on 3<sup>rd</sup> January 2018 by the Cabinet Member for Strategic Transport, Housing and Planning, it is proposed that progress reports are made to the Cross Party Working Group on Torbay and through Shadow Portfolio Holder 1-1 briefings. In addition, recommendation 2 specifically requires the support of the relevant Shadow Portfolio Holder and Clause 8.3 of the Collaboration Agreement has been updated to require Opposition Lead Members to be briefed during the Phase I process.

## **7.0 Timescales and Next Steps**

- 7.1 The timescale below sets out what has been actioned to date and what the planned next steps are:

Date	Action
13 December 2016 – 30 January 2017	Service/Peer Review of Torbay Council's Development Management Service
13 February 2017	Torbay Spatial Planning Peer Review Published
28 June 2017	Torbay Council – Policy Development & Decision Group Meeting – in principle agreement from the Elected Mayor
10 August 2017	Torbay Council – delegated decision by Torbay's CEO and communication sent to CEO at Plymouth City Council
01 November 2017	Plymouth Cross-Party Group Briefing
06 December 2017	Conservative Group Briefing
<i>19 December 2017</i>	<i>Labour Portfolios Briefing</i>
03 January 2018	Plymouth Place and Corporate Overview and Scrutiny Committee
16 January 2018	Cabinet decision to proceed 'in principle'
16 January 2018 – 23 March 2018	Initial Collaboration Stage: "due assurance"/"strategic options analysis"
27 March 2018	Final Cabinet decision to proceed with integrated working with Torbay on planning and related services
01 April 2018	Subject to Cabinet decision on 27 March 2018, commencement of integrated working on a phased basis between the Strategic Planning & Infrastructure Department in Plymouth with the Spatial Planning Service in Torbay in support of the ambitions set out in the Plymouth-Exeter-Torbay High Growth Corridor submission to Government.

7.2 Subject to the “in principle” agreement of Cabinet, and the completion of the “due assurance”/”strategic options analysis” between 16 January 2018 – 23 March 2018, it is intended that a final recommendation will be made on whether to proceed with integrated working between the Strategic Planning & Infrastructure Department in Plymouth with the Spatial Planning Service in Torbay in support of the ambitions set out in the Plymouth-Exeter-Torbay High Growth Corridor submission to Government at the Cabinet meeting on 27 March 2018.



# **Plymouth City Council- Torbay Council Collaboration Agreement**

**Arrangements for Strategic Planning  
and Infrastructure and Spatial  
Planning Functions**

**16<sup>th</sup> January 2018**

**Plymouth City Council/Torbay Council  
Collaboration Agreement  
Arrangements for Strategic Planning and Infrastructure and Spatial  
Planning Functions**

**16<sup>th</sup> January 2018**

**1.0 Background**

- 1.1 In November 2016, Torbay Council invited Plymouth City Council to conduct a comprehensive Service Review of their spatial planning functions. Torbay Council wanted the review to assess 3 key areas – “smart working”, a “cradle to the grave” approach to inward investment, and a “one team approach” to development. The final report included 30 recommendations covering vision and leadership, management, community engagement, partnership engagement, and achieving outcomes and was published on 13th February 2017.
- 1.2 The Service Review highlighted a leadership void which alongside budget reductions had created serious service resilience issues. This was combined with issues associated with the investor interface and outdated and non-value-adding processes. Notwithstanding these significant challenges, the Service Review also found that Torbay’s Spatial Planning Service compared reasonably well with its peers in terms of planning application performance and in terms of the dedication and professionalism of its staff. However, the Service Review also highlighted a number of opportunities for the service to modernise and to work in a more efficient and collaborative way, potentially with another local authority partner.
- 1.3 In April 2017 Torbay Council asked Plymouth City Council to consider entering into a collaborative arrangement as their ‘preferred partner’ to help them secure the improvements they were seeking. Following this, preliminary discussions were held between the Assistant Director for Strategic Planning and Infrastructure at Plymouth City Council, and the Executive Head of Assets and Business Services in Torbay Council.
- 1.4 This request from Torbay Council coincided with a recommendation from the Commissioner for Children’s Services appointed to Torbay by the Department for Education to address failings identified through successive Ofsted inspections. In April 2017, the Commissioner identified Plymouth City Council as the preferred choice to enter into a delivery contract with Torbay Council to manage Children’s Services. The profile and significance of the delivery arrangements for Children’s Services has taken priority, due to the urgent need to secure agreement ‘in principle’ to develop an improvement model. An ‘in principle’ decision was taken by Plymouth City Council to progress through to the next stage of the Children’s Services arrangement at Cabinet on 29th August 2017 which was subsequently endorsed on 25th September 2017 by the City Council. Work is continuing to undertake the due diligence and to develop a contract and operational model which, subsequent to a final decision being made in January 2018, will go live from 1<sup>st</sup> April 2018.

1.5 In the meantime, due to the post holder being on secondment, the position of the “Head of Spatial Planning” at Torbay Council remained vacant. Consequently, the need to explore longer term joint working arrangements on planning and related functions remained an issue. As such, on 28 June 2017, the Mayor of Torbay made a delegated decision to authorise:

“that the Chief Executive, in consultation with the Mayor and Executive Lead for Planning, Transport and Housing and the Executive Head of Business Services, be given delegated authority to explore and establish a suitable partnership arrangement for the delivery of Development Management and Spatial Planning functions with a nearby Local Planning Authority, so that Torbay Council can drive forward, at pace, the necessary modernisation needed to achieve a more sustainable and resilient planning service”.

1.6 Subsequently, on 10 August 2017 the Torbay Chief Executive formally wrote to Plymouth City Council indicating the desire to explore entering into a long term arrangement between the two councils to deliver a shared spatial planning service, and a range of associated functions to be agreed on a phased approach to deliver integrated working. The Torbay Chief Executive also confirmed that this initiative has been welcomed by Torbay Council’s political leaders and that further formal decision making processes were delegated to him.

1.7 The decision taken by the Torbay Mayor in June 2017, and the subsequent invitation from the Chief Executive in August 2017, provided the necessary mandate from Torbay Council to enable formal conversations to begin with Plymouth City Council. Further discussions then commenced between August 2017 and December 2017 which included developing a phased approach to the possible integration of services that would help to alleviate the immediate challenges facing Torbay. Following these further discussions, Torbay Council subsequently requested that the scope of functions were extended to include a number of strategic planning, transport and related functions.

1.8 In order to oversee the required “due assurance”/“strategic options analysis” on the planning and related functions that fall within the scope of this Collaboration Agreement, this document sets out the management arrangements for Phase 1 through to March 2018.

## **2.0 Purpose**

2.1 The purpose of this document is to set out the guiding principles, operating arrangements, governance and timeframe for the development and implementation of an integrated approach to the delivery of strategic planning and related services between Plymouth City Council and Torbay Council. It is intended to provide the baseline for the initial “due assurance”/“strategic options appraisal” stage and the more detailed work required to establish the “route map” for future service delivery from April 2018.

### **3.0 Strategic Objective**

3.1 This section determines the overarching strategic objective for the Collaboration Agreement. Torbay Council and Plymouth City Council agree that in undertaking this work the overarching strategic objective is:

To put in place long-term permanent arrangements that drives forward integrated working on a phased basis between the Strategic Planning & Infrastructure Department in Plymouth with the Spatial Planning Service in Torbay in support of the ambitions set out in the Plymouth-Exeter-Torbay High Growth Corridor submission to Government.

3.2 In undertaking the necessary “due assurance”/”strategic options analysis” in relation to the planning and related functions within the scope of this Collaboration Agreement, Torbay Council and Plymouth City Council agree to make decisions promptly and in accordance with the timescales set out in clause 5.1.

### **4.0 Outcomes and Benefits**

4.1 This section will determine the expected outcomes and benefits from integrated working. The expected benefits of the proposed integration of planning and related functions are expected to include:

- The establishment of “centres of excellence” generating efficiencies through economies of scale and increased digitisation of planning functions and their delivery.
- Increased resilience of planning services with improved opportunities for staff retention, development and job enrichment through integrated working.
- A stronger voice with Government and an enhanced reputation for strategic place-based leadership through sharing best practice and providing direct sector-led improvements consistent with the ambitions set out in the Plymouth-Exeter-Torbay High Growth Corridor Initiative.

### **5.0 Phases**

5.1 This section will determine the timeframe for the Collaboration Agreement. Torbay Council and Plymouth City Council agree to cooperate under this Collaboration Agreement in relation to the following phases:

Phase 1: “In Principle” Collaboration Stage (16th January 2018 – 31st March 2018): Establishment of a Joint Strategic Planning Improvement Board to oversee the “due assurance”/”strategic options analysis”.

Phase 2: Strategic Collaboration Stage (1st April 2018 onwards): Implementation of a Service Improvement Plan and commencement of longer-term permanent arrangements for the integration of planning and related functions, subject to the further agreement of both Councils.



## 6.0 Guiding Principles

- 6.1 This section will determine the main reasoning behind the Collaboration Agreement, detailing the political, financial, support and operating responsibility of the proposed working arrangements. Torbay Council and Plymouth City Council agree the following guiding principles in undertaking this work:
1. The integrity of planning decisions and processes within the administrative areas of Torbay Council and Plymouth City Council will be paramount at all times throughout the development and operation of the two planned phases of integrated working.
  2. The primary objective will be the sustainability and continuous improvement of strategic planning/spatial planning services in Torbay and Plymouth.
  3. There will be a commitment to openness and transparency at all stages and by all parties.
  4. Lines of accountability for politicians and officers will be clearly articulated and agreed through the Joint Plymouth-Torbay Strategic Planning Improvement Board.
  5. All parties commit at all times to resolving quickly any issues that arise by working together in the spirit of cooperation, equality and mutual respect.
  6. Phase 1 will be cost neutral to Plymouth City Council, with all costs recorded and recovered in accordance with an agreed cost recovery model. All costs incurred by Torbay Council will be agreed in advance.
  7. Phase 2 will identify the efficiencies, savings and income generation opportunities and the basis of how these benefits accrue to Torbay Council and Plymouth City Council.
  8. All communications relating to Phases 1 and 2 will be agreed by both Torbay Council and Plymouth City Council before being issued, including the content and timing of messages, and the channels and audiences, and will be coordinated through the Joint Plymouth-Torbay Strategic Planning Improvement Board.
- 6.2 Phases 1 and 2 must be fully funded and not impact on Plymouth City Council's finances or Torbay Council's base budget. The initial funding will come from the dedication of around £60,000 from the vacant Head of Spatial Planning in Torbay Council. Additional funding from Torbay Council for travel, subsistence and related expenses will also be identified. Any longer term arrangements will require further work to set out how a cost-neutral or better position will be achieved. Plymouth City Council and Torbay Council will share oversight of the Torbay Spatial Planning revenue budget through the Joint Plymouth-Torbay Strategic Planning Improvement Board. Torbay Council has set a £50,000 savings/income target for its Spatial Planning revenue budget for 2018/2019.

6.3 By the first scheduled meeting of the Joint Plymouth-Torbay Strategic Planning Improvement Board on 21<sup>st</sup> December 2017, Torbay Council and Plymouth Council agree to have identified the following officers who will provide support during Phases 1 and 2:

- Finance
- Human Resources
- Operational and Improvement
- Performance Management
- Communications and Engagement
- ICT
- Legal
- Transformation

## **7.0 Scope**

7.1 This section will determine what is within the scope of the Collaboration Agreement. Torbay Council and Plymouth City Council agree the scope of functions that will be the subject of a “due assurance” and “strategic options analysis” under this Collaboration Agreement are:

- Planning Compliance
- Major Developments
- Non-Major Developments
- Technical Planning Support
- Historic Environment/Archaeology
- Strategic and Local Planning Policy
- CIL/Section 106 Management and Monitoring
- Strategic Appraisal and Environmental Policy
- Strategic Transport
- Public Transport
- Smarter Choices
- Transport Planning
- Infrastructure and Investment Planning
- Strategic Growth delivery
- Neighbourhood Planning
- Low Carbon

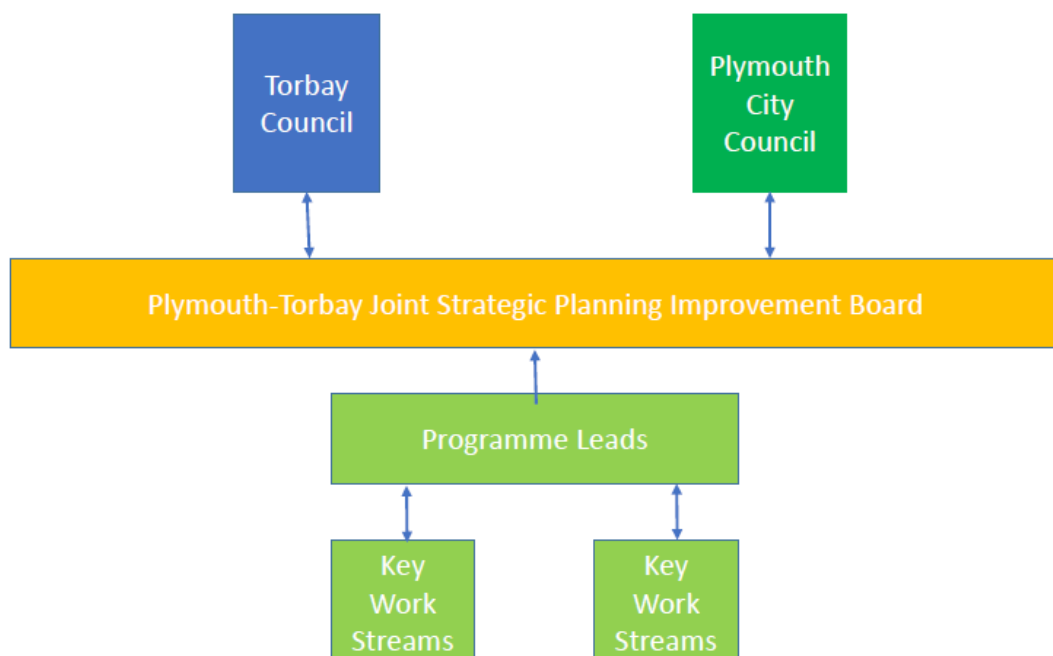
7.2 If during the Phase 1 “due assurance” and “strategic options analysis” exercise other functions appear to be relevant for consideration, these may be included subject to the agreement of both parties. Such functions might include, but are not limited to the following:

- Natural Infrastructure
- Housing Delivery
- Building Control
- Master planning
- Local Land Charges
- Flooding

## 8.0 Governance and Decision-Making

- 8.1 This section will determine the governance arrangements under which the Collaboration Agreement will operate. Torbay Council and Plymouth City Council agree to establish the Joint Plymouth-Torbay Strategic Planning Improvement Board, jointly chaired by the Assistant Director for Strategic Planning and Infrastructure at Plymouth City Council and the Executive Head of Assets and Business Services in Torbay Council.
- 8.2 Torbay Council and Plymouth City Council agree that the Joint Plymouth-Torbay Strategic Planning Improvement Board, together with appropriate officers from both councils, will oversee all aspects of the proposed integrated working process and is empowered to make all necessary managerial and operational decisions that may be required during Phase 1.
- 8.3 Torbay Council and Plymouth City Council agree to brief the relevant Portfolio Holders/Executive Members and their Opposition Lead Members from both authorities together on progress as required through Phase 1 through to March 2018.
- 8.4 For the avoidance of doubt all final decisions regarding options for future collaboration on planning and planning-related functions will be made by Elected Members. The model below sets out how the governance will work during Phase 1:

### Torbay-Plymouth Strategic Planning Phase 1 Governance Arrangements



## **9.0 Outline Working Arrangements**

- 9.1 This section will determine the outline operating arrangements for Phase 1 only. Depending on the outcome of the “due assurance”/”strategic options analysis” for each planning and related functions falling within the scope of this Collaboration Agreement, the future operational responsibility will be subject to a further binding decision by both Councils in March/April 2018.
- 9.2 Torbay Council will retain complete political and financial authority and statutory accountability throughout Phase 1 of all functions within the scope of the Collaboration Agreement.
- 9.3 Day-to-day line management and operational responsibility for Torbay staff within the scope of this Collaboration agreement will remain entirely with the Executive Head of Assets and Business Services in Torbay Council during Phase 1. Plymouth City Council will provide strategic management direction, leadership and mentoring to the managers in Torbay, but would not directly line manage staff in Phase 1. The level of strategic support from Plymouth City Council will be set out in a separate cost schedule. Recruitment, redeployment and secondments will be dealt with separately (see clause 9.6).
- 9.4 The Assistant Director for Strategic Planning & Infrastructure in Plymouth will attend appropriate meetings and forums during Phase 1 as advised by the Executive Head of Assets and Business Services in Torbay Council in connection with the Collaboration Agreement.
- 9.5 Torbay Council will retain financial accountability and provide an appropriate budget for the delivery of Spatial Planning Services, as informed by the Torbay Medium term Financial Strategy. Torbay Council agrees to provide relevant budget monitoring and budget analysis information in a timely manner when requested by the Joint Plymouth-Torbay Strategic Planning Improvement Board. Torbay Council and Plymouth City Council agree that there will be no pooling or cross-subsidy of planning and related functions arising from this Collaboration Agreement.
- 9.6 With immediate effect from the date of this agreement, Torbay Council and Plymouth City Council agree that the recruitment, redeployment and secondment of staff in posts within the scope of this Collaboration Agreement will be agreed jointly through the Joint Plymouth-Torbay Strategic Planning Improvement Board.
- 9.7 Torbay Council and Plymouth City Council both agree that this Collaboration Agreement is an opportunity for both parties to explore during Phase 1 the development of different models for integrated working, shared services, merged functions or teams, and longer term co-operation arrangements. Whilst both parties remain open to all options, it is vital that any such changes contribute to improvements and are consistent with the overall strategic objective set out in clause 3.1 and the expected outcomes and benefits in clause 4.1 of this Collaboration Agreement. It is also important that these arrangements do not destabilise the Spatial Planning Service whilst the “due assurance”/”strategic options analysis” in Phase 1 is being undertaken. Accordingly, both councils agree that no significant changes will be made to their planning services without prior notice and discussion at the Joint Plymouth-Torbay Strategic Planning Improvement Board and subsequent endorsement by each.

9.8 Torbay Council and Plymouth City Council agree that this Collaboration Agreement can only be terminated during Phase 1 if both parties agree, with adequate reasons given. The process of termination is through a unanimous resolution of the Joint Plymouth-Torbay Strategic Planning Improvement Board, and subject to ratification by the Portfolio Holders from both authorities.

## 10.0 Work Streams

10.1 This section will determine the work streams of the Collaboration Agreement. Torbay Council and Plymouth City Council agree that all work streams will be managed through the Joint Plymouth-Torbay Strategic Planning Improvement Board.

10.2 The table below sets out an illustrative set of work streams that will allow the “due diligence/”strategic options analysis” of Phase 1 to be completed by 31<sup>st</sup> March 2018. This will enable recommendations to be made on how each of the planning and related functions may be taken forward into a long term strategic model of integrated working in Phase 2, subject to further approval by both councils in March/April 2018.

Work Stream Project Number	Work Stream	Description
1	Service Delivery and Improvement	1.1 Planning Compliance Strategic Options Analysis 1.2 Major Developments Strategic Options Analysis 1.3 Non-Major Developments Strategic Options Analysis 1.4 Technical Planning Support Strategic Options Analysis 1.5 Historic Environment/Archaeology Strategic Options Analysis 1.6 Strategic and Local Planning Policy Strategic Options Analysis 1.7 CIL/Section 106 Management and Monitoring Strategic Options Analysis 1.8 Strategic Appraisal and Environmental Policy Strategic Options Analysis 1.9 Strategic Transport Strategic Options Analysis 1.10 Public Transport Strategic Options Analysis 1.11 Smarter Choices Strategic Options Analysis 1.12 Transport Planning Strategic Options Analysis 1.13 Infrastructure and Investment Planning Strategic Options Analysis 1.14 Strategic Growth delivery Strategic Options Analysis

Work Stream Project Number	Work Stream	Description
		1.15 Neighbourhood Planning Strategic Options Analysis 1.16 Low Carbon Strategic Options Analysis 1.17 Organisational Structure 1.18 Performance Standards 1.19 Productivity and Resource Review 1.20 Service Review Improvement Plan  <u>Subject to agreement:</u> 1.21 Natural Infrastructure Strategic Options Analysis 1.22 Housing Delivery Strategic Options Analysis 1.23 Building Control Strategic Options Analysis 1.24 Master Planning Strategic Options Analysis 1.25 Local Land Charges 1.26 Flooding
2	Finance	2.1 Spatial Planning Budget Review 2.2 Budget Reviews 2018/2019 2.3 Restructuring Budgets 2.4 Assurance Arrangements 2.5 Professional Indemnity Arrangements
3	Human Resources	3.1 Staff consultation 3.2 Trade Union Consultation 3.3 TUPE/HR Advisory 3.4 Pension Advisory 3.5 Payroll 3.6 Terms and Conditions 3.7 Review of Role Profiles/Job Descriptions
4	Legal	4.1 Phase 2 Contractual Arrangements 4.2 Constitutional Issues 4.3 Schemes of Delegation
5	Communications	5.1 Joint Communications Strategy 5.2 Day-to Day Communications Management 5.3 Press Management 5.4 Websites

<b>Work Stream Project Number</b>	<b>Work Stream</b>	<b>Description</b>
6	Stakeholder Management	6.1 Applicant/Agent Management 6.2 Citizen Management 6.3 Government Departments
7	Political Oversight	7.1 Cabinet Portfolio Holders/ Executive Members 7.2 Planning Committees 7.3 Ward Councillors 7.4 Elected Mayor
8	Accommodation	8.1 Accommodation Arrangements 8.2 Smart Working
9	Data and ICT	9.1 Review of Databases and Systems 9.2 Review of ICT Systems
10	Support Services	10.1 Review of Support Service Arrangements/Recharges 10.2 Risk Register

# **Signatures**

## **Signed on behalf of Torbay Council**

**Steve Parrock  
Chief Executive  
Torbay Council**

**Date:**

## **Signed on behalf of Plymouth City Council**

**Tracey Lee  
Chief Executive  
Plymouth City Council**

**Date:**