



Minutes

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| Title of meeting | Planning Inspectorate Board Meeting | | |
| Date | 22 March 2018 | Time | 13.00 |
| Venue | Temple Quay House, Bristol | | |
| Chair | Susan Johnson (SJ) – Chair and Non-Executive Director | | |
| Present | David Holt (DH) – Non-Executive Director Jayne Erskine (JE) – Non-Executive Director Sarah Richards (SR) – Chief Executive Tony Thickett (TT) – Director, Wales Steve Hudson (SH) – Director of Corporate Services Simon Gallagher (SG) – Director of Planning, MHCLG | | |
| In attendance | Martin Long (ML) – GDPR Project Manager (item 6) Mark Southgate (MS) – Director, Major Casework (item 7) Tim Guy (TG) – Director, Transformation (item 8) | | |
| Board Secretary | Natasha Perrett (NP) | | |
| Apologies | Ben Linscott (BL), Pauleen Lane (PL) | | |
| Observer | Trudi Elliott (TE) | | |

Part One: Schedule of Actions – 23 November 2017

| | Owner | Action | Para | Timeframe |
|---|--------------|---|------|------------------|
| 3 | Steve Hudson | Review unit costs and segmental reporting as part of the year end process | 2.13 | July 2018 |

Part One: Schedule of Actions – 25 January 2018

| | Owner | Action | Para | Timeframe |
|----|-----------------|---|-----------|--|
| 1 | Sean Canavan | Arrange for Conflict of Interest/disclosure information to be added to CQPSC dashboard. | 2.5 | Complete |
| 2 | Simon Gallagher | Identify suitable MHCLG representatives to attend CQPSC and People Committees. | 2.5 & 2.7 | CQPSC – allocated People - outstanding |
| 5 | Jo Esson | Update, circulate and publish the final Terms of Reference. | 2.8 | Outstanding, linked to action 2 |
| 6 | Natasha Perrett | Agree timing of next review of effectiveness with new Board Chair. | 2.9 | Complete – discussed with TE, review will be brought forward. |
| 10 | Mark Southgate | Provide report on mitigations etc for S-13a to Board members before the next Board meeting. | 5.6 | Complete - Transferred to September ARAC forward planner. |

| | Owner | Action | Para | Timeframe |
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| 15 | Sarah Richards | Circulate draft targets submission to Board members for comment. | 6.8 | SR will circulate modified draft to Board when ready. |
| 18 | Sarah Richards | Discuss with SG what further mitigations if any should be put in place for Risk S-05, or whether the risk has reached the point that the executive should 'accept' it. | 9.2 | Item 4 - May Board agenda - SR and SG to provide a verbal update. |

Part One: Schedule of Actions – 22 March 2018

| | Owner | Action | Para | Timeframe |
|----|----------------------------------|--|-------------|---|
| 1 | Natasha Perrett | Log the Declarations of Interest with the Head of Governance Jo Esson. | 2.5 | Complete – logged 23/03/18 |
| 2. | Tony Thickett/ Sarah Richards | Present at the May Board meeting an update on the gender split and reflections on the new inspector recruitment process. | 4.7 | Complete - Item 9 on the May agenda |
| 3. | Tony Thickett/ Sarah Richards | Present at the July Board meeting, an update on the inspector recruitment including offers made and acceptances. | 4.7 | July Board |
| 4. | Simon Gallagher | Update the Board when an appointment has been made to lead the end to end inquiries review. | 4.9 | When appointment is made. |
| 5. | Steve Hudson/ Caroline Bee | Add a commentary box to the average time to receipt chart. | 5.4 | Complete – included in the April dashboard. |
| 6. | Steve Hudson/ Sean Canavan | Add more information to the dashboard on local plans, particularly around impact on the Budget. | 5.6 | Complete – included in the April dashboard. |
| 7. | Sarah Richards | Escalate issues around letting office space to Melanie Dawes. | 5.9 | Complete – SR raised at AO meeting and directly with sponsorship team. |
| 8. | Martin Long | Provide a progress update to the NEDs in April on GDPR. | 6.8 | Complete – item 8 on the CQPSC agenda (26 April). |
| 9. | Simon Gallagher | Consider and advise JEs how GDPR should be reported in the Governance Statement. | 6.11 | Complete – Malin Eliasson (MHCLG) responded. |

Minutes

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| 1.0 | Welcome and Declaration of Interests |
| | 1.1 The Chair welcomed Trudi Elliott newly appointed Chair of the Planning Inspectorate Board. Trudi will take up the role of Chair from the 1 st April 2018. |

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| | <p>1.2 The Chair called for Declarations of Interest, the following were made:</p> <ul style="list-style-type: none"> • SJ has been appointed as Commissioner, Local Government Boundary Commission for England (Governance team already notified). • SJ is the lead Commissioner on an accessible housing inquiry which is due to publish in April 2018. The role of the Inspectorate is related to Local Plans. • SJ is also a Commissioner for the Equality and Human Rights Commission. (Governance team already notified). • TE is currently the CEO for the Royal Town Planning Institute, TE steps down from this role at the end of March 2018. • TE is a Non-executive Board member of the Sanctuary Group, TE confirmed there are no appeals with the Inspectorate at the moment. • TE also sits on the National Infrastructure Association policy council. • JE explained Price Water House Cooper (PWC) is delivering some training for the Inspectorate. JE has previously worked at PWC and explained that she had not been involved in the appointment of PWC to undertake the work for the Inspectorate. <p>Agreed: 1a) NP to log the DoIs with the Head of Governance Jo Esson.</p> |
| 2.0 | <p>Minutes of 25 January Board meeting – Part one</p> <p>2.1 Page 7 paragraph 4.7, JE asked for clarity around the Diversity and Inclusion work, is this an item for the People Committee or the Board?</p> <p>2.2 There were no comments on the text of the minutes.</p> <p><u>Actions</u></p> <p>2.3 The following action updates were agreed: <u>November minutes</u></p> <ul style="list-style-type: none"> • Action 5 is covered in the budget update on the agenda. <p><u>January minutes</u></p> <ul style="list-style-type: none"> • Action 2 – SG to provide NP with an update by the May Board meeting. • Actions 10 and 11 – MS to bring the action to the September ARAC meeting. • Action 14 – SR will report performance for 2017/18 in line with current targets. A submission is due to go to the Minister on 2018/19 reporting by the end of March. The Board agreed to close the action. • Action 18 – SG and SR agreed to have a formal conversation and will include a joint update in the next CEO report to the Board in May. SR to also include the process on interaction with MHCLG on emerging policy. <p>Minutes of 25 January Board meeting – Part two</p> <p>2.4 There were no comments on the text or actions of the minutes.</p> <p>Agreed: 2a) Subject to the amendment above, the part one and part two Minutes</p> |

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| | were agreed as a true record. |
| 3.0 | <p>Committee update</p> <p>a) Audit and Risk Assurance Committee</p> <p>3.1 DH reported that the Committee in the morning had:</p> <ul style="list-style-type: none"> • Deep dives on the Cyber Strategy and Business Continuity Plan (BCP) and gaining assurance around mitigating actions. The Committee asked for the reports to be brought together to show the risk status and where we are aiming for the risk to be. The Committee was comfortable with where we are on the loss of key systems. A lot of good work has taken place to secure the systems. The Committee was less confident about the BCP and technical elements. • An update on GDPR. There were questions around how Arm’s Length Bodies (ALBs) might report on GDPR in the annual report and to make sure these were consistent with their department. • The Head of Internal Audit’s opinion – the indication is that we will have a Moderate opinion this year in comparison to a Substantial opinion last year. This could change if management responses are received for outstanding actions. • A debate around input on the Annual Report, JE confirmed further opportunities to comment are included in the timetable. The annual report will be presented at the May Board. <p>Agreed:</p> <p>3a) Noted the update from the Audit and Risk Assurance Committee Chair.</p> |
| 4.0 | <p>CEO report</p> <p>4.1 PA Consulting have been appointed to take forward the first phase of the Operational Design and Delivery (OD&D) work which will last for 10 weeks. This is a critical piece of work and they will look at the structure in parallel with the Transformation project.</p> <p>4.2 Recommendations are emerging from the discovery work on the process review. Over the next 6-8 weeks, the Executive Team will have decisions to make in preparation for the review of the Strategic Outline Case (SOC) and the Business Case (BC) for the next operational delivery phase. This will be submitted to the Investment Sub-Committee (ISC) mid-May.</p> <p>4.3 Following the line manager conferences where the expectations of line managers was shared, managers will have a mandatory objective for the 2018/19 reporting year. Attendance was good at 85%. TT confirmed Sub-Group Leaders (SGLs) also have an item on their agendas regularly about their role as a line manager. The majority of SGLs also attended the conferences.</p> <p>4.4 JE asked how we will measure the success of the training. SR explained the line manager objective is measurable. A full programme will be rolled out throughout 2018/19.</p> |

4.5 In the latest inspector recruitment, 104 candidates have been shortlisted. People across the organisation are getting involved and are supporting the team in running the interview sessions. SR explained the Executive Team made a decision to appoint all suitable candidates.

4.6 TE asked about the pool of people that have applied, do we know their backgrounds i.e. majority public sector or private sector and do we know the gender split? TT explained it's mainly public sector, Local Government. We do not know the gender split at the moment.

4.7 The Board agreed reflections on the recruitment exercise should come back to the Board. In May the Board should have an update on the gender split and reflections on the new process. In July the Board should have an update on the offers made and number of acceptances.

MHCLG update

4.8 SG reported on:

- National Planning Policy Framework changes will affect the Inspectorate. Input from inspectors is important, so inspector interpretation is gathered.
- An output from the Accounting Officer meeting with Melanie Dawes was for SR to agree the performance targets for the Inspectorate for 2018/19.
- As a result of a restructure at MHCLG, SR and SG now report to Simon Ridley.
- Ministers have announced an end to end inquiries review. Once someone has been appointed to lead the work both MHCLG and the Inspectorate will provide joint support.

4.9 SG agreed to let the Board know when an appointment to the inquiries review has been made.

Agreed:

4a) TT/ SR to present at the May Board meeting an update on the gender split and reflections on the new inspector recruitment process.

4b) TT/ SR to present at the July Board meeting an update on the inspector recruitment including offers made and acceptances.

4c) SG to update the Board when an appointment has been made to lead the end to end inquiries review.

5.0

Monitoring Performance – Dashboard

5.1 There has been good progress made on in year spend, there is a small budget underspend compared to previous years. The quarterly review process in place has seen an improvement on spending and budget monitoring.

5.2 Casework performance is good, with no variable changes. The arrows in the dashboard remain constant.

5.3 National Infrastructure (NI) work shows an increase for the next financial year. There is work to do to make sure resources are in place. As there is a risk to income, DH said the Board would benefit from a discussion around the direction of travel and actions being taken.

5.4 The number of kiosk appeals is likely to have an impact on future trends. Around 2000 appeals have been submitted and are being dealt with by the Volume Casework Directorate. Going forward, these appeals will be dealt with differently and the Board will be able to see the performance on volume casework and kiosks appeals. There is a project in place which is looking at the options available to process kiosk appeals. As a result of the kiosk submissions and current process, SR explained the Board will see a decline in performance. It was agreed a commentary box should be added under the average time to receipt chart.

5.5 JE is worried about resourcing requirements. Under the key issues section of the dashboard, there was no mention of kiosks, this should have been highlighted. SR explained the capacity and capability risk is being managed. Over the last few weeks, our internal capacity has been increased through external contracts to take us into the next year. Alongside these appointments is skill transfer and developing staff.

5.6 SJ asked how the Board can be assured the risk around the submission of local plans is being managed. SR explained the Local Plans team is working with local authorities (LAs) to find out when plans will be submitted. There is a risk around plans being submitted too early and we are working with LAs to make sure they are realistic with their timetable. SG asked for more information to be added to the dashboard on local plans, particularly around impact on the Budget.

5.7 The dashboard currently shows 800 cases in validation. TE asked if there are any KPIs available around validation. SR explained there are a number of kiosk appeals being held due to a high court challenge around ownership certificates. If the kiosk appeals are removed from the figures, validation performance this month has improved significantly.

5.8 Conversations are taking place between MHCLG and Inspectorate colleagues to look at policy around kiosk appeals. SG will ask the team at MHCLG to look at submission flows. TE asked if kiosk appeals are also affecting Wales. TT explained Cardiff city centre has been affected, but is not wider.

5.9 The KPI on estates is currently red, SG suggested SR escalate to Melanie Dawes.

5.10 Wales performance is currently red, TT explained this was due to two hearings which need to be issued, once issued the performance will be reporting as green next month.

Agreed:

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| | <p>5a) SH/ CB to add a commentary box to the average time to receipt chart.</p> <p>5b) SH/ SC to add more information to the dashboard on local plans, particularly around impact on the Budget.</p> <p>5c) SR to escalate issues around letting office space to Melanie Dawes.</p> |
| 6.0 | <p>GDPR Associated Risks</p> <p>6.1 The MHCLG ALB assurance exercise reported amber at the end of January.</p> <p>6.2 Project Board and governance has been established and are taking a risk based approach. The data protection and governance roles have not been appointed.</p> <p>6.3 Following the personal data audit, we identified a lack of information management knowledge, duplication and business areas doing things differently. There is a general lack of data management approach. We are using the data audit findings to build up the data processing we need to have in place.</p> <p>6.4 The Board discussed the escalation process for inspectors on publishing decisions. ML explained decisions are already read in contentious areas of casework. The readers know the guidance and know that we publish decisions. We have made clear to inspectors their decisions should cover the planning arguments. Certain amounts of personal data will be redacted and where appropriate the decision will not be published.</p> <p>6.5 TT explained there are very few cases where personal information needs to be included in the decision. ML highlighted Parsol guidance is being redrafted and is work in progress.</p> <p>6.6 A resource has been appointed to the Procurement team to review contracts to make sure these are also GDPR compliant. MOUs are also being reviewed.</p> <p>6.7 TE asked if answering information rights is a big issue for the Inspectorate? ML explained from experience we receive very few data protection requests. There could be a flood of requests to start with, but is confident with our process for handling.</p> <p>6.8 ML explained there will be a longer term project around completion of compliance actions and development of information management post 25th May. The Board agreed a short update could be given to the NEDs in April.</p> <p>6.9 TE asked if there will be guidance for our customers? ML explained changes for our customers are small. They will receive a privacy notice. We will provide guidance to let customers know we will not be adding to the process.</p> <p>6.10 There was discussion around training, communications and engagement with staff. How can we demonstrate people understand the requirements and</p> |

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| | <p>know where to find guidance? ML explained there is guidance already on the intranet and there is a plan to share more detail with staff closer to the time. We will have targeted messaging in place. CSL are also producing mandatory training and this will be shared across the Inspectorate. DH suggested creating a visual 'day in the life of' to demonstrate how the GDPR changes will impact on staff.</p> <p>6.11 There was a question around, how the ALBs should refer to the GDPR in their Governance Statements to make sure these are consistent with MHCLG. SG agreed to take this forward as an action.</p> <p>Agreed: 6a) ML to provide a progress update to the NEDs in April. 6b) SG to consider and advise JE how GDPR should be reported in the Governance Statement.</p> |
| 7.0 | <p>Budget 2018/19 – OFFICIAL SENSITIVE - part two minutes</p> |
| 8.0 | <p>Transformation: Infographic</p> <p>8.1 The Transformation project is now reporting Amber Green. Move from Amber is as a consequence of business case (BC) approval and moving forward with the Operational Delivery Transformation (ODT) work. The customer business case is in draft and is behind schedule. Whilst this BC is behind, it does not have a material impact on the overall programme.</p> <p>8.2 SJ said we need to think about perceptions around the customer BC which was due for submission in November and we are now in March. We said we would put the customer first and the business case has yet to be submitted.</p> <p>8.3 ODT work is in an exciting place. Following the discovery phase, it has been agreed one end to end process for all casework types would benefit the Inspectorate. Developing the process will be done by taking a horizontal slice by casework type. This approach has been approved by the Transformation Programme Board (TPB). The casework type to be reviewed first has not been selected.</p> <p>8.4 TG explained the Appeals Casework Portal (ACP) and National Infrastructure template have been redeveloped. This was done in an interactive 5 day process, involving inspectors and staff throughout the process. The pre-alpha design will go to the ISC in May to secure funding. The first casework type will roll out to the customer by the end of the year.</p> <p>8.5 SJ said it would be good to get a view of what the end state is starting to look like, how it will be implemented and what this process looks like for the customer, inspectors and staff. SR said the OD&D work is important and will look at this more closely to pick up the issues. The capability and capacity issue is much less of a risk with the delivery model we have in place.</p> <p>8.6 Good work has been carried out around, organisation agility (OA) and</p> |

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| | <p>the target operating model (TOM). TG explained further requirements work is needed to enable us to recruit the Customer Insight Manager. The ODT work will give us the customer agenda and insight, but the customer BC gives us the strategic direction.</p> <p><u>Agreed:</u> 8a) To note the Transformation project update from TG.</p> |
| 9.0 | <p>Review of meeting, forward planner & AOB</p> <p>9.1 The Board agreed the following additions to the forward planner:</p> <p><u>April</u></p> <ul style="list-style-type: none"> • GDPR progress update to the NEDs <p><u>May</u></p> <ul style="list-style-type: none"> • Update on the gender split and reflections on the new inspector recruitment process. <p><u>July</u></p> <ul style="list-style-type: none"> • Update on inspector recruitment including offers made and acceptances. <p><u>Agreed:</u> 9a) The updates to the Board forward planner.</p> |

Next meeting: 24 May 2018, 9.30 – 12.30