

Report to: **Executive**

Date: **16 September 2021**

Title: **Planning Improvement Plan**

Portfolio Area: **Built and Natural Environment – Cllr Judy Pearce, Leader of the Council**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: upon the expiry of the Overview And Scrutiny Cali-in period

Author: **Drew Powell** Role: **Director of Governance & Assurance**

Contact: Drew.powell@swdevon.gov.uk

Recommendations:

- 1. That the Executive adopts the Planning Improvement Plan ('the Plan') as set out at Appendix A;**
- 2. That the Executive monitors ongoing performance of the Plan on a six monthly basis with an update report no later than March 2022;**
- 3. That the Executive recommends to Council to fund the cost of temporary planning staffing resources of £171,900 (SHDC share of the cost), from the additional planning income generated in 2021/22 (as set out in 2.4).**

1. Executive Summary

- 1.1 The purpose of this report is to update Members on the progress of the Development Management and Planning Enforcement Review, to seek adoption of the Planning Improvement Plan ('the Plan') as resolved at Executive on 21 April 2021 (Minute E87/20 refers) and to secure a recommendation to Council to approve the use of the additional planning income to cover the cost of temporary staff within the Development Management Service.

- 1.2 There remains a high volume of planning applications and enforcement cases that are being dealt with by the team and recruiting suitably experienced officers to vacancies is a challenge both locally and nationally.
- 1.3 The high demand on the service has influenced the capacity and therefore the pace at which the team can implement positive changes.
- 1.4 A comprehensive analysis comparing the increased demand on the service with the capacity to deliver has identified a clear gap. However, the additional income generated by the increase in applications offers an opportunity to close the gap between demand and capacity whilst the Plan is implemented.
- 1.5 A better understanding of the need for additional, permanent resource will be established as the benefits of the Plan are realised.
- 1.6 This report sets out the context and the progress that has been made in terms of the planning service in general and, through the proposed Plan, identifies a series of actions and a detailed timeline to secure further improvement.
- 1.7 In order to ensure that the scope and content of the Plan was well developed and deliverable it was agreed, after consultation with the Cllr Pearce, as Executive Lead, to engage the Planning Advisory Service (PAS) to support the process.
- 1.8 PAS have worked with officers to develop the Plan in line with their new Development Management Toolkit. The Plan is effectively endorsed by PAS and sets out a clear direction of travel to secure sustainable improvement across the service.

2. Background

- 2.1 Development Management and Planning Enforcement are key services delivered by the Council. The services can be highly complex and involve significant consultation and engagement with many different parties. As a result, the services are highly visible to many within our communities, businesses and for those that interact with these services, as it is a key indicator of the effectiveness of the Council.
- 2.2 These services are receiving year on year increases in applications and reported planning breaches; both services are struggling to meet the needs of service users and there have been a number of issues as a result of protracted timescales and/or quality issues.

- 2.3 The services have seen a high turnover of staff and therefore have been operating with temporary staff, which whilst helpful in terms of capacity, can adversely impact on continuity and consistency of decisions.
- 2.4 It is recognised that there is a need to develop and implement robust quality control and assurance measures, for example the checking of reports by senior Development Management officers, and to secure oversight of the key component parts of the service including case management, specialists and internal consultees.
- 2.5 It is vital that the relationship with internal and external consultees is strengthened through the introduction of service level agreements, or similar, to secure and monitor, timely responses in line with the targets set by the service. The relationship with legal is a good example and work is continuing to help ensure that the legal service has sufficient resources, or access to them, to effectively support the planning function.
- 2.6 The increase in planning applications is reflected in the planning income received to date overall of £586,000. This represents a 91% increase (£280,000) on the planning income target (at the end of July, Month 4) of £306,000. Budgeted planning income for 2021/22 is £920,000.
- 2.7 It should be noted that this income is largely influenced by large applications relating to the Sherford development and therefore cannot be guaranteed year on year. Further work will be undertaken to model likely income in future years as part of the budget setting process.
- 2.8 At the April 2021 meeting, Members agreed that a review needed to be undertaken with identifiable actions, targets and milestones set out in an Improvement Plan (Min E87/20 refers).

3. Outcomes/outputs

- 3.1 The purpose of the Review and the proposed Plan is to deliver improvements in the following broad areas:
- Performance
 - Quality
 - Communication
 - Customer and Member satisfaction
- 3.2 An Improvement Plan has been drawn up, with the support of PAS, which aligns with the themes set out in the PAS Development Management Toolkit. The Improvement Plan is attached at Appendix A to this report and the PAS Toolkit can be found at the following link:

4. Progress to date

- 4.1 A Review Board has been established, currently led by the Director of Governance & Assurance, and a weekly meeting considers priority actions and improvements.
- 4.2 There has been incremental improvement in a number of areas as follows;
- Validation: a timely validation is crucial in order to ensure that new applications are allocated to case officers as quickly as possible. We have allocated more resources to the front end of the validation process to deal with the challenge of increased numbers of applications. There was a 12% increase in applications from 2019 to 2020 and the numbers in the first half of 2021 are 3% higher than the equivalent period in 2020.
 - We have subsequently addressed a backlog of applications awaiting registration/validation, and have reduced the number from approximately 300 to 54. We continue to work towards our target of registering applications in three working days.
 - Currently, over 50% of applications submitted are invalid. As part of a suite of measures to reduce this failure demand by applicants, we have reviewed the Validation Checklist (which is a statutory process) and this is now out for consultation with all our external consultees, including Towns and Parishes and agents. The consultation finishes on 14th September. We will also be consulting internally on the Checklist. It is proposed that going forward we will take a much firmer line and will not register applications that are incomplete.
 - Pre-Application Advice. We have reallocated two officers to focus on Pre-Applications and will now work on developing a process to monitor the effectiveness of pre-application advice that should encourage more pre-application submissions
 - External relationships. Recognising that our relationship with agents and developers is key to providing an efficient customer focussed service we have reintroduced our Agents and Developers Forum. The first meeting was held on 25th August and we have agreed a programme of topics to be discussed at future meetings that will be of mutual benefit.
 - We have drafted a Memorandum of Understanding with Parishes and Towns which has been approved by lead members and has now been sent to parishes, towns and the Devon Association for

Local Councils. This Memorandum sets out how the Council and the Parishes /Towns will work together effectively to enable local views to be considered in a timely manner as part of the application process.

- We are currently working on a Planning Customer Charter that will set out our service standards, our commitments to customers, and our expectations from customers to maximise an effective service. This will be drafted in conjunction with the Thematic Delivery Plans supporting 'Better Lives for All'.
- Internal relationships. To improve internal consultee responses, we have contracted Devon County Council to provide ecology advice where needed for applications which has significantly improved the speed of response on these matters.
- Planning Enforcement There are now fortnightly meetings between Legal Services and Planning Enforcement to discuss current cases and actions, and to prioritise matters.
- We have recommenced meetings with Ward Members to review enforcement cases within their wards and you will continue to see diary invites over the next couple of months. It is our intention to hold these meeting on a 4 – 6 month basis.
- We are undertaking a training programme with the new and existing members of the Enforcement Team and it is our intention that the training, alongside the work with the Planning Advisory Service, will improve Service Delivery.
- Despite the significant change in staffing and experience within the Enforcement Team we are managing to maintain equilibrium between the number of cases received and closed. It is expected that as the new team members increase in experience and training that we will be able to reduce the number of outstanding enforcement cases.
- Capacity. We have undertaken a detailed assessment of the volume of work versus the capacity of the present establishment team to deliver in line with Government targets. This has identified that whilst the volume of work has increased, capacity has not increased in line, as detailed above. The report contains proposals to cover the resulting budget pressures in the short term and sets out plans for the longer term.
- Legal Services has contracted an additional locum capacity to support the Development Management and Planning Enforcement services.

- 4.3 The ongoing process detailed above continues to look at ways to implement improvements and efficiencies. However, in order to ensure that the Development Management and Planning Enforcement services are as effective as they should be, particularly in respect to the quality of decision-making and customer service, Officers have been working with the support of the Planning Advisory Service to help develop and refine the draft Improvement Plan.
- 4.4 PAS is an experienced team, both in terms of planning knowledge and improvement skills, and can draw both on its own experience as well as colleagues across Local Government to provide challenge, guidance and support to specific areas of the Plan.
- PAS has been developing a Development Management Toolkit which sets out 'What a good Council looks like' and allows a DM service to challenge and score the service against these criteria. We have recently held detailed workshops lead by Mr Pete Ford, who is the Principal Consultant for Development Management at PAS, with members of the specialist and case management team on six of the fifteen themes set out in the toolkit (please see at the following link: <https://www.local.gov.uk/pas/development-mgmt/development-management-challenge-toolkit>)
- 4.5 Mr Ford has made the following observations 'The Development Management challenge sessions involved a good selection of staff at all levels in the service. It was clear to me that staff are generally very committed and motivated in their roles and there is evidence of good practice across the service. It was also encouraging to see staff being self-reflective, acknowledging that there is room for improvement and being forthcoming with ideas on how that improvement can be made.'
- 4.6 Mr Ford added, 'During the discussions there was an acceptance that Development Management in any Council will face challenge from parties who are unhappy with an outcome. However, staff also acknowledged that there is work that the Councils can do to improve the customer experience and better engage with applicants and the public. In my view, the approach being taken by the Councils is the correct one, using the Development Challenge work to review the Development Management service and agree a deliverable set of actions that will build on the good practice that is evident whilst also addressing areas of weakness within the service. I am very pleased that the Councils have reached out to PAS to act as a critical friend in the improvement journey and I am looking forward to working with the Planning team to advise and support the improvement plan'.
- 4.7 To date the process has taken us through relevant parts of the toolkit and identified gaps and areas for improvement. As PAS is piloting

the new Toolkit there has been no charge for this initial support to the Council.

- 4.8 This process has helped form the updated Improvement Plan at Appendix A which sets out the key areas that we need to focus on to improve the efficiency and effectiveness of the service. We intend to hold additional 'in-house' workshops to explore some areas further and enhance the Improvement Plan. We propose to engage PAS to act as a critical friend and support us where necessary through the implementation.

5. Recruitment

- 5.1 We have successfully recruited to the three vacancies in the core enforcement team so that the Enforcement Case Officer Team is now fully staffed. We have appointed a specialist contractor to provide support, on an interim basis, whilst we recruit to the specialist vacancy. Our contractor is concentrating on complex matters, backlogs and providing consistency across the Team.
- 5.2 Within the Development Management Team, we have recruited to three Level 6 vacancies but have yet to successfully recruit to the vacant level 5 role.
- 5.3 We continue with some temporary staffing resources in both the case management and specialist teams which are covering vacancies and the increased demand set out in 4.2 above.
- 5.4 It is proposed that the cost of this of £171,900 is financed by the additional planning income set out in 2.4 and that a further report is brought back to Members, in due course, with regard to the need for any future increase in permanent planning roles.

6. Strategic Context

- 6.1 The Council's new Corporate Strategy – 'Better Lives for All' - sets out a range of themes and associated aims supported by Thematic Delivery Plan plans. The Development Management and Planning Enforcement services form part of the wider planning function alongside, for example, the Joint Local Plan, Strategic Planning and Neighbourhood planning teams, which are essential to deliver against our strategic aims.
- 6.2 It is important that each component part works together. In view of this, part of the improvement process will also focus on these relationships to ensure that the operational arrangements align with the broader strategic ambition whilst delivering effective and improved performance against increasing demand. The intention

being to strengthen the strategic oversight and management of all aspects that contribute to the Council's planning service.

7. Next Steps

- 7.1 Adoption of the proposed Planning Improvement Plan and implementation with the support of the PAS will secure measurable improvements in overall service performance and support delivery of the Council's Corporate Strategy "Better Lives for All".
- 7.2 It is proposed that the Plan will be further developed through additional workshops and work with PAS. An update on performance against the Plan will be presented to Executive on a six monthly basis.
- 7.3 Approval of the £171,900 from additional planning income will secure temporary support for ongoing service delivery.

8. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Implementation Plan will ensure improved governance and decision-making
Financial implications to include reference to value for money	Y	It is recommended to fund the cost of temporary planning staffing resources of £171,900 (SHDC share of the cost), from the additional planning income generated in 2021/22 (as set out in 2.4). A further report will be brought back to Members, as part of the budget setting process, with regard to the need for any future increase in permanent planning roles. The Implementation Plan will look at resources (staff and financial) and all financial aspects of the service.
Risk	Y	That the Council fails to deliver a Service that meets the expectations of Members and our Customers
Supporting Corporate Strategy	Y	Council, Homes, Environment, Enterprise
Climate Change - Carbon /	N	No direct carbon or diversity impacts arise from this report

Biodiversity Impact		
Comprehensive Impact Assessment Implications		
Equality and Diversity		N/A
Safeguarding		N/A
Community Safety, Crime and Disorder		N/A
Health, Safety and Wellbeing		N/A
Other implications		N/A

Supporting Information

Appendices:

Appendix A: Development Management and Planning Enforcement Improvement Plan

Background Papers:

There are none

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes/No
SLT Rep briefed/sign off	Yes/No
Relevant Heads of Practice sign off (draft)	Yes/No
Data protection issues considered	Yes/No
Accessibility checked	Yes/No