

Report to: **Executive**

Date: **14 October 2021**

Title: **Planning Improvement Plan – Phase 2 Resources**

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: any recommendations will be presented to the Council meeting to be held on 25 November 2021

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#### **RECOMMENDATIONS:**

**That the Executive:**

- 1. RECOMMENDS to Council to employ six additional permanent posts (shared with West Devon Borough Council), being four planning specialists and two legal specialists, at an annual cost of £164,000 (the SHDC share of the costs), to be funded from additional planning income, and**
- 2. RECOMMENDS to Council to increase the staffing budget by £164,000 and to increase the planning income target for 2022/23 onwards by £164,000, and**
- 3. Notes that a further phase 3 report will be presented to the Executive on 2 December 2021.**

### **1. Executive Summary**

- 1.1.** On 16 September 2021, the Executive adopted the Planning Improvement Plan and recommended that the Council allocate the sum of £171,900 of additional planning income for 2021/22, to cover the cost of temporary staff (South Hams share) within the Development Management (DM) and Enforcement Services until March 2022 (minute E.42/21 refers). The funding recommendation

was subsequently approved by Full Council at its meeting held on September 23<sup>rd</sup> 2021 (Minute 45/21 refers).

- 1.2. It was agreed that a further report would be brought back to Members setting out the need for any future increase in permanent staffing roles to support the future delivery of the planning service in light of the proven increase in demand.
- 1.3. This report, which forms phase 2 of the improvement process, sets out the assessed need in terms of planning specialists and also additional legal specialists to support the planning and enforcement functions.
- 1.4. The report recommends that the new, permanent roles are funded from the additional planning income being generated as a result of the increase in applications and demand.
- 1.5. In terms of case management support for the service, this will be considered at a later date as part of a wider look at corporate case management capacity and be included in phase 3.
- 1.6. It is also proposed that part of phase 3 of the improvement process will look in detail at the relationship between the DM and Planning Enforcement functions and the existing management arrangements for specialists and case managers to ensure that they are designed to deliver the best outcomes and service performance. This report however sets out some of the changes that are being implemented at this stage.
- 1.7. Phase 3 will also include an update on performance within the enforcement team plus feedback and learning from the Planning Advisory Service (PAS) led workshop held on 27<sup>th</sup> September.

## **2. Strategic Context**

- 2.1. The Council's new Corporate Strategy – 'Better Lives for All' - sets out a range of themes and associated aims supported by Thematic Delivery Plans which have now been adopted by Members. The DM and Enforcement Service forms 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.
- 2.2. The recently adopted Planning Improvement Plan sets out the Council approach to improving service performance and therefore supports 'Better Lives for All'. A key part of this is establishing a stable and skilled team with the capacity to deliver the service efficiently and in line with demand.

### 3. Background

- 3.1. 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.
- 3.2. The 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.
- 3.3. It is recognised that the quality and speed of the service being provided at present needs to improve and hence the adoption of the Planning Improvement Plan.
- 3.4. Whilst this report focusses on securing the additional posts needed to manage the increased demand on the services, it is recognised that this is only one strand of the improvement needed. It is equally important that each component part of the wider planning service works together.
- 3.5. In view of this, it is proposed that part of phase 3 of the improvement process, which will be the subject of a further report to Members in due course, will focus on these relationships to ensure that the operational arrangements align with the broader strategic ambition whilst delivering effective and improved performance.
- 3.6. The intention of this approach is to strengthen the strategic oversight and management of all aspects that contribute to the Council's planning service.
- 3.7. At this stage, it is proposed that Senior Leadership Team oversight of Development Management and Planning Enforcement moves permanently to the Director of Governance and Assurance, Drew Powell, and the following organisational and operational measures are implemented:
  - The integration of case management and specialists with business support managed as part of the service, with the Team Leader for DM and Enforcement Case Management sitting on the planning service management team;
  - A regular planning service management team meeting chaired by the Director of Governance and Assurance, comprising the Head of Service, Business Manager (specialists), senior specialists (DM and enforcement), case management team leader plus relevant

planning policy colleagues. This would ensure the planning improvement plan is implemented and the core service operates to a consistently 'good standard';

- A regular officer group to support the delivery of the 'Built and Natural Environment' theme of 'Better Lives for All', supported by the Directors of Governance and Assurance and Place and Enterprise, which would help ensure DM and other related areas are aligned to this and the other wider corporate objectives including climate change, housing and economy.
- The team remains focussed on the functionality of the new Planning IT system (which forms part of the wider corporate 'Future IT' Project)

3.8. It is recognised that the planning and enforcement service does not operate in isolation. It is vital that the relationships with internal and external consultees are strengthened through, for example, 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 the legal service is a good example and, at present, it is clear that the legal service does not have sufficient capacity to support the service efficiently.

3.9. In view of the above, a comprehensive analysis has been undertaken comparing the increased demand on the service with the current, corporate capacity to deliver at the required standard. The analysis has identified capacity gaps that need to be closed if the service is to improve and deliver positive outcomes.

#### **4. Demand and Capacity**

4.1. The planning service has been operating for some years with temporary staff (whether because of a high turnover of staff or due to the increased demand) and whilst this has been helpful in terms of capacity, it can adversely impact on continuity, and consistency of decisions.

4.2. Inevitably, the use of agency staff is a more expensive resource than permanent staff on the establishment and the shortfall has been met by additional planning income and staffing vacancies in previous years. Over the last 5 years, agency costs have averaged in the order of £120,000 per year. This year that sum already amounts to £116,000 to the end of August (month 6). Continuing to utilise temporary and/or agency staff is clearly not the most cost-effective way to manage the increased demand.

4.3. As set out in the report to the Executive on 16 September, there has been a significant rise in applications received over the past two

years which equates to a 12% increase. This trend has continued into 2021 and it is predicted that demand will continue to rise.

- 4.4. This increase in planning applications is reflected in the planning income received. Income is predicted to be in excess of £300,000 over the budgeted planning income for 2021/22 of £920,000.
- 4.5. We have undertaken a detailed assessment of the capacity of the Development Management Team to deliver the service. The assessment has considered both the work of specialists (who determine the applications) and case managers (who provide support for the processes involved for example, registering applications).
- 4.6. The assessment has considered the number of applications received as well as other, non-application work that the service delivers for example, pre-applications, appeals, and complaints, management of performance data, management and mentoring of colleagues as well as the wider quality assurance of the planning process, together with the capacity to manage and deliver an effective and continuously improving service.
- 4.7. The approach and calculations undertaken are supported by the Planning Advisory Service (PAS) and has evidenced that, in addition to the current staffing establishment, there is a need for additional permanent staff. For avoidance of doubt, this is not in addition to the temporary staff currently in post and funded to the end of March 2022.
- 4.8. With regards to the planning specialists, the assessment has identified a need for an additional 4 officers - one Level 5 and three Level 6's – at a cost of £110,000 (SHDC share of costs – Planning specialists are split 76% SHDC and 24% WDBC). As detailed in paragraph 1.5 above, an assessment on the need for case managers will be considered during phase 3.
- 4.9. It is important to note at this stage that demand on the service may increase or potentially decrease. We will continue to monitor application numbers and will adjust staffing levels accordingly and in line with the available budget.
- 4.10. In addition, a detailed assessment has also been carried out in relation to the level of legal support required specifically for the DM and enforcement services.
- 4.11. Currently, Legal Services have contracted additional locum capacity to provide this support but in order to provide consistency and to develop the long term relationship between the services it is proposed that we recruit two additional specialist regulatory

lawyers, who will be focused on providing advice and legal support on development management, planning enforcement, and related court work and appeals.

4.12. The costs for the two additional regulatory lawyers – one at Level 4 and one at Level 5 - is £54,000 (SHDC share of costs – Legal Specialists are split 60% SHDC and 40% WDBC).

4.13. The South Hams share of costs of the additional resource amounts to £164,000. It is proposed to fund this from the increased amount of Planning Income that we are receiving as set out in paragraph 4.4 above. It is recommended to increase the staffing establishment budget by £164,000 and to also increase the planning income target for 2022/23 onwards by £164,000. Therefore the extra planning income currently being generated will finance the additional staffing resource required. If approved by Members, this will be built into the next iteration and update of the Council’s Medium Term Financial Strategy.

**5. Proposed Way Forward**

- 5.1. The demand on the Development Management and Planning Enforcement services continues to increase and detailed assessment has shown that the wider service does not have the capacity to deliver the services to the expected standard.
- 5.2. The addition of the posts identified in this report, funded by the additional income being generated by the increase in demand, will help secure measurable, sustained improvement in performance.
- 5.3. A further phase 3 report will be brought back to the Executive on 2<sup>nd</sup> December.

**8. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	It is a requirement of the Council Constitution for any increases to the staffing establishment to be an ultimate decision for Full Council.
Financial implications to include reference to value for money	Y	<p>The report recommends employing six additional permanent posts (shared with West Devon Borough Council), being four planning specialists and two legal specialists. The SHDC share of the costs would be £164,000.</p> <p>It is recommended to increase the staffing budget by £164,000 and to also increase the planning income target for 2022/23 onwards by £164,000.</p>

		Therefore the extra planning income currently being generated will finance the additional staffing resource required.  If approved by Members, this will be built into the next iteration and update of the Medium Term Financial Strategy.
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 / Biodiversity Impact	N	No direct carbon or diversity impacts arise from this report
<b>Comprehensive Impact Assessment Implications</b>		
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:**

None

**Background Papers:**

None