

# Update on Development Management Service Review & Improvement Plan

Councillor Angela Lax, Cabinet Member for Regulatory, Housing & Health

Date:	7 <sup>th</sup> December 2021
Agenda Item:	6
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Key Decision?	No
Local Ward Members	N/A



**CABINET**

## 1. Executive Summary

- 1.1 A report was considered by Cabinet at its meeting on the 7<sup>th</sup> September setting out issues facing the Council's Planning Development Management Service and seeking approval to restructure the service and invest in additional resources to support its improvement. The report was presented in response to identified pressures facing the service and concerns over performance and customer responsiveness. Cabinet duly agreed the proposals, but also asked that a paper be brought back to it in due course to show progress on the changes to be implemented and their impact. This is the first paper of those progress papers which looks at the period since September.

## 2. Recommendations

- 2.1 That Cabinet notes the performance of, and the progress being made by the Development Management Service in terms of implementing the revised structure and with regard to its improvement programme.

## 3. Background & Issues

- 3.1 DM/Planning is a high-profile service activity with local residents and communities having a keen interest in proposals and planning decisions impacting on their area and amenity. Planning is also a key component of the local economy with housing, employment and other types of development necessary to meet needs. The importance of having an effective and capable planning system is recognised by all levels of government, from national to local as well as private sector industry. To this end planning is one discipline where there are national performance indicators for local planning authorities based on speed of decision making and the quality of decisions and sanctions applied where performance against such indicators is not met.
- 3.2 The DM Service deals annually with a high number of applications. There was an increase of 26% in the number received between comparable periods in 2020 and 2021, however in the last quarter the overall number of applications submitted have reduced between Q1 and Q2 by approx. 18 %. The following table sets out the number of applications received over the last 1.5 years, by quarter and by type:

	Apr20- Jun20 Q1	Jul20- Sept20 Q2	Oct20- Dec20 Q3	Jan21- Mar21 Q4	Apr21- Jun21 Q1	Jul21- Sep21 Q2
<b>Total Applications received</b>	315	366	396	471	471	385
<b>including</b>						
• <b>Major applications</b>	11	14	15	15	7	8
• <b>Pre app requests</b>	51	54	53	81	67	41
• <b>Valid planning appeals</b>	11	4	15	5	6	2

3.3 In terms of Planning Enforcement, the following table shows the number of logged and closed cases per quarter over the last 12 months and current quarter to date/to mid Nov 2021:

Enforcement	New cases opened	Cases closed	% (cases closed/new cases opened)	Ongoing carry over
2020/21 – Q3	41	26	63.4%	118
2020/21 – Q4	44	19	43.2%	143
2021/22 – Q1	68	22	32.4%	189
2021/22 – Q2	49	12	24.5%	230
2021/22 – Q3 (to date)	25	0	0	255*

3.4 **Performance.** This is regularly monitored, with 6-monthly DM performance Briefing Papers being reported to Overview & Scrutiny. The following tables include details of the number of applications determined and the performance recorded by quarter, split into major and non-major applications from Q3 of 2020/21 to midway in Q3 (up to mid Nov 2021) of 2021/22. This shows:

- that the Council is performing well against the national indicators; above the national targets for speed of determination (more than 60% for majors and more than 70% for non-major category applications).
- there has been improvement in the performance from Q1 to Q2 of 2021/22. There remains reliance on agreed extensions of time to meet the national indicator targets, however these are agreed extensions of time, as ‘agreed’ in writing with applicants/agents and can be calculated positively in the national indicators. This shows the willingness of applicants to work with the Council to achieve better outcomes and/or as part of positive engagement in the planning application process, as endorsed by national planning policy guidance.

#### Major Applications:

Major Applications	Total received (No)	Total determined (No)	Target Performance <91 days (%)	Actual determined <91 days (No)	%	Determined outside target (No)	%	Extensions agreed (no)	% of total determined
2020/21 Q3	15	4	60%	3	75.0%	1	25%	3	75.0%
2020/21 Q4	15	7	60%	5	71.4%	1	14.3%	4	57.1%
2021/22 Q1	7	13	60%	10	76.9%	3	23.1%	10	76.9%
2021/22 Q2	8	10	60%	9	90.0%	1	10.0%	9	90.0%
2021/22 Q3 (to date)	2	8	60%	6	75.0%	2	25.0%	7	87.5%

## Non-Major applications

Non-Major Applications	Total received (No)	Total determined (No)	Target Performance <57 days (%)	Actual determined <57 days (No)	%	Determined outside target (No)	%	Extensions agreed (no)	% of total determined
2020/21 Q3	193	182	70%	135	74.2%	47	25.8%	87	47.8%
2020/21 Q4	201	182	70%	133	73.1%	49	26.9%	83	45.6%
2021/22 Q1	265	178	70%	122	68.5%	56	31.5%	79	44.4%
2021/22 Q2	216	252	70%	211	83.7%	41	16.3%	110	43.7%
2021/22 Q3 (to date)	88	129	70%	108	83.7%	21	16.3%	62	48.1%

**3.5 Service Improvements.** In response to concerns raised about the challenges, performance and customer responsiveness of the Service, an Improvement Plan was produced and is being implemented since the end of 2020. The Plan and updates made thereto are set out in **Appendix 1**. In summary, the actions that have occurred to date, include:

- Customers Engagement- Training has taken place with planning staff to impress the importance of good customer care, including keeping applicants and agents abreast of progress with proposals.
- Via the Cabinet Member, efforts have been made to improve communications between the service and elected members, so that members can engage in a more informed manner with local residents when planning matters arise. This has and will continue to be supplemented by planning member training sessions being scheduled, that are open to all members of the Council to explain planning policy and processes and the role/function of the Council as local planning authority.
- A revised set of member protocols has been produced to explain the role of members on planning committee and those non-committee members; who as members get involved in matters on behalf of their local residents / applicants. The protocols help to clarify what is and isn't good practice and ensure that members, officers and all other interested parties understand each other's responsibilities.
- A key team leader vacancy was filled 6-months ago on a permanent basis; they have settled in well and this has brought some much-needed stability and better support to the applications team, helping to build the team morale.
- Managers in the team were given mentor support and have or are also undertaking corporate management training.
- Work has progressed on the implementation of the new team structure- following subsequent Council approval of this, market supplements were added to certain posts from October and any temporary posts made permanent; job descriptions were written and/or updated for the new posts to be recruited and those that needed to be, were job evaluated. Meetings have been held with external parties to support an alternative to the norm approach to recruitment and a company engaged to progress this. This is to seek a better reach of applicants and to communicate and stimulate a good response in terms of applicants as part of the recruitment process. The 8 number posts have been advertised internally and are due to go live externally at the end of November, using a microsite approach and targeted advertising.
- Meetings are being held regularly with IT and customer services, to help clear blockages and/or provide greater support to the Service in terms of performance/efficiencies and enhanced customer engagement; in conjunction with the Building a Better Council project.
- A planning member training session on Planning Enforcement is scheduled for December and the Enforcement Plan updates are being considered as part of this.
- Extra interim consultant support has been brought into the planning enforcement team to help progress paperwork in this area, to seek to deal with cases quicker and progress some more major cases.

- 3.6 The planning applications team, however, currently has 4.6 FTE vacancies based on the previous structure and 8.6 FTE based on the approved new structure. Currently, the team has approx. 3.5 FTE consultant officers supporting the team, due to the vacancies, with 1.4 FTE consultant interims in the enforcement team and approx. 2 FTE in the planning officer team; covering a planning officer and a principal officer post. In addition, 2 part time officers within the team have increased their hours for an interim period.
- 3.7 The permanent recruitment process has been progressing since Cabinet approval in September. Council approved the revised structure in October. The new job descriptions and person specifications have been written and job evaluated; where required. The Council has also engaged a specialist recruitment company to support a more enhanced and targeted approach to advertising, in view of the number of posts and to seek to attract more applicants than previous advertising campaigns from the planning team. This includes preparation of a microsite and targeted advertising. The job adverts have been advertised internally and are expected to be live external from the end of November 2021, with the deadline for applicants by early January. Subject to shortlisting applicants, it is hoped that interviews will take place mid/end of January and appointment of posts be in place for April 2022.
- 3.8 In addition to this, further interim support has also been sought for the team, with interviews undertaken with consultants. However, this has proved difficult, due to limited availability of skilled interim senior planning consultants at this time; making it a very competitive market, with contracts being declined after offers have been made. Meetings have also been held with companies who may be able to take on certain application work on behalf of the Council, but they have limited scope and capacity in regard to major application support, but this is being further investigated.
- 3.9 The timescales needed to undertake permanent recruitment and ability to source further senior interim officer support is continuing to place pressure on the team. Therefore, officers remain to carry high workloads, including in particular, at the senior/principal level. The applications team leader is furthermore currently needing to balance a caseload of applications and management of the applications team at the same time.
- 3.10 **Complaints.** The following shows the number of and reasons for complaints in regard to the DM service for the last 1.5 years. This shows that there has not been an overall increase in complaints in respect of the DM service area, the Q2 of 2020/21 and 2021/22 receiving the same number of complaints

	Apr20- Jun20	Jul20- Sept20	Oct20- Dec20	Jan21- Mar21	Apr21- Jun21	Jul21- Sep21
<b>Complaints received</b>	2	6	2	2	1	6
<u>Reason for complaint</u>						
<b>lack of response / communication</b>	2	1		2	1	1
<b>objects to outcome</b>	-	4	2	-	-	3
<b>lack of enforcement</b>	-	1	-	-	-	1
<b>complainant wrote to wrong address</b>	-	-	-	-	-	1

- 3.11 In conclusion, notwithstanding the challenges being faced by the team, performance is shown to be improving and the Implementation Plan and associated actions, as detailed in this report, are having positive effects on the service. Work will continue to be implemented as part of the improvement programme and as part of continual improvement measures (taking on board any national and local procedural and legislative changes that come forward in the planning sphere) within the team and Council-wide. The vital recruitment process is being progressed as a priority with the support of HR, as the additional resource is crucial to continue to improve performance and be more customer centric.

## Alternative Options

1. Stop Service- as it is a statutory function of Council to determine applications submitted under the Planning Acts this cannot be done.
2. Shared service or staffing - opportunities to share staff have been previously explored on a county-wide basis but overall lack of capacity and appetite from many Council's. Problems of recruiting are affecting other neighbouring authorities so sharing staff unlikely to be workable or viable.
3. Continue to engage consultants - not a cost-effective option plus this does not ensure consistency of approach nor service/team development, significant resource required to train interims, interims are less reliable and can cause instability in teams.
4. Reduce performance & quality of work – an option, however not one to be recommended as this could mean the Council is designated as non-performing and potentially have decision making powers removed from it. Also, important Council projects could be delayed and there would be reduced income and loss of reputation.

## Consultation

1. Internal parties including HR & Finance Officers
2. Leadership Team
3. Cabinet Members

## Financial Implications

Of already agreed revised Structure:

*Note: 20% refers to posts currently funded by the 20% uplift of planning application fees that have to be ring-fenced for planning purposes, therefore this funding is dependent upon income levels generated from application fees.*

	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
Current	609,650	624,510	639,740	654,130	668,880
Current 20	63,950	65,230	66,550	67,880	69,250
20% Funding	(63,950)	(65,230)	(66,550)	(67,880)	(69,250)
	<b>609,650</b>	<b>624,510</b>	<b>639,740</b>	<b>654,130</b>	<b>668,880</b>
Proposed	830,660	847,490	864,630	882,120	899,960
Proposed 20	66,100	67,450	68,830	70,230	71,670
20% Funding	(66,100)	(67,450)	(68,830)	(70,230)	(71,670)
	<b>830,660</b>	<b>847,490</b>	<b>864,630</b>	<b>882,120</b>	<b>899,960</b>
<b>Additional Funding</b>	<b>221,010</b>	<b>222,980</b>	<b>224,980</b>	<b>227,990</b>	<b>231,080</b>

Notes:

- i. Assumes the potential apprentice role would be funded through a corporate budget as part of on-going discussions regarding apprenticeship appointments to the Authority.
- ii. The 20% refers to posts currently funded by the 20% uplift of planning application fees that have to be ring-fenced for planning purposes. Funding is therefore dependent upon income levels generated from application fees.

The financial investment will increase the annual funding gap and in the absence of additional income or savings being identified, will need to be funded by general reserves. The use of general reserves on an ongoing basis is not good practice and is not a sustainable approach. It will also mean that there would be less funding available to manage financial risks or invest in strategic priorities.

**Actual and projected Spend against Cabinet approval additional budget in Sept 2021:**

	2021/22 projected	2021/22 YTD
Additional Budget Approved by Cabinet	221,010	221,010
Forecast recruitment costs (approx./not confirmed):	5,000	0
4 new posts assumed recruited March 2022	15,092	0
Additional Market Supplements October 2021 to March 2022 for 2 posts	2,590	430
Additional hours of current staff	6,765	1,756
<b>Total projected costs to March 2022</b>	<b>29,447</b>	<b>2,186</b>
Forecast additional agency costs to end of March 2022 (after vacancies and use of reserves)	37,170	32,535
<b>Forecast underspend</b>	<b>(154,393)</b>	<b>(186,289)</b>

Approved by  
Section 151  
Officer

Yes

Legal  
Implications

1. No specific legal implications, however DM is a statutory service that assists the Council in meeting its obligations as local planning authority.

Approved by  
Monitoring  
Officer

Yes

Contribution  
to the  
Delivery of  
the Strategic  
Plan

1. In terms of District Council's Strategic Plan 2020 to 2024 the proposals would contribute to shaping the place/District, in determining applications that support developments that preserve the districts characteristics and ensure sustainable development; encourage and support economic growth and promote the ability to be more customer responsive.

Equality,  
Diversity and  
Human Rights  
Implications

1. There are no equality, diversity and human rights implications associated with implementing the recommendations.

Crime &  
Safety Issues

1. There are no crime and safety issues associated with implementing the recommendations.

Environmental  
Impact

1. The Development Management Service feeds into the implementation of agreed spatial policies as the work undertaken impacts upon the development and use of land in the district and associated with this the protection and enhancement of environmental assets.

GDPR /  
Privacy  
Impact  
Assessment

1. No Privacy Impact Assessment has been undertaken as there are no GDPR implications relevant to the recommendation.

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	More staff leave the authority due to strain of high workloads and poor morale.	Likelihood: Red Impact: Red Severity of Risk: Red	Commit to delivering service improvements and proposals set out in this paper.	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow
B	Sickness levels rise within the team	Likelihood: Red Impact: Red Severity of Risk: Red	Provide internal support from manager/HR/Counselling	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow
C	Not meeting NIs and subsequent designation as non-performing authority & loss of local decision-making	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow	Outsource work and/or bring in more consultants to support the team to help meet targets. Increase use of EoT agreement with applicants, if they are willing to enter into such.	Likelihood: Green Impact: Yellow Severity of Risk: Green
D	Need to return application fees if applications not progressed in timely manner	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow	Refuse applications without negotiating and encourage resubmissions; but likely to impact on appeal work.	Likelihood: Green Impact: Yellow Severity of Risk: Green
E	Delivery of Important and strategic projects delayed including Council priority projects and housing delivery	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow	Bring in interim support to lead on projects- although will increase budget spend and bring risks.	Likelihood: Green Impact: Yellow Severity of Risk: Yellow
F	Increase in complaints including to LG Ombudsman.	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow	Bring in interim support to lead on projects- more budget spend.	Likelihood: Green Impact: Yellow Severity of Risk: Green
G	Increase use and costs of interim support	Likelihood: Red Impact: Yellow Severity of Risk: Yellow	Fee levels negotiated to ensure best value where possible.	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow
H	Impact on Council reputation as a result of negative feedback and inability to meet customer demands	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow	Seek to manage customer expectations and prioritise work areas where demands are high or are felt of greater importance.	Likelihood: Green Impact: Yellow Severity of Risk: Yellow
I	Lack of qualified and skilled staff and poor decisions made increasing appeals and legal challenges	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow	Support and training provided to officers by managers and recruitment process	Likelihood: Green Impact: Yellow Severity of Risk: Yellow
J	Proposed market supplement levels are insufficient to address the recruitment and retention issues	Likelihood: Yellow Impact: Red Severity of Risk: Yellow	Understand nature of market and consider all factors that influence staff and potential staff in respect of employment with the Council.	Likelihood: Yellow Impact: Yellow Severity of Risk: Yellow

Background documents

Cabinet Report 7.9.21 item 8

Relevant web links	<a href="https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CId=138&amp;MIId=1737&amp;Ver=4">https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CId=138&amp;MIId=1737&amp;Ver=4</a>
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## Appendix 1: Improvement Plan Updates