

Second Update -Development Management Service Review & Improvement Plan

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

Date:	10 th May 2022
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Key Decision?	No
Local Ward Members	N/A



CABINET

1. Executive Summary

- 1.1 A report was considered by Cabinet on the 7th September 2021 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. Cabinet duly agreed the proposals and asked that updates be brought back to it in due course to show progress on the changes to be implemented and their impact. The first progress update was considered by Cabinet 6th December 2021; which looked at the period September to December 2021. This second update paper looks at further progress made January to April 2022.

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 Development Management 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. Whilst there was an increase of 26% in the number received between comparable periods in 2020 and 2021, in the last 2 quarters of 2021/22 the number of applications submitted has reduced. The following table sets out the number of applications received over the last 12 months (April 2021 to end of March 2022), by quarter and by type. It also provides a comparison for overall year compared to the previous year 2020/21 compared to 2021/22 which shows that whilst the overall number of applications received has remained comparable (approx. 1550) the number of major applications, pre-applications and appeals have reduced by 53%; 25%; and 49% respectively.

	Apr21- Jun21 Q1	Jul21- Sep21 Q2	Jul21- Sep21 Q3	Jul21- Sep21 Q4	Total for 2021/22	Total for 2020/21
Total Applications received	471	385	334	347	1537	1548
including						
• Major applications	7	8	7	4	26	55
• Pre app requests	67	41	34	37	179	239
• Valid planning appeals	6	2	8	2	18	35

3.3 With regard to current caseload on hand within the team as of the 1 April 2022, we have 392 pending applications, 46 of which are major applications; 142 in other type applications; 22 pre-applications and 78 discharge of conditions application and 12 appeals.

3.4 In terms of Planning Enforcement, the following table shows the number of logged and closed cases per quarter over the last 12 months April 2021 to end of March 2022:

Enforcement	New cases opened	Cases closed	% (cases closed/new cases opened)	Ongoing carry over
2021/22 – Q1	68	22	32.4%	189
2021/22 – Q2	49	12	24.5%	230
2021/22 – Q3	48	71	147.9%	207
2021/22 – Q4	50	35	70.0%	222

3.5 **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 the last 1.5 years, including the last 2 quarters of 2020/21 and all quarters 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 notable improvement in the performance from Q1 to Q4 of 2021/22.

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	7	12	60%	11	91.7%	1	8.3%	11	91.7%
2021/22 Q4	4	4	60%	4	100%	0	0%	2	50.0%

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	156	208	70%	190	91.3%	18	8.7%	99	47.5%
2021/22 Q4*	209	164	70%	146	89.1%	18	10.9%	61	37.1%

*The Q4 2021/22 figures in the tables above are yet to be fully verified and have not been submitted as government returns to date.

3.6 Service Improvements. Since the last update to Cabinet in December 2021 the following service improvements and actions have occurred:

- Customer Engagement. Corporate-wide customer centric training has been set up and due to take place for all employees April to August 2022.
- Regular update meetings continue to be held with Portfolio-holder and PDM.
- Further progression has been made on filling some of the new and vacant posts, including notably the Principal Planning Officer/Team Leader of the Householder and Enforcement Team (due to start mid-May) and the 2 x Senior Planning Enforcement Officer and Senior Major Project Officer posts.
- Number of internal promotions have occurred within the team as part of the recruitment process.
- 3 managers in the team have undertaken/completed the corporate management training programme.
- Whilst some posts have been successfully filled as part of the initial recruitment process, this did not prove successful to attract candidates to all posts and further rounds or advertising and alternative recruitment processes have been needed; including through use of recruitment agencies to secure some posts. There still remain 4 posts to fill on a permanent basis as highlighted in blue in Appendix 1.
- As part Building a Better Council programme, project engagement has been undertaken to consider whether the use of robots can assist/undertake some simple tasks or provide automated updates to customers- this has identified a couple of potential areas that are being explored further to help reduce manual inputting of information and automated chaser emails for information requests.
- The back-scanning of paper files, microfiche and documents has continued. Back scanning of information is scheduled to be complete by mid-2022. This will ensure all development management planning files/documents can be readily available to officers and allow enhanced self-service for the customer; once files are uploaded in an appropriate format on the website.
- Important upgrades to back office IT systems have been undertaken- this has resulted in improvements to case file management, saving officer time in undertaking essential case management tasks.
- Introduction of QR codes on site notices, agent validation letters and some decision notices- providing quicker access to information for the customer via direct links to the relevant case file on website or web-links.
- Tablet devices provided to case officers- this allows use of Mobile APP (not previously possible with laptops) making on-site case management much easier for officers, with auto upload of site notes and photos to digital case files, thereby saving officer time.
- Planning Member training sessions have continued, including sessions undertaken Dec & March on the topics of planning enforcement (Dec) and TPOs/trees (March).
- Enforcement Plan has been updated and agreed by Planning Committee April 5th. This provided necessary updates but also creates a Plan that is more succinct and customer friendly.

- Pre-application fee charges have been reviewed and updated. Planning Committee agreed and the new fees came into effect from 5th April. Most fee levies were increased by 50% to allow cost recovery of the resources involved in providing the pre-application service and bring charges more in line with other nearby authorities.
- Project to align enforcement case management and processes with the way planning applications are managed being undertaken. This includes updating systems to use more standard templates and greater automation- this will streamline processes and enforcement case file management. This is scheduled to be complete by end of May.
- A number of old major applications that had been stagnant for some time, due to lack of capacity in the team, have been outsourced to an external planning consultancy to progress and bring to conclusion and some progress has been made with these with the hope that by end of June they will all be determined.

3.7 **Update on filling of vacant/new posts.** As of end of May there will be 4 vacancies in the team (see posts highlighted in blue in Appendix 1), this is due to 1 retirement (Enforcement Assistant); internal promotions (Planning Assistant and a Technical Support officer post) and inability to successfully attract suitable candidates for the PPO/Major Projects post by the traditional recruitment methods. In addition the apprentice post had not been progressed with focus placed on recruiting other posts first, but work has commenced recently, following on from the corporate-wide apprentice recruitment drive. One part time Senior Planning Officer has recently left the team (April) for a neighbouring authority, although this did bring an opportunity to amalgamate 2 vacant part time posts and resulted in an internal promotion following a successful recruitment process. As of the end of May, the team will also remain to have 1.75 FTE interim consultants (3 people) supporting the team with regard to major applications. In addition the council has been using an external planning consultancy to specifically progress approximately 10 specific older major applications.

3.8 The vacancies within the team conjoined with increasing workloads; particular in respect of more complex and major related applications and high levels of general correspondence received, is continuing to place pressure on officers in the team. The applications team leader also still has a caseload of applications to balance with the management of the planning applications team. Some officers are needing to work long hours and/or are struggling to keep applications progressing and also keep customers informed/updated, which in turn is not good for their well-being at times.

3.9 **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 was an increase in complaints in respect of the DM service area, in Q2 & Q3 of 2021/22 but that this has decreased again in Q4. However, the notable rise in complaints in respect of 'objects to outcome' received in Q3 included a number of customer/resident discord with the same planning decision in respect of the Greenacres/Land north of Dark Lane housing site in Alrewas.

	Oct20- Dec20 Q3	Jan21- Mar21 Q4	Apr21- Jun21 Q1	Jul21- Sep21 Q2	Oct21- Dec21 Q3	Jan21- Mar22 Q4
Complaints received	2	2	1	6	9	4

Reason for complaint

lack of response / communication	-	2	1	1	1	-
objects to outcome	2	-	-	3	7	-
lack of enforcement	-	-	-	1	-	2
Lack of application notification	-	-	-	-	1	2
complainant wrote to wrong address	-	-	-	1	-	-

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- 3.10 In conclusion, despite pressures that remain within the team performance is improving and many improvements have been made, as detailed in this report and from the Improvement Plan update in Appendix 2. Work is also continuing within the service to make improvements and to contribute to the Being a Better Council programme. A number of the actions are complete and some will remain 'ongoing' due to continual service improvement or due to the relationship with Council-wide projects.
- 3.11 Filling all posts and ensuring an appropriate level of resource is and remains in place to be able to appropriately manage the application caseloads whilst also providing a customer centric service is important. The success of the approved revised structure cannot however be fully realised until such time that all vacant posts are suitably filled and that all new members of the teams have the necessary support and training in place- this has and will still take time to achieve, but as noted above good progress is being made in this regard.

Alternative Options	<ol style="list-style-type: none"> 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.
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Consultation	<ol style="list-style-type: none"> 1. Internal parties including Finance Officer 2. Leadership Team 3. Cabinet Member
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Financial Implications	<p>Of already agreed revised structure: <i>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.</i></p> <table border="1"> <thead> <tr> <th></th> <th>2021/22</th> <th>2022/23</th> <th>2023/24</th> <th>2024/25</th> <th>2025/26</th> </tr> </thead> <tbody> <tr> <td>Current</td> <td>609,650</td> <td>624,510</td> <td>639,740</td> <td>654,130</td> <td>668,880</td> </tr> <tr> <td>Current 20</td> <td>63,950</td> <td>65,230</td> <td>66,550</td> <td>67,880</td> <td>69,250</td> </tr> <tr> <td>20% Funding</td> <td>(63,950)</td> <td>(65,230)</td> <td>(66,550)</td> <td>(67,880)</td> <td>(69,250)</td> </tr> <tr> <td></td> <td>609,650</td> <td>624,510</td> <td>639,740</td> <td>654,130</td> <td>668,880</td> </tr> <tr> <td>Proposed</td> <td>830,660</td> <td>847,490</td> <td>864,630</td> <td>882,120</td> <td>899,960</td> </tr> <tr> <td>Proposed 20</td> <td>66,100</td> <td>67,450</td> <td>68,830</td> <td>70,230</td> <td>71,670</td> </tr> <tr> <td>20% Funding</td> <td>(66,100)</td> <td>(67,450)</td> <td>(68,830)</td> <td>(70,230)</td> <td>(71,670)</td> </tr> <tr> <td></td> <td>830,660</td> <td>847,490</td> <td>864,630</td> <td>882,120</td> <td>899,960</td> </tr> <tr> <td>Additional Funding</td> <td>221,010</td> <td>222,980</td> <td>224,980</td> <td>227,990</td> <td>231,080</td> </tr> </tbody> </table> <p>Notes:</p> <ol style="list-style-type: none"> 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. <p>The financial investment will increase the annual funding gap and in the absence of</p>		2021/22	2022/23	2023/24	2024/25	2025/26	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)		609,650	624,510	639,740	654,130	668,880	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)		830,660	847,490	864,630	882,120	899,960	Additional Funding	221,010	222,980	224,980	227,990	231,080
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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.

Draft outturn Spend against Cabinet approval additional budget in Sept 2021:

	2021/22 draft outturn
Additional Budget Approved by Cabinet	221,010
Recruitment costs	8,660
New structure costs - two posts filled in March 2022	6,139
Additional hours and market supplements for original staff	18,289
Total costs of new structure	33,088
Agency costs (net of vacancies, other underspends and use of reserves)	78,765
Underspend of additional budget	(109,157)
Savings offered up at Revised Estimate	(100,000)
Additional underspend	(9,157)

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 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	Increased 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

Background documents

Cabinet Report 7.9.2021 item 8 & Cabinet Report 7.12.2021 item 6

Relevant web links	https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CId=138&MIId=1737&Ver=4 https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CId=138&MIId=1740&Ver=4
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Appendix 1: DM team structure and position on vacant posts.

Appendix 2: Improvement Plan Update