

Planning Service Transformation

Planning Policy Committee Thursday, 26 August 2021

Report of: Chief Executive

Purpose: For Information

Publication status:

Restricted – not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, "*information relating to the financial or business affairs of any particular person (including the authority holding that information*"

Wards affected: All

Executive summary:

- The last year has been extremely challenging for the Planning Service with capacity and resourcing issues impacting significantly on performance. In August 2020, the Government threatened designation for the quality of decisions on major planning applications with more than 10% being lost at appeal.
 - To address these issues, the Planning Advisory Service (PAS) which is part of the Local Government Association (LGA) undertook a review of the Council's Development Management function and Planning Committee.
 - This report presents Councillors with the findings from the PAS reviews, interim steps taken to address the issues raised and the proposed next steps to be taken including the development of a business case for investment in the service to be considered by this Committee at a future meeting.
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This report supports the Council's priority of: Building a better Council

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Recommendation to Committee:

That the update on the implementation of the findings from the Planning Advisory Service reviews be noted.

Reason for recommendation:

Interim arrangements are being put in place to increase the capacity and resilience of the Planning team. Councillor comments from the Committee meeting will be fed into the process for developing the business case for any future investment in the service. The final business case will be considered by this Committee at its meeting in November. An interim report will be considered by this Committee on 23 September.

1. Introduction and background

- 1.1 The performance of the Council's Planning department has been of serious concern for several months now. There have been a range of issues that have emerged impacting on the delivery of Development Management Services. High staff sickness levels and low morale have impacted on the capacity and resilience of Planning Officers, there are backlogs with applications (including validation), issues with IT functionality and reporting reliability and concerns regarding councillor and officer working relations.
- 1.2 Because of these issues, between March and June 2021 the Planning Advisory Service (PAS) undertook reviews of the Council's Development Management function and Planning Committee. Officers and Councillors were involved in both reviews. The PAS reviews are attached at Appendices A and B.
- 1.3 This report sets out the key recommendations from the two reviews, the interim measures being taken to address immediate issues regarding staff capacity and resilience, and the next steps to be taken, specifically the development of a business case for investment in the service.

2 Planning Advisory Service Review Findings

- 2.1 The findings from the Development Management and Governance Reviews are attached at Appendices A and B.
- 2.2 In summary, the recommendations from the Development Management review are as follows:
 - R1 Review the current IT systems (including the public portal) to address what is required for effective and efficient service delivery.

This includes:

- a. the accuracy of the data in the system
 - b. formatting management reports aligned to Government returns to easily complete the returns and to enable managers and individuals to manage workload and performance
 - c. providing Councillors, parishes and consultees with appropriate information/reports
 - d. implement in the system reports, consultation /neighbour letters and decision notices (templates etc)
 - e. review current processes and approaches and identify areas where greater data, constraint and policy pull through and greater automation can be achieved by the system
 - f. identifying the areas of current failure, potential solutions, and dedicated resource. Including ensuring sufficient resource capacity is available at all levels to develop the functionality of the system and aid effective solutions. if the current system is incapable of providing solutions an alternative proposal should be set out
- R2 Closely monitor all Government performance measures and appropriate measures to align with performance levels appropriate within the budget available and report these to senior officers, Group Leaders and Committee Members on a quarterly basis.
- R3 Review the structure and create a more traditional Planning service structure with appropriate and recognisable reporting lines and job titles.
- R4 Review the service capacity – particularly planner capacity. The service would appear to be at least three officers (2 junior and additional Principal Planning Officer - taking into consideration recent additions) below the minimum level on which the department can effectively function at a basic service delivery level. This capacity review needs to:
- a. address the needs of planning applications, planning appeal and pre-applications services
 - b. ensure Principal Officer capacity for sign off, coaching and supervision to enable the Chief Planning Officer and Head of Planning have enough capacity to 'manage' the service
 - c. Through appropriate permanent staffing minimise the need for temporary and consultancy staff

- d. Technology administration and validation management and capacity, including reducing planner administration., to maximise planner resources.

R5 Develop a greater understanding between Members and Officers of the different roles and responsibilities including Officer recommendations. It is essential that the behaviour and conduct of all Councillors and Officers meets seven Principles of Public life in the Local Government Ethical Standards Report published in 2019. To achieve this:

- a. Proactive steps by the Council's Executive Leadership Team to support Officers and rebuild officer/member relations
- b. A revision of the recently revised Planning Protocol
- c. Further Councillor and Officer training
- d. Councillor /Officer engagement designed to build understanding and trust.

R6 Continued support from Executive Leadership Team for the immediate and long-term solutions to the planning and DM service in line with the recommendations of the report.

2.3 In summary, the recommendations from the Planning Committee review are as follows:

- R1 Training and discussion in relation to the roles and responsibilities, and the difference, for Officers and Members (issues on the quality of input from consultee should be addressed separately).
- R2 A new standard call-in procedure should be developed to ensure greater clarity and to avoid uncertainty.
- R3 The structure of the meeting needs to be clearly explained and followed, with a clear appreciation of the Ward Councillor's speech and the Committee's questions and debate to clarify the roles and aid the public's understanding.
- R4 A more proactive advice role should be taken by the Planning Solicitor to ensure more robust and defensible planning decisions, particularly in relation to appearance of bias, predetermination, case law, material consideration and the Council's case in relation to appeals and court challenge.
- R5 Training and discussion, with input from the Planning Solicitor, on the approach to overturns and presenting alternative motions and the potential for the perception of predetermination.

- R6 Review of the planning protocol to ensure probity and robust defensible planning decisions, including, the review of the declarations of interest and potential conflict with other roles.
- R7 Live streaming should show the same view as the Zoom screen with all participants visible to viewers in order to help increase the clarity of the decision-making process for those watching. (This is no longer applicable as the Committee Members are attending in person).
- R8 Introduce an electronic voting system to make better use of time and deliver a more robust decision-making process, particularly as every motion is individually voted upon. (This is no longer applicable as the Committee Members are attending in person).

3. Interim Measures and Next Steps

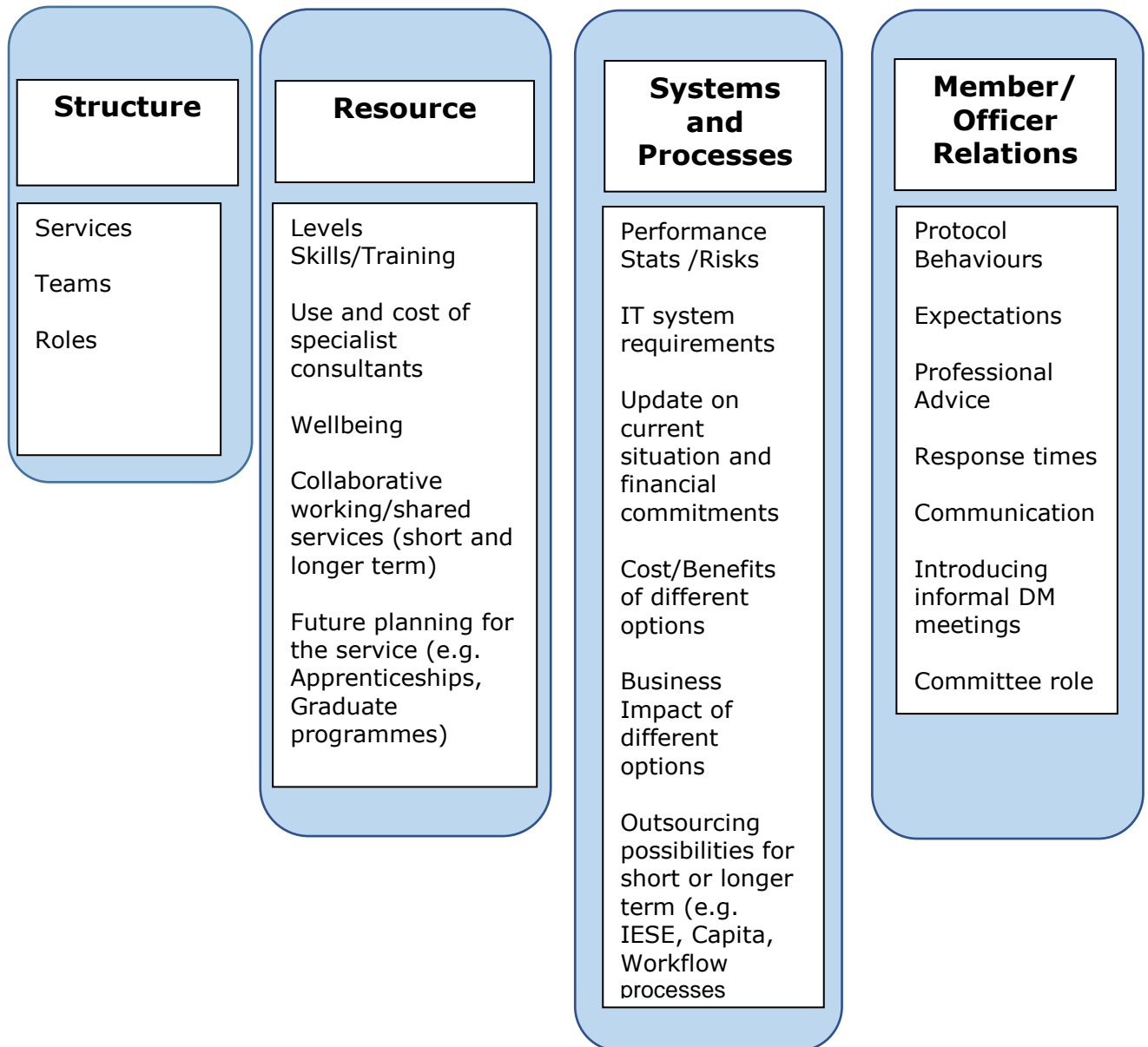
3.1 The recommendations from both the Development Management and Planning Committee reviews make it clear that fundamental changes are required to improve service performance. Some of the options for service transformation need careful consideration before determining the appropriate course of action. As such, a business case to support service improvement is being developed. In the meantime, interim measures are being put into place to ensure the Development Management team has the capacity and resilience to deal with the backlog of applications and maintain service levels. The recruitment campaign for a new Chief Planning Officer has now gone live. In terms of temporary resource, the following is in place to support the Development Management team:

- Principal Planning Officer- 6 months from August 16th 2021
- 2 x Validation Officers - 6 months from July 26th 2021
- 2 x Planning Assistants – 3 months to end of August and we may need to extend these
- Informal advice and support is also being provided by Sevenoaks District Council

The early implementation of measures to ensure communication between councillors and officers works as effectively as it can is also being considered as an immediate priority.

- 3.2 To support the development of the business case, an internal Transformation Lead (Jayne Roberts) has been appointed and will report directly to the Chief Executive. Key aspects of the role are:
- a. To act as the lead in the development of a full business case for change in conjunction with the Project Sponsor (Chief Executive) and other colleagues as required.

- b. To develop a framework for programme management and governance, including the establishment of a Programme Board and any working groups as required.
- c. To act as the lead in the development of the work programmes for four main workstreams as follows (note that recommendations from the Planning Committee review will be considered as part of Member / Officer Relations workstream:



- d. To work with Officers, Councillors and other external parties (e.g. other local planning authorities) to research best practice, consider business re-engineering techniques and efficiencies, system improvements and opportunities for collaborative working where appropriate to transform the Planning service for the short and longer term.

- e. To set out and manage all aspects of the funding required to undertake the transformation programme, reporting through the Programme Board, supported by the Finance Business Partners.
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- 3.3 The Chief Executive, as Project Sponsor, will retain overall responsibility for the operational decisions as this is a service transformation programme. This will be done in consultation with Group Leaders, Chairs and Vice Chairs where appropriate).
 - 3.4 The first phase of the project will focus on setting a vision for the service, evidence gathering including activity assessment, benchmarking, a value for money assessment and IT solutions. This work will inform the second phase of the project and needs carried out with due diligence in order to ensure the best possible outcomes are achieved in relation to the structure, staffing, resilience and value for money. To inform this phase, Peer Review work is being undertaken with district and borough councils who will have similar Development Management functions to Tandridge at how structures and resourcing are organised and how this impacts on performance.
 - 3.5 The outcome from the phase one work will be reported to Planning Policy Committee in September to inform the second phase. The Committee will be asked to consider the full Business Case and make recommendations to Strategy and Resources Committee for any investment required in association with this programme at its meeting in November.

4. Key implications

4.1 Comments of the Chief Finance Officer

- 4.1.1 As set out in this report, the performance of the Planning Department has suffered over many months due to lack of leadership and capacity. The aim is to invest back in the service to bring it to the requisite level to deliver its statutory function.
- 4.2.2 Due to the significant current and future financial constraints of the Council, every decision taken not just within Planning but across the Council as a whole, has to be carefully considered and managed. As set out in section 3 of the report, interim steps with the associated investment (as part of the short-term strategy) have already been taken to start to shore up the service. Fundamentally, the function needs to be transformed. Concurrently, a Business Case for this transformation is being prepared which will determine the medium-term investment required and the return on that investment over the same period. As this transformation programme progresses the risks and issues will need to be closely monitored and managed and reported through the programme governance.

4.2 Comments of the Head of Legal Services

- 4.2.1 The Town and Country Planning Act 1990 provides the local planning authority with a strategic role within the planning system with a statutory responsibility for management of delivery of planning services within its designated area including Development Control and Planning Policy making functions.
- 4.2.2 Planning legislation and related government guidance requires that planning services are provided in a professional and effective manner, and in particular, that the decision-making process is robust and transparent.
- 4.2.3 The PAS recommendations if actioned should see improvements to well-being of Officers from reduced inefficiencies in performing day-to-day tasks, alleviating pressures from application backlogs, and improved customer feedback arising from better service standards.
- 4.2.4 The Head of Legal has considered the proposals set out in this report and is satisfied that they will assist the local planning authority in effectively discharging its statutory duties as set out in Para 4.2.1. Legal advice will be sought directly on any individual proposals to implement changes arising from the report recommendations where there are legal implications.

4.3 Other Corporate Implications

- 4.3.1 Not applicable

4.4 Equality

- 4.4.1 This report contains no proposals that would disadvantage any particular minority groups

4.5 Climate change

- 4.5.1 This report contains no proposals that would impact on the Council's commitment to climate change

5. Appendices

- A - Development Management Review – Planning Advisory Service
- B - Planning Committee Review – Planning Advisory Service

6. Background papers

- 6.1 None

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