



Tandridge District Council DM Review July 2021

1. EXECUTIVE SUMMARY

- 1.1 The Planning Advisory Service (PAS), working with Tandridge District Council, undertook a review of the Council's DM function in March and April 2021. The person appointed to work with PAS to conduct the Development Management Review is Gilian Macinnes Bsc MBA MRTPI. A wide range of officers and Councillors (and a Parish representative) were interviewed as part of the review.
- 1.2 The Council was formally approached by central Government in August 2020 threatening designation for the quality of decisions on major planning applications of losing more than 10% at appeal. The published table of data put Tandridge District Council for the 2 year performance period, year ending December 2018, as the fourth (325/338) poorest performer in the Government league table ([Planning Live Statistics - table 152](#)) with a percentage of 11.3% of major applications lost at appeal.
- 1.3 In undertaking the review, in addition to the quality performance, it became apparent that there were a range of serious issues impacting on the delivery of Development Management Services. In particular: application (including validation) backlogs, lack of IT functionality and reporting reliability, high staff sickness, low staff morale and concerns over some officer/Member working relations. The main issues have been identified in this report and recommendations made in relation to the next steps to address them.
- 1.4 In relation to Government designation, it appears that there has been a significant improvement in terms of the quality measure. Committee Members have an understanding about the difficulties of refusing an application based on technical grounds without support from the technical consultees or technical evidence to support the position. This understanding appears to primarily derive from the outcome of the Felbridge appeal and costs award. The Council has not been monitoring this quality performance measure which would have been expected following central Government's approach. Using a PAS planning application performance monitoring tool and the statistics provided by the Council's IT department, the performance has improved from 11.3% of major applications lost at appeal in December 2018 to 6.25% in March 2020, so below the Governments designation threshold of 10%. However, this is based on the IT system report and PAS have concerns about the reliability of the

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reports being produced by the system. The Council is achieving the performance required in the other three Government performance measures. The Council has done very well to maintain the speed of determination of majors and non-majors, however, it appears a backlog of applications is growing.

- 1.5 The current structure, developed during the corporate restructure a few years ago, does not appear to be fit for purpose in terms of delivering the Council Development Management Service in an effective and efficient manner. The number of officers is insufficient for the workload and the back log is building to what we believe is an unmanageable level. The caseloads per officer are very high and becoming impossible for officers to maintain throughout, and we believe they are becoming ineffective as they can become 'frozen' by the volume. We believe the present structure does not provide the managerial or supervisory capacity to aid service delivery, for example, there are planners that report to a non-planner; the Principal Enforcement officer without a team, as the other Enforcement officers report elsewhere; and a Head of Planning, that at another authority would be a Development Management Manager, who has a large number of direct reports resulting in a supervision and work throughput burden which reduces her capacity for service management. We believe a traditional hierarchical structure with appropriate post titles, function teams and limited number of reports would be much more effective in term of service delivery, quality of output, staff wellbeing and recruitment.
- 1.6 It is apparent that there is significant member support for the planners and the DM service and an appreciation by many that they are under resourced. However, it was highlighted in the review that there are perceived issues in the working relationships between some Planning officers and some Members where officers have felt that they have been engaged unprofessionally by Councillors, where officers have not responded to Members requests and there is a perceived disconnect between what is expected of the service by some Members and what it is currently resourced to deliver and what is possible within the legislative, policy and guidance framework for Planning. Incidences have not been formally reported but this breakdown of the two-way relationship between Planning officers and Members has produced a lack of trust in the service.
- 1.7 The relationship between Members and Planning officers is a key component of a productive Planning service. It is vital for all Members to clearly understand the framework within which Planning exists and their role in terms of Planning legislation, policy and guidance, probity and the Nolan Principles of Public life, as all Local Authority Councillors have to in their engagements in Planning. Measures need to be taken to build greater trust between the Members and the Planning service. These should focus on: developing a greater understanding between officers and Members of their respective and vital roles, clarity of standards of behaviour for officer and Members and clear process and support for officers to confidently reporting perceived mistreatment and reported outcomes if any unacceptable behaviour is proven. Training for all Councillors should be made available, not just those on the Planning Committee, and greater clarity in the Council's Protocol would ensure a greater and wider

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understanding of the planners' role and the Councillor role so they can work constructively together.

- 1.8 To improve relationships and trust, officers also need to develop a greater understanding of the political environment in which they work, ensuring that all conversations, correspondence and communications remain impartial, professional and polite. Officers at all levels would benefit from training on the role and responsibilities in Planning of Councillors and officers.
- 1.9 In terms of the Planning and DM service management, a great deal of support has been voiced for the managers and team by Members and officers however, there is also criticism that the service is not being effectively managed and there is a perception by some that there are capability issues with some Planning officers. It is our opinion that at present, due to the lack of capacity at lower grades, the managers appear to be 'doing' not focusing on managing. More capacity needs to be provided at Principal Planning Officer level and below to 'do', including signing off work, to facilitate the effective management and delivery of the service.

There appears to be a high level of incidences of stress and sickness leave within the service, this is of concern for both the health and wellbeing of the staff but also in the provision of the necessary resources to deliver the statutory service and will be of concern to the Council. The Council has placed extra temporary staff, suspended the pre-applications service and taken advice from Sevenoaks Council as immediate but short-term responses to the capacity issues of the service but longer-term solutions will be required.

- 1.10 The IT systems and level of functionality falls considerably below that which you would expect in a modern Planning service. As previously stated, there are significant concerns about the reliability and efficacy of the current IT system particularly in terms of reporting. In terms of the wider use of the Planning systems, it was apparent that there is very little, if any automation and that officers are doing their reports in MS Word and then populating more than one system. This is hugely inefficient and time consuming. Improving system functionality (or the use of system functionality) and greater automation should be a priority to ensure that the reports and decision notices can all be produced in the system.
- 1.11 It is apparent that the issue of the Council's finance is upper most in the senior officers' minds. Whilst it is appreciated that the Council is facing financial challenges, the failure to address the issues currently impacting on the Planning Service have the potential to be costly financially in the long run in terms of appeal, court, ombudsman, staff sickness, and recruitment costs. In any event, in addition to these costs the workload backlog (applications, appeals, complaints) will eventually have to be addressed by temporary staff or consultants at greater expense than permanent staff or by an increase in permanent staff or a combination of all of these. In addition, failure to address these issues in a timely manner may impact on your Government speed of determination performance measures potentially leading to designation, the loss of decisions making powers and the potential loss of applications fees.

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1.12 In addition to the issues identified above there are also a number of other issues that were raised during the review that could not, due to time constraints be considered in any detail. It is recommended that these suggestions are considered for inclusion in a future action plan:

- Length of the delegated reports (reduction)
- Review, consult upon and reissue the local validation list (2 years out of date)
- Training on policies for DM officers to ensure the greater use of local plan evidence base in decision making
- Introduce development team meetings on major or complex applications including Planning Policy
- Address concerns raised about Legal resourcing to support Planning including lack of litigation specialist
- Review management policies and procedures in relation to the DM service (Risk Assessment etc)
- Review the process, procedure and training in relation to document redaction and resource.

1.13 The Planning and Development Management Service has improved their quality performance and maintained a speed of determination, but applications are increasing, and the backlog is building. There are concerning levels of ill health, high workloads, an ineffective structure, an IT system that does not have the functionality expected in a modern Planning service and potentially inaccurate performance reporting. In addition, although there is a great deal of Member support and understanding about the under resourcing there is a lack of trust and a poor relationship between some Members and officers. These are all serious problems prohibiting the effective and efficient functioning of a Development Management Service. It is essential that the structure and lack of capacity is addressed urgently to permanently address the workload levels and minimise future use of temporary staff; that a project to review the current IT system and if possible, develop the necessary reporting is resourced and prioritised; and measures taken to improve Councillor/Officer trust and understanding and address behaviour issues/perceptions.

The following are the key recommendations proposed to address the main issues raised during the Review:

KEY RECOMMENDATIONS

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 TDC measures to align with performance levels appropriate within the budget available and report these to senior officers, senior Councillors and Committee 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 Principle 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 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.**

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R6 Continued support from senior council officers for the immediate and long-term solutions to the Planning and DM service in line with the recommendations of the report.

2. INTRODUCTION

- 2.1 The Planning Advisory Service (PAS) is part of the Local Government Association (LGA). PAS provides high quality help, advice, support and training on planning and service delivery to councils. Its work follows a 'sector led' improvement approach, whereby local authorities help each other to continuously improve.
- 2.2 The person appointed by PAS to conduct the Development Management Review is Gilian Macinnes Bsc MBA MRTPI: Gilian has over 30 years Local Government planning experience, having worked across a wide range of planning related roles including as a consultant with PAS, a Director of her own consultancy Gilian Macinnes Associates and recently as Head of Planning and Development at Ashford Borough Council.
- 2.3 The scope of the review was discussed with Jackie King, Interim Chief Executive; Charlotte Parker, Chief Planning Officer; and Louise Wesson, Head of Planning. The review was instigated due to the Council having failed to achieve the Government major application quality performance threshold (10% of major applications lost at appeal) and has focused on the operation of the Development Management Service and identifying areas of concern where there are barriers to success and improvement, and identifying areas for improvement.
- 2.4 The Review was undertaken between February and April with the majority of meetings taking place on the 15th and 16th of March, however, there has been on going engagement with Heather Wills of the LGA and Jackie King, Interim Chief Executive. The Chief Planning Officer and the Head of Planning were both on sick leave during the interviews but kindly contributed to the Review. All interviews were carried out virtually using Zoom/Teams/Skype
- 2.5 A much larger number of interviews were undertaken than is normal for a DM Review, with a broader range of Councillors and officers, particularly senior officers. Unfortunately, there was no engagement with the development sector or external consultees, with the exception of a Local Council representative interviewed. Some of those interviewed for the PAS Committee Review also commented on the wider DM issues. All those interviewed have engaged fully with the process and are thanked for providing their honest opinions and feedback.

3. Purpose and Overview

- 3.1 The Government assess local authority Planning Services, Development Management function using four Government performance measures: major

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application and non-major application speed of determination; and major application and non-major application quality. If the performance thresholds is above the Government thresholds in the case of the quality measures and below in the case of the speed measures, the Council could be designated and have the potential to lose their ability to determine that type of planning application. Tandridge District Council (TDC) are currently above the Government threshold for major applications quality and Government wish to see significant improvement. TDC failing the Government's major application quality performance indicator did not appear to be clearly know or understood, or of concern to many of those interviewed. Although the catalyst for the review was the major quality indicator, this review identifies the main issues affecting the Department's overall performance and suggests areas for further action. There are some quite profound issues affecting the Planning Service indicated by the following quotes made during the interviews:

"Planning is a broken service"

"The rest of the Council prop up Planning"

"Other departments are bored hearing about Planning being under resourced – they just sigh"

- 3.2 There is no doubt that the morale in the department is extremely low. There is a high level of stress related illness that appears to be work related. There were clear indications in the meetings with officers that many were overwhelmed with work, due to a lack of capacity; and adversely affected by complaints and perceived negative, confrontational, approaches that individual officers and their colleagues experienced from some Councillors and what was felt to be a perceived lack of support from the senior management of the Council. These incidents had not been formally reported or substantiated in this review. Almost everyone spoken to had a realisation that the Development Management part of the Planning Service did not have the capacity to undertake the current workload. There was great concern expressed by many about the impact this was having on officers. It is extremely unusual to undertake interviews where many of the officers were visibly upset and/or commented openly about the distressed state of colleagues. Almost everyone spoken to referred back to the 'Customer First' restructure and the adverse impact that had in terms of capacity, Planning and the overall organisation and this was noted on the Council's response to Government.
- 3.3 It is clear that the main driver in terms of the operation of the Council at present and therefore, the ability to address the issues in the Planning Service is the apparent imperative to reduce Council spending, implement cuts and curtail any additional spending. It was highlighted that other services in the Council are struggling but responding to also being under resourced. The provisions of a Planning system is a statutory service for the Council which will mean that a level of resourcing will be required. This does not seem to be appreciated by some officers outside of Planning.

4. Government Designation

- 4.1 The Government recognises the important role Planning services play in enabling growth. To ensure efficient and effective Planning services, it sets performance thresholds for speed of decisions (above 60% of total decisions within 13 weeks for major applications, 70% of total decisions within 8 weeks for non-major applications) and quality of decisions (no more than 10% of appeals allowed on appeal compared to total number of major and non-major applications decided) that all Local Planning Authorities (LPAs) are expected to achieve. Where these performance thresholds are not met the LPA may be 'designated' by the Government and lose the power to make decisions on applications. Performance is assessed over a rolling 2-year period.
- 4.2 The published Government statistics, over the rolling 2-year period, at the time of this DM review were:
- Quality of decisions score at 24 months to Dec 2018 was 11.3% (325/338) on major applications and 1.4% (273/338) on non-majors.
 - Speed of decision scores were 87.3% (208/344) for major applications and 89.3% (186/344) for minor applications in the 24 months to December 2020.

The quality threshold leading to designation for major applications at Tandridge DC (TDC) was exceeded in the designation quarter. A letter was written by TDC to MHCLG to assure them the issues were being tackled and PAS offered to undertake both a Committee and DM review and Councillor training, of which this Review Report forms part. The non-major quality threshold is well within the performance threshold.

- 4.3 In undertaking the review, it did not appear that forward projection of the major quality indicator, for which the authority is facing designation, had been undertaken. There was monitoring of Committee decisions, major and non-major, appeals and overturns but this does not give the full picture. This is an area where the reports have not been available for service managers and senior management or there is a lack of training on accessing performance reports. This lack of available, accurate monitoring information is a significant concern and fundamental to future improvement.
- 4.4 The review considered the quality data from the Council's IT department. This data was populated in a PAS tool to monitor the appeals performance of major planning applications. This helps to illustrate the potential outcome at the next designation period. The monitoring tool indicates that TDC, in relation to the quality for major applications measure, will avoid designation this year. However, the accuracy of the data being produced in reports by the current software system is questionable and inefficient.

PAS planning application
performance monitoring tool
Criteria: Quality- Major

Council: Tandridge

		District matter Majors						
		All Major Decisions	Refusals	Appeals	Dismissed	Appeals allowed	Pending	Result
Quarter 01	Apr - Jun 2018	7		2	1	1	0	14.29%
Quarter 02	Jul - Sep 2018	10		2	0	2	0	20.00%
Quarter 03	Oct - Dec 2018	7		0	0	0		0.00%
Quarter 04	Jan - Mar 2019	10		0	0	0		0.00%
Quarter 05	Apr - Jun 2019	6	4	0	0	0		0.00%
Quarter 06	Jul - Sep 2019	7	2	1	1	0	0	0.00%
Quarter 07	Oct - Dec 2019	10	2	1	0	1	0	10.00%
Quarter 08	Jan - Mar 2020	7	2	1	1	0	0	0.00%
total		64	10	7	3	4	0	6.25%
		Maximum level required						10.00%

4.5 The Council has done very well to maintain the speed performance for both Major and Minor applications. It is to be commended that the speed performance thresholds have been exceeded. However, this appears, if the Government statistics (data provided by TDC) are correct, to be disguising a large on-hand number/backlog of planning applications. It appears that there were 356 applications received, 284 decision and on hand figure of 657. This 'on-hand' figure seems unlikely to be accurate.

4.6 There may be issues regarding the accuracy of the Government statistic. The accurate recording of the statistics, the set-up of the IT system and the approach to reporting are clearly understood by the Planning Service management but there is a concern that it is not seen as important and a priority by others in the Council. It is vital that the IT system and reports are aligned in terms of the Government categories. This is not currently the situation, there is no reference to major applications and non-major. In addition, it is of concern that an officer is required to check the accuracy of the statistics being produced by the system. This seems a high-risk approach, based on memory, with a stable staffing situation that have good memories and a firm handle on all applications but impossible with staff turnover and absence. The accuracy of these nationally published statistics needs to be checked further and subsequently published national data does not correspond to the data received from the Council.

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- 4.7 To address these issues it is important that officers and Members are closely monitoring the quality indicators, that robust and defensible decisions are being made and accurate data is being recorded in the IT system. Data needs to be accessible in a format that is straight forward, aligned to Government returns and reporting, is useable and accessible with ease to Planning Service management and reported to the Council's senior officers. To ensure the appropriate monitoring for all Government returns and performance indicators and effective performance management it is recommended that a suite of reports is created that is easily accessible and provide robust accurate information. Training may be required, and time made available (with suitable resourcing) for the training.
- 4.8 It appears that the understanding of Councillors on the Planning Committees has increased in relation to the comments of consultees, the assessment of applications and particularly technical reasons for refusal. Following the 'Felbridge' appeals, where there were very significant costs awarded against the Council, members of the Planning Committee appear to understand the importance of considering the technical consultees responses carefully, in that to challenge these without evidence is unlikely to succeed. However, particularly in relation to technical consultee responses, there were examples observed of Councillors crossing over into an officer role, in terms of undertaking research, contacting consultees and seeking evidence (see PAS Committee Review); this is inappropriate for their role. Where there is concern about the output of technical consultees this should be taken up by the Chief Planning Officer and potentially the Chief Executive.

5. Staffing Structure, resources, capacity and resilience

- 5.1 The current structure is not fit for purpose – it does not focus resources and the correct management and supervision in the correct location. It is understood that the corporate restructure several years ago ('Customer First - Ignite') reduced the number of planners and officers, altered the structure creating Specialists and Caseworkers, and removed the job title for Planning officers. The structure has been relatively recently changed a little to address some of these matters, but it remains disjointed and ineffective. At present there are planners that report to a non-planner; the Principal Enforcement officer without a team, as the other Enforcement Officers report elsewhere; and a Head of Planning, that at another authority would be a Development Management Manager, who has a large number of direct reports resulting in a supervision and work throughput burden which reduces her capacity for service management. In addition, changes to the structure could address working practices that detract from effective service management such as application allocation being done by the Case Service Team Leader and not the senior planners in DM who have a greater understanding of the caseload of the officers, the complexity of that caseload and performance capabilities. A traditional hierarchical structure would serve to ensure line and professional management with limited spans that can effectively manage, allocate and sign off work, manage performance, and coach and support more junior members of staff withing the relevant discipline.

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- 5.2 The number of officers is insufficient for the workload and the back log is building to an unmanageable level. The caseloads per officer are very high and it is becoming impossible for officers to maintain throughput, leading in some cases to officers becoming 'frozen' by the volume. There is a risk that applicants may decide to appeal on grounds of non-determination if they do not see progress with their applications which in itself has resource and cost implications. In addition, members are dissatisfied with the access they can currently get to officers and the suspension of certain services e.g. pre-application advice, and this is causing greater distrust.
- 5.3 There has been a history in the past of employing temporary staff to clear backlogs, most of which have been on very short contracts, and then getting rid of the temporary staff only for the backlog to build again without tackling the root problem that there is not enough capacity to maintain the throughput of applications. The reasoning for this is that there is not enough funding to address this lack of capacity. Planning, a statutory service, has no alternative but to respond to the workload that comes into the Council – it cannot turn away planning applications or appeals and suggest that the 'customer' take it elsewhere. If a planning application backlog builds it will be there until it is dealt with or until it is appealed on grounds of non-determination, which would use even more resources. It is a false economy to under resource the planning applications function (technical administration/validation and planners) as it will be more expensive to employ temporary staff to clear backlogs. In terms of planners, it will take officer resource away from doing the applications and appeals to train a revolving door of temporary staff; it will increase complaints that takes time away from doing the applications and appeals, it can lead to errors which can result in: court cases and ombudsman awards, low morale, staff health and safety issues, loss of members of staff leading to additional recruitment costs and undermining the reputation of the Council. All of these problems are evident from the lack of resourcing at Tandridge. In terms of technical administration/support staff much of the above also applies to the staff undertaking technical administration/support but it can also result in time sensitive applications being missed leading to default approval; potential costs from mistakes related to GDPR which can have costly implications; missing key deadlines in relation to Tree Preservation Orders and/or appeals. At present the backlog of applications being validated is rising which delays the ability of case officers to assess, recommend and where relevant determine them. All validation staff need to be well trained, understand the applications that are particularly time sensitive, appreciate the urgency to complete validation and get them to the Planning officers (this should be 3-5 days and is currently taking in excess of 2 weeks). The Validation officers have recently received additional training from the Principal Planning Officers. Appropriately resourced and trained technical administration is key to the delivery of a cost effective and functioning Planning Service. As part of a staffing review the technical administrative functions and amount of administrative work undertaken by Planning officers should also be reviewed. The benefits of a business manager and the use of administrative staff to undertake some functions to alleviate and

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produce more capacity for the more expensive and rare Planning officer resource should be considered.

- 5.4 There is a conflict of views provided to the Review in relation to staffing, there is a view that the Planning managers and DM officers have not made it clear that they require more resources, in contrast, the managers in Planning and other officers stating that they have been begging for additional resources. However, it was apparent that crisis point had been reached and the Council has agreed to employ temporary staff for a four-week period. However, this short period resource is ineffectual and adversely impacts on the resources available due to the time taken to train and induct new staff, temporary staff looking for better prospects due to the short term nature of the commission etc and the temporary staff having barely any effective time to deliver completed cases it becomes more a holding situation with them 'babysitting' the applications. Sevenoaks District Council has provided some peer support as advice for officers due to the lack of Planning/DM management as a result of sick leave, but this did not provide any validation or Planning officer resource to undertake workload/applications/appeals.
- 5.5 A number of Members commented that there were insufficient enforcement resources.
- 5.6 There is currently a high level of ill-health and apparent distress being displayed by officers in Planning and Development Management. The issues of staffing and management resources, capacity and resilience need to be addressed as a matter of urgency and a permanent solution developed.
- 5.7 Further work is required in relation to the short and longer-term solutions and the amount of resource required for the service to function properly. However, it is clear that a number of additional posts, in a new more traditional hierarchical structure, with Planning officers working in teams and enforcement officers in an enforcement team, to bring the service up to a basic level to cope with the incoming work without building a backlog. A structure that facilitated effective management and supervisory responsibilities, staff development and support.

6. Officer and Member Relationship, Roles and Responsibilities

- 6.1 It is apparent that there is significant Member support for the planners and the DM service and an appreciation by many that they are under resourced. However, there are other Members who appear to think that the officers are all doing well, and everything is fine. This review demonstrates that this is not the case. In addition, there is a disconnect between the expectation of some Members and what the department is currently resourced to deliver and what is possible within the legislative, policy and guidance framework for Planning.
- 6.2 It is vital for all Members to understand more clearly the framework within which Planning exists and their role in terms of planning legislation, policy and guidance; probity and the Nolan Principles of Public life. There is a desire by some Members to do the work of officers and feel that officers should use

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Councillors' experience. A new Planning Protocol 2020 has been drafted; however, it needs to be further reviewed to ensure that there is clarity of roles and responsibilities and standards of behaviour for both members and officers.

- 6.3 Most Members, particularly those on the Planning Committee, appear to understand that the officer's recommendation is their professional judgement, that they are required to make a recommendation, and that it is inappropriate to tell them they are wrong and try and persuade them that they should change their recommendation. Ultimately the Planning Committee can decide to disagree with the officer recommendation if they have robust and defensible reasons for doing so but individual councillors cannot change the recommendation or overturn an officer recommendation. However, there were concerns expressed that some Councillors did not clearly understand this. Therefore, further training for all Councillors not just those on the Planning Committee and greater clarity in the Protocol would ensure a greater and wider understanding of this.
- 6.4 It was highlighted during the review that there have been incidences where officers have felt that they have been mistreated or unprofessionally engaged with by some Councillors. These incidences have not been formally reported but there were several comments made during the Review that when certain Councillors contact details came up on the screen the officer had "a feeling of dread". Though not formally reported concern was raised by several officers that nothing had been done or they were not aware if anything had been done following these incidents. It may be that the officers have not reported or failed to produce the evidence in relation to the occasions of concerned engagement, so therefore no action has been taken. In the course of this review the perceived mistreatment was very real to the officers and even without a formal complaint will be of concern to the Council's leadership and something that will want to be addressed to allow the Planning service to function properly and work constructively with the members. Developing a greater understanding between officers and Members, clarity of standards of officer and Member behaviour and roles and support will go some way to rebuilding the necessary trust between officer and members for Planning to function properly.
- 6.5 Some Councillors were concerned and upset by the suspension of pre-application advice and the request to be patient with the Planning officers lack of capacity. Some Councillors appeared to understand why officers are taking this approach but other are frustrated. In assessing resources and capacity the pre-application service (and income) and the level of service sought/that can be delivered need to be considered and balanced against the statutory requirements of the service.
- 6.6 Officers need to develop a greater understanding of the political environment in which they work ensuring that all conversations, correspondence and communications remain impartial, professional and polite. Officers at all levels would benefit from some training on the role and responsibilities of Councillors and officers.

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Cllr Comments:

Officers show a *“lack of willingness to work with Members”*.

“Communication difficulties, lack of resources creates a culture of them and us”

7. Management of the Planning Service

- 7.1 In terms of the Planning and DM Service management, a great deal of support has been stated for the managers (and team) however, there is also criticism that the service is not being effectively managed and there is a perception by some that there are capability issues with some Planning officers. At present, due to the lack of capacity at lower grades, the managers appear to be ‘doing’ not managing, particularly the planning applications workload. It appears that by trying to deliver application decisions, there is insufficient time/resource left for the management of the department, service improvement, IT system implementation, risk assessments, resource planning, working with members, forward planning etc. More capacity needs to be provided at PPO level and below to ‘do’, including signing off work, to facilitate the effective management of the service.
- 7.2 In addition, it does not appear that all the management policies and procedures are in place, updated and /or disseminated that one would expect to be in place. It has not been possible to investigate this, or the degree to which it is addressed corporately, in this review. However, it is recommended that management policies and procedures are reviewed, updated and disseminated.
- 7.3 There appears to be a high level of incidences of stress and sickness leave within the service, this is of concern for both the health and wellbeing of the staff but also in the provision of the necessary resources to deliver the service and will be of concern to the Council.

8. IT Systems

- 8.1 The IT systems and level of functionality falls considerably below that which you would expect in a modern Planning service. As stated above there are significant concerns about the reliability and efficacy of the current IT system particularly in terms of reporting. The new system should be able to produce performance dashboards and performance reporting for all officers. Comments were received that the new system did not function as well as the previous version.
- 8.2 In terms of the wider use of the planning systems, it was apparent that there is very little, if any automation and that officers are doing their reports in MS Word and then using them to populate more than one system. This is hugely inefficient and time consuming and improving system functionality (or the use of the system’s functionality) and greater automation should be a priority to ensure that the reports and decision notices can all be produced in the system. The view that *“the IT team develop what the business wants them to develop”* is not effective if the resources to do that development and maximise functionality are

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not available. It may be that the system has the ability to deliver the functionality required but a significant level of Planning and IT resource is required to achieve this including back filling the internal resource that make up the project team that would deliver such functionality. It is recommended that a project scoping the requirements of the system, the approach to delivery and cost is undertaken. This project should review all process to ensure that the system is developed in the most efficient way, ensuring history 'pull through', maximising constraint and policy 'pull through' and templates developed to maximise automation and utilise information 'pull through'. The information provided to councillors and parishes should meet their information needs (wards, closing dates etc). In addition to improving the internal system, the web provision should be reviewed as several concerns were raised particularly by Councillors.

- 8.3 There is a considerable lack of trust in the accuracy of information available from the system, particularly historic information, that can have a fundamental impact on the determination of applications (particularly in Green Belt areas). The lack of reliable information results in delays, manual searching and potential for future challenge. The previous stability of the service relied on individual people's memories to remember case histories – this is not a reliable or sustainable approach. An improvement in this area would also give Councillors greater confidence in the system.

9. Finance

- 9.1 It is apparent that the issue of the Council finances are upper most in the Council's senior officers' minds. It was said "*there is a culture of fear around spending*" and with reluctance for the Planning Service to be an exception to get spending sanctioned. Whilst it is appreciated that the Council is facing financial challenges, the failure to address the issues currently impacting on the Planning Service have the potential to be more costly financial in the long run. The strain that officers are currently under can result in an increase in mistakes resulting to administration and decisions that are not robust and open to challenge resulting in potential ombudsman and court cases. Failure to effectively resource Planning administration to deal with redaction and GDPR issues can have costly Information Commissioner (ICO) or court repercussions. The application workload if not addressed could result in a significant increase in appeals on grounds of non- determination and the potential for awards of costs and impact on the Government quality performance threshold. The failure to respond and determine applications in a timely manner can result in increased complaints, taking up resources, which further reduce the time available to tackle the DM Teams workload and potentially result in ombudsman complaints. Failure to determine planning applications can result in an increase in unauthorised development and demands on enforcement as people become frustrated with 'the system'. In any event, in addition to these additional costs the workload backlog (applications, appeals, complaints) will eventually have to be addressed by temporary staff or consultants at greater expense than permanent staff or by an increase in permanent staff or a combination of all these. In the meantime, you will have had additional staff

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sickness, potential staff health and safety issues, resignations and recruitment all of which result in additional costs. Ultimately, failure to address these issues in a timely manner may impact on your Government speed of determination performance measures leading to designation and the potential loss of applications fees.

10. Other Areas

10.1 There are a number of other areas that were commented upon during the Review which should be the subject of future consideration and potentially included in an action plan. However, there has not been the time available to consider these in any detail at this time it is recommended that these are considered further in an action plan. These include:

- Length of the delegated reports (reduction)
- Review, consult upon and reissue the local validation list (2 years out of date)
- Training and policies to ensure the greater use of local plan evidence base in decision making
- Introduce development team meetings on major or complex applications including Planning Policy
- Address concerns raised about Legal resourcing to support Planning including lack of litigation specialist
- Review management policies and procedures in relation to the DM service (Risk Assessment etc)
- Review the process, procedure and training in relation to document redaction and resource.

11. OVERALL CONCLUSIONS

11.1 The Planning and Development Management Service has improved their quality performance and maintained a speed of application determination, but applications are increasing, and the backlog is building. There are concerning levels of ill health, high workloads, a structure that is ineffective, and an IT system that does not have the functionality expected in a modern Planning service and potentially inaccurate performance reporting. In addition, although there is a great deal of member support and understanding about the under resourcing, there is a lack of trust and poor working relations between some members and officers. These are all serious problems which are adversely affecting the effective and efficient functioning of the Development Management Service. Many of these issues have not been addressed due to the need to make savings and reduce costs, however, in our view a failure to address these matters is likely to result in greater cost in the long run for the Council. It is essential that the structure and lack of capacity is addressed urgently to permanently address the workload levels and minimise future use of temporary staff; that a project to review the functionality of current IT system and develop the system to meet the needs of the business including the necessary reporting, is resourced and prioritised; and measures should be

taken to improve councillor/officer trust and understanding and address behaviour issues/perceptions.

Recommendations

- 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 TDC measures to align with performance levels appropriate within the budget available and report these to senior officers, senior Councillors and Committee 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 Principle Planning Officer) (taking into consideration recent additions) below the minimum level on which the department can reasonably function at a basic service delivery level effectively. 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. Tech administration and validation management and capacity, including reducing planner admin., 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 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 senior council officers for the immediate and long-term solutions to the Planning and DM service in line with the recommendations of the report.**