Task and Finish Group Report

Development Management (Planning)

Development Management (Planning) - Review Report

1.   Chairman's Foreword

Planning and planning services are recognised as vital to the economic growth of Herefordshire. They are also key factors in supporting one of the Council's core strategic aims of securing growth of the local economy. Planning ensures that the right development happens in the right place at the right time, benefitting communities and the economy. It plays a critical role in identifying what development is needed and where, what areas need to be protected or enhanced and in assessing whether proposed development is suitable. The planning process enables sustainable development delivering the homes and jobs communities needed with decisions taken at the lowest possible level with the involvement of local people, while ensuring strong protections are in place to conserve and maintain the natural and historic environment.

In undertaking this review the task and finish study group met with local members, council officers, representatives of parish councils, planning consultants and officers from Shropshire Council planning department, all of which were knowledgeable and contributed a great deal to the review. During the review, it was clear that the planning processes in place are fit for purpose. That is to say that the required business operation(s) can be completed from start to finish using the existing processes and systems in place.

Clear processes were evident and therefore provide reassurance that the appropriate continuous improvement conditions are in place to support and deliver the planning process. A number of good ideas for improvement of the service have already been identified and the group supports the implementation of these as soon as possible.

It is however, the intention that this review will provide recommendations that will improve the future service delivery of the planning function. These recommendations are self-evident and in many cases have already been identified by the planning department as areas of improvement.

This review report should be seen as an enabling document, whereby betterment of the service should continue to be considered and if ideas are found to be capable of providing a better service, they be implemented.

Finally, I would like to thank my elected member colleagues that made up the group, for their assistance and support in the completion of this task. Thanks also go to the people interviewed in undertaking this review including officers from the council. I would particularly like to thank colleagues from the parish councils and officers from Shropshire Council Planning Department for their attendance and valued input. The candour of all these contributors to our thoughts and questions has proved to be very helpful in coming to our conclusions.

Finally, our sincerest thanks go to both Clive Lloyd Democratic Services Officer and Marc Willimont Head of Development Management and Environmental Health for their support in undertaking this task and finish review.

2. Executive Summary

2.1 It is recognised that there are talented specialist planning and enforcement officers within the Council's planning team who work extremely hard. Their abilities and the collective skills of the planning department as a whole deserve recognition for their work in what is a challenging and difficult environment.

2.2 However, as reflected in comments received during the review the administration function can be improved. This report is designed to provide a focus for this task and finish group to provide enablement.

2.3 As a result of undertaking this review the group has identified a number of recommendations contained herein to improve the delivery and performance of the planning function.

3. Composition of the Task and Finish Group

3.1 Members of the Task and Finish group were:

- Councillor BA Durkin (Vice-Chair of General Overview and Scrutiny Committee and Chair of this task and finish group)
- Councillor WLS Bowen
- Councillor ACR Chappell
- Councillor AJW Powers
- Councillor A Seldon

3.2 Lead Officer – Marc Willimont Head of Development Management and Environmental Health

3.3 Democratic Services Officer – Clive Lloyd

4. Context

Why did we set up the group?

4.1 The Development Management (Planning) and Build & Natural Environment Teams were restructured in 2013 to reflect the economic situation and income projections at that time. With the recent upturn in economic recovery, the number of planning applications has increased significantly with a consequential impact on the length of time taken to validate, register and determine applications. The upturn brings its own challenges in terms of impacts on the planning department.

4.2 As a result of the members suggestions, this task and finish group was commissioned with the following brief:

"*In view of the potential impacts on stakeholder perceptions, this task and finish group will consider whether the current system is fit for purpose to ensure that public confidence in the planning function is maintained and enhanced.*"

<u>What were we looking at?</u>

4.3   In September 2014, a scoping statement was agreed by GOSC for the task and finish group.

       The full scoping statement is attached at Appendix A.

<u>Who did we speak to?</u>

4.4   In undertaking this review the group spoke to the following people:

- Helen Mills – Team Leader Technical Support Planning
- Adrienne Davies – Development Manager
- Dominic Latham – I.T Commissioner
- Duncan Trumper - Business Applications Team Leader
- Susie Jones – Operational Business Systems Manager, Shropshire Council
- Graham French – Principal Planning Officer, Shropshire Council
- Councillor PGH Cutter – Chairman of Herefordshire Council Planning Committee
- Councillor JG Jarvis
- Bernard Eacock – Planning Consultant, Bernard Eacock Ltd
- James Spreckley – Planning Consultant
- Councillor Roger Page - Bromyard Town Council
- Steven Kerry – Hereford City Council Town Clerk
- Olena Barrett – Information and Administration Officer, Hereford City Council

<u>How did we engage with people?</u>

4.5   The task and finish group wanted to use as many different ways as possible to engage with interviewees. The methods used were:

- Face to face interviews.
- Site visits to Herefordshire Council Planning Department (Blue School House) and Shropshire Council Planning Department
- Email correspondence

<u>What did we read?</u>

4.6   The group was provided with background information to undertake this review. The documents that were used are appended to this report.

- Hoople, Report on Herefordshire Council Planning Services (November 2014) (Appendix B)

5.   Key Themes

5.1   Through the task and finish review the following key themes were identified:

- Administration and I.T systems
- Planning Officers` workload
- Planning Enforcement
- Customer experience
- Consultation process

<u>Administration and I.T. systems</u>

5.2   In the provision of public services, it is recognised that there is a proportionate balance between the very highest standards of administration and sheer affordability, and the group does recognise that balanced decisions have to be taken. However, it is agreed that resource constraints should not be used as an excuse for poor service or poor administration.

5.3   Poor or inadequate administration systems can prove to be an Achilles heel in relation to the success of any service delivery. There is a recognition that the planning department must ensure that internal processes are in order if it is to provide an effective service to all stakeholders.

5.4   During the task and finish review the group heard that staff have had difficulty coping effectively with the workload and that this has had a detrimental effect on registration and validation times. The administration systems and in particular the I.T systems currently in place have been identified during the course of this study as significant contributing factors in obstructing satisfactory progress of the planning process.

5.5   The current I.T system used is primarily designed for the Environmental Health/Public Protection function and does therefore have some shortcomings in terms of the planning function. The group visited Shropshire Planning Department and was impressed with the planning specific I.T system demonstrated.

5.6   Although the processes and systems used are fit for purpose it has been identified throughout the study that the Planning Services are to some degree reliant on paper methods and with the governments digital by default programme in mind there are electronic methods that should be explored that can enhance business workflow efficiency.

5.7   The group heard that in conjunction with Hoople I.T the planning department had completed a two day review of the planning administration and processes in November 2014. From the review a number of improvements were identified.

5.8   The group has noted that recently, due to the increase in planning applications received, full day Planning Committee meetings appear to be the norm rather than the exception. The group views this development as unsustainable and could have a detrimental effect on efficient and consistent planning decisions.

5.9   Comments were received from planning consultants regarding frustrations in the inability to download or gain access to online editable application forms. The view being that this facility would reduce paper administration for both agents and the Planning Department. The introduction of a subscription service to a given planning application which would give updates to subscribers was also suggested. This facility would reduce enquiries and demands on planning staff.

5.10 The study group visited the planning offices at Blue School House in November 2014. The group noted that initial refurbishment to the building was carried out following EHTS's move from their previous location of Bath Street. Further improvements in the general facilities and décor would contribute to an improved working environment.

Recommendation 1: Since the commencement of this study Herefordshire Council has achieved 'Smarter Planning Status' and are to be commended on this, however every effort should be made to explore 'Best Practice' with neighboring authorities and to explore the implementation of a planning specific I.T administration system.

Recommendation 2: Downloadable and/or online editable applications to be developed for all planning related application forms to encourage electronic applications.

Recommendation 3: That provision of a facility for subscription service to a given planning application giving updates is developed – this would enhance the service and reduce phone calls and planning officer time.

Recommendation 4: All planning officers to be issued with tablet devices to enable updates to main files in real time. This will contribute to a smarter and more efficient way of working.

Recommendation 5: Alternative means of managing the Planning Committee work schedule be explored to ensure that efficient and consistent planning decision are made.

Recommendation 6: The group noted that improvements have been made to Blue School House; however, further improvements in terms of décor etc. would contribute to an improved working environment. External improvements including basic repairs and more prominent signage regarding corporate identity are also recommended.

Recommendation 7: The group is highly supportive of the Hoople I.T report of November 2014 and the group recommends that all findings in the report are progressed and implemented.

Planning Officers' workload

5.11 The group heard that the 2013 planning restructure resulted in a loss of 19.9 FTE staff. The subsequent upturn in economic conditions during the latter part of 2013 and early 2014 was not anticipated. This resulted in a greatly increased workload for all planning staff, not least the planning officers themselves. The consequences of the reduction in staff and the increased workload have been detrimental in terms of registration and determination periods for applications. The reduction in staff and the consequent increase in workload can result in an increase in officer stress levels and should be considered in future resource planning.

5.12 The group heard that 8.8 FTE staff have been recruited since 2013 and this has seen some improvement in performance. However, there has still been a net reduction in staff since 2013. There appeared to be the view amongst some employees that their efforts in what can be a stressful and demanding environment are not fully recognised.

5.13 During the review it was noted that a number of employees within the planning function are employed on either short term or temporary contracts. It is accepted that these contracts can enable flexibility within the department however, for employee

job security and business continuity contracts should be reviewed with a view to making posts permanent.

5.14 With the recent upturn in planning activity the planning department is seeing an increase in generated income. Where appropriate this income should be redirected back into the planning service including an investment in the department to promote smarter working practices and improved I.T. systems.

Recommendation 8: A proactive approach should be taken in terms of variations in the economy and appropriate staffing levels.

Recommendation 9: All short term employment contracts to be reviewed and consideration given to them being made permanent.

Recommendation 10: Management to review skill sets and capabilities of all officers to ensure the provision of an efficient service. All planning and planning enforcement officers should attend relevant and appropriate training courses, to maintain and continue their professional competence and development.

Recommendation 11: That employees' well-being in terms of stress management should be monitored as part of the annual appraisal process.

Planning Enforcement

5.15 The group discussed a number of issues relating to planning enforcement and noted that Herefordshire Council follows government guidance contained in Planning Policy Guidance 18 (PPG18). Some authorities interpret the guidance differently which can have a bearing on the level of resources that authorities devote to enforcement activity.

5.16 The enforcement department appears to be an undervalued and 'poor' relative of the planning function. Enforcement should be viewed as a vital part of the planning process that reinforces the activities of the planners and plays a vital part in providing a credible planning 'end to end' function and ultimately gives the public confidence that any infringements are effectively dealt with in an appropriate manner.

5.17 The group considered whether the public and Town and Parish Councils understood the enforcement processes and timescales. The group was also aware that in many instances the public perception was that enforcement action was either not undertaken or that it was exceedingly slow. The group fully appreciated that it is at times not as clear cut as the public may think. It was also agreed that while local authorities have discretion to take enforcement action it should be pursued when expedient to do so, having regard to the development plan and any other material considerations.

5.18 Ward Councillors should receive timely notification of enforcement cases in their ward, however, the group suggests that this isn't always the case and this should be specifically included in planning enforcement policy/protocol. Following the identification process there needs to be a consequence or expectation of an action e.g. that the alleged infringement should be visited within agreed time frames and any further actions identified.

Recommendation 12: A planning enforcement policy/protocol be developed and implemented with 3 levels of priority

- **high, same day assessment**
- **medium, up to five working days**
- **low, up to 15 working days**

Recommendation 13: That adequate resource should be available within the planning enforcement team in order to ensure that the team has the capacity to proactively enforce planning decisions and to publicise the message that the council will robustly enforce its planning decisions.

Recommendation 14: That the member development plan should incorporate training to ensure members understand the councils' scope for action on enforcement and to equip councillors with the information they require to advise constituents without having to refer to officers.

Recommendation 15: A comprehensive planning enforcement summary report to be provided to all members on an annual basis to include a breakdown of Planning Enforcement costs.

Recommendation 16: Planning Enforcement Officers to ensure that ward members receive notification and progress activity reports on all enforcement investigations or actions in their respective wards.

Recommendation 17: Inclusion within the corporate calendar for regular in depth training and briefing session for planning committee members relating to planning and enforcement. In addition, planning and enforcement training should be available to all members at the appropriate level.

Recommendation 18: That there should be a presumption to enforce (in accordance with the principles of fairness, proportionality and the public Interest test) for all breaches of council policy and that any enforcement action should be taken in a timely way in accordance with the Council's Joint Protocol on Enforcement.

Recommendation 19: Training should be offered to town and parish council members on planning and planning enforcement at the appropriate level.

Recommendations 20: That representatives from all of the enforcement teams across the Authority meet regularly to share knowledge and good practice between the teams and learn from their collective experience and that enforcement staff are supported with training and development opportunities to enable them to build strong cases.

<u>Customer experience</u>

5.19 A common theme from all interviewees was a frustration in not being able to speak directly with the planning department, whether this is to planning administration staff or to the relevant planning officers, resulting in delays and inaccurate information being received. In addition, there is a lack of timely responses to emails. Although it is accepted that the most effective form of communication is in an electronic format, the personal element must not be ignored.

5.20 Where communication is received through telephone, the group heard that all calls are received by the corporate customer service team who forward these enquiries to the planning department. This system appeared confusing and ineffective for the

public. There is a Planning Helpdesk at Franklin House but it was found that there is no direct number available for this facility and again all calls are routed via the corporate customer service team.

5.21 It was noted that the council has a 'Digital by Default' strategy to maximise communications via online systems.

5.22 The group heard that recent improvements have been made to the Planning website however; there are still further gains that can be made in this area. An example being that there is no provision for a downloadable or online editable pre-application advice form which does not support the Digital by Default Strategy.

5.23 The group also heard from Planning Agents of some concern regarding the number and availability of appropriately trained specialist planning officers e.g. ecology, landscape and particularly listed buildings officers. This element of the service has become under resourced and thus not providing a sufficiently robust service.

5.24 The group heard that there were delays in responses for pre-planning advice. It was the view of the group that delays in the provision of pre-planning advice were unacceptable particularly as this is a fee paying service. It should be recognised, not just by the planning department but for all fee charging services that customers expect and should receive the service they are paying for in an efficient and timely manner.

Recommendation 21: To improve the public facing experience a dedicated phone number and email address is made available for the Planning Desk at Franklin House.

Recommendation 22: Adequate resources are made available to ensure that pre-planning applications receive the service they are paying for in a timely manner.

Recommendation 23: The impact of staffing levels for specialist officers should be continually assessed against the planning activity in the county.

Recommendation 24: A planning duty officer system similar to the Public Protection function be considered for Planning/Planning Enforcement.

Consultees process

5.25 The study group heard that ward members are not routinely notified of planning applications submitted in neighbouring wards. Notification does take place but only if an application is located on a ward boundary or in instances of particularly contentious applications. The notification of adjoining ward members in matters of planning applications is to be encouraged with the view that ward members should be notified of all planning applications in neighbouring wards.

5.26 The group heard that the overall postage bill for planning is considerable however it was confirmed that from November 2014 parish councils will be consulted electronically and although a mixed response has been received from parish councils no objections have been received.

5.27 It was noted that on numerous occasions no response has been received from specialist officers and that the non-response was perceived as a tacit consent to the application. Notwithstanding, each application should receive a response from all internal consultees for the sake of clarity and avoidance of doubt.

Recommendation 25: That ward members be notified in all matters of planning applications adjacent to ward boundaries.

Recommendation 26: All officers in the consultation process should be required to provide a verifiable response so that an effective decision audit trail can be followed.

6. Summary of recommendations

Recommendation 1: Since the commencement of this study Herefordshire Council has achieved 'Smarter Planning Status' and are to be commended on this, however every effort should be made to explore 'Best Practice' with neighboring authorities and to explore the implementation of a planning specific I.T administration system.

Recommendation 2: Downloadable and/or online editable applications to be developed for all planning related application forms to encourage electronic applications.

Recommendation 3: That provision of a facility for subscription service to a given planning application giving updates is developed – this would enhance the service and reduce phone calls and planning officer time.

Recommendation 4: All planning officers to be issued with tablet devices to enable updates to main files in real time. This will contribute to a smarter and more efficient way of working.

Recommendation 5: Alternative means of managing the Planning Committee work schedule be explored to ensure that efficient and consistent planning decision are made.

Recommendation 6: The group noted that improvements have been made to Blue School House; however, further improvements in terms of décor etc. would contribute to an improved working environment. External improvements including external repairs and more prominent signage regarding corporate identity are also recommended.

Recommendation 7: The group is highly supportive of the Hoople I.T report of November 2014 and the group recommends that all findings in the report are progressed and implemented.

Recommendation 8: A proactive approach should be taken in terms of variations in the economy and appropriate staffing levels.

Recommendation 9: All short term employment contracts to be reviewed and consideration given to them being made permanent.

Recommendation 10: Management to review skill sets and capabilities of all officers to ensure the provision of an efficient service. All planning and planning

enforcement officers should attend relevant and appropriate training courses, to maintain and continue their professional competence and development.

Recommendation 11: That employees' well-being in terms of stress management should be monitored as part of the annual appraisal process.

Recommendation 12: A planning enforcement policy/protocol be developed and implemented with 3 levels of priority

- **high, same day assessment**
- **medium, up to five working days**
- **low, up to 15 working days**

Recommendation 13: That adequate resource should be available within the planning enforcement team in order to ensure that the team has the capacity to proactively enforce planning decisions and to publicise the message that the council will robustly enforce its planning decisions.

Recommendation 14: That the member development plan should incorporate training to ensure members understand the councils' scope for action on enforcement and to equip councillors with the information they require to advise constituents without having to refer to officers.

Recommendation 15: A comprehensive planning enforcement summary report to be provided to all members on an annual basis to include a breakdown of Planning Enforcement costs.

Recommendation 16: Planning Enforcement Officers to ensure that ward members receive notification and progress activity reports on all enforcement investigations or actions in their respective wards.

Recommendation 17: Inclusion within the corporate calendar for regular in depth training and briefing session for planning committee members relating to planning and enforcement. In addition, planning and enforcement training should be available to all members at the appropriate level.

Recommendation 18: That there should be a presumption to enforce (in accordance with the principles of fairness, proportionality and the public Interest test) for all breaches of council policy and that any enforcement action should be taken in a timely way, in accordance with the Council's Joint Protocol on Enforcement.

Recommendation 19: Training should be offered to town and parish council members on planning and planning enforcement at the appropriate level.

Recommendations 20: That representatives from all of enforcement teams across the Authority meet regularly to share knowledge and good practice between the teams and learn from their collective experience and that enforcement staff are supported with training and development opportunities to enable them to build strong cases.

Recommendation 21: To improve the public facing experience a dedicated phone number and email address is made available for the Planning Desk at Franklin House.

Recommendation 22: Adequate resources are made available to ensure that pre-planning applications receive the service they are paying for in a timely manner.

Recommendation 23: The impact of staffing levels for specialist officers should be continually assessed against the planning activity in the county.

Recommendation 24: A planning duty officer system similar to the Public Protection function be considered for Planning/Planning Enforcement.

Recommendation 25: That ward members be notified in all matters of planning applications adjacent to ward boundaries.

Recommendation 26: All officers in the consultation process should be required to provide a verifiable response so that an effective decision audit trail can be followed.

7.   Appendices

7.1   Appendix A - Scoping Statement

7.2   Appendix B - Hoople, Report on Herefordshire Council Planning Services (November 2014)