

# Public Document Pack

**Date of meeting** Tuesday, 18th August, 2015  
**Time** 6.30 pm  
**Venue** Council Chamber, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact** Julia Cleary

**PLEASE NOTE EARLIER START TIME OF 6.30PM**

## **Planning Committee**

### **SUPPLEMENTARY AGENDA**

#### **PART 1 – OPEN AGENDA**

15a Development Management Performance Action Plan (Pages 3 - 10)

**Members:** Councillors Baker (Chair), Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Proctor, Reddish (Vice-Chair), Simpson, Turner, Welsh, Williams and Williams

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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## Development Management Performance Action Plan

### Report to the 18<sup>th</sup> August 2015 Planning Committee

#### **Purpose of the Report**

To address the request of the Planning Committee of the 23<sup>rd</sup> June for a report at the earliest opportunity, within the next two months, providing an Action Plan indicating how shortfalls in performance against targets will be addressed

#### **Recommendation**

**That the Development Management Performance Action Plan attached to this report be noted**

#### **Reasons**

Members will receive a further report on performance for the first half of the year (and the expected outturn performance) at a meeting in October, and the Finance Resources and Partnerships Scrutiny Committee and Cabinet will continue to receive quarterly reports on the dashboard indicators which includes 3 of the targets referred to in this report

## **1.0 Background**

1.1 The Planning Committee at its meeting on the 23<sup>rd</sup> June received the annual Development Management and Enforcement Report for 2014/15. The report provided members with an end of year report on the performance recorded for Development Management (DM) between 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2015. The report referred to performance in relation to a series of indicators across the DM function including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development.

1.2 The report noted that the Council's Finance, Resources, and Partnerships Scrutiny (FRAPS) Committee and subsequently Cabinet receives a quarterly Financial and Performance Management report on a series of performance indicators including the three below which relate to the speed of determination of planning applications, and any indicators failing to meet the set targets are reported by exception.

1.3 As the report indicated the measurement of the quality of a DM service is difficult to achieve. Inevitably the focus is upon those outputs that are capable of measurement and this can, if not interpreted carefully, lead to an inappropriate focus that may not be aligned with customer service. However it is a starting point. 6 indicators were included in the 2014/15 Planning and Development Service Plan relating to DM. Out of these 6 performance indicators, the target set had been met in 1 case, but it had not been achieved in the other 5 cases.

1.4 In summary, the report confirmed that the target of dealing with 70% of Major applications 'in time' (as defined by the DCLG) had been met comfortably with a performance of 86.4%, but the following targets had not been met in 2014/15

- That of determining 85% of 'Minor applications' within 8 weeks – 70.6% was achieved
- That of determining 92.5% of 'Other applications' within 8 weeks – 82% was achieved
- That of answering 80% of pre-application enquiries 'in time' – 62% was achieved
- That of determining 75% of applications for approvals required by conditions within 2 months – 70.7% was achieved
- That of informing complainants in 75% of cases within the required timescales of any action to be taken about alleged breaches of planning control - 52% was achieved

1.5 The Planning Peer Review Team in August 2014 had commented that

*“The Council’s service plan has a range of challenging targets that are mainly focussed on speed but which include pre-applications and enforcement. The service failed to reach these stretch targets in 6 out of 7 areas in 2013/4. One target involving customer satisfaction has not been met for three years. We think it is important to reassess these stretch local targets to see if they remain priorities for councillors and the public. Again this is part of our concern to create some ‘space’ for better communication and engagement, management and training”*

The report to the 23<sup>rd</sup> June meeting confirmed that the targets had all been reassessed and that in some cases they had been reduced for 2015/16.

1.6 The Committee on the 23<sup>rd</sup> June resolved

- (a) That the report be received
- (b) That the Head of Planning, with the Development Management Team Leader seeks to maintain performance of the Development Management Team where satisfactory and improve the service provided where our level of performance fall significantly below the targets set for 2015/16 in the Planning and Development Service Plan
- (c) That the “Mid-Year Development Management and Enforcement Performance Report ‘ be submitted to the Committee around October 2015 reporting on performance achieved for the first half of 2015/16 in relation to those targets, and
- (d) requested a report at the earliest opportunity, within the next 2 months, providing an Action Plan indicating how the shortfalls in performance against targets will be addressed

1.7 This report is brought to the Committee to address resolution (d)

## **2.0 Introduction**

2.1 For 2015/16 the targets for the Service are

- To determine 70% of ‘Major’ applications ‘in time’
- To determine 75% of ‘Minor’ applications within 8 weeks
- To determine 85% of ‘Other’ applications within 8 weeks
- To answer 80% of preapplication enquiries ‘ in time’
- To determine 75% of applications for approvals required by condition within 2 months
- To inform complainants in 75% of cases within the required timescales of any action to be taken about alleged breaches of planning control

2.2 In addition the Service has to seek to ensure that designation of the Council as a poorly performing authority is avoided at all costs, given the democratic, financial and reputational consequences of such designation for the Council as the Local Planning Authority. At present designation is on the basis of two criteria – one relating to the % of Major applications determined ‘in time’ and the second relating to appeal performance (solely with respect to Major applications). The designation level with respect to the former has recently moved up from 30% to 40%. The Chancellor’s ‘Productivity Plan – Fixing the foundations: Creating a more prosperous nation’ published in July 2015 indicates that the government wants to see further progress with **all** planning decisions made in time. The government has announced that it is to

- Tighten the planning performance regime so that local authorities making 50% or fewer of decision on time are at risk of designation
- Legislate to extend the performance regime to Minor applications, so that local authorities processing these applications too slowly are at risk of designation
- Significantly tighten the 26 week ‘planning guarantee’ for minor applications

Although no details are known about when and exactly how these changes will be introduced the Authority needs to anticipate them. Earlier this year the government consulted upon proposals to introduce a further designation criterion in around 2020 relating to the declaration of Local Development Orders. This report does not address that longer term issue.

2.3 We are already some 4 months into 2015/16. As indicated the intention is to present a report on the half yearly position (April 2015 to September 2015) to the Planning Committee in October 2015. Information is collected on a monthly basis with respect to the speed of determination of applications,. The following Table indicates the performance so far in 2015/16.

<b>PERFORMANCE INDICATORS 2015/16</b>													
<i>Figures in italics are cumulative performance for year</i>													
		<b>Performance to date meeting 'local' target</b>											
		<b>Performance to date not meeting 'local' target</b>											
	<b>MAJORS</b>			<b>MINOR</b>			<b>OTHERS</b>			<b>ALL APPLICATIONS</b>			
	<b>**Target set 'locally'= 70%</b>			<b>**Target set 'locally'= 75%</b>			<b>**Target set 'locally'= 85%</b>						
Month	"in time"	Total	%	Within	Total	%	Within	Total	%	Within	Total	%	
				8 weeks			8 weeks			8 weeks			
April 2015	5	5	100.0%	16	26	61.5%	27	35	77.1%	43	66	65.2%	
<i>Cumulative for year</i>	5	5	100.0%	16	26	61.5%	27	35	77.1%	43	66	65.2%	
May 2015	1	1	100.0%	14	27	51.9%	22	27	81.5%	36	55	65.5%	
<i>Cumulative for year</i>	6	6	100.0%	30	53	56.6%	49	62	79.0%	79	121	65.3%	
June 2015	2	3	66.7%	11	19	57.9%	28	32	87.5%	40	54	74.1%	
<i>Cumulative for year</i>	8	9	88.9%	41	72	56.9%	77	94	81.9%	119	175	68.0%	
<b>Fig for Quarter</b>													

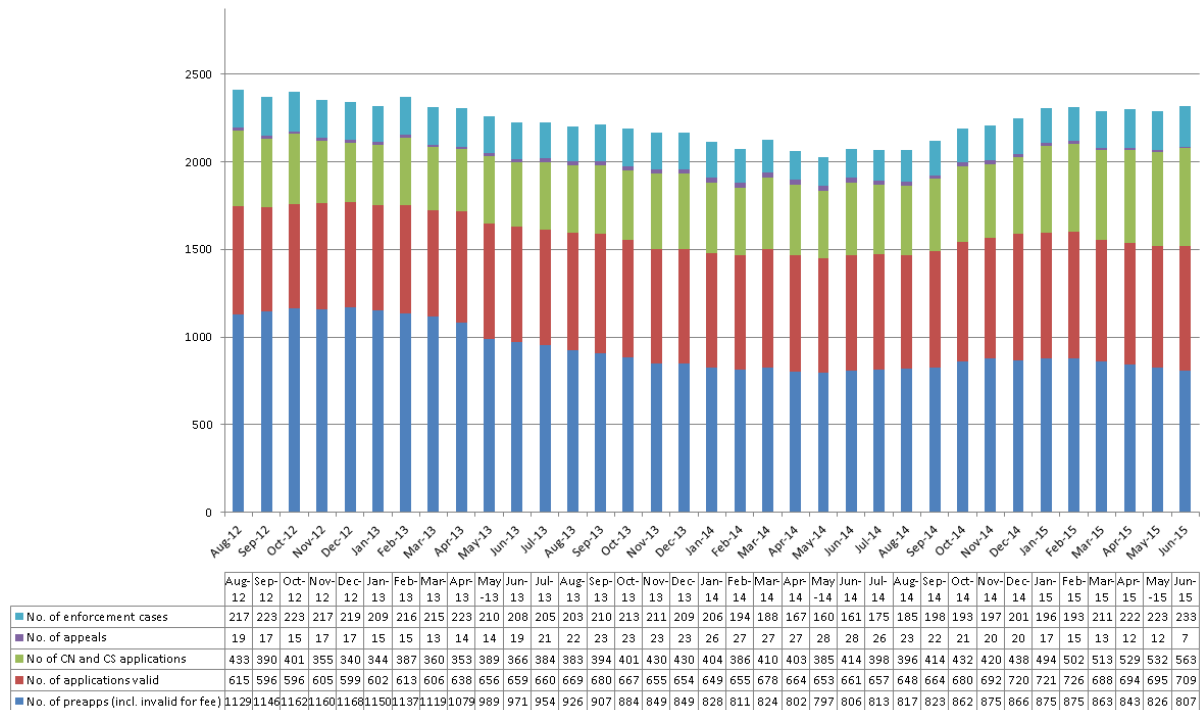
Performance in the first part of 2015/16 with respect to the other indicators is not known, but given the demands facing the DM service, is unlikely to be a significant improvement upon that achieved in the last two quarters of 2014/15 (as detailed in the Appendix to the 23<sup>rd</sup> June report).

2.4 The performance achieved over the next 8 months will be a consequence of the workload of the service, the resources available to deal with that workload, and the deployment and management of those resources. Predictions of the likely number of applications are notoriously unreliable – but as every indication is that the economy is growing the likelihood is that the overall number of applications will continue to increase. The number of appeals is perhaps more predictable but even here there are a range of factors influencing the proclivity of disappointed applicants to pursue appeals.

2.5 An analysis of recent past trends can be an indication of what is likely to be the workload over the next 8 months. Whilst the number of householder applications and pre- application enquiries appears to be either stable or on a gradual downward decline, the Council is experiencing a significant upturn in the number of 'Minor applications', enforcement complaints and conditions applications. This is to be expected as the state of the economy improves and as a trend is likely to continue. The term 'Minor application' is a bit of a misnomer – such applications include proposals for up to 9 dwellings and commercial developments of up to 1,000 sq.m for example.

2.6 Treating different elements of DM's workstreams as equal, in terms of the resources required to deal with them, is very misleading. For example the work required to deal with say a single "condition" application for approval of materials can in no way be equated with the resources required to deal

with an application for major development. A major impact on the service is an appeal, particularly if it is determined by Public Inquiry, even where the planning officer may not be giving evidence but is managing a consultant. Over the last 6 months there were 3 Public Local Inquiries, 2 of which sat for over 5 days. Bearing this very important qualification in mind the attached diagram does suggest that the overall workload of the service after declining gradually between August 2012 and June 2014 has seen quite a significant and sharp upturn since then.



2.7 On the staff resources side following the departure of two senior planning officers in October 2013 and April 2014 a restructure of the Planning Service as a whole was agreed in May of 2014 involving a reduction in the number of Senior Planning Officers within DM from 3 to 2, with a shift of resources into Planning Policy and an increase in the staffing of that section, reflecting the importance of that function and the view that it had been previously underresourced.

2.8 Since the 23rd June, Cabinet has considered at its meeting on the 22<sup>nd</sup> July a report on the progress that there has been in implementing the Action Plan that it approved last November following the receipt of the Planning Peer Review Team’s report. The report considered by Cabinet was brought to the Planning Committee at its meeting on the 21<sup>st</sup> July and the Planning Committee had an opportunity to pass comments on the report to Cabinet.

2.9 Cabinet at its meeting on the 22<sup>nd</sup> July agreed to a series of proposals, some of which are specifically designed to bring more resources to bear within DM. These include

- That a new post of Senior Planning Officer (enforcement) be created
- That officers be authorised to spend up to £20,000 on the securing of short term assistance to the DM function
- That a new 0.5 FTE post of practice manager to the whole Planning Service be created

2.10 With respect to the first of these new actions (the creation of new post of Senior Planning Officer (enforcement)) the report to Cabinet advised that the annual outturn performance for 2014/15 with respect to the percentage of complainants being informed within the required timescales of any action to be taken about alleged breaches of planning control had fallen for the third year running (down to 52%). It acknowledged there were some signs of improvement (performance with respect to the

above indicator improved significantly in the last two quarters of 2014/15) and the overall poor performance in 14/15 could at least in part be attributable to the absence for a considerable amount of time of the sole planning enforcement officer due to illhealth.

2.11 The existing expectation is that planning officers are responsible for recommending whether or not it is expedient to take enforcement action in cases allocated to them once such cases are past the preliminary investigation stage, and for then progressing these cases. However in practice this is not working because of other competing demands upon the officers' time (i.e. pre-application enquiries, applications, appeals and applications for the approval of details required by conditions). The progression of enforcement cases has consistently been given less priority than it requires.

2.12 To deal with this an input of additional dedicated staff resource at an appropriate level (i.e. a professional planning officer rather than an additional investigation and advisory officer) has been agreed – the intention being that such an officer would be the case officer for all applications for retrospective planning applications and progress all enforcement cases once the investigation stage had been completed. The post would be at a Senior Planning Officer level, thus helping provide a more resilient service.

2.13 Performance figures despite the coming into post of the replacement Planning Officer in September 2014 and the return in February 2015 from long term sick leave of another Planning Officer, are still not moving in desired direction.

2.14 The only way to ensure that performance gets back onto track and to deal with the various backlogs is to bring in additional short term additional staffing resources. In the past use has been made of self-employed consultants and this would be the most likely option to be utilised. This enables the Service to bring in such assistance quickly, to effect an immediate improvement in the situation, and then to end such arrangements as soon as appropriate. Cabinet have agreed to an additional expenditure of £20,000 for this purpose this year.

2.15 The appointment of a part time practice manager will, it is hoped, have some benefits in releasing capacity of more senior officers to deal with the day to day workstreams which make up the performance targets.

2.16 The decisions of Cabinet have not been called in so they are now to be implemented as quickly as possible. However the absence of existing staff both at planning officer level and support level due to illness is ongoing and as a result active consideration is now being given to whether yet further additional resources are needed to achieve the additional short term boost, as opposed to making up for staff that are absent due to illhealth.

2.17 The accompanying 'Action Plan', attached as Appendix 1, puts together the different actions which are being taken. In that some of the actions relate to the day to day management of staff, the level of detail provided is kept at an appropriate level bearing in mind that this is a public report.

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Development Management Performance Action Plan August 2015

Action	Timescale	Officer s responsible	Resource requirements
Recruitment of Senior Planning Officer enforcement	Interviews by mid September In post by date dependent upon notice period	Development Management Team Leader and Head of Planning	Cabinet has agreed to post
Securing of consultancy assistance	Interviews by end of August Resource on stream determined by availability	Head of Planning	Cabinet has agreed that up to £20K may be used for this purpose
Recruitment of Practice Manager	Interviews by mid October In post by date dependent upon notice period	Head of Planning	Cabinet has agreed funding of post
Reacting to continued sickness absence of planning officer/ support officer by seeking approval for additional consultancy assistance/ and other options if necessary	August/September	Head of Planning	Would require EMT approval
Review of delegated report structure to see if efficiencies can be achieved	September	Senior Planning Officers	Time
More proactive management of planning officers including holding of regular "1 <sup>st</sup> " and "2 <sup>nd</sup> " meetings with them to identify decision blocks earlier on	Ongoing	Development Management Team Leader and Senior Planning Officers	Time
Additional use of support officers if capacity becomes available as a result of publicity and notification changes brought about by agreed Statement of Community Involvement, and quicker review of other time consuming procedures within Development Management including provision of hard copy consultations to Parish Councils	Ongoing	Development Management Team Leader and Head of Planning	Nil
Reduction in number of conditions where appropriate and reduced use of conditions requiring approval prior to commencement of development – longer term benefit	Ongoing	Senior Planning Officers and Planning Officers	Nil,
Reduced use of informatives in Decision Notices to save time	Ongoing	Senior Planning Officers and Planning Officers	Time saving

