

To: All Members of the Council

Fiona Cameron, Interim Democratic Services  
Manager

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Date: 30 May 2023

Dear Councillor

**EXTRAORDINARY COUNCIL MEETING - WEDNESDAY, 7 JUNE 2023**

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **WEDNESDAY, 7 JUNE 2023** at **7.00 pm** and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Yours sincerely

**Susan Sale**

**Executive Head of Legal & Democratic Services & Monitoring Officer**

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## **AGENDA**

1. **APOLOGIES FOR ABSENCE**

The Mayor to report apologies for absence.

2. **DECLARATIONS OF INTEREST**

To receive from Members, declarations of interest in relation to any items included on the agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

3. **PROPOSED CHANGES TO THE SIZE, COMPOSITION AND TERMS OF REFERENCE OF WAVERLEY BOROUGH COUNCIL'S COMMITTEES**  
(Pages 3 - 26)

To consider the recommendations from the Standards and General Purposes Committee on proposed changes to the size, composition and terms of reference of Waverley Borough Council's committees.

The Standards and General Purposes Committee will be meeting at 4pm on 7 June 2023 to consider a report on the proposals put forward at the Annual Council meeting on 23 May regarding the size, composition and terms of reference of Waverley Borough Council's committees.

**Update**

The report being considered by the Standards and General Purposes Committee is attached for information (published 31 May 2023).

# Waverley Borough Council

Report to: Standards and General Purposes Committee

Date: 7 June 2023

Ward(s) affected: All

Report of Director: Transformation & Governance

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Report Status: Open

## **Proposed changes to the size, composition, and terms of reference of Waverley Borough Council Committees**

### **1. Executive Summary**

- 1.1 The Standards and General Purposes Committee has been asked to consider some proposed amendments to the Council's current constitution in respect of amendments to the size, composition, terms of reference and arrangements for their committees, and, having given due consideration to all options, and officer advice presented, make appropriate recommendations to the Council.

- 1.2 The proposals set out in the report reflect the reduction in the size of the council following the Local Government Boundary Review in 2021/22, which came into effect with the elections on 4 May 2023.
- 1.3 The Committee is also asked to consider the arrangements for the Council's Planning Committees, taking into account the significant risk of designation in respect of speed of determination of non-major applications and the need to improve efficiency and timeliness of decision making.

## **2. Recommendation to the Committee**

- 2.1 The Committee is asked to recommend the following to Council:
  - 2.1.1 that the Council's 'Audit Committee' be re-named the 'Audit and Risk Committee' and that authority be delegated to the Monitoring Officer to amend the constitution to reflect the change.
  - 2.1.2 that the size of the 'Audit Committee' or 'Audit and Risk Committee' be reduced from 8 councillors to 7 and authority be delegated to the Monitoring Officer to amend the constitution to reflect the change.
  - 2.1.3 that the size of the Council's Standards and General Purposes Committee be reduced from 9 councillors to 7 and authority be delegated to the Monitoring Officer to amend the constitution to reflect the change.
  - 2.1.4 that the Licensing and Regulatory Committee be reduced from 12 councillors to 11 and authority be delegated to the Monitoring Officer to amend the constitution to reflect the change.
- 2.2 That the Standards and General Purposes Committee considers officer advice in respect of the Council's arrangement for the discharge of their Planning functions and makes recommendations to Council as to the number, size, composition and terms of reference of their Planning Committee(s) to be established for the municipal year 2023/24.

### **3. Reasons for Recommendation:**

- 3.1. To ensure that the Council's structure of non-Executive decision-making Committees reflects the recently reduced size of the Council from 57 to 50 Members. To ensure that the terms of reference, size, composition, and arrangements for the structure of such non-Executive Committees facilitate agile, proportionate, robust and transparent decision making.
- 3.2 To review and establish whether the Standards and General Purposes Committee wishes to recommend to Council that they make any changes to the Council's committees established for the 2023/24 municipal year.

### **4. Purpose of Report**

- 4.1 The purpose of this report is to request that the Standards and General Purposes Committee consider some proposed amendments to the Council's current constitution in respect of amendments to the size, composition, terms of reference and arrangements for their committees, and, having given due consideration to all options, and officer advice presented, make appropriate recommendations to the Council.

### **5. Strategic Priorities**

- 5.1 The Council's committee arrangements directly support the corporate objective of *"open, democratic and participative governance."*
- 5.2 The arrangements for planning committees should support the corporate objective of *"effective strategic planning and development management to meet the needs of our communities."*

## **6. Background**

- 6.1 Council Procedure Rule 1.3 requires the Council, at its Annual meeting each year to establish such committees as it shall determine are necessary to carry out non-executive functions, and to agree their respective size and terms of reference.
- 6.2 Except in relation to the Licensing Committee and its sub-committees where the Council has absolute discretion as to whether they are politically balanced, the membership of each of the Council's committees shall be in accordance with statutory requirements for political balance. As far as possible the number of seats allocated to a Political Group on each Committee will reflect the size of that Group in proportion to the Council membership.
- 6.3 The Council is required to review the allocation of seats on committees to political Groups at its Annual meeting and as soon as reasonably practicable following any change in the political constitution of the Council.
- 6.4 The Council was invited at its Annual meeting on 23<sup>rd</sup> May 2023 to establish Committees for the municipal year 2023/24, and determine the size of committee and restrictions on membership, which it did.
- 6.5 However, the Standards and General Purposes Committee are asked to review the establishment of the Committees, their size and terms of reference and to make any recommendation for change, as appropriate, to Council.
- 6.6 The Standards and General Purposes Committee has within its purpose "to monitor and review the Council's constitution".

## **7. Proposals**

### **7.1 Audit Committee**

- 7.1.1 On 23<sup>rd</sup> May 2023 full Council established an Audit Committee for the 2023/24 municipal year comprising 8 Councillors, none of whom may be Executive Members.

7.1.2 It is proposed that the 'Audit Committee' is re named the 'Audit and Risk Committee' to better reflect the terms of reference of that Committee. The Waverley Borough Council constitution provides at paragraph 1 to Appendix 1 to Part 3 that the statement of purpose of this Committee includes "to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Waverley's governance, risk management and control frameworks ...". The re-naming of the Committee to the 'Audit and Risk Committee' would better reflect the remit of the Committee which includes both the audit function and risk management.

7.1.3 The alternative option would be to make no change to the name of the Committee. A further alternative option would be to re-name the Committee the 'Audit and Corporate Governance Committee'.

7.1.4 It is further proposed that to reflect the reduction in the size of the Council from 57 to 50 Members, there is a similar reduction in the size of this Committee from 8 Councillors to 7 Councillors, but that the terms of reference of the Committee otherwise remain unamended.

7.1.5 The alternative option would be not to reduce the size of the Audit Committee.

7.1.6 Seats on Committees are allocated in line with the legislation around political balance.

7.1.7 Councillors are appointed to Committee seats in accordance with nominations by Group Leaders and the Council has delegated authority to the Monitoring Officer to appoint to any vacant seats in line with the wishes of Group Leaders. However, the Constitution provides that members of the Committee may not be Executive Members.

## **7.2 Standards and General Purposes Committee**

7.2.1 On 23<sup>rd</sup> May 2023 full Council established a Standards and General Purposes Committee, comprising 9 councillors and agreed that the Leader of the Council may not be a member of the Committee, and

that the membership of the Committee may include no more than one Executive member.

- 7.2.2 The Council also noted that the Standards and General Purposes Committee will co-opt two Town / Parish Councillors from within the Waverley Borough who are not also Waverley Borough Councillors and who will serve until the next Town and Parish elections. At least one Town / Parish co-optee must be present when matters relating to Town and Parish Councils or their members are being considered. Town / Parish co-optees may not participate in matters that do not relate to Town and Parish Councils or their members.
- 7.2.3 It is proposed that the Standards and General Purposes Committee consider recommending to Council that the membership of the Committee be reduced from 9 Councillors to 7, to reflect the reduction in the size of the Council, but that all other terms of reference of the Committee remain unamended.
- 7.2.4 The alternative option would be not to amend the size of the Standards and General Purposes Committee.
- 7.2.5 Seats on Committees are allocated in line with the legislation around political balance.
- 7.2.6 Councillors are appointed to Committee seats in accordance with nominations by Group Leaders and the Council has delegated authority to the Monitoring Officer to appoint to any vacant seats in line with the wishes of Group Leaders. However, in line with the Constitution the Monitoring Officer may not appoint the Leader of the Council to the Committee nor more than one Executive Member.

### **7.3 Licensing and Regulatory Committee**

- 7.3.1 On 23<sup>rd</sup> May 2023 full Council established a Licensing and Regulatory Committee, comprising 12 councillors.
- 7.3.2 It is proposed that the Standards and General Purposes Committee consider recommending to Council that the membership of the Licensing and General Purposes Committee be reduced from 12 Councillors to 11, to reflect the reduction in the size of the Council,



but that all other terms of reference of the Committee remain unamended.

- 7.3.3 The alternative option would be not to amend the size of the Licensing and Regulatory Committee.
- 7.3.4 Seats on Committees are allocated in line with the legislation around political balance.
- 7.3.5 Councillors are appointed to Committee seats in accordance with nominations by Group Leaders and the Council has delegated authority to the Monitoring Officer to appoint to any vacant seats in line with the wishes of Group Leaders.

#### **7.4 Overview and Scrutiny Committee – Resources**

- 7.4.1 On 23<sup>rd</sup> May 2023 the Council established an Overview and Scrutiny Committee – Resources for the municipal year 2023/24 comprising of 11 Councillors, who may not be members of the Executive.
- 7.4.2 Council also amended the service areas that fall within the remit of the Committee to better reflect the service areas under the new Joint Management Team. The remit of the Overview and Scrutiny Committee – Resources now includes Communication & Customer Services, Housing Services, Assets & Property, Finance, Legal & Democratic Services and Organisational Development.
- 7.4.3 No further changes are proposed to the size, composition, or terms of reference for this Committee.

#### **7.5 Overview and Scrutiny Committee - Services**

- 7.5.1 On 23<sup>rd</sup> May 2023 the Council established an Overview and Scrutiny Committee – Services for the municipal year 2023/24 comprising of 11 Councillors, who may not be members of the Executive.
- 7.5.2 Council also amended the service areas that fall within the remit of the Committee to better reflect the service areas under the new Joint Management Team. The remit of the Overview and Scrutiny Committee – Services now includes Community Services,

Environmental Services, Regulatory Services, Commercial Services, Regeneration & Planning Policy and Planning Development.

7.5.3 No further changes are proposed to the size, composition, or terms of reference for this Committee.

## **7.6 Joint Appointments Committee (with Guildford Borough Council)**

7.6.1 On 23<sup>rd</sup> May 2023 the Council established a Joint Appointments Committee with Guildford Borough Council, comprising 3 Waverley Borough Councillors to include the Leader of the Council and the Leader of the Principal Opposition Group.

7.6.2 No further changes are proposed to the size, composition, or terms of reference of this Committee.

## **7.7 Joint Governance Committee (with Guildford Borough Council)**

7.7.1 On 23<sup>rd</sup> May 2023 the Council established a Joint Governance Committee with Guildford Borough Council, comprising 6 Waverley Borough Councillors to include the Leader of the Council.

7.7.2 No further changes are proposed to the size, composition, or terms of reference of this Committee.

## **7.8 Eastern Planning Committee**

7.8.1 On 23<sup>rd</sup> May 2023 the Council established an Eastern Planning Committee for the municipal year 2023/24 comprising 15 Councillors to be appointed on a politically proportional basis in relation to the political balance of the Council Wards covered by the geographical area of the Committee. Council also agreed that the Chair of the Committee may not be a Member of the Executive, but that Executive Members are not prevented from being appointed to this Committee.

7.8.2 Council also agreed to change the terms of reference for the Committee to take account of ward changes that came into effect with the Borough elections on 4 May 2023. The Committee now exercises the Council's planning powers in relation to the Borough

wards of Alfold, Dunsfold & Hascombe, Bramley & Wonersh, Cranleigh East & West, Elstead & Peper Harow, Ewhurst & Ellens Green, Godalming (all Wards) and Witley & Milford, in so far as these are not delegated to the Joint Executive Head of Planning Development.

## **7.9 Western Planning Committee**

7.9.1 On 23<sup>rd</sup> May 2023 the Council established a Western Planning Committee for the municipal year 2023/24 comprising 15 Councillors to be appointed on a politically proportional basis in relation to the political balance of the Council Wards covered by the geographical area of the Committee. Council also agreed that the Chair of the Committee may not be a Member of the Executive, but that Executive Members are not prevented from being appointed to this Committee.

7.9.2 Council also agreed to change the terms of reference for the Committee to take account of ward changes that came into effect with the Borough elections on 4 May 2023. The Committee now exercises the Council's planning powers in relation to the Borough wards of Chiddingfold, Farnham (all Wards), Haslemere East & West, Hindhead & Beacon Hill, and Western Commons, in so far as these are not delegated to the Joint Executive Head of Planning Development.

## **7.10 Officer Comments**

7.10.1 Waverley District Council has been at significant risk of designation in respect of speed of determination of non-major applications. Performance for the period January 2020-December 2021 was 63.5% against a minimum required level of 70%. This was identified as an issue and the Council taken up the offer of Local Government Association Planning Advisory Service (PAS) support to improve performance against this target.

7.10.2 A review was undertaken by an experienced Peer officer, and a report was shared with Council officers in June 2022. The report [attached at Appendix 1] identified a number of areas that the

Council might want to look at to ensure that it works more efficiently and deals with applications in a timely manner. Paragraph 7.1 of the report set out the following:

*‘Councillors should have the opportunity to scrutinise the most important and contentious proposals. However, referring applications to Planning Committee adds both resource and time to the determination process. It is quite unusual for a Council of Waverley’s size to have more than one Planning Committee and servicing two Area Planning Committees is undoubtedly stretching the limited officer resource considerably. Moreover, in recent times additional meetings have been scheduled leading to three or four meetings being held each month. This is not considered to be sustainable if improving performance is to be given the priority it needs. Planning Committees should focus upon the scrutiny of the most controversial and/or strategic proposals. Therefore, the number of meetings, as well as the number of applications referred to each meeting should be reviewed accordingly. It may be beneficial to review the criteria for referral and exclude more minor applications such as householder development altogether. This would expedite these cases and reduce officer time spent on preparing for and attending Committee meetings. At the same time, it would focus Committee time on undertaking its important role of scrutinising the most significant developments being proposed.’*

7.10.3 Guidance and advice from both the PAS and the Planning Officer Society (POS) encourages, as a matter of good practice, smaller Planning Committees (smaller usually being seen as between 5-9 members). Both cite that smaller Planning Committees tend to result in fewer overturned recommendations, better quality debate, shorter meetings and the ability to deliver better briefings and training for Committee members.

7.10.4 The Council continues to receive a high level of applications within the Service despite other authorities reporting a drop in application numbers. In line with national trend, the Council is struggling to recruit and retain staff. There has been a relatively high turnover of staff and officers continue to carry high caseloads.

7.10.5 Whilst considerable work has been done to streamline the way the service is delivered running at least 2 Planning Committee per month generates a significant amount of additional work for both the planning staff, the technical support team and Democratic Services. Moving to a single Committee would free up limited resources within these teams to enable focus to be on delivering a more responsive service to our residents and businesses.

7.10.6 There has been a difference in the performance between the Eastern and Western Committees in terms of the percentage of recommendations that have been overturned by each Committee. It seems slightly unreasonable and unjust if it is more likely to have their planning application refused if it is considered by one Committee rather than another. Going to a single Committee would provide a more equitable situation for applicants.

7.10.7 It is proposed that the Eastern and Western Planning Committees be abolished, and that the Council be recommended to:

- Establish one Planning Committee;
- Comprising 15 members appointed in accordance with political balance, who have completed mandatory training requirements, not to include any member of the Executive;
- With terms of reference to include determination of Planning Applications from anywhere in the Borough, that are not delegated to the Joint Executive Head of Planning Development;
- With members being able to be substituted by any member of the Council from the same political group as the absent member, who has undertaken the mandatory training requirements, other than any Executive Member.

7.10.8 Alternatively if the proposal to change to a single Committee is not supported, it is proposed that the Eastern and Western Planning Committee be abolished and that the Council be recommended to:

- Establish two new Planning Committees named 'Planning Committee A' and 'Planning Committee B';

- Each Committee comprise 11 councillors appointed in accordance with political balance, who have completed mandatory training requirements, not to include any member of the Executive;
- With terms of reference to include determination of Planning Applications from anywhere in the Borough, that are not delegated to the Joint Executive Head of Planning Development;
- With members being able to be substituted by any member of the Council from the same political group as the absent member, who has undertaken the mandatory training requirements, other than a member of the other Planning Committee or any Executive Member.

7.10.9 Whichever arrangement the Committee agrees to recommend to Council, the Committee is asked to consider whether include in their recommendation:

- that Ward Members not to be permitted to participate in the debate nor vote for the determination of any applications in their Ward but be enabled to make representations to open and close the committee debate on such applications.

## **8. Consultations**

- 8.1 Currently, on the committees that have been established by Council for 2023/24 municipal year, there are 90 seats available.
- 8.2 Should Council decide to reduce the size of Committees in line with recommendations 2.1.1 – 2.1.4, there would be 78 seats available on non-executive Council Committees.
- 8.3 Any change would result in a need to recalculate the number of seats on each Committee to be allocated to each Political Group and/or independent member. Further discussion would be needed with Group leaders to ensure that the number of seats each political Group is allocated to Committees equals the number of Committee seats available.

8.4 Thereafter, appointments would need to be made to any vacant seats, in line with Group Leaders nominations and the Council has delegated authority to the Monitoring Officer to make such appointments.

## **9. Key Risks**

9.1 There are no risk management implications arising other than any referenced in the body of the report.

## **10. Financial Implications**

10.1 There are no financial implications arising from consideration of the matters set out in the report. However, there are efficiencies that could be released by moving to a single Planning Committee that could result in savings in future years.

## **11. Legal Implications**

11.1 Paragraph 3.11 of the terms of reference of the Standards and General Purposes Committee set out in appendix 1 to Part 3 of the Waverley Borough Council constitution provides that within the terms of reference of the Committee is *“to monitor and review the operation of the Council’s Constitution and to make appropriate recommendations to Full Council in relation thereto”*.

11.2 Article 4 of the Waverley Borough Council constitution provides that *“The Monitoring Officer and the Standards and General Purposes Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect”* and apart from certain changes that the Monitoring Officer may make to the constitution in limited circumstances, and changes to the executive functions *“changes to the Constitution will only be approved by the Full Council after consideration of any recommendations or representations made by the Standards and General Purposes Committee, Audit Committee or Executive, as necessary”*.

- 11.3 Paragraph 2.1 of the terms of reference of the Audit Committee set out in appendix 1 to Part 3 of the Waverley Borough Council constitution provides that Members of the Audit Committee shall be politically balanced and paragraph 2.2 that Members of the Committee must not be Executive Members.
- 11.4 Paragraph 2.1 of the terms of reference of the Standards and General Purposes Committee set out in appendix 1 to Part 3 of the Waverley Borough Council constitution provides that the Leader of the Council must not be a member of the Committee, and the membership may include no more than one Executive Member.
- 11.5 Paragraph T.4 of Appendix 4 to Part 3 of the Waverley Borough Council Constitution provides delegated authority to the Joint Executive Head of Legal and Democratic Services, in consultation with Group Leaders, *“to make any changes to the membership of any of the Council’s Committees as necessary during the Council year, in accordance with the wishes of the respective Group Leaders”*.
- 11.5 Paragraph T.4 of Appendix 4 to Part 3 of the Waverley Borough Council Constitution provides delegated authority to the Joint Executive Head of Legal and Democratic Services, in consultation with Group Leaders, *“to make any changes to the membership of any of the Council’s Committees as necessary during the Council year, in accordance with the wishes of the respective Group Leaders”*.

## **12. Human Resource Implications**

- 12.1. There are no Human Resources implications arising from this report.

## **13. Equality and Diversity Implications**

- 13.1. There are no equality, diversity or inclusion issues arising from this report.



## **14. Climate Change/Sustainability Implications**

- 14.1. There are no climate emergency declaration implications arising from this report.

## **15. Summary of Options**

- 15.1 With regard to recommendations 2.1.1 – 2.1.4, the options are set out in paragraphs 7.1, 7.2 and 7.3.
- 15.2 With regard to the Planning Committees, officers have suggested two alternatives to the currently established Eastern and Western Planning Committees in paragraphs 7.10.7 and 7.10.8. The Committee may also consider other options addressing the number, size and composition of planning committee(s).

## **16. Conclusion**

- 16.1 The Standards and General Purposes Committee has been asked to review the size, composition, and arrangements for the Council's non-executive committees, giving consideration to the reduction in the size of the Council and the contribution of the planning committees in the Council's planning performance.
- 16.2 The Committee is asked to make recommendations to Full Council on changes to the current committee arrangements.

## **17. Background Papers**

- Agenda, report and minutes of Council meeting 23 May 2023
- Waverley Borough Council Constitution

## **18. Appendices**

- 20.1. Appendix 1 - Planning Advisory Service Report, June 2022

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## **Waverley District Council**

### **Review of performance in response to non-major applications**

**June 2022**

#### **1. INTRODUCTION**

1.1 Waverley District Council is at significant risk of designation in respect of speed of determination of non-major applications. Performance for the period January 2020-December 2021 was 63.5% against a minimum required level of 70%. The Council has taken up the offer of PAS support to improve performance against this target.

1.2 A review of performance has been undertaken by Tim Burton appointed by PAS. PAS is part of the Local Government Association (LGA) and provides high quality help, advice, support and training on planning and service delivery to councils, primarily in England. Its work follows a 'sector led' improvement approach, whereby local authorities help each other to continuously improve. Tim has over 30 years' experience working for local authorities, including most recently as Head of Planning for Taunton Deane and West Somerset Councils. For the last 3 years he has worked with PAS providing a range of support to many local planning authorities, including service reviews, Planning Committee reviews and Member and Officer training.

1.3 The review was based on the application of the PAS Development Management (DM) Challenge Toolkit with particular emphasis on the sections on Performance Management, Workload Management, Team Management, Receipt and Validation, Consultation and Allocation, and The Officer Report. The toolkit aims to provide a 'health check' for Planning Authorities and act as a simple way to develop an action plan for improvements to their Development Management service. There is a link to the Toolkit at the end of this report.

1.4 Information on application procedures, the scheme of delegation and team structure were shared. The consultant met with planning staff on 30th March

1.5 All those interviewed were friendly and welcoming and engaged fully with the process and are thanked for providing their honest opinions and feedback.

#### **2. BACKGROUND**

2.1 In 2018, Waverley Borough Council instructed development of a new bespoke software system commissioned for the Development Management Planning Service. After a three-year consultation, development and build lead in process, which coupled integration with required existing integral systems (financials, doc management etc) and historic data import; the new Horizon system went live in April 2021.

2.2 Soon into launch, evidence grew highlighting regression issues and snagging delays which caused around 6 months of work arounds, required remedial works and prompt address. The result of which was a dramatic slowdown to the journey of a planning application, causing significant delays and backlog across the service. The application validation backlog peaked in July 2021, with a knock-on effect upon officer caseloads. The impact of this upon performance in terms of speed of determination was massive.

2.3 The Head of Service, who had been appointed in 2020 identified priorities for the service, which led to the preparation of a Development Management Improvement Plan, which began being rolled out in 2021. This included the appointment of a dedicated Systems Projects Officer to project manage necessary updates, project progression, snagging and development schedules to ensure momentum and improvements occurred. The appointment of this dedicated resource will undoubtedly prove to be invaluable in taking forward the recommendations of this report.

2.4 By the end of 2021, using external support to assist in the registration and checking of planning submissions, the validation backlog had been cleared and Horizon is now fully functional.

2.5 Performance issues have been exacerbated by the impacts of Covid and the need to adapt to remote working, as well as a significant upturn in the number of applications being submitted. At the same time the Development Management team has been restructured, moving away from an area team structure to one based upon application type, including a team that focusses upon householder and other non-major applications. It is likely that this change will have also contributed to a drop in performance, although hopefully any negative impact from the restructure will be temporary in nature.

2.6 Caseloads remain high and like many other local planning authorities, Waverley Borough Council has struggled to recruit suitably qualified and experienced planning officers to permanent posts in recent times.

2.7 In response to these performance issues, the Council took a conscious decision to not seek extensions of time in the majority of cases, which in itself has had a major negative impact upon performance as measured against the relevant targets. It was suggested to the consultant that this decision was made *'in light of the number of complaints being received from agents and applicants about delays having become very high and that requesting extensions of time could add insult to injury'*. However, liaising with the applicant to agree a timescale for determination is a core component of good customer service in planning (also referred to in paragraph 3.2) and therefore, the approach taken is not seen as having been an appropriate response to the issues being faced.

2.8 The combination of issues identified in this report are such that, in the short term, improvement against the 70% target for non-major applications will be heavily reliant upon the agreement of applicants to extensions of time. Adopting a more customer focussed approach based upon closer liaison with developers and their agents to agree timescales for determination therefore needs to be an immediate priority if the Council is to achieve demonstrable improvement in performance against the target this year. The overall scale of the issues faced is such that the level improvement necessary to ensure that a minimum of 70% of applications are determined within eight weeks of submission will take a longer time to achieve.

2.9 The consultant, in consultation with Sally Busby (Business and Performance Manager) has identified seven priority areas where improvements are identified. These are: the adoption of a

more customer focussed approach to service delivery; addressing the application backlog; reducing delays and additional workload that is associated with applications being referred to Planning Committee; review of the validation checklist; a more proportionate approach to consultation; review of reports and issuing of decisions; and mitigation of any adverse impact caused by the recent staff reorganisation.

## **RECOMMENDATIONS**

**R1 Ensure all staff prioritise the provision of progress updates using extensions of time as the primary method (wherever necessary) Extensions of time should be requested in all cases where the application will not be able to be determined within the statutory target without exception**

**R2 Identify dedicated time when officers will be unavailable to take phone calls and e-mails each week and use voicemail and customer services as a means of controlling interruptions and boosting productivity**

**R3 Prepare a simple customer protocol to explain this revised more customer focused approach to service delivery supported by customer service training**

**R4 Address backlog of applications through use of temporary staff or outsourcing**

**R5 Review scheme of delegation to reduce the number of Planning Committee meetings held**

**R6 Review the trigger mechanism for Member Site Visits**

**R7 Review validation checklist to restrict information to that which is essential only. The Checklist then needs to be applied rigorously**

**R8 Taking a more proportionate approach to consultation**

**R9 Review format of reports and process for the issue of decisions**

**R10 Review impact of team restructure in order to mitigate any negative impacts that may have arisen**

### **3. ADOPTION OF A MORE CUSTOMER FOCUSSED APPROACH TO SERVICE DELIVERY**

3.1 Waverley District Council's performance against its planning performance targets has traditionally been satisfactory and the Council has therefore not been at risk of designation. With applications being handled promptly the need to keep applicants/agents informed of progress of

their application had not been seen as being a high priority. However, for the variety of reasons already set out, performance has declined quite dramatically, with decisions on non-major applications being made within eight weeks now being the exception rather than the rule.

3.2 Planning is no different to other customer facing services, whereby the customer should have a reasonable expectation in terms of being kept up to date on progress of their application, particularly in circumstances where the process becomes protracted. The use of an extension of time is the mechanism whereby a programme for the determination of the application is agreed with the applicant. It is a vital tool in the delivery of good customer service, particularly when determination times are long as they currently are. However, at Waverley District Council, the focus seemingly is for case officers to prioritise the technical side of their work. This has been at the expense of good customer liaison. Whilst individual case officers will inevitably vary in terms of their responsiveness to customers, the overall impression is that keeping applicants apprised of progress and agreeing extensions of time is not seen as a priority. A decision to not seek extensions of time when performance was at its worst would seem counterintuitive. If the Council is failing to determine applications within the statutory target and not agreeing extensions of time it is inevitable that performance will be poor.

3.3 A step change to deliver a more customer focussed approach needs to be implemented immediately. Unwillingness to agree extensions of time on the part of developers was not seen as being a significant contributor to the failure to meet the 70% target for the determination of non-major applications. Issues arising from the implementation of Horizon, staff vacancies, staff absences during Covid and the need to adapt to new ways of working as a result of Covid restrictions were all identified as having a greater detrimental impact upon performance. In these circumstances, the need to agree extensions of time where necessary must be prioritised if the performance target is to be met. Applicants/agents are more likely to agree to extensions of time if they understand the context and how you are working to improve the service being delivered. Therefore, the publication of a simple 'customer protocol' would help support a new approach, which can be communicated through an agents/regular customers forum.

3.4 There is no reason why extensions of time should not be sought on all applications where the decision cannot be made within the statutory target time. Whilst it may prove more difficult to gain agreement on applications which are not supported, a request should still be made.

3.5 The Five Point Check introduced by the Business and Performance Manager is a useful tool in identifying progress and this should be used as a mechanism to enable customer service staff to provide updates, which would then help free up case officer time. In association with this, the Council should consider introducing dedicated time each week where individual officers are not available to answer enquiries. Officers should be encouraged to use voicemail to manage their response to calls with an expectation that all calls be answered (both internal and external) within a specified time period.

3.6 Customer service training for all planning staff would also help ensure that expectations associated with this new approach and the contents of the protocol are fully understood.

#### **4. ADDRESS APPLICATION BACKLOG**

4.1 Whilst recommendations in association with section 3 of this report will help to improve performance against the target, reliance upon extensions of time will only be reduced significantly and officer caseloads reduced to a manageable level once the current backlog of applications is addressed.

4.2 The core planning team do not have capacity to address the current backlog of applications. Whilst negotiating additional hours (or overtime working) may assist, the scale of the issue appears to be such that it will only be able to be addressed through increasing staff resource, either in the form of the appointment of additional temporary staff or outsourcing of cases to an outside provider. This approach would allow the core team to concentrate on reducing the time taken to determine those applications that continue to be submitted.

4.3 If the Council is to see improvement in its time taken statistics in the short-term it is imperative that addressing the backlog includes negotiating extensions of time for these applications. It is vital that those who regularly submit applications are fully aware of the Council's strategy and its commitment to improved performance and customer service and are therefore on board with the strategy.

#### **5. REVIEW VALIDATION CHECKLIST**

5.1 The DM Challenge Toolkit suggests that a good planning service is one where there is an up-to-date local validation list that has been tested with consultees and local agents so that it is clear what information is required but is not overly burdensome for the applicant. It also states that there should be a process by which officers can use their discretion to validate an application that does not meet all the local validation requirements.

5.2 The consensus amongst officers was that the validation checklist at Waverley District Council takes a very risk averse approach and requires information to be submitted that is not essential in all cases. The requirements for ecological surveys was identified by staff as being one area that might benefit from a review.

5.3 The DM Challenge Toolkit goes on to suggest that there should be a consistent approach to validation that ensures that the Council is helpful wherever possible by not strictly following a 'tick box' exercise but equally does not allow poor applications to be validated first time. Therefore, it is important that a review of the validation checklist involves consultation with regular users with an expectation that applications that do not meet the requirements will not be validated ( it is not the local planning authority's role to resolve the inadequacies of other professional's work).

## **6. CONSULTATION ISSUES**

6.1 Waiting for consultees to respond can often be a cause of applications failing to be determined within the eight-week target. The Council would appear to take an overly risk-averse approach to consultation in a similar fashion to validation. This should be reviewed and a more proportionate approach applied.

6.2 Whilst restrictions on movement associated with Covid-19 were in place the Council required applicants to display site notices and to return a photograph to verify that it had been posted. This process proved to save time in getting notices posted, as well as in terms of reducing the need for officer site visits. Any concerns associated with passing this responsibility to the applicant need to be weighed against the undoubted benefits in speed and resource. In a time when the Council has reduced resources and wishes to improve its performance in terms of speed of decision making, continuing the temporary arrangements should be given serious consideration (accepting that there may still be exceptional circumstances where it may still be more appropriate for the case officer to post the notice on site).

## **7. MINIMISING DELAYS ASSOCIATED WITH APPLICATIONS BEING REFERRED TO PLANNING COMMITTEE**

7.1 Councillors should have the opportunity to scrutinise the most important and contentious proposals. However, referring applications to Planning Committee adds both resource and time to the determination process. It is quite unusual for a Council of Waverley's size to have more than one Planning Committee and servicing two Area Planning Committees is undoubtedly stretching the limited officer resource considerably. Moreover, in recent times additional meetings have been scheduled leading to three or four meetings being held each month. This is not considered to be sustainable if improving performance is to be given the priority it needs. Planning Committees should focus upon the scrutiny of the most controversial and/or strategic proposals. Therefore, the number of meetings, as well as the number of applications referred to each meeting should be reviewed accordingly. It may be beneficial to review the criteria for referral and exclude more minor applications such as householder development altogether. This would expedite these cases and reduce officer time spent on preparing for and attending Committee meetings. At the same time, it would focus Committee time on undertaking its important role of scrutinising the most significant developments being proposed.

7.3 The Council operates a process where applications can be deferred for a site inspection prior to a decision being made. However, this only occurs following an initial referral to the Planning Committee meeting. This approach introduces a delay into the process and takes up valuable Committee time and the need to schedule additional meetings. A more effective approach would be for the Chair and Vice Chair (in consultation with officers) to identify those sites where a site inspection may be necessary in advance, allowing site inspections to take place prior to the meeting and the decision to then be made at the scheduled meeting.



## **8. REVIEW REPORTS AND ISSUE OF DECISIONS**

8.1 The PAS DM Challenge Toolkit identifies the officer report as a very important document for the Planning Authority to demonstrate that a decision has been properly considered taking into account relevant legislation and policy. However, in the vast majority of cases it will be given little scrutiny because the application is not contentious. Therefore, it is important that officers spend the right length of time writing a report depending on the application it concerns. In the same way some reports will need considerable management oversight whilst others will need very little management scrutiny.

8.2 The DM team felt that officer reports for both Committee and delegated items are currently very comprehensive and thorough and that a more proportionate approach could free up a considerable amount of officer time, without putting the Council at a demonstrably greater risk of challenge. Case officers should be provided with guidance and support on the level of detail that needs to be included in different scenarios.

8.3 Greater use of standard paragraphs and the introduction of a tick box template for reports relating to householder development where there have been no objections received would also free up capacity.

8.4 The DM Challenge Toolkit encourages local planning authorities to have a list of condition wording that case officers can use but they should ensure that case officers do not simply cut and paste standard wording but adapt the wording to meet the requirements of the application in question. It was felt that the current list of standard conditions does not meet this test and is also out of date in many instances. A review of the Council's standard conditions is therefore recommended. Whilst it will undoubtedly be helpful to consult with key consultees in this process, it is important that any wording suggested meets the standard tests for conditions.

## **9. MITIGATE ANY NEGATIVE IMPACTS RESULTING FROM TEAM RESTRUCTURE**

9.1 The Council has recently reorganised its DM team, moving from an area-based structure to one where each team's caseload is based upon the scale and complexity of the proposal. Many Councils continue to be structured around the more traditional area-based teams, whilst others have moved to major and minor teams. There are pros and cons to both approaches, and it is not recommended that the restructure at Waverley District Council be revisited. However, it is inevitable that this type of change will have had some short-term adverse impacts whilst the new arrangements settle down. The key to success in the longer term will be to exploit the advantages of the new structure, whilst at the same time trying to mitigate its potential adverse impacts as were expressed by some team members.

9.2 The previous arrangements included having an area team technician. It was suggested that the loss of this role has led to professional staff having to carry out more administrative duties, which has reduced their capacity to progress their caseload. As previously stated, this report is not advocating reversion to previous structures, but the principle of freeing up as much Planning

Officer time as possible to prioritise their caseload is supported and maximising the role of administrative staff in the process should be explored.

9.3 There are clearly benefits to be derived from officers focussing consistently on similar types of casework, but concerns were expressed that this leads to a lack of variety of in their work. Therefore, it may be worthwhile to provide opportunities for individual officers to take on a small number of different type of cases if they consider that this would help their career progression. With any team structure it is important to avoid silo working. Allowing some flexibility around caseload between the teams should help to avoid this. It also can enable better grouping of site visits (ie avoiding an officer having to travel a long distance to visit a site when another officer has a case to visit nearby).

9.4 These types of issue should be the subject of constant review to ensure that a rigid structure is not a constraint to efficiency and effectiveness. Discussions on resources should be included as a regular item in management meetings.

## **10. CONCLUSION**

10.1 During the most recent assessment period the service is performing badly when judged against the government's performance target in relation to non-major applications. Whilst this can, in part, be attributed to an increase in the number of applications being submitted, resource issues and the need to respond to Covid19 related challenges, these are issues are equally being faced by a significant proportion of Councils across the country. A considerable level of improvement will be required for Waverley District Council to get to a position where it is no longer at risk of designation.

10.2 Whilst there has been some improvement reflected in the latest statistics, a step change in terms of the priority the Council gives to agreeing timescales for determining applications with applicants and agents, based upon a far more rigorous approach to seeking extensions of time, will be essential if the Council is to see sustained improvement to performance in the period to the end of 2022. The implementation of the other recommendations in this report will assist the Council in reducing overall determination times resulting in the need to agree extensions of time becoming a less frequent requirement in the future.

*PAS Development Management Challenge Toolkit*

<https://www.local.gov.uk/pas/development-mgmt/development-management-challenge-toolkit>