

## **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>