

Waverley Borough Council

Report to: Services O&S Committee

Date: 26 September 2023

Ward(s) affected: N/A

Report of Director: Place

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Report Status: Open

Planning Update

1. Executive Summary

- 1.1 The Services O&S Committee is asked to support the content of the Memorandum of Understanding between officers and members and note the update provided on the treat of Designation, the interim structure for Development Management and the Action Plan update.

2. Recommendation to Committee

The Services O&S Committee is asked to:

- 2.1. Support the content of a Memorandum of Understanding between planning officers and Councillors.
- 2.2. Note the updates provided in the report.

3. Reason(s) for Recommendation:

- 3.1. To promote stronger working relationships between planning officers and Councillors and to update Councillors on the treat of designation and service delivery.

4. Exemption from publication

None.

5. Purpose of Report

- 5.1 The report seeks to update Councillors on key matters relating to the delivery of the planning function and builds on the content of the draft Memorandum of Understanding discussed at the Committee meeting of the 3 July 2023.

6. Strategic Priorities

- 6.1 The proposals support the following strategic priorities:
- Local, open, participative government
 - Effective strategic planning and development management to meet the needs of our communities.

7. Background

The Treat of Designation

- 7.1. On the 17 January 2023 the Director of Planning for the Department for Levelling Up, Housing and Communities (DLUHC) wrote to the Chief Executive informing him the Council maybe liable for designation under the provisions of Section 62A due to the Council having determined in the two-year period October 202 to September 2022 61.7% of non-major applications against the 70% minimum threshold.
- 7.2. The letter and attached appendices represented the full and final response of the Council to the risk of designation under the 1990 Act.
- 7.3. On the 12 April 2023 the Chief Executive received a further letter asking for a further response. The Council responded to DLUHC by the requested date (14th July 2023) provided the response set out below:

1. An update to your previous submission on exceptional circumstances affecting your performance statistics for the two years to September 2022. (We are not requesting a re-submission of the previous information; however, the update should include commentary on the outcome of any

planned changes that have been implemented since your original submission).

The Council continues to struggle to recruit and retain staff. This issue with highlighted in an article in the Local Government Chronicle 16 May 2023 'Capacity and Churn issues facing planning teams' [Revealed: capacity and churn issues facing planning teams | Local Government Chronicle \(LGC\) \(lgcplus.com\)](https://www.localgovernmentchronicle.com/news/2023/05/16/capacity-and-churn-issues-facing-planning-teams) where is was stated:

Lichfield DC had the highest turnover in 2022 at 68%, followed by Pendle BC at 50%. Waverley BC had a 47% turnover in 2022 and Guildford had 40% staff turnover.

Top 5 Planning Departments with Highest Turnover

Staff turnover compared with the average turnover for that type of authority. 13% for county councils - 16% for district councils.

East Sussex County Council



Lichfield District Council



Pendle Borough Council



Waverley Borough Council



Guildford Borough Council



Data collected through FOI requests sent to all 333 councils in England. 276 sample size.

Whilst some progress has been made in recruiting permanent staff the heavy reliance on contractors who are able to give as little as a week's notice creates uncertainty, puts permanent staff under additional pressure to train new starters with some staying as little as 2/3 months. The ability to build effective and supportive teams with good local knowledge and understanding of the Local and

Neighbourhood Plans and the local area impacts on the performance and staff morale.

The level of engagement in the planning process from the residents of Waverley is high which puts, at times, undue pressure on resources. Whilst engagement in the planning process is positive and should be encouraged planning services need to be resourced to reflect the level of engagement in the process, this has not been the case at Waverley.

Changes since last submission

Significant progress has been made on key matters since the last submission in late January 2023 which will ensure continued levels of high performance but will also address some concerns about the quality measure. These changes are set out below:

- Full Council agreed to reduce the number of Committees to a single Planning Committee now meeting once a month. This was proposed in PAS reports in both 2018 and 2022. This was implemented in mid July 2023.
- Amended scheme of delegation increasing the threshold for referral to Planning Committee from 5 letters of objection to 10 for non-major and 20 for major. Also agreed was the removal of the automatic referral to Committee for all schemes of 25 dwellings or more.
- Initial 2 training all member sessions rolled out over May and June. Full programme of joint member and officer training now agree for next 12 months.
- Memorandum of Understanding being developed between officers and members to improve working relationship and avoid unnecessary 'call in' to Committee.
- Report template developed.
- Officer calls free times introduced.
- Revised Code of Conduct agreed including revised procedure for Committee site visits.
- Review of consultation criteria
- Restructuring of the teams into area team

2. Explanation of any exceptional circumstances that have affected performance since the previous submission.

Recruitment and retention of staff continues to be a significant issue with officers carrying large caseloads. Despite this the below performance has been achieved. The reduction in the total number decided is reflective of the reduction in the number of applications coming into the planning service.

3. Confirmation of your performance for non-major applications for each quarter - Oct-Dec 2022, Jan-March 2023 and April -June 2023 for non-major applications.

	Sept-Dec 2022	Jan-March 2023	April-June 2023
Agreed time	358	297	277
Total decisions	373	308	285
Percentage	95.98%	96.43%	97.19%
2 year rolling programme		66.12%	72.95%

Waverley Borough Council's performance not only has way exceeded the 70% target but has also technically taken the Council out of the designation zone with the performance figures over a 2-year rolling programme being in excess of 70%.

4.A summary of any work undertaken with the Planning Advisory Service to review performance and support service improvement.

PAS has supported the Council over an extended period of time including a service review in 2018 that made a series of recommendation. There was a further Service Review in June 2022 making further recommendations. PAS delivered an all councillor training sessions in May and June 2023 and providing support at Scrutiny Committee in July 2023 to take through the changes to the scheme of delegation and the Committee structure.

5. Any other information to demonstrate why you consider that designation would be unreasonable.

Both officers and Councillors have worked together to achieve this measured improvement in performance together with agreeing and implementing fundamental changes to the way the Council deliver its service notably in the decision agreed by Full Council to move to a single non-area-based Committee. The commitment shown by officer to achieve this level of performance should not be rewarded by designation. This would not serve the interests of good planning in the Borough of Waverley.

7.4. The Council are now awaiting from the further response from DLUCH.

7.5. **Memorandum of Understanding**

7.6. At the July Committee meeting a draft Memorandum of Understanding was appended to the report. This document is appended to this report at Appendix 1. Following the July meeting all Councillors were contacted and asked for any further suggestions. The table below sets out suggestions received together with officer comment:

Member Suggestion	Officer Comment
<p>At Planning Appeal hearings, a group of people turn up to speak or submit evidence to the Planning Inspector chairing the hearing.</p> <p>From Waverley's side this can include Planning Officers, Barristers, Councillors, Residents Associations, and other interested parties. Whilst they are all "on the same side" often they have not met until the day of the hearing. Whereas the opposition arrive at the hearing fully prepared, having already discussed their approach in great detail.</p> <p>When important hearings are scheduled, the Planning department liaise with the Ward Councillor/s to arrange a meeting beforehand (to include useful third parties who have registered to speak) so that everyone is fully aligned with the best approach to take at the hearing.</p>	<p>Suggest including following wording: For Public Inquiries and Hearings officers to liaise with Ward Councillors and relevant third parties before the Council case are submitted to PINS and meet to discuss the Council's case.</p>
<p>Any land proposed for development which is not allocated within a Neighbourhood Plan or Local Plan must be called in to committee.</p>	<p>This is a Scheme of Delegation matter</p>
<p>Councillors are invited to contact officers at any time to discuss applications.</p>	<p>Suggest included as worded</p>

Officers will arrange a short meeting with ward councillors to discuss pre apps and appeals for new residential development (1 dwelling or more).	Suggest included wording: officers to notify ward councillors of appeals for new development and offer a meeting if required. Pre-application protocol update
Councillors will be consulted on all major development applications at an early stage and meet with developers where appropriate (non-binding discussion).	Suggest including all wording include 'officers'
Officers will speak with Councillors and highlight applications that are receiving a number/threshold of comments	Suggest including all wording
Officers to contact wards councillors to confirm that a planning application will be considered by Committee as early as possible.	Suggest including all wording
Officers will arrange briefings to all councillors on complex applications.	Suggest including all wording
Officers will put all condition documents online and advise ward Cllrs that Conditions are being signed off on major applications.	Agree that conditions need to be displayed further work is needed with the IT system to enable this to happen. Suggest that wording included is: Advise ward Cllrs that Conditions are being signed off on major applications.

7.7. In light of the above the revised Memorandum of Understanding is set out at Appendix 2

7.8. **Structure of Service**

7.9. At the present time there is a temporary structure in place, both the existing and temporary structure is set out at Appendix 3. The reason why there is a temporary structure is due to the number of vacancies including team leader vacancies. A further recruitment campaign is underway to address this situation together with the on-going recruitment of contract staff to cover temporary vacancies.

7.10. **Training**

7.11. A programme of training has been set up with Monthly member training sessions covering a range of subjects including viability, biodiversity net gain, CIL and Section 106, Heritage and Conservation and Enforcement. All sessions will be held in person with the option to join on-line, planning staff will be invited to attend all sessions.

7.12. **Action Plan**

7.13. The Local Government Association Planning Advisory Service provided Waverley with a report on the Review of performance in response to non-major applications in June 2022. The report included a series of recommendations. The full report was attached as Appendix 1 to the July Committee report; however, the specific recommendations are set out below:

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

7.6 The following action has taken place in response to these recommendations:

R1 Extensions of time are now requested in all cases where the application cannot 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 is being used when necessary.

R3 Further work on customer.

R4 Process is being made to address the backlog of applications through use of temporary staff though this is work in progress.

R5 Changes to Planning Committee implemented.

R6 Update to Site visit protocol implemented.

R7 Further review of validation check list to be carried out.

R8 A more proportionate approach to consultations is being taken.

R9 Further work required on format of Committee reports, reviewing being implemented on length of delegated reports.

R10 team structure has been temporarily changed to respond to issues around recruitment and retention of staff.

8. Consultations

8.1. Councillors' have been consulted for input into the Memorandum of Understanding.

9. Key Risks

9.1. The introduction of the Memorandum of Understanding between officers and Councillors will reduce the risk of underperformance.

10. Financial Implications

10.1 There are no immediate financial implications relating to the information contained in this report. Designation would have financial implications for the Council.

11. Legal Implications

11.1 There are no legal implications resulting from the content of this report.

12. Human Resource Implications

12.1 There are no direct human resources implications in relation to the proposals in the report.

13. Equality and Diversity Implications

13.1 There are no direct equality and diversity implications in relation to the proposals in the report.

14. Climate Change/Sustainability Implications

14.1. There are no direct climate change or sustainability implications in relation to the proposals in the report.

15. Summary of Options

15.1 The Committee can either accepted the Memorandum of Understanding as drafted or add further points to the document.

16. Conclusion

16.1 The report updates the Committee on key matters within the DM service.

17. Background Papers

17.1 [Planning Improvement Peer Challenge Report \(2018\)](#)

17.3 [PAS Review of performance in response to non-major applications \(June 2022\)](#)

18. Appendices

18.1 Appendix 1 – suggested content for Memorandum of Understanding

18.2 Appendix 2 – proposed Memorandum of Understanding

18.3 Appendix 3 – Structure charts

Please ensure the following service areas have signed off your report. Please complete this box, and do not delete.

Service	Sign off date
Finance / S.151 Officer	
Legal / Governance	
HR	
Equalities	
Lead Councillor	
CMB	
Executive Briefing/Liaison	
Committee Services	

APPENDIX 1

Initial Draft Memorandum of Understanding

- Officers will speak with Councillors and highlight applications that are receiving a number of objections.
- Councillors are invited to contact officers at any time to discuss applications.
- Officers to contact wards councillors to confirm that a planning application will be considered by Committee as early as possible.
- Officers will arrange briefings to all councillors on complex applications.
- Officers will arrange a short meeting with ward councillors to discuss appeals for new residential development (1 dwelling or more)

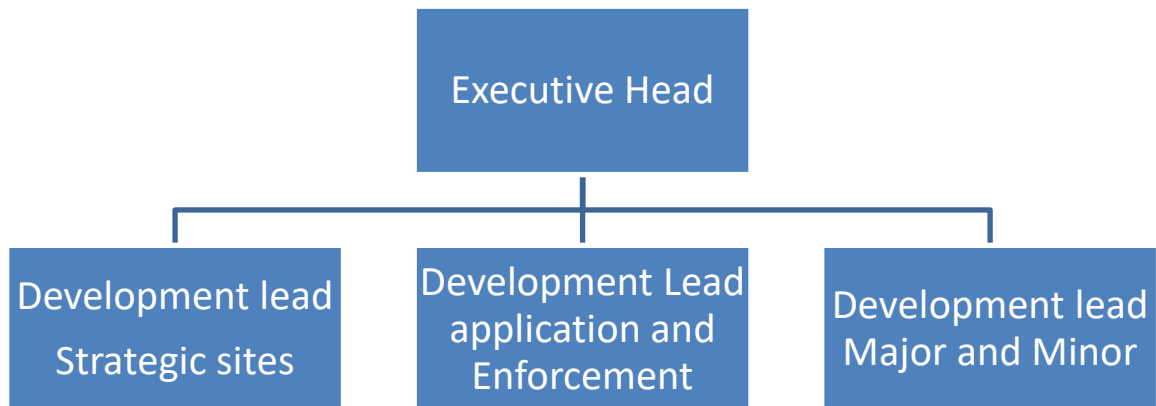
Appendix 2

- Officers will speak with Councillors and highlight applications that are receiving a number/threshold of comments.
- Councillors are invited to contact officers at any time to discuss applications.
- Officers to contact wards councillors to confirm that a planning application will be considered by Committee as early as possible.
- Officers will arrange briefings to all councillors on complex applications.
- For Public Inquiries and Hearings officers to liaise with Ward Councillors and relevant third parties before the Council case are submitted to PINS and meet to discuss the Council's case.

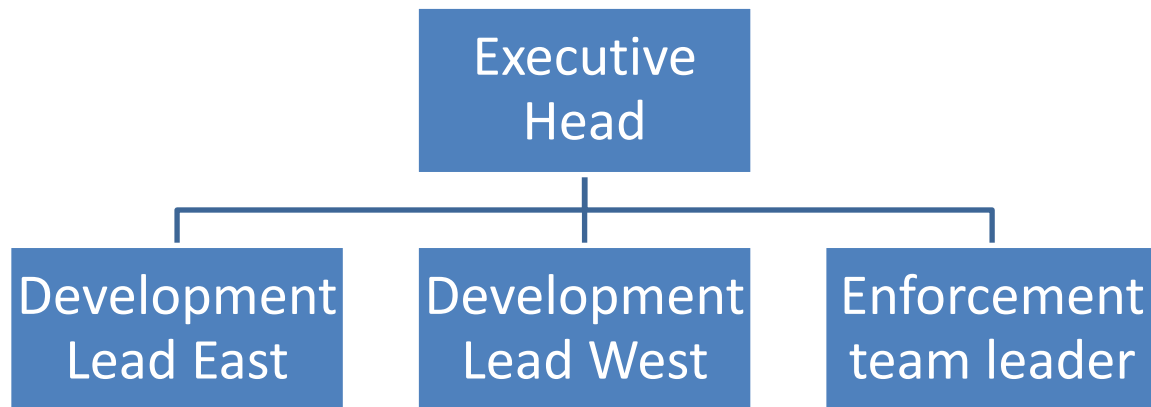
- officers to notify ward councillors of appeals for new development (1 or more dwellings) and offer a meeting if required.
- Councillors will be consulted on all major development applications at an early stage and meet with officers and developers where appropriate (non-binding discussion).
- Officers will put all condition documents online and advise ward Cllrs that Conditions are being signed off on major applications.

Appendix 3

Existing Structure



Temporary Structure



East team officers

Trevor Faulkner(DL) Dylan Campbell(PPO) Omar Sheriff(SPO) Tracey Farthing (SPO)
Sam Willis(SPO) Gillian Fensone (PO) Wanda Jarnecki (PO) Sera Elobisi(PO) Germaine
Asabere (PPO) Russell Brown (PPO)

West Team officers

Graham Speller (PPO) Simon Brooksbank (SPO) David Hung (SPO) Clare Woodhatch
(PO) Matt Ayscough (PO) Dana Nickson (PO) Anna Whitby (PO)

Strategic team officers Chris French(DL) Michael Eastham (PPO) Alistair DeJoux (PPO)
Nathaniel Sonaye-Thomas (PPO)