



TOWNS AND COMMUNITIES OVERVIEW AND SCRUTINY SUB-COMMITTEE 5 December 2018

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| Subject Heading: | Planning - Processes and Service Challenges |
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| Policy context: | The policy context is associated with the Council's statutory duties in connection with planning |
| Financial summary: | There are no significant financial implications associated with this report which is for information only |

The subject matter of this report deals with the following Council Objectives

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|-------------------------------|-------------------------------------|
| Communities making Havering | <input type="checkbox"/> |
| Places making Havering | <input checked="" type="checkbox"/> |
| Opportunities making Havering | <input type="checkbox"/> |
| Connections making Havering | <input type="checkbox"/> |

SUMMARY

The purpose of this report is to provide the Committee with an overview of the processes followed by the Planning Service and the challenges faced by the team in the undertaking of their work, with a specific focus upon Development Management and planning application handling.

This report was requested by the Adjudication and Review Committee as a recommendation associated with findings reached in connection with a Stage 3 Member Review Panel under the Council's Corporate Complaints Procedure.

RECOMMENDATIONS

The committee is asked to note the report.

REPORT DETAIL

Background

1. The complaint considered by the Adjudication and Review Committee under Stage 3 of the Complaints Procedure focussed on the Planning Service's handling of a specific planning application. It is the wish of Adjudication and Review that the Council's planning processes be scrutinised by the Committee to allow Members to achieve a greater understanding of the planning processes and the challenges facing the Council.

Context

2. The Planning Service has a key role in delivering the Council's place making vision for the borough. A good service has several key components that it must deliver successfully to be an effective local planning authority.
3. At present, the service comprises of several teams:
 - a. Development Management: this team handles the majority of the planning applications submitted in the borough. It also provides a range of pre-application advice to residents, small businesses, developers and their professional representatives
 - b. Major Projects: this team handles the strategic planning applications submitted in the borough. It also provides pre-application advice
 - c. Planning Enforcement: the team investigate and resolve alleged breaches of planning control
 - d. Building Control: this team handles submissions made under the Building Regulations
 - e. Development Planning and Transportation: this team is responsible for producing key policy documents, including (but not limited to) the Local Plan, the Local Implementation Plan and the borough's Transport Strategy.
 - f. Local Land Charges: this team is responsible for issuing official searches of the Land Charges Register. The team is also responsible for Street Naming and Numbering.
4. As detailed above, the corporate complaint focussed on how a planning application was handled as opposed to any other aspect of the service which is

the wider team is responsible for delivering. It is for this reason that the remainder of this report focusses specifically on planning application processes and its challenges.

Processes

5. Planning and other related applications are generally subject of 8, 13 or 16 week statutory timeframes, depending upon the type of development being proposed. The service also handles a range of prior approval applications which have statutory timeframes of 4, 6 or 8 weeks, again depending upon the type of prior approval being sought.
6. Typically, an application process can be broken down into the following key stages:
 - a. *Receipt and validation*: each submission is checked to ensure that it contains all the necessary information and fee (where appropriate) in order to make a decision on it.
 - b. *Consultation and Publicity*: there is a statutory requirement to consult adjacent land owners/occupiers of an application for 21 days alongside with other statutory bodies, including the Environment Agency and Historic England, who also have 21 days to respond. In some instances, a site and/or press notice will also be required.
 - c. *Assessment*: the assigned case officer will make a site visit, review the planning history and evaluate the proposals against adopted planning policies. Case officers will also review all responses received to neighbour and consultee notification. Where appropriate, the case officer will negotiate revisions to the proposals. Once the assessment of the proposal is complete, the case officer will prepare a report and make a recommendation on whether the application should be approved with conditions or refused.
 - d. *Decision*: a decision on an application is taken either i) under powers delegated to the Assistant Director and her officers or ii) via the Planning or Strategic Planning Committees, in the event that the development type does not fall within the scope of delegated powers or it has been called in to committee by a Ward Councillor. In all cases, reports are authorised by a separate senior officer. If it is a delegated decision, a decision notice is issued thereafter. If it is a committee decision, the decision notice will be issued following the committee.
7. Performance against statutory timeframes is monitored both locally and nationally via a range of performance indicators. The Government measures performance against quality and speed indicators. Failure to meet the targets set could result in the Council being designated as poorly performing with applicants for planning permission being able to choose not to use the Council for determining the application. Details of the local and national performance indicators in force are set out within Appendix 1.

8. The consequences of not reaching a decision within the statutory timeframe depends upon the type of submission made. In the event that a decision is not reached on a planning application, then it is open for an applicant to appeal against non-determination via the Planning Inspectorate. In the absence of a non-determination appeal, it remains open to the Council to reach a decision on the application.
9. If a planning application goes beyond the statutory deadline, it is good customer practice amongst all Local Planning Authorities to keep an applicant or their agent updated on what is happening with their submission, why and when a decision will be reached.
10. In the event that it becomes evident that a decision cannot be made on application during the statutory timeframe, the case officer may request what is called an 'Extension of Time' agreement. This agreement establishes a revised deadline for determining the application, which can be particularly helpful if the application is complex and/or difficult developer negotiations are underway in respect of application revisions.
11. Details of the number of decisions made over the last three financial years, including the year to date, and wider performance indicator data, are set out in Appendix 1.

Service Challenges

12. There are two key issues which are impacting upon the Service's ability to strongly perform within Development Management: staffing fluidity/capacity and application processes.
13. Over the last nineteen months (from April 2017), nineteen members of the team have moved on to new opportunities. This overall total includes a blend of permanent members of staff and agency workers and includes roles both within the Development Management and Major Projects teams (both teams deal with planning applications). Putting this into context, the current establishment (excluding Managers) across both teams comprises sixteen positions. Whilst some of the nineteen individuals identified have occupied the same role within the staffing structure, the figure helps to illustrate the level of turnover. This fluidity has resulted in a skills and local knowledge deficit within the team, particularly at Senior and Principal level and it has impacted upon the team's capacity to deal with some applications promptly and effectively.
14. Alongside this fluidity is an application administration process (stages a and b as described in paragraph 7) which is fragmented and often hinders the prompt handling of an application up to the point where the case officer begins the assessment process (stage c as described in paragraph 7). On average, 3 to 4 out of 5 applications take more than five working days to be 'up and running'. In the context of a typical determination period of 8 weeks, this delay often encroaches into the remaining time available to assess an application and make a decision.

15. In combination, these two issues have impacted and are continuing to impact upon performance (as evidenced in Appendix 1) and customer focus, which is leading in some cases to customer dissatisfaction being expressed at service level and formal corporate complaints being lodged, as is the case in the specific example which triggered the Adjudication and Review Committee.
16. As a counterbalance to the issues described however, it is important to note that there are instances where applicants or their agents fail to respond in a timely way to requests for information or do not positively respond to suggested scheme revisions highlighted during the application process. This in turn affects the time it takes to reach a decision on an application. Additionally, complaints and Councillor escalations can be used by applicants to place pressure on the service to arrive at favourable recommendations on proposals.

Solutions

17. To deliver the Council's place making vision, it is essential that the service offered by those determining planning applications is of a high level, pro-active and has a delivery/customer led mind set. In order to tackle the challenges described, three separate pieces of work have been commissioned.
18. The first stream of work relates to the review of the service undertaken by the Planning Advisory Service (PAS) in March and May this year. The aim of the review was to explore any areas of weakness in service provision; identify and implement smarter ways of working to improve efficiency and identify implement the potential for customer service and efficiency improvements. The review built on the earlier review also undertaken by PAS of the former Regulatory Services Committee in October 2017. The review made various recommendations covering multiple themes. Good progress has been made since both PAS reviews to address the recommendations including the appointment to the Assistant Director post, the introduction of a wide range of Governance changes and the launching of a service wide restructure (see below). Work continues around the service response to the recommendations made.
19. The Planning restructure was launched for consultation in July 2018, with a second round of consultation on proposed amendments to it launched in October 2018. The proposals reorganise the team to create three new teams: Development Management, Strategic Planning and Spatial Planning. Each service manager will report to the Assistant Director of Planning. Collectively, in comparison to the existing structure of sixteen planners (excluding the Managers), the proposed structure will have a capacity of twenty-three planners, giving an increase of seven posts, it is intended that the funding for these posts will be provided through the subsequent income generated through the increased work. This significant growth in capacity will help to unlock the potential within team. It is intended that recruitment to all posts will be completed by the end of this financial year.

20. The third stream of work involves the transfer of part of the planning application process to an external service provider (stages a and b as described in paragraph 7). Any significant delay in the initial part of the application process can have marked implications for the remaining time available to assess an application and make a decision. Considering these implications in the round, it is considered that this element of the determination process is key to unlocking improvements with planning application handling more generally. Indeed, previous attempts to rework this part of the process in house have been unsuccessful in yielding sustainable improvements in turnaround time. The project to deliver this transfer is underway.

Conclusions

21. In combination, it is anticipated that the three streams of work outlined will collectively improve the quality of service the Development Management team can offer. In turn, this will improve customer focus and result in a service which is of a high quality, valued by those who engage with it.

22. The committee is asked to note this report in the context of the recommendation made by the Adjudication and Review Committee.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications as a result of this report which is for information only

Legal implications and risks:

There are no legal implications as a result of noting this report. Legal are supportive of the recommendations made by officers as an increase in efficiency should in turn assist to reduce planning appeals.

Human Resources implications and risks:

There are no HR implications as result of this report.

Equalities and Social Inclusion implications and risks:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An Equalities Assessment (EQ) is not required for this report which is for information only.