	WEST OXFORDSHIRE DISTRICT COUNCIL
Name and Date of Committee	**OVERVIEW & SCRUTINY COMMITTEE – 4 SEPTEMBER 2024**
Subject	**DEVELOPMENT MANAGEMENT IMPROVEMENT PLAN – PROGRESS UPDATE**
Wards Affected	None
Accountable Member	Councillor Hugo Ashton – Executive Member for Planning Email: hugo.ashton@westoxon.gov.uk
Accountable Officer	Jon Dearing – Interim Executive Director Email: jon.dearing@publicagroup.uk
Report Author	Phil Shaw – Business Manager, Development Management Email: phil.shaw@publicagroup.uk
Purpose	To report progress with the implementation of the Development Management Improvement Plan (DMIP) and outline areas of current/future improvement.
Annexes	Annex A – Recent Performance Statistics
Recommendation	That the Committee Resolves to: 1. Note the existing/proposed improvements to the Development Management process, alongside the direction of travel for future improvements post repatriation of the Planning Service to WODC.
Corporate Priorities	• Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Consultation on the original report setting out the DM improvements and upon this report outlining the progress was undertaken following the PAS report.

1. EXECUTIVE SUMMARY

1.1 It will be recalled that a series of improvements that had been made or were proposed to be undertaken were contained in a Development Management Improvement Plan (DMIP).

1.2 This report identifies the progress that has been made and then also sets out further potential changes and improvements that can be made alongside the repatriation of the Planning function to WODC.

2. BACKGROUND

2.1 The Development Management (DM) Service has had a challenging time over the last few years. The Pandemic brought about an unanticipated surge in demand which resulted in substantially higher workloads and a much more competitive recruitment market. The Pandemic also restricted working processes, with (at times) 100% home-working and restrictions around meetings and site visits.

2.2 Locally, these Pandemic related challenges were exacerbated by issues around retention, recruitment, validation backlogs and a lack of accurate data around which performance management mechanisms could operate. This in turn led to customer contact /feedback issues as staff prioritised throughput/backlog reduction over customer focus.

2.3 Accordingly, an Improvement Programme was initiated in January 2021, with the aim of addressing the fundamental issues. Some elements relating to staff recruitment and retention were implemented immediately eg Career Grades, improved recruitment processes, golden hello's etc whilst implementation of some elements was delayed whilst member approval across the partnership was secured.

2.4 Over the last eighteen months the DM Management Team has been closely monitoring the impact of the first phase of improvements and prioritising the next best steps in terms of improving the service and implementing a number of the recommendations arising from the Planning Advisory Service (PAS) review that was undertaken to sense check the proposed improvements. The first part of this report sets out the state of progress against each of the areas identified for improvement.

2.5 It should be noted that Phase III of the Programme (which was to have been the focus of 2024) was to look at the digitalisation of the service and implementation of further shared working models where appropriate (e.g. ecology). The decision of the three Publica shareholder Councils to repatriate services such as DM has meant that this work can no longer be implemented as intended. The opportunity is however still being taken to explore digitalisation commensurate with the likelihood that a shared ICT base may no longer be delivered. It also opens up the prospect of the ability to deliver a more WODC focused service such that WODC specific improvements can, following agreement with the Executive member, be rolled into the programme for the coming years.

2.6 The aim of all the improvement work is to be providing a high quality, customer focussed and high performing service, that is sustainable and efficient.

3. UPDATE AS TO PROGRESS

3.1 This section of the report sets out under the sub-headings the area of activity that was agreed in the improvement plan and what progress has been made in delivering against that task.

Improvements to Enforcement Function

3.2 The focus for Enforcement was to reduce the backlog of cases. To help with this a "Harm Checklist" was created to streamline the triage process and identify cases that needed prioritising. This has been successful and aided the backlog of cases which has now reduced from over 600 to around 250.

3.3 The front end of the process focused on getting enforcement complaints to the team in the most efficient way possible. This has involved the creation and testing of an interactive digital form specifying all the key information that is required to be able to progress the complaint alongside additional functionality - such as the ability to upload photographs, plot the location on a map, set out the key harms being caused etc. These forms have been tested and are now live on a refreshed website setting out a more useable format explaining what the process of an investigation involves, the likely timeframes etc. and where in the process a particular complaint has got to.

3.4 The improvements will mean that in future customers will have their expectations managed proactively and they can self-serve far better than at present, thus releasing staff time to investigate complaints rather than spend disproportionate amounts of time liaising with complainants.

3.5 The next phase of the project will also review the case management process. This includes case triage, investigation and sign off (the back-office elements) to ensure that best practice is being used, allowing colleagues to focus attention on key cases rather than try to deal with all of them equally irrespective of the level of planning harm or profile that is caused.

3.6 Alongside the process of making the enforcement more efficient we are looking at making it more responsive. We are investigating the ability (generated by project work in another Service) to adapt their processes so as to enable a complainant to "track" a complaint (in a similar way that they can track an application progress). This is being picked up as part of the work in the next phase of improvements

3.7 Status - on track

Validation

3.8 This work is complete. A shared team has been formed which has performed excellently in maintaining delays at levels far less than was historically the case, where there were very small teams and as such leave or sickness had disproportionate adverse impacts on throughput. The processes at all three Publica sites have been aligned such that (coupled with the greater staffing numbers of a shared team) there is now far greater resilience with work flexed across the sites according to demand. This element of the Planning Service is being retained within Publica.

3.9 A new validation checklist has been introduced and is delivering far better information at initial submission thus reducing the need for the team to revisit approximately 40% of applications which were deficient in supporting information before the changes were introduced. As new changes arise in national legislation (e.g. the recent introduction of Biodiversity Net Gain) the checklist will need to be refined and adapted but this is now a "business as usual" task as opposed to a major new piece of work.

3.10 Status - complete

Pre-application advice

3.11 Through the pandemic upsurge officers needed to concentrate on applications as a priority in their day to day work. The initial premise of this 'pre- app' piece of work was that some pre-application advice could be handed down to admin/caseworkers but with supervision from Planners, and in so doing pre- apps would get greater priority and allow officers to concentrate on application processing.

3.12 This process had been designed but initially it was not implemented as the volumes of planning

applications rose to such an extent that there was no capacity. In addition, this piece of work and change in process relies on a pool of "admin/casework" staff who are shared across the three Publica councils. The recent announcements to repatriate services meant it is unlikely that there will be sufficient team members who are not already fully employed on other tasks.

3.13 Officers thus looked at whether the scheme could be tweaked so that the role undertaking the pre-application advice was at career grade planner or planning assistant etc. level. The process of training them would involve exposing them to pre app casework under the supervision of a planner. This would then hopefully support quicker upskilling and the ability to 'grow our own' in what is still a tricky employment market. This is an evolution of existing training and as such has been implemented immediately.

3.14 Status - complete

Invalid applications

3.15 As set out above, historically there was a significant volume (approx. 40%) of applications that required very extensive work to get them to a position where they could be processed. This hidden work was done for free in the sense that the Council was essentially subsidising agents and applicants for tabling substandard applications.

3.16 The data we have collected shows that the number of invalid applications has decreased notwithstanding that we had two significant pulses of non- registerable applications associated with our new biodiversity requirements and the introduction of new fees for applications. Other key reasons that applications are invalid are missing plans, wrong fees tabled and using the wrong forms. Work is in hand to seek to improve the advice regarding these elements to drive down the numbers even further.

3.17 The process encourages applicants to submit applications via the Planning Portal, and in conjunction with clearer guidance and structure in the revised Validation Checklist, has assisted in reducing poor-quality submissions.

3.18 We will also be introducing a fee whereby we retain an admin charge for applications that we return.

3.19 Consideration was given to the introduction of an "Accredited Agent" list where we publicised the best and worst agents in terms of getting it right first time - to try to encourage agents to get it right first time. However, it was considered that "endorsing" an agent for validation purposes may give a false impression that we would support their proposals on their planning merits and similarly that by criticising agents who tabled the highest number of invalid applications may open up legal challenges. It would also take considerable resources to both administer accreditation and monitoring as to whether agents were performing against the required standards. This aspect has thus not been pursued.

Status - complete

Agreed Extensions of Time (EOT)

3.20 This was the area where the Planning Advisory Service (PAS) was most critical of pre- existing processes. Officers had resisted the use of agreed EOT as potentially masking poor performance. However, use of EOT were encouraged by Government and very actively used by the vast majority of other Local Planning Authorities (LPA) such that when benchmarked against other LPA (some of whom were asking for EOT at registration stage!) it was impossible for West Oxfordshire to compete on an even playing field.

3.21 PAS also correctly pointed out that it was an agreement to extend the time (rather than an obligation) and was thus open to applicants to refuse to accede to the request. In light of the strong

steer from PAS it was decided to ask for an agreed EOT if the cause of delay sat outside the role of the planning officer (e.g. awaiting response from Oxfordshire County Council, or Natural England, need for a further ecology surveys, amended plans required, need to consult neighbours again etc.) but to not ask where the delay sat with the planning team (e.g. admin error, officer workload etc.).

3.22   We have also been collating the causes of delay. The cases where the delay sits with the team is less than a handful with 'awaiting consultees' as the overwhelming reason why agreed EOTs have to be requested.

3.23   We have also taken a more risk based approach, as suggested by PAS , that we will proceed to determination even where a response has not been received provided a judgement has been made as to whether the response was likely to be critical in the acceptability or otherwise of the application (i.e. need to have rather than nice to have).

3.24   The performance of the team has improved significantly as a result of these changes in terms of determining applications within Government targets. At the time the PAS investigation was running the Council was at risk of designation(target 70%) . The most recent performance is set out at appendix A.

3.25   Notwithstanding the Government introduced (and have hitherto been promoting) the use of EOTs, members will be aware of the announcements just before Christmas by the former Government that they intended to conduct a 3 month review into the performance of statutory consultees, as they are aware that much of the delay blamed on the planning system actually sits with these consultees. Their aspiration was that response times will be speeded up and the use of agreed EOTs could be reduced. We need to await the outcome of the review and any associated announcement from the new Government - and particularly an improvement in consultee response times before the use of EOT could be reduced.

3.26   Status - complete pending Government update.

Customer contact/planning officer availability

3.27   As workloads increased by approx. 40% coupled with recruitment and retention issues, the officers remaining in post focussed on application throughput. Customer care and engagement suffered, and complaints arose regarding communication from officers. A series of 4 customer contact points were introduced and measured starting with the receipt, validation and registration of the application through to it being handed to a named officer. This is all in hand.

3.28   The next 2 intended contact stages were to require i) that the officer contacted the customer within 2 weeks to introduce themselves, and then ii) at the 5 week period to report on progress/agree an EOT if required. However, it has proven very difficult to establish a workable system to monitor these latter two elements. The reason for this is that some officers were using the site visit to make contact, some phoning, some using e- mail etc such that the management data collected could not accurately reflect the fact that contact had been made without undue double handling to retrospectively input the contact dates etc. Perhaps more importantly, as the volumes of work have returned back to historic levels, officers have been able to be more proactive in updating agents and are more available generally and with more of a customer focus attitude. This has meant there have very few complaints over the last year about lack of contact. It would appear that the workloads and culture have resolved the issue that the later contact points were seeking to resolve. It has therefore been decided that this work, to formally monitor officer contact with the customer, ceases as it is no longer commensurate with the very limited additional benefits that would be realised.

3.29   Status – complete.

Application Sign off

3.30 This concern from PAS was primarily directed at another of the partner councils. It identified a shortage of officers enabled to sign off applications which caused delays. The suggested solution was to allow peer sign off. This has been looked into but it is considered that the risks associated with more junior staff signing off their colleagues work outweigh the benefits. However, the Development Manager has been allowing some Senior Planners to sign off some of the simpler cases as their experience grows, and to assist them in transitioning to the skill sets required to be a Principal Planner (who sign off decisions alongside the Development Manager). The ability to sub delegate is already embodied in the scheme of delegation and so this power is used as and when the relevant staff attain the competency and experience to exercise the function.

3.31 Status – complete.

Planning fees

3.32 Concern was expressed that the discretionary fees did not cover costs and that we were not charging for all the work that we were doing. Separately Government increased planning fees for applications by between 25% and 35% in recognition that planning services were under-resourced and to try to aid cost recovery. As a result, Officers have undertaken a thorough review of the extent and amount of fees and a revised fee charging schedule has been approved as part of the budget for the forthcoming year. There is a separate consultation running at present alongside the proposed changes to the NPPF that may enable increased fee recovery.

3.33 Status – largely complete pending current Government consultation

Consultation and negotiation protocols

3.34 The review by PAS determined that applicants were given too many opportunities to amend applications which confused neighbours and cost the Council money it was not recovering. PAS suggested these new protocols were put in place to negotiate less and prevent "over consulting". This would speed up application processing, encourage potential applicants towards the paid pre app service and therefore recover costs incurred.

3.35 The protocols were agreed by the Executive and have been operated by Officers thereafter with very little ongoing negative feedback following some initial resistance from some agents who had effectively been using the first application, plus free go, as free pre application advice.

3.36 Subsequent government changes to the fee regime have now removed the free go and this has additionally aided in pushing applicants towards the pre app process.

3.37 Status - complete

4. FUTURE POTENTIAL IMPROVEMENTS

4.1 There were some other areas where actions were agreed and where work is in hand but is less advanced and some further areas where repatriation of the service offers opportunities to deliver a more bespoke WODC service

Agent Forum

4.2 PAS suggested that the agent forum be reinvigorated as a means to sell the new ways of working and open up dialogue with our key customers. This is an agreed action and a date for a forum meeting was set at a partner site for the 6th March 2024. However there was poor take up for that date and so the Forum has been postponed to allow further publicity before it is held- likely alongside the formal repatriation of the Service

4.3 Status- In hand

<u>Web improvements</u>

4.4 These were intended as a "big bang" to be introduced in association with the new IT technology that had been authorised but which, following the announcement of the Councils to repatriate services, will no longer be implemented at this time. However, the website is being modified alongside improvements and changes mentioned above as and when they are implemented, and we are seeking to design processes and procedures so they can more easily be adapted into any future IT solution individual councils pursue in due course.

4.5 Status - Ongoing and to be reviewed post repatriation of DM services.

<u>Template reports</u>
There was a concern at partner sites that junior officers were too reliant upon senior staff to proof-read and sense check their reports or that reports were too long and bespoke for minor cases. The suggested solution was that template reports would address this issue.
The Development Manager at Forest of Dean therefore created a series of template reports for householder approvals, discharge of conditions and non-material amendments which are being trialled by all Officers there. It will need a more extended trial before we can confirm whether or not the templates are successful and whether they can be rolled out further i.e. to WODC where there was less of an issue.

4.6 Status- initial signs are positive but a longer trial is needed

<u>Revised Neighbour Notification scheme</u>

4.7 This was perhaps the most significant change that was agreed for the other Councils in that it commended the approach adopted by WODC since 2014 i.e. the ceasing of postal neighbour notification and instead staff use a combination of electronic alerts, site notice and officers posting site notices as required.

4.8 Status – No change at WODC

<u>Paperless consultation with TC/PC</u>

4.9 Officers consider that following the initial engagement we had with Town and Parish Councils regarding neighbour notification where we sought to promote electronic as opposed to paper based consultation, we could again seek to promote the use of electronic rather than paper consultations with them. The savings in postage, officer time, printer ink etc. would be considerable, alongside the consequential CO_2 emissions, and so it is considered that it would be preferable if we could move to a more electronic as opposed to paper based system when consulting local Councils. It is recognised that some Town and Parish Councils may not wish to alter /may be resistant to moving away from paper consultations

4.10 Status – Can be promoted quickly following suitable advance publicity. Payment for providing paper copies can be sought for those TC/PC who wish to remain with paper based consultation.

<u>Ecology resourcing</u>

4.11 Members will recall that the initial report following the PAS report identified that there were particular pressures in the Ecology service and that further resources were required. Work was underway looking at a shared ecology and heritage team across all three Publica sites to seek to deliver the benefits that a shared validation team had secured, but with the repatriation this has had to be put on hold.

4.12 The pressures on the team however continue (associated with DM work) and have increased in association with the recent introduction of Biodiversity Net Gain (BNG) and the work required to

support the new local plan. Officers were successful in securing £100k of Government funding to assist in building capacity in the heritage and ecology functions but this was put on hold pending the general election results. If resurrected it may assist in providing agency support whilst longer term solutions are put in place as the post Publica arrangements become clearer. A growth bid for additional resource in terms of an ecological assistant has been approved and recruitment was successful.

4.13   Status – Some temporary funding for further staff had been secured and an additional ecologist post has been secured.

4.14   <u>Next Steps post repatriation</u>

4.15   In addition to the improvements outlined above, the Development Management team are working to add in further ideas to maintain the cycle of continuous improvement. As a result of the substantial improvements in performance the opportunity now exists to push into more qualitative areas without the fear that any additional resource directed there could reduce output to a level that endangered the authority being "designated" by the Secretary of State. These ideas include reviewing and improving performance reporting to aid closer operational management and the running of the service; optimising the automation of current IT systems to free up officer time; looking at the creation of easy to use online customer interfaces to allow customers to self-serve in different ways; reviewing the Land Charges process, and improving the case management capabilities of Enforcement cases.

4.16   All of these ideas are currently being explored and will be formed along with the remaining recommendations by PAS into the next phase of the Development Management Improvement Plan which is likely to encompass 4 main headings- delivery on strategic sites, delivering excellent customer care, improving the quality of new developments and delivering further improvements to enforcement outcomes

4.17   All ideas will need prioritising according to impact, and dependencies and resourcing will need to be mapped and balanced, as this work will require significant input from Planning Officers, IT and other teams across the Council.

4.18   The aim is for this next phase of improvements to be conducted from 2024 to 2026.

4.19   **PERFORMANCE**

4.20   The improvements already delivered have transformed the landscape and have assisted in moving us from a lower quartile performer to an upper quartile/ improving performer. In summary, complaints have reduced, application performance has increased, appeals performance has (with one or two notable overturns) improved, enforcement backlogs have reduced and staff feedback that they are more satisfied. The Council's planning team are however currently operating with a number of vacancies so this improvement may be difficult to sustain.

4.21   The key benefit of the improvements secured are that as baseline performance has improved this now gives us the opportunity to look into customer experience and adding value to the planning service, without the fear that this could impair performance.

5.   ALTERNATIVE OPTIONS

5.1   Members could decide to reverse the improvements made. However they have clearly led to a better service with less complaints and this is not recommended.

5.2   Members could decide not to undertake further improvements. The uncertainties around the future operating model post Publica had curtailed/stopped a number of work streams. However the planning system is constantly evolving with a new act (levelling up and regeneration act) further biodiversity

net gain requirements and the very significant changes following the general election . Thus ongoing change is likely to be a feature of local government planning and as the future of the Planning Service has become clearer it is the case that the service needs to continue to adapt to new circumstances and ways of working, and we welcome that culture of continuous improvement.

6. CONCLUSIONS

6.1 This report sets out those tasks completed, those where progress is no longer possible, those where work has started but not yet completed and a limited number where work is just starting or where the opportunities presented by repatriation are just being explored.

7. FINANCIAL IMPLICATIONS

7.1 An increase of income is expected as a result of the increase in planning fees implemented by central government. Further income is also expected to be generated as a result of changes to the pre-application advice service mentioned in this report.

7.2 No impact or requirement for funding sought.

8. LEGAL IMPLICATIONS

8.1 None

9. RISK ASSESSMENT

9.1 Minimised risk to performance outlined in this report.

10. EQUALITIES IMPACT

10.1 Under equality legislation, the council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality in relation to:

- Race
- Disability
- Gender, including gender reassignment
- Age
- Sexual orientation
- Pregnancy and maternity
- Religion or belief

It is not considered that any of these characteristics will be adversely impacted

11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

11.1 There will be reductions in CO_2 emissions if we move increasingly to paperless consultation

12. BACKGROUND PAPERS

None

(END)