

 WEST OXFORDSHIRE DISTRICT COUNCIL	WEST OXFORDSHIRE DISTRICT COUNCIL
Name and date of Committee	EXECUTIVE – 21 JUNE 2023
Subject	DEVELOPMENT MANAGEMENT IMPROVEMENT PROGRAMME
Wards affected	All
Accountable member	Cllr Carl Rylett - Executive Member for Planning and Sustainable Development Email: Carl.Rylett@westoxon.gov.uk
Accountable officer and Report Author	Phil Shaw – Business Manager for Development and Sustainability Email: Phil.Shaw@publicagroup.uk
Summary/Purpose	To update progress against Phases I and II of the DM Improvement Programme and make recommendations for further improvements (Phase III), following the Planning Advisory Service Report.
Annexes	Annex A – Enforcement ‘Harm’ Checklist Annex B - Planning Advisory Service Report Annex C – Consultation Protocol Annex D – Negotiation Protocol
Recommendation(s)	That the Executive resolves to: <i>a) Note the improvement progress to date, and</i> <i>b) Approve the changes detailed in paragraph 4.1</i>
Corporate priorities	Delivering excellent modern services whilst ensuring the financial sustainability of the Council.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Officers, and a representative of the Planning Advisory Service, met with the Planning Committee Chairs and Vice Chairs.

I. BACKGROUND

- 1.1 The Development Management 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.
- 1.2 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.
- 1.3 Accordingly, an Improvement Programme was initiated in January 2021, with the aim of addressing the fundamental issues. As a result, over the last 2 years the Service has:
 1. Added additional capacity. We added two Career Grade Planner posts at each site and added two areas of flexibility to all the new contracts. The first flexibility was the ability to move expertise around based on local needs and the second was flexibility around specialisms, so that we could generically train/utilise officers between DM/Enforcement/Forward Planning functions etc., to better meet the needs of the Councils and their customers,
 2. Introduced Career Grades with salary progression based on the attainment of experience, qualifications and value to the organisation,
 3. Improved, and localised, the recruitment process to reflect the significant advantages of being a Planner in this part of the Country,
 4. Made permanent appointments to Management roles to provide stability for the Teams and local points of contact for Members,
 5. Formed a Validation Shared Service team which added significant resilience and enabled us to cut our Validation timescales by around 60%,
 6. Introduced customer contact touchpoints that mean that we are much more proactively communicating. Initially this focussed on the front end of the process but is being rolled out at each stage of the process as our redesigns work through the various elements e.g. validation, assessment, report, enforcement etc. We also introduced the Enterprise (Workflow) System, so that we are able to monitor and performance manage these proactive communications,
 7. Created a series of data sets to seek to overcome the issue that the vast majority of existing data was backwards looking We continue to improve the quality, depth and frequency of our data sets, so managers have the adequate tools to manage their officers and overall performance, and
 8. Commissioned a review by the Planning Advisory Service (PAS) in recognition that these improvements were only Phase I of the journey.

- 1.4 As a result of these improvement actions the performance in relation to 'Minor' and 'Other' applications (making up 99% of all applications) has been on an improvement trend since July 2021, as shown in the following table:

WOD C	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23
Minors	82.5%	63.00%	62.40%	63.80%	68.89%	69.71%	74.34%	79.18%
Others	81.8%	70.70%	71.20%	72.90%	67.74%	74.66%	78.33%	81.85%

The table shows the cumulative performance in each year (percentage of applications determined within 8 weeks or an agreed Extension of Time). There has been a marked and sustained improvement during the last year.

- 1.5 Over the last twelve months the DM Management Team have been closely monitoring the impact of the first phase of improvements, consulting Members and Teams on the next best steps in terms of improving the service and have received the results of the PAS Review mentioned in paragraph 1.3 (point 8). The result of these consultations was the formation of Phase II of the Improvement Programme. Phase II, the focus of this report, is still quite process/protocol orientated and is anticipated to be completed over the next few months.
- 1.6 Phase III of the Programme will be initiated during 2023/early 2024 and will focus on the digitalisation of the service and the implementation of a continuous programme of user research so that we can better understand the future needs of our service users. This will be complemented by sustainability measures such as succession planning, advancement of our officer development programme, further work on (and expansion of) our Career Grade approach, implementation of further shared working models where appropriate and 'in time' Data. The aim is to be providing a high quality, customer focussed and high performing service; that is sustainable and efficient.

2. MAIN POINTS

- 2.1 The PAS review focussed on Process and the brief we gave the Inspector was to give us their unbiased assessment of where we are and what we need to do to further improve; but also to sense-check the further improvements that we were already implementing or had planned to ensure that they were consistent with good practice across the country.
- 2.2 As a result of their findings and political feedback we have a revised we have created an Action Plan that sets the agenda for the next phase. The key improvement areas included in the Action Plan are detailed in section 3 whilst section 4 details further, proposed, improvement areas where we need Executive approval given the sensitivity/potential impact.
- 2.3 It is worth setting out that until this process started most of the improvement processes had been initiated and designed by the respective teams and that as a result they had considerable ownership of them but with the disadvantage that they were often too inward looking - focussing on the efficiency of the process as opposed to the outcome for the

customer. This programme of works has been undertaken by staff resources based within the Residents Services Group but with the Planners as clients/advisors as opposed to designers. This has already started to yield significant advantages in terms of the external oversight producing generic as opposed to site specific solutions which in turn aids resilience and efficiency. However it has sometimes meant challenging long held norms in terms of what was perceived as good customer care and as a result has necessitated quite a cultural change amongst the team; particularly amongst some of the longer serving staff. However the data collected is demonstrating that the improvements are working and there are far fewer customer complaints than were being received when the process was started. This is enabling that change in culture to be delivered/embedded. As with any substantial change programme there will of course be some parties who may consider themselves disadvantaged by things being done differently and clearly mistakes may be made as staff adapt to significantly different new ways of working. What needs to be noted is that if we are enabled to deliver the key outcomes that the change programme is driving at (essentially better customer service at less cost and with greater resilience) if errors are made in future we are all aware that they sit in the context of why the changes have been made and that we have the data to support the fact that the service is now clearly on a long term improving trend. The Planning Managers and the wider Resident Services Management Team continue to support officers through these changes.

3. AREAS ADDED TO THE ACTION PLAN

- 3.1** The following items have been added to the Action Plan and are either in the process of being implemented or are scheduled in for implementation:
 - 3.1.1** Enforcement: Work is underway to cleanse the backlog of cases that are either now resolved or are considered not to be causing harm and have had no correspondence against them for more than two years. In order to improve the quality of enforcement referrals, a Web Form has been developed; which will help the complainant provide the necessary information and evidence at the first point of contact and help us to triage complaints more effectively
 - 3.1.2** Validation: A substantial piece of work has been done to create a Validation Checklist that captures those requirements common across the partnership but is bespoke as regards particular policy requirements. It has sought to move the agenda forward in terms of the information requirements that need to be submitted alongside applications in terms of biodiversity, climate change, energy efficiency, sewage disposal etc. As it is a digital document it also links to advice sections so as to enable the applicant to get it right first time and reduce the current (circa) 40% invalid applications which is a hidden cost to the Council in rectifying errors made by agents to enable the application to be registered and processed.
 - 3.1.3** Pre-Application Service: As an initial phase of the improvement programme the process whereby pre application advice is offered to potential applicants was remodelled. The core premise of this work was that much of the work in terms of drafting the letters and managing the caseload could be carried out at relatively junior and administration levels

but each 'caseworker' would have a planning officer to act as a 'consultant' in the drafting of the letter. Sign off would remain with more senior staff. In so doing we would release planners from the more admin/process elements of the task whilst retaining planner input and sign off to ensure quality. However the implementation of this new process was delayed in that the Covid restrictions coupled with the substantial increase in the volumes of planning applications meant there was insufficient resource to bring it in. Subsequently the priority has been to focus on the enforcement element of the service. However it is considered that the work mapped out remains valid and, now that caseloads are reducing back towards pre pandemic levels (approximately 10% higher still nationally), the opportunity will arise to revisit this work stream and realise the benefits that flow from it in terms of quicker responses, cheaper staff costs and a mechanism to support career development whereby more junior staff are exposed to some of the more complex cases but in the safer environment of Pre-App as opposed to live planning application status.

- 3.1.4 Invalid Applications:** We have created a process where the cause of the invalidation can be logged such that we can improve the pre application information we provide in order to seek to reduce the errors agents are making. We can also log invalid applications by agent which in turn will enable us to create an accredited agent list to seek to move customers towards agents who generally get it right as opposed to those who cause us unnecessary work in rectifying their errors.
- 3.1.5 Extensions of Time:** This is bringing about the single biggest improvement in performance. Government introduced a process whereby, if the applicant agreed, the timescale for determining an application could be extended beyond the statutory period but the application is still counted as being in time. This process was not, historically, widely used by this Council as it was seen as masking poor performance. However in contrast some authorities seek an extension of time at validation and so achieve 100% within time. Clearly when benchmarked against that approach operating without using them much or at all is going to make it very difficult to achieve anything other than bottom quartile performance. What we are seeking to do is to introduce a process whereby we are not penalised (ie. we ask for an EOT) for the delays caused by others (e.g. awaiting a key consultee, awaiting an ecology survey that can only take place next May, awaiting amended plans, to enable it to go to committee, at the applicants request, etc.) but to not promote it when the issue sits with us (e.g. Admin error, officer on leave etc.). In that way we will be operating on a much more level playing field with those who are gaming the process whilst not masking issues that sit with us to resolve. The really positive consequence of this approach is that customers are kept much better informed and have realistic expectations around timescales.
- 3.1.6 Customer Contact:** As advised above we have started a number of initiatives aiming to build in customer contact. Thus as part of the registration process and the initial receipt of the application by the officer there are now requirements to contact the customer. Then the Planning Officer is required to make contact at the 5 week point; where, if necessary and appropriate, the Extension of Time conversation will take place with the customer.
- 3.1.7 Agent Forum:** Clearly a lot of these changes will affect Agents. Over the years a number of them have become reliant upon the Administration Team to get their applications into

shape before processing could even start. This has significant time and cost implications for the Council and this dynamic will shift as part of the Validation process improvements. There will also, potentially, be new fees for undertaking tasks that have hitherto been provided for free. This is likely to cause some disruption and as such it is considered essential that we meet the Agents to explain what we are doing and why and that if they follow the advice offered it should actually help matters as they will not be stuck in a queue behind applications that the staff have to work on even to get registered. Once held, these forums will be repeated such that the ever evolving planning legislation can be discussed and explained and future improvements to the system can be consulted upon.

- 3.1.8 Web Improvement:** In the last twelve months a Channel Choice Team has been formed within the Resident Services Group; made up of Customer Service officers, ICT officers, Communications and Web Design officers. As well as working to provide more accessible digital services for our customers, this Team is working with the Web Content officer to improve the information provided on the Website. It is recognised that the usability of the Web pages has a direct impact on the level of enquiries/requests for assistance that is received by the Planning Service.
- 3.1.9 Non Committee Reports:** The PAS report identified that officers were of a high calibre and carried significant caseloads. However there was a perception that junior officers put together reports that relied unduly on senior officers to correct and format and that they should be producing better reports at the outset. PAS also identified examples where they considered reports to be overly long and detailed (in relation to straightforward applications), with far too much effort and expertise being invested in a piece of work that would probably never be read again once the application had been signed off. The solution to both of these issues is to adopt a standard template approach where reports are tailored to the likely audience. Thus Committee reports and refusals that may be appealed would be written as bespoke pieces of work (as now) whereas other applications would not need such bespoke reports but could use standard templates with inserts.
- 3.1.10 Decision Sign Off:** In order to avoid a bottleneck at the Principal Officer level we have at CDC, following consultation with the Portfolio Holder, introduced a system of Peer Sign Off on less complex applications. As well as speeding up the process of Sign Off, this approach allows officers to learn from their colleagues' decision making considerations and can be introduced at WODC if the need arises and without the need to amend the scheme of delegation.

4. AREAS REQUIRING MEMBER APPROVAL

4.1 The following items require approval, as per recommendation (b):

- 4.1.1 Charges:** Supported by the PAS Report, the recommendations are that many of the Fees we levy are not in line with neighbouring Councils and need to increase. Secondly, that there are many non-statutory functions we undertake without any charge. The recommendation, therefore, seeks to bring existing Fees in line with comparators and introduces (modest) new Fees where we are providing officer assistance in areas where information is available to enable self-serve.

- 4.1.2 Recommendation:** That new fees be monitored and if required increased and added to (as per PAS recommendations) to seek cost recovery
- 4.1.3 Enforcement:** At present there is little prioritisation of enforcement cases or the emphasis is on getting out on site to view the breach as opposed to actually seeking to resolve it as expeditiously as possible. The pandemic (where there were more complaints arising from neighbours locked down at home coupled with severe restrictions on site visits) has brought about a substantial backlog. As identified above we have been using a “harms checklist” to seek to reduce the backlogs and it is considered that this approach could equally well be used to triage new cases. Thus, with the improved information generated from the improved enforcement complaint form we can assess the breach in terms of its planning harm, political impact, criminality or likely precedent and by so doing focus our attentions on the 50-100 cases per annum where real harm is identified; as opposed to seeking to move across a broad front of 300-400 cases, many of which are either trivial in nature, cause little harm or where the planning system is arguably being used as a tool in a neighbour dispute. Critically there would, with a reduced caseload, be the opportunity to provide better and more focussed enforcement update reports for Members so that they in turn are better informed to enable their community advocacy role in updating/managing expectations of Parish/Town Councils and neighbours. There will clearly be some neighbours who do not see the focus on key cases as being correct and want ‘their’ case investigated as a priority. However by focussing on the harm caused as opposed merely to the fact that there is a breach this potential source of future complaint can be mitigated to some degree
- 4.1.4 Recommendation:** That the ‘Harm Checklist’ (Annex A) be introduced at complaint receipt stage to enable greater focus on higher priority/harm/impact cases
- 4.1.5 Consultation Protocol:** A good planning decision is often based upon timely and accurate responses from consultees. Thus a culture has developed of consulting very widely on planning applications to seek to garner as much information as possible. However PAS identified that many of the consultees were not resourced to deliver against the volume of work they were being required to undertake to provide planning responses. This in turn often meant that rather than resolving matters they suggested a condition requiring submission of further information which then delayed the development (whilst this was submitted and processed) and further increased the work burden for planners and consultees in having to process the condition discharge applications. Sometimes the time delays waiting for this additional information far exceeded the time to process the main application; as consultees focussed on the initial as opposed to subsequent responses. PAS were of the view that many decisions could be made without waiting for the consultation response as they were not in fact critical to the decision. It will need a major review of who we consult, whether we can adapt their responses so as to not require further information and whether if the time for response has gone we can determine the proposal. Some responses have severe consequences (e.g. some Highways and Flooding responses) and some have legal consequences (e.g. Ecology) but not every one of them. This will need considerable thought as to how we can ensure consistency of consultation and whether to wait or determine the application and so it is suggested that a consultation protocol be trialled to ensure that we retain the correct balance between informed decisions versus late decisions with lots of additional but ultimately unnecessary information.

- 4.1.6** Recommendation: That a 'Consultation Protocol' (Annex C) be adopted.
- 4.1.7** Member Call In: At present Members have an opportunity to call in applications that would normally be determined under the scheme of delegation; with a requirement that this is done for planning reasons alone. At WODC this operates within the initial consultation period of the application (circa 21 days), at FODDC it operates at 28 days into the process but at CDC it operates at the end of the process. PAS were particularly concerned that this back-ended approach added delay to the process and critically that it undermined the ability of the officer to negotiate improvements. It is therefore suggested that the process is aligned at all three sites to match the one used at FOD such that the decision to request referral by a Councillor has to be made within 28 days of the receipt of the application with the Councillor clearly stating the planning reasons for referral and the decision as to whether they are or are not planning reasons is vested in the Local Lead officer for each site
- 4.1.8** Recommendation: That at the next review of the Schemes of Delegation for each site an approach based upon the above be introduced/retained
- 4.1.9** Neighbour Notices: The law requires that applications are advertised by either site notices(s) coupled with some newspaper advertisement or by newspaper advertisement coupled with direct neighbour notification. The situation at all three sites is different with different combinations being used. PAS identified WODC as having the system that best creates efficiency, utilises the computer systems to best advantage and ensures that those customer who are less IT literate are not disadvantaged; i.e. not using direct Neighbour Notification but rather posting a site notice or a number of notices at each site. Additionally, however, as part of the administration process, copies of the site notice are included in the paperwork available to the officer when they visit the site. If they consider that a particular property is affected and they have not had a response from that site as yet then a copy of the notice is posted through the door. This ensures that persons who are directly impacted but who have not seen the site notice or newspaper advertisements are still able to contribute. Introducing this process made considerable savings in officer time and postage and has actually increased the extent to which the public has commented upon applications. By encouraging use of on line alerts and submissions via electronic as opposed to paper based methods it also reduces the back office processes.
- 4.1.10** Recommendation: That the neighbour notification process be retained as outlined above with site notices, on site posting at officer discretion and applicants to self-post their notice. Please note that if the notice is not in place when the officer visits then the application is invalidated and the consultation process starts again.
- 4.1.11** Application Negotiation: It has historically been the case that Officers have worked proactively with applicants to seek to secure them planning permission. This is in accordance with the presumption in favour of sustainable development under which the planning system operates. However this can mean multiple iterations of a scheme have to be registered, processed, negotiated upon and assessed. On some occasions pre application advice may have been given that something needs to have been done, but it is only when the application is written up for refusal that the applicant will make the changes requested. This involves substantial abortive work and can mean that neighbours experience uncertainty for a substantial period of time as the application goes through a series of amendments rather than being determined. It is therefore proposed that a negotiation protocol be adopted that

seeks to limit the number of times that an application can be deferred whilst keeping open the opportunity to resolve minor matters. Where pre application advice has been ignored this restriction on 'endless negotiation' will be strongly applied and where no pre application advice has been applied for then it may be decided to determine the application as tabled.

4.1.12 Recommendation: That a negotiation protocol (Annex D) be adopted, to seek to limit the extent of times an application will be allowed to be amended.

4.1.13 Ecology and Sustainability: At present the workloads of internal consultees such as trees, forestry, landscape, heritage, design, conservation, architecture, green infrastructure etc. has increased substantially alongside the increase in planning applications. This is likely to increase still further alongside the impending requirements of Biodiversity Net Gain, the Environment Act and the Habitats Regulations coupled with the workloads that will be required to input into the emerging Local Plans at each site. The resources to deliver against this agenda are currently not sufficient. It is therefore highly likely that separate reports will be made to the Council seeking to address this longer term demand. In the interim the capacity of the team to deal with the volume of work generated from its core application response and serving LP issues is such that they will not be able to take on additional tasks and delivery against some existing targets is likely to slip. A further separate report will be made in due course to address this issue.

5. FINANCIAL IMPLICATIONS

5.1 There are no costs associated with either the changes detailed in section 3 or the recommended changes detailed in section 4; no significant costs that cannot be covered within existing service budgets. There will be investment costs in relation to the implementation of IDOX Cloud (The digitalisation of the Planning Service); however these, and the associated ongoing savings, have been highlighted and agreed as part of the Shareholder Innovation Programme. The resourcing needs of the Ecology and Sustainability Service (see paragraph 4.1.7) will have a financial impact but this will be the subject of a separate report.

6. LEGAL IMPLICATIONS

6.1 Any legal implications associated with the proposed changes are highlighted within the body of the report.

7. RISK ASSESSMENT

7.1 Any risks associated with the proposed changes are highlighted within the body of the report.

8. EQUALITIES IMPACT

8.1 There are no adverse effects on the protected characteristics covered by the Equalities Act. An Equalities Impact Assessment has been completed and reviewed by the Business Manager for Business Continuity, Governance and Risk.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There is no negative impact associated with these recommendations.

10. ALTERNATIVE OPTIONS

10.1 Section 4 of this report includes the options and the level of risk associated with each.

11. BACKGROUND PAPERS

11.1 None.

(END)