

## **MID DEVON DISTRICT COUNCIL**

### **PLANNING SERVICES PRODUCTIVITY PEER REVIEW**

I would like to thank you for your invitation into Mid Devon District Council to deliver the recent review. I was well supported by council members and your staff colleagues who were open and engaged with the process. Particular thanks must go to Shane Broad for her contribution in supplying the data which was invaluable to me.

#### **1.0 Executive Summary**

Mid Devon District Council recognise the need for and importance of future growth and wishes to ensure that its planning service is in a strong position to be able to deal effectively with its business as usual activities and also the new work streams associated with the growth projects. This is set against a background of budget pressures for the Council as a whole. In response to member concerns about some aspects of the planning there has already been an internal review of the service and from that a programme of improvements is already in place and in the process of being implemented which will better support council priorities particularly in respect of the Economy and Homes. The service has had not insignificant challenges in respect of staff levels (staff churn) and not surprisingly this has impacted on the ability to deliver a consistent to its internal and external customers. An appetite for change and improvement was evident in the discussions held with staff and it should be noted that the service has a good number of effective systems in place which reflect what a modern planning service should be. From this point of view no significant flaws in the service were identified and the recommendations represent a series of incremental improvements and changes rather than radical service redesign.

It is recognised that there exists much good work to build on. Councillors and staff are enthusiastic and committed to planning and development, staff are dedicated and support councillors in delivering many good outcomes.

Nevertheless there are clear opportunities exist to improve speed and to sharpen internal processes and performance management. Consideration needs to be given as to how the project work associated with growth is going to be managed in an effective way and how the cost of this this is going to be managed. The planning service plays a key role in delivering growth which brings with it business rates and council tax income as well as the provision of homes and employment. Therefore it is important that a fit for purpose service is provided and that staff and members understand the significance of their respective roles.

#### **2.0 Introduction**

The Council requested that Peterborough City Council undertake a productivity review of the planning service. This request follows on from the recent internal review of the service

undertaken following the expressions of concern about some aspects of the quality and performance of the service. Mid Devon District Council is keen to promote economic and housing development as this is a key part of the corporate strategy for the council. The review involved meeting with members of staff from the planning service as well as key members. Phone interviews were also held with a number of key customers. In addition performance data was reviewed and a small amount of assessment was undertaken in respect of detailed work practices

### **3.0 Background**

Mid Devon, being adjacent to the M5 corridor and in close proximity to Exeter has some significant advantages that weigh in its favour in respect of the delivery of future growth. Added to this area boast a highway quality environment. The Council acknowledges the need and importance of growth and wish to ensure that this is delivered in away which is brings benefits to the existing communities.

The Council's recently adopted Corporate Plan reflects the growth and development ambitions of the authority which are emerging in the Local Plan which will soon be reaching formal submission stage. The Strategy identifies key outputs which will be the responsibility of the Planning Service to deliver namely:

- 360 homes per year
- Produce SPDs for the NW Cullompton and Tiverton (Area B eastern) urban extensions
- Produce a Tiverton Town Centre Master Plan
- Production of a design guide

and there are other links to work of the service in respect of the priorities for the Environment and Communities.

The Development Management Service has in recent years undergone a number of changes such as a move back to having three area based teams (from two), a restructure, the absence of three senior staff members senior staff leaving, the bringing in of staff to manage the growth projects and the loss of all of the enforcement staff. Such a level of change has undoubtedly impacted on staff, the ability to implement the restructure in the way originally intended and service delivery but to the team's significant credit the underlying performance on applications has not dropped to level that would normally be of concern and the developers and agents that were interviewed maintained that the authority was one of the better council's that they do business with.

The planning service has been the subject of a 'mini-review' with the results being considered by both Scrutiny (May 2016) and the Planning Committee and as recently as October 2016 a progress report was presented to Scrutiny which outlined the progress made on the action identified in the earlier report. This demonstrates that the authority has will and desire to change and improve.

It was found that there was generally good use of IT systems with all the more recent case files held electronically, all the constraint data used for validation held on GIS and linked to the back office system, electronic consultation, encouragement of the use of online submissions and uses of some electronic performance management tools. Notwithstanding the proposed introduction of a performance management module to the back office system and the soon to be introduced move to a 'paper light' working environment, a number of improvement areas have been identified which should further drive improvement to the effectiveness and efficiency of the end to end process.

The service has a customer charter, published performance figures, a planning enforcement policy statement (currently being updated), a 'paid for' pre application service, operated a design review panel system for the larger / more important development proposals, a duty officer rota for dealing with routine planning enquiries an up to date local validation list and a Customer Forum. These are all things that a modern planning service should operate.

#### **4.0 Culture**

During the visit, meetings were held with a number of members and officers and from this it was clear that there was a strong desire to deliver a good quality service and facilitate growth. Time was spent within the team and it was evident that staff had good customer service skills. Telephone interviews were also held with a number of agents and developers and the feedback regarding the quality of staff and the commitment to overcoming issues with schemes was largely positive. The planning service has undergone some significant changes in terms of personnel and this has inevitably lead to some issues with the continuity of service delivery.

With any planning service, a decision has to be made as to where the balance lies between 'performance management' and customer service. This balance is often set by the cultural tone of the wider organisation. There is the sense that the authority may be going through an adjustment to its organisational culture and so it is important to bring the planning service along with those changes. This means that it is increasingly important for corporate, directorate and service messages to be communicated to staff and for them to be involved in change management.

#### **5.0 Customer Relations**

There have been in the past customer satisfaction surveys but response rates have been poor and an Agent Forum is held each quarter but this is not that well attended. Thought should be given as to how this might be relaunched and made more relevant to the needs of agents and developers . Use is already made of developer and agent email contact lists to alert them to any changes to the planning legislation, staff changes and process and procedure revisions.

The Development Management team clearly do some good work and achieve some quality outcomes. There appeared to be muted celebration of these positives by the service. The number of formal complaints about the service does not appear to be significant in relation to the quantum of applications that the service deals with and in order to provide a

balanced perspective of the service, the outcomes of complaints and the level of positive feedback from customers should be periodically reported on including to staff.

Discussions with staff indicated that there was potential mismatch between the reality and perception of the speed and level of communication / interaction with members. Officers feel that they are now engaging with members in the right way on the right applications / projects and this is reflected in many positive comments about the improvements made. There is some strong evidence that key applications / projects have enjoyed smoother progression than might have otherwise been the case and this is a significant positive. Clearly a balance has to be struck between engagement with members on applications and allowing officers the freedom to do the day job as there is the risk that the process becomes unsustainable. Should the perception of concern remain the consideration should be given to:

- triaging applications and projects to determine if there should be proactive member engagement and what form that should take
- keep in a central record of member service request and responses in order to evidence performance.

### **Recommendations**

1. Look to relaunch the agents forum and engage them in the delivery of the content of the meetings
3. The service should celebrate and publicise successes to a greater degree and work with applicants on press releases and promotional activities.
4. A log should be kept of both compliments and complaints as evidence of the good work of the team and evidence of how the service has acted on complaints.

### **6.0 Performance Management**

There is undoubtedly monitoring of performance taking place in key aspects of the service and management has and continues to take steps to react to what the results are showing them. Officers are given decision due lists, extension of time alerts and so on all of which help officers manage their work and in addition the Support Team act as 'decision notice chasers'. These systems will be enhanced further by the introduction of the Enterprise Module for the back office system. The system enables key tasks some of which are time sensitive in the processing a planning application allowing officers to manage their cases and managers to monitor and respond to the performance results and trends.

As mentioned above there is performance monitoring management taking place. It was clear that most staff had an awareness of this but they did not all appear to know what the performance results were for the service even though these outputs are available to read in the committee reports and in the statistics published on the web site. This is something that could be addressed through the monthly performance results being posted in key areas around the office.

## **Recommendations:**

1. That regular whole service team meetings are held.
2. Progress against targets is regularly reported to staff (including through information on office noticeboards) and discussed at team meetings, with good performance praised.

## **8.0 Setting of Priorities & Allocating Resource**

Significant effort is being put into handling the development proposals on the large strategic sites and discussions with the promoters of these sites demonstrate that they are appreciative of this approach. During the visit it appeared that there was scope for making changes to work practices and procedures to free up officer time which could then be redirected towards the delivery of a consistent, timely service which prioritises those developments that make the most significant contribution to meeting the corporate objectives. The observations and specific recommendations regarding work practices and procedures are identified throughout the different sections of this report. It is important that the recommendations are considered by the councils in the context of them being implemented in order to facilitate improved priority setting and effective use of resources.

Currently, the service provides a paid for pre-application service and a 'drop in' duty officer facility. In addition, in order to meet the cost of providing a service for major planning applications, thought is being given to the introduction of 'planning performance agreements' for all major planning application. With regard to 'pre-application' advice requests, there is a protocol and service standard which is clearly set out for customers using the service. The aims of any pre-application service are to clearly identify to the customer if planning permission is likely to be approved or refused and if the latter state why this is the case and what changes if any could be made to the scheme to make it acceptable. In order for customers to have confidence in the pre application service it must fulfill these aims and the advice given to be stood by in the event of a planning application being subsequently submitted. In addition the service should be timely. Without these being fulfilled the service risks its customers not using the service and losing out on all the benefit that it brings to the service, the Council as a whole (including its stated community strategy objectives) and the delivery of growth. The pre-application service aims to deliver feedback to customers on their submitted schemes within 12 weeks. However, looking at the list of current live pre-application cases some 45% (80 out of 178 currently live pre-applications cases) are in excess of this 12 week performance target. The slippages are likely to be as a result of the vacancies that exist in the team at present and the need to focus resources on the delivery of timely decisions on planning applications as a priority. Where pressure situations such as this arise, consideration should be given to temporarily changing the scope of the pre-application advice and or temporarily revising the service standards for different types of development proposal. For example, the service could choose to only deal with/prioritise those development proposals that are fundamental to the Council's objectives schemes as these are the developments that bring arguably the greatest benefits.

With regard to the greater use of planning performance agreements, these definitely have the potential to assist the authority to managing the peaks in development proposals. The operation of such agreements is (outside London) more usually associated with the more exceptional major planning applications and or in association with some sort of added value package. Entering into agreements in order to help meet the cost of dealing with the more extraordinary development proposals and or to an enhanced speed and or quality. Careful thought therefore needs to be given to what the added value package being offered to applicant is going to be.

Looking at the staff structure against the nature of the current case load (all applications including pre-applications), it appears that the more senior staff (APO, Principals and Planning Officer) are dealing with simple planning applications which could be dealt with by more junior staff. In terms of the volumes of such work against the current case list, this has been conservatively estimated to be some 40 cases (the figure would be 26 cases if no cases of the Planning Officer were factored into the calculation). To put this in context, the case load of the two existing Planning Assistants is between approximately 30 and 50 cases).

If a less conservative view were to be taken then the number of applications that are being dealt with by APOs and Principal Officers that could be dealt with by more junior staff would be greater. These senior officers are dealing with some 17 single dwelling applications, some 20 barn conversion / barn to residential prior notification applications and some 13 applications involving residential schemes of 5 dwellings and under. This equates to 54 applications and by way of comparison the existing Planning Officer has a caseload of 42 including pre-application work.

Whilst this information suggests that the structure is out of balance with the nature of the work coming into the service a number of points must be factored in. Firstly, there are two vacant posts in the structure and therefore the 40 applications in question have had to be allocated across the team (and thus senior officers have been dealing with simple applications). Secondly, the nature and character of current applications may be different to what it has been in the past (there has not been the opportunity to undertake any analysis of past trends so no observations on this can be made) and the trend might be a temporary spike. Finally, there will always be fluctuations in the nature and complexity of applications and therefore to a degree it is inevitable that part of an officer's workload will comprise of simpler applications as the the organisation has to have the capacity to deal with any fluctuations (i.e rise) in the more complex application which require a more experienced officer to deal with.

The planned restructure should look in greater detail at the at the incoming workload and the anticipated project workload (with flexibility allowances being made) to inform and guide the proposal. It is outside of the scope of this review to put forward any detailed proposals in respect of any restructure, however regard should be had to the following:

- The impact that a restructure would have on staff morale particularly in the context of the previous restructure which did not have the opportunity to be fully implemented

due to significant staff churn taking place which had to be responded to through a flexible response.

- The involvement of staff in the formation of a new structure in order to achieve buy in and ownership (this has already taken place in respect of the high level restructure options)
- Having a more fluid structure below Principal level working on the basis (when vacancies arise) of budget and character of the workload as opposed to structure per se)
- Whilst a two area based system has been tried previously and changed back to a three area system (it is understood primarily on the grounds of the geographic extent of each of the areas and the associated travel time, its reintroduction should be evaluated amongst other options, with each of the two areas potentially being broken down into two sub areas. This would have the effect of putting the APO's in a role which has a greater management focus and would allow them to take on some management responsibilities currently fulfilled by the Head of Service.
- Evaluate the pros and cons of having a free standing 'projects' team as opposed to having these officers in each of the area teams. The latter has the advantages of them reporting into the area team leader (APO), a better ability to be able to utilise the resource if any 'troughs' in project work arise and the potential to use existing staff to fill 'temporary' project posts on a secondment basis with their posts being backfilled with temporary contract staff (agency staff is not being suggested here) and perhaps greater potential for the projects to be better integrated into the team and therefore achieve a greater level of continuity. The ability to do this is dependant on the calibre of existing staff.

## **Recommendations**

1. Consider the scope of and service levels being provided in respect of pre-application enquiries to ensure that whilst the service is unable to fulfil the published facility in its entirety, the service is appropriately managed as are customer expectations.
2. Consider the use of simpler / shorter delegated reports (or adopting the Camden delegated report in the decision notice approach) on straightforward applications where there has been no objections e.g. householder applications.
3. Review the market conditions in respect of the ability to introduce for all major applications a planning performance agreement regime and identify if the added value being offered is sufficient to overcome the barriers that may be identified.
4. That protocols be put in place so that significant economic development enquiries are directed to an appropriate 'handling team' and that inputs are sought from relevant service teams so that customer expectations can be satisfactorily managed.
5. Consider as part of the planned restructure the need to achieve a better fit (with a flexibility allowance) with the work coming in to the service.

## ICT Systems

As already mentioned, there is generally good use made of IT within the service. This is partially as a result of there being a systems administration capability embedded in the team. A good portion of historic applications are available electronically, constraint information is mapped on GIS and used directly with the back office system to validate and consult on planning applications. The system is also used to a degree for some aspects of performance management for example reminders to staff about approaching determination deadlines and extensions of time. The service is activity encouraging applicants/agents to use online submission as a way of reducing the amount of data inputting that the support staff have to do when booking in / validating planning applications. However, it is understood that following an upgrade some 4 years ago this 'auto data filed population' function has not worked. This breakdown should be should fixed as a priority as time is being mis-spent manually inputting data which does not need to be done. Given that some 60% of applications are submitted via the portal some significant efficiencies could be gained by getting the system operating again.

The team are looking to make further advances in the use of IT to better manage the service though the installation of the performance management module of the back office planning application administration system and move to a more 'paper light' way way of working which will enhance the ability for agile working capability to be improved. Electronic based consultation is the norm and further enhancements are planned with the potential creation of a consultation portal which will place consultee responses directly into the back office system therefore cutting the level of manual intervention that is currently required to undertake this task.

At present there is a degree of agile working available for staff to take advantage of but there is mixed understanding about the opportunities and technical limitations surrounding this. Clarification of these points could potentially improve the flexible working opportunities for staff and result in productivity gains. Some members of staff that have worked remotely have experienced issues with the stability of the system, with them commenting that they often get 'thrown out' of the system.

One area of concern to most staff was the 'long winded' way in which site photographs have to be uploaded on to the system. This should be investigated to see if this can be streamlined at all as staff are frustrated by a drawn out process which should be simple and easy.

Another area where staff are frustrated by the systems is in the production of committee and delegated reports which are time consuming to produce in the required format which places time pressures on the support team, longer lead in times for the production of committee reports (especially) and staff working relatively unproductively. It is appreciated that a great deal of resources have gone into enabling the system to work as well as its does now and so it is understood why there might be some nervousness about making changes. An alternative to the existing approach could be to use Uniform to pull out certain information from the planning application record but after then the rest of the process is done in MS word. However it is understood that an evaluation has demonstrated that

notwithstanding the issues identified, the current system remains over all a better proposition.

The Council's web site is clearly and logically set out and all the embedded links functioned as they should and there is a wealth of information, guidance and some performance information at the fingertips of customers. Included on the web site is the local validation list and this could be improved through the inclusion of web links to internal or external web pages so that the applicant / agent can establish if their site is subject to a particular constraint e.g a link to the Environment Agency Flood Risk Maps or the Conservation Area maps for the district. It has been noted however that the Council's web site does not appear to have any mapping tools and access to data sets that the general public can utilise. potential improvements can be suggested to customers to see if they would find them helpful before decisions are made to make the changes.

The installation of the Enterprise tool onto Uniform presents an ideal opportunity to integrate milestone tasks into the system enabling enhanced performance management opportunities and quality control. It also enables all staff to be engaged in to be engaged in the process. Appropriate time should therefore be put to the thoughtful configuration of the system.

### **Recommendations**

1. The reinstatement of the 'connector' that facilitates the auto population of Uniform with data from planning applications that are submitted on line.
2. The provision of clarification to staff about remote access to back office system
3. That the on line local validation list be enhanced through the inclusion of web links that would enable customers to a greater degree
4. Consideration be given to providing the public with web based mapping access to key data sets
5. Allocated the necessary time to configure the Enterprise system in order to achieve maximum benefit.

### **9.0 Work Practices & Procedures**

During the visit, some time was spent with administration & planning officers to observe work practices and procedures in action. There is some crossover with the ICT section of this report. The key observations were as follows.

A paid for pre-application process is in place, but it is noted (elsewhere in this report) that, probably due to staff vacancies, it is not performing as well as it should do. The current process is that the case officer can issue their own responses to these requests for pre-application advice. This arrangement is a little at odds with that associated with the sign off of planning applications and the risk is that there is inadequate quality control in place. In addition, staff highlighted that, perhaps too frequently, planning applications that were submitted post pre-application advice were not always allocated to the original case officer.

Preparation of a hard copy case file all fully labelled up. As these now contain only a copy of the application form and drawings now (save for exceptional circumstances) a simple unlabelled (save for a hand written case reference number) folder would sufficient saving the administration team time and effort.

When amended plans come in to the service, the case officer completes a re-consultation request form. This could be replaced by the case officer simply issuing an instruction email to the Validation Team.

Extension of time requests are not always responded to in a timely way by agents & applicants. The request process could be changed so that the request give a timeframe for response and states if there is no reply it will be assumed that the request has been approved. The reasons why extensions of time have been sought should be universally recorded (in Uniform) through the use of one of the customisable fields and should include options such as Sec 106, amended plans, committee consideration. This will enable the reasons for the use of extensions of time to monitored and reported as may be necessary.

Each file contains a check sheet which the case officer goes through as they prepare the officer report on the application. The APO also uses the check sheet as they go through the process of authorising the decision. The completed check sheet is then placed on the file. Whilst there is security in having a completed check sheet on each of the application files, staff should be disciplined enough to go through these checks without having to completed the checksheet and can just have the checklist to hand at their desks as an aid memoire.

Multiple hard copy handovers (though some staff do operate in a more electronic way than others) for the sign off and issue of delegated decision notices (excluding conditions / reasons for refusal) and produce a draft decision notice. The manager then 'OKs' the decision in Uniform (making any small changes themselves in uniform or in the delegated report or passing it back to the case officer) with the Validation Team then doing any formatting and then issuing the decision with no further checks.

Currently only APOs can sign off decisions and consideration should be given to allowing the Principal Officers to sign off low level applications e.g householder applications and the like.

Where development proposals are the subject of a unilateral agreement, the agreements are not made publically available or passed to the Sec 106 monitoring officer or legal until such time as planning permission is granted for the development. Whilst this is logical in that the terms of the agreement will not be active until such time as the development has planning permission, officers have themselves indicated that too frequently the agreements do not get passed to legal and the Sec 106 as they ought. Therefore a better system needs to be put in place.

Some standards conditions requiring subsequent discharge could have model discharge responses available for use by applicants / agents. Examples of these could be hedge

planting specifications, construction management plans, sensitive lighting plan requirements, transport management plans, management and maintenance of communal open space. This would require these condition to undergo less assessment that might otherwise be the case.

The Planning Inspectorate operates a predominantly online appeal process and this includes the completion and submission of the 'appeal questionnaire' by the Council. The completion of the submission is jointly undertaken by the support team and the planning case officer. However, the draft questionnaire 'ping pongs' between the staff involved in hard copy format whereas it could and should be prepared online with the case officer being given the login details.

### **Recommendations:**

1. Put measures in place for manager sign off of pre-application responses
2. Take steps to reduce the incidence of post pre application planning applications being allocated to a different case officer.
3. Application files are reduced to unlabelled folders as they are now only containing the basic application information.
5. Amended plan reconsultation requests are facilitated through an email request to the Validation Team
6. Extensions of time - change the requests so that the applicant / agent is given an explanation as to why the request is being made (and the reason is recorded in the back office system) with a reply date deadline with a zero response being deemed to be an agreement.
7. Delegated decision check sheet be removed from the process.
8. Streamline the delegated decision sign off process. The case officer produces an officer report (less conditions/ refusal reason) and a draft decision notice. This is then approved by the manager in Uniform and then the case is passed to the Validation Team for final formatting of the decision notice and issue.
9. Consideration should be given to the sub-delegation of powers to enable the Principal Planners to be able to sign off 'simple' applications e.g householder and the like.
10. That the process for and timing of passing unilateral agreements should be reviewed in respect of when the agreement are put on the public web site (public access) and when the agreements are passed to legal and the Sec106 agreement.
11. Model condition discharge responses should be prepared for such things as construction management plans and open space management / maintenance.
12. Appeal questionnaires and prepared on line instead of being printed, filled in by hand and then inputted.

### **10.0 Enforcement**

The service is currently made up of 2.5 fte staff all of whom are new to the service (though two of the officers are experienced in their work). There is considerable level of member

interest in enforcement at the current time and consideration needs to be given to how performance and progress on cases will be reported going forward.

In terms of the authorisation process for the issue of enforcement notices. Having looked at the scheme of delegation, it is observed that committee authorisation is required before notices are served (save for in emergency situations). Of note is that it appears that committee almost always agrees that enforcement action is taken. In this context the administrative burden and delays involved in obtaining the authorisation (2-3 weeks being the lead in time for committee) consideration should be given to allowing the Head of Service to authorise non emergency enforcement action. If felt appropriate, the ward member could be given prior notification with an opportunity for calling in the decision.

The service is currently looking at revising the current performance indicators for the enforcement activity. A review of what the other local authorities are doing locally has been undertaken and there is significant variation. In addition those used by the Welsh authorities has been looked at but it is understood that these are likely to be reviewed in the not too distant future. It is therefore concluded that the ability to benchmark against other authorities will be limited. Care should be taken to ensure that any systems introduced do not in themselves become over burdensome so that they take up a disproportionate amount of time to report on.

Currently, information (amongst other things) is recorded in respect of:

- date of the service request
- ward / parish
- date of site inspection
- date of any notices served (and compliance due date and compliance inspection dates)
- date of case being closed
- reason why the case has been closed (e.g., no breach found, de minimis / not expedient, immune through passage of time, breach remedied informally, notice complied with etc)

Service requestors (i.e those that report in the alleged breach of planning control and any persons or organisations that may go on to subsequently report in the same matter) are updated on the case following the site visit / initial investigation and on the closure of the case (as well as at the time of any key activity between these two). Whilst there may have been some slippages in past years, there is clearly the basis of a system in place for ensuring that customers are being kept up to date on the progress on cases.

Performance targets / progress can be easily based around the information currently recorded (as opposed to the production of list of individual cases and progress reports) and would go a considerable way towards giving members and parish / town councils the reassurance that a timely enforcement service is being provided. The following suggestions are made (it is noted that some of these are already reported to committee):

- Reduction in the number of pending case from x to y by 31/3/17
- No. of cases in / closed (would be helpful to give figures for the month, cumulative for the year and for the same cumulative period the previous year)

- x% of initial site inspections undertaken in y days
- x% of no further action cases closed in y days
- No. of cases closed by reason
- No. of notices served
- No. of notices with compliance due date
- No. of notices complied with / not complied with (the latter can have a progress report)

The targets would have to allow for the impact that backlogs would have on the figures and as and when any backlog is cleared, the performance level target can be increased as may be seen appropriate.

Reporting on the basis of the above has distinct advantages as it uses (nearly completely) data that is already being recorded so it can be extracted in a report quickly and easily. The use of list of cases is likely to be far more labour intensive and has not insignificant risks around it i.e if Mr & Mrs Smith report in a case involving their neighbour, whilst they would not be named, the question is, is it appropriate/ desirable for that case to widely reported to the planning committee & town / parish council in public document. Whilst some local authorities do allow access to the enforcement case investigation list on line (e.g Wandsworth Council), consideration does need to be given to the character of the Mid Devon in that it is perhaps a more close knit and intimate community.

The enforcement team have not had the benefit of a specialist planning solicitor being available and so this has impacted on the timeliness of the serving of some notices. It has been suggested also that the notices have not been drafted until after the Planning Committee has authorised the serving of a notice. Whilst this does reduce the risk of a notice being issued without there being the proper authority in place, alternative safeguards could be put in place and if the preparation of the notice could be twin tracked with the preparation of the report to committee so as to speed up the issue of notices (if the scheme of delegation is not going to be changed to allow the Head of Service to issue notices). Enforcement officers have worked / are working with the legal team to agree template notices which will help ensure a timely process and it is understood that the securing of a solicitor with specialist planning knowledge is in hand.

### **Recommendations**

1. That the scheme of delegation be changed to allow the Head of Service to authorise the serving of enforcement notices
2. That the service request acknowledgement letters / emails reference the soon to adopted enforcement policy / plan and reflect the level of service that they should expect to receive.
3. That performance standards be reset and focussed on the aspects of the process over which the enforcement team have the greatest control using data which is already being recorded.
4. That performance reporting is based on the data held as opposed to case lists with the latter perhaps being restricted to exceptional case

## 11.0 Operation of the Planning Committee

Whilst it was not possible to attend a meeting of the planning committee, the reports, minutes and recordings of several meetings were observed as part of this review. Good systems are in place for dealing with committee overturns of officer recommendations and there are high levels of delegation to officers. It is noted that the operation of the planning committee has been the subject of very recent (2016) and thorough review. Notwithstanding this, a number matters have been observed where change could be considered. The meetings are lengthy and there are some standing items that have the potential to be dealt with through more efficient means.

An example of this is the officer delegated decision list which could be issued electronically as a monthly list / a link to the already published list on the council's web site or members could be registered on 'public access' (the web tool through which planning applications can be viewed, commented on etc) so that they get direct notification of new and determined applications in their ward. In addition to removing a standing item from the committee agenda, it would free up officer time in the production of these reports (which incidentally has a different to the one on the web site) and ensure that the information is received by members in a more timely fashion than currently (if the automatic notification route is adopted).

It is noted and accepted that members have a keen interest in planning enforcement and that the scheme of delegation is such that enforcement notices (save for exceptional circumstances) must be authorised by planning committee. However, given that committee has not recently refused to authorise enforcement action, is such an arrangement effective use of the committee's and officer time? Consideration could be given to allowing officers to issue enforcement notices subject to prior notification to the ward member(s) who could call the case in for committee consideration. In addition the Head of Service could bring cases to committee for deliberation if it was felt to be a particular contentious case.

It is understood that the working relationship between members and officer is generally good and that this has been enhanced through a mix of training and a greater use being made of briefings on the larger / more contentious projects and applications. This good work should be maintained and progressed further through regular member training events (open to all members) which should focus on current issues facing the committee / service, the importance of growth and building effective working relationships.

The committee reports and presentations made to committee were thorough, very occasionally overly so in some cases in respect of the some of the simpler applications to the extent that the key merits / considerations were lost in the mass of information (this was an issue that was identified in the recent internal review of the operation of the committee). The consultee responses sections of the reports could benefit from there being an indication of whether the consultee 'objects', has 'no objection' etc immediately before the responses start. That would help the reader to quickly establish if the consultee has concerns or not. In addition, where there have been rounds of amended plans, a relatively full summary of the comments by consultees on the earlier versions of the proposal were included, making the reports a difficult read sometimes. Consideration should be given to just including the briefest of summary of what the consultees concern was with the original proposal and then go on to give the comments of the consultee in relation to the final version of the proposal.

## **Recommendations**

1. That a programme of training be implemented which includes:
  - roles, responsibilities and working relationships;
  - links between planning, growth and finance;
  - ongoing 'technical' training in response to changes in legislation and issues that may arise in the course of planning committee meetings
2. That as much of the training as possible is done jointly between both councillors and officers to foster closer and more productive working relationships and a clearer understanding of their respective roles and responsibilities.
3. That the list of delegated decisions be removed from the agendas and that this information is distributed electronically (through weekly/ monthly lists or automated notification via 'public access' or as and when the decision notice is issued.
4. That the Committee report template be reviewed so that it is easy to identify from the outset if the consultee is objecting to the application or not.
5. Thought should be given to the provision of a summary of consultee comments rather than their reproduction in full and that where there have been amended plans as result of the consultee comments, a cursory summary of the initial comments (e.g The highway authority had concerns in relation to a,b & c and subsequently amended plans have been received and the highway authority observations are as follows...). Whilst this may be more time consuming for officers, it would make the reports more accessible to the reader.
6. That a concerted effort is made to ensure that officer presentations are as short and focussed as possible.

## **12.0 Conclusions**

The planning service has been the subject of not insignificant change in recent years including as a consequence of restructures and staff changes. Not surprisingly, this has to a degree impacted on the performance of the team. Members have a keen interest in the outputs of the service and an review of the service and the operation of the planning committee has recently been completed. The performance of the planning application team is generally good, notwithstanding the gaps that currently exist in the staffing structure and the team are committed to the delivery of a quality service. A further restructure of the service is planned and whilst the analysis of the nature and character of the workload is complicated by the fact that existing staff are covering for the vacant posts, it is evident that any restructure needs to be better related to the caseload.

Performance management is in place and will be further enhanced by a new reporting and monitoring tool that is going to be added to the existing back office system. IT is generally

used well but there is scope for making improvement particularly in terms of reducing manual data inputting and making key processes less 'clunky'.

Moves are being made make the service to be 'paper light' in terms of its operation. This gives an ideal opportunity to reflect on how key stages of the application process are undertaken so that they more efficient and effective.

There has been a great deal of interest in the delivery of the enforcement function for the Council particularly in terms of the responsiveness of the service. Key information is already held and with appropriate expression against performance indicators this should be sufficient to demonstrate the level of enforcement activity without the need to resort to case lists.

Planning committee operates in a professional way but generally quite lengthy. Parts of the agenda could be delivered in a different way which would not only save time for the meeting but also it would significantly reduce the amount of officer time spent on preparing the committee agenda.

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