

# **Guildford Borough Council**

## **Development Management Review**

### **March 2022**

#### **1. INTRODUCTION**

1.1 Guildford Borough Council is at serious risk of designation in respect of speed of determination of non-major applications. Performance for the period January 2020-December 2021 is 63.6% against a minimum required level of 70%. The Council has taken up the offer of PAS support to improve performance against this target.

1.2 A review of performance has been undertaken by Tim Burton appointed by PAS. PAS is part of the Local Government Association (LGA) and provides high quality help, advice, support and training on planning and service delivery to councils, primarily in England. Its work follows a 'sector led' improvement approach, whereby local authorities help each other to continuously improve. Tim has over 30 years' experience working for local authorities, including most recently as Head of Planning for Taunton Deane and West Somerset Councils. For the last 3 years he has worked with PAS providing a range of support to many local planning authorities, including service reviews, Planning Committee reviews and Member and Officer training.

1.3 The review was based on the application of the PAS Development Management (DM) Challenge Toolkit with particular emphasis on the sections on Performance Management, Workload Management, and Team Management. The toolkit aims to provide a 'health check' for Planning Authorities and act as a simple way to develop an action plan for improvements to their Development Management service. There is a link to the Toolkit at the end of this report.

1.4 Information on application procedures, the scheme of delegation, examples of officer work plans and team structure were shared. The consultant met with planning staff on 14<sup>th</sup> March 2022 with subsequent meetings for those unable to attend held via Microsoft Teams on 21<sup>st</sup> March 2022

1.5 All those interviewed were friendly and welcoming and engaged fully with the process and are thanked for providing their honest opinions and feedback.

#### **2. BACKGROUND**

2.1 The Development Management Service has recently been reorganised as part of a wider Council transformation. This has led to the staff responsible for the administration of the planning process no longer being managed by the Development Management Team Leader. This type of managerial change will inevitably cause some disruption whilst any new arrangements bed in. This has coincided with a loss of a number of experienced members of staff. The team recognise that this has had a number of negative impacts, including the availability of mentoring and support to the less experienced members of the team.

2.2 These issues have then been exacerbated by the impacts of Covid and the need to adapt to remote working, as well as a significant upturn in the number of applications being submitted.

2.3 The Council has become increasingly reliant upon the appointment of interim staff, due to an inability to recruit permanent replacements for staff who have left. The capability of these interim staff was referred to in discussions as being variable, and their temporary nature has resulted in cases having several different case officers during their lifetime. This has not helped the Council's performance or its customer responsiveness more generally. The absence of permanent members of staff in team leader roles was identified as being of particular concern.

2.4 The combination of issues identified in this report are such that, in the short term, improvement against the 70% target for non-major applications will be heavily reliant upon the agreement of applicants to extensions of time. Adopting a more customer focussed approach based upon closer liaison with developers and their agents to agree timescales for determination therefore needs to be an immediate priority if the Council is to achieve demonstrable improvement in performance against the target this year. The overall scale of the issues faced is such that the level improvement necessary to ensure that a minimum of 70% of applications are determined within eight weeks of submission will take a longer time to achieve.

2.5 The consultant, in consultation with Dan Ledger Development Management Team Leader has identified five priority areas where improvements are identified. These are: adopting a more customer focussed approach to service delivery; improved management of caseloads through provision of enhanced data and performance information; reducing delays associated with applications being referred to Planning Committee; addressing process issues around validation and consultation; and developing a more proportionate approach to reports and sign off.

## **RECOMMENDATIONS**

**R1 Ensure all staff prioritise the provision of progress updates using extensions of time as the primary method (where necessary) Extensions of time should be requested in all cases where the application will not be able to be determined within the statutory target without exception**

**R2 Prepare a simple customer protocol to explain this revised more customer focused approach to service delivery supported by customer service training**

**R3 Remove extensions of time from scheme of delegation to allow case officers to agree these with applicants whenever required**

**R4 Consider employment of temporary staff and/or using overtime to address application backlog of cases in addition to prioritising recruitment to unfilled posts**

**R5 Review performance information currently available and seek improvements to ensure it maximises the ability to track performance and identify key milestones**

**R6 Make sure that performance is discussed at team meetings and consider the reporting of performance information to the Planning Committee**

**R7 Review call-in arrangements with a view to amending timeframes to ensure call-in requests are made earlier in the process**

**R8 Review process for identifying reasons why applications are being found to be invalid, and how any errors are identified before application is deemed to be valid.**

**R9 Work with consultees to identify ways to reduce delays including consideration of the adoption of standing advice**

**R10 Complete review of standard paragraphs and conditions**

**R11 Explore options to simplify process for habitat mitigation contribution payments**

**R12 Consider a simpler more risk-based approach to the sign-off of decisions**

### **3. ADOPTION OF A MORE CUSTOMER FOCUSED APPROACH TO SERVICE DELIVERY**

3.1 Guildford Borough Council has traditionally performed well against its planning performance targets. With applications being handled promptly the need to keep applicants/agents informed of progress of their application had not been seen as being a high priority. However, for the variety of reasons already set out, performance has declined quite dramatically, with decisions on non-major applications being made within eight weeks now being the exception rather than the rule.

3.2 Planning is no different to other customer facing services, whereby the customer should have a reasonable expectation in terms of being kept up to date on progress of their application, particularly in circumstances where the process becomes protracted. The use of an extension of time is the mechanism whereby a programme for the determination of the application is agreed with the applicant. It is a vital tool in the delivery of good customer service, particularly when determination times are long as they currently are. However, at Guildford Borough Council, the focus seemingly is for case officers to prioritise the technical side of their work. This has been at the expense of good customer liaison. Whilst individual case officers vary in their responsiveness to customers, the overall impression is that keeping applicants apprised of progress and agreeing extensions of time is not seen as a priority. If the Council is failing to determine applications within the statutory target and not agreeing extensions of time it is inevitable that performance will be poor.

3.3 A step change to deliver a more customer focussed approach needs to be implemented immediately. Unwillingness to agree extensions of time on the part of developers was not seen as being a significant contributor to the failure to meet the 70% target for the determination of non-major applications. Issues around staff vacancies, staff absences during Covid and the need to adapt to new ways of working as a result of Covid restrictions were all identified as having a greater detrimental impact upon performance. In these circumstances, the need to agree extensions of time where necessary must be prioritised if the performance target is to be met.

Applicants/agents are more likely to agree to extensions of time if they understand the context and how you are working to improve the service being delivered. Therefore, the publication of a simple 'customer protocol' would help support a new approach, which can be communicated through an agents/regular customers forum.

3.4 Customer service training for all planning staff would help ensure that expectations associated with this new approach and the contents of the protocol are understood.

3.5 It is understood that Guildford Borough Council has traditionally been seen to perform well against performance targets and the need to agree extensions of time was seen as something only to be used in exceptional circumstances. This was demonstrated in it being included in the scheme of delegation, whereby such requests have to be agreed and signed off by senior officers. However, the current circumstances dictate the agreement of an extension of time in the majority of cases. Therefore, it should now be part of the everyday management of the case and not seen to be a major decision. The current approach is time consuming and bureaucratic and as senior managers are having to agree to seeking extensions of time in almost all cases the process needs to be streamlined and responsibility for agreeing the extension of time should sit with the case officer.

3.6 Greater automation to keep customers informed of progress of their application would free up staff capacity. The Council may wish to explore how this might be implemented or how information on the status of applications can be easily available to customers via the Council's website.

3.7 The PAS DM Challenge toolkit's section on workload management identifies the benefits of employing additional staff on a temporary basis to meet specific objectives. Workloads are currently such that it is unrealistic to expect the permanent staff employed by the Council to be able to address the large backlog in application work. Therefore, it is recommended that the Council employs temporary resource and/or approves overtime to target this backlog (including the agreement of extensions of time for longstanding applications). This would free up the core team to focus on improving performance in response to applications as they are submitted (with an aim of reducing reliance of extensions of time).

3.8 The Council also needs to address the number of vacant posts, most notably in senior professional roles. Without a full complement of permanent staff, addressing performance issues will be far more difficult. It is also important that experienced officers are in place to provide adequate support and mentoring to the less experienced members of the team.

#### **4. IMPROVED MANAGEMENT OF CASELOADS THROUGH PROVISION OF ENHANCED DATA AND PERFORMANCE INFORMATION**

4.1 In order to improve performance in this area, performance information needs to be readily at hand and officers alerted when extensions of time need to be agreed. As is recommended in the DM Challenge toolkit, the Council is advised to review management information to reduce reliance on officers devising their own mechanisms (Make use of the Planning software to provide

performance information/Different staff need different information). A proper system also needs to be in place to record extension of times. Data needs to be in real time, including standard workload reports for each officer that can be run at any time. Reports need to be able to be easily read and explain performance through the use of graphs, comparisons etc

4.2 Performance should be discussed at regular team meetings and performance discussions should be scheduled into relevant management meetings and staff 1 to 1s. You should include performance as a regular item for the Planning Committee.

4.3 The team identified the lack of readily available real time performance information as being a major issue for both case officers and those who manage them. Greater use of enterprise provides an opportunity to incorporate better real time reporting and alerts. This should help to reduce the reliance upon case officers to inform applicants and other interested parties of their application's progress towards determination.

## **5. MINIMISING DELAYS ASSOCIATED WITH APPLICATIONS BEING REFERRED TO PLANNING COMMITTEE**

5.1 Councillors should have the opportunity to scrutinise the most important and contentious proposals. Having a system whereby Councillors can request that applications are referred to the Planning Committee based upon sound planning reasons is a well-established and sound concept. However, good practice dictates that this ability to call in applications runs alongside other consultation in order to provide consistency and clarity to decision-making processes. The arrangements at Guildford Borough Council whereby Councillors have the opportunity to call an application at the end of the process ie. once the planning officer has formulated their recommendation (the 7 day rule) runs contrary to these principles.

5.2 Furthermore, this additional step late in the process causes regular delays and is undoubtedly a significant contributor to the Council's recent poor performance. It is unclear what the benefits of this unusual approach are. Most other Councils successfully operate call-in arrangements whereby call-in takes place within 21 or 28 days of initial consultation. Whilst it is not known whether the application is likely to be permitted or refused at this earlier stage, Councillors can indicate that they only wish to call in the application should the officer's recommendation be to permit or alternatively refuse. This alternative approach would improve clarity, avoid unnecessary delay and would in no way reduce the Councillor's ability to call an application in. The Council is strongly recommended to consider adopting this alternative approach, which will make a significant contribution to delivering the performance improvements that are required.

5.3 Referring applications to Planning Committee adds both resource and time to the determination process. Planning Committee time is limited each month and its focus should be upon the scrutiny of the most controversial and/or strategic proposals. The number of applications referred to each meeting should be minimised accordingly. Therefore, it may be beneficial to review the criteria for referral and exclude more minor applications such as householder

development altogether. This would expedite these cases whilst maximising Committee time to undertake its important scrutiny role of the most significant developments being proposed.

## **6. ADDRESSING ISSUES ASSOCIATED WITH VALIDATION AND CONSULTATION**

6.1 Councils manage the registration and validation of planning consent applications in different ways based on their team structures and the software used. Sometimes it is an administrative function, or there is a designated officer (s), or it will be undertaken by the case officer, or a combination of these options. The DM Challenge toolkit identifies an excellent receipt and validation service as one which undertakes the task quickly and accurately so there are not further delays in the consents process.

6.2 Invalid applications should be monitored through regular reports so that managers can discuss reasons for delays with both case officers and the validation team. Those interviewed identified both errors in validation at the point of which the application was being forwarded to the case officer, as well as a delay in officer's reviewing the information and identifying such issues. Both of these scenarios will add a delay to the process and if an application is subsequently found not to have the required information, this will impact upon the ability to determine it within the statutory target time. You may wish to explore whether the separation of the management of the planning and validation teams is a contributory factor and if so, how that impact might be mitigated.

6.3 Officers identified delays in receiving responses from consultees as a major constraint to improved performance. This was validated through the subsequent review of applications. It is commonly taking several months to receive consultation responses. Therefore, it is very important that delays to consultation responses are addressed. Whilst resource issues amongst other departments and organisations are recognised, it was suggested that the importance of timely decision-making in planning does not always appear to be reflected in the priority given to responding to planning consultations by other services. Within the sample of applications reviewed several applications were delayed by several months awaiting seemingly straightforward consultation responses. Performance in this area is largely beyond the planning team's control. Therefore, corporate recognition of the importance of timely decision-making in planning needs to be translated into prioritisation of such work across the Council and other partners.

6.4 The planning team claimed that they have been taking a pragmatic view on whether applications can reasonably be determined without waiting for outstanding consultation responses. However, in order to speed up the process and reduce the burden of work for consultees it is recommended that this is further reviewed and a more risk-based approach as to whether applications can be determined in such circumstances is considered.

6.5 The production of standing advice can act as a useful way of ensuring technical issues are addressed, whilst reducing the workload for consultees. Whilst there will always be cases where bespoke advice is required, the introduction of standing advice should have a major positive impact upon the speed of determination in many instances. Environmental Health and Highways

consultations might be good targets for the production of standing advice as both are consultees with a high number of applications to look at.

## **7. ADOPTING A MORE PROPORTIONATE APPROACH TO REPORTS AND SIGN-OFF**

7.1 Officer reports generally appear to be well constructed and comprehensive. The Council has identified the benefits of using standard wording and conditions to speed up the preparation of reports. Whilst some work has been undertaken in this area, if completed, it will ensure that reports and decisions remain appropriate, whilst at the same time improving consistency and reducing time for those compiling and signing off reports. Increased standardisation of reports should also enable those reviewing them to adopt a lighter more risk-based approach to the task than currently appears to be the case.

7.2 Delays in the completion of s106 agreements has been identified as a major cause of delay, particularly when related to mitigation of impact upon Special Protection Areas. The Council may wish to explore the option of applying a simple Unilateral Undertaking system through your website. One example of this is the habitat mitigation payment approach adopted by East Devon District Council.

<https://eastdevon.gov.uk/planning/planning-services/planning-development-management/unilateral-undertakings-section-106-agreements-habitat-mitigation-and-affordable-housing-contributions/habitat-mitigation/>

7.3 Double-handling by the person responsible for signing off applications was identified as an area where the process could be simplified to save time. A revised approach should be considered taking account of any additional risk that this might cause.

## **8. CONCLUSION**

8.1 During the most recent assessment period the service is performing badly when judged against the government's performance target in relation to non-major applications. Whilst this can, in part, be attributed to an increase in the number of applications being submitted, resource issues and the need to respond to Covid19 related challenges, these are issues are equally being faced by a significant proportion of Councils across the country. A considerable level of improvement will be required for Guildford Borough Council to get to a position where it is no longer at risk of designation.

8.2 A step change in terms of the priority the Council gives to agreeing timescales for determining applications with applicants and agents, based upon a far more rigorous approach to seeking extensions of time, will be essential if the Council is to see any demonstrable improvement to performance in the period to the end of 2022. The implementation of the other recommendations in this report will assist the Council in reducing overall determination times resulting in the need to agree extensions of time becoming a less frequent requirement in the future.

*PAS Development Management Challenge Toolkit*

<https://www.local.gov.uk/pas/development-mgmt/development-management-challenge-toolkit>