

Agenda Item No: 10
Report To: Cabinet
Date of Meeting: 25th June 2020
Report Title: Planning Advisory Service (PAS) Review Report
Report Author & Job Title: Gilian Macinnes
Head of Planning and Development
Portfolio Holder Cllr.Shorter
Portfolio Holder for: Planning and Development



Summary: The Planning Advisory Service (PAS) approached the Council last year to offer a planning and development management challenge due to the Council's declining performance in terms of the speed of determining major planning applications in the Government performance statistics. Without addressing the declining speed of determination of major applications the Council would face 'designation', where the Government takes away the Council's automatic ability to decide planning applications for itself. The Challenge/Review took place in January 2020 and the subsequent report recommended the adoption of an action plan to address a range of issues affecting performance. This report sets out these issues and recommendations and seeks Cabinet support for the implementation of an action plan to address the issues and develop and implement the recommendations in the PAS report to improve the performance of the planning service, particularly in relation to major applications to avoid designation.

Key Decision: NO

Significantly Affected Wards:

Recommendations: **The Cabinet is recommended to:-**

- I. Support the implementation of an action plan to address the issues and develop and implement the recommendations in the PAS review report**

Policy Overview: Section 1 of the Growth and Infrastructure Act 2013 inserted sections 62A and 62B into the Town and Country Planning Act 1990 ("the 1990 Act"); MHCLG- Improving Planning Performance: Criteria for Designation (revised 2018); Corporate Plan; and Managing Restructure, Redundancy

and Organisational Change policy.

Financial Implications:	If the Council fails to maintain its major planning applications statistics above the Government designation level of 60% (over a two year Period) and the Council is designated, an applicant could choose their submit their application to the Council or the Secretary of State. Therefore, designation can result in the Council losing the ability to decide major applications for itself; and therefore management of the development agenda and major planning application fee income. Designation can also have an adverse impact on staffing (recruitment and retention) and morale within the service.
Legal Implications:	The action plan will require liaison, support and input from Legal and Democracy.
Equalities Impact Assessment:	NA
Data Protection Impact Assessment:	N/A
Risk Assessment (Risk Appetite Statement):	Implementation of the action plan with the aim of improving the effectiveness and efficiency of the planning service will reduce the potential for designation and improve the delivery of the statutory and non-statutory service reducing the risk of justified complaints and legal challenge.
Sustainability Implications:	N/A
Sustainability Implications:	N/A
Other Material Implications:	N/A
Exempt from Publication:	NO
Background Papers:	Planning Advisory Service- Ashford Planning and Development Management Service Review- January 2020
Contact:	Gilian.macinnes@ashford.gov.uk – Tel: (01233)

Report Title: Planning Advisory Service (PAS) Review Report

Introduction and Background

1. The Government consider that planning departments play a crucial role in enabling development to deliver home ownership, building homes people can afford to buy and supporting economic growth; and that an efficient and effective planning system facilitated by skilled experienced planners is essential to support this. The Government consider that the performance is central to achieving this and fund the Planning Advisory Service to work with authorities struggling to achieve the performance measures.
2. The Planning Advisory Service (PAS) approached the Council last year to offer a Planning and Development Management Challenge/Review due to the Council's declining performance in terms of the speed of determining major planning applications in the Government performance statistics (P151a). Without addressing the declining performance the Council would face 'designation' where the Government takes away the Council's automatic ability to decide planning applications for itself.
3. PAS engaged Gilian Macinnes Bsc MBA MRTPI to undertake the Challenge and deliver the Review Report. She visited the Council and met and interviewed officers and key Members in January 2020. This was not an LGA/PAS Peer Review as it did not have the breadth of scope, it was a review focused on the planning function. The report recognised that Ashford Borough Council Planning Service has in the recent past been an 'exemplar' planning service recognised for good performance and delivering high quality development and with the talented, capable, and dedicated officers.
4. The purpose of the report is to highlight the issues raised and the recommendations in the PAS Review Report; their implications for the Council and the Planning Service; and identify next steps and actions.
5. Gilian Macinnes, PAS Reviewer, has now been recruited as Interim Head of Planning and Development with a focus on addressing the issues raised in the PAS Review.

Review findings

6. The following are the main PAS Review Report findings:

Government Performance Measures

7. In recognising the important role planning services play in enabling growth and to ensure efficient and effective planning services, the Government sets

performance thresholds for speed of decisions (60% of total decisions within 13 weeks for major applications, 70% of total decisions within 8 weeks for non-major applications) and quality of decisions (no more than 10% of appeals lost compared to total number of applications decided) that all Local Planning Authorities (LPAs) are expected achieve. Where these performance thresholds are not met the LPA may be 'designated' by the Government. Performance is assessed over a rolling 2-year period.

8. At the time of the Review, the published Government statistics, over the rolling 2-year period where the 2nd Quarter of 2019/20, the quality of decisions score was 2.5% on major applications and 0.5% on non-majors. The speed of decision scores was 65.6% for major applications and 80.7% for minor applications. The major planning application performance fell to 63% of majors over the rolling two year period to Q3 – December 2019. The Council were clearly achieving other performance measures but the speed of major applications was close to the designation. The Review report considered that it would take a great deal of work, probably a corporate action plan, to bring the service above 60% threshold by end of Q2, September 2020, when the Government determine designation.

Morale

9. In undertaking the review it was apparent that staff morale was very low, which appeared to be the result of several factors, including high workloads and anticipation of higher workloads due to officers leaving/sickness; lack of support from corporate management; and level the perceived mishandling, poor communication, and slow implementation of the restructure/transformation programme.

Restructure

10. The restructure has caused significant levels of uncertainty and concern within the service particularly due to the length of time that it has been taking and continues to take. Many staff were uncertain as to the purpose and objectives of the restructure; were unclear as to how it would operate and serve to improve service delivery; and the many felt that the new roles and responsibilities of individual officers and posts needed better explanation.

Management and Performance

11. The review identified that the planning service, in relation to the determination of planning application and delivery of significant levels of growth, needs to be more effectively managed at all levels. This was not a criticism of individuals but there appeared to be a great deal of role confusion, a need for effective training for those that have just joined the service and those that have been promoted or moved to a different role. Overall, communication needed to be improved, as the information vacuum was illustrated by officers not clearly understanding that the Council were in difficulties with the Government statistics. A number of tools (e.g. Extensions of Time, support staff assisting with telephone calls) were being used to buying more time but, in the way they were being used, these are essential short term fixes for what appeared to be more significant long term lack of the necessary resources.

12. Overall the review found that there was not a clear focus on performance management and there needed to be; and officers, across the service, need to take collective responsibility for performance management with everyone being involved and responsible at some level.

Recruitment and Retention

13. Recruitment and retention of staff are also identified as issues. The council has had a history of very stable staffing up until the last few years, where there has been a significant turnover of staff, many of whom were extremely experienced. Several years ago, the Council were perceived as being a high performing authority, with exciting applications, and higher levels of pay than surrounding authorities but this was not felt to be the case at present and staff expressed the view that other Kent authorities e.g. Canterbury, Dover are recruiting and that their package/reputation may be more attractive.
14. In addition, some officers were unhappy about the engagement of temporary staff, with high pay and their lack of integration but staff accepted that in the situation facing the Planning Service there is little alternative.

Perceived Disconnect

15. It was recognised in the review that the Corporate Plan's aspiration to '*secure quality homes across the borough, catering for a range of ages, tenures and need, in well planned and attractive new places.*' and that many of the other aspirations and objectives need to be delivered through the Council's planning function, also recognised by the LGA Peer Review (Feb 2018). However, to achieve this the role of Planning and that of Corporate Management needed to be better aligned. The Review Report identified that the expectations of, and the role of the planning service need to be clearer, and all negotiations on large developments need to undertake with the full involvement of planning within a recognized process.

Administration and Validation

16. The council's administration and validation of planning applications was recognised as being good and very timely. The speed of throughput of applications would be the envy of many local authorities.

Local Plan

17. The Review Report recognised that the Council had recently adopted its local plan (February 2019) which is a significant milestone and a great boost, or should be, to speedy determination of planning applications and therefore to on site delivery, ensuring a healthy 5-year housing land supply and that having a 5-year housing land supply makes it easier to implement all the Council's Local Plan policies and gives the Authority a strong hand in negotiations. However, the report also identified that there were delays at

committee, unnecessary refusals leading to delays at appeal (3 of the last 4 applications overturned) and delayed planning applications due to vacancy, sickness and/or lack of management would put the land supply in jeopardy.

Committee and Committee Reports

18. The report identified that the committee reports were extremely long and very detailed with many being circa 100 pages. It was perceived that the Planning Service and the Council are very risk averse which has resulted in these very detailed lengthy reports. However, it appeared that there was an appetite for reducing the scale of the reports, increasing their accessibility, focus and clarity.
19. The report identified that the delegation agreement results in all major applications whether or not they are complex and contentious and many small applications going to committee as the 'call-in' procedure allows for any application to be called in by a single Councillor with no indication of whether it is a planning related concern and with no requirement to attend and explain to the committee why it has been brought before them. This lack of delegation utilises a great deal of officer time in terms of writing and formatting the reports and attending committee that could be spent assessing and or determining other applications, reducing the backlog and time taken to determine applications.
20. The Review identified that the Committee had received Councillor training from PAS in the last 6 months and notwithstanding, it appears that the Committee is reluctant to make planning decisions, with 3 major applications deferred at the November meeting, and there remains a reluctance to approve applications for residential growth even on allocated sites or where they comply with windfall policy.
21. The report identified that Planning Policy officers had recently undertaken Housing Land Supply and Housing Policy training which would hopefully address some of the issues arising from Members and allow application to be determined in a timelier manner; and encouraged this sort of policy training to minimise deferral and decisions that will not be robust and will fail at appeal, with the resultant cost and resource implications.

IT

22. The Council' procurement of a new IT system, as the current system is no longer being supported and to aided the smoother flow of work and greater efficiency, was welcomed. Concern was expressed that a delay would be a risk to the service but the impact of new system implementation should also be carefully considered and timed to minimise adverse impacts on the Service under strain.

Review - Conclusion and recommendations

23. The Review recognised that the Council Planning Service, two years ago, was considered to be in a very good place, with an extremely complementary Planning Peer Review but it was now facing significant difficulties demonstrated by the falling planning statistics, number of staff leaving, difficulty recruiting and very low morale. There are areas such as the validation and administration of planning applications that are working well and the recent adoption of the Local Plan should be applauded. However, significant issues need to be addressed: lack of leadership and very poor communication within the Planning Service; a lack of performance management; and officers feeling undervalued, unsupported and uncertain about their role; disconnect between the corporate leadership and the Planning Service; review of the restructure to assess whether in this changing environment it is fit for purpose and either the existing restructure plan or a revised plan needs to be implemented urgently. The Review report recommended that an action plan be developed with staff to ward off designation; and a communications strategy and plan should be developed to inform agents and developers.
24. However, the review report is clear that it should be remembered that there are a lot of very good, professional staff in the Planning Service, most of the staff are those complimented as part of the Peer Review two years ago. The Review identified issues facing the Planning Service that were required to: improve the service, support staff and enable planning to be an enabler to the delivery of high-quality sustainable growth, to deliver the Local plan and Corporate Plan objectives.

PAS Review Recommendations

25. The following are all the PAS Review recommendations

- **Performance Management**
- Develop, with staff, a corporate action plan to address performance issues with particularly major applications.
- Introduce and publicise the Service Delivery targets to all.
- Communicate clear performance management KPI/targets for each officer related to their role to ensure that the overall service performance targets are met
- Work with all officers and managers to ensure that everyone understands their responsibility for performance, the management of their caseload and to help others to manage theirs. This could be achieved through regular meetings (1 to1) and circulation of performance reports.
- Move away from the automatic use of extensions of time, through the emphasis of the importance of direct and relevant contact with the agent.
- When the service is stabilised in terms of staffing, review the telephone protocol, identify issues and training and include in performance appraisals.

Restructure Management and Staffing

- Develop, with staff, a corporate action plan to address performance issues

with particularly the processing of major applications

- As a matter of urgency review the objectives of the restructure to ensure that it is still on track to meet them. Then, complete the restructure (or amended restructure) to remove the uncertainty (prioritise all HR requirements – e.g. Job Descriptions).
- Provide all staff with a clear understanding of what is expected of them in the new structure and in their new role and discuss and explain the roles to the whole service, particularly in terms of caseload and management responsibilities.
- Review the recruitment and retention package, including the career grades, job descriptions and discuss the issues and seek views and ideas in staff workshops
- Instigate frequent regular sessions between the Head of Planning and Development and all Planning and Development staff – these could be 10-15 minute updates and Q and A. These sessions would update all staff on what the Council is doing, aiming for and issues directly affecting the Service.
- Instigate a series of meetings between particularly team leaders and senior planners with the Head of Planning and Development to discuss current applications, performance management, issues and ideas.
- All communications to staff to be written in plain English – avoiding jargon.
- Develop induction and training programmes for new staff or staff in new role.
- Develop/update policies and procedures manual and publicise. This would help to train and aid new staff and maximise consistency. This should be a collaborative document where all staff contribute. The manual should align with the implementation of new IT system.
- Put plans in place to mitigate staffing risks, particularly the high volume of case workers and consultants.
- Identify new consultants/contractors to undertake planning caseload, in the short term. Integrate any contractor into an existing team to be managed by an Ashford BC planner.
- Seek former/retired/returner planners to work directly for the service for a short period (supply planning!)
- Create a strategy and action plan in consultation with staff (including recommendations in this report) to address the issues facing the Planning Service.
- Create a communications strategy to inform customers, partners and residents of the issues facing the Planning Service and how they are being addressed.

Planning Performance Agreements (PPAs)

- Enter PPAs when the service can be confident that it has the resources, or resources can be sourced, to undertake the project in a reasonable timeline that is achievable for the Council and meets customer's needs.
- Train all Strategic Delivery officers in project management and provide the appropriate tools.

Morale

- Complete the restructure and clearly communicate roles and responsibilities to all staff as a matter of urgency to give all staff clarity and certainty.
- Provide training and support for each member of staff, identify mentors (ensuring they have the capacity) for each member of staff that is new to planning, new to the council or new to the role.
- Review recruitment and remuneration package.
- Build team spirit and a greater feeling of working together through problem solving, mentoring, team and social activities that include managers.

Validation

- Recognise the officers that have provided an extremely efficient and timely validation service (whilst carrying a significant case load).
- Review local validation list.

Corporate Leadership

- Address the disconnect between officers involved in planning and the senior management of the Council, by developing an understanding that enables both management and planners to present a united approach to the development industry; and appreciate and develop the facilitation role planning and planners can play in delivering the Council's Corporate agenda.

Local Plan

- Identify a programme of policy implementation briefings for officers and councillors (5 Year Housing Land Supply and windfall site policy briefing already planned).

S106

- Review the approach to negotiation (including adherence to the legal tests) and drafting of s106 obligations to facilitate front loading and early drafting to minimise delays to decision issuing.
- Review the current approach to developer contributions in preparation for the Infrastructure funding statement

IT

- Progress the procurement and implementation of a new IT system and ensure that there is significant testing, support, parallel running and the implementation is timed to minimise disruption to the planning service that is already under strain.

Committee / Committee Reports

- Review and shorten the Committee template, focusing on key points and policy consideration. Seek to use summary information where possible.
- PAS Committee Review - focusing on composition, operation (including officer/member respect and trust), and delegation.
- Review delegation agreement to increase the scale of those applications that are automatically determined by Committee

- Review delegation agreement to require all requests for referral to Committee to be a planning reason.
- Committee Chair, portfolio holder and group leaders address the roles and behaviours of Members to officers at Committee

Initial Steps

26. The initial steps that have, or are, being taken:

- Working with officers to highlight the Government target; management of performance through the use of Extensions of Time, and emphasise individual and collective responsibility to actively manage the planning service workload, particularly major planning applications;
- creating performance reports for major applications where officers identify issues and blockages;
- working with Legal and Democracy to unblock s106 planning agreements to enable the issue of decisions.
- reviewing the restructure to ensure it is fit for purpose to deliver the core planning services; and
- beginning to recruit to vacant planning posts.

Next Steps

27. The next step is to:

- Develop a project, that involves staff in the department and the wider Council, that prioritises and takes forward the PAS Review recommendations.

Conclusion

28. The implementation of the recommendations of the PAS review would, if effectively resourced, address the performance and service issues affecting the Planning Service in the last few years and avoid 'designation' by Government.

Recommendation

Support the implementation of an action plan to address the issues and develop and implement the recommendations contained the PAS Review Report.

Portfolio Holder's Views

This report and the detailed action plan is an appropriate step forward to achieving again the reputation of ABCs planning department as an "exemplar" organisation well placed to both support and retain staff whilst delivering the statutory function of a Local Planning Authority and the service that Ashford borough deserves. Strong leadership, throughout the department, good communication within and without the department, a new IT system and timely implementation/review of the new structure will all help to deliver the outcome both desired and required to deliver the planning service that we all want.

I fully support this report and the action plan associated with it.”

Cllr Shorter –

Contact and Email

Gilian Macinnes

Gilian.macinnes@ashford.gov.uk