

Agenda Item No:	10	 ASHFORD BOROUGH COUNCIL
Report To:	Cabinet	
Date of Meeting:	13 June 2019	
Report Title:	Reorganisation of the Planning & Development Service	
Report Author & Job Title:	Tim Naylor - Head of Planning and Development	
Portfolio Holder Portfolio Holder for:	Cllr. Shorter - Portfolio Holder for Planning and Development	
Summary:	The Cabinet are requested to consider the proposals in the report, the impact this will have on the delivery of service priorities and the consultation process followed.	
Key Decision:	NO	
Significantly Affected Wards:	None specifically	
Recommendations:	The Cabinet is recommended to: <ol style="list-style-type: none"> I. Note the recommendation of the Joint Consultative Committee of 25 April 2019 II. Approve the implementation of the reorganisation of the Planning and Development Service as outlined by this report III. Approve the potential redundancy costs in the event that officers are not able to be assimilated or redeployed. 	
Policy Overview:	Managing Restructure, Redundancy and Organisational Change policy	
Financial Implications:	<p>In the budget for 19/20 the resources for the service have been increased by £250k to cover the costs outlined in the reorganisation. In the MTFP this additional resource will taper off over a number of years as efficiencies from digital transformation are realised. Moving forward the structure as currently drafted would place a financial pressure on the service. The pressure is to be managed through a combination of factors - driving efficiencies, vacancy management, fee income and the improved usage of Planning Performance Agreements. Alternatively the service could look for a reduction in existing establishment.</p> <p>In the event that assimilation is unsuccessful for employees in Group One and no other suitable alternatives are available, Cabinet is asked to approve</p>	

the potential redundancy cost of £27,276.99 for potentially one of these officers.

Legal Implications: None

Equalities Impact Assessment See Attached

Other Material Implications: None

Exempt from Publication: N/A

Background Papers: JCC Report and minutes of 25 April 2019

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1 Background

- 1.1 This paper sets out proposals for the modernisation of the Planning and Development Service to enable it to deliver an effective service as Ashford Borough ambitiously develops. With a demanding housing land supply target, central Government's focus on housing delivery; and the sheer rate of change taking place in the Borough there is a step-change in the demands now placed on the Planning and Development Service. The recent Corporate Peer Review identified the need to ensure that resource allocations are assessed to enable the organisation to respond to these needs and to meet the borough's ambitions.
- 1.2 The planning service within the Council has also faced challenges in recent times, namely staff turnover and difficulty in recruiting new permanent staff in a very competitive market. The service has focused on managing the day to day activity but has not invested enough time on the way we work - improving processes, use of IT and efficiency measures. As caseload has risen, alongside an unprecedented number of large-scale applications, the service has begun to struggle as a result and performance and customer care has dropped.
- 1.3 It is important, however, not to lose sight of the very positive health check earlier this year undertaken by the LGA Planning Peer Review. The fundamentals of the service – including its professionalism; its ability to work with partners and its high emphasis on design quality all remain true and are factors to be proud of. Building on that solid core, combined with a review and service modernisation undertaking, will ensure it is fit for purpose and has the necessary capacity and capabilities to operate effectively in the coming years.
- 1.4 Key issues arising from the LGA Planning Peer Review included:
 - Secure the staff resources needed to deliver the full planning service, including specialists

- Consolidate a robust enforcement service with a further improvement plan for the service taking advantage of the additional staff capacity created
- Reviewing our approach to customer service across the board to identify and tackle any weak areas
- Review timing and procedure of major pre-application/ development team service and the use of Planning Performance Agreements to enable better process and customer experience for developers - identifying non-negotiables clarifying design parameters early
- Delivery of an adopted Local Plan
- Review of s106 processes (and future CIL requirements) to enable improved strategic oversight and improved governance to streamline and clarify the process
- Define and recalibrate the nature, extent, and purpose of guidance requested and provided by legal services.

2 Rationale for Change

2.1 The service has been assessed by the Head of Planning and Development through discussions with staff in planning and other services, members, applicants, other stakeholders and community representatives. After considering these views, along with the two, independent Peer Reviews, seven themes have been identified which need to be central to the way in which the Planning Service moves forward. Taken together these form the rationale for the changes to the organisation of the Planning Service that are set out in the remainder of this report.

2.2 These are the themes where we need to focus our efforts:

- **Growing our own** – *provide opportunities for staff progression as part of a structured career development process and review our career grades and graduate entry processes to help develop core skills and broad experience.*
- **Pro-active working across the Council** - *Review the way we work to help shape a structure and develop processes and a culture that fosters cross service working that more effectively integrates into corporate priorities across the various service functions in the wider Council.*
- **Innovation and leadership** - *Create the conditions where innovation and new ideas are developed and led by senior managers within the service. Challenge and encourage staff at all levels to think and operate differently.*
- **Integration and cohesion** - *Build stronger and closer working between the teams within the service – improving collaboration and dialogue, flexible working across teams and promoting a positive attitude to professional challenge at all levels.*
- **Prioritisation and pragmatism** – *Promote a pragmatic approach within our working practices, enabling prioritisation and compromise and providing early, clear and consistent views in negotiation with applicants.*
- **Greater delegation** – *Enabling and supporting staff at all levels by having faith in their ability, being aware of risks but not being unduly risk averse and learning by mistakes.*
- **Customer care plan** – *Review how best can we serve our customers by learning from feedback and being more aware of customers' needs.*

- 2.3 The re-organisation aims to provide a context within which staff are encouraged and empowered to take decisions based on clear risk assessment and not to fear mistakes. Succession planning, enhancement of graduate entry programmes, developing and growing our own are also key principles which the new structure will be based upon. In addition, the need to work in a project environment, premised on matrix working across the functions to engender a sharing of ideas and knowledge, whilst ensuring an efficient and optimal use of resources and helping to consolidate resilience is the way forward for the service.
- 2.4 A re-organisation will need to be supported through a commitment to cultural change. Cultural change is as important as the re-organisation itself, if not more so, and needs to happen as part of a continuous process as practices develop and the new ways of working mature.
- 2.5 Change is also required in the way the senior management of the service operates. This team has a critical role to play working together to drive the changes needed to secure our ambition for the service. The professional skills are very strong – as acknowledged by the Planning Peer Review – but more time needs to be devoted to jointly driving change in the way we work and achieving the key themes identified above, including working across teams in a supportive way; fully developing our staff; delivering better customer service and playing a wider role supporting corporate activity.
- 2.6 A modernising of the service is needed which takes account of the resources at our disposal and the need to deliver efficiencies and optimise service delivery through new ways of working. This modernisation of the Planning and Development service is essential to meet the aspirations and ambitions of the Council.
- 2.7 Without a consolidated, robust and aligned management team, many of the issues needing to be tackled across the service cannot be adequately addressed. It is concluded that the current resource levels to manage the service at this level is inadequate and needs strengthening. Even with the proposed capacity in place this will not in itself resolve all issues needing to be tackled - training, development, coaching, mentoring and away days will be necessary and available as part of the ongoing process.
- 2.8 In its overall review of the Planning and Development Service the Planning Peer Review of Spring 2018, states the service is already performing at a good level. The Local Plan has successfully undergone its public examination and is moving to adoption. The scale of development taking place in and around Ashford Town in recent years has grown significantly and housing delivery is keeping pace with local plan requirements. The Planning Service has successfully defended attempts by predatory developers to exploit perceived weaknesses in housing land supply in three high profile planning inquiries, all subsequently withdrawn by the developer.
- 2.9 These successes demonstrate that high quality skills, expertise and professionalism exists across the service. The current service structure does not however use these skills to optimal effect. Senior managers are often concentrating on delivering professional services with less time spent managing and developing their teams' capacities; driving innovation and efficiency. The effectiveness of the hard work and commitment of dedicated officers can

sometimes be dissipated by not working as effectively as needed across team boundaries within the service and with other services.

2.10 There are several structural inconsistencies that exist across the various functions of the service which I believe undermine our ability to provide best-practice spatial planning/ development management:

- The development management function and supporting specialist functions are fragmented;
- The Council's positive commitment to place-making is not expressed as a structural element of the service;
- Urban design and heritage expertise, key place-making tools, appear to not be distributed and aligned in a logical manner
- The key focus needed on infrastructure planning and delivery does not have the profile and focus needed;
- The policy function is a relatively narrow one where there is the potential for expansion into related areas of activity.

2.11 In addition many longstanding day to day working practices remain in continued existence. The following areas have received little modification or the innovative consideration required to respond to the requirements of changing service delivery demanded by the external factors of increased delivery requirements and improved performance:

- Revised report writing and re-engineering of planning committee
- Agility in decision making in Development Management (DM) based on careful risk profiling
- Attitudes to customer care
- Use of available data to anticipate and manage resource allocation to avoid backlogs
- Raising the profile of the Enforcement function
- Greater alignment in the working between the wider DM and Policy functions
- Improved workshopping across the service and cross-corporately

2.12 It is essential however for the context above to be viewed against a backdrop of increasing volumes of work. Planning applications received have risen significantly during the course of past years in addition to which finalising the latter stages of the Local Plan and its recent successful adoption has brought about a significant volume of strategic growth activity on allocated sites. Annual totals of applications received has steadily grown from 2439 in 14/15 to 2768 in 17/18 and continues to rise. The growth experienced in these areas coupled with the ambitions set out in the Corporate Plan for the town centre and other corporate priorities beyond should be recognised as significant drivers for additional resources and the need for transformative ways of working in order to embrace these challenges.

3 The Change Proposals

3.1 This consultation paper responds directly to observations made in the Corporate Peer Challenge regarding '*Capacity to deliver and customer access*'. The

changes proposed within this paper are not budget driven and include a proposal to increase the number of staff in the Planning and Development service.

- 3.2 The focus is mainly on altering the way posts are organised so that the service can rise to current and future expectations that the service and Council are facing. The restructure aim is to strengthen the current service and not make post holders redundant.
- 3.3 As identified above the Planning and Development Service at Ashford has considerable high-quality skills, expertise and professionalism with the potential to perform well. This section explores and explains the rationale as to how the service can become more effective and achieve additional efficiencies through improved alignment, smarter working and adopting a lean and unencumbered set of processes.
- 3.4 A planning service has several key components that it must deliver successfully to be an effective local planning authority. Planning should be seen as an integrated process at the heart of the Council's activities and outputs rather than a separate function. That process should be focused on taking the corporate vision and giving it spatial expression in the Council's Development Plan and then co-ordinating other services in the delivery of that vision. Its mode of operation should be flexible, creative and pro-active rather than regulatory and reactive. It should have a realistic, reasonable and flexible budget.
- 3.5 The constituent parts of a planning service go under different names, but the essential elements are described below.

4 Spatial Planning

- 4.1 Plans are dynamic documents, in fact to be effective, they are dynamic processes that constantly seek to respond to market signals, development pressures and political (national, regional and local) priorities. The right planning response to a cluster of stimuli may be at any number of levels within the overall process. The service must be attuned to these signals, process them and craft the right response from the planning authority so that the borough continues to deliver its planning and development agenda effectively.
- 4.2 The existing policy function is narrow in its scope, being focused heavily on the local plan, and is operationally somewhat isolated from other corporate functions in the authority and sometimes even those within the rest of the planning service.
- 4.3 A more broadly-based Spatial Planning function is required to provide the capacity and influence to help deliver the Council's corporate agenda and effectively discharge responsibilities in the following two main groupings:
 - Plan-making and Infrastructure strategy
 - Place-making

These areas are explored in more detail below.

Plan making - delivery

4.4 The statutory Local Plan is one of the few strategic documents extending many years into the future that is central to the Council's corporate strategy as a key driver of growth for the borough and considering environmental protection. This function will have an empirical understanding of the borough and be responsible for the planning, co-ordination and monitoring of the spatial response to the pressures that the borough is facing and those that are expected to emerge in the future.

4.5 The function will have primary responsibility for the development for the Local Plan and Development Plan and its components, particularly Development Plan Documents, working closely with other parts of spatial planning, development management and the wider Council functions to develop policy and other responses.

Plan making - Infrastructure

4.6 An expanding area of work is infrastructure planning and delivery. This is increasingly seen as an integral part of a pro-active planning service that is geared towards delivery, and for Ashford, where growth and infrastructure provision are both vital and intrinsically linked. The timely provision of appropriate supporting infrastructure is increasingly seen by communities as one of the main impediments to supporting new development, especially strategic development. How the infrastructure function is structured, where and how it sits within the service and how it interfaces with the wider corporate agenda are key considerations. Our strategic focus on infrastructure delivery needs to be intensified.

4.7 The function will monitor the provision of development, and be responsible for the production and maintenance of an Infrastructure Delivery Plan to:

- review the optimal approach for securing planning obligations following anticipated government changes for s106/ CIL that are emerging
- develop the context for an infrastructure policy SPD
- orchestrate infrastructure delivery co-ordination and governance as part of the wider corporate agenda working with partners
- provide expertise regarding viability etc.

4.8 This will entail managing s106 and CIL allocation and it's spend in response to development needs, including the identification of possible additional sources of funding. This team is therefore uniquely placed, in an anticipated revised CIL world, to drive the active delivery of infrastructure to support the development pipeline that Ashford faces.

Place making

4.9 Our planning service has a long and proud record of driving high quality place making – an approach strongly supported by elected members. Place-making skills and expertise should remain strong within the planning service and these should include heritage and urban design, as well as the necessary planning officer functions. These skills are most effective when deployed in an integrated and co-ordinated way, within the overall context of a responsive spatial planning service, rather than as a provision of narrow specialisms. The team will be

responsible for the delivery of focused policy work, such as design guidance on key sites and Supplementary Planning Documents, and contributing to major planning applications, particularly in the pre-application stage when it is easiest to shape emerging proposals. This integrated service will strengthen our approach to quality place-making and will extend beyond the traditional planning function influence and drive the Council's wider ambitions to regenerate the town centre and its environs.

5. The wider Development Management (DM) function

- 5.1** The DM function is a combination of complex systems for handling a high caseload but at the same time weighing competing and often complex issues in a balanced and transparent way. The outcome is the creation of a series of successful places, delivered via the planning application process that will create the future Ashford. This is the implementation arm of the Local Plan. It is crucial that a council's DM function performs to a high level, is pro-active, has a delivery/implementation mind-set and delivers excellent customer service.
- 5.2** In Ashford the execution of the development management function is currently split into a number of sub-functions – Chilmington and design, strategic sites, householder and enforcement, planning applications. It is my view that the current structure dilutes the focus that is necessary on enabling the programming and delivery of the larger strategic development workload on the one hand, and the complex, caseload and process management needed to handle the bulk of day to day case. If these are separated and additional management capacity introduced this will allow for the forward looking, innovative and proactive management needed to keep these vital functions fit for purpose and delivering to consistently high quality with great customer care.
- 5.3** Development Management and the Strategic Sites (excluding Enforcement) have a current establishment of 24 FTE including one Graduate post. This excludes support staff and includes the management team. The gross service output with this level of establishment was 2729 cases closed and determined in 2017 and 2633 cases determined in 2018. Compliance and Monitoring are also managed within this team. The service has recently experienced difficulty managing staff vacancies but has sought to support this with the use of temporary staff where necessary. A backlog built up during the summer of 2018 but the service has largely recovered its position and continues to meet the Planning Guarantee.
- 5.4** A common output benchmark established in 2002 in the document Resourcing of Local Planning Authorities, prepared for the Department of Transport, Local Government and the Regions (DTLR) by Arup Economics in conjunction with Bailey Consultancy suggested an output of 150 cases per planning officer in a year. A more recent piece of work by the Planning Advisory Service (PAS) in 2012/13, Resourcing in Planning Services: Benchmark Roundup suggested that the average LPA was processing 144 cases per officer in a year. It is acknowledged that these figures hides a wide range of actual caseloads at different authorities but it is useful to have something to benchmark against. The

range depending on the grade of officers can go from 60 per year as high as 260 a year.

- 5.5** These functions will need to be designed so that the right operational leadership can be deployed in the right areas. The existing broad DM function is to be reshaped across two teams - Development Management and Strategic Development and Delivery and their make-up is explored in more detail below.

6. Strategic Development and Delivery

- 6.1** The proposed structure redefines the team that will primarily deal with large planning applications. In addition the section will have other collective responsibilities associated with enabling delivery and place making, aligning with wider corporate growth objectives. This team will need the resources, skills and capabilities to engage in a proactive way with applicants and developers of strategic applications, including the Council's own developments. A key part of the role of this section will be to work in collaboration with the Place making team and Enabling, Delivery and Programme Management section and other council functions to continue delivering place making quality and in developing a culture of quality as a fundamental structural component of delivery.
- 6.2** Major projects will need to be 'managed' from pre-application to completion – often with the use of Planning Performance Agreements – so that negotiation takes place when the scope to change a scheme is greatest and to build confidence with applicants. Helping to remove uncertainty over timescales, the policy position and the outcomes sought by negotiation will improve the prospects of securing the best possible scheme. Developers generally dislike uncertainty and the more uncertainty that exists the less room there is likely to be for successful negotiation.

Strategic Applications

- 6.3** It is becoming increasingly clear that a role is required that provides a clear and specific lead contact on the larger strategic applications. While a major part of this role is 'Planning', providing the go-to person for promoters of major developments, (alongside the head of planning and development), additional skills are necessary to bring the 'whole' project together including an enabler that pro-actively clears blockages, maintains partnership relationships and manages progress to keep delivery programmes on track. It is therefore important that this person has the space and ability to concentrate on the enabling and delivery of this important area of DM work.
- 6.4** The workflow of strategic applications is not steady and resourcing a separate team would result in it, at times, being either over or under employed. We need a more flexible and resilient way forward and one that enables staff from the wider DM function to develop their skills and careers.
- 6.5** A successful approach is for a Strategic Development and Delivery section to operate as a virtual team, employing effective matrix working to optimise the number of officers (from the main DM teams) who can deal with strategic applications, alongside their other casework. What this means in practice is that

any DM officer from the planning service can deal with a strategic application (if they are skilled enough) but when they do, they report to the Strategic Development and Delivery section lead rather than their normal section lead. This approach will create the culture and procedures where other officers (such as urban design and heritage specialists, whether located in a spatial planning or strategic development and delivery section) routinely work together successfully on projects. This will be crucial to successfully tackling the development pressures that the borough is to increasingly face.

Planning Enforcement

- 6.6** The enforcement service in Ashford is a critical part of the service and one in which the Council, in recent years, has made a major investment. The community has the right to expect that significant abuses of the planning system should be tackled and our track record in doing just that continues to improve. Team members are naturally solution focussed (creative), good communicators and understand what it means to the community to be able to demonstrate there is an ongoing and monitored approach to the implementation of development on the ground.
- 6.7** A renewed enforcement policy has been developed whilst new ways of working are being designed and employed to ensure that it is as efficient and effective as possible. Prioritising work based on its potential adverse impact is key and having systems in place that can avoid investigating technical or marginal breaches will be important for team resources. The imposition of conditions on planning permissions that are either unenforceable or unnecessary will also need to be addressed through new protocols. These new system interventions will optimise the efficiency and effectiveness of the service within existing resources. After these have been put in place a judgement can be made at that time whether additional resources are necessary.
- 6.8** Much has been done to strengthen the team which has led to demonstrable improvements in performance. There is a working Enforcement Plan that has prioritised reactive work. There is further work to do to address how the team can:
- Strengthen the relationship with professional agents and small developers and builders through conditions monitoring and enforcement;
 - Support Local Development Order (LDO) monitoring and enforcement – should they be introduced in Ashford;
 - Launch a s215 Programme working with other enforcement agents across the Council;
 - Carry out further Direct Action to close the enforcement loop;
 - Promote the successes of the team;
 - Help local communities understand the scope (but also the limitations) of what planning enforcement can achieve;

- Consider the possible use of Proceeds of Crime Act powers where appropriate regarding planning breaches resulting in illegal income.

This team works in a targeted way to tackle key enforcement issues – tactical judgements are needed on how workload is prioritised and how complex cases are handled. In some ways there are parallels with the bespoke attention needed to deliver strategic sites in a carefully considered way suiting the individual circumstances of each case. It is important for the enforcement function to have the appropriate profile to match the importance in which it is viewed corporately. It is proposed that this team will form part of the wider strategic development and delivery team.

7. Development Management

7.1 The vast majority of planning applications and other approvals are dealt with by the Development Management Team. Work here is intensive and unrelenting and staff in the team need support at various levels. This is a complex, process-driven service needing a management tier with the capacity to drive service modernisation, improvement and performance management as well as providing a clear professional leadership to help colleagues handle the difficult judgements often needed.

Planning Applications

7.2 This team will continue to deal with DM functions, except enforcement. Strategic applications development and delivery applications would also be excluded from the management responsibilities of this area and will be managed in the Strategic Development and Delivery Team using the matrix management approach.

7.3 This service needs the resources, procedures and systems to enable the more transactional planning application work (including adverts, trees and appeals) to be dealt with efficiently. It is proposed the function should be organised into a single team with a team manager providing strategic oversight of both the planning applications team and the building control team. Leaders of these teams will deputise for the team leader as required.

Building Control

7.4 The responsibility for the day to day running of the Building Control function is carried out by one manager. The existing team structure is a flat structure with the manager being responsible for line management of seven officers.

7.5 During the past twelve months there have been movements within the team providing an opportunity to review and reflect on the roles undertaken by Team Leader and Surveyors.

7.6 The team leader role currently encompasses responsibilities that could be delegated further down the structure, releasing the team leader's capacity to provide more strategic leadership around service innovation and future service

development. A new post of Deputy Team Leader will allow for the Team Leader to delegate during absences and to take on a number of existing tasks currently undertaken by the manager.

7.7 Currently the building control function sits alongside and separate from the other service functions of Development Management, Planning Policy and Support Services & Property information. It is important that the future structure encourages close interaction between the functions and their respective skill sets. For example, building control needs to be involved in the pre-application process. It also has a key role in the 'quality place' monitoring process (especially relevant at Chilmington) and the emerging South Ashford Garden Community and future urban expansion areas such as Court Lodge, Kingsnorth Green, Waterbrook and Conningbrook. It is considered that the success of quality place would be enhanced from synergies gained by operating within development management.

7.8 For the reasons given above it is proposed that the building control function should be located and managed within the development management function to help provide more cohesive and integrated service delivery.

8. Enabling, Delivery and Programme Management

8.1 It has become clear that the sheer complexity of delivering the many major sites around Ashford in a timely way to meet our housing delivery requirements, whilst also delivering quality place-making and good infrastructure, requires a new approach. We need to work proactively with the development industry and other stakeholders and oversee and help manage the wider programme of delivery.

8.2 It is acknowledged that a greater corporate focus is required to support the delivery of large emerging projects such as Chilmington, Court Lodge and Kingsnorth Green. It is important that the Council is adequately equipped as these projects change focus from what has been purely a Planning process to what is essentially the delivery of a wider programme of interdependent projects to establish a consolidated South of Ashford community.

8.3 Careful consideration has been given to the skills needed and structure, requiring insight and drawing on learning derived from other similar areas. Approaches developed and adopted for the delivery of large urban expansion projects at Northstow: Cambridge's New Town and Whitehill & Borden in East Hampshire have informed these proposals. Since Autumn 2018 Ashford has been collaborating with the RegenCo team from East Hampshire District Council originally constituted to provide oversight of the delivery of Whitehill and Bordon. Focused governance, proactive partnership working, and Corporate oversight is essential for the effective delivery of urban expansion areas referred to above. Core strategic requirements of this functional area will include:

- Client relationship building and relationship management of key development partners and agencies (KCC & HE);

- Managing the Council's longer relationship with emerging communities through vehicles such as the Community Management Organisation (CMO) at Chilmington;
- Wider fund raising;
- Communications and marketing
- Community development;
- Establishing wider Corporate governance through using the Ashford Strategic Delivery Board's alignment with the Delivery and Implementation Board and the orchestration of the Delivery Managers Group;
- Orchestrating and aligning project management systems, protocols and process across the service;
- Project Programming and integration with developers' consultants to ensure milestones, interdependencies and contingent triggers are identified and built in to the partnership governance.

8.4 These functions may be considered to be outside the remit of the conventional DM process, however such requirements are increasingly seen as the essential attributes of a pro-active and delivery focussed planning service. It is necessary to augment traditional skills sets across a broad range of complementary skills to facilitate fully integrated and responsive service delivery.

8.5 Collaborative cross-service and cross-corporate working will be a significant component of the work of this section. Providing oversight to ensure alignment between the outcomes emerging from the work of officers in the Strategic Development and Delivery and Place Making sections and other council functions respectively, and to support these functions to ensure that a culture of quality place making is an embedded and an integral component of delivery.

8.6 This function will provide high level support to ensure the cross-corporate/ partnership programme management and coordination of large-scale development sites. In this way it will support the Strategic Development and Delivery Team and ensure a genuinely corporate response across the Council (and partner organisations) to respond to the particular challenges of delivering these large-scale developments. This function will specifically bring valuable project and programme management capacity and capability.

8.7 By adopting a matrix working approach it will be necessary to draw on valuable complementary skills existing elsewhere within the service and across the organisation. A good understanding and use of project management is required to ensure that sufficient resource exists in areas involved in the matrix and appropriate training will be provided to support this.

8.8 Matrix working can generally be achieved to good effect where in-house skill and capacity exists to enable resources to be balanced to maintain the core service delivery of these functional areas. Where a capacity deficit is identified, additional resource may be required at times to strengthen proposed structures.

8.9 Given the outward facing and overarching strategic emphasis of this function and its key role in helping enable delivery, it is necessary that its focus is closely aligned with the Head of Service and reports directly to him.

9. Business Support, Property Information and Office Management

9.1 This is a key functional area within service. The wider service and particularly DM and BC need to be supported by a technical and administrative function that ensures that these vital requirements are performed accurately, consistently and efficiently.

9.2 This team currently provides support mainly for the DM function, but it should be expanded to orchestrate the administrative and technical support across the whole planning service. The de-centralised technical support functions which currently exist in Building Control and Enforcement are to be integrated into this centralised function.

9.3 Adoption of such an arrangement will provide increased resilience and enable a responsive and more efficient management of workload pressures across the service.

9.4 To maintain continuity of service delivery existing staff expertise is to be allocated to respective functions as currently arranged. To provide a more responsive operating model with greater resilience however, these functions are to be managed centrally and orchestrated through a matrix management governance process.

10. Staffing Implications

10.1 The total headcount for the service is increasing by 6. It is proposed that two existing posts will be deleted from the establishment requiring two post holders to be put at risk of redundancy but it is considered that there is a role for everyone and consultation with affected individuals will discuss suitable roles in the proposed structure.

10.2 The proposed model highlights post holders who are affected in one of three different ways.

10.3 GROUP ONE - Post significantly affected. Two post holders (Joint Development Control Managers) are significantly affected as it is proposed that their roles are deleted from the establishment under the proposals highlighted. Affected post-holders will be placed at risk of redundancy as part of the consultation process and the Team Leader Planning Applications post has been identified as a post that they may assimilate into via a selection interview process. Post holders in this group will be invited to individual

consultation meetings as detailed below. Other suitable roles will be discussed with the two affected postholders.

- 10.4** GROUP TWO - Some contractual change proposed for this group. This group of post-holders are being consulted with regarding a proposed change to terms and conditions. This level of change is around job title, role focus, reporting line, number of reportees etc as reflected in the proposed job descriptions. It is not considered to be so material that the post is deleted or changed so fundamentally affecting, grade, salary or professional status. Post holders in this group will be invited to individual consultation meetings.
- 10.5** GROUP THREE - Some contractual change is suggested in the future - this group of post holders are being involved in the consultation process as a whole although will not be invited to individual consultation meetings at this stage. Although no formal changes are being proposed for this group at the present time there are some implied changes that are being proposed which this group are invited to comment upon in order that this and any later consultation is meaningful.

11. Proposals

- 11.1** It should be understood that in tandem with the new structure there will need to be a programme of process mapping and digital transformation supported by a new planning system to replace the existing Acolaid system which is soon due to be un-supported by the supplier.

11.2 Proposed new posts for the Planning and Development Service

Post	Grade	Total Cost
Development Management Manager	MG5	72,250
Deputy Team Leader Strategic	MG7	55,030
Place-making Team Leader	MG6	63,980
Business Support Officer	SCP 16-21	20,030
Digital Project Officer	SCP 20-25	24,970
1 x Graduate Posts	SCP 20-25	27,050
1 x Graduate Posts	SCP 20-25	27,050
Additional costs associated with regrades	NA	5,500
Deletion of Joint Development Control Manager	MG6	(68,980)
		226,880

The new posts are identified in the diagrams below.

11.3 Proposed structure for the Planning and Development Service

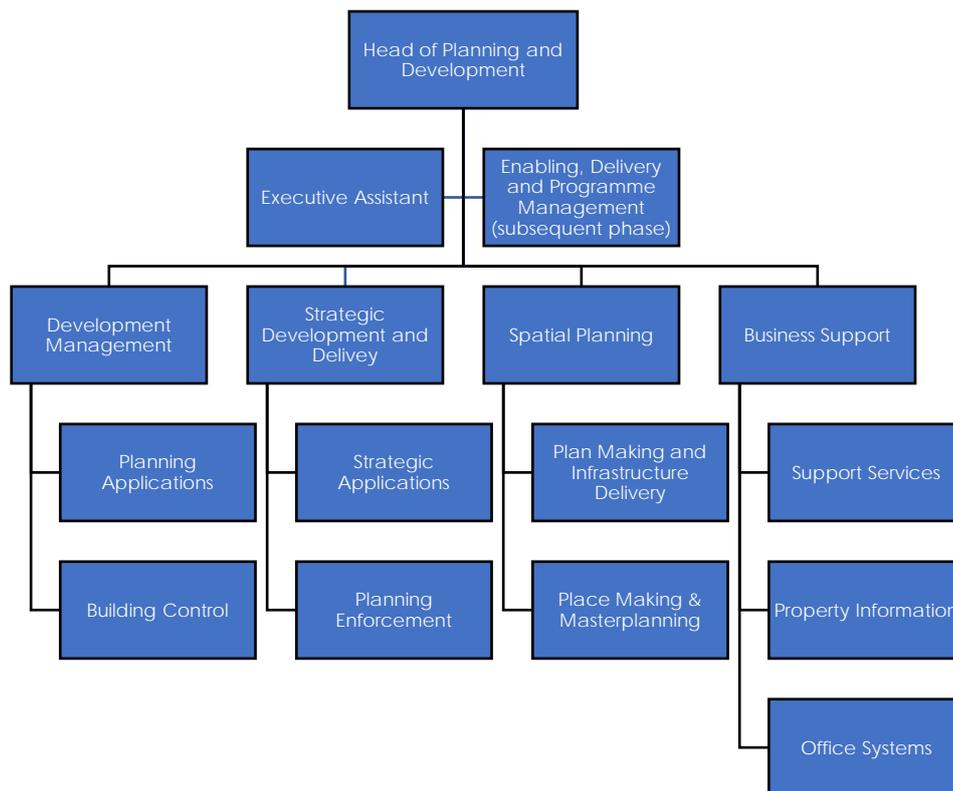


Figure 1: Planning and Development Service: Proposed Structure

The structure, responsibilities and staffing levels for the five main sections of:

- Development Management,
- Spatial Planning,
- Strategic Development and Delivery,
- Business Support, Property Information and Office Management
- Enabling, Delivery and Programme Management

These are explained in the following paragraphs. The new posts are indicated (new post).

11.4 Development Management

The section should be led by a DM Manager and be organised into two teams with the following main responsibilities:

Planning Applications

- Pre-application advice
- Determining planning and related applications
- Conditions approval
- Defending planning appeals on cases handled by the team

Building Control

- Pre-application advice
- Determining building regulations applications
- Dangerous structures

- Other statutory Building Regulation responsibilities
- Providing expert advice as part of the Quality Place process

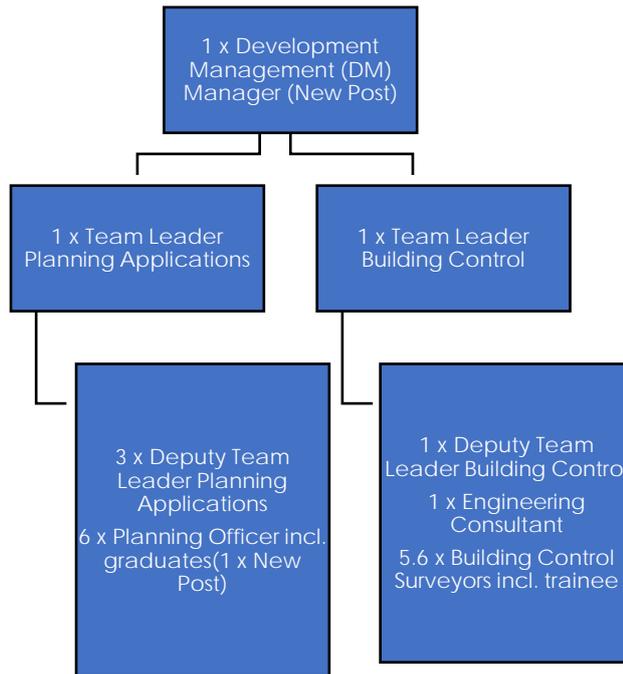


Figure 2: Proposed structure: Development Management

11.5 Strategic Development and Delivery

The section should be led by a Strategic Development and Delivery Manager and be organised into two teams with the following main responsibilities:

Strategic Applications

- Pre-application advice
- Determining planning applications
- Defending planning appeals
- Discharge the place-making function through the practical application of co-ordinated planning and urban design skills
- Strategic pre-application activity
- Inputting into the production of design guides, masterplans, planning briefs and other documents that are focused on development delivery

Planning Enforcement

- Investigation of planning breaches
- Resolution of breaches
- Taking enforcement action
- Prosecutions
- Direct action
- Defending planning appeals

The proposed structure of the function is set out in the diagram below.

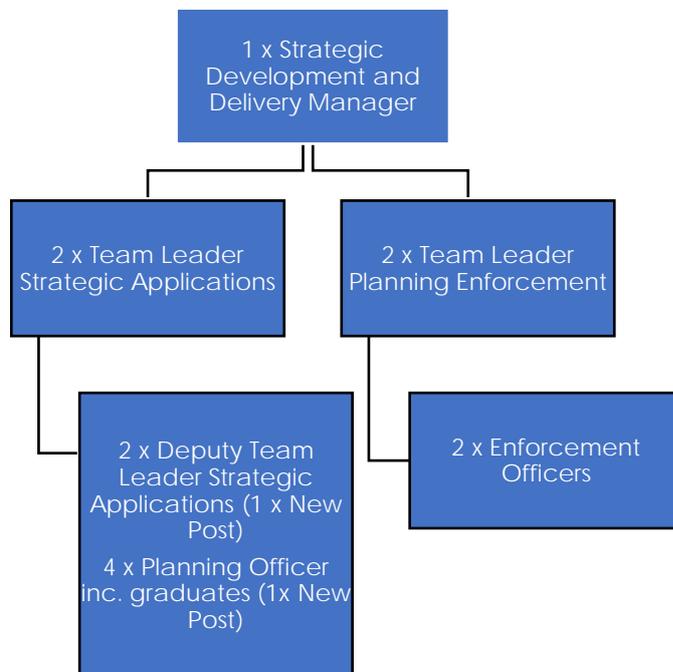


Figure 3: Proposed structure: Strategic Development and Delivery

11.6 Spatial Planning

The section led by a Spatial Planning Manager is to be organised into three teams with the following main responsibilities:

Plan-making and infrastructure strategy:

- Planning research & evidence base
- Planning monitoring & AMR
- Strategic vision & planning policy development
- Neighbourhood planning
- Heritage asset protection and policy preparation
- Natural asset protection
- Responding to Govern, Mayor of London and other 'external' planning policy items
- LDD development monitoring
- Supporting the delivery of major projects by agencies as Highways England (such as M20 J10a) and KCC.
- Working with DM on policy evolution and application
- Supporting DM on pre-application policy advice
- Lobbying for key infrastructure
- S106 database and monitoring
- CIL review
- SPD infrastructure policy
- Infrastructure Delivery Plan

Place-making:

- Discharge the corporate place-making function through the practical application of co-ordinated planning, architecture, urban design, landscape architecture and heritage skills

- Strategic pre-application activity
- Commenting on key planning applications
- Production SPDs and other planning guidance documents that are focused on development delivery, such as design guides, masterplans and planning briefs.

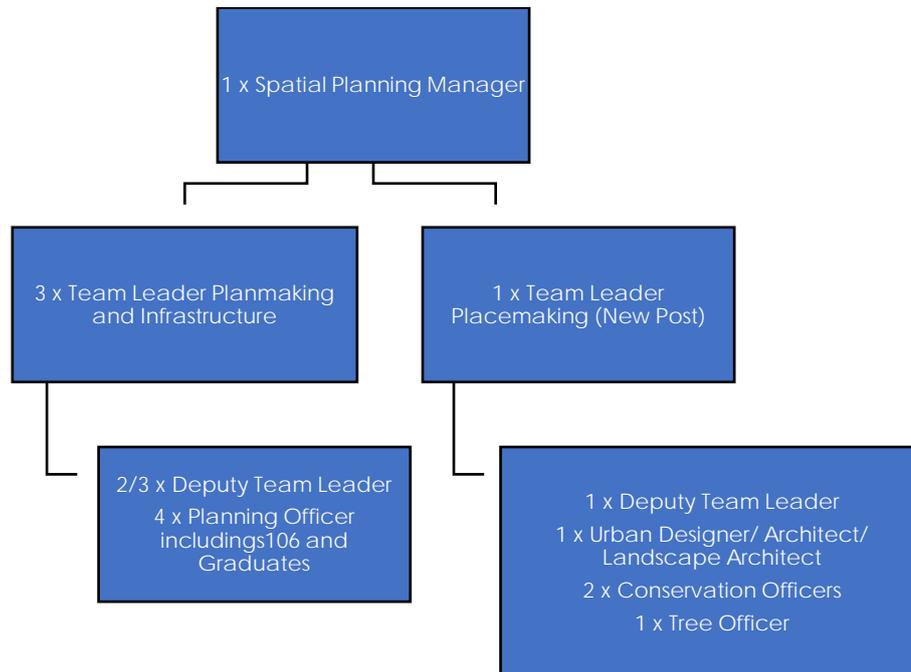


Figure 4: Proposed structure: Spatial Planning

11.7 Enabling, Delivery and Programme Management

Identified as additional functional requirement of service delivery this section is to be led by an Enabling and Delivery Programme Manager. As a new structural component which does not immediately affect the staff involved in the re-organisation of the Planning and Development Service the composition and breakdown of main responsibilities of this function are to be progressed as part of a subsequent phase.

11.8 Business Support

Support Services

- Administrative and technical support across Planning and Development Service functions
- Customer service and information
- IT systems, development and transformation
- Financial management and budgets
- Programme and project management support
- Validation

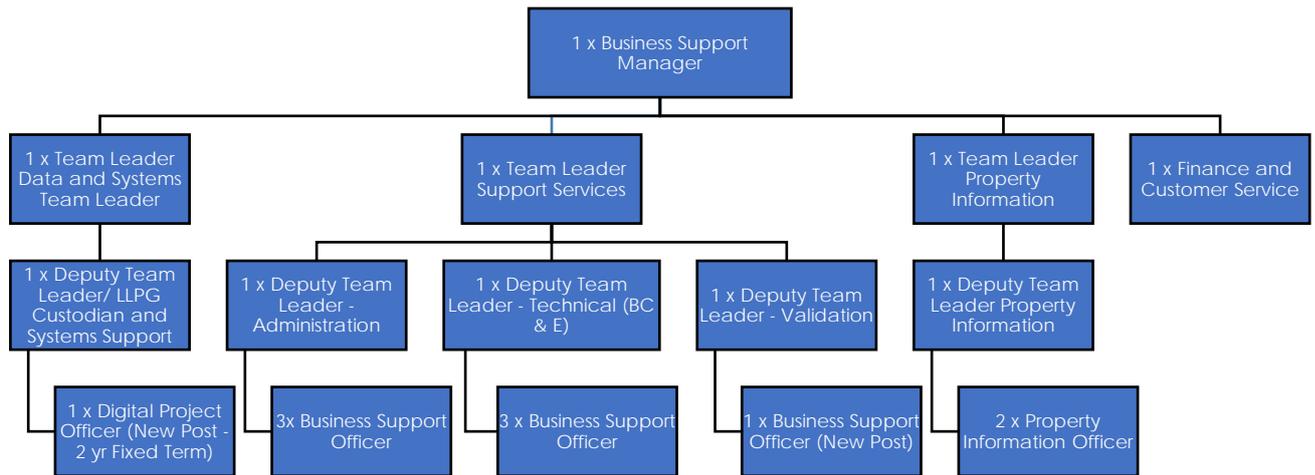


Figure 5: Proposed structure: Business Support, Property Information and Office Management

12.The Matrix Working Environment

- 12.3 Matrix working removes traditional silo working and vertical reporting lines and provides opportunities to bring cross-functional teams together with shared accountability and responsibility for delivery of specific goals and projects.
- 12.4 Working in this way enables a focus on business priorities and short-term goals, which can lead to higher productivity and faster growth. This, in turn, requires employees to work differently, becoming more flexible in their skill application as they carry out multiple and often competing activities, while dealing with ambiguity and uncertainty as the priorities change in response to market needs.
- 12.5 Matrix management is ideal for sharing talents and skills across departments. It's an especially handy system when developing new projects – allowing individuals from all different functions to organise under a project manager to create something new and unique. This gives the team the ability to draw upon diverse skill sets from multiple disciplines, which strengthens the overall project team.
- 12.6 The advantage is that because matrix structures retain an organisation's functional structure, they allow for the rapid creation of efficient project structures that employ many members of the organisation's functional structure but without disrupting or destroying the structure in the process.
- 12.7 There are pros and cons to every management structure and approach, and this holds true for matrix management. It is not ideal in every circumstance, and it can create stress for participants where the demands exceed the time, resources or the ability to juggle priorities all of which require the commitment

of managers to ensure success. Conversely it can also offer benefits through access to specialised knowledge as a basis for personal growth and development.

- 12.8 Matrix approaches to projects are typically less expensive than establishing dedicated project teams, and the diversity of the team members makes them superior to many purely functional teams.
- 12.9 Succeeding with matrix management requires the active involvement of all parties.

13 Equalities Impact Assessment

- 13.1 Members are referred to Appendix 1.

14 Consultation Undertaken

- 14.1 Members are referred to Appendix 2.

15 Next Steps

- 15.1 The two officers at risk of redundancy (Group 1) are to go through a selection process following the formal consultation that has taken place. The timing of which is contingent on Cabinet approval. If approved assimilation is to be considered, with a selection process to follow should assimilation not be possible. The assimilation and selection process is to take place during the course of June 2019.
- 15.2 Officers identified in Group 2, those with some contractual change, have been issued with revised and evaluated JD's as part of the consultation process. Organisational changes affecting these staff are to commence following the Cabinet decision. Sequential adjustments to service structure is to be programmed to coincide with the recruitment of the new posts outlined in the proposed structure. The appointment of new staff is to coincide with further consultation involving Group 3 officers as the structural composition of the reorganisation and integration of wider service functions starts to take hold.
- 15.3 The internal and external recruitment process for new management posts is to take place simultaneously. Given anticipated contractual notice periods commencement dates for any external candidates is likely to be September/October 2019. Subject to successful recruitment it is anticipated that the reorganisation process will reach a conclusion in Spring 2020. That said, new ways of working and associated management practices involving adjustments in culture which are currently underway are projected to be part of a sustained transformation.

- 15.4 Development and integration of Enabling, Delivery and Programme Management function. Identification and development of corporate project leads required to orchestrate the delivery of Town Centre projects, South of Ashford Garden Community and Newtown Works.
- 15.5 Regular monitoring and review is to take place during the implementation of the reorganisation to assess progress and make adjustments as required to maintain alignment with the intended vision, key themes and the necessary efficiencies of service delivery.
- 15.6 It is proposed that a process of financial monitoring against the MTFP is to take place to understand and inform where and how growth is managed as a part of transformation of the planning process.

16 Conclusion

- 16.1 The proposed changes aim to achieve the overall vision of the paper and proper and meaningful consultation has taken place as detailed.

17 Portfolio Holders Views

- 17.1 I am supportive of the proposals and timelines outlined in this report and would like to express my thanks to Cllr Clokie the outgoing Portfolio Holder for Planning and Development for his contributions.
- 17.2 I would ask that Council members and officers recognise the need for a re-setting of the Planning and Development Service. It is essential to improve the service provided to residents and developers so that the growth and development of the borough is orchestrated in a controlled, efficient manner that optimises not only the opportunity to enhance the reputation of Ashford but to act as a catalyst for even greater prosperity for all. Following discussions with the Head of Service for Planning and Development, I consider that the proposed reorganisation will enable the planning and development service to build on previous success but tackle some of the challenges they encountered during 2018. I am supportive of the proposals and timelines outlined and would like to express my thanks to Cllr Clokie the outgoing Portfolio Holder for Planning and Development for his contributions and stewardship regarding this report.

18 Contact and Email

Contact: Tim Naylor – Head of planning and development
Email: tim.naylor@ashford.gov.uk

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Joy Cross – HR Manager
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Proposed review of planning and development service
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	June 2019
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	Proposed new structure of planning and development service, including changes to terms and conditions of employment and potential deletion of posts.
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	Initial Informal Consultation
Consultation: <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	Consultation was undertaken as detailed above which resulted in the report The policy document complies with UK employment law and our Conditions Of Service.

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	None	Neutral
Middle age	None	Neutral
Young adult	None	Neutral
Children	None	Neutral
<u>DISABILITY</u> Physical	None	Neutral
Mental	None	Neutral
Sensory	None	Neutral
<u>GENDER RE- ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	n/a
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Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's [Essential Guide](#), alongside fuller [PSED Technical Guidance](#).

Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	n/a
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	n/a
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	n/a

Conclusion:

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision (see guidance above).
- Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.
- How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?

Due regard has been paid to equality through the drafting of documentation by qualified HR professionals trained in equality issues and review of relevant employment case law.

Via consultation with affected employees.

The council's revised policy register will assist services to meet this

EIA completion date:

12.04.19

Appendix 2: Consultation Undertaken

1. The reorganisation proposal highlights post holders (by post number) who are affected in one of three different ways:
2. GROUP ONE - Posts significantly affected
3. GROUP TWO - Some contractual change proposed
4. GROUP THREE - Some contractual change is suggested in the future
5. As part of the formal process the consultation paper was sent to the Unison Branch Chair and Branch Secretary on 12th March 2019.
6. The consultation paper was sent to JCC staff side representatives on 12th March 2019.
7. The final consultation paper was sent to the service Portfolio Holders Cllr Clokie after 12th March 2019.
8. A group meeting was arranged on 12th March 2019 with affected employees in Groups One and Two to distribute the consultation paper and advise on the proposals contained within. Unison were invited to attend this informal meeting.
9. The Consultation Paper was intended to be distributed to Group three shortly thereafter and was distributed on 13th March 2019.
10. Two affected staff in Group One were notified in writing of their at-risk status on 12th March 2019 and invited to an individual formal consultation meeting.
11. Fourteen affected staff in Group Two were invited to an individual formal consultation meeting, correspondence sent on 12th March 2019
12. Post holders in Group Three were be provided with a copy of the consultation report and invited to comment outside of a formal consultation meeting. Comments are invited up to 5th April 2019
13. A Frequently Asked Questions document was also issued to all employees in the service to assist understanding on 14th March 2019.
14. Fifteen formal individual consultation meetings took place between 22nd March and 4th April 2019.
15. Unison attended consultation meetings as required and took an active role, asking questions around assimilation and job evaluation specifically.

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Appendix 2

16. Four officers brought a workplace colleague to the meeting or a unison representative.
17. One officer asked for a copy of the Head Of Service JD, this was provided.
18. Two officers asked for copies of other officers JDs these were provided with the consent of those officers.
19. Second formal individual consultation meetings were not required prior to JCC but further consultation meetings will be required as detailed below.
20. Written submissions were not required by officers who had a consultation meeting although they were accepted where officers wished to make a written submission in addition to the comments made in the consultation meeting.
21. A total of 31 written submissions were received up to 8th April and all comments were submitted to JCC.
22. As part of the consultation process, the proposals and consultation process were presented to the JCC for consideration on 25th April 2019.
23. A detailed discussion took place at JCC around the Consultation Feedback areas highlighted in the JCC report, namely General, Consultation Process, Job Descriptions, Matrix Management, Team Split, Enforcement, Spatial Planning, Strategic Applications , Building Control, Enabling & Delivery, Business Support and Funding.
24. Within the JCC meeting Unison tabled a paper calling for the JCC paper to be withdrawn and further detail provided regarding the proposed second stage of the process. This was not accepted owing to the significant delay it would cause within the process and the fact that the second stage of the consultation process would revert back to JCC anyway.
25. Matters discussed within the JCC meeting are detailed in the meeting minutes and members' attention is specifically drawn to this detail in the discussion areas of: an apparent discrepancy in figures, whether the approach was too top heavy, no SPD on clean air strategy, whether the programme management function should be included in the first stage of the restructure, the proposed future placement of the building control function, feelings from staff that the consultation had been too rushed, and that their comments had not been fully responded to, the cultural change proposals and whether these would help retain staff and also if there was enough support for the administration team. A strong requirement for a 12 month review of the reorganisation was also expressed.
26. Following JCC affected employees will be contacted or invited to an additional individual formal consultation meeting and advised of the outcome of JCC.

27. Employees in Group Two will be consulted with regarding the specific changes to their job descriptions. (contractual changes to terms and conditions).
 28. If the proposals are accepted affected employees in Group One will be consulted with regarding an appropriate assimilation process and invited to take part in an assimilation process.
 29. Affected employees in Group One will also be invited to apply for suitable alternative internal vacancies.
 30. Employees in Group One have already been consulted with regarding a potential selection process that may be used.
 31. Employees in Group One will be consulted with regarding the outcome of the assimilation and recruitment processes.
 32. In the event that no suitable alternatives are available, affected employees will be consulted with regarding the termination of their employment for reasons of redundancy.
 33. In accordance with the Managing Redundancy Restructure and Organisation change policy voluntary redundancy applications are invited.
 34. Affected employees selected for redundancy, following a consultation process as set out above will subsequently be served with their notice of termination by reason of redundancy and provided with information regarding their right of appeal against this decision.
 35. Any potential terminations of employment, by reason of redundancy, following consultation as set out as above will be served with statutory notice.
 36. Following completion of this stage of the process, consultation will commence for employees in Group Three, this second stage of the consultation process will include a review of the career grade structure.
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