

13 October 2019

Planning Advisory Service - DM Support

Rochford District Council

Notes of visit by M Vink 3/4 October 2019

Introduction

1. The DM Support visit was arranged by the Planning Advisory Service, having identified that the 8 and 13 week performance on planning applications at Rochford DC was going to be close to the threshold for designation for poor performance by MCLG at the end of September 2019. The support package provided an opportunity to review the likely causes of this and to consider solutions going forward. The support consisted of frank discussions with staff and the gathering of their ideas for change. The following report highlights the issues identified and suggests possible ways forward.
2. Tables 1 and 2 below show the current data in MCLG table 151 and 153. It is clear that
 - a) whilst the performance target for major applications has been exceeded, the overall number of major applications is small and consequently any applications which are not determined within target impacts significantly on overall performance. At current levels of applications each decision not made in time reduces the overall performance by 2.5%.
 - b) performance for Minor and Other applications is at the margins of designation and close attention to performance, securing extensions of time agreements and determining applications within agreed timescales must be a priority.
3. Recent performance has been improved with greater attention being given to determining applications in time and reducing the backlog of applications. In the last quarter of the assessment period the team determined approximately 40% more applications than in previous quarters and, as importantly, over half of them were determined in time and without an extension of time request. This is a major achievement for the team and should be lauded but it remains very important to maintain focus and ensure this good performance is maintained. This will require dedication by the staff, clear priority setting and careful monitoring by senior managers in the team.
4. To this end the discussions concentrated on how the application process could be made more efficient, where unnecessary tasks could be stopped and where processes could be improved to increase capacity within existing resources whilst improving customer service.
5. By its very nature my visit and report identifies those elements which are not working effectively. There are also many areas where the service is successful and is being provided by enthusiastic and committed staff.

Performance Data for Rochford DC	published	published	published	published	published	published	target	target	24 months to end of September 2019
Majors	Oct - Dec 2017	Jan - Mar 2018	Apr - Jun 2018	Jul - Sep 2018	Oct - Dec 2018	Jan - Mar 2019	Apr - Jun 2019	Jul - Sep 2019	
Major Decisions	3	7	1	6	9	5	4	5	40
Major Decisions within 13 weeks	2	1	0	0	3	1	1	1	9
PPA, EoT or EIA Decisions	1	6	0	3	5	3	1	4	23
PPA, EoT or EIA Decisions within agreed time	1	4	0	1	5	3	1	4	19
performance measure per q	100%	71%	0%	17%	89%	80%	50%	100%	70.00%
total decisions	40								
within time	28								
Performance Measure	70%	target is 60% for 2017- 2019							
Minors and others	Oct - Dec 2017	Jan - Mar 2018	Apr - Jun 2018	Jul - Sep 2018	Oct - Dec 2018	Jan - Mar 2019	Apr - Jun 2019	Jul - Sep 2019	24 months to end of September 2019
M&O Decisions	137	137	135	156	163	139	168	244	1279
M&O Decisions within 8 weeks	96	79	65	71	88	58	58	123	638
PPA, EoT or EIA Decisions	26	30	31	33	53	53	53	79	358
PPA, EoT or EIA Decisions within agreed time	25	18	24	27	47	46	46	67	300
performance measure per q	88%	71%	66%	63%	83%	75%	62%	78%	73.34%
total decisions	1279								
within time	938								
Performance Measure	73%	target is 70% for 2017- 2019							

General Impressions from visit

- The DM team is small with six full time planning officer posts and 2.4 administrative support posts whose duties also involve support for Building Control. They are all operating in a difficult and stressful environment, with little resilience to accommodate major change.
- The team has not been at full strength until recently and not being at full strength impacted noticeably on performance. With a full complement of planning officers recent performance confirms there is capacity to achieve a good level of performance but that this can easily be

knocked of course by individual events, such as staff leaving or the submission of a complex major application which can take all of the time of one member of staff.

8. Previously performance against government targets was not given sufficient prominence. The post of Development Manager is currently vacant even with attempts to recruit. Having someone in this post is vital to provide the focus on team performance, the effective management of team performance and liaison with members.
9. The members of staff whom I met recognise the nature of current challenges, are enthusiastic, open to change and keen to improve the service.
10. During my visit a number of themes emerged where changes can assist in improving service delivery and maximising the potential of the available resource. These are considered below.

Understanding the Nature of the Problem

11. Staff do not have a detailed and clear understanding of the current backlog of undetermined applications nor a cohesive plan for dealing with it. Approximately 190 applications have gone beyond the 8 or 13 week date. As highlighted in paragraph 3, staff have already made inroads into the backlog by determining approximately 40% more applications in the last quarter than the norm. The remaining outstanding applications include
 - applications up to 3 years old
 - Non Material Amendment applications, sometimes there are multiple applications for a single site not determined
 - Discharge of condition applications, some of which are old enough that the sites concerned may have been built
 - standard planning applications where they may have been no activity from the council or the applicant for some time, have no agreed extension of time and which could be disposed of as finally undetermined.
12. A review of these applications could readily identify which applications are worth putting resources to and task the existing contractors to reduce the backlog alongside the existing team, whose priority would be to determine applications that are not out of time and ensuring that a backlog does not build up again.
13. A risk based approach should be adopted towards outstanding condition discharge applications. Straightforward conditions such as materials and design details should be approved if the site has been built and looks acceptable. Other conditions such as drainage and ecology may require a more considered approach. Liaison with building control to identify built sites may assist. The opportunity for enforcement staff to identify built sites should also be explored. Whilst these staff have a significant workload of their own they are out in the district and could identify those condition discharge applications that can be approved without further work.
14. Having reduced the backlog the existing resource should be more than adequate to handle the remaining applications (currently there are 90 applications awaiting a decision within target times). Success in reducing the backlog would relieve pressure on existing staff, assist in improving the service to Rochford's customers and allow improved delivery of the service going forward.
15. Currently the application decision process is being squeezed from both ends - see the Rochford Timetable accompanying this report. This results in staff having limited time to process applications and meet target times. This squeezing results from

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- validation of applications taking far too long, up to 3 weeks
 - weekly lists introducing a delay of a week in the decision process, and
 - committee procedures requiring a 4 week lead in time prior to a decision.

These issues are discussed below and if resolved would make a significant positive difference to the speed of delivery of the application process.

Administration Team (PBC)

16. This team has a wide ranging remit providing administrative support to both planning and building control. Their workload includes
 - registration, validation and consultation of planning applications
 - booking building control appointments
 - handling planning appeals
 - issuing planning decisions
 - collating the parish and weekly lists
 - answering calls the customer services team have referred to them as they raise matters the customer services team cannot resolve.
17. The team comprises 2 full time posts and a part time post (2 days a week). The team has little or no resilience to cope with staff absence through holidays or sickness or to cope with peaks of work. For example, 3 planning appeals have recently been received in one week which has diverted a member of staff from other duties for most of a week. Consequently the time taken to register and validate planning applications is taking too long. When I visited registration and validation of applications was taking 3 weeks, having been impacted by staff holidays in August. A reasonable standard for an application to be received, checked, made valid, the consultation process commenced and to have been passed to the case officer is 2-3 days.
18. There was no evidence that the validation process itself was being carried out in an inappropriate fashion. Allocation of applications was being done by the admin team limiting unnecessary 'handoffs' in the process. The local validation list is however out of date and needs a review.
19. Moving valid applications quickly to case officers must be a priority for this team and they are not currently resourced to do this. Ideally one post should be tasked with this as the main role. Additional resources should be made available to provide an effective service going forward. Other suggestions to reduce workload, ie not continuing with the parish and weekly lists, are discussed elsewhere.

Procedural Improvements

20. The service makes only rudimentary use of the Uniform back office software. There is a lack of knowledge about what the system can actually do to assist in the delivery of the service. Management should initiate discussions with other authorities who have a good reputation as Uniform users to explore ways in which Uniform can drive efficiencies. Existing planning staff also have experience of using the software in other authorities and their experience should be mined.
21. Discussions questioned the benefit of continuing with the parish list of applications which is produced each week. It is sent to parish councils, council members, the Valuation Office and a

range of customers including local builders. Parishes are already notified of applications in their parish as part of the application process. District councillors could be advised automatically of applications in their Ward by better use of Uniform; the Valuation Office could refer to the web site for new applications and in any event they are informed of commencements by Building Control. Other users could refer to the web site for information on new applications, although the web site is not at present easy to use.

22. There is anecdotal evidence that local builders use the information to contact applicants seeking to quote for the work. If this is the case they should be advised that
- the information in the parish list is published for the purpose of planning and building control matters only.
 - the information should not be used for any mailing or other lists without being filtered against the Mailing Preference Service (MPS) Consumer File
 - details of how to obtain the MPS Consumer File can be found on the [MPS website](#), and
 - use of applicants' details without such filtering constitutes an offence under the regulations of the Advertising Standards Authority, and can result in penalties.
23. In effect the parish list is redundant and need not be continued.
24. To ensure Ward members remain aware of applications in their ward Uniform should be developed to notify them of
- the receipt of a valid application
 - the inclusion of an application on the Planning Committee agenda
 - the determination of the application
 - the receipt of a planning appeal
 - the determination of the appeal.
25. This would also negate the circulation of a monthly list of planning decisions. These are all processes currently carried out manually by the admin team.
26. I question why the team are also collating and circulating a monthly list of Building Control decisions to members when members have no determining role in the provision of this service.

Procedural Improvements

27. In discussion the following improvements were suggested:
- cease publication of the parish list — see above
 - stop the publication of the weekly list — see Delegation/committee procedures below.
 - make more effective use of Uniform for consultation and report preparation
 - create links between constraints information and consultees to automatically generate emails to main consultees
 - ensure all staff close off applications on uniform by completing all of the relevant fields such as
 - Site Visit date
 - decision date
 - extension of time agreed date
 - advert publication date and expiry

- create an earliest decision target date for applications which is at the end of the publicity and consultation period. If validation is done in week 1, site visits in week 2 and the consultation period expires at the end of week 4 then the target date for decision should be in week 5. At present staff are working to the 8 or 13 week date which results in last minute decisions, unnecessary extension of time requests and delays through the weekly list procedure if applications are called to committee at the end of the application process. Working to the earliest decision date allows active management of workload, better performance and improved customer satisfaction.
- ensure site visits are made within 14 days of the date of a valid application.
- consider stopping neighbour notification by letter and rely on site notices only. Many councils follow this procedure including rural districts. Each site is visited now so this is not an onerous task and, if sites are visited early, will not delay decision making.
- update standard conditions and incorporate in Uniform.
- rationalise the discharge of condition process by passing all applications, where the fee is correct, straight to the case officer who carries out any necessary consultation and determines the application. Consider allowing minor condition discharge applications to be determined by case officers without reference to more senior staff (depending on case officers' experience and expertise).
- review report templates to simplify inputs required. Some useful work has already been done with householder recommendation reports but further work is recommended across all reports. A simplified committee report framework is appended as an example.
- improve relationship with the highway authority to speed consultation responses.
 - a) The HA find it difficult to identify the relevant plans on the web site so an additional data field is required at the scanning stage to allow better identification of documents.
 - b) Highway officers need to respond more quickly. (During my visit the AD reported that highway officers would now hold a weekly surgery at the council to discuss applications and provide comments. Hopefully this will resolve this issue).

Delegation/committee procedures

28. Ensure delegated decisions are made at the lowest practical and effective level within the service. Too much of senior officers's time can be taken up by checking reports. Clearly the ability to do this depends on the experience and expertise of staff.
29. The delegation agreement in the Constitution is too restrictive and lacks clarity. It should be re-drawn to delegate authority to the Assistant Director Place and Environment to determine all applications made under the Town and Country Planning Acts, with the exception of a list of application types which would be specified in the Constitution. This list would include all applications made by Council Members, Staff and by the Council itself as well as all major applications. All would be determined by officers All other applications, with the exception of householder and prior notification applications, would be determined under delegated powers unless a ward member had, within 21 days of being notified of the application, requested in writing that it be considered by the Planning Committee (Members would be notified by email as soon as a valid application is registered — see administration team section)
30. A clarified procedure
 - a) significantly reduces any risk of challenge about how decisions by the Council are made.

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- b) negates the need for the Weekly List, which takes time to produce.
 - c) ensures case officers know in advance which applications will require a committee report rather than a simplified delegated report, making best use of staff time and resources. At present approximately 20% of all applications appear on the Weekly List and require a committee style report, but of these only 10% (i.e., 2% of total applications) are referred.
31. These changes are proposed to reduce unnecessary report production whilst retaining member control over the decision-making process. Members will of course have to exercise restraint if the process is to be effective and not be abused.
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Committee Procedures

32. At present planning committee agendas are generated in accordance with the Committee Agenda/Reports Distribution Timetable 2019–2020. This timetable is applied to all committee agendas in the Council and includes opportunities for all reports to be circulated to the Leadership Team for comment. Consequently, reports for planning committee have to be completed and with the LST over three weeks before the agenda needs to be published to meet the statutory publication requirements. This approach to committee timetables is unnecessary for Planning Committee reports.
33. The Constitution (page 5.16) confirms that officers will present views, opinions and recommendations on the basis of their overriding obligation of professional independence. In preparing the Planning Committee reports there can therefore be no role for other officers in the council to have the opportunity to be involved in the final preparation of the recommendation to the Committee. I accept that officers within the Council have a role in the assisting the case officers reach a view but not in reviewing the final report.
34. I recommend therefore that a separate committee timetable is agreed for the Planning Committee which requires a draft agenda to be submitted to the LST at least 15 working days before the committee date with all reports complete and submitted for publication within 8 working days of the committee date. All reports should be formatted and ready for publication on receipt by the LST.
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Member/Officer Interaction

35. My impression is that there is insufficient interaction between officers and members especially around the negotiation and determination of major applications. Such interaction should be encouraged and it will be beneficial if officers take the lead on
- a) contacting affected ward members direct on receipt of new major applications inviting them to come and discuss the application with the case officer
 - b) involving members in pre application discussions on major applications.
36. Such interaction would allow the local perspective to be fully understood and incorporated in the negotiation and assessment process. In addition the council might consider providing Planning Committee briefings where applicants for major schemes explain their proposals and members have the opportunity to ask questions and make suggestions. This could either be
- a) in private at the pre application stage or
 - b) post application in public at the start of or just before a planning Committee meeting.

37. In both cases members would need to be clear that they are not making a decision on a proposal. They must ensure that they retain an open mind and only reach a decision on an application when they have all of the relevant information and have heard the debate at committee. If the briefing is given about a submitted planning application it must be given sufficiently in advance, of the application being presented to the Planning Committee for decision, to avoid bias or the perception of bias.

Information Technology

38. The following issues were identified:

- staff have no facility to view application plans on site unless they use their own mobile phones or print plans. The council should provide appropriate hardware for plans to be viewable on site. A suggestion was made that there are some Lenovo tablets within the organisation which are not being used which could resolve this.
- ensure all staff have the same set up on their laptops - some staff have Google Earth with Street View others do not
- the reliability of servers is poor with significant impacts from down time
- the web site is not customer friendly. Finding information is difficult. The application search facility is clunky and does not allow searching by a wide range of criteria. The council should explore options to improve this for example can the Comino EDM system be linked to the IDOX Public Access module which many councils with Uniform use effectively?

Performance/Workload Management

39. Individuals vary in the way they manage their workload. Whilst this is a perfectly acceptable situation, managers need to be confident individuals are meeting agreed standards and targets. Senior management does not appear to have access to the necessary performance mounting data. This data should be able to differentiate between different types of application for example between a discharge of condition application and an application for a new dwelling which would always require a site visit and a more significant officer input. The data should be available to line managers and used to reinforce acceptable behaviours. Suggested additional data includes:

- speed of validation
- time from validation to site visit
- time from validation to recommendation made
- time from recommendation made to recommendation agreed, and
- time from recommendation agreed to decision issued.

40. I did not have the opportunity to review the management information reports currently used in the team. Some of the following regular reports to monitor progress can be developed in Uniform and may be useful.

- % of Portal Apps
- List of those agents that do not use electronic submission (used to encourage them to change)
- Time taken from receipt to officer split between those which are Valid on Receipt, subsequently made valid and never made valid.

- Reasons application made invalid by validation officer and by agents/applicants (to encourage consistency between officers and inform training and encourage improved submissions from particular agents).
- Time taken from validity to site visit
- Time taken by statutory and internal consultees to respond to consultations including plotting, heritage, open space and housing teams (allows check on service levels)
- PS 1 and 2 returns
- Officer workload management data could include
 - How many apps with each officer
 - How long applications have been with each officer by application type
 - Identifying applications that have stalled to initiate action
 - Time taken to decision e.g. Did app take 4, 5, 6, 7 or 8 weeks and are decisions made at Day 55 and 56?
 - Appeal workload and outcomes
 - Number of apps withdrawn
 - % of delegated decisions
 - Time taken to issue decision notice post decision
 - 26 week repay report
 - EOT required reminder at 6 or 7 weeks or 11 or 12 weeks
 - Use of EOT by officer and whether decisions then made within agreed extension of time
- Complaints analysis (providing learning for teams improved customer service).

41. This is a long list of possible reports and only a selection may be appropriate. If all are used there is a danger of an overload of management data.

Conclusion

42. There are enthusiastic staff in the DM and PBC teams. Current pressure on the teams is significant. There is a clear willingness to change, improve ways of working, improve customer service and make working in the department less stressful. They have made significant steps forward in recent months and, with a full complement of staff, the teams can achieve much more. Dynamic leadership will continue to be needed along with regular performance monitoring.
43. I hope you find the above summary helpful and can use the ideas to change working practices, reduce pressures on staff, become more effective and improve the customer experience. If you require any further advice or assistance please do contact me



Martin Vink

List of attached documents:

1. Committee report template
2. Rochford Application timetable