



**COTSWOLD**  
DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET – 19<sup>TH</sup> June 2023</b>
Subject	<b>DEVELOPMENT MANAGEMENT IMPROVEMENT PROGRAMME</b>
Wards affected	All
Accountable member	Cllr Juliet Layton Cabinet Member for Development Management and Licensing Email: <a href="mailto:Juliet.layton@cotswold.gov.uk">Juliet.layton@cotswold.gov.uk</a>
Accountable officer	Jon Dearing Assistant Director for Residents Services <a href="mailto:Jon.dearing@publicagroup.uk">Jon.dearing@publicagroup.uk</a>
Report author	Phil Shaw, Business Manager for Planning and Sustainability Email: <a href="mailto:Phil.Shaw@publicagroup.uk">Phil.Shaw@publicagroup.uk</a>
Summary/Purpose	To provide an update on progress against Phases I and II of the DM Improvement Programme and make recommendations for further improvements (Phase III), following the Planning Advisory Service report.
Annexes	Annex A – Enforcement ‘Harm’ Checklist Annex B - Planning Advisory Service Report Annex C – Consultation Protocol Annex D – Negotiation Protocol Annex E- Fees and charges schedule (To be provided)
Recommendation(s)	That Cabinet resolves to: 1) Note the improvement progress to date, and 2) Approve the changes detailed in paragraph 5.1
Corporate priorities	<ul style="list-style-type: none"> <li>• Deliver the highest standard of service</li> </ul>
Key Decision	No



Exempt	No
Consultees/ Consultation	Officers, and a representative of the Planning Advisory Service, met with Cabinet and the Planning Committee Chair and Vice Chair.

## **1. EXECUTIVE SUMMARY**

- 1.1** The report identifies the progress made in implementing the improvements to DM that have been undertaken thus far and the improvements to performance that have been secured. It then sets out further improvements that are in train and are proposed following the PAS review. Furthermore a series of additional options are set out which would need member authorisation to implement.

## **2. BACKGROUND**

- 2.1** The Development Management Service has had a challenging time over the last few years. The Pandemic brought about an unanticipated surge in demand, which resulted in substantially higher workloads and a much more competitive recruitment market. The Pandemic also restricted working processes, with (at times) 100% home working and restrictions around meetings and site visits.
- 2.2** Locally, these Pandemic related challenges were exacerbated by issues around retention, recruitment, a temporary Management Structure, validation backlogs and a lack of accurate data around which performance management mechanisms could operate. This in turn led to customer contact /feedback issues as staff prioritised throughput/backlog reduction over customer focus.
- 2.3** Accordingly, an Improvement Programme was initiated in January 2021, with the aim of addressing the fundamental issues. As a result, over the last 2 years the Service has:
1. Added additional capacity - added two Career Grade Planner posts at each site and added flexibility to all the new contracts to better meet the needs of the Councils and their customers,
  2. Introduced Career Grades with salary progression based on the attainment of experience, qualifications and value to the organisation,
  3. Improved, and localised, the recruitment process to reflect the significant advantages of being a Planner in this part of the Country,

4. Made changes to Management roles to provide stability for the Teams and local points of contact for Members,
5. Formed a Validation Shared Service team which added significant resilience and enabled us to cut our Validation timescales by around 60%,
6. Introduced customer contact touchpoints that mean that we are much more proactively communicating starting from receipt of the application and further contacts being rolled out at each stage of the process as our redesigns work through. We also introduced the Enterprise (Workflow) System, so that we are able to monitor and performance manage these proactive communications,
7. Created additional data sets to seek to overcome the issue that the vast majority of existing data was backwards looking and seeking to improve the quality, depth and frequency of our data sets, so managers have the adequate tools to manage their officers and overall performance, and
8. Commissioned a review by the Planning Advisory Service (PAS) in recognition that these improvements were only Phase I of the journey.

**2.4** As a result of these improvement actions the performance in relation to 'Minor' and 'Other' applications (making up 99% of all applications) has been continually improving since July 2021, as shown in the following table:

CDC	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23
Minors	61.68%	60.59%	66.03%	66.08%	74.49%	76.35%	78.00%	78.1%
Others	62.26%	55.73%	58.51%	59.34%	71.47%	71.93%	73.75%	74.29%

The table shows the cumulative performance in each year (percentage of applications determined within 8 weeks or an agreed Extension of Time). The data shows that for Minor and Other applications there have now been six consecutive quarters of performance improvement.

**2.5** Over the last year and a half the DM Management Team have been closely monitoring the impact of the first phase of improvements, consulting Members and Teams on the next best steps in terms of improving the service and have received the results of the PAS Review mentioned in paragraph 2.3 (point 8). The result of these consultations was the formation of Phase II of the Improvement Programme. Phase II, the focus of this report, is still quite process/protocol orientated and is anticipated to be completed over the next few months



- 2.6** Phase III of the Programme will be initiated during late 2023/early 2024 and will focus on the digitalisation of the service and the implementation of a continuous programme of user research so that we can better understand the future needs of our service users. This will be complemented by sustainability measures such as succession planning, advancement of our officer development programme, further work on (and expansion of) our Career Grade approach, implementation of further shared working models where appropriate and 'in time' Data. The aim of this work is to be providing a high quality, customer focussed and high performing service; that is sustainable and efficient.
- 2.7** Members may be aware that Government monitors the performance of all LPA's against a rolling 2 year average. Because the good performance at CDC pre Covid has now dropped out of the data set and been replaced with the poorer performance that resulted from Covid restrictions (as detailed in the left hand boxes above) this has meant the rolling average has dropped even though the poor performance issue has been rectified and the service is back above target and performance is improving further. This meant that Government identified that it was at 69.6% as opposed to the 70% requirement and as such was potentially in the position of designation by Government. Officers have been liaising with the team from DLUHC setting out that the 'miss' was by a very small margin, that performance is now clearly on an improving trend (indeed for April was over 90%) and that as a result of the measures already implemented (which are clearly working) and the further improvements proposed by way of this report, that we are confident that we will not have any further performance issues. The Officers from DLUHC acknowledged the above and indicated that there is nothing more that they would have done than has already been done. The situation does however highlight the importance of the corporate data sets clearly displaying the right data (they did not as they showed spot data as opposed to rolling average data) and of constantly looking at the way that applications are processed to ensure performance is maintained/improved. The measures set out later in this report are thus part of that process of looking at continued improvement..

### **3. MAIN POINTS**

- 3.1** The PAS review focussed on Process and the brief given to the Inspector was to give us their unbiased assessment of where the planning team are and what needs to be done to further improve; but also to sense-check the further improvements that were already implemented or were planned to ensure that they were consistent with good practice across the country.
- 3.2** As a result of their findings and political feedback a revised Action Plan has been created that sets the agenda for the next phase. The key improvement areas included in the Action

Plan are detailed in section 4 whilst section 5 details further, proposed, improvement areas where we need Cabinet approval given the sensitivity/potential impact.

- 3.3** It is worth setting out that until this process started most of the improvement processes had been initiated and designed by the respective teams and that as a result they had considerable ownership of them but with the disadvantage that they were often too inward looking - focussing on the efficiency of the process as opposed to the outcome for the customer. This programme of works has been undertaken by staff resources based within the Residents Services Group but with the Planners as clients/advisors as opposed to designers. This has already started to yield significant advantages in terms of the external oversight producing generic as opposed to site specific solutions which in turn aids resilience and efficiency. However it has sometimes meant challenging long held norms in terms of what was perceived as good customer care and as a result has necessitated quite a cultural change amongst the team; particularly amongst some of the longer serving staff. However the data collected is demonstrating that the improvements are working and there are far fewer customer complaints than were being received when the process was started. Whilst mistakes may be made as staff adapt to significantly different new ways of working the programme is delivering the key outcomes of better customer service at less cost and with greater resilience. Thus, if errors are made in future they sit in the context of why the changes have been made and there is the data to support the fact that the service is now clearly on a long term improving trend.

#### **4. AREAS ALREADY ADDED TO THE ACTION PLAN**

- 4.1** The following items have been added to the Action Plan and are either in the process of being implemented or are scheduled in for implementation

Enforcement: Work is underway to cleanse the backlog of cases that are either now resolved or are considered not to be causing harm and have had no correspondence against them for more than two years. A web Form has been developed which will help the complainant provide the necessary information and evidence at the first point of contact and help us to triage complaints more effectively

Validation: A substantial piece of work has been done to create a Validation Checklist that captures those requirements common across the partnership but is bespoke as regards particular policy requirements at each site. It includes many new features as to what needs to be submitted alongside applications in terms of biodiversity, climate change, energy efficiency, sewage disposal etc. As it is a digital document it also links to advice sections so as to enable the applicant to get it right first time and reduce the current (circa) 40% invalid applications which is a hidden cost to the Council in rectifying errors made by agents to enable the application to be registered and processed.

- 4.2 Pre-Application Service:** As an initial phase of the improvement programme the process whereby pre application advice is offered to potential applicants was remodelled. The core premise of this work was that much of the work in terms of drafting the letters and managing the caseload could be carried out at relatively junior and administration levels but each 'caseworker' would have a planning officer to act as a 'consultant' in the drafting of the letter. Sign off would remain with more senior staff. In so doing we would release planners from the more admin/process elements of the task whilst retaining planner input and sign off to ensure quality. However the implementation of this new process was delayed in that the substantial increase in the volumes of planning applications meant there was insufficient resource to bring it in. Subsequently the priority has been to focus on the enforcement element of the service. However it is considered that the work mapped out remains valid and, now that caseloads are reducing back towards pre pandemic levels , the opportunity will arise to revisit this work stream and realise the benefits that flow from it in terms of quicker responses, cheaper staff costs and a mechanism to support career development. We may also be able to introduce further charges for "fast track" pre apps and clearance of conditions etc where developers or potential purchasers of property are under time pressure.
- 4.3 Invalid Applications:** We have created a process where the cause of the invalidation can be logged such that we can improve the pre application information we provide in order to seek to reduce the errors agents are making.
- 4.4 Extensions of Time:** Government introduced a process whereby, if the applicant agreed, the timescale for determining an application could be extended beyond the statutory period but the application is still counted as being in time. This process was not, historically, widely used by this Council as it was seen as masking poor performance. However in contrast some authorities seek an extension of time at validation and so achieve 100% within time. Clearly when benchmarked against that approach operating without using EOT much or at all makes it very difficult to match that performance. What is now happening is that the team ask for an EOT for the delays caused by others (e.g. awaiting a key consultee, awaiting an ecology survey that can only take place next May, awaiting amended plans, to enable it to go to committee, at the applicants request, etc.) but do not promote it when the issue sits with us (e.g. Admin error, officer on leave etc.). In that way the team will be operating on a much more level playing field with those who are gaming the process whilst not masking issues that sit with the Council to resolve. The really positive consequence of this approach is that customers are kept much better informed and have realistic expectations around timescales

- 4.5 Customer Contact: As advised above we have started a number of initiatives aiming to build in customer contact.
- 4.6 Agent Forum: Clearly a lot of these changes will affect Agents. Over the years a number of them have become reliant upon the Administration Team to get their applications into shape before processing could even start. This has significant time and cost implications for the Council and this dynamic will shift as part of the Validation process improvements. There are also new fees for undertaking tasks that have hitherto been provided for free. This is likely to cause some disruption and as such an Agents forum will be convened in early Autumn to explain that if they follow the advice offered it should actually help matters as they will not be stuck in a queue behind applications that the staff have to work on even to get registered. Once held, these forums will be repeated such that the ever evolving planning legislation can be discussed and explained and future improvements to the system can be consulted upon.
- 4.7 Web Improvement: In the last year a Channel Choice Team has been formed within the Resident Services Group; made up of Customer Service officers, ICT officers, Communications and Web Design officers. As well as working to provide more accessible digital services for our customers, this Team is working with the Web Content officer to improve the information provided on the Website. The usability of the Web pages has a direct impact on the level of enquiries/requests for assistance that is received by the Planning Service.
- 4.8 Non Committee Reports: The PAS report identified that officers were of a high calibre and carried significant caseloads. However there was a perception that some junior officers put together reports that relied unduly on senior officers to correct and format and that they should be producing better reports at the outset. At CDC PAS considered the reports to be overly long and detailed (in relation to straightforward applications), with far too much effort and expertise being invested in a piece of work that would probably never be read again once the application had been signed off. The solution to both of these issues is to adopt a standard template approach where reports are tailored to the likely audience. Thus Committee reports and refusals that may be appealed would be written as bespoke pieces of work (as now) whereas other applications would not need such bespoke reports but could use standard templates with inserts. These new reports will be implemented shortly.
- 4.9 Decision Sign Off: In order to avoid a bottleneck at the Principal Officer level we have, following consultation with the Portfolio Holder, introduced a system of Peer Sign Off on



less complex applications. As well as speeding up the process of Sign Off, this approach allows officers to learn from their colleagues' decision making considerations

## **5. AREAS REQUIRING MEMBER APPROVAL**

- 5.1** The following further improvement items require approval in that they are considered to have political implications, as per recommendation (b):
- 5.2** Charges: As part of a separate (Corporate) report it was agreed that a new fee charging structure be adopted based around two premises. Firstly, that many of the Fees levied were not in line with neighbouring Councils and needed to increase. Secondly, that there were many non-statutory functions being undertaken without any charge. The newly adopted structure brings existing Fees in line with comparators and introduced (modest) new Fees where we are providing officer assistance in areas where information is available to enable self-serve. (see annex E) However when they have bedded in there is the opportunity to revisit them to look at whether income could be further enhanced by adding charges for further tasks (such as fast tracking) or by raising the rates further as the quality of service improves.
- 5.3** Recommendation: That new fees be monitored and increased/added to (as per PAS recommendations) as and when the opportunity arises
- 5.4** Enforcement: At present there is little formal prioritisation of enforcement cases with an emphasis is on getting out on site to view the breach as opposed to actually seeking to resolve the most important cases as expeditiously as possible. This approach alongside the restrictions imposed by the pandemic (where there were more complaints arising from neighbours locked down at home coupled with severe restrictions on site visits) brought about a substantial backlog. Much good work has been done over the last 6 months using a "harms checklist" to reduce the backlogs and it is considered that this approach could equally well be used to triage new cases. Thus, with the improved information generated from the improved enforcement complaint form, we could assess the breach in terms of its planning harm, political impact, criminality or likely precedent and by so doing focus our attentions on the cases where real harm is identified; as opposed to seeking to move across a broad front of 300-400 cases, many of which are either trivial in nature, cause little harm or where the planning system is arguably being used as a tool in a neighbour dispute. Critically there would, with a reduced caseload, be the opportunity to provide better and more focussed enforcement update reports for Members so that they in turn are better informed to enable their community advocacy role in updating/managing expectations of Parish/Town Councils and neighbours. There will clearly be some neighbours who do not see the focus on key cases as being correct and want 'their' case investigated as a priority. However by focussing on the harm caused as opposed merely to the fact that there is a breach this potential source of future complaint can be mitigated to some degree





- 5.5** Recommendation: That the 'Harm Checklist' (Annex A) be introduced at complaint receipt stage to enable greater focus on higher priority/harm/impact cases
- 5.6** Consultation Protocol: A good planning decision is based upon timely and accurate responses from consultees and so a culture has developed of consulting very widely on planning applications to seek to garner as much information as possible. However PAS identified that many of the consultees were not resourced to deliver against the volume of work they were being required to undertake to provide planning responses. This in turn often meant that rather than resolving matters they suggested a condition requiring submission of further information; which then delayed the development whilst this was submitted and processed and further increased the work burden for planners and consultees in having to process the condition discharge applications. Sometimes the time delays waiting for this additional information far exceeded the time to process the main application. PAS were of the view that many decisions could be made without waiting for the consultation response as they were not in fact critical to the decision. This involves a degree of risk management by officers who will need to review who is consulted, whether their responses can be adapted so as to not require further information and whether if the time for response has gone the application can be determined without waiting. Some responses have severe consequences (e.g. some Highways and Flooding responses) and some have legal consequences (e.g. Ecology) but not every one of them. This will need considerable care as to how we can ensure consistency of consultation and whether to wait or determine the application and so it is suggested that a consultation protocol be trialled to ensure that we retain the correct balance between informed decisions versus late decisions awaiting additional but ultimately unnecessary information.
- 5.7** Recommendation: That a 'Consultation Protocol' (Annex C) be adopted.
- 5.8** Member Call In: At present Members have an opportunity to call in applications that would normally be determined under the scheme of delegation; with a requirement that this is done for planning reasons alone. Elsewhere the call in period is applied at the beginning of the process but at CDC it operates at the end of the process. PAS were particularly concerned that this back-ended approach adds considerable delay to the process and critically that it undermined the ability of the officer to negotiate improvements, as the applicant was always aware that a last minute request could take the decision to Committee where all the arguments could be re rehearsed. The process whereby a group of Councillors/Officers decide whether the request is "a planning matter" has also been questioned by PAS; as it is much more common for the local Lead Officer to make that determination. It is therefore suggested that the process is reviewed, potentially looking for the decision to request referral by a Councillor to be made within 28 days of the receipt of the application with the Councillor clearly stating the planning reasons for referral and the decision as to whether they are or are not planning reasons being vested in the Local Lead officer.
- 5.9** Recommendation: That the Constitution Working Party be asked to investigate an approach based upon the above to feed into the next review of the Scheme of Delegation.



- 5.10 Neighbour Notices:** The law requires that applications are advertised by either site notices(s) coupled with some newspaper advertisement or by newspaper advertisement coupled with direct neighbour notification. PAS identified the system that best creates efficiency, utilises the computer systems to best advantage and ensures that those customer who are less IT literate are not disadvantaged was not using direct Neighbour Notification but rather posting a site notice or a number of notices at each site. Additionally, however, as part of the administration process, copies of the site notice are included in the paperwork available to the officer when they visit the site. If they consider that a particular property is affected and they have not had a response from that site as yet then a copy of the notice is posted through the door. This ensures that persons who are directly impacted but who have not seen the site notice or newspaper advertisements are still able to contribute. By encouraging use of on line alerts and submissions via electronic as opposed to paper based methods it also reduces the back office processes. Similarly if the process involves moving to a primarily site notice based method then copies can be sent out directly to applicants to get them to post them- which reduces the need for officers to sometimes make two visits; one to post the notice and a further one following receipt of comments. Some sites will still need to have the notice posted by the officer (e.g. where there is no on site presence) but further cost savings can be generated by not having officers post every notice.
- 5.11 Recommendation:** That following a period of publicity the neighbour notification process be adapted as outlined above to move to site notices, on site posting at officer discretion and applicants to self-post their notice.
- 5.12 Application Negotiation:** It has historically been the case that Officers have worked proactively with applicants to seek to secure them planning permission. This is in accordance with the presumption in favour of sustainable development under which the planning system operates. However this can mean multiple iterations of a scheme have to be registered, processed, negotiated upon and assessed. On some occasions pre application advice may have been given that something needs to have been done, but it is only when the application is written up for refusal that the applicant will make the changes requested. This involves substantial abortive work and can mean that neighbours experience uncertainty for a substantial period of time as the application goes through a series of amendments - rather than being determined. It is therefore proposed that a negotiation protocol be adopted that seeks to limit the number of times that an application can be deferred whilst keeping open the opportunity to resolve minor matters. Where pre application advice has been ignored this restriction on 'endless negotiation' will be strongly applied and where no pre application advice has been applied for then it may be decided to determine the application as tabled
- 5.13 Recommendation:** That a negotiation protocol (Annex D) be adopted, to seek to limit the extent of times an application will be allowed to be amended.
- 5.14 Ecology and Sustainability:** At present the workloads of internal consultees such as trees, forestry, landscape, heritage, design, conservation, architecture, green infrastructure etc. has increased substantially alongside the increase in planning applications. This is likely to increase

still further alongside the impending requirements of Biodiversity Net Gain, the Environment Act and the Habitats Regulations coupled with the workloads that will be required to input into the emerging Local Plans at each site. The resources to deliver against this agenda are currently not sufficient. It is therefore highly likely that separate reports will be made to the Council seeking to address this longer term demand. In the interim the capacity of the team to deal with the volume of work generated from its core application response and serving LP issues is such that they will not be able to take on additional tasks and delivery against some existing targets is likely to slip. A further separate report will be made in due course to address this issue.

## **6. ALTERNATIVE OPTIONS**

- 6.1** Section 5 of this report includes the options and the level of risk associated with each.

## **7. FINANCIAL IMPLICATIONS**

- 7.1** There are no costs associated with either the changes detailed in section 4 or the recommended changes detailed in section 5; no significant costs that cannot be covered within existing service budgets. There will be investment costs in relation to the implementation of IDOX Cloud (The digitalisation of the Planning Service); however these, and the associated ongoing savings, have been highlighted and agreed as part of the Shareholder Innovation Programme. The resourcing needs of the Ecology and Sustainability Service (see paragraph 5.1.13) will have a financial impact but this will be the subject of a separate report.

## **8. LEGAL IMPLICATIONS**

- 8.1** Any legal implications associated with the proposed changes are highlighted within the body of the report.

## **9. RISK ASSESSMENT**

- 9.1** Any risks associated with the proposed changes are highlighted within the body of the report.

## **10. EQUALITIES IMPACT**

- 10.1** There are no adverse effects on the protected characteristics covered by the Equalities Act. An Equalities Impact Assessment has been completed and reviewed by the Business Manager for Business Continuity, Governance and Risk.

## **11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 11.1** There is no negative impact associated with these recommendations

**12. BACKGROUND PAPERS**

None

(END)