



SUPPLEMENTARY AGENDA

CABINET MEMBER FOR PLANNING POLICY & CITY DEVELOPMENT

WEDNESDAY, 19 JULY 2023 AT 4.00 PM

CONFERENCE ROOM B - CIVIC OFFICES

Telephone enquiries to Karen Martin, Local Democracy Officer - Tel: 023 9284 1704
Email: karen.martin2@portsmouthcc.gov.uk

Membership

Councillor Hugh Mason (Cabinet Member)

Councillor Matthew Atkins
Councillor Raymond Dent

Councillor George Fielding

(NB This supplementary agenda should be retained for future reference with the main agenda and minutes of this meeting).

SUPPLEMENTARY AGENDA

3 Update of Development Management Performance (Pages 3 - 8)

Purpose

This report provides an update on performance of the Council's Development Management service. This follows previous report on the same subject to Cabinet in February 2022 and the Portfolio February 2023 and summarises monthly updates provided to the Portfolio Holder in weekly briefings.

To follow:

Appendix 3 - Response to DLUHC regarding risk of designation in respect of speed of determination of non-major applications

Date Not Specified

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Planning and Economic Growth

Ms Fionnuala Wolff
Department of Levelling Up, Housing and
Communities
BY EMAIL

Civic Offices
Guildhall Square
Portsmouth
PO1 2AU

14 July 2023

Dear Madam

Re: Local planning authorities that may be liable for designation under section 62A of the Town and Country Planning Act 1990

I am writing in response to your email of 15 June 2023 requesting details of further information to enable the Secretary of State to make a final decision to the potential designation of Portsmouth City Council for speed of decision making.

You have asked us to provide an update to our previous submission of 2 February 2023 on the exceptional circumstance that have affect our performance statistics in the year to September 2022 and details of any ongoing exceptional circumstance that has affected performance since that submission.

As requested I will not repeat details of the lingering impacts from backlog linked to Covid-19 and earlier service interruptions or reiterate the service improvements that had already been introduced. I will however provide an update on the challenges associated with Departmental Capacity. In my previous letter I detailed the challenges of then managing 7 vacancies, including the Head of the Development Management service. The wider Development Management team is now managing with 8 vacancies, predominately of professional planners. Within a professional planning team of 13 there are currently 5 vacancies, including the Head of Service. A recruitment drive has just been completed and while we are hopeful in being able to appoint a new Head of Service and new entry-level professional planners, we did not receive a single qualified applicant for posts in either 'Senior Planner' or 'Principal Planner' grades. The Council will therefore continue to have significant reliance of temporary contract staff for complex and significant development proposals. Some previous temporary contract staff have left the authority without meeting the performance standards required, or moved on to higher paid contracts in an ever escalating market. While recruitment is progressed, capacity has however been maintained with the appointment of new, higher performing temporary staff and through the use of staff overtime.

You have also asked for confirmation of our performance for non-major applications for each recent quarter (Oct-Dec 2022, Jan-March 2023 and April -June 2023). I can confirm, as detailed in the updated performance statistics shared with you last month, that since receiving your letter of 17 January 2023 a performance action plan was introduced to focus on the speed of determination of all applications and this has resulted in higher, sustained performance. For these quarters the Council's recorded performance are:

For Q3 2022/23(October-December '22) prior to the receipt of your letter, Portsmouth determined 179 cases in the non-Major category; 62.57% in time. In Q4 (January-March '23) Portsmouth determined 237 cases in the non-Major category; 72.57% in time. And in Q1 2023/24 (April-June '23) Portsmouth determined 285 cases in the non-Major category; 99.30% in time. This significant service improvement is backed by an action plan of management and monitoring with staff and focus on the timeliness of decision making. Consequently the Council is confident that this service improvement is sustainable and can be maintained hereafter, supported by other ongoing service improvement.

To that end you have also asked for a summary of any work undertaken with the Planning Advisory Service to review performance and support service improvement. As covered in my letter in February, Portsmouth was already in discussion with PAS regarding service improvement. Staff from PAS visited the Council on 13 June 2023 to undertake a 'health check' using the PAS Development Management Challenge Toolkit, focussed on those process elements that have the greatest direct influence on the speed of decision making. That Review, provided to the Council on 5 July 2023 is attached for reference. The PAS Review highlighted some useful context that reiterates the exceptional circumstances previously highlighted, including acknowledging that competition for staff is extremely tight in this part of the country and that associated reliance on agency staff has had implications for the efficient running of the Development Management service. The PAS team were asked to provide recommendations both for longer and medium term service improvement but also for "quick win" short term improvements that could be immediately introduced.

14 Recommendations were made by PAS as an output of their Review. The Development Management team had already commenced many of them and ensured their delivery. These were:

Recommendation	Period	Response
R1 Ensure that all applications are properly validated before allocating to a case officer and set out clearer criteria for the technical team to follow when allocating non-major applications to case officers.	Over the short term (ie immediate)	Complete - New process note set out for technical team
R2 Adopt a single and simply laid out performance management report, we suggest using the Boxi system in the short term, across all teams and ensure that this continues to be shared widely across all staff to encourage a single team approach.	Over the short term (ie immediate)	Complete - New, real-time reporting tool rolled out across teams and used in weekly case reviews
R3 Streamline the sign off process for reports by managers through use of the Idox Uniform system, replacing current email process and allowing the technical team to pick up and prepare a decision notice more simply.	Over the short term (ie immediate)	Underway - New process of bi-weekly 'drop in' sessions to remove delay between officers and managers. Use of case management module being assessed as part of IT systems review (see R12)
R4 Identify an officer to make some immediate updates to the	Over the short term	Complete - Identified Officer undertaking full review of

website to reduce time spent on queries and complaints, e.g. a user friendly explanation of the Statement of Community Involvement in relation to how applications are publicised; a guide to rules for speaking at planning committees; and clearer sign-posting to Planning Portal for advice.	(ie immediate)	website content to promote channel shift for queries.
R5 Take a firm position on the provision of non-key services such as informal telephone advice on permitted development, to minimise the interruptions to case officers and the technical team. For example, it is reasonable for the support team to direct callers to a web page or the pre application service and advise that it is not possible to provide advice over the phone because of potential misunderstandings and resource constraints.	Over the short term (ie immediate)	Complete - Process note reinforced and shared with team
R6 Update the local validation list and take a stronger line on rejecting poorly presented or incomplete applications. This should include "triaging" applications to weed out the poorest more quickly and deducting a modest administration charge for returned applications.	Over the medium term (ie within 4-6 months)	Complete - Updated Local Validation list commences public consultation this summer Process note on validation shared with team
R7 Provide clearer guidance to case officers on legitimate reasons for extensions of time and setting realistic extensions of time. Undertake more active case management between 4 and 6 weeks to agree these when necessary.	Over the medium term (ie within 4-6 months)	Complete - Updated process note included within DM Manual and use of case management meetings reinforced
R8 Bring together all the process notes and guidance available for case officers into a single DM manual, making the most of existing work as well as drawing up a plan for filling some gaps in that guidance as indicated in this report, e.g. a risk based approach to site visits, placing and recording site notices, non-material amendments, reasonable levels negotiation with applicants on	Over the medium term (ie within 4-6 months)	Underway - DM Manual being reviewed and gap analysis of guidance to be completed this summer

their applications and triggers for referring to planning committee.		
R9 Design and begin the roll out of a staff training programme, aimed to support DM officers as well as retain and develop staff. This would include project management training for case officers; payment of RTP1 fees for DM staff and opportunities for networking/CPD; use of the IDOX Uniform system as it is developed.	Over the medium term (ie within 4-6 months)	Complete - New staff training programme produced and rolled out for 2023
<p>R10 Build on the work already started by the interim DM manager to improve relationships with local agents and developers including:</p> <ul style="list-style-type: none"> formally establish an agent's forum, enabling local agents to meet and discuss issues with managers in the team DM. Consider the establishment of an accredited agents scheme that allows the most trusted agents to be fast tracked through the validation stage. Agree priority work issues to help the speed of decision making – e.g. quality of applications, use of extensions of time, introduction of new technology. 	Over the longer term (ie 6-12 months)	Underway - First meeting of local agents forum being undertaken this summer.
<p>R11 Work with elected members to review the scheme of delegation with the aim of reducing the number of applications needing to go to committee and reducing the uncertainty for a committee decision. Issues covered in the review could include:</p> <ul style="list-style-type: none"> re-enforcing the use of the agreed deadline for a member referral to committee (this is currently 28 days) an agreed framework and process for dealing with minor applications, including 	Over the longer term (ie 6-12 months)	Underway - Discussions commenced with Portfolio Holder in respect of further review of Scheme of Delegation

applications for certificates of lawful developments, to increase the percentage of applications delegated to officers rather than at committee		
R12 Reform the way that the Idox Uniform system is utilised, redesigning this so that it meets the needs of the DM team and enables case officers to manage caseloads within the system, log progress with each application and prepare reports within the system. This recommendation would be subject to any local or national decision to introduce a new back-office system and PAS can provide advice on this.	Over the longer term (ie 6-12 months)	Action to be undertaken by new Head of Development Management once appointed
R13 Review the existing enforcement plan to include a process for prioritising cases – such as high, medium and low – and an accompanying expectation for investigation planning breaches.	Over the longer term (ie 6-12 months)	Complete - New Enforcement Policy discussed with Portfolio Holder and agreed.
R14 Review standard wording and templates for reports to ensure they are of an appropriate length and detail for each type of development and reflect the Council's wider duties, for example under the Equality Act and Human Rights Act.	Over the longer term (ie 6-12 months)	Action to be undertaken by new Head of Development Management once appointed

In combination with the ongoing continual performance review work being undertaken by the Council, as evidence by the dramatic increase in performance statistics since receipt of the Secretary of State's original letter the Council is confident that service improvements can be embedded and maintained. These increased service outcomes have already reduced the backlog of planning applications to the lowest levels since before the Covid pandemic.

Overall Portsmouth City Council reiterates its belief that the ongoing work to create and embed service improvement and secure staff to deliver good performance means designation is unnecessary and unreasonable. The steps taken to date have demonstrated an exceptional performance outcome, with 285 non-major cases determined with 99.3% 'in time' for this last quarter, and this can be maintained albeit it has meant a change in focus for the Council with less time given to applicants to support improving their proposals and overcoming potential reasons for refusal. It is intended that when the key vacant posts have been filled the Council would be able to reintroduce the added value that professional planners provide to development through this advice and support, and fully implement the recommendations provided by PAS, without any diminution of the speed of determination.

For that reason in particular, the Council consider designation would be unreasonable. With performance levels, based on the last quarter, that would place Portsmouth amongst the top 20 authorities in the Country the key barrier to maintaining that performance and enhancing services for our residents and customers is the ability to recruit and retain high quality staff. Designation would have a significant adverse implication for that recruitment and consequential adverse implications for maintaining performance. I trust that these details assist the Secretary of State in his decision making and the ongoing demonstrated commitment from Portsmouth to improve the speed of decision making and service delivery provides the necessary exceptional circumstances to make designation unnecessary.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Maguire', with a stylized flourish at the end.

Ian Maguire
Chief Planner and Assistant Director for Planning and Economic Growth
Portsmouth City Council