

REPORT TO CABINET

Open		Would any decisions proposed:			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO	
	Discretionary/	Need to be recommendations to Council		YES/NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Cllr Richard Blunt E-mail: <i>cllr.Richard.Blunt@West-Norfolk.gov.uk</i>			Other Cabinet Members consulted: Cllr Angie Dickinson		
			Other Members consulted:		
Lead Officer: Geoff Hall E-mail: <i>geoff.hall@west-norfolk.gov.uk</i> Direct Dial:			Other Officers consulted: Lorraine Gore, Debbie Gates, Michelle Drury, Becky Box, Stuart Ashworth, Hannah Wood-Handy, Lee Osler		
Financial Implications YES	Policy/ Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications NO	Environmental Considerations NO

Date of meeting: 21 June 2022

RESOURCING – DEVELOPMENT MANAGEMENT TEAM (PLANNING)

Summary

To increase capacity within the Development Management team to reflect increased workloads and the need to provide an acceptable level of service to those engaged in the planning process. The structure will also respond to the changes put forward in the Levelling up and Regeneration Bill in respect of planning and in particular the need to improve speed and quality of decision making.

Recommendation

1. Cabinet is recommended to approve the recruitment of the following new posts:
 - 1 x Principal Planner
 - 6 x Planning Officers
 - 1 x System and Performance officer
 - 1 x Ecologist
 - 1 x Cil Officer
 - 1 x Technical Support Team Leader
 - 1 x Technical Support Officer
 - 1 x Arboricultural assistant/officer
 - 1 x Enforcement Officer
 - 1 x Enforcement Support Officer

2. That the planning fee income in the budget be increased from £1.1 million to £2 million to more accurately reflect the income received over the past 3 years and the increase in planning fees set out in the Levelling up and Regeneration Bill.

Reason for Decision

To provide sufficient capacity and expertise to enable the DM team to respond to the number and complexity of planning applications and to provide sufficient resilience within the team; and

To enable planning applications to be determined more speedily and to achieve the performance measures that will be outlined in the Bill

1 CURRENT STRUCTURE

- 1.1 The Planning Department comprises two broad areas of activity covering Development Management (commonly known as Development Control) and Planning Policy.
- 1.2 The DM function which covers the processing of planning applications is a fee earning service although it also includes non-fee earning elements such as planning enforcement and conservation. The collection and distribution of the Community Infrastructure Levy is designed to raise money from development for local communities the administration of which is partially paid through a 5% 'levy' on income received. The Planning Policy team is paid for from a separate budget and is not included in this review although we will need to look separately at both the structure and resources in this area to reflect the changes in the Bill.
- 1.3 The structure is shown in Appendix A and includes both vacant and new posts.

2 Need for Change

- 2.1 There are several pressures on the DM team that require a review of capacity. These include:

Caseload

- 2.2 The current caseload per planning officer at KLWN is 150 applications per officer plus discharge of conditions, pre-app advice, amendments etc. A comparison with neighbouring authorities (Fenland, East Cambs Broadland and South Norfolk) shows a range of between 99 and 110 applications per officer. Whilst the number of applications dealt with per officer at KLWN is up to 50% greater than our neighbours, it should be stressed that this is based on a full establishment. With the current level of vacancies, the caseload is currently at 177 per officer which is placing extreme pressure on staff and will contribute to delays and the possibility of mistakes being made.
- 2.3 It is inevitable that any structure of this size will carry vacancies from time to time through people moving jobs, sickness or maternity leave.

The current structure lacks the resilience to cope with vacant posts without placing pressure on existing staff.

Complexity

- 2.4 The complexity of planning applications has increased significantly in recent years alongside a requirement for applications to be dealt with speedily and within tight timescales.
- 2.5 The Government has introduced performance targets including the Planning Guarantee where a failure to deal with applications within the required timeframe will result in the planning fee being repaid.
- 2.6 The Government has made it clear that the increase in planning fees will be accompanied by strict performance targets for the determination of planning applications and it is important that a structure is in place that will enable us to meet these targets.
- 2.7 Most recently, the Environment Act has introduced changes that require all applications (over a certain size) to demonstrate biodiversity net gain. This will prove challenging to the development industry in terms of demonstrating that their applications will not have an adverse impact. We currently do not have the skills in house to assess these applications or to give advice to people making applications on the measures they must take.

Customer Service

- 2.8 Planning is a high-profile service within the Council. Applicants who are paying a fee expect their applications to be determined quickly and professionally. Similarly, local residents, Parish Councillors and Elected Members all demand a level of support to their inquiries which can prove difficult to achieve with the currently high caseloads.

3 New Structure

- 3.1 We are proposing the following changes to the establishment.

	Grade	Cost (including oncosts)
1 x Principal Planner	PG7	£54,447
6 x Planning Officers	PG8/9	£295,518
1 x Systems and Performance Officer	PG9	£43,689
Ecologist	PG8	£49,253
1 x Assistant Arboricultural officer	PG10	£38,119
1 x Cil Officer	PG10	£38,119

1 x Technical Support Team Leader	PG10	£38,119
1 x Technical Support Officer	PG11	£32,727
1 x Enforcement Officer	PG9	£43,698
1 x Enforcement Support Officer	PG10	£38,119
Market Alignment		£50,000
Equipment and Allowances		£30,000
Total Cost (assuming mid point)		£751,808

- 3.2 Most of the posts being proposed are intended to provide additional capacity within respective teams. On the Development Control side this will involve the creation of six additional posts that will bring the caseload per officer down to 100 applications per officer in line with neighbouring Council's. The enforcement team will also be strengthened through the creation of a new enforcement post and the creation of a new support officer who will focus on providing a better customer interface with the public in terms of updating on the progress of cases.
- 3.3 There are however a number of significant additional areas worth highlighting. The first of these is the creation of a new post of Ecologist within the planning team. This post is being proposed in response to the requirement in the Environment Act (which will be enacted in 2023) that all relevant planning applications must demonstrate biodiversity net gain. This requirement will require expert advice to assess new proposals.
- 3.4 The legal requirement to assess applications will require the Council to either employ an ecologist or buy this service in from consultants. It is likely that the Biodiversity Net Gain requirements will produce significant strain on the planning process and will (unless addressed) have an adverse impact our ability to determine planning applications in a timely way.
- 3.5 The second change worth noting is the move from two area teams (north and south) to three area teams (north, central and south). This change is intended to provide greater management support within the department and will enable planning officers to cover a smaller geographical area.
- 3.6 We are proposing to simplify the current structure to combine the Senior Planner/Planner roles into a single grade with a bar to progression based on experience. We are also proposing to combine Assistant Planner/Graduate roles into a single assistant planner grade. Officers will progress from Assistant Planner to Planning Officer upon formal qualification. This will provide a much wider salary band for these roles which will have the benefit of making these posts more

attractive to potential applicants as well as providing a career path for those people in post without having to move to achieve progression.

- 3.7 The Government has made it clear that the increase in fees set out alongside the Levelling Up Bill must be matched by an increase in performance. The new structure will help increase capacity across the department but is unlikely to be sufficient in itself to deliver the improvements that are required. As a consequence, we are recommending the creation of a systems and performance officer who will be responsible for developing and implementing a system of tracking/monitoring of all planning applications against target dates to ensure that performance targets are met. This role will involve developing the 'enterprise' module within the iDox system and can be used more widely than just the DM team to include other sections in the department.

Market Alignment

- 3.8 The changes set out in this report would create 15 new posts in addition to the 3 currently vacant posts in the DM team. One of the problems faced by the current structure has been a difficulty in recruiting to existing vacancies. Simply creating new posts will not in itself make them easier to fill particularly in a highly competitive market.
- 3.9 It is therefore recommended that a review of grades take place to ensure that salaries are competitive and that a budget of up to £50k be set aside to achieve this aim.

Equipment and allowances

- 3.10 This restructure would involve a significant number of additional staff. There will be a requirement to completely change working practices to accommodate hot desking and remote working arrangements. An allowance has been set aside of up to £30k to cover equipment, professional fees and car allowances.

4 Income (Planning Fees)

- 4.1 Planning fees are set nationally by Government and the level of fee income received is wholly dependent upon both the number (and importantly) type of application received. The Department also receives income from providing pre-application advice on planning applications as well as from street naming and numbering.
- 4.2 Because the level of income is highly dependent upon external factors including the number and type of application as well as Govt decisions on whether and when to increase fees it can be difficult to accurately predict the level of income looking forward.
- 4.3 The income from all planning fees and charges over the last four financial years has been

2018/19	£1,534,703
2019/20	£1,131,886
2020/21	£1,573,435
2021/22	£1,628,337

- 4.4 For three out of the past four years income has exceeded £1.5 million with the year 19/20 showing a significant variance from this trend and highlighting the difficulty in projecting income for future years. However, the 19/20 financial year coincided with the first Covid outbreak which had a significant impact on the construction sector and is perhaps not therefore a representative year on which to base trend income.
- 4.5 When the Government introduced the last increase in planning fees it required that Council's must ring fence 20% of income into improving the level of service within DM. The current balance is £307,375 which can be used to contribute toward this restructure if the need arises.
- 4.6 The Government published the Levelling up and Regeneration Bill on the 13th May and at the same time indicated its intention to raise Planning Fees. The proposal is to increase fees on minor applications by 25% and to increase Major applications by 35%. If this increase had been applied retrospectively to the 2021/22 fee income, then this would have increased income by £555,782 to £2,184,119. The Government have not given a date for when these changes will be implemented.
- 4.7 In previous years an underspend on DM has been transferred into reserves. The restructuring set out in this report would be funded through fee income (based on the announced increase) with any shortfall year on year being met from the 20% reserve. Any underspend on fees will continue be transferred into reserves.

5 Cost of Current Service

- 5.1 The cost of providing the current DM team is £1,150,964 based on a full establishment. We currently have three vacancies that we are backfilling through the use of consultants whilst we attempt to recruit to those posts. The cost of the new structure would be £1,902,772 (including the estimate for market alignment and equipment costs).
- 5.2 The announced increase in fees will take projected income to over £2 million which should comfortably deliver the changes being proposed. It is highly likely that the fee changes will be in place before we have recruited to all the new posts, but in the event that there is a short-term gap then this can be met from the 20% reserve.
- 5.3 Planning fee income is currently budgeted at £1,100,000 (including the additional 20% mentioned at 4.5). Based on the last 2 years of income and applying the planning fee increase it is proposed that the planning fee income budget be increased by £900,000 to £2 million to accommodate the proposals set out in this report

- 5.4 If planning income does not achieve the revised budget level in any year, then any shortfall can be met from the 20% reserve.
- 5.5 We will continue to monitor income against capacity and where appropriate take any further action to bring the two into alignment.

6 Policy Implications

- 6.1 Need to provide a good service to meet national and local planning policies.

7 Financial Implications

- 7.1 As set out above in section 4 and 5

8 Personnel Implications

- 8.1 As set out above in the report.

9 Environmental Considerations

- 9.1 The creation of a new post of Ecologist will enable the requirements of the Environment Act to be met.

10 Statutory Considerations

- 10.1 The planning system operates within specific legislation, which must be met/adhered to.

11 Equality Impact Assessment (EIA) (Pre-screening report template attached)

12 Risk Management Implications

- 12.1 Without additional resources there is a risk that the service will not be delivered to national requirements.

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Environment and Planning				
Is this a new or existing policy/service/function?	Existing				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>To validate and determine planning applications, and take enforcement action as necessary.</p> <p>Yes – the planning system operates within set legislation</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (eg low income)			x	

