

Decision by Portfolio Holder



Report reference: PLS-003-2019/20
Date of report: 05 August 2019

**Epping Forest
District Council**

Portfolio: Planning Services

Author: Nigel Richardson (Ext 4110)

Democratic Services: J Leither

Subject: Appointment of Agency Planning Officers

Decision:

That approval is given to waive Procurement Rule 2.9 (b) and Appendix A to continue the appointment of one or more temporary Planning Officers as Agency Staff not exceeding £35 per hour for Planning Officers, £45 per hour for Senior Planning Officers and £60 per hour for Principal Planning Officers (Team Manager level one) to cover existing Planning Services establishment posts without the requirement to obtain three quotations from 1st April 2019 to 31st March 2020

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| ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i> | |
| I have read and approve/ do not approve (delete as appropriate) the above decision: | |
| Comments/further action required: None | |
| Signed: Cllr J Philip | Date: 12 th August 2019 |
| <i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i> None | <i>Dispensation granted by Standards Committee:</i> Yes/No or n/a N/A |
| Office use only: Call-in period begins: 12 th August 2019 | Expiry of Call-in period: 19 th August 2019 |

**After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY**

Reason for decision:

Planning Services are going through a period of significant change and growth. This has resulted in a higher workload for planning officers due to the complexity of the new Local Plan and assessment of planning applications. In the last eighteen months, ten permanent and experienced Planning Officers including two of three highly experienced Principal Planning Officers have left the organisation. Recruiting planning officers generally in Essex at local government level has been very challenging in recent years and now is being experienced at Epping Forest DC.

Authority is sought pursuant to the Council's Procure Rules, to waive paragraph 2.9 which requires three written quotes for contract category 2 contracts (between £50,000 to £250,000) be obtained. The waiver will allow the continued engagement of Agency Planners against established Planning Officer vacancies including One Principal Planning Officer (Team Manager).

Options considered and rejected:

Immediately fill all vacant Planning Officer posts. This not currently possible as the advertising processes for Team Manager and Senior Planning Officer posts require specialist advertising and these positions are in high demand across the country. Previous advertising for these types of post have resulted in very limited responses. It is unlikely that we will be able to fill all vacant planning officer posts until the new Service Structure is agreed.

Background Report:

1. Planning Officer vacancies.

In addition to the two experienced Senior Planning Officers we lost to the newly formed Planning Implementation Team (see item 3 below) we have also lost two highly experienced Principal Planning Officers, two Senior Planning Officer and retirement of a Planning Officer. While we have recently appointed two Assistant Planning Officers, following the promotion of the two previous incumbents to Planning Officer level, they are in effect beginning their career in planning and will take some time to be able to fully cover and manage planning cases without close supervision. They have yet to start and worryingly, one of them is now failing to respond so agency planning cover is required to help with more minor applications and validation. Currently, there are six vacancies for example in Development Management, including a vacant Principal Team Leader post. Agency staff are covering and have just been extended until the end of October 2019 in order to keep the service running and performing, preventing a backlog that would prove difficult to catch up.

2. Recruitment difficulties – Vacant Planning Officer posts.

During the last two years the response rate for advertised Planning Officer and other specialist posts within Planning has been poor. We have advertised several times for a Contaminated Land Officer, for example, and a recent recruitment drive through JobsgoPublic a microsite site failed to bring forward sufficient experienced senior planning officers to fill current posts. Planning Officer post adverts have been almost as bad with an average of fewer than two persons applying in each instance excluding internal applicants.

3. Internal staff development of Planning Officers

Planning Services in recognition of the national shortage of Planning Officer posts has for some years been developing Trainee Planning Officers. This has resulted in recent promotions to appointment of a Principal Planning Officer, Senior Planning Officer and two Planning Officers. Planning will continue to actively promote this 'grow you own' policy to reduce our dependency on external agency staff. However, they are still requiring some supervision while they build up their skills and experience, such that we have been relying on more senior officers to provide assistance, leaving gaps in workload for agency staff to cover. This should of course improve over the year so that these three planning officers can work more alone.

4. Newly formed Planning Implementation Team.

The newly formed Planning Implementation Team was created to deal with the Master Planning of sites carried forward from the revised Local Plan. Two Senior Planning Officers from Development Management successfully applied for and were appointed to this team. However, this resulted in two immediate Senior Planning Officer vacancies. In order to

ensure continuity of Planning Services, an existing Agency Planner who due familiarity with Planning Casework in the district was retained and immediately cover for one of the departing Senior Planners. The other post was covered by an internal recruitment, but he has just left the Council to join the private sector.

5. Planning Services and strategic district development

The difficulties in covering planning vacancies with suitably qualified and experienced Planning Officers has both a direct and indirect impact on the Local Plan policy strategy where Senior Planners in the Local Plan team have been even more difficult to recruit due to lack of availability. It is important that Planning Services is able to support strategic development to ensure that all planning applications are dealt within statutory performance timescales and accordance with the new Local Plan.

6. Planning Application fee income.

Planning Services income has increased in real terms as follows;

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| 2018/19 | £1,212,700 |
| 2017/18 | £846,600 |
| 2016/17 | £975,500 |
| 2015/16 | £849,800 |
| 2014/15 | £813,000 |
| 2013/14 | £658,800 |
| 2012/13 | £562,250 |
| 2011/12 | £524,400 |

During this period there has been little change to staff establishment of planning officers. With both the fees and complexity of Planning Applications increasing it is necessary to ensure there is sufficient Planning Officer resources to cover the increased current and expected future applications, including priority cover for planning schemes that are strategically important to the district.

In addition, Development Management has been generating in excess of £100,000 Planning Fee Income for several years through the paid pre-planning application service. This is extremely helpful as an additional income stream but it does take up significant planning officer time.

Resource Implications:

Planning resources are linked to current and expected Planning Fee Income and Pre-Application fee income. The Planning Service Plan 2019-20 identified the annual 20% increase in planning fees (estimated to be £200,000 based on last years income) to be spent on extra planning resource including use of consultants. In the Development Control Group, there is a budget of £262,470 for Agency Staffing. If we were to continue with agency staff until the end of the year at the current level of 6 agency planners, we should spend £405,794 against a budget of £262,470 with an overspend of £143,324. However we should underspend on salaries £162,608, leaving a net overall projected underspend (surplus) of about £19,000.

Legal and Governance Implications:

Legal have advised that a written waiver of Procurement Rules needs to be approved.

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| <p>Initialed as original copy by Portfolio Holder:</p> |
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Safer, Cleaner and Greener Implications:

Nil

Consultation Undertaken:

Legal Services – Confirmed that temporary agency staff are within IR35.

Accountancy - Aware of the need to provide service delivery with scarce resource whilst awaiting Service Restructure approval.

Background Papers:

Nil

Impact Assessments:

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties; reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? See attached form

Risk Management:

There is a risk of the Council performance indicator measures for nationally measured planning application turnaround times and appeal success being hampered if sufficient efficient planning officer staff is not available to support the day to day Development Management planning application work.

The use of temporary planning officers minimises the risk of not meeting performance targets and service delivery.

Key Decision Reference (Y/N):

No

Equality Analysis:

An EIA' has been completed and shows which groups of people are affected by the subject of this report. It sets out how they are affected and how any discrimination they experience can be eliminated. It also includes information about how access to the service(s) subject to this report can be improved for the different groups of people; and how they can be assisted to understand each other better as a result of the subject of this report. S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.