

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION TAKEN UNDER URGENCY POWERS**

<b>Decision No:</b>	<b>D230019URG</b>
<b>Decision Taken By:</b>	Leader of the Borough Council
<b>Authority under which Decision Taken:</b>	Departure from the Council's adopted Budget and Policy Framework and in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules
<b>Decision Type:</b>	Executive Key Decision
<b>Date:</b>	13 March 2023

**Decision(s) and Reason(s)**

**DEVELOPMENT MANAGEMENT AGENCY COSTS**

The Development Management (DM) team is currently operating with seven contractor staff which in the main occupy vacant establishment positions, some of which were created because of the recent DM and Enforcement restructures.

There have been several recruitment campaigns to fill the current vacant establishment positions, some of which were before the re-structures and some following, with both the existing positions and newly created posts being advertised using the standard marketing campaigns. Whilst success was achieved recruiting to the senior management positions, (Head of Planning, Development Manager and Policy Manager roles) there has been little success recruiting to the other less senior roles in the planning team. The Development Management team currently has a stable set of agency staff in place, with changes being made where required due to changing requirements or performance issues. There is a handover process in place to ensure that these changes do not have significant service impacts.

There is a national shortage of qualified, experienced Planners and indeed similar issues in other technical disciplines. These issues are also not unique to Planning within the Council, as there are other posts within the Council that are proving difficult to fill e.g. in IT/ Property and Legal. Human Resources is currently leading on a review of recruitment to these hard to fill posts, which will be reported to the General Purposes Committee in due course.

Significant progress has been made in the last 12 months with planning performance, which would be significantly, negatively impacted should the vacant posts not be filled in the short to medium term with agency staff. These include a drop in application decision rates, a likely reduction in income from both pre-application enquiries and Planning Performance Agreements as a result of not

having the staffing resource available to service these areas effectively, customer dissatisfaction due to increased delays in determining applications, greater number of complaints, potential rise in appeals for non-determination and likely requests for planning fee refunds under the Planning Guarantee due to the time taken to determine applications.

The specific approaches to posts and agency staff employed is currently managed by the Head of Planning, in consultation with the Director of Planning, Housing & Environmental Health, as well as Management Team as needed. This includes an agreed approach to ensure that if any permanent staff are appointed, the agency cohort is reduced accordingly. The position will be reviewed on a regular basis during the initial proposed period of 6 months.

Should the posts remain vacant and the agency cost requirement remain the same throughout 2023/24, the total spend above the established staffing budget would be c.£254,000.

It is proposed that:

- (1) the agency staffing costs for a 6 month period, equating to a maximum net additional cost of £127,000 above existing budget provision, are met from the Council's General Revenue Reserve; and
- (2) a review be carried out and a decision made about whether additional costs are likely to be required and incurred and can be incorporated into revised estimates.

The Director of Finance and Transformation has confirmed that this additional cost of £127,000 can be accommodated from the General Revenue Reserve as a one-off cost. However, the ongoing issues with recruitment and retention, which are particularly impacting Planning currently, do present a financial and wider risk for the Council. This risk is already highlighted on the Council's strategic risk register.

**Details of any alternatives considered:**

At present, there are not considered to be any reasonable alternatives to continuing to utilise agency Planners.

**Reason why departure from Budget and Policy Framework:**

In order to maintain service provision and retain existing agency staff who are performing well, their contracts need to be extended beyond the current end date of 31 March. It is not practical to convene a quorate meeting of the Full Council due to the timescales required for the required contract discussions to take place with agencies and staff and it is not possible to seek a decision from Full Council at their next meeting.

<b>Reason(s) why rejected:</b>
n/a
<b>Conflicts of Interest/Dispensations Granted:</b>
None
<b>Background Papers (if any):</b>
None
<b>RESOLVED:</b> That  (1) The net additional cost of £127,000 of employing agency staff to fill vacant positions in Development Management for the initial period of the 6 months from April to September 2023 be met from the Council's General Revenue Reserve.  Taken in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules set out in the Constitution and in agreement with the Chair of the Overview and Scrutiny Committee.

Signed Leader:	M Boughton
Signed Chair of Overview and Scrutiny Committee	A Oakley
Signed Chief Executive:	J Beilby
Date of publication:	14 March 2023

In accordance with Budget and Policy Framework Procedure Rule 4 it is not practical to convene a quorate meeting of the Full Council due to the timescales required for the required contract discussions to take place with agencies and staff and with the consent of the Chair of the Overview and Scrutiny Committee, this decision is considered urgent, is not subject to call-in and will become effective immediately.