

# Report

Report to:	<b>Community and Enterprise Resources Committee</b>
Date of Report:	<b>9 August 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b> <b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Planning and Building Standards Service – Additional Officers</b>
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## 1. Purpose of Report

### 1.1. The purpose of the report is to:-

- ◆ to update the Committee on the staffing changes to increase capacity within the Planning and Building Standards Service establishment
- ◆ seek approval to create 2.0 FTE permanent Planning posts and make 4.0 FTE existing fixed term Graduate Planner posts permanent, increasing the Planning establishment accordingly
- ◆ seek approval to reconfigure existing fixed-term Building Standards posts to create 5.0 FTE permanent Building Standards Inspectors, increasing the Building Standards establishment accordingly

## 2. Recommendation(s)

### 2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the content of the report be noted, and
- (2) that the additional Planning and Building Standards posts and other changes to the establishment, as detailed in section 7 of the report, be approved.

## 3. Background to the Planning issues

- 3.1. Following a review of the planning system by the Scottish Government, the Planning (Scotland) Act 2019 received Royal Assent in July 2019. It places the planning system in a central role in support of the Scottish Government's objective of creating a more successful country with opportunities for all to flourish through increased wellbeing and sustainable and inclusive economic growth. However, to achieve the new sustainable development goals, the new legislation places a raft of new statutory duties and burdens on local Planning Authorities.
- 3.2. This comes at a time when the number of planning applications being received by the Council increased by 10.6% between 2019/2020 and 2021/2022. The 2021/2022 period alone showed a 12% increase in all categories of applications, including a 51% increase in the category of householder applications.
- 3.3. The profession is facing a nationwide skills shortage with experienced planners leaving the profession and insufficient new recruits entering it. The shortage of qualified planners has led to recruitment issues with councils competing for qualified staff and difficulties in filling temporary posts when permanent ones are being offered

elsewhere. The Service has been operating with a number of vacancies since 2020 and recruitment has had only limited success. This has had a negative impact on performance.

- 3.4. Planning application fees increased from 1 April 2022. To ascertain what additional funding could be available to invest in the Service, an exercise has been carried out to apply the new fee regime to the more common types of application the Council received over the last 3 years. The outcome of that estimation exercise is set out in the tables in Appendix 1 to the report.
- 3.5. The changes to the fee regulations now permit Planning Authorities to introduce discretionary charging for non-material variation applications (NMV), the discharge of planning conditions and pre-application discussions. Finally, from 1 October 2022 Planning Authorities can apply a 25% surcharge to retrospective applications. This has still to be considered and may yield more funding in the future. This may be available to support the service in the future.
- 3.6. Irrespective of the outcome of this exercise, there has been a real time increase in fee income over last 2 years. The current 2021/2022 budget is £1.694 million and actual fees were £2.088 million, giving an over recovery on current applications of £0.394 million.

#### **4. How fee income would be utilised to invest in planning staff**

- 4.1. A detailed review of the capacity of the Planning Service has been carried out, looking at the availability of qualified staff, as well as what tasks are essential for efficient service delivery, with the aim of creating a fit for purpose and future proofed structure. This has resulted in proposals to increase capacity being identified and these are detailed below.
- 4.2. Graduate Planning Officers  
It is recommended that the 4 FTE existing fixed term Graduate Planning Officer posts (previously approved and currently part of the establishment) be added to the establishment on a permanent basis. This measure would help to attract more suitable candidates, while providing employment certainty for those already on temporary contracts and reduce staff turnover.
- 4.3. Creation of a Planning Assistant Post  
It is recommended that an additional post of 1.0 FTE Planning Assistant be added to the establishment. This role would involve carrying out a wide range of routine duties currently the responsibility of Planning Officers such as the validation of more complex planning applications, providing advice on minor enquiries, assisting with the implementation and maintenance of effective procedures for development management functions and providing technical planning support. This would free Planning Officer time to carry out assessment of applications more quickly.
- 4.4. Creation of an additional Advanced Planning Officer Post  
It is recommended that a new post of 1.0 FTE Advanced Planning Officer be added to the establishment. This role would largely focus on co-ordinating and managing the process of collecting and distributing developer contributions. This is considered especially relevant following the decision by the Planning Committee earlier this year to lower the threshold for seeking contributions from new housing developments from 20 units to 5 which will add to workloads in that area. It would be filled at Advanced Officer level and would include playing a proactive role between developers and the Council services benefitting from contributions.

## **5. Building standards capacity issues**

- 5.1. In the main, the issues with Building Standards Officer recruitment mirrors the pattern of Planning – experienced officers are retiring with insufficient new recruits entering the profession. The annual workforce data which the Building Standards Service collates for Scottish Government shows that 52% of staff are over 50, including 19% between 56 and 60 years of age.
- 5.2. The Building Standards' function is primarily about safety and ensuring development is carried out in accordance with Building Regulations so that the safety of users of buildings and the general public is protected. In addition, new legislation in the form of changes to Building Regulations introduced by Scottish Government on 1 June 2022, have put a more onerous burden on the Service. New duties include assessing energy performance and ventilation standards, linked to climate change as well as workmanship, fire safety and suitability of materials – especially in the light of the Grenfell disaster.
- 5.3. Building Standards also has a statutory enforcement role involving the inspection of defective buildings and structures, taking remedial action where necessary. Recent examples include the gas explosion in East Kilbride and the demolition of a dangerous vacant building on Glasgow Road, Blantyre. This type of work is complex, due to property ownership issues and does not attract a fee income. However, the safety issues mean that this work must be given priority and given the increasing number of deteriorating buildings in South Lanarkshire, this activity is likely to increase in the future.
- 5.4. Finally, the Service also carries out a range of important but non-core business including emergency call-out cover, licensing activity, liaison with disability groups, participation in the operation Doric scheme which seeks to tackle doorstep crime and general advice and property searches. This is very valuable to colleagues, partners and the community.

## **6. Verification Appointment**

- 6.1. The verifier role is an appointment by Scottish Ministers for Building Standards Authorities to process building warrant applications efficiently and timeously as well as conducting on-site inspections to ensure that development work is being carried out in accordance with the warrant and technical standards. The period of appointment as verifier is based on meeting key performance standards.
- 6.2. In March 2017, South Lanarkshire Council was re-appointed as verifier for the maximum 6-year period. That appointment was in recognition of the high performance of the Service between 2011 to 2017. The next verification period starts on 1 May 2023 and the Building Standards Division (BSD) of Scottish Government is currently assessing performance to ascertain this which can result in a maximum 6-year appointment for “strong” performers, 3 years for “good” performers, or “poor” performers gaining a one-year only rolling appointment with on-going scrutiny and adherence to a strict improvement plan
- 6.3. A report to the Community and Enterprise Resources Committee on 7 December 2021 explained the background to the upcoming Verification Re-appointment and explained the risks and reputational damage which the Council could face if appointed to a shorter period than previously, due to poorer performance. The report set out the reasons for the drop in performance standards –namely an increase in workload and a loss of capacity for the reasons mentioned in Section 5 of this report, above.

- 6.4. The Committee approved 5 additional posts on 23 month fixed term contracts to be created – namely 3 Building Surveyors, one Building Inspector and a Building Standards Modern Apprentice. Subsequently the Service has experienced challenges in recruiting qualified staff due to a Scotland-wide lack of suitable candidates and experienced officers unwilling to leave permanent posts elsewhere for the uncertainty of a fixed term contract.
- 6.5. Current performance in terms of the key performance objectives (KPOs) reported to the Scottish Government is set out in Appendix 2 to the report and shows that in recent years it has been a challenge for the service to meet targets related to the timeliness of building warrant assessment. This is due to the increasing complexity in application assessment (for example, increased fire engineering solutions, alternative design solutions, use of innovative products and systems, and the assessment of the energy efficiency of buildings). There has also been an increase in general enquiries, provision of technical advice, support to other Council services and pre application discussions. An increasing focus is now on compliance checks (i.e., site visits) and means the current prioritisation of assessment tasks against inspection activity is no longer sustainable.
- 6.6. This shows that workload and capacity issues mean achieving the required targets is currently unachievable. The additional pressures on the service as outlined in Section 5 above exacerbates this further. The Head of the Building Standards Division (BSD) at the Scottish Government recently wrote to the Council to highlight that performance levels failed to meet several national targets in 2020/2021 and 2021/2022.
- 6.7. Consequently, the risk to verification re-appointment is now significant. The BSD does recognise that the position of South Lanarkshire Council is not unique and that workloads across Scotland have been higher than pre-pandemic levels. However, there remains an expectation that the Council will do all it can to invest in the Service.
- 6.8. This situation and the disappointing outcome of the recruitment exercise has led to a review of the Service, considering what could improve matters with a pragmatic look at what skills may be available in the job market and how capacity could be enhanced in a different way. The conclusion is that due to the high volume of house building underway in South Lanarkshire at the present Surveyors.
- 6.9. Inspectors can be drawn from a wider range of skills and backgrounds and could free up Surveyors' time to concentrate on other aspects of the work by doing site inspections. At the present time 2 Building Inspectors appointed 4 years ago are currently undertaking a degree course, therefore, enabling us to "grow our own" skilled staff and future-proof the Service.
- 6.10. As a result, it is recommended that the 4 existing vacancies at Building Standards surveyor level are redesignated into Building Inspector posts, including converting 4 temporary posts within this category to permanent contracts; that the existing Building Standards Inspector post with a 23-month fixed term contract become permanent; and that an additional Building Standards Inspector on a permanent contract be created.

## 7. Employee Implications

### 7.1. Planning

The following posts should be added to the establishment as detailed below:-

Post	FTE - existing	FTE - proposed	Grade/ SCP	Hourly Rate	Annual Salary	Gross Cost (inc on costs 31.5%)	Total
Graduate Planner (fixed term)	4.0	0	Grade 2 Level 4 SCP 55-57	£16.35 - £16.85	£29,837.12 - £30,749.57	£39,266 - £40,466	
Graduate Planner (permanent)	0	4.0	Grade 2 Level 4 SCP 55-57	£16.35 - £16.85	£29,837.12 - £30,749.57	£39,250 - £40,451	£157,000 - £161,804
Planning Assistant	0	1.0	Grade 2 Level 1 - 3 SCP 34-48	£12.22 - £14.77	£22,300 - £26,954	£29,347 - £35,471	£29,347 - £35,471
Advanced Planning Officer	0	1.0	Grade 3 Level 8 SCP 79 - 80	£23.18 - £23.53	£42,191 - £42,830	£55,523 - £56,343	£55,523 - £56,343

### 7.2. Building Standards

The following posts should be added to the establishment as detailed below:-

Post	FTE - existing	FTE - proposed	Grade/ SCP	Hourly Rate	Annual Salary	Gross Cost (inc on costs 31.5%)	Total
Building Standards Surveyor (fixed term)	3.0	0	Grade 3 Level 2 - 4 SCP 63-74	£18.44 - £21.46	£33,651 - £39,162	£44,268 - £51,518	
Building Inspector (fixed term)	1.0	0	Grade 2 Level 3 SCP 46 - 48	£14.33 - £14.77	£26,151 - £26,954	£34,401 - £35,457	
Building Inspector (permanent)	0	5.0	Grade 2 Level 3 SCP 46 - 48	£14.33 - £14.77	£26,151 - £26,954	£34,401 - £35,457	£172,005 - £177,285

7.3. The current and proposed Building Standards establishment is provided in appendices 3 and 4 respectively. The current and proposed Planning establishment is provided in appendices 5 and 6 respectively.

## 8. Financial Implications

8.1. The additional staffing requirements as detailed in 7.1 and 7.2 above have an annual cost of £0.254 million and up to £0.177 million respectively. When initial approval was given to recruit these posts temporarily, the funding was available through Planning and Economic Development reserve balances and that funding will continue to meet staffing costs in the short term. As these posts are now proposed to be recruited on

a permanent basis, the additional fee income referenced at sections 3.5 and 3.6 will be used to cover the additional costs in the longer term.

- 8.2. There is a longer-term risk that the level of fee income will reduce if demand for service reduces. If fee income is insufficient to pay for these additional posts, the staffing structure will require to be reconsidered, however, this will be mitigated over the foreseeable future with reserve balances and current levels of fee income.
- 8.3. Further costs may be incurred associated with the preparation of the Local Development Plan and Open Space Strategy which will require to be funded via Planning fee income and from within existing resources.

## **9. Equality Impact Assessment and Consultation Arrangements**

- 9.1. This report does not introduce a new policy, function or strategy or recommend a significant change to an existing policy, function, or strategy; therefore, no impact assessment is required.

## **10. Climate Change, Sustainability and Environmental Implications**

- 10.1. Sustainability and climate change are at the heart of the Planning and Building Standards systems. Scottish planning policies, especially the Fourth National Planning Framework (NPF4) and new Buildings regulations will help to safeguard South Lanarkshire's natural and built environment by embedding the impacts of climate change within the system and ensuring South Lanarkshire can develop in a sustainable way.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

25 July 2022

## **Link(s) to Council Values/Priorities/Outcomes**

- ◆ Working with and respecting others
- ◆ Ambitious, self-aware and improving
- ◆ Accountable, effective, efficient and transparent
- ◆ We will work toward a sustainable future in sustainable places
- ◆ We will work to recover, progress and improve
- ◆ Good quality, suitable and sustainable places to live
- ◆ Caring, connected, sustainable communities

## **Previous References**

- ◆ Community and Enterprise Resources Committee - 7 December 2021 – Building Standards Services: Additional Officers

## **List of Background Papers**

- ◆ None

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Pauline Elliott, Head of Enterprise and Sustainable Development Services / Head of Planning and Regulatory Services

Ext: 5126 (Tel: 01698 455126)

Email: [Pauline.Elliott@southlanarkshire.gov.uk](mailto:Pauline.Elliott@southlanarkshire.gov.uk)

## Appendix 1

<b>2019/2020</b>	Income – charges applicable at the time	Income – if new charges had applied
Householder	£131,360	£195,600
Housing (up to 50 units)	£489,334	£628,020
All major developments	£333,585	£467,800
Wind farms	£151,868	£182,500

This represents a 33.25% increase in income in 2019/2020 if the new charges had been in place.

<b>2020/2021</b>	Income – charges applicable at the time	Income – if new charges had applied
Householder	£154,272	£229,200
Housing (up to 50 units)	£268,375	£375,300
All major developments	£211,280	£273,750
Wind farms	£1,800	£8,000

This represents a 39.41% increase in income in 2020/2021 if the new charges had been in place.

<b>2021/2022</b>	Income – charges applicable at the time	Income – if new charges had applied
Householder	£173,316	£257,400
Housing (up to 50 units)	£221,485	£309,600
All major developments	£565,638	£608,409
Wind farms	£215,754	£156,500

This represents a 13.6% increase in income in 2021/2022 if the new charges had been in place.



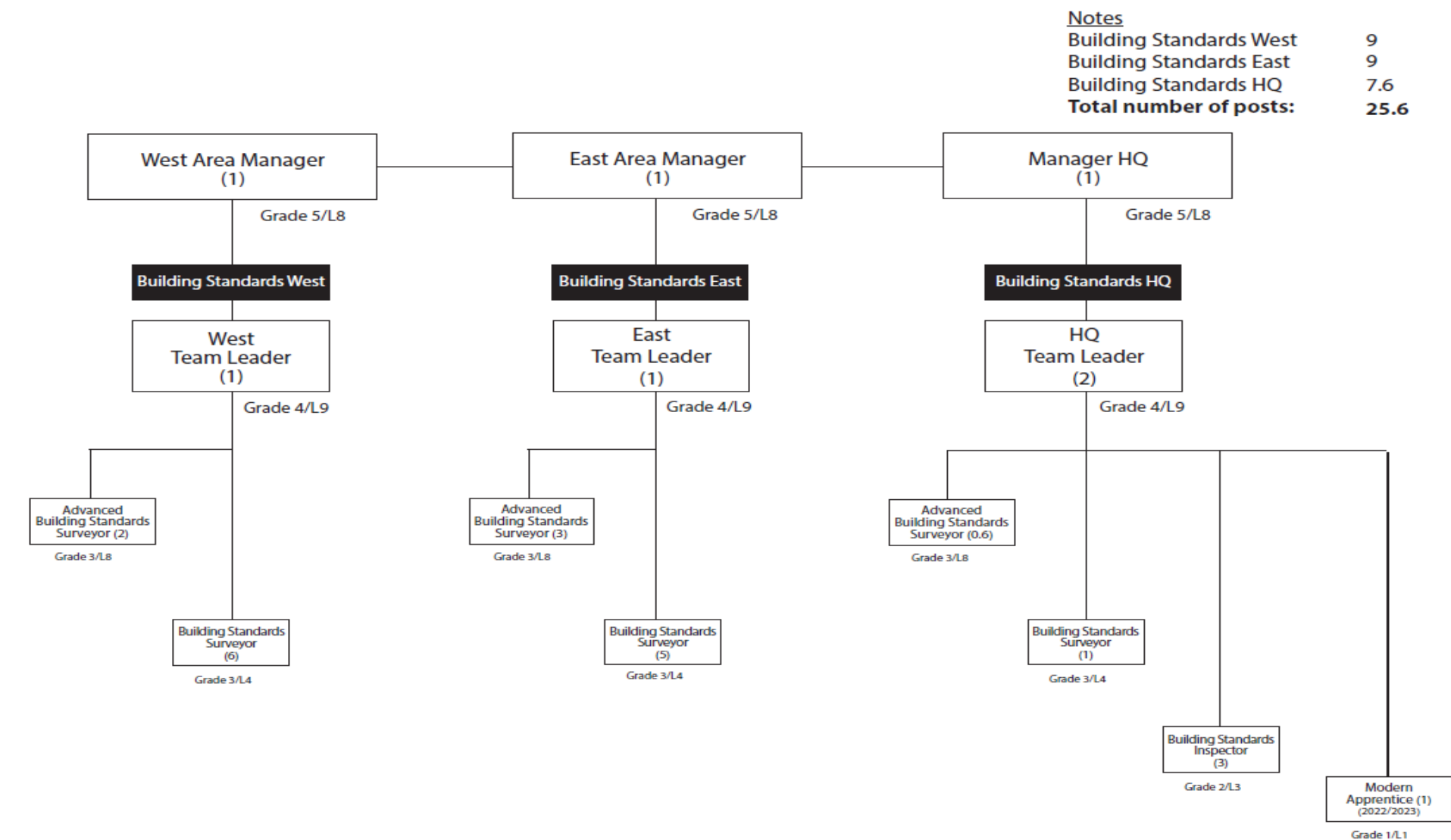
## Appendix 2

TARGETS			
	95% of first reports (for building warrants and amendments) issued within 20 days	Re-submissions - 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information.	Application numbers submitted
<b>South Lanarkshire</b>			
2021/2022 Q4	85.99%	82.16%	694
2021/2022 Q3	87.52%	77.63%	605
2021/2022 Q2	78.06%	73.83%	732
2021/2022 Q1	65.74%	68.70%	799
2020/2021 Q4	92.27%	86.94%	714
2020/2021 Q3	95.05%*	88.68%	719
2020/2021 Q2	96.76%*	86.27%	639
2020/2021 Q1	96.55%*	84.21%	376
2019/2020 Q4	92.89%	85.25%	598
2019/2020 Q3	91.71%	82.62%	567
2019/2020 Q2	86.50%	66.91%	719
2019/2020 Q1	87.70%	74.68%	699

\* Indicates periods where application numbers and site inspection requests reduced due to COVID-19 restrictions.

Appendix 3

Current Building Standards Establishment within Community and Enterprise Resources

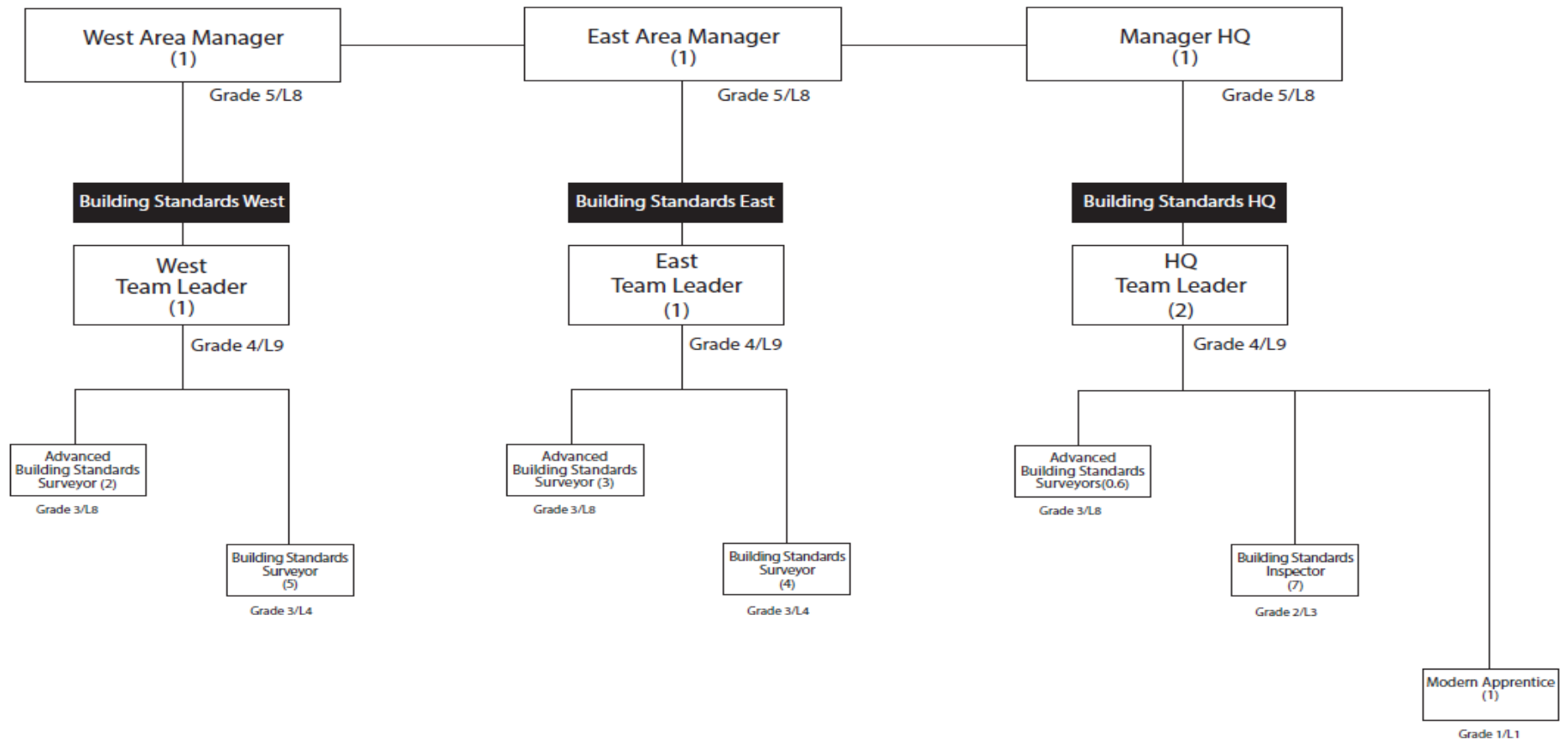


## Appendix 4

### Proposed Building Standards Establishment within Community and Enterprise Resources

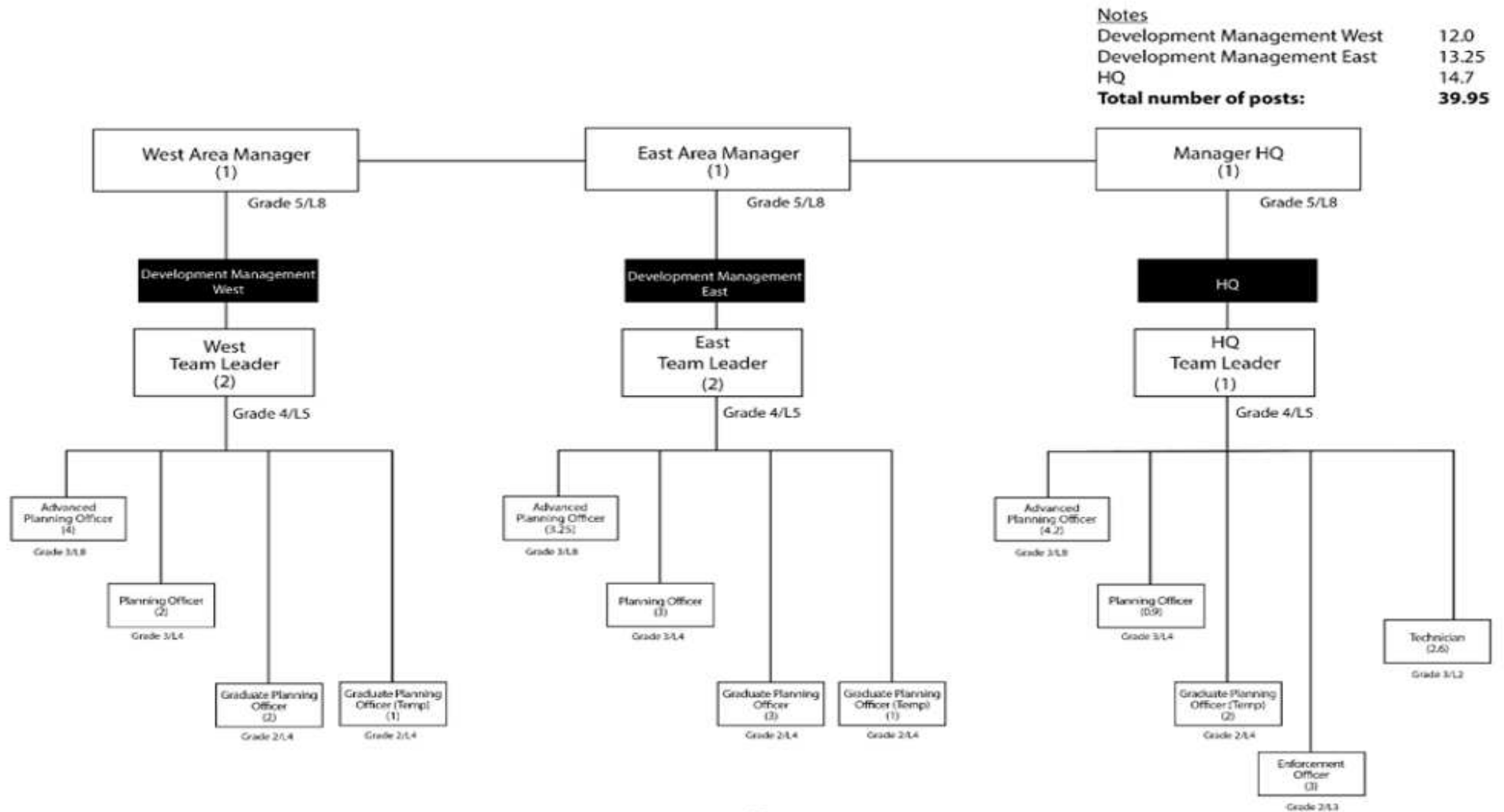
#### Notes

Building Standards West	8
Building Standards East	8
Building Standards HQ	10.6
<b>Total number of posts:</b>	<b>26.6</b>



## Appendix 5

### Current Planning Establishment within Community and Enterprise Resources



## Appendix 6

### Proposed Planning Establishment within Community and Enterprise Resources

#### Notes

Development Management West	12.0
Development Management East	13.25
HQ	16.7
<b>Total number of posts:</b>	<b>41.95</b>

