



Council – 25 July 2024

INTERIM ORGANISATIONAL STAFFING RESOURCES

Report of the Chief Executive

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

The report informs members of a number of staffing vacancies across the organisation which are currently occupied by temporary agency staff due to an inability to recruit permanent employees. Council is requested to consider approval of a supplementary revenue budget of £72,000 to be financed from the General Reserve in 2024/25 to provide interim officer support as outlined in the report.

Recommendations

1. That Council notes the actions taken to support the continued delivery of the Council's Development Management service in response to current recruitment challenges.
2. That Council approves a supplementary revenue budget of £25,000 for 2024/25, to be financed from the General Reserve to cover the cost of retaining the Development Control Manager (up to 31st March 2025), Principal Planning Officer up to 27th October 2024), Design and Conservation Officer (up to 27th October 2024) and Enforcement Team Leader (up to 20th December 2024).
3. That Council endorses the need for additional, external data protection support to achieve compliance against the Information Commissioner's Accountability Tracker and approves a supplementary revenue budget for 2024/25 of £15,000 to be financed from the General Reserve.
4. That Council endorses the need for external legal support to strengthen the in-house legal team's expertise and capacity in respect of procurement and contracts for goods and services and approves a supplementary revenue budget for 2024/25 of £32,000 to be financed from the General Reserve.

List of Appendices

None

Background Papers

Council meeting on 28th September 2023

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

INTERIM ORGANISATIONAL STAFFING RESOURCES

1. Background

- 1.1 In February 2024, the Chief Executive informed Members of the acute staffing challenges in the Development Management Team arising from the resignation of a number of long-serving, experienced members of staff. These included the Council's Development Manager, Senior Planning Officer and Design and Conservation Officer. These resignations followed the earlier resignations of the Council's Principal Planner (November 2023) and Senior Planner (December 2023).
- 1.2 The Development Management Team has therefore lost the majority of its senior and most experienced employees within a very short space of time which has placed significant pressure upon the service and the officers remaining. It also posed a significant organisational risk in terms of the delivery of a statutory service.
- 1.3 There is a nationally acknowledged shortage of skilled and experienced planning professionals at the present time, and we are in a very competitive market. In order to sustain the delivery of an efficient and effective service, as Head of Paid Service, the Chief Executive in consultation with the Director of Place and Economy and the PA leadership, moved quickly to appoint a number of interim staff who possessed the necessary knowledge and experience to support the delivery of the service whilst attempts were made to recruit permanent employees.
- 1.4 In this regard, the following interim appointments have been made for an initial duration of up to 6 months:
 - Development Manager (appointed 4th March – 4th September 2024)
 - Principal Planning Officer (appointed 29th April – 27th October 2024)
 - Design and Conservation Officer (29th April – 27th October 2024)
- 1.5 In accordance with the Council's adopted Pay Policy Statement, the positions of Development Manager, Principal Planning Officer, Senior Planning Officer and Design & Conservation Officer were advertised in professional journals on enhanced terms and conditions. A new position of Enforcement Team Leader, approved by Council in January 2024, was also advertised. Unfortunately, the Council has been unable to attract any suitably experienced candidates for the positions of Development Manager, Principal Planning Officer or Enforcement Team Leader. However, we have managed to recruit two new Senior Planning Officers who have recently commenced in post, and a Design and Conservation Officer who is shortly due to commence in post.
- 1.6 The recruitment of two Senior Planning Officers and a new Design and Conservation Officer provides sufficient resources to enable the interim appointments of Principal Planning Officer and Design and Conservation Officer to terminate at the end of their current contracts (27th October 2024). However, in the interests of maintaining service delivery and in response to a competitive external market, it is not practicable for the Council to attract a permanent Development Manager who can commence in post before the end of the current interim contract on 4th September 2024. It is therefore

recommended that, in order to maintain service delivery, the Council retains the services of the interim Development Manager for the remainder of the 2024/25 financial year and makes appropriate budgetary provision at this time. Within this period, further attempts to recruit a permanent Development Manager will be undertaken.

- 1.7 In addition to the above, the delivery of an efficient and effective planning enforcement regime has been identified as a priority for the Progressive Alliance and in this regard, Council approved the appointment of an Enforcement Team Leader in January 2024. As mentioned above, attempts to recruit to this position have also proved to be unsuccessful.
- 1.8 In response to concerns raised by Members and with the support of the Progressive Alliance Leaders, the Chief Executive has moved to appoint an interim Enforcement Team Leader w.e.f 8th July 2024 for up to 6 months. This appointment will be responsible for reviewing outstanding casework, reprioritising cases to be pursued through legal and improving the monitoring of developments. An updated Enforcement Charter will also be developed to help clarify enforcement protocols and procedures to assist members and the public.
- 1.9 Outside the functions of Development Management, the Council has a further two areas of resource pressure in the areas of Data Protection and Information Governance, and legal (contracts and procurement).
- 1.10 At the Council meeting on 28th September 2023, Members were made aware of the fact that the former Director of Corporate and Customer Services (who was also the Council's designated Data Protection Officer) had commissioned an external audit of the authority's arrangements for data protection to assess performance and governance against the Information Commissioner's Office (ICO) Accountability Tracker. This audit identified 67 areas of non-compliance against the ICO Accountability Tracker.
- 1.11 An Internal Audit of Data Protection was completed in May 2024 and gave 'limited assurance' i.e. certain important controls are either not in place or not operating effectively with a risk that the system may not achieve its objectives. This was reported to the Governance and Resources Committee on 18th July 2024.
- 1.12 There is, therefore, an urgent need to address all of the outstanding audit recommendations and secure compliance with the ICO Accountability Tracker. This will include reviewing and updating policies, creating more resilience through designated champions within service departments and rolling out training for all staff on the updated policy framework. In the absence of a data protection specialist within the organisation, Council approved a supplementary revenue budget of £10,000 in 2023/24 to be financed from the General Reserve, to commission external support for the re-writing of policies to reflect best practice from the sector and for the delivery of training identified as part of an earlier Audit report. This will provide greater reassurance to Members and the Corporate Leadership Team that there is clarity of understanding of the law, policy position and practical processes that the organisation needs to follow in demonstrating that it is meeting its obligations as a public authority.

- 1.13 A consultant was subsequently identified to undertake this work, however due a change in circumstances, they have advised that they are no longer able to provide the necessary support and assistance. It has therefore been necessary to source a new consultant which has now been completed.
- 1.14 In order to complete the necessary work, in addition to the previously approved £10,000 which has been retained within the 2024/25 budget, Council are requested to approve a supplementary revenue budget for 2024/25 of £15,000, to be financed from the General Reserve in order to complete the outstanding work required.
- 1.15 The Council is currently assessing capacity and capability within its in-house legal team. It has been identified that short term capacity and capability is required in contracts and procurement to work through a small backlog, to partner with the procurement function in which to provide swift support to upcoming contracts and to equip existing staff with additional expertise for future use.
- 1.16 In order to complete this necessary work, Council is requested to approve a supplementary revenue budget for 2024/25 of £32,000 to be financed from the General Reserve.

2 Options Considered and Recommended Proposal

- 2.1 The use of interim staff is not a cost-effective, long-term solution to address staffing shortages. However, in a competitive external market, it is necessary in order to sustain service delivery. Other options including the sharing of staffing resources with another authority have been considered but discounted due to a lack of capacity and the need for full time members of staff to be committed to Derbyshire Dales casework. The only other alternative option would be to do nothing. However, this would risk the failure of a statutory service and significant reputational damage to the Council.
- 2.2 However, Members should also note that other steps are being taken to develop a more resilient development management staffing team. A new post of Graduate Planning Trainee has been created, and an appointment has been made with effect from September 2024. The postholder will study for a Masters degree in planning (RTPI qualification) on a day-release basis while working in the planning team to gain experience and practical knowledge. In addition, an apprenticeship within the Business Support Unit has been created, and an appointment has been made. This postholder will, while studying for a Level 3 qualification in Business Administration, undertake training in planning application validation and gain rounded experience in planning as well as elsewhere in the Place and Economy directorate. It is intended that these two posts will enable the Council to 'grow its own' planners repeatedly over the coming years.
- 2.3 In the Council's Legal Services Team, we are in the process of recruiting to a graduate trainee. The successful candidate should be in post by Autumn, 2024.

3. Consultation

- 3.1 Progressive Alliance Leaders, Corporate Leadership Team (CLT), and HR Manager have been engaged in the development of these proposals.

4. Timetable for Implementation

- 4.1 Officers have been commissioned within the scope of the existing organisational resources available. Continuation of these arrangements will necessitate approval of the above recommendations.

5. Policy Implications

- 5.1 An effective organisational structure that is appropriately resourced and aligned to the delivery of the Council's priorities helps to deliver the Council's ambitions and plans for the District as a whole.

6. Financial and Resource Implications

- 6.1 If approved, the proposed changes will require supplementary revenue budgets in 2024/25 totalling £72,000, to be financed from the General Reserve. The General Reserve is currently forecast to have an uncommitted balance of £3.022m at 31 March 2025. Therefore, the financial risk arising from this report's recommendations is assessed as low.

7. Legal Advice and Implications

- 7.1 This report outlines a lack of organisational resilience and resources in key service areas which members need to consider.
- 7.2 The Head of Paid Service is required by Section 4 of the Local Government and Housing Act 1989 to report to Council on proposals concerning the organisation of the Council's staff and appointment and proper management of the Council's staff.
- 7.3 There are 4 recommendations contained within this report. The legal risk associated with taking the decision as recommended has been assessed as low.

8. Equalities Implications

- 8.1 There are no specific equalities or diversity issues associated with this report. The council is committed to fulfilling its obligations under the Equality Act 2010, including the Public Sector Equality Duty (Section 149). This duty includes a general duty and specific duties. The general duty requires public bodies to have 'due regard' to the need to:
- eliminate unlawful discrimination, harassment and victimisation and conduct prohibited by the Act,
 - advance equality of opportunity between people from different groups; and
 - foster good relations between people from different groups.

9. Climate Change Implications

- 9.1 A climate change impact assessment is not necessary in respect of the recommendations in this report.

10. Risk Management

- 10.1 The Head of Paid Service is required by Section 4 of the Local Government and Housing Act 1989 to report to Council on proposals concerning the organisation of the Council's staff and appointment and proper management of the Council's staff. Implementation of the proposals outlined within this report, will seek to ensure that the District Council is better able to manage future risks around organisational resilience, resources and priorities. If implemented, the strategic risk is assessed as low.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	15/07/2024
Director of Resources/ S.151 Officer	Karen Henriksen	09/07/2024
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	15/07/2024