

## **Planning Committee**

**20 November 2024**

### **Performance Report 1 July 2024 to 30 September 2024**

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

Report from: Mark Breathwick, Assistant Director, Culture & Community - Regeneration Culture Environment and Transformation

Author: Dave Harris, Chief Planning Officer

#### **Summary**

This report is presented to the Planning Committee informing Members on current planning performance and the Local Plan. The report covers the period from 1 July to 30 September 2024.

#### **1. Recommendation**

1.1 The Planning Committee is asked to consider and note the report which is submitted to assist the committee in monitoring planning activity.

#### **2. Budget and policy framework**

2.1 There are no budget and policy framework decisions arising directly from this report. This is an information item for the Planning Committee.

#### **3. Background**

3.1 Performance relating to the processing of planning applications is collected as National Indication 157. The NI157 targets are:

- Major developments: to determine 60% of applications within 13 weeks.
- Minor Developments: to determine 70% of applications within 8 weeks.
- Other Developments: to determine 70% of applications within 8 weeks.

3.2 The National Planning Policy Framework (NPPF) was revised on 19 December 2023 as part of the Levelling-up and Regeneration Bill and sets out the Government's planning policies and how these are expected to be applied. The new Government is intending to revise the NPPF and has consulted between 30 July and 24 September 2024, seeking views on its proposed approach to achieving sustainable growth in the planning system.

Due to the exceptionally high level of responses received any revision of the NPPF is not expected to take place until at least the end of the year. The Government was also seeking views on a series of wider policy proposals including increasing planning fees and local plan intervention criteria and appropriate thresholds for certain nationally significant infrastructure projects. Medway responded to the consultation. Once the new NPPF has been released there will be a briefing for members.

#### 4. Performance

- 4.1 See attached charts in Appendices A to I for performance concerning the processing of planning applications, benchmarking, appeals, enforcement activity, applications for Prior Approvals for Permitted Development, number of units under construction and number completed, Tree Preservation Order (TPO) applications, a breakdown of complaints and compliments received and Lead Local Flood Authority Consultee Compliance.
- 4.2 During the period 1 July to 30 September 2024 the Authority received 256 planning applications; this is compared to 283 for the same period in 2023. For the year 2023/24 the Authority received 1,102, this compares to 1,230 in 2022/23 and 1,586 in 2021/22.
- 4.3 Performance for applications is split between those subject to an extension of time and those not. An extension of time can be in the form of a Planning Performance Agreement (PPA) or a Planning Extension Agreement (PEA).
- 4.4 During the period 1 July to 30 September 2024 100% of major applications were determined within 13 weeks or within the agreed timeframe. This is against a target of 60%.
- 4.5 Performance for minor applications determined within 8 weeks or within the agreed timeframe during the period is 95.92%. This is against a target of 70%.
- 4.6 Performance for other applications determined within 8 weeks or within the agreed timeframe during the period is 94.30%. This is against a target of 70%.
- 4.7 Appendix A, figure 2, 3 and 4 shows performance against target (including those not subject and those subject to an extension of time) for majors, minor and other applications for the year.
- 4.8 Comparing performance against the latest data available nationally for the period April to June 2024, where applications have been determined within the statutory timeframe, Medway has exceeded the national target and the national average for all types of applications. Where applications have been determined with an extension of time (PEA), Medway has exceeded the national average for all types of types of applications (see Appendix B).
- 4.9 During the period 1 July to 30 September 2024, 40 applications with Planning Extension Agreements were decided with 100% being determined within the agreed extended timeframe.

- 4.10 During the period, 1 Planning Performance Agreement (PPA) has been completed and a number have been agreed in principle.
- 4.11 Pressure on Officer resources has been carefully managed in order to meet national performance targets. This pressure continues and with the added pressure of annual leave and vacancies, the workload will need to be carefully managed if performance is to continue to be maintained.
- 4.12 A number of appointments have been made to vacant posts but the service still carries some vacancies, which will take time to fill due to the time taken to advertise, shortlist, recruit and notice period.
- 4.13 The service continues to use a variety of consultants during the interim period, covering consideration of TPO applications, conservation matters and planning applications. Where possible the cost of the use of consultants for planning applications is covered through PPAs.
- 4.14 As part of the reform of the planning system, the Government are focusing on planning committee decisions, with the Planning Inspectorate being asked to start reporting to Government about cases where a successful appeal is made against a planning committee decision contrary to the Officer recommendation. The overturning of a recommendation made by a professional officer should be rare and infrequent. The Government have reminded the Inspectorate that where it cannot find reasonable grounds for the committee having overturned the officer's recommendation, it should consider awarding costs to the appellant.
- 4.15 The quality of decisions is reviewed by Government and the threshold for designation on applications for both major and non-major development is 10% of an authority's total number of decisions being allowed on appeal. The most up-to-date Government data, which is for the 24 months to the end of June 2023, shows the number of decisions overturned at appeal for major applications is 2.9% and 0.9% for non-major applications.
- 4.16 Government have demonstrated the importance of this target by designating five local planning authorities in relation to their performance. These are Uttlesford district Council, Chorley Council and Lewes District Council in relation to quality of decision-making for major applications; and St Albans City and District Council and Bristol City Council in relation to speed of decision-making for non-major applications.
- 4.17 The percentage of appeals allowed during the period 1 July to 30 September 2024 is 33.33%. A total of twelve appeal decisions were received. Four of these appeals were allowed, which included one enforcement appeal where the Notice was quashed and one enforcement appeal where the Notice was quashed and planning permission was granted. One appeal was part allowed and seven appeals were dismissed. Two appeals were turned away. (See Appendix C).
- 4.18 Government stats for applications for prior approvals for permitted developments by local planning authorities are reported in Appendix D.

- 4.19 The validation of tree preservation order applications is undertaken by the Planning Service, but the administration of tree enquiries and the making of new TPO's is undertaken by the Administration Hub. The number of TPO applications received and performance against target time is reported in Appendix G.
- 4.20 Medway Council in its remit as Lead Local Flood Authority was made a statutory consultee in respect of surface water for major development on 15 April 2015. Statutory consultees have a duty to respond to statutory consultations within 21 days in accordance with Article 22 of the Development Management Order. The 21 day period does not begin until the statutory consultee in question has such information to enable a substantive response.
- 4.21 The Lead Local Flood Authority also receive consultations where relevant for some minor developments, change of use applications, Environmental Impact Assessment (EIA) Scoping and Screening, pre-application consultations, and variation of condition applications. An internal target of 80% responses within the timeframes has been set for all consultations. There are no nationally set applicable external targets. Statutory Consultee compliance results are reported in Appendix H.
- 4.22 Following the external ISO assessment in May 2024 the service has successfully retained its ISO 9001:2015 accreditation. The Assessor found that the management system demonstrated a well established system in line with the scope for ISO 9001:2015. No non-conformities or opportunities to improve were identified during the assessment. The next assessment is scheduled to take place in November 2024.
- 4.23 The Government has produced a draft Planning Performance Dashboard that brings together performance data for individual local planning authorities for speed of decision-making. The table provides data on the percentage of applications determined within statutory timeframes and the use of Extension of Time agreements. The data is for major, non-major and householder applications and will be updated every quarter. The first formal dashboard has been published for the year ending March 2024. Medway is performing well when compared against other Kent planning authorities (see Appendix B, figure 4).
- 4.24 The Planning Service continues to work on the Open Digital Planning project. Configuration and testing continues on the 'Application' service. This service will allow residents to apply and pay for a householder development online via Medway Council's website, making the service more accessible.
- 4.25 Back Office Planning System (BOPS) is creating a 21st century system for Councils to process planning applications. This is designed by and for officers, to enable more efficient decision making and to open-up planning data. The aim is to develop a back-office system that is easy for planners to use, resulting in less time spent searching for information and having more time to use their planning expertise on higher value work. BOPS is currently under development and over the next three months the focus will be testing the feasibility and exploring the benefits of using BOPS compared to Uniform. Early results are positive and supports the results identified by the ODP

Metrics and Evaluation group; an average time saving of 45% in assessing applications versus Uniform.

- 4.26 Work has continued on the 'Report a Breach' tool. This allows customers to report a planning enforcement breach online, helping to reduce the number of complaints processed by the service that are not breaches of planning permission. Since the 'Report a Breach' tool was launched on 1 July 2024, the level of invalid reports has reduced from 60% to 28%.

## 5. Advice and analysis

- 5.1 This report is submitted for information and enables Members to monitor performance.

## 6. Risk management

- 6.1 The risk register for the service rates the risk against service vulnerability, triggers, consequence or risk and mitigation.
- 6.2 Performance is regularly monitored to ensure that the Council's Development Management function meets its monthly, quarterly and annual targets. In addition, comparisons are undertaken with all other authorities to assess performance against the national average.
- 6.3 Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are being defended thoroughly and that appropriate and defensible decisions are being made by Committee and under delegated powers. The lack of any monitoring could lead to more decisions going contrary to the Council decisions resulting in poorer quality development and also costs being awarded against the Council.
- 6.4 Within the Enforcement team measures and procedures are in place to ensure that appropriate enforcement action will be taken where necessary and that decisions taken are defensible to challenge.
- 6.5 The service has achieved accreditation to ISO 9001:2015 for its processes, which ensures a quality and consistency of decision making that enables the majority of challenges/complaints against decisions not to be upheld. Where complaints are justified then the reasons for that are reviewed and appropriate action/changes are made.
- 6.6 In negotiating Planning Performance Agreements, the Chief Planning Officer, Development Manager and Principal Planners will try to negotiate backfilling payments with developers, which enable the developer to get an enhanced service and also enable Medway Council to use the payments to bring in additional staff/consultants to deal with the greater workload demands or cases of a specialist nature.

## 7. Consultation

- 7.1 The Local Plan Regulation 18b document was published for consultation in Summer 2024. This detailed document set out the direction of policies for managing Medway's development, and options for planning growth across Medway. A comprehensive consultation programme was delivered to engage people in planning for Medway's future. 10 public exhibitions in community venues across rural and urban Medway were held between 15 July and 8 September. Additional specific stakeholder meetings, including with young people, voluntary and community organisations and developers were also held. Working with the Council's communications team the consultation included a pod case, videos from interested groups and weekly electronic updates along with significant use of social media to reach out to harder to reach groups. There were over 11,000 views of the podcast and over 50,000 views of the videos. Over 500 individual responses to the consultation were received and officers are reviewing the comments to inform further work on the Plan.
- 7.2 The Planning Service continues to liaise with officers from MHCLG in providing regular updates on the progress of the Local Plan and issues. The Policy team has recruited a Programme Manager to support the delivery of the Local Plan and the post holder is due to start late 2024.
- 7.3 Cabinet approved the Hoo & Chattenden Neighbourhood Plan on 27 August, which was sent to referendum on 7 November 2024. If the majority of voters accept the Neighbourhood Plan then it will form part of the Development Plan and carry significant weight in the processing and assessment of planning applications within the Neighbourhood Plan area. The Council has met with High Halstow NP group to discuss its proposals for reviewing its plan. The Council approved the designation of the Stoke neighbourhood Area on 23 July and has met with the NP group to discuss its work on the plan.
- 7.4 Liaison with major house builders within Medway and the Planning Service continues to assist them to meet commitments. This has resulted in the negotiation of payment plans to assist developers to meet their S106 developer contributions. During the period 1 July to 31 September 2024 £1,894,034.92 has been received via S106 contributions and £264,291.04 has been received for Habitat Regulations Agreements. This makes a total of £2,158,325.96. The Infrastructure Funding Statement (IFS) was published in December 2023, which covers the financial year 2021 to 2022. The IFS includes details of all Section 106 contributions received, expenditure of contributions and proposals for future infrastructure provision to be funded by Section 106 contributions.
- 7.5 Medway Council continues to meet with developers to work with them to ensure developments with planning permission start on site and developments continue. This includes considering appropriate amendments to developments and viability assessments.
- 7.6 The annual forum with Major Developers took place on 18 July 2024 and covered issues such as the consultation on the Local Plan and BNG.

- 7.7 Cabinet approved an updated Housing Delivery Test Action Plan in June 2024 and this was reported to Planning Committee on 11 July 2024. This sets out the Council's work in promoting housebuilding in Medway. The latest Housing Delivery Test results were published in December 2023. Medway scored 79% of delivery compared with the defined housing requirement.
- 7.8 The NPPF requires all authorities with a delivery of less than 95% to produce an action plan, those with less than 85% delivery to apply a buffer of 20% on the 5 year local housing need figure and those with a delivery of less than 75% have to apply the presumption in favour of sustainable development. As Medway was under 85%, based on last year's HDT, Medway has to apply a buffer of 20% and produce an action plan. While 79% takes the Council out of the presumption in favour of sustainable development as required by the HDT, Members need to note that the presumption still applies due to the fact that we cannot demonstrate a 5 year housing land supply, which is not helped by the 20% buffer.
- 7.9 The Authority Monitoring Report (AMR) was published in December 2023.
- In 2022/23, Medway Council granted 86 permissions for new sites, providing a total of 643 dwellings (page 69 of Vol 2 of the AMR).
  - The pipeline shows that there are 7,911 permitted dwellings, with 2,061 under construction as at 31/3/2023. 7,583 dwellings are expected to be delivered within the next 15 years, and of these, 6,063 are expected to be delivered within the next 5 years (page 146 of Vol 2 of the AMR). The remaining 328 dwellings are not expected to be delivered within the next 15 years.
  - For years 4-15 Medway have also allowed for 250 dwellings per year to come forward via windfalls.
  - These pipeline numbers are summarised in a table on page 65 of Volume 2 of the AMR.
  - 172 affordable dwellings (gross) were delivered during 2022/23, with 17 of these being the very first 'First Homes' delivered by the Homes England project to kickstart delivery. 18% of all gross completions were affordable. (This data is shown on page 37 of Vol 1 of the AMR).

Details of housing completions are detailed in Appendix E.

- 7.10 Recognising the important role that Small/Medium Enterprises (SME's) can play in helping Medway meet its housing needs, Medway facilitated the setting up of a North Kent SME Forum, which is chaired by an SME (at present Paul Henry of Esquire Developments). This should help to build stronger partnership working and support SME's to compliment the delivery of homes from the volume house builders. The Chief Planning Officers of Medway and other North Kent LPA's are invited to attend every other meeting.
8. Climate change implications
- 8.1 Planning Officers are members of a technical group supported by the Planning Advisory Service considering best practice in planning for climate change.

- 8.2 Representatives of the Planning team attend the Climate Change Board meetings and are on the Officer Climate Change Steering group to bring forward an action plan to deal with climate change.
- 8.3 Planning officers are supporting the commissioning of a heat network study.
- 8.4 Considerations of climate change are being reflected in the draft local plan policies and development allocations.
- 8.5 All planning applications for new development must have a section on Climate Change and Energy efficiency. Validation requirements have been changed so that all applications for new development are required to include information on climate change and energy efficiency.
- 8.6 In February 2024, the International Organisation for Standardisation (ISO) announced amendments to Clauses 4.1 and 4.2 of the management system for ISO 9001:2015. The organisation now has to determine whether climate change is a relevant issue and whether relevant interested parties can have requirements related to climate change. The service satisfied this clause during its inspection in May 2024.

## 9. Financial implications

- 9.1 Development Management procedures are constantly being reviewed to reflect new ways of working.
- 9.2 Planning income during the period July to September 2024 is £433,747. Total income for the year 2023/24 is £1,027,254.50. This compares to a total income for the year 2022/23 of £1,075,818 and 2021/22 of £1,555,439. See Appendix A, Figure 5.
- 9.3 Fees and charges increased on 1 April 2024. This included the fees for PPA's, pre-application advice; administration charges and monitoring officer costs.
- 9.4 If the Local Planning Authority is designated as non-performing then applicants would have the choice of submitting applications to the Planning Inspectorate, which would include the fee. This would not only take control away from the LPA but would reduce income.
- 9.5 Changing legislative context, and signals of further reforms and flexibilities, may impact on ability to manage development and place additional demands on Planning Service resources. All changes and their implications are reviewed by the service with appropriate action taken.

## 10. Legal implications

- 10.1 There are no legal implications arising directly from this report.



## Lead officer contact

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## Appendices

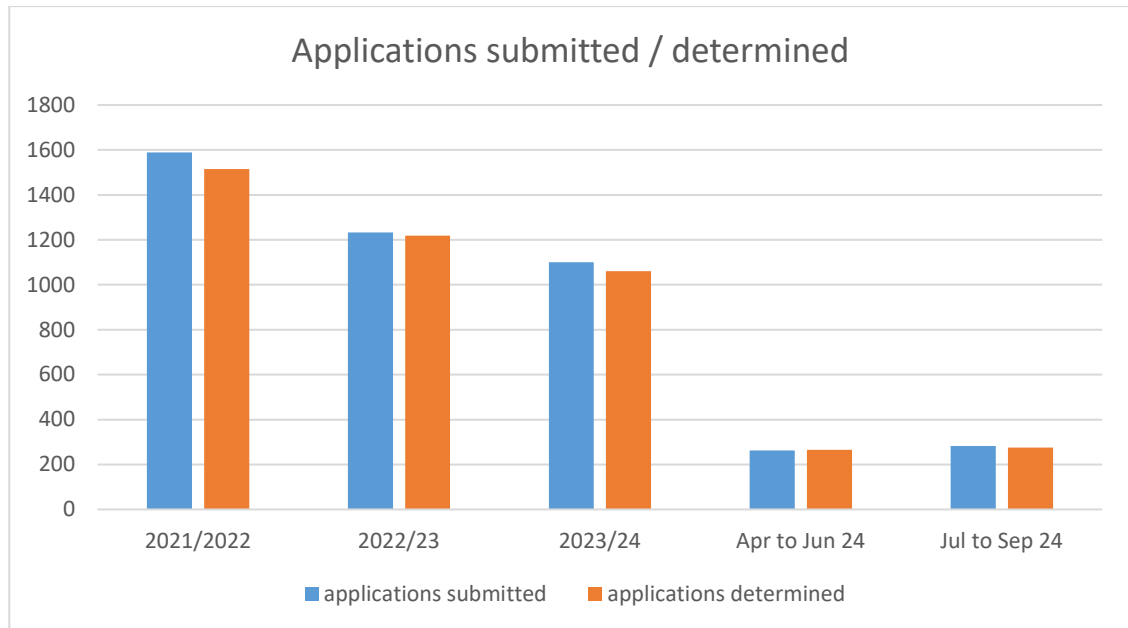
- A) Applications
- B) Benchmarking
- C) Appeals
- D) Applications for Prior Approvals for Permitted Development
- E) Number of Units Under Construction
- F) Enforcement
- G) Tree Preservation Order Applications
- H) Lead Local Flood Authority Consultation Compliance
- I) Complaints and Compliments

## Background papers

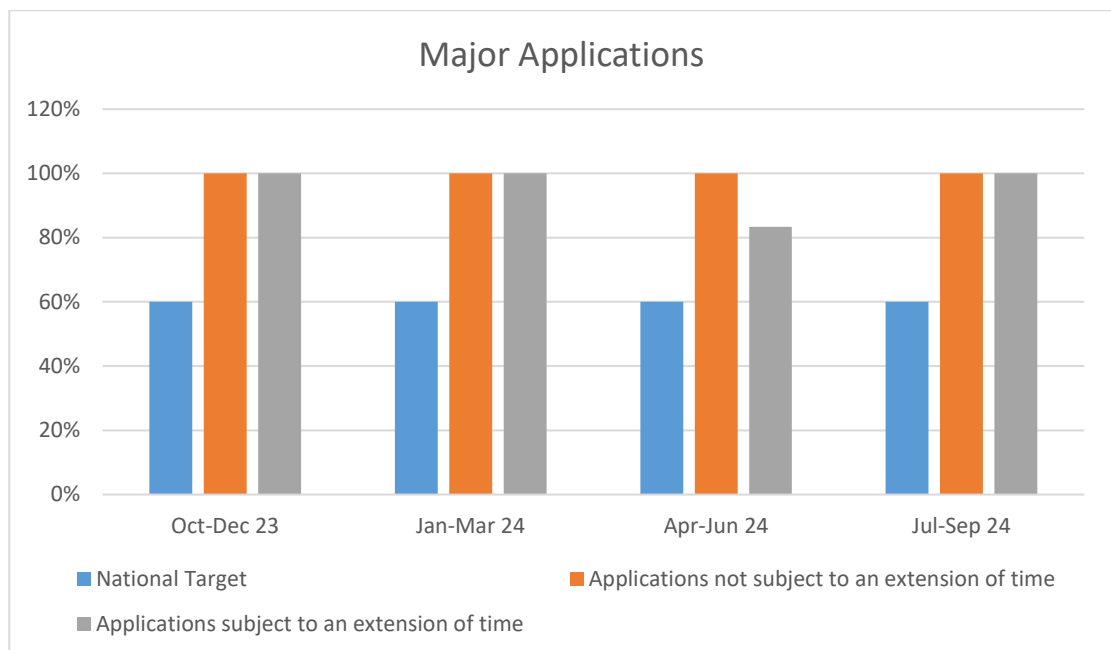
General Development Control Return PS1  
General Development Control Return PS2  
MHCLG Live tables on planning applications statistics  
<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>  
<https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

## Appendix A : Applications

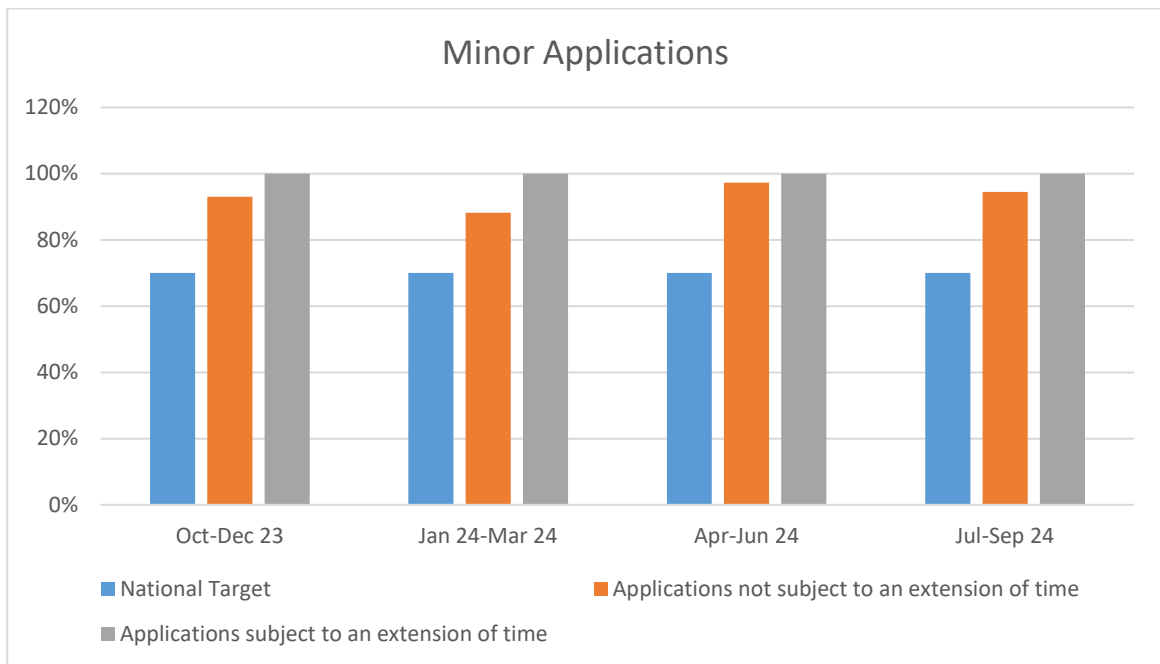
**Figure 1** *Number of applications received and determined 2021/22 to September 2024*



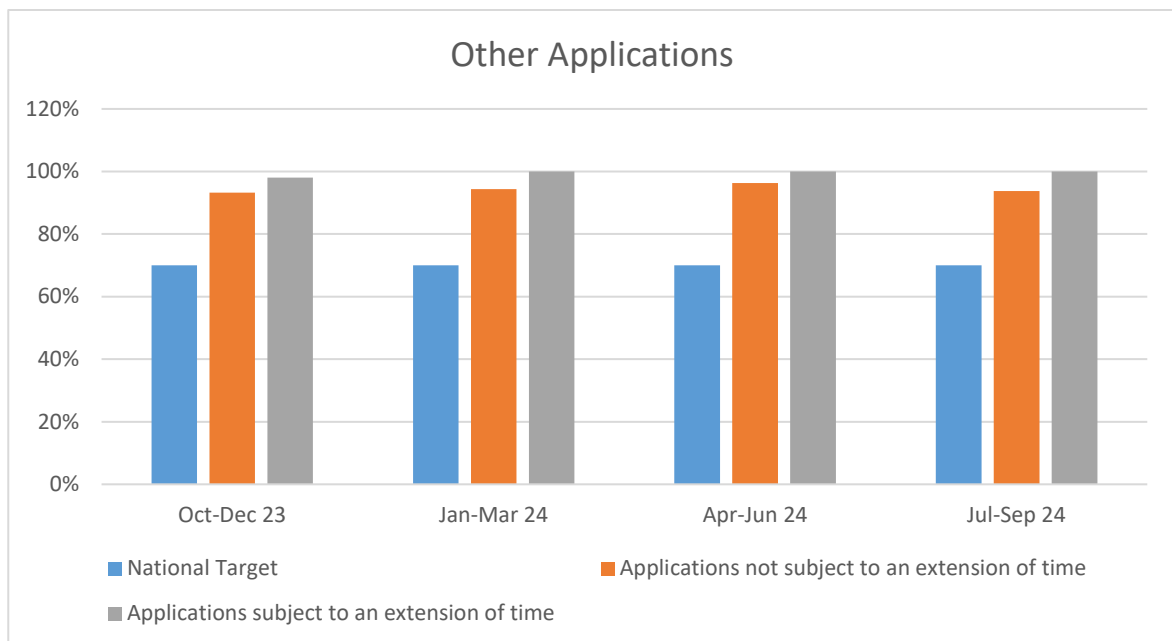
**Figure 2** *Percentage of "Major" applications determined against performance target October 2023 to September 2024*



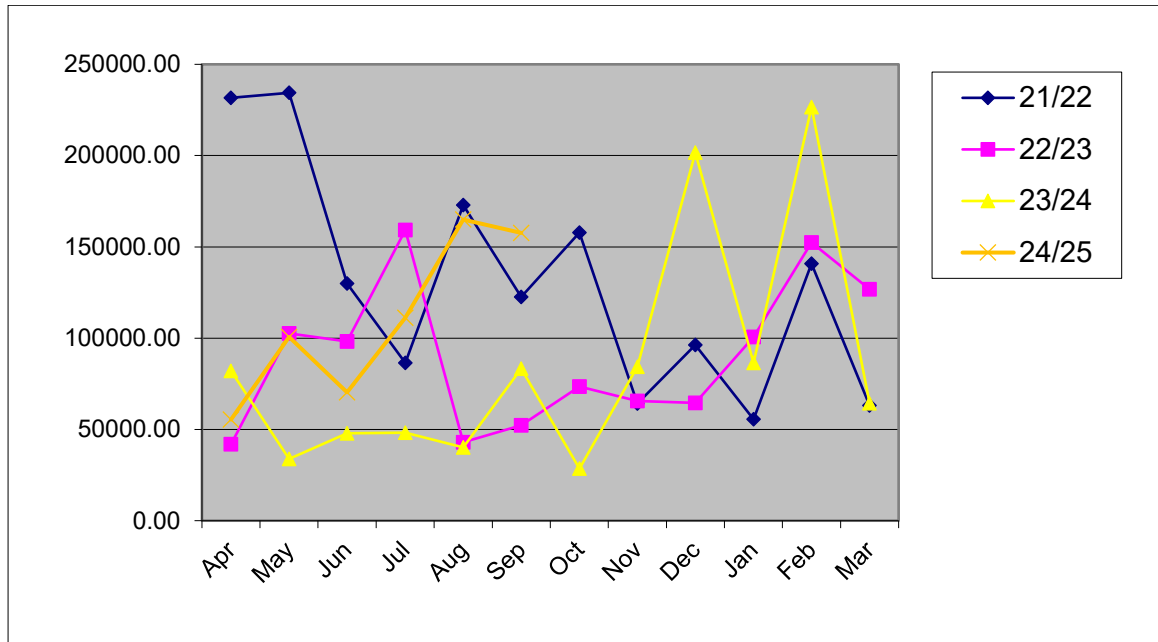
**Figure 3 Percentage of “Minor” applications determined against performance target October 2023 to September 2024**



**Figure 4 Percentage of “Other” applications determined against performance target October 2023 to September 2024**



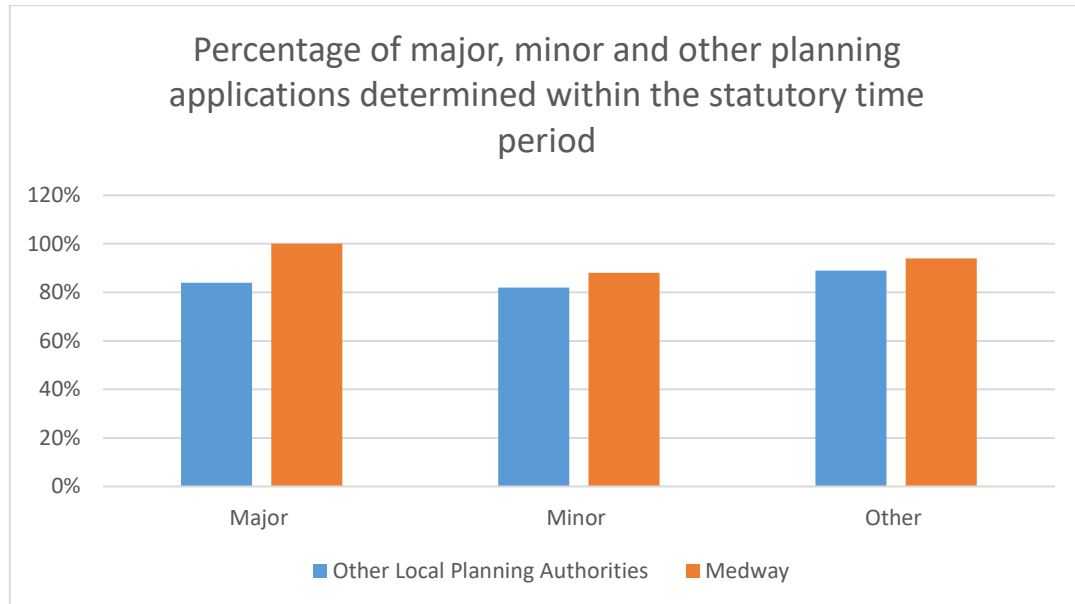
**Figure 5** Planning application fees received for the year to date 2024/25 and the year 2023/24, 2022/23 and 2021/22



## **Appendix B : Benchmarking**

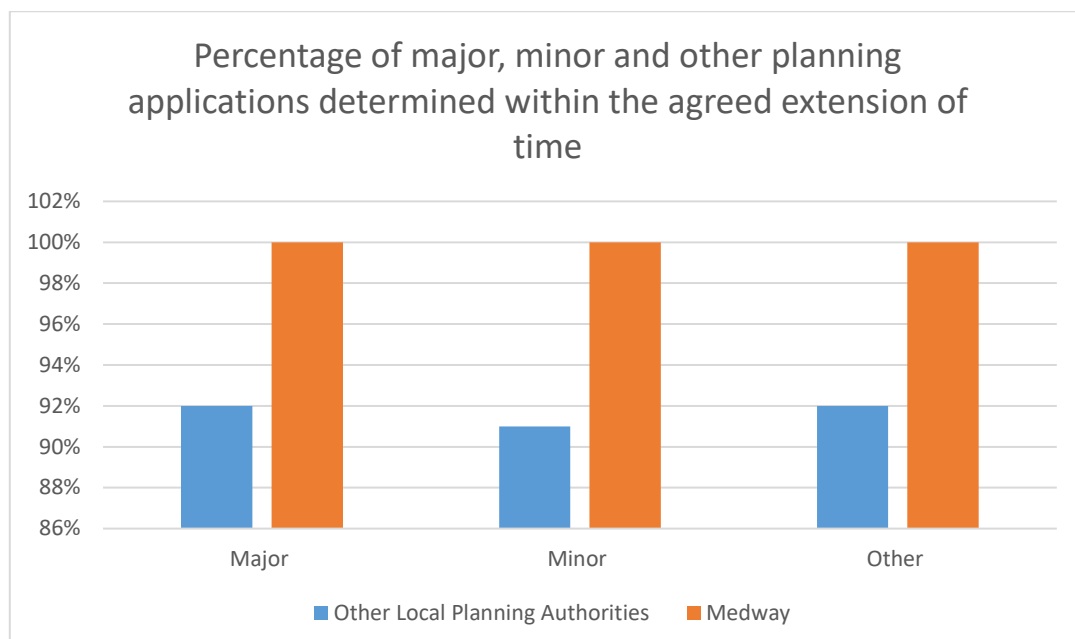
**Figure 1 Planning applications determined within the statutory timeframe**

Government produced statistics and league tables compares performance to the national average. The chart below compares Medway's performance with the latest data available for other local planning authorities for the period 1 April to 30 June 2024.



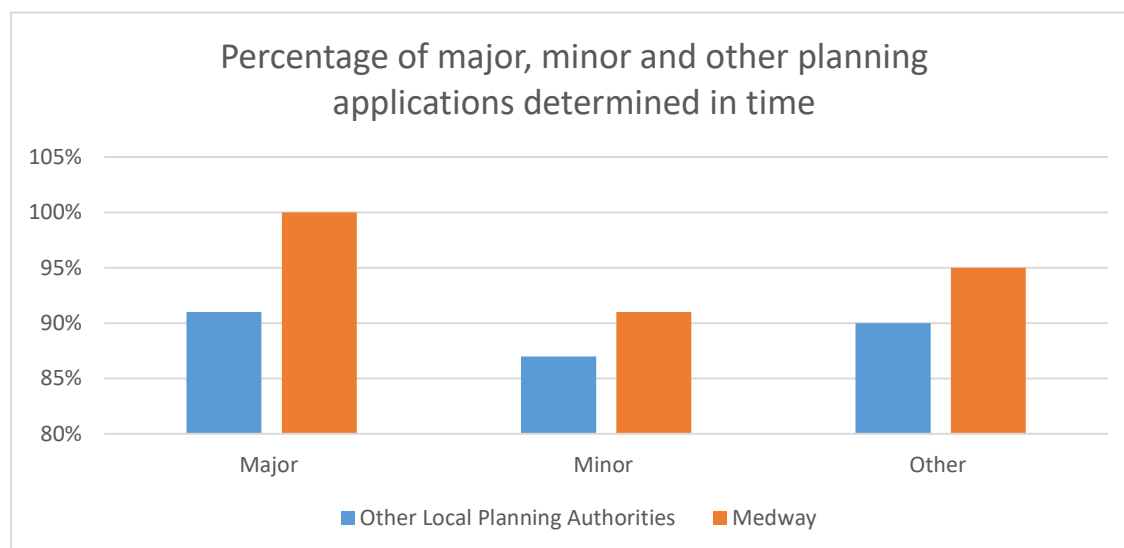
**Figure 2 Applications within the agreed Planning Extension Agreement**

Government produced statistics and league tables compares performance to the national average. The chart below compares the performance with the latest data available for other local authorities for applications with a Planning Extension Agreement for the period 1 April to 30 June 2024



**Figure 3 Total planning applications decided in time**

Government produced statistics and league tables compares performance to the national average. The chart below compares performance with the latest data available for other local authorities for the total percentage of applications determined within the statutory timeframe and/or the agreed time for the period 1 April to 30 June 2024.

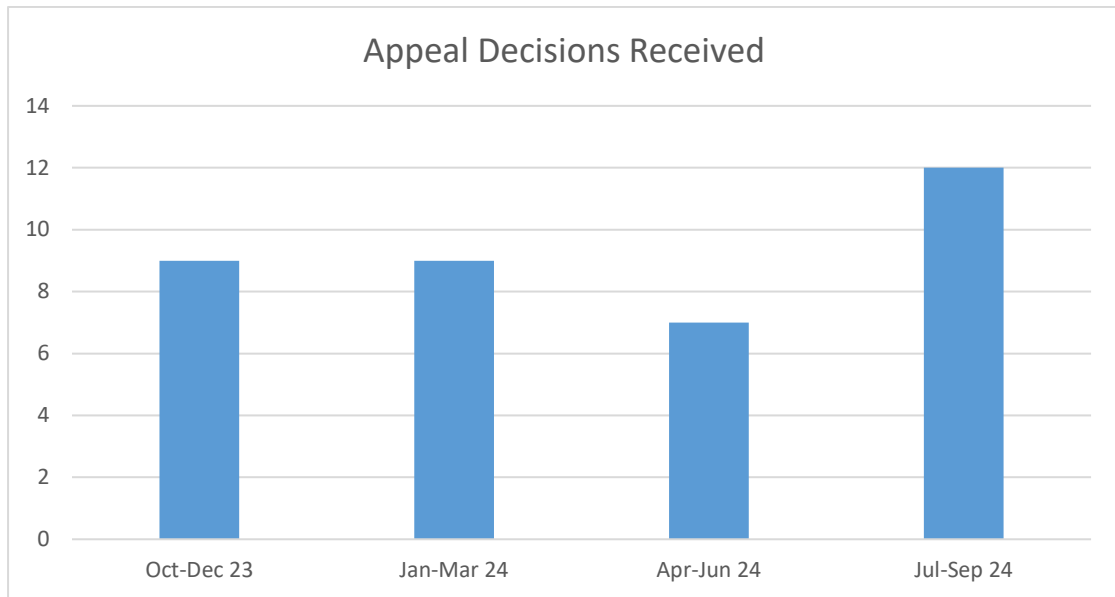


**Figure 4 Medway performance compared with other Kent Planning Authorities for the year ending June 2024**

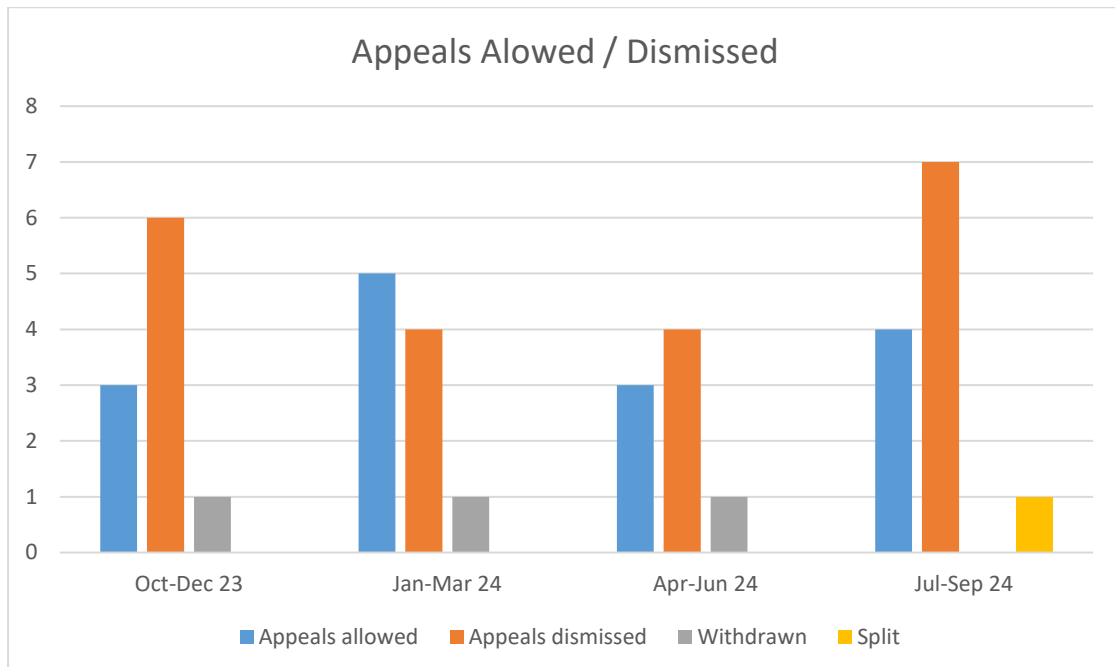
| <b>Local Planning Authority</b> | <b>Percentage of decisions granted</b> | <b>% with an Extension of Time</b> | <b>Major dev % decided within 13wks</b> | <b>Non-major devt % decided within 8 wks</b> | <b>Householder devt % decided within 8 wks</b> |
|---------------------------------|--|------------------------------------|---|--|--|
| <b>Medway</b>                   | 90%                                    | 20%                                | 39%                                     | 62%  | 86%  |
| <b>Ashford</b>                  | 79%                                    | 35%                                | 15%                                     | 43%  | 73%  |
| <b>Canterbury</b>               | 90%                                    | 42%                                | 21%                                     | 22%  | 40%  |
| <b>Dartford</b>                 | 75%                                    | 39%                                | 52%                                     | 33%  | 65%  |
| <b>Dover</b>                    | 92%                                    | 44%                                | 7%                                      | 31%  | 64%  |
| <b>Folkestone and Hythe</b>     | 81%                                    | 22%                                | 6%                                      | 60%  | 85%  |
| <b>Gravesham</b>                | 69%                                    | 20%                                | 42%                                     | 62%  | 82%  |
| <b>Maidstone</b>                | 78%                                    | 23%                                | 45%                                     | 66%  | 83%  |
| <b>Sevenoaks</b>                | 83%                                    | 29%                                | 45%                                     | 56%  | 77%  |
| <b>Swale</b>                    | 87%                                    | 50%                                | 14%                                     | 28%  | 63%  |
| <b>Thanet</b>                   | 87%                                    | 39%                                | 13%                                     | 38%  | 62%  |
| <b>Tonbridge and Malling</b>    | 86%                                    | 54%                                | 18%                                     | 31%  | 38%  |
| <b>Tunbridge Wells</b>          | 94%                                    | 19%                                | 66%                                     | 66%  | 86%  |

## Appendix C : Appeals

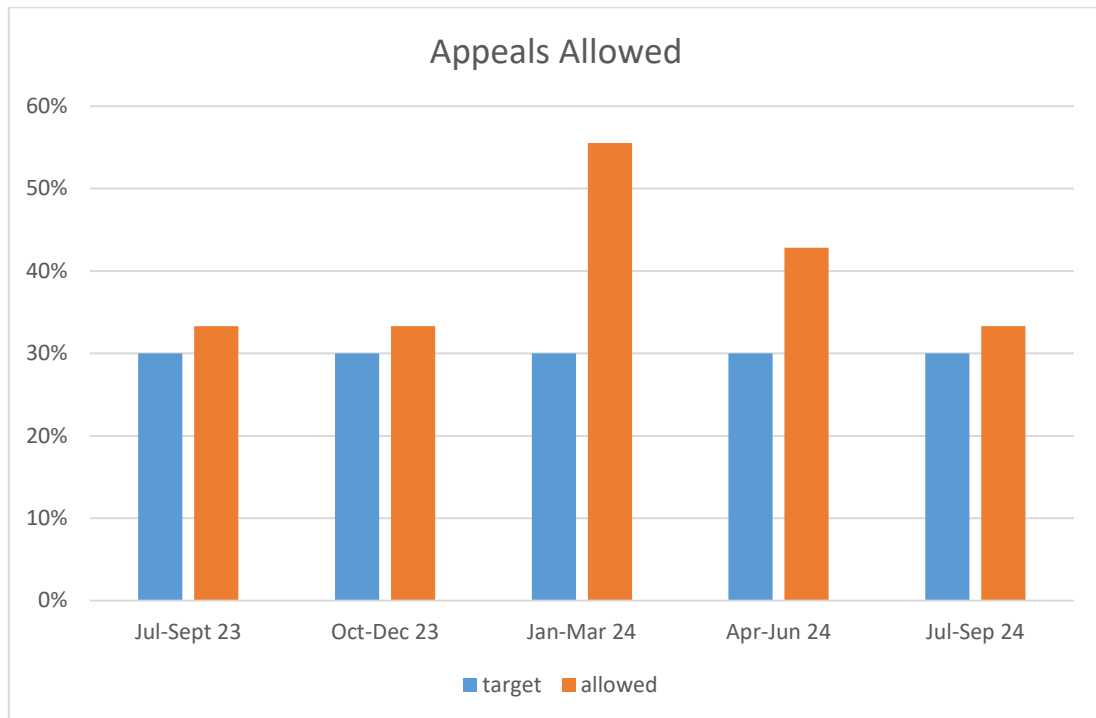
**Figure 1** Number of appeals decisions received from October 2023 to September 2024



**Figure 2** Number of Appeals allowed / dismissed from October 2023 to September 2024



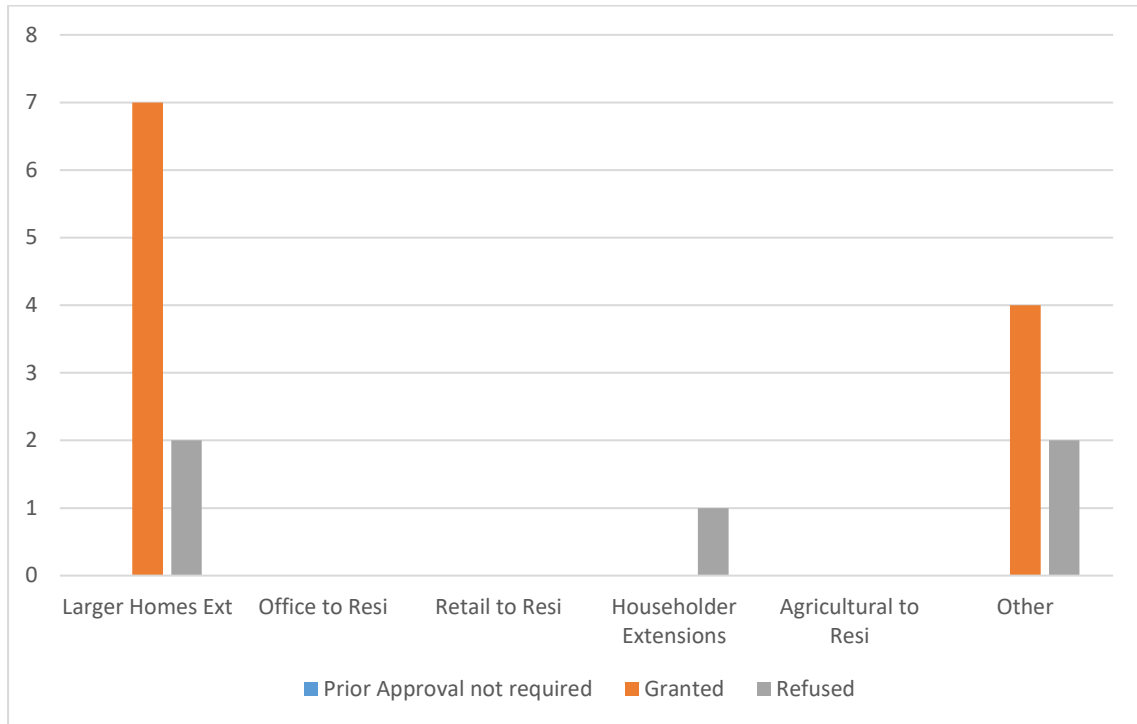
**Figure 3** Percentage of appeals allowed against target of 30% from October 2023 to September 2024





**Appendix D : Applications for Prior Approvals for Permitted Developments**

**Figure 1      Number of prior approvals for permitted developments for the period 1 July 2024 to 30 September 2024**



## **Appendix E**

**Figure 1**

### **Number of units under construction**

| Year | No of units under construction as at 31 March (net) |
|------|---|
| 2015 | 857   |
| 2016 | 760   |
| 2017 | 805   |
| 2018 | 1202  |
| 2019 | 1486  |
| 2020 | 1629  |
| 2021 | 1925  |
| 2022 | 1752  |
| 2023 | 2,061   |

**Figure 2**

### **Number of units completed**

|                        | Year<br>2018/19 | Year<br>2019/20 | Year<br>2020/21 | Year<br>2021/22 | Year<br>2022/23 |
|------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <b>Completions</b>     | 647             | 1130            | 1082            | 1102            | 950             |
| <b>Requirement</b>     | 1683            | 1662            | 1586            | 1675            | 1667            |
| <b>Surplus/Deficit</b> | -1036           | -532            | -504            | -573            | -717            |

**Figure 3**

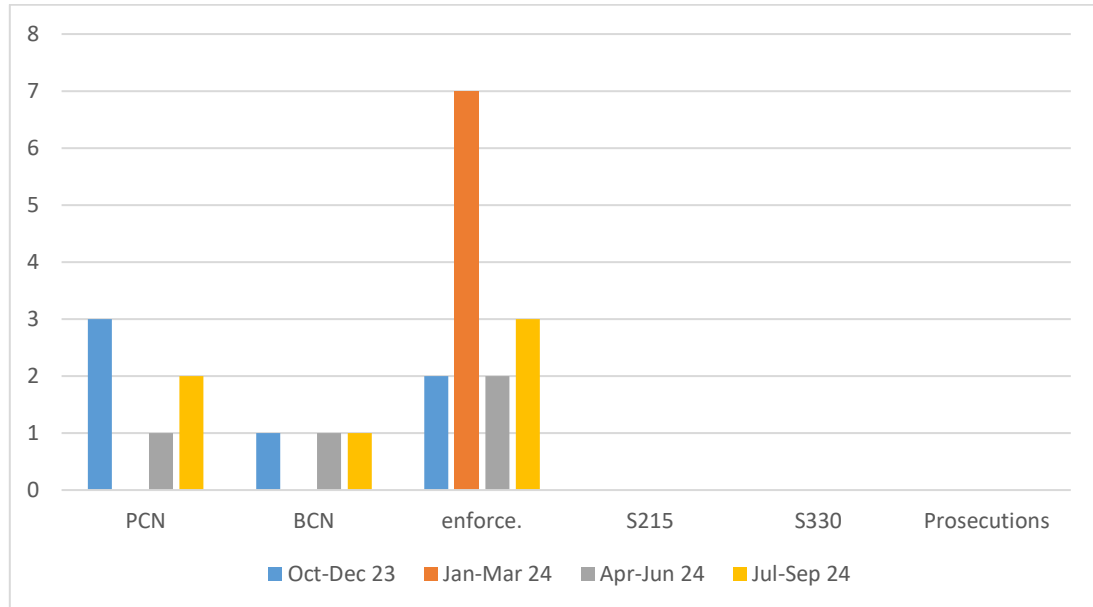
### **Housing completions comparison with other authorities in Kent**

*This data includes mobile and temporary dwellings (such as houseboats) so varies from the data published in the AMR*

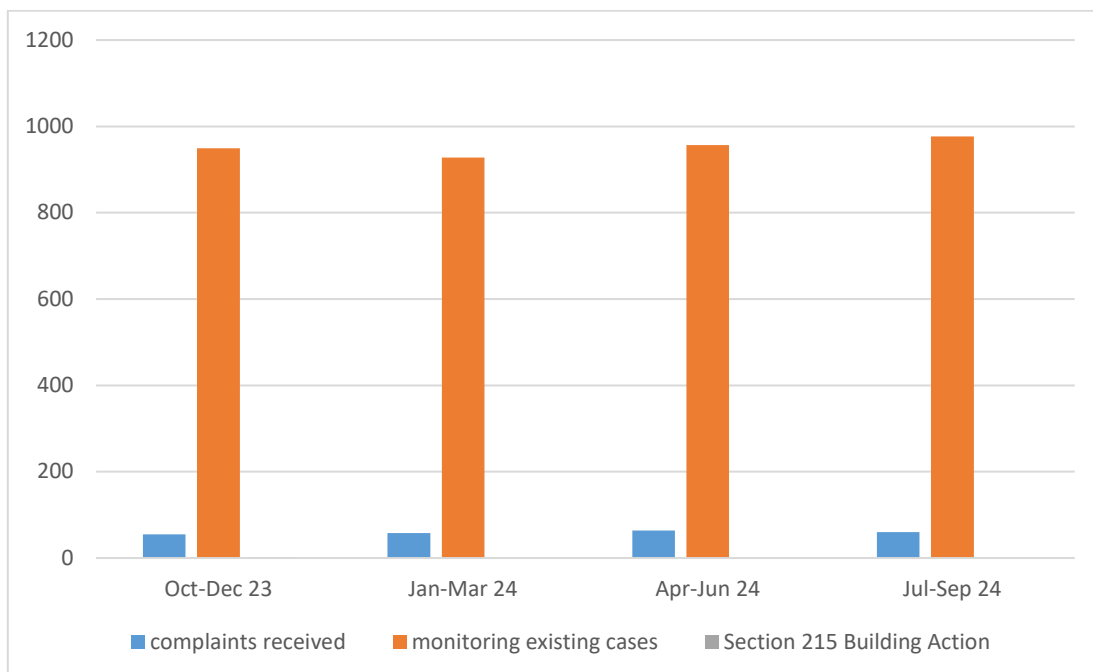
| <b>Authority</b>      | <b>2018/19</b> | <b>2019/20</b> | <b>2020/21</b> | <b>2021/22</b> | <b>2022/23</b> |
|-----------------------|----------------|----------------|----------------|----------------|----------------|
| Ashford               | 923            | 753            | 1,144          | 627            | 1,001          |
| Canterbury            | 311            | 417            | 319            | 692            | 644            |
| Dartford              | 960            | 487            | 553            | 540            | 738            |
| Dover                 | 374            | 370            | 411            | 625            | 543            |
| Gravesham             | 302            | 174            | 250            | 421            | 419            |
| Maidstone             | 1,215          | 1,424          | 1,446          | 1,627          | 1,064          |
| <b>Medway</b>         | <b>657</b>     | <b>1,142</b>   | <b>1,087</b>   | <b>1,103</b>   | <b>958</b>     |
| Sevenoaks             | 299            | 477            | 260            | 267            | 261            |
| Folkestone and Hythe  | 435            | 451            | 478            | 454            | 454            |
| Swale                 | 956            | 1,065          | 892            | 989            | 818            |
| Thanet                | 352            | 427            | 596            | 548            | 617            |
| Tonbridge and Malling | 361            | 410            | 380            | 467            | 492            |
| Tunbridge Wells       | 396            | 317            | 533            | 518            | 636            |

## Appendix F : Enforcement

**Figure 1** Number of enforcement notices served and prosecutions from 1 October 2023 to 30 September 2024

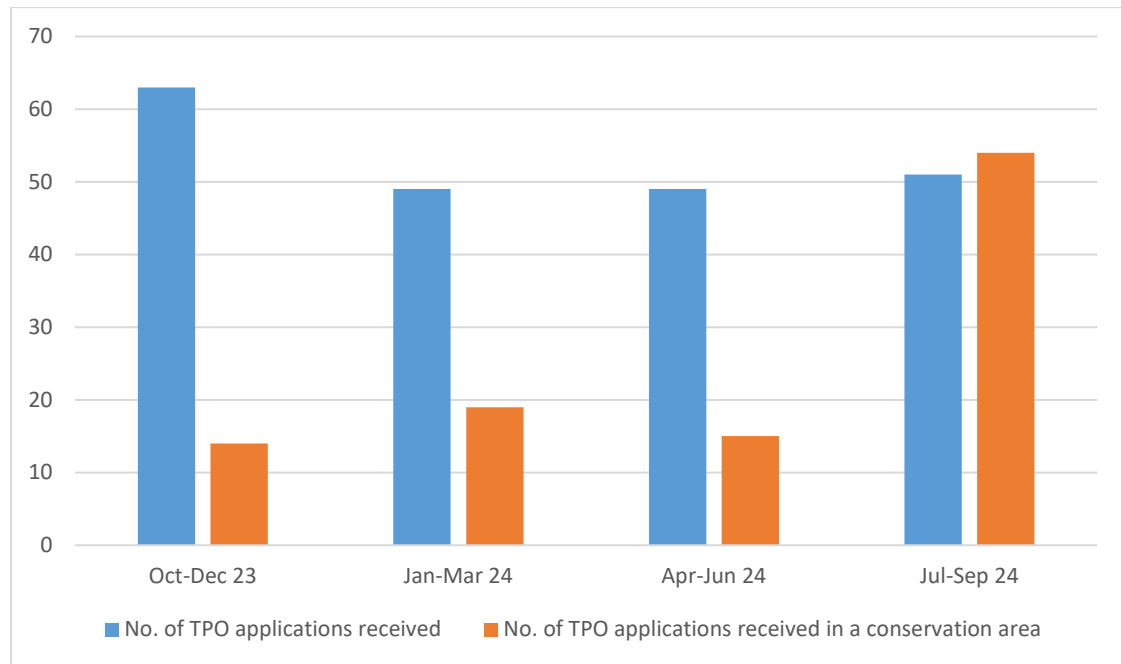


**Figure 2** Number of enforcement related complaints and activities from 1 October 2023 to 30 September 2024

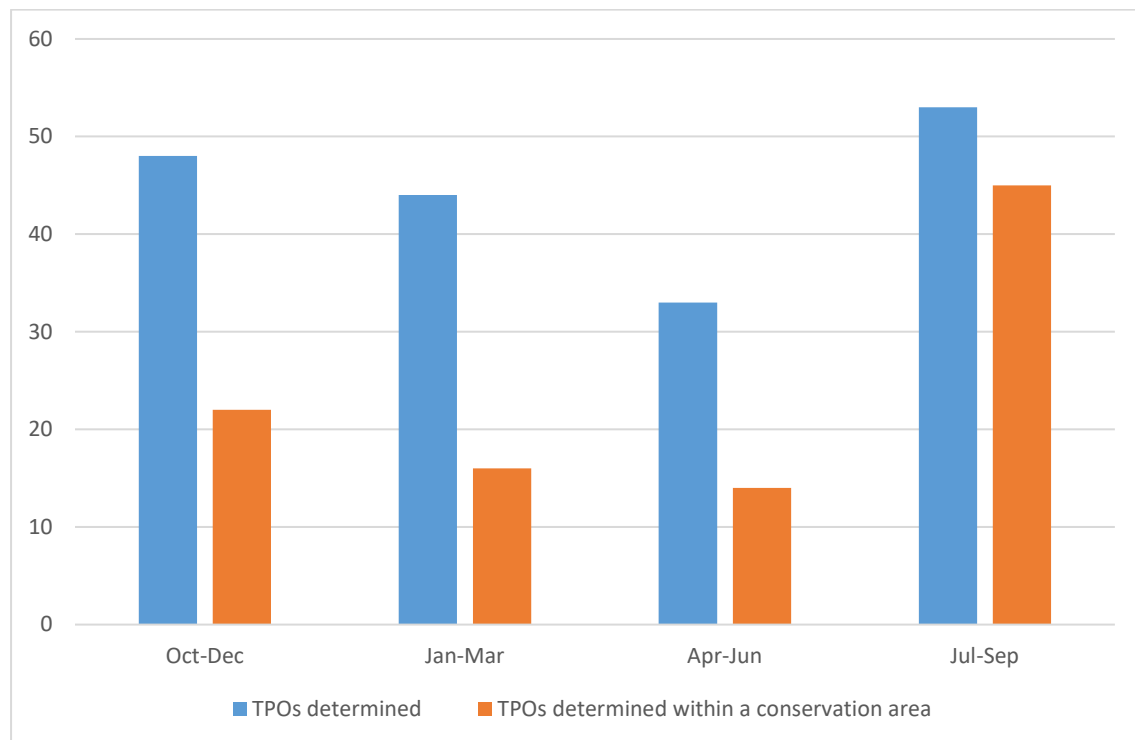


## **Appendix G : Tree Preservation Order Applications**

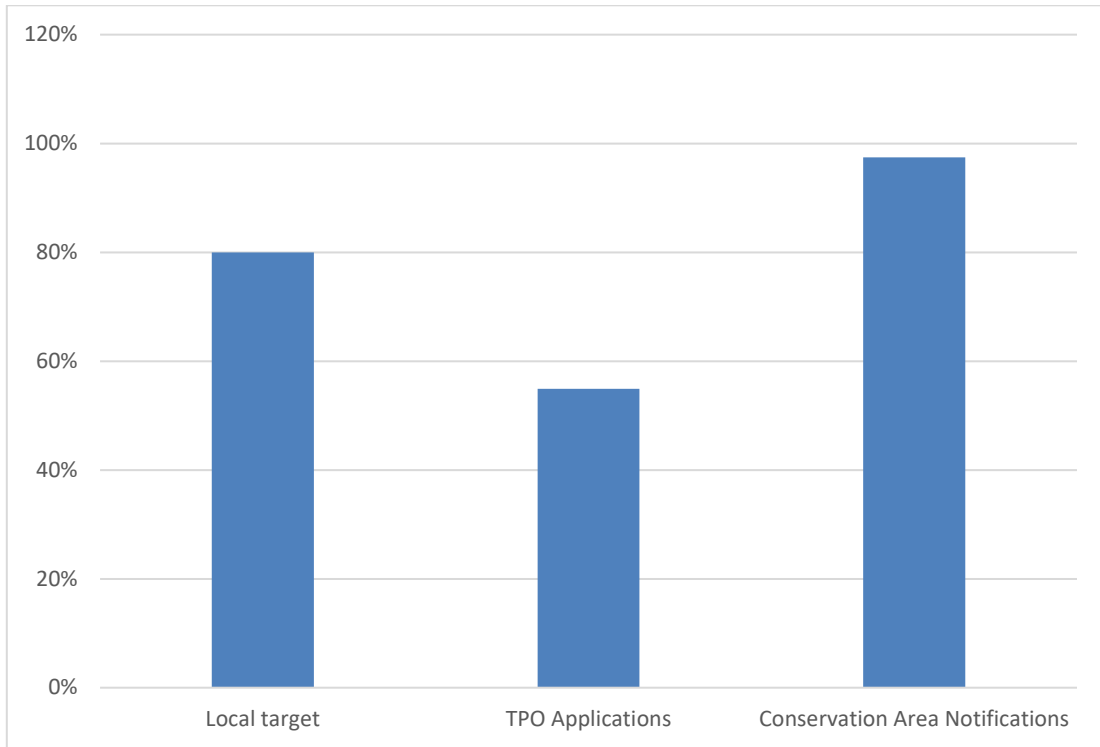
**Figure 1 TPO applications received from 1 October 2023 to 30 September 2024**



**Figure 2 TPO applications determined from 1 October 2023 to 30 September 2024**

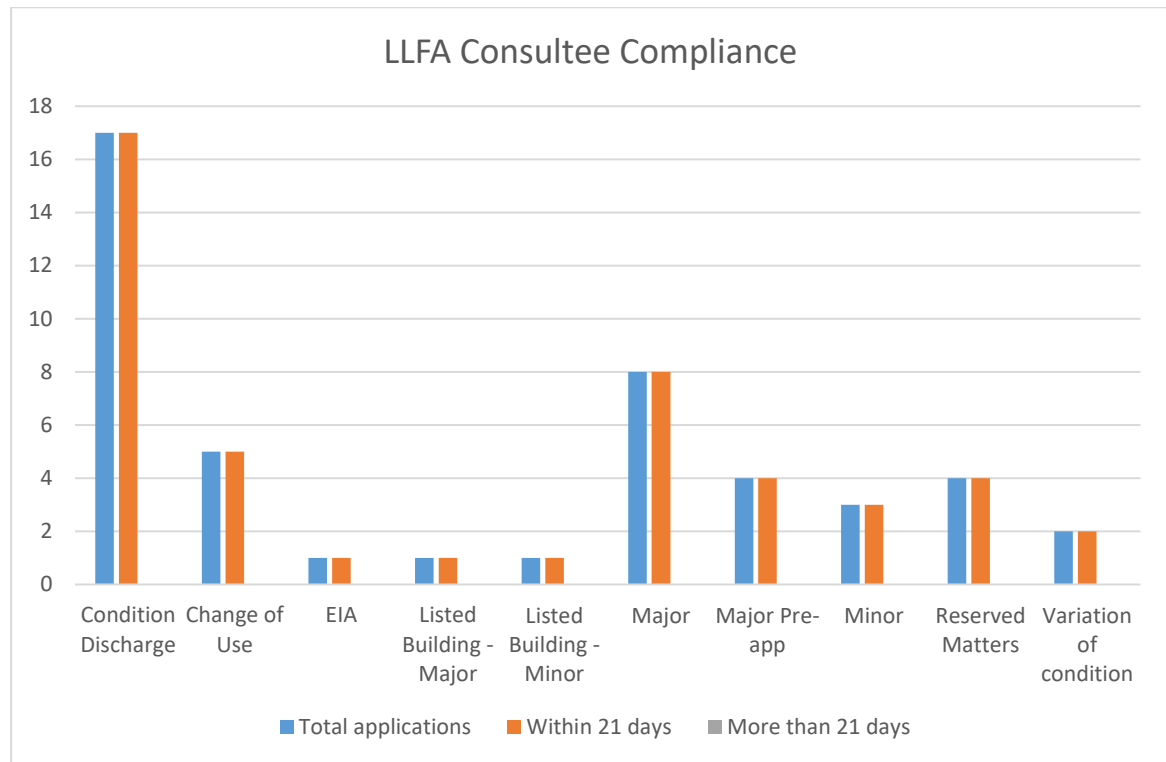


**Figure 3 TPO and Conservation Area Notification applications determined within target time from July and September 2024**



## **Appendix H : Lead Local Flood Authority Consultee Compliance**

Statutory Consultee compliance results from 1 July to 30 September 2024



Overall compliance for all types of consultations received is 100%. The internally set target is 80%.

## **Appendix I : Complaints and Compliments**

Complaints can be submitted online, in writing, in person at a local community hub and by phone. We aim to reply with a full written response within 10 working days. The chart below shows number of complaints received.

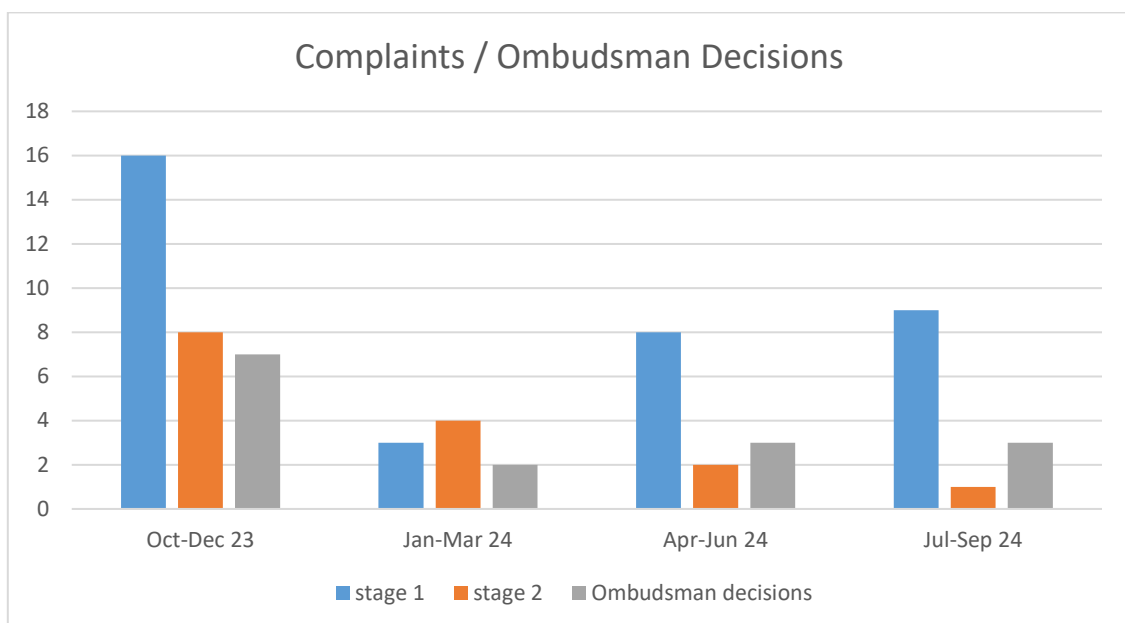
The corporate complaints procedure involves 2 stages :

Stage 1: The complaint is investigated within service and a draft response is provided to the Customer Relations Team who then writes to the complainant. The response letter also includes a final paragraph providing information on how to take the matter further if the complainant remains dissatisfied.

Stage 2: The complainant receives a response from the Customer Relations Officer giving details on how to contact the Ombudsman should the complainant remain dissatisfied.

Stage 1 corporate complaints are now categorised into generic and service specific categories. Complaints for planning are expected to fall mainly into the category whereby customers disagree or are unhappy with the Council's decision. For the period 1 July to 30 September 2024, 10 corporate complaints were responded to, 4 where unhappy with the Council's decision, 3 where communication was not satisfactory, 1 related to poor timeliness, 1 where inaccurate information was provided and 1 where the service did not meet expectations.

Of the 10 complaints which were responded to, 90% were answered within the target time of 10 working days, 1 of which was escalated to Stage 2. 6 complaints were dismissed where no fault was found, 1 was partially upheld and 3 were upheld.



## **Complaints Upheld**

- Unreasonable delay in response to request for pre-application advice once the fee had been paid. Apology provided and meeting has now taken place.
- Incorrectly advised at pre-app stage that development was permitted development. LDC application was refused as a full application was required. Fee for pre-app and LDC application provided.
- Unreasonable delay in determination of TPO application. Apology provided. Application will be determined by Planning Committee.

## **Complaint Partially Upheld**

- Apology for lack of confirmation that contact details had been added to the Local Plan consultation database.

## **Ombudsman**

There were three decisions issued by the Ombudsman:

- One was closed as the complainant has rights of appeal to the planning inspector.
- One will not be investigated as the Council has confirmed it has served multiple notices and if it does not receive a response then enforcement action will follow.
- One found fault because of unreasonable delay in taking enforcement action and service failure because the Council cannot access some of its enforcement records due to building safety problems. The Council agreed to the Ombudsman's recommendations and it will carry out service reviews so it can avoid the fault recurring and plan for how best to deal with the service failure.

Following consultation, the Local Government and Social Care Ombudsman launched The Complaint Handling Code in February 2024. Local councils are encouraged to adopt the Code as soon as they are able to do so. The LGSCO intend to start considering the Code as part of its processes from April 2026. This gives local councils the opportunity to adopt the Code successfully into working practices. Medway have set up a Task and Finish group to implement the recommendations of the Code.

## **Compliments**

The Planning Service has received a number of compliments during the period from both internal and external customers. Comments include:

- You are a fantastic team, bright, hard-working, assiduous, and absolutely VIP's for Medway Council. Team planning has exceptional expertise, incredible inclusively, kindness and interpersonal skills. Keep up the amazing work



- It was the most detailed and thorough officer presentation I have ever heard and was rightly commended by those present
- We have been very impressed with the quality of Medway's pre-application service. Every officer we have dealt with has been great and its definitely the best LPA we have worked with during the pre-application process
- Thank you personally for always being helpful and a friendly voice on the end of the line
- Thanks again for being wonderful
- My comments on you and the team are all justified and you have a lot to be proud of
- Despite the various frustrations with the application we have been very impressed with the officer's handling of the application to date
- Not only was the officer helpful and considerate, their constructive comments were invaluable and enabled me to submit an acceptable design
- You were both really helpful and made the process so easy, for which I am very grateful
- The officer was very professional, communicative and had a will to get a deeper understanding of the need of what was being proposed