



Doncaster Council

Report

Date: 2 March 2022

To the Chair and Members of Cabinet

DLUHC Grant for RIPA (Reducing Invalid Planning Applications) & BOPS (Back-Office Planning System) Digital Project

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nigel Ball	None	Yes

EXECUTIVE SUMMARY

1. The Department of Levelling Up, Housing and Communities (DLUHC) launched an exciting opportunity for Local Planning Authorities to work with Government and other Authorities in a digital innovation project to design and implement modern planning software developed by Authorities for Authorities with our citizens needs at the forefront. The project encapsulates the core values of Doncaster Council by allowing us to be more connected and creative with the aim of being able to assist in creating thriving people and places. The project captures this by allowing us the great opportunity to develop innovative planning application systems that are speedier, accessible and transparent, whilst at the same time allowing the preparing, making and submission of a planning application for our customers to be as user-friendly, unintimidating and painless as possible, all whilst utilising our national and local digital data to support this process.
2. As a Council we were responsive to this opportunity and submitted an expression of interest (EOI) for Doncaster MBC to participate in Phase 2 of DLUHC's roll-out for the development and use of RIPA/BOPS (a new integrated software package for dealing with planning application submission) was submitted by officers on 26th November 2021
3. Phase 2 of RIPA/BOPS builds on a previous Phase 1, which dealt with 'Certificate of Lawfulness' (LDC) application types. Three Councils worked on this last year. Phase 2 of the project looks to expand on Phase 1 to deal with another key planning application type i.e. householder planning

applications (i.e. minor property extensions), which represent the bulk of applications that we deal with and where we have a high invalidity rate due to the nature of the customer. New partners will also be launching on their website a beta service for the LDC applications developed in phase 1.

4. Successful Councils across the country are eligible for up to £400k funding to cover staffing costs and IT integrations in Phase 2.
5. Doncaster was shortlisted for interview, which took place on 2nd December 2021. On 8th December 2021, we were notified that we were successful
6. A Technology Governance Board (TGB) report was prepared and circulated for urgent consideration on the 22nd December 2021. The report was to seek approval that as a Council we were committed to deliver the project with the suggested resources requirements.

TGB approval was received on the 4th January 2022.

7. Funding from DLUHC has been awarded to Doncaster Council for the amount of £358,000.00. £258,000.00 is to cover the necessary resourcing of the project team and required back filling, £100,000.00 is earmarked for any necessary ICT integrations required to participate within Phase 2 of this digital transformation project. This could include paying existing software providers for support and potentially further develop our existing technologies and connectors, there may also be a requirement to purchase something new. All of this will be established once the project commences and the project team and DLUHC have worked through our technical inventory.
8. We are seeking approval to accept this funding and progress with the recruitment to the project team to ensure the delivery mechanisms are established for the proposed project delivery start date of 1st April 2022.

EXEMPT REPORT

9. The report is not exempt.

RECOMMENDATIONS

10. It is recommended that Cabinet:
 - Approve the acceptance of the DLUHC project and funds of £358,000.00 in order for Doncaster Council to partake in Phase 2 of the RIPA/BOPS project which will be focussing on improving the software used by Local Planning Authorities (LPAs) actively responding to Government's white paper 'Planning for the Future'.
 - Approve the expenditure incurred or to be incurred by the project team.
 - To delegate to the Director of Economy and Environment (or in his absence the Assistant Director of Economy and Development) in consultation with the Director of Corporate Resources (or in her absence the Assistant Director of Finance) and the Assistant Director of Legal and Democratic Services to

agree any further terms and conditions and to engage in discussions with DLUHC in regards to any necessary changes to the spend of allocated funds to ensure successful delivery of the project.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

11. RIPA/BOPS will make the planning process for householder applications much more user friendly – translating technical planning jargon as laid out in government legislation into plain English questions/information requirements.
12. Information requirements will be translated into simple automated questions, which need to be provided in order to make an application valid. It will also create efficiencies in terms of determining planning applications, including better case management.
13. By being a part of this evolving project, Doncaster will be able to influence the development of this process to ensure this future direction for planning improvements works for us and our citizens in the future.

BACKGROUND

14. The Government announced in its Planning White Paper '*Planning for the Future*' a number of fundamental changes for the future of the planning process. Doncaster fed back its comments to MHCLG within the timescales afforded. Whilst there were a number of controversial areas of the proposed changes (e.g. top-down housing numbers; streamlining the Local Plan process etc.), other areas were less controversial and indeed welcomed. One of these was around the desire for a 'digital-first approach to modernising the planning process'.
 - *'For all types of planning applications ... we want to see a much more streamlined and digitally enabled end to end process which is proportionate to the scale and nature of the development proposed, to ensure decisions are made faster. To achieve this, we propose:*
 - *the greater digitalisation of the application process to make it easier for applicants, especially those proposing smaller developments, to have certainty when they apply and engage with local planning authorities. In particular, the validation of applications should be integrated with the submission of the application so that the right information is provided at the start of the process;*
 - *a new, more modular, software landscape to encourage digital innovation and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, which will support faster and more certain decision-making. **We will work with tech companies and local planning authorities to modernise the software used for case-managing a planning application to improve the user-experience for those applying and reduce the errors and costs currently experienced by planning authorities;***
 - *shorter and more standardised applications. The amount of key information*

required as part of the application should be reduced considerably and made machine-readable.'

15. By way of background, three previous pilot Councils worked on Phase 1 and developed the RIPA/BOPS system to deal with an application type known as 'Lawful Development Certificate' submissions. Successful Councils for the Phase 2 bid will have access to the Phase 1 system automatically for dealing with Lawful Development Certificates.
16. In order to ensure a RIPA/BOPS 'project team' is established, dedicated posts/time will be required in order to deliver a successful outcome.
17. In summary for staffing implications this will require a combination of: 1) a full time Project Management role to ensure delivery of the project (PIC); 2) Systems work on a part-time basis (with peaks and troughs of demand) to ensure integrations with existing IT software and expanding existing software to allow RIPA/BOPS to operate is achieved e.g. GOV.PAY (Digital/ICT); 3) full-time Senior Planning Officer input to ensure planning legislation is translated into user-friendly format and to ensure information requirements to make a valid application is submitted in an acceptable format (Planning); 4) uplifts in existing Planning (TSI) roles and an element of backfilling to ensure resource is committed to work on the project. This final aspect (TSI) is the most challenging due to balancing of workloads to ensure capacity to work on the project, whilst maintaining existing service delivery.
18. DIRECT BACKFILLING:
 - 1FTE Grade 9 Project Manager - **£47,099.66**
 - 1FTE Grade 8 Senior Planning Officer - **£38,757.24**
 - 0.5FTE Grade 10 Digital/ICT Officer - **£27,996.38**
19. INDIRECT BACKFILLING:
 - Increase TSI Manager from top of Grade 10 to top of G11 - **£5,075.04**
 - Increase Senior TSI Officer (GIS expertise) from top of Grade 8 to bottom of Grade 10 - **£12,151.32**. This would be on the basis of having direct involvement and responsibility on the project team but also mainly contributing to the backfilling of the Grade 10 TSI Manager aspect to take on additional responsibilities that would need to be carried out, whilst the Manager committed her time to the Project and involves work which cannot be cascaded down to the Senior Grade 8's.
 - Create a temp grade 8 post (uplift) in TSI to pick up other operational and supervision aspects of the Manager role, i.e. EIR/FOI/Cllr Contacts, system admin, TSI resource management etc. - **£13,183.33**
 - In anticipation of the above Grade 8 being occupied by an existing Grade 6 officer in TSI - backfilling of a TSI Officer to replace them at Grade 6 will also be required - **£25,573.91**
 - It is to be noted that the formation of the project team is still evolving and some changes around resourcing maybe required to ensure we have the required people and skills; this will be resourced wherever possible via existing staff. As part of the onboarding process discussions around the population of the project team will continue to take place between the

necessary Council departments and DLUHC.

20. NON STAFFING COSTS

- £100,000 has been secured to support the costs of integration and migration requirements as identified by the project team.

OPTIONS CONSIDERED

21. **Option 1-** 'Do Nothing and decline the funding and opportunity to work alongside DLUHC and other pioneering Authorities'

If Doncaster does not proceed with the RIPA/BOPS project – the status quo will be retained. However, we will lose an important opportunity to work directly with government to help shape the digital planning reforms. We will also continue to have frustrations with the quality and number of householder planning applications, which if not completed correctly, can cause frustration and have resource implications for both officers and our customers as they are made invalid and thus remain an inefficient 'burden' in terms of officers having to request information requirements for the bulk of applications that we deal with in order to eventually make the application valid. Customer frustrations also develop in this exchange.

22. **Option 2-** Accept the funding available from DLUHC to enable Doncaster to help shape and develop the future requirements to improve the planning system with the citizens of Doncaster in mind.

REASONS FOR RECOMMENDED OPTION

23. **Option 2-** is the recommended option for the reasons already set out in this report.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

24.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none">• Better access to good fulfilling work• Doncaster businesses are supported to flourish• Inward Investment	
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of</p>	<p>Doncaster Councils Planning Service is instrumental in delivering the Doncaster Living</p>

	<p>opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>Outcome, without the resilience of systems in place to enable our systems to support the delivery of this function we would be unable to deliver on the redevelopment and improvement of the borough and economy.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective 	<p>Participating in the Phase 2 of RIPA/BOPS roll-out will ensure that we are future proofing the planning service function as part of the government's agenda to transform planning services. Translation of legislative jargon into a more user-friendly application/process will allow our customers to fully participate in the process and avoid information demand frustrations. Officers will also have a better case-</p>

	leadership and governance	management system for dealing with these types of applications and immediate benefits will arise from the Phase 1 work on certificate of lawfulness applications – which has already been developed and will automatically be part of the Phase 2 package.
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RISKS AND ASSUMPTIONS

25. As mentioned in paragraph 21 there is no risk in not proceeding yet we will lose a great opportunity for Doncaster to respond to the proposed planning reform changes and shape the future with Doncaster citizens in mind.
26. There is a risk that the funding does not cover the resource and ICT integration requirements although DLUHC have indicated that further funding can be discussed.
27. Successful participation in this project relies upon getting the right people on the project team ensuring that all project members have a sound understanding of the specific requirements and possess the skills to be able to deliver. The approval of this report will enable us to start forming the project team and conduct necessary recruitment.

LEGAL IMPLICATIONS [Officer Initials...PA..... Date.....26.01.22.....]
CD 27.01.22

28. Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives an Authority power to purchase goods and services.
29. The funding should be used for the purpose of which it has been given to avoid potential financial liability for the Council which could include clawback of funding.
30. Any required procurements should be carried out in accordance with the Councils contract procedure rules. In the event that an existing contract requires amendment, such amendment must be made in compliance with the Contract terms and conditions and any associated procurement legislation.
31. The employment of implementation staff should be in accordance with DMBC policies and HR advice should be sought.
32. S112 of the Local Government Act 1972 allows a local authority to appoint such officers as are necessary for the proper discharge of its functions, on such reasonable terms and conditions as it thinks fit. Salary grade should be

determined by job evaluation. The Council has policies to deal with recruitment which should be followed.

33. If the posts are temporary, it is advisable to set up a temporary contract for a fixed term. Any employee regardless as to whether or not they are employed for a fixed term obtain certain employment protection, which includes protection from unfair dismissal after 2 year's employment service. In order for liability in relation to unfair dismissal to be limited there must be a legitimate reason for a fixed term contract and the employee must be made aware of this reason and of the anticipated length of the contract at the commencement of the contract. After the 4th year of renewal the Employee may be entitled to the position on a permanent basis.
34. The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 confirm that employees should not be treated less favourably on the ground they are fixed term unless this is objectively justified. Less favourable treatment means, but is not limited to pay and terms and conditions.
35. If the length of the contract will exceed 1 year upon termination the Employee may be entitled to be placed on the redeployment register and after 2 years may be entitled to a redundancy payment.
36. In the event that Agency workers are to be used, there are no legal restrictions on the use of Agency workers for a local authority. There is a legal obligation to consider best value and therefore it is recommended that there be regular reviews of the decision to use agency staff to ensure this obligation is being met. There should be a contract that sets out the terms of assignment in place prior to the renewal of the role.
37. Reed were appointed as the Council's supplier of temporary staff following a procurement process which was compliant with both EU Procurement Regulations and Contract Procedure Rules. In addition care must be taken to ensure the Agency Worker Regulations and the Council's Policies relating to Agency workers and Recruitment in general are adhered to.
38. Care should also be taken to manage the risk of an implied employment contract, As a minimum there should be regular assessment of the nature of work that agency workers are engaged to do; focus on using agency workers for specific projects or cover for fixed periods. Incorporate a review of requirements for agency workers into a regular review of staffing levels and needs.
39. The Council should also note that should the worker become a permanent employee in the future, the time spent as an agency worker may count towards continuous service in order for employment rights to be conferred in terms of qualifying service to be able to bring an unfair dismissal.
40. An agency worker may also be deemed to be a DMBC employee for the purposes of vicarious liability depending on the amount of day-to-day control DMBC has of their work.
41. From April 2017 the rules relating to the application of the Intermediaries Legislation (IR35) for individuals engaged 'off-payroll' in the public sector has changed. In summary, the payments we make to such workers will be subject

to the application of the new legislation which means that contractors supplying their services through their own personal service companies (PSCs) will be considered to fall within IR35 unless it can be proven otherwise. The application of IR35 will require the Council to deduct tax and national insurance contributions for all payments made to these contractors.

42. Off-payroll working rules change on 6 April 2021. From this date, all public authorities will be responsible for deciding the employment status of workers (sometimes known as contractors). Extra responsibilities require public authorities to decide the employment status of every worker who operates through their own intermediary, even if they are provided through an agency.

FINANCIAL IMPLICATIONS [BC 26/01/2022]

43. Doncaster Council has successfully secured a Section 31 grant of £358k from DLUHC to participate in Phase 2 of the development and use of RIPA/BOPS. The main costs associated with this project are outlined in the body of this report and cover additional staffing and integration and migration costs.

44. The staffing costs shown in the body of the report are at current pay rates and do not include the 21/22 or 22/23 pay awards, which are yet unknown. An estimated 2% for both years has been applied to the above staffing figures and included in the project cost, as shown below. There is also some flexibility built into the project cost for unforeseen expenditure, for example if agency staff were required if backfilling of posts proved difficult in some areas. A summary of the total allocation is:-

	£
Staffing / Backfilling (PIC) (incl estimated pay awards)	49k
Staffing / Backfilling (ICT) “	29k
Staffing / Backfilling (Planning) “	99k
Additional provision – recruitment/consultancy	81k
IT integrations costs	<u>100k</u>
	358k

45. There is no match funding requirement associated with this award. The grant income has already been received by the Council in this financial year 2021/22, but DLUHC fully expect that most of the grant will be spent during the financial year 2022/23. The carry forward of income into the next financial year must be approved in line with Financial Procedure Rule B.19.

46. All of the expenditure incurred in relation to the project should be eligible and comply with any terms and conditions, offer letter, or Memorandum of Understanding provided by the grant funder. In some circumstances failure to comply with the agreed terms and conditions can lead to claw back of up to the full value of the grant. Only a grant determination letter has been received for this grant to date. This report recommends that the authority to agree any further terms and conditions is delegated to the Director of Economy and Environment, in consultation with the Director of Finance & Corporate Services and the Assistant Director of Legal and Democratic Services.

47. The Council's Financial Procedure Rules, Section E: External Arrangements, outlines the expectations for relevant Directors and the administrators of external funding.
48. If any of this work results in the creation or enhancement of any assets and have a cost higher than the £50k de minimus applied to capital schemes, then this may need to be capitalised and added to the Council's asset register in line with the Council's FPRs.

HUMAN RESOURCES IMPLICATIONS [Officer Initials...KJ... Date 20/01/22]

49. As per Doncaster Council's Job Evaluation process all additional duties must be evaluated to determine the grade/salary they would attract. Recruitment to any back filling post must be done in line with the Council's Recruitment and Selection policy.

TECHNOLOGY IMPLICATIONS [Officer Initials...PW..... Date...21/01/22.]

50. As outlined above, a report relating to RIPA and BOPS has been agreed by the Technology Governance Board (TGB) and the technology implications are included in the TGB1 report

HEALTH IMPLICATIONS [Officer Initials...EW..... Date...26/01/2022.]

51. Good quality housing and developments have a significant positive impact on health and wellbeing and quality of life. Homes and developments should promote health. They should be safe and comfortable and should provide security and stability, meeting the diverse needs of the people who live, work or visit there. The proposal to modernise the planning process should ensure relevant and quality health information is submitted creating a more efficient process for both Council Officers and developers.

Public Health supports the recommendation to accept the funding available from DLUHC.

EQUALITY IMPLICATIONS [JR..Date 20/01/2022]

52. None

CONSULTATION

53. Consultation has taken place with Finance, Procurement, Legal, Information Governance, ICT and PIC as part of the TGB approval process.
54. The project has political support (Councillor Ball – Portfolio Holder for Planning – discussed and agreed in a portfolio briefing dated 30th November 2021) and Senior Leader Support (Director/Assistant Director) to be part of the next phase.

BACKGROUND PAPERS

55. None

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

DLUHC – Department of Levelling Up Housing and Communities

RIPA – Reducing Invalid Planning Applications

BOPS – Back Office Planning Systems

EOI – Expression of interest

LDC – Lawful Development Certificate

TGB – Technology Governance Board

LPAs – Local Planning Authorities

MHCLG – Ministry of Housing Communities and Local Government (now known as DLUHC)

TSI – Technical Support & Improvement team

GIS – Geographic Information Systems

EIR – Environmental Information Request

FOI – Freedom of Information Request

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