
PLANNING EXCELLENCE – SERVICE DELIVERY IMPROVEMENT PLAN

**Responsible Cabinet Member - Councillor David Lyonette,
Regeneration and Planning Portfolio**

Responsible Director - John Buxton, Director of Development and Environment

Purpose of Report

1. To seek Members:
 - (a) Endorsement of the **attached** Service Improvement Action Plan; and
 - (b) approval to advertise and tender for the services of specialist consultants to review the Council's Development Control processes and procedures, and provide best practice guidance on consultation techniques, as part of the Actions identified in the Service Improvement Plan..

Background

2. Planning is one of the Council's highest profile activities and has a significant impact on the local community. It plays a key role in delivering the Council's priorities such as promoting environmental quality, economic regeneration and delivering the Government's sustainable development objectives. Key statutory processes include the production of the Local Development Framework (setting out the policies and proposals for future development and environmental protection) and the determination of planning, and related types of, applications (ranging from numerous householder applications to major residential, commercial and industrial schemes).
3. The Planning Service has a wide range of customers: applicants, neighbours of developments, consultee organisations, special interest groups and not least, the wider community and future generations who experience the outcome of planning decisions. These can have different, and often conflicting, requirements and expectations. The Planning Service cannot, therefore, please everyone: a good outcome or process for one customer, may be a bad one for another.
4. Planning contributes to the Corporate Performance Assessment(CPA) process through its contribution to the 'Environment' service area. Although, levels of performance have been satisfactory over recent years, it had been recognised that improvements were necessary, especially in relation to the speed of processing and deciding planning applications, the main measure of planning service performance. In 2000 the Council's Development Control Best Value Review set out an improvement programme, which has now largely been achieved. More recently, an officer team identified additional service improvement actions, which have led to a marked improvement in performance, to a level consistently

above Government targets. The targets set by Government are becoming increasingly challenging and are likely to continue in the same vein. Satisfaction surveys also show that the service is excellent.

5. Notwithstanding the improvements since 2000 and more recently, it is felt that further progress can be made within the Planning Service in general, and that a variety of processes, procedures and outcomes should be assessed/reviewed as part of a leading edge approach to service delivery and improvement. As well as Development Control therefore, there is an opportunity to consider the Local Development Framework (LDF) process in more detail and to focus in on areas for service development, which not only improve the service, but will also bolster confidence in the planning service. It is a good time, therefore, to look both for recognition for the service, and at what the next set of improvements should be.
6. The Officer Team set up to take forward the previous Improvement Plan has been expanded and in recent months has been working up an Action Plan focussed on the following four main service areas:
 - (a) Processes and Procedures
 - (b) Planning obligations
 - (c) Community Engagement
 - (d) Community Safety.
7. The Action Plan included at **Appendix One** summarises the issues, outcomes, and proposed timescale for a variety of actions. The following paragraphs explain in more detail the context for, and reasoning behind, the main actions

Processes and Procedures

8. Process and procedure continue to be major factors in development control performance and increasingly so in policy development. Regulations are set out in statute for Local Planning Authorities to follow (and also develop through case law, guidance and best practice), and failure to keep up-to-date may result in legal challenges, Ombudsman cases, and ultimately a loss of trust by the public. The Action Plan includes a requirement to set up a process for regular reviews of all procedures, to be recorded in a spreadsheet when completed, which will ensure new legislation, guidance and best practice continues to be reflected in Council documents and procedures.
9. In general, officers feel existing procedures and practices have proved robust, nevertheless, from time-to-time an external check, especially for a small authority, is helpful. External and internal audits are carried out on specific aspects of process, but it is recognised that a more systematic review of processes and procedures would be helpful, to provide external confirmation and learning from best practice. It is proposed to commission specialist consultants to carry out a thorough audit of current processes and procedures to identify existing good practice within the Section, but also to make recommendations for improvement where appropriate. External consultants will provide an objective, independent, detailed assessment and analysis, which would not be possible in house given the staff time it would require.

10. The review would cover all aspects of the development control process, including
 - (a) Pre application discussions;
 - (b) Administration of planning and similar applications;
 - (c) Consideration of applications by officers, Members and committees;
 - (d) Statutory and non-statutory consultation, advertising and notification;
 - (e) Delegated arrangements;
 - (f) Decisions, recording and notification;
 - (g) Appeals and their handling; and
 - (h) Enforcement

11. In addition to the Final Report and recommendations, part of the package would be the provision of a customised, online Procedure Manual, which can be updated, for example, as new procedures are introduced at national level. This should ensure that our processes are continually updated to reflect best practice and latest case law, policy and guidance. Because the cost of the work will be higher than the £15,000 limit for the delegated authority of the Director of Development and Environment, Members are recommended to approve the costs of the review (likely to be in the order of £50,000) which will be funded through Planning Delivery Grant. Planning Delivery Grant is awarded to Councils specifically to encourage improvements in planning service delivery, and the level of Grant to this Council has increased because of past improvements in performance.

12. As mentioned, policy development has become more process orientated and the Action Plan refers to the need to assess the LDF process with a view to improving performance against best practice, and producing high quality, customer friendly planning policy documents. Furthermore, because LDF procedures are complex and continually being changed by Government, it is valuable to have external advice in ensuring our procedures and documentation remain up-to-date.

Planning Obligations

13. A planning obligation (or Section 106 agreement) is a legally binding contract between a developer and a local planning authority and usually operates alongside statutory planning permission. Through planning obligations, developers are required to carry out specified actions or make contributions when implementing planning permissions, for example the provision of open space, affordable housing and transport infrastructure.

14. A package of guidance has recently been published by the Department for Communities and Local Government on the use of planning obligations. The guide offers practical advice on how to improve the development, negotiation and implementation of Section 106 Agreements. Local Planning Authorities are being urged to consider the guidance (including a model legal agreement) and promote their use.

15. This Council negotiates Section 106 agreements where it is appropriate, to secure financial contributions, or physical developments which contribute planning gain to a local community. Cabinet recently approved a revised Local Development Scheme which proposes a Supplementary Planning Document on Planning Obligations, which will clarify the policy framework for such requests and provide greater certainty for developers, local

authority officers and local communities, on what can be achieved. As part of this process, officers will consider the latest guidance and review best practice with a view to improving the current systems.

Community Engagement and Customer Satisfaction

16. Community engagement, through consultation and participation, has always been an important aspect of the statutory planning process. Thus, at key stages in the development plan preparation process, and through neighbour notification on planning applications, local residents, organisations and statutory consultees have had the opportunity to give their views on planning issues.
17. Planning reforms introduced by the 2004 Town and Country Planning Act, and associated guidance, has placed more emphasis on the requirement for community engagement. This comes at a time when the Council is also considering the wider role of consultation through its corporate Leading Edge Community Engagement Project.
18. Much has been achieved already within Planning Services, with the publication of the 'Statement of Community Involvement (SCI)' and associated guidance notes. One of the first adopted in the country, the SCI explains how and when people can take part in planning in Darlington, whether it is helping to shape new planning policy documents or commenting on planning applications. Where 'significant' developments are proposed, the SCI sets out what the Council expects developers to do to involve local people and other organisations in developing the plans, before a planning application is submitted. Early examples of this pre-application consultation have proved a useful and welcome opportunity for both the developers and local people to gain information and feedback from those most affected. These pre-application events will be closely monitored and fed back as part of the ongoing review of the SCI.
19. Notwithstanding this early progress, officers acknowledge that community engagement can always be improved upon, and various avenues will be investigated as part of the proposed Action Plan. For example, as part of the proposed review of the Development Control Charter (which outlines the level of service customers should expect from Council planning officers) protocols will be produced explaining when it would be appropriate for officers to attend Parish Council, Community Partnership and other such meetings and, the nature of officer involvement at these events. Also, in line with recent Government announcements, the value of appointing a Planning Aid Champion, to act as liaison between the Council and local residents and organisations, will be considered.
20. The benefits of effective and efficient consultation procedures are potentially very significant for the planning system. They include a better and more equal relationship between planning services and customers (including greater empathy and understanding), a strong evidence base for decisions, local 'buy-in' to change, and developing a positive view of planning and development. Again, therefore, it is proposed to advertise and tender for the services of specialist consultants to assess and ultimately provide the Planning Section with a robust approach to consultation, along with a number of approaches and techniques which can be applied across the range of services provided. Members are recommended to approve the costs of tendering and commissioning consultants, to carry out this work, likely to be in the order of £20,000, to be funded through the Planning Delivery Grant.

21. Customer satisfaction is an important measure of the quality of the planning service being provided. Best Value satisfaction surveys, over recent years have shown a high level of satisfaction with levels at around 85%. Current surveys are limited to Development Control service users (mainly agents and applicants) only. This necessarily only provides a partial measure of satisfaction with the Planning Service in general. It is proposed to broaden the scope of satisfaction surveys across the range of planning services users, and use the results to inform further future improvements.
22. External recognition of customer service can be achieved through Charter Mark. This is the Government's national standard for customer service for organisations delivering public services, independently and rigorously evaluated and assessed. Six criteria ask how you set standards and consult with customers, whether you offer choice and an accessible service for your customers, whether you continuously improve your service and make effective use of resources, and whether you contribute to the wider community. Experience has shown that the Charter Mark process provides an excellent framework for self-assessment and a tool kit for improvement. Furthermore, Charter Mark holders generally listen more to their customers, perform better than average, have more satisfied users and use resources wisely. As part of the overall service improvement agenda therefore, officers will investigate and pursue the Charter Mark standard in relation to the Council's planning services.

Community Safety

23. Community safety continues to be a key issue for the Council, and one that planning can influence in various ways, both through policy and implementation, and planning application decisions. The attached Action Plan looks to build on current practice by improving the links between the Council and relevant local bodies, increasing in-house capacity to understand and deal with community safety issues, and by preparing clear and robust planning policies aimed at designing crime out of new developments.
24. Where required, the Council currently consults with the Durham Constabulary's Architectural Liaison Officer (ALO) on potential community safety issues which arise from development proposals, for example with the design and layout of residential development. Experience has shown that this process could be improved by better consultation/liaison with not only the ALO, but also with the police and Community Safety Partnership where appropriate. The quality of the advice provided by the ALO is particularly important, and it is proposed to investigate the use of Planning Delivery Grant to fund an in-house community safety advisor, jointly appointed with the police, qualified to comment on planning issues.
25. Guidance to developers on designing out crime, and the fear of crime, from proposed development schemes is provided in various national planning documents. At the local level such guidance is currently limited and, consequently, it is proposed to produce a 'designing out crime' Supplementary Planning Document as part of the emerging Local Development Framework process. This will reflect local issues and concerns and provide clear policy guidance for developers and planning officers considering the design of future proposals. Preparation of this will involve police and community safety colleagues, and public consultation.

26. Increasing the capacity of officers to recognise and respond to community safety issues, particularly through designing out crime methods, will be managed through in-house and external training opportunities. Similarly, a Members training session has been programmed, led by the Council's Urban Design Officer to introduce the principles of designing out crime.
27. Reports on planning matters, as with all Council reports, include reference to Section 17 of the Crime and Disorder Act 1998, and highlight the implications, if any, of the report contents for crime and safety in the Borough. The above actions will ensure that the application of the duties under Section 17 when assessing planning applications is continually checked against best practice, to ensure that there is full regard for community safety when making recommendations and decisions.

Outcome of Consultation

28. No formal consultation was undertaken in the preparation of this report.

Financial Implications

29. The Actions identified in the attached Improvement Plan will be funded within existing budgets.

Legal Implications

30. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

31. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposals in relation to community safety will help to ensure the planning service is addressing best practice on crime and disorder.

Council Policy Framework

32. The issues contained within this report do not represent a change to Council policy.

Conclusion

33. An Officer Working-Group has been established to consider service improvement within Planning Services, focussing on four broad areas. A number of actions have been included in the proposed Action Plan, which together will improve the efficiency and effectiveness of the service. The proposed actions include a major systematic review of the existing processes and procedures, requiring outside consultants and important supplementary

planning policy development.

Recommendation

34. It is recommended that Members:

- (a) Endorse the attached Planning Services Improvement Action Plan;
- (b) approve the commissioning of specialist consultants to carry out:
 - (i) a review of Development Control processes and procedures, and
 - (ii) a review of consultation best practice and advise on a range of methods and techniques.

Reasons

35. The recommendations are supported by the following reasons:-

- (a) To gain Members support for the variety of Service Improvement Actions identified.
- (b) To meet the Council's Standing Orders on Tendering for consultants services.

John Buxton
Director of Development and Environment

Steve Petch : Extension 2627