
PLANNING FUNCTION TASK AND FINISH REVIEW GROUP

**Responsible Cabinet Member – Councillor John Williams, Economy Portfolio
Responsible Director - Richard Alty, Assistant Chief Executive (Regeneration)**

Purpose of Report

1. To report the findings and recommendations of the Economy and Environment Scrutiny Committee Planning Function Task and Finish Review Group.

Information and Analysis

2. The Planning Function Task and Finish Review Group was established following concerns regarding the Performance on BVP109 which relates to the speed of processing planning applications received by this Council.
3. The Group have met on two occasions and the notes of those meetings are attached at **Appendix 1**. The Group were advised that one of the steps taken to address the performance of BVP109 had been the work undertaken by Joan Rees, Interim Manager, who had identified the factors that are impeding performance on BVP109 rather than review the development control service as a whole (**Appendix 2**). An Action Plan had emerged from the review which would deliver significant benefits across the service (**Appendix 3**).
4. Members were also advised that Trevor Roberts Associates, Consultants, had been appointed to look in more detail at the Council's processes and comparison with best practice, to create a new intranet-based procedure manual.
5. It has become apparent to the Group that until the work of Trevor Roberts Associates, Consultants is well underway there is little need for the Review Group to meet. Members therefore agreed to report their findings to Cabinet and to suspend the Group until such time as findings from Trevor Roberts Associates become available.

Assistant Chief Executive's Comments

6. Historically, Darlington has performed well on this series of indicators but performance dipped in 2006/07 when application numbers increased. This dip in performance, combined with continuing improvement by many other councils, resulted in Darlington falling into the bottom quartile amongst English councils on all three PIs, though very marginally so on BVPI 109c which accounts for the majority of applications. Whilst a bottom quartile position is a matter of considerable concern, it also needs to be recognised that out-turn performance actually exceeded the government target on two of the three indicators (BVPI 109b and c).

7. Following the 2006/7 results, improving planning performance was made an Improvement Priority in the Development & Regeneration Service Plan for 2007/8, and managers have focused attention on raising performance on this series of indicators whilst also ensuring that the high priority which Members place on quality and on public engagement is not compromised.
8. One of the issues identified was the need for better management capacity to drive improvement in this area. The Council's corporate restructure in 2007 split the Planning Services Manager post in two, to create a Development Manager post to focus on the development control and implementation parts of planning. The new Development Manager started on 10 March 2008 and has planning improvement as his top priority objective. The corporate restructure also created a vacant Assistant Director post. Whilst this was being filled, an Interim Manager, Joan Rees, was brought in with experience of performance improvement in planning from other authorities. The new permanent Assistant Director, who starts in June 2008, will continue to oversee this work.
9. Joan Rees has carried out a fundamental Review of Development Control and agreed an improvement action plan with staff. Economy and Environment Scrutiny Committee's scrutiny of this Review is welcome.
10. In addition, a review of procedures against best practice and the provision of an on-line procedure manual have been commissioned from Trevor Roberts Associates, utilising Planning Delivery Grant, and this is underway.
11. Management action has particularly focused on improving the speed of processing in regard to 'majors' (BVPI 109a) and 'minors' (BVPI 109b). The results of this are now apparent in the third quarter figures for 'minors' with 75% now achieving the eight week target compared to an average of 63% in the previous four quarters. Provisional outturn results for the year including the Final Quarter show a marginal improvement in performance compared to the year 2006/7. Visible improvement in relation to majors will take longer due to the 'legacy' applications in the system. Action to raise performance on 'majors' will focus on improving the value and productivity of pre-application discussions. Whilst performance in regard to BVPI 109c (the majority of applications) continues to exceed the government target, improvement is still important.
12. In line with objectives in the (old and new) Community Strategies for the economy, successive Department and Service Plans have given emphasis to using the planning system positively to facilitate appropriate development, and to community engagement. The success of this can be seen in the satisfaction with the service. Darlington is well within the top quartile in relation to satisfaction with the planning service (BVPI 111), and is in fact in the top 20 in the country, reflecting the strong emphasis which is placed on delivering a quality service.
13. The commitment to quality, and to facilitating appropriate development, is also manifested in lower refusal rates in Darlington, reflecting the willingness of both Members and officers to 'go the extra mile' to achieve a satisfactory outcome for all parties. Refusal rates, at just over 9%, have been just over half the national average. This reflects the high priority which Darlington places on stimulating growth in the local economy and delivering ambitious regeneration projects, but also results in longer times to determine applications which need amendments to achieve permission.

14. Whilst the recommendations of the Development Control Review are designed to speed up the processing of applications, they also recognise and support the priority which Members have placed on quality, encouraging appropriate development and public engagement. This commitment has almost certainly impacted on speed of processing and, consequently, the review findings aim to enable speed to be increased whilst maintaining the quality of service which Members wish to offer.
15. The conclusions of the Review are therefore welcomed and accepted. I would comment on only the following recommendations in the Implementation Plan attached:
 - (a) Recommendation S1, to increase staffing levels by one: Applications numbers have recently been close to an all-time high for Darlington, but it is difficult to predict whether this will continue given the national and international economic climate. It is therefore more prudent to use the opportunity presented by a current maternity leave to increase the permanent staffing complement by about 0.5, funded by anticipated fee increases, and to cover peaks in workload through a call-down contract or an agency worker. This will still result in another full-time, permanent, experienced planning officer being appointed.
 - (b) Recommendation P9, charging for pre-application advice: This requires further consideration of the extent to which it may deter developers from seeking advice (and so reduce the quality of applications) and the extent to which it would detract from Darlington's current reputation of being friendly to economic development. It is not proposed that this is implemented in the short-term, although it can be examined, as the Review recommends.
 - (c) Recommendation P19, making more use of refusal: This needs to be balanced with the benefits of negotiating permissions particularly in the case of commercial applications where economic benefits will ensue. However, where poor quality applications for minor matters are regularly submitted by agents, there is benefit in placing the onus on the agent to improve the proposals and re-submit.
 - (d) Recommendation PM1, performance management data: All performance information is going into Performance Plus.
 - (e) Recommendation PM2, access to Performance Plus: Performance Plus data is being made available on the intranet.

Legal Implications

16. 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

17. 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. It is not considered that the contents of this report have any such effect.

Council Policy Framework

18. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

19. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Recommendation

20. It is recommended that Members :-

- (a) Adopt the Implementation Plan detailed at Appendix 3, subject to the specific comments of the Assistant Chief Executive (Regeneration) in paragraph 15.
- (b) Note the comments of the Assistant Chief Executive (Regeneration).

Reasons

21. The recommendations are supported by the following reason: to improve the performance of the Planning Service.

Paul Wildsmith
Director of Corporate Services

Background Papers

There were no background papers other than the Appendices referred to in the report.

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