

## Report of the Head of Economic Regeneration & Planning

Development Management and Control Committee – 14 August 2014

### REPORT ON PERFORMANCE

<b>Purpose:</b>	To report on the performance of the Council's Planning Control Service against its set performance indicators
<b>Policy Framework:</b>	The Wales Audit Office Annual Improvement Report Recommendations; the Council's Corporate Improvement Plan; the Council's Policy Commitments
<b>Reason for Decision:</b>	To ensure the delivery of a performance focused Planning Control Service
<b>Consultation:</b>	Legal, Finance.
<b>Recommendation(s):</b>	
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<b>Finance Officer:</b>	N/A
<b>Legal Officer:</b>	N/A

#### 1.0 Introduction

1.1 This report contains the performance data for the Council's Planning Control Service for the municipal year 2013/14. The service areas reported on are:

- the Application service & customer satisfaction;
- the Appeals Service; &
- the Enforcement Service.

#### 2.0 Background

2.1 The performance indicators (PIs) that the service is judged against were set in December 2009 when the Council considered the findings of a report by the Wales Audit Office of the Council's Development Control Service. These were a combination of the PIs reported nationally, which concentrated on the speed of determination and those considered important by the Council in terms of quality of the Service and our customers' satisfaction with it.

- 2.2 Subsequent to this, a second WAO audit was undertaken in 2010 specifically to consider issues of governance. The Council considered this in November 2012, when it was resolved to retain the committee structure, and to monitor it at the end of each municipal year in terms of speed of process, outcomes and cost effectiveness. This is the second such monitoring report presented to this Committee, the first being in August 2013.
- 2.3 The Council is committed to providing a high level of public services, and as part of the agenda to become one of Wales' better authorities, the aim has been adopted of achieving second quartile, and then top quartile, status when compared with other Welsh Councils. Targets have been set to achieve this.

### **3.0 Applications Service.**

- 3.1 The PI's for the processing of applications are divided into the four categories of major, minor, householder, others and overall determinations.
- 3.2 The performance for 2011/12, 2012/13 & the targets for 2013/14 are set out in Appendix A:
- 3.3 In summary, benchmark targets set in 2009 in respect of speed of determination were met in 2013/14 reflecting a continued improvement since 2011/12. Whilst speed of determination for minor and householder developments falls just below second quartile performance an improvement in the speed of determination of major applications over this period coupled with first quartile performance for all other applications has resulted in an overall performance in Swansea which matches that of the Wales average (72%).
- 3.4 The 2009 PI for the percentage of applications approved, which is a reflection of the strength of the pre-application advice service, published up to date Supplementary Planning Guidance, and negotiation with applicants and their agents, was met.
- 3.5 Notwithstanding these levels of performance, the Service has undergone a detailed appraisal, assisted by the Business Performance Team in target setting, to consider changes to business practices to provide a swifter quality service that meets the needs of our customers and supports fully the Council's economic regeneration goals.
- 3.6 To better inform this review, best practice elsewhere has been studied previously, with officer visits made to Welsh and English Authorities who have introduced "front loaded" customer orientated services, with appropriate business process orientated software to support professional officers in service delivery.
- 3.7 This exercise has resulted in the procurement of the Idox Document Management System, which was introduced in September 2013, with revised staffing structures and business practices being introduced in August of this year to maximise its benefits, and secure other efficiencies and savings arising from an on-line "paperless process".
- 3.8 The intention is that service delivery will be improved without a diminution in customer service or development outcomes.

#### **4.0 Customer Satisfaction**

- 4.1 As part of an appraisal of the Service following a consultant's report by SOLACE in 2005, 100% user surveys of applicants and their agents and interested parties were instigated. The 2009 PI set for these was 85% satisfaction with the Service for applicants and their agents, and 75% for interested parties.
- 4.2 These have consistently been met, with figures of 93% and 78% satisfaction being achieved for 2013/14. No comparative statistics are published for other Authorities, so targets to achieve second and first quartile status can not be set.

#### **5.0 The Appeals Service**

- 5.1 No PI was set for the Appeal Service in 2009 because it had not formed part of the WAO review. However, the performance in 2013/14 was 56% which is lower than that for 2012/13 (58.5%) and that for 2011/12 of 61.7%. In all three years this fell below that needed to meet second quartile status.
- 5.2 However, the Appeal Service does not operate in isolation. The ability to defend refusals at appeal is inseparable from the quality of the decision appealed. Improvements to performance are inextricably linked to good decision taking.
- 5.3 Analysis of appeal data shows that out of the 66 appeals decided in 2013/14, 14 (21%) were the result of decisions made contrary to officer recommendation at Committee of which only 5 were upheld i.e. a Council success rate for defending the Committee decisions of only 33%.
- 5.4 When the Council fails to successfully defend appealed decisions, and is subsequently held to have acted unreasonably, reasonable costs may be claimed against the Council by the appellant. The Council has been found against in two such claims since my last report in August 2013, both of which related to applications refused contrary to recommendation by Committee with the total amount paid out of the Planning Service budget amounting to some £3,345.31.

#### **6.0 The Enforcement Service**

- 6.1 The Enforcement Service has one statutory PI. This measures the number of breaches of planning control that are resolved with twelve weeks. The targets set for this PI were missed in both 2011/12 and 2012/13, although there was an improvement in performance in 2013/14 relative to the previous years. This resulted in part from long term sickness and other vacancies within the small team. These have been resolved, and additional staff allocated to the service to address the backlog of complaints to be investigated.
- 6.2 However, the PI is a "blunt instrument" as it fails to monitor the level of complaints received, and the customer orientation of the Service in terms of initial contact with complainants and initial investigative site visits. A new PI to address these issues has been developed, relating to the number of site visits made within 10 days of the receipt of a complaint which has shown an improvement from some 21% in May 2013 when the measure was first monitored to 41% in the first 12 months to April 2014.

## **7.0 Area Committee Performance**

- 7.1 In addressing the findings of the Wales Audit Office's recommendations in its report "Review of Planning Committee Arrangements - 2010", the Council resolved *"that the current planning governance structure is retained, with annual reviews of performance at the end of each financial year, and that a further review of the structure is made in the light of future published Welsh Government guidance when that guidance becomes available"*.
- 7.2 In the light of this, and the WAO's acceptance of the Council's decision, the performance of the Area Committees in terms of speed of decisions, site visits undertaken, and decisions contrary to officer recommendations is to be monitored.
- 7.3 Comparative details are set out in Appendix B. These show that the overall percentage of delegated decisions increased from 89% in 2012/13 to 92% in 2013/14; that the percentage of applications called to Committee in Area 2 has reduced from that in 2013/14 from 15.5% to 8.6% which is marginally greater than that for Area 1 (6.0%); and that the percentage of decisions taken contrary to the officer recommendation in 2013/14 was significantly greater in Area 1 than Area 2, 51% as opposed to 19.7%. This reflects a significant increase in "overturns" by Area 1 Committee since 2011/12 (6.7%) at a time when the number of applications determined by Area 1 Committee has increased marginally from 30 to 37.
- 7.4 The number of decisions made contrary to officer recommendation is now monitored and published by Welsh Government in the Development Management Quarterly Survey, an extract of which is reproduced at Appendix C. This provides comparative data for all Authorities in Wales and indicates that the percentage of "overturns" by the Authority in the 12 months to April 2014 remains consistently above the Welsh average.
- 7.5 Notwithstanding this, the level of delegated decisions is high (91% in 2011/12, 89% in 2012/13, 92% in 2013/14).
- 7.6 Turning to the issue of the disparity between the two committees in terms of call-ins and site visits, it is noted that Council amended the Constitution during the last Municipal Year to introduce a Chairman's veto into the call-in procedures and to require site visits to be carried out prior to the respective Committee meeting. This is reflected in the Committee performance for 2013/14 with a 31% reduction in the number of applications reported to Committee and a 100% reduction in deferrals for a site visit.

## **8.0 Financial Implications**

- 8.1 None

## **9.0 .Legal Implications**

- 9.1 None

**Background Papers:**

Wales Audit Reports of 2008 & 2010;  
Council Report of November 2012;  
Report on Performance DM&CC August 2013

**Appendices:**

Appendix A – Performance Data for Applications, Appeals & Enforcement.  
Appendix B – Performance Data for the Area Committees.  
Appendix C – Development Management Quarterly Survey – Decisions Made  
Contrary of Recommendation