



**CITY AND COUNTY OF SWANSEA**  
**DINAS A SIR ABERTAWE**

**Councillor June Burtonshaw**  
**Cabinet Member for Place**

**BY EMAIL**

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2 July 2014

Dear Councillor Burtonshaw,

**Planning Services Scrutiny Working Group – 10 June 2014**

As you are aware a Scrutiny Working Group was set up in December 2013 in order to look at performance issues relating to the Planning Service and in particular the area of planning enforcement. A number of recommendations were made by the Group, which you responded to via letter. It was agreed that the Working Group would reconvene in June 2014 in order to see whether anticipated improvements in performance levels had been achieved. This meeting was held on 10 June.

We are grateful to the officers who attended, Ryan Thomas and Phil Holmes, who engaged in a full and frank discussion with the Working Group. A report was prepared by the officers, which gave details of the progress made regarding our previous recommendations and provided us with up-dated performance indicators.

This letter reflects the main issues discussed together with our views. We will also be sharing this with the Scrutiny Programme Committee.

**Performance Levels**

We found that there has been no improvement in the number of unresolved enforcement complaints and that the target to resolve cases within 12 weeks has not been achieved.

**OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU**

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We understand that the level of complaints is particularly high, therefore it will be difficult for the limited number of enforcement officers to immediately make a significant reduction, especially when factoring in the need for resource intensive court cases. Despite this, we had anticipated that there would have been some improvement 6 months after our initial meeting. We appreciate the determination of officers to address the backlog and were informed that whilst more resources have been made available and staffing levels have improved, other factors have impacted on the full complement of staff being available. However, officers advised us that they are confident that the team is now on a more even keel and that improvement will now start to be made.

It would be helpful for the Panel to put performance levels into context by considering comparative information from similar sized, urban authorities. Both in terms of the level of resources they have available to deal with planning enforcement and their performance levels. We would be grateful if you could provide us with this information.

We were also previously informed that the planned re-organisation of the service was intended to contribute to improving performance. Officers advised us that progress on this has been delayed and is anticipated to be completed by the end of July 2014. Please could you confirm the revised timescales for the restructure, including the expected date for the full implementation of the Idox Document Management System.

### **Planning Conditions**

We discussed the issue of planning conditions, as Members raised concerns regarding the ability of the Authority to monitor the implementation of these. We would be interested to hear your views on whether you feel that the current methods for monitoring implementation of planning conditions are sufficient.

It would be helpful for the Panel to receive data on the number of retrospective planning applications that are made and granted, to help understand the scale of the issue.

### **Communication issues**

Staying with the issue of enforcement, we feel that Members should be better informed about the enforcement activity that is undertaken in their wards. There is an effective system in place to notify ward members of the planning applications that are in place through the weekly lists, but nothing similar for enforcement. Whilst we understand that there may be issues of confidentiality due to the possibility of future court action, we feel that there is still scope to consider ways to provide this information to Members to ensure that they are fully aware of all planning related activity in their wards.

### **Planning and building control**

We previously recommended that you look at the pros and cons of increasing joint working between planning and building control by bringing both functions

within the same service area. You advised that whilst you agreed that potential benefits could accrue if this took place, that the matter was one for consideration be the Chief Executive in any future review of Departmental structures. We were encouraged to see an example of where joint working between the two functions has taken place, i.e. the development of a protocol to deal with listed buildings at risk in order to utilise their respective powers in relation to dangerous situations. However, we still feel that this recommendation would be worth considering further, therefore we propose that you raise the issue with the Chief Executive.

### **Pre-committee meetings**

We were provided with feedback in respect of our previous recommendation that the Authority looks into the development of a system for pre-committee discussions to enable officers to help Members understand the planning issues that will arise at the meeting. We were informed that officers in Legal and Democratic Services raised concerns regarding the potential to expose Members to allegations of pre-determination. However, we feel that further consideration should be given to this, with definitive legal advice provided on the issue. We feel that a briefing in advance of a committee meeting would be no different to an individual councillor seeking advice from officers, and therefore would ask that you reconsider this recommendation and ask officers to look to introduce a mechanism that allows Members to gain clarification on issues prior to Committee meetings.

### **Training issues**

We previously recommended that learning points are developed from cases where Councillors have disagreed with officer decisions. We felt that it would be beneficial to provide Councillors with a 6 monthly review of cases that have been up-held and over-turned to understand the reasons why and hopefully lead to more effective decision making in the future. This has not yet taken place. We were advised that a review of planning decisions with Councillors will form an integral part of the Service's plans to provide a programme of Member training, however we would like this element to be introduced as soon as possible and to be advised on the timetable for Member training.

### **Statutory consultees**

We were made aware that there are significant external factors that impact on the Authority's ability to meet national performance indicators to determine major applications within 13 weeks and minor applications within 8 weeks. Particularly in respect of the time it takes statutory consultees such as Welsh Water to respond, and that the timescale of 14 days is rarely met by some. We feel that more work should be done to establish why this is the case and measures put in place to try to address any issues.

### **Future meetings**

Considering the fact that enforcement performance levels remain unchanged and that there are significant changes in the planning system forthcoming with the anticipated Planning Bill, we feel that further meetings of the Working

Group are merited. In addition, the planned restructure of the Planning Service, which is intended to contribute to improving performance, has been delayed, therefore we believe that the Working Group should assess whether these service changes lead to improvements. Consequently, as convener, I am giving thought to appropriate arrangements for any further scrutiny, which the Scrutiny Programme Committee will need to consider in due course.

In summary we recommend that you:

- Provide comparative information from similar sized, urban authorities regarding the level of resources they have available to deal with planning enforcement and their performance levels.
- Give your views on whether you feel that the current methods for monitoring the implementation of planning conditions are sufficient.
- Provide data on the number of retrospective planning applications that are made and granted, to help understand the scale of the issue.
- Confirm the revised timescales for the restructure, including the expected date for the full implementation of the Idox Document Management System.
- Discuss with the Chief Executive our previous recommendation to explore the pros and cons of moving Building Control under the management of the Head of Economic Regeneration & Planning.
- Give further consideration to our previous recommendation which proposed the introduction of pre-committee briefings and ask officers to look to introduce a mechanism that allows Members to gain clarification on issues prior to Committee meetings.
- Provide the timetable for the development of the Members training programme, and introduce the element that will provide Members with learning points from cases that have been up-held and over-turned as soon as possible.
- Examine the reasons why some statutory consultees fail to respond to planning application consultations within the required timescales and consider whether measures can be put in place to improve this.

We look forward to receiving your reply. It would be helpful if you could respond by 1/8/2014, so that we can report our correspondence to the Scrutiny Programme Committee in a timely fashion.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Thomas". The signature is written in a cursive style with a large initial 'M' and a long, sweeping tail on the 's'.

**COUNCILLOR MARK THOMAS**

Convener, Planning Services Scrutiny Working Group

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