



*Report of the Executive Overview
Scrutiny Committee*
**Overview Report - Performance
Monitoring**

Best Value Performance Indicator 109b & c

The number of minor and 'other' planning applications determined within eight weeks, and
The Planning Scheme of Delegation

November 2005

The Council's Executive Overview Scrutiny Committee monitors and evaluates the progress of implementation, effectiveness and performance of decisions, and action taken, or to be taken, by the council's cabinet, and cabinet members; collectively known as "The Executive".

This report is an overview into a selected subject. It summarises the committee's findings, conclusions and recommendations for any improvements which could be made.

OVERVIEW REPORT

Best Value Performance Indicator 109 b and c - “The number of minor and ‘other’ applications determined within 8 weeks” and

The Planning Scheme of Delegation

What is in this Report	PAGE NO.
• Membership of the Executive Overview Scrutiny Committee	1
• The Role of the Committee	2
• Selection of Overview Topic	3
• Overview Process	5
• The Committee’s Questions on the Best Value Performance Indicator	6
• The Committee's Findings/Considerations on the Best Value Performance Indicator	11
• The Committee’s Questions on the Planning Scheme of Delegation	15
• The Committee's Findings/Considerations on the Planning Scheme of Delegation	18
• The Committee’s Conclusions	21
• The Committee's Recommendations	25

MEMBERSHIP OF THE EXECUTIVE OVERVIEW SCRUTINY COMMITTEE

Councillors: W Muir (chairman)
 A Deas (vice-chair)
 J Bromby
 * M Simpson
 * A Smith
 **J Wardle
 * D Wells

* Denotes change as from the Annual Meeting of the Council on 11 May 2005. Previous members of the committee who had contributed to this review are as follows: -

Councillors Gosling, Ishaq MBE and Todd

** Councillor Wardle declared a prejudicial interest with respect to this overview investigation, as he was Chairman of the Planning Committee. Councillor Wardle took no part in the committee's deliberations.

1 ROLE OF THE COMMITTEE

North Lincolnshire Council's Executive Overview Scrutiny Committee monitors and evaluates the progress of implementation, effectiveness and performance of decisions and action taken, or to be taken, by the council's Cabinet and its Cabinet Members; collectively known as 'the Executive'. The Committee specifically 'holds the executive to account' in public on selected corporate and service issues. It uses performance monitoring information and plans including: -

- Best Value Improvement Plans
- Best Value Performance Indicators
- The Council's Balanced Scorecard
- Quarterly Performance Review
- Executive Action Plans for previous scrutiny reports
- Community Strategy Action Plans etc.

(How the above work are explained within relevant reports).

The Committee reports its findings in public. It gives an 'overview' of the key issues and responses of cabinet members and officers involved. It also comments upon and makes recommendations suggesting any necessary improvement action which could be carried out by the Executive. The Committee's report and its recommendations are usually debated at a full council meeting.

2 SELECTION OF OVERVIEW TOPIC

The Committee, at its meeting on 15 February 2005, agreed to look at all North Lincolnshire's Best Value Performance Indicators that were in the lower quartile nationally for 2003/04.

Best Value Performance Indicators (BVPIs) are measures of local authority performance set by central government departments. BVPIs have only been set since the duty of Best Value on local councils came into effect under the Local Government Act 1999. Prior to Best Value, the Audit Commission set similar measures of performance.

Best Value Performance Indicators cover five dimensions of performance:

- Strategic Objectives - Why the service exists and what it seeks to achieve
- Cost/Efficiency - The resources committed to a service and the efficiency with which they are turned to outputs.
- Service Delivery Outcomes - How well the service is being operated in order to achieve the strategic objectives.
- Quality - The quality of the services delivered, explicitly reflecting user experience of services.
- Fair Access - Ease and equality of access to services.

The BVPI targets set are based on previous performance levels of councils, and are designed to drive up the delivery standards of local services.

The BVPIs are published in the council's Best Value Performance Plan. When the performance information has been published, it is checked and validated by the council's auditors, who then send the information to the Audit Commission.

Targets for BVPIs can be set in two ways. Where central government has set a target, this means that all local authorities should endeavor to reach that minimum standard. Councils should report that target in their Best Value Performance Plan, and how well they are meeting that target. Where BVPIs do not have targets set by central government, a local council has the discretion to set its own targets.

Once a target has been set, performance will be measured nationally against other councils. Should the performance be in the top 25% of local councils, it would fall into the upper quartile range. Similarly, if the performance is in the lower 25% of local council's performance, it would be in the lower quartile.

The councils performance against targets are monitored through the 'traffic light' principle.

A green indicator represents a performance indicator that is on target (upper quartile). Amber suggests targets are being met, but the situation should be monitored to ensure that it does not deteriorate, and ultimately is improved. Red reveals a cause for concern which requires immediate action (lower quartile).

The 'red light' performance indicators that were in the lower quartile were presented to the Committee on 29 March 2005. Each Best Value Performance Indicator was discussed in turn with the Committee commenting on the respective action plan. Action plans are used by the council to improve performance.

Of the BVPIs in the lower quartile, the Committee was concerned about BVPI 109 b and c. This indicator relates to "the number of minor and 'other' applications determined within 8 weeks".

The Committee is acutely aware that BVPIs exist to enable the council to achieve continuous improvement by having regard to the efficiency, effectiveness and economy of its service delivery.

Consequently, the Committee agreed to select BVPI 109 b and c as its next overview topic.

3 OVERVIEW PROCESS

The Committee requested and received a report from the Head of Planning and Regeneration, who had responsibility for this BVPI. The report discussed the council's performance against BVPI 109 b and c and considered future improvements actions.

The Head of Service, Development Control Business Manager and the Chairman and Opposition Spokesperson on the Planning Committee attended a public meeting of the Committee to discuss the report and to respond to questions.

The Committee held a further meeting where the findings from the previous meeting were collated and presented for consideration. This meeting gave the Committee the opportunity to discuss the findings and agree their recommendations for inclusion in an overview report.

An additional meeting of the Committee was held to consider the draft report, including its key findings and recommendations. The Committee discussed the final report and approved its submission to council.

4 THE COMMITTEE'S QUESTIONS ON THE BEST VALUE PERFORMANCE INDICATOR

As part of the committee's investigations, a series of interviews were held with the Head of Service and elected members directly involved in the planning process. Whilst the questions are the ownership of the committee, the answers may not reflect the views or opinions of the Executive Overview Scrutiny Committee.

Committee members asked the following questions of the Head of Service, Development Control Business Manager and Chairman and Opposition Spokesperson on the Planning Committee –

Is having full and part-time planning officers an area of concern?

In an ideal world, the Development Control section would only employ full time planning officers. However, this is not the case. The council has part-time planning officers who do an excellent job for the council. The council would much rather have a part-time planning officer as opposed to having no planning officer. There is a national shortage of planning officers in England. To ensure that North Lincolnshire maintained, and successfully recruited new planning officers, the council had to pay its officers a 10% market supplement.

Whilst digitising planning records is a good idea in theory. Removing officers from a front line service to scan in records is surely not an efficient use of resources?

Digitising all our planning records has inevitably led to officers being removed from the front line service. However, it is planning law that has led to the council digitising all its planning records since 1974. The year 1974 was chosen as this was the last local re-organisation of councils before the creation of North Lincolnshire Council in 1996. The government has informed all planning authorities that digitisation must occur from 1976/77 at the latest. This coincides with land charges legislation.

Consequently, the council has no option but to digitise its planning records. As part of the council's electronic government target, all its planning records must be available electronically by the end of December 2005.

It's a fact that the number of new as well as re-submitted planning applications has increased. Are there more applications from the rural or urban parts of North Lincolnshire?

There is no statistical pattern to which parts of North Lincolnshire the majority of new and re-submitted planning applications are originating from. The majority of planning applications are from homeowners who want to extend their property as opposed to move to a bigger property due to the expensive housing market.

Why is there such a large increase in the number of planning applications submitted since 2003/04?

The increase in the number of planning applications submitted reflects the state of the economy. Homeowners now have more disposable income and many are choosing to release some of the equity in their properties to make home improvements. Also, when homeowners make a planning application, they receive a free re-submission should the application be refused.

Does the council have control over the planning fees and charges?

The Government sets the fees and charges for planning applications. The council has no jurisdiction over the fees and charges, only applying them.

Are most of the planning applications from residents in the Isle of Axholme?

A significant number of the re-submitted planning applications are from residents in the Isle of Axholme. However, there is no pattern for the submission of new planning applications.

Is the increase in the number of planning applications directly related to the success of the economy?

That is correct. People's disposable income and the relative increase in house prices have led to many homeowners choosing to extend their own homes, as opposed to buying a new home.

Why has the 2003/04 figures only been published this year?

The figures are reported retrospectively. The actual figures for any fiscal years relate to the calendar year fifteen months previously. In reality, the council exceeded its target for 2004/05 and is on target to meet its BVPI figure for 2005/06.

Who sets the BVPI targets?

The Government sets individual council's performance targets. North Lincolnshire Council is now on target to meet its performance targets. However, this has only been achieved through the dedication and hard work of all the Development Control section.

What would be the consequence of the council not meeting its performance target?

Failure to meet the BVPI target affects the councils Planning Delivery Grant. In 2003/04 the council received £113,000 Planning Delivery Grant. However, this money was allocated as a result of the successful implementation of the Local Plan. The council received no Planning Delivery Grant for its Development Control section.

For the financial year 2003/04, the Development Control section received over £300,000 alone from the Planning Delivery Grant. This shows an incredible turnaround in performance. This is a direct result of all the hard work of every employee in the Development Control section.

Is the Planning Committee granting many decisions that are either against the officers planning recommendation or contrary to the Local Plan?

The Planning Committee has overturned numerous officer recommendations. Some were justified whilst others were contrary to the Local Plan. Throughout the consultation process on the Local Plan, the Conservative Party objected to some elements of the plan.

When Full Council formally adopted the Local Plan, the Conservative Party declared a prejudicial interest and left the meeting. Thus taking no part in the formal adoption of the Local Plan.

Consequently, some planning applications have been granted when they are contrary to the policies and plans in the Local Plan.

In your opinion, how has performance improved?

The improvement is purely down to the professionalism of all employees in the Development Control section. Many employees have worked over time, both in the evenings and at weekends. The council has also employed employees on fixed term contracts as a short-term measure, as well as looking at the possibility of planning consultants handling all the authorities planning appeals. This option could free up planning officers time to handle other planning enquiries. However, the use of planning consultants is only in the interim discussion stage as there are concerns over the cost of the service.

How many planning appeals are there per year?

The council receives approximately 100 planning appeals per year. This number has remained constant for a long period of time.

Is out sourcing elements of the planning process a viable alternative?

The council is looking at ways that it can improve its BVPI performance. Out sourcing is one possibility for improving performance. The council has to be proactive. The council cannot stand still as the number of planning applications has increased by 59%. However, no final decisions on out sourcing for example have been made.

Could the council not recruit more planning officers?

In an ideal world yes. However, there is a national shortage of available planning officers. Consequently, the Corporate Services Cabinet Member will soon be asked to consider a report which will suggest various changes to the Development Control staffing structure. Namely the introduction of career graded posts as well as the deletion of market supplements. These changes can be financed through the award of the Planning Delivery Grant as well as the Government increasing the fees and charges for handling planning applications.

What additional improvements would you like to see to enhance the planning function?

The lack of a designated planning reception at Church Square House is a major cause of concern. Planning is one of the most high profile and public elements of the council decision making process. The lack of a planning reception area is contrary to Government guidance. The Government guidelines for handling planning applications state that each planning authority should have a designated planning reception area. Members of the public have commented that they cannot discuss a planning application with a case officer in private or sometimes hear what the officer is saying to them due to the noise from the other services in the current Church Square House reception.

The planning scheme of delegation is also a cause for concern. The planning scheme of delegation is directly linked to the BVPI performance. The Planning Committee, at its meeting on 2 February 2005, was asked to consider amending the planning application scheme of delegation. The proposed amendments to the scheme were designed to stop the system being abused by various parties, as well as ensure that the 'right to address' the committee was not confused with the terms of reference under the scheme of delegation.

However, whilst the Planning Committee did make amendments to the planning scheme of delegation, it did not amend the element relating to public speaking.

Is the council trying to remove the public's right to speak at the Planning Committee?

The intention of the amendment to the scheme was not to remove the public's right to speak at the Planning Committee. However, the council is aware of instances where the scheme of delegation has been abused by an applicant, agent or objector to place their application on the agenda before the Planning Committee, in the hope that the officer recommendation will be reversed.

Councillor Kirk added –

“Member training is key in planning decision making. Members must be aware of the implications of reversing a planning officers recommendation. The LGiU publication titled ‘Planning Simplified – A Guide for Councillors’ states that members who sit on the Planning Committee must be well versed in the principles of planning”.

“The customer is the key, which in this case is the applicant, agent or objector. Each party wants the application determined as quickly as possible. With the implementation of the Local Plan this should have occurred. However, it has not which is unfortunate.

Councillor Wardle added –

“If an elected member has not received sufficient training in planning law, they will not be allowed to participate as a member of the Planning Committee”.

This is even more important as the Government has placed a monetary valuation on each planning decision via the Planning Delivery Grant. This did not exist in 2003-04.

North Lincolnshire Council does not wish to follow in the footsteps of Worcester City Council who to improve their Planning BVPI’s have removed the public’s democratic right to speak at their Planning Committee.

Would removing the public’s right to speak at the Planning Committee dramatically increase the planning BVPI’s?

It would certainly improve the BVPI’s. However, the council is not seeking to remove the public’s right to speak at Committee. The Planning Authority is merely trying to explore all avenues towards improving planning performance.

Ultimately, failure to improve the council’s BVPI’s could see the Planning Authority placed into special measures by the Government. This is obviously something which the council is working to avoid.

5 THE COMMITTEE'S FINDINGS/CONSIDERATIONS ON THE BEST VALUE PERFORMANCE INDICATOR

(i) The Committee's questioning of the Head of Service and Chairman and Opposition Spokesperson on the Planning Committee

The Head of Service provided the Committee with the following information –

The Best Value Performance Indicators statistics are historic. The service openly admitted that performance during the 2003/04 BVPI collection period was not at the standard the council expects. However, there are reasons for the level of performance. Namely –

- Job evaluation
- Resignation of the Development Control Business Manager
- Lack of qualified planning officers.

In 1997 the council had eight qualified planning officers. However, the Chartered Institute of Public Finance and Accountancy (CIPFA) informed the council that it was not using its planning resources effectively. Consequently, a review of the section was undertaken. The conclusion of the review saw the section lose two qualified planning officers.

However, the loss of two planning officers resulted in the remaining planning officers (full and part-time planning officers) having a marked increase in their workload. The remaining six planning officers worked tirelessly to maintain an excellent service to the public. However, they were fighting a losing battle. Consequently, the 2003/04 BVPI performance for BVPI 109 b and c showed that the service was not meeting its target.

As a result, the council agreed to appoint two qualified planning officers on two year fixed term contracts. The council also agreed to digitise all its planning records since 1974. This was done to –

- Streamline the planning process
- Save space
- To prevent the council losing money through the payment of the planning delivery grant.

Since 2003/04 has seen a remarkable increase in performance. This has resulted in the people of North Lincolnshire receiving a faster and more efficient planning service.

(ii) Current and Past Performance

BVPI 109 measures the performance of planning departments in handling “major”, “minor” and “other” planning applications. BVPI 109 b (minor applications) and BVPI 109 c (other applications) failed to meet the targets set by the council for the year 2003/04.

In that year only 35% of “minor” planning applications were determined within eight weeks compared with a target of 60%. 59% of “other” planning applications were determined within eight weeks compared with the target of 70%.

The committee learnt that in subsequent years performance has risen considerably as the following table indicates.

	Minor Applications Determined Within 8 weeks	%
July – September 2004	122	61
October – December 2004	113	61
January – March 2005	141	75

	Other Applications Determined Within 8 weeks	%
July – September 2004	293	89
October – December 2004	266	84
January – March 2005	231	83

(iii) Reasons given for current performance

Members were informed that a number of factors contributed to the poor performance in the year 2003/4. These are shown below.

- Loss of experienced staff including the Unit Manager at critical times.

- Uncertainty following "Shaping the Council".
- Increased Member "call in" of applications for committee determination.
- Loss of staff morale following Job Evaluation.
- Uncertainty following change of political control.
- Increased number of repeat applications following refusal on policy grounds and requests to speak.
- Changes to Delegation Scheme proposed in January 2004 were declined.
- Lack of reception/meeting facilities for planning staff/customers means members of the public need "chaperoning" as they have to be met/seen usually within the staff office space.
- Another major factor has been the increase in workloads. Comparisons between workload levels post Local Government Reorganisation in 1997 have been made within the period 2000-2004.

(iv) Comparing 2004 to 1997

- Applications determined have increased from 1258 per year to 2037 per year – a % increase of 62%
- Applications received have increased from 1344 per year to 2132 per year - a % increase of 59%
- eight week determination rate has only fallen marginally from 70% to 68%
- % approval rate has fallen from 93% to 84%
- In 1997 there were eight case officers determining 1258 applications. Approximately 157 applications per officer per annum
- In 2003 there were six case officers determining 1692 applications. Approximately 282 applications per officer per annum
- In 2004 there were six case officers determining 2037 applications. Approximately 340 applications per officer per annum

(iv) Preventative Strategies

Following the appointment of the new Business Manager last year the following changes have been made in order to improve performance: -

- Greater focus on monitoring application processing particularly on achieving decision date targets.
- Appointment of external consultants to advise on best practice and procedure.
- Temporary short-term agency staff appointed for administration and technical cover.
- One external consultant appointed to help with the processing of planning applications.
- Moved to an Oracle based IT platform to speed up the administration and technical processes.
- Undertaking of a programme of record digitisation to provide on-line public/customer access to planning records.
- Digitisation would provide long term benefits rather than a short term fix but initially has resulted in the transfer of some experienced staff away from the day to day processing of planning applications.

Other pressures on staff will during the current year inevitably result from the need to comply with Government requirements to achieve a full planning on-line service to meet the R8 Priority Outcome together with Freedom of Information Act requirements.

6 THE COMMITTEE'S QUESTIONS ON THE PLANNING SCHEME OF DELEGATION

As a result of the interview with the Head of Planning and Regeneration, Development Control Business Manager, Chairman and Opposition Spokesperson on the Planning Committee on the Best Value Performance Indicators, and after carefully considering all the information available to the committee, the members agreed to re-interview the Head of Service and Chairman of the Planning Committee with regard to the Planning scheme of delegation.

Whilst the questions are the ownership of the committee, the answers may not reflect the views or opinions of the Executive Overview Scrutiny Committee.

Committee members then asked the following questions of the Head of Service and Chairman of the Planning Committee –

Would increasing the number of Planning Committee meetings help the council to determine more planning applications?

The council used to have three-weekly planning meetings. However, the cycle of meetings was not practical due to the extent of the access to information requirements. In addition, handling the extra administration meant that the Development Control Business Manager was not allocating enough time towards the day-to-day management of the function.

Approximately how many applications is the Planning Committee determining at each meeting?

The Planning Committee considers approximately 15-18 planning applications per meeting.

Is the number of applications on the Planning Committee agenda increasing or decreasing?

The number of applications on the Planning Committee agenda is falling. This is due to the tightening up of the planning scheme of delegation. However, Planning Officers are still concerned over the number of applications that are on the agenda as a result of a member of the public request to speak at committee.

Would Planning officers like to see the removal of public speaking at Planning Committee?

A recent report by an independent Planning Consultant into the Development Control unit stated that the Planning Committee agenda should only be managed by the planning officers or committee members. Members of the public should not be able to dictate what planning applications go on to a Planning Committee agenda.

Could the Chairman decide what public speaking items go on the agenda?

That would be possible.

From the research the committee has undertaken, no other council in North Lincolnshire's bench marking club allows members of the public to dictate whether an application is considered by the Planning Committee? Is this a concern to you?

Public speaking at the Planning Committee is not a concern to the council. However, members of the public, and in particular planning agents, are using the current scheme of delegation to their own advantage. By simply requesting to speak at committee, that application is placed on the agenda for the next available meeting. This is having an adverse affect on the Planning BVPI's.

Currently, only one request to speak at Committee is required for the application to be determined by the Planning Committee. Could this number be increased?

In 1996, the Planning Committee used to operate the petition rule for speaking at Committee. This required an application to receive ten signatures on a petition before it could be considered by the Planning Committee. The petition rule was eventually replaced by the current requirements for speaking at Committee. Officers have asked the Planning Committee to amend the scheme of delegation further. However, only small amendments to the policy have been made.

When was the current scheme of delegation implemented?

The scheme has been in place in its latest form since December 2002. Applications are decided under the scheme, unless they come under one or more of the exceptions. 90% of applications were decided this way in 2004 compared with 86% under the original scheme.

What are the benefits of the scheme of delegation?

The benefits of delegation are widely recognised. It helps the council to deal with straightforward applications more quickly. It also means the committee has longer to deal with the more difficult or complex cases. It has worked well in North Lincolnshire so far. The safeguards contained within the scheme have proved effective over the years. The percentage of applications determined under delegated powers has progressively risen from 74% in 2000 to 90% last year.

Do you have any concerns on the planning scheme of delegation?

There are two main areas where further changes would improve the present scheme.

The first relates to the issue of the need to refer to committee any application where the applicant, agent or objector has requested the right to speak to the committee in person to present their views. It has become apparent over the last 2-3 years that individuals have increasingly used this 'facility to speak' as a means of delaying the processing of the application.

There has for example been an increase in the number of applications appearing on the agenda for determination by committee solely because of an applicant/agent or third party request to address the committee. Members will also be aware that on a number of occasions such individuals have then not even turned up on the day - thereby delaying the determination of the application unnecessarily.

There is a need to ensure that the 'right to address' the committee is not confused with the terms of reference under the Scheme of Delegation. These are two different issues. Once an application appears on the agenda for one of the specified reasons (e.g. application submitted by a council member) then all parties both for and against should still retain the right to speak on that application at that time in accordance with the current rules.

What changes, if any, have been made to the planning scheme of delegation?

Item 1 of the scheme has been amended so that it includes a specific reference to applications submitted by the spouse or partner of either a member or officer who resides at the same address or applications made in respect of land in which a member, officer, spouse or partner has an interest.

Item 6 of the exceptions to the scheme relating to requests to address the committee under standing order 35(e) has been amended to read "Applications subject to a request from a member of the public that the matter be referred to the committee so that they may address the committee".

Paragraph 2 of the scheme has been amended so that it includes a specific reference to screening opinions required by the Environmental Assessment Regulations.

8 THE COMMITTEE'S FINDINGS/CONSIDERATIONS ON THE PLANNING SCHEME OF DELEGATION

(i) What is a Planning Scheme of Delegation?

The Government requires planning applications to be considered and decided within a tight time frame. In order to secure these aims successive governments have placed increasing emphasis on encouraging councils to delegate more decision making to their trained and qualified officers, particularly in the case of straightforward or non contentious cases.

This allows the Planning Committee, made up of elected councillors to concentrate on deciding on the larger or more complex cases and those which have potential significant public impact or wider affect.

(ii) Why have a Planning Scheme of Delegation?

Delegation is not a process that will change the outcome of a planning application, nor is it one which transfers power from elected Members to Officers. The purpose of delegation is to simplify procedures, speed up the process, minimise costs and leave committee members more time to concentrate on major planning issues.

(iii) North Lincolnshire Council's Planning Scheme of Delegation

North Lincolnshire Council's scheme of delegation for planning applications was approved early in 1996. The Development Control Best Value Review Group identified a review of the current delegation scheme as a possible means by which the council could improve its overall performance in relation to the time taken to handle planning applications. The Group also proposed to delegate all applications subject to a number of specified exemptions.

Since the scheme of delegation was first modified, the scheme has been amended on numerous occasions.

At its meeting on 28 April 2000, the Planning Sub-Committee approved a report which reviewed the delegation of all planning applications, subject to a number of exemptions. Applications were still referred to the sub-committee if there was significant public interest and the position of those expressing a wish to address the committee in accordance with Standing Order 38 (b) were protected. The opportunity had also been taken to include payment of historic building and conservation grants in the scheme.

The Planning Committee on 13 December 2002 agreed to amend the scheme of delegation further to allow delegated authority to the Director of Environment and Public Protection.

This was applicable when an objection had been received from a town or parish council and planning officers recommended refusal, the Director was given delegated authority to refuse the application.

A specific statement was also included to make clear that the Director of Environment and Public Protection had delegated authority to take decisions on screening options required under the Environmental Impact Assessment Regulations.

On 11 March 2005, the Head of Planning and Regeneration submitted a report seeking to review the existing scheme of delegation for dealing with planning applications and associated matters.

The committee was asked to consider two main areas where further changes would improve the present scheme. The first related to the issue of the need to refer to committee any application where the applicant, agent or objector had requested the right to speak to the committee in person to present their views.

It was also deemed appropriate to include a specific statement in the scheme to include decisions on screening opinions required under the Environmental Impact Assessment Regulations. These opinions had to be given within three weeks and so there were practical difficulties if they were not delegated to an officer.

Other alterations to the scheme were of a minor nature relating to changes to text, legislation or personnel job titles. Category 1 has been widened to reflect the revised Good Practice Guide.

The final change related to the deletion of the definition of 'valid planning grounds'. These were advisory notes and it was considered that they should not appear in the scheme because such matters might vary from case to case.

(iv) North Lincolnshire Council's Planning Scheme of Delegation as opposed to its Benchmarking Authorities

The committee undertook research with its fellow benchmarking authorities, to compare North Lincolnshire's planning scheme of delegation with its comparator authorities.

The authorities consulted include –

- Bath and North East Somerset
- Darlington
- East Riding
- Herefordshire
- Isle of Wight
- North Somerset
- South Gloucestershire

- Telford and Wrekin
- West Berkshire
- City of York

These have been developed by authorities for comparison purposes and reflect differing demographic factors and differing needs to spend on services.

The results of the consultation were significant. North Lincolnshire Council was the only authority to allow any individual member of the public to influence the applications to be determined by the Planning Committee.

Bath and North East Somerset and West Berkshire both allow members of the public to request applications be determined by the Planning Committee. However, strict criteria must be met before that can occur. Namely, receipt of three letters in support/objection or ten letters in support/objection respectively. West Berkshire also operate a petition rule, whereby a 20 name petition can influence an item being considered by the Planning Committee

The remaining eight comparator authorities only allow members of the public to speak at the Planning Committee if an elected member has 'called-in' an application or if a council officer has deemed an application requires determination by the committee.

6 THE COMMITTEE'S CONCLUSIONS

Arising from the evidence presented during the committee's findings/considerations, its conclusions are as follows –

Accuracy of data:

The committee was concerned that BVPI 109 b and c figures are reported retrospectively. The actual figures for any fiscal year relate to the calendar year fifteen months previously (i.e. the figures being reported are for 2003/04 and not 2005).

This was of concern to the committee as the council was reacting to data that occurred fifteen months earlier.

As the Head of Service stated on many occasions, the council's performance for the BVPI's has risen considerably in subsequent years. In fact the council is now exceeding the Government target for BVPI 109 b and c.

The Development Control Section:

The committee noted that there had been significant increases in the workload of the development control team since 1997. In particular due to the decrease in the number of professional case officers from 8 to 6 coupled with the increase in overall application numbers, the workload per officer has more than doubled. In 2004 each officer dealt with 340 cases during the year whereas the Audit Commission and outside planning consultants have indicated that a maximum caseload of no more than 200 per annum is recommended. A recent Office of the Deputy Prime Minister study was based on only 150 applications per case officer. Excessive workload results in officer stress levels rising, errors in procedure occurring and delays in processing applications. Increased errors lead to increased complaints, ombudsman investigations and challenges in the courts - all potentially lead to increased costs being awarded against the authority.

Use of Consultants:

Ordinarily the committee would be concerned to hear that the Development Control section was using external consultants to not only advice on best practice and procedure, but also handle planning applications. Short-term agency staff were also appointed for administration and technical processes. However, the committee accepts that there is a national shortage of qualified planning officers. Consequently, this proactive approach by the Head of Service has been one of the reasons why the BVPI's have dramatically improved. The decision of the Corporate Services Cabinet Member to career grade the Senior Planning Officers will also help the section to maintain its current structure. Thus removing the need for external consultants to be used to handle planning applications and also helping to attract future planning officers.

However, the committee was concerned to hear that the Development Control section was exploring the possibility of outsourcing its planning appeal work. Whilst it is still in the early planning stages, the committee would be concerned for any of the Development Control functions to be outsourced.

Modernisation of the Service:

The committee noted that the Development Control section was currently in the process of digitising all its planning records since 1974. Whilst this procedure will re-direct some resources away from front line services in the short term, it will eventually lead to a more efficient and comprehensive service for members of the public. Thus helping to improve the time taken to determine a planning application.

The committee also supports the new policy of local land charge searches being carried out by the Land Charges section rather than by Planning Technicians. Once digitisation of all planning records is complete, the public will receive a much quicker response to all local land charge searches. Planning Technicians will also have more time available to deal with other duties. However, until this process is complete, it is inevitable that the service will not be operating at maximum capacity, which has had a direct impact on productivity.

One area of concern for the committee was the lack of reception/meeting facilities for planning staff and customers at Church Square House. This lack of facility meant that members of the public required "chaperoning" as they have to be met/seen usually within the staff office space.

Planning Scheme of Delegation

The committee interviewed the Head of Service, Development Control Business Manager, Chairman and opposition spokesperson on the Planning Committee, with regard to the Planning scheme of delegation.

What became apparent during the interview was that both the officers and members were in agreement that individuals had increasingly used the planning scheme of delegation 'facility to speak' as a means of delaying the processing of the application. There had for example been an increase in the number of applications appearing on the agenda for determination by committee solely because of an applicant/agent or third party request to address the committee.

Currently, ninety per cent of applications had been decided under delegated powers in 2004 compared with eighty six per cent under the original scheme. This was an excellent achievement. However, every application that is referred to the Planning Committee on non-planning grounds directly affects the performance of the BVPI.

It has become evident that where an applicant/agent or third party believes that the recommendation of the planning officer will not be in their favour, regardless of the reasons for the decision, then they will request that the application is referred to the Planning Committee for consideration. This ultimately affects the performance of the best value performance indicator.

Through the committee's investigations, it became apparent that the North Lincolnshire planning scheme of delegation was the most generous in terms of allowing any member of the public to influence the applications to be considered by the Planning Committee.

Whilst the members fully acknowledged that the current scheme of delegation was working, the committee was concerned that both senior planning officers and elected members had concerns about the current scheme of delegation and its mis-use.

The committee also noted that there was a need to ensure that the 'right to address' the committee was not confused with the terms of reference under the Scheme of Delegation. These were two different issues. Once an application appeared on the agenda for one of the specified reasons (e.g. application submitted by a council member) then all parties both for and against should still retain the right to speak on that application at that time in accordance with the current rules.

Training for all Planning Committee Members

The Committee acknowledges that all elected members will have contact with planning issues. They may become involved in local cases as ward representatives, they may serve as members of the planning committee and they may become involved in development issues at full council meetings. Under the proposals in the former Department for Environment, Transport and the Regions (DETR's) Paper, 'Local Leadership, Local Choice', they may also become involved in planning as members of the council's executive.

Planning has a positive role to play in delivering services to local communities. To achieve its objectives, a number of different partners must work closely together. The Government is responsible for national legislation, and national and regional guidance. Local planning authorities assist in the production of regional guidance, produce development plans and take individual planning decisions. Because of the large sums of money which can be at stake and the strong feelings which can be aroused, it is particularly important that correct procedures are followed, everyone with an interest feels that they have been given a fair hearing and questions of impropriety cannot and do not arise.

The Committee on Standards in Public Life (the Nolan Committee) reported in 1997 on various aspects of local government practice. One chapter of their report was devoted to the planning system. This made a number of recommendations designed to ensure full public confidence in the planning process.

One was that, 'All members of an authority's planning committee (or equivalent) should receive training in the planning system, either before serving on the committee, or as soon as possible after their appointment to the committee.'

7 THE COMMITTEE'S RECOMMENDATIONS

Based upon the evidence presented and evaluated during this overview investigation, as detailed in the committee's findings/considerations and conclusions, the recommendations of the Executive Overview Scrutiny Committee are as follows: -

Best Value Performance Indicator 109 b and c –

- (i) That the lack of a designated planning reception area at Church Square House be rectified as a matter of urgency.
- (ii) That the committee wishes to place on record its disappointment that it has investigated Best Value Performance Indicator 109 b and c for financial year 2003-04 when the council is now performing above the Government target. This information only became available through the committee's investigations (accuracy of data, page 21 refers).
- (iii) That in future, the committee be made aware of current as well as previous performance when selecting which BVPI's to investigate.
- (iv) That all officers in the Development Control section be congratulated on achieving the significant improvement on BVPI 109 b and c.
- (v) That the Head of Planning and Regeneration re-examine the use of Planning Consultants as a cost-effective method of service delivery.

Planning Scheme of Delegation

- (vi) That the scheme of delegation be amended so that only elected members or council officers are able to influence the applications considered by the Planning Committee. This would bring North Lincolnshire Council's planning scheme of delegation in line with its fellow benchmarking authorities.
- (vii) That members of the public be advised to contact their respective ward councillor if they believe an application should be the subject of 'call-in' before the Planning Committee.
- (viii) That once an application has been referred to the Planning Committee for determination, members of the public continue to be allowed the opportunity to speak on the application for three minutes.
- (ix) That all elected members have a duty to attend and speak at the Planning Committee when they have called an item in before the committee.
- (x) That in the interests of transparency and accountability, the Planning Committee receive a monthly report on all the planning applications determined under delegated powers by officers.

General Planning Recommendations

- (xi) That training on planning procedures and issues, particularly important new or changed policies and procedures, should be provided each year and will include events presented by officers with the help of experts from outside the council, where appropriate.
- (xii) That a basic induction course for all councillors be prepared for presentation by council officers, and attendance at this be compulsory for all Planning Committee members and any members wishing to act as their substitutes. Councillors who have not undergone training should not act as a substitute.

APPENDIX 1

Planning Service Delivery Outcomes								
Percentage of major planning applications determined within 13 weeks (BV 109a)	47%	40.00%	51.66%	63.64%	55%	45%	2004/05 57% 2005/06 60% 2006/07 60%	Actual figures are lower than the predicted target. Number of applications has increased with no corresponding increase in the Royal Town Planning Institute/Audit Commission recommended staffing levels. New structural/procedural changes are being introduced in conjunction with the appointment of external consultants.
Percentage of minor planning applications determined within 8 weeks (BV 109b)	48%	52.74%	61.09%	70.28%	60%	35%	2004/05 60% 2005/06 62% 2006/07 65%	
Percentage of other planning applications determined within 8 weeks (BV 109c)	67%	72.20%	78.05%	85.00%	70%	59%	2004/05 70% 2005/06 75% 2006/07 80%	
The percentage of planning applicants satisfied with the service received. (BV 111)	2000/01 78%	2000/01	2000/01	2000/01	82%	76%	2006/07 80%	Very encouraging figure despite the length of time taken for applications. Applicants are still satisfied with the service received.
The percentage of standard searches carried out in 10 working days (BV 179)	89.4%	94.00%	93.41%	100.00%	95%	98.62%	2004/05 99% 2005/06 99% 2006/07 99%	The systems are in place to deliver the targets, the threat is any long unplanned staff absences.

PERFORMANCE INDICATOR IMPROVEMENT PLAN

INDICATOR: BV109 b & c The number of minor and 'other' applications determined within 8 weeks

Performance Level: 2004/05(b) (c)

Performance Judgement: The average figure per quarter for the last year has been about 40% for Minor Applications and between 58% and 66% for Other Applications. These give cause for concern as they are below national rates and the Councils own targets

Future Targets: 2004/05 – 60% & 70% 2005/06 – 62% & 75% 2006/07 – 65% & 80%

<i>Development Task</i>	<i>Lead Role</i>	<i>Other Input</i>	<i>Start Date</i>	<i>Any Key Dates</i>	<i>Completion</i>
Staffing issues					
Career Grade 6-8 has been approved for all Senior Planning Officers	T Lyman	DC Manager, Policy Manager and Human Resources	April 2005	Implemented	April 2005
2 Fixed Term Planning Officer Posts made permanent and two additional 2 year fixed term posts agreed	M Welton	Head of service and Human Resources	April 2005	Posts to be put out to advert shortly. Interviews May 2005.	Aug 2005

Consider creation of post of Front Line reception Officer to deal with telephone and face to face initial enquiries	M Welton	Head of service and Human Resources	Summer 2004	It is one of the key elements of the Service Improvement Programme. This is dependant on the development of a Church Square House reception.	Ongoing
Consider contracting out to consultants all application appeal work	M Welton	Head of Service, Cabinet Member	March 2005		Sept 2005
Organisational and Procedural Change					
Reduce the opportunities for public speaking at Cttee as being the sole reason for the application being delayed	M Welton	Legal officers ,senior management team and Ch and V/Ch of Cttee	March 2005	Planning Committee rejected this proposal 11.03.2005	Complete
Set up procedure for fastracking of simple householder type applications	WJ Hill	DC Manager and case Officers	April 2005		Ongoing
Undertake physical changes to office layout to move enforcement team to first floor area to provide more space for remainder of team on ground floor	N Dobbs	DC Manager, Heads of Planning and Regen. and Highways	On-going	Dependant on release of space elsewhere in Church Square House.	Ongoing

Organise Member training to discuss issues of speedy decision making to improve performance levels	M Welton	CH and V/CH of Planning Cttee	Summer 2005		Summer 2005
Review the procedure of neighbour notification by letter.	M Welton	Case Officers and Admin Staff together with Head of Service and the Planning Cttee	June 2004	Changes implemented following Trevor Roberts review.	June 2004 complete
Improvements to Information Technology and Information Management					
Digitisation of Planning Records	Lesley Potts	Senior Technicians “	Already in progress	Pilot scheme complete. Formal Tender for work Aug 2004 Award of contract to BKS on the 2nd September 2004, work to commence on the 20th September 2004. PID document complete.	On-going

Local Land Charge Searches to be carried out at the centre rather than by Planning Technicians	Sue Bulmer	Legal officers and IT	Summer 2004	<p>Stage 1 is the need to complete the digitisation of all planning records.</p> <p>Stage2 is to implement the purchase and installation of a computer based land charges system by Land Charge team</p>	Ongoing
Implementation Priority Outcome R8	T Lyman	DC Manager, IT and external suppliers	April 2004	In feasibility	September 2005
Create electronic links with other Council teams to allow on-line consultation/response via "wizard" system/data base	L Morton	IT, Local Plans, Highways and Environment Teams	April 2004	Working with highways to implement	September 2005

EXTENT OF DELEGATION

1. Determination of applications for permission, approval or consent, requirements for assessment, issuing of notices and completion or modification of agreements or obligations under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning and Compensation Act 1991 and the Environment Act 1995, or any subordinate rules, orders or regulations made under that legislation.
2. Determination of all other matters required to be dealt with as part of the management and administration of the Council's development control function and powers, including (but not exclusively):
 - Amendments to approved plans
 - Details submitted pursuant to conditions
 - Matters relating to protected trees
 - Consultation with other bodies on planning matters
 - Enforcement of planning control (in consultation with the Head of Legal and Democratic Services
 - Appeals
 - Screening opinions under the 1999 Environmental Assessment Regulations
3. Payment of historic building and conservation grants in response to applications fulfilling the relevant criteria, subject to finance being available within the current budget.

(see over for exceptions to the scheme)

EXCEPTIONS TO THE SCHEME

1. Applications made by members of the council, senior officers (unit manager level and above), any officer responsible to the Head of Planning and Regeneration, or the spouse or partner of any of the foregoing who resides at the same address, and/or applications relating to any land in which any of the foregoing have an interest.
2. Applications vetoed by any member of the council.
3. Approvals contrary to policy – ie departures and potentially justifiable exceptions.
4. Applications which have aroused significant public interest on valid planning grounds or an objection from a statutory consultee, at the discretion of the Head of Planning and Regeneration or his nominated representative.
5. Applications subject to a parish council objection on valid planning grounds where the recommendation is to grant permission or applications specifically supported by the parish council where the recommendation is to refuse.
6. Applications subject to a request from a member of the public that the matter be referred to the Planning Committee so that they may address the committee.
7. Confirmation of tree preservation or other orders or directions which are the subject of an objection.