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## **DEVELOPMENT CONTROL/BUILDING CONTROL BEST VALUE REVIEW – FINAL REPORT**

### **1 SUMMARY**

- 1.1 This report outlines the final conclusions of the Best Value Review into Development Control and Building Control services and presents a detailed action plan for service improvement.

### **2 INTRODUCTION**

- 2.1 The Development Control and Building Control functions are delivered through the Planning Services Division of the Authority. The review examined the delivery of both functions, and sought from a customer perspective to identify opportunities to make significant improvements to service quality, efficiency and effectiveness.
- 2.2 The review team comprised 10 members of staff who met on a regular basis commencing in September 2001. The Development and Building Control Best Value Review Working Group (later Task and Finish Group) comprising four Members of the Authority (Cllrs. Vingoe, Giles, Starke and Stevenson) met to discuss the initial findings of the officer team and then later to consider options for service improvement to be included in the action plan now being considered by this Committee (see Appendix 1).

### **3 PARAMETERS OF THE REVIEW**

- 3.1 Any 'best value' assessment of a Council service must focus on customer outcomes: what changes and improvements can be made to a service that will have positive benefits for the customer? In undertaking the Development Control/Building Control Best Value Review, the review team has sought to:
- Take the customer's perspective
  - Make a difference
  - Be radical – to consider the impossible and test preconceived ideas
  - Consider options for developing partnerships
- 3.2 The parameters for the review were to consider:
- the operational aspects of Development Control;
  - the fee paying elements of Building Control; and
  - communication of the local plan to the public.

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- 3.3 Appendix 6 provides a breakdown of each aspect of the development and building control services that were examined in the review and the anticipated issues for customers that were identified for analysis.

#### **4 DEVELOPMENT CONTROL – BACKGROUND**

- 4.1 The Development Control service deals with all planning applications, listed building and conservation area consent applications, advertisement applications, and lawful development certificates. The service also provides pre-application advice to prospective applicants and deals with consultations from neighbouring local Authorities.
- 4.2 Performance against the national indicator, which requires 80% of applications to be processed within eight weeks of receipt, is significantly improved from a low point about 3 years ago. Indeed, figures published by DTLR in December 2001 identified Rochford as the most improved Planning Authority in the country over the preceding two years. It is expected that at the end of the 2001/2002 financial year, 80% of applications received within that year will have been determined within 8 weeks. This should place the Authority well up in the top 25% quartile of performance for all Authorities across the country.
- 4.3 Government sets the level of fees charged for determining applications. At the moment, fees do not cover the total cost of the service. For example, it is estimated that a simple householder application, which currently attracts a fee of £95, actually costs in the region of £200 (DTLR research report February 2002) to process. Fees are due to increase by 14% from 1<sup>st</sup> April 2002. No charge is made for the delivery of pre-application advice, though in certain circumstances a charge may be levied for undertaking research.
- 4.4 The service is organised around two area teams and an administrative section. Each area team is managed by a team leader and comprises two professional officers and a team clerk. An administrative officer manages the administrative section, with a team clerk and two administrative assistants. The day to day running of the service is the responsibility of the Planning Manager.
- 4.5 In 2000/2001, a satisfaction survey was carried out of users of the development control service. Overall, 76% of applicants (whether the decision was to grant or refuse consent) were satisfied or very satisfied with the service provided. This figure rose to 84%, when analysing only those applications that were approved. Appendix 2 provides summary details of the satisfaction survey. The average satisfaction rating for all District Councils across the country was 79% (78% for all Authorities).

- 4.6 The key area of weakness identified in the satisfaction survey was a perception that applicants were not kept up to date on the progress of their applications. Only 48% of respondents indicated that they were satisfied or very satisfied that they were kept informed. This is a very disappointing result and the review has sought to identify ways to improve the situation.

## **5 BUILDING CONTROL – BACKGROUND**

- 5.1 The Building Control Section is a separate cost centre within the Planning Services Division. The main function of the service is the administration and enforcement of the Building Regulations 2000.
- 5.2 The fee earning aspects of the service, the subject of the Best Value review, relate to the processing of Building Regulation applications and to the subsequent Inspection of construction works. Income from applications and inspections must be set at a level sufficient to recover the cost of that work over any three-year period.
- 5.3 Application and inspection work is subject to competition from the private sector through a network of "approved inspectors", who are able to deal with both domestic and commercial areas of work. The quality of service, the level of charges and the accessibility of the service are important factors in determining whether a developer chooses to use the Local Authority Building Control service as opposed to an approved inspector.
- 5.4 Rochford has consistently retained a high proportion (more than 90%) of the house building market, an important factor in a District with low levels of commercial and industrial development.
- 5.5 The Building Control Section is managed on a day to day basis by the Building Control Manager and a team of four Building Surveyors, a Building Control Assistant and a Team Clerk.
- 5.6 A customer satisfaction survey was carried out in the 2001/2002 financial year. At the time of writing this report, the final results had not been collated, but the overall level of satisfaction with the building control service is very high indeed and is summarised in Appendix 3 attached to this report.
- 5.7 The Agents Forum and the Parish/Town Council workshops mentioned in section 6 and 7 of this report, did not raise any significant issues of concern in respect of the delivery of the building control service.

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**6 AGENTS FORUM**

- 6.1 Agents Forums are held twice a year to enable the Local Planning Authority to receive direct feedback from key users of the development control service. The forum held in November 2001 was specifically focused on the Best Value review and the agents who attended were asked for their views on the initial findings of the review team and for comment on the aspects of the service that give cause for concern. The key points arising from that agents forum meeting are summarised in Appendix 4.

**7 PARISH/TOWN COUNCIL WORKSHOP**

- 7.1 In a similar vein to the agents forum, the Parish/Town Council workshops are intended to obtain feedback about the planning service, but also to help to develop partnership working and to educate on the planning system generally.
- 7.2 A Parish/Town Council workshop was held in February 2002 and a brief summary of the matters discussed at the event can be found in Appendix 5.

**8 NEED FOR SERVICE PROVISION**

- 8.1 An important part of any best value review involves asking fundamental questions about the reason for providing a service in the first place, and the way in which that service is then delivered. Both Development Control and Building Control were assessed against the following questions:-

- Is there a need to provide the service?
- If there is a need to provide the service, what is the best way to do this?

***Building Control***

- 8.2 The Council is bound, under the provisions of Section 91 of the Building Act, to provide a Building Control service. The service is open to competition, although external Approved Inspectors lack enforcement powers and do not at the moment provide a householder service (extensions, loft conversions, etc.).
- 8.3 Alternative service providers tend to "cherry-pick" projects and without Council Building Control there is no doubt that many householder applicants in particular would be left without a service.
- 8.4 The Building Control service in Rochford is well used and highly thought of and, given the requirement that the fee-earning element

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must cover costs, the review concluded that in-house provision is the best way to deliver the service.

***Development Control***

- 8.5 The Town and Country Planning Act 1990 specifically allocates the responsibility for delivering a Development Control service (with one or two exceptions) to District Councils in parts of the country where there is two-tier Local Government.
- 8.6 Rochford has a track record of using consultants to assist in service delivery. For example, consultants are regularly used to provide agricultural viability assessments and have been used in the recent past to help process planning applications and appeals. Consultants are also used more broadly across the planning service to undertake specialist survey work, such as the recent Urban Capacity Study and Housing Needs Study.
- 8.7 However, particularly given the current level of fees for applications, the review concluded that there was no justification to consider using consultants for day to day Development Control work and that this function should be retained with in-house staff.
- 8.8 There is no doubt, though, that assistance from consultants can be extremely helpful. In the current climate recruitment of new staff is often very difficult and consultants can certainly be used, as has been the case in the past, on a temporary basis to ensure that the performance of the Development Control service is maintained.
- 8.9 Towards the end of the review, the Government published a report which analysed the resourcing of local Planning Authorities. The report concluded that the use of consultants for day to day Development Control work in a local Planning Authority would normally not be cost effective.

**9 ACTION PLAN**

- 9.1 The proposed action plan for improvements to the Development Control and Building Control services is attached to this report as Appendix 1.
- 9.2 The action plan seeks to target the key issues arising from the review that will have an impact on the service delivered to customers. The items in the plan include proposals to change the way decisions are reached by Members in the Planning Services Committee, to further developments in information technology and for basic improvements in the information produced about Development Control and Building Control.

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9.3 The action plan specifically lists resources, targets and, most importantly, the objectives in terms of customer improvements that each action is intended to meet. The plan is generally ordered in terms of the items for change/improvement that are considered to be most important. Members should note that this order may not necessarily correspond to a priority for implementation, since some items such as information technology are dependent on new software developments and resource allocation. Several of the most important actions listed in the plan are discussed below.

***Reduce Size of Planning Services Committee***

9.4 This issue has been discussed recently by Council, but its inclusion in the action plan relates here to the assessment of the operation of the Committee from a customer perspective. Whilst a number of other items listed in the action plan could perhaps be achieved if the Planning Services Committee continued as 'Full Council', there is no doubt that a reduced Committee would have very important advantages when assessed against customer benefits.

9.5 A small Committee could more easily be subject to regular compulsory training sessions to develop expertise and understanding of the planning system. The Committee, with fewer Members, could adopt more flexible arrangements for meetings and include site visits to all or at least key application sites as a matter of course.

9.6 A specialist Planning Services Committee will ensure that decisions are always consistent, reducing the number of Appeals fought by the Authority.

9.7 Whilst there are strong feelings about the size and operation of the Planning Services Committee in Rochford, the arrangements here, with the Committee comprising all Members of the Council, are unique and from a customer perspective, are not considered to be the best way to deliver Committee level planning decisions. Therefore, the action plan proposes an immediate change from May 2002 to reduce the Committee to 13 Members with full executive powers to make planning decisions.

***Member Training***

9.8 Planning legislation is extremely complex and Members have already accepted the value of regular training courses to update knowledge and develop skills.

9.9 In future, it is proposed that as a pre-qualification for sitting on the Planning Services Committee, a series of compulsory training sessions be introduced to cover the main aspects of planning law and practice.

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Unless Members have completed the training sessions, they would not be able to sit on the Committee. Members would be required to attend the pre-qualification training sessions after their election (or re-election) and the programme would therefore be tailored to coincide with electoral terms of office. However, there would continue to be annual training sessions, together with other sessions arranged through the Municipal Year.

***Open Committees***

- 9.10 In the Green Paper on changes to the planning system, the Government has indicated its intention to include public speaking at the Planning Committee as a matter to be assessed by Best Value Inspectors. Indeed, Inspectors are already including the lack of public speaking arrangements in their comments on reviews.
- 9.11 From a customer satisfaction perspective, there is no doubt that the lack of an arrangement to allow public speaking is an important issue and, therefore, the review concludes that an appropriate mechanism should be put in place in Rochford by the end of 2002.

***Cooling Off Period***

- 9.12 From time to time very controversial applications are considered by the Planning Services Committee. It is essential in situations where Members are considering a decision that differs from the officer recommendation that appropriate planning reasons are given for the decision, to avoid the Authority being subject to a possible award of costs.
- 9.13 The review team has concluded that the introduction of a cooling-off period would allow Officers to provide written comments on the reasons proposed by Members. Such an arrangement will have benefits for the applicant and for objectors, since at the end of the day, no one in the District benefits from decisions made without sound planning reasons.

***Site Visits***

- 9.14 The current arrangements allow Members at the Planning Services Committee to request a site visit. This means that planning applications will be delayed for a full four weeks (under the present arrangements for meetings) while the site visit takes place.
- 9.15 The action plan proposes that alternative arrangements be introduced that provide the Head of Planning Services with delegated responsibility to arrange site visits whilst the application is being determined. This power would be subject also to Members being able to make a request for a visit within 14 days of receiving the Parish List.

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From a customer perspective, this arrangement should reduce delays for a number of applications.

***Information Technology***

- 9.16 In order to achieve the target set by Government of a fully interactive computer system by 2005, further investment will be required in software packages.
- 9.17 The upgraded UNI-form system being installed within the Authority provides an important step towards the E-Government initiative, but as the action plan shows, two further key steps will be required.
- 9.18 The first step relates to the introduction of public access to the planning system. In effect, customers would be able to connect to the planning database using their Internet browser and check on the progress of a planning application. The system would display maps and plans of every application. The action plan indicates that this first step can be achieved with a contribution from the E-Government grant in the next financial year. The software module will shortly be available from the Council's supplier.
- 9.19 The second step is to enable customers to submit planning applications and pay fees on line: a fully interactive system. The target date to achieve this is 2005. The action plan does not, at this stage, provide an indication of the resources required for this to be achieved.
- 9.20 One of the main concerns arising from the planning customer satisfaction survey carried out in 2000/01 was the lack of regular updates on the progress of planning applications. Given that more than 40% of households already have Internet access, there is no doubt that step one outlined in 9.19 above has the potential for considerable customer benefit in this respect.
- 9.21 There are other benefits from public access. Parish Councils, statutory consultees and other organisations would also be able to view planning applications on-line and send in comments electronically.

***Re-design Acacia House Reception***

- 9.22 There is no doubt that the existing reception area suffers from a number of deficiencies in terms of appearance and layout. In addition, there is no computer access point for the public, which is a problem, given that information on planning applications is held electronically.
- 9.23 The action plan proposes that a consultant be appointed in 2002/03 to advise on suitable alterations to the reception area and that a public access PC also be installed. A final decision about significant



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alterations to the reception area in Acacia House will need to tie in with work on asset management.

***Other Actions***

- 9.24 The many other actions outlined in the plan are all considered to be important and these are intended to improve the delivery of the Development Control and Building Control services for customers. In particular, more demanding targets are proposed for the processing of planning applications (see Action 24).

**10 CONCLUSIONS**

- 10.1 The best value review of Development Control and Building Control focused on improvements to the service that would have significant benefits for customers, particularly bearing in mind the results of customer satisfaction surveys.
- 10.2 There is no doubt that many of the actions will result in major changes to the way the Authority has operated in the past, but if customer service improvements are to be found, radical change is required.
- 10.3 It is clear that customers want rapid decisions on Planning and Building Control applications, but they also want quality, consistency, transparency and openness. The changes proposed in the action plan are designed to achieve this and the plan is commended to Members for approval.

**11 RECOMMENDATION**

It is **recommended**

That the Committee considers the Development Control/Building Control Service Action Plan. (HPS)

Shaun Scrutton

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**Background Papers:**

A Fundamental Change for Planning: Planning Green Paper December 2001

Resourcing Local Planning Authorities – DTLR February 2002

Information Communications Technology in Planning – DTLR February 2002

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