**JOINT OVERVIEW AND SCRUTINY TRANSITION BOARD
4 JULY 2008**

Joint Overview and Scrutiny Task Group
Development Control
Final Report – 4 July 2008

Purpose of the Report

1.   To present to the JOSTB the findings and recommendations of the task group which has reviewed the provision of Development Control services in Wiltshire.

Terms of Reference

2.   In respect of the Development Control services provided in Wiltshire:

   - To identify current service provision, standards and performance
   - To identify desired service provision, standards and performance for the new Wiltshire Council
   - To identify any anticipated issues or problems associated with the transition to the new Wiltshire Council.
   - To identify and recommend to the Implementation Executive preferred service delivery arrangements for the new Wiltshire Council.

3.   In line with a request from the Implementation Executive to undertake a policy development role, the task group has focussed its review on governance arrangements and the scheme of delegation.

4.   A later request was received from the JOSTB on 30 May to examine the ICT arrangements for the Development Control service within the new unitary council. The task group is mindful that ICT is an area requiring considerable expertise and that to attempt to cover it within the three month timeframe of this review would not allow for an adequate investigation. ICT is clearly an issue that will need to be addressed as part of the transformation of services beyond April 2009 and the task group is aware that the planning project group has been advised not to address this issue at the current time. For these reasons the task group is unable to provide any recommendations on this issue other than to say that there currently exist differences in each of the council's ICT systems and considerable work needs to be undertaken by professional officers when reviewing how to align them into one county wide system. Evidence from East Riding of Yorkshire, who underwent the change to unitary status in 1997, shows that it can take a number of years to move to a single ICT system for development control.

Background

5.   The task group first met on 11 March to scope the review and elect a chairman. Since then meetings have been held fortnightly. The timeframe for the review was set by JOSTB at three months. The task group has had to be realistic about what could be achieved within this short timescale and has concentrated on ensuring that there is a seamless transition concerning governance and delegation issues on 1 April 2009.

The group is mindful that it needs to take a pragmatic approach to transition but has also been keen to identify aspirations for the service beyond 2009.

6. The new Wiltshire Council will be one of the largest unitary authorities with a population of approximately 456,000 and covering 1,257 square miles. It will receive approximately 10,000 planning applications each year and will be one of the biggest planning authorities in the country. Wiltshire has many historic features which make it unique, including over 16,000 listed buildings, over 240 conservation areas, two world heritage sites and three Areas of Outstanding Natural Beauty. Income from planning fees is approximately £3m per annum and the cost of the planning service as a whole is estimated at £11.8m, although further work needs to be done to confirm the costs.

7. The Development Control service will be located in the department for Economic Development, Planning and Housing in the new Council structure. It also includes economic development, tourism and regeneration; strategic planning; licensing; regulatory services including building control; housing; and climate change. The inter-relationship between these services is seen as important in terms of securing sustainable economic growth across the county.

8. The relationship between Development Control and the new Community Boards is also an important consideration for the task group, although it is appreciated by the task group that further development work still needs to be done in terms of the role and responsibilities of the Community Boards.

9. It is anticipated that the overall number of members across the county will reduce. Although the exact numbers have yet to be confirmed, indications are that numbers will reduce from 252 to 98 members. This will have an impact on the availability of members to sit on planning committees as each member will have a wider range of responsibilities covering a larger electoral area. This has been a significant factor in the considerations of the task group.

Evidence

10. A wide range of evidence has been considered from a variety of sources. This has included:
    - Information and advice from the Frontline Services planning project group
    - A number of member consultation events
    - Information on best practice elsewhere
    - JOSTB feedback on the interim report
    - A 'critical friend' from the Planning Advisory Service

    An overview analysis of this evidence now follows in chronological order.

Frontline Services Planning Project Group - March to June

11. The task group has worked very closely with the Frontline Services planning project group. The owner, Laurie Bell, has attended the majority of task group meetings with her lead officers and information and evidence has been shared between the two groups. Laurie and her team have provided specialist advice to the task group on technical operational planning issues. The task group is aware that the officers will have the task of taking forward its recommendations and make the transition on 1 April 2009 as seamless as possible.

12. The baseline data and key statistics that the task group has examined is attached at Appendix A.

Members' Seminar – 24 April 2008

13.   The task group attended the members' seminar run by the Implementation Executive on 24 April. Members were asked to comment on the current planning application process in respect of what works well and what could be improved. Over 60 members attended the seminar and additional feedback was received after the event.

14.   The feedback was used by the task group to help shape its preferred options. A full copy of the feedback received from members is attached at Appendix B. However, the key issues raised are highlighted below.

*   Involvement of members early in the pre application process
*   Consistency of advice
*   Training is essential for unitary members and should also be available to town/parish councils
*   Improved use of website
*   Accessibility of committee meetings
*   Effective proactive and reactive enforcement

Other Benchmarking and Best Practice – April to June

15.   The planning project group identified five best practice authorities, namely: West Berkshire, East Riding of Yorkshire, Slough, Isle of Wight and Bournemouth. The task group examined comparative data for these authorities including performance, staffing levels and number of applications per year. A table showing these comparisons is attached at Appendix C.

16.   The nature of Wiltshire's historic environment and the scale of the Development Control service make it difficult to examine existing authorities for examples of best practice. There is no other existing unitary authority which is comparable in terms of scale to the new Wiltshire Council. As can be seen from the data, the authority that is closest to Wiltshire in terms of size and population is East Riding of Yorkshire. However, performance levels are in the bottom quartile for both major and minor applications. However, use was made of a planned visit by one of the task group members to East Riding of Yorkshire with a view to gathering specific evidence about their governance arrangements within Development Control. A note of the visit is attached as Appendix D.

17.   The task group has also made contact with some of the other new emerging unitary authorities with a view to discussing how they see the future of development control services within the new unitary authority. Those authorities contacted are Cornwall, Shropshire, Durham and Northumberland. Cornwall and Northumberland have both responded and provided the following information:

*   Northumberland: the Development Control structure will include a central office together with a number of area offices, although the location and number is still to be decided. The scheme of delegation is still to be reviewed.
*   Cornwall: the opportunity is being taken to rethink the way in which Development Control is approached, in accordance with the concept of development management. Development management integrates Development Control into the spatial planning system and is a more positive and proactive approach. Its purpose is seen as to manage development to maximise the achievement of planning objectives, including 'place shaping', with a focus on the sustainability and the likely outcome of proposals. With regard to governance arrangements, it is proposed that there will be one strategic planning committee and three area committees. Area committees to meet every three weeks and to consist of a maximum of 20 members (one per ward).

Planning Portfolio Holders and Chairs of Planning Committees – 12 May 2008

18.   All planning portfolio holders and chairs of planning committees were invited to attend a meeting with the task group on 12 May 2008. Discussions centred on those key issues that had arisen from the members' seminar on 24 April where the task group considered that specialised input from experienced planning members would be beneficial. The discussions are summarised below.

- *Officer based planning hubs* – there was general agreement that officer based hubs should continue to exist in the present localities. This would retain local knowledge. Concern was raised, however, about the need for consistency across the hubs, particularly in respect of resources and the use of consultants.

- *Call in* – discussion centred on the involvement of towns and parishes and the role of the unitary member. It was generally accepted that towns and parishes should be encouraged to work through their unitary councillor, who alone would have call in rights. There was no clear consensus about whether call in should be by one or two unitary members although it was agreed that planning reasons must be given for call in.

- *Committee structure* – locality, membership and committee numbers were discussed. It was raised that there should be equality across the county but no agreement was reached on whether the committees should be area based, the number of members on a committee or whether there exists special reasons why the Salisbury area should have more than one area based committee, say two or three. Discussions did resolve that there should be a strategic planning committee and that meetings held at 6pm would allow the best opportunity for attendance.

Town and Parish Councils – May 2008

19.   Town and parish councils across the county were also asked by the task group to provide comments on what works well and what improvements could be made in respect of the current planning process. Over 35 responses were received and the key issues raised are set out below.

- Pre-application discussions with town/parish councils
- Consistency of advice and decision making
- Re-consultation on amended plans/removal or addition of conditions
- Accuracy of design
- Neighbour notification
- Call in by town/parish councils
- Participation at committee meetings
- Training for members

Details of the collated responses are attached at Appendix E.

Joint Overview and Scrutiny Transition Board – 30 May 2008

20.   The task group presented an interim report to the JOSTB on 30 May detailing its provisional preferred options. The group's key preferred options at that time were that all applications should be considered for delegation unless they fall into defined specific categories (giving 95% delegation), call in should be by either one or two unitary members and that in respect of committee structures, there should be one committee for dealing with strategic/cross boundary issues and five area committees (one for each of the area offices in Trowbridge, Chippenham, Devizes and two for

Salisbury). The task group had yet to come to a decision about whether or not all members should be involved in planning.

21.   The JOSTB asked the task group to review its preferred option of two committees for Salisbury and this was one of the issues that the task group took back to members for discussion at a further seminar on 12 June.

22.   The JOSTB also asked the task group to review some work done by Wiltshire County Council on strategic planning applications received within neighbouring authorities. A Wiltshire County Council Overview and Scrutiny Committee task group had been set up in 2006 to examine the Council's actions in response to the Swindon Southern Development Area (SDA) planning application for 400 homes, schools, retail, employment and green spaces, including a box tunnel under the M4. The task group were asked to review how the County Council handled such applications in terms of consultation and public debate. The final recommendations of the task group included the creation of a Planning Board, consisting of Senior Environmental Service Officers and a Cabinet member. The role of the Planning Board is to monitor strategic/major planning applications, particularly at pre-application stage, enabling potential contentious applications to be identified at an earlier stage of the planning process and to engage members in the process.

23.   The task group considers that the concept of a Planning Board is a key role of the Strategic Planning Committee and as such should fall within its remit. A separate Planning Board is not considered to be necessary.

24.   The JOSTB also asked the task group to look at the use of appropriate ICT for Development Control across the county. The task group's considerations on this issue can be found at paragraph four of this report.

25.   The JOSTB also asked the task group to re-consider its decision not to use a consultant to assist with the review. The task group had discussed this proposal at various times throughout the review but it did not consider that it would add value to the process. As previously mentioned, Wiltshire will be a unique authority in terms of its size and scale and the group decided that it should focus foremost on Wiltshire's own specific requirements. Having considered the specific needs of Wiltshire, the task group decided that the Planning Advisory Service (PAS) would be able to offer the most appropriate service in terms of professional advice. The PAS has offered guidance and support to other authorities going through the Local Government Reorganisation process and the task group felt that this would be the most useful source of independent advice.

Planning Advisory Service (PAS) – June 2008
26.   The Chairman of the task group met with the PAS to discuss what support and advice they could provide to the review process. The PAS agreed to act as a critical friend and were presented with the options being put forward by the group and asked to take on the following role:
- Support, challenge and question any of the options being put forward
- Identify any difficulties that may arise from the proposals in terms of officer arrangements, probity and consistency
- Highlight any other issues that may need to be taken into account.

27.   PAS considered the options and issues and made the following key comments:
- 'Whole area' focus: Although during the initial period planning decisions will be based on the saved policies from old local plans, the service needs to look to the future when there will be a single LDF and a 'whole area' focus

- Corporate context: Planning needs to take account of key corporate documents, particularly the sustainable community strategy

- Partners: Building good relationships with local partners will help to foster better working practices and protocols for exchanging information which will strengthen the ability of the service to make quality decisions

- Pre-application discussions: Strong support for structured pre-application discussions on planning proposals based on an agreed charter or protocol, involving members, town and parish councils, and other stakeholders

- Design advice: It is important to get effective design input into the process at pre-application stage

- Community engagement: On larger applications the community should be involved earlier than the applications phase and this should take the form of a facilitated dialogue. This has been identified by the task group as an important element of the work to be taken forward by the planning project group through the Statement of Community Involvement.

- Delegation: 95% delegation is in line with national trends

- Call in: It will be critical to future performance to ensure that the call in mechanisms are robust to prevent overloading of committees. Call in decisions should be based on satisfying agreed criteria

- Committee structures and size: Minimise number of area committees as there is a correlation between low performance, high resources and larger numbers of area committees. The optimum size for a planning committee is considered to be between five and eight members

- Resources: The differing workload of areas may need to be considered. Access to specialist staff at an area level is often a problem

- Enforcement and compliance monitoring: This should be seen as a fundamental and integral part of the development control process

28. The task group also looked at a number of case studies compiled by the PAS on issues such as investing in pre-application discussions, improving customer contact, charging for pre-application advice and improving decision making. These documents are referenced at the end of the report.

Members' Seminar – 12 June 2008
29. A further members' seminar, organised by the task group, was held on 12 June. The purpose of this event was to discuss those issues where, after taking into account all the evidence gathered during the review, the task group was able to identify preferred options but where no overall consensus existed on the way forward. The three issues discussed at the seminar were: which unitary members should be responsible for calling in an application; the number of members involved in planning; and the number of committees per area office hub.

30. Around 45 members from across the five councils attended this event. Following a short presentation, members discussed the three main issues in groups in order to try and reach a degree of concensus on the way forward. A summary of the feedback received is attached at Appendix F. There were some differences of view, particularly

between Salisbury and the other councils. However, the overall concensus reached is outlined below.

On the three issues:
- Most members favoured call in by one unitary member, rather than two members. The reason for call in must be on planning grounds.

- There should be one committee per area office hub, rather than two or more. However, there was a strong minority view for having two committees per area office hub.

- Fully trained members should be selected to sit on planning committees. A member can attend and speak at a planning committee meeting if an application affects their area.

Other issues:
- The committee start time should be decided by each committee
- Planning training should be offered to all unitary members plus town and parish councils
- The resources available must be sufficient
- Enforcement must be an important part of the service
- Substitutes should attend in case of absence or member interest

Key Issues

31.   A number of basic principles for development control have been identified by the task group, which underlie both its recommendations for transition and the aspirations for the service beyond April 2009. These are as follows:

- Emphasis on local democracy, accountability and transparency
- Strong role for unitary members in the planning process
- Plan led and outcome based decision making taking account of the LDF and the Sustainable Community Strategy
- Consistency of decisions, advice, processes and customer standards
- A high level of delegation but with an option for member 'call-in' on planning grounds
- Involvement of town and parish councils at an early stage in the process
- Strong links to Community Boards, Community Area Partnerships and town and parish councils.
- Strong links between services, with development control linked to spatial planning, building control, economic development, tourism and regeneration, highways, housing, and capital projects
- Good working relations developed with a range of local partner organisations

32.   Working within the terms of reference of governance arrangements and the scheme of delegation, the task group has identified five key issues for the transition of Development Control services to the new unitary authority. These are:
   a. Officer structures
   b. Delegation
   c. Call in
   d. Governance / committee structures
   e. Involvement of members

The task group's consideration of each of these issues, together with their recommendations, are detailed below.

Officer Structures

33. The task group looked at a number of options ranging from a wholly centralised service to a largely decentralised service with a number of local offices providing a permanent base and advice centre for applicants. The consultation showed that it was important to keep a certain level of local decision making and the task group recommends that four area office hubs exist, one each in the towns of Trowbridge, Devizes, Salisbury and Chippenham. This will enable each office to be staffed by officers who know the local area and have the local knowledge to make informed decisions. It will also provide easy access for the public. There will, however, need to be safeguards put into place to ensure consistency across the county and this is addressed in the aspirations for future service delivery.

34. RECOMMENDATION: One area office hub to be based in each of the present localities.

Delegation

35. There exists two models of delegation:
    - option 1 where all applications may be deemed as determined under delegated powers unless they fall into defined exceptional categories
    - option 2 which lists all those applications where delegated powers apply

36. Option 1 is the scheme preferred by both the Local Government Association and Planning Advisory Service. Advantages include its logical approach, it is easily understood, it allows for changes in legislation without modification being necessary and is currently used in both urban and rural areas.

37. Other considerations also apply, including how many applications can realistically be dealt with by committee and the relationship between levels of delegation and performance. West Wiltshire District Council currently has the highest level of non-delegated applications and is also the worst performing of the four districts for major applications. For the work of the Council to be undertaken in an efficient and effective manner, there is a need to have a governance system which seeks to delegate decision making to the lowest appropriate level whilst maintaining effective member involvement. Identified advantages of a well constructed system of delegation include:

    - Simplifies procedures and speeds up process
    - Minimises costs and improves service delivery within budgetary limits
    - Releases officer resources to focus on other equally important areas of work to achieve service improvement
    - Eases lengthy unmanageable committees and reforms committee practice
    - Removes applications which illicit no member discussion and evaluation at committee
    - Clarifies the current system and protects member involvement
    - Increases performance and quality

38. A delegation agreement will need to be produced detailing the criteria against which applications will be automatically referred to committee for decision. The criteria are likely to include major strategic applications that will need to be considered by the strategic planning committee, and applications made by members and officers.

39. RECOMMENDATION: Delegation by exception where all applications are considered for delegation unless they fall into defined specific categories, giving approximately 95% delegation to officers. This would result in approximately 500 applications being

considered by committee each year. This compares to around 700 applications currently considered by committees across all the five authorities. A delegation agreement to be prepared, including the specific criteria against which applications will be automatically be considered by committees.

Call In

40. To achieve the necessary level of delegation a robust call in mechanism will need to be put in place. Presently there exists different models for calling in an application within each of the districts (see Appendix A). The task group has considered a wide range of call in options, including:
    - Application falls within a determined category that can be called in
    - Call in of any application by one or two unitary members
    - Call in of any application by chair of planning committee
    - Call in based on the number of objection letters received. Deemed to be called in if it goes above a certain threshold.
    - Request to call in made by a Community Board, Town or Parish Council

41. It is clear from the consultation carried out by the task group that the role of the unitary member is paramount in the new council. Town and parish councils need to be involved in the consultation process at an early stage but experience at West Wiltshire has shown that call in by town and parish councils can lead to overloading, lengthy agendas and a poorer performance. The question of whether call in should be by one or two unitary members was taken back to members at the seminar on 12 June where a consensus was reached that call in should be by one unitary member. It was also clear from the consultation that a specific justification on planning grounds should be given with every call in request.

42. In order to achieve the high levels of delegation recommended, the task group considers that call in should be, wherever possible, by the local ward member. There may be exceptional circumstances when call in by the ward member is not possible, for example due to sickness or other absences. In these circumstances, one other unitary member may call in the application. Town and parish councils will have a voice through their respective unitary member.

43. RECOMMENDATION: Call in should be made by one unitary member. Planning grounds must be identified for further investigation by the Planning Committee. Call in will normally be by the ward member relevant to the application.

Governance / Committee Structures

44. As can be seen from the information provided in Appendix A, different committee structures exist throughout the county. The task group considered various structures including:

    - One countywide single planning committee
    - One countywide strategic planning committee and a number of local area planning committees. These could be based on:
        – The 20 standard community areas identified for community boards and community area partnerships
        – The four existing districts based in Devizes, Salisbury, Chippenham and Trowbridge acting as 'hubs'
        – Population, amalgamating the existing 20 community areas into six new areas with each having a roughly equal population base
    - Regulatory review boards. There could be a number of these boards based on community areas district hubs or population as above.
    - Other sub options such as including 'design panels' to advise committees

45. The strategic planning committee would deal with major strategic applications, cross boundary issues, and referrals from area committees because an application has significant policy implications. The strategic planning committee would have call in powers, where for example, a recommendation is a significant departure from policy. This would provide for a degree of consistency across the council.

46. The local area planning committees would deal with the majority of applications from within their area.

47. The task group considered a number of the options against specific criteria, including customer impact, workload implications and levels of engagement. Details of these considerations are attached at Appendix G. It also looked at research undertaken by PAS into area based decision making structures. It found there was a correlation between poorer performance and larger numbers of area committees. The resourcing of area committees was also highlighted as a potential issue, particularly in terms of access to specialist advice. PAS concluded that, in terms of performance and resources, it is preferable to have the smallest number of committees that equate with meeting democratic standards.

48. Assuming 95% delegation, approximately 500 applications would be considered by committee each year. One countywide committee would need to meet weekly to cope with 500 applications. A system of 20 area planning committees would mean that each committee would consider around 25 applications per annum and only two applications monthly which seems very inefficient. In the case of one committee per area office hub, if each committee were to meet monthly it would deal with around 10 applications per meeting. Similarly, two committees per area office hubs would mean that each committee would deal with five applications per meeting.

49. There was no clear consensus on this issue although the evidence narrowed the options down to two. The task group took these options to members on 12 June and asked whether their preferred option would be for a strategic planning committee with either one or two committees per area office hub. Most members favoured one committee per area office hub.

50. RECOMMENDATION: One strategic planning committee for dealing with strategic/cross boundary issues and four local area committees, one for each of the area offices in Trowbridge, Chippenham, Devizes and Salisbury. The strategic planning committee to have the powers to call in a decision made by an area committee which represents a significant departure from policy. The strategic planning committee also to take on the role of the current Planning Board.

Strategic Planning Committee

Trowbridge Area Planning Committee | Devizes Area Planning Committee | Chippenham Area Planning Committee | Salisbury Area Planning Committee
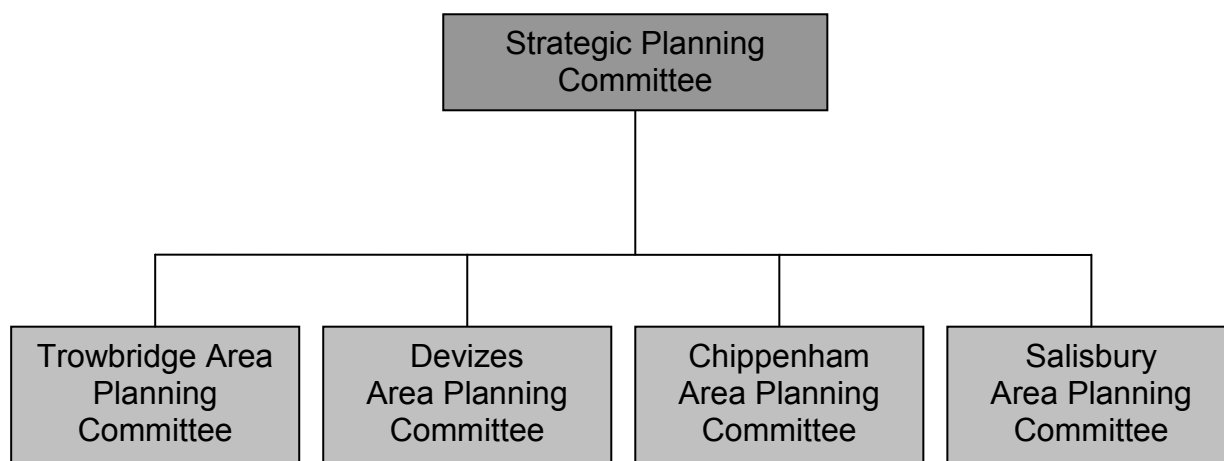
Involvement of Members

51.   There are currently 252 elected members throughout Wiltshire. This number will reduce in 2009 although the exact numbers have yet to be confirmed. This raises the question of member capacity within the new authority and whether or not all members should be involved in the planning process. The initial consultation did not result in a consensus of opinion on this matter so it was taken back to members at the seminar on 12 June. At this meeting members were divided about whether all members or only a selection should be involved in planning.

52.   The extent of involvement of members will depend in part on the total number of members of the new authority, the number of committees, and the size of each committee. As indicated above the total number of members in the new authority is not yet known, although indications are that it could be 98. However, assuming there is one strategic planning committee and four area committees and each has between 8-12 members, which is considered to be the optimum size, then around 60 members might be involved.

53.   It is worth noting that the Planning Reform Bill is proposing to introduce a system whereby applicants aggrieved with a decision made using delegated powers to refuse or approve subject to conditions can appeal to a Local Authority Appeal Board. This potentially could involve a significant increase in work for members and the authority as a whole.

54.   RECOMMENDATION: A selection of members should sit on the strategic planning committee and local area planning committees.

Other Issues

55.   The task group is also making a number of recommendations on other aspects of the planning application process, namely:

Pre-application Discussions
- Produce a charter or protocol to guide pre-application discussions
- Members should be involved in structured pre-application discussions. An Audit Commission report (The Planning System, Matching Expectations and Capacity, 2006) commented that a lack of member involvement in pre-application discussions led to problems including a greater chance of disagreement between members and officers.
- Town and parish councils should also be involved at an early stage in the pre-application process
- Developers should be encouraged to consult with local communities and town and parish councils prior to submitting an application. This should be a structured process.
- Planning officers involved in pre-application work should open a file to ensure the discussions are recorded. This will help to maintain consistency and continuity of advice if an officer leaves the authority or hands over the application to another officer.

Design Guide and Panels
- The design guide should be standardised
- Local design panels should be established and encouraged to provide advice and comment on selected applications. It is recognised their role and contribution will need to be carefully considered and managed to ensure that they do not impose a drain on resources or jeopardise performance on the determination of applications. Their work will be focused at the pre-application stage in helping to shape proposals.

Communication and Consultation

- One statement of community involvement should be produced to assist in the preparation of local development documents and to promote facilitated dialogue with the community at an early stage of the planning application process, particularly for strategic developments
- Site notices, neighbour notifications and publication through newspapers (where needed) should occur as standard
- Weekly list of planning applications to be circulated to all members electronically
- Planning applications, including maps and plans, should be made available to view on line for all the area office hubs. West Wiltshire District Council is recommended to make this service available as soon as possible. (West Wiltshire District Council fully accepts that this work needs to be done to bring it into line with the other districts. However, it does have significant resource implications which have not been planned for and no budget is available. The work could only go ahead if additional financial and staff resources were made available, to cover a range of set up and ongoing costs during 2008-09. This support and commitment may need to be considered separately by the Implementation Executive and / or Wiltshire County Council).
- All information should be placed on the website as soon as possible
- Ensure consistent and comprehensive use of the website

Member Training

- Training should be available for all unitary, town and parish members
- Members of the Planning Committee should receive mandatory on-going training and this should also cover issues such as lobbying and probity
- Members of the Implementation Executive without any planning training should receive training as a matter of urgency to enable them to carry out their interim decision making responsibilities after the abolition of the district councils on 1 April 2009.

Committee Meetings

- It is suggested meetings to commence at 6pm. However, flexibility will be given to allow each committee vary this time if it wishes to do so.
- Members of the public should be allowed to speak at committees. It will be for the planning project group to ensure that arrangements are harmonised across the council

Enforcement

- Enforcement is an important and fundamental part of the service and sufficient resources should be allocated to ensure its effectiveness
- A system of prioritisation according to risk and impact should be developed and agreed
- A high level of delegation is needed to allow officers to serve enforcement notices without referral to committee
- Members should be notified of the progress of enforcement actions

Other Matters

- Site visits by the strategic/area committee should be made whenever contextual evidence is required

Service Delivery up to and beyond 2009

56.   This report is largely focused on the requirements needed to ensure effective transition to the unitary council. However, the task group has been mindful that work

to transform the service must be progressed and continue beyond April 2009. The planning project group will lead on taking this work forward. There will be a need to articulate a longer term vision for the service which can be worked towards. This vision should include the need to move beyond focusing on the reactive regulation of development and more towards proactively helping to deliver community outcomes in the Sustainable Community Strategy and the new emerging Local Development Framework. In this way, Development Control can be an important element in creating the framework for private and public investment that promotes economic, environmental and social well-being for the area.

57.   Work to be taken forward beyond the recommendations of this task group falls into two categories. Firstly there is work that has already started and is continuing to ensure effective transition of the service to April 2009. Secondly, there are the longer term aspirations for the service that can only be achieved after April 2009. The areas of work which are considered to be particularly important are highlighted below.

58.   ***Continuing Work Required for Service Delivery in April 2009***
   - The ongoing work being undertaken countywide on 'systems thinking' and the focus on customers. This should include:
     - Rationalising and standardising the application process and reporting requirements
     - Publishing and implementing agreed customer standards – 'what to expect'

   - The work to develop detailed committee protocols to govern their operation, including speaking, reports, presentations etc

   - The formal powers and membership of the committees being included in the work to develop a new constitution for the council

   - The detailed officer arrangements including structures, rationalisation of caseloads, the contribution of the Wiltshire County Planning team, and how best to use and locate specialist staff under an area based system

   - Developing a comprehensive understanding of the costs of the service

59.   ***Aspirations for the Service beyond 2009***
   - Review and integrate ICT arrangements for the service as a whole

   - Produce one Core Strategy for Wiltshire by 2011/12

   - Work towards producing one Statement of Community Involvement for Wiltshire

   - Fully take account of the requirements and opportunities emerging from legislation affecting development control

   - Improve partnership working and develop strong links with Community Boards, Community Area Partnerships and Town and Parish Councils

   - Develop strong links with other services, particularly building control, economic development, tourism and regeneration, highways, housing and capital projects
   - Look towards integrating Highways Development Officers into the service

   - Additional enhancements to the enforcement function

- Further development and application of design panels

- Consider the implications of charging for pre-application advice

Next Steps

60.   The recommendations in this report, if accepted, will be considered by the Implementation Executive on the 9 July.

61.   The corporate director for the department and the planning project group will then take these recommendations forward, in preparation for full implementation from April 2009. However, the task group wishes to note that the abolition of the District Councils on 1 April 2009 will mean that the role of planning decision making will fall to the Implementation Executive until newly elected members to Wiltshire Council have been appointed and trained. This short interim arrangement is expected to be required until July 2009.

62.   This report concludes the work of this task group. The Chair, Councillor Fred Westmoreland would like to thank all the members of the task group, the planning project group, and all those who fed back comments and ideas during the consultation. The work was completed to the timescale set by the JOSTB.

63.   If the principles contained within the report are agreed, the JOSTB may wish to consider the possibility of setting up a further task group. This further task group could provide member engagement to the planning project group to assist with taking forward the detailed implementation work.

Savings

64.   Savings of £1.8m across the planning services as a whole were identified in the original bid for unitary status. The task group has identified a future for the Development Control service that meets the needs of the new council and, if the recommendations within this report are implemented, will lead to efficiency savings. Major factors include the reduction in the number of committees, the reduced number of applications being considered by committee and the rationalisation of the application process.

65.   The detailed work of assessing the costs and potential savings is something that will need to be taken forward by the planning project group. It is possible that further savings could be made when the service undergoes transformation beyond April 2009. Other identified areas for review in the future are the caseload per officer ratios and staffing levels. It has been noted that there is some variation across the five authorities which needs further investigation.

Recommendations

66.   The JOSTB is asked to endorse the recommendations of the Development Control Task Group as follows:

a) One area office hub to be based in each of the present localities.

b) Delegation by exception where all applications are considered for delegation unless they fall into defined specific categories, giving approximately 95% delegation to officers. This would result in approximately 500 applications being considered by

committee each year. A delegation agreement to be prepared, including the specific criteria against which applications will be automatically be considered by committees.

c) Call in should be made by one unitary member. Planning grounds must be identified for further investigation by the Planning Committee. Call in will normally be by the ward member relevant to the application.

d) One strategic planning committee for dealing with strategic/cross boundary issues and four local area committees, one for each of the area offices in Trowbridge, Chippenham, Devizes and Salisbury. The strategic planning committee is to have the powers to call in a decision made by an area committee which represents a significant departure from policy. The strategic planning committee is also to take on the role of the current Planning Board.

e) A selection of members should sit on the strategic planning and local area planning committees.

f) Other recommendations which are detailed in paragraph 55 relating to:

- Pre-application discussions
- Design guide and panels
- Communication and consultation (including a recommendation relating to West Wiltshire District Council)
- Member training
- Committee meetings
- Enforcement
- Other.

g) Note the aspirations for the future of the Development Control service beyond 2009.

h) Consider whether it would like to set up a further task group to provide member engagement to the planning project group to assist with implementing the detail of the recommendations. A number of the existing members of the first Development Control Task Group have expressed an interest in participating in this new group. The officer support arrangements would need to be determined.

i) Consider whether there are any other recommendations that it would like to make to the Implementation Executive on 9 July 2008.

Development Control Task Group
Fred Westmoreland – Chairman (SDC), Peter Davis (WCC), Bill Parks (WWDC), Ray Parsons (KDC), Ray Sanderson (NWDC)
Supported by Marie Lindsay and Paul Mountford (WWDC)

Appendices
Appendix A   Baseline data and key statistics for Wiltshire
Appendix B   Members planning seminar feedback 24 April 2008
Appendix C   Summary comparison of Wiltshire with other unitary authorities
Appendix D   Notes of a visit to the East Riding of Yorkshire Council 30 April 2008
Appendix E   Town and Parish Council feedback
Appendix F   Members planning seminar feedback 12 June 2008
Appendix G   Committee structure options - analysis and considerations

References
- WCC Local Government Review – Planning Services Business Case

- One Council for Wiltshire – Planning (Development Control)
- Towards One Council – Member Seminar on proposed Local Governance Arrangements 21.01.2008
- Frontline Services Workstream Project Initiation Document
- Frontline Services Workstream – work in progress papers to Implementation Executive - Feb-April 2008
- Comparative data and statistics compiled by the Frontline Services Development Control Project Team

- Planning Advisory Service – A material world: charging for pre-application advice
- Planning Advisory Service – Making your mind up: improving planning decision-making
- Planning Advisory Service – Getting it right first time: how to improve customer first point of contact
- Planning Advisory Service – Getting engaged: how to involve communities throughout the planning process
- Planning Advisory Service – Constructive talk: investing in pre-application discussions
- Planning Advisory Service – Letting the light shine in: showcasing planning beacon authorities

- The 'Planning for a sustainable future' White Paper and the Planning Bill

- Project Initiation Document and papers from the Planning and Regeneration Work stream – Cornwall County and District Councils