

ITEM 8

PERFORMANCE SURGERY TEMPLATE – NI 157

JANUARY 2009

PART A – OVERVIEW

Title of Indicator: NI 157 – Processing of Planning Applications

Indicator definition: Please refer to Annex A

Portfolio: Planning and Transportation

Scrutiny Commission: Planning and Transportation

Accountable Officer: Paul Clarke

Assistant Director: Richard Williams

1. How is the indicator underperforming?

Annex B - Underperformance checklist

Annex C - Historical Performance Results

PART B – ANALYSIS OF CURRENT PERFORMANCE (To be completed by Accountable Officer)

2. Are the performance results 'true' results?

- Yes – It is a computer program.

3. What factors contribute to performance?

Do we have full control over the performance result? If not, what elements can we control?

- No – we are often at the mercy of the applicant when negotiating and receiving improvements to an application as the 'clock' is ticking from receipt of a complete application until signing of any legal agreement

Is there interim monitoring of the indicator? If yes, what do the results tell us?

- Yes I monitor weekly and monthly the team is made aware of their performance and we manage the all important end of quarter performance with most precision.

Are we reliant on a third party for delivering any part of the performance result? If yes, did they agree to support in the delivery of the target?

- Consultees should be responding to the application with their views within 21 days but they can be delayed leading to delays. The Conservation area advisory committee respond and if they object but my recommendation is to approve then we have to place the application before the planning control committee which can result in delays beyond the target period. Equally if we get 4 or more objections the matter has to go before the Committee which can also delay the process.

Does the target need to be reviewed; is information available to do this?

- The target does not need to be reviewed unless different from the national target. Past trends which show a steady rise in performance since 2002/03.

What are the implications of not delivering performance improvements? (i.e. for customers, partners and external assessments)

- The customers are the applicant and neighbours. The former wants an approval within 8 weeks but if we were purely target based they could receive a refusal rather than negotiate improvements which are not customer friendly. Delays in reaching a decision are also frustrating for objectors.

4. What is causing the indicator to under perform?

Do we understand the process, has a process map been completed?

- Yes we had an independent process review undertaken which highlighted areas for change and these have been implemented.

How many stages are in the process, are they all necessary?

- Many – the life of a planning application is complex and goes through many forms until a decision is made.

Are there any resource, capacity or training issues?

- The officers maintain their own CPD but we have far more applications now than we did in previous years and we exceed the government expectation of 150 applications per officer.

Are there sufficient resources to deliver the planned improvements?

- No.

What are the pressure points in the process?

- Getting the applications through their checking /admin process to the officer's desk and then getting the officers time to deal with each different application in a timely manner. There are just too many applications for the existing team to handle without some going beyond the statutory time scale.

What is causing unnecessary delays?

- As each application is different each brings with it its own problems – the staff are all juggling cases and it is to their credit that they have done so well so far with the trend being upwards.

5. What actions could be undertaken to improve performance?

Can the process be altered to improve performance? If so, how?

- Planning consultants have been employed to assist with the workload. This has relieved the initial burden and given some breathing space for the team to move the ever increasing quantity and complexity of applications but not at the expense of the quality of the final decision. We now have 2 frozen posts in reaction to income and applications falling but still need an extra pair of hands to continue to reduce that amount of applications per officer and therefore maintain our performance.

What are the costs of changing the process? Do the performance benefits outweigh financial costs?

- The cost of a consultant can be as high as £500 per application and as we only receive £150 a considerable subsidy would be needed. If we employed another team member rather than paying consultants fees we would reap the benefits rather than paying out to a private company.

Are there additional resources available to improve performance?

- Not from the Development Control budget but some of the Planning Delivery Grant reward could be spent on employing a new pair of hands though this would have to be a temporary measure as PDG is not an infinite resource. As PDG decreases application fee income has risen to compensate. It would need to be recognised that fee income would need to support the loss of PDG commitment such as new staff in the future.

How are other councils doing this?

- Not being as rigorous as Derby in the quality of their decisions? Being smaller with fewer applications? Employing more staff / using consultants to get PDG?

PART C – RESULTS OF PERFORMANCE SURGERY (For completion following the surgery)

Meeting held on 22 January 2009 at 2pm, Roman House Meeting Room

Attendees

Cllr Lucy Care (Chair)
Cllr Chris Poulter
Jonathan Guest
Paul Clarke
Rob Davison
Kate Neale
Heather Greenan
Sally Burton

6. What were the main causes of underperformance discussed?

Staffing issues have caused capacity problems within the section. Overall staffing levels have fallen by 20% due to a combination of sickness, maternity leave and resignations (frozen posts). Planning consultants have been used on a temporary basis to fill some gaps. However it is not a viable option to recruit more staff due to the declining number of development control applications submitted, caused primarily by the economic recession. There is active management of case work per officer – analysis shows that 5 of the current team of 9 are likely to exceed 150 applications per year (the Government expectation).

Development control applications can be delayed for a number of reasons. For example, applications need to be approved by Planning Committee if four people or more object. In addition, if there are conservation/listed building issues, applications need to be considered by Conservation Area Advisory Committee, therefore delaying the process if they object and the planning officer recommendation is to grant then the planning committee must determine.

The economic situation is also causing some delays to the sign off process. Some developers are refusing to sign the S106 agreements to give them more time before having to implement the permission given the 3 years time limit for the planning application

7. What actions were agreed to improve performance? Has an action plan been prepared?

It was agreed attention should be focused focus on 'minor' and 'others' as targets in these areas are potentially achievable. It is unlikely the annual target will be achieved for 'major' applications. The Head of Development Control agreed to submit a revised year-end forecast for quarter three for this indicator.

A consultant has been employed recently to assist with clearing the back-log of applications in the short term.

It was agreed that further actions would be considered to reduce the likelihood of delays in processing applications on a long term basis, including...

1. Process review of the application procedure – discussion took place around changing ways of working to empower case workers, use of ICT tools (for example, e-consultations) and reducing workload by cutting the number of stages an application goes through. The department agreed to consider support / Business Process Re-engineering from the Change Management Team.
2. Setting up a Councillor Working Group to consider a reduction in the delays caused by the timetabling of Planning Committee. Agreed shortened deadlines and amended reporting could assist.

It was stressed that quality is of more importance than quantity and regular monitoring is undertaken on feedback received. The authority is successful at winning planning appeals, which currently stands 70%, indicating the high standard of decisions undertaken. Applicants are also asked to rate their satisfaction with the application process.

8. What are the resource implications of these actions?

There are additional costs of employing a consultant on a short term basis. Two posts are currently frozen.

9. What are the timescales?

It was agreed the Head of Development Control would produce a draft Improvement Plan by the end of January 2009.

This would be circulated to all members of this Group electronically by mid to late February 2009.

Another Cabinet Portfolio meeting would be arranged in April/May time to review the plan – after Quarter 4 reporting.

10. When will progress be reported to Scrutiny?

Progress will be reported to Planning and Transportation Scrutiny Commission in July 2009.

Audit Commission Definition

NI 157: Processing of planning applications			
Is data provided by the LA or a local partner?	Y	Is this an existing indicator?	Y
Rationale	<p>To ensure local planning authorities determine planning applications in a timely manner.</p> <p>This indicator measures the percentage of planning applications dealt with in a timely manner. Averaging out performance across very different types of application would render any target as meaningless. Therefore we have broken them down into four broad categories: major, minor, other, and a measure for all county matter applications. The fourth category only applies to county councils and those authorities who determine predominantly county level minerals and waste applications.</p>		
Definition	<p>Percentage of planning applications by type determined in a timely manner.</p> <p>A timely manner is defined as</p> <ul style="list-style-type: none"> • within 13 weeks for Major applications; • within 8 weeks for Minor and Other applications; and • within 13 weeks for all County Matter applications. <p>Applications that are part of a Planning Performance Agreement and the timetable agreed with developers is adhered to will be excluded from the calculations.</p> <p>All local planning authorities except county matter planning authorities should use CLG form PS2 for supplying information on the planning applications determined. County matter planning authorities should use CLG form CPS1/2.</p> <p>Separate values are required for:</p> <ul style="list-style-type: none"> • Major applications; • Minor applications; • Other applications; and • County matter applications. <p>Definitions for Major, Minor and Other applications are given on the PS2 form. Major applications are entered in rows 1-12; minor applications in rows 13-18; other applications in rows 19-27. The rows referred to above relate to the PS2 form which will take effect from 1 April 2008. The PS2 forms may be subject to change depending on policy data requirements.</p> <p>Definitions for County Matter applications are given on the CPS1/2 form. For county matter authorities, the indicator measured will be the percentage of total planning decisions determined in 13 weeks as</p>		

NI 157: Processing of planning applications

	<p>shown in the section giving details of all planning decisions made on CLG form CPS1/2. County matter authorities assess time for completion of all applications within 13 weeks regardless of whether major or not.</p>		
	<p>Decisions where environmental assessments have taken place should be excluded from the indicator calculation by county matter authorities but not by other local authorities.</p> <p>Determining the processing period of an application: Applications should be marked with the date of receipt. The time period from application to decision for non planning performance agreements (whether paper-based or electronic applications) begins on the day after a valid application and the correct fee (where a fee is payable) have been received and counts as “day 1”. The processing period ends on the date a decision notice is despatched.</p> <p>The notes to the PS2 state that “Time spent in abeyance should be included in the total time taken (on no account should the clock be stopped) and the processing period must not be suspended awaiting amended plans nor restarted upon receipt of amended plans”.</p> <p>Situations where the applicant withdraws a planning application, for example, they have changed their mind about the development, should not be part of the indicator calculation.</p> <p>Cases where the decision goes to appeal: the clock stops ticking on the date when the local authority issues a decision notice. Therefore the period of the appeal is not taken into account.</p>		
<p>Formula</p>	$\left(\frac{x}{y}\right) * 100$ <p>Where:</p> <p>x = number of planning applications determined in a timely manner; y = total number of planning applications determined.</p> <p>Repeat the following calculation separately for major, minor, other and county matter planning applications using the timescales detailed below:</p> <p>Major – 13 weeks Minor – 8 weeks Other – 8 weeks County Matter – 13 weeks</p> <p>When calculating the indicator value please ensure that both the numerator and denominator include only major, minor or other applications, except for county matter applications where both the numerator and denominator should include all applications and be calculated within 13 weeks.</p>		
<p>Worked</p>	<p>For Major applications:</p>	<p>Good</p>	<p>Good performance is</p>

NI 157: Processing of planning applications

example	<p>The number of Major planning applications determined in 13 weeks is 120, while the total number of major planning applications determined is 670. The proportion of major planning applications dealt with in a timely manner is therefore:</p> $\left(\frac{120}{670}\right) * 100 = 17.91\%$ <p>Similar calculations will be done for Minor, Other and County Matter planning applications.</p>	performance	<p>typified by reaching or exceeding the target.</p>
Collection interval	<p>Quarterly (Apr-Jun, July-Sept, Aug-Dec, Jan-Mar)</p>	Data Source	<p>From CLG-PS2 form. CLG – CPS1/2 form for county matter authorities</p>
Return Format	<p>Percentage</p>	Decimal Places	<p>Two</p>
Reporting organisation	<p>Communities and Local Government (Housing Markets and Planning Analysis Division) based on information supplied by local planning authorities.</p>		
Spatial level	<p>Single tier, district, county councils, urban development corporations and national parks authority.</p>		
Further Guidance	<p>County matter authorities are county councils and those authorities who determine predominantly county level minerals and waste planning applications.</p>		

Underperformance Checklist

Name of Indicator: NI 157 – Processing of Planning Applications

Criteria	Evaluation		Comments
	Yes	No	
<p>Is the indicator failing to meet target?</p> <p>Is the indicator 'red' or 'amber'</p>	Yes		<p>There are three separate parts to NI 157 – Processing of Planning Applications and all parts were below target at the end of quarter two 2008/09...</p> <p>157a (major applications)</p> <ul style="list-style-type: none"> • Actual – 40.59% • Target – 60.00% <p>(Indicator classified as 'red')</p> <p>157b (minor applications)</p> <ul style="list-style-type: none"> • Actual – 49.90% • Target – 65.00% <p>(Indicator classified as 'red')</p> <p>157c (other applications)</p> <ul style="list-style-type: none"> • Actual – 71.24% • Target – 80.00% <p>(Indicator classified as 'amber')</p>

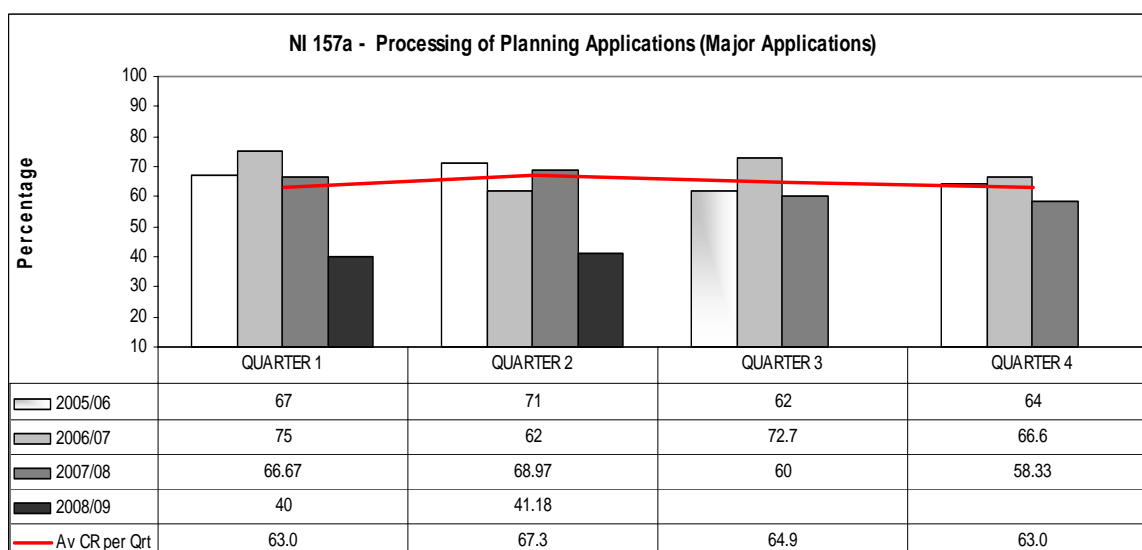
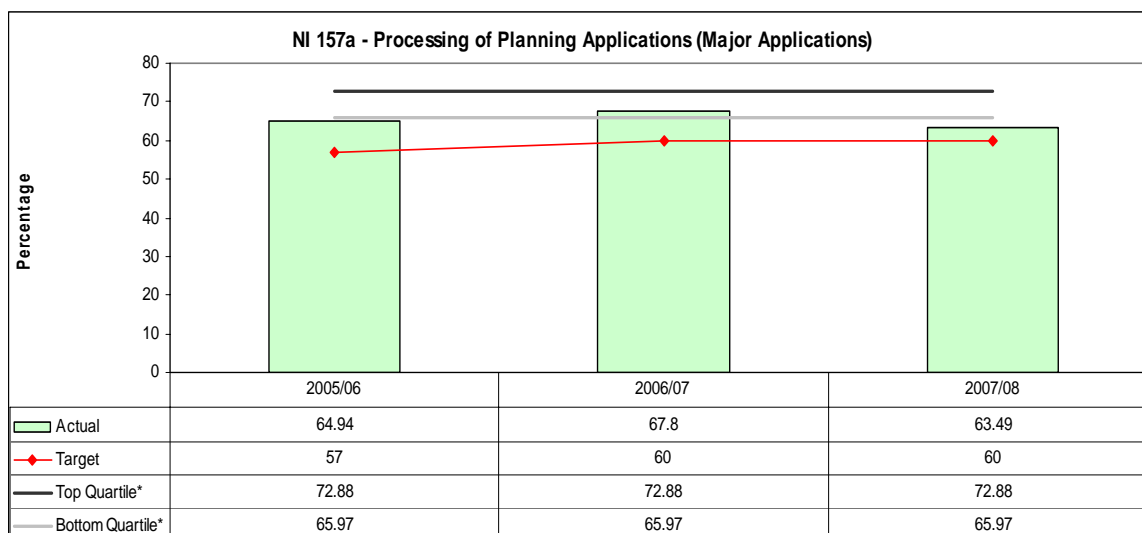
Criteria	Evaluation		Comments
	Yes	No	
<p>Was the target the unrealistic?</p> <p>Was the target stretching enough or has the target been missed by a significant amount?</p>	No		<p>Prior to the introduction of the National indicators set performance of Local Authorities was measured through Best Value Performance Indicators. All elements of NI 157 were previously Best Value indicators and it should be noted that there has been no changes in the guidance notes that support the construction of these indicators.</p> <p>The targets for NI 157b and c have both been reduced by 5% from the targets set for 2007//08, whilst there has been no change in the target set for NI 157a.</p> <p>Based on the past three year's final performance results (2005/06 to 2007/08) all the targets that were set are below historical performance results, as indicated below...</p> <p>NI 157a</p> <ul style="list-style-type: none"> • Three year average – 65.41% • Target – 60% <p>NI 157b</p> <ul style="list-style-type: none"> • Three year average – 69.57% • Target – 65% <p>NI 157c</p> <ul style="list-style-type: none"> • Three year average – 84.13% • Target – 80%
<p>Is the direction of travel deteriorating?</p>	Yes		<p>Performance for all three parts of NI 157 has decline from the positions reported at the end of 2007/08, it should however be noted that there have been some improvements between quarters one and two...</p> <p>NI 157a</p> <ul style="list-style-type: none"> • 2007/08 year end result – 63.49% • Quarter 1 – 40.0% • Quarter 2 – 40.59% (cumulative) <p>NI 157b</p> <ul style="list-style-type: none"> • 2007/08 year end result - 67.82% • Quarter 1 – 40.0% • Quarter 2 – 49.9% (cumulative) <p>NI 157c</p> <ul style="list-style-type: none"> • 2007/08 year end result – 82.16% • Quarter 1 – 66.27% • Quarter 2 – 71.24% (cumulative)

Criteria	Evaluation		Comments
	Yes	No	
<p>Do we compare poorly with other authorities?</p> <p>Are we in the bottom or lower median quartile compared to all unitary authorities?</p>	Yes		<p>All sub-elements of NI157 fall below the 'old Best Value' bottom quartile threshold (2006/07 values).</p> <p>In some instances the cumulative quarter two position is adrift from the bottom quartile threshold by over 20%...</p> <p>NI 157a</p> <ul style="list-style-type: none"> • Quarter two cumulative – 40.59% • 2006/07 bottom quartile – 65.97% <p>NI 157b</p> <ul style="list-style-type: none"> • Quarter two cumulative – 49.9% • 2006/07 bottom quartile – 72.74% <p>NI 157c</p> <ul style="list-style-type: none"> • Quarter two cumulative – 71.24% • 2006/07 bottom quartile – 85.09%
Has our position compared to our peers declined over the past 12 months?	Yes		Our position relative to our peers has fallen across all parts of this indicator.
<p>Is the performance of the indicator moving in a different direction to the national trend?</p> <p>Only tick 'yes' if movement of the indicator is negative.</p>	Yes		<p>National trends for all parts of NI 157 have improved, compared to local figures that are showing deteriorating trends.</p> <p>National trends have shown improvements of X% between 2006/07 and 2007/08.</p>
Does the indicator support a corporate priority?	Yes		The processing of planning applications supports the sixth priority – 'Giving you excellent services and value for money'.
Is this indicator included in our Local Area Agreement or assessed as part of CAA?	Yes (TBC)		Although the indicators to be assessed under CAA are yet to be confirmed the results from all parts of NI 157 have been used to inform the Environmental score in CPA and should therefore be viewed as a 'risk' for CAA assessments.
Has the indicator been previously highlighted as underperforming in the last 12 months?	Yes		Parts NI 157b and c were reviewed through a Performance Surgery in August 2007.

Additional Information

NI 157a – Processing of Planning Applications (Major)

The graph below sets out the performance results for this indicator over the past three years; compared to the 2006/07 quartile positions...



Performance in relation to the processing of major planning applications has experienced consecutive quarterly declines since quarter two of 2007/08, with largest drop in the percentage of applications processed on time being recorded between the end of 2007/08 and the start of 2008/09.

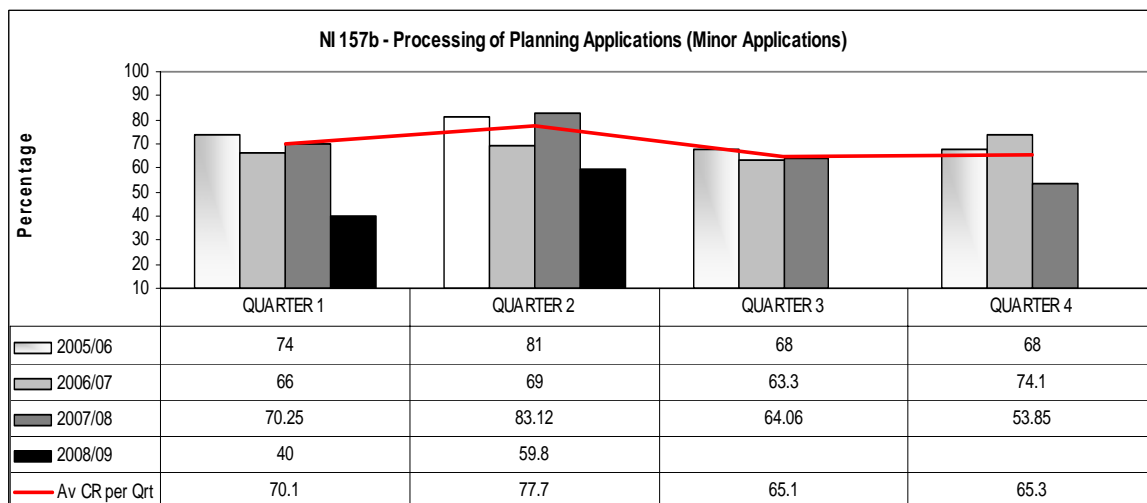
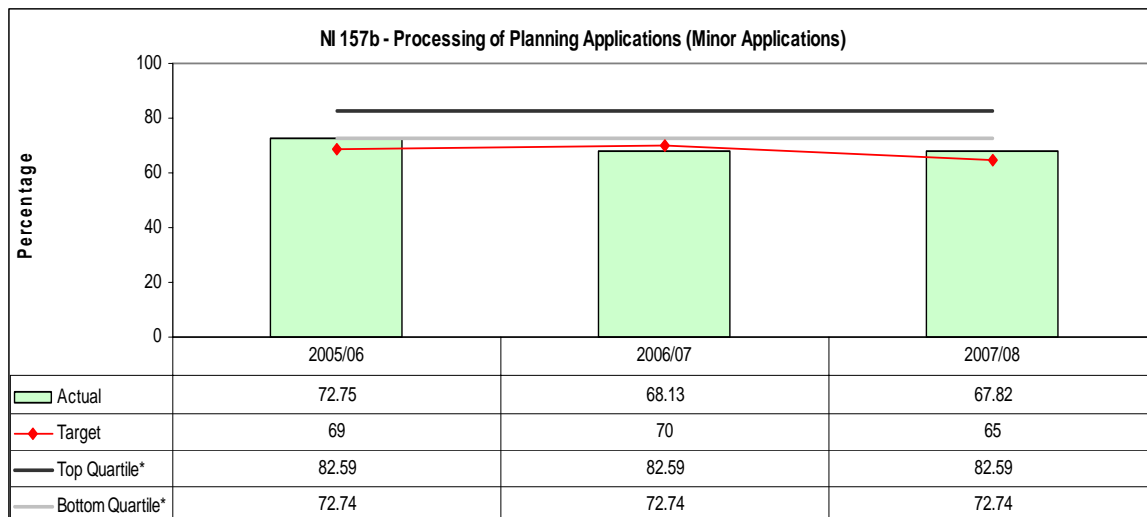
At the end of quarter two of 2008/09 performance was below the bottom quartile threshold by over 25%, which indicates that Derby is now significantly adrift from our peers.

Comments entered onto Performance Eye by the indicator's Accountable Officer at the end of quarter two 2008/09 are set out below...

“The loss of two key officers has impacted on performance during quarter two and those posts remain frozen

NI 157b – Processing of Planning Applications (Minor)

The graph below sets out the performance results for this indicator over the past three years; compared to the 2006/07 quartile positions...



The performance result for the processing of minor planning applications has been subject to a large decline over the past three years. At the end 2005/06 the average percentage of minor applications processed on time was 72.75%, which fell to 68.13% in 2006/07, 67.82% in 2007/08 and the current position of 49.9% at the end of quarter two 2008/09.

Further to this, historical performance information indicates that the largest percentage of applications that are generally processed within the target timescales are recorded within the first two quarters of the year, with performance traditionally falling in quarters three and four.

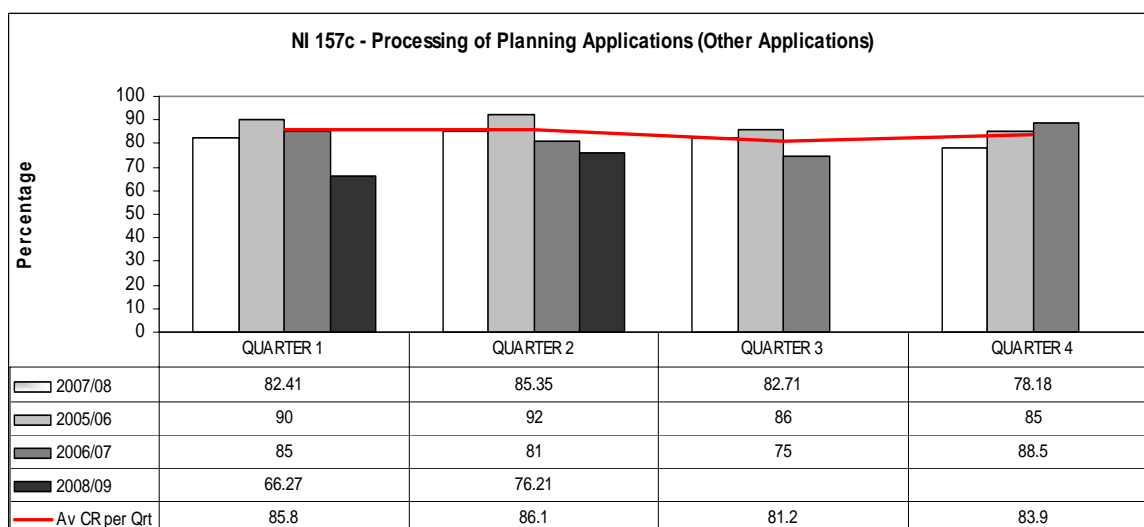
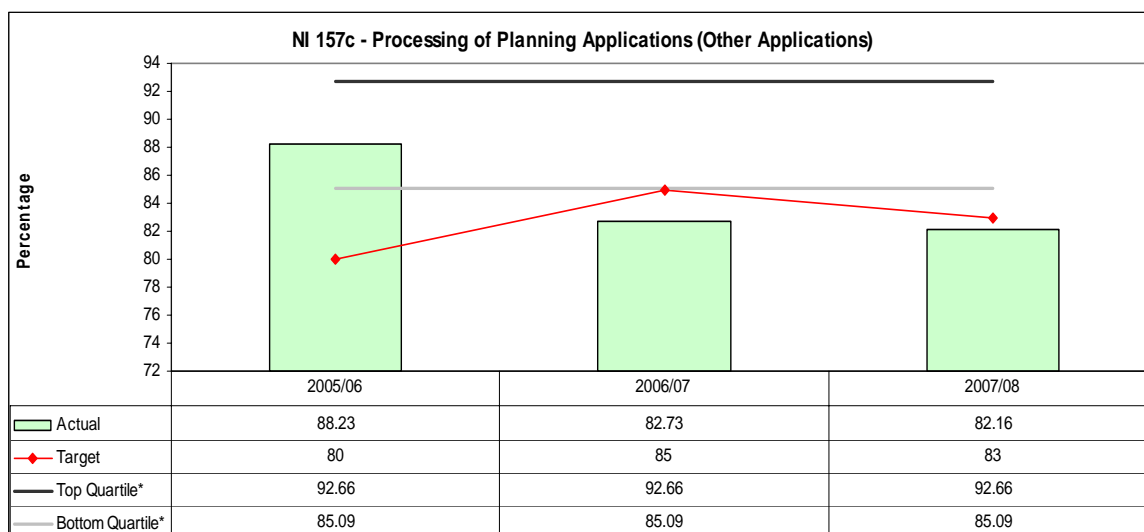
The quarter two cumulative result of 49.9% sits below the 2006/07 bottom quartile threshold of 72.74% by 22.84%.

Comments entered onto Performance Eye by the indicator's Accountable Officer at the end of quarter two 2008/09 are set out below...

“The loss of two key officers has impacted on performance during quarter two; and those posts remain frozen

NI 157c – Processing of Planning Applications (Other)

The graph below sets out the performance results for this indicator over the past three years; compared to the 2006/07 quartile positions...



Prior to the start of 2008/09 performance for the processing of ‘other planning applications’ has always been for the most part above 80%, with only three quarters since the start of 2004/05 falling below the 80% threshold – the performance result for both quarters one and two of 2008/09 fall below 80%.

At the end of quarter two of 2008/09 performance was below the bottom quartile threshold of 85.09% by 13.85% and despite an improvement between quarter one and quarter two the current cumulative position of 71.24% is the lowest cumulative result recorded at the end of any quarter two period since 2004/05.

Comments entered onto Performance Eye by the indicator's Accountable Officer at the end of quarter two 2008/09 are set out below...

"The loss of two key officers has impacted on performance during quarter two; and those posts remain frozen