



Derby City Council

**PLANNING, HOUSING AND LEISURE
OVERVIEW AND SCRUTINY BOARD
13 November 2012**

ITEM 9

Report of the Strategic Director of
Neighbourhoods

Planning Peer Review

SUMMARY

- 1.1 In January 2012 a planning peer review was carried out by the Planning Advisory Service, PAS. The review was carried out on a voluntary basis with no additional costs incurred by the authority.
- 1.2 The aim of the peer review was to help the planning service, including development control, planning policy and regeneration, to consider which aspects of the Council's planning functions work well and where improvements could be made.
- 1.3 This report provides details on the background to the peer review, key findings and recommendations arising from the review.
- 1.4 An improvement action plan has been drafted for member consideration.

RECOMMENDATIONS

- 2.1 To note the recommendations arising from the review as shown in Appendix 2.
- 2.2 To consider the improvement action plan and endorse the proposals outlined in Appendix 3.

REASON FOR RECOMMENDATIONS

- 3.1 Improvement action planning forms part of the Council's agreed performance framework. In addition the purpose of action planning is to look at where and how improvements to service provision can be made. This process therefore supports one of the Council's priorities, for 2011-14, to have 'Good-quality services that meet local needs'.

SUPPORTING INFORMATION

4 Background to the Peer Review

- 4.1 In September 2011 a Performance Surgery was held to review the performance of the following two measures...
- P&FM 04 (NI 157b) - Processing of planning applications as measured against targets for 'minor' application types.
 - P&FM 05 (NI 157c) - Processing of planning applications as measured against targets for 'other' application types.
- 4.2 The performance surgery, attended by the Cabinet Portfolio holder and Scrutiny Chair, aimed to establish the reasons behind the performance and identify ways in which it could be improved.
- 4.3 One of the improvement proposals arising from the Surgery was to consider taking part in a peer review. This was arranged, for free, through the Local Government Association and delivered by the Planning Advisory Service, PAS, over three days in January 2012.

5 Peer Review Overview

- 5.1 The Peer Review Team was on site from 11 to 13 January 2012. The team included two PAS representatives as well as two Members and two officers from other local authorities. All members of the team had expertise and working knowledge of the planning arena.
- 5.2 The scope of the review was to focus on...
- Mainly Development Control functions.
 - The delegation and constitutional arrangements and the reporting requirements of Planning and other committees.
 - The Council's overall strategic direction and approach to delivering services.
- 5.3 Prior to the review, a self assessment was drafted and sent through, together with a set of key documents relating to the planning functions and services, to the review team. The information was given to the review team to help them develop an understanding of the planning processes and working situation in Derby and for them to identify areas for further exploration whilst onsite.
- 5.4 To help inform their findings the review team met with a wide cross-section of people whilst onsite. This included elected members from Cabinet, Neighbourhood Scrutiny Commission, Planning Control Committee and the Conservation Area Advisory Committee, as well as officers, partner organisations, agents, local residents and other stakeholders.

5.5 The review was concluded with a feedback presentation delivered by the review team to key Cabinet and Scrutiny Members and senior officers who had been involved in the process. The presentation focussed on five themes which were central to the review team's onsite investigations, these were...

- Vision and leadership.
- Community leadership.
- Management.
- Partnership working.
- Achieving outcomes.

Areas of strength, areas for consideration and implications were highlighted for each of these themes.

5.6 The review team also produced a detailed written report which provided more evidence on their findings and recommendations. Officers provided feedback on the report before the recommendations were finalised.

5.7 A summary of the report and the recommendations / responses can be seen in Appendix 2. Key issues include...

- The need to move from a Development Control framework to a Development Management approach.
- There is an opportunity to develop a more joined up approach to planning between the Development Control, Planning Policy and Regeneration teams.
- The peer review team recommended that the Council should undertake a review of constitutional arrangements to support more efficient planning processes.

6 Post Peer Review

6.1 Since the conclusion of the onsite review, two members of the peer review visited the Council again, meeting with several senior officers, to explore further opportunities for support and to clarify any queries with the final written report.

6.2 An improvement action plan has been drafted to address the recommendations from the peer review. The action plan is shown in Appendix 3. The key areas that the action plan is focussed on are:

- Preparing and implementing a Development Management Approach
- Improvements to Planning processes
- Delivering the Core Strategy
- Engagement, consultation and feedback

6.3 The action plan and the summary document were considered by COG and the main comment from COG was to welcome the setting up of a Steering Group, which should also include strategic housing officers.

- 6.4 Members of Planning Control Committee and the Planning, Housing and Leisure Scrutiny Board are being asked to review and endorse the content of the action plan.
- 6.5 Once approved the action plan will form part of the Planning and Facilities Management (P&FM) Department's business plan and will be monitored for progress on a quarterly basis. Appropriate actions will also be incorporated in to the Regeneration Department's business plan.
- 6.6 In the P&FM Department's business plan for 2012/13, focus has shifted somewhat from the processing speed of planning applications to being more of a balance between the speed and quality of service delivered. Several new local performance measures have been added to the business plan and are being monitored on a quarterly basis.
- 6.7 During 2012/13 the service is looking to further develop the performance measures it uses to monitor its performance to include measures which start to focus on the quality of planning applications and building designs proposed for development within the City. It is anticipated that this will start to draw together more closely all three services involved in planning function - Development Control, Planning Policy and Regeneration.

7 Next Steps

- 7.1 Once endorsed implementation of the action plan will commence. Where the implementation of any actions (outlined in Appendix 3) result in proposed changes to planning processes or the constitution, a report will be taken to Full Council to seek approval.
- 7.2 Progress in implementing the action plan will be reported to the Scrutiny Board on a six monthly basis.

OTHER OPTIONS CONSIDERED

- 8.1 None.

This report has been approved by the following officers:

Legal officer	Not applicable
Financial officer	Not applicable
Human Resources officer	Not applicable
Service Director(s)	Christine Durrant, Richard Williams
Other(s)	Paul Clarke, Rob Salmon, Heather Greenan

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Review recommendations and responses Appendix 3 – Improvement action plan

IMPLICATIONS

Financial and Value for Money

- 1.1 The proposals seek to streamline the planning processes, applying a corporate development management approach to economic regeneration. There is no cost in doing these essential activities in a smarter way.

Legal

- 2.1 None.

Personnel

- 3.1 None.

Equalities Impact

- 4.1 None.

Health and Safety

- 5.1 None.

Environmental Sustainability

- 6.1 None.

Asset Management

- 7.1 None.

Risk Management

- 8.1 None.

Corporate objectives and priorities for change

- 9.1 The Peer Review and the action plan arising from it help to support the 2011-14 Council Plan priority of 'Good-quality services that meet local needs'.

Planning Peer Review – Findings, recommendations and council responses

Key findings

Derby City Council benefits from a number of strengths. There is a clear vision for the future for Derby among the senior political and corporate Leadership at Derby City Council. The Council has a clear focus on promoting Derby as an attractive proposition for potential investors. There is a strong vision for Derby (particularly in economic terms) and this provides a good foundation for the spatial vision as the core strategy moves towards adoption. There is a good basis for community engagement. All elected members are involved at ward level through Neighbourhood Boards and there is a clear passion demonstrated by members who value these for engaging with their communities. Derby City Council's Planning Control Committee works well in relation to explanations of appeals and decisions and the considerations which inform these, the opportunities for the public to contribute and use of accessible IT for displaying of plans. The Conservation Area Advisory Committee (CAAC) is valued by local architects, agents and developers and its contribution is generally well received as it provides a valuable additional means of utilising local input to making good planning decisions. There are good working relationships between officers and members as well as between Derby City Council and its neighbouring authorities in Amber Valley and South Derbyshire.

It is clear that many of the Council's projects and initiatives are focussed on delivering growth and there is a shared recognition that this is strategically important for Derby. The Council could utilise its Policy and Development Control functions within Planning as an integral part of a high level panel of senior officers from across the authority providing a single point of coordination. This group could lead on (i) the prioritisation of projects (ii) establishing project working groups to deliver on these through all stages of the process and (iii) overseeing the project management of such projects and delivery of desired outcomes in a timely and efficient manner. This co-ordinating panel could also provide an appropriate forum to "own" a Derby development/sites intelligence register.

There is also an opportunity to improve the linkages between the pro-active work being done to market Derby to investors and subsequent implementation. The Council would benefit from adopting a clear Development Management approach which involves relevant officers from across the Council (Development Control, Planning Policy and Regeneration) at the appropriate time in the delivery process.

It will also be important for any review of constitutional arrangements relating to the Council's committees to be an integral part of this overall process. This is important for ensuring that this builds on positive aspects of the current arrangements and be transparent, reasoned, coherent and effectively communicated to ensure partner and wider community buy-in.

The Council's business planning in relation to Planning contributing to outcome achievement could be strengthened. A strategic business plan for the planning service backed up by a strong suite of performance measures would better support process efficiency and better articulate the role of Planning in contributing to the delivery of outcomes which are important to the Council as a whole. It will be important to align these performance measures to an active process of assessing

built developments. Working with elected members and external stakeholders can help to establish what these measures could be. This data could contribute to renewing and reinvigorating the annual monitoring report so that it can act as a prospectus for the planning service.

The Council is seeking to utilise PAS benchmarking data in order that it can better understand the costs of the Council's Planning service. This benchmarking covers both direct and indirect costs of staff and includes overhead charges. Utilising this benchmarking data against other councils will contribute positively to Derby City Council's decision-making and budgetary considerations. The Council would also benefit from making use of this data (including the customer feedback and user panel input) in planning and prioritisation for future improvement.

The absence of a Core Strategy does not appear to be recognised by everyone as posing a significant risk to the Council in terms of delivering the long term vision for the city. The Core Strategy will play an essential role for the Council if it is to successfully achieve its long term growth and development ambitions and this should be advocated and communicated, both widely and effectively. The Council should ensure that regular communication on progress is monitored by the Cabinet and Chief Officer Group in order that accelerated progress can be achieved. Having up to date spatial policy documents is key to providing a clear basis for future investment and good decision making and will make the processing of planning applications more efficient e.g. reducing the need for referral to policy officers for advice. This would help enable the move to a more effective development management approach and ensure that decisions that are made better reflect the aspirations of both the Council and Derby's communities.

Recommendations

To help Derby City Council to improve further the team has made a number of recommendations.

Recommendation 1: Establish a more joined up and systemic corporate vision for planning policy, regeneration and development control. Ensure that individual service functions understand how they contribute to this broader vision and have mechanisms in place to plan and review their activities within this broader context.

Accepted – we will establish a Development Management Framework that will set out clear roles and responsibilities for relevant services.

Recommendation 2: The Council should actively work towards achieving a more seamless, joined up and cohesive set of working practices between Development Control, Policy and Regeneration. For large scale applications a high level panel of senior officers from across the authority providing a single point of coordination should be established. The Planning service needs to be an integral part of this group to help ensure improved communication and joint strategic planning approach to support better alignment and delivery of the long term vision for Derby (as articulated in the Derby Plan).

Accepted – we will confirm lead officers within the key development management functions.

Recommendation 3: Develop a strong business plan for the Planning Service. Ensure that this articulates the overall vision for Planning and includes clear actions that will be taken in order to achieve this. This plan should concentrate more on the overall outcomes to which these actions will contribute rather than process issues. The AMR could be used to highlight the delivery achievements of the planning service.

Accepted – we will add the action plan, detailed below, to the 2012/13 Business Plan and monitor the implementation on a quarterly basis. Further development around performance measures will be undertaken during 2012/13 with a view to reflecting the findings in the 2013/14 business plans for Planning and Regeneration.

Recommendation 4: Carry out a review of constitutional arrangements. These should build on positive aspects of the current arrangements and be transparent, reasoned, coherent and effectively communicated to ensure partner and wider community buy-in.

Accepted – we will review constitutional arrangements and consult on any recommended changes with the Planning Control Committee, Neighbourhoods Scrutiny Commission and wider stakeholders.

Recommendation 5: Ensure that the culture of a proactive, problem solving development management service is disseminated throughout the Planning service. This would ensure that those dealing with planning proposals can demonstrate consistently positive behaviour in helping to shape all development proposals. This in turn will contribute positively to improving the ability of Derby City Council to deliver the economic, social and environmental outcomes it seeks.

Accepted – in addition to the development management framework we also plan to set up regular working group meetings to allow greater sharing of information and identification of future development opportunities.

Recommendation 6: Advocate and communicate more actively and widely the role of the Core Strategy to achieving council ambitions in spatial terms. Ensure that regular communication on progress is monitored by Cabinet in order that the emerging local plan documents are taken forward as soon as possible in order to provide a clear basis for future investment and good decision making.

Accepted – we will, when drafting the Core Strategy, reflect its pivotal role in supporting the Economic Strategy and plan to raise the Core Strategy's profile at future events such as those held by Marketing Derby.

Recommendation 7: Utilise the PAS benchmarking data to better understand the costs of the Derby City planning service and its ability to deliver functions based on the funding it has available.

Accepted – we will analyse the PAS benchmarking data on cost recovery and identify any further benchmarking exercises that may be required.

Recommendation 8: Use customer feedback and user panel input as part of any business planning and improvement strategy.

Accepted – we will look to identify ways to capture feedback and incorporate these actions into the action plan shown below.

Recommendation 9: Continue to consider the Council's role in supporting planning issues relating to neighbourhoods and areas in the city and the arrangements for Neighbourhood Forums. Ensure that these are consistent with the Localism Act 2011 which becomes law in April 2012.

Accepted – we will identify actions that need to take place in relation to planning issues and the Localism Act and will update the action plan below with the proposals.

Recommendation 10: Consider and assess the implications of further opportunities for greater partnership working and shared services with other councils. Also consider other alternative models for service delivery as part of a response to the Government's white paper on Open Public Services.

Accepted – we will review partnership working arrangements as part of any future overall strategic debates.

Recommendation 11 Ensure that a clear way of engaging members in the Core Strategy development process is identified and that any development and training for Councillors is more robustly evaluated.

Accepted – we plan to hold meetings with the three party leaders in a six monthly basis and will also update the Corporate Induction presentation to reflect some of the earlier recommendations around seamless, joined up working with Regeneration.

Draft Action Plan – Planning Peer Review

Ref	Action	Deadline	Lead		Involve/ Consult	Risks	Progress	Rec Link
			Dept	Officer				
Preparing and implementing a Development Management Approach								
1	Establish a Development Management Steering Group to assist in drafting a Development Management, DM, Framework and Protocol.	In place	Planning and Facilities Management, P&FM Regeneration	Christine Durrant Richard Williams				Rec 1 Rec 2 Rec 5
2	Draft a DM Framework and Protocol* and seek approval for the adoption of the approach. *Protocol to include key elements of how officers proceed with planning enquiries, how information should be shared, how to achieve a seamless approach across all those involved in planning applications/decisions – see end of table for more details	January 2013	DM Steering Group	Christine Durrant	COG Cabinet Member Planning Control Committee Scrutiny			Rec 1 Rec 2 Rec 5
3	Promote and raise awareness of the DM approach (Framework and Protocol).	March 2013	DM Steering Group	Paul Clarke				Rec 1 Rec 2 Rec 5
4a	Integrate the DM approach into 2013/14 business plans for Regeneration and Planning and Facilities Management. (Plans should contain the same Derby Plan indicators – showing where teams lead and support).	March 2013	P&FM Regeneration	Christine Durrant Richard Williams				Rec 3

Appendix 3

Ref	Action	Deadline	Lead		Involve/ Consult	Risks	Progress	Rec Link
			Dept	Officer				
4b	Review strategic delivery plans in place to support the Derby Plan to ensure they are comprehensive and robust (such as Economic Strategy and City Centre Regeneration Framework).	In place	Performance and improvement / City and Neighb'd Partnerships	Heather Greenan	Derby Renaissance Board Performance & Commissioning	Delivery plans may not be in place to support delivery of Derby Plan outcomes and indicators	Completed (July 2012)	Rec 3
5	Review the appropriateness of planning performance measures to represent all aspects of service provision (for example, quality, customer focus and employee development).	March 2013	Development Management	Paul Clarke		Dependant on Building for Life	On track - Revised measures included in 2012/13 slight shift from speed to quality of service	Rec 3
6	Identify training requirements as part of the business planning process for staff and identify ways in which skills and expertise can be maximised through for example shadowing, on job experience.	March 2013	P&FM Regeneration	Christine Durrant Richard Williams			On track – Workforce development plan included in 2012/13 business plan	Performance Surgery
7	Integrate DM approach to all Members training inductions/ briefings on a regular basis to consider the wider role of planning and highlight how key strategies link together (Derby Plan, Economic and Core Strategy).	May 2013	Democratic Services	Phil O'Brien				Rec 11
Improvements to Planning processes								

Appendix 3

Ref	Action	Deadline	Lead		Involve/ Consult	Risks	Progress	Rec Link
			Dept	Officer				
8	Review constitutional arrangements for Development Control (including CAAC), to allow more timely decision making and better customer service, and consult on recommendations.	May 2013	DM Steering Group	Paul Clarke	Member Panel Planning, Housing and Leisure Scrutiny Board Full Council			Rec 4
9	Revise the current Briefing Note procedure with a view to reducing the number produced.	In place	Development Management	Paul Clarke			Completed – Agreement received to only produce if officers feel appropriate	Performance Surgery
10	Review the options for implementing an Architects Comparison Scheme. (shows the success rates of architects in submitting planning applications first time, without errors or amendments needed)	March 2013	Development Management	Paul Clarke	COG Member Panel PCC (to note)			Performance Surgery
11	Undertake benchmarking, particularly on cost recovery, to gain a better understanding of issues and peers approaches.	March 2013	Development Management	Paul Clarke				Rec 7
Delivering the Core Strategy								

Appendix 3

Ref	Action	Deadline	Lead		Involve/ Consult	Risks	Progress	Rec Link
			Dept	Officer				
12	Complete preparation of the Core Strategy, to publication stage: <ul style="list-style-type: none"> philosophy that 'Derby is open for business' links to key objectives including the Derby Plan, Climate Change , Economic Strategy and the City Centre Regeneration Framework land usage and availability, development issues, types of business/development that may be appropriate in various areas. 	June 2013	Spatial Planning and Climate Change	Rob Salmon	Cabinet PHL Board		On track - Consultation has recently commenced on the preferred growth strategy stage of the Plan	Rec 6
13	Promote the Preferred Growth Strategy, during the consultation period, through Derby Renaissance Board, Marketing Derby, HMA event	December 2012	Spatial Planning and Climate Change	Rob Salmon	Key stakeholders		On track - consultation has recently commenced	Rec 6
14	Hold meetings, at least every six months, with the leaders of the three political groups to keep them informed of progress on the Core Strategy	In place	Spatial Planning and Climate Change	Rob Salmon	Political groups		On track – Meetings with Members are being offered	Rec 11
Engagement, consultation and feedback								
15	Liaise with other authorities to establish ways in which they gather feedback from agents and developers and consider options for Derby	Ongoing	P&FM	Paul Clarke				Rec 8

Appendix 3

Ref	Action	Deadline	Lead		Involve/ Consult	Risks	Progress	Rec Link
			Dept	Officer				
16	Consider options for developing an all purpose planning agents and developers forum to obtain feedback on the planning process	June 2013	P&FM	Christine Durrant				Rec 8
17	Identify what the Council will need to do in relation to planning issues and the arrangements for Neighbourhood forums with the passing of the Localism Act and update this action plan with the proposals	Complete - April 2012	P&FM	Rob Salmon			On track – Report taken to Cabinet April 2012	Rec 9
18	Review, as and when, partnership working arrangements as part of any future overall strategic debates	Ongoing	P&FM	Christine Durrant			On track – Currently working with archaeology, Derbyshire Wildlife Trust and World Heritage sites To be considered as part of Shape of the Council redesign work	Rec 10

*Further to the detail against Action 2, the Development Management Protocol will outline how the DM approach will work in practice including details on:

- entry points/officers for developers to liaise with and discuss potential developments
- how officers should proceed with different types of planning enquiries, who to involve and at what stage
- how best to share information across the different planning functions (Development Control, Planning Policy, Regeneration)
- monthly operational level meetings to review enquiries received/ future development areas
- practices for major developments such as establishments of high level teams, arrangements for Keeping in Touch meetings to shape proposals

- staff briefings, frequency, format and forum.