

REPORT TO: PLANNING AND TRANSPORT COMMITTEE - 11 JUNE 2007

REPORT ON: DEVELOPING THE NEW PLANNING PERFORMANCE ASSESSMENT FRAMEWORK

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 275-2007

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the agreement of the Committee to a response to the Scottish Executive's Consultation Paper on Developing a New Planning Performance Assessment Framework.

2 RECOMMENDATION

- 2.1 It is recommended that Members agree to respond to the Scottish Executive Consultation Paper, developing the New Planning Performance Assessment Framework, in the terms set out in the Appendix to this report.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report.

4 SUSTAINABILITY POLICY IMPLICATIONS

- 4.1 There are no direct sustainability implications arising from this report.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 This report is consistent with Dundee City Council's Equal Opportunities Policy in respect that supports widespread participating consultation.

6 BACKGROUND

- 6.1 Assessing and improving performance in planning is a key strand of modernisation and was set out in the White Paper, Modernising the Planning System (2005). Part 7 of the Planning etc (Scotland) Act 2006 introduces new powers to assess planning authority performance. The consultation paper sets out the proposed framework within which these new statutory powers will sit.

- 6.2 The Scottish Executive has been carrying out non-statutory audits of local authority planning services including those of Dundee City Council. The White Paper, Modernising the Planning System, announced the intention to place audits on a statutory footing, providing a clearer process for making and following up recommendations to planning authorities. Scottish Ministers are keen to see continued improvements in planning performance to help support the overall aims of modernisation.

- 6.3 The Planning etc (Scotland) Act 2006 introduced new powers to assess planning authority performance and provides for three types of assessment:

a A general assessment of functions under the Planning Acts;

- b An assessment of particular functions under Planning Acts eg development planning or development management; and
 - c An assessment of how a planning authority deals with applications for planning permissions, particularly the basis for decisions, the process for decision making and the extent to which decisions are in line with the development plan or advice from Scottish Ministers.
- 6.4 The Act also allows Scottish Ministers to request information from planning authorities in respect of their planning functions and grants powers of direction and intervention covering all planning functions.
- 6.5 The Scottish Executive Consultation Paper proposes that the assessment of planning performance should be based not only on formal assessments, but also around a broader framework comprising of five key themes; self evaluation, assessment, information, sharing good practice and supporting planning authorities.
- 6.6 The consultation paper anticipates that self-evaluation should be focussed clearly on delivering an effective planning service. The emphasis will be on recording continuous improvements against a range of performance measures rather than focussing on simple targets. All planning authorities are to be subjected to periodic assessment, probably not more than once every 5 years. A function-specific assessment may be triggered where performance falls in one part of the service. Such an assessment may be triggered where significant concerns have been expressed to Ministers. Those concerns could relate to high levels of referrals of applications contrary to the development plan, decisions consistently being taken against officials' advice or a number of complaints to the Ombudsman being upheld. The assessments will be undertaken by a dedicated assessment unit from the Scottish Executive. The gathering of information is intended to take on board and develop the existing requirements for planning authorities to submit statistical information to the Scottish Executive. However, a more frequent system of reporting and publishing results is proposed in the paper. It is intended that the assessment unit would use a range of methods to share good practice such as the Internet, publications on particular themes or inter-authority workshops. Where appropriate good practice could also be drawn from outside Scotland. The Executive are keen to develop a support package to help improve performance. To that end they have already launched the Planning Development Programme to address training needs and skills gaps. The assessment team will consider training and skills issues in drawing up the recommendations in individual assessment reports.
- 6.7 The new performance measures and guidance on the performance assessment framework will be published to coincide with the commencement of the main elements of the new planning system. This is currently estimated as being in the summer of 2008. The first local authority assessments are likely to start no earlier than Spring 2009. In the meantime the Consultation Paper seeks the views of local authorities through a response to a series of questions. These questions and the suggested responses are set out in the Appendix to this report. A copy of the Consultation Paper is available in the Councillors' Lounges.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 None

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APPENDIX 1

QUESTION 1	<i>Do you agree that there should continue to be a range of quantitative and qualitative measures for monitoring performance?</i>
	Yes. However all quantitative measures have to be realistic and proportionate against the increasing complexity of development management processes and the likely continuing downward pressure on resources. The move away from a target based approach is welcomed.
QUESTION 2	<i>What other effective ways of monitoring performance could be used?</i>
	Performance of Local Planning Authorities can be hugely influenced by the "performance" of applicants, agents and consultees and any measures to explore the effectiveness of their engagement would be welcomed as part of the exercise
QUESTION 3	<i>What are your views on the proposed set of performance measures?</i>
	<p>These are very wide ranging and it will obviously be problematic for authorities to measure their performance against each. It is likely that each authority will select a set of criteria against which they will continuously measure their own performance. The paper does not outline how this part of the exercise is to work e.g. how are the criteria to be selected in order to give the Executive a set of benchmarks against which the auditors can compare relative performances. Further guidance from SE will be required.</p> <p>Merely having a Scheme of Delegation in place is not a particularly good criteria as each authority will have to have this anyway. A measurement of effectiveness of the scheme is needed eg</p> <ul style="list-style-type: none"> • % of applications referred to Committee which were decided contrary to officer recommendation • % of applications referred for Committee determination which would otherwise have fallen to be determined under an authority's Scheme of Delegation (as a measure of the effectiveness of Section 43A (6) of the Act) <p>The 2 month period for the purposes of performance assessment has become increasingly meaningless and either 3 or 4 months might in future be used.</p> <p>Many of the suggested criteria for assessment need to be refined in order to eliminate YES/NO answers. However some would be appropriate if they are the basis for discussion between the auditors and the authority.</p>

QUESTION 4	<i>Do you have ideas for additional measures, particularly qualitative?</i>
	Number of applications p.a. received/determined per DM case officer review duty to all existing TPOs. An additional indicator relative to the new?
QUESTION 5	<i>Do you agree that there should be a rolling programme of general assessments and, if so, is the 5-yearly cycle appropriate?</i>
	Yes.
QUESTION 6	<i>Do you support the proposed approach to determining whether Ministers should initiate a function-specific assessment or an assessment of patterns of decision-making? What kinds of considerations should Ministers take into account in each case?</i>
	If function specific triggers are used the Executive will have to decide on the basis of trends whether a function specific audit is needed. This could be difficult for the Executive to cope with given the broad variety of potential statistical trigger across all authorities. Perhaps a six monthly evaluation across a range of criteria for each authority should be adopted and a formal audit programme prioritised against this.
QUESTION 7	<i>Do you agree that planning managers and others should be involved as advisers on the assessment team?</i>
	Yes. However it is important that the advisers have an understanding of development management processes and procedures. There would be a concern that advisers appointed from external agencies without relevant qualifications or experience will be effective
QUESTION 8	<i>How should advisers be selected for involvement?</i>
	COSLA /SSDP/RTPI could play a role in nominating suitable officers.
QUESTION 9	<i>What other assessment methods might be employed by the assessment team?</i>
	Depending on the outcome of an assessment it should be open for the advisers/auditors to take their evaluation exercises beyond the local authority concerned if necessary.
QUESTION 10	<i>What other ways of marking performance could be used?</i>
	No comment.
QUESTION 11	<i>Do you support the proposed approach to post-assessment action?</i>
	Depending on Committee cycles 3 month for a formal response report may be a bit tight.

QUESTION 12	<i>How often should performance information be collected by the Scottish Executive?</i>
	Depending on the number of criteria to be continually assessed reporting could be very time consuming for authorities to undertake and for SE to evaluate. Too frequent reporting could also be cumbersome. Perhaps a quarterly reporting regime to replace the current 6 monthly return could be introduced. If necessary certain DM statistics could be returned on a monthly basis.
QUESTION 13	<i>What issues might be raised by extending the amount of performance information collected and changing the way in which it is gathered?</i>
	Planning Authorities will have to investigate how they are to put in place an efficient system for gathering and reporting its information across all relevant planning functions. The greater the number of criteria to be assessed the more information that needs to be assessed
QUESTION 14	<i>What ways of sharing good practice would you find most useful?</i>
	Website, Newsletter, PAN, An Annual Conference.
QUESTION 15	<i>What other measures might be used to support planning authorities?</i>
	The suggested introduction of a new category in the Scottish Awards for Quality in Planning scheme for the most improved planning authority is supported.
QUESTION 16	<i>What sanctions might be appropriate against poor performance, particularly non-financial options?</i>
	The question misses the point about this being a positive encouragement of continuous improvement. Sanctions are negative and should not be used even if we could come up with a credible method of sanctioning which is not fiscal. The continued use/misuse of "league tables" which do not lend themselves to this kind of process should be abandoned.

ADDITIONAL INFORMATION

- 1 Secondment: It might be useful for planning staff from the Executive to be seconded to planning authorities to support the assessment process.
- 2 E-Planning: Items such as online viewing of planning applications are of interest, but cannot be described as an indicator of performance. These are elements over which a planning authority has no control and therefore perhaps the only thing it measures is the computer literacy of the catchment population. Further the standards for E-planning are being largely harmonised through the efficient government fund project implementation process so realistically all authorities will have the same results for these headings, or have very little influence over timescales for implementation.

- 3 Policy: this has indicators such as the number of affordable housing units delivered, amount of green belt land released. It would be unwelcome if Dundee were to be marked down for failing to show positive statistics in these areas by virtue of us not having a green belt (not needing it?) nor having an affordable housing policy (again deliberate omission as it wasn't/isn't an issue in Dundee).
- 4 The above issues aside I reckon that monitoring of the service is a good thing if it's directly associated with the need, desire and capacity for improvement. In addition it may also offer an opportunity to identify national averages and perhaps strains on the planning system that are generated by the new duties that result from the recent Act. With these indicators in place it may be no bad thing if the Scottish Executive were to assess the implementation of their new policies / proposals in respect of what effect it may have on a local authorities ability to maintain such standards.