

LONDON BOROUGH OF BRENT

EXECUTIVE MEETING

15th November 2004

FROM THE DIRECTOR OF ENVIRONMENT

FOR ACTION

NAME OF WARD ALL

REPORT TITLE : AUDIT COMMISSION INSPECTION OF THE PLANNING SERVICE IN BRENT 2004

Forward Plan Ref: ES-04/05-268

1.0 SUMMARY

- 1.1 This report introduces the result of the Audit Commission's Inspection of Brent's Planning Service in June 2004 (Appendix 1). The inspection result forms part of the Government's Comprehensive Performance Assessment of Brent Council and the inspection measures the impact and effectiveness of Brent's service delivery against national standards and priorities as well as the locally identified priorities.
- 1.2 The report also outlines the recommendations of the Audit Commission Inspection and an Action Plan to take the recommendations forward (Appendix 2).

2.0 RECOMMENDATIONS

- 2.1 Members are recommended to:
 - a) Note the inspection result and comments made in the Inspection Report.
 - b) Approve the Action Plan to address the issues raised in the report.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The Inspection report identifies the service as being financially sound with effective budget management and control and readily available financial management information. The Inspectors noted the additional funding that had been agreed for the service in the last two years and the high level of the Planning Delivery Grant secured.
- 3.2 The handling of section 106 money was examined and the steps taken by the Council to secure a more effective spend of 106 monies acknowledged. The report recommends that this is an area that the Council needs to review on a regular basis.

3.4 The funding for actions contained in Appendix 2 are either identified within the service budget for 2004/05 or will be dependent on a good Planning Delivery Grant award for 2005/6. The Government has recently announced a continuation of the PDG regime beyond 2006 although the details of how it will continue to be administered are unclear. Members will be aware that the Grant already covers some agreed growth expenditure and recruitment and retention cost within the Planning Service. A recent report also highlighted the additional costs that will need to be borne through the preparation of the new Local Development Framework following the Planning and Compulsory Purchase Act 2004.

4.0 STAFFING IMPLICATIONS

4.1 There are no direct staffing implications.

5.0 LEGAL IMPLICATIONS

5.1 The Council as Local Planning Authority has planning powers vested in it by virtue of the Town & Country Planning Acts, most recently amended by the Planning and Compulsory Purchase Act 2004. The Council has a statutory duty to prepare a development plan (formerly a Unitary Development Plan and now a Local Development Framework) and to determine planning and related applications within its area. Discretionary powers exist to enforce the Planning Acts, acquire land for planning related purposes and to produce and promote guidance and regeneration. The 2004 Act has for the first time included a statutory purpose for planning as 'contributing to the achievement of sustainable development'.

5.2 The Government has placed a duty on local authorities to deliver services to clear standards of cost and quality using the Best Value framework and councils are required to assess their own performance to ensure continuous improvement. The Audit Commission are the independent inspectorate who have been appointed to scrutinise councils' performance under Section 10 of the Local Government Act 1999 and their report is issued in accordance with their duty under Section 13 of the 1999 Act.

6.0 DIVERSITY ISSUES

6.1 It was noted in the Audit Commission report that the Planning Service was easily accessed by users, with mention being made of the easy access by diverse users of the service to information on the service web site and the data base of staff who speak community languages. They also noted the evening surgeries that are held on a weekly basis. The inspectors did remark that although Brent has one of the most ethnically diverse populations in London the UDP follows a standard format. The report highlighted the opportunity with the new planning system under the Planning and Compulsory Purchase Act 2004 to produce a plan that reflects a real sense of place.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 The Audit Commission highlighted the aims of the Planning Service including - the creation of a high quality, attractive and sustainable environment; securing regeneration; and the protection and enhancement of the conditions in which people live and work. As a local authority function planning plays a key role in securing and protecting environmental quality through controls over land use and the built and natural environment.

8.0 DETAIL

8.1 The Planning Service in Brent has not been subject to any previous Best Value inspection. The Service did form part of the Regulatory Services Review that took place in 2003 that involved Building Control, Environmental Health, Trading Standards and Health, Safety and Licensing, and this review was of value in preparing the ground for the inspection this year. The Service is also subject to a number of Best Value Performance Indicators.

8.2 Prior to the Audit Commission Inspection, the authority was required to submit a self-assessment of its planning services; using the following headings:

- How good is the service now?
- What are our prospects for improvement?

Additional information was also presented such as the Unitary Development Plan, the Corporate Strategy and Community Plan, the Environment Service Development and Planning Service Operational Plans, vision documents for Wembley regeneration, supplementary planning guidance, HR strategies, planning performance bulletins, and Planning Committee papers and minutes.

8.3 The inspection itself took place during the second week in June 2004 and involved two Audit Commission inspectors interviewing planning and other senior staff in Environment, key stakeholders such as elected members, members of the Corporate Management Team, Assistant Directors and service unit heads. Focus groups also took place involving frontline planning frontline staff, planning team managers, residents and agents and Housing association representatives. In addition mystery shopping exercises and reality checks were undertaken both before and during the inspection. An Inspector also attended one meeting of the Planning Committee.

8.5 The Audit Commission report produced as a result of this inspection (Appendix 2) assessed Brent Council planning services as ***'providing a good (two star) service that has excellent prospects for improvement'***.

8.6 Inspectors found that planning services in Brent are good because the service can be easily accessed, section 106 agreements have been used to support the council's regeneration agenda; all government performance targets have been met for 2003/4; the service is delivering on a series of challenging objectives; partners and

stakeholders speak highly of how the service works on major projects; and reality checks have revealed a responsive planning service.

8.7 The service was judged to have excellent prospects for improvement because:

- a good track record of improvement has been established against key BVPIs and the service has been externally accredited with qualitative indicators such as Chartermark and investors in people. Brent is no longer a 'standards authority';
- comprehensive service plans are in place to contribute to the delivery of Brent council's corporate priorities, and staff are aware of the contributions they must make in order for it to be a success;
- performance management processes are embedded in the service, and performance information is timely, accurate and extensive. A culture of continuous improvement has been established within the service;
- there are good levels of ownership of the challenges facing the service and there is evidence that councillors and officers are willing to take difficult decisions in order to deliver improved service delivery;
- effective partnerships are in place across the council and with relevant agencies;
- there is evidence of working with stakeholders to improve service delivery;
- the service is able to bring in extra capacity to fill skills gaps where appropriate, and is proactive about ensuring staff receive training and development where necessary;
- relationships between councillors and officers are positive. A planning code of conduct is in place and members of the planning committee receive regular training; and
- councillors have increased the base budget significantly over the last two years and the service has been awarded substantial planning delivery grant.

8.8 Examples of good service delivery in planning services referred to in the report include:

- An impressive record of achievement in controlling unauthorised development with a high number of enforcement notices served and direct actions carried out.
- A good track record in successfully negotiating affordable housing schemes.
- The Council is focussed on delivering sustainable development through negotiations on planning schemes.
- Good intelligence systems are in place to gather information on developments across the borough and cross Council meetings are used to share information.
- The web access to services is good and IT systems comprehensive and reliable.

8.9 A number of recommendations were made for future improvements:

- Develop a clear plan to identify how the Planning Delivery Grant (PDG) will be spent and the desired outcomes this will deliver.
- Review the operation of the enforcement service to ensure that decisions authorising action are fully documented and monitor the impact of the enforcement policies on the diverse communities.

- Develop monitoring systems which identify the outcomes achieved by the service in line with community strategy priorities.
- Review the form of the service operational plan (SOP) to ensure that actions relate directly to potential solutions and a series of outcomes measures for each aim.
- Consider the merits of developing specific policies for each town centre.
- Consider the merits of introducing a local civic design award scheme.
- Identify the work streams and local partnerships necessary to deliver the new planning framework in line with the Planning and Compulsory Purchase Act 2004.
- Develop a clear programme of action to understand the reasons for, and to address declining user satisfaction.
- Update and standardise supplementary planning guidance.
- Publish internal guidance to clarify procedures for ensuring that section 106 agreements can be delivered effectively.

In addition to the recommendations above, several areas were highlighted as warranting further review. They included the high planning application refusal rates in Brent (second highest in London but since reducing), the remaining challenge of recruitment and retention, and the need to further develop relationships with some stakeholders.

8.10 Recommendations from the Audit Commission report are incorporated into the Action Plan (Appendix 1) which also identifies lead officers and timescales for actions to be completed.

9.0 BACKGROUND INFORMATION

The following papers were used in the compilation of this report:-

- i) Planning Services, London Borough of Brent: Inspection Report. Audit Commission, August 2004
- ii) Planning Service Self Assessment. London Borough of Brent, April 2004.

Any person wishing to inspect the above papers should contact Chris Walker, Director of Planning, 349 High Road, Wembley HA9 6BZ. Tel : 020 8937 5246.

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Appendix 1

PLANNING SERVICES INSPECTION: ACTION PLAN

RECOMMENDATION	TASK	LEAD OFFICER	TIMESCALE
1. Deliver a clear plan to identify how the Planning Delivery Grant (PDG) will be spent and the desired outcomes this will deliver.	1.1 Service Planning through the SOP to determine how the PDG will be spent with clear outcomes for action points involving grant funding.	CCW/LP	March '05
	1.2 Special profile of Grant to be submitted to Finance/Environment Directorate and integrated in service budgets under agreed spend headings.	LP	March/April 05

RECOMMENDATION	TASK	LEAD OFFICER	TIMESCALE
2. Review the operation of the enforcement service to ensure that decisions authorising action are fully documented and monitor the impact of the enforcement policies on the diverse communities.	2.1 Undertake review of processes and information handling and implement necessary changes.	SW/TR	Dec '04
	2.2 Introduce system for monitoring ethnicity of service users for three month period each year.	TR	Nov '04
	2.3 Analyse results and make recommendations for appropriate changes where required.	TR	Feb '05
3. Develop monitoring systems which identify the outcomes achieved by the service in line with community strategy priorities.	3.1 Monitor in tandem with UDP policy review and produce regular annual report for Planning Committee/the Executive	KH	05/06
	3.2 Reflect Community Plan priorities as part of LDF preparation.	KH	05/06

RECOMMENDATION	TASK	LEAD OFFICER	TIMESCALE
4. Review the form of the Service Operational Plan (SOP) to ensure that actions relate directly to potential solutions and a series of outcome measures for each aim.	4.1 Review format at Planning Management away day Dec. 04 and Environment SOP away day Jan. 05.	CCW	Dec. 04 Jan. 05
	4.2 Implement outcome of review for SOP 2005/06.	CCW	March '05
5. Consider the merits of developing specific policies for each town centre.	5.1 Review as part of LDF through discussion at Officer/Member Groups.	DC	05/06
	5.2 Examine as part of further development of town centre management.	DC/KH	05/06

RECOMMENDATION	TASK	LEAD OFFICER	TIMESCALE
6. Consider the merits of introducing a local civic design award scheme.	6.1 Prepare paper following consultation with CABE, for discussion with Member Design Champion and report to Executive.	MS	June '05
7. Identify the work streams and local partnership necessary to deliver the new planning framework in line with the Planning & Compulsory Purchase Act 2004.	7.1 Draft timetable and Local Development Scheme prepared and agreed by the Executive.	KH	July '04
	7.2 Officer LDF Steering Group to determine partnership arrangements as part of work programme for 04/05/06.	DC/KH	'04/05/06

RECOMMENDATION	TASK	LEAD OFFICER	TIMESCALE
8. Develop a clear programme of action to understand the reasons for, and to address declining user satisfaction.	8.1 Mori Focus Groups of Service Users following 2004 BVPI Survey.	LD	July '04
	8.2 Action Plan for improvement prepared following publication of Focus Group findings.	LD	Oct. '04
	8.3 Action Plan to be incorporated (where appropriate) into Planning Service SOP 2005/06	LD	March '05
9. Update and standardise Supplementary Guidance.	9.1 Supplementary Planning Guidance updated to reflect new UDP 2004.	KH	Ongoing
	9.2 Publish revised guidance.	DC/KH	Feb/March '05

RECOMMENDATION	TASK	LEAD OFFICER	TIMESCALE
10. Publish internal guidance to clarify procedures for ensuring that Section 106 agreements can be delivered effectively.	10.1 Complete work to link Section 106 data base with Finance system and property data base through new IT development.	LD	Dec. 04
	10.2 Prepare guidance around workings of new IT system to provide effective monitoring/information across the authority.	DC/LD	June '05