

# **Supplementary Committee Agenda**



## ***Planning Services Scrutiny Standing Panel Thursday, 11th February, 2010***

**Place:** Committee Room 1, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Committee Secretary:** Mark Jenkins - Office of the Chief Executive  
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### **9. BEST VALUE REVIEW (Pages 3 - 16)**

(Director of Planning and Economic Development). Report to follow.

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## **Report to Planning Services Scrutiny Panel**



# SCRUTINY

 Epping Forest District Council

**Date of meeting: 11 February 2010**

**Subject: Revised Estimate for 2009/10 and Estimate for 2010/11**

**Officer contact for further information: S Amin (Senior Accountant) 01992 56 4605**

**Committee Secretary: M Jenkins (Democratic Services Assistant) 01992 56 4607**

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### **Recommendations;**

**(1) That the actual outturn for 2008/09, revised estimate for 2009/10 and original estimate for 2010/11 for Planning Appeals and Enforcement as attached at Annex 1 be noted; and**

**(2) That the future monitoring of Enforcement and Planning Appeals should not be included in the Development Control Best Value, but in a separate report to the panel.**

### **Key Points**

1. At the meeting of the Planning Services Scrutiny Panel of 5 January 2010, members requested that the costs of Enforcement and administration of Planning Appeals be included in the Development Control Best Value Review.
2. This document was first produced in 2001, and has been updated to include data for recent years. However as information for Enforcement and Planning Appeals was previously not reported, this would require a significant re-analysis of the financial information.
3. The management re-structure of 2008/09 resulted in changes to the financial reporting of these functions including a significant change in how re-charges within the Directorate are calculated. In order to produce meaningful statistics from this information, this would require the data previously included in the Development Control Best Value Review to be re-stated.
4. As the Panel has previously agreed the format and data included in the review document it is proposed that the future financial monitoring of Enforcement and Planning Appeals is contained in a separate report.

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<b>ENFORCEMENT</b>			
DESCRIPTION	08/09	09/10	10/11
	ACTUAL	REVISED OUTTURN	ESTIMATE
	£'000	£'000	£'000
EMPLOYEES	227	220	251
TRANSPORT	9	8	8
SUPPLIES & SERVICES	10	9	9
SUPPORT SERVICES	252	208	213
<b>TOTALCSB EXPENDITURE</b>	<b>498</b>	<b>445</b>	<b>481</b>
<b>DDF EXPENDITURE</b>	<b>24</b>	<b>8</b>	<b>0</b>
<b>TOTAL EXPENDITURE</b>	<b>522</b>	<b>453</b>	<b>481</b>
<i>Complaints Received</i>	<b>757</b>	<b>708</b>	
<i>Complaints Resolved</i>	<b>723</b>	<b>709</b>	
<i>Enforcement Notices Served</i>	<b>45</b>	<b>17</b>	
<b>Staff FTE</b>	7.78	8.24	7.98
<b>Staff costs as a % of Total Cost</b>	46%	49%	52%
<b>Staff Costs per Complaint received</b>	£ 300	£ 311	
<b>Staff Costs per Complaint resolved</b>	£ 314	£ 310	
<b>Gross Cost of Complaint received</b>	£ 658	£ 629	
<b>Gross Cost of Complaint resolved</b>	£ 689	£ 628	

<b>PLANNING APPEALS</b>			
DESCRIPTION	08/09	09/10	10/11
	ACTUAL	REVISED OUTTURN	ESTIMATE
	£'000	£'000	£'000
EMPLOYEES	122	120	129
TRANSPORT	5	4	4
SUPPLIES & SERVICES	27	36	36
SUPPORT SERVICES	184	172	174
<b>TOTALCSB EXPENDITURE</b>	<b>338</b>	<b>332</b>	<b>343</b>
<b>DDF EXPENDITURE</b>	<b>86</b>	<b>3</b>	<b>82</b>
<b>TOTAL EXPENDITURE</b>	<b>424</b>	<b>335</b>	<b>425</b>
<i>Appeals Received</i>	<b>132</b>	<b>134</b>	
<b>Staff FTE</b>	3.3	3.3	3.2
<b>Staff costs as a % of Total Cost</b>	36%	36%	38%
<b>Staff costs per Appeal Received</b>	£ 924	£ 896	
<b>Gross Cost of Appeal Received</b>	£ 2,561	£ 2,478	

Note Statistics are calculated using the net CSB expenditure

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**Development  
Control  
Best Value  
Review:**

**Summary 2009**

***This document follows on from a 2001 Best Value exercise which was fully updated in July 2008. The format of this document is deliberately brief for ease of clarity and comparison. For more information, the reader is referred to the 2008 document which is available at:***

***[http://rds.eppingforestdc.gov.uk/Published/C00000610/M00005563/AI00016133/\\$DevControlinBVReviewReport.docA.ps.pdf?ku=30353527\\$RTW](http://rds.eppingforestdc.gov.uk/Published/C00000610/M00005563/AI00016133/$DevControlinBVReviewReport.docA.ps.pdf?ku=30353527$RTW)***

***The tables in this document mirror those in the earlier exercise, but include information for the last five years. For the complete time series, this document can be added to the earlier ones.***

***The earlier documents provided a great deal of background information which is not repeated here.***

	<b>2004-2005</b>	<b>2005-2006</b>	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>
<i>Planning applications received:</i>	2086	1962	2033	2302	1972
<i>Planning &amp; enforcement appeals received:</i>	94	105	133	132	153
<i>Enforcement complaints received</i>	855	653	783	757	708 investigations

*Over the last five years we have seen more volatility of total numbers received. 07/08 figures were the highest ever and last year, the figure falling was due to the economic downturn part way through 2008/09. Inclusive of application for the discharge of planning conditions, a new format introduced this year, and the total would have been 2099. Appeals received were however, the highest on record at 153. Enforcement complaints were at an average level.*

*The overall sense is that we have coped with a slight increase in workload given other resources later on.*

**Best Value Performance Indicators & National Performance Indicators**

Over the last 5 years, there has been improvement in performance, but figures are just still under the top quartile target. Improvement plans are in place to make more improvement. The previous Best Value Performance Indicators have been replaced with a new suite of National Indicators. The table sets out which Best Value Indicator number refers to which new National Indicator.

<b>Best Value Performance Indicator</b>	<b>Equivalent National Indicator</b>
109	157 a, b, c
204	145

### Performance Overview

#### Applications

	<b>2004/ 05</b>	<b>2005/ 06</b>	<b>2006/ 07</b>	<b>2007/ 08</b>	<b>2008/ 09</b>	<b>Quarter 3 2009/10</b>
Applications received	2,086	1,962	2,033	2,302	1,972	1,289
% decided in target – BV109 returns						
‘major’	41%	54%	67%	79%	59.38%	60.87%
‘minor’	57%	71%	73%	78%	79.64%	79.42%
‘other’	77%	85%	90%	89%	89.88%	93.64%
% decided under delegated powers	86%	82%	89%	88%	85%	83%
Establishment case officers	10.5	10.5	10.5	10.5	10.5	9.5

#### Enforcement

	<b>2004/ 05</b>	<b>2005/ 06</b>	<b>2006/ 07</b>	<b>2007/ 08</b>	<b>2008/ 09</b>
Complaints received	855	653	783	757	708
Complaints resolved	751	739	848	723	709
Enforcement notices served	33	21	18	23	22
PCNs served	7	32	26	45	15-20
BOCNs served	2	1	0	1	0
Injunctions sought	2	0	0	0	1

<i>Establishment officers</i>	5	5	5	5	5
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### Appeals

	<b>2004/ 05</b>	<b>2005/ 06</b>	<b>2006/ 07</b>	<b>2007/ 08</b>	<b>2008-2009</b>
<i>Planning Application Appeals received</i>	94	105	125	120	134 (excluding 5 withdrawn)
<i>% of appeals allowed (BV204)</i>	29%	22%	28%	27.3%	40.3% (54 cases)
<i>Staff numbers</i>	There are no staff solely dedicated to appeals				

	<b>2000/01</b>	<b>2003/04</b>	<b>2006/07</b>
<i>Overall satisfaction with the service</i>	75%	71%	82%

### **Current Staffing (Dec 2009)**

<i>PDC/01</i>	<i>ASST DIRECTOR OF PLANNING</i>	<i>N. RICHARDSON</i>	<i>1.00</i>
<i>PDC/02</i>	<i>PRINC PLANNING OFFICER</i>	<i>S.SOLON</i>	<i>1.00</i>
<i>PDC/03</i>	<i>PRINC PLANNING OFFICER</i>	<i>J.SHINGLER</i>	<i>1.00</i>
<i>PDC/04</i>	<i>SENIOR PLANNING OFFICER</i>	<i>VACANT DEC 2009</i>	<i>1.00</i>
<i>PDC/05</i>	<i>SENIOR PLANNING OFFICER</i>	<i>J. CORDELL</i>	<i>1.00</i>
<i>PDC/06</i>	<i>SENIOR PLANNING OFFICER</i>	<i>K.SMITH</i>	<i>1.00</i>
<i>PDC/07</i>	<i>SENIOR PLANNING OFFICER</i>	<i>G.COURTNEY</i>	<i>1.00</i>
<i>PDC/08</i>	<i>PLANNING OFFICER</i>	<i>P. ONYIA SECONDED 2009</i>	<i>1.00</i>
<i>PDC/09</i>	<i>PLANNING OFFICER</i>	<i>D DUFFIN</i>	<i>1.00</i>
<i>PDC/10</i>	<i>PLANNING OFFICER</i>	<i>M.TOVEY</i>	<i>1.00</i>
<i>PDC/11</i>	<i>PLANNING OFFICER</i>	<i>D.BAKER</i>	<i>1.00</i>
<i>PEF/01</i>	<i>PRINC PLANNING OFFICER</i>	<i>J. GODDEN</i>	<i>1.00</i>
<i>PEF/02</i>	<i>SENIOR ENFORCEMENT OFFICER</i>	<i>C.MUNDAY</i>	<i>1.00</i>
<i>PEF/03</i>	<i>ENFORCEMENT OFFICER</i>	<i>S HART</i>	<i>1.00</i>
<i>PEF/04</i>	<i>ENFORCEMENT OFFICER</i>	<i>D.H.THOMPSON</i>	<i>1.00</i>
<i>PEF/05</i>	<i>ENFORCEMENT OFFICER</i>	<i>D ANDREW</i>	<i>1.00</i>
<i>PEF/06</i>	<i>COMPLIANCE OFFICER</i>	<i>VACANT FEB 2009</i>	<i>0.56</i>
<i>PEF/07</i>	<i>ADMIN ASSISTANT</i>	<i>T.FORECAST</i>	<i>1.00</i>

**17.56**

#### 4. **Further Detail**

##### a) **Workloads: The 2009 Update:**

- 6.1 *The planning application workload by 2008/09 has increased since 2000/01 representing a 36% increase over the base (1,450) used in the 2001 review. However, it can be seen that the workload was increasing in 2003/04 and then fell slightly in 2004/05 and again in 2005/06, rising again in 2006-7, before reaching a peak in 2007/08. The economic downturn saw an unsurprising fall in application submissions in 2008-09.*
- 6.2 *The means of measuring application performance changed in 2002/03 when the returns were split into the 3 separate categories identified in the table above. This coincided with the Government publishing targets for authorities to achieve of 'Major'– 60%, 'Minor'– 65%, and 'Other'– 80% of planning applications dealt within 8 weeks of being made valid (13 in the case of Majors). These were very challenging targets in the first instance coinciding with the significant increase in the workloads. However, by the fourth year (2005/06) two of the three government targets were being met and by the fifth year (2006/07) all three were met.*
- 6.3 *However, the Council aspires to be within the top quartile of performing authorities, and since then the target levels have been set higher by the Council. This has been hard to achieve with existing resources and last year, we fell short in all three categories: Major 59.38% (target 80%), Minor- 79.64% (target 83%), Other – 89.88% (target 92%). The five year journey from 2003/04 to the present performance is however noteworthy, as the top quartile levels have been rising all the time as has in the main, the Council's planning performance. The removal of the previous backlog of planning applications has allowed officers to remain more on top of their application workload, but the last three years saw officers balancing this with a high volume of appeals and planning enquiries. Planning appeal statements must hit a Planning Inspectorate deadline date otherwise they are not accepted. The constant deadlines for planning applications and appeals does result in delegated slippage, especially when staff numbers are down (as they were in 2008/09). The highest figure was in 2007/08, when there were over 300 more planning applications received. Staff levels were constant that year and the hit-squad was still being used, which helped to maintain performance that year. The number of applications fell in 2008/09 reflecting the impact of the economic downturn and the permitted development right changes in October 2008.*
- 6.4 *The enforcement workload has also risen. Significant increases in the number of alleged breaches of control reported occurred in 2003/04 and 2004/05, falling the following year but since 2006/07, complaints have been 700+, both in terms of received and resolved. With more built development taking place, it is inevitable that enforcement complaints rise. This level of workload is likely to be repeated for the current year.*
- 6.5 *The appeal workload has been relatively high, with the exception of the two years of lower activity, generally. Up to 2007/08, performance, though variable for*

reasons well known to members, had remained better than the national average ( up until 2007/08, still at about 31%). However, last year, not only was there a higher number of appeals received than previous, but those allowed were also at its highest (the national average was 34%). Officers have assessed the appeal decisions, concluding that not only were the no. of appeals higher, but so were the appeals allowed against officer recommendations at committee level. The conclusion was that the Planning Inspectorate in recent years was keen to maximise the use of urban land in sustainable locations, rather than member concerns over the infrastructure in place to cope with increased housing.

	<b>Length of Service at EFDC: April 1 2009</b>
Officer A	10 years
Officer B	5 years
Officer C	17 years
Officer D	VACANT
Officer E	<1 year
Officer F	2 years
Officer G	4 years
Officer H	2 years
Officer I	<1 year
Officer J	3 years
Officer K	9 years
Officer L	9 years
Officer M	2.5 years
Officer N	6.5 years
Officer O	4 years
Officer P	6 years
Officer Q	VACANT

6.14 The following table is similar to that appearing in the 2001 Review paragraph 4.18 above, and provides an average number of applications per establishment post case officers in recent years.

	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>
<b>Staff</b>	10.5	10.5	10.5	10.5	10.5
<b>Applications</b>	2,086	1,962	2,033	2,302	1972
<b>Average</b>	199	187	194	219	188

This is against a background where the Government advises, as a result of various studies, that the targets for handling all applications cannot be satisfactorily achieved **unless the average number of cases per case officer is in the order of 150.** (Advise from Planning Advisory Service and based on research carried out by Lynda Addison Associates, advising CLG).

6.15 The experience of this authority is that the averages displayed in the above table are too high if the Governments targets are to be consistently met and far too high if the top quartile targets are to be achieved. The Panel will recall that it was in 2005/06 budget, after years of continuous rises in application numbers and of average cases per officer well over 200, that the Council provided

*£100,000 to spend on additional staff resources (known as the 'Hit Squad') to deal with a backlog of applications that had built up and to significantly improve the performance figures. The first member of the squad was appointed in August 2005 with the view to employing 4 members for about 9 months. However, since members came and went with regularity and it was rare that 4 people were in post at any one time, the budget lasted until late 2006 when the final member, Subash Jain, left.*

- 6.16 *It is difficult to define 'backlog' in development control terms, but the measure we have been using is to record the proportion of applications outstanding at the end of any given period that are already beyond their target date. The following table records the effectiveness of the team during the 'Hit Squad' period:*

<b>Quarter beginning:</b>	<b>Total on hand at end of month</b>	<b>Total already past target date</b>	<b>Proportion</b>
<b>October 2005</b>	322	106	33%
<b>January 2006</b>	270	83	31%
<b>April 2006</b>	271	42	15%
<b>July 2006</b>	333	47	14%
<b>October 2006</b>	269	47	17%
<b>January 2007</b>	276	47	17%
<b>April 2007</b>	352	47	13%
<b>July 2007</b>	309	38	12%
<b>October 2007</b>	321	33	10%
<b>January 2008</b>	344	51	15%
<b>April 2008</b>	307	46	15%
<b>July 2008</b>	377	31	8%
<b>October 2008</b>	298	42	14%
<b>January 2009</b>	259	33	13%
<b>April 2009</b>	333	31	9%
<b>July 2009</b>	301	42	14%

*These figures, together with the significant improvement in performance, illustrate the considerable impact the budget provision made at that time.*

- 6.17 ***However, this has only been possible with the further contribution to the budget of Planning Delivery Grant, which has enabled further agency and consultant resource to be bought in to further improve performance.***
- 6.18 *Since the last of the Hit Squad members left the Council at the end of 2006, we have been able to secure the employment of a local, qualified, senior planner to handle a planning application caseload who had been with the authority since early summer 2006 paid for out of Planning Delivery Grant allocation, which has now finished. Since July 2009, this officer has been covering succession of job vacancies, that has helped to maintain performance. However, this staff resource costs the Council about £50,000 in 2008/09, which is more than the full cost of a senior planner on the establishment.*

6.19 Even should the establishment be increased by this senior planner to 11.5 case officers, this would still represent an average caseload of over 170 cases per officer at last year's total – still significantly above the Government's recommendation and yet at a level at which Officers consider performance can be successfully managed. For 2009/10, a planning officer has been seconded to the Forward Plan section, leaving the team one post down (9.5). However, this has coincided with a fall of about 100 planning applications and a reduction in appeals compared with the 2008/09 (as at October 2009) . Staff issues were a major factor in 2008/09, with Principal Planning Officers acting up to cover Assistant Director (P&C) and long term illness of Assistant Director (Development), as well as the Development Control team being a Senior Officer down until Dec 08. The reliance of staff in all posts for the year can not be underestimated if top quartile performance is to be achieved. Officers continue to strive to hit top-quartile performance and share Members disappointment that the high targets are proving difficult to achieve, but it should be recognised that not only was 2008/09 another high workload year, staff numbers were down as a result of the illness of the Assistant Director (Development) and being a Senior Planner down for 6 months.

## 5. Cost Analysis for Development Control

### **The 2009 Update:**

The Key Information table has been updated and projected, plus adding information specifically about staff costs.

This is followed by an updated Evaluation Table. It will be noted however that the first 3 rows have been deleted since the analysis is not regarded as meaningful.

### **Key Information:**

The cost analysis below shows only Development Control data and does not include financial information relating to Enforcement and Planning Appeals

	<b>2005-2006</b>	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>	<b>2009-2010 Estimated Outturn</b>
<i>DC net budget £</i>	620898	506356	598459	532331	347910
<i>DC total expenditure for year £</i>	1233611	1089652	1171181	1191379	911660
<i>Expenditure on third party payments £</i>	658285	740760	781570	738440	741880
<i>Support Services contribution</i>	128535	136557	126105	49905	38210

<i>to DC £</i>					
<i>Managerial &amp; Professional contribution to DC £</i>	43040	50382	70260	47288	37960
<i>Supplies &amp; Services contribution to DC £</i>	146751	196979	287523	104433	73570
<i>DC Income</i>	546713	535171	528999	616417	544000
<i>Staff FTE</i>	14.8	10	10.6	11.7	10.9
<i>Staff costs inc Super &amp; NI</i>	488370	437670	462570	399320	409150
<i>Average Staff cost inc</i>	32997	43767	43640	34129	37537

### **Evaluation of Information**

	<b>2005-2006</b>	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>	<b>2009-2010 Estimated Outturn</b>		
<i>Staff costs as % of DC total cost</i>	39	40	39	33	44	<i>Staff costs divided by total Gross cost as %</i>	
<i>Staff costs per application for DC £</i>	249	215	201	207	207	<i>Staff costs divided by Planning Applications received</i>	<i>Applications rec'd based on 2008/09</i>
<i>% increase of DC income</i>	44	-2	-1	17	-12	<i>Increase or decrease in income over previous year as %</i>	
<i>DC income to total cost percentage</i>	44	49	45	52	60	<i>Income divided by Gross cost As %</i>	
<i>Application to income charges £</i>	279	263	260	312	275	<i>Total Income divided by</i>	<i>Applications rec'd based on 2006/07</i>

						<i>planning applications rec`d</i>	
<i>Average gross cost of application £</i>	<i>629</i>	<i>536</i>	<i>509</i>	<i>604</i>	<i>462</i>	<i>Total Gross costs divided by planning applications received</i>	<i>Applications rec`d based on 2006/07</i>

*During the period prior to 2008/09 Planning Services introduced a new computer system (Northgate M3), as a result expenditure on Supplies and Services and Support Service recharges were unnaturally high and distort the statistics so that few comprehensive conclusions can be drawn. As a result, although staffing has remained at similar levels, these costs make up a smaller percentage of the total.*

*The percentage of income to gross cost will vary from year to year and is driven to a degree by the number and complexity of applications The fee structure is such that the income from a particular application does not necessarily reflect the time spent on that application, however staff costs per application have remained fairly constant since 2006/07.*

### **DEFINITIONS OF APPLICATIONS**

*Major - any scheme on any site of over 1 hectare;  
a residential scheme on any site over 0.5 hectares or  
a residential scheme providing more than 10 dwelling units; and  
a commercial scheme of over 1000 square metres floorspace.*

*Minor - any other commercial development or new dwellings*

*Other - householder applications (extensions to houses, etc), advertisements, listed building applications, and applications for certificates of lawful development.*