

**REPORT FOR: PERFORMANCE AND
FINANCE SCRUTINY
SUB-COMMITTEE**

Date of Meeting:	23 April 2013
Subject:	Planning Service - IT infrastructure
Responsible Officer:	Stephen Kelly – Divisional Director – Planning
Scrutiny Lead Member area:	Cllr Sue Anderson – Performance Lead Member & Cllr Stephen Wright – Policy Lead Member
Exempt:	No
Enclosures:	Appendix 1 - Workflow

Section 1 – Summary and Recommendations

This report responds to the request by the Committee at their meeting on 29th January 2013 for a report into the IT issues affecting the consultation process in respect of planning applications – including the planning application for the re-development of Vaughan School

Recommendations:

That the Committee notes the content of the report.

Section 2 – Report

Introduction

At its meeting on 29 January, the Committee requested a report into the recent difficulties that residents had experienced in viewing and commenting upon a planning application for the expansion of Vaughan School. During the statutory consultation phase of the planning application, it became apparent that local residents' ability to open files containing plans and documents associated with the planning application" was compromised. Further it has been claimed that those people who uploaded comments on the proposals via the web site have not seen their comments published online, and accordingly believe that their comments have not been received.

Parallel to the concerns expressed about the ability to view and comment on the planning application, this particular planning application was also criticised for the consistency of the information that was displayed online – for comment. The Planning Authority is not responsible for the "content" of a plan or document however, which rests with the applicant themselves (in this case the Council and their consultants). This report therefore focuses solely on the ability of local residents to view and make comments upon the application.

Background

The Town and Country Planning Act 1990 require that before reaching a decision on a planning application, the Local Planning Authority must carry out notification.

Section 71 of the 1990 Act provides that:

"(1) A development order may provide that a local planning authority shall not determine an application for planning permission before the end of such period as may be prescribed.

(2) A development order may require a local planning authority—

(a) To take into account in determining such an application such representations, made within such period, as may be prescribed; and

(b) To give to any person whose representations have been taken into account such notice as may be prescribed of their decision.

(2A) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development."

Part 2 of the Town and Country Planning General Development Management Order 2010 sets out requirements for consultation and notification, depending upon the type of application and its impact. For "major development" planning applications, this requires:

“...if the development proposed is major development the application shall be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

(a)(i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or

(ii) by serving the notice on any adjoining owner or occupier; and

(b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.”

Paragraph 7 of the Order, indicates that:

“(7) The following information shall be published on a website maintained by the local planning authority—

(a) the address or location of the proposed development;

(b) a description of the proposed development;

(c) the date by which any representations about the application must be made, which shall not be before the last day of the period of 14 days beginning with the date on which the information is published;

(d) where and when the application may be inspected;

(e) how representations may be made about the application; and

(f) that, in the case of a householder application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.”

Statement of Community Involvement – Harrow’s Policy on consultation

Harrow Council’s Statement of Community Involvement (SCI) sets out how the Council approaches consultation on the discharge of its planning function, including the processing of planning applications. It is the Council’s policy on consultation. In respect of neighbour notification, the April 2013 adopted version of the SCI states:

“We will use a combination of the following methods to notify the community about planning applications:

- Site Notices and / or letters to adjoining properties (or surrounding area for major proposals)*
- Council's website will contain all the application details and plans*
- Publication of weekly list of applications*
- Press Notice (for major applications, listed buildings and conservation area applications)*

Paragraph 3.27 of the SCI notes:

“The process for submitting comments on applications is necessarily formal, given the need to determine applications in a timely manner. Therefore the following requirements apply to anyone wishing to comment on an application: All comments must be received in writing within the consultation period (normally 3 weeks)

*Comments can be submitted by email, letter or online at
<http://www.harrow.gov.uk/planning>
Late comments will be considered where circumstances allow”*

In respect of the display of representations received, the SCI states:

“The determination of planning applications is a transparent, public process. Therefore representations made on planning applications can be made available to members of the public to view alongside all other application material and are included in the Council’s report on the application. “(para 329)

Planning Service Electronic Case Management

The planning service in Harrow was one of the first services in the Council (and in London) to embrace “electronic case management.” The move from paper based files to an entirely electronic process began in 2008, under the “HARP” banner – a partnership between the IT team and the service. Central to the operating model for the service was the reliance on an electronic register of planning applications (Part 1 register) that was accessed online (as opposed to visiting the Civic Centre Office to view paper plans). Officers and the public operate and review planning application material electronically. All processing, review and decision making “transactions” take place using either the specialist “Northgate” software solution or the Councils Civica Document Management/Workflow system.

A schematic workflow for the system is produced as Appendix 1. This indicates the broad role of the software systems. The Civica DMS system working with on site server/hardware provides the document storage, display and retrieval facility for those seeking to review the planning application documents online. This system also provides the conduit through which online comments are submitted and directed to the case file (for indexing and display).

REPORT: IT system performance Jan 13 to March 13

Between 24 December 12 and 20 March 2013, the Civica/Portal was offline for 16 hours, however there were other intermittent issues which would have affected the end to end service. This meant that during these “down” times only, any person notified under any planning application, was not able to view or comment upon any planning application.

In the case of Vaughan School, it is also apparent that from 31 December 2012 to 8 January 2013 (at which point the plans were withdrawn from publication by officers), only some of the planning documents could be opened and viewed online. *(Note: a number of documents were scanned that were either corrupt or too large to be able to presented via the portal, when these were rescanned and republished they could then be viewed online).* Further, in relation to Vaughan School, it is alleged that a number of submissions/comments made in respect of the planning application documents were either rejected, or were not received and have consequently not been uploaded or displayed online.

The Divisional Director has engaged in extensive consultation with some parties surrounding the matter of compliance with both the SCI and statutory requirements.

It is important to understand the responsibilities with regard to the IT that delivers this service. Capita, the Council's IT provider is responsible for infrastructure, hardware, first line support and supplier management. Civica, the software provider is responsible for ensuring that the software performs correctly and adequately.

The Council's IT provider (Capita) has undertaken a thorough review of the problems with the software supplier (Civica) to understand the reasons why the system is not able to operate predictably. Civica has confirmed that there is a "bug" in version 13 of the software (the current software version in use in the Planning Service) that has resulted in a memory "leak" which is the underlying cause of the problem that the portal has been experiencing. They are unable to fix the problem within Version 13 and are recommending an upgrade to the current version 17. Civica no longer formally supports version 13.

It is estimated that for the Council to upgrade to version 17 will cost approximately £500,000. This is because the move to this version also requires an upgrade to the underlying database (Oracle) and a fundamentally different hardware platform. The project will take a minimum of 6 months from inception to complete. There is currently no provision in the Capital Programme for this upgrade.

It should be noted that a number of other service areas in the Council run the Civica platform with few issues. The problem seems to be primarily impacting only the Planning portal. There is currently no operational fault with the dedicated Northgate Planning software product.

The Council's IT provider is currently exploring options to resolve the outstanding Civica stability issues. The conclusion of the option appraisal is outstanding at the time of the report but is considering:

- A software upgrade to the latest version of the Civica DMS. This is likely to require a significant investment as stated above and will require major disruption and testing across all services using the platform.
- A less major upgrade to version 15 of the Civica software. This is not the latest version but is supported by Civica and the advice from Civica is that the memory leak issue is resolved in this version. This will be cheaper because it will not require either the database upgrade or the major changes to the hardware platform. It is also likely to be less disruptive as the changes are less significant.

In addition to the Capita investigation the Council is also investigating whether the Web Team could develop an alternative to the planning portal using Sharepoint and the Council's web platform.

It is hoped that the outcome of these investigations will be concluded in order that they can be reported verbally to the committee on 23 April. Any solution will require Capital funding that is not currently not part of the Capital programme.

Planning Service response

Officers within the Planning Division are currently exploring the scope for a revised process to take account of the resilience of the existing system. Depending upon the outcome of the IT options appraisal, and the likely timescale within which the service can expect resolution of the current stability issues, this may require a return to paper based files being held on deposit. Officers will also need to revise advice notes and document templates to accommodate this more resilient service solution, whilst the funding and programming of the software upgrade takes place. In the meantime, officers are forming views on each planning application, based upon the reports on IT performance received, and the specific circumstances of each case.

Financial Implications

The need for a resilient and fully operational web based platform for consultation and engagement activities on planning applications is central to the resilience of the planning process in Harrow. Failure to meet statutory requirements in the discharge of a planning decision exposes the Council to direct and indirect financial risks. These include the need for re-consultation (direct costs) on any specific planning application, plus the additional staff resource and costs associated with addressing service complaints, to the costs of responding to judicial review based upon a claim of procedural failure within the IT system. Given that the planning service is responsible for consenting many millions of pounds worth of new development annually, the reputational and delivery risks associated with the failure of the technical process are considerably greater than the direct cost impacts above.

Once the outcomes of the IT audit by the Resources Team are known, officers expect to be able to reach a firm position on the short and medium term costs, and the respective business case for any further investment decisions.

Performance Issues

The recent events surrounding the display of documents are having a direct impact upon the statutory performance of the planning service. In the case of the application for Vaughan School, officers have taken a view that notwithstanding statutory decision timetables of 8 and 13 weeks, the integrity of consultation performance should take precedence over the achievement of statutory decision targets set out in the former BVPI109.

Given that each application is being considered against the “elapsed” time from consultation start, and the performance of the Civica system, the actual impact upon performance is likely to depend upon the circumstances in each case. Officers are nevertheless seeking to allow several extra days after the expiry of the statutory defined consultation timeline, before making a decision. Work with the LEAN consultants referenced in earlier reports, has helped to provide a modest “buffer” in the 8 week statutory timetable which should reduce the impact of this approach for most householder applications.

Performance on speed of decision making over Quarter 4 2012/13 is listed below:

Householder and Other Minor applications determined in 8 weeks = 78%
Major Applications determined in 13 Weeks = 87%

Environmental Impact

The specific issue has no direct impact upon the environment, save if the service is required to produce and place on deposit paper, as opposed to electronic versions of all planning documents.

Risk Management Implications

See separate guidance notes.

Risk included on Directorate risk register? Yes

Separate risk register in place? No

The integrity of the Planning process is already a risk that is recognized on the Directorate Risk register. The specific issue regarding software performance has not historically been highlighted given its past reliability but a new and dedicated risk and mitigation strategy is now under development.

Equalities implications

Was an Equality Impact Assessment carried out? No - the option appraisal exercise referenced above will include an equalities impact assessment.

Corporate Priorities

Please identify which corporate priority the report incorporates and how:

The planning process the subject of this report is directly related to the Corporate commitment to: United and involved communities: A Council that listens and leads. The effect of recent stability issues within the planning service has adversely impacted upon the delivery of this commitment.

Section 4 - Contact Details and Background

Papers

Contact: Stephen Kelly Divisional Director – Planning 020 8736 6149

Attachments:

Appendix 1 - Workflow

Background Papers:

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Harrow Statement of Community Involvement 2013