



Office of the
Deputy Prime Minister

Creating sustainable communities

APPENDIX .

ODPM

~~The Leader~~
London Borough of Harrow
Room 102
Civic Centre
Station Road
HARROW
Middlesex
HA12 2UH

The Rt Hon Keith Hill MP
Minister for Housing and Planning

Office of the Deputy Prime Minister
26 Whitehall, London SW1A 2WH

Tel: 020 7944 8952 Fax: 020 7944 8953
E-Mail: keith.hill_MP@odpm.gsi.gov.uk

www.odpm.gov.uk

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Date 1 July 2004

Dear Councillor

I am writing to send you a copy of the report of your authority's planning service that ODPM commissioned from consultants, and to let you know how we propose to proceed in light of its findings. We are most grateful for the help and co-operation that your officers have given the consultants in their work.

As you will be aware, officers from your authority have recently been involved in discussions with a consortium of consultants, headed by Addison & Associates, contracted by ODPM to assess your authority's planning performance. These investigations were instigated after your authority was designated as a Planning Standards Authority for 2003/04 for not meeting interim performance thresholds for processing major planning applications. The consultants' initial assessment of your authority showed that there were serious concerns over your authority's progress towards achieving your specific performance standards. That first piece of work was done primarily as a desktop study. The second stage has involved the opportunity for your officers to comment on the accuracy and recommendations of the consultant's report. Any comments, observations, recent performance data were then used to inform the final assessment of your planning service's ability to meet national targets.

In considering these reports, regard has been given to your authority's progress towards the specific performance standards that were set for 2003/4, the steps taken to facilitate further performance improvements and, in the longer term, your authority's ability to reach the national targets set out in the Office's public service agreement 6 (PSA6). These targets require that by 2006/07 all local planning authorities shall process at least 60% of major applications in 13 weeks, 65% of minor applications in 8 weeks and 80% of other applications in 8 weeks.

After careful consideration of this report, and the progress since being designated as a standards authority, I believe there are ongoing serious concerns that your authority has not yet met the best value development control performance standards set for 2003/04. Whilst it is clear that the authority has taken steps to improve its performance, and I accept that in some cases your authority has made significant progress since this assessment took place, it appears that further measures may still be necessary to improve performance.

The report outlines areas of possible weakness that should be addressed in order to improve development control performance. Workshops on key areas of improvement planning are currently being developed by the Planning Advisory Service, with an introductory event planned for 13 July.

Your authority has been invited to attend these workshops and I do hope that you will strongly encourage your colleagues and officers to take up the offer.

I am very concerned about whether your authority will achieve the national targets by March 2007. I would, therefore, ask that your authority maps out anticipated progress in terms of a trajectory of your proposed improvement to meet government targets for planning performance. The trajectory will represent the projection on a quarterly basis of your anticipated improvement in development control performance using the statistical information already gathered by your authority under BVPI 109. To ensure this trajectory is realistic and achievable it needs to be based on an understanding of historical performance and supported by planned improvements. The workshops and follow-up support being arranged by the Planning Advisory Service should assist in this process and will include a package for developing your trajectories.

The trajectory that your authority produces will need to be endorsed by your Chief Executive in order to demonstrate that the authority understands and accepts the importance that is attached to achieving these targets. I would ask you to share the agreed trajectories with Government Offices within four months of the date of this letter.

I would also ask your authority to self-assess progress against trajectories every quarter and share this with the Government Office. Where performance in any category of application falls below trajectory for two consecutive quarters, the Government Offices will start to provide quarterly reports to ODPM compiled in consultation with your officers.


This ongoing engagement with your authority's planning service is in line with the current protocol on Central Government Engagement and Intervention in Poorly performing Local Authorities agreed to by the DPM and the Chairman of the Local Government Association.

Your authority remains a planning standards authority for 2004/05. I trust that your authority will continue to take seriously the challenge that we have set and co-operate fully with our officials in helping your planning service progress towards the performance standards set for 2004/5 and the national targets to be achieved by 2006/7. The engagement with your authority will be reviewed at the end of 2004/05 in light of whether your authority has achieved the standards specified in the Best Value Order and any demonstrable sustained improvement in performance over the period.

If your officers have any detailed questions to raise on this letter or the report they should contact Barry Johnson in ODPM on 020 7944 4797 in the first instance. I also enclose for your information a recent written statement which I made about progress with our planning reform programme which will set our engagement with you in the broader context.

A copy of this letter goes to your Chief Executive and Chief Planning Officer.

Yours sincerely,



KEITH HILL

CC: Chief Executive Officer
CC: Chief Planning Officer

London Borough of Harrow

Executive Summary

Harrow is a standards authority for 2003/4 because of its performance on major applications in 2001/2. It is a standards authority for 2004/5 because of its performance on major and minor applications between July 2002 and June 2003. Since 2001/2 improvement has been very erratic on major applications, but in Q2, Q3 and Q4 of 2003/4 they were processed well above the 50% standard set and mostly above the national target of 60%. It is too early to evaluate whether or not this progress will be maintained although the indicators are positive. Performance on minor applications has been consistently low, with Q4 of 2003/4 being the first sign of real improvement, but still only resulting in an annual performance of for 2003/4 of 37%, the same as the previous 2 years. Performance on other applications well exceeded the previous highest annual level of 63% and is improving to the extent that the national target of 80% has been achieved, on average, over the last three quarters. There is no backlog. At present it seems likely that two of the three national targets will be met in the near future, but that minor applications remains the biggest problem, and an area of some uncertainty. However, significant progress may be apparent in 2004/5 when the recent and current actions to address the problem have had time to impact on the situation.

Recommendation

The ODPM acknowledges the progress that has been made but is concerned that, on the basis of the evidence which its consultants have assembled, the Authority has not met all the best value development control performance standards set for 2003/4. Whilst it is clear that the Authority has taken steps to improve its performance it appears that further measures may still be necessary to improve performance in order to achieve all the national targets of 60% in 13 weeks for major applications, 65% in 8 weeks for minor applications and 80% in 8 weeks for all other applications. The ODPM, through the Government Offices, will therefore continue to monitor the progress made towards meeting the targets. The possible areas of weakness identified in this report should be reviewed and action taken to deal with these issues. To support this work, workshops are being arranged on key aspects of improvement, which the Authority will be invited to attend.

Evaluation of questionnaire, other documentation and visit to LPA

In 2003/4 Harrow determined 2818 applications out of a total of 3146 received, the majority (82%) of which were other applications, 16% were minor, and only 2% were major. There was an overall increase in applications received of 9% between 2000/1 and 2001/2, 12% the following year and a further 10% between 2002/3 and 2003/4.

Performance on major applications has improved dramatically from 24% in 2001/2, to 32% in 2002/3 and then to 57% on 2003/4 compared to the standard set of 50%. The national target of 60% has been met in the last two quarters of 2003/4.

- Performance on minor applications has stagnated at 37% for the last three years, although Q4 in 2003/4, at 51%, shows the first sign that the process improvements made are having the desired effect.

- Performance on other applications was 79% in 2003/4, only 1 percentage point below the national target, having improved from the previous highest figure of 63% in 2002/3.
- The caseload, as at September 2003, of 225 per officer is very high and has slightly increased as the number of applications each year has risen faster than the increase in staff numbers. Agency staff were brought in previously to assist but permanent staff have now been appointed to established posts. Further staff increases are planned for 2004/5 and action has been taken to recruit them. Temporary staff are currently covering these posts.
- The refusal rate has increased from 17% in three consecutive years to 24% in 2003/4, all above the national weighted average of 14%. The percentage dismissed on appeal for 2003/4 was 58% which is 9% below the national average of 67%, albeit Harrow challenge that figure. Their own records for the whole of 2003/4 show a success rate almost on the national average. The discrepancy of figures needs to be reviewed with PINS.
- The number of enforcement complaints is growing and reached 792 in 2003/4 – an excessive workload for the two enforcement officers and unmanageable. There are few prosecutions. There is a Planning Enforcement Policy.
- Performance management systems are in place with quarterly reports to committee, monthly monitoring of applications internally and weekly checks by Team Leaders. Provision has been made for fast-tracking major and other applications and this is now showing in the statistics.
- Only 30% of applications are registered within the three days compared to the target of 75%. Of applications received, 50% were considered, on first submission, to be invalid in 2002/3.
- The one planning committee meets monthly (every four to five weeks) and deals on average with 40 applications and of these members overturn officers' recommendations on about three. The time elapsed between a case officer report and the date of Committee is around 3 weeks.
- Separate and lengthy briefings for all three political parties take place ahead of every committee meeting. These can last 3 hours and involve up to 4 staff.
- The chair and vice chair of the planning committee both take a very active interest in performance and the decision making process but it was made clear in the consultant's visit that more training is both needed and planned to ensure members are fully aware of the context in which they should take decisions. Discussions are currently underway on these issues.
- 89 % of decisions were delegated to officers in Q3 of 2003/4 – the highest ever achieved. This helped to give an annual average of 87%, again the highest ever achieved. The target is to increase delegation to 90% in 2004/5. Consideration is being given with members to reviewing the delegation criteria, with the aim of reaching 95% in the future.
- Ombudsman complaints are running at about 6 per annum and in the last three years only one has been upheld.
- There are no standard procedures for s106 agreements. In October to March 2002/3 there were only 2 s106 agreements on major applications and these were not completed in the target period. There is no equivalent information on minor applications.
- IT is used for recording pre-application discussions, preparing consultation letters and issuing decisions. The aim is to meet BV157 by 2005 but this will require an

upgrade to the existing system which is being specified. Some of the 2003/4 and 2004/5 PDG is likely to be used for IT improvements.

- The customer care charter for development control was updated in 2001 and includes targets for validation and registration. Pre-application discussions and a morning duty planner system are in place together with a Thursday evening duty planner service.
- The website is assessed as basic in the PPA survey and the council has only starter membership of the Planning Portal.
- The existing UDP was adopted in 1994. A revised plan has been prepared and the inspector's report received. The revised UDP is due to be adopted in June 2004, so the framework for development control decisions will then be complete.

Current stakeholder views

No results from the 2003/4 Planning Satisfaction Survey were supplied at or following the inspection.

Minutes of a recent meeting of the Harrow Conservation Areas Committee were provided at the visit. The Committee meets monthly and has wide representation. At that meeting 23 applications were considered and detrimental comments were made in all but 4 cases. The Committee also asked that in those cases where the final decision is in conflict with their comments, that they should then be given an explanation.

In addition to the above, a number of representatives from the private and community sectors were approached directly to obtain their views about the planning service. Whilst it is recognised that the views obtained via a telephone interview from a small number of people, the names of which were supplied by the Council, does not represent an authoritative sample, they are nevertheless felt to be useful.

The quality of service was felt to be adequate to good. The staff were generally reported as being helpful and approachable but, due to many of them being new, they were less knowledgeable of the area than many of the stakeholders. The cost of copies of planning applications was thought to be excessive.

The agents expressed concern that the drive to achieve quicker decisions was reducing the opportunity to negotiate an acceptable proposal and thereby increasing work for them and the authority by necessitating the submission of a new application to overcome a refusal.

Scale of improvement over last 18 months

The number of individual improvements over the last 2 years, partly based on the 2001/2 Best Value Improvement Plan, has been limited with target dates set but frequently not achieved. In discussions at the visit, it was clear that the effort has been put into achieving staff stability and better management of the process, rather than ticking-off a list specific tasks.

The key areas of improvement have been:

- Restructuring of development control and refurbishment of offices.

Restructuring of the administrative support with the integration of support staff into the development control team.

- Re-designation of the post of Administration Manager to Performance and Systems Development Manager with the capacity to focus on service monitoring, improvement and IT projects.
- Introduction of a market supplement and a policy of recruiting lower qualified staff, together with subsequent training.
- Appointment of additional permanent and temporary staff.
- Improved consultation provisions and clear guidelines on negotiation.
- Improved performance management and introduction of monitoring housing performance.
- Completion of SPGs on design and layout and for house extensions.
- Signed up for Planning Portal.
- Recent improved delegation arrangements.

The improvements themselves, and the positive attitude of managers, are now having a significant effect in the determination speed of major and other applications, but only started to result in an improvement in the performance on minor applications at the end of 2003/4. Hopefully this will continue in 2004/5. Despite the changes to the delegation arrangements, 30% of minor applications are still considered by committee, making it difficult to meet the 8 week target. The high refusal rate is also a cause of concern and could be at the expense of customer service. However, that is likely to be a consequence of determining (refusing) applications as quickly as possible, rather than negotiating and waiting for revised submissions.

Reassessment of 2002/3 evaluation

Harrow was a standards authority in 2002/3 for minor and other applications. No improvement in the annual performance figure on minor applications has been recorded since the previous appraisal but the performance on other applications has been improving gradually over the last four years, with particularly strong improvement by the end of 2003/4 such that the national standard of 80% was almost met. The council was a standards authority in 2003/4 because of its performance on major applications and that area of work has also improved. The original assessment is still valid in that the overall performance is let down badly by that on minor applications.

Other inspections

There was a Best Value Review of the Planning Services in 2001, which concluded in 2002 that the Service was fair and had uncertain prospects for improvement. The council has begun to address some of the recommendations but a number of the issues raised remain to be addressed in future years.

The CPA was completed in December 2002 and the council was measured as fair in the way that it serves local people. In December 2003 Harrow had changed from being weak to fair. The environment score was 2 out of 4. The assessment concluded that: *'There is early evidence of new vision, drive and leadership in an organisation where they have not recently been evident. This evidence is too recent to constitute a track record of success in implementing its plans for the future.'* The relationship between the CPA assessment and the current improvement plans is not clear.

Total of all appeals ³	No of written reps	No of hearings	No of Inquiries	Total decisions ⁴	No dismissed	% dismissed	National average % dismissed
Determined 2001/2	57	19	1	77	39	51%	64%
Determined 2002/3	60	18	1	79	42	53%	64%
Determined 2003/4*	30	7	1	38	22	58%	67%
In hand at 30.09.03		44					

*to 30.09.03 at this stage

Planning Committee (2002/03)	Committee cycle in weeks	Average Applies per mtg	Average Deferrals per mtg	Avg Member Site Visits per mtg	Average Overturns per mtg
	Monthly	40	5	2	3

Other Applications (2002/03)	Withdrawn Applications	Rejected Applications (insufficient info)	Tree Applications ⁴	Approval of Conditions ⁵	Prior Approval Applications ⁶	Any other applications excluded from PS1 return
	267	Not known	210	Not Known	12	0

Other data (2002/3)	EIA		TIA		S106		Unilateral Undertaking	
	Total nos	Nos in target	Total nos	Nos in target	Total nos	Nos in target	Total nos	Nos in target
Major Applications	0	0	Not known	Not known	2 (Oct-Mar)	0	1	0
Minor Applications	0	0	Not known	Not known	Not known	Not known	Not known	Not known

¹ This is the number of applications received divided by the number of established posts

² Includes planning contravention, breach of condition, enforcement and stop notices

³ Includes all types of appeal including enforcement

⁴ Applications to carry out works/ fell trees under TPOs and applications to carry out works/fell trees in conservation areas

⁵ Applications for consent, agreement or approval required by a condition or limitation attached to a grant of planning permission

⁶ Applications under Part 24 - prior approval by telecommunications code system operators

Sources:

The statistics on planning applications are taken from ODPM published data, updated and revised where necessary by the local authority

The BVPI targets for 2002/3 and 2003/4 are from Annex C. Where the figure is in **bold** it is the standard set for that type of application. Where the figure is not in bold it is either the highest figure achieved for the previous two years in accordance with the final paragraph of Annex C, or it is the full national standard for those authorities not subject to specific standards.

DC staff numbers, information on the Development Plan, BV inspection, CPA, Enforcement and Committee Cycles are mostly from the Authority

Website assessment is taken from a study published by PPA (in September 2003)

Appeals data was supplied by PINS

Ombudsman data was supplied by the Local Government Ombudsman

Other data came from ODPM and the Audit Commission

OFFICE OF THE DEPUTY PRIME MINISTER

Sustainable Communities: Delivering Through Planning: Progress Report

The Minister for Housing and Planning (Keith Hill): The Government is continuing to take forward a major programme of reform to the planning system to support its drive to create sustainable communities, promote sustainable development and achieve a better balance of housing supply and demand. Our goal is positive planning to achieve these objectives. Our programme was launched in the Planning Green paper of December 2001 and the Government's policy statement on planning reform of July 2002 'Sustainable Communities - Delivering through Planning'.

The Barker and Egan reports have endorsed the Government's vision for a reformed planning system and the work we are doing to achieve this. We will be setting out how we intend to take forward the agenda of those two reports later in the Summer.

Local planning authority performance

We are making good progress towards the planning reform targets we have set. In particular, we have seen in the last six months the best improvement in a decade in the time which local authorities take to deal with planning applications. Since we published the Planning Green Paper in December 2001, the proportions of local authorities achieving the targets for handling major commercial and residential applications has increased from 24% in January to March 2002 to 41% in January to March 2004. Handling performance on minor commercial and residential planning applications, as well as on other (mainly householder) applications have each doubled over this period. Furthermore, we have achieved our Public Service Agreement target to halve the time it takes the Office of the Deputy Prime Minister to deal with called in cases and recovered appeals from close of inquiry to decision - in the quarter January - March 2004, 80 per cent of the cases were dealt with in 16 weeks compared to 32 weeks.

Planning and Compulsory Purchase Act

The Planning and Compulsory Purchase Act received Royal Assent on 13th May. The Act puts in place a new statutory framework for regional planning and a reformed, more flexible local planning system which puts community involvement at the heart of the process.

The Act sets a statutory objective for plans - to contribute to the achievement of sustainable development. It makes a number of reforms to development control to speed and improve the quality of decision making. Local Development Orders can be used to permit development that is acceptable at local level. There are new requirements for design and access statements to improve the design quality of new development; new processes for handling major infrastructure projects more effectively; requirements for statutory consultees to respond within a certain period; a shorter period of three years as the default for implementation of planning permission and consent; and simplified planning zones.

We have removed crown immunity from planning controls and we will be consulting on the secondary legislation required to make the new arrangements work. And we have made a number of reforms to the compulsory purchase order system.

open for business in the Autumn. We are continuing to develop the Planning Portal and other e-planning initiatives. We are providing financial assistance to Planning Aid.

Changing the culture of planning

We are engaged in a programme for changing the culture of planning. We have put sustainable development at the heart of planning through the statutory objective in the Act and in PPS1. PPS1 emphasises that planning is a positive, proactive process. It sets out principles for community involvement in planning.

As part of the skills agenda set out by the Egan report, we recently launched a new bursaries scheme to fund 144 awards for students who wish to undertake RTPI accredited one year post graduate planning courses.

And we will be working with stakeholders over the coming months on communicating the importance of planning, including new guides to the planning system for the general public and for business.

We set out a road map at the end of 2001 for a reformed planning system. We have come a long way since then, as this statement shows. The Government remains committed to an efficient, effective transparent and accountable system which delivers sustainable development. We will continue to drive forward the reforms and culture change to make this happen.