

Inspection report

June 2005



Planning

Maldon District Council

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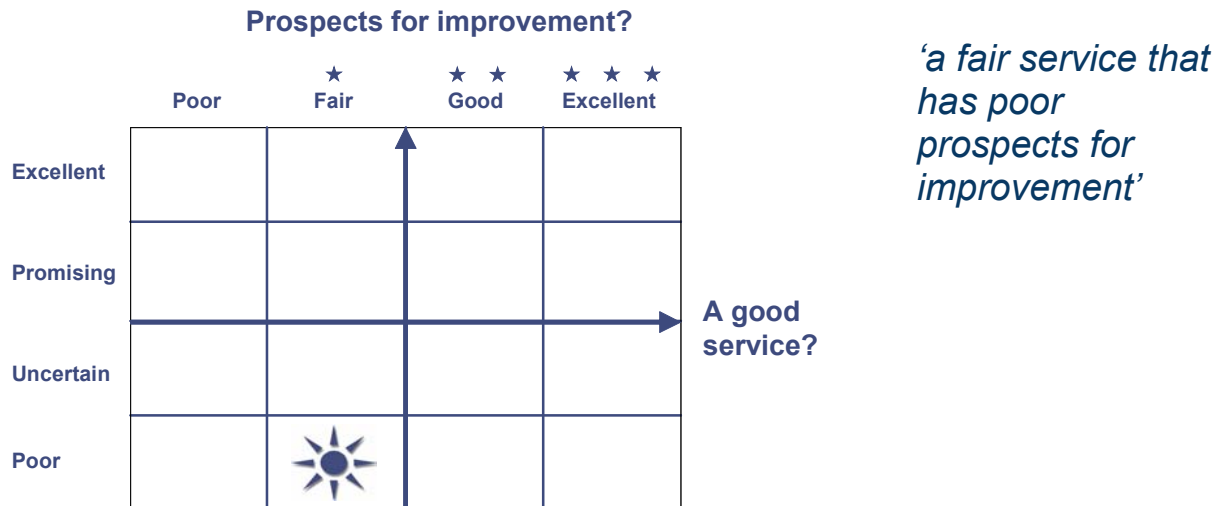
Summary

- 1 Maldon District Council is a rural district in the south-east of Essex, covering 358 square kilometres. In 2001 the population stood at 60,400 of whom 3.24 per cent were from black and ethnic minority groups.
- 2 The council is conservative led with 21 of the 31 seats.
- 3 The council employs a total of 213.31 full time equivalent staff.
- 4 The service inspected covers development control (including enforcement), and planning policy and is estimated to have cost £672,400 in 2004/05 with a projected reduction to £642,000 in 2005/06.

Scoring the service

- 5 We have assessed the council as providing a ‘fair’, one - star service that has poor prospects for improvement. Our judgements are based on the evidence obtained during the inspection and are outlined below.

Scoring chart¹: Maldon District Council - Planning



- 6 The service provided is ‘fair’ because:

- ◆ the service is encouraging some high quality development;
- ◆ service users are able to access specialist advice and grants; and
- ◆ levels of user satisfaction are above average.

However:

- ◆ there is poor performance on the speed of determining planning applications and user satisfaction has declined;
- ◆ customer focus is limited - there is little provision for access to the service other than at the main council office during office hours, limited written guidance is available, and there is little consultation and involvement of customers and the wider public, for example with applicants not being allowed to speak at planning meetings;
- ◆ there is a widespread perception of decision making being inconsistent due, for example, to the notably high levels of decisions taken against officer recommendations by the south-east area planning committee;
- ◆ the service cannot demonstrate that it is securing value for money as many areas of performance fall below that of other councils; and
- ◆ there is a lack of outward facing targets that demonstrate that the service is meeting the needs of local people.

¹ The scoring chart displays performance in two dimensions. The horizontal axis shows how good the service or function is now, on a scale ranging from no stars for a service that is poor (at the left-hand end) to three stars for an excellent service (right-hand end). The vertical axis shows the improvement prospects of the service, also on a four-point scale.

7 Prospects for improvement are poor because:

- ◆ although the council knows what should be done to improve the service, it has consistently failed to address these key issues;
- ◆ the skills and knowledge of councillors and officers are not being effectively deployed to provide an efficient and cost-effective service, and there is a perceived lack of councillor regard for staff expertise;
- ◆ performance management is not effective, for example councillors are not taking an active lead in managing performance through overview and scrutiny;
- ◆ where action has been taken to improve the service, progress has been slow; and
- ◆ there is no systematic process for identifying the development needs of councillors to ensure they have the key skills they need to deliver effective decision making.

However:

- ◆ staff have made operational improvements that have brought some benefits to service users, such as a helpful leaflet on how to make a planning application; and
- ◆ changes in IT and the planned development of a customer contact centre have the potential to improve speed, access and efficiency.

Recommendations

8 To rise to the challenge of continuous improvement, councils need inspection reports that offer practical pointers for improvement. In this context, the inspection team makes the following recommendations to be implemented within a year.

- ◆ Ensure that the skills and knowledge of councillors and officers are used to the best advantage of the service and that decision making is seen to be fair and consistent through:
 - ◆ adopting a clear protocol setting out councillor and officer roles;
 - ◆ regular mandatory targeted training for councillors involved in planning services; and
 - ◆ councillors taking an active role in policy development and performance management.
- ◆ Improve the quality and speed of decision making through providing comprehensive guidance and by streamlining processes.
- ◆ Develop clear outward focussed local performance indicators and targets and use these to measure and manage service performance.
- ◆ Ensure that value for money is being secured by identifying the costs and quality of the service against the outcomes being achieved, for example by reviewing options for service delivery.

9 We would like to thank the staff of Maldon District Council particularly planning service staff, who made us welcome and who met our requests efficiently and courteously.

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Report

Context

- 10 This report has been prepared by the Audit Commission (the Commission) following an inspection under Section 10 of the Local Government Act 1999, and issued in accordance with its duty under Section 13 of the 1999 Act.

The locality

- 11 Maldon is a rural district in the south-east of Essex, covering 358 square kilometres. It has a coastline of approximately 60 miles and is dissected by two main rivers, the Crouch and the Blackwater. The two main town centres of population are Maldon and Burnham-on Crouch. Since 1991, the population has grown faster than both the regional and national averages, reaching 60,400 in 2001 and is 96.76 per cent white British.
- 12 The economy of the district is diverse. Tourism is of growing importance, although fewer residents are employed in the service sector than on average regionally and nationally. A higher than average proportion of residents is employed in activities associated with agriculture.
- 13 Unemployment is low at 1.4 per cent compared to a national average of 2.5 per cent. However, average weekly income at £345 is also low compared to a national average of £392. Life expectancy is marginally above average for both men and women, and the population is aging.
- 14 The national deprivation index places Maldon as the 226th most deprived council out of 354 in the country. Compared to the national average, owner-occupancy is high, at 80 per cent but houses are less affordable in relation to average income.
- 15 The district has 12 conservation areas and over 1000 listed buildings. A substantial part of the district is at risk of flooding.

The council

- 16 There are 31 councillors, of whom 20 are Conservative, one former Conservative councillor suspended, 2 Labour, 4 Independents and 4 Maldon and District Independent Democratic Alliance.
- 17 The council adopted the streamlined model of governance in June 2001 and has the executive power within the authority supported by three main programme committees, three area planning committees, a standards committee and an overview and scrutiny committee.
- 18 The council employs 213.31 full time equivalent staff. It has a senior management structure of a chief executive and four chief officers.
- 19 The net revenue budget for 2005/06 is £7.58 million, with a capital programme of £1.2 million. The council has £13 million of capital reserves. General fund balances are estimated at £852,000.
- 20 The council's mission statement is to deliver high quality services providing value for money and to improve the quality of life for residents. This is supported by five corporate priorities:
- ◆ supporting 'Shaping the Future of Maldon District' (the community plan);
 - ◆ protecting and enhancing the environment and quality of life;
 - ◆ promoting active lives;

- ◆ meeting statutory requirements; and
- ◆ improving the prosperity of the district through future economic strength and stability.

These priorities are to be delivered with customer focus, efficiency and effectiveness, partnership working, and continuous improvement.

The planning service and council's best value review

- 21 The planning and development service operates largely within a statutory framework and development is guided and controlled through policies contained in the development plans. The principal plan which sets the planning policies for Maldon is the local plan.
- 22 The service inspected consists of development control (including enforcement and planning policy), and is part of the larger planning and development services department, which includes other services such as business development. The service employs 24 full time equivalent staff and is estimated to have cost £672,400 in 2004/05 with a projected reduction to £642,000 in 2005/06.
- 23 The council has been identified by the Office of the Deputy Prime Minister (ODPM) as a Planning Standards Authority for 2005/06 for poor performance in dealing with 'minor' and 'major' planning applications. The council was awarded £244,000 in Planning Delivery Grant in 2004/05 and for 2005/06 it has been awarded £89,000.
- 24 The council carried out a best value review of the whole department between July 2003 and April 2004. An interim report was produced in November 2003. The interim review concluded that further work was required to develop the areas identified for improvement. The council subsequently established a members' panel to assist officers in considering matters arising from the interim report, a final report being submitted to councillors in March 2004. The key outcomes of the review identified for the planning service were to:
 - ◆ investigate alternative schemes for delegation of decision making;
 - ◆ develop options for introducing a public speaking facility at area committee meetings;
 - ◆ examine the costs and benefits of the present three area planning committee structure to be examined against a single development control committee; and
 - ◆ availability of clear guidance to ensure a high and consistent quality in the content of applications.
- 25 In April 2004, councillors approved the improvement plan. The members' panel was retained to continue working with officers to further develop those proposals that had implications for the corporate working of the council, such as public speaking at planning committees.

How good is the service?

Are the aims clear and challenging?

- 26 Inspectors look to see how a council has agreed the key aims for the service being inspected, how clear these aims are to the people that receive the service and whether these reflect the corporate aims of the organisation as a whole.
- 27 Aims need to be challenging, address local needs and support national objectives. This requires the council to consider and demonstrate how a service contributes to its wider corporate aims and community plans.
- 28 The planning and development services business plan 2004/05 contains clear links to the corporate priorities. The purpose of the department is 'to protect and enhance the environment and promote and encourage business and tourism in Maldon District', thus supporting the key corporate priorities regarding the environment and increasing prosperity through economic strength and stability. The departmental statement of purpose is underpinned by six points, the key ones relating to the services inspected being:

- ◆ through the local plan and development control to promote appropriate development within the district in the interests of those who live in, work in and visit the district and take necessary action against unauthorised development;
- ◆ to meet the council's statutory responsibilities in respect of planning; and
- ◆ to enhance the countryside, coastline and historic built environment.

- 29 The business plan sets out a clear vision for the service. This includes:
- ◆ a local plan that is responsive to the people of Maldon whilst balancing the regional and national priorities for development;
 - ◆ providing regulatory services that are accessible, efficient and responsive to the needs of partners; and
 - ◆ having the ability to continue to enhance the natural and built environment through direct financial contributions and by partnership working.

By linking the business plan to the corporate priorities the service is better placed to ensure it assists delivery of the council's priorities.

- 30 The business plans for the inspected services are less clear about what outcomes it will deliver for the people of Maldon. There are operational plans for each of the sections that comprise the whole department and also an overarching improvement and change plan but these are not fully SMART². There is a lack of clear identification of the human and financial resources required to deliver the plans and there are few outward facing outcomes with measurable targets that the public would recognise. Many of the actions relate to process, for example publishing the inspector's report on the local plan, ensuring the correct parish councils are notified and responding within time limits. It is unclear that the resources are in place to fully implement the plans. Without clearly defined user focussed targets, associated with performance monitoring and management, councillors and officers cannot be sure that resources are focussed on delivering results on issues that matter to the people living in, working in, or visiting Maldon.

² specific, measurable, achievable, resourced and timely.

- 31 There is a lack of local performance indicators and challenging targets. The best value performance plan (BVPP) contains four local performance indicators but all relate to process rather than outcomes - for example number of complaints responded to within time limits. The business plan does not contain any local performance indicators to measure those areas of performance that are important to local people.
- 32 The council has not set challenging targets to meet statutory performance indicators. For example the council target for 2003/04 to determine minor applications within eight weeks was 55 per cent. This is below the target set for the previous year and is well below the national target of 65 per cent. Delegation levels, although no longer a national indicator, has previously been set at 65 per cent which is significantly below that considered to be best practice by the national professional planning organisations. These low targets do not help to drive up performance to improve the service to the people of Maldon or to deliver local and national priorities.
- 33 There is a lack of explicit prioritisation of actions to deliver the maximum benefits and improvements to users. While the plans include some dates these do not appear to be linked to priorities. Optimum use cannot be made of existing capacity where prioritisation and phasing of actions is unclear.
- 34 There is little evidence of stakeholder involvement in the development of the business plan. Corporate priorities have been informed by consultation but more specific input into service priorities and delivery is limited.
- 35 The current local plan, adopted in 1996, does not contain policies that reflect more recent local, national and crosscutting priorities such as community safety and sustainability. However, the new, replacement local plan which gives a clear vision for the district up until 2011, does have linkages and policies reflecting local and national priorities. Its adoption is expected mid 2005, and this new plan has become increasingly important in influencing decisions on planning applications. It refers to the council's corporate strategy and in particular to the two key objectives of protecting and enhancing the environment and increasing prosperity through economic strength and stability. The replacement local plan will thus assist the council in delivering its own and national priorities.
- 36 The plan contains policies that will guide new development to meet local needs in a sustainable manner and minimising adverse impacts. For example one policy seeks new residential development densities between 30-50 dwelling per hectare in order to maximise use of land in accordance with national Planning Policy Guidance Note 3 (PPG3) and to minimise further encroachment into the open countryside. Green travel plans are required for some developments and there are a number of policies relating to the protection of natural and the built environment.
- 37 The replacement local plan has been informed by local and regional data and policies have been amended to address local needs. For example the thresholds for providing affordable housing have been lowered in order to secure such accommodation on smaller sites since the district has few large residential development sites.
- 38 The council is responding to changes to the policy framework arising from the new Planning and Compulsory Purchase Act 2004 which received royal assent in May 2004. In accordance with the regulations the council has submitted a local development scheme. Following comment by the Government Office for the East of England an amended scheme was adopted by the council on 13 May 2005.

Is the planning system helping to deliver a better quality of life?

- 39 Having considered the aims that the council has set for the service, inspectors make an assessment of how well the council is meeting these aims. This includes an assessment of performance against specific service standards and targets and the council's approach to measuring whether it is actually delivering what it set out to do.
- 40 The planning service should be a key contributor to some of the corporate objectives and it should also be contributing towards cross cutting and national planning priorities.
- 41 The council is encouraging quality new development. The service has negotiated with large volume residential developers to achieve high quality developments, for example The Courtyard in Maldon, which has been awarded a local design award. Negotiations have resulted in appropriate frontages to sites in Maldon town centre such as the Prezzo restaurant. A sensitive barn conversion at The Minerva Centre in Mundon provides a conference centre.
- 42 Pre-application negotiations and occasional use of ad hoc development teams help improve the quality of planning applications, for example on a former car showroom site.
- 43 The specialist design advice offered has enabled improvement to schemes such as Wenlock Way. An annual design award recognises and encourages high quality design. This helps to improve the quality of developments throughout the district.
- 44 A number of grant schemes operate effectively. Grants are available for the replacement or repair of windows and doors in listed buildings and conservation areas, ensuring that windows and doors are replaced with traditional designs and materials rather than with uPVC. Historic building grants can provide up to 40 per cent or maximum of £1,000 towards the repair and refurbishment of listed buildings. A local features grant helps toward repair or refurbishment, for example of water troughs and memorials. It has been used to match fund lottery funding. These actions contribute to protecting and maintaining the environment.
- 45 Environmental, flooding or other forms of impact assessment are required to be submitted with the proposals for some developments. Much of the district is at risk from flooding. Through section 106 (S106) planning gain obligations, or planning conditions, developers are required to undertake flood mitigation and management measures. This helps reduce flood risks.
- 46 The council is not systematically learning from past decisions to inform new policy and developments. There have been ad hoc tours for councillors and officers to assess the impact of developments. However, it is unclear what has been learnt from what has, or has not worked so as to improve the quality of the built and natural environment.
- 47 There is limited published design guidance. The service relies on the Essex Design Guide but it acknowledges that this is not always appropriate to local circumstances. This guide includes a wide variety of advice on site appraisals, design, layouts and landscaping. However, this is more relevant to large residential applications as opposed to small proposals. Advice is lacking regarding smaller applications and design features that are specific to the existing character of Maldon.

- 48 The service is helping to increase the prosperity of the district. A high design quality live/work development on a riverside site at Anchorage Hill accommodates local businesses. The service has also negotiated the resiting of an existing employer, Quest Motors, and enabled redevelopment of their original site to provide mixed use including 16 affordable housing units. This has safeguarded 160 jobs that might otherwise have been lost or relocated outside the district and supports possible future expansion.
- 49 Changes of use to existing rural buildings have allowed effective rural diversification. For example redevelopment of Great Canneys Farm provides accommodation for an inward investing high tech company. Schemes such as this provide new uses for old buildings and increase local employment opportunities.
- 50 Performance is mixed in terms of meeting other local needs and national priorities. Little affordable housing is being secured. In 2003/04 unaudited data provided by the council indicates only 16 new affordable dwellings were built. The 2003 housing need survey identified that 484 extra affordable housing units would be needed each year, so there is a significant gap in provision. The widening gap between supply and demand for affordable housing is not unique to Maldon. The council has sought to address this in the new local plan by reducing the thresholds and increasing the percentage of affordable housing required on new developments.
- 51 The service is effectively delivering on environmental protection with new residential development on brown field sites and achieving high density housing in town centres. In 2003/04, 71 per cent of all new housing was on brown field sites. More recent, unaudited data, indicates that 83 per cent of new building in 2004/05 was on previously developed land. The council acknowledges this is likely to fall in future years as the number of sites available for redevelopment reduces. In Maldon a density of 291 units per hectare has been achieved at Old Mill Close, and at Wenlock Way 210 units per hectare. Reuse of previously developed sites and high densities help make effective use of land and reduce encroachment in to green field areas.
- 52 No exception sites have been developed to provide affordable housing to meet the needs of the rural communities. There is no evidence to show the council has undertaken any village appraisals in association with the parish councils. Local involvement in identifying need and development sites is important if the specific needs of rural communities are to be met.
- 53 A number of developments have secured S106 planning gain obligations to support sustainability. Developments by Tesco and Bovis have provided contributions to park and ride schemes and cycle ways including bridges over the Chelmer Navigation. The town centre development at Wenlock Way provides no car parking in order to encourage more sustainable modes of transport.
- 54 Delivery of cross cutting priorities such as designing out crime and sustainable development is mixed. Some development proposals are referred to the police architectural liaison advisor but to date no developments have been given 'Secured by Design' awards and application reports do not contain any specific reference to designing out crime. No specific officer or councillor training on designing out crime has been undertaken and general awareness of the need to consider this is low. This demonstrates that there is not yet fully joined-up working across the council.

- 55 However, working between different council departments is improving. For example joint working between environmental health and planning to deal with such issues as ventilation and extraction matters. Such joint working enables a co-ordinated approach and advice to developers and solutions that are acceptable to all parties. However there was no evidence that building control or any other service provides advice to the planning section on accessibility issues and the implications of the requirement in building regulations for disabled access. Access to a variety of specialist advice is important if new development is to be of a high quality, meet particular needs of the community and contribute to the council's and national priorities.
- 56 The service is working effectively in partnership with neighbouring authorities. Work with the Essex Planning Policy Forum has led to jointly produced habitat surveys and landscape appraisals which will aid understanding and protection of the local natural environment. Joint working with near-by councils is providing data and information on retailing that will help the council inform future policy and decisions.
- 57 The guidance available for planning applications of a minor nature is inadequate. There is very limited supplementary planning guidance. For example there are no guidance notes written specifically about householder and other small types of application which make up the majority of the applications. Furthermore it is not clear that the service has in the past analysed what are the frequently asked questions from users and provided appropriate, locally produced written advice covering these topics. Consequently applicants for minor developments do not have access to clear written guidance to enable appropriate initial applications to be made.
- 58 There is no detailed written guidance on what S106 agreements will be required, to address the impacts of new developments. Other than a general reference in the local plan the amount (in kind or funding) and the justification for seeking such a contribution has not been clearly stated. Staff should have clear guidance to ensure developers are treated consistently and that the council does not miss opportunities. The provision of additional guidance and justification is important if the use of S106 is seen by the public and developers to be transparent, fair, and consistent.
- 59 The service has internal agreed enforcement priorities that are in line with council priorities. They focus on listed buildings, conservation areas, trees and archaeology. There is no active targeting of, for example, planning conditions relating to tree protection measures. Once there has been a breach of the condition the potential damage to the trees is irreversible. Until very recently building control staff were not checking plans to ensure consistency between building regulation and planning applications. This means that delivery against the priorities is not systematic.
- 60 Although the council is signed up to the Enforcement Concordat, there is no evidence that the principles of the concordat are being implemented. The service is not publishing monitoring reports in accordance with the concordat and awareness of it is low amongst officers. There are no published procedures on how enforcement complaints will be dealt with. Given that this often a lengthy, complex and contentious procedure, such information is important so that all persons involved can see they are being treated fairly. The council cannot demonstrate that complainants and those being complained about receive fair and consistent treatment, with coordination between council services where appropriate.

- 61 Access to the service is limited. There is no written planning information available in other publicly accessible locations, such as libraries. There is no public use of IT in the planning reception area in the offices in Maldon. The website does not allow viewing of current planning applications nor is it possible to track the progress of applications. The service provides no late night or weekend opening. A planning surgery was started in Burnham in April 2005 but until then no planning help was available other than in the main council offices in Maldon. This disadvantages people who are unable to travel to Maldon or visit the offices during the day.
- 62 There is no opportunity for members of the public or parish councils to speak at committee meetings. This is an accepted procedure at most other councils and regarded as national good practice by the Local Government Association (LGA), the Royal Town Planning Institute (RTPI) and Planning Officers Society.

Is there a quality planning process?

- 63 In order to judge the quality of a service, it is important to compare the performance of that service against other suppliers across a range of sectors. The aim is not exact comparison, but an exploration of how similar services (or elements of services) perform in order to identify significant differences, the reasons for them, and the extent to which improvements are required.
- 64 Where possible, we have compared the council with others in its family group of councils with similar general characteristics. We have also compared the council with the best and worst performing 25 per cent of other councils for each indicator. We have also examined the planning process and the quality of the service delivered to local people.

Speed of determining applications

- 65 The council is identified by the ODPM as a Planning Standards Authority for 2005/06 for poor performance in dealing with 'minor' and 'major' planning applications. It was not identified as a standards authority for 2004/05.
- 66 Audited data for 2003/04 indicates the council performed poorly when compared to other councils. Speed of determining minor and 'other' applications showed the council's performance was in the worst performing quartile. In 2003/04 it determined 48 per cent of minor applications in eight weeks against a national target of 65 per cent. For 'other' applications the council determined 72 per cent in eight weeks against a national target of 80 per cent.
- 67 Compared to other councils, speed of determining major applications in 2003/04 was below average. The council determined 50 per cent of all major applications in 13 weeks against a national target of 60 per cent. This is an improvement on 2002/03. More recent unaudited data indicates that 64 per cent of major applications were dealt with within 13 weeks in 2004/05.
- 68 Recently changes in administrative procedures have helped to speed up registration and validation of applications. This means that planning officers receive them faster once the applications are received by the service. Revised delegation arrangements have increased the number of applications determined by officers. However, the council recognises that further changes and improvements are required if the service is to improve further. Users of the service should be able to expect to receive timely decisions with the quality of decisions being consistent.

Brownfield development

- 69 In 2003/04 the council achieved 71 per cent of new residential development on brown field sites which is a slight decrease on the previous year, but above the national target of 60 per cent. Effective redevelopment of previously developed sites is important to ensure that the use of green field (previously undeveloped) sites is minimised in order to protect the character of the area.

Delegation level

- 70 In 2003/04 the level of delegation was among the lowest compared to similar councils, with only 73 per cent of all planning applications being determined under delegated powers, by officers rather than by councillors. This is an increase on 2002/03 when only 64 per cent of all application decisions were delegated, but it remains significantly behind most other councils with some achieving delegation rates of over 90 per cent. Effective use of delegation powers is important to ensure decisions are made quickly and efficiently whilst allowing councillors to focus on those applications which are more complex or have greater local interest or potential impacts for the area.

Customer satisfaction

- 71 Applicant satisfaction with the service was above average in 2003/04 when 75 per cent of applicants expressed satisfaction. This has fallen since the last survey in 2000/01 when the 82 per cent were satisfied. There is no evidence to show that the council has carried out any analysis of the causes of customer dissatisfaction or complaints received and used this information to improve the service delivered.

Cost

- 72 It is unclear whether the council fully understands the costs of the planning service. Costs are difficult to assess and to compare to those for other councils due to the differences in the way the data is collected and calculated. Cost comparison and trends may be distorted by the allocation of the Planning Delivery Grant and the number of applications dealt with that attract no fee. The 2003/04 data shows the service is more expensive per head of population than the average for similar councils, at a cost of £14.02 per head. The cost has fallen since 2002/03. Unless the council fully understands the costs of service against clear measures of the quality of service delivered, it is unable to ensure that resources are efficiently and effectively utilised.
- 73 From the comparative cost and performance data available the council can not demonstrate it is delivering value for money. Value for money is the efficient and economic uses of resources to deliver service outcomes that address local and national priorities. The service cost does not indicate good value for money as many areas of performance falls below that delivered by other councils and satisfaction levels have fallen.

Customer service

- 74 Staff are generally helpful. Advice given is usually constructive and some specialist advice is available - for example in relation to listed buildings, conservation areas and general design advice. There is some clear published guidance on procedures. This is available in written form and on the website. For example a guide on how to submit a planning application includes clear explanations and illustrations on what plans and information are required. Such advice and guidance is important in that it assists applicants to submit the relevant information and thus reduce the delays caused by incomplete applications.

- 75 The planning part of the council's website has improved and provides some basic information. In 2004 the website scored 15 out of 21 criteria in the Pendleton national survey comparing council planning websites. This is an improvement on 2003 when it scored 3 out of 21 but when compared nationally it still falls behind several better performing councils. The website contains a variety of general advice, the weekly list of applications, committee minutes and a variety of forms that can be downloaded and printed. However, it does not permit online submission of applications or the lodging of enforcement complaints. It is not possible to view planning applications, the local plan policies or monitor progress of applications and complaints.
- 76 There are no planning specific codes of conduct or protocol in place clearly setting out councillor and officer responsibilities and expected levels of behaviour in relation to planning matters. Consequently there is some confusion and lack of understanding about who does what. In particular councillors are getting involved in detail rather than focussing on policy development and on the applications that have great potential impact on the area. The number of applications referred to the three areas committees is high and many of these relate to minor proposals, such as small extensions which should be being determined by officers. Published planning protocols and codes of conduct that all councillors, staff and service users are fully aware of, are essential to ensure the decision making process is, and is seen to be fair, transparent and consistent.
- 77 There is a strong perception, within and outside the council of inconsistent decision making, and councillors overturn a significant number of officer recommendations. The basis upon which planning applications are determined is perceived as varying between the area planning committees and also being inconsistent within the individual committees. Unaudited data provided by the council for 2004/05 indicates that 53 out of 346 officer decisions were overturned at committee. Variable regard appears to be paid to officer recommendations. In the south-east planning committee 19 per cent of decisions were against officer recommendations. Of those decisions 61 per cent were approvals where officers had recommended refusal. This compares to no approvals against officer recommendations of refusal at one committee and four percent for the other. This contributes to a perceived lack of regard for staff expertise by councillors. The chairman of the Planning and Licensing Committee is an ex officio member of two area committees and chairs the third one, but there is no formal mechanism to ensure councillors interpret and apply policy in a consistent manner and in accordance with the development plan.
- 78 Unaudited data provided by the council indicates that over a two year period 46 of 136 appeals (34 per cent) were where councillors had overturned officer recommendations. Over the same period, 28 of the 75 appeals that were determined by the Planning Inspectorate were allowed, with the council not being successful in defending its decision. This represents 37 per cent and is above the national average of 35 per cent. Of the 28 allowed appeals, 13 were committee decisions. The council's unaudited data indicates that costs have been awarded against it on five occasions in 2003/04 amounting to a total of £18,425. The number of officers recommendations overturned, appeals allowed and costs awarded all indicate that decisions are being made that do not accord with the local plan.

- 79 There is limited training of councillors in planning matters and it is not compulsory. A new training programme started in 2005 but this does not include issues such as policy interpretation and application of material considerations. There is also an assumption by some councillors that they do not need training. However, mandatory, ongoing training for all councillors involved in planning matters is recommended by national bodies such as the LGA and the RTPI. This boosts councillor skills and gives them greater knowledge of legislation, policy and material considerations in order to deliver appropriate decisions and inform policy making.
- 80 Working relationships between councillors and officers are mixed. On both sides there is a sense of mistrust of the other. This had led to officers feeling that their professionalism and judgements are not valued and to councillors being reluctant to step back from detailed matters and, for example, increase delegation.
- 81 The approach to decision making does not represent economic or effective use of resources. Three area committees operate independently and the planning and licensing committee deals with some planning applications as well as policy matters. A considerable amount of time is spent by officers preparing reports for these committees. Many of the applications are small and non-controversial. This represents inefficient deployment of staff time as well as of councillors' skill and knowledge, which could be put to more appropriate use considering policy development and dealing with the few, but more complex or controversial proposals that justify detailed consideration.
- 82 Customer focus is limited. Customers are not engaged on an ongoing basis so as to ensure that service standards and delivery meet their needs. 'Hard to reach groups' such as elderly people living in rural areas, single parent families and disabled people have not been approached to secure their views. An agents' forum formed part of the service review, but no further meetings have been held. Ongoing dialogue with stakeholders leads to mutual understanding of need and limitations facing the council and the development of joint approaches to secure service improvement and to ensure the specific needs of particular disadvantaged groups are met. This opportunity is being missed.
- 83 There is no detailed analysis of complaints. Whilst the service keeps a record of all complaints to the council there is no evidence of any analysis of the reason for them and actions to resolve or prevent further occurrence. Lack of analysis is a missed opportunity for service improvement.
- 84 The service has published service standards. These set out what level of service users can expect. It is unclear whether performance against the standards is monitored to ensure that they are met and that users receive a consistent level of service.
- 85 The service has suffered staff turnover and shortages in recent years. This has led to new or less experienced staff having to deal with more complex matters. Some users reported this has had an impact on the quality and consistency of advice being given. Such staffing problems are not unique to Maldon as there is a national shortage of planners. Many other councils have maintained, and in some cases, improved their performance despite such staffing problems. The council does not have robust provision and alternative arrangements in place to cope with staffing shortages and maintain a consistent level of service.

- 86 There is some officer training identified through the appraisal process, but it is not based on an analysis of what skills the service needs and what is available to ensure the appropriate skills needs are met. A few officers are undertaking formal planning training over a period of years provided by universities, and others are attending internal or externally provided training but this is largely the result of them requesting it rather than being based on an analysis of service need.
- 87 There is no duty officer or appointment system. Officers are currently expected to see service users on demand and there is no evidence that the service has carried out any evaluation to see whether this meets user needs or is the most efficient use of resources.
- 88 The impact of changes to improve and enhance the service is mixed. Changes to the administration of the section have reduced the time taken for applications to reach an officer's desk. However the introduction of a corporate document imaging (piloted by development control) has led to significant delays in all post reaching the service thus delaying the consideration of application and queries. This has also led, at least in the short to medium term, to duplication of development control systems which is not an effective use of resources.

Summary

- 89 The service provided is fair, with some good quality developments. Service users are able to access specialist advice and grants. Levels of user satisfaction are above average.
- 90 However there is poor performance on planning speed and user satisfaction has declined. Despite the priority given in corporate aims to customer focus, this is weak within the service. There is little provision for access to the service other than at the main council office during office hours, written guidance is limited, and there is little consultation and involvement of customers and the wider public, for example with applicants not being allowed to speak at planning meetings. There is a widespread perception of decision making being inconsistent. The council is unclear whether it is securing good value for money due to lack of outward facing targets against which to measure performance. Practices are inconsistent, for example regarding enforcement of planning conditions.

What are the prospects for improvement to the service?

- 91 Inspectors use the following three building blocks to judge the service's prospects for improvement:
- ◆ ownership of problems and willingness to change;
 - ◆ a sustained focus on what matters; and
 - ◆ the capacity and systems to deliver performance and improvement.

Ownership of problems and willingness to change

- 92 In good and excellent councils, senior managers and councillors are committed to continuous improvement. They are willing to tackle difficult problems, take difficult decisions and stick to them. They are open about their performance and problems and welcome internal and external challenge.
- 93 Despite having a clear understanding of what needs to be done to achieve improvements for service users, the council has failed to make the necessary changes to policies and procedures. The best value review improvement plan clearly identifies the key challenges that need to be dealt with but there is a lack of measurable, outward facing outcomes. Best value performance indicators show under-performance against similar councils regarding the speed with which applications are determined. The comprehensive performance assessment in 2004 noted the comparatively poor performance and limited improvements being achieved by the service. Inadequate response to these clear messages has contributed to Maldon becoming a 'standards authority' for both major and minor applications.
- 94 The cost-effectiveness of current arrangements with three area planning committees and limited delegation was not thoroughly explored by the best value review. A year on from the final report of the best value review team, these issues are still under examination, with very little progress to show. The opportunity has not been taken of comparing practices with those deployed by the best performing similar authorities. The council is not clear about whether current arrangements represent the best way of delivering the service and give good value for money for the people of Maldon.
- 95 The skills, commitment and wealth of knowledge about the district that councillors possess are being under-used. Councillors are committed to providing a good service but their potential contribution is being diluted by being excessively focussed on minor details relating to individual planning applications. This means that the higher level areas of policy formulation and performance management receive insufficient attention.
- 96 There is readiness to re-evaluate priorities to meet budgetary constraints. Commitment to providing appropriate resources for the service is demonstrated by £85,000 funding for the local development planning process being consolidated into the annual base budget.
- 97 While the major strategic actions have not been taken, planning staff have made operational improvements. A clear and helpful guidance leaflet has been produced giving basic information to individuals about submitting planning applications. Work has commenced on a Maldon-specific design guide. Supplementary planning guidance is being prepared that will come into effect when the new local plan is adopted. This includes the detailed guidance regarding section 106 expectations that is currently noticeably lacking. Applicants and developers will benefit from having a clearer understanding of council requirements. This will help them to tailor their plans prior to submission so that they are more likely to be approved.

- 98 Poor performance has not been consistently and effectively tackled. In 2003/04 the council compared poorly for minor and other applications, which were in the worst performing quartile, and had not improved since 2002/03. Unaudited data provided by the council indicates improved performance for 2004/05, but comparative data is not yet available.
- 99 The best value improvement plan is tentative in its proposals, several of which are to further investigate or review major issues such as the planning committee structure. While target dates are given there is no clear indication of the priority and sequencing of actions. Outcomes are mainly about process, for example completion within the specified timescale, with very little focus on what is going to improve for service users, and how the success of the actions will be measured. There has been no thorough examination of the potential for options for the future delivery of the service.

A sustained focus on what matters

- 100 In high performing councils, senior managers and councillors know what matters to local people and use this information to set clear and consistent priorities. They focus on achieving impact in priority areas and concentrate effort and resources in proportion to priority.
- 101 There has not been sustained focus on removing barriers to improvement and on key issues such as a plan to improve the speed of determinations. Although council priorities reflect the high importance the public places on conservation and enhancement of environment, the council has not developed a sufficiently strategic approach to ensure that the larger scale desired outcomes of an attractive and economically strong and prosperous district are secured. The council seeks to ensure that developments positively contribute to the visual amenity of the district, and has achieved some good outcomes. However councillors duplicate planning officers' work by focussing too much on detail, such as minor householder applications. The outcome is slow progress and a service that is not matching the improvement achieved elsewhere.
- 102 Despite awareness of the perception that the quality and consistency of decision making is variable, there has been no decisive action to address this. The potential for inconsistency, with the existence of the three independent area planning committees, is further compounded by training for councillors being optional. The council's IDeA peer review commented on the need for councillors involved in planning to have regular training and the inconsistency of decision making has been commented on by agents, and individual applicants. The Planning Inspectorate has also made specific comment when applications have gone to appeal.
- 103 There has been no action to improve public involvement in the planning process. Individuals affected by developments are not able to present their views to planning committees and parish councils are similarly restricted to making representations to local councillors or lodging written comments. The best value review panel, which had some external members, considered the issue of public speaking at planning committees to be one of the most significant priorities. Despite visits to other councils to see how this operated and a Members' Panel recommendation that it should be piloted in Maldon, this has been rejected. Publicity for planning applications and neighbour notification was identified as another area for improvement. The outcome was identified as improved awareness for those affected by proposed developments. However, this was rejected by the Planning and Licensing Committee.

- 104 The council has not consulted local people and users of the service on how it intends to improve the service. There was some dialogue with agents and developers, during the best value review, but this has not been continued. Failure to engage stakeholders means that the council cannot be sure that the actions it is taking will improve the service in the way that local people want.
- 105 The service planning process is aligned with what council as a whole seeks to achieve, but is not underpinned by challenging targets.

The capacity and systems to deliver performance and improvement

- 106 Successful councils have sound performance management systems and effective financial management, including flexibility to move money and people to tackle the most important problems. They have clear lines of accountability for action and have the skills to build effective partnerships to help bring about improvements.
- 107 The replacement local plan reflects corporate and national environmental priorities. However, whilst the planning policy base exists for decision making that reflects local and national priorities, it is not clear that there will be consistent delivery against these policies.
- 108 There is no systematic approach to identifying and meeting the development needs of councillors. Training is provided in an ad-hoc way in response to specific issues or topics. For example, within planning there is currently a series of seminars on various subjects. However, these are largely informative rather than addressing the key skills, such as consistent interpretation of planning policy that councillors need to deliver effective decision making. Attendance at training events has been poor. The workforce development plan identifies an action to develop an individual training plan for councillors following one to one interviews. However, there is no target date for completion and the commitment of members to personal development remains unclear. Varying levels of understanding about the basis upon which planning determinations must be made and regarding current legislation will contribute to inconsistent decision making.
- 109 The absence of customer focussed targets limits the effectiveness with which performance can be managed. The challenge by members to improve performance is limited. For example, the council's overview and scrutiny committee does not effectively challenge performance, and identify areas for improvement. Although committees receive monitoring information, there is no effective management of performance or development of future policies. The council's IDeA peer review identified similar concerns in its report published in January 2003. Since that time little progress has been made. Without effective overview and scrutiny, the council will be unable to effectively manage and improve overall performance.
- 110 High levels of staff turnover have contributed to poor performance within the planning service, as reflected in the performance indicators. Besides affecting the continuity of service this has led to new or less experienced staff having to deal with more complex matters. Staff retention problems are partly due to a national shortage of planners, but are exacerbated by local issues such as staff feeling that there is a lack of regard for their professionalism. Although the service is now up to full establishment, clear and robust plans do not exist to prevent staffing issues impacting on the quality of the service. In the absence of such plans, this remains an area of vulnerability.

- 111 There is some evidence of realignment of staff resources to meet priorities and increase efficiency. The vacant post of landscape officer was not replaced, with a decision being taken to buy in expertise as required and to increase staff in planning policy to work on the new local development framework. The council is currently seeking to recruit an access officer who will be based in building control.
- 112 Future skills needs within the planning service have been identified. A skills audit of existing planning staff has been undertaken which identifies the development needed by individual members of staff to meet anticipated service developments. However, plans to address these individual development needs have not yet been formulated. A corporate staff appraisal process clearly links individual targets, objectives and training needs back to the council's wider aims and priorities. However, this works less effectively in the planning service, with staff feeling less clear about what they are trying to achieve and the way in which their training needs are identified.
- 113 The council has identified actions to develop the organisation. A new corporate business planning system is being introduced that more clearly identifies the output and outcomes services should deliver. The intention is that future business plans will be fully SMART. The recently adopted workforce development plan addresses key issues such as training, staff retention and the development of a more outcome focussed approach throughout the council to performance management. This should enable the council to more effectively align organisational development and human resource strategies to the delivery of corporate goals.
- 114 The council is proposing several initiatives that have potential to improve the delivery of the planning service, but these are only at a very early stage of development. Examples are the improvement of IT systems and the development of a council-wide customer contact centre. It is intended that the latter will provide an initial contact point for all council enquiries thereby freeing up staff, including planning, to concentrate on service delivery. However, the council has not yet produced a project plan and could give no clear target date when the centre will be up and running. Without this, it is difficult to say when and how this development will benefit users of the planning services and the council has not clearly identified the customer-focussed outcomes it anticipates from the IT improvements.
- 115 The council has made good use of external funding to improve systems for the delivery of planning services. The council secured £245,000 planning delivery grant and £88,571 in 2005/06. This was appropriately used to develop computer systems and staffing capacity.

Summary

- 116 The council's prospects for improvement are poor. Although the council knows what should be done to improve the service it has consistently failed to address these key issues. The council's best value improvement plan lacks rigour. Where action has been taken, progress has been slow. Whilst the planning policy base exists for decision making that reflects local and national priorities, it is not clear that there will be consistent delivery against these policies.
- 117 Performance management is not fully effective. Councillors are not taking an active lead in managing performance. Overview and scrutiny is weak and does not effectively challenge performance and identify areas for improvement. There is no systematic process for identifying the development needs of councillors to address the key skills and training which councillors need to deliver effective decision making. Perceived lack of regard for staff professionalism exacerbates staff retention problems.

- 118 However, councillors and staff are committed to the service. Staff have made operational improvements that have brought some benefits to service users. The council proposes to develop a customer contact centre, but at present no project plan exists or target date that shows when the centre will be operational. The service has identified future skills needs and a council-wide workforce development plan identifies key actions to align human resource strategies with corporate goals.

Appendices

The purpose of a best value inspection is to make two judgements. The first is how good is the service being inspected? The second is what are the prospects for improvement? We carried out a range of activities to enable us to reach our judgements.

Documents reviewed

Before going on site and during our visit, we reviewed various documents that the council provided for us. These included:

- ◆ Local Performance Plan 2004/05;
- ◆ Best Value Review;
- ◆ IDeA Peer Review report, January 2003;
- ◆ Comprehensive Performance Assessment (CPA) report, September 2004;
- ◆ Council response to the draft CPA report;
- ◆ LA21 Strategy;
- ◆ Community Plan for the District of Maldon;
- ◆ Corporate Strategy 2003/07;
- ◆ Department Business Plan 2004/05;
- ◆ IDeA Peer Review Report (January 2003);
- ◆ Local Plan; and
- ◆ Essex Design Guide and other planning specific documentation.

Reality checks undertaken

When we went on site we carried out a number of different checks, building on the work described above, in order to get a full picture of how good the service is. These on-site reality checks were designed to gather evidence about what it is like to use the service and to see how well it works. We also followed up on issues relating to the management of the review and the improvements flowing from it. Our reality checks included:

- ◆ attendance at council meetings, including area planning committee meetings;
- ◆ an accompanied tour of the area including development sites;
- ◆ examination of the website; and
- ◆ telephone calls, including to applicants and objectors.

List of people interviewed

We met a range of people involved with the service:

Chairman of Central Area Planning Committee

Chairman of Overview & Scrutiny

Chairman of Planning & Licensing Committee / Chairman
of North Western Area Planning Committee

Chief Executive

Chief Planning & Development Services Officer

Corporate Services Officer

Council Leader

Council Solicitor

Development Control Officer

Finance Manager

Leader of the Opposition (Independent Group)

Leader of the Labour group

IT Manager

Personnel Manager

Planning & Highways Support Officer

Planning Policy & Conservation Manager

Senior Administrative Officer

Vice Chairman of Planning & Licensing Committee / Vice
Chairman of South Eastern Area Planning Committee

Focus group of agents and applicants

Focus group of front line planning staff

Focus group of principal officers from across the council

Focus group of parish council representatives

Improving public services

The government has placed a duty upon local councils to deliver services to clear standards - of cost and quality - by the most economic, efficient and effective means available.³ Best value is a challenging framework that is designed to improve local services. Councils are required to assess their own performance and put in place measures to ensure continuous improvement in all of their services.

Councils must show that they have applied the 4Cs of best value:

- ◆ **challenging** why and how a service is being provided;
- ◆ **comparing** their performance with others' (including organisations in the private and voluntary sectors);
- ◆ embracing fair **competition** as a means of securing efficient and effective services; and
- ◆ **consulting** local **taxpayers**, customers and the wider business community.

The government has decided that each council should be scrutinised by an independent inspectorate. The Audit Commission performs this role.

The purpose of the inspection, and of this report, is to:

- ◆ enable the public to see whether best value is being delivered;
- ◆ enable the council to see how well it is doing;
- ◆ enable the government to see how well its policies are working in practice;
- ◆ identify failing services where remedial action may be necessary; and
- ◆ identify and disseminate best practice.

³ This report has been prepared by the Audit Commission ('the Commission') following an inspection under Section 10 of the Local Government Act 1999, and issued in accordance with its duty under Section 13 of the 1999 Act.