

Inspection report

June 2005



Planning

Southend-on-Sea Borough Council

Contents

Summary	3
Scoring the service	4
Recommendations	7
Report	9
Context	9
The locality	9
The Council	9
The planning service and Council's best value review	10
How good is the service?	11
Are the aims clear and challenging?	11
Does the service meet these aims?	12
How does the performance compare?	15
Summary	20
What are the prospects for improvement to the service?	22
Ownership of problems and willingness to change	22
A sustained focus on what matters	24
The capacity and systems to deliver performance and improvement	24
Summary	25
Appendices	27
Documents reviewed	27
Reality checks undertaken	27
List of people interviewed	28

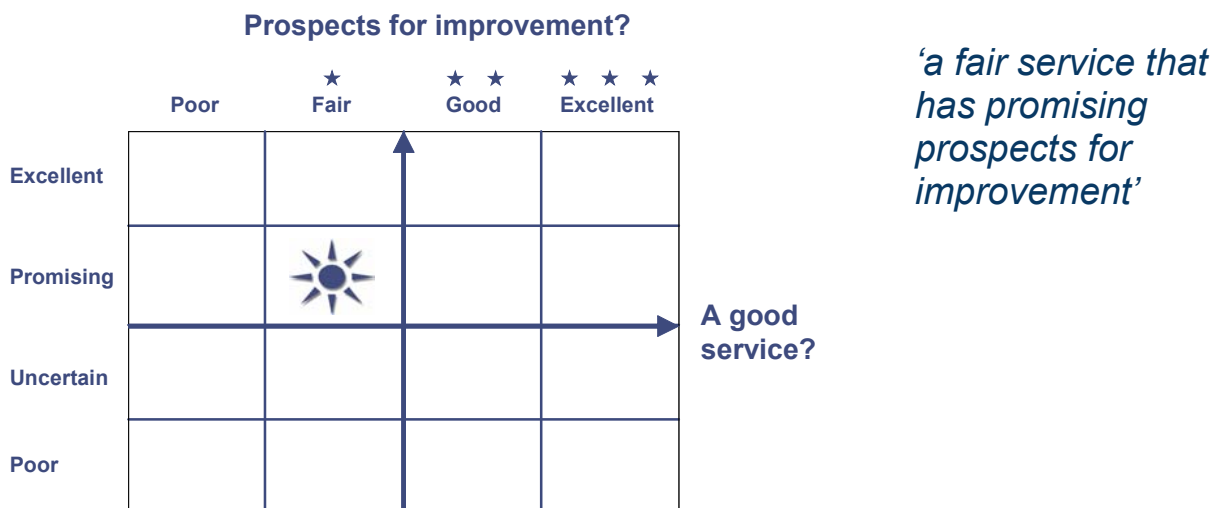
Summary

- 1 Southend-on-Sea Borough Council is a unitary council located approximately 40 miles from central London on the north side of the Thames estuary and forms part of the Thames Gateway regeneration area. The population is 160,000 of which 4.2 per cent are from minority ethnic communities.
- 2 The Council is conservative-led with 33 of the 51 seats.
- 3 The Council employs 5,600 staff across all services.
- 4 The planning service review covered development control (including enforcement), strategic planning and design and regeneration. The service is estimated to cost £1,168,000 for 2004/05.

Scoring the service

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

Scoring chart¹: Southend-on-Sea Borough Council - Planning



- 6 Overall this is a 'fair' service because:
- ◆ there are clear linkages between the service delivery plan and the Council's ambition to regenerate the Borough;
 - ◆ the Council is ensuring the interests of the Borough are understood and addressed in the future regeneration and growth of the Thames Gateway and is successfully attracting external funding to aid regeneration of the area;
 - ◆ the Council has been successful at proactively encouraging high quality development of major developments in the area;
 - ◆ the service is delivering against some national priorities such as the density of dwellings per hectare;
 - ◆ the Council is amongst the best in the country at securing new housing on previously developed sites; and
 - ◆ preparation of the local development framework (LDF) and development documents that set out the new policy base to secure future development that meets local, regional and national needs is well-progressed.

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 However:

- ◆ the current local plan that provided the policy basis for past planning decisions was adopted in 1994 and is out-of-date. It does not contain policies to address some cross-cutting issues such as community safety and sustainability;
- ◆ the speed of determining all types of planning applications is below average for 2003/04 and although it has recently shown some improvement performance fluctuates;
- ◆ there is limited written guidance and access to advice for smaller applications such as those submitted by householders;
- ◆ there is no detailed guidance for developers setting what the Council will require from Section 106 (S106) obligations and the justification for such demands;
- ◆ the number of successful planning appeals against the Council has significantly increased over recent months;
- ◆ customer satisfaction with the service is poor when compared to other councils and has deteriorated over the past three years;
- ◆ the Council does not engage with users on an ongoing basis to ensure that service standards and delivery meets their needs;
- ◆ the service does not have a customer charter so users will not know what level of service to expect;
- ◆ planning committee meetings are always held in the afternoon and there is no evidence to suggest that this timing is based upon the preference of customers; and
- ◆ the website, although improving, still falls behind those provided by many other councils.

8 Prospects for improvement are 'promising' because:

- ◆ the Council is clear about the problems it faces and councillors, management and staff are committed to improvement;
- ◆ a resourced improvement plan is in place which is monitored by councillors and managers;
- ◆ there is clear recognition of the importance of the service - the recent budget evaluation assessment indicates a clear priority given to the planning service;
- ◆ actions are already being taken or are planned to deal with areas of weakness or to improve the service further - for example, the customer contact centre;
- ◆ positive steps are being taken to improve capacity including councillor and officer training and 'grow your own' planners; and
- ◆ the Council is making effective use of the planning delivery grant to improve internal processes to enhance the service provided; provide training, guidance and accelerate the preparation of the LDF to provide an up-to-date policy base.

9 However:

- ◆ a few weaknesses identified in the first judgement are not being tackled, for example, householder guidance and the assessment of the effectiveness of councillor training;
- ◆ the Council is not communicating effectively with its stakeholders;
- ◆ systematic approaches to deliver performance and improvement are not fully embedded and are not achieving the desired impact; and
- ◆ service capacity is stretched and there is some uncertainty about the Council's ability to sustain improved performance.

Recommendations

- 10 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.
- ◆ Develop further the improvement and departmental delivery plans to ensure they incorporate clear user focussed outward facing targets linked to local, regional and or national priorities. Local performance indicators should be identified to ensure delivery of local priorities.
 - ◆ Customer satisfaction - carry out detailed analysis of reasons for falling satisfaction rates and put measures in place to address weaknesses with regular progress checking. Implement ongoing and regular liaison with service users to inform future service delivery.
 - ◆ Continue to address capacity - including looking at alternative methods of service delivery to ensure all service users receive a consistent and improving level of service.
 - ◆ Put in place and monitor the effectiveness of:
 - ◆ a published user charter to set out the level of service users can expect;
 - ◆ written and adopted guidance on S106 obligation contributions, frequently asked questions especially relating to householder and other small applications; and
 - ◆ ongoing, regular staff and mandatory councillor training to incorporate implications of new legislation; interpretation and application of policy; enforcement and material considerations.
- 11 We would like to thank all the staff, managers and councillors of Southend-on-Sea Borough Council who made us welcome and who met our requests efficiently and courteously.

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Dates of inspection: 14 to 18 March 2005

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Report

Context

- 12 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

- 13 Southend-on-Sea Borough Council is a unitary council located approximately 40 miles from central London on the north side of the Thames estuary and forms part of the Thames Gateway regeneration area. The population is 160,000 living in 77,570 households of which 4.2 per cent are from minority ethnic communities.
- 14 The national deprivation index places Southend as the 134th most deprived council out of 354 in the country. The major sources of employment in the Borough are manufacturing, financial services, retail, education and government. Unemployment stands at 2.5 per cent, which is higher than the eastern or national average.
- 15 The Borough has 12 conservation areas, 150 listed buildings and a very small area is within the greenbelt. Regeneration and the proposed future growth within the Thames Gateway are significant challenges facing the district in the future.

The Council

- 16 The Council comprises 51 councillors. The conservative party has control. Currently a leader and cabinet system governs the business of the Council.
- 17 The Council employs 5,600 staff across all services.
- 18 The Council's overall budget for the year 2004/05 is £182.727 million. In the current year, savings of £5 million had to be made so that the Council stays within its aggregate FSS.
- 19 The Council's vision is set out in the corporate plan and is 'to be a first class council and lead Southend to become a vibrant coastal town and prosperous regional centre'. This is underpinned by five ambitions of:
- ◆ regeneration;
 - ◆ education;
 - ◆ social care;
 - ◆ citizen-focused; and
 - ◆ effective.

The planning service and Council's best value review

- 20 The planning service under review consists of development control (including enforcement), strategic planning and design and regeneration. It forms part of the technical and environmental services department. The service employs 48.5 FTE staff and is estimated to cost £1,168,000 for 2004/05; a fall of 6 per cent from the previous year.
- 21 The Council was identified by the Office of the Deputy Prime Minister (ODPM) as a Planning Standards Authority for 2004/05 for poor performance in dealing with 'minor' and 'other' planning applications. The Council is not identified as a Standards Authority in 2005/06. In the 2004/05 Planning Delivery Grant allocation the Council was awarded £309,487 and in 2005/06 it was awarded £390,475.
- 22 The planning service faces significant external challenges as the Council lies within the Thames Gateway.
- 23 The Council carried out a best value review of planning services in 2003 and 2004. Desired outcomes of the review were to:
 - ◆ improve CPA score in 2006;
 - ◆ improve speed of planning applications;
 - ◆ implement e-government;
 - ◆ improve staff capacity to deliver planning services;
 - ◆ adoption of a local development framework;
 - ◆ link to customer contact centre;
 - ◆ improve joined-up working within and outside Council;
 - ◆ improve understanding of the role of planning in regeneration; and
 - ◆ improve customer satisfaction.
- 24 The five key outcomes the review identified were:
 - ◆ improve customer focus;
 - ◆ exploit e-government opportunities;
 - ◆ effective and efficient service delivery;
 - ◆ empowering the workforce; and
 - ◆ strategic approach to planning services.

How good is the service?

Are the aims clear and challenging?

- 25 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. The judgement about how good the service is examines the past three years.
- 26 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.
- 27 The technical and environmental departmental delivery plan clearly links to the corporate vision and its aims are challenging. The 2004 to 2007 service plan includes links to the community and corporate plan vision and in particular to the ambitions ‘to regenerate the Borough through partnership working and investment to create the conditions for economic growth and tackle deprivation’. It also links to the other four corporate ambitions and sets out operational functions planning and other services should be contributing to. The operational functions are:
- ◆ providing and maintaining required development plans and monitoring;
 - ◆ protecting and enhancing the physical environment;
 - ◆ maintaining and enhancing key infrastructure and public facilities fit for purpose; and
 - ◆ improving efficiency, customer care and consumer protection.
- 28 The delivery plan sets out a number of key priorities that planning should be a contributor to and these include: efficient processing of applications to encourage appropriate development; achieve quality new development and improvement of the public realm; improved accessibility and more sustainable patterns of travel patterns. However, there is a lack of local outward facing indicators and targets linked to priorities with measures to ensure that they have been achieved and have delivered the outcomes sought. For example - many of the milestones or measures of success contained in the delivery plan refer to processes - the preparation of plans or increased speed of application determination rather than the delivery of outcomes that local people would notice. As a result, both the Council and the public cannot be clear what has changed.
- 29 The planning service operates largely within a statutory framework and development is guided and controlled through policies contained in the statutory development plans. As a unitary council the service has the responsibility of preparing structure, local, waste and mineral and transport plans.
- 30 There are a number of up-to-date statutory plans. The Essex and Southend-on-Sea Structure Plan was adopted in 2001 and the Waste Local Plan in 2001. Both were jointly prepared by the Council and the County Council. The structure plan sets out the broad strategic planning framework for Essex. It refers to the Thames Gateway and the national priority of creating sustainable communities. The Local Transport Plan has been cited as an example of best practice by the DTLR (Department of Transport, Local Government and the Regions).

- 31 The Council also has been actively involved in the preparation of the new draft regional spatial strategy called the East of England Plan which sets out the spatial strategy and framework for the preparation of other statutory plans for the period up to 2021. The Council has also been proactively engaged with external partners in planning for the regeneration and growth of the Thames Gateway to ensure the interests of the Borough are recognised and addressed.
- 32 The Council has anticipated changes to the policy framework arising from the new Planning and Compulsory Purchase Act 2004 which received royal assent in May 2004. In February 2005 it was the first council in Essex to have the Local Development Scheme (LDS) agreed by the Secretary of State. This sets out a programme for the production of local development documents that will influence and guide future development so that it meets local, regional and national needs. Some documents, such as a new design and townscape guide, and a planning obligations guide for developers, have recently received council approval and will now be subject to formal public consultation where appropriate. Through prompt action to progress preparation of the new planning policy and guidance the Council will be better placed to ensure future development meets need and contributes to council priorities.
- 33 However, the local plan that has provided the policy basis for past planning decisions was adopted in 1994 and is now out-of-date. It pre-dates the corporate plan, community strategy, Regional Planning Guidance (RPG) 9 and other recent national planning guidance such as that set out in PPG3. Whilst it addresses the issue of regeneration it does not include specific policies on cross-cutting issues such as community safety and sustainability. Many policies are quite general so the Council has been able refer to more recent national guidance but it did acknowledge that in some cases site specific policy has been too prescriptive and has held back redevelopment of some sites - for example, the site adjacent to ASDA supermarket. Whilst the Council has been able to rely on national planning policy to secure development that contributes to local need the lack of an up-to-date plan may have resulted in the Council failing to achieve all that it might have done in respect of securing, for example, sustainable developments.
- 34 Consultation on the community plan has fed into the plans. The Council has used consultants to advise on consultation but acknowledges that it needs to develop further its understanding of and engagement with 'hard to reach' groups to ensure their views are understood and inform policies and decisions.

Does the service meet these aims?

- 35 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.

- 36 The Council is encouraging a high quality of development. Design ‘champions’ have recently been designated to provide leadership on design. The service has influenced or designed a number of developments in the Borough which have won national awards. These have included a Civic Trust commendation for Porters Grange School for ‘a valuable contribution to the quality and appearance of the environment’ and a RIBA ‘Spirit of Ingenuity’ award for the Pier Entrance. Redevelopment of the military site includes retention and restoration of 56 listed buildings including the unique Horseshoe barrack design. The service offers specialist design advice and operates a grant scheme to encourage home owners to retain or replace timber window frames rather than install UPVC frames in order to protect the character of the conservation areas. The Council runs an annual design award scheme to recognise and encourage excellence in local development. The enforcement section runs fly-posting boards in some parks which have reduced fly posting that detracts from the visual appearance in the surrounding areas.
- 37 An annual tour for councillors and officers allows the service to assess the impact of developments and learn from what has, or has not, worked. For example the Council has developed criteria where new crossovers can be permitted that do not cause highway hazard or detract from the character of an area. Learning from past decisions can be an important way to inform new policy and developments so as to improve the quality of new development.
- 38 The service is effectively contributing to regeneration. For example, it is engaging and influencing decisions that will impact on the area. The original Thames Gateway growth area did not include Southend-on-Sea but following the Council’s engagement at regional and national level the Gateway area was extended to include Southend-on-Sea when RPG9 was issued in 2001. The government has also recently approved the creation of an urban regeneration company. These decisions will enable the Council to access funding to support local regeneration that would otherwise be unavailable to it. The service has also successfully lobbied to gain support to the establishment of a university presence in the town to aid the Council’s educational priorities. By effective engagement at regional and national level the Council has been able to influence policy and decisions that will affect the future of Southend-on-Sea.
- 39 The service is successfully attracting external funding to aid regeneration of the area. The Pier Hill regeneration project was delivered in a short timescale and revitalises the sea-front and provides a link between the pier and town centre. Other examples of external funding obtained includes Thames Gateway funding of £30 million plus a further £7 million Gateway funding that other councils had failed to use; £45 million for transport infrastructure including improvements to the A13 and £6 million to provide sea defences and a new beach to enhance the area as a tourist attraction. The Community Infrastructure Fund provided £20 million for the redevelopment of the New Ranges site.
- 40 The service liaises with external bodies and other organisations to support its regeneration priorities. Outcomes from regeneration projects are often delivered over many years but the Council is liaising with others to ensure early consideration of future regeneration opportunities. For example, it is working with the new Urban Regeneration Company to produce the new emerging LDF and the advantages and disadvantages of attracting a ‘super’ casino are also being debated.
- 41 The overall rate of housing provision required by the East of England Plan is being delivered. This means that new housing is being provided to meet overall need. The East of England annual monitoring report 2004 indicates Southend-on-Sea Council is the only planning authority in the region to deliver the rate of completions required.

- 42 Affordable and key worker housing is being secured on larger residential sites. In 2003/04 unaudited data provided by the Council indicates 131 affordable dwellings being approved. However, the amount of affordable housing being achieved falls far behind the demand identified by the 2004 update of the Council's housing needs report 2003 to 2006 which found that 1,363 extra affordable housing units are required each year. A widening gap between supply and demand for affordable and key work housing is not unique to Southend-on-Sea. The planning system is not the only method of affordable housing provision and the emerging LDF policies will need to maximise future provision through the planning process.
- 43 Relationships with adjoining councils are mixed. The service has worked with Essex County Council to produce a number of joint statutory plans. Relations with adjoining district councils varies and some difficulties arise due to the growing development pressures and regeneration priority of Southend-on-Sea that give rise to the need for infrastructure development or improvement in areas outside the Borough.
- 44 Working between different council departments is generally effective. Planning consults departments such as environmental health on planning applications to ensure issues such as noise reduction measures, adequate ventilation and smell abstraction measures are incorporated into developments. Liaison with housing has resulted in some affordable housing and key worker accommodation being secured. For example the future redevelopment of vacant offices in Victoria Avenue for housing includes 240 key worker units and attracted £7 million ODPM funding. To ensure rapid progress of key development projects a 'client team' monitors delivery of projects. Development teams (a team of officers from relevant council departments and external organisations attend pre-application discussions so that all issues are identified early) are used for some projects - for example the Royal Bank of Scotland proposals.
- 45 The service has delivered some national planning priorities. Due to the nature of the area and the tight borough boundary all new development is on brownfield (previously developed sites). Densities being achieved are generally well above the minimum 30 dwelling per hectare that the government seeks - for example the redevelopment of the Co-op in Guildford Road. 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. The nature of the area means much development will be in easy reach of public transport and S106 contributions have secured the provision of cycle paths - for example South East Essex College. However, there is no current design guidance to secure energy efficient developments and car parking provision is often high.
- 46 Whilst the service can demonstrate a number of strengths in terms of what it is delivering as outlined above, there are however a number of areas which require further attention.

- 47 There is some written planning guidance. For example there are advice notes on converting shops, forecourt parking, security shutters and shop front design and advice on permitted development. There is however limited written advice for householders - especially those acting without professional help. Written advice notes are available on the website but are not displayed in the Council's main reception or in other public building such as libraries. There are some published design briefs for key sites such as Heath and Carby House redevelopment but overall there is limited adopted supplementary planning guidance and in particular no guidance setting out what the Council will require through S106 obligations.
- 48 Some Section 106 agreements (legal agreements which may be attached to a planning permission which require a developer to provide or contribute towards specific items for a major development) are secured to address the impacts of new developments. Open space, affordable housing, highway improvements and more recently CCTV, public art, sea defence and travel plans have been secured. However, other than a general reference in the local plan and in some concept statements for specific sites to the types of contributions that may be sought from S106 obligations there is limited detailed guidance setting out what, the amount (in kind or funding) and the justification for seeking such a contribution. It is acknowledged that all proposals need to be negotiated independently but the provision of guidance and justification on S106 can ensure the public and developers can see that requirements for S106s are transparent, fair, and consistent. All potential developers should expect to be able to get a clear indication of what may be expected from them early in the preparation of their schemes and justification for this in order that they can see they are being treated fairly and can assess any potential additional cost implications of their development scheme. Staff should also have clear guidance to ensure developers are treated consistently. The Council appears to acknowledge that more guidance is required since the preparation of a planning obligation development plan document is given high priority in the new programme in it's local development scheme.
- 49 The service does take action over breaches of planning control and there is internal guidance on enforcement priorities. However, it is not clear how these priorities were identified and it is important to ensure that the Council's enforcement resources are targeted where they will make the most difference and in line with council priorities.
- 50 Conditions are monitored but there is no active targeting of, for example, planning conditions relating to tree protection measures where once there has been a breach of the condition the potential damage to the trees is irreversible. Building Control vet building regulation applications to ensure consistency with planning permissions, and send out standard letters to developers on sites where the Council is aware that development is commencing to remind them of the need to comply with planning conditions. The Council had signed-up to the principles of the Enforcement Concordat to ensure complainants and those being complained about receive fair and consistent treatment with coordination between council services where appropriate. However it had not published annual reports of performance against its enforcement policy.

How does the performance compare?

- 51 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.

- 52 Where possible, we have compared the Council with other councils in its Audit Commission family group (councils with similar general characteristics). We have also compared the Council with the best and worst performing 25 per cent of other councils for that indicator.
- 53 We have also examined the planning process and the quality of the service process provided over the last three years.

Speed of determining applications

- 54 The Council is identified by the ODPM as a 'standards authority' for 2004/05 for the poor speed of determining 'minor' and 'other' applications. It was not identified as a standards authority for 2005/06.
- 55 Audited data for 2003/04 indicates the Council, when compared to other councils, had below average performance. Audited data for 2003/04 for the speed of determining major and minor applications shows the Council's performance was below average although has improved since 2002/03. In 2003/04 the Council determined 48 per cent of all major applications in 13 weeks against a national target of 60 per cent. For minor applications the Council determined 58 per cent in eight weeks against a national target of 65 per cent. Minor and 'other' applications make up the majority of applications the Council receives.
- 56 Audited data for 2003/04 indicates that the Council, when compared to other councils, was in the bottom quartile (ie worst) for the speed of determining 'other' applications. In 2003/04 it determined 71 per cent in eight weeks against a national target of 80 per cent. However, this is an improvement on 2002/03 performance.
- 57 Unaudited council data for the first nine months of 2004/05 shows improvement in the number of all applications determined within the time limits. Councils identified as a 'standards authority' are asked by the ODPM to achieve specific performance standards in the following year. For 2004/05 this was set at 52 per cent of major, 58 per cent of minor and 73 per cent of 'other' applications determined within the statutory time limits. Unaudited data shows the Council has met the 'standard' for minor and 'other' applications' but in the last three months the percentage of major applications determined within the time limit has fallen to 38 per cent. It is too early to identify the reason for this fall in performance that could have arisen from a number of complex, major applications being submitted over a short period of time. However, applicants should expect to receive a consistent level of service at all times.

Brownfield development

- 58 The Council is one of the best performing councils and achieved 100 per cent of new housing on brownfield sites which is above the government 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

- 59 In 2003/04 the Council had above average performance and determined 88 per cent of all planning applications under delegated powers (ie by officers rather than by councillors). This is an improvement on 2002/03 when it delegated only 79 per cent of all application decisions. 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

- 60 Satisfaction with the service is in the worst quartile (ie poor) and has fallen. In 2000/01 when the previous survey was undertaken 72 per cent were satisfied with the service compared to 63 per cent in 2003/04. There is no evidence to show that the Council has carried out any detailed analysis of the causes of customer dissatisfaction or complaints received and used this information to improve the service delivered.

Cost

- 61 The costs of the planning service, particularly when compared to other councils are difficult to assess due to the differences in the way the data is collected and calculated. Cost comparison and trends may also be distorted by the allocation of the Planning Delivery Grant and the number of applications dealt with that attract no fee, but it is important that the Council fully understands the costs of service and the quality of service delivered so it ensure that resources are efficiently and effectively utilised.
- 62 Based on the 2003/04 data the Council is in the lowest cost quartile (ie cheapest per head of population) with a cost of £9.00 per head and that cost has only risen very slightly since 2001/02. However, a cheap service is not automatically good, especially if the service is failing to perform well in many areas. Value for money is the efficient and economic uses of resources to deliver effective services that deliver outcomes that address local and national priorities. From the comparative cost and performance data available the Council cannot demonstrate it is delivering value for money in all areas especially when its performance falls below that delivered by other councils and satisfaction levels are low and falling.
- 63 In addition to comparing the Council's performance against other councils we also examined the processes to judge whether the service is meeting the needs of users. The best value inspection did not specifically focus on issues of probity but a number of strengths and weaknesses are highlighted below.
- 64 The service does not engage on an ongoing basis with users of the service so as to ensure that services standards and delivery meet their needs. It is not clear whether 'hard-to-reach groups' such as single parent families have been approached to secure their views about service delivery. 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.
- 65 Councillors and staff have access to some training and development to help boost knowledge and skills. Until recently councillors had induction training but any other planning training was voluntary. Councillor training on planning issues has now been made mandatory but there is still a need for more regular, ongoing mandatory training on issues such as new legislation, enforcement and material considerations. A number of officers are undertaking formal planning training over a period of years provided by universities and others are attending conferences or short courses. However, whilst there is access to training it was suggested by many that more training on specific topics such as designing out crime and the implications of new legislation - for example the Disability Discrimination Act and refresher courses in the fundamentals of planning (eg decision-making) would be helpful. There also was no analysis of what skills the service needed and what were available to ensure the appropriate skills and training needs were met.

- 66 Codes of conduct for officers and councillors dealing with planning matters are in place. These include pre-meeting site visits, pre-applications discussions and speaking at committee. Published codes of conduct which councillor, 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.
- 67 There is some internal guidance on enforcement priorities and some published guidance on procedures which is available in written form and on the website. These include speaking at committee and how to submit a planning application. There is no detailed guidance on how enforcement complaints are dealt with and, given this is often a lengthy, complex and contentious procedure, such information is important so that all persons involved can see they are being treated fairly.
- 68 Working relationships between councillors and officers is improving. The planning service is now recognised as having an important role in helping the Council deliver its priorities.
- 69 The service does not have a customer service charter. As a consequence users of the service and staff will not know what level of service to expect or provide to ensure users receive a consistent level of service. There is little spare capacity within the service and for example when staff are on holiday or sick the level of service may fall. For example the time to validate applications and get them to a planning officer for consideration increases if support staff are on leave. Service users should be able to expect that the service improves and that the quality of the service does not fluctuate.
- 70 There are early indications that some parts of the service are starting to decline - especially that concerned helping and dealing with smaller proposals that make up the bulk of applications received. The service acknowledges that it has focused on improving the speed of determining planning applications and there are also signs that it has focused on major, high profile projects. As a result it may have neglected the needs of its users and staff. It also acknowledges the service has found it difficult to recruit and retain staff which has affected both the capacity of the service to deliver and the morale of the staff.
- 71 Development control application case loads are high and rising and this is not sustainable in the long-term. The Council acknowledges it has, and continues to suffer from lack of capacity which makes the level of service it provides very susceptible to change. For example, staff sickness, managing staff absences or failure to fill vacant post has caused performance to fall.
- 72 Staff are willing to help but this is being hindered by staff turnover and shortages in recent years. There is a duty officer available to deal with general enquiries and a new customer contact centre opened at the end of 2004. It is too early to judge how successful this will be in assisting service users but the service acknowledges there has been a number of teething problems to date. Service users report that it is becoming difficult to arrange pre-application meetings to discuss the smaller types of applications.

- 73 The rising number of refusals, appeals received and appeals allowed would also indicate a potential problem that the Council needs to fully understand and redress. The service did put forward some information to explain this but the situation is not unique to Southend. Unaudited data shows the number of refusals is increasing and was 35 per cent in the second quarter of 2004/05 which is much higher than the national average of 16 per cent. The number of appeals being allowed (ie the Council is not successful at defending its decision) has risen sharply to 55 per cent and is well above the national average of 35 per cent over the last three months. It is too early to see whether such trends continue but they do suggest that the service needs to analyse the causes so that it fully understands the reasons and puts in place appropriate advice, guidance and policies to ensure that the Council's development standards are clearly set out and provide a robust basis for the determination of applications and appeals.
- 74 There is no up-to-date procedure manual in development control. There is some suggestion that users are receiving inconsistent services and responses. For example the time to deal with enquiries, submission of details and correspondence. Others cited variations in advice depending on who they spoke to. Where there is staff turnover, the use of consultants or less experienced staff it is important that service standards and appropriate guidance is in place to ensure all users receive consistent advice and level of service regardless who they contact.
- 75 Whilst there is a publicised national shortage of planners there was limited evidence that the service had sought to identify alternative ways to deliver elements of the service such as by providing more written guidance or joint working with neighbouring councils. Many other councils have maintained, and in some cases improved their performance despite such staffing problems. Service users have a right to expect to receive a consistent service regardless of the problems a council is facing.
- 76 Access to the service for advice is limited to normal office hours with no late night or weekend opening. Plans can be inspected at libraries, including evenings and weekends, and some applications can be viewed in town council offices - for example Leigh. However amended plans are not available and no further assistance or guidance is available in such locations. Application plans cannot be viewed on the website. This will disadvantage those who are unable to travel to the main council office.
- 77 Planning committee meetings are held in the afternoon. The timing of the committee has been changed from one held later in the day and there is no evidence that such a change was based on the expressed preferences of service users as opposed to what was most convenient for councillors and officers. It is noted that special meetings have been convened at other times for specific consultation discussion such as the airport proposals. The public is entitled to address the councillors, with the applicant having a right of reply prior. Evidence indicates however, that there is a strongly held perception that such speakers are not always listened to as a result of councillors or officers talking during such representations.

- 78 The Council's planning website is improving but still remains behind those provided by many other councils. In 2004 the Council's website scored 13 out of 21 criteria in the Pendleton national survey comparing council planning websites. This is an improvement on 2003 when it scored 6 out of 21 but it still falls behind many other councils. The website contains a variety of planning material including statutory plans and general advice notes, the weekly list of applications, committee agenda and decisions. Also, enforcement complaints and comments on planning applications can be submitted online. However, the website does not permit online submission of applications; electronic notification of new applications or significant amendments; online viewing of plans or enforcement complaints or notices. The site links to the Planning Portal where national planning guidance can be viewed.

Summary

- 79 Overall this is a 'fair' service because:
- ◆ there are clear linkages between the departmental delivery plan and the Council's ambition to regenerate the Borough;
 - ◆ it is ensuring the interests of the Borough are understood and addressed in the future regeneration and growth of the Thames Gateway and it is successfully attracting external funding to aid regeneration of the area;
 - ◆ the Council has been successful at proactively encouraging high quality development of major developments in the area;
 - ◆ the service is delivering against some national priorities such as the density of dwellings per hectare;
 - ◆ the Council is amongst the best in the country at securing new housing on previously developed sites; and
 - ◆ preparation of the LDF and development documents that set out the new policy base to secure future development that meets local, regional and national needs is well-progressed.
- 80 However:
- ◆ the current local plan that provided the policy basis for past planning decisions was adopted in 1994 and is out-of-date. As a result some cross-cutting issues such as community safety and sustainability are not covered;
 - ◆ the speed of determining all types of planning applications is below average and although it has recently shown some improvement performance fluctuates;
 - ◆ there is limited written guidance and access to advice for smaller applications such as those submitted by householders;
 - ◆ there is no detailed guidance for developers setting what the Council will require from S106 obligations and the justification for such demands;
 - ◆ customer satisfaction with the service is poor when compared to other councils and has deteriorated over the past three years;

- ◆ the Council does not engage with users on an ongoing basis to ensure that service standards and delivery meets their needs;
- ◆ the service does not have a customer charter so users will not know what level of service to expect;
- ◆ planning committee meetings are always held in the afternoon and there is no evidence to suggest that this timing is based upon the preference of customers; and
- ◆ the website, although improving, still falls behind those proved by many other councils.

What are the prospects for improvement to the service?

- 81 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

- 82 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.
- 83 The Council is clear about the problems it faces, and is willing to change. A best value review of the planning service was completed in October 2004. The improvement plan is clear and links into the Council's overall corporate plan and the wider community plan. Improvements are aimed to lead Southend to become a vibrant coastal town and prosperous regional centre. The councillors, management and staff all indicated their own commitment to achieving improvement through the planning service. The recent budget evaluation assessment indicates the clear priority given to the service. The implication is that planning services will be contributing directly to achieving the community and council ten-year vision.
- 84 The Council has been open about its poor performance. An external challenge was provided to the Council's review by an independent specialist consultant. Challenge is also provided from other Essex authorities and the government. Internal challenge to the service was provided by the Deputy Town Clerk and Monitoring Officer. This challenge has helped to inform the service's improvement plan.
- 85 The improvement plan focuses on achieving five key outcomes to the service including:
- ◆ improved customer focus;
 - ◆ exploiting e-government opportunities;
 - ◆ effective and efficient service delivery;
 - ◆ empowered workforce; and
 - ◆ strategic approach to planning services.
- 86 Actions are starting to deliver improvements in most of the areas. Examples include:
- ◆ a good start to improve customer focus has been made by relocating the planning reception from the tenth floor, to the new customer contact centre on the ground floor. This is being phased in from January 2005. A charter for working with agents is planned and a customer feedback form is now on the website;
 - ◆ customer satisfaction is being tackled through a proposed annual satisfaction survey starting in mid-2005 and the restarting of a bi-annual agents forum;

- ◆ likewise, a good start has been made to exploit e-government opportunities. The service is becoming increasingly web based. Since January all documents are being scanned to allow access via the web, with full public access by the autumn. This will then allow the submission of planning applications online (including payments), consultations and customer satisfaction feedback;
- ◆ the local development scheme identifies as priorities the provision of policy, advice or guidance that has in the past been absent or in need of updating - in particular design and S106 guidance;
- ◆ guidance has been recently introduced to inform applicants of what is expected of them; to form the basis of pre-application negotiations and the checking of applications - for example the major scheme check list. This will help applicants and contribute towards improving the effectiveness and efficiency of the service;
- ◆ the speed of determining planning applications has shown recent improvement;
- ◆ a new programme of mandatory councillor training is planned covering new legislation implications, material considerations and specific topics such as S106 obligations and enforcement;
- ◆ the workforce is being better empowered by more integrated IT systems, and issues relating to the retention of staff are being addressed; and
- ◆ the developing LDF provides a good basis for future planning.

87 The actions listed above also address most of the weaknesses found by the inspection although a few remain to be tackled. There is little evidence to indicate that specific advice and guidance to householders will improve in the future, or whether answers to frequently asked questions will be provided. The implication is that the service will not be as customer focussed as it can be.

88 The Council does not communicate effectively. Within the Council, officers say that there is a lack of easy communication, and rigidity between different sections. Staff are frustrated at the slow pace of change. Applicants seeking planning permission for smaller (domestic) developments say that they have difficulty making initial contact with the appropriate planning officer in a timely manner. The Council is aware of the past lack of dialogue and is taking action to improve communications, but it is less aware how effective these actions are. For example regular formal meetings are to be held with the planning agents. Yet, the agents we spoke to were unaware of this. The impact is that although the Council communicates, its messages are not heard.

89 Councillor training, whilst provided in the past, has lacked impact and was not mandatory. As a consequence not all councillors may have been fully up-to-date in policy or procedural requirements. Observation of the development control committee indicated an absence of policy-based debate. Councillors frequently reverting to non-planning arguments to suggest an application should be refused. There was also a lack of explanation for some decisions made which adversely affects the understanding by the public and applicants. The councillor training programme being put in place will require regular assessment to ensure it has impact.

A sustained focus on what matters

- 90 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.
- 91 The Council recognises the importance planning can play in the regeneration of the area. The preparation of the new local development scheme has been prioritised. The government office for the East of England states that the LDF is clear and concise. Major development proposals are being secured to improve inward investment. An example is the Pier Hill development which links the seafront to the town centre. The success of the scheme, together with town centre developments, is to be monitored by the anticipated increase in the footfall of shoppers. An officer client team within the Council ensures continuing close liaison with developers of major schemes. Progress is monitored weekly.
- 92 The Council continues to take a leading role within the Thames Gateway South Essex partnership in focusing on future initiatives for employment-led regeneration which seeks to balance jobs, infrastructure and dwellings. The Council is also working directly with the ODPM on Thames Gateway projects including developing the sustainable communities plan. An Urban Regeneration Company is being formed in Southend named Renaissance Southend which is to be closely aligned with the emerging LDF. It is set to deliver specific regeneration projects. An example is Southend becoming a key hub for culture and learning with a higher education centre of excellence serving the Thames Gateway South Essex partnership.
- 93 The service has already taken action to improve or address service weaknesses. Paragraph 85 sets out a number of actions that have been taken or are planned.
- 94 There are however a few areas where there is uncertainty about the Council's ability to sustain its focus on improving performance. Whilst the speed of determining applications has improved, performance for major applications still fluctuates and it is unclear whether such improvements can be maintained and enhanced further.
- 95 Performance monitoring is not as focused as it could be. Monitoring reports do not highlight where performance is just above or below the nationally comparable median (second and third quartiles). In some reports the nationally comparable performance levels are not shown. As a result performance monitoring can miss early signs of improvement or failure.

The capacity and systems to deliver performance and improvement

- 96 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.
- 97 There are new systems being introduced to improve performance. Newly appointed officer performance champions across the Council provide linkage between the departments on specific issues and also on achieving longer-term improvement. The department has six out of its nine services accredited with ISO 9001 status. The planning service is commencing its analysis of adopting ISO 9001 to further improve its performance.

- 98 The Council is taking positive steps to improve its capacity. The increase in delegated decisions has allowed staff to redirect their time to professional assessment of planning applications rather than preparing committee reports. Due to the national shortage of qualified planning officers the Council has adopted a policy of 'grow your own'. Currently there are five officers studying for professional qualifications on a day release basis which will improve capacity and skills in the longer-term. The improvement to the web service will release further capacity by December 2005.
- 99 Effective use is being made of the planning delivery grant received from government. It is being used to provide a platform for future improvements which will be sustainable even when the grant is finished. The grant has enabled the training of planning officers, the ability to scan planning applications, and the preparation of (PPG 17) open space assessments to accelerate the preparation of the LDF.
- 100 The Council is making improvements to its budget setting processes. For the first time in 2005/06 the Departmental Delivery Plan was determined at the same time as the budget setting cycle. This has allowed the Council to align targets with the budget. Work has already started on matching targets and budgets for 2006/07.
- 101 There are a few areas of concern. The capacity of the planning service is stretched. Whilst the Council is not identified as a 'planning standards authority' in 2005/06 there are however early signs that its focus on application speed is leading to deterioration in other parts of the service. This includes applicants having difficulty in accessing officers and the lack of some policy and advice documents being available.
- 102 Systematic approaches to deliver performance and improvement are not totally embedded. For example, staff appraisals are not undertaken consistently across the organisation. Although exit interviews have been undertaken for the past couple of years the results have not been analysed. The implication is that, whilst there is a clear and comprehensive approach to performance management, this may break down at the edges with a resulting loss in effectiveness.

Summary

- 103 Prospects for improvement are promising because:
- ◆ the Council is clear about the problems it faces and councillors, management and staff are committed to improvement;
 - ◆ a resourced improvement plan is in place which is monitored by councillors and managers;
 - ◆ there is clear recognition of the importance of the service - the recent budget evaluation assessment indicates a clear priority given to the planning service;
 - ◆ actions are already been taken or are planned to deal with areas of weakness or to improve the service further - for example the customer contact centre;
 - ◆ positive steps are being taken to improve capacity including councillor and officer training and 'grow your own' planners; and
 - ◆ effective use of the planning delivery grant to improve internal processes to enhance the service provided; provide training, guidance and accelerate the preparation of the LDF to provide an up-to-date policy base.

104 However:

- ◆ a few weaknesses were that identified in the first judgement are not being tackled, for example householder guidance; and the assessment of the effectiveness of councillor training;
- ◆ the Council is not communicating effectively with its stakeholders;
- ◆ systematic approaches to deliver performance and improvement are not fully embedded and are not achieving the desired impact; and
- ◆ service capacity is stretched and there is some uncertainty about the Council's ability to sustain improved performance.

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:

- ◆ draft Corporate Plan 2005-08;
- ◆ Council Budget Books 2003/04 and 2004/05;
- ◆ best value review;
- ◆ Essex and Southend-on-sea replacement structure plan;
- ◆ 'Gateway Town Centre' Strategy 2002 to 2012;
- ◆ draft Technical and Environmental Services Delivery Plan 2005 to 2008;
- ◆ ODPM Sustainable Communities Projects for Southend;
- ◆ complaints and compliments files; and
- ◆ various Council minutes and reports.

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:

- ◆ review of planning enforcement and planning application files;
- ◆ a tour of the district;
- ◆ reception visit;
- ◆ mystery shopping visit;
- ◆ mystery shopping telephone enquiries;
- ◆ telephone calls with key stakeholders and service users;
- ◆ visits to libraries to check on planning information available; and
- ◆ attendance at a development control committee.

List of people interviewed

We met a range of people involved with the service.

Leader of the Council

Chair of Environmental Scrutiny Committee

Chair of Development Control Committee

Executive Councillor for Planning and Regional Development

Executive Councillor for Customer Services

Opposition Parties Councillor Focus Group

Chief Executive Officer

Director of Technical and Environmental Services

Assistant Director - Planning Services

Group Manager - Design and Regeneration

Group Manager - Strategic Planning

Group Manager - Development Control

Senior Technical Assistant - Development Control

Borough Treasurer and Assistant Chief Executive

Assistant Chief Executive

Deputy Town Clerk and Chief Monitoring Officer

Assistant Director - Human Resources

Strategy and Performance Advisor

Agents focus group

Frontline staff focus group

Principal officers focus group from other council departments

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.² 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.

² 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.