Planning Services Scrutiny Working Group

Date: 10 June 2014  Time: 2.30pm

Venue: Chamber Meeting Room, Swansea Civic Centre

(NOTE: A pre-meeting for Working Group Members will take place at 2pm in the Members Meeting Room 2.2.1)

Members of the Working Group:

<table>
<thead>
<tr>
<th>Cllr Mark Thomas (Convener)</th>
<th>Cllr Clive Lloyd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cllr David Cole</td>
<td>Cllr Keith Marsh</td>
</tr>
<tr>
<td>Cllr Tony Colburn</td>
<td>Cllr Hazel Morris</td>
</tr>
<tr>
<td>Cllr Anne Cook</td>
<td>Cllr Jennifer Raynor</td>
</tr>
<tr>
<td>Cllr Phil Downing</td>
<td>Cllr Des Thomas</td>
</tr>
<tr>
<td>Cllr Jane Harris</td>
<td>Cllr Miles Thomas</td>
</tr>
<tr>
<td>Cllr Lynda James</td>
<td></td>
</tr>
</tbody>
</table>

Attending:
Phil Holmes, Head of Economic & Strategic Development
Ryan Thomas, Development, Conservation & Design Manager

AGENDA

<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
</tr>
</thead>
</table>
  *Phil Holmes, Head of Economic & Strategic Development  
  Ryan Thomas, Development, Conservation & Design Manager* |

- Items for information

2. Convener’s letter to Cabinet Member for Place, 6 January 2014

3. Cabinet Member response, 7 March 2014

Contact: Rosie Jackson, Scrutiny Officer
Contact: 01792 636292  rosie.jackson@swansea.gov.uk
Report of the Head of Economic Regeneration & Planning
Planning Services Scrutiny Working Group – 10th June 2014

DEVELOPMENT, CONSERVATION & DESIGN SERVICE

<table>
<thead>
<tr>
<th>Purpose</th>
<th>To provide an information report to the Scrutiny Working Group regarding the Planning Service.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content</td>
<td>This report provides an overview of the Authority’s Development Conservation &amp; Design Service and an update on progress on the recommendations of the Planning Services Scrutiny Working Group agreed by the Cabinet Member for Place.</td>
</tr>
<tr>
<td>Councillors are being asked to</td>
<td>Give their views on service provision and plans.</td>
</tr>
<tr>
<td>Lead Councillor(s)</td>
<td>Cllr Mark Thomas</td>
</tr>
</tbody>
</table>
| Lead Officer(s) | Phil Holmes
Head of Economic Regeneration & Planning |
| Report Author | Ryan Thomas
Development, Conservation & Design Manager |

1. Background

1.1 This report provides an update on progress towards meeting the recommendations of the Planning Services Scrutiny Working Group and a further overview of the Sections regulatory functions namely planning applications and enforcement.

1.2 On 17th December 2013 the Planning Services Scrutiny Working Group received a service briefing from the Head of Economic Regeneration and Planning and made a number of recommendations for the consideration of the Cabinet Member for Place.

1.3 In summary, on the issue of enforcement, the Planning Services Scrutiny Working Group recommended that consideration be given to the use of local media to highlight successful enforcement cases and improve the profile of the enforcement function. In addition it was also considered that moving the Building Control function under the management of the Head of Economic Regeneration & Planning could provide benefits in terms of improving opportunities for joint working.

1.4 It was acknowledged that staff recruitment and retention has had a significant impact upon performance and service delivery and it was also recommended that the merits of a staff recruitment and retention strategy be considered to ensure that new staff remain in the Authority and to promote Swansea as an exciting and challenging place to work.

1.5 A programme of Member training has also been recommended together with a system of pre-committee discussions to improve decision making and officer/Member relations.
1.6 Finally, it was also noted that planning fees has not been increased in Wales for some time and it was recommended that the Welsh Government be lobbied to carry out a review of planning fees to assess whether current levels of fee income meet the costs of service provision.

1.7 A copy of the recommendations of the Planning Services Scrutiny Working Group are attached as Appendix A.

2. Progress Update

2.1 The response of the Cabinet Member for Place to the recommendations of the Planning Services Scrutiny Working Group summarised above is attached as Appendix B and an update on progress to-date is provided under the individual headings below.

   Enforcement Activity

   2.2 Whilst the reforms proposed as part of the Welsh Planning Bill should help strengthen the enforcement of planning control, it is acknowledged that perceptions regarding the effectiveness or otherwise of the enforcement function remain. In this respect any efforts to improve understanding and/or discourage developers and householders from carrying out unauthorised development or breaching planning control are considered to have significant merit.

   2.3 Discussions have been held with the Authority’s Communications Section in this respect with a view to developing a campaign to capitalise on good news stories to highlight the pre-application advice and related services currently provided by the Authority and to sign post the public and applicants to available resources such as the Planning Portal and Planning Aid (Wales). This would serve to improve wider understanding and illustrate the positive development management aspects of the service whilst raising awareness of potential issues arising from carrying out unauthorised development.

   Relationship between Planning and Building Control

   2.4 Perceived issues relating to the links between the planning and building control functions are recognised as are the limitations of the latter to directly assist in enforcement monitoring.

   2.5 Despite these constraints it is recognised that potential benefits could accrue from joint working and communication if both these functions were within the same Service area, however, this is a matter which must rightly be considered as part of any subsequent review of Departmental structures by the Chief Executive Officer.

   2.6 That said both these functions fall within the Directorate of Place and officers from the Authority’s Building Control and Planning Service’s do currently share information and advice and have recently adopted a protocol for joint working when dealing with listed buildings at risk and utilising their respective powers under in respect of dangerous structures.
2.7 It is in this respect, it is considered, that benefits can accrue from closer working relationships, irrespective of whether the respective services were merged under one Head of Service.

**Staff Recruitment and Retention**

2.8 Discussions have been held with colleagues in Human Resources regarding the feasibility of developing a specific staff recruitment and retention strategy for the Planning Service. It has been acknowledged, however, that the Planning Service is bound by the Council's wider terms, conditions, policies and programmes including Single Status, which limit the ability to Service to provide incentives without the provision of a robust business case. In addition the Service must also secure some £200,000 in planned budgetary savings.

2.9 Despite current budgetary constraints, however, the Authority has filled a number of vacancies and recently appointed a Principal Planning Officer, a Senior Enforcement Officer and two Assistant Planning Officers. Authorisation has also been secured to fill a further 2 vacant professional officer posts within the Enforcement and Planning Control Teams.

2.10 Current policies for the authorisation and recruitment of staff have, however, rightly focused on the requirement to re-deploy staff from within the Authority, where appropriate. This has, however, led to delays in filling vacant specialist or professional posts and maintaining resources to meet service demands, which is a matter that is subject to ongoing discussions with HR colleagues.

**Officer/Member Relations**

2.11 The benefits of Member training is well recognised, with the requirement for a competency framework for Members forming a key component of proposals within the Welsh Planning Bill.

2.12 The requirement to provide a programme of Member training is also a key action within the Service’s Business Plan and training has recently been provided by officers on proposals contained within the Welsh Planning Bill and by the Planning Inspectorate on the Appeal process.

2.13 A review of planning decisions by Councillor’s will form an integral part of this training programme.

2.14 The potential for the provisions of pre-committee meetings has been discussed with colleagues in Legal and Democratic Services who have raised concerns regarding the potential to expose Members to allegations of pre-determination. In addition the resource and logistical issues associated with this approach must be acknowledged particularly given the short timescales for report production and publication and the programming of Committee Site visits in advance of the relevant Committee meeting.

2.15 The Welsh Planning Bill proposes the introduction of a national Committee protocol which will dictate the form and nature of future Committees although at this stage it is not clear what specific requirements this will imposed.
2.16 The key issue here, however, would appear to be the need to introduce a mechanism whereby Members have the opportunity to gain clarification on any outstanding issue that may arise prior to the Committee meeting to reduce the need for unnecessary discussions on matters which could have been addressed prior to the debate.

Planning Fee Income

2.17 Proposals for a review of planning fees form part of the Welsh Planning Bill proposals and will be subject to separate consultation in due course. I anticipate that this Authority will respond in a robust manner to this consultation exercise.

3. Restructure and Business Process Review

3.1 The Service has undergone a detailed appraisal, assisted by the Business Performance Team in target setting, to consider changes to business practices to provide a swifter quality service that meets the needs of our customers and supports fully the Council’s economic regeneration goals.

3.2 To better inform this review, best practice elsewhere has been studied, with officer visits made to Welsh and English Authorities who have introduced “front loaded” customer orientated services, with appropriate business process orientated software to support professional officers in service delivery.

3.3 This exercise has resulted in the procurement of the Idox Document Management System, with revised staffing structures and business practices being introduced to maximise its benefits, and secure other efficiencies and savings arising from an on-line “paperless process”.

3.4 The Idox Document Management System “went live” in September 2013 and has produced significant benefits in terms of data access and retrieval together electronic case management by officers and on-line access by the public to the live application file. There remains, however, a technical issue with some large images which has mean that the Authority has not, as yet, introduced paperless consultations with some statutory consultees, for example, Community Council’s.

3.5 The restructure of the Service has been formally agreed and authorised, but has not been implemented as yet pending the reorganisation of the office layout and the commitment of resources by Facilities Management which is yet to be formally programmed.

3.6 It is expected, however, that this process should be completed before the end of July 2014 which will rationalise existing staff resources and facilitate the introduction of new business processes to “front load” the planning application service on a phased basis and initially in respect of householder development.


4.1 This section of the report contains the performance data for the Council’s Planning Control Service for the municipal year 2012/13 and for the first two quarters of 2013/14. The service areas reported on are:
4.2 The performance indicators (PIs) that the service is judged against were set in December 2009 when the Council considered the findings of a report by the Wales Audit Office of the Council’s Development Control Service. These were a combination of the PIs reported nationally, which concentrated on the speed of determination and those considered important by the Council in terms of quality of the Service and our customers’ satisfaction with it.

4.3 Subsequent to this, a second WAO audit was undertaken in 2010 specifically to consider issues of governance. The Council considered this in November last year, when it was resolved to retain the committee structure, and to monitor it at the end of each municipal year in terms of speed of process, outcomes and cost effectiveness.

4.4 The Council is committed to providing a high level of public services, and as part of the agenda to become one of Wales’ better authorities, the aim has been adopted of achieving second quartile, and then top quartile, status when compared with other Welsh Councils. Revised targets have been set to achieve this.

**Applications Service**

4.5 The PI’s for the processing of applications are divided into the four categories of major, minor, householder, others and overall determinations.

4.6 The performance for 2011/12, 2012/13 & for the first two quarters for 2013/14 are set out in Appendix C:

4.7 In summary, targets set in 2009 in respect of speed of determination were met in 2011/12 and 2012/13 with a continued improvement in 2013/14.

4.8 The 2009 PI for the percentage of applications approved, which is a reflection of the strength of the pre-application advice service, published up to date Supplementary Planning Guidance, and negotiation with applicants and their agents, was met but was below that of 2012/13 and is in part a reflection of Area Committee performance which is discussed in further detail below.

**Customer Satisfaction**

4.9 As part of an appraisal of the Service following a consultant’s report by SOLACE in 2005, 100% user surveys of applicants and their agents and interested parties were instigated. The 2009 PI set for these was 85% satisfaction with the Service for applicants and their agents, and 75% for interested parties.

4.10 These have consistently been met historically, with figures of 97% and 87% satisfaction being achieved for 2012/13 respectively. Applicants’ satisfaction with the service was 96% in 2013/14, however, disruption to on line services during the introduction of the Idox Document Management System has had an impact upon third party satisfaction which dipped below target for the first time in 2013/14.
The Appeals Service

4.11 No PI was set for the Appeal Service in 2009 because it had not formed part of the WAO review. However, the performance in 2013/14 was 58% which was lower than that in 2012/13 (58.5%) and 2011/12 (61.7%).

4.12 However, the Appeal Service does not operate in isolation. The ability to defend refusals at appeal is inseparable from the quality of the decision appealed. Improvements to performance are inextricably linked to good decision taking.

4.13 Analysis of the appeal data for 2012/14 shows that out of the 66 appeals decided in 2013/14, 14 (21%) were the result of decisions made contrary to officer recommendation at Committee of 5 were upheld i.e. a Council success rate for defending the Committee decisions of only 33%.

4.14 When the Council fails to successfully defend appealed decisions, and is subsequently held to have acted unreasonably, reasonable costs may be claimed against the Council by the appellant. The Council had been found against in five such claims since 2011/12, with the amount of costs paid out of the Planning Service budget amounting to some £232,608.11 with one claim to be settled. All such claims with the exception of one, which related to a gypsy/traveller site, were applications refused contrary to recommendation by Committee.

The Enforcement Service

4.15 There are three Planning Enforcement PIs set out below. The first is a ‘national’ PI, whilst the second and third are ‘local’ PIs. The second PI is designed to indicate the progress being made in reducing the backlog of unresolved enforcement complaints.

4.16 The third PI has been devised in order to measure the speed at which Enforcement Officers carry out initial visits to sites that are the subject of enforcement complaints.

4.17 The performance of the Enforcement Team was last reported to P & FM at the February 2014 meeting. Therefore, the data below contains information relating to the months of February, March and April 2014.

5.0 PERFORMANCE INDICATORS

5.1 PI – PLA/005
5.2 The Enforcement Team’s performance still lies below target level for all three months (Feb-Apr).

5.3 The primary reason for this is still the ongoing staffing issues within the Enforcement Team.

5.4 The team’s technician was on sick leave until mid-February, when she returned to work on reduced hours. She only increased her hours to full time in late April. This resulted in Enforcement Officers having to perform some of the technician duties, which in turn has affected their ability to resolve enforcement cases within a timely manner.

5.4 For the months of February and March there was a vacant Enforcement Officer post within the team. This post has now been filled by an employee taken from the Council’s redeployment pool. This Officer has no experience of planning enforcement and hence is in the process of being trained/mentored.

5.6 One of the other Enforcement Officers went on maternity leave in mid April. This post was ‘ring fenced’ and offered as a ‘maternity cover’ post to other Town Planning staff. However, no one expressed an interest in the position. The position is currently being advertised internally. In the interim the Enforcement Team is operating with this post being vacant.

5.7 When the new Officer is fully trained and the maternity cover post filled, it is anticipated that the Enforcement Team will be better equipped to reduce the backlog of complaints and improve the 12 week PI.

5.8 PI – Backlog of Unresolved Cases
5.9 The number of unresolved enforcement cases was 659 by the end of January. At the end of February it was 657. This figure was 654 at the end of March and rose to 671 by the end of April.

5.10 These figures indicate that the number of unresolved cases has remained largely unchanged over the course of these 3 months. This is due to the staffing issues described above.

5.11 **PI – Speed of initial site visits**

![Site Visits made within 10 days](image)

5.12 The level of performance of this PI has improved over the past three months, reaching a peak of 50% in March.

5.13 When the team is fully staffed, it is anticipated that performance will improve.

**Area Committee Performance**

5.14 In addressing the findings of the Wales Audit Office’s recommendations in its report “Review of Planning Committee Arrangements - 2010”, the Council resolved “that the current planning governance structure is retained, with annual reviews of performance at the end of each financial year, and that a further review of the structure is made in the light of future published Welsh Government guidance when that guidance becomes available”.

5.15 In the light of this, and the WAO’s acceptance of the Council’s decision, the performance of the Area Committees in terms of speed of decisions, site visits undertaken, and decisions contrary to officer recommendations is to be monitored. Proposals are contained within the Welsh Planning Bill regarding Committee size and structure and the Authority will be required to review its structure in accordance with the requirements of the Wales Planning Act which is scheduled to be enacted in 2015.

5.16 Comparative details are set out in Appendix D. These show that the overall percentage of delegated decisions increased from 89% in 2012/13 to 92% in 2013/14; that the percentage of applications called to Committee in Area 2 is has reduced from that in 2013/14 from 15.5% to 8.6% which is marginally greater than that for Area 1 (6.0%); and that the percentage of decisions taken contrary to the officer recommendation in 2013/14 was significantly greater in Area 1 than Area 2, 51% as opposed to 19.7%. This reflects a
significant increase in “overturns” by Area 1 Committee since 2011/12 (6.7%) at a time when the number of applications determined by Area 1 Committee has increase marginally from 30 to 37.

5.17 Notwithstanding this, the level of delegated decisions is high (91% in 2011/12, 89% in 2012/13, 93% in 2013/14).

5.18 Turning to the issue of the disparity between the two committees in terms of call-ins and site visits, it is noted that Council amended the Constitution during the last Municipal Year to introduce a Chairman's veto into the call-in procedures and to require site visits to be carried out prior to the respective Committee meeting. This is reflected in the Committee performance for 2013/14 with a 31% reduction in the number of applications reported to Committee and a 100% reduction in deferrals for a site visit.

Background Papers:
None

Contact:  Ryan Thomas Tel 01792 635731
Date:  04/06/14
Dear Councillor Burtonshaw,

Planning Services Scrutiny Working Group – 17th December 2013

Issues relating to the Planning Service were raised by Councillors as part of the Scrutiny Annual Work Planning Conference in May 2013. When the Scrutiny Programme Committee agreed the work programme in June, it was decided that a working group would be established to enable interested Councillors to be provided with a service briefing from relevant officers and raise questions on any issues of concern. A meeting was held on 17th December.

The Working Group would like to pass on their thanks to the lead officers who attended, namely Phil Holmes (Head of Economic Regeneration & Planning) and Ryan Thomas (Development, Conservation & Design Manager). This letter reflects the main issues discussed together with our views. We will also be sharing this with the Scrutiny Programme Committee.

A report was prepared by the Development, Conservation & Design Manager and this was presented to the Working Group. This report outlined the following key themes:

- Overview of the service and the legal basis of the statutory planning functions
- Current performance and trends in planning applications; customer satisfaction; appeals; and enforcement
- The performance of Area Planning Committees

Councillor June Burtonshaw
Cabinet Member for Place

Please ask for:
Gofynnwch am: Overview & Scrutiny

Direct Line:
Llinell Uniongyrchol: 01792 636292

e-Mail: scrutiny@swansea.gov.uk

e-Bost:

Our Ref
Ein Cyf:

Your Ref
Eich Cyf:

Date
Dyddiad: 6th January 2014
Future challenges and opportunities including: reform of the planning system in Wales; the budget challenges facing the service; staff restructuring; the introduction of a new Electronic Document Management System; and business process re-engineering.

Overall, we were pleased to see that the Planning Service is taking positive action to address performance issues and we enjoyed a full and frank discussion on some of the key issues facing officers and Councillors.

The following paragraphs cover the particular issues that we discussed in more detail.

*Enforcement activity:*

One of the main areas of concern for Scrutiny Councillors, which triggered the need for a working group, was the backlog of cases (670 as at end of November) relating to planning enforcement and the perceived lack of consistency in both granting permission and enforcement.

Officers provided us with some very useful information about the role of planning enforcement and the barriers that they face when enforcing planning conditions. It was useful for us to gain a better understanding of what is and isn’t possible and the constraints the Authority faces. In particular, we were advised that the ethos behind planning guidance and legislation (as prescribed by the Welsh Government) favours developments. Therefore the question that must be considered when undertaking enforcement activity is not whether there has been a breach of planning control or whether planning conditions have been breached, but rather what harm has been caused? If it can be shown that planning permission would have been granted in the first instance, then the Authority has no grounds for enforcement.

We welcome the pro-active measures the Department has taken to address performance, particularly focusing on new enforcement cases as they come in by carrying out a site visit as soon as possible. Whilst at the same time recruiting additional staff members to address the back log of cases. The effect of this was demonstrated in the improved performance indicator figures for the percentage of enforcement cases resolved within 12 weeks. However officers also warned that as the backlog of cases is dealt with there will be a corresponding dip in the relevant performance indicator as cases are completed that have been open for longer than 12 weeks.

We were pleased to hear that the new Planning Bill contains measures to sharpen the enforcement tools available to Local Authorities, particularly the possible introduction of fixed penalty notices. We look forward to seeing this bill become law and hope that it strengthens the Authority’s ability to deal with planning breaches.
Despite these developments there is still a concern among Scrutiny Councillors that planning enforcement is seen as a “soft touch” in Swansea and that this negatively affects the public’s view of the Authority. We support the idea that the Authority should utilise press releases in the local media to highlight cases where the Authority has taken enforcement actions to enforce the planning obligations on developments. We believe that this would send an important message to developers and householders that this Authority will take action when necessary.

Finally, we have some concerns over whether the level of legal support provided for planning enforcement activity is sufficient however we did not have time to explore this during the meeting.

**Relationship between Planning and Building Control:**

Linked to the issue of enforcement is the relationship between Planning and Building Control. We asked the question whether Building Control officers could assist in ensuring that planning conditions and agreed plans are adhered to by carrying out planning checks when they make their first and subsequent site visits. We felt that this would be a relatively simple action that could assist in minimising the need for retrospective planning applications and reduce the need for enforcement by ensuring that developments are adhering to plans from the start. However, we were advised by officers that this would be difficult to implement as Building Control operates in a competitive market and has to compete for work with external, private “Approved” building inspectors. Consequently, if our in-house Building Control officers were seen as less likely to sign off developments then they will lose business to the external inspectors. The service is currently self-funding through fees, therefore any changes may jeopardise this.

Despite this, we feel that there is scope for improved working between Building Control and Planning and we would like to recommend that you explore the pros and cons of moving Building Control under the management of the Head of Economic Regeneration & Planning in order to improve communication between the two sections and to provide additional opportunities for joint-working.

**Staff recruitment and retention:**

The information we have gathered suggested that staff shortages have had a significant impact on performance levels, and it has been sometime since the Planning Service has had its full complement of staff in post. Officers advised that there has been a general issue with the shortage of qualified planning officers, and this is in part to do with Swansea’s location – it is felt that as the closest planning training school is in Cardiff then the majority of qualified
applicants head east for work and that we need to be doing more to promote Swansea as an exciting and challenging place to work.

We were told that budget constraints have extended the period of time it takes to recruit staff and additionally experienced staff have left through the Early Retirement and Voluntary Redundancy policy. However, we were advised that re-structuring is taking place to manage the effects of job losses. In addition a review of working practices has taken place, which is resulting in an increased emphasis on the Pre-Application Advice Service and the introduction of an Electronic Document Management System. It is anticipated that these changes will have a significant impact on performance levels. The officers advised us that the Department is mid-way through these changes therefore the full effects will not be seen immediately.

We would like to hear your views on whether you feel it would be appropriate for a staff recruitment and retention strategy to be developed to ensure that the new staff that have been recruited remain in the Authority and to promote Swansea as an exciting and challenging place to work.

**Officer/Member relations:**

We identified a number of gaps in the area of Officer/Member relations. Planning is a complex area and we felt that there is a need for an improved training programme for Councillors. We recognise a need for on-going training, particularly in terms of developing learning points from cases where Councillors have disagreed with officer decisions. We feel that it would be beneficial to provide Councillors with a 6 monthly review of cases that have been up-held and over-turned to understand the reasons why and hopefully lead to more effective decision making in the future. We noted with some concern the significant difference in the number of call-ins between the two area committees. We feel that additional training may go some way to address the issue of planning applications being “called-in”.

In addition, we would recommend the development of a system to allow the opportunity for pre-committee discussions to enable officers to help Councillors understand the planning issues that will arise at the meeting so that clarity can be provided and potential issues addressed. We understand that there are examples of this approach in other Local Authorities; therefore we recommend that the Department looks at good practice in this regard with the aim of introducing a pre-committee discussion process here.

We also acknowledge that Councillors have a personal responsibility to contact planning officers about cases in their areas to ensure that communication starts as early as possible in the process. We were pleased to hear that the officers wish to encourage this and would always wish to be in a position to understand Councillors’ issues and provide advice to help the necessary debates in committee.
Planning Fee Income:

We learnt that the fees for planning applications are set by the Welsh Government and there has been no increase in these for several years. The Working Group felt that this is an issue that the Local Authority should raise with the Welsh Government. Therefore we would ask the Cabinet Member to write to Carl Sergeant AM to lobby for a review of planning fees in Wales to be carried out to assess whether current levels cover the cost of providing services.

In summary we recommend that you:

a) instruct officers, where appropriate, to utilise press releases in the local media to highlight some successful enforcement cases where the Authority has taken notable actions to enforce the planning obligations on developments.

b) explore the pros and cons of moving Building Control under the management of the Head of Economic Regeneration & Planning in order to improve communication between the two sections and to provide additional opportunities for joint-working.

c) provide a view on whether it would be appropriate for a staff recruitment and retention strategy to be developed to ensure that the new staff that have been recruited remain in the Authority and to promote Swansea as an exciting and challenging place to work.

d) ensure that additional planning training is developed for Councillors.

e) instruct officers to develop a system of pre-committee discussions for Councillors and officers.

f) lobby the Welsh Government to carry out a review of planning fees.

We are grateful for the information and advice provided to us by the officers and look forward to receiving your reply. It would be helpful if you could respond by 7th February, so that we can report our correspondence to the Scrutiny Programme Committee in a timely fashion.

Yours sincerely,

COUNCILLOR MARK THOMAS
Convener, Planning Services Scrutiny Working Group
mark.thomas2@swansea.gov.uk
Dear Councillor Thomas,

Re: Planning Services Scrutiny Working Group – 17th December 2013

I refer to your letter received 6th January 2014 regarding the above. Firstly, I would like to thank you as Convener and the Members of the Scrutiny Working Group for your work, for your focus on key elements of the Planning Service and for your recommendations for improvement.

I am pleased to see that the positive action of the Planning Service to-date has been acknowledged and that there was a full and frank discussion of the issues facing officers and Councillors.

You will be aware that the Planning Service is currently working through a process of change and the input of the Working Group, at this stage, provides a valuable contribution towards this process and efforts to provide continuous improvement within the Service.

As requested I provide below a response to the specific issues raised by the Working Group and to its main recommendations.

Enforcement Activity

I am pleased that there appears to have been a thorough discussion relating to the role of planning enforcement, the barriers facing the delivery of this element of the Service and the pro-active measures undertaken by the Department to-date to improve performance.

Whilst the reforms proposed as part of the Welsh Planning Bill should help strengthen the enforcement of planning control I acknowledge that planning enforcement can be perceived as a “soft touch” although it should be recognised that this perception is not necessarily peculiar to Swansea.

In this respect I welcome any efforts to improve the profile of the enforcement function and agree that this could discourage developers and householders from carrying out unauthorised development or breaching planning control.

- Continued -
Any such campaign could also usefully focus on a range of enforcement related cases where the Authority has been able to successfully resolve breaches of planning control through a variety of mechanisms including, for example, through the agreement of amendments to schemes via the planning application process. This would serve to improve wider understanding and illustrate both the positive and negative aspects of the enforcement function.

With regard legal support currently available to the Planning Service I am assured that temporary arrangements have been put in place to help bolster the current level of service and that arrangements are in place to recruit additional staff resources and secure a permanent solution in this respect.

**Relationship between Planning and Building Control**

Perceived issues relating to the links between the planning and building control functions are recognised as are the limitations of the latter to directly assist in enforcement monitoring.

Despite these constraints I agree that, in principle, benefits could accrue from joint working and communication if both these functions were within the same Service area, however, this is a matter which must rightly be considered as part of any subsequent review of Departmental structures by the Chief Executive Officer.

**Staff Recruitment and Retention**

It is acknowledged that staff recruitment and retention has had an impact upon performance and service levels within the Planning Service, however, despite the current economic climate the Authority has recently recruited a Senior Enforcement Officer and two Assistant Planning Officers. Authorisation has also been secured to fill a further 3 vacant professional officer posts within the Enforcement and Planning Control Teams.

The Service must, however, secure some £200,000 in planned budgetary savings which will together with the implementation of Single Status have an impact upon staff within the service.

It is impossible, therefore, to divorce the Planning Service, in this respect, from Council wide terms, conditions, policies and programmes which have an impact upon staff recruitment and retention. I have therefore instructed the Development, Conservation and Design Manager to discuss the issue of a specific staff recruitment and retention strategy for the Planning Service with colleagues in Human Resources. This is, I consider, of growing importance in the current economic climate.

**Officer/Member Relations**

The benefits of Members training is well recognised, with the requirement for a competency framework for Members forming a key component of proposals within the Welsh Planning Bill.

- Continued -
The requirement to provide a programme of Member training is also a key action within the Service’s Business Plan and I agree that the suggested 6 monthly review of planning decisions by Councillor’s should form an integral part of this training programme.

The provision of pre-committee discussions is an interesting proposal and I can see significant benefits associated with this approach which, in particular, would allow Members to obtain greater clarity on any outstanding specific issues relating to a planning application prior to the meeting. Whilst there may be benefits associated with this proposal these must be weighed against the potential resource and logistical issues associated with this approach, particularly given the short timescales for report production and publication and the programming of Committee Site visits in advance of the relevant Committee meeting. In addition issues relating to Member pre-determination would also need to be carefully considered.

Finally, I note that the Welsh Planning Bill proposes the introduction of a national Committee protocol which will dictate the form and nature of future Committees although at this stage it is not clear what specific requirements this will imposed.

Against this background, therefore, I have asked the Development, Conservation and Design Manager to give further consideration to this issue and seek further legal and procedural advice on matter.

Planning Fee Income

I understand that proposals for a review of planning fees again form part of the Welsh Planning Bill proposals and will be subject to separate consultation in due course. I anticipate that this Authority will respond in a robust manner to this consultation exercise.

I trust that the above provides an appropriate response to the issues raised by the Planning Services Scrutiny Working Group. Once again I would like to thank you as Convener and the Working Group as a whole for the positive approach adopted and the constructive recommendations that have been forthcoming. I would, however, be more than happy to provide further clarification or comment on any of the issues raised.

Yours sincerely,

COUNCILLOR JUNE BURTONSHAW
Cabinet Member for Place
### APPENDIX C

#### 1.1 Major Applications Determined within 13 weeks of receipt

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>40%</td>
<td>N/A</td>
<td>N/A</td>
<td>34%</td>
<td>43%</td>
<td>32%</td>
</tr>
<tr>
<td>12/13</td>
<td>40%</td>
<td>33%</td>
<td>40%</td>
<td>No data yet</td>
<td>No data yet</td>
<td>18%</td>
</tr>
<tr>
<td>13/14</td>
<td>40%</td>
<td>35%</td>
<td>45%</td>
<td>-</td>
<td>-</td>
<td>41%</td>
</tr>
</tbody>
</table>

#### 1.2 Minor Applications Determined within 8 weeks of receipt

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>40%</td>
<td>N/A</td>
<td>N/A</td>
<td>64%</td>
<td>70%</td>
<td>42%</td>
</tr>
<tr>
<td>12/13</td>
<td>40%</td>
<td>48%</td>
<td>58%</td>
<td>No data yet</td>
<td>No data yet</td>
<td>46%</td>
</tr>
<tr>
<td>13/14</td>
<td>40%</td>
<td>55%</td>
<td>65%</td>
<td>-</td>
<td>-</td>
<td>58%</td>
</tr>
</tbody>
</table>

#### 1.3 Householder Applications Determined within 8 weeks of receipt

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>70%</td>
<td>N/A</td>
<td>N/A</td>
<td>86%</td>
<td>90%</td>
<td>74%</td>
</tr>
<tr>
<td>12/13</td>
<td>70%</td>
<td>76%</td>
<td>87%</td>
<td>No data yet</td>
<td>No data yet</td>
<td>80%</td>
</tr>
<tr>
<td>13/14</td>
<td>70%</td>
<td>86%</td>
<td>90%</td>
<td>-</td>
<td>-</td>
<td>80%</td>
</tr>
</tbody>
</table>

#### 1.4 All Other Applications Determined within 8 weeks of receipt

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>60%</td>
<td>N/A</td>
<td>N/A</td>
<td>75%</td>
<td>82%</td>
<td>66%</td>
</tr>
<tr>
<td>12/13</td>
<td>60%</td>
<td>66%</td>
<td>74%</td>
<td>No data yet</td>
<td>No data yet</td>
<td>67%</td>
</tr>
<tr>
<td>13/14</td>
<td>60%</td>
<td>75%</td>
<td>83%</td>
<td>-</td>
<td>-</td>
<td>87%</td>
</tr>
</tbody>
</table>

---

1. Applications for more than 10 dwellings or a site area of 0.5 hectares or more; or if commercial, one with a floor space of 1,000 square metres or more, or if the floor space is not given, an area of one hectare or more.

2. Applications for less than 10 dwellings or a site area of less than 0.5 hectares; or if commercial, one with a floor space of less than 1,000 square metres, or if the floor space is not given, an area of less than one hectare.

3. Applications within a domestic curtilage.

4. Applications for certificates of lawfulness, consent for listed building works, conservation area consent, prior approvals, tree felling etc.
### 1.5 All Applications Determined within 8 weeks of receipt

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>60%</td>
<td>N/A</td>
<td>N/A</td>
<td>73%</td>
<td>77%</td>
<td>64%</td>
</tr>
<tr>
<td>12/13</td>
<td>60%</td>
<td>65%</td>
<td>69%</td>
<td>No data yet</td>
<td>No data yet</td>
<td>67%</td>
</tr>
<tr>
<td>13/14</td>
<td>60%</td>
<td>65%</td>
<td>69%</td>
<td>-</td>
<td>-</td>
<td>72%</td>
</tr>
</tbody>
</table>

### 1.6 Percentage of Applications Approved.

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>85%</td>
<td>Not set</td>
<td>Not set</td>
<td>90%</td>
<td>93%</td>
<td>86%</td>
</tr>
<tr>
<td>12/13</td>
<td>85%</td>
<td>Not set</td>
<td>Not set</td>
<td>No data yet</td>
<td>No data yet</td>
<td>90%</td>
</tr>
<tr>
<td>13/14</td>
<td>85%</td>
<td>90%</td>
<td>93%</td>
<td>-</td>
<td>-</td>
<td>86%</td>
</tr>
</tbody>
</table>

### 1.7 Percentage of Planning Appeals (not enforcement) Successfully Defended

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>Not set</td>
<td>Not set</td>
<td>Not set</td>
<td>66%</td>
<td>75%</td>
<td>61.6%</td>
</tr>
<tr>
<td>12/13</td>
<td>Not set</td>
<td>Not set</td>
<td>Not set</td>
<td>No data yet</td>
<td>No data yet</td>
<td>58.5%</td>
</tr>
<tr>
<td>13/14</td>
<td>Not set</td>
<td>65%</td>
<td>68%</td>
<td>-</td>
<td>-</td>
<td>58%</td>
</tr>
</tbody>
</table>

### 1.8 Applicants' Satisfaction with the Service

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>85%</td>
<td>Not set</td>
<td>Not set</td>
<td>No data⁵</td>
<td>No data</td>
<td>88.0%</td>
</tr>
<tr>
<td>12/13</td>
<td>85%</td>
<td>Not set</td>
<td>Not set</td>
<td>No data</td>
<td>No data</td>
<td>97.4%</td>
</tr>
<tr>
<td>13/14</td>
<td>85%</td>
<td>95%</td>
<td>98%</td>
<td>-</td>
<td>-</td>
<td>93%</td>
</tr>
</tbody>
</table>

### 1.9 Third Parties' Satisfaction with the Service

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>75%</td>
<td>Not set</td>
<td>Not set</td>
<td>No data</td>
<td>No data</td>
<td>83%</td>
</tr>
<tr>
<td>12/13</td>
<td>75%</td>
<td>Not set</td>
<td>Not set</td>
<td>No data</td>
<td>No data</td>
<td>86.9%</td>
</tr>
<tr>
<td>13/14</td>
<td>75%</td>
<td>86%</td>
<td>90%</td>
<td>-</td>
<td>-</td>
<td>77.5%</td>
</tr>
</tbody>
</table>

⁵ As yet other LPA’s do not publish customer satisfaction data.
### 1.10 Consultants’ & Agents’ Satisfaction with the Service

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>Not set</td>
<td>Not set</td>
<td>Not set</td>
<td>No data</td>
<td>No data</td>
<td>No data$^b$</td>
</tr>
<tr>
<td>12/13</td>
<td>Not set</td>
<td>Not set</td>
<td>Not set</td>
<td>No data</td>
<td>No data</td>
<td>85.9%</td>
</tr>
<tr>
<td>13/14</td>
<td>Not set</td>
<td>85%</td>
<td>90%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>13/14 Q4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 1.11 Enforcement – Percentage of Cases Resolved Within Twelve Weeks

<table>
<thead>
<tr>
<th>Year</th>
<th>Target set in 2009</th>
<th>Acceptable Level</th>
<th>Target to Aim For</th>
<th>Wales 2nd Quartile</th>
<th>Wales 1st Quartile</th>
<th>Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12</td>
<td>Not set</td>
<td>Not set</td>
<td>Not set</td>
<td>70%</td>
<td>79%</td>
<td>48%</td>
</tr>
<tr>
<td>12/13</td>
<td>Not set</td>
<td>60%</td>
<td>66.5%</td>
<td>No data yet</td>
<td>No data yet</td>
<td>36%</td>
</tr>
<tr>
<td>13/14</td>
<td>Not set</td>
<td>55%</td>
<td>60%</td>
<td>-</td>
<td>-</td>
<td>40%</td>
</tr>
</tbody>
</table>

$^b$ First survey undertaken August 2012
Dear Councillor Burtonshaw,

Planning Services Scrutiny Working Group – 17th December 2013

Issues relating to the Planning Service were raised by Councillors as part of the Scrutiny Annual Work Planning Conference in May 2013. When the Scrutiny Programme Committee agreed the work programme in June, it was decided that a working group would be established to enable interested Councillors to be provided with a service briefing from relevant officers and raise questions on any issues of concern. A meeting was held on 17th December.

The Working Group would like to pass on their thanks to the lead officers who attended, namely Phil Holmes (Head of Economic Regeneration & Planning) and Ryan Thomas (Development, Conservation & Design Manager). This letter reflects the main issues discussed together with our views. We will also be sharing this with the Scrutiny Programme Committee.

A report was prepared by the Development, Conservation & Design Manager and this was presented to the Working Group. This report outlined the following key themes:

- Overview of the service and the legal basis of the statutory planning functions
- Current performance and trends in planning applications; customer satisfaction; appeals; and enforcement
- The performance of Area Planning Committees

6th January 2014
• Future challenges and opportunities including: reform of the planning system in Wales; the budget challenges facing the service; staff restructuring; the introduction of a new Electronic Document Management System; and business process re-engineering.

Overall, we were pleased to see that the Planning Service is taking positive action to address performance issues and we enjoyed a full and frank discussion on some of the key issues facing officers and Councillors.

The following paragraphs cover the particular issues that we discussed in more detail.

*Enforcement activity:*

One of the main areas of concern for Scrutiny Councillors, which triggered the need for a working group, was the backlog of cases (670 as at end of November) relating to planning enforcement and the perceived lack of consistency in both granting permission and enforcement.

Officers provided us with some very useful information about the role of planning enforcement and the barriers that they face when enforcing planning conditions. It was useful for us to gain a better understanding of what is and isn’t possible and the constraints the Authority faces. In particular, we were advised that the ethos behind planning guidance and legislation (as prescribed by the Welsh Government) favours developments. Therefore the question that must be considered when undertaking enforcement activity is not whether there has been a breach of planning control or whether planning conditions have been breached, but rather what harm has been caused? If it can be shown that planning permission would have been granted in the first instance, then the Authority has no grounds for enforcement.

We welcome the pro-active measures the Department has taken to address performance, particularly focusing on new enforcement cases as they come in by carrying out a site visit as soon as possible. Whilst at the same time recruiting additional staff members to address the backlog of cases. The effect of this was demonstrated in the improved performance indicator figures for the percentage of enforcement cases resolved within 12 weeks. However officers also warned that as the backlog of cases is dealt with the there will be a corresponding dip in the relevant performance indicator as cases are completed that have been open for longer than 12 weeks.

We were pleased to hear that the new Planning Bill contains measures to sharpen the enforcement tools available to Local Authorities, particularly the possible introduction of fixed penalty notices. We look forward to seeing this bill become law and hope that it strengthens the Authority’s ability to deal with planning breaches.
Despite these developments there is still a concern among Scrutiny Councillors that planning enforcement is seen as a “soft touch” in Swansea and that this negatively affects the public’s view of the Authority. We support the idea that the Authority should utilise press releases in the local media to highlight cases where the Authority has taken enforcement actions to enforce the planning obligations on developments. We believe that this would send an important message to developers and householders that this Authority will take action when necessary.

Finally, we have some concerns over whether the level of legal support provided for planning enforcement activity is sufficient however we did not have time to explore this during the meeting.

Relationship between Planning and Building Control:

Linked to the issue of enforcement is the relationship between Planning and Building Control. We asked the question whether Building Control officers could assist in ensuring that planning conditions and agreed plans are adhered to by carrying out planning checks when they make their first and subsequent site visits. We felt that this would be a relatively simple action that could assist in minimising the need for retrospective planning applications and reduce the need for enforcement by ensuring that developments are adhering to plans from the start. However, we were advised by officers that this would be difficult to implement as Building Control operates in a competitive market and has to compete for work with external, private “Approved” building inspectors. Consequently, if our in-house Building Control officers were seen as less likely to sign off developments then they will lose business to the external inspectors. The service is currently self-funding through fees, therefore any changes may jeopardise this.

Despite this, we feel that there is scope for improved working between Building Control and Planning and we would like to recommend that you explore the pros and cons of moving Building Control under the management of the Head of Economic Regeneration & Planning in order to improve communication between the two sections and to provide additional opportunities for joint-working.

Staff recruitment and retention:

The information we have gathered suggested that staff shortages have had a significant impact on performance levels, and it has been sometime since the Planning Service has had its full complement of staff in post. Officers advised that there has been a general issue with the shortage of qualified planning officers, and this is in part to do with Swansea’s location – it is felt that as the closest planning training school is in Cardiff then the majority of qualified
applicants head east for work and that we need to be doing more to promote Swansea as an exciting and challenging place to work.

We were told that budget constraints have extended the period of time it takes to recruit staff and additionally experienced staff have left through the Early Retirement and Voluntary Redundancy policy. However, we were advised that re-structuring is taking place to manage the effects of job losses. In addition a review of working practices has taken place, which is resulting in an increased emphasis on the Pre-Application Advice Service and the introduction of an Electronic Document Management System. It is anticipated that these changes will have a significant impact on performance levels. The officers advised us that the Department is mid-way through these changes therefore the full effects will not be seen immediately.

We would like to hear your views on whether you feel it would be appropriate for a staff recruitment and retention strategy to be developed to ensure that the new staff that have been recruited remain in the Authority and to promote Swansea as an exciting and challenging place to work.

Officer/Member relations:

We identified a number of gaps in the area of Officer/Member relations. Planning is a complex area and we felt that there is a need for an improved training programme for Councillors. We recognise a need for on-going training, particularly in terms of developing learning points from cases where Councillors have disagreed with officer decisions. We feel that it would be beneficial to provide Councillors with a 6 monthly review of cases that have been up-held and over-turned to understand the reasons why and hopefully lead to more effective decision making in the future. We noted with some concern the significant difference in the number of call-ins between the two area committees. We feel that additional training may go some way to address the issue of planning applications being “called-in”.

In addition, we would recommend the development of a system to allow the opportunity for pre-committee discussions to enable officers to help Councillors understand the planning issues that will arise at the meeting so that clarity can be provided and potential issues addressed. We understand that there are examples of this approach in other Local Authorities; therefore we recommend that the Department looks at good practice in this regard with the aim of introducing a pre-committee discussion process here.

We also acknowledge that Councillors have a personal responsibility to contact planning officers about cases in their areas to ensure that communication starts as early as possible in the process. We were pleased to hear that the officers wish to encourage this and would always wish to be in a position to understand Councillors’ issues and provide advice to help the necessary debates in committee.
**Planning Fee Income:**

We learnt that the fees for planning applications are set by the Welsh Government and there has been no increase in these for several years. The Working Group felt that this is an issue that the Local Authority should raise with the Welsh Government. Therefore we would ask the Cabinet Member to write to Carl Sergeant AM to lobby for a review of planning fees in Wales to be carried out to assess whether current levels cover the cost of providing services.

In summary we recommend that you:

a) instruct officers, where appropriate, to utilise press releases in the local media to highlight some successful enforcement cases where the Authority has taken notable actions to enforce the planning obligations on developments.

b) explore the pros and cons of moving Building Control under the management of the Head of Economic Regeneration & Planning in order to improve communication between the two sections and to provide additional opportunities for joint-working.

c) provide a view on whether it would be appropriate for a staff recruitment and retention strategy to be developed to ensure that the new staff that have been recruited remain in the Authority and to promote Swansea as an exciting and challenging place to work.

d) ensure that additional planning training is developed for Councillors.

e) instruct officers to develop a system of pre-committee discussions for Councillors and officers.

f) lobby the Welsh Government to carry out a review of planning fees.

We are grateful for the information and advice provided to us by the officers and look forward to receiving your reply. It would be helpful if you could respond by 7th February, so that we can report our correspondence to the Scrutiny Programme Committee in a timely fashion.

Yours sincerely,

[Signature]

**COUNCILLOR MARK THOMAS**  
Convener, Planning Services Scrutiny Working Group  
✉️ mark.thomas2@swansea.gov.uk
Dear Councillor Thomas,

Re: Planning Services Scrutiny Working Group – 17th December 2013

I refer to your letter received 6th January 2014 regarding the above. Firstly, I would like to thank you as Convener and the Members of the Scrutiny Working Group for your work, for your focus on key elements of the Planning Service and for your recommendations for improvement.

I am pleased to see that the positive action of the Planning Service to-date has been acknowledged and that there was a full and frank discussion of the issues facing officers and Councillors.

You will be aware that the Planning Service is currently working through a process of change and the input of the Working Group, at this stage, provides a valuable contribution towards this process and efforts to provide continuous improvement within the Service.

As requested I provide below a response to the specific issues raised by the Working Group and to its main recommendations.

Enforcement Activity

I am pleased that there appears to have been a thorough discussion relating to the role of planning enforcement, the barriers facing the delivery of this element of the Service and the pro-active measures undertaken by the Department to-date to improve performance.

Whilst the reforms proposed as part of the Welsh Planning Bill should help strengthen the enforcement of planning control I acknowledge that planning enforcement can be perceived as a “soft touch” although it should be recognised that this perception is not necessarily peculiar to Swansea.

In this respect I welcome any efforts to improve the profile of the enforcement function and agree that this could discourage developers and householders from carrying out unauthorised development or breaching planning control.

- Continued -
Any such campaign could also usefully focus on a range of enforcement related cases where the Authority has been able to successfully resolve breaches of planning control through a variety of mechanisms including, for example, through the agreement of amendments to schemes via the planning application process. This would serve to improve wider understanding and illustrate both the positive and negative aspects of the enforcement function.

With regard legal support currently available to the Planning Service I am assured that temporary arrangements have been put in place to help bolster the current level of service and that arrangements are in place to recruit additional staff resources and secure a permanent solution in this respect.

**Relationship between Planning and Building Control**

Perceived issues relating to the links between the planning and building control functions are recognised as are the limitations of the latter to directly assist in enforcement monitoring.

Despite these constraints I agree that, in principle, benefits could accrue from joint working and communication if both these functions were within the same Service area, however, this is a matter which must rightly be considered as part of any subsequent review of Departmental structures by the Chief Executive Officer.

**Staff Recruitment and Retention**

It is acknowledged that staff recruitment and retention has had an impact upon performance and service levels within the Planning Service, however, despite the current economic climate the Authority has recently recruited a Senior Enforcement Officer and two Assistant Planning Officers. Authorisation has also been secured to fill a further 3 vacant professional officer posts within the Enforcement and Planning Control Teams.

The Service must, however, secure some £200,000 in planned budgetary savings which will together with the implementation of Single Status have an impact upon staff within the service.

It is impossible, therefore, to divorce the Planning Service, in this respect, from Council wide terms, conditions, policies and programmes which have an impact upon staff recruitment and retention. I have therefore instructed the Development, Conservation and Design Manager to discuss the issue of a specific staff recruitment and retention strategy for the Planning Service with colleagues in Human Resources. This is, I consider, of growing importance in the current economic climate.

**Officer/Member Relations**

The benefits of Members training is well recognised, with the requirement for a competency framework for Members forming a key component of proposals within the Welsh Planning Bill.
The requirement to provide a programme of Member training is also a key action within the Service’s Business Plan and I agree that the suggested 6 monthly review of planning decisions by Councillor’s should form an integral part of this training programme.

The provision of pre-committee discussions is an interesting proposal and I can see significant benefits associated with this approach which, in particular, would allow Members to obtain greater clarity on any outstanding specific issues relating to a planning application prior to the meeting. Whilst there may be benefits associated with this proposal these must be weighed against the potential resource and logistical issues associated with this approach, particularly given the short timescales for report production and publication and the programming of Committee Site visits in advance of the relevant Committee meeting. In addition issues relating to Member pre-determination would also need to be carefully considered.

Finally, I note that the Welsh Planning Bill proposes the introduction of a national Committee protocol which will dictate the form and nature of future Committees although at this stage it is not clear what specific requirements this will imposed.

Against this background, therefore, I have asked the Development, Conservation and Design Manager to give further consideration to this issue and seek further legal and procedural advice on matter.

Planning Fee Income

I understand that proposals for a review of planning fees again form part of the Welsh Planning Bill proposals and will be subject to separate consultation in due course. I anticipate that this Authority will respond in a robust manner to this consultation exercise.

I trust that the above provides an appropriate response to the issues raised by the Planning Services Scrutiny Working Group. Once again I would like to thank you as Convener and the Working Group as a whole for the positive approach adopted and the constructive recommendations that have been forthcoming. I would, however, be more than happy to provide further clarification or comment on any of the issues raised.

Yours sincerely,

COUNCILLOR JUNE BURTONSHAW
Cabinet Member for Place