

**Committee:** Planning

**Date Of Meeting:** 9 February 2011

**Title of Report:** **Regulatory Service Development**

**Report of:** Andy Wallis  
Planning and Economic Regeneration Director

**Contact Officer:** Jim Alford Telephone 0151 934 3544  
**Case Officer:** Debbie Robinson Telephone 0151 934 3588

| This report contains   | Yes | No |
|--|-----|----|
| Confidential information   |     | ✓  |
| Exempt information by virtue of paragraph(s) ..... of Part 1 of Schedule 12A to the Local Government Act 1972. (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public). |     | ✓  |
| Is the decision on this report DELEGATED?  | ✓   |    |

### Purpose of Report:

To update Members on Regulatory Services development in 2010 and agree the priorities for the coming year.

### Recommendation(s):

That the content of this report be noted and priorities for 2011 be agreed.

### Corporate Objective Monitoring

| Corporate Objective   | Impact   |         |          |
|---|----------|---------|----------|
|   | Positive | Neutral | Negative |
| 1 Creating A Learning Community   |          | ✓       |          |
| 2 Creating Safe Communities   |          | ✓       |          |
| 3 Jobs & Prosperity   |          | ✓       |          |
| 4 Improving Health & Well Being   |          | ✓       |          |
| 5 Environmental Sustainability  | ✓        |         |          |
| 6 Creating Inclusive Communities  |          | ✓       |          |
| 7 Improving The Quality Of Council Services & Strengthening Local Democracy | ✓        |         |          |
| 8 Children & Young People   |          | ✓       |          |

## Financial Implications

| <b>CAPITAL EXPENDITURE</b>                         | <b>2007/<br/>2008<br/>£</b> | <b>2008/<br/>2009<br/>£</b> | <b>2009/<br/>2010<br/>£</b> | <b>2010/<br/>2011<br/>£</b> |
|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Gross Increase in Capital Expenditure              |                             |                             |                             |                             |
| Funded by:   |                             |                             |                             |                             |
| Sefton Capital Resources                           |                             |                             |                             |                             |
| Specific Capital Resources                         |                             |                             |                             |                             |
| <b>REVENUE IMPLICATIONS</b>                        |                             |                             |                             |                             |
| Gross Increase in Revenue Expenditure              |                             |                             |                             |                             |
| Funded by:   |                             |                             |                             |                             |
| Sefton funded Resources                            |                             |                             |                             |                             |
| Funded from External Resources                     |                             |                             |                             |                             |
| Does the External Funding have an expiry date? Y/N | When?                       |                             |                             |                             |
| How will the service be funded post expiry?        |                             |                             |                             |                             |

## Departments consulted in the preparation of this Report

None

## List of Background Papers relied upon in the preparation of this report

## Introduction

This report is to keep Members abreast of developments within Regulatory Services.

## Legislative Changes

2010 saw a good deal of legislative change for Regulatory Services. In 2010 there were 8 changes to planning legislation:

- ❖ The Town & Country Planning (General Development Procedure) (Amendment) (England) Order 2010
- ❖ The Planning (Listed Buildings & Conservation Areas) (Amendment) (England) Regulations 2010
- ❖ The Town & Country Planning (Regional Strategy) (England) Regulations 2010
- ❖ The Town & Country Planning (Use Classes) (Amendment) (England) Order 2010
- ❖ The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2010
- ❖ The Town & Country Planning (Listed Buildings & Conservation Areas) (Amendment No 2) (England) Regulations 2010
- ❖ The Community Infrastructure Levy Regulations 2010 and
- ❖ The Town & Country Planning (Development Management Procedure) (England) Order 2010.

In addition, there were also 5 changes to building control legislation:

- ❖ The Building Regulations 2010
- ❖ The Building (Approved Inspector) Regulations 2010
- ❖ The Building (Local Authority Charges) Regulations 2010
- ❖ 2010 versions of Approved Documents F (ventilation), J (heat producing appliances) and L (conservation of fuel and power)
- ❖ Amendment of Schedule 3 to the Building Regulations, to expand the scope of the competent person scheme.

The **Localism Bill** was published in December. The Bill will radically reform the planning system to give local people new rights to shape the development of the communities in which they live. The Bill includes the abolition of regional strategies; the ability for qualifying bodies to initiate the process of setting up Neighbourhood Development Plans and Neighbourhood Development Orders; ensuring monies raised by the Community Infrastructure Levy are used in the neighbourhoods from they were raised; and measures for pre-application consultation and enforcement.

There are current CLG **Consultation Papers** published on changes to planning fees and proposals for streamlining tree preservation orders, and planning for schools developments.

## Office Reorganisation and Staffing

From September 2010 the Land Charges service transferred to the Regulatory Support Team. In October the support team consolidated in Magdalen House. The move involved the transfer of support staff and the land charges team from Southport Town Hall and Crown Buildings to Magdalen House.

The consolidation of the support team in one office has led to efficiency savings in terms of accommodation needs, time spent in staff management, moving files and information

between offices. Two members of the land charges service (1.5FTEs) took voluntary early retirement in October; remaining staff in the support team have retrained to enable a comprehensive support across land charges, building control and development control. Three further members of staff (2 Planning, 1 support) left during 2010; an additional 5 will leave by the end of March 2011.

## **Customer Contact**

The reception service formerly at Crown Buildings has now transferred to Sefton Plus in Cambridge Arcade and now provides a more accessible, joined up reception facility for building control, development control and land charge services together with the wider corporate services offered. A facility has also been put in place for personal searchers to access the local land charges information at Sefton Plus either at Bootle or Southport.

Work has taken place to identify the type of calls that could be dealt with by the Contact Centre. A project to develop process maps is underway.

We have introduced an on line payment facility for land charges, planning and building regulation charges, enabling payments to be made 24 hours a day and creating efficiencies in back office receipting procedures.

## **Section 106 Agreements**

We have continued to monitor and pursue agreements despite recovery of unpaid S106 becoming increasingly difficult. Following training for officers to develop specific and robust procedures we successfully secured the payments on 31 agreements. The total income for the year was £2,517,638.

We have striven to encourage joined up working in particular sharing information. The nature of S106 has expanded in two fields, acquiring payment and monitoring spend. The S106 database has been designed to be 'rolled' out to share with other departments who are tasked with spending the commuted sums to help monitoring of spend. Officers have also extended partnership working with neighbouring authorities to share knowledge and expertise.

## **Web Development**

Approximately 44% of planning applications were submitted electronically in 2010. Our web pages continue to be the most visited on Sefton's website with an average of over 60,000 page views a month for planning applications online, an increase of around 15,000 per month. We have set up a web page to publish legal notices for planning applications, updated our pages in the light of legislative changes and enabled easier navigation through our pages.

## **What else have we done?**

Departmental budget constraints and vacancy management targets have had direct implications on team's ability to meet targets. Vacant posts have not been filled across development control, building control and the support teams. Nevertheless we managed to:

- ❖ validated and registered 1698 planning applications
- ❖ booked in 1202 pre application enquiries
- ❖ sent out 32,223 neighbour notification letters
- ❖ registered 12,080 building regulations applications
- ❖ dealt with 249 initial notices
- ❖ completed 1566 land charge searches
- ❖ prepared 12 planning committee agendas
- ❖ downloaded 744 planning portal applications
- ❖ answered 53,812 phone calls (support team only)
- ❖ administered 39 appeals
- ❖ uploaded 14,552 documents and plans to our website

as well as dealing with members of the public, responding to corporate complaints, responding to government consultation papers, supporting colleagues attending training courses, fixing IT faults, dealing with the post, receipting applications, running reports, chasing performance data, updating web pages, scanning etc

## **Building Control Performance 2010**

In 2010, the Building Control Team dealt with 3,068 fee earning Building Regulation applications (down slightly from 2009) ranging from simple domestic extensions to multi-million pound commercial projects. In every instance, Building Control met all statutory targets in terms of both plan checking and site inspection.

The Team responded to 328 dangerous structure reports, fifteen of which were emergency out-of-hours calls from either Merseyside Police or Merseyside Fire and Rescue Service.

All sports grounds within the Borough holding a safety certificate were inspected by Building Control in 2010 (the Aintree Racecourse 2010 Grand National Meeting was attended by over 150,000 spectators).

2010 saw the introduction of amended Building Regulations, including 3 revised approved documents, which contain detailed technical guidance.

In addition to the daily 'routine' enforcement carried out by Building Control, 2010 saw a number of the more serious breaches of the Building Regulations brought before the courts. Most of these cases resulted in fines, although in one particular instance, a developer received a suspended custodial sentence.

Please note that regular performance indicator reports for the work carried out by both the Development Control Team and the Building Control Team are included within the Members section of the Intranet.

## **Planning Control Performance**

The number of applications put on the planning register rose slightly in 2010. There are still relatively few new large major schemes, which has impacted on fee income, but the householder sector has stabilised after the changes to permitted development. Performance has remained strong with 77% of majors, 86% minors and 91% others determined within the statutory period; the target for England is 60%, 65% and 80% respectively and most recent national performance 70%, 77% and 87%.

There is a significant staff input into pre-application discussions. There is great variety; some straightforward but others can be very complex and involve many meetings and even then not result in a formal application.

There were slightly fewer appeals in 2010 but performance met the national standard.

## **Enforcement Performance**

We received and investigated over 770 complaints from the public, councillors, area/local committees and internal departments amounting to 2 complaints per working day (the number, type and range is consistent with previous years).

A total of 35 enforcement notices, 12 breach of condition notices and 7 Section 215 Notices (untidy land/buildings in disrepair) were served. Taking into account the large number of complaints received the number of formal notices issued is very low due to good practice, experience, negotiation and investigative skills of staff. There has been no prosecution in the magistrate's courts for non-compliance with notices. Also no stop notices or high hedge (Part 8 of the Anti-Social Behaviour Act) notices were served.

A total of 89 retrospective planning applications, totalling £19,550 in fees were brought in as a result of investigations.

2010 also saw an increase in the number of discharge of conditions applications received, totalling 190 applications and fees in excess of £15,500.

## **Challenges for 2011**

Managing change – the existing senior management team will be leaving the authority early in 2011, taking with them over 120 years of planning, regeneration and transportation experience. The existing Planning and Economic development department will be split and subsumed within the Environmental Services Department and the Neighbourhoods Departments. Closer integration with the larger departments and directorate will need to be reviewed.

We must respond to the changes proposed in the previous Government's staged implementation plan on the Future of Building Control. This includes regular, planned reviews to the technical standards contained within the approved documents, which will require training for staff on updated practice. The current Government is also reviewing the building control system in England & Wales and the results of this review are expected to be published in the summer of 2011.

We will need to prepare for changes to planning legislation; the formulation of a planning fee structure, help with setting up neighbourhood planning, and the introduction of policies and processes to deal with the community infrastructure levy. Please note that local setting of fees is a new challenge which has the potential to recoup more of the department's costs but will result in fee increases. Charging for pre-application enquiries will be introduced as part of this.

We need to modernise the land charges system to increase efficiency and maximise income generation.

The effects of the recession, the transformation agenda and the need to make budget savings will have increasing impact across the department.

## **Priorities for 2011/12 across the team will focus on:**

- ❖ maximising income possibilities
- ❖ minimising expenditure
- ❖ managing change resulting from legislative changes, corporate and national transformation projects
- ❖ embedding culture change and performance management
- ❖ improving customer experience
- ❖ partnership working
- ❖ delivery of council objectives and the improvement of the quality of development in the borough through positive and proactive development management
- ❖ exploring opportunities for work sharing / co-operation with other local authorities
- ❖ ensuring the continued health and safety of people both in and around buildings
- ❖ data integrity – focus on the quality of existing electronic records, historic data capture and consolidation of information where possible
- ❖ creation of spatial information – enhance our existing spatial data holdings with information held in text based systems, enabling GIS functionality to be used for land charges information.