

Meeting: Policy Development and Decision Group

Date: 28 June 2017

Wards Affected: All wards in Torbay

Report Title: Transformation Project - A Redesign of Spatial Planning

Is the decision a key decision? Yes

When does the decision need to be implemented? Immediately

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1. Proposal and Introduction

- 1.1 It is proposed that the Council should to explore and establish a suitable partnership arrangement for the delivery of Development Management and Spatial Planning functions with a nearby Local Planning Authority. Such a partnership should enable Torbay Council to drive forward, at pace, the necessary modernisation needed to make improvements and deliver value for money, whilst at the same time achieving a more sustainable and resilient planning service.
- 1.2 A recent Development Management Service Peer Review identified that there is an opportunity, through the better sharing of resources with like-minded Councils, to improve resilience whilst also enhancing the best elements of development management services, such as staff, quality outcomes and local accountability.
- 1.3 The Council's Development Management Service performs well in terms of the Department for Communities and Local Government's (DCLG) statistics and continues to make improvements to that performance. However, it performs less well in other areas such as levels of electronic submission, utilising technology and delivery of planning enforcement.
- 1.4 Given the ongoing budget pressures, which have resulted in resource constraints, an opportunity exists to consider a partnership arrangement for the delivery of Development Management and Spatial Planning functions with a nearby Local Planning Authority. By partnering with a like-minded neighbouring planning authority Torbay Council could drive forward, at pace, the necessary modernisation needed to achieve a more sustainable and resilient planning service.
- 1.5 Businesses and residents in Torbay would like to see an improved planning service that is modern, resilient, value for money and fit for purpose.

2. Reason for Proposal

- 2.1 The Councils Transformation Programme was established to save the Council money, generate additional income or to provide resilience to Council services.
- 2.2 One of the Transformation Projects is entitled “**Redesign of Spatial Planning**” and the project is tasked with considering options for Spatial Planning to provide the Council with resilience.
- 2.3 A recent Peer Review of the Council’s Development Management Service made a very clear recommendation that – “**the Council should explore further how it could work with other Local Planning Authorities in relation to the delivery of the development management service to maximise value for money and improve overall resilience of the service.**”

3. Recommendation(s) / Proposed Decision

That the Mayor be recommended:

- 3.1 That the Council should explore further how it could work with other Local Planning Authorities in relation to the delivery of the Development Management Service to maximise value for money and improve overall resilience of the service.
- 3.2 That the Chief Executive, in consultation with the Executive Lead for Planning, Transport and Housing and the Executive Head of Business Services, be given delegated authority to explore and establish a suitable partnership arrangement for the delivery of Development Management and Spatial Planning functions with a nearby Local Planning Authority, so that Torbay Council can drive forward, at pace, the necessary modernisation needed to achieve a more sustainable and resilient planning service.

Appendices

Appendix 1: Development Management Service Review – Background & Scope Extract

Appendix 2: Development Management Service Review – Action Plan – May 2017

Background Documents

<https://www.local.gov.uk/pas/dm/dm-challenge-toolkit>

Section 1: Background Information

1. What is the proposal / issue?

In November 2016 Torbay Council invited Plymouth City Council to undertake a Service Peer Review of its Development Management Service, which forms part of the Council's wider Spatial Planning Service.

The review took place between 13th December 2016 and 30th January 2017. Initial feedback presentations highlighting key messages were made to senior managers, Councillors and service managers, and planning service staff on 30th January 2017.

The Service Review Team undertook this review at the invitation of Torbay Council and it was undertaken as 'critical friends'. Torbay Council wanted the Service Review to be undertaken by an experienced nearby Local Planning Authority team with a proven track record of service improvement and with experience of wider sector-led improvement approaches. Management of the Council's Planning Services had passed to the Executive Head of Business Services on 1st May 2016 and following discussions with the Head of Spatial Planning it became clear that the current operation of the planning function in Torbay required improvement. A re-design of Spatial Planning had also been identified as a Transformation Project.

As part of the Review brief, a number of high level challenges were set, which sought to focus on the efficiency, effectiveness and quality of the development management function.

One of the outcomes of the recent Peer Review was a very clear recommendation that – "the Council should explore further how it could work with other Local Planning Authorities in relation to the delivery of the development management service to maximise value for money and improve overall resilience of the service."

2. What is the current situation?

The Council's Development Management Service performs well in terms of the Department for Communities and Local Government's (DCLG) statistics and continues to make improvements to that performance. However, it performs less well in other areas such as levels of electronic submission, utilising technology and delivery of planning enforcement.

Torbay's planning application performance is good compared to Torbay's family group. The latest performance figures released by DCLG for the period October 2014 to September 2016 shows that Torbay dealt with 91.9% of major applications in time and this places Torbay 67th out of 336 local planning authorities. In comparison :-

Plymouth – 25th

Cornwall – 59th

Teignbridge – 168th

Exeter – 308th

	<p>For non-major applications, Torbay dealt with 85.4% in time putting it 124th out of 337 local planning authorities. In comparison :- Plymouth – 28th Cornwall – 143rd Teignbridge – 193rd Exeter – 313th</p> <p>The delivery of Development Management and Spatial Planning functions needs to change at pace to modernise even further, make improvements and deliver value for money, whilst at the same time achieving a more sustainable and resilient planning service with limited resources.</p>
<p>3.</p>	<p>What options have been considered?</p> <p>Since the middle of March 2017 the Executive Head of Business Services has been exploring further how Torbay Council could work with nearby Local Planning Authorities to deliver a shared Development Management service. Following consideration of the various strategic options the Executive Head of Business Services commenced discussions with Plymouth City Council regarding the opportunity for a strategic partnership, which could represent the best way forward in the delivery of planning functions given both authorities’ ambitious plans for growth. The intension would be to develop a strategic partnering arrangement that drives forward integrated working on a phased basis between the Strategic Planning & Infrastructure Department in Plymouth with the Spatial Planning Service in Torbay.</p> <p>Options for partnering with Local Planning Authorities, other than Plymouth City Council, were briefly considered but have not been investigated further at this time due to their current performance data (see section 2 above).</p> <p>The Council’s Head of Spatial Planning is currently seconded to the Torbay Development Agency and is leading on regeneration of the Bay’s Town Centres. Therefore, another option would be for Torbay Council to recruit an experienced professional planner with the ability to drive forward at pace the modernisation of the Development Management and the wider Spatial Planning Service. Given the short-term nature of such a post, this option will be more expensive and less reliable than working with a neighbouring local authority that has a proven track record of service improvement with experience of sector-led improvement approaches.</p>
<p>4.</p>	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>An improved and better focused Development Management and Spatial Planning Service will support the Council’s ambition for a ‘Prosperous and Healthy Torbay.</p> <p>A suitable partnership arrangement for the delivery of Development Management and Spatial Planning functions with a nearby Local Planning Authority will reflect the following corporate Principles and Targeted Actions :-</p> <p>Principles</p> <ul style="list-style-type: none"> ● Use reducing resources to best effect ● Reduce demand through prevention and innovation ● Integrated and joined up approach

	<p>Targeted Actions</p> <ul style="list-style-type: none"> • Working towards a more prosperous Torbay • Ensuring Torbay remains an attractive and safe place to live and visit
<p>5.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>In conducting the Service Review, the Service Review Team:</p> <ul style="list-style-type: none"> • Held telephone and on-site interviews with key consultees and stakeholders. • Held focus groups with local agents and consultees. • Heard from local councillors. • Heard from internal and external stakeholders and partners. • Heard from staff within the Service. • Attended Development Management Committee.
<p>6.</p>	<p>How will you propose to consult?</p> <p>Following the consultation outlined in (5) above, the Peer Review Team made a total of 30 recommendations to address the issues that they had identified. Five of the recommendations relate to 'vision and leadership'; sixteen relate to 'management of the service'; two relate to 'community engagement', three to 'partnership engagement', and four to 'achieving outcomes'. It was the Peer Review Team's view that if these recommendations are implemented, as they have indicated, they believe that the service would become fit for the future.</p> <p>A copy of the Peer Review Report was sent to Councillor King & Councillor Kingscote in March and an Action Plan has been developed based on the 30 recommendations.</p> <p>Consultation will continue with the Executive Lead for Planning, Transport and Housing and the Chief Executive, as the Executive Head of Business Services explores and establishes a suitable partnership arrangement for the delivery of Development Management and Spatial Planning functions with a nearby Local Planning Authority.</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>Any future partnership arrangement for the delivery of Development Management and Spatial Planning functions with a nearby Local Planning Authority would aim to initially be cost neutral but the Transformation Board target is to achieve a £50,000 saving/efficiency to the revenue budget. In time both local authorities should benefit from economies of scale and shared resources.</p> <p>Significant planning decisions would still be made by the Development Management Committee of Torbay Council but changes to the officer scheme of delegation will be required, for both local authorities, if and when Planning Officers are making delegated planning decisions as part of a shared service arrangement in the future.</p>
8.	<p>What are the risks?</p> <p>The most significant risk is the failure of a strategic partnership and or shared service. This risk can be mitigated by ensuring that a formal Strategic Partnering Agreement is put in place that drives forward integrated working on a phased basis. Further mitigation can be achieved by an underpinning operational and political relationship that is based on a clear Memorandum of Understanding and founded on trust and transparency. Any formal arrangement can and should include an appropriate exit strategy and notice period that can be implemented if the partnership ceases to work or fails to deliver what either party is seeking to achieve.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>In November 2016 Torbay Council invited Plymouth City Council to undertake a Service Peer Review of its Development Management Service, which forms part of the Council's wider Spatial Planning Service. The review took place between 13th December 2016 and 30th January 2017. Initial feedback presentations highlighting key messages were made to senior managers, Councillors and service managers, and planning service staff on 30th January 2017.</p> <p>The Service Review Team undertook this review at the invitation of Torbay Council and it was undertaken as 'critical friends'. Torbay Council wanted the Service Review to be undertaken by an experienced nearby Local Planning Authority team with a proven track record of service improvement and with experience of wider sector-led improvement approaches.</p>

<p>11.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>The Peer Review Team made a total of 30 recommendations to address the issues that they had identified and these recommendations can be seen in Appendix 2.</p> <p>Five of the recommendations relate to ‘vision and leadership’; sixteen relate to ‘management of the service’; two relate to ‘community engagement’, three to ‘partnership engagement’, and four to ‘achieving outcomes’.</p> <p>Feedback from the consultees identified in section 5 above have helped to form the Peer Review recommendations.</p>
<p>12.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>If given approval to explore further how the Council could work with other Local Planning Authorities in relation to the delivery of the Development Management Service, to maximise value for money and improve overall resilience of the service, officers will need to develop initial ‘Heads of Terms’ as the basis for a partnership agreement. It is likely to take somewhere between six to nine months from the point of any decision for a formal partnership to go live. During this period, managers and staff from the partnering local authority would support Torbay to address known and immediate capacity issues, and to begin the process of implementing an Improvement Plan in response to the Service Review, so that Torbay Council can enter the partnership on a secure and firm footing.</p>

Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact	
Older or younger people			There is no differential impact	
People with caring Responsibilities			There is no differential impact	
People with a disability			There is no differential impact	
Women or men			There is no differential impact	
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact	
Religion or belief (including lack of belief)			There is no differential impact	
People who are lesbian, gay or bisexual			There is no differential impact	
People who are transgendered			There is no differential impact	
People who are in a marriage or civil partnership			There is no differential impact	

	Women who are pregnant / on maternity leave			There is no differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact
14	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable		
15	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable		