

"BEST VALUE" AND THE PLANNING SYSTEM by Dr. Wendy Le-Las

"Best Value" is buzz word of the year in local government circles, but what does it mean for local councils, and their communities, as recipients of services ?

This article will focus on the planning system, but much of what is said could be applied across the spectrum of local government services. The nineteen nineties will be remembered as the decade of management-speak. Therefore "Best Value" requires some decoding to prevent confusion with the plans produced under the Town & Country Planning Acts. The 1999 Local Government Act has established a legislative framework, which will require local authorities to undertake a number of key steps, which are set out below.

- Formulate a Corporate Plan.
- Planning Department subject to Fundamental Performance Reviews
- Set and publish a Local Performance Plan.
- Audit, Inspection & Certification
- Areas requiring Secretary of State's Intervention?

Corporate Plan. Some local authorities already have some sort of Corporate Plan in place. Its objective is to set out the priorities and objectives of that authority: given that it is no longer considered necessary to provide everything in-house, local authorities have to map out their priorities in relation to other service providers in the area, be they in the public, private, or voluntary sector.

In order to do this the 1999 Act obliges councils engage with stakeholders, i.e. the wider community. Clearly the methods used to elicit a public response, and what questions are asked to whom will have a fundamental effect on the results, so discover exactly what your authority is up to. The reason the new Corporate Plans are so important is that they will feed straight into the structure, local or unitary development plans which largely determine your future environment. An array of national performance indicators have been developed in conjunction with the Audit Commission, the Local Government Association and other bodies. It comprises a small number of council-wide 'general health' indicators; these will reflect the capacity and performance of local authorities as democratic bodies and managers of the public purse.

One could suggest that a meaningful indicator would be the number of experienced officers who take early retirement because of stress. Best Value is one more measure imposed on local government with no extra resources to fund it. For each of the major services there will be key indicators, set by central government, reflecting the effectiveness and quality of local services. Each authority will be expected to set targets in respect of these indicators and to publish both their targets and subsequent performance against them in annual local performance plans. The national indicators for the planning service, which are of greatest interest to local councils, are set out below: " Readers will know that we now have a 'plan-led' system. "Development Plans" are defined as structure plans, district wide local plans, minerals and waste local plans, and unitary development plans. Every area should have a plan which has been adopted within the

last five years. As only 67% of local authorities are in this happy position, the pressure will be on in the remainder. If this applies to your area, check that corners are not cut over consultation or participation in the local plan inquiry: the new version of PPG12, on formulating development plans, will be available to help you by January 2000.

“ Development plans should have a comprehensive set of indicators and targets for each of the main objectives of that plan. ” Supplementary planning guidance needs to be firmly linked to policies in an adopted local plan and go out to public consultation before being finalised: see PPG12 for details. ” The Government would like 60% of new homes to be sited on previously developed land. This could be easier said than done in areas of high housing demand with few brownfield sites, such as much of south east England.

“ Pre-application discussions with potential applicants should be advertised and provided. This has caused consternation amongst local councils because they see it as developers being given the 'green light'. It is true that this Government is just as keen on the enterprise culture as the last administration. However, in practice, pre-application discussions have always happened, particularly with regard to large schemes. This indicator just regularises an existing practice. Those local councils with property will be able to take advantage of this provision

. ” Eighty percent of planning applications are supposed to be processed in eight weeks, but only 62% of authorities achieve this. The danger here is that complicated and controversial schemes will be rushed through, so be warned! ” Records should be kept of the number of advertised departures, from the statutory plan, which are approved by the local authority: the idea is to minimise these as a percentage of total applications. The trouble is that a low percentage may disguise a few large, offensive schemes. ” The percentage of appeals where the local authority's decision is overturned should be less than 40%. All appeals should be considered, including enforcement, listed building, conservation area consent and advertisement control. This indicator is a barometer of your authority's judgement on planning policy: whether the officers and/or members consistently misinterpret national planning policy.

“ Authorities are expected to delegate at least 70% of applications to officers for decision. Much will depend on the character of the area and the calibre of the officers. If there are a number of sensitive sites, be they urban or rural, and officers of questionable ability, this could be disastrous. However, the situation could be saved by the extant development plan if it is detailed and up to date. ” Records have to be kept of the number of times per year that: costs are awarded against the council; the ombudsman finds maladministration, with or without injustice; and the local authority loses in the High Court. This indicator is a barometer of good administration. Achieving the standards set by these national indicators will demand a great deal of officers and members. the latter often know little or nothing about the planning system, especially when they are new to the council. The Nolan Committee on Standards in Public Life recommended that all members of a planning committee should receive training in the planning system, before or as soon as possible after their appointment. A syllabus of no less than eight modules has been devised in order to show local authorities what is needed, and which are the reputable bodies to approach with regard to providing training e.g. the royal Town Planning Institute, the Town & Country Planning Association and academic institutions. This requirement for councillor training is very much part of the Best Value system because it will help to ensure open and transparent decisions. As can be seen above, many of the national indicators are numerical, but

what really matters to local people is the quality of the decision. Having knowledgeable councillors could be a valuable counter-weight to the dangers of 'cabinet government' in local authorities: back-bench members will be able to challenge their party leaders if they try to drive through applications which are contrary to the government's policy on the environment. On the other hand, one can take a horse to water....

As many local authority members also serve on their parish town or community council, education in planning matters will help them to make an informed input into planning debates. Local councils should keep their own records of their authority's performance in relation to the indicators which are of greatest interest to them, and the conduct of officers and members. Any cause for concern should be fed back to the Director of Planning and, if relevant, the district auditor. If the matter is serious then it may have to be referred to the new Inspectorate, or even the Secretary of State, so you will need evidence to prove what you are saying. Beacon Councils are to act as pace setters and centres of excellence for the rest to follow. In recent months 211 councils have put themselves forward for beacon status. There are seven areas of local government from which they can choose. Planning is one of these, but it is not planning in the round: the emphasis is on planning in relation to business. The factors taken into account by the Panel choosing the councils, is set out in the inset box: not much clear pink water between this Government and the last! At the time of going to print eight councils had been shortlisted as Beacon Councils for planning: Braintree; Copeland; Derwentside; Gateshead; Halton; Knowsley; Wirral; and Salisbury. The final choice will be made in mid December 1999. Whether all, some, or none of the candidates will make the grade, remains to be seen.

Fundamental Performance Review Every four or five years there is to be a fundamental review of every aspect of the planning service, assessing it against the national indicators, and the performance of other authorities: those with similar characteristics e.g. historic towns, have been put together into "benchmarking groups". Local authorities are also expected to compare their performance with other bodies which could conceivably provide that service for the local community. Planning services will be looking at the cost of farming out some or all aspects of, say, their development control service or bringing it consultants to fight appeals. Local councils may find that that much loved, or hated planning officer, is no longer on the case. However, the wholesale retirement of the planning department is unlikely: in-house provision is likely to be cheaper than the private sector, and where property is concerned there are issues of probity to be considered. It is up to local councils to keep a watchful eye on this situation.

An area where NALC members can have a direct input into the Performance Review is the formulation of local performance indicators, which reflect specifically local concerns. How about ascertaining these by convening a meeting with all the other local councils in the area of your local authority? Are all the environmental concerns in your area being met in the most appropriate fashion? If not are new ones needed? Some indicators may be specific to the planning service e.g. the number of agricultural workers cottages and deer palaces which magically become "des. reses." in open countryside. Other local indicators will cross departmental boundaries e.g. noise, air quality, not to mention dog muck. Many local councils will have experience of formulating such indicators through their involvement with Local Agenda 21. Inter departmental working is much encouraged under the Best Value regime, so don't be afraid to be imaginative. There is a lot of expertise around on the subject of devising meaningful indicators. Maybe this is a subject with which county associations could help their

members?

Local Performance Plans New performance targets flow from each review. These will be brought together with other service targets in annual Performance Plans. In particular the plans will:

- report on current performance including a comparison with other authorities;
- identify forward targets for all services on an annual and longer term basis;
- comment on the means to achieve plans, including proposals for major capital projects and investments, and for the future procedural and purchasing changes directed at improving performance.

The Government is not imposing or suggesting a single format for presenting this information: experience has shown that it is a matter of horses for courses, and no one model fits each purpose. What is expected is that the local performance plan will enable comparisons to be made between years, and between different authorities and service providers. If things are getting worse, local councils are entitled to ask why, and if matters are improving, they should suggest that lessons could be learnt from this aspect of the service. The first local performance plans will appear in April 2000.

Audit & Inspection It seems that the Government intends to introduce rigorous external checks on the information provided in local performance plans, and on the management systems which underpin them. The external auditors will provide a check on whether:

- the information in the local performance plans is accurate;
- the plans and their targets accord with statutory requirements
- the plans are realistic,

in view of the local authority's resources. The Audit Commission is to draft guidance to local authorities on an internal system of control and audit which would strengthen their capacity for self assessment, and there will be a whole raft of other quality assurance measures aimed at changing the culture of local government, whether it needs it or not. Needless to say there will be no more funds available to pay for the extra work involved.

The qualitative aspect of the Best Value philosophy, is to be overseen by a new Inspectorate which has been likened to those of OFSTED - one can only hope that they do not demoralise staff in the same way. The inspections will confirm that:

- fundamental performance reviews have been carried out by authorities in accordance with the legislation and statutory guidance
- the performance targets for the future are sufficiently challenging to improve services for local people.

There will be lay members on the Inspectorate because part of their brief will be to consult with the users of local services. It would appear then that local councils will become consultees in this exercise, particularly with regard to planning. If you feel that your local authority is

seriously falling short of the standards set by the national indicators and/or failing to respond to criticisms from the local community, then report them to the Inspectorate. How about those with a knowledge of local councils joining the Inspectorate?

Intervention by the Secretary of State Should local authorities fall down on the job, either in terms of following the correct procedures or failing to deliver to the required standard, the Secretary of State may choose to intervene. His powers are sufficiently flexible to enable him to tailor his response to the circumstances, and require that:

- an authority draw up an improvement plan with dates set for deliver of the upgraded service
- an authority accept external management help;
- services be put out to competition;
- services cease to be provided by the local authority;
- responsibility be transferred to another authority or third party in the case of serious service failure.

These powers are unprecedented and draconian. In an effort to preserve local autonomy the Local Government Association propose to establish a new national improvement agency designed to improve services across the board, and thus reduce the need for state intervention. We'll see.

Conclusions

Although Best Value pays due homage to the quality of services, there is a danger that this will be lost in the struggle to meet numerical targets. For example, firms of accountants, who know nothing about the improving environment, are undertaking the fundamental performance reviews and telling planning departments that site visits are a waste of staff time! Best Value is supposed to stimulate local democracy and accountability.

It is up to local people to ensure that decisions are taken which safeguard and enhance the quality of their environment. The active involvement of members at every stage in the process is essential. Local councils who have, amongst their councillors, members of their local authority will have a hotline into the system. There are also important new roles for local councils. Firstly, you are well placed to monitor what actually happens on the ground and to support you local authority if necessary. Secondly, as can be seen from the above, there is to be public consultation and feed back at every stage in the process.

All manner of public participation methods are being mooted e.g. focus groups and citizens juries. Local councils need to be seen to be the true voice of their community, both residents and businesses. Your local authority will be grateful if they can justify relying on your opinion. Furthermore it is well known that the Government is questioning the very existence of parish councils, and moves will be made next year to take this forward. Best Value is an opportunity to prove that you are indispensable.