Cheltenham Borough Council

Towards a commissioning strategy for the built environment

Update report

1. Introduction

- 1.1 The council has agreed to become a commissioning council by April 2012 and has commenced a series of reviews which will enable it to achieve this ambition. The review of its built environment services started earlier this year and a member working group was established to support the process.
- 1.2 This report provides an update on the work to date and the key findings and sets out what further work needs to be undertaken prior to consideration of a report to Cabinet at the end of September in time, to inform the 2012/13 budget and corporate strategy.
- 1.3 The services which are within the scope of the review are:
 - Strategic land use
 - Development management
 - Building control
 - Urban design, heritage and conservation

2. Context

- 2.1 Nationally, the Government has set out its ambitions for the built environment in the Localism Bill, which proposes a number of changes to the planning regime. The Bill supports the concept of the Big Society and encourages community empowerment, social action and the opening up of public services. Although elements of the Bill, which is proceeding through Parliament, may change, the Council still needs to be alert to the direction of the Bill and to be in a position to respond to the proposals once passed by Parliament. The Government has also established a framework for Local Enterprise Partnerships which have a remit which includes economic development and strategic transport.
- 2.2 Locally, the review will also have regard to the context set by the Cheltenham Development Task Force, which was established by the Council and key partners. It has an ambition (underpinned by supplementary planning guidance) to "support the town's economic strength and sustainable development by revitalising key streets and spaces to the highest attainable quality for the benefit of the whole community". The Council needs to ensure that the outcomes of the review are able to support this ambition both directly and indirectly.
- 2.3 Cheltenham has a unique heritage which underpins its economic prosperity and which can provide the basis for a design code for future development. In developing the outcomes for the built environment this opportunity needs to be exploited and this will be explored with the help of English Heritage (see section 9).
- 2.4 The Council is already working in partnership with Tewkesbury Borough and Gloucester City Councils on the development of a Joint Core Strategy for the area and this is also helping to set the broader strategic framework for the built environment.
- 2.5 The council also has a funding gap identified as set out in its medium term financial strategy and savings will need to be identified to close this gap. Councillors have explicitly indicated that they

wish to see front-line services protected so we need to think innovatively about how we can secure quality outcomes at a reduced net cost to council tax payers. Commissioning provides a framework in which to have these discussions with officers, elected members, customers and stakeholders.

3. Methodology

3.1 The review is being undertaken by the Commissioning Division supported by those within the services in scope. A project team has been established chaired by the Executive Director and includes the Cabinet Member for Built Environment. The review is supported by a member working group chaired by the Cabinet Member and comprises:

Councillor John Rawson Councillor Tim Cooper Councillor Barbara Driver Councillor Jacky Fletcher Councillor Bernard Fisher Councillor Peter Jefferies Councillor Helena McCloskey

The project team meets every two weeks and the member working group has met three times since it was established.

3.2 The review is using the commissioning methodology (analysis, plan, procure and review) and is currently in the first stage i.e. analysis. Set out below is a summary of the work undertaken to date.

4. Future proofing

4.1 Officers from the services within scope plus other officers from the commissioning division undertook a future proofing exercise at the start of the review. This enabled officers to think about the strategic context in which they deliver their services and what the future may hold in terms of service delivery. It allowed them to identify some of the risks and uncertainties and also the opportunities that may arise from the proposed changes at the national level. They recognised that however services were delivered there needed to be a fair and transparent process which underpins our place-shaping role, and that any future service delivery needs to be flexible, cost efficient and to able to exploit new technology.

5. Needs analysis

- 5.1 The Cheltenham Strategic Partnership has prepared a "needs analysis" for the area. It is based on evidence drawn from a range of sources including the Joint Strategic Needs Assessments undertaken at a county level but also drawing on more locally based information provided by a range of stakeholders and partners.
- 5.2 The review has taken this information and developed its own needs assessment for the built environment, a copy of which has been made available to members. The member working group considered the analysis and requested that it be updated to reflect the needs of Cheltenham's diverse communities and neighbourhoods either through their physical characteristics (especially identified in the 19 neighbourhood character appraisals and management plans) or though their demographic profiles, particularly in relation to people living in the town centre. The working group is of the view that when commissioning services, a "one-size-fits-all-approach" may not be appropriate for some areas of the borough.

5.3 The needs analysis sets out key messages in relation to the economy, housing, green space, climate change, demography, health and deprivation. A spatial planning response to these issues is being addressed through the development of the Joint Core Strategy, but the review needs to consider how the identified needs will inform the outcomes that we wish to commission.

6. Developing outcomes

- 6.1 Developing outcomes is the critical phase of any commissioning exercise as they answer the question "what do we want our services to achieve". Experience from the leisure and culture review, has enabled a more rigorous approach to developing outcomes:
 - Do the outcomes describe an end result / the difference we will make?
 - Do the outcomes relate to the needs we have identified?
 - Are the outcomes easily understood by elected members and members of the public?
 - Do the outcomes feel like an intrinsic part of what Cheltenham Borough Council does?
- 6.2 Using this framework, the project group developed an initial set of outcomes based on the needs and the current corporate strategy and these were tested with the member working group. Debating the fundamentals of "what do we want our built environment services to achieve" has enabled members to have healthy and innovative discussions and they have inputted a further range of outcomes that they would wish to see delivered, focusing on the economy, good design and flexible use of space, heritage and sustainability. In discussing outcomes they have also identified some of the underlying principles that they would want to see built into any service provision.
- 6.3 The work to develop a final set of outcomes is still being finalised, and the working draft of the outcomes is included as **appendix A**. The member working group is meeting on 13 July and will be giving further consideration to the outcomes before we then test them more widely with a range of stakeholders and the community.
- 6.4 The review also needs to make the necessary linkages with other commissioning reviews and outcomes, as the built environment services have the ability to wider health and social outcomes.

7. Current service delivery

7.1 There are a number of services within the scope of the review but it is also obvious that defining outcomes for these services will also impact on other services eg parks and gardens, housing, economic development and car parking. However these areas have not been considered as part of this review in order to keep the review process to a manageable scale.

7.1.0 Building control

- 7.1.1 Building Control seeks to achieve minimum standards of construction to ensure the health and safety of people in or around buildings and is also increasingly concerned with energy conservation and with access and facilities for disabled people. It does have an enforcement requirement and this can result in action through the courts. The Building Regulations are a statutory framework against which the service provides advice and support to customers about safe, secure and comfortable buildings and so enforcement is generally considered to be a 'last resort'.
- 7.1.2 Tasks which the Building Control team undertake include:
 - Assisting customers so that their projects are successfully completed and comply with the requirements of the Building Regulations;
 - Checking applications for compliance with the Building Regulations;
 - Site inspections to check for compliance with the Building Regulations;
 - Enforcement action relating to the Building Regulations;

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- Dealing with dangerous structures;
- Providing help and advice on access for all people to building inclusive design;
- Helping colleagues in the Development Management team (Planning);
- Street naming and numbering;
- Access audits;
- Assisting with the resolution of dangerous structures and related incidents.
- 7.1.3 The Building Control service operates in a competitive market and there are numerous private sector suppliers of services. Building Control is required by government guidance to breakeven on fee income.
- 7.1.4 There are a total of 14 full-time equivalent (FTE) staff comprising. 3 support officers, 10 site inspection and 1 manager.
- 7.1.5 Joint working with Tewkesbury Borough Council (TBC) has been operational since November 2009 through a Section 101 agreement where we deliver the services to TBC. This action was aimed at providing a resilient service which could be developed to work effectively within a competitive environment. There was also assessed to be a small financial benefit resulting from the loss of one manager and one support team member.

7.2 Strategic land use

7.2.1 The work of this team provides the strategic framework within which spatial planning related to the community strategy outcomes can be delivered. This requires effective engagement both internally with officers and elected members and externally with statutory stakeholders and the wider public. The Localism Bill will require a review of engagement and the way in which services are delivered; particularly in respect of activities undertaken with parish councils and community groups. The work of the team can be broken down across three strands which are set out below:

Delivering the statutory development plan for Cheltenham	Monitoring and research	Stakeholder engagement
Preparation and implementation of the Cheltenham Borough Local Plan and Cheltenham's Local Development Framework.	Land use monitoring.	Working with stakeholders and organisations across Cheltenham Borough in disseminating planning policies/advice/best practice.
Support preparation and management of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.	Preparing LDF annual monitoring report.	Working with divisions across the Council to input into spatial planning.
Delivering Strategic Environmental Assessment (SEA).	Undertaking residential land availability and capacity studies.	Working through the local strategic partnership to ensure the Sustainable Community Strategy and LDF are co- ordinated and deliverable.
Providing advice and responding to planning applications and appeals – both in Cheltenham and neighbouring authorities where development has implications for Cheltenham.	Undertaking projects/research to support the strategic planning function.	Working with neighbouring local authorities.
Responding to national planning policies and proposals.		Working with parish councils.

- 7.2.2 There are 4.5 FTE staff in the team. One of these posts is a fixed term post shared by Cheltenham, Gloucester & Tewkesbury to support the JCS programme and there is a shared planning manager (0.5 of FTE) dedicated to supporting Tewkesbury Borough planning service.
- 7.2.3 Through the Joint Core Strategy team, officers work across all three councils on a reciprocal basis. Currently one of the members of the team is on maternity leave and the development management team have seconded a member of their staff to support the JCS.

7.3 Development Management

- 7.3.1 The team manages the development of land and buildings within the borough, carrying out the Council's statutory obligations as set out in the legislative framework (Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, Planning and Compulsory Purchase Act 2004). The objective is for development in the borough to achieve the aims and aspirations of national and local policy and create a better environment for Cheltenham, its inhabitants, workers and visitors.
- 7.3.2 The team assesses and determines a variety of proposals including applications for: planning permission (both building works and change of use); listed building and conservation area consent; advertisement consent; and certificates of lawful use or development.

The application process	Other services and activities
 Validation – acknowledge application, check relevant information provided and request any additional information needed. Consultation - inform interested parties, neighbours, consultees and invite comments on proposal. Negotiation – hold discussions with applicant and other interested parties to steer proposal successfully through planning process. Identify flaws and opportunities for improvement. Determination – most applications are delegated to officers, but planning committee determines contentious schemes. 	 Duty planning officer – provides advice to anyone who contacts the planning department (in person, email, phone). Pre-application discussions – with applicants ranging from private individuals to large corporations (chargeable and non-chargeable). Post-decision work – appeals, amendments to proposals, monitoring of compliance with conditions and investigating and enforcing breaches of planning control. Councillor enquiries – work closely with members to help with their case work.

7.3.3 The work can be broken down across two work strands as set out in the table below:

- 7.3.4 There are a total of 16.5 FTE staff comprising a manager, 9.5 FTE planning/enforcement, 5 FTE support officers and an apprentice. As outlined above one FTE planner is currently seconded to planning policy on JCS.
- 7.3.5 Key development management performance data

Indicator	result for (Q4 2010)	Previous quarter	
% of apps decided within 8 weeks	88% (245 of 278)	84% (283 of 337)	
% of major apps decided in 13 weeks	66.67% (4 of 6) (Target – 60%)	66.67% (4 of 6)	
% of minor apps decided in 8 weeks	84.62% (33 of 39) (Target – 65%)	61.40% (35 of 57)	
% of other apps decided in 8 weeks	90.13% (210 of 233) (Target 80%)	90.51% (248 of 274)	
% of delegated decisions	91.67% (264 of 288)	92% (320 of 349)	

7.4 Urban Design

- 7.4.1 The Urban Design Team consists of professionals in urban design, heritage, arboriculture and landscape architecture. They deal with projects and cases both proactively and reactively. The focus ranges from strategic (policy development, cross boundary issues) to detailed (building construction details, planting schedules, tree health, street design).
- 7.4.2 The team deals with a range of partners and customers both internal and external officers and elected members; central government, county and district councils; developers, property owners, members of the public, interest groups etc. Much of the work is now focussed on working with local community groups interested in improving or maintaining their environments (streets, parks, urban spaces, heritage assets, trees etc) which is in tune with the Government's thinking on the Big Society but is resource intensive. The other major work strand is support for the Cheltenham Development Task Force.
- 7.4.3 The work can be broken down between two different work streams as set out below:

Reactive work	Proactive work				
 Lead case officers for listed building consent, tree preservation orders and conservation area tree applications. Work with Development Management (and applicants) on planning and related applications, pre-application, enforcement, s.215, compliance, appeals & court cases (expert witness) & Planning Committee. Best practice, design advice and project support on traffic management, street design, maintenance and asset management to the Integrated Transport team, GCC and Gloucestershire Highways. The tree team manage CBC & CBH tree assets (3-yearly conditions survey, planting, remedial work, contract management etc) and management of tree response in adverse weather, accidents, damage to buildings etc. The Heritage team advises Property, Parks & client divisions (listed buildings, registered parks etc). Support & advise Cheltenham Development Task Force on planning, urban design, landscape and heritage issues. Support policy work on the joint core strategy. Advise developers, owners & prospective purchasers on responsibilities etc regarding trees & historic buildings. 	 Prepare & adopt supplementary planning documents, development briefs, concept statements, conservation area character appraisals etc. Heritage organises Heritage Open Days, annual review of Local Index & instigate repairs and s.215 notices. Project design & implementation eg Civic Pride, street/space enhancement, public art, heritage repairs etc. Professional, design, funding & project management advice on community projects eg DIY Streets, Jenner Gardens. Presentations to the public, interest groups, members & officers on tree, heritage & urban design issues. Work with University of Gloucestershire, Festivals and education work. 				

The team is made up of a team manager, 2 FTE heritage officers, one landscape architect and 2 trees officers.

8. Other providers and market development

- 8.1 The review team has started to consider what other delivery models are available to the Council. A paper was prepared for the member working group setting out case studies. Further work is required but it appears that there are examples elsewhere in the country where some of the services in scope have been outsourced, where decision making has been devolved to other public sector bodies such as parish councils, and of course there are examples of shared-service delivery.
- 8.2 Some elements of the work could be undertaken by the voluntary and community sector and an initial conversation has been undertaken with the Gloucestershire Rural Community Council which currently supports the development of parish councils in respect of neighbourhood planning. Depending how the Localism Bill progresses the GRCC sees an opportunity to play a part in helping empower local communities.
- 8.3 The Council also works with other groups such as the Civic Society and the Architects' Panel and there is an opportunity to explore with them how they may help in the delivery of the Council's outcomes.
- 8.4 Work is ongoing to explore with other Councils the reasons why they decided to outsource their services and what benefits it has derived. It will also be useful to explore with them how they propose to accommodate changes to planning legislation as set out in the Localism Bill and how they will address the local setting of planning fees if they are tied to a contract with an external provider.
- 8.5 Discussions will also need to be held with parish councils about their appetite to play a greater role in the planning process although as previously identified by the Environment Overview and Scrutiny Committee and by the member working group, not all of the borough is covered by parish councils. It is proposed that the C5 group, which comprise the chairs of each of the parishes will be updated about the review and discuss how we might engage further with individual parish councils.
- 8.6 In terms of existing shared-service provision we clearly cannot consider any changes without fully engaging with Tewkesbury Borough Council and Gloucester City who are our partner in delivery of some of the services.
- 8.7 There is also an opportunity as part of this review to explore with Gloucestershire County Council whether there are ways in which we could be commissioned to deliver some of their services or whether there are opportunities to commission them to undertake certain aspects of service delivery for us. The relevant commissioning director at the County Council has already been alerted to the review and we have already shared some of the background information with him. Some consideration has also been given as to whether sharing with other councils is an option which could be explored.
- 8.8 The project team has also explored whether there is an opportunity to consider a trading company model for some of the services under scope. At the current time given other capacity issues for OneLegal, Finance and HR the project group is of the view that consideration of such alternative models is probably not achievable at this time, but should be considered at a later date and built into future business plans. This has yet to be tested with the member group and will be dealt with in more detail when the detailed report is presented to Cabinet in September.

9. English Heritage

- 9.1 The Council took the opportunity to work with English Heritage on the review and have secured a small sum of funding from them as part of a wider national review programme. The aim is for them to support us with the review particularly in relation to the challenges and opportunities from having a large conservation area, a significant number of listed buildings and a local interest list. An initial meeting has been held with one of their officers who has agreed to act as a critical friend on the review. Funding is likely to be used to support a number of facilitated sessions with members, officers, stakeholders and listed building applicants drawing upon where conservation and heritage has helped to deliver better outcomes and what lessons can be learnt from this.
- 9.2 English Heritage is aware that many councils are looking to reduce their spending in this area or indeed explore different delivery models and are keen therefore for us to share the learning from our review with others. The officer from English Heritage has also provided some useful feedback on the way in which we are defining outcomes and how these will be used to set service levels in future.

10. Benchmarking

- 10.1 Some of the services in scope have undertaken a benchmarking exercise co-ordinated through the Planning Advisory Service and the Chartered Institute of Public Finance and Accountancy (CIPFA). The purpose of the benchmarking exercise is to use the information to compare performance and costs with peers and to support more effective service improvement plans.
- 10.2 Along with 97 other councils, CBC submitted dated on its activity, income and costs to CIPFA which was based upon one month activity and then multiplied up for the year. CBC then selected 11 similar authorities to be within its benchmarking group to compare itself with:

Cambridge City Council City of Lincoln Council Gloucester City Council Guildford Borough Council Harlow District Council Norwich City Council Oxford City Council Tunbridge Wells Borough Council Watford Borough Council Welwyn Hatfield Worcester City Council

- 10.3 The data indicates that compared to the authorities within this group we have the second lowest costs for strategic planning, are in the second quartile (slightly better than average) for the costs of processing planning applications, the costs of compliance (enforcement) and the amount of income we generate from fees. We are in the third quartile (slightly worse than average) for the costs associated with "other" planning work.
- 10.4 From other benchmarking data, we know that Cheltenham has the highest costs and spends the most hours on appeals compared with other authorities. However, the number of planning appeals is less than 2% of the total number of applications, and it is not clear whether this is high or low compared with other authorities. The project team is now considering the reasons for this, as well as considering the percentage of appeals won/lost and the level of costs awarded against the Council. In recognition of this as an issue, the corporate strategy includes a commitment to monitor the proportion of planning decisions upheld at appeal on a quarterly basis.

Appendix 2

			Total Reported Costs £'k					
Authority	Population	Applics Received (High is good)	Generic (Low is good)	Strategic Planning (Low is good)	Planning Applics (Low is good)	Compliance & Delivery (Low is good)	Other (Low is good)	Application Fees (High is good)
Oxford City Council	154	1444	341	567	651	132	259	665
Cambridge City Council	123	1222	550	470	857	185	604	547
Norwich City Council	136	1134	228	352	424	94	291	299
Guildford Borough Council	136	1973	314	434	930	185	578	624
Cheltenham	112	1534	218	182	553	78	286	495
Gloucester City Council	115	926	329	135	267	87	135	315
Welwyn Hatfield	108	1760	140	264	456	52	336	428
Tunbridge Wells Borough Council	107	1876	206	478	809	213	199	478
Worcester City Council	94	765	182	504	370	77	205	266
Watford Borough Council	81	880	280	449	829	137	243	275
Harlow District Council	79	315	87	214	197	41	112	123
Ranking within club	6	4	5	2	6	4	7	4
Ranking within 50 districts	22	19	34	24	32	17	41	22
Key to ranking of quartile								
	Top quartile		3rd quartile					
	2nd quartile		Bottom guartile					

- 10.5 The project team have reviewed the benchmarking data and feel that it is a useful starting point for considering future service delivery, but is mindful of not drawing too many conclusions from it due to different ways in which authorities will allocate costs and also the diverse nature and character of the built environment in each locality.
- 10.6 The benchmarking exercise and further analysis however has highlighted some issues relating to support service recharges and the way that they are allocated across the range of built environment services. The review will be giving further consideration to this, so that there is clarity on allocations and what this might mean for different delivery models.

11. Systems thinking

- 11.1 As part of the commissioning review of the built environment services, the project team requested that a systems thinking review be undertaken to assess how efficient current processes are. The review team have started by considering the planning application process which has led to a number of suggestions for redesign which should result in a significant reduction in the time customers wait for their planning applications to be determined.
- 11.2 The next areas for redesign are the committee process and appeals. The team are clear about what needs to happen for committee and we will be contacting all parties involved in this process shortly. The team is due to begin the work on the appeals process in July.
- 11.3 The review group will keep an overview on the systems thinking work and report this back to cabinet in September.

12. Costs/savings and the MTFS

Commissionable	Development	Heritage and	Strategic	Building	Total
costs	Control and	Conservation	Land Use	Control	
	Urban Design				
Expenditure	113,400	0	148,100	590,400	851,900
Income and recharge	(462,900)	0	(26,600)	(659,100)	(1,148,600)
to outside bodies					
Net operational	(349,500)	0	121,500	(68,700)	(296,700)
budget					
Overheads - BE	642,500	78,100	19,400	23,400	763,400
Overheads – other	296,200	25,900	44,500	95,200	461,800
divisional recharges					
Recharges to other			(67,900)		(67,900)
CBC services					
Net Cost of Service	589,200	104,000	117,500	49,900	860,600

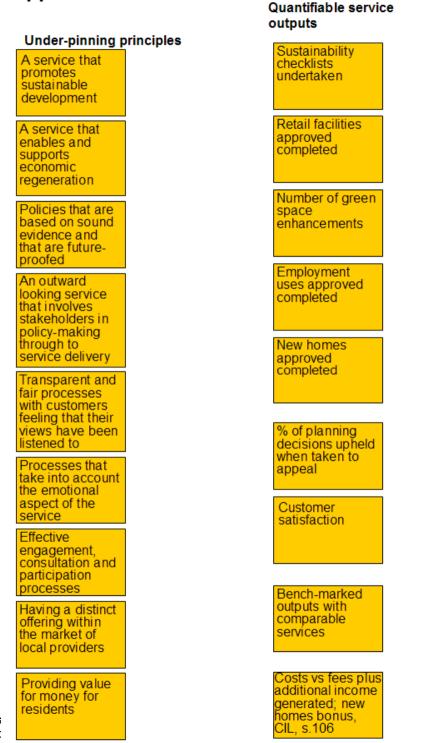
12.1 The cost of the services in scope are set out below:

12.2 The Government has proposed that councils may be able to set their own planning fees to more closely reflect the costs of running the service. The legislation and detail of how this might work is yet to be finalised and the review group has yet to have a discussion about how this might work in practice, but are alert to the need to reduce costs, so that the new charging regime does not impact adversely on applicants, whilst at the same time potentially enabling us to cover our costs which will contribute to reducing the MTFS funding gap.

13 What next?

- 13.1 Over the next couple of months, further work and analysis as set out in the above sections will be undertaken and which will be overseen by the member working group. Specifically this will entail:
 - Engaging with local partners and stakeholders, including the voluntary and community sector, parish councils, Local Strategic Partnership, Business partnership, Civic Society, Architects' Panel, developers and users of the services within scope to bring them up to date with the review so far on the direction of travel, priorities for further work and outcomes for consultation. This will include some specific workshops on conservation that will be funded through English Heritage funding;
 - Engaging with other providers to understand more fully the opportunities for different delivery models and where the market may need to be developed in the longer term.
- 13.2 In addition it is proposed to undertake a consultation exercise with users of the service and key stakeholders to test the proposed outcomes and to gauge opinion of the services within scope.
- 13.3 A report will be brought back to Council's cabinet on 26 September setting out the findings from the above and a draft action plan.

Appendix A



Draft built environment outcomes framework v 1.3

Direct outcomes

affordable homes

for residents

People live in

safe, warm &

that meet their

People have

facilities

personal needs

access to a wide

range of social

and community

diverse range of

access to a wide

space that is safe

range of green

and accessible

access to local

People have

employment

opportunities

People live in

energy efficient

homes that are

climate changes

satisfied with the

planning system

adaptable to

People are

People have

their local

environment

People benefit

from additional

investment into

community

facilities and

local energy

People receive

value for money

from the services

influènce over

and contribute to

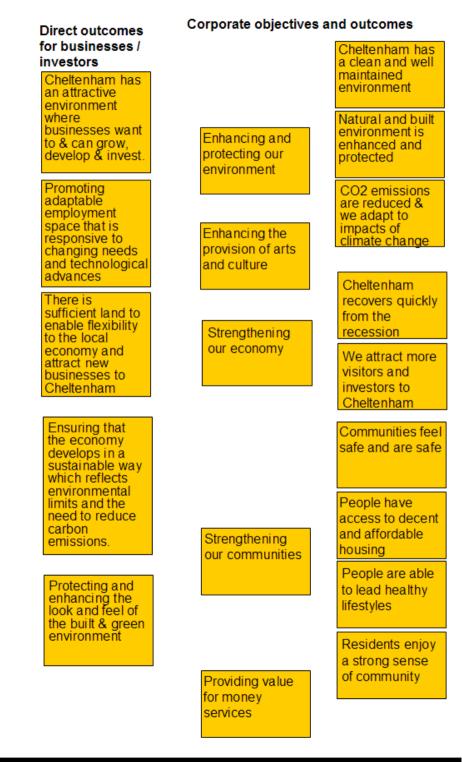
People have

People have

access to a

shopping

facilities



C: Tc