

COMMITTEE:	SCRUTINY
DATE:	MONDAY 10 NOVEMBER 2003
SUBJECT:	PLANNING PERFORMANCE – ADDITIONAL NOTE
REPORT OF:	DIRECTOR OF PLANNING, REGENERATION AND AMENITIES and DIRECTOR OF FINANCE AND CORPORATE SERVICES
CONTACTS:	TIM COOKSON, HEAD OF PLANNING and MARK REYNARD, HEAD OF LEGAL SERVICES.

1.0	Background
1.1	<p>Over the past 18 months there has been a backlog of section 106 agreements awaiting completion. This was primarily the result of:</p> <ul style="list-style-type: none"> a) staffing shortages in Legal Services b) a large number of complex section 106 agreements required for development at Sovereign Harbour; c) the fact that the detailed requirements for a section 106 agreement are often left unresolved until after a decision by the committee to grant permission; and d) delays on the part of some applicants in providing documents and / or entering into dialogue with the Council.

1.2	With regard to point c) above, it often the case that officers from all relevant services only start work on the details of the agreement after the decision to grant permission. Many months can be lost as the detail is established and negotiations conducted with applicants.
2.0	<u>Current position</u>
2.1	The backlog has been substantially reduced due to completion of most outstanding section 106 agreements. Subject to co-operation from applicants, the balance of the outstanding agreement should be completed by early December. Some of the agreements have been outsourced to a firm of solicitors based in Hove.
3.0	Medium to long-term future
3.1	Legal Services and the Development Control section in the Planning Division have been working on new procedures and processes since June of this year.

3.2	<p>These include the following:</p> <p>a) New “fast-track” procedures for planning obligations that require open space and flood storage contributions. This includes new standard documentation. The intention is that "fast-tracking" will be extended to other matters such as affordable housing.</p> <p>b) Locating legal and other documents on the Internet so that developers can:</p> <ul style="list-style-type: none"> · access the Council's detailed requirement at pre-application stage, thus minimising the potential for misunderstanding and delay later in the process; and · download standard documents and submit proposal in a form acceptable to the Council. <p>c) Closer and earlier liaison between all officers involved in proposed / potential section 106 agreements, with a view to overcoming the problems outlined earlier in this note. The intention is that there will be a scheduled fortnightly meeting open to all officers. Work in progress lists will be maintained so that effort is co-coordinated at an early stage, and progress is monitored.</p>
3.3	<p>These proposals will form part of a Service Level Agreement (SLA) between Legal Services and Development Control. The SLA will be completed and operational by 8 December 2003. The SLA includes target timescales for various stages in the planning process</p>
3.4	<p>We are concerned that the Council's performance may be compromised by delays on the part of some applicants. One potential solution is to give delegated authority to the Head of planning to refuse permission if he is satisfied that an applicant (or party with an interest in the application site) has failed to co-operate. This will be run as a pilot project over the coming months.</p>
4.0	<p>Monitoring of progress</p>

4.1	The Director of Finance and Corporate Services and the Director of Planning, Regeneration & Amenities will review progress one month after the SLA becomes operational. We suggest that progress should be reported to Scrutiny Committee six months after the SLA becomes operational.
	Norman Kinnish Director of Planning, Regeneration and Amenities
	Sue McHugh Director of Finance and Corporate Services