PLANNING AND BUILDING CORE SERVICES: RESOURCES

Presented to the States on 17th April 2002
by the Planning and Environment Committee

STATES OF JERSEY

STATES GREFFE

120 2002 R.C.13

Price code: F

REPORT

PLANNING AND BUILDING CORE SERVICES - RESOURCES

1. Introduction

Stage 1 of the Planning and Environment Committee's Service Review was completed in 1999 and approved by the Planning and Environment and Policy and Resources Committees in 2000.

In addition to its recommendations for the ***Environmental Services Unit*** and ***Property Services Department*** which have been separately submitted for consideration as part of the Machinery of Government Review, it concluded that the core service provided by the ***Planning and Building Services Department***, although short-staffed, should be developed by -

- giving priority to the Island Plan;
- developing procedures for monitoring and benchmarking application performance;
- introducing a more transparent system;
- improvements to the appeal system;
- improved legal advice and guidance to the Committee.

The Committee has completed the first two of these tasks during its period of office. Indeed it is about to lodge the revised draft of the Island Plan following an extensive consultation process. Implementation of the new Law following the provision of adequate resources will address the others.

2. New Planning and Building Law

The purpose of the new Planning and Building Law and its amendment, which will been separately lodged, is to enact major changes to the planning and building system. Although the Law was approved last year by the States, it awaits Third Reading and it is appropriate to revisit the major benefits which will flow from its implementation.

The new Law will impact upon all areas of Island life. It will provide a modern legal framework for the Island's physical development. It will affect every citizen either directly as a developer or as a beneficiary of development, or indirectly as a member of the public enjoying enhanced amenities, infrastructure or quality of life. Planning decisions have a huge impact upon people's lives. Their consequences will be either enjoyed or endured by the whole community beyond the life span of those who make them.

Appendix 2 sets out these benefits.

Since the States approved the Law in Second Reading, two matters have caused delay. These have provided the Committee with a valuable opportunity to consider the consequences and workability of the States' decision to alter the Law to include third party appeals and reviewing and reassessing the resource implications of the new Law. The Committee will imminently be lodging an amendment to the new Law to ensure that the procedures for third party appeals are fully workable.

3. Resource implications - Service Review

The Committee has, as the second stage of its Service Review, appointed consultants Environmental Resources Management (ERM), who produced Stage 1 of the Review, to look in detail at the resources of the Planning and Building Services Department. The three year period which has elapsed since the completion of their Stage 1 report has seen a very significant growth in the activities of the Island's development and construction industry which has had a significant effect on the Department and its ability to implement the new Law.

ERM was asked in particular to evaluate -

- the current 'fit' between public and political expectations for the Department's services and the resources available to provide them;

- the additional resources needed in the Department to support the expansion of services provided by the Law (excluding the Appeals Commission).

ERM was requested to evaluate the staffing requirement by benchmarking the Department against over 300 Local Authority Planning and Building Control Departments in the United Kingdom with a similar workload. It evaluated the staffing requirement for the implementation of third party appeals by examining work done in the Republic of Ireland, which operates a third party appeals system.

ERM was requested to make full adjustments to their comparisons to ensure accurate comparability. The lower threshold of exempted development in Jersey has been discounted to ensure the assessment was not overstated. Because comparability can be complex and performance in the United Kingdom highly variable, ERM was asked to discount averages and to compare Jersey's Planning and Building Services Department with the best-performing local authorities.

Their report (ERM 'Planning and Building Control Services: *Workload and Human Resource Requirements* 22 January 2002') is published in full as an Appendix to this report. The Committee is satisfied that it meets the brief.

The report made alarming reading for the Committee.

It confirmed that there had been a substantial increase in applications - and workload - of 50% without a commensurate increase in staff resources.

It showed that the applications sections for both Planning and Building Control, including their administrative support service, were very considerably under-resourced. This was if they were to achieve reasonable service standards set by the Committee and expected by the people of Jersey which are no less than are expected in the United Kingdom.

Their figures showed that Planners deal with an individual caseload approximately 50% higher than their equivalents in comparable United Kingdom authorities. Building Control Surveyors' caseloads are approximately 75% higher in Jersey than in the UK and the caseloads of administration staff are approximately 100% higher.

ERM has advised the Committee that significant additional resources will be required before the provisions in the new Law can be introduced. The Committee cannot contemplate introducing the new Law until agreement has been reached to ensure the deficiencies in existing staff levels can be rectified as an integral part of its implementation.

ERM was requested to assess staffing levels to properly cope with current workload levels, separately from the consequences of implementing the new Law. ERM was asked to separately identify the staffing implications of administering third party appeals.

4. ERM's findings - present service level

Table 1 summarises ERM's recommendations for the staff required to meet the current workload of the Planning and Building service without the added implications of the new Law. The benefits are shown in Appendix 1.

Table 1

Staff requirements		***Existing staff***	***Additional FTE***
Planning applications	professional	10.4	5
	administration	4.8	4
	consultants	2	-
Building applications	professional	10.5	8
	administration	3.2	4
	consultants	0.5	-
Total additional staff			**21**

The professional posts will, for the most part, be at training grades and likely to be local appointments.

It will be necessary to lease additional office accommodation to house the above staff.

The Committee has advised the Human Resources Committee of these conclusions, that it needs the flexibility to respond to changing future workloads and wishes to adopt a staffing formula in future to ensure that its workload can be met to acceptable standards. The formula recommended by ERM is -

- Planning Control - 1 FTE for 180 applications;
- Building Control - 1 FTE for 90 developments (applications and on-site compliance);
- Support Services - 1 FTE for 255 applications.

The Committee has also submitted a bid in the process for setting cash limit priorities for 2003, administered by the Finance and Economics Committee. This bid is based upon the assumption that fee income will be increased in 2003. The additional fee income would contribute £989,000 to the annual gross cost of £1.4 million required. The estimated actual annual net cost would therefore be £460,000 per annum. This takes account of the opportunity which exists to increase fees from their present levels of 36% of actual cost to 50%, a principle which was accepted by the States at the time fees were introduced.

If this bid receives priority for 2003 the Committee will, in discussion with the Human Resources Committee, decide how best this significant strengthening can be planned and provided for in the future, by utilising the Department's good record of training local staff.

If it does not, then in the absence of reduced public expectation and/or a reduction in the activities of the construction industry it is inevitable that a further decline in performance will occur and continued unacceptable risks will be incurred. Introducing the new Law will be impossible.

5. ERM's Findings - implications of the new Planning and Building Law

Section 4 and Appendix 3 of the Committee's Proposition P.50/2001 contained a statement of the estimated costs arising from the draft Law. These figures were based on the best information available at the time. They did not take account of the full effects of the high workload, since the decline in performance was not apparent at that time.

The amending Proposition of Deputy Celia Scott-Warren also had a very significant additional impact on the resource requirements to implement the new Law, not only for the Committee and Department, but also for the proposed independent Appeals Commission, (which will need to be separately resourced by the States when the Law is enacted).

ERM's assessment of the resources required for the new Law, over and above that of meeting the current workload is -

Table 2

Further staff requirements		***Existing staff***	***Additional FTE***
Planning applications	professional	10.4	5
	administration	4.8	3
	consultants	2	-
Other posts	policy planner	4	1
	archaeologist	-	1
	lawyer	-	1
Total new posts			

The extra cost of staff would amount to approximately £370,000 per annum. However, it would be necessary to relocate the Department to house the additional 11 extra people plus the additional 21 people to meet present workloads, leading to significant extra costs which were not included in original forecasts.

The Committee believes that it is essential the new Law should be introduced in 2003, to ensure the new Island

Plan has the benefit of the improved legal framework so that the new Plan policies can be put into effect. Although the cost is high, relative to the historically low cost of the Planning Department, it is small when compared with the benefits outlined in the Appendices to this report.

A further bid has been submitted to the Finance and Economics Committee for an increased cash limit for 2003 to cover the cost of introducing the new Law. This alternative bid consolidates and includes the additional resource required to carry out current workloads.

The increase in staff and additional overheads would increase the Committee's total gross annual expenditure by £2.3 million. This cost would be reduced by increased income (due to fee increases) of £1.3 million. The cash limit would need to increase by approximately £1 million per annum. This equates to a 40% increase over the Committee's base cash limit for 2003 of £2.5 million.

The Committee believes this to be an equitable proposal based on the principle of pound for pound funding. The user would pay 50% of the cost of a higher quality service and the taxpayer the remaining 50%.

6. The Planning and Building Appeals Commission

To ensure Human Rights compliance, the new Appeals Commission has to operate entirely independently. This means decisions on who is appointed to the Commission and how much they are paid will be the responsibility of the States. For the same reason of independence, funding for the Commission will need to be provided from elsewhere than the Committee's budget. However, members have indicated the need for some information on the resources required. Additional manpower will clearly be required for the Planning and Building Appeals Commission when the Law is introduced.

The Committee considers that the amendments proposed by Deputy Scott-Warren and approved by the States, enabling third party appeals, will increase the annual number of appeals from 250 to 450. In addition, the number of parties that will be entitled to be heard at public hearings will increase the average length of time of the appeal hearing, the judgement and the period from notice to determination of the appeal.

Were there no system of third party appeals, the Committee believes the creation of the Appeals Commission will require the States to employ three full-time salaried commissioners, two and a half temporary commissioners, a registrar and two supporting staff. The commissioners' skills required are unlikely to be available cheaply. The Finance and Economics Committee, which would have the task of including this item within its budget, has been advised that this Commission will cost approximately £565,000 each year, inclusive of accommodation and non-staff costs. The Committee's staff requirements would be five less than indicated in *Table 1* above.

Including third party appeals will increase the work of the Appeals Commission and will increase the annual gross expenditure by £315,000 to a total of £880,000. It will mean employing two extra full-time salaried commissioners, two and a half extra temporary commissioners and two extra support staff.

Whilst the estimated costs of the Committee's own Department shown in this report are fully worked up and independently verified and benchmarked, those of the Appeals Commission are not.

7. Conclusions

The Committee recognises the constraints that currently apply to revenue expenditure and manpower. However, the States has a simple choice. On the one hand, it can grant additional resources to enable the delivery of the required standards of service under the current Law, and further resources to implement the new Law. On the other, the Committee will have no option but to cut the existing level of service to match the resources available to it. This may expose the States to claims of negligence and the public might have cause to lack confidence in the safety of buildings. The quality of development will fall, and the Committee will be forced to approve less than satisfactory schemes as it will no longer have the capacity to negotiate improvements.

Like many committees of the States, the Planning and Environment Committee has suffered a year-on-year reduction of its budget in real terms and its net budget has increased by only a third of the rate of increase of all States' expenditure over the last ten years. It has already absorbed a further cut of two per cent as part of the 2003 budget process. Unlike many of those committees, however, it is not able to control its workload, which is generated by external activity in the development sector. The Committee cannot refuse to consider applications and inspections on site simply because it does not have the staff to do the work.

However, the Committee considers that by adopting the beneficial user-pays principle, there is scope to raise additional income from applicants to offset the gross costs of the applications process and reduce the future call on States' spending.

The Committee considers that its planning services not only benefit applicants, but also the community and thus it is unreasonable to expect the applicant to subsidise the community's benefit by seeking 100% cost recovery from applicants. At present, because the Committee felt it desirable to ensure fees were applied at a modest level, some 36% of costs are recovered from the applicant. ERM has advised that the current fees fall well below the level of the United Kingdom. Therefore the Committee has proposed that fee levels be increased to 50%, contingent upon the provision of additional resources, to offset the significant cost.

The Committee has proposed that the States should fund, in its budget for 2003, the necessary expenditure on new staff and additional accommodation to bring the Planning and Building Service to the required standards, and allow the new Law to be introduced as early as possible in 2003.

If this is approved, once fees have become established at the new increased levels and the services significantly improved, there may be scope for further fee increases to better reflect the beneficial user-pays principle, particularly in Building Control where the balance of benefit is heavily in favour of the user rather than the public.

Appendices

1. Benefits of adequately resourcing existing workload.

2. Benefits of new Planning Law.

3. ERM's report.

APPENDIX 1

The benefits of restoring core Planning and Building Services

The benefits of increasing the resources so that core services can be restored have been summarised for the Finance and Economics Committee -

- It will end long-standing under-resourcing resulting from a 50% increase in workload over the period 1994-2001.

- It will restore revenue funding to an acceptable level. The Planning and Environment Committee's cash limit has been increased by only one third of the rate applying to the total increase in States spending during this period. Budgets have simply not kept pace with pay increases, which have been beyond the Committee's control.

- It will halt and reverse declining performance over the last three years and make it possible, once more, to meet the Code of Practice. Both the speed and quality of the service will be dramatically improved.

- Value would be added to the construction industry.

- It will allow determination of Building Bye-Law applications within a five-week period. The construction industry expects this and, research shows, is prepared to pay for it.

- It will eliminate delays in determining planning applications and the eight week standard (of 80% of applications) will be met.

- It will allow the project planning team to ensure the work on housing sites receives priority.

- It will more readily allow the provision of preliminary detailed advice to applicants and agents to reduce the number of unsuitable or poor designs, which now result in rejections.

- It will produce better outcomes for all those who use buildings - an improved environment for everyone in the Island.

- The increase in building surveyors would ensure an adequate level of site checks is achieved, and standards for fire safety, noise insulation, energy insulation, structural integrity, and disabled access are complied with.

- It would mean that non-compliance was identified sooner -saving developers expensive abortive costs. Complaints requiring enforcement action would be more effectively responded to.

- Higher service standards would encourage the acceptance of the principle of 'user pays' in building control. This would reduce demands on the public purse in the longer term.

- It will reduce the number of applications which end in adversarial stances, reducing wasted time and costs.

- It will reduce unacceptable stress levels among staff and make it easier to recruit and retain an efficient workforce. It would allow a programme of recruitment and training for local young people to be established.

- It will lead to improved processes, transparency and information provision, increasing public confidence in the system.

- It would remove the need for unpaid overtime and restore decent working conditions - the present conditions are unacceptable.

- The officers to work more closely with agents, architects and developers to raise the quality of design in the Island.

- The States has a duty to enable the Committee to meet its statutory duty when it is currently failing.

APPENDIX 2

Benefits of the new Planning and Building Law

In summary:

The new Law will ensure that all land used for economic and community purposes will be developed in a sustainable manner so that the Island's natural beauty and resources are conserved for future generations to enjoy.

It will provide an effective process for the implementation of the spatial strategy for development. This will provide the infrastructure needed for business and commerce; essential services for the community and the provision of facilities for housing, education and health.

Development will more closely reflect the aspirations and views of the Island community.

The planning process will be more transparent, open and consistent, and inspire the confidence of the community.

The new Law will meet fully the obligations of International conventions and the Island will be a model jurisdiction in land use matters.

The major changes are -

- Presumption that land should not be developed except in accord with the Development Plan.
- The Island Plan must be kept up to date.
- The Island Plan should provide for the sustainable development of land, required by States' Strategic policies.
- Provision for the orderly management of transport and travel to and from the Island from a land use perspective.
- Public inquiries will be introduced to decide major policy issues.
- Landscape and field boundary protection will be provided.
- Statutory supplementary planning guidelines will be provided.
- Powers will be introduced to relax or more strictly control development as appropriate.
- Proper and full publication of applications will be a statutory requirement.
- Environmental Impact Assessments will be a statutory requirement in appropriate circumstances.
- Committee application meetings will be open to the public.
- Statutory Outline Planning permissions will be introduced.
- Increased powers of enforcement will be introduced together with appropriate penalties.
- Planning obligation agreements enabled - providing an opportunity for community gain.
- Power to terminate planning permission.
- Demolition controlled.
- Stop Notices for unauthorised development.
- Power to order replacement of buildings.

- Better protection for important trees.
- Dangerous buildings controlled.
- Independent Appeals Commission.
- Third Party Appeals.
- Compliance with Human Rights Law.
- Integration of Planning and Building Bye-Laws into a single Law.

APPENDIX 3

FINAL REPORT

The States of Jersey Planning and Environment Committee

Planning and Building Control Services:
Workload and Human Resource Requirements

4 April 2002

Environmental Resources Management
8 Cavendish Square, London W1G 0ER
Telephone 020 7465 7200
Facsimile 020 7465 7272
Email post@ermuk.com
http://www.ermuk.com

CONTENTS

1 INTRODUCTION

1.1 STUDY BRIEF

ERM undertook Stage 1 of the Strategic Review of the Planning and Environment Committee, which was presented in September 1999. This established, in principle, key elements for the future direction and delivery of the Committee services.

Since that Review, significant changes have been implemented including the preparation of a draft Island Plan, the implementation of new computer system and progress with the adoption of the Island Planning and Building Law.

In parallel with this, the States of Jersey has undertaken a Review of the Machinery of Government which proposes significant changes in the structure of decision-making and departmental responsibilities.

In December 2001, ERM was asked to develop certain aspects of the Strategic Review, in particular to examine the workload and staffing of the Planning and Building Control Services in the light of recent changes in service demands and practices and to provide:

- an independent analysis of the planning development control service workload and performance against comparable United Kingdom planning authorities;
- advice on the numbers of development control and support staff required to deliver target levels of performance dealing with existing numbers of applications, enforcement and review cases and to assess how these might change after implementation of the new Island Planning and Building Law. If possible, a staffing formula was to be devised to ensure the delivery of agreed service standards as application numbers fluctuate in the future;
- an independent analysis of building control workload and performance against comparable United Kingdom authorities; and
- advice on appropriate planning and building regulation application fee levels and structures to meet existing and new human resource requirements and levels of service.

Planning and Building Control services, including their supporting administration, are a major part of the service but there are crucial synergies with the Island Plan team, which provides policy guidance and undertakes positive planning projects, and the Historic Buildings team, which provides specialist conservation and urban design services. The staffing requirements for these have not been reviewed in detail, but in order to present a complete picture, the findings of the Strategic Review, updated to take account of recent changes, are included in our conclusions.

1.2 ANALYSIS

In preparing this analysis we have made use of:

- available financial and applications monitoring data from The States of Jersey Planning and Environment Committee;
- published analyses of planning and building control application processing in the U.K., provided by CIPFA, DTLR and the District Surveyors Association and on appeals, from the Republic of Ireland;
- telephone interview and surveys of a selection of the benchmarking U.K. local authorities used in the comparative analysis; and
- information collected during the Strategic Review and follow-up interviews with key officers of the Planning and Environment Committee.

1.3 STRUCTURE OF THE REPORT

This report is set out in the following sections:

- *Section 2* sets out a comparative analysis of the workload of planning development control services in Jersey with selected U.K. and Irish local authorities;

- *Section 3* examines the resource requirements to achieve satisfactory levels of development control service in Jersey to meet present demands and those which will arise after the implementation of the Island Planning and Building Law and assess the levels of planning fees;

- *Section 4* sets out a comparative analysis of the workload of building control services in Jersey with selected U.K. local authorities;

- *Section 5* identifies the resource requirements needed to meet appropriate standards of service, particularly in relation to building control inspections and assess the levels of building control fees;

- *Section 6* sets out the resource requirements for the joint administration of planning and building control services; and

- *Section 7* sets out a summary of our findings and conclusions.

Supporting information is contained in *Annex A* 'Spreadsheets Supporting the Building Control Analysis in Sections 4, 5 and 6' and *Annex B* 'Building Control Inspections in Benchmark Authorities'.

2 PLANNING DEVELOPMENT CONTROL COMPARATIVE ANALYSIS

2.1 INTRODUCTION

This section takes the form of a comparative analysis of planning development control services in Jersey with selected U.K. and Irish local authorities. The emphasis of the analysis is staff numbers and workloads and ability to meet performance targets. In order to compare Jersey with U.K. authorities we have selected a number of 'benchmark' local authorities, which deal with similar numbers of applications each year. The data for the U.K. authorities has been sourced from CIPFA[1] and DTLR[2] published statistics. At the outset of the study we considered using Best Value Performance Indicators as part of the comparative analysis. Of the Audit Commission's Best Value Performance Indicators for 2001/2002, the only one of relevance to this analysis was the number of applications determined within the target eight week period, which also forms part of the CIPFA and DTLR data set.

The main difference between the planning control system in the U.K. and Jersey is the more limited allowance for exempt development in Jersey. These limits on permitted development rights in Jersey is reflected in the high number of planning applications received. In addition, the breakdown of application types is also different in Jersey to the U.K. This does make direct statistical comparisons between Jersey and the U.K. more difficult. Even without theses differences, statistical comparisons can give part of the answer. What is important is what is actually happening on the ground in Jersey in terms of meeting locally determined standards of service. The differences in the Jersey and U.K. planning systems are explored in more detail in the following section.

2.2 DEVELOPMENT CONTROL WITHIN JERSEY

The present planning system in Jersey derives from the 1964 Island Planning Law. This has been regularly updated and working practices have continually developed. Recent changes in working practices include the introduction of:

- delegated powers to determine planning applications in 1996;

- a dedicated Applications Sub-Committee in 1996;

- Code of Practice dealing with applications in 1997;

- planning application fees in 1997;

- separate planning and building control applications in 2000;

- written Committee reports in 2000; and

- a new computer applications system in 2000.

Jersey's planning system differs from that in the U.K. in a number of important respects:

- the types of development which do not need planning permission, exempt development, are more limited than that those allowed by the General Permitted Development Order in the U.K.;

- Planning Committees are not open to the public; and

- there is no independent appeals system.

The provision for open Committees and an independent appeals system will be introduced when the new Island Planning and Building Law comes into force. This review takes on board the changes in working practices and workloads that these will bring about.

Jersey does not classify its applications in the same manner as in the U.K. *Table 2.1*shows the types of application for permission to undertake development in Jersey. The numbers in brackets show the relative percentage of different types of application.

Table 2.1 Planning Application types in Jersey

Application type	% of Total number of Applications
Advertisements	5%
Planning Principle	6%
Detailed Planning	52%
Retrospective	2%
Small Works	35%

Source: The States of Jersey Planning and Environment Committee

More limited allowances for exempt development in Jersey does mean there are a large number of small works applications, however, most of these are contracted out to local consultants. Given the relative wealth of Jersey and the concentration of financial interests on the Island, development control officers in Jersey probably deal with a larger proportion of complex major applications than their counterparts in the average U.K. authority.

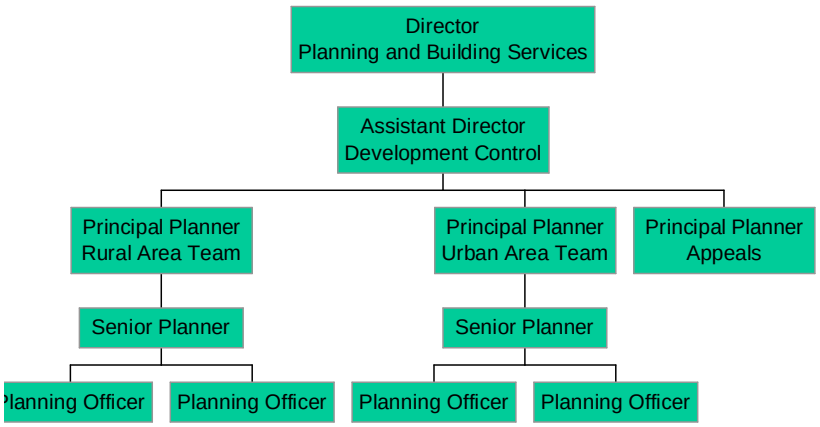
2.3 JERSEY'S DEVELOPMENT CONTROL TEAM

The development control section is staffed by 10 officers with overall responsibility lying with the Director of Planning and Building Services.

The team is divided into two teams covering the rural and urban areas of the Island. There is at present one dedicated appeals officer. The structure of the development control team is shown in *Figure 2.1*. The work of the development control officers is supported, particularly in processing planning applications, by a team of administrators.

The administration section supports both Planning and Building Control Services and we have looked at workloads and resourcing issues affecting this section separately in Section 6.

Figure 2.1: Organisational Structure of the Development Control Section [excluding Enforcement]



2.4 COMPARATIVE STAFFING LEVELS

In order to make a reasonable comparison of workloads between Jersey and U.K. planning authorities it has been necessary to exclude a large number [75%] of small works applications, which would be considered as permitted development in the U.K. In Jersey, most small works applications, around 775 applications per year, which would be considered permitted development in the U.K., are, at present, processed by consultants on contract. The remainder of the applications are dealt with by States planning officers. Excluding the contracted out minor works applications from the total number of applications provides a more robust comparison of workloads with the U.K.

*Table 2.2*shows staffing levels and number of applications dealt with in Jersey and selected U.K. local authorities with similar application levels. In order to be compatible with the CIPFA data the total number of development control staff excludes the dedicated appeals officer and includes a proportion of time of the Director of Planning and Building Services.

The benchmark authorities shown in *Table 2.1*were chosen as they had similar levels of planning applications per year to Jersey. A comparison of the benchmark authorities, in terms of application workloads, against all local planning authorities where data was available, shows that there is a high concentration of the benchmark authorities in the top quartile i.e. the 25% highest of all local planning authorities. The benchmark authorities therefore represent some of the best performing local planning authorities. The analysis shows that Jersey ranks 26th in terms of the highest application workload per staff member out of all the local planning authorities.

Table 2.2 Planning Applications: Jersey and comparable U.K. Authorities: staffing levels compared with number of Applications

Authority	Number of Applications received per year	Number of Development Control Officers*	Average number of Planning Applications per Officer
Jersey [Total Applications]	**2,809**	**9.4**	**299**
Jersey [excluding outsourced Applications]#	**2,035**	**9.4**	**216**
Aylesbury Vale	2,724	20.6	132
Bath and north-east Somerset	2,457	14.0	176
Bristol	2,880	29.0	99
Croydon	2,705	34.4	79
Dacorum	2,205	15.0	147
Ealing	2,979	19.0	157
East Devon	2,223	6.0	370
Elmbridge	2,459	11.0	224

Enfield	2,859	13.1	218
Guildford	2,407	9.0	267
Harrogate	2,376	23.5	101
Hereford	2,969	21.6	137
Macclesfield	2,603	12.6	207
New Forest	2,562	12.0	214
Rotherham	2,847	12.0	237
Redbridge	2,876	15.6	184
Average of U.K. Authorities shown	**2,397**	**16.8**	**143**

Total number of applications minus 775 minor applications, outsourced in Jersey.
* To ensure consistency with CIPFA excludes Appeals Officer.
Source: The States Planning and Environment Committee and CIPFA Planning and Development Statistics, 2000

The average number of planning applications, dealt with by each development control officer, in Jersey, in a year is 216. This is 50% more than for comparable U.K. authorities, leaving aside those Jersey applications dealt with by consultants.

Although professional standards remain high in Jersey the result of such a continuously heavy workload has been longer times to determine planning applications and excessive working hours for staff. Comparative performance indicators are discussed in the following section.

2.5 COMPARATIVE PERFORMANCE INDICATORS

The current target in the U.K. is for local authorities to determine 80% of applications within 8 weeks. However, in 2000/01 just 30 U.K. authorities, around 8%, met or exceeded this target. Average local authority performance is around 65% of applications determined within the 8 week period. The current target does not differentiate between applications of differing complexities. *Table 2.3* shows the percentage of applications determined within an 8 week period in Jersey and selected U.K. local authorities with similar numbers of applications each year.

Table 2.3 Planning Applications: Jersey and comparable U.K. Authorities: Performance Standards

Authority	Number of Applications determined	% determined within 8 weeks	% Decisions delegated to Officers
Jersey [Total Applications]	2,809	62%	90%
Aylesbury Vale	2,724	69%	81%
Bath and North East Somerset	2,457	54%	76%
Bristol	2,880	67%	91%
Croydon	2,705	62%	96%
Dacorum	2,205	42%	95%
Ealing	2,979	57%	84%
East Devon	2,223	61%	82%
Elmbridge	2,459	50%	73%
Enfield	2,859	62%	94%
Guildford	2,407	65%	70%
Harrogate	2,376	63%	89%
Hereford	2,969	45%	86%
Macclesfield	2,603	83%	60%
New Forest	2,562	71%	85%
Rotherham	2,847	47%	75%
Redbridge	2,876	61%	83%
Average of U.K. Authorities shown	**2,397**	**60%**	**83%**
U.K. Average		**65%**	**74%**

Source: The States Planning and Environment Committee and DTLR Development Control Statistics England 2000/2001

Performance in Jersey, measured using this crude benchmark, is below the U.K. average of 65%, and well below the performance of the upper quartile of U.K. authorities which starts at 78%. However, *Table 2.3*shows that Jersey compares favourably with local authorities with a similar number of applications.

Table 2.4 below shows that as application numbers and, almost certainly, workloads have increased over time, performance standards have deteriorated.

Table 2.4 Jersey: Performance Statistics for Planning and Building Applications, 1994-2001

1994	3,033	73.6%
1995	2,963	71.3%
1996	3,487	74.5%
1997	3,369	74.2%
1998	3,724	66.7%
1999	3,829	69.6%
2000	4,926	66.5%
Building Applications	2,537	70.0%
Planning Applications	2,389	54.0%
2001	4,662	61.6%
Building Applications	1,853	61.6%
Planning Applications	2,809	61.6%

Note that figures for 1994 to 2001 are aggregate Planning and Building Control applications.

Source: The States Planning and Environment Committee

The complete separation of planning and building applications came into force in 2000. Performance standards for determining planning applications dipped in 2000, with only 54% of planning applications dealt with in 8 weeks, rising again in 2001 to 62%. The markedly lower performance level in 2000 can be attributed to loss of qualified and experienced staff, delays associated with the new computer system and changes in working practices, particularly written Committee reports. The upturn of performance standards, despite increased numbers of planning applications, in 2001 is the result of a change in management, departmental re-organisation and hard work by the development control team.

In common with planning authorities in the U.K., the nature of applications and processing requirements in Jersey has changed over time. Applications have become more complex and dealing with objectors takes longer. Although the simple percentage of applications decided within 8 weeks is an unsophisticated measure, the pattern in U.K. authorities has generally been for the proportion determined within 8 weeks to rise to a plateau and then fall slightly over time. Those authorities that exceed the 80% target have generally geared their whole application processing system to meeting the target, with, in some cases adverse effects on quality of decision and other aspects of customer service.

3 PLANNING DEVELOPMENT CONTROL PERFORMANCE STANDARDS AND STAFFING REQUIREMENTS

In the limited time available for this study, we have not been able to repeat the in-depth appraisal of working practices undertaken in 1998/99 during the Strategic Review.

Some significant changes have been made in development control working practices since the Strategic Review, many of them in line with the recommendations in that Review. These include:

- separate planning and building control applications;
- a revised development control team structure based on two geographic areas;
- a dedicated Assistant Director promoted from within the team;
- introduction of a new computerised planning applications system, MERLIN; and
- written reports to Committee.

Despite these changes to working arrangements there has been no overall increase in staff, in fact there has been a loss of qualified and experienced professional staff to the Island Plan team and Housing Taskforce.

From interviews with members of staff we have assessed the present situation in the development control team. We found:

- relatively junior planning officers having to take on more senior roles than they have adequate experience;

- the introduction of written reports and new procedures has slowed throughput as more rigour has been introduced into the system;

- that despite planning application process becoming the responsibility of administration, the quality of screening is inadequate and officer time is still spent dealing with queries on applications; and

- increasing workloads with growing number of planning applications has led to officers working very long hours.

Despite this, the team has managed to make a significant improvement in meeting performance targets in 2001 over 2000. A more robust policy framework emerging from the Island Plan review and Supplementary Planning Guidance should help to simplify the development control decision process.

One way of reducing workload could be to consider increasing levels of exempt development. Although there might be scope for excluding one or two types of development, such as replacement windows or boundary treatments, overall we consider the current level of exempt development to be appropriate for densely populated Jersey, to maintain control over 'neighbour' issues. Most minor works applications are currently handled by dedicated consultant staff, who provide a quick and efficient service and there would be little resource saving possible by changing the exempt development limits. Most in-house officer time is spent dealing with larger and more complex applications.

3.3 CHANGES TO STAFFING LEVELS

3.1.1 Meeting current needs

The Strategic Review, reported in 1999 concluded that the development control system was slightly understaffed. The number of planning applications has increased significantly since 1998 though not matched by a proportionate increase in staff levels. Performance standards, in terms of % of applications determined in 8 weeks in 2001 are lower than in 1998. However, with the introduction of new management structures, new application processing procedures and management systems there has been an improvement in performance standards compared with 2000.

Our internal review shows that there are very few, if any, improvements in practice that can be made that will reduce staffing requirements and, therefore, there is a need to look at enhanced resources as a priority.

The analysis of Jersey's performance standards, both against U.K. local authorities and past years performances in Jersey, clearly demonstrates an under resourced system. Using average workload is a robust comparison with comparable U.K. authorities given the widespread variation in economic, social, economic and political circumstances and particular the relative levels of public consultation.

Table 2.2 shows that planning officers deal with 1.5 times the average U.K. workload, even when taking into account applications which are permitted development in the U.K. If minor applications, currently dealt with by consultants were brought back in-house, with no extra staff, the workload would be double that of the average. It is essential that before further changes as a result of the new Planning and Building Law are introduced present workloads are addressed.

Assuming that consultants are retained to deal with the present workload of small works applications to reach an average application workload, shown in *Table 2.2*, would require a team of 14 development control officers. This would mean 5 additional development control officers. Should the decision be made to bring the minor applications work back in-house the development control team would need to be 16 strong, given at present 2 consultants dea with these applications.

As almost all of the smaller applications are out sourced, this tends to skew the in-house work to give a higher ratio of large and complex developments. We understand that junior members of the development control team are currently having to deal with applications that should be assigned to more senior officers. The introduction of Committees open to the public reinforces the need for the majority of the new appointments to be at a senior level. The additional staff structure should include:

- two senior level planners;

- one experienced planner; and
- two planning technicians.

In Jersey there is a commitment to local recruitment but almost no qualified local planners. In order to employ U.K. planning staff requires special consent of the Island's Housing Law, which is very difficult to achieve. By making 2 of the additional posts for planning technicians would help to meet the Committee's objective for local employment. The technicians would require in-house or external training.

Statistical comparisons are valuable but benchmarking should go further to explore good practices and solutions applicable in local situations. We feel that the appointment of 5 additional development control officers is in line with the findings of the management review and our understanding of the planning system in Jersey.

3.1.2 Setting new Development Control Performance Standards

Performance standards are important as a method of measuring the effectiveness and efficiency in processing planning applications. It has been implicitly accepted in the recently published Planning Green Paper[3] in the U.K., that current performance targets of 80% of applications are not generally achievable and new planning application targets for U.K. authorities are being introduced for 2002/2003.

Box 3.1 U.K. Local Authorities Planning Application Decision Targets 2002/03

60% of major commercial and industrial applications to be determined in 13 weeks;

65% of minor commercial and industrial applications to be determined in 8 weeks; and

80% of all other applications to be determined within 8 weeks.

90% of decisions to be delegated to officers

The changes in the performance targets seek to reflect the longer time needed to deal with more complex commercial and industrial applications than householder applications.

The present published statistics for the U.K. authorities do not show how well they are performing against these new targets. A simple calculation based on the national mix of planning applications in the U.K. suggests that the average authority will be aiming to deal with 74% of all applications within 8 weeks.

The logic of the new DTLR targets is much more reasonable than the old, and should be realisable in a well managed, reasonably staffed authority. It would be appropriate for the Planning and Environment Committee to consider adopting new performance targets. This could either be the straightforward adoption of the U.K. targets (by type of application) or benchmarking against the upper quartile results for the group of comparable authorities we have identified in Section 2. Of these, we prefer the simpler adoption of the U.K. targets.

Overall this is likely to require an uplift in performance in Jersey of around 20%, or 12 percentage points, to around 70 - 75% of all applications within eight weeks. We undertook an analysis of 257 local authorities in England and Wales looking at performance standards and staffing levels. The results showed no significant relationship and bears out previous findings of the Audit Commission and our experience of local authorities in the U.K. To improve performance standards to around 70 - 75% of all applications within eight weeks in Jersey will require active monitoring and management of development control workloads, together with the levels of additional staffing we have identified.

In order to adopt the U.K. standards and undertake any future benchmarking with U.K. authorities, it will be necessary to adapt the MERLIN system to include an application type code to reflect the revised targets in the Planning Green Paper, set out in Box 3.1. This is a relatively minor adjustment and would not require a change to the application numbering/referencing system.

3.1.3 To meet future needs arising from the new Island Planning and Building Law

The three biggest changes to the planning system which will be introduced by the new Island Planning and Building Law are the introduction of open Committees, an independent appeals system and need for consents for demolition. The first two of these measures will have significant resource implications.

Open Committees

Although Committee meetings are not presently open to the public, applicants and consultants have been allowed to present to the Committee for over 3 years and officers are required to submit written reports of all developments going before Committee. The requirement for written reports, introduced in 2000, has already had a significant impact on planning officer workloads, particularly senior officers.

Around 90% of decisions are delegated to officers with 9% of applications going to the Applications Sub-committee and 1% going before the full Planning and Environment Committee. This means that around 280 applications are presented before Committee each year resulting in around 160 days work per year divided between the four senior officers. In the U.K. the level of decisions delegated to officers is usually lower than in Jersey. *Table 3.1* shows a range of levels of delegation and number of applications taken to Committee each year in comparable U.K. authorities.

Table 3.1 Jersey and Comparable U.K. Authorities: Comparison of Committee workloads

Authority	Number of Applications Received	% Decisions delegated to Officers	Number of Applications taken to Committee	Number of Development Control Officers#
Jersey [Total Applications]	**2,809**	**90%**	**280**	**9.4**
Aylesbury Vale	2,724	81%	518	20.6
Bath and north-east Somerset	2,457	76%	590	14.0
Bristol	2,880	91%	252	29.0
Croydon	2,705	96%	108	34.4
Dacorum	2,205	95%	110	15.0
Ealing	2,979	84%	476	19.0
East Devon	2,223	82%	400	6.0
Elmbridge	2,459	73%	664	11.0
Enfield	2,859	94%	172	13.10
Guildford	2,407	70%	722	9.0
Harrogate	2,376	89%	261	23.5
Hereford	2,969	86%	416	21.6
Macclesfield	2,603	60%	1,041	12.6
New Forest	2,562	85%	384	12.0
Rotherham	2,847	75%	711	12.0
Redbridge	2,876	83%	489	15.6
Average of U.K. Authorities shown.	2,397	83%	457	16.8

Note : To ensure consistency with CIPFA excludes Appeal Officer.

Source: The States Planning and Environment Committee and DTLR Development Control Statistics England 2000/2001

Table 3.1 shows that the best comparison with Jersey in terms of levels of delegated powers and number of applications is Bristol. However, there are significantly more development control staff dealing with the applications at Bristol.

Although Jersey does not yet have Committees open to the public, the main requirement of written committee reports is already something the section is doing. The standard of written committee reports in Jersey is close to that provided for Committees in the U.K.. The structure and content of Committee reports will need to adapted slightly to reflect a different audience. At present in Jersey, Committee reports assume a certain level of knowledge amongst

Committee members in terms of planning law and policy. The reports will need to be more carefully scrutinised to ensure completeness and fairness. Additional officer time will also be taken up by longer Committee meetings and meetings open to the public usually take place in the evening which would mean out of hours working for officers if this practice is operated in Jersey.

Although we recognise that there will be some additional workload as a result of the full introduction of open Committees, we believe this is taken into account in the staffing formula which relates to the average U.K. authority, where full Committee reports and open Committees have been the norm since the mid 1980s.

First and Third Party Appeals

The new Island Planning and Building Law will introduce the right to First and Third Party Appeals. An independent appeals body is to be established which will employ the Commissioners responsible for directing and hearing appeals procedures. However, there will also be a significant increase in workloads for development control staff in preparing and giving evidence before the Commission.

In 2001 in Jersey, 18 cases went to either Royal Court Appeal or Review Board. However a number of informal appeals are dealt with at every Committee meeting. Under the new system, the number of formal appeals is likely to increase and informal appeals, currently dealt with at Committee, will transfer to the formal appeal process. Currently these account for around 8 to 10 per committee meeting, which total around 250 per year.

On top of the anticipated numbers of First Party Appeals, Third Party Appeals will generate an additional workload. In order to get to grips with the magnitude of the additional workload attributed to Third Party Appeals, we have looked at case studies in the Republic of Ireland, which has had Third Party Appeals for over 25 years. *Table 3.2*shows the number of planning decisions, which are taken to appeal in selected local authorities in Ireland, which have the most similar development and conservation pressures to those in Jersey.

Table 3.2 Ratio of First and Third Party Appeals in Selected Irish Local Authorities

Authority	Number of Planning Decisions	Number of First and Third Party Appeals	% of Decisions taken to Appeal
Cork	970	93	9.6%
Dublin	3,825	618	16.2%
Dun Laoghaire/Rathdown	2,169	334	15.4%
Fingal	2,382	296	12.4%
Galway	660	128	19.4%
Kildare	2,224	158	7.0%
Limerick	448	40	9.0%
South Dublin	1,638	190	11.6%
Waterford	452	29	6.4%
Wexford	3,697	135	3.7%
Wicklow	2,295	259	11.3%
Jersey	**2,809**		
Overall average of selected Authorities			**11 %**
First Party appeals			6.4 %
Third Party appeals#			4.7 %

Source: The States Planning and Environment Committee and Planning Statistics, Ireland, 1999.
Note: An Bord Pleanala calculates that Third Party appeals represents 42% of all appealed decisions.

The analysis in *Table 3.2*shows that on average 11.1% of all decisions are taken to appeal. Third Party Appeals in Ireland accounts for 42% of all decisions taken to appeal. If this ratio prevailed in Jersey the introduction of Third Party Appeals alone could result in a further 135 decisions being taken to appeal in Jersey and hence a substantial further increase in workload, particularly for senior officers.

In total we believe that Jersey can expect around 385 appeals per year. Based on an average workload of 3 days pe appeal this equates to an extra 1,155 days work that is not being required from the present staff. Based on an average working year of 200 days, 6 staff would be needed. One member of the planning staff is already dedicated to dealing

with appeals and hence an additional 5 staff would be needed. These additional staff are needed to address internal development control workloads and are additional to staffing resources required for the Appeals Commission.

The appeals officer in place is a Principal Planner. We would recommend that the additional five staff needed to deal with appeals should be of the following grades:

- two senior planners;
- two experienced but more junior planers; and
- one planning technician/graduate planner.

Fee income from appeals will be collected by the Appeals Commission and cannot be appropriated to cross-subsidise additional professional resources within the development control team. It is worth noting that in Ireland, fees range from £120 to £300 for applicants. If 385 decisions are taken to appeal, at an average fee of £250, this would give an income of around £96,250.

Planning Consent for demolition

The new Island Planning and Building Law includes demolition as development, for which planning consent will be required. Numbers of demolition consents are generally very low in U.K. authorities, ranging between 10 and 20 applications per year. In Jersey, we feel that there will be even fewer occasions when demolition consent will be required, i.e. when demolition is not part of redevelopment. Much partial demolition will be included as exempt development. Given the expected low numbers of demolition consents there will be little or no impact on staffing requirements.

3.2 ESTABLISHING A FUTURE STAFFING FORMULA

Strictly speaking, a formula for future development control staffing can only be established when the staffing levels to meet current workloads and the new Island Planning and Building Law have been agreed (and preferably implemented). If comparability with the average U.K. planning authority in Section 2 is assumed, the formula should be based on the U.K. average, adjusted for the greater number of minor applications in Jersey (which may itself require more consultants to handle it) and further adjusted to take account of Third Party Appeals. This would suggest a future ratio of 1:180 for development control staff.

3.3 POTENTIAL FOR CHARGING FOR PRE-APPLICATION ADVICE

Previous attempts in the U.K. to charge for pre-application discussions were found to be ultra-vires and were stopped. Many U.K. authorities charge applicants and others for time spent researching and providing information. A small but significant number are accepting ‘contributions’ towards the costs of processing major applications, generally in order to achieve an earlier decision than might otherwise have been possible.

Charges will be controversial and it will be difficult to set and keep to the defining limits of what is charged for. The simplest method would be raise levels of cost recovery through planning application fees. Should the Committee decide to charge for pre-application advice we would suggest the following approach:

- charges should not be made for initial exploratory meetings with applicants/agents;
- charges should not be made mandatory for pre-application discussions with householder/small applicants or their agents;
- charges could be made for provision of researched information which the Planning and Environment Committee has no duty to provide or there is no public interest in providing; and
- charges could be introduced for pre-application meetings and research for larger commercial and developer applicants.

If charges are introduced, they should be based on a tariff of hourly rates for staff of particular grades, recovering the full costs, including office and premises costs. It is not possible at this stage to make a realistic estimate of the likely income from this source.

3.4 POTENTIAL CHANGES TO PLANNING APPLICATION FEE LEVELS AND STRUCTURES

As workloads increase, particularly after the introduction of the Island Planning and Building Law, more staff will be required. This will increase the cost of running the department control section. We have looked at how restructuring planning charges can help to recoup some of these costs.

At present the States has a policy that limits planning fee recovery to 50% of direct costs. The advent of the Planning and Building Law and its additional resource implications makes this an ideal time to review this policy. In the U.K., the Planning Green Paper proposes an increase in planning fees to ensure that fee income matches the full costs of development control.

Table 3.3 sets out potential income from increased planning fees for a range of levels of cost recovery, assuming similar levels of applications. We have set out the analysis for the projected costs associated with the increase in development control and admin staff numbers to meet current workloads plus the provisions in the new Island Planning and Building Law. Costs have been derived from the proposed 2003 departmental budget, which includes assumptions for relocation of the department. For the additional staff costs we have used 2003 salaries with direct employee on-costs. The total cost of implementing the changes relating to the introduction the new Island Planning and Building Law for development control officers and admin support is £1,124,490. The total cost of staffing the development control section, including existing staff therefore would be £1,697,700. We have not at this stage included any potential income from pre-application discussions. If these were introduced, total income levels would remain as in *Table 3.3* but less of that total would need to be generated from planning application fees.

Table 3.3 Potential income from increased Planning Fees to meet total development control costs

Cost Levels	Annual Income from Fees at 50% of Cost Recovery £	Annual Income from Fees at 75% of Cost Recovery £	Annual Income from Fees at 100% of Cost Recovery £
Cost of additional staff to introduce new Island Planning and Building Law	562,245	843,368	1,124,490
Total costs [including existing and proposed staffing levels]	848,850	1,273,275	1,697,700

The assumption underlying the 2003 departmental budget is that a 50% rate of cost recovery will be adopted.

Increases in planning fees could either be done as a proportionate increase in planning fees across the board or weighted towards commercial developments, where planning applications fees are a smaller percentage of total development costs. Any increase in fees must be matched by an improvement in the quality of service, which could not be achieved unless this additional revenue was 'ring-fenced' for the appointment of extra development control staff.

Table 3.4 shows the impact of the above increases on planning application fees for selected types of planning application, if a fee recovery rate of 50% was adhered to. If fees for pre-application discussions were introduced, the individual fee levels set in *Table 3.4* could be correspondingly reduced.

Table 3.4 Projected Planning Application Fees with potential increases in cost recovery to 50%

Application Type	Current Application Fees £	Fee Level to meet 50% cost recovery# £
Flat under $80m^2$ in floor area	64	134
Dwelling over $240m^2$ in floor area	420	882
Replacement windows	27	57

Change of use other than creation of a dwelling	106	223
Erection/Extension of a building 100-250m^2 in floor area	210	441
Swimming Pool	51	107
Loft Conversion	64	134

Note: Cost recovery relates to increased costs associated with increased staff numbers to meet current workloads and introduction of Planning and Building Law provisions.

4 BUILDING CONTROL COMPARATIVE ANALYSIS

4.1 INTRODUCTION

The building control (BC) team in the States of Jersey provides a service to the Island's construction industry. The BC service ensures that all development on the Island is safe and secures the health and safety of all building users. The team assesses all plans before work starts on site to ensure that the development complies with the Building Byelaws. Once assessed and approved, in order to control the standards of construction, the assessment includes the inspection of works on site at key stages. The Building Byelaws include requirements relating to:

- structural stability;
- fire safety and means of escape;
- noise insulation;
- drainage;
- ground conditions;
- ventilation;
- energy efficiency;
- access; and
- glazing.

The Building Byelaws in Jersey do not currently include cavity fill, demolition and dangerous buildings, although these are currently functions of BC in England and Wales. However, the revised Island Planning and Building Law will bring the regulation of demolition and dangerous buildings into the remit of the BC team.

The BC team in Jersey consists of 10.5 full-time equivalent (FTE) staff who are professional officers. In addition, a consultant is employed to take on the structural works workload, an equivalent of 0.5 FTE staff member. The BC team is assisted by the equivalent of 3.2 FTE administrative staff, 40% of the total administrative team serving planning and building control. Administrative resources are discussed in more detail in Section 6.

As with other services, the Jersey BC team is also responsible for devising regulations and technical guidance. In the U.K., this is a role undertaken solely by the DTLR and not by the individual local authorities. Mo Roscouet is responsible for policy, regulations and technical guidance for BC in Jersey. His role includes the monitoring and analysis of U.K. legislation to bring Jersey into line with the U.K. regulations, on which the Building Byelaws are based.

4.1.1 Comparative Analysis

This section takes the form of a comparative analysis of the building control services in Jersey with selected authorities in England and Wales. The emphasis of the analysis is on staffing, workload, fees and performance against the good practice targets set by the Department of Transport, Local Government and the Regions (DTLR). Section 5 sets out the future resource requirements for the Building Control section in the light of the above analysis.

4.1.2 Selecting a sample of Comparable Local Authorities

The sample of comparable local authorities in England and Wales is illustrated with the baseline data in *Spreadsheet BC1 (Annex A)* This list of authorities and the data included was generated from the Planning and Development Statistics produced by the Chartered Institute of Public Finance and Accounting (CIPFA), for 2000. The authorities were selected on the basis of the following characteristics:

- population - highlighted within 5,000 of the States of Jersey;
- charge earning new applications received in Building Control - highlighted within 20% of the number received in Jersey, with 9.8% of the sample local authority applications deducted to take account of cavity fill applications processed in England and Wales; and
- total full-time equivalent (FTE) professional Building Control staff - highlighted within one staff member of the Jersey figure.

Other data was then added to the analysis, including:

- total FTE Building Control staff, including administrative staff;
- general office/running expenses;
- total Building Control staff costs; and
- total professional and technical staff costs.

In all cases, the figures from Jersey have been taken from the States of Jersey Planning and Building Services Budget 2000 for the Building Control (BC) section.

4.2 WORKLOAD

Local authorities in England and Wales process BC applications for cavity fill. Such applications are not required in Jersey and in order to compare directly the number of applications handled, 9.8% of the applications received by each authority in England and Wales have been subtracted. This represents half (due to the largely administrative nature of these applications) of the average total percentage of cavity fill applications received in the sample authorities.

The Jersey BC team handled a total of 1,851 applications in 2001. This is against an average of 1,051 application handled per year by the sample authorities, just under 55% of the number of applications handled by Jersey. This appears to be a high number of applications when compared to the sample authorities, particularly in view of the fact that the Jersey BC team does not yet regulate dangerous buildings and demolition.

Spreadsheet BC2 (Annex A) illustrates this and the number of applications per head of population. Jersey receives 21.2 applications per 1,000 population. This is high compared against the average of the sample authorities, which handled 7.1 applications per 1,000 population at an average population significantly higher than Jersey's, at 152,000. Jersey therefore handle three times more applications per head of population than the average of the sample local authorities. Only two other authorities come close to the level of applications received in Jersey: Richmond upon Thames and Wycombe. Even they only handle two thirds of the number of applications handled by Jersey per head of population.

4.3 STAFFING LEVELS

Staffing levels have been analysed below both for professional staff alone and for total building control staff. Jersey figures in both cases include the structural checking which, as in some authorities in England and Wales, is contracted out to external consultants as 0.5 professional FTE staff member, as this is an arrangement which is unlikely to change in the immediate future. *Spreadsheets BC3, BC4* and *BC5 (Annex A)* set out this data.

4.3.1 Professional and Technical Staff Levels

Each professional member of staff in Jersey handles, on average, 168.3 applications per year. This equates to, or average, 75% more applications than his/her equivalent in England and Wales, with the same average number of

professional staff. Only one authority within the sample, Wycombe, handles more applications per staff member, at 175.9 applications, with a total of 2,163 applications per year.

With the exception of Wycombe, the remaining authorities which handle a similar number of applications to Jersey all process fewer applications per staff member, some as low as 73.1 applications/staff member. At East Riding of Yorkshire, the BC team handled 1,903 applications with 22.1 FTE staff, a rate of 86.1 applications/staff member.

The upper quartile of the sample authorities are achieving a processing level of applications per staff member of 115.3 applications per year. This is still well below the levels Jersey are currently achieving but does present a robust marker of the levels being achieved by the best managed of the sample authorities.

It should be noted that the type and nature of BC applications in Jersey can be more complex than that of some of the sample authorities, with the BC team currently working on several large scale developments including large apartment complexes. This type of workload may differ greatly from smaller non-unitary authorities such as East Devon, Caradon and Kerrier, where workload is likely to consist of smaller, less complex developments. More comparable authorities such as Bristol, Dudley, the Manchester Metropolitan Districts and the London Boroughs, with similar applications numbers to Jersey, are all processing fewer applications per member of professional staff. This indicates that, despite the complexity of the applications processed in Jersey, the BC team are still processing more applications per staff member than comparable authorities.

Although professional standards in Building Control in Jersey remain high, the resulting heavy workload has put increasing pressure on the ability of staff to undertake inspections of active sites, particularly in the light of the new DTLR Building Control Performance Standards. This is discussed in greater detail in Section 4.5.

4.3.2 Total Building Control Staff

As a whole, including administrative staff, each staff member in Jersey handles 61% more applications than the average BC team in the sample U.K. authorities.

4.4 COMPARISON OF FEE SCALES

The key differences in the fee scales used in Jersey and authorities in England and Wales are the basis of the charges. In Jersey, fees are based on the size and type of development, whereas the English and Welsh fee scales are based on The Building (Local Authority Charges) Regulations 1998, calculated on the basis of the value of the development, and in the case of residential development, the number of dwellings below 300 square metres.

Local Authority Building Control (LABC) produce a standard set of fees for guidance to both the public and local authorities which should be read against the 1998 regulations. The regulations themselves state that the local authority must charge sufficient fees to cover the direct and indirect costs of processing applications. In addition they state that not less than 90% of the costs of the local authority performing their functions must be recovered through fees.[4] This allows local authorities some flexibility in setting their fees for BC applications. Inspection fees are in some cases set out separately in local authority fee scales, although inspections are mandatory.

In England and Wales there are private sector BC inspectors approved by the DTLR. These inspectors are approved to carry out the function of the BC department of the local authority in granting consent for works under the building regulations and undertaking inspections. Approved inspectors are still at a relatively early stage in their development and have only been available as an option since they were authorised under the Building Act 1984 to carry out BC work in England and Wales. These approved inspectors work on commercial schemes, with only the National House Building Council working as a private approved inspector for residential development, operating as a monopoly in the private sector for BC work in relation to housing. There are currently 376 authorities in England and Wales with BC functions and only six companies and eighteen individuals approved by the Construction Industry Council (CIC) to undertake BC work. This gives applicants the option of applying to the local authority or to an approved private sector firm, although there are still a limited number of approved inspectors. When BC work goes to the private sector this results in a loss of income to the local authority.

4.5 PERFORMANCE INDICATORS - INSPECTIONS

4.5.1 Introduction

This section outlines the new *Building Control Performance Standards* produced by the DTLR in 2001. This document outlines good practice guidance for BC inspections. The guidance is not yet adopted in England and

Wales, and authorities are not yet performing to these standards. They will be expected to do so in the run up to the adoption of Best Value Indicators for BC in 2003/4. These new standards represent an increase in the number of inspections to be undertaken by BC teams and will have a direct impact on the level of inspections to be undertaken in Jersey if adopted into the Building Byelaws. The staffing impacts of the inspection standards are set out in *Section 5.2*

4.5.2 DTLR Standards

In July 1999, the DTLR published the *Building Control Performance Standards*, updated in September 2001. This document sets out the Government's thinking on good practice in the carrying out the BC function in both local authorities and by approved inspectors. The aim of the standards is not to constrain BC teams but to ensure that a common basis for their performance is adopted. The Performance Standards contain no timetable for adoption, but the DTLR is aiming to adopt a set of Performance Standards by 2003/4 to act as a set of Best Value Indicators.

The proposed standards for the carrying out of inspections are set out in *Table 4.1*.

Table 4.1 Building Control Inspection Frequency

Building Control Performance Standards for Inspections
• Not less than one visit per 400 hours of relevant work on the site e.g., once per three weeks at three men, once per two weeks at five men, once per week at ten men and daily at 50 men.
• A minimum of one visit every 21 days for all live and reasonably active sites.
Source: Building control Performance Standards, DTLR, September 2001

These standards will be drawn up in a formal 'inspection plan' which should be agreed with developers and kept under review as the project proceeds. An 'inspection notification framework' should also be drawn up to setting out to the contractor at which stages of the works BC needs to be notified and when they will inspect those works. The guidance states that requests for inspection should be responded to within one working day.

It should be noted that the standards do not take account of occasional activity on some 'live' development sites. In many cases, the process of development on many smaller sites may stop and start over a long period, with weeks or months of inactivity. In this case, it may not be appropriate to visit a site every 21 days, and it may be very difficult for the BC officer to discern the number of working hours being completed. This may result in artificially high figures being generated for staff numbers necessary to execute inspections to the performance standards, not allowing for this 'downtime' on development sites.

The District Surveyors Association (DSA) is currently in the process of producing a Quality and Performance Matrix for the building control function to act as a Best Value tool in assessing the performance of BC teams. This is being prepared in conjunction with the DTLR and is expected to be incorporated into the Best Value Performance Indicators for 2003/4. The Matrix sets 11 aspects of the BC service against four levels of quality. Aspects of the BC service to be assessed in the matrix include:

- enforcement;
- quality management;
- complaints;
- accessibility of service;
- customer communication;
- service initiatives;

- CPD and staff training;
- consultation, assessment of plans and archiving of records;
- site inspection;
- costs; and
- review of overall performance.

The criteria for the assessment of inspections includes the speed of response, the recording system, availability of service policy, completion certificates, archiving, work subject to inspection frameworks and the accessibility of inspection records.

The data collected through this Matrix will represent the only data collected in England and Wales on the performance of BC teams. There is currently no comprehensive data set with the only source of statistics on performance being the BC teams themselves.

4.5.3 Performance of Sample Authorities

In order to assess the performance of the sample U.K. authorities against the DTLR Performance Standards for inspections, we selected 50% of those authorities with similar levels of applications or staff numbers to that of Jersey and contacted each one. We spoke to members of the BC team at each of those authorities to find out the following:

- their departmental aims or targets;
- whether or not they inspect at statutory notice periods, i.e. when notified by contractors at foundation excavations, foundations, damp proof course, oversite, drains before covering, drains, occupation and covering;
- the speed of their response to a request for inspection;
- any interim or additional inspections undertaken;
- the average number of inspections per application; and
- any other comments.

Annex B sets out the responses from the sample of authorities. These responses show that all but one of the authorities meets their target of inspecting works when notified at stages, and each tries to respond and visit the site on the same day, usually if notified before 10:30 a.m. Several of the authorities questioned stated that they will visit a site after three months of they have not been notified of any works. However this did vary, with some visiting as often as 2-3 weeks and others as little as eight months to a year. Only four of the authorities were able to define how many visits are carried out on average per application, and they ranged from 5.6 to 7 visits per application.

Factors which influence the regularity of inspections include:

- the many variables within each job, e.g. scale, size, build period;
- a reliance on builders notifying them at the statutory stages;
- each job requires a different level of inspection;
- the level of inspections necessary is a case of risk assessment by the case officer; and
- on some large jobs, officers will inspect the site everyday, especially at the early stages of work.

4.5.4 Performance of the States of Jersey

At present in the Jersey the BC team makes inspections at each of the stages identified under Section 12 of the Building Byelaws (Jersey) 2001. They are achieving this target and are making site visits in good time. These are similar to the stages at which the sample authorities make statutory notice inspections. In addition, the BC team makes interim visits to monitor progress on site. However, the intervals and frequency of visits made in Jersey at present do not meet the suggested DTLR standards.

*Table 4.2*sets out the frequency of visits made in comparison to the new DTLR standards.

Table 4.2 Frequency of Inspections in Jersey against DTLR Standards

	Frequency of Visits				
	Reasonably Active	3 Men	5 Men	10 Men	50 Men
DTLR	Every 4 weeks	Every 3 weeks	Every 2 weeks	Every week	Daily
States of Jersey	Every 12 weeks	Every 10 weeks	Every 9 weeks	Every 4 weeks	Every 3 weeks

Spreadsheets BC9 and *BC10 (Annex A)* illustrate the difference in the number of hours spent on inspections according to the current staffing levels and inspections at Jersey and according to the DTLR standards. This data shows that increasing the number of inspections carried out in Jersey to meet the DTLR standards would increase the number of days spent on inspections by an additional 1,875 FTE working days a year.[5]

5 BUILDING CONTROL: PERFORMANCE STANDARDS AND STAFFING REQUIREMENTS

5.1 INTRODUCTION

The analysis of Jersey performance against local authorities in England and Wales, clearly demonstrates an under-resourced system. The following section considers the additional resources needed in relation to staffing, and in turn, additional fees to cover the increase in inspections. The increase in fees necessary to cover the costs of the additional staff and the costs of the BC section as a whole are also set out. *Spreadsheets BC9, BC10* and *BC11 (Annex A)* set out the data and costs associated.

5.2 APPROPRIATE STAFFING LEVELS

5.2.1 General Application Processing

When comparing the number of applications each professional staff member processes in Jersey against the sample authorities, the figures reflect that Jersey BC officers process 168.3 applications per year, some 72.3 application more than the average officer from the sample authorities in a year. Each officer is therefore handling a significantly larger workload than officers in England and Wales, which may impact on performance. *Table 5.1* illustrates the process of assessing appropriate staffing levels for the Jersey workload.

Assuming that the consultants are retained to deal with structural checking, and taking the average applications processed per professional staff member as a ratio, 96 applications are processed per BC officer. This would indicate that the BC section requires 8 additional professional FTE members of staff to process their workload. However, Jersey achieves high standards in processing and this calculation would infer that the BC team should only aspire to achieve the same levels of performance as the average authority.

Table 5.1 Jersey Building Control: assessment of staffing levels against current workload

Current workload and staffing	**Jersey Statistics**	**Average Statistics from sample Authorities**
No. Professional Staff	11.0	10.9
No. Applications handled in 2000	1,851	1,015
No. Applications/Professional Staff Member	168.3	96.0
No. Applications processed by the upper 25% Quartile	**-**	**115.3**
Future staffing needs		

No. professional FTE staff necessary to process Applications based on the sample average	19.3	-
No. professional FTE staff necessary to achieve the upper 25% Quartile level	16.0	-
Additional FTE staff required to achieve processing levels against the sample average	**8.3**	**-**
Additional FTE staff required to achieve processing levels against the upper Quartile	**5.0**	**-**

Note: To be read alongside *Spreadsheet BC11 (Annex A)*

Instead, it is more appropriate to assess the level of processing in the top 25% of the sample authorities. This is set out in *Spreadsheet BC4 (Annex A)*which illustrates that the number of applications processed per officer for the top 25% of the sample ranges from 234 down to 115 applications per officer. Taking the minimum achieved by the top 25% as the benchmark, Jersey processes 53 more applications per year per officer. Taking the total applications received by Jersey against this level of processing to assess comparative staffing levels, Jersey should be operating with a BC team of 16 FTE professional staff. This equates to 5 additional professional BC staff.

5.2.2 Performing to DTLR Inspection Standards

Table 5.2 illustrates the impact on staffing levels of increasing inspections to meet the DTLR standards. As *Table 5.2*shows, in order to meet the DTLR inspection standards, an additional 1,875 working days per year will be required, over and above the current days spent on inspections each year. On the basis of BC officers working 37 hour weeks, and for 200 days a year, an additional 9 FTE professional staff members would be required to enable the BC section to perform to the DTLR standards. Our analysis of U.K. building control authorities suggests that none get close to achieving the DTLR Inspections Standards. They are also derived from frequencies of visits based on man-hours worked on site throughout the construction process. While it is clear that the 'traditional' inspection regime left an inappropriate gap between inspecting the sub-floor works and building completions, it would be sensible to tailor a regime in Jersey which reflects the levels of supervision necessary at different stages in the construction process.

Table 5.2 Impact of the DTLR Performance Standards on staffing in Jersey

Current workload and future staffing needs	**Jersey Statistics**	**Additional requirements of the DTLR Standards**
Total weekly hours	177	347
Total hours per year	7,098	13,874
FTE working weeks per year	192	375
Future staffing needs		
Additional working days per year	-	1,875
Additional FTE professional staff needed to fulfill the DTLR Performance Standards	**-**	**9.37**

Note: To be read alongside *Spreadsheet BC11*

We would suggest the following revised inspection regime in Jersey to take account of the emerging standards in the U.K.:

- site visits should still be triggered by builders serving notices on the Inspectors (but can use email and the phone);
- review existing statutory stages and set out new standard stages for small works and smaller new build projects;
- adopt a system of 'inspection plans' in line with the U.K. advice for larger projects to be agreed at the time of granting consent. This would allow greater flexibility in relation to the individual characteristics of the each development. These should generally follow the existing system of stages relating to completion of specific works but (above ground particularly) could move to an agreed calendar/frequency of visits; and
- there will still be a need for inspectors to do occasional random visits (especially to difficult sites) and to

chase up sites where work is suspected to be going on but no notices have been received.

Further work will be needed to refine this approach and to assess the staffing requirements, based on an analysis of a sample of recent approvals. The number of additional BC staff required will be significantly fewer than the 9 FTE staff suggested in *Table 5.2* perhaps at a level of between two and four new surveying staff. The impact of this new level of staff for inspections should then be monitored against the DTLR inspection standards and reassessed for performance. Additional staff may be necessary at a later stage.

5.2.3 Dangerous Buildings and Control of Demolitions

The regulation of dangerous buildings and the control of demolition are not currently part of the Building Byelaws on Jersey, but they will become part of the BC team remit when the new Island Planning and Building Law comes into force. Authorities in England and Wales are responsible for these regulations under Sections 77 and 80 of the Building Act 1984, and the comparable figures used in this analysis include the regulation of these issues.

The regulation of dangerous buildings in England and Wales gives the local authority the power, when a building is considered dangerous, to restrict its use and obtain an order from the Court to get the building repaired. Where the owner cannot be traced, the local authority itself can undertake the repairs. The incidence of dangerous buildings tends to be more pronounced in large urban and inner city areas where older building stock is more common.

In England and Wales, the regulation of demolition controls requires the builder or agent to notify the local authority of a proposed demolition. The BC department must then visit the site in order to assess the impacts of the demolition and once serve a demolition notice to the applicant within 6 weeks, within any conditions. The BC team then monitors the progress of the demolition. This process applies to any demolition over about 50 cubic metres in size.

At this time it is difficult to assess the likely volume of applications which will be generated by the additional of dangerous buildings to the BC team responsibilities. It is anticipated that it will not be high, as the building stock on the Island is relatively modern and in good condition. The demolition of buildings will generate the need for increased inspection and monitoring post-planning permission. The impact of these increased inspections will have to be re-assessed when the new Planning and Building Law comes into force in the light of the recommendations already made about the need for additional inspection staff.

5.3 ESTABLISHING A FUTURE STAFFING FORMULA

Strictly speaking, a formula to determine future staffing needs cannot be devised until decisions have been made about the number of staff to be provided to meet existing workloads and potential changes to the regime for inspections and dangerous buildings.

On the assumption that the decisions are made to increase the BC staff to match the upper quartile of comparable U.K. authorities and to, say, provide an inspection regime which requires four additional staff in Jersey, this would suggest that future BC staffing should be based on a formula which provides for 1 extra professional staff member per 90 applications over the existing workload.

5.4 POTENTIAL FOR INCREASING BUILDING CONTROL FEE LEVELS

In 2001, fees from BC raised £370,000 towards the total costs of building control, including administration staff costs of £143,000. The BC team is recognised as providing a good quality service to builders and designers on the Island and the present fees are accepted as providing good value for money. In order to expand the services to comparable levels of staffing achieved in the benchmark U.K. authorities and to provide inspections at the DTLR standards would require an overall uplift of fees as set out in *Table 5.3*. It should be noted that a level of three additional staff has been assumed to enable the BC team to progress towards meeting the DTLR inspection standards.

The existing departmental costs, after fees were £462,049 at the end of 2001. However, the total additional staff costs outlined above, along with the additional associated costs, will increase these costs after fees to £1,104,536.

Table 5.3 Costs and fees analysis for the provision of additional staff

Costs	Unit Cost (£)	Total Cost (£)

Five additional FTE staff to meet current workload at upper Quartile Levels	47,116	235,580
Three additional FTE staff to fulfill DTLR Inspection Standards	47,116	141,348
Total cost of additional staff members		**376,928**
Current total BC costs (inc. administrative costs)	-	832,049
Additional non-staff costs at 29%		109,309
Relocation costs associated with new premises		156,250
Current fee income	-	370,000
Current costs after fees		462,049
Total costs after fees	-	727,608
Increase in fees required to cover (multiple of current fees):-		
50% of the additional staff and associated costs		1.49
100% of the additional staff and associated costs		2.99
Note: To be read alongside *Spreadsheet BC11 (Annex A)*		

In order to cover 50% of the additional costs of staff, non-staff costs and relocations, the fee income from BC applications would need to be increased by a factor of 1.49 from current levels. In order to cover 100% of these additional costs, fee levels would need to rise by a factor of 2.99. This is a large increase from current levels, although this should be considered against the significant increase in the quality of service resulting from the increase in staffing levels per application and inspections.

5.5 OPPORTUNITIES TO REVISE FEE STRUCTURES

The principles for a new fee structure in Jersey need to reflect, in broad terms, the costs of dealing with different classes of application and the new inspection regime. For smaller applications, the existing fee scale based on the type and size of the development should be retained. However, for larger applications, which will have separately agreed inspection plans, the opportunity should be taken to examine charging separately for inspections.

6 ADMINISTRATION COMPARATIVE ANALYSIS AND STAFFING REQUIREMENTS

6.1 INTRODUCTION

Planning and Building Services includes an 8 strong administration team. Their responsibilities are divided between supporting the planning and building services teams. Around 60% of the administration team's workload relates to planning development control and 40% to building control. The responsibilities of the administration team include:

- reception and dealing with general enquiries;
- checking and logging planning and building control applications on MERLIN;
- legal searches;
- running reports from MERLIN;
- allocating building control files;
- checking building control fees are correctly submitted;
- printing building control permits;
- logging requests for site inspections; and
- general administrative support to the planning and building services teams.

6.2 DEVELOPMENT CONTROL ADMINISTRATION

From our discussion with key members of the planning department we believe the key issues for the administration section to be:

- implementation of MERLIN has proved time consuming and there has been difficulties in getting minor design flaws in the system resolved. The reporting package is proving difficult to use; and
- difficulties in training and retraining administrative staff.

Although the computer system is still being bedded in, as a system it is not fundamentally flawed and, when updated, will perform adequately. Further developments such as full linkage to GIS are desirable and likely to be essential in the longer term. The system, generally:

- will only improve the quality of information available not the processing speed;
- needs a medium term resource commitment to completing implementation;
- needs to be supported by a programme of training and an appropriate structure for the administration team.

6.2.1 Comparative staffing levels in support of development control

In order to make a reasonable comparison of workloads between Jersey and U.K. planning authorities we have looked at U.K. local authorities with a comparable number of planning applications. *Table 6.1* shows administrative staffing levels and number of applications and number of development control officers in Jersey and selected U.K. local authorities.

The analysis shows that on average, in the comparable authorities, there is one administrative staff member to every 247 applications. In Jersey the number is 585, which is considerably higher. *Table 6.1* also shows that, on average, there is one administrative staff to every 1.7 development control officers. In Jersey this ratio is 2.0, which is slightly higher, reflecting the existing low professional staff to application ratio in Jersey.

Table 6.1 Planning Applications Jersey and comparable Authorities: comparative administration staffing levels compared with number of Applications

Authority	Number of Applications received per year	Number of Develop-ment Control Officers*	Number of Admin. Staff Support-ing Develop-ment Control Activities	Average Number of Applications per Admin. Officer	No of Develop-ment Control Officers per Admin. Staff
Jersey [Total Applications]	**2,809**	**2,809**	**9.4**	**4.8**	**2.0**
Aylesbury Vale	2,724	2,724	20.6	12.0	1.7
Bath and north-east Somerset	2,457	2,457	14.0	10.1	1.4
Bristol	2,880	2,880	29.0	15.5	1.9
Croydon	2,705	2,705	34.4	11.5	3.0
Dacorum	2,205	2,205	15.0	8.4	1.8
Ealing	2,979	2,979	19.0	7.4	2.7
East Devon	2,223	2,223	6.0	5.0	1.2
Elmbridge	2,459	2,459	11.0	6.0	1.8
Enfield	2,859	2,859	13.1	11.0	1.2
Guildford	2,407	2,407	9.0	8.2	1.1
Harrogate	2,376	2,376	23.5	9.0	2.6
Hereford	2,969	2,969	21.6	18.4	1.2

Macclesfield	2,603	2,603	12.6	8.4	1.5
New Forest	2,562	2,562	12.0	11.0	1.1
Rotherham	2,847	2,847	12.0	6.0	2.0
Redbridge	2,876	2,876	15.6	7.0	2.2
Average of U.K. Authorities shown	**2,397**	**2,397**	**16.8**	**9.7**	**1.7**

Source: The States Planning and Environment Committee and CIPFA Planning and Development Statistics, 2000
* Note: To ensure consistency with CIPFA excludes Appeals Officer.

6.2.2 Changes to staffing levels

To meet current needs

Higher numbers of planning applications has had a direct impact on administrative workloads and staff turnover is high. The introduction of the new planning registration computer system MERLIN has been problematic causing not only delays in data inputting but also inaccuracies. The target for validating applications is three days, however, the average time taken is a week, with up to three weeks delays in dealing with applications having been experienced.

Generally, the principal driver of administrative workloads is the number of new applications received. On this basis, Jersey could justify up to 4 additional administrative staff to support comparable levels of staffing to those ir the U.K. benchmark authorities. If these staff were appointed and an enhanced development control team (as set out in *Section 3.1*) recruited this would create a ratio of 1 administrative staff member to 1.6 professional development control staff.

Of these additional appointments we feel that at least one administrator should be targeted at freeing up time for training and quality control. Of the other posts we feel that at least one appointment should be geared more towards a planning technician with responsibility for screening applications.

The department suffers from a high turnover of staff. Workloads are high and job satisfaction is low. The applications team would benefit from training to improve technical skills, increase their understanding of the planning system and broaden responsibilities. There is no spare capacity in the department at present either to cover training needs or quality control. It would be advisable to change the role of the supervisor to take on exclusive responsibility for training and quality control. It is not effective use of resources for someone with extensive knowledge of the system to spend a lot of their time data inputting. A new position should be created to cover the other administrative duties the supervisor currently has.

One way of strengthening the quality and reliability of administration of planning applications and increasing accuracy levels in checking applications could be to appoint a trainee or graduate planner who could screen new applications and vet the fees. This would release more administrator time to log the applications onto the computer system. The appointment of a graduate planner would improve the quality of application screening and reduce officer time spent chasing additional information.

To meet future need in response to the introduction of the new Island Planning and Building Law

The introduction of both open Committees and the introduction of an independent appeals system will increase administrative duties alongside that of planning officers.

We have calculated that the introduction of an independent appeals system will necessitate the appointment of 5 additional development control staff to handle the additional workload. Extending our earlier calculation would suggest that at the average U.K. professional : administrative staff ratio, Jersey would justify 11.4 administrative staff, an increase of 2.6 over the establishment already proposed. Given the nature of the appeals workload we consider that 3 admin staff would be needed to support the appeals team.

In order to guide future staffing requirements, associated with increased application levels, we have devised an applications: staff ratio. Our analysis shows that around 250 applications per admin staff member is average. On that basis, each increase in application numbers by 250 would necessitate an additional member of the administrative team.

6.3 BUILDING CONTROL ADMINISTRATION

From our discussions with Mo Roscouet, we understand the key issue for the administrative team is a lack of understanding of technical issues, leading to the need for administrative staff to seek assistance from the professional officers in respect of:

- checking BC application forms and plans; and
- calculating fees.

6.3.3 Comparative staffing levels in support of Building Control

In order to make an assessment of the levels of administrative staff in Jersey as compared to authorities in England and Wales, we have looked at the sample authorities with a comparable number of applications and staff to assess the ratio of administrative staff to applications and to professional staff. *Spreadsheet BC6* sets out the figures in detail.

The BC team in Jersey has a total of 3.2 administrative staff. This equates to 1 member of administrative staff to every 3.44 BC officers. This level of administrative staff to professionals is higher than that of the average sample authority. Within the sample of authorities used, the average member of administrative staff looks after 3.18 professional staff each, only a slightly higher ratio than in Jersey. This is a ratio of one administrative staff per 3.18 professional staff members.

However, as applications are the focus of the workload of the administrative staff in the BC team, therefore the flow of applications directly impacts on the need for administrative staff, it is more appropriate to consider administrative staff against the number of applications.

In Jersey, each administrative staff member deals with an average of 578 applications. This is way above the average of the sample of U.K. authorities which have one administrative staff member per 255 applications.

6.3.2 Changes to staffing levels

As stated above, the number of building control applications processed has a direct impact on the administrative workloads. Therefore, the changes to staffing levels set out below are based on the ratio of applications to administrative staff members.

To meet current workload

As set out above, the average ratio of administrative staff to applications in the comparator authorities is 1:255. This is significantly better than in Jersey and if these standards are applied to the BC team, the number of administrative staff will need to be increased to 7.26 FTE staff members, or 7 actual staff. This is an increase of 4 FTE administrative staff members to process current workload.

To meet the increased inspection levels

It is our view that the need to increase the level of inspections in Jersey to meet the DTLR or any other improved standards will not have a direct impact on the level of administrative staff necessary to process applications. Any impact will depend on the trigger arrangements for inspections, but any increase in the number of actions required by administrative staff would be small.

Other factors influencing the level of administrative staff needed

When the Island Planning and Building Law comes into force, it is anticipated that there may be some increase in the number of applications received by the BC team in relation to dangerous buildings. However, it is our view that the proposed increase in administrative staff outlined above should account for the small number of additional applications expected.

6.4 Resolving I.T. support

The introduction of MERLIN has not been without problems. An update of the system is waiting to be installed that will deal with some of the problems that have been experienced. However, there is no internal support for the system and no-one with responsibility for future updates and improvements. Though an important role in providing day to

day support for users of the system we do not feel that this support role alone warrants a full-time appointment. However, if this role was combined with GIS expertise it would be of great benefit to the Committee. It has always been envisaged that the applications system would be linked to GIS and a gazetteer produced which is a time consuming project which cannot be resourced from elsewhere in the department. Such a combined role might justify a full-time GIS/computer support appointment.

7 CONCLUSIONS AND RECOMMENDATIONS

7.1 OVERVIEW

This analysis of the workloads and human resource requirements of the Planning and Environment Committee has been based on benchmarking with comparable U.K. planning authorities and with Irish authorities in respect of appeals. It assesses the numbers of staff required to meet the existing workload and additional workloads that will arise from the introduction of the new Island Planning and Building Law.

We have also assessed the levels of planning and building control application fees necessary to maintain the same level of net funding by The States as at present or alternatively to move to a system of full cost recovery. In these conclusions, we also explore whether either of these scenarios is realistic. We have also devised staffing formulae, which could be applied to future changes of demand for planning and building control services.

There are two important caveats to these analyses:

- pure statistical comparisons must be interpreted in the light of the local social, economic, environmental and political circumstances of each individual authority; and

- as the Audit Commission and the Best Value programme in the U.K. continues to demonstrate, there are widespread variations in the effectiveness of all local government services, but particularly planning and building control, which cannot be explained by statistical analysis of the resources applied to them.

In Jersey, as elsewhere, decisions should be made locally about the target standards of service which are required, the resources to achieve these and Best Value that these represent.

7.2 PLANNING DEVELOPMENT CONTROL: COMPARISONS

The conclusions that can be drawn from the comparative analysis of staff workloads between The States of Jersey and the most comparable U.K. planning authorities is strongly in Jersey's favour.

In Jersey, the professional staff handle 50% more applications than the average comparable U.K. authority. There has been a decrease, since 1997, in the proportion of applications determined in 8 weeks. Jersey is still slightly better than the average of U.K. comparable authorities, at around 62%.

7.3 PLANNING DEVELOPMENT CONTROL : PERFORMANCE STANDARDS AND STAFFING REQUIREMENTS

If Jersey adopts the staffing ratios in the average comparable U.K. authority, this would require 5 additional professional staff to deal with the existing workload.

The DTLR, in the U.K., is introducing new targets for processing planning applications. This will require the average authority to process 74% of applications within 8 weeks (against 80% at present). The new targets, which vary by type of application, are logical and are recommended for use in Jersey. They could be achieved if staffing is increased to U.K. comparable levels.

We conclude that the introduction of open committees, the independent appeal system and other tasks under the Island Planning and Building Law will require an additional 5 professional staff over and above the 5 required to make Jersey comparable under existing workloads. A future staffing formula of one professional staff member per 180 additional applications can be justified.

The States will need to decide, as a matter of principle, whether 100% of planning application costs should be recovered (given that the fundamental purpose of planning is to secure public rather than private benefit). In our view, 100% cost recovery will be controversial and the fee structures will need to be adjusted to avoid high fee levels for minor developments. In purely economic terms, 100% fee recovery will have no adverse impacts.

7.4 BUILDING CONTROL : COMPARATIVE ANALYSIS

An analysis of the staff workloads between The States of Jersey and comparable Building Control authorities in the U.K. is strongly in Jersey's favour. Applications are processed to targets and statutory inspection requirements are met. The average of the comparable sample of the U.K. authorities processes 55% of the number of applications processed in Jersey in 2001. The BC team in Jersey also process more applications per officer, with each officer in Jersey processing 75% more applications than their average U.K. counterpart per year.

7.5 BUILDING CONTROL: PERFORMANCE STANDARDS AND STAFFING REQUIREMENTS

If Jersey were to adopt the staffing ratios in the best 25% of U.K. comparable authorities, this would justify 5 additional professional building control staff to deal with the existing workload.

The DTLR, in the U.K., is promoting increased inspections standards. If these were applied to Jersey, they would justify a further 9 professional building control staff. No authorities in the U.K. are achieving these standards.

We recommend an improved inspection regime in Jersey, which is more realistic than that proposed by DTLR. Our initial proposals require refining before staff numbers can be estimated, but this will be significantly fewer than 9. We recommend that the BC team increase staffing levels by two to four surveying staff in order to improve inspection standards. This should be monitored at regular intervals against the DTLR standards and staffing levels reviewed.

The introduction of the Island Planning and Building Law will have little impact on the numbers of BC staff required. In terms of future variations in application numbers, 1 additional professional staff member per 90 applications can be justified.

From our preliminary assessment, it would be possible to move towards a system which recovers 100% of the additional costs identified for BC from users. This would require an increase in fee levels by a factor of just under 3 (depending on decisions about the inspection regime) and if comparable staffing ratios for professional and administrative staff to those in the U.K. were introduced. The current BC fee levels would need to be increased by a factor of 1.49 to recover 50% of the additional staff costs and associated costs.

Building control is of public benefit but much less than planning control and in principle 100% cost recovery can be justified. A radical increase in fee levels would still be controversial and fee structures would need to be adjusted to load fees on to larger developments. One way in which this could be done would be to introduce separate fees for inspections, allied to our proposal for 'inspection plans' for larger applications.

7.6 ADMINISTRATION STAFFING REQUIREMENTS

Our conclusions are that Jersey has significantly fewer planning and BC administrative staff than comparable U.K. authorities. Measured by number of applications, this would justify 4 additional administrative staff for planning and 4 for BC existing workloads.

The introduction of the Island Planning and Building Law would require a further 3 administrative staff, primarily to support the appeals team. Over and above this, technician support for the computer system and GIS might justify 1 further full-time appointment.

7.7 STAFFING REQUIREMENTS FOR THE ISLAND PLAN AND HISTORIC BUILDINGS TEAMS

The Strategic Review of the Planning and Environment Committee, presented in September 1999, recommended a number of new posts within the Island Plan and Historic Building Teams. We stand by our recommendations that the following posts are important to improve the effectiveness and efficiency of these two teams:

- a qualified lawyer or legal assistant dedicated to Planning and Building Services;
- an additional member of the Island Plan team; and
- an archaeologist.

Annex A

Spreadsheets supporting the Building Control Analysis in Sections 4, 5 and 6

Annex B

Building Control Inspections in Benchmark Authorities

[1] Planning and Development Statistics, 2000, CIPFA.
[2] Development Control Statistics, England 2000/01, DTLR.
[3] DTLR, ‘Planning: Delivering a Fundamental Change’, December 2001, Page 36.
[4] The Building (Local Authority Charges) Regulations 1998, paragraph 5.
[5] On the basis of 37 hours/week and 200 working days/year.