

Mid-Year Chief Officer Report

Report Author: Chief Officer – Planning and Environment

Report Date: November 2014

Report Period: April to September 2014

Introduction

The Chief Officer report is produced on a half yearly basis and provided to Cabinet Members for review and assurance focusing on the 'business as usual'. The reports are provided for Overview and Scrutiny Committees as part of their Forward Work Programmes. Chief Officer reports compliment the Improvement Plan monitoring reports.

Chief Officer reports are exception reports which summarise the key information Members should be aware of, including both good and poor performance. Emerging issues / operational risks are also detailed. The reports are split into three distinct sections: -

1. Performance Overview - this section is used to give an overview of the progress being made towards delivery of key plans for the services which include those Improvement Priorities which do not have an in year focus i.e. these are not reported within the quarterly Improvement Plan monitoring. It is also used to highlight good news and key issues (including operational risks) arising. In addition, summary progress is given for key projects and collaborative areas of work.

2. Internal and External Regulatory Reports - this section summarises regulatory work reported in the half year and its outcomes and intended actions arising from recommendations.

3. Corporate Reporting - this section summarises the performance in relation to corporate issues i.e. Sickness absence, Complaints

Plus supporting appendices: -

Appendix 1- Performance Indicators - summary table of the key performance indicators used to manage the services. In addition, any NSI and PAM (statutory PIs) reported by the services are included.

Appendix 2 - High level (red) operational risk detail - completed full risk templates for those risks currently assessed as high (red).

Section 1 - Performance Overview

This report is the first of its kind for the Planning and Environment portfolio which was formed in June 2014.

This report covers the following functional areas:

- Planning Strategy
- Development Management
- Public Protection
- Environment and Countryside
- Minerals and Waste Planning

Areas of Positive Performance

Planning Strategy (comprising LDP team and Built Conservation)

During the first half of the year the team: -

- Completed the LDP call for candidate sites process in May 2014, receiving almost 700 separate submissions for sites to be considered as part of the plan process.
- Has had a key role in good the progress made in implementing the Flint Master plan, and particularly in relation to the feasibility of proposals for a new Health Centre and Extra Care development.
- Have been instrumental in suggesting and commissioning a feasibility and development market assessment for Connah's Quay precinct both to inform the Vibrant and Viable Places project, and also to assist in developing the ongoing regeneration strategy for the area. Discussions between planning, regeneration and a Property Investment company interested in the precinct are ongoing.
- Have been and continue to work with Welsh Government and the Deeside Enterprise Zone Board to produce a Local Development Order (LDO) for the Enterprise Zone, that will assist in streamlining the process of securing planning consents for development and inward investment. Welsh Government have agreed to fund essential specialist consultancy work.
- Issued a final draft Gwaenysgor Conservation Area Appraisal to the community, having worked closely with the community via various public engagement exercises to listen to local views and then prepare this document. It will now seek approval to put in place an Article 4 direction which provides the statutory backing to enforce the appraisal in future.
- Has supported other teams in the Council on the following projects:
 - Northern Gateway;
 - Crematoria applications;
 - Applications for new food retail development (Sainsburys Mold, Aldi Broughton and Buckley);
 - Flint Medical Centre and Extra Care Facility;
 - Connah's Quay Precinct;
 - Deeside Solar Farm;
 - Provision of Affordable Housing;
 - SHARP Housing Programme;

- Have made important interventions in relation to proposed developments or unauthorised works relating to listed buildings, which include
 - Y Fferm, Pontblyddyn (proposed internal alterations to Grade I manor house)
 - Siamber Wen, Trelawnyd (Grade II house which is derelict and tied up in ownership and probate issues, but now on the market for sale)
 - Pen y Cefn, Cilcain (Important unaltered example of a Grade II farmhouse structurally at risk)
 - Plas Uchaf, Mostyn (Unauthorised major works by Mostyn Estates to an important Grade II* house which requires significant remediation and which may still lead to prosecution)
- Assisted highways strategy colleagues with recent refresh of Regional Transport Plan priorities for Flintshire.

Development Management

- Maintaining performance against the performance indicators and the level of public and customer service over the period of transition to the new portfolio has been challenging, but staff have adapted to the changes required and to the more flexible approach and new roles and duties which have been asked of them.
- The challenge has been heightened by the growing number of applications received within the half year; 676 applications received and 610 determined. This compares to 592 applications received over the corresponding period last year. This partly reflects a perceived increase in activity in the building industry, with a number of residential development sites now being active and partly the new procedure brought in by Welsh Government (WG) for dealing with non material amendments following the granting of planning permission.

Public Protection

- Environmental Crime – 139 Fixed Penalty Notices for environmental crime offences have been issued during Q1 and Q2. 3 successful prosecutions have taken place with 8 cases yet to be heard in Court.
- Trading Standards – Internal alerts, Face book and Twitter communications have been made to alert consumers to current scams.
- Three successful prosecutions have been undertaken in Trading Standards and Animal Health relating to possession and supply of counterfeit and illicit tobacco and cigarettes, the supply of counterfeit clothing and for breaches of animal health regulations relating to keeping records of sheep and cattle and failure to dispose of animal bi-products. In each case the defendants were fined or given a community sentence and costs awarded to the authority.
- Continued good performance against High risk and new Business inspections in Food Safety, Food Standards and Animal Health which are currently on track to meet end of year targets.

Minerals and Waste (Shared Service for North Wales)

- **Renew Service Level Agreement for the Service.**
All partner authorities, with the exception of Wrexham, have retained membership of the partnership and, for 2014/15, will largely continue with the existing structure and funding model, but on an annual renewal basis due to uncertainties of individual authority budget provision, and planning reforms arising from the emerging Planning Bill.
- **Renewal of Welsh Government Contract for the Secretariat of the North Wales Regional Aggregate Working Party.** This contract has been renewed, but on an annual basis rather than a fixed term of 4 years as was previously the case. This contract provides surveys and a forum for local government and industry to monitor aggregate sales and reserves across the region. It continues to assist with the funding provision for the Service.

Environment and Countryside

Grant aid programmes (all currently on target):

- Heritage Lottery – Wepre Park
Visitor Centre & Taliesin School – Sections have been clad utilising Wepre larch.
Access and garden improvements, Ohcastle purchase and visitor centre extension.
- Heritage Lottery – Halkyn Lead and Lime heritage
3 remaining limekilns to be restored, community archaeology week
- Rural Development Plan – Celebrating Flintshire Heritage
Works to enhance visits along the coast,
- Rural Development Plan – Halkyn Heritage
Interpretation, Website, audio and film production
- Rural Development Plan – Traditional boundaries – Hope Mountain
Dry stone walling improvements at Waun-y-Llyn
- Rural Development Plan - Saltney sense of place
Improved landscaping, footpath and interpretation works
- Rural Development Plan - Bee Co-operative project
Wildflower seeds, bulbs, trees and shrubs planting on School (6) Leisure (16) Countryside (2) sites
- Tidy Towns – Education area – Wepre Park
- Tidy Towns – Taliesin nature area - Shotton

Events Held:

- Countryside events and education programme delivered for the first six months of the year
- Biodiversity Week – shared events in NE Wales, one at Loggerheads and one “Bugfest” at Wepre.
- Flint & Denbigh Show Biodiversity Stand received a 3rd prize for the “enthusiastic staff and varied content”. Countryside in main FCC tent.
- CADW Archaeological Dig – Hen Caerwys. 4th Successive year (2011, 2012, 2013 and 2014). Site artefacts discovered from Medieval Settlement.

Areas of Concern

Planning Strategy

- Introduction of the new Planning Bill in 2015 and the prospect of unnecessary Ministerial intervention in the LDP process, including the prospect of enforcing work on a joint LDP with Wrexham.
- Negative implications of changes to Welsh Government National policy – Planning Bill and status of UDPs for decision making post plan expiry. Introduction of revised TAN1 as proposed - “no” housing land supply; level of WG plan process scrutiny compared with the lack of WG North Wales resources to genuinely support the process.
- Lack of preparedness for implications of the Heritage Bill:
 - Current approach to built heritage conservation – local and collaboratively in N Wales – need to be more proactive.
 - Significant number of Listed and Locally Important Buildings at Risk.
 - No budget or grants to support use of statutory powers.
- Departure of affordable housing officer and potential to redefine this post.

Development Management

- Ability to maintain service performance in light of budgetary pressures and increasing growth in the development sector.
- Ability to secure the full advantages of agile and mobile working due to incompatibility of software.

Public Protection

- Upturn in development growth placing burden on Building Control staffing resource.

Minerals and Waste Shared Service for North Wales

- Potential review of the partnership agreement and arrangements for delivery of the shared service which Flintshire is the lead authority for.

Environment and Countryside

- The provision of inconsistent advice from NRW in relation to protected species. Discussions are ongoing with NRW staff to investigate this.
- Ash dieback – still a threat but recent suspected incidents attributed to drought conditions with 2013 and 2014 having below average summer rainfall.
- Phytophthora - A55 larch removed from carriageway embankment, WG land adjacent to Northop College.

Improvement Plan (none in year priorities)

Planning Strategy

- Pursue development of the Local Development Plan – updates are regularly reported to Planning Strategy Group.

Key Projects

Planning Strategy

- Local Development Plan to be progressed in accordance with Delivery Agreement
- Local Heritage Strategy

Environment and Countryside

- Flintshire Coast Park Prospectus - endorsed by Planning Strategy Group and is being presented to Cabinet in the autumn.

Collaboration / Partnership Working

Planning Strategy

- The team has secured economies of scale jointly procuring background studies to support the LDP with officers from Wrexham CBC including:-
 - Housing market assessment
 - Employment Land Review
 - Flood Consequences Assessment (with NRW)
- Working with Welsh Government in relation to Enterprise Zone projects – Local Development Order; Deeside Power Supply Study.
- Good working relationship with local Cadw inspectors.
- Recently attended Deeside GPs cluster meeting to discuss planned housing developments and impacts on GPs lists.

Development Management

- Following the publication of the Welsh Government commissioned Williams report, Flintshire County Council and Wrexham CBC have been identified as potential collaborative partners, possibly leading to the amalgamation of the two Authorities.
- From a planning perspective (Policy and DM), a series of WG led meetings have been held to set a tentative programme and identify those areas where progress on collaborative working can be made. With regards to DM the first stage will be an independent carried out benchmarking exercise which will examine existing staffing levels and procedures.

Public Protection

- Collaborative projects for Trading Standards and Environmental Health and Licensing across North Wales are working to the development plans which were established at the beginning of the year.
- A successful bid was made to the Food Standards Agency for funding of £24,750 to undertake sampling of raw mince, raw meat, raw fish, nut powders and sauces and seasonings across North Wales and this work is currently underway across the six authorities.
- The development of a North Wales Trader Approval Scheme is at an advanced stage and frameworks for sharing intelligence across the region are being developed. During the first six months authorities have coordinated work in relation to rogue trader week and door step crime and have started work on product safety and counterfeit.
- The collaboration project for Environmental Health and Licensing is not as advanced as the Trading Standards project as this was only commenced this year. Work is being undertaken to establish potential areas for collaboration and current identified areas include air quality, contaminated land, permitting, business support, pest control, licensing fees and policies.

Environment and Countryside

Over Quarters 1 and 2 a number of events have been delivered through collaboration and partnership:

- The Alyn & Wheeler valley, a Bionet partnership project successfully received funding from WREN, to undertake habitat restoration
- Community planting day at Treuddyn with Keep Wales Tidy and Clwyd Alyn Housing Association received good publicity and thanks from Clwyd Alyn.
- The 8th Big Dee Day was celebrated with outstanding work across the region on positive action along the River Dee
- Big Dee Day – the Invasion, Partnership project involving River Dee catchment, statutory and non-statutory organisations
- Halkyn Partnership continues at strength to maintain the work of the Ranger and enable further funding to be secured, Grosvenor Estate, NRW, Graziers, Quarries
- Successful partnership at Saltney has attracted over £75K of funding to enhance the river side with improvements to footpaths, landscaping, art and interpretation. Saltney Community Council, NRW, RDP
- A partnership with Amphibian Reptile Conservation has enabled a ranger to be employed to improve Flintshire protected sites for the Great Crested newt
- Flintshire biodiversity, ENi, NRW, ARC and Chester zoo have undertaken a 2nd release of Sand lizards at Talacre
- Flintshire Denbighshire and Wrexham have agreed on the governance of the AONB to be through a Joint Council. Appointed members will meet in November.

Summary of Operational Risks (from the above sections)

Risk Type	Risk Ref. and Description	Net Risk Score	Risk Trend	Target Risk Score & Date
Operational	Delivery of LDP	A	↔	A
Operational / Collaboration	Legislative Changes	G	↔	G
Operational	Capacity of service to deliver changes required by Heritage Bill	A	↔	A
Operational	Vacant affordable housing officer post	A	↔	G 2015/16
Operational	Maintaining performance in face of reduced staffing levels	A	↔	A
Operational	Management of development of new IT systems to support service delivery	A	↑	A 2015/16
Operational	Upturn in building trade and downturn in staffing in Building Control affecting service delivery and performance (Downturn in performance for KPI's during Q1 and Q2)	A	↑	A 2015/16
Operational	Vacancy of Corporate H&S advisor since May 2014, coupled with loss of Asst H&S advisor in September 2014 due to officer leaving the Authority. Impact on service delivery and support for new Portfolio areas.	A	↔	G 2015/16

Section 2 - Internal and External Regulatory Reports

Report: EN0080U1 Internal Audit Pest Control Service

Date Finalised: October 2014

Conclusion: Some Assurance

Recommendations: 0x High, 5 x medium , 5 x low

Summary

Taking account of the issues identified, whilst Management can take some assurance that the controls upon which the organisation relies to manage this area are suitably designed, consistently applied and effective, action needs to be taken to ensure risks in this area are managed.

Report: Report on the Food and Feed Law Enforcement Service

Flintshire County Council 28 October – 1 November 2013

Date Finalised: September 2014 (published on FSA website)

Conclusion: Some assurance

Recommendations: 6 x Strengths and 4 x Key areas of improvement identified

Summary: The report was generally favourable of the work undertaken in the Food Service as illustrated by the number of Strengths identified in the audit and management can take reassurance from this finding. A key area for improvement related to Feed control and an Action Plan, which is currently being implemented has been developed to address these concerns.

Section 3 - Corporate Reporting

List the Equalities and Welsh Language Impact Assessments: -

(1) Started/Work in Progress

(2) Completed

during the period (April – September 2014)

None required

List the work areas / functions where diversity of customers are monitored

Reception visitors

Planning applicants

Appendix 1 - Performance Indicators

Key

R	Target significantly missed or likely to be missed by a significant margin
A	Target missed or likely to be missed but within an acceptable level
G	Target achieved / exceeded or on track to be achieved / exceeded

The RAG status of the indicators for the half year position are summarised as follows: -

R	0	A	4	G	1
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Note 1 – NSI = National Statutory Indicator PAM = Public Accountability Measure

Note 2 – Change (Improved / Downturned) is based on comparison with the previous reporting period. Where it is more appropriate to compare performance with the same period in the previous year this should be stated in the commentary.

Indicator	NSI / PAM (Note 1)	Annual Outturn 2013/14	Annual Target 2014/15	Mid-Year Outturn 2014/15	RAG	Change e.g. Improved / Downturned (Note 2)	Commentary
PLA/004b: The percentage of minor planning applications determined during the year within 8 weeks	Local	62.05%	66%	57.97%	A	Downturned	Under the latest WG PI's Minor and Householder applications are combined within a redefined 'Minor' category with a target of 8 weeks. The new indicator will be reflected in future reports. (Under the new combined PI, half yearly performance is 75.46%)
PLA/004c: The percentage of householder applications determined within 8 weeks	Local	92.46%	91%	89.17%	A	Downturned	(See comment above)

Indicator	NSI / PAM (Note 1)	Annual Outturn 2013/14	Annual Target 2014/15	Mid-Year Outturn 2014/15	RAG	Change e.g. Improved / Downturned (Note 2)	Commentary
PLA/003: The percentage of Planning Appeals determined during quarter which uphold the Authority's decision	Local	73.53%	66%	58.33%	A	Downturned	Results are volatile in view of relatively small denominator/numerator
PLA/005: The percentage of Enforcement cases resolved within 12 weeks	Local	77.85%	73%	72.43%	A	Downturned	Over the last few quarters performance has been consistent against the target but there are a significant number of cases carried over from the previous period (329). It is recognised that these need to be cleared to give a more accurate picture of performance in Enforcement.
PLA 006b: The percentage of additional affordable housing units provided during the year as a percentage of all additional housing units provided during the year.	NSI	22.44%		N/A	N/A	N/A	Reported Annually

Indicator	NSI / PAM (Note 1)	Annual Outturn 2013/14	Annual Target 2014/15	Mid-Year Outturn 2014/15	RAG	Change e.g. Improved / Downturned (Note 2)	Commentary
PPN 009: The percentage of food establishments which are 'broadly compliant' with Food Hygiene standards	PAM	85.7%	80%	94%	G	Improved	<p>In error, this figure has been incorrectly reported in the past in that we have included unrated premises and therefore Flintshire's figure for this indicator has appeared lower than it actually should. The PAM clearly states, so that the figure is calculated the same way the FSA do it, that unrated premises and Outside the programme etc are not to be included in the denominator. This has now been done.</p> <p>However, in order to be transparent, the report has also been produced "the old way" which gives a figure of 87.7% which shows there has been an improvement that is not just attributable to a different way of running the reports.</p>