

My ref: p&t/HP

31 August 2004

Ms Carol Moore  
Office of the Deputy Prime Minister  
Local Government Quality and Performance  
5 / A4, Eland House  
Bressenden Place  
London  
SW1E 5DU

*As e-mailed to: [consultation.bypi2005-6@odpm.gsi.gov.uk](mailto:consultation.bypi2005-6@odpm.gsi.gov.uk)*

Dear Ms Moore

### **BEST VALUE PERFORMANCE INDICATORS 2005/06**

I refer to Jonathan Bramhall's letter of 6 July enclosing your consultation paper. The Chartered Institute welcomes the continuing evolution of the suite; while too many indicators or too frequent changes can increase the administrative burden, too few, or an unbalanced suite, undermine the purpose of the Best Value regime both by failing to reflect fully what local authorities do (and have to "juggle") and by skewing resources away from under-represented areas of work.

This has been noticeably true in the case of environmental health services which to date have been represented only by BV 166. Though the current proposals include two new indicators (X20 and X22) relevant to our discipline (and to which this response is confined), they are not sufficient to redress that problem however. Indeed, they bring it contrarily only into greater focus, thus while we welcome indicators for contaminated land and local air quality in principle, they highlight even more the lack of indicators for activity in the private sector housing field, for example, or in neighbourhood noise control, the topic which generates more public complaints to local authorities than any other.

Suggesting a lack of strategy, this is not simply illogical but just as environmental health services have struggled locally for status and resources for want of the corporate attention indicators bring, it runs the real risk of impoverishing the areas mentioned even further as departmental priorities tend, naturally, to reflect the new indicators. If it is too late to redress this imbalance this year, we ask that their introduction be deferred so that consideration can be given to doing so next.

That said, if these indicators are to be introduced this year, we have some detailed reservations about them too. These might have been minimised had they been the subject of the usual informal consultation before being published.

BV(X20) – Liveability - Percentage of pollution control improvements completed during the year

This is an area of significant activity for many local authorities with importance for residents in their districts and wider a-field as well as for the businesses being regulated. We believe it is currently under-resourced.

The distribution of prescribed processes is very uneven however, both by type and number. Some local authority areas have many, many have few but the numbers and types will both vary over time in addition as businesses come and go. Changes in their operations in the meantime complicate the picture further, moreover Guidance Notes are subject to periodic (but in practice irregular) review, the timescales for achieving improvements are often multiplicitous, imprecise and sometimes long-term, and if not met voluntarily are subject to inevitable enforcement delays. The indicator would appear to penalise this though it is part of an authority's legitimate function. For all these reasons consequently, it is difficult to see how this indicator can provide a sensible comparison between authorities or a meaningful reflection of performance over time for any particular authority.

We are also concerned that up-grading is more resource intensive and hence more expensive for local authorities than other aspects of this area of regulation; whereas a sizeable proportion report that they already operate at a loss, income from fees not meeting their costs, they are likely to claim that this indicator will make things worse.

We recommend further thought be given to an indicator reflecting the local proportion of processes/installations complying fully with the current conditions of their permits/authorisations. This would more fully reflect the outcome local authorities are charged with achieving and would, of course, encompass the improvements your draft concentrates on.

BV(X22) – Liveability – Percentage of LA area inspected for contaminated land during the year

This too is an area of work currently of some importance to local authority environmental health departments which, not least because of the technical challenges and the slow generation of key guidance by the Environment Agency, have so far made less progress than perhaps expected. As with local air quality, however, (in many local authorities the responsibility of the same handful of specialist staff), we believe it is under-resourced and the situation differs markedly between authorities' districts.

While there is currently no clear picture of the quantity of contaminated land throughout the country, whether by total area or the number of individual sites (ranging from redundant gas works of many hectares to single back gardens of a few square meters) there would appear to be no way to set a common baseline for this indicator; there is no way statistically to normalise the need for detailed investigations between authorities and those whose desktop research revealed few potential sites would appear to race ahead of those which found more and had then to overlay consideration of potential receptors and investigate, even cursorily, the possibility of linkages between them. Investigating a number of large sites would also give a different result to investigating the same number of small sites though more investigatory effort may, in fact, be required in the latter case.

Our members also tell us that in practice, this investigatory phase is liable to interruption by the discovery of sites requiring formal determination and the treatment of those; these cannot be ignored yet they take up the resources which would otherwise be progressing the investigation programme. The proposal moreover gives no credit to those authorities which were active in this field before the introduction of Part IIA.

While we approve of trying to include some measure of land subject to investigation under the planning regime too, looking at the problem of contaminated land more holistically than simply through the enforcement regime, nevertheless land not warranting assessment is not an output of any local authority activity, let alone an outcome (which PI's ideally should be), local authorities being largely passive in investigations under the planning regime.

We recommend that further thought is given to an indicator centred on the proportion of contaminated sites remediated. As a shared objective of both the planning and Part IIA regimes this would satisfy the desire for a corporate outcome measure while basing it on the number of sites actually contaminated would bring some comparability between authorities, albeit that this figure may take some time to establish for many of them.

The Chartered Institute sponsors the recently-formed Standing Conference on Land Contamination which is providing more detailed comments on this latter proposed indicator under separate cover.

I hope these comments assist.

Yours sincerely

Howard Price  
Principal Policy Officer