
STATUTORY INSTRUMENTS

2005 No. 598

**The Local Government (Best Value) Performance Indicators
and Performance Standards (England) Order 2005**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government (Best Value) Performance Indicators and Performance Standards (England) Order 2005 and shall come into force on 1st April 2005.

(2) In this Order—

“the Act” means the Local Government Act 1999;

“DEFRA” means the Department for the Environment, Food and Rural Affairs;

“DETR” means the Department of the Environment, Transport and the Regions;

“ODPM” means the Office of the Deputy Prime Minister;

“development” has the same meaning as in section 55 of the Town and Country Planning Act 1990⁽¹⁾;

“disabled person” has the same meaning as in section 1 of the Disability Discrimination Act 1995⁽²⁾;

“ethnic minority communities” means communities which are composed of people from any of the following ethnic backgrounds: Caucasian and Black African, Caucasian and Black Caribbean, Caucasian and Asian, any other mixed race background, Indian, Pakistani, Bangladeshi, any other Asian background, Black Caribbean, Black African, any other Black background, Chinese.

“fire and rescue authority” means a fire and rescue authority within the meaning of section 1 of the Fire and Rescue Services Act 2004⁽³⁾;

“highway authority” has the meaning as in section 1(2) and (3) of the Highways Act 1980⁽⁴⁾;

“intentionally homeless” has the meaning as in section 191 of the Housing Act 1996⁽⁵⁾;

“major planning application” means a planning application for development involving any one of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where—
 - (i) the number of dwelling-houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);

(1) 1990 c. 8; section 55 was amended by the [Planning and Compensation Act 1991](#) c.34, sections 13(1), (2), 14, 31, 84, Schedule 6, paragraph 9, Schedule 19, Parts 1 and 2 and the [Planning and Compulsory Purchase Act 2004](#) c. 5, section 49(1).

(2) 1995 c. 50.

(3) 2004 c. 21.

(4) 1980 c. 66; section 1(2) and (3) were amended by the [Local Government Act 1985](#) c. 51, section 8, Schedule 4, paragraph 1.

(5) 1996 c. 52.

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

“minor planning application” means a planning application that is neither a major nor an other planning application;

“other planning application” means the following planning applications: mineral application other than those which are classed as major applications, consents to alter, householder developments, change of use of a building, advertisements, extensions or demolition of listed buildings, conservation area consents;

“port health authority” is an authority or board constituted as a port health authority by an order under section 2 of the Public Health (Control of Disease) Act 1984⁽⁶⁾;

“principal council” means a council elected for a principal area as defined in section 270 of the Local Government Act 1972⁽⁷⁾;

“priority need for accommodation” has the meaning given in section 189 of the Housing Act 1996;

“unitary council” means a district council or a county council which is the sole principal council for its local government area;

“waste authority” means a waste collection authority or a waste disposal authority;

“waste collection authority” has the same meaning as in section 30(3) of the Environment Protection Act 1990⁽⁸⁾;

“waste development” means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, storing, processing or disposing of refuse or waste materials;

“youth work” means a service providing activities for young people directly funded by a local authority.

(3) In this Order—

(a) a reference to a numbered indicator or standard in a particular Schedule is to the indicator or standard so numbered in column 1 of that Schedule and which is described in column 2 of that Schedule;

(b) a reference to a numbered Schedule is a reference to the Schedule to this Order bearing that number.

Application

2. This Order applies to best value authorities in England, except police authorities.

General corporate health performance indicators

3.—(1) The performance of the best value authorities specified in paragraph (2), in exercising all of their functions, shall be measured by reference to indicators 1 to 12 in Schedule 1.

(2) The best value authorities specified for the purposes of paragraph (1) are —

(a) district councils;

(b) the Council of the Isles of Scilly;

⁽⁶⁾ 1984 c. 22.

⁽⁷⁾ 1972 c. 70.

⁽⁸⁾ 1990 c. 43.

- (c) London borough councils;
- (d) the Common Council of the City of London, in its capacity as a local authority; and
- (e) county councils which are unitary councils.

(3) The performance of the best value authorities specified in paragraph (4), in exercising all of their functions, shall be measured by reference to indicators 1,2, and 5 to 12 in Schedule 1.

(4) The best value authorities specified for the purposes of paragraph (3) are—

- (a) the Greater London Authority;
- (b) Transport for London;
- (c) the London Development Agency; and
- (d) county councils which are not unitary councils.

(5) The performance of National Park authorities and the Broads Authority, in exercising all of their functions, shall be measured by reference to indicators 1, 2 and 6 to 12 in Schedule 1.

(6) The performance of fire and rescue authorities, in exercising all of their functions, shall be measured by reference to indicators 1, 2,5,6,8,9,10 and 12 in Schedule 1.

(7) The performance of waste disposal authorities established under section 10 of the Local Government Act 1985(9), in exercising all of their functions, shall be measured by reference to indicators 2 and 5 to 12 in Schedule 1.

(8) The performance of metropolitan county passenger authorities, in exercising all of their functions, shall be measured by reference to indicators 1, 2 and 5 to 10 of Schedule 1.

Performance indicators for education

4.—(1) The performance of the best value authorities specified in paragraph (2), in exercising their education functions, shall be measured by reference to the indicators in Schedule 2.

(2) The best value authorities specified for the purposes of paragraph (1) are—

- (a) county councils;
- (b) the Council of the Isles of Scilly;
- (c) the Common Council of the City of London in its capacity as a local authority;
- (d) London borough councils;
- (e) metropolitan district councils; and
- (f) non-metropolitan councils which are unitary councils.

Performance indicators for the health and social care of children

5.—(1) The performance of the best value authorities specified in paragraph (2), in exercising their functions in relation to the health and social care of children, shall be measured by reference to the indicators in Schedule 3.

(2) The best value authorities specified for the purposes of paragraph (1) are—

- (a) county councils;
- (b) the Council of the Isles of Scilly;
- (c) the Common Council of the City of London in its capacity as a local authority;
- (d) London borough councils;
- (e) metropolitan district councils; and

(9) 1985 c. 51.

- (f) non-metropolitan councils which are unitary councils.

Performance indicators for the health and social care of adults

6.—(1) The performance of the best value authorities specified in paragraph (2), in exercising their functions in relation to the health and social care of adults, shall be measured by reference to the indicators in Schedule 4.

- (2) The best value authorities specified for the purposes of paragraph (1) are—
 - (a) county councils;
 - (b) the Council of the Isles of Scilly;
 - (c) the Common Council of the City of London in its capacity as a local authority;
 - (d) London borough councils;
 - (e) metropolitan district councils; and
 - (f) non-metropolitan councils which are unitary councils.

Performance indicators for housing and housing related services

7.—(1) The performance of the best value authorities specified in paragraph (2), in exercising their functions in relation to housing and housing related services, shall be measured by reference to the indicators in Schedule 5.

- (2) The best value authorities specified for the purposes of paragraph (1) are—
 - (a) the Council of the Isles of Scilly;
 - (b) the Common Council of the City of London in its capacity as a local authority;
 - (c) London borough councils;
 - (d) district councils; and
 - (e) county councils which are unitary councils.

(3) For the purposes of the indicators specified in Schedule 5 “residential accommodation” includes caravans, mobile homes and houseboats.

Performance indicators for homelessness

8.—(1) The performance of the best value authorities specified in paragraph (2), in exercising their functions in relation to dealing with homelessness, shall be measured by reference to the indicators in Schedule 6.

- (2) The best value authorities specified for the purposes of paragraph (1) are—
 - (a) the Council of the Isles of Scilly;
 - (b) the Common Council of the City of London in its capacity as a local authority;
 - (c) London borough councils;
 - (d) district councils; and
 - (e) county councils which are unitary councils.

Performance indicators for housing benefit and council tax benefit

9.—(1) The performance of the best value authorities specified in paragraph (2), in exercising their functions in relation to housing benefit and council tax benefit, shall be measured by reference to the indicators in Schedule 7.

- (2) The best value authorities specified for the purposes of paragraph (1) are—
- (a) the Council of the Isles of Scilly;
 - (b) the Common Council of the City of London in its capacity as a local authority;
 - (c) London borough councils;
 - (d) district councils; and
 - (e) county councils which are unitary councils.

Performance indicators for waste and cleanliness

10.—(1) The performance of waste disposal authorities(**10**) in exercising all of their functions shall be measured by reference to indicators 1 to 5 and 7 in Schedule 8.

(2) The performance of waste collection authorities in exercising all of their functions shall be measured by reference to indicators 1, 2,5,6,8 and 9 in Schedule 8.

Performance standards for waste authorities

11.—(1) A waste authority which is not specified in Schedule 10 and which achieved, in the financial year beginning on 1st April 1998, a recycling and composting rate specified in column (1) of Schedule 9 shall, in relation to indicators 1 and 2 in Schedule 8 (taken together), meet for the financial year beginning on 1st April 2005 the standard specified in column (2) to that Schedule.

(2) For the purposes of this article, the recycling and composting rate for a waste authority is that which is set out for the authority in the document published by the DETR entitled “Guidance on Municipal Waste Management Strategies”(11); and an authority which is stated in the document to have failed to supply to DEFRA adequate details of the recycling and composting rates is treated for the purposes of paragraph (1) of this Article and Schedule 9 as having a recycling and composting rate of 13% or more.

Performance standards for specific waste authorities

12. The waste authorities specified in column (1) of Schedule 10 shall, in relation to indicators 1 and 2 of Schedule 8 (taken together), meet, for the financial year beginning on 1st April 2005, the standard specified in column (2) to Schedule 10.

Performance indicators for transport

13.—(1) The performance of best value authorities specified in paragraph (2), in exercising their transport functions, shall, subject to paragraph (3), be measured by reference to all the indicators in Schedule 11.

- (2) The best value authorities specified for the purposes of paragraph (1) are —
- (a) county councils;
 - (b) the Common Council of the City of London in its capacity as a local authority;
 - (c) non-metropolitan district councils which are unitary councils; and
 - (d) Council of the Isles of Scilly.

(3) The performance of metropolitan district councils, in exercising their transport functions, shall be measured by reference to indicators 1 to 9 in Schedule 11.

(10) As defined in section 1(5) of the Local Government Act 1999 c. 27.

(11) “Municipal Waste Management Strategies” was published by the DETR on 5 March 2001. The document is available at www.defra.gov.uk/environment/waset/management/guidance/mwms/10.htm.

(4) The performance of Transport for London, in exercising its transport functions, shall be measured by reference to indicators 1 and 3 to 9 in Schedule 11.

(5) The performance of London borough councils in exercising their transport functions shall be measured by reference to indicators 1 to 4 and 6 to 9 in Schedule 11.

(6) The performance of metropolitan county passenger transport authorities in exercising their transport functions shall be measured by reference to indicator 5 in Schedule 11.

Performance indicators for the environment, environmental health and trading standards

14.—(1) The performance of best value authorities specified in paragraph (2), in exercising their functions relating to the environment, environmental health, and trading standards, shall be measured by reference to all the indicators in Schedule 12.

(2) The best value authorities specified for the purposes of paragraph (1) are —

- (a) the Common Council of the City of London in its capacity as a local authority;
- (b) London borough councils;
- (c) district councils; and
- (d) county councils which are unitary councils.

(3) The performance of county councils which are not unitary councils and the Council of the Isles of Scilly, in exercising their functions relating to the environment, environmental health and trading standards, shall be measured by reference to indicators 1 to 3 in Schedule 12.

(4) The performance of port health authorities, in exercising their functions relating to the environment shall be measured by reference to indicator 2 in Schedule 12.

Performance indicators for planning

15.—(1) The performance of the best value authorities specified in paragraph (2), in exercising their planning functions, shall be measured by reference to the indicators in Schedule 13.

(2) The best value authorities specified for the purposes of paragraph (1) are —

- (a) the Council of the Isles of Scilly;
- (b) the Common Council of the City of London in its capacity as a local authority;
- (c) London borough councils;
- (d) district councils; and
- (e) county councils which are unitary councils.

(3) The performance of the Broads Authority and the National Park authorities, in exercising their planning functions, shall be measured by reference to indicators 1, 2 and 4 to 6 in Schedule 13.

(4) The performance of county councils which are not unitary councils, in exercising their planning functions, shall be measured by reference to indicators 2 and 4 in Schedule 13.

Performance standards for major planning applications

16.—(1) The best value authorities specified in paragraph (4) shall, in relation to indicator 2(a) (major applications) in Schedule 13, meet the standard in paragraph (2).

(2) During the financial year, the authority shall determine 57 percent of major planning applications within a period of thirteen weeks, beginning on the day immediately following the date on which a valid application is received by the authority.

(3) For the purposes of this article and articles 17 and 18 —

- (a) an application is deemed to be determined on the date on which a decision in request of the application is dispatched to the applicant; and
- (b) a “valid application” means an application that the authority does not consider to be invalid by reason of a failure to comply with the requirements of regulation 3 of Town and Country Planning (Applications) Regulations 1988(12), article 4 of the Town and Country Planning (General Development Procedure) Order 1995(13) or any other statutory requirement.
- (4) The best value authorities specified for the purposes of paragraph (1) are—
- Bassetlaw District Council;
 - Bath & NE Somerset Council;
 - Berwick-upon-Tweed Borough Council;
 - Blyth Valley Borough Council;
 - Bradford Metropolitan District Council;
 - Burnley Borough Council;
 - Cambridge City Council;
 - London Borough of Camden;
 - Chesterfield Borough Council;
 - Colchester Borough Council;
 - Cotswold District Council;
 - Derby City Council;
 - Derwentside District Council;
 - Doncaster Metropolitan Borough Council;
 - Dudley Metropolitan Borough Council;
 - East Hertfordshire District Council;
 - East Northamptonshire District Council;
 - East Staffordshire Borough Council;
 - Ellesmere Port and Neston Borough Council;
 - Fenland District Council;
 - Harrogate Borough Council;
 - London Borough of Havering;
 - Hertsmere Borough Council;
 - Kirklees Metropolitan Council;
 - Luton Borough Council;
 - Maldon District Council;
 - Melton Borough Council;
 - Mid Devon District Council;
 - Mid Suffolk District Council;
 - North Dorset District Council;
 - Northampton Borough Council;
 - Nuneaton & Bedworth Borough Council;

(12) S.I.1988/1812; regulation 3 was amended in relation to England by S.I.2003/956.

(13) S.I. 1195/419; article 4 was amended in relation to England by S.I. 2003/956.

Oxford City Council;
Peterborough City Council;
Plymouth City Council;
Preston City Council;
Redditch Borough Council;
Rugby Borough Council;
Scarborough Borough Council;
Selby District Council;
Slough Borough Council;
South Cambridgeshire District Council;
South Gloucestershire Council;
South Oxfordshire District Council;
South Somerset District Council;
Southampton City Council;
London Borough of Southwark;
Stevenage borough Council;
Stroud District Council;
Suffolk Coastal District Council;
London Borough of Sutton;
Test Valley Borough Council;
Torridge District Council;
Trafford Metropolitan Borough Council;
Uttlesford District Council;
Walsall Metropolitan Borough Council;
London Borough of Wandsworth;
Waverley Borough Council;
Wealden District Council;
Welwyn Hatfield District Council;
West Berkshire Council;
Winchester City Council;
The Royal Borough of Windsor & Maidenhead;
Wokingham District Council;
Wychavon District Council;
City of York.

Performance standards for minor planning applications

17.—(1) The best value authorities specified in paragraph (3) shall, in relation to indicator 2(b) (minor applications) in Schedule 13, meet the standard in paragraph (2).

(2) During the financial year, the authority shall determine 63 percent of minor planning applications within a period of eight weeks beginning on the day immediately following the date on which a valid application is received by the authority.

(3) The best value authorities specified for the purposes of paragraph (1) are—

Allerdale Borough Council;
Amber Valley Borough Council;
Berwick-upon-Tweed Borough Council;
Blaby District Council;
Blyth Valley Borough Council;
Boston Borough Council;
Bournemouth Council;
Bracknell Forest Borough Council;
Castle Morpeth Borough Council;
Dudley Metropolitan Borough Council;
East Hertfordshire District Council;
East Northamptonshire District Council;
Eastleigh Borough Council;
Gedling Borough Council;
London Borough of Hackney;
London Borough of Harrow;
Hertsmere Borough Council;
London Borough of Hillingdon;
Lake District National Park;
Maldon District Council;
Melton Borough Council;
Mid Devon District Council;
Mid Suffolk District Council;
Newcastle-under-Lyme Borough Council;
North Dorset District Council;
North Hertfordshire District Council;
North Lincolnshire Council;
Nuneaton and Bedworth Borough Council;
Preston City Council;
Redditch Borough Council;
Salisbury District Council;
Sedgefield Borough Council;
South Holland District Council;
South Somerset District Council;
South Staffordshire District Council;
St Albans City and District Council;
Stafford Borough Council;
Stevenage Borough Council;
Stroud District Council;

Suffolk Coastal District Council;
Sunderland City Council;
Surrey Heath Borough Council;
Tandridge District Council;
Test Valley Borough Council;
Tewkesbury Borough Council;
Torrige District Council;
Trafford Metropolitan Borough Council;
Wakefield Metropolitan District Council;
Walsall Metropolitan Borough Council;
Waveney District Council;
Waverley Borough Council;
Wealden District Council;
Welwyn Hatfield District Council;
West Dorset District Council;
Winchester City Council;
The Royal Borough of Windsor and Maidenhead;
Wyre Borough Council;
City of York.

Performance standard for other planning applications

18.—(1) The best value authorities specified in paragraph (3) shall, in relation to indicator 2(c) (other applications) in Schedule 13, meet the standard in paragraph (2).

(2) During the financial year, the authority shall determine 75 percent of other planning applications within a period of eight weeks beginning on the day immediately following the date on which a valid application is received by the authority.

(3) The best value authorities specified for the purposes of paragraph (1) are—

Berwick-upon-Tweed Borough Council
Blyth Valley Borough Council
Boston Borough Council
London Borough of Camden
East Hertfordshire District Council
London Borough of Hackney
London Borough of Hillingdon
Lake District National Park
Mid Devon District Council
Mid Suffolk District Council
Newcastle-under-Lyme Borough Council
North Hertfordshire District Council
Norwich City Council
London Borough of Redbridge

Redditch Borough Council
Sedgefield Borough Council
South Somerset District Council
South Staffordshire District Council
Stafford Borough Council
Stevenage Borough Council
Stroud District Council
Sunderland City Council
Torrige District Council
Trafford Metropolitan Borough Council
West Dorset District Council
The Royal Borough of Windsor and Maidenhead.

Performance indicators for community safety and community well-being

19.—(1) The performance of the best value authorities specified in paragraph (2), in exercising their functions in relation to community safety and community well-being, shall be measured by reference to the indicators in Schedule 14.

(2) The best value authorities specified for the purposes of paragraph (1) are—

- (a) the Council of the Isles of Scilly;
- (b) the Common Council of the City of London in its capacity as a local authority;
- (c) London borough councils;
- (d) district councils; and
- (e) county councils which are unitary councils.

(3) The performance of county councils which are not unitary councils, in exercising their functions in relation to community safety and community well-being, shall be measured by reference to indicators 1 to 5, 7 and 8 in Schedule 14.

Performance indicators for culture and related services

20.—(1) The performance of the best value authorities specified in paragraph (2), in exercising their functions in relation to culture and related services, shall be measured by reference to the indicators 1 to 3 in Schedule 15.

(2) The best value authorities specified for the purposes of paragraph (1) are—

- (a) county councils;
- (b) the Council of the Isles of Scilly;
- (c) London borough councils;
- (d) the Common Council of the City of London in its capacity as a local authority; and
- (e) district councils which are unitary councils.

(3) The performance of district councils which are not unitary councils, in exercising their functions in relation to culture and related services, shall be measured by reference to the indicators 1 and 3 in Schedule 15.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) The performance of the Broads Authority and the National Parks Authorities in exercising their functions in relation to culture and related services, shall be measured by reference to the indicator 3 in Schedule 15.

Performance indicators for fire services

21. The performance of fire and rescue authorities and the Council of the Isles of Scilly, in its capacity as a fire authority, shall be measured by reference to the indicators in Schedule 16.

Revocations

22. The Orders mentioned in the first column of Schedule 17 are hereby revoked to the extent specified in the third column of that Schedule.

Signed by authority of the First Secretary of State

7th March 2005

Phil Hope
Parliamentary Under Secretary of State Office of
the Deputy Prime Minister