

Scrutiny Committee 30 August 2017 - To follow report for item no. 9 (ii)

Scrutiny Committee Meeting		Agenda Item: 9 (ii)
Meeting Date	30 August 2017	
Report Title	Planning Enforcement	
Cabinet Member	Cllr Gerry Lewin, Cabinet Member for Planning	
SMT Lead	Emma Wiggins – Interim Director of Regeneration	
Head of Service	James Freeman – Head of Planning	
Lead Officer	James Freeman – Head of Planning	
Key Decision	Yes/No	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	1. It is RECOMMENDED that the review of the Planning Enforcement service should be delayed until the bedding in of the new Planning Enforcement service restructure within the Development Management team.	

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to review the current performance and operation of the Planning Enforcement service and to consider the timing of a scrutiny review which the Committee discussed embarking on during consideration of their future work programme at their last meeting.

2 Background

- 2.1 The Planning Enforcement Service has been the subject of several reviews over the past five years. These include a previous Scrutiny Review in 2012, a Policy and Development Review in 2015 and an Audit Review in 2016. Appendices I to III set out the recommendations from each of those reviews with an update on progress in relation to each recommendation.
- 2.2 Additionally, a recent operational service review was undertaken taking into account the following:
- An Audit Review which found the service to have a ‘weak’ assurance level and identifying a series of actions needed to be carried forward to ensure the processes, procedures and systems are in place for a ‘fit for purpose’ service;
 - There has been criticism regarding the level of liaison and consultation with ward councillors and Parish Council’s which has led to a lack in confidence in the service and a perception that robust action is not being taken expediently;
 - To manage and integrate the service more effectively with the DM Team to

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- provide a more seamless and consistent service;
 - To take advantage of potential IT improvements to improve efficiencies, customer focus and performance management.
 - The pending retirement of the Planning Enforcement Team Manager on 31 August 2017.
- 2.3 Following this review, it was agreed that the Planning Enforcement function should be integrated into the Development Management teams with the Area Team Leader's (ATL's) taking joint responsibility for Enforcement Management matters covering their areas. It is felt this would provide the benefit of ensuring better consistency in direction and advice to planning enforcement investigations, particularly those involving complex planning technical and legal issues. Given the impending retirement of the current Planning Enforcement team manager, a decision has been made to delete the post of Enforcement Team Manager as part of the restructure proposals.
- 2.4 A Senior Enforcement Officer position has been created as well as an additional Planning Enforcement Officer to support greater communication and community support expectations as well as providing a greater resource for administrative functions within the team. The appointment of the Senior Enforcement officer would require any incumbent to have demonstrable experience of working within a planning enforcement field and an ability to manage more complex planning enforcement cases and to communicate effectively on high profile cases with councillors and parish councils. However, they would not be expected to take on any management responsibilities, unless deputising for the Area Team Leaders.
- 2.5 The restructure has required a switch of resources within the service to accommodate the increased number of planning enforcement investigation officers (increased from 2.8 FTE to 3.8FTE) and will require a higher proportion of worktime from the Area Team Leaders increasing their involvement in planning enforcement matters and management from 0.1FTE of their time to 0.3FTE each. This represents a significant increase in resource dedicated to Planning Enforcement. Additional resources are being sought for the Development Management function to more than compensate for this switch in resource. The current and proposed structure chart for the Planning Enforcement service is attached in Appendix IV.
- 2.6 The service is currently in the process of recruiting to the two new posts and to an existing vacant post within the team. The new structure will come into force on 1 September 2017 immediately following the retirement of the Planning Enforcement Manager. However, it is not expected that the recruitment process

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would have been completed by 1 September 2017 and in the meantime we have employed agency staff to cover the service during this transition phase.

- 2.7 In these circumstances, there is likely to be ongoing disruption to the continuity of the planning enforcement service and some of the performance targets set out in the recently published Planning Enforcement Strategy and Charter may not be met in the short term. However, subject to successful recruitment and to a short period of embedding of the new team structure and related procedures/ processes, it is expected that a fully operational planning enforcement service should be in place by the start of the new financial year.
- 2.8 The Cabinet Member for Planning and the Planning Committee Chair have been regularly briefed on the operational changes taking place and have given their full support. An Information Bulletin will be circulated to all Councillors in advance of the new structure becoming operational on 1st September 2017. Restructuring is an operational decision taken at managerial level.

3 Proposals

- 3.1 Given the above situation, it is considered that a Scrutiny Review should not be considered appropriate or beneficial until the full bedding in of the changes have taken place and given their full support. This is anticipated to require between 6 to 12 months and therefore such a Review should be programmed for the autumn of 2018.

4 Alternative Options

- 4.1 A Scrutiny Review undertaken within the next twelve months would reflect the transition the service is going through and would be undermined accordingly given the likely impacts on operation and performance. A review programmed at a later date will be more capable of identifying the key issues the Scrutiny Review should be focussing on and also ensure that the service during this transition period is not deflected for maintaining a focus on service delivery.

5 Consultation Undertaken or Proposed

- 5.1 None at this stage.

6 Implications

Issue	Implications
Corporate Plan	This section should provide details of the corporate plan priorities and performance indicators that are likely to be affected by the options and recommendations contained in this report. Further guidance on this section can be obtained from the Policy Team.

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Financial, Resource and Property	None identified at this stage.
Legal and Statutory	None identified at this stage.
Crime and Disorder	None identified at this stage.
Environmental Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	Carrying out a Scrutiny review during the transition phase of a restructure within the planning enforcement service could give rise to service pressures and affect the ability to maintain service provision.
Equality and Diversity	None identified at this stage
Privacy and Data Protection	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Scrutiny Committee Review 2012
- Appendix II: Policy Development and Review Committee Review 2015
- Appendix III: Audit Committee Review 2016
- Appendix IV: Current and proposed Planning Enforcement Service Structure

8 Background Papers

None.