



AGENDA ITEM NO.

Report Cover Sheet

Name of Meeting:	Environment and Economic Policy Committee
Date of Meeting:	Wednesday 19 March 2008
Report Title:	Scrutiny of Planning Enforcement
Summary of report:	The report sets out the findings of a task and finish review of the District Council's enforcement service and identifies proposals for the continuing development of the service.
For Further Information Please Contact (report author):	Gary Fisher
Would the recommended decision be contrary to the Policy Framework:	No
Would the recommended decision be contrary to the Budgetary framework:	No
Wards of the District directly affected by this decision:	Whole District
Key Decision?	No
Included within the Forward Plan?	No (If Yes, include reference number)
Is the report Private & Confidential	No
Background Papers:	Equivalent Report to EEPC 6 December 2006: item no. 5.

Consultation Undertaken

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Consultees	Yes/ No	Who
Other Committees	N/A	-
Ward Councillors	N/A	-
Portfolio Holders	Yes	Councillor Hammon
Other Councillors	Yes	Councillors Britland and Vincett
Warwick District Council recognised Trades	N/A	

Unions		
Other Warwick District Council Service Areas	Yes	Legal Services Finance
Project partners	N/A	
Parish/Town Council	N/A	
Highways Authority	N/A	
Residents	N/A	
Citizens Panel	N/A	
Other consultees	N/A	
Officer Approval		
With regard to officer approval all reports must be approved by the report author's relevant director, Finance Services and Legal Services.		
Officer Approval	Date	Name
Chief Executive	-	
CMT	-	
Section 151 Officer	-	
Legal	20/2/08	Simon Best
Finance	20/2/08	Marcus Miskinis
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1.0 RECOMMENDATION

- 1.1 That the Committee note the contents of this report and endorse the approach to the continuing development of the planning enforcement service.

2.0 REASON(S) FOR THE RECOMMENDATION

2.1 This report sets out the findings of a task and finish review of the District Council's planning enforcement service which is being undertaken by Councillors Britland and Vincett. It follows a similar review undertaken in December 2006 which recognized that at that time the service was operating well in the face of serious staff resource issues and when a further updated report was requested in 12 months time.

2.2 As part of the review, the Councillors met with Officers on 22 January when the key issues discussed were:

- Workload volumes;
- The current staffing position;
- Performance;
- Proposals for the continuing development of the service.

Workload Volumes

2.3 The key areas of work currently undertaken by the team predominantly comprise core planning enforcement activities and can be summarized as follows:-

- The investigation of alleged breaches of planning control;
- Negotiation of the resolution of harmful breaches;
- Undertaking formal action directed at the resolution of harmful breaches; related enforcement appeals and legal action;
- Determining Tree Preservation Order applications; undertaking related appeals and Conservation Area tree notifications;
- The investigation of High Hedges complaints;
- The ongoing review of Group Tree Preservation Orders.

2.4 Workload volumes continue to be high and during 2007, the team undertook 518 (535)¹ enforcement investigations; issued 30 (21) formal notices; undertook 17 (11) enforcement appeals; issued 290 (256) tree decisions; undertook 7 (3) tree appeals and 1 (-) high hedges investigation.

2.5 In addition, the ongoing review of group Tree Preservation Orders is progressing well with the bulk of the first element of that work in and around Kenilworth now complete.

¹ The equivalent figures for 2006 are shown in brackets.

The Current Staffing Position

- 2.6 Since the last review in December 2006, the Enforcement Team has been reshaped principally by way of the planned relocation of 2 Planning Officers predominantly dealing with planning appeals into other planning teams; an Enforcement Team Leader has commenced in post and the Senior Enforcement Officer position has been confirmed as part of the permanent establishment.
- 2.7 As a result, the Planning Enforcement Team now comprises a full time Team Leader and Senior Enforcement Officer; two Enforcement Officers working 22 hours and 26 hours respectively; an Enforcement Officer working 22 hours on a temporary contract funded from the Planning Delivery Grant (PDG) until July 2008; and a full time Tree Protection Officer again on a temporary contract funded from the PDG until September 2008.
- 2.8 The current core enforcement activity within the team partially exceeds the present officer capacity thereby providing a challenging workload which requires ongoing active management. The retention of existing officer capacity is considered to be fundamental to the aspiration to maintain and increase effectiveness and quality outcomes.

Performance

- 2.9 As a consequence of difficulties associated with the identification of appropriate planning enforcement performance indicators, at present there are no nationally recognised enforcement performance measures. Nevertheless, along with other Local Planning Authorities, the District Council uses the time taken to undertake initial investigation site inspections as one such measure. During 2007, 96% of such inspections were undertaken within 7 working days of a complaint being logged exceeding the Council's target of 90% of inspections.
- 2.10 Officers propose to undertake a review of appropriate performance indicators (see paragraph 2.14 below), however a potential measure of the quality of the enforcement decisions taken by the Council is the proportion of Enforcement Notices upheld on appeal. During 2007, 79% of appeal decisions upheld the Enforcement Notices against which they had been lodged, comparing favourably with the Council's equivalent target of 66% of planning permissions to be upheld on appeal against the refusal of permission.
- 2.11 Similarly, the number of enforcement investigations on hand from year to year, whilst a function of the number of investigation requests received, is also a potential indicator of the effectiveness with which the investigation workload is undertaken. At the beginning of 2008, there were 241 active enforcement investigations equating to an equivalent of approximately 60 ongoing cases per enforcement officer. There is no comparable data for the previous year, however

as a proportion of the number of investigations undertaken annually, which in 2007 was 518 (see paragraph 2.14 above), this figure is being actively monitored.

- 2.12 Notwithstanding longstanding staff capacity issues within the team which have only recently been resolved, it is noteworthy that such indicators point to the continued successful operation of the enforcement service since the last review.

The Continuing Development of the Service

- 2.13 The ongoing development of the core activities of the enforcement team relies on a stable and appropriate level of suitably trained and skilled staff utilizing work practices that make the most effective use of those resources, thereby maximizing capacity for the resolution and where possible, the prevention of harmful breaches of planning control.

- 2.14 To that end, key areas for review and development over the short to medium term are now being identified. Immediate priorities have been identified as:-

- A. The review of the 2003 Enforcement Procedure and Policy Statement. Timescale: summer 2008.
- B. The recommencement of the quarterly provision to Planning Committee of an update on the progress of cases where enforcement action has been authorised. Timescale: summer 2008.
- C. The review of appropriate service performance indicators. Timescale: summer 2008.

- 2.15 In addition, further proposed areas for review in the medium term are:-

- D. The review of measures to further enhance service effectiveness, including the potential role of increased delegation.
- E. The continued development of the electronic delivery of appropriate aspects of the enforcement service.
- F. The expanded use of specific formal enforcement measures, particularly Untidy Land Notices; Planning Contravention Notices and legal action.
- G. Raising the profile of the work of the team and key case outcomes within the District.
- H. Consideration of the capacity available for expanding the core work of the team to include for example the selective proactive monitoring of development that is underway.

- 2.16 It is proposed that Officers proceed with the progressive review of these areas and report back on progress in a manner to be determined at this meeting by means of either updates to Councillors Britland and Vincett on an ongoing basis and/or to this Committee in a further 12 months time.

3.0 ALTERNATIVE OPTION(S) CONSIDERED

- 3.1 The consequence of not continuing to review and develop the enforcement service would be the provision of a service which increasingly struggles to make the most effective use of resources with consequences for the outcome of investigations and ultimately the environment of the District.

4.0 BUDGETARY FRAMEWORK

- 4.1 There are potential budgetary implications arising from the retention of the existing level of officer capacity, discussed at paragraph 2 .8 above particularly in view of one Enforcement Officer and the Tree Protection Officer being currently funded on an interim basis from the Planning Delivery Grant.

5.0 POLICY FRAMEWORK

- 5.1 There are no direct policy implications arising from this report which recommends that core existing procedures continue but are revised as appropriate.