

**MINUTES OF A MEETING OF THE
CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE
HELD ON THURSDAY 3 APRIL 2014 FROM 7:00PM TO 7:50PM**

Present:- Michael Firmager (Vice Chairman), Andrew Bradley, Parry Batth, Tim Holton, Ken Miall, Rachelle Shepherd-DuBey and David Sleight.

Also present:-

*Susan Coulter, Senior Democratic Services Officer;
Councillor John Kaiser, Executive Member for General Planning and Affordable Housing;
Clare Lawrence, Head of Development Management and Regulatory Services;
Heather Thwaites, Director of Environment.*

PART I

36. MINUTES

The Minutes of the meeting of the Committee held on 6 January 2014 were confirmed as a correct record and signed by the Chairman.

37. APOLOGIES

Apologies for absence were submitted from Councillors Norman Jorgensen (substituted by David Sleight) and Chris Bowring (substituted by Andrew Bradley).

38. DECLARATIONS OF INTEREST

Councillor Ken Miall declared a personal interest in Item 45, Planning Enforcement Service Action Plan, as he knew, through his work, Mr Meadowcroft who had requested to ask a question under Public Question Time.

39. PUBLIC QUESTION TIME

The Committee was advised that two members of the public, Mr Meadowcroft and Mr Berman, had submitted questions under Part 4, Paragraph 4.2.9 of the Council's Constitution –Policy Framework and Functions of the Council relating to Item 45, Planning Enforcement Service Action Plan.

The Chairman invited Mr Berman to address the Committee.

Mr Berman explained that his reaction to the report, set out at Item 45 of the agenda, was initially one of disappointment, that the first three bullet points on page 1, the three main areas for improvement, were virtually the same as presented to the Committee in January 2014, giving the impression that the officers were not listening and that they could safely ignore comments made (and minuted) on that occasion. His second reaction was that the subsequent points in the paper, outlining the developing Action Plan, were indeed positive steps towards achieving positive change.

Mr Berman's third reaction, and his question was, how could he be assured that the admirable additional resources, which were being directed to Planning Enforcement in terms of staffing, IT systems, website improvements and the focus on enforcement plans, will actually engender the more proactive attitudes and the culture change that Mr Silvester said were necessary to make the department fit for purpose?

Mr Berman went on to say that he had one example that still raised doubts. He stressed that he was not looking for answers now on one particular enforcement issue but merely

using the example to demonstrate an on-going management problem in Planning Enforcement. He referred to a green belt site in the north of the Borough which had been acquired by a developer who had fairly gained planning permission to build an agricultural barn on the site. The permission was given with a condition that if agriculture on the site ceased, within at least three years of the cessation, the barn should be removed. The business had folded and agricultural activity had ceased last September. Mr Berman had advised the Council of this and since Mr Berman felt that the Council had a bad record of getting to grips with incipient enforcement issues of this kind, where failure to intervene in a timely manner could lead to unjustified CLUs, Mr Berman had asked two simple questions:

- when would an enforcement officer visit the site to establish that agricultural activity had indeed ceased and what date would be registered on the Council's files as the date of cessation?
- when would the landowner be formally advised of this date, at least three years after which he would have had to remove the barn?

Mr Berman stated that in spite of repeating several times these simple questions, six months later, there was still no response from the Planning Enforcement Officers.

Mr Berman concluded by saying that Mr Silvester's report had stated that there needed to be a "culture change" as a key requirement in the reform of the Council's Planning Enforcement Department, yet it seemed that officers and managers still could not bring themselves to respond in a reasonable time to customers' relevant questions. Mr Berman asked if he could be confident that the admirable amount of extra funding, resources and staffing now targeted at the Planning Enforcement Service would actually result in improved attitudes and responsiveness from the people who work in the department?

The Chairman invited Mr Meadowcroft to address the Committee.

Mr Meadowcroft stated that, like Mr Berman, he was disappointed in the first three bullet points of the Action Plan because they were not among the key areas for improvement to enable Wokingham's enforcement activity to become fully fit for purpose, as identified by Mr Silvester's report. They were merely points on which officers had preferred to focus their attention. Mr Meadowcroft referred to remarks he had made at the January meeting of the Committee that "managing expectations" and "communication" were flimsy conclusions to be drawn after proper consideration of the valuable and incisive content and analysis in Mr Silvester's report.

Mr Meadowcroft went on to explain that he had four observations:

- the action plan itself was rather vague, almost indifferent, about setting targeted timelines for implementation. If these were clearly shown, Members and residents were going to be able to judge whether the action plan was drifting or just meandering along in the long grass. There were plenty of unknowns but that could not mask nailing specific completion dates by which issues needed to be sorted;
- on page 3, paragraph 2 of the minutes of the Committee's meeting of 6 January 2014, Councillor Kaiser had stated that one part of the action plan already being implemented was that when officers were minded to close a case because in their judgement there was "no harm" or it was "not expedient", the officer would first refer the matter to the relevant Ward Member. Mr Meadowcroft advised that for residents and Parish and Town Councils, this would be a significant improvement. However, looking at the action plan, this seemed to have been lost. Mr Meadowcroft requested that this be reinstated immediately in the action plan;

- various new customer facing personnel were to be recruited. Public confidence would be enhanced if their names and job titles were widely circulated. Mr Meadowcroft asked if there were valid objections to this and if not, he asked the Chairman if this could be implemented;
- the Draft Enforcement Charter, which was a key recommendation in Mr Silvester's report was, regrettably, not attached to the officer's report. Seeing it for the first time this evening did not permit residents or Members to evaluate it in a proper and timely manner. Mr Meadowcroft requested that the Chairman defer this matter to the next meeting of the Committee.

Mr Meadowcroft concluded by directing the Committee to a typographical error on page 14 of the action plan and specifically the annual monitoring line.

In response to the above, the Head of Development Management and Regulatory Services advised that it was difficult to comment on detailed individual cases but the officers recollection of the events referred to by Mr Berman in respect of the case in the example were different to those stated. With regard to the resources set out in the action plan, it was not just people but other mechanisms, processes and information systems, such as IT that needed to be right. The implementation of these would not happen overnight as some of them were corporate projects and would take time. Funding had been secured for the resources and when they had been implemented, there would be the resource available to undertake the softer side of enforcement, such as improved communications and customer service.

There would be an Enforcement Local Plan, which would set out the Council's approach to improve the Planning Enforcement Service. This plan would set out service standards, timings, customer service levels etc. The plan needed to go through a public consultation process and the Council's governance structure, but it should address how the service will focus on the customer and act as a major tool to enable officers to move forward to implement the action plan. The local plan would also address operational issues and there would also be a review of all information given to Members and the Town and Parish Councils.

Councillor Kaiser confirmed that officers could not close an open enforcement case unless they e-mailed the relevant Ward Member. The Member then had 48 hours to respond and if the officer did not receive a response, then the case could be closed. Councillor Kaiser informed the Committee that he met with the legal enforcement team on a monthly basis and met with the planning team, again, once a month. At every planning meeting, the Committee looked at the number of investigations being carried out, which had risen by 100%. Once the enforcement team had been advised of any breaches, there were 35 steps for officers to follow. The reluctance to pursue these cases was no longer there.

The Chairman thanked both Mr Berman and Mr Meadowcroft for their input.

40. MEMBER QUESTION TIME

There were no Member questions.

41. PLANNING ENFORCEMENT SERVICE ACTION PLAN

The Committee received a report, as set out on Agenda pages 7 to 22, which set out the action plan for improvements to the Planning Enforcement Service in line with the outcome and recommendations of the independent review of the Planning Enforcement Service.

A Member was concerned that officers did not have a timeline for some of the improvements in the action plan. They were advised that approximate timescales were set out in the fourth column of the plan. Some areas of work had specific timings whereas others, for example IT and the GIS systems, needed to be fit for purpose and were, to some extent, outside the control of the Planning Enforcement Service.

The Director for Environment pointed out that all of the projects would have project managers. A project board was being set up and then the timelines would be set.

A Member stated that he would have liked to see Mr Silvester's recommendations linked in the action plan as he felt that it would have been much easier to scrutinise the document. He also urged officers to spell out acronyms in full when used for the first time, with their acronym in brackets and then the acronym could be used throughout the document thereafter.

The Head of Development Management and Regulatory Services explained that a lot of the recommendations in Mr Silvester's report were very generic reflecting best practice nationally. The action plan reflects the local circumstances and has adapted the recommendations of the review to meet the challenges facing Wokingham Borough Council's enforcement service. An updated copy of the action plan addressing Members' comments regarding the acronyms and setting out how actions address the review recommendations, is appended to these minutes.

The Chairman proposed that the planning enforcement charter be closely monitored and that it be presented to a future meeting of the Committee, together with details of improvements to staffing, policy and communication.

RESOLVED: That the report be noted.

42. WORK PROGRAMME

The Committee received its work programme for 2014/15, as set out on Agenda pages 23 to 25.

RESOLVED: That the Work Programme for 2014/15 be noted.

These are the Minutes of a meeting of the Corporate Services Overview and Scrutiny Committee.

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	Actions	Outcome	Timescales	Ownership	Resources	Risk (1low-5 high)	Reference to Review
							To address Recommendation
Staffing/ resource	Review of Staffing structure and recruitment Look at opportunity for one additional Senior/Principal Planning Officer Recruit to existing vacant post One new communications / admin/technical officer	Properly resourced team to deliver action plan	April/May 2014	Head of Development Management & Regulatory Services and Enforcement Service Manager	Funding identified and staff resource being appointed	Attracting high calibre staff in an enforcement role 2	I R S T J
	Legal officer – dedicated legal officer for planning enforcement	Improve timescales for action and a more proactive/less risk averse approach to enforcement work	Agreed and in place	Legal service, Head of Development Management & Regulatory Services and Enforcement Service Manager	Extra funding to backfill legal services post has been identified within budget	1 - in place	P O JJ LL KK To facilitate K L M N

	Staff training and development /performance management	<p>Encourage Technical Membership of Royal Town Planning Institute</p> <p>Common career grade structure with Planning Officer job Description review</p> <p>Membership of South East Enforcement Officers Group and other bench- marking and liaison groups to share best practice</p> <p>Performance management – dials</p> <p>Planning Officers to undertaken some enforcement work</p>	Commenced and on going	Regulatory Services and Enforcement Service Manager and Enforcement Team	Training budget in place and time for training	2	D(c) D(d) V W X FF NN OO
IT	Review IT systems - ability to provide updates, flag up outstanding cases, integration with other DM data base and across the organisation)	<p>Improve Customer/stakeholder information</p> <p>Improved Case management</p> <p>General efficiencies</p>	<p>ILap (planning IT system) replacement project has commenced implementation 2014/15</p> <p>Geographic Information System review project-</p>	Development Management & Regulatory Services /corporate IT	<p>ILap (planning IT system) replacement identified budget secured</p> <p>Geographic Information System replacement within corporate budget</p>	<p>2 – commenced</p> <p>3- corporate project</p>	D MM

			implementation 2013/14 Customer focus corporate project commenced – 5 year programme		Customer service improvement – corporate project – ongoing commitment and budget		
Policy and Procedure	Development of an Enforcement local plan	Set service standards and targets Manage expectations of stakeholders. Facilitates monitor, review and improvement	Draft has been prepared -Consultation later summer/ -Adoption end of 2014	Head of Development Management & Regulatory Services and Enforcement Service Manager	Consultation time/resource	1	G K F
	Prepare an Enforcement Charter	Clear statement of what stake holders And customers can expect from the enforcement service Prepare summary leaflet	Draft prepared in line with current standards to be reviewed following consultation and adoption of the enforcement local plan	Head of Development Management & Regulatory Services and Enforcement Service Manager	Within service budget	1	A F H I AA
	Review and Prepare Health	Clear risk assessment and processes in	Risk assessment	Business Support manager and	Within service budget	1	NN

	and safety document and procedure	place to secure health and safety of enforcement team and planning officers	being revised. New policy and procedure to be developed summer 2014	enforcement service manager and team			OO PP
	Standard conditions to be revised and updated	More enforceable planning conditions to secure effective action especially if challenged	Commenced and currently under review	Service manager Development Management and Enforcement	Within service budget	1	C
Performance	Monitor and review of targets and necessary actions/changes	Focus on service review and improvement	Implementation of ILAP replacement 2014/2015	Business support manager and Enforcement Service Manager	ILAP (planning IT system) replacement – corporate budget secured	2	BB
	Regular case review meetings (officer)	Clear and agreed management of enforcement priorities and cases	Implemented and on- going	Enforcement Service Manager /Enforcement Officers and legal services	Part of general management of the service by the Enforcement Team	2 1	Y

	Corporate working with other regulatory regimes	Coordinated enforcement action	Corporate enforcement group established	Corporate cross service/ council and Enforcement Team	Staffing implications	2 – already commenced	II MM PP
	Proactive use of enforcement legislation, procedures and tools	More timely and stringent action to seek compliance in cases that are having a significant planning impact	Already commenced and on going	Enforcement Service Manager, team and legal	Legal business partner in place to secure more timely and appropriate action is taken. Staffing resource	2-3 dependant on legal support	K L M N O P
	Proactive monitoring (5%)	Proactive monitoring of compliance. Improved reputation and customer/member view of the service	April 2014 + Compliance officer posts being advertised	Enforcement Team/Building Control Team/ delivery compliance officers	Staffing for additional compliance checking	2-3 – dependant of resource	B HH

Ward member and Town/parish focus	Annual enforcement forum (ward members/parish Council)	Improved communication and understanding Stake holder feedback to help continuous improvement	Summer 2014 and then annual	Head of Development Management & Regulatory Services, Enforcement Service Manager and Enforcement Team	Limited resource for the forum but actions agreed may have considerable resource implications	1	U Y
	Review information to members – Planning Committee Ward members, Town and Parish Councils	Improved communication	Summer 2014	Enforcement team and Business Support manager	Technical /admin/communications officer	1	BB DD
	Ward and town/parish Member training and liaison meetings	Increased understanding to the system and its limitations to manage expectation	Summer 2014	Enforcement Service Manager and Enforcement team	Potentially considerable Staff resource	3	Y CC EE GG
	Quarterly Member /officer working group	Communication with members about enforcement cases and issues	Summer 2014 and then as agreed by group	Enforcement team/ legal/executive members/chairman planning committee (other members ?)	Buy in and time from Members. Enforcement Team	2	DD

	Annual monitoring	Increased corporate communication and involvement in enforcement work and the service	January 2015 present review and action plan and then annually	Business Support manager, Enforcement Service Manager and enforcement team	Report to be prepared annually - Technical /admin/communications officer	1	U CC
	Planning committee involvement in high profile cases	Improve publicity to cases, the service and the approach the Council is taking and involvement and ownership by members.	Commenced	Head of Development Management & Regulatory Services and Enforcement Service Manager	Reports to be written but will be limited in number	1	U
Customer focus /comms	Review standard letters and correspondence	Improved communication with stakeholders	Early 2014	Enforcement Service Manager and Enforcement Team	One off piece of work but with significant time implications Enforcement Team	2	G H I Z NN
	Proactive use of media and other means of communication	To improve the reputation of the service and to deter future perpetrators from taking advantage of the system.	Current and On-going Improved use of communications commenced	Corporate communications team and Development Management officers	Enforcement Team – building relationships with communications team and the media may take some time	2/3 Work commenced with communications team and plan to be further developed.	D H Q Z
	Review and Update website (dedicated section, policies, updates on cases)	Clear advice to service users about policy and process. Publication of success to improve the reputation of the enforcement service	Early 2014 and on-going	DM - Enforcement team and Corporate communications team	On-going regular update/input from Development Management/ New Technical /admin/communications officer	2 – work and meeting already undertaken. Corporate resource being identified.	E H I Z

	Review service from Wokingham Direct – regular communication	Improving communication with customers and relieving enforcement team from enquiries improve their productivity.	Early 2014 and on-going	Development Management and the Call centre	On-going regular update/input from Development Management Enforcement team	1	Achieves general objectives of the review recommendations to improve communication
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Note

Recommendation D – The 2014/15 Service plan will be prepared in the next few months and will address enforcement service.