

## ISSUES PAPER

<b>TITLE</b>	<b>Planning Enforcement Service</b>
<b>FOR CONSIDERATION BY</b>	Corporate Services Overview and Scrutiny Committee on 8 September 2014
<b>REPORT PREPARED BY</b>	Heather Thwaites, Director of Environment

**PURPOSE OF REPORT**

To report the progress to implement 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.

**BACKGROUND**

The Overview and Scrutiny Committee received a request to review the planning enforcement service. In response to this, an independent review was commissioned by officers and this was undertaken by John Silvester Associates in Summer 2013. The report was received September 2013 and the OSC considered a report on 7<sup>th</sup> January 2014 and further on 3 April 2014.

**The action plan**

The Silvester Report reviewed the current enforcement service and stakeholder perceptions of the service. The report made a number of recommendations to improve the service in line with best practice and an action plan has been developed to address these recommendations (attached at Appendix A).

As outlined to the OSC on 3 April 2014, many of the actions outlined in the action plan have already been implemented. These include the following:-

- Staffing and resource has been addressed through the corporate management restructure and additional officer support is being secured
- A more proactive approach and zero tolerance approach has been taken to address sites that are having significant impacts in terms of safety and amenity. Examples of action include the use of injunctions and prosecutions, stop notices.
- A draft local enforcement plan has been produced and is being reviewed. This will prioritise cases and be subject to full consultation with customers and stakeholders
- A Legal Officer has been identified to support the service for all regulatory issues
- A charter to reflect standards of service has been produced
- More effective use has been made of communications and a communications plan is being developed
- The IT system replacement project is underway with implementation programmed for end 2014/15

- The corporate enforcement group has been established and meetings with Building Control to identify opportunities for compliance checking
- Corporate resources to consider the website improvements have been identified and being put in place
- The Customer Programme is underway
- Replacement of the GIS system project has commenced

Further to the OSC on 3 April 2014, further actions have been undertaken and these include:-

- The vacant compliance officer post has been appointed to and this officer is now in place
- The council has reviewed the draft local enforcement plan and this is being updated with a view to it being received shortly
- The council continues to take a more proactive use of enforcement legislation, procedures and tools to address breaches of planning control.
- The new IT system replacement has commenced – due for completion February 2015
- Standard conditions have been reviewed and updated
- Regular case review meetings have been set up
- Regular updates about enforcement are being reported to the planning committee
- A communication plan is being developed by the central communications team
- A new approach to major development to ensure developers take responsibility to communication with local residents and address issues through construction is being implemented

As referred to above, the council has been very proactive in taking action against unauthorised development that has a significant and harmful impact. It has also been very successful in defending its position at appeal and through the courts. Examples include:-

- Court case in respect of unauthorised use of 47 Eastcourt Avenue for use of dwelling as a House in Multiple Occupation and use of detached outbuilding as a self-contained dwelling.
- Second prosecution in respect of unauthorised development at Brecon Road flats. The trial date set for 21<sup>st</sup> September 2014.
- Enforcement notice upheld at appeal against the siting of 3 mobile homes for

residential use at 50 Nine Mile Ride, Finchampstead. This has not been complied with and a trial date set for 6<sup>th</sup> August 2013.

- Temporary stop notice served on Persimmon Homes in respect of land at Sibley Hall Redhatch Drive. The development is the erection of 89 dwellings. The notice was served primarily due to inadequate tree protection and damage to protected trees.
- Breach of Condition Notice served on Per Capita Hire in Dunt Lane Hurst for operating out of hours.
- Enforcement notice served at Fox and Hounds Cottage, Forest Road, Binfield against an unauthorised erection of a dwelling.
- Enforcement notice served at 16 Blackberry Gardens, Winnersh regarding the enclosure of amenity land.
- Enforcement notice served at 69 Beech Lane, Earley regarding unauthorised extensions.
- Enforcement notices served at 340 King fisher Drive, Woodley regarding unauthorised extensions.
- Joint Environmental Health/Planning prosecution at 23A Nine Mile Ride for breach of planning regulations in relation to number of caravans on site and breach of caravan site licence for occupation by non GRT. The owner of the site pleaded guilty at Reading Magistrates Court on 30 June and fined/ordered to pay a total of £3495.
- Prosecution for noncompliance with an enforcement notice requiring demolition of garage at The Ford/Cigala, Arborfield. The landowner owner pleaded guilty at Reading Mags Court on 14 July and fined/ordered to pay a total of £2410.

### **Next steps**

The major steps forward will be achieved through the adoption of the local enforcement plan which will address many of the recommendations of the Silvester Report in terms of setting priorities and targets, policies and guidelines. The adoption of a local enforcement plan has been advocated by central government in recently produced planning guidance. The document is being prepared by John Silvester Associates and the council has had input into this. It is hoped that this will be presented to the council's executive in November and then agreed for consultation. This will be widely consulted upon and formally adopted by the Council to ensure that it has "buy in" from the users of the service including customers, the town and parish councils and ward members.

As reported to the OSC in April 2014, much of the improvement continues to be incremental given that it is interrelated with, and dependent on improvements to service that have a corporate focus. It is envisaged that improved communication and customer focus will be achieved through working with the corporate teams to address the website, the GIS system and the 5 year customer work programme. While this corporate focus will increase the ability of the service to achieve the improvements identified, it may increase the timescales in enabling these being realised.

### **Comments from John Kaiser- Executive Member for General Planning:-**

"Considerable steps have been taken to improve the service and good progress

continues to be made. The result of this is, we now have over 200 live enforcement cases, have served 18 enforcement notices this year to date, and have over 20 public inquiries and legal cases. We have responded to this by streamlining the service and improving the level of resource within the department.

By the end of the year, the council will be consulting on the local enforcement plan that will set out the council's policy and procedure to address improvements to the service, many of which have already taken place. Changes we have made include improved communication with town and parish councils and more involvement of ward members in enforcement cases. Also, to set up enforcement working groups aimed at coordinating enforcement action across the council and addressing compliance monitoring for major schemes which involves new planning officers. "

### **Summary**

In summary, significant work has already been undertaken to implement the action plan and this is ongoing. The next step is the adoption process of the local enforcement plan to set policies, procedures and targets to be monitored against. This, by its nature will facilitate communication with all stake holders to improve joint understanding about planning compliance and enforcement.

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	<i>Actions</i>	<i>Outcome</i>	<i>Timescales</i>	<i>Ownership</i>	<i>Resources</i>	<i>Risk</i> <i>(1low-5 high)</i>	<i>Reference to Review</i>
							<i>To address Recommendation</i>
6	<p>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</p>	<p>Properly resourced team to deliver action plan</p>	<p>April/May 2014</p>	<p>Head of Development Management &amp; Regulatory Services and Enforcement Service Manager</p>	<p>Funding identified and staff resource being appointed</p>	<p>Attracting high calibre staff in an enforcement role  2</p>	<p>I R S T J</p>
	<p>Legal officer – dedicated legal officer for planning enforcement</p>	<p>Improve timescales for action and a more proactive/less risk averse approach to enforcement work</p>	<p>Agreed and in place</p>	<p>Legal service, Head of Development Management &amp; Regulatory Services and Enforcement Service Manager</p>	<p>Extra funding to backfill legal services post has been identified within budget</p>	<p>1 - in place</p>	<p>P O JJ LL KK  To facilitate K L M N</p>

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10	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</p>	<p>Development Management &amp; Regulatory Services /corporate IT</p>	<p>ILap (planning IT system) replacement commenced</p> <p>Geographic Information System replacement progressing</p> <p>Customer service</p>	<p>2 – commenced</p> <p>3- corporate project</p>	D MM

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			System review project-implementation 2013/14  Customer focus corporate project commenced – 5 year programme		improvement – corporate project – ongoing commitment and budget		
11 <b>Policy and Procedure</b>	Development of a local enforcement 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	Following adoption of the local enforcement plan	1	A F H I AA

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	Review and Prepare Health and safety document and procedure	Clear risk assessment and processes in place to secure health and safety of enforcement team and planning officers	Risk assessment being revised. New policy and procedure to be developed summer 2014	Business Support manager and enforcement service manager and team	Within service budget	1	NN 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
<b>Performance</b>  12	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 commenced	2 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	1	Y
	Corporate working with other regulatory regimes	Coordinated enforcement action	Corporate enforcement group established	Corporate cross service/ council and Enforcement Team	Corporate enforcement group set up	2 – already commenced	II MM PP



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	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
<b>Ward member and Town/parish focus</b>	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

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	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
14	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
<b>Customer focus /comms</b>	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

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	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
15	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

Note

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