

# Scrutiny Report

Report of Head of Planning

Author: Emma Turner

Telephone number: 07717 779171

Email: [emma.turner@southandvale.gov.uk](mailto:emma.turner@southandvale.gov.uk)

Wards affected: All

Cabinet member responsible: Anne -Marie Simpson

Email: [anne-marie.simpson@southandvale.gov.uk](mailto:anne-marie.simpson@southandvale.gov.uk)

To: SCRUTINY

Date: 29 July 2022

## Planning enforcement: progress of new working

### Recommendations

(a) that Councillors consider the progress of the new approach to planning enforcement including the progress made in reducing the on-hand enforcement caseload and performance on cases since January 2022.

### Purpose of report

1. To seek Scrutiny Committee's comments on the implementation of the new approach to managing planning enforcement work as set out in the Planning Enforcement Statement (December 2021).
2. To inform progress made in reducing the on-hand enforcement case work to enable improvement in performance and timely responses.

### Corporate Objectives

3. The investigation and actions to mitigate planning harm supports the Corporate Plan, 2020 - 2024, themes of 'Providing the Homes People Need' and "Building Healthy Communities".

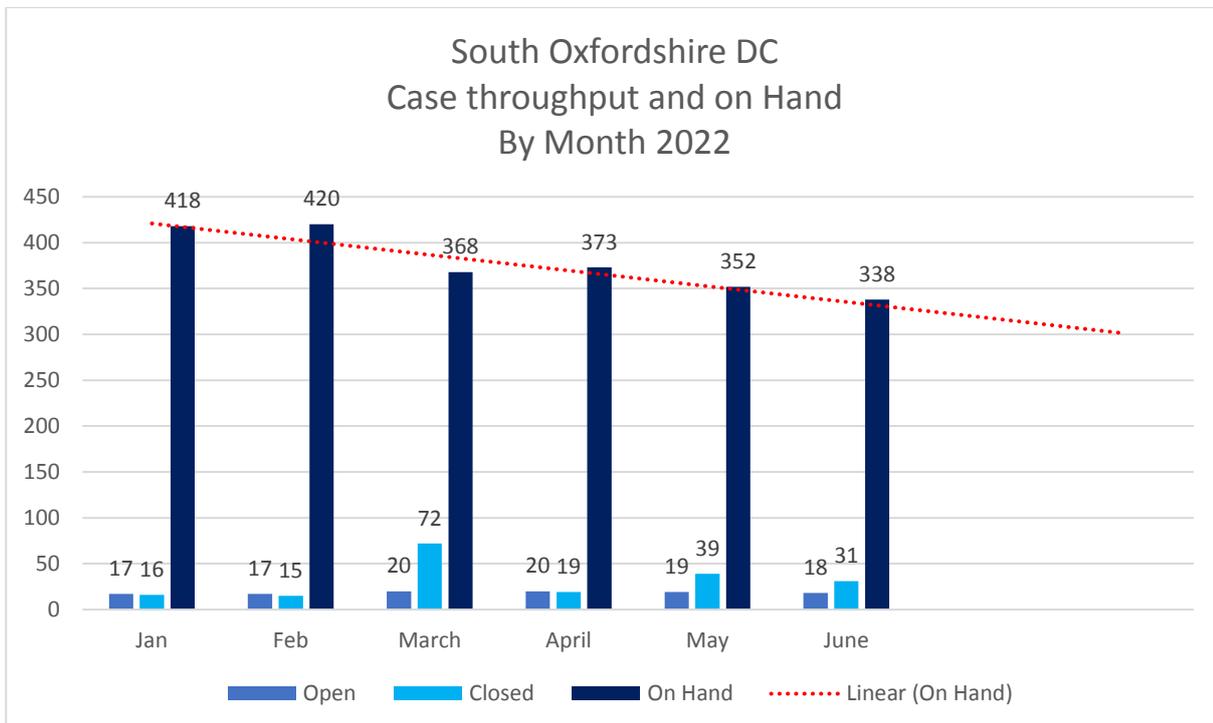
## Background

4. A review of the enforcement team took place in 2021. There were fifteen operational improvements and one procedural update recommended. The procedural update was a review of the 2016 Planning Enforcement Statement and the introduction of a more formal triaging process. The review would enable officers to improve transparency of decision making and efficiency in working, which would allow greater focus on the issues with the potential to cause unacceptable planning harm.
5. The new Planning Enforcement Statement was agreed and adopted by both Cabinets in December 2021. Presentations and question and answer sessions were conducted in December and January for Parish, Town and district councillors and were well attended.
6. The proposed new approach was considered by Scrutiny Committee in November 2021 and they requested an on-hand progress and update report within six months.
7. The new triaging process was introduced in January 2022, hence this update report in July.

## Performance update

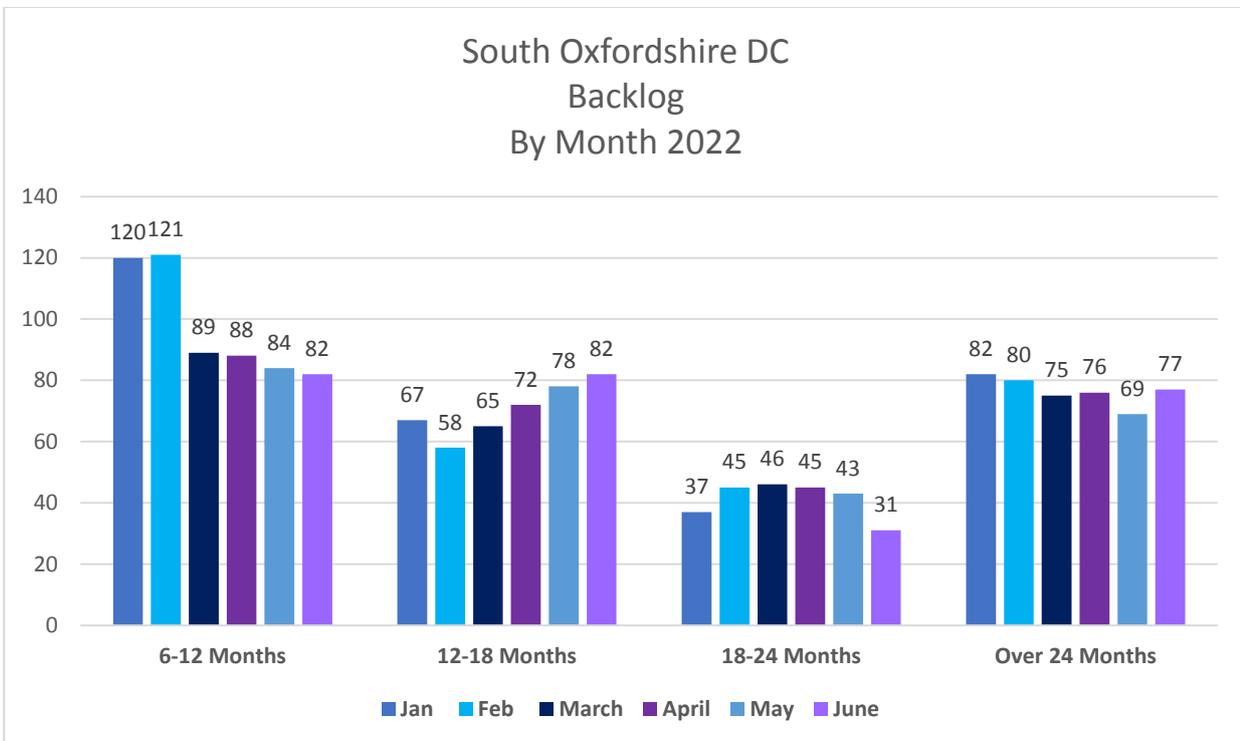
### On-hand case work

8. Planning Enforcement case throughput and on-hand monitoring is set out below.



9. There has been a reduction in the numbers of cases on-hand in the six months since the introduction of the new statement and triaging process. Senior management agreed that a more manageable on-hand case load for the team was 350 cases or less and to reach this figure by July 2022. This included a period of calibration to ensure the triaging is being carried out consistently across the team and councils.

10. From the 192 cases closed since January 2022 the team has received 15 requests for review of our decision or further clarification. For one of these cases we agreed to reopen it after receiving additional information due to the impact on the residents loss of privacy and amenity.
11. Officers consider that the triaging threshold score is set at the right level, however we will continue to monitor the new process to ensure our threshold is capturing the cases with the potential for most planning harm.
12. We are also aware that the Levelling Up Bill in the Queen’s speech in May 2022 may have implications for how we deliver the enforcement function in the future. Again this is something we will monitor to ensure the function is operating appropriately in line with current law and Government policy.
13. A breakdown of the on-hand case work is set out in the graph below.

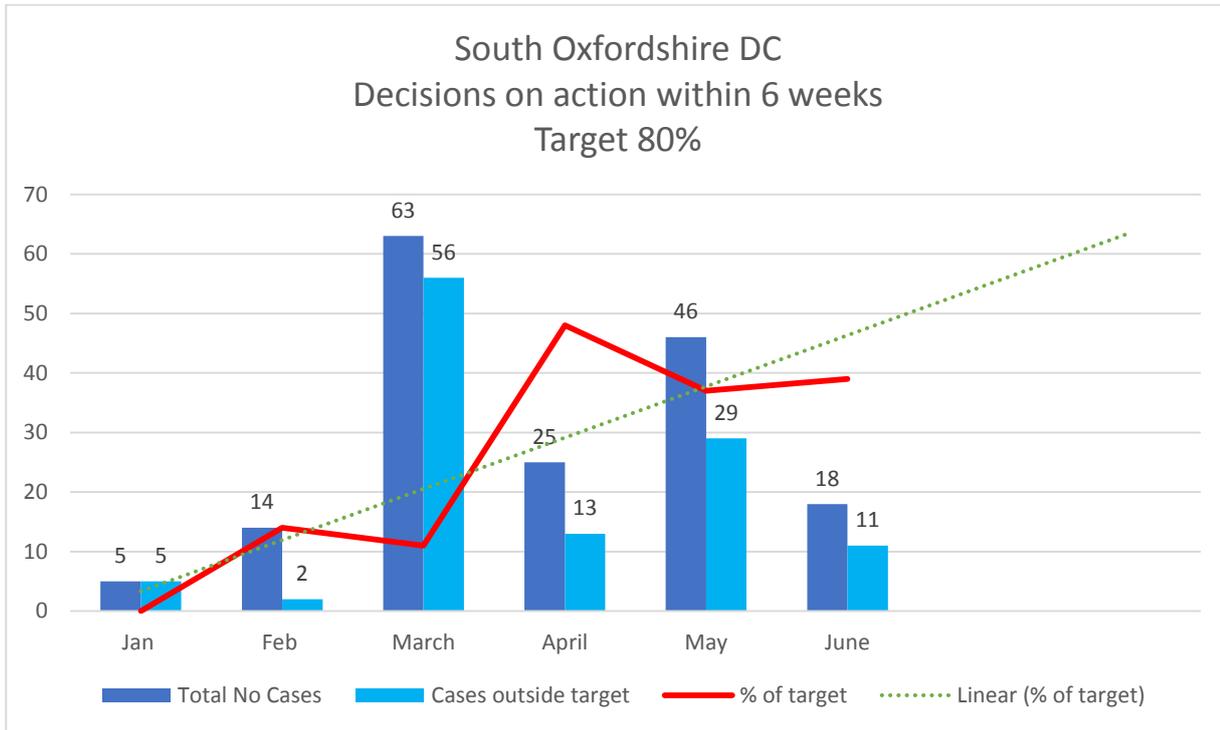


14. It is important to note that some of the older on-hand cases are required to remain open to ensure compliance with notices served, compliance with actions specified to remedy a breach of planning control or compliance with conditions e.g. relating to planting periods. We also have small number of cases (4) that have been waiting nearly 12 months for appeals to be heard by the Planning Inspectorate or dates to be set by the Courts for prosecution proceedings

Performance since implementation of new approach.

15. In addition to reducing the on-hand case load the team have since January 2022 implemented the new approach as set out in the revised Enforcement Statement. Since April we have monitored our efficiency target of deciding a course of action for 80% of cases within six weeks of allocation. This is measured on a monthly basis and the team

should be on target by the end of September 2022, subject to resources and incoming workload.



### Additional improvements

- 16. One of the operational recommendations was to manage the team inbox by customer services. This commenced in May and enforcement officers provide technical support and meet regularly to discuss customer feedback and areas for improvement including our web pages, online forms and to reduce jargon in correspondence.
- 17. A new mobile working solution to our service delivery which allows cases to be worked in real time in the field, is also being developed which will assist in improving our efficiency. The solution is similarly used by the council's Food Safety and Environmental Health teams.
- 18. In terms of progress on the operational recommendations, which included 35 actions, sixteen actions have been completed, eleven are work in progress and eight have not yet started. Those that have not started are linked to other corporate projects such as the PAS Development Management review and the customer transformation project. The one non-operational recommendation (review the Enforcement Statement) has been completed. Overall progress on the improvements is on track.

### Climate and ecological implications

- 19. In maintaining public confidence in the planning system, the revised Enforcement Statement and our ways of working should help ensure new development and relevant planning conditions support climate and biodiversity mitigation.

## **Financial Implications**

20. The work to review the statement and working practices is all within the existing planning budget.

## **Legal implications**

21. There are no direct legal implications arising from this work. The NPPF says Local Planning Authorities ‘...should consider publishing a local enforcement plan to manage enforcement proactively...’. This we have done.

## **Conclusion**

22. Officers consider that good progress has been made to reduce the on-hand case load. The new triaging scheme has improved the efficiency and focus on planning harm. Ongoing monitoring and regular reviews ensure that the team is listening and learning from customer feedback and provides opportunities for continuous improvement.

23. We would welcome Scrutiny Committee’s feedback on the progress made to date.