



Haringey Council

Overview and Scrutiny

On 28th April 2008

Report Title: **Planning Enforcement**

Forward Plan reference number **Not Applicable**

Report of: Director of Urban Environment

Wards(s) affected: **All**

Report for: **Information**

1. Purpose

1.1 Members are asked to note to findings of the review of Planning Enforcement and the measures being taken to improve the service.

2. Recommendations

2.1 That Members note the findings of the Planning Enforcement review and the recommendations made and service response contained in Appendix 2.

2.2 That Members note the progress made to date in improving service performance and the arrangements in place for the delivery and monitoring of these service improvements

Report Authorised by: **Niall Bolger, Director of Urban Environment**

Contact Officer: **Robin Payne, Enforcement, telephone 020 8489 5513**

3. Chief Financial Officer Comments

3.1 The proposals contained in the recommendations of this report and in the Improvement Action Plan can be contained within existing approved Enforcement Service budgets. This assumes that the contribution from the Planning Service of £70k per annum can continue in the medium term. There may be some risk associated with this. The efficiency savings in respect of legal costs will need to be delivered, albeit it may impact on service delivery. The implications of these risk areas may need to be highlighted as part of the Council's future financial planning process.

4. Head of Legal Services Comments

4.1 The Head of Legal Service comments that the decision as to whether planning enforcement is “expedient” is within the sole discretion of the local planning authority. The authority must have regard to relevant policies in the UDP and the particular circumstances of any alleged or suspected breach of planning control.

4.2 The Government issued a Good Practice Guide in 1997 recommending the adoption of an enforcement policy.

5. Local Government (Access to Information) Act 1985

5.1 Planning Enforcement Review Full Report (2008)

6. Strategic Implications

6.1 Since 2004 planning enforcement has been undertaken by a team managed by the Enforcement Service but with enforcement decisions and case closure being approved by the Development Control Service. This is an important service area and has a direct contribution to make in the control of private sector housing supply, management of eyesore and neglected locations, protecting heritage buildings and conservation areas.

6.2 A performance review of planning enforcement was commissioned by the Cabinet Member for Enforcement and Community Safety to benchmark performance with a number of neighbouring and best practice authorities and to identify areas for improving performance. This review has generated an action plan that will improve this important service area.

7. Financial Implications

7.1 The service has an approved structure of four case officers, one Team Leader and a Monitoring Officer. The service budget has included £70k of Planning Delivery Grant which ended in 2007/8 but has been replaced by temporary funding from the Planning Service for 2008/9.

7.2 Temporary funding used to support additional staff to tackle the historical high caseload has been through vacancy savings achieved elsewhere within the Enforcement service. Planned recruitment means that this may not be available after June 2008.

7.3 The Enforcement service has planned efficiency savings for 2008/9 and 2009/10 which will reduce the overall legal budget from £200k to £100k. Expenditure on planning enforcement alone has been on average between £70k to £100k per year and

enforcement activity now planned will increase the number of cases prosecution or appealed significantly.

8. Legal Implications

9. Planning Enforcement is not a statutory service but where promised service standards are inadequate there is a risk that the service will be open to criticism for maladministration.

10. Equalities Implications

- 10.1 There were no equalities issues raised by this review.

11. Consultation

- 11.1 A member steering Group sponsored by Cllr Canver, including Cllr Bevan, Cllr Peacock and Cllr Adamou have been consulted on the review findings.

12. Review Findings

- 12.1 A summary of the findings of this review, carried out by the corporate performance team, is attached as Appendix 1. This review has considered the service under the four headings of People; Performance and Cost; Perception and Processes.
- 12.2 The Enforcement Service welcomes the review as a way of taking the improvement of the service forward. This report provides an overall response to the review and an update on progress made since the review under the key headings. A detailed response to the recommendations of the review is attached as Appendix 2. This document is being reformatted as an action plan.
- 12.3 People - Recommendations here are largely aimed at achieving a stable workforce. This has been an issue because the service has relied on agency staff to fill vacant posts supported by temporary funding and to supplement the team so that the historical case load can be reduced.
- 12.4 The service now has permanent funding for a Team Leader and 3 Planning Enforcement Officers. Funding for fourth officers has been made available from the Planning Service to replace Planning Delivery Grant which ended in 2007/8. Recruitment is proceeding to fill four vacant posts.
- 12.5 The service has overtime received supplementary funding from within the Enforcement budget to help reduce very high caseloads inherited prior to 2004. This funding will continue until June 2008 when it will be reviewed.
- 12.6 Performance and Cost - The report highlights that the perception about the performance of the service is often poor with failure to maintain adequate contact with

complainants and to explain investigation findings a significant concern. Performance has often been compromised by the very high caseload levels which the service has carried and high turnover of temporary staff. The service is committed to improving performance and has made substantial progress in reducing caseloads.

12.7 The table below shows a caseload analysis from 2004/5 as reported to the review and demonstrates the strong progress that has been made in reducing caseload levels.

| Year | Carried forward from previous year | Cases received | Total | Cases closed | Carried forward to next year |
|-----------------|------------------------------------|----------------|-------|--------------|------------------------------|
| 2004/5 | 1855 | 898 | 2753 | 1264 | 1489 |
| 2005/6 | 1489 | 939 | 2428 | 746 | 1682 |
| 2006/7 | 1682 | 686 | 2368 | 1064 | 1304 |
| 2007/8 (dec 07) | 1304 | 727 | 1734 | 1005 | |

12.8 Despite the high caseloads, in the period 2004/5 to 2006/7, the open cases workload reduced by 30% with 551 cases closed above the level of new cases opened in that period. This trend has continued through 2007/8 with only 870 open cases carried forward into 2008/9.

12.9 Officers will be seeking to maintain temporary funding to June 2008 and hope to reduce caseloads down to approximately 480 or 120 per planning enforcement officer.

12.10 The average unit cost of a planning enforcement case taken to closure fell by £105 from £437 in 2005/6 to £342 in 2006/7.

12.11 The service benchmarked its performance with 5 North London Local Authorities. Attached as an Appendix 3 is a list of performance facts and figures which were identified as part of the review and benchmarking. These demonstrate that the service has been achieving very high levels of enforcement activity, but with no evidence that the service has high levels of successful appeals. Service complaint levels and establishment are average compared to the local authorities used to benchmark performance.

12.12 Good practice identified through benchmarking has been included into a service improvement action plan and this will include an extended range of performance measures.

12.13 Perception - It is acknowledged that current perception of the service is poor by a range of stakeholders and the service is committed to improving this. The service is proposing to now monitor customer satisfaction of planning enforcement and will add

this to the improvement plan. This has traditionally been picked up by satisfaction monitoring by the Planning Service itself.

- 12.14 The service is also introducing a range of new standard documents including advisory leaflets and correspondence to ensure complainants are better informed on the service standards and progress of cases. Web pages are also being improved to provide more guidance on planning enforcement and to explain where formal action can be taken.
- 12.15 Processes – The report identifies the need to incorporate a number of processes to ensure that problem cases are resolved through joint case reviews with Legal and Development Control. These processes are now in place.
- 12.16 The need to ensure that other services contribute to planning enforcement was recognised in the review. This is already reflected in the Enforcement Service with planning enforcement now incorporated into the work undertaken by all officers and in particular the Enforcement Response out of hours service which now operates 24.7, as well as Street Enforcement and Street Wardens.
- 12.17 The review identifies the need to agree a new set of priorities for the service. The service will be seeking views on a set of draft priorities and to include them as part of the overall Enforcement Strategy.

13. Delivering the Improvements

- 13.1 To ensure that the recommendations of the review are progressed an officer Service Improvement Group is being established. This will be chaired by the Assistant Director of Frontline Services and will meet monthly to review progress on all the recommendations and also review progress on the key performance measures identified by the review. Appendix 2 is being developed into a SMART action plan that will be used for this purpose.
- 13.2 This Improvement Group will report back to the Cabinet Member for Enforcement and Community Safety on a monthly basis and to the Planning Applications Committee on a quarterly basis.

14. Conclusion

- 14.1 The performance review of planning enforcement has helped to generate a helpful action plan for improving the performance of the service particularly aimed at establishing a stable work force and improving perception.
- 14.2 The review also highlighted a number of positive aspects of the service including that it is a high achieving authority for taking enforcement action.

15. Use of Appendices

- 15.1 Appendix 1 – Planning Enforcement Review Summary
- 15.2 Appendix 2 – Planning Enforcement /Action Plan
- 15.3 Appendix 3 – Planning Enforcement Facts and Figures

APPENDIX 1

Performance Review of Planning Enforcement Summary report

Background

1. As part of the corporate Value for Money programme, the planning enforcement service was reviewed in 2007/2008.
2. The Planning enforcement service investigates reported breaches of planning permissions and conditions and reports of unauthorised developments, operating in a contractor role to PEPP (Planning, Environmental Policy and Performance). It is a very high profile service, with stakeholders that include residents, (complainants and those who breach planning regulations), elected members, developers, builders, estate agents and solicitors.
3. Planning enforcement has recently become part of the new Front Line Services business unit in Urban Environment, having previously been part of the enforcement business unit.

Objectives of the review

4. The following objectives for the review were agreed by the Project Board;
 - To examine and understand the structure and operation of the planning enforcement service
 - To explore Best Practice in planning enforcement with a view to improving how the service is provided, including benchmarking with other authorities;
 - To consider whether the service should concentrate its resources on a number of priority areas where it can have the greatest impact or continue to enforce planning across the board;
 - To make recommendations on how to improve the performance of the Planning enforcement service, whilst adhering to the Enforcement Principles outlined in the Draft Haringey Council Enforcement Policy.

Review Methodology

5. A number of other London authorities were visited between July and September 2007 to compare how they manage planning enforcement: Barnet, Enfield, Camden, Westminster, and Brent. The authorities chosen for visits were either nearest neighbours or recognised as best practice services.
6. A series of detailed case studies were examined to understand current processes used in the planning enforcement service.
7. Officers from both within planning enforcement and those in related services were consulted through a series of interviews and focus groups. A Member

focus group was held and questionnaires were sent to complainants, those being enforced against and professionals and agents involved in the process.

8. Information from these different exercises was collated and used to provide a series of recommendations for the service to develop into an improvement plan.

Findings and Recommendations

9. The findings and recommendations of this review are set out under four headings: People, Performance & Cost, Processes and Perception. The findings are derived from all the activities undertaken in the course of the review. The details of the findings are contained in the main report.

People

10. There were a number of key themes in the findings from visits to other authorities, focus groups and case studies.
11. There was broad agreement that use of temporary staff leads to inconsistency and delays for example, one case was handled by four different officers in a nine month period. A number of authorities visited had made a policy decision not to recruit temporary staff and the remaining authorities had very few temporary staff. All staff interviewed raised the issue that reliance on temporary staff means that information gets lost in the handover and background knowledge of a case can be lost.
12. Another common theme was the recruitment of Planners within the Planning enforcement service. With the exception of Enfield, which does not seek to recruit qualified planners, all the authorities visited cited a number of recruitment and retention incentives to attract qualified planners to their service, including graduate trainee schemes and career grade structures. Planning enforcement staff believe that planning knowledge is very important in conducting their work and that the job could not be done to the required standard by non-planners.
13. All planning enforcement services visited (except Enfield) were headed up by a qualified planner.

People - Recommendations:

1. The planning enforcement service may consider whether the service should be headed up by a qualified planner.
2. The planning enforcement service needs to prepare a strategy for the recruitment, retention and development of permanent staff.
3. A comprehensive training package needs to be developed for planning enforcement staff to address the two sets of skills identified:
 - Technical training
 - Basic training in planning enforcement law
 - Training in standards for drafting and serving enforcement notices
 - The use of an agreed template/checklist for enforcement notices
 - Ensuring that all decisions are documented, monitored and enforced
 - Skills based training
 - dealing with difficult/demanding members of the public
 - basic enforcement skills

Performance and Cost

14. Compared to other London boroughs participating in the review Haringey's volume of new cases received in 2006/7 is not high although year to date figures suggest that this the this is set to increase in 2007/8. In 2006/07 the service received 686 new cases and this has increased to 727 in 2007/08. In addition to new cases the service continues to reduce its backlog from 1682 in 2006/07 to 1304 so far in this current year.
15. Looking at the cases closed between 2005/6 and 2006/7 the majority (68%) were due to there not being an enforceable breach.
16. Haringey's performance on winning planning enforcement appeals remained constant between 2005/6 and 2006/7 despite the total number of appeals doubling over that period. Compared to other London Boroughs participating in the review Haringey's performance on winning planning enforcement appeals is average.
17. The net cost of the service for 2006/7 was £365,273 of which 78% (£286,882) was staffing costs (£119,225 on salaried staff; £167,657 on agency staff). This shows heavy reliance on agency staff. In 2006/7 the key additional cost for the service was the cost of legal advice and support from Legal services which amounted to £74,442.
18. The review tested the robustness of performance management in the service and found that it is limited and needs to be strengthened. The service does not monitor outcomes or timescales in resolving cases.

19. A random sample of case files found that the service needs to strengthen its systems and processes for caseload recording, to accurately reflect receipt and closure of complaints. Clear timescales for dealing with investigations need to be set and performance monitored against these.

Performance & Cost - Recommendations

1. The planning enforcement service needs to introduce a meaningful set of performance indicators. These performance indicators should be reported to the appropriate level of management and to the Planning Advisory sub-Committee on a quarterly basis. These indicators should also be used for setting targets and for monitoring the performance of staff.
2. Potential indicators may include the following:
 - Successful resolution of a case at an early stage e.g. retrospective planning permission sought
 - Breaches stopped
 - Customer satisfaction with the service received
 - % of cases closed within target time(s)
 - % of cases resolved through negotiation
 - % of cases closed through direct action
 - % of PCNs complied with/responded to
 - % of prosecutions for non-compliance with PCN
 - % of enforcement notices complied with
 - % of enforcement notices appealed
 - % of enforcement notices withdrawn by Council
 - No of prosecutions for non-compliance with enforcement notice
 - Outcome of appeals
3. The service should carry out robust analysis of all its performance information in order to understand its strengths and weaknesses and where it needs to focus action for improvement.

Perception

20. Generally perceptions about the service are poor. Members cited a number of problems that they had experienced with the service:
- The service seems very disorganised and staff do not keep on top of cases.
 - Files and information get lost regularly and members say that they have to constantly chase the service.
 - Work is not being programmed and monitored.
 - Quality of appeals evidence provided by the Council is poor
 - Officers do not go to appeal equipped to deal with the case. Costs are being awarded against the Council for cases which have been poorly prepared or have no merit.

21. Members made a number of helpful suggestions as to how communication with residents could be improved; including keeping complainants informed as cases progress. This observation is in line with the findings of the file audit. A number of authorities shared examples of good practice in communicating with the public, in particular being clear with customers that their case can take a long time, including long waits between stages.
22. There is a perception among staff interviewed that Haringey's planning enforcement has a poor reputation leading to recruitment difficulties.
23. Complainants, those complained about and other agents linked to the service (builders, developers, estate agents, solicitors etc.) were all contacted to find out their experiences of using the planning enforcement service. No one who the Council had enforced against, or agents, responded to the survey. Of the 288 complainants contacted, 64 responded, representing a respectable 22% response rate.
24. The main findings of this survey are as follows:
 - The majority of complainants (64%) said that the Council completed its investigations and made a decision about their complaint within 3 months
 - About two thirds of respondents said that they were not kept informed of progress in dealing with their complaint
 - Over half of complainants said that they did not receive a satisfactory explanation of the Council's decision
 - Only one fifth of those whose complaint was *not* upheld understood why this was
 - Less than half of those whose complaint was upheld said that the unauthorised works had stopped as a result
 - Just over a fifth of complainants were satisfied with the way in which their complaint was dealt with.

Perception - Recommendations

1. The service needs to consider ways of communicating better to members and residents the aims and limitations of the planning enforcement service.
2. The planning enforcement service should publicise successful prosecutions and actions to raise public awareness that planning enforcement is taken seriously in Haringey
 - Through press releases
 - Through the website
 - Consider 'Quality Audit'
3. The service needs to improve its presence on the Council's website.
4. Planning enforcement staff representing the service in public need to be trained to speak confidently about the service.

Processes

25. A number of planning enforcement cases were analysed to see how cases are being handled by the service. The key findings were:

- Accuracy and attention to detail in handling cases needs to be improved. A number of cases reviewed were missing information, included inaccurate information or undated correspondence. In some cases it was not clear if the case had been resolved and closed.
- There were often unexplained delays in cases where nothing happened for many months.
- Not communicating with complainants ultimately generates further work as officers have to deal with their enquires.

26. These findings were mirrored in the file audit and views from the Council's Legal service who highlighted the need for correct evidence in the issuing of enforcement notices and the presentation of successful cases at appeals and criminal prosecutions. They pointed out that many notices have to be withdrawn because of the poor quality of enforcement notices.

Processes - Recommendations

1. A set of criteria for the issuing of planning enforcement notices needs to be developed and agreed. Enforcement notices should only be issued when these agreed criteria have been met.
2. Planning enforcement needs to increase its use of other actions available to tackle unauthorised development e.g. PCNs, direct action etc.
3. The service could use the street enforcement service, the street wardens' service and the 'Out of Hours' service to check compliance and to assist with other evidence gathering wherever possible.
4. To ensure that cases are being dealt with in a consistent manner, the service should have regular one to one meetings with the senior planning officer responsible for signing off planning enforcement cases.
5. Case conferences between planning enforcement, Development Control and Legal could be convened to resolve the most difficult cases.
6. Planning enforcement should consider having discussions with the head of Building Control to see whether Building Control could be part of the 'early warning' system for unauthorised development, particularly on high profile cases.
7. Day to day management of cases needs to be improved:
 - Key dates should prompt action on the part of an officer
 - All correspondence should be scanned and dated and stored appropriately

- When an officer resigns from the service a key task should be the proper handover of all cases.
8. One member of staff within the service should be a contact for the resident.
 9. All complaints to planning enforcement should be responded to with a standard acknowledgement letter in line with the Council's agreed corporate timescale.
 10. Complainants should be written to at key points in the investigation of a breach. If there is a delay, complainants should be notified with the reasons for the delay and an indication of the new timescales. Complainants should also be written to when a case is closed with an explanation as to why a case was/was not upheld.
 11. The service may consider producing an information leaflet/ guide to planning enforcement setting out the planning enforcement process and target timescales for each stage.
 12. The service should consider using a series of Standard letters where Permitted Development is suspected, asking the complainant to check the development against a permitted development criteria.
 13. The service should review its IT to see if some of the problems highlighted such as tracking cases, flagging actions, storing and retrieving information and case handover could be resolved.
 14. A system and protocol to effectively prioritise cases, ensuring that substantive breaches are tackled robustly should be developed.

Next Steps

27. Recommendations made in this report were presented to the Project Board and service managers for discussion at the project away day in November 2007. Since then the service has been working with the Project Manager of this review and with other colleagues to prepare an Action Plan setting out how these recommendations will be achieved.

Planning Enforcement Review – Action Plan version 4 (20.3.08)

APPENDIX 2 Planning Enforcement Performance Review Action Plan

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|--------|--|--|---------------------------|-------------------------------------|---|
| People | 1. The Planning Enforcement service may consider whether the service should be headed up by a qualified planner | Agreed - The process to recruit a new Team Leader has begun and an essential requirement is that the post holder is a qualified and experienced planner. | April 2008 | Eubert Malcolm | The post was originally graded at P05 and is now at P07. The additional £5k is from within the Enforcement budget |
| | 2. The planning enforcement service needs to prepare a strategy for the recruitment, retention and development of permanent staff. | Agreed – There is a commitment to recruiting permanent staff to the establishment of 4 case officers. Three posts are vacant Retention packages for the permanent staff will be considered. Staff who are to be sponsored to become qualified planners could also be located for one year of their ‘training’ within the Planning Enforcement service in addition to or as an alternative to the graduate trainee scheme. | June 2008 | Eubert Malcolm Marina Dimopoulou | 3 case officer posts have funding up to P02. A fourth post will be funded from PDG. |
| | 3. A comprehensive training | Agreed – the Enforcement service | July 2008 | Eubert | It is not expected |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|----------------------|--|--|---------------------------|-------------------|--|
| | <p>package needs to be developed for Planning Enforcement staff to address the two sets of skills identified:</p> <ul style="list-style-type: none"> • Technical training • Skills based training | <p>already supports officers through core enforcement training for permanent staff and links competence to assessment and qualification.</p> <p>Additional training needs will be identified through induction, performance appraisals and one-to-ones.</p> | | Malcolm | that training costs will provide an excessive budget pressure |
| Performance and Cost | <p>1. The planning enforcement service needs to introduce a meaningful set of performance indicators. These performance indicators should be reported to the appropriate level of management and to the Planning Advisory sub-Committee on a quarterly basis. These indicators should also be used for setting targets and for monitoring the performance of staff</p> | <p>Agreed – the planning enforcement service already monitors a valuable range of performance measures at appropriate levels of management. These include initial investigation performance, enforcement activity, open caseload and case closure rates. These will continue to be measured.</p> <p>It is agreed that a further set of performance measures will now be introduced and monitored and reported quarterly to the Planning Committee.</p> | April 08 | Eubert Malcolm | Arrangements and resources for support of performance management are part of a back office review of UE. |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|-------|--|--|--------------------------------|--|---|
| | | PPD will, in addition, establish its own monitoring arrangements for these performance measures and establish the targets for these indicators. | | | |
| | <p>2. Potential indicators may include the following:</p> <ul style="list-style-type: none"> • Successful resolution of a case at an early stage e.g. retrospective planning permission sought • Breaches stopped • Customer satisfaction with the service received • % of cases closed within target time(s) • % of cases resolved through negotiation • % of cases closed through direct action • % of PCNs complied with/responded to • % of prosecutions for non-compliance with PCN • % of enforcement notices complied with | <p>Subject to technical issues being resolved, these will form part of 2008/9 performance management arrangements.</p> <p>Target setting, where appropriate, will be determined by the Improvement Group for this action plan, to be chaired by the AD Frontline Services.</p> | <p>April 08</p> <p>June 08</p> | <p>Eubert Malcolm</p> <p>Beverley Taylor</p> | <p>Arrangements and resources for support of performance management are part of a back office review of UE.</p> |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|------------|---|--|---------------------------|------------------------|------------------------|
| | <ul style="list-style-type: none"> • % of enforcement notices appealed • % of enforcement notices withdrawn by Council • No of prosecutions for non-compliance with enforcement notice • Outcome of appeals | | | | |
| | <p>3. The service should carry out robust analysis of all its performance information in order to understand its strengths and weaknesses and where it needs to focus action for improvement</p> | <p>Agreed – the Improvement Group will develop this arising from 2. above</p> | <p>April 08</p> | <p>Beverley Taylor</p> | <p>None</p> |
| Perception | <p>1. The service needs to consider ways of communicating better to members and residents the aims and limitations of the planning enforcement service</p> | <p>Agreed – the service will develop a suite of helpful leaflets and Q&A documents, to be available through available our website, correspondence and other alternatives.</p> <p>We will seek Member views on measures to improve their awareness of planning limitations.</p> | <p>June 08</p> | <p>Eubert Malcolm</p> | <p>TBC</p> |
| | <p>2. The planning enforcement service should publicise</p> | <p>Agreed – the service already issues press releases for all</p> | <p>Ongoing</p> | <p>Eubert Malcolm/</p> | <p>None</p> |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|-------|---|--|--|---|--|
| | <p>successful prosecutions and actions to raise public awareness that planning enforcement is taken seriously in Haringey</p> <ul style="list-style-type: none"> • Through press releases • Through the website • Consider 'Quality Audit' | <p>successful cases and these are posted on the Council website.</p> <p>Unfortunately many cases provide a sanction that is not an adequate deterrent given the potential financial gain of some unauthorised developments.</p> | | <p>directorate communications team/ corporate communications team</p> | |
| | <p>3. The service needs to improve its presence on the Council's website</p> | <p>Agreed – a greater amount of advisory information to be placed on the website. This will be consistent with recommendations above.</p> <p>The service will also revisit the helpfulness of the planning enforcement portal as a way of complainants tracking case progress.</p> | <p>June 2008</p> | <p>Eubert Malcolm/ Marina Dimopolou</p> | <p>Improvements to the planning enforcement portal may require investment.</p> |
| | <p>4. Planning Enforcement staff who represent the service in public need to be trained to speak confidently about the service</p> | <p>Agreed – recruitment, induction, appraisal and training arrangements will emphasise this area of competence.</p> | <p>Initial training by July 2008, then ongoing</p> | <p>Eubert Malcolm</p> | <p>From existing budgets.</p> |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|---------|---|--|------------------------------------|---|--|
| Process | <p>1. A set of criteria for the issuing of planning enforcement notices needs to be developed and agreed. Enforcement notices should only be issued when these agreed criteria have been met.</p> <p>2. Planning enforcement needs to increase its use of other actions available to tackle unauthorised development e.g. PCNs, direct action etc</p> | <p>Agreed – standard practice for notices served by the Enforcement service will be reviewed.</p> <p>Agreed – benchmarking shows that Haringey is considerably more active on taking such enforcement action than most other benchmarked authorities. PCN action is a valuable tool in escalating action and identifying offenders and offences.</p> <p>Any enforcement action should be consistent with Haringey's Enforcement Policy, Enforcement Concordat http://www.dti.gov.uk/consumers/enforcement/enforcement-concordat/index.html principles and the recently released Regulator's Compliance Code http://bre.berr.gov.uk/regulation/reform/enforcement-concordat/in</p> | <p>March 2008</p> <p>June 2008</p> | <p>Eubert Malcolm/ Marina Dimopolou</p> <p>Eubert Malcolm/Head of Enforcement</p> | <p>This will be a responsibility for the administrative support provided by the Enforcement Technical Support team.</p> <p>Direct action may require work in default and financial risk will need to be assessed on each case.</p> |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|-------|---|---|---------------------------|----------------------------|------------------------|
| | | <p>dex.asp</p> <p>Haringey's Enforcement policy should reflect its enforcement approach and should be reviewed on this basis.</p> | | | |
| | <p>3. Use of Street Enforcement, Street Wardens and 'Out of Hours' to check compliance or other evidence gathering wherever possible</p> | <p>Agreed – it is already established practice for Environmental Crime Officers to identify and investigate planning action.</p> <p>Out of Hours has been configured to provide a planning enforcement response.</p> | Ongoing | Eubert Malcolm | None |
| | <p>4. To ensure that cases are being dealt with in a consistent manner, the service should have regular one to one meetings with the senior planning officer responsible for signing off planning enforcement cases</p> | <p>Agreed – regular meetings are now taking place.</p> <p>To improve speed and consistency it is proposed that the new team leader be given extended delegated responsibility for deciding enforcement interventions.</p> <p>PPD will establish monitoring arrangements for monitoring delegated decisions taken by Planning Enforcement.</p> | April 2008 | Eubert Malcolm/Heads of DC | None |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|-------|--|---|-----------------------------|--------------------------------|--|
| | | This means signing off will be minimised. However, arrangements for contentious, complex cases and absence cover will require DC involvement. | | | |
| | 5. Case conferences between planning enforcement, Development Control and Legal could be convened to resolve the most difficult cases | Agreed – the Team Leader for Planning Enforcement will agree the need for such conferences with the relevant Heads of DC. A protocol will be produced to agree when this will need to happen, including others as necessary for example on HMOs. | April 2008 | Eubert Malcolm and Heads of DC | While case conferences with legal involve costs, this activity should reduce legal costs of failure. |
| | 6. Planning enforcement should consider having discussions with the head of Building Control to see whether Building Control could be part of the 'early warning' system for unauthorised development, particularly on high profile cases. | Agreed – discussions are underway. A protocol will be produced between Building Control and Planning Enforcement. | April 2008 July 2008 | Eubert Malcolm/ Bob McIver | Revenue implications for BC to be clarified. |
| | 7. Day to day management of cases needs to be improved: | Agreed - The service will investigate whether the current IT system I-PLAN - has this | April 2008 | Eubert Malcolm and | None |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|-------|---|---|-----------------------------------|--|------------------------|
| | <ul style="list-style-type: none"> • Key dates should prompt action on the part of an officer • All correspondence should be scanned and dated and stored appropriately • When an officer resigns from the service a key task should be the proper handover of all cases | <p>functionality for scheduled dates. If not, alternatives such as the use of Outlook, will ensure that this is implemented</p> <p>Enforcement support will review arrangements for the handling and scanning of correspondence</p> <p>The Team Leader will be responsible for ensuring that all outstanding key tasks are identified and re-allocated.</p> | <p>May 2008</p> <p>April 2008</p> | <p>Marina Dimopolou</p> | |
| | <p>8. One member of staff within the service should be a contact for the resident</p> | <p>Agreed – this recommendation will be put in place but be more achievable once the caseload is at manageable levels and permanent staff recruited.</p> <p>All communication will provide officer contact details.</p> <p>Cover arrangements will be through administrative support and the Team Leader.</p> | <p>June 2008</p> | <p>Eubert Malcolm and Marina Dimopolou</p> | <p>None</p> |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|-------|--|---|---------------------------|---------------------------|--------------------------------|
| | <p>9. All complaints to planning enforcement should be responded to with a standard acknowledgement letter in line with the Council's agreed corporate timescale</p> | <p>Agreed – standard letters and formats will be made available to case officers that link into a managed system for scheduling action.</p> | <p>April 2008</p> | <p>Eubert Malcolm</p> | <p>None</p> |
| | <p>10. Complainants should be written to at key points in the investigation of a breach. If there is a delay, complainants should be notified with the reasons for the delay and an indication of the new timescales. Complainants should also be written to when a case is closed with an explanation as to why a case was/was not upheld</p> | <p>Agreed.</p> | <p>July 2008</p> | <p>Eubert Malcolm</p> | |
| | <p>11. The service may consider producing an information leaflet/ guide to planning enforcement setting out the planning enforcement process and target timescales for each stage.</p> | <p>Agreed – see Perception Recommendation 1 above</p> | <p>April 2008</p> | <p>Eubert Malcolm</p> | <p>Within existing budgets</p> |

Planning Enforcement Review – Action Plan version 4 (20.3.08)

| Theme | Review Recommendation | Service Response | Time scale for completion | Lead Officer | Financial implications |
|-------|--|---|---------------------------|----------------|------------------------|
| | 12. The service should consider using a series of Standard letters where Permitted Development is suspected, asking the complainant to check the development against a permitted development criteria. | Agreed | April 2008 | Eubert Malcolm | None |
| | 13. The service should review its IT to see if some of the problems highlighted such as tracking cases, flagging actions, storing and retrieving information and case handover could be resolved | Agreed – however any review of IT would need to be part of a wider review with Development Control. This will be discussed with DC. | July 2008 | Robin Payne | TBC |
| | 14. A system and protocol to effectively prioritise cases, ensuring that substantive breaches are tackled robustly should be developed | Agreed – clear set of priorities for the service will be developed to inform the Enforcement policy and establish a framework for case decision making and programmes of work such as the reversal of conversions and occupation as HMOs. | June 2008 | Robin Payne | None |

Planning Enforcement Performance Review - facts and figures

- In the 3 years prior to the transfer of planning enforcement to the Enforcement service (2001/2 -2003/4), 2,064 cases were received for investigation, but only 913 (44%) resulted in a visit. However, in the 3 years that followed transfer (2004/5 – 2006/7) 2,523 cases were received for investigation, of which 2,357 (93%) were investigated by visit. **Since 2004 there has been a substantial increase in the number investigations made as a proportion of cases received.**
- In the current year, reported in December 2007, 97% of all cases for site investigation have been visited within their target time. **Performance on investigations made as a first response is excellent in Haringey.**
- In the benchmarked year of 2006/7 Haringey's planning enforcement recorded 686 cases for investigation. This was a low year compared to the average of around 840 per year for Haringey. When viewed as cases per 1000 of the population Haringey has a low level of cases opened compared to other benchmarked authorities. **Haringey has a comparatively low complaint levels.**
- Based on an average of 840 new cases per year and a permanent establishment of 6 (4 case officers) Haringey has 140 cases per fte per year. This is marginally less than the average for the benchmarked authorities of 147 cases per fte per year, although in some years Haringey has been above this average. **Haringey has generally average volumes of new cases for its establishment compared to other benchmarked authorities**
- Haringey has the second lowest permanent establishment of the benchmarked authorities, being 0.5 fte more than Brent. **Haringey has a comparatively small establishment.**
- In the 3 years prior to transfer of planning enforcement to Enforcement (2001/2 -2003/4) only 209 (9%) cases were closed during that period. However, in the 3 years that followed the transfer (2004/5 – 2006/7) 3,074 (122%) were closed. **There has been a substantial increase in the volume of case closures to reduce the backlog inherited from before 2004.**
- At the close of 2003/4 when the service was transferred there were 1,855 open cases arising from the 3 years of previous weak activity. At that time there were 3 funded case officer posts, representing a potential average caseload of 618 cases per officer. At the close of December 2007 there were 1,005 open cases and 4 funded case officer posts. This represents a caseload per officer of 251 cases. **Haringey has had very large levels of historical open cases. However, since 2004 there has been a significant reduction the in the total caseload per officer.**

Appendix 3

- In the benchmarked year of 2006/7 Haringey's planning enforcement closed 1068 cases and served 130 Enforcement Notices. This represents a ratio of 8.2:1. In comparison only one authority, Brent, served a higher proportion of Enforcement Notices but this Council closed less than half the number of cases. Haringey's ratio was twice the average for the benchmark group but showed no indication of being higher for appeals or lost appeals. ***Haringey has reported a high volume of Enforcement activity compared to other benchmarked authorities.***
- In the benchmarked year of 2006/7 Haringey's planning enforcement closed 1068. Its establishment was 4 case officers, one Team Leader and one administration officer. In addition one the equivalent of one additional case officer was employed bringing the establishment to full time equivalent (fte) of 7. This equates to a 153 cases closed per fte in Haringey per year. This was higher than all other benchmarked authorities except for Enfield, who like Haringey, were dealing with a backlog having relocated the planning enforcement service away from development control. The average for the benchmarked authorities was around one fifth less than for Haringey. ***Despite the use of additional temporary resources, Haringey has reported a high level of case closures per officer compared to other benchmarked authorities.***
- ***The average unit cost of a planning enforcement case taken to closure fell by £105 from £437 in 2005/6 to £342 in 2006/7.***