



Haringey Council

Special Planning Committee

On 29th May 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

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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 (Cabinet member for Safer Communities and Enforcement), including Cllr Amin (Cabinet member for Regeneration and Enterprise), Cllr Peacock (Chair of Planning Committee) and Cllr Bevan (representing Overview and Scrutiny), and 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. Provided as Appendix 4 is an caseload analysis for the period 2001 to 2008.

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	1304	914	2218	1289	929

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 929 open cases carried forward into 2008/9. As of 15 May 2008 we have 850 open cases

12.8 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.

12.9 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.

12.10 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.

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

- 12.12 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.
- 12.13 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.
- 12.14 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.
- 12.15 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.
- 12.16 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.
- 13.2 Appendix 2 is being developed into a SMART action plan that will be used for this purpose. Offices will table a latest version of this report at committee.
- 13.3 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. Enforcement Activity

14.1 Below is the number of formal actions that have taken place during 2007/08

Formal Actions	2007/08
Enforcement notices	126
S330	113
Planning contravention notice	74
Temporary stop notice	12
Appeals lodged	12
Appeals won	30
Appeals lost	7
Appeals withdrawn	3

15. Conclusion

- 15.1 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.
- 15.2 The review also highlighted a number of positive aspects of the service including that it is a high achieving authority for taking enforcement action.
- 15.3 Since the service was transferred to Enforcement in 2004 there has been a steady reduction in the volume of open cases and a marked increase in the level of enforcement activity. Current levels of enforcement are significantly higher than found across benchmarked authorities.
- 15.4 It is expected that as caseload levels continue to fall to a target of around 120 per case officer, case management will improve and quality improvements will be achieved.

16. Use of Appendices

- 16.1 Appendix 1 – Planning Enforcement Review Summary
- 16.2 Appendix 2 – Planning Enforcement /Action Plan
- 16.3 Appendix 3 – Planning Enforcement Facts and Figures
- 16.4 Appendix 4 – Analysis of Planning Enforcement Workload