

Planning Enforcement Review – Action Plan version 4 (20.3.08)

Planning Enforcement Performance Review Action Plan

This action plan represents the response of the Enforcement service to recommendations made by a corporate review of planning enforcement. This review 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. The findings of this review need to be set in the context of planning enforcement since 2001, the resources for planning enforcement and the strategic priorities for Enforcement.

Enforcement Strategic Priorities 2007/8 – 2009/10

The priorities related to planning enforcement are -

1. Priority One: Safer, Cleaner & Sustainable Environment

- Obj. 1: To act against landowners that neglect properties and create public eyesores.
- Obj. 2: To reverse and prevent unauthorised use and non permitted development.
- Obj. 3: To implement an enforcement tool for targeting unscrupulous, failing landlords

2. Priority Two: Healthier communities –

- Obj. 6: To enforce the standards set for Houses in Multiple Occupation through the use of available licensing powers.

3. Priority Three: Successful Business –

- Obj. 12: To encourage & support good landlords

Priority Four: Effective & valued service –

- Obj. 15: To support area improvement and local action planning with communities.
- Obj.16: To develop services through feedback and consultation.
- Obj. 17: To provide value for money, ensuring that our priorities for enforcement are matched by our use of available resources.

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Planning Enforcement Resources and Priorities

The Planning Enforcement team was transferred to the Enforcement service in January 2004. At this time there were 5 posts, 3 of which were case officer posts filled permanently by two qualified planners and one technical officer. In 2006/7 this establishment was increased to 4 case officers using temporary Planning Delivery Grant which ends in March 2008 and is expected to be replaced by Housing and Planning Delivery Grant.

In the period 2001/2 to 2003/4 the open cases workload increased by 373% as a result of low case closures and rising complaint levels. This period also saw the development of a new planning enforcement team and prior to this period there was effectively no planning enforcement.

The table below shows a caseload analysis from 2004/5.

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	

In April 2004 there were 1855 open cases rolled forward from 2003/4 and 898 new cases opened. In 2004/5 this represented a caseload of 2753 cases to be investigated by the two field officers and vacant post or 917 for each case officer.

It was recognised by the service at this time that reducing caseload per officer to more reasonable proportions was essential if both effective outcomes and a stable workforce were to be achieved. In addition there were opportunities to develop cross service working on eyesores, illegal advertising and HMO activity.

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Since that time the Enforcement service has funded a varying number of additional posts to reduce the caseload and has developed new service roles within Environmental Crime and Enforcement Response service groups to supplement this resource. The new Strategic and Community Housing service has taken over responsibility for private sector housing work but there remains joint working through a Member led Green Lanes HMO working group.

Despite the very 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 the latest exercise in reducing the historic open cases to 1005 as of end of December.

In addition to a commitment to reducing the caseload of the service, the service has also been committed to activity across a number of area based action plans including the Myddleton Road, Green Lanes, Urban Environment Area Based working Groups, and the Tower Gardens Conservation Area.

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,

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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.***
- 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.***

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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.	<p>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.</p> <p>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.</p>	June 2008	Eubert Malcolm Marina Dimopolou	3 case officer posts have funding up to P02. A fourth post is subject to the availability of replacement funding for PDG which ends in March 2008.
	3. A comprehensive training package needs to be developed for Planning Enforcement staff to	Agreed – the Enforcement service already supports officers through core enforcement training for permanent staff and links	July 2008	Eubert Malcolm	It is not expected that training costs will provide an excessive budget

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	<p>address the two sets of skills identified:</p> <ul style="list-style-type: none"> • Technical training • Skills based training 	<p>competence to assessment and qualification.</p> <p>Additional training needs will be identified through induction, performance appraisals and one-to-ones.</p>			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> <p>PPD will, in addition, establish its own monitoring arrangements for these performance measures and establish the targets for these</p>	April 08	Eubert Malcolm	Arrangements and resources for support of performance management are part of a back office review of UE.

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	<p>Council</p> <ul style="list-style-type: none"> • 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	Agreed – the Improvement Group will develop this arising from 2. above	April 08	Beverley Taylor	None
Perception	1. The service needs to consider ways of communicating better to members and residents the aims and limitations of the planning enforcement service	<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>	June 08	Eubert Malcolm	TBC
	2. The planning enforcement service should publicise successful prosecutions and actions to raise public awareness that planning enforcement is taken seriously in Haringey	<p>Agreed – the service already issues press releases for all successful cases and these are posted on the Council website.</p> <p>Unfortunately many cases provide a sanction that is not an adequate</p>	Ongoing	Eubert Malcolm/ directorate communications team/ corporate	None

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	<ul style="list-style-type: none"> • Through press releases • Through the website • Consider 'Quality Audit' 	deterrent given the potential financial gain of some unauthorised developments.		communications team	
	3. The service needs to improve its presence on the Council's website	<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>	June 2008	Eubert Malcolm/Marina Dimopolou	Improvements to the planning enforcement portal may require investment.
	4. Planning Enforcement staff who represent the service in public need to be trained to speak confidently about the service	Agreed – recruitment, induction, appraisal and training arrangements will emphasise this area of competence.	Initial training by July 2008, then ongoing	Eubert Malcolm	From existing budgets.
Process	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 – standard practice for notices served by the Enforcement service will be reviewed.	March 2008	Eubert Malcolm/Marina Dimopolou	This will be a responsibility for the administrative support provided by the Enforcement

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	agreed criteria have been met.				Technical Support team.
	2. Planning enforcement needs to increase its use of other actions available to tackle unauthorised development e.g. PCNs, direct action etc	<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/index.asp</p> <p>Haringey’s Enforcement policy should reflect its enforcement approach and should be reviewed on this basis.</p>	June 2008	Eubert Malcolm/Head of Enforcement	Direct action may require work in default and financial risk will need to be assessed on each case.

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	3. Use of Street Enforcement, Street Wardens and 'Out of Hours' to check compliance or other evidence gathering wherever possible	<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
	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>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> <p>This means signing off will be minimised. However, arrangements for contentious, complex cases and absence cover will require DC involvement.</p>	April 2008	Eubert Malcolm/H eads of DC	None
	5. Case conferences between	Agreed – the Team Leader for	April 2008	Eubert	While case

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	<p>planning enforcement, Development Control and Legal could be convened to resolve the most difficult cases</p>	<p>Planning Enforcement will agree the need for such conferences with the relevant Heads of DC.</p> <p>A protocol will be produced to agree when this will need to happen, including others as necessary for example on HMOs.</p>		<p>Malcolm and Heads of DC</p>	<p>conferences with legal involve costs, this activity should reduce legal costs of failure.</p>
	<p>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.</p>	<p>Agreed – discussions are underway.</p> <p>A protocol will be produced between Building Control and Planning Enforcement.</p>	<p>April 2008</p> <p>July 2008</p>	<p>Eubert Malcolm/Bob McIver</p>	<p>Revenue implications for BC to be clarified.</p>
	<p>7. Day to day management of cases needs to be improved:</p> <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 	<p>Agreed - The service will investigate whether the current IT system I-PLAN - has this 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>April 2008</p> <p>May 2008</p>	<p>Eubert Malcolm and Marina Dimopolou</p>	<p>None</p>

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	handover of all cases	The Team Leader will be responsible for ensuring that all outstanding key tasks are identified and re-allocated.	April 2008		
	8. One member of staff within the service should be a contact for the resident	<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>	June 2008	Eubert Malcolm and Marina Dimopolou	None
	9. All complaints to planning enforcement should be responded to with a standard acknowledgement letter in line with the Council's agreed corporate timescale	Agreed – standard letters and formats will be made available to case officers that link into a managed system for scheduling action.	April 2008	Eubert Malcolm	None
	10. Complainants should be written to at key points in the investigation of a breach. If	Agreed.	July 2008	Eubert Malcolm	

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	<p>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>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>
	<p>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.</p>	<p>Agreed</p>	<p>April 2008</p>	<p>Eubert Malcolm</p>	<p>None</p>
	<p>13. The service should review its IT to see if some of the</p>	<p>Agreed – however any review of IT would need to be part of a</p>	<p>July 2008</p>	<p>Robin Payne</p>	<p>TBC</p>

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	problems highlighted such as tracking cases, flagging actions, storing and retrieving information and case handover could be resolved	wider review with Development Control. This will be discussed with DC.			
	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