

Scrutiny Report: Planning Enforcement Officer Review of Recommendations

Scrutiny Update 21/03/2022

<u>Number</u>	<u>Recommendation</u>	<u>Comments</u>	<u>Position</u>
1	That the Council recruit further resource for planning enforcement so the team includes either: a Principal Planning Enforcement Officer, two Planning Enforcement Officers and trained dedicated admin support; or a Principal Planning Enforcement Officer and three Planning Enforcement Officers.	DM is undergoing a period of change and stabilisation since May 2021. Consideration of resource will be looked at via a planned 'restructure' Members suggestions have been noted by officers and will be considered within the 'DM' restructure work.	In-progress Update March 2022: Job descriptions have been put together and are currently being graded for 1x T/Leader and 1x Clerical Support. The team is currently benefitting from an experienced interim Enforcement officer and this has significantly increased the capacity and capability of the team and has resulted in increased enforcement activity
2	That the Council establish a dedicated Solicitor with planning experience to act as a direct point of reference for the Planning Department, this could potentially be a shared service with another Local Authority	Legal has employed a 'locum' to help legal manage/advise on matters of planning and enforcement. After consideration the CEO has approved a fixed term post for 12 months (3 days per week) It has been recognised that having a dedicated planning lawyer can assist in planning matters.	Update March 2022: After the departure of the 1 st interim Lawyer, a new locum started in January 2022, currently contracted until March 2022. Dependent upon the success of the interim role, and on the overall financial landscape,

			consideration will be given to inclusion of a post within the Council's establishment.
<u>3</u>	That the Planning Department establish a process to enable proactive monitoring of planning conditions. That a proposal for how this will be achieved is brought to the Scrutiny Committee by the Chief Executive within a month of adoption of recommendation by Council.	<p>Member's suggestion has been noted. <i>A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990</i></p> <p>Processes and triggers are under review and discussions have started between Dean & Maria and the wider team. Such monitoring will also be dependent on resource and levels of work. The Planning Lawyer makes a difference to both legal and DM in this area.</p>	<p>In-progress</p> <p>The Enforcement team is monitoring some of the higher profile matters – linking to the Continuous Improvement work. Once the team is more established, a process/procedure for monitoring and review will be developed and agreed.</p>
<u>4</u>	That Enforcement Officers are provided with tablets with mobile telephone connection, linked to MDDC systems, to assist on site visits so that information can be retrieved on site and allow immediate contact and consultation with management if required.	All relevant officers have been issued 'ipads' the rollout started in March 2021	Completed
<u>5</u>	That internal procedures be put in place so that discretionary powers be delegated down to appropriate levels to allow enforcement officers to make relevant decisions on site	<p>It was agreed that the Scheme of Delegation should be reviewed, however, it was also noted that it would be risky not to have notices checked by 'legal' on a case by case basis. Notices are already created by Enforcement Officers and sent to legal for checking.</p> <p>Further changes can be considered as the team evolves process for better enforce matters.</p>	Completed

6	That a Subgroup of the Planning Committee be established to monitor issues within Planning Enforcement. This standing Enforcement Advisory or Working Group would review performance, deadlines and outstanding cases, and report back to the Planning Committee.	It was discussed that officers should deal with operational matters. A 'clinic' was originally established to discuss specific issues, but this has now been overtaken by the Continuous Improvement (CI work)	<p>Completed</p> <p>Update March 2022: Cllrs are updated, when required. Monitoring also takes place through the continuous improvement work, led by Cllr Daw.</p>
7	That the free planning advice line and/or the contact telephone number be reinstated with immediate effect (as outlined by the Customer Service Working Group).	Giving extensive free advice is not commercially viable, although officers do readily engage with residents/agents/businesses who wish to enter in to dialogue with the LPA. Most authorities charge for advice services such as 'pre-apps', although these are discretionary. Planning staff are always contactable and admin staff are now equipped with mobiles to support hybrid/off-site working.	<p>In-progress</p> <p>Update March 2022: The Director, DM manager and CMT lead are progressing discussions in relation to how customers engage with the LPA and are considering the wider discretionary fee structure. A paper on fees will be brought to Cabinet as soon as possible.</p>
8	That the Local Enforcement Plan be rewritten to consider the views and recommendations of this report and to take into account more enhanced versions from other Local Authorities, notably the East Devon model. That the new Enforcement Plan be submitted to the Scrutiny Committee for consideration prior to submission for adoption by Planning Committee.	The East Devon Policy has been downloaded and will be reviewed alongside Mid Devon's Version. MDDC policy was due a review in its 3 rd year that being 2021. Review being undertaken by Dean Emery to include observations/recommendations from this report	<p>In-progress</p> <p>Update March 2022: An updated draft policy has been produced. When the new team is formed, the team will be brought together to review the policy to ensure it is as robust as possible. Cllr Warren will be brought into the review.</p>

<u>9</u>	That a Tree Officer is recruited as a matter of urgency, this could potentially be a shared service with another Local Authority.	Tree Officer started 16/09/2021	Completed
<u>10</u>	That the Chief Executive bring forward a proposal for making information on enforcement action more publicly available.	There are very strict rules around 'data protection' with regards to 'enforcement' it must be clearly understood as to what can and cannot be placed for public access.	In-progress Update March 2022: work is in progress: limited information can be shown, but not all notices can be included. There is again a link to the CI work with updates issued to Cllr Daw, as appropriate.
<u>11</u>	That the Development Management Manager establish a process for case management to ensure cases are monitored and followed up, so that cases are not lost within or between Departments.	Links with 1,2 & 8	In-progress/ongoing. Both the DM manager and the Director are seeking to improve processes to ensure better coordination.
<u>12</u>	That an implementation plan is drawn up to cost the recommendations made in this report, and passed to Cabinet for consideration.	CEO previously had oversight of the change programme within 'DM'. The Director of Place is now carrying on the work and organisational changes, as required.	In-progress Update 16/02/2022: Now being overseen by Richard Marsh with work in progress.

Summary

<u>Progress Description</u>	<u>Count</u>
Completed	4
In-progress	8
Under Consideration	0
Total	12