

## Scrutiny Report: Planning Enforcement Officer Review of Recommendations

Scrutiny Update 19/09/2022

<u>Number</u>	<u>Recommendation</u>	<u>Comments</u>	<u>Position</u>
<u>1</u>	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.	Members suggestions have been noted by officers and additional resources have been deployed within the enforcement team.	<b>Update September 2022:</b> The team continues to benefit from an experienced interim Enforcement officer and a further enforcement officer has been recruited on a temporary basis to assist in dealing with a backlog of historic cases. This means that the team is now comprised of 4 officers (1 currently on sick leave.) Further oversight, input and strategic direction is provided on a regular basis through the Development Management Manager, Corporate Manager and Director of Place.
<u>2</u>	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.	<b>Update September 2022:</b> A locum planning solicitor is currently employed to support with matters relating to planning and enforcement.
<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	Member's suggestion has been noted. <i>A breach of planning control is defined in <a href="#">section 171A of the Town and Country Planning Act 1990</a></i>  Processes and triggers are under review and discussions have started. Such monitoring will also be dependent on resource and levels of work.	In-progress  The Enforcement team is highly active on enforcement matters– linking to the Continuous Improvement work. Work is planned to progress to review and update enforcement practices and procedures for Mid Devon – informed by recent learnings and best practice.

	by Council.		
<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	<b>Completed</b>
<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	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.  Further changes can be considered as the team evolves process for better enforce matters.	<b>Completed</b>
<u>6</u>	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)	<b>Completed</b>  Updates are provided through Continuous Improvement.
<u>7</u>	That the free planning advice line and/or the contact telephone number be reinstated with immediate	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	<b>Update September 2022:</b> The Director, DM manager and CMT lead are progressing discussions in relation to how customers engage with the LPA and are

	effect (as outlined by the Customer Service Working Group).	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.	considering the wider discretionary fee structure. A paper on fees will be brought to Cabinet in the near future.
<u>8</u>	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 <sup>rd</sup> year that being 2021. Review being undertaken by Dean Emery to include observations/recommendations from this report	<b>Update September 2022:</b> An updated draft policy has been produced. The enforcement team will soon be brought together to review the policy to ensure it is as robust as possible. Cllr Warren will be brought into the review.
<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	<b>Completed</b>
<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.	<b>Update September 2022:</b> 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, and updates provided through other reporting mechanisms.
<u>11</u>	That the Development Management Manager establish a process for case management to ensure cases	Links with 1,2 & 8	In-progress/ongoing.  Both the DM manager and the Director are seeking to improve processes to ensure

	are monitored and followed up, so that cases are not lost within or between Departments.		better coordination. Continuous Improvement supports monitoring of key cases with all relevant officers fully engaged.
<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.	<b>Update 19/03/2022:</b> further resource has been deployed to support the enforcement team in addressing historic cases which will ensure that the team is up to date and in a position to be able to continue to provide a reliable and thorough enforcement service.

### Summary

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