

MICRO-SCRUTINY OF THE ENFORCEMENT WORK OF THE MONITORING & ENFORCEMENT TEAM

APPENDIX 1

Micro-scrutiny findings, recommendations and actions

	Micro-scrutiny team findings	Micro-scrutiny team recommendations	Management team responses and proposed actions	Actions Implemented
1	<p>For several years the team manager has not been able to give enough time/capacity to the effective management and leadership of the M&E team.</p> <p>The team manager had not been helped to address the performance management of the team.</p> <p>Liaison meetings between the head of service and team managers were not held regularly enough and have not been effective at ensuring through the team managers that the work of M&E Team and the Area Teams was sufficiently inter-related.</p>	<p>A much stronger Management profile must be restored within the whole Planning Department, including the Enforcement Team. It is anticipated that this will be dealt with by Mr John Scott on his arrival as Planning Director to the Authority.</p> <p>Principally, a decision must be reached as to how best to strengthen the management of the Enforcement Team.</p>	<p>Agreed.</p> <p>In 2011 the Director reported that the capacity of the team to deal with the more complex casework was insufficient. The team manager was dealing with a high case workload and this was impacting on his time and ability to manage the team. Additional resources were directed into the team to supplement the senior capacity and this was regularised when the Authority approved funding for a 0.6 senior officer post, now in place until March 2014. This therefore releases the team manager to develop his skills to improve team performance.</p> <p>The new Director will work with the team manager to identify the development needs of the post and to put them in place.</p>	<p>The appointment of the 0.6 Senior Officer in November 2012, together with a period of stability in the other posts, has allowed the Team Manager to focus on team management and high priority cases. This has enabled him to reduce his own caseload by 50% and has had a positive effect on the reprioritisation of work, with a much clearer focus on major cases. The Director of Planning has had a close involvement in giving direction on some of these cases and has been available to give advice when necessary. The effect of this increased focus on major cases has been that a number have either been resolved or there has been significant progress on them, as noted at the Planning Committee on 19 April. Despite concerns that this may result in a lack of progress on more minor cases, there has been progress on a significant number of these, with a drop in the overall number of outstanding cases.</p>
2	<p>The Enforcement Team has suffered a high turnover of staff over the past few years and this very serious issue has not been picked up or addressed by Senior Management, and therefore this has resulted in a serious capacity and morale problem.</p>	<p>Training needs of all staff within the Enforcement Team should be identified, and in any case, a training regime put in place for new recruits to be implemented no more than three months after their start date</p>	<p>Agreed.</p> <p>The new Director will work with the team manager to identify the training and development needs of the manager and the officers and to put them in place. Particular attention will be given to preparing induction training for newly recruited staff.</p>	<p>The Enforcement team is now fully resourced and has been stable since the appointment of a part-time Senior Officer in November 2012. One of the Monitoring and Enforcement Officers has also returned to full time work after a period of absence and working reduced hours through a back injury. This period of stability, with a full</p>

	<p>There is a lack of planned training into the work of the team, especially in respect of new junior officers. Only after several months following appointment is training programmed. Additionally, the specialist training needs of the team manager should be programmed with his line manager to assist his development and motivation.</p>			<p>team, has allowed the team to perform well and to make significant progress on a number of major cases and in clearing enforcement enquiries. The report to the Planning Committee on 19 April noted this progress, which was welcomed by the Committee. The number of cases which have been resolved (161) exceeded the annual target of 150 set in the Performance and Business Plan. This level of performance needs to be maintained, but it should be noted that the part-time Senior Officer is on a temporary contract expiring at the end of March 2014. The training needs of officers are being dealt with by a mixture of in-house training and specific enforcement/planning law training events.</p>
3	<p>The 2004 Enforcement Policy & Practice note, which gives guidance case prioritisation may need to be revisited to determine if it is currently fit for purpose.</p> <p>We have serious concerns as to the criteria laid down for the setting of high priority cases. Slippage occurs if a list is set, and then external influences come to bear upon the Department, either by the intervention of Members or too strong influences from Members of the public.</p>	<p>A re-visit of the 2004 Enforcement Policy & Practice note should take place to establish if it is fit for purpose in today's climate. The main thrust of this should be to identify how best to prioritize cases, taking into account any breach of planning conditions, Public and Member complaints for a case to be re-visited</p>	<p>Agreed. The M&E Team had previously recognised that the 2004 policy and practice guidance note was in need of review, and the team manager has this programmed to do this year. The Government's National Planning Policy Framework expects planning authorities to produce an Enforcement Plan so the 2004 note will be reviewed to take on that role, which will include guidance on case prioritisation. This review should be completed as a priority and in any case within this financial year.</p>	<p>A new Enforcement Plan, intended to replace the 2004 Policy and Practice note, has been drafted by the Monitoring and Enforcement Team). It has been drafted using the experience of other planning authorities and advice from the Government in the NPPF. It is proposed to report this to the Planning Committee, following internal consultation, on 14 June for adoption by the Committee. Following advice from the Policy Planning team, it is not proposed to adopt the Plan as a Development Planning Document (DPD). This Plan will set out the criteria for determining the level of action required on enforcement cases, including the criteria for high priority cases.</p>

<p>4</p>	<p>Lack of liaison between Area Planning Officers and the M&E Team especially in the early decision making process on Enforcement is seen as a distinct disadvantage on decision making.</p> <p>The two Area Planning Teams and the Enforcement Team fail to interact with each other on a regular basis to the serious detriment of the Department.</p> <p>The separated accommodation at Aldern House of the Area Planning Teams and the M&E Team does not physically lend itself to joined up thinking and relating which would allow the creation by management of a good team spirit.</p>	<p>With the assistance of the new Planning Director, it is recommended that a more joined up approach between the Planning Teams and the Enforcement Team is forged. In this regard it is strongly recommended that the two Area Planning Teams and the Enforcement Team should all work within one location with Aldern House.</p>	<p>Agreed that a more joined up approach between the Area Planning Teams and the Enforcement Team should be forged.</p> <p>The new Director will consider with the team managers how to achieve this. In addition, he will work with management team and the Property Service to consider better-related accommodation for the three teams.</p>	<p>A more joined up approach to planning and enforcement issues has been encouraged and facilitated through increased links between the Monitoring & Enforcement Team and the Area Teams. Officers from the Monitoring & Enforcement Team now attend the joint North/South Area team meetings every two weeks so that they can discuss enforcement cases and agree actions which are consistent with the approach taken by the area teams. The Team Manager is now involved in the regular planning team managers meeting chaired by the Director of Planning. The Monitoring and Enforcement Officers are also encouraged to speak directly to the area planning officers on cases arising from applications they dealt with.</p> <p>On the recommendations regarding office accommodation, it has not been possible to relocate the Monitoring & Enforcement Team, because there are no suitable, available offices. The Director of Planning has also been considering relocating the North Area team for similar reasons to those given in the micro scrutiny, but again the lack of a suitable and available alternative has delayed this. Management Team has agreed that these accommodation issues should be dealt with as part of an Aldern House accommodation review which will be carried out once the arrangements for the management of Authority properties have been agreed.</p>
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5	<p>We appear to have a too high ratio of planning issues being turned into Enforcement cases, resulting in a higher financial risk for the Authority on Appeals procedure.</p> <p>The addition into the M&E Team of a Senior Planner has brought benefits to team work and performance, using effective monitoring, negotiation and enforcement practices to achieve good planning outcomes where necessary.</p>	<p>It is also recommended that Planning Officers have early sight of enforcement issues, as soon as the complaint comes in, and this is best achieved by regular weekly meetings</p>	<p>Agreed that, under guidance of the new Director, the M&E Team Manager and the Area Team Managers will devise a more effective means of using planning considerations when deciding how to pursue enforcement casework.</p>	<p>This issue had two aspects to it. Firstly, there was a concern that breaches of planning control were escalating into enforcement cases rather than being dealt with at an early stage. Secondly, there appeared to be a concern that the monitoring and enforcement procedures were allowing planning conditions to be breached without adequate monitoring by officers, with the result that the Authority was reacting to breaches rather than having systems in place to prevent them. On the first of these points, planning officers have been instructed to take a closer role in resolving issues relating to developments they have been involved in, rather than leaving it to the Monitoring & Enforcement Team. Attendance at the joint team meetings (referred to above) also allows for team discussion on such issues. The appointment of two Senior Monitoring & Enforcement Officers who have recent development management experience has also helped with this.</p> <p>On the second concern, The Director of Planning has instructed the team to carry out more monitoring visits when an approved development commences. This early engagement (usually with the builder) allows any issues or difficulties in complying with the plans or conditions to be dealt with before a breach takes place. The Team had become more reactive in recent years because of staff resource problems, but this had the effect of allowing developments to progress to a point where remedial</p>
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6	<p>The employment of a Legal Officer to focus on enforcement casework is welcomed, but because the post is only on a fixed-term part-time basis (two day week) this impacts on the ability to achieve a more speedy resolution of cases. It is evident that a backlog of legal cases will develop.</p>	<p>Serious consideration should be given to the input of the Legal Team into enforcement. The fact that the main Legal Officer dealing with Enforcement works a two day week only is seen as a difficulty to the processing procedure, and consideration must be given to either making this post more substantial, and/or provide other additional legal officer capacity. The Authority should recognize the serious financial implications facing the Authority with the number of appeals pending.</p>	<p>The fixed term part time post is an additional resource to the core legal team which includes 2 other posts which give time to supporting enforcement work depending on the priorities of the team. In addition we have a non-staff budget which can be used for contracting in extra external legal advice if we need it. The Head of Law will monitor workloads and performance of legal services staff to support enforcement, and highlight any conflict of priorities affecting enforcement performance to the Director of Planning and Director of Corporate Resources for consideration. If necessary this will be escalated to Strategic Management Team to give a steer on priorities across legal services or to Resource Management Team.</p> <p>In addition, as already agreed the Head of Law will undertake an initial analysis to tease out the costs relating to different planning activities including enforcement and appeals, for sharing with the Chairs/ Vice-chairs of ARP and Planning Committees. This will inform</p>	<p>A number of the Legal Service officers are involved in providing legal advice and assistance to the Monitoring & Enforcement Team. The two teams work closely together and are located in the same wing of Aldern House (albeit on different floors). The teams have regular meetings to discuss cases and agree actions. The Director of Planning and the Head of Law have a good working relationship. The effectiveness of the Authority's enforcement of planning matters is not considered to be hampered by any perceived lack of resources in the Legal Team. Although there are inevitably times when both teams are stretched by difficult cases which require a very thorough response, often on demanding timescales set by the Courts or Planning Inspectorate, the Head of Law continues to monitor workloads and performance of the legal team to support the enforcement team. The Legal Officer who currently provides a devoted resource to the Enforcement team is on a contract that expires in March 2014.</p> <p>The Head of Law has undertaken an initial analysis of the costs relating to different planning activities including enforcement</p>

			a full 'value for money' review of legal services to ensure the effective use of the service resources, reporting to ARP Committee in 2014/5.	and appeals which will inform the review of legal services.
7	Member involvement/liason on Enforcement matters is not well served by only a quarterly report to Planning Committee.	There should be a regular meeting with the Planning Chairman and Members should be aware of that opportunity to pass on any concerns about cases.	Agreed. The Director and area planning managers meet monthly with the Chairman and Vice-chair of Planning Committee. With immediate effect the monitoring & enforcement team manager will also attend.	The Director of Planning has regular meetings with the Chair of Planning and all senior officers, including the Monitoring & Enforcement Manager, are involved in the monthly post-committee meeting with the Chairman and Vice-chair of Planning as required. The Chair of Planning seeks and is provided with up-dates on specific cases.
8	ARP Committee will need to receive a further report.	This matter should come again to ARP Committee in six months' time with an up-date report on progress made as to the recommendations above.	Agreed. The new Director will report progress to the ARP Committee on 10 May 2013.	Noted – the ARP meeting was rescheduled to 7 June.