

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COMMUNITY SCRUTINY COMMITTEE – WEDNESDAY, 21
SEPTEMBER 2022



Title of Report	THE EFFECTIVENESS OF PLANNING ENFORCEMENT	
Presented by	Chris Elston Head of Planning and Infrastructure	
Background Papers	None	Public Report: Yes
Financial Implications	The desire to create a Team Leader post, upgraded from the current Senior Planning Enforcement Officer post, will be dealt with through the 2023-2024 budget round.	
	Signed off by the Section 151 Officer: Yes/No	
Legal Implications	Decisions regarding the nature, size and structure of the establishment are made by the Chief Executive as Head of Paid Service in accordance with S4 Local Government and Housing Act and the Council's Constitution.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	It is intended to create a new Planning Enforcement Team Leader post from a vacant Senior Officer post.	
	Signed off by the Head of Paid Service: Yes	
Reason Agenda Item Submitted to Scrutiny Committee	This report was requested by the Community Scrutiny Committee as there are outstanding enforcement issues dating back to December 2017 still unresolved and to ensure the Council has a Planning Enforcement Team that is fit for purpose.	
Recommendations	<p>THAT SCUTINY:</p> <ol style="list-style-type: none"> 1. CONSIDER AND COMMENT ON THIS REPORT ON THE EFFECTIVENESS OF PLANNING ENFORCEMENT IN NORTH WEST LEICESTERSHIRE 2. NOTE THE INTENTION TO ENGAGE THE PLANNING ADVISORY SERVICE TO REVIEW THE PLANNING ENFORCEMENT TEAM 3. NOTE THE INTENTION TO BRING A REPORT BACK TO SCRUTINY IN AUTUMN 2023 TO UPDATE ON PROGRESS 	

1.0 BACKGROUND

- 1.1 The Planning Enforcement Team returned to the Planning and Development Team in late 2021, and if fully staffed would have comprised two senior officers and two officers. However, at that time the team were carrying a vacant senior post.

An initial review of the team on its return to the Planning and Development team identified the following issues:

- A lack of capacity and experience in the team in relation to more complex enforcement cases
 - Reliance on agency enforcement officers to cover the more complex work
 - A senior post being vacant
 - More direction needed in terms of workload and how the team prioritised cases
- 1.2 The recruitment market for planning officers, including enforcement officers is very challenging at the moment. The structure of the team will be reviewed to create a more senior team leader post which it is hoped will be more attractive to the market and which will, once filled, be able to provide guidance to the team.
- 1.3 The development of existing staff continues to be supported to enable staff to achieve relevant qualifications and interim support from experienced agency staff ensures that the team are supported in dealing with complex cases.
- 1.4 The team are currently supported by three experienced agency staff. A Team leader provides support and mentoring to the permanent staff, a Senior Enforcement Officer deals with the most complex cases and another Senior Enforcement Officer deals with some of the older cases in addition to new ones. The agency workers will remain in place to support the team while the intended recruitment to the Team Leader post takes place.
- 1.5 The creation of the Team Leader post will result in a significant cost saving to the Council as there would no longer be a need to rely on the three agency workers currently supporting the team.

2.0 OUTSTANDING ENFORCEMENT CASES

- 2.1 Concern has been raised by members about the number of outstanding enforcement cases dating back to 2017.
- 2.2 The team currently have 290 open cases and this figure has remained relatively consistent over the last few years. Details of recent performance can be found in the Planning Enforcement Update Q4 2021/22 at Appendix 1.
- 2.3 A small number of those cases do date back to 2017 but only 15 per cent of all outstanding cases were received before 2020. Planning enforcement cases can stay open for significant periods of time and this is mainly due to sites being subject to extant enforcement notices, probate issues and for monitoring purposes once an agreed way forward has been negotiated. If members have concerns about any specific older cases, these can be raised with the Planning and Development Manager or the Head of Planning and Infrastructure.

2.4 The team continue to review older cases with a view to closing them down when the appropriate investigation is complete and when any necessary action or remedy has been secured.

3.0 MEMBER BRIEFING

3.1 A briefing session on Planning Enforcement was held on 1st September. The session was open to all councillors, and attended by ten Members. An introduction to the Team was provided together with a detailed explanation of how they work.

3.2 The briefing covered the following:

- Planning enforcement – the Law
- Types of enforcement notices
- National stance on enforcement
- Future national changes to enforcement – the Levelling Up Bill
- The aims of the Planning Enforcement Policy
- Harm scoring and how it works in practice
- Incident reporting
- How should a Councillor report a case.

Details of the presentation to Members can be found at Appendix 2

3.3 Members were advised that quarterly reports on the performance of the Planning Enforcement Team were reported to Planning Committee and were well received.

3.4 Members were also advised that if they had any concerns about how any case was being handled that they could contact the case officer, Planning and Development Team Manager or Head of Planning and Infrastructure.

3.5 At the briefing, Members raised legitimate concerns about a lack of communication on the progress and status of cases. Officers took this concern away with an action and commitment to look at ways at improving how Members are updated on cases in their wards.

4.0 THE FUTURE

4.1 It is intended to advertise the Team Leader post in the Autumn and it is hoped an experienced candidate will be appointed. Their role would be to mentor and guide the team, case manage performance and deal with complex cases. They will report to the Planning and Development Team Manager.

4.2 In early 2023, the Planning Advisory Service (PAS) will be engaged to review the team's processes and procedures, how enforcement and compliance issues are dealt with and to consider if the team is sufficiently resourced for the workload it is carrying. This will include a review of the current Planning Enforcement Policy and our current harm scoring system.

4.3 The aim of the review is to provide a more efficient service with up to date processes and procedures and staffing at the correct level. It will also help the team plan for the implementation of any changes to planning enforcement resulting from the Levelling Up Bill or any alternative bill that the newly appointed Prime Minister may bring in.

- 4.4 The comments of the Community Scrutiny Committee will be fed into the Planning Enforcement review and members will also be engaged at that time.
- 4.5 Officers will report back to Community Scrutiny in Autumn 2023 with an update on the outcome of the review and progress on the effectiveness of the Planning Enforcement Team.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected
Policy Considerations:	<ul style="list-style-type: none"> • The Council adopted a Planning Enforcement Policy (PEP) document back in 2019 and it is intended to review the policy in order to simplify harm scoring on cases and improve efficiency.
Safeguarding:	None identified
Equalities/Diversity:	None identified
Customer Impact:	The proposed changes identified in the report, particularly around staffing and communication will improve the service we provide to customers.
Economic and Social Impact:	None identified
Environment and Climate Change:	None identified
Consultation/Community Engagement:	Not required
Risks:	Failure to recruit to a Team Leader post will result in continued use of agency staff and increased costs to the service
Officer Contact	Chris Elston Head of Planning and Infrastructure chris.elston@nwleicestershire.gov.uk