

**Waverley Borough Council  
Planning Service  
Enforcement Action Plan**

**January 2011**

**Updated October 2012**



## **ENFORCEMENT ACTION PLAN**

### **Introduction**

This plan was prepared with the aim of improving Waverley's performance in handling enforcement complaints and cases.

The Planning Enforcement Team currently provides a professional and high quality service, dealing with complaints efficiently and quickly when they are received. These are then prioritised and dealt with accordingly. However, with some 400 outstanding complaints and limited resources, it is difficult to manage public expectations. With new complaints being received every day, the priority of an existing complaint can often change if new serious breaches are reported or if the level of public interest in a particular case is such that it requires immediate attention. There are also a small number of cases, which divert a significant amount of officer time.

Therefore the key question is how to allocate resources to provide the most effective enforcement service, whilst at the same time manage the public's expectations.

### **Background**

#### **(a) Responsibilities**

The Planning Enforcement Team has responsibility for investigating alleged breaches of planning control, taking enforcement action where expedient and monitoring and enforcing compliance with notices served.

#### **(b) Staffing**

The Enforcement Team consists of five officers: Team Leader, Senior Enforcement Officer, three Enforcement Officers (one part time) and an Enforcement Technician, under the overall management of the Development Control Manager.

#### **(c) Action Plan 2008**

In April 2008, an action plan for the improvement of performance and culture was prepared with the following objectives:

- (i) develop a tougher and more effective approach to demonstrate 'teeth' for the process and enhance the Council's credibility as an enforcement authority;
- (ii) improve communication with stakeholders, particularly with ward members and complainants;
- (iii) progress the long-standing enforcement cases;
- (iv) reduce and clear the long-standing 'backlog' of unresolved complaint cases extending back to 2004;

- (v) improve performance against “actioned within eight week” target (80%)

It was also recognised that internal management processes and systems required review and streamlining to improve consistency, efficiency and effectiveness.

(d) Performance Indicators

In 2009, the Council agreed two performance indicators for new cases:

- (i) 80% of new cases received to be “investigated” (actioned) within eight weeks (LPL3a) (i.e. registered/ site visited / breach identified).
- (ii) 70% of new cases received to be “resolved” within eight weeks (LPL3b) (Notice served / application received / case closed).

In agreement with the Planning Portfolio Holder a new PI was proposed for 2011/2012:

Resolve 80% of new cases within 12 weeks (resolved means case closed, retrospective application submitted or a notice served).

This was agreed by the Executive in May 2011.

The term ‘resolve’ was, however, considered to be misleading and was subsequently replaced by ‘action’. This happened in 2012. The thrust of the PI remains unchanged.

N.B In the short term, the number of old cases will affect the team’s ability to meet this target. The majority of the existing cases are over 12 weeks old and therefore when these cases are resolved, this will bring down the percentage.

It is recognized that one of the most important aspects of providing good customer service is the first point of contact. The team acknowledges all complaints within 2 working days and advises the complainant what action is proposed, in line with the priorities set out below.

(e) Priorities

Since 2008 the Council has had the following priorities for handling new cases:

- Priority 1- Major- first contact or site visit within 24 hours (weekdays only). Works that are irreversible or constitute a serious breach e.g. unauthorised works to a listed building, TPO tree or tree in a conservation area, gypsy or traveller unauthorised incursions, significant development in the Green Belt, breach of an Article 4 direction, breach of Enforcement Notice.

- Priority 2- Medium- first contact or site visit within 5 working days. Activities causing harm to residential amenity, changes of use, breach of conditions, general development, compliance checks and advertisements.
- Priority 3- Low- first contact or site visit within 10 working days. Sheds, fences, satellite dishes and minor operations.

#### Progress to date

- (a) The team culture has improved with a new team leader from 2011 and new members of staff, demonstrated by a tougher response, less delay and better communication, particularly with members. Quarterly performance reports are made to the Area Committee regarding new complaints and good progress has been made on existing enforcement cases. The table below provides details of the work that has been carried out over the past two years.

	2009				2010				2011				2012		
	Jan- Mar	Apr- Jun	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep
Cases closed	206	134	168	127	209	44	161	101	160	100	136	191	201	256	104
Cases on hand	677	653	611	591	497	556	497	447	487	573	555	508	409	270	264
Notices served (including PCNs)	11	9	16	11	5	3	9	10	4	4	8	14	10	9	16
Prosecutions	0	0	0	0	0	1	0	0	0	3	2	1	3	1	1
Direct Action	0	1	0	0	0	2	0	0	0	0	0	0	0	0	0
Injunctions	0	0	0	0	0	0	0	1	0	0	1	0	1	0	0

- (b) Long-standing Enforcement Notice cases - good progress has been made on most cases, particularly over the past year. Of the 20 outstanding cases set out in the quarterly reports in January 2012, 12 of these cases had been closed by December 2010. Notably, by April 2012, this total had risen to 17. This is likely to rise again shortly.
- (c) A new Direct Action Procedure Note has been prepared and agreed (January 2011).
- (d) Backlog of older unresolved complaints

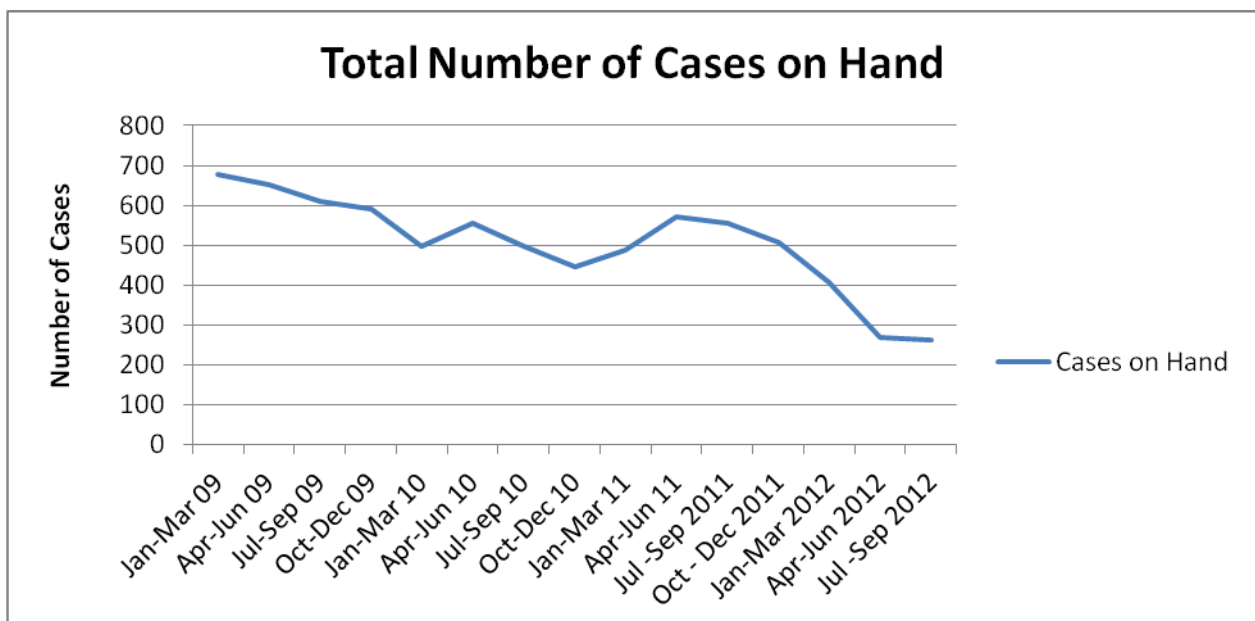
Considerable efforts have been made to reduce the backlog. The total number of cases on hand has been reduced from 754 in December 2008 to 249 in October 2012. The case load has effectively been reduced by two thirds in 4 years.

The table below shows progress on closing cases on hand. During 2011 the number of cases on hand rose again to 573. This has been explained by the disruption of staff turnover and also due to the diversion of resources towards some high profile cases during Spring/Summer 2011.

In October 2011, two additional Enforcement Officers were contracted and charged with reducing the backlog. These contractors continue to make great strides in closing down older cases.

An internal target was set in October 2011 to reduce the backlog of cases on hand to 250 by the end of June 2012.

By the end of September, the total of cases on hand had been reduced to 264. The current total of cases on hand for October 2012 is 249. Thus the Enforcement backlog has been reduced by 41% in 12 months.



- (e) Performance against Local Performance indicators

Performance against targets for new cases fell off in the last year. This can be attributed to several reasons:

- The diversion of resources towards clearing the backlog of unresolved cases and to progressing enforcement cases (those where Notices have been served and compliance has not been achieved).
- The interpretation of 'investigated' has widened to include an action towards resolving the breach in addition to just a site visit e.g. requesting a planning application or requiring demolition in writing. This clearly has prolonged the first stage process (in other words, 'actioned' now requires more progress on a case than previously).

(f) Process management and streamlining

Good progress has been made on audit of systems, review of procedures, mapping of processes and preparation of standard letters and documents but some work is outstanding and the need for new procedure notes is constantly monitored. Examples include: Out of Hours (Bank Holiday Cover); monitoring system for Dunsfold Park matters; standardised templates for processes.

(g) Service Standards (Enforcement Charter)

Whilst the Enforcement Team works to the Council's Customer Care Charter and the Council's General Enforcement Policy, specific Service Standards have been prepared for the Service itself. In Summer 2011, the Service Standards were placed on the Council's website and these reflect the Council's Customer Care Charter and include the detailed procedures that guide enforcement activity.

[www.waverley.gov.uk/downloads/download/1107/planning\\_enforcement\\_service\\_standards\\_charter](http://www.waverley.gov.uk/downloads/download/1107/planning_enforcement_service_standards_charter)

(h) Planning enforcement policy

In light of the publication of the National Planning Policy Framework (2012), the Enforcement Team has prepared a Planning Enforcement Policy as a matter of good practice. This is in draft form at present.

(i) Dunsfold Park

Dunsfold Park presents a unique set of enforcement circumstances. Consequently, a bespoke system of receipt, monitoring and investigation has been set up to handle complaints relating to Dunsfold Park in conjunction with the Council's Environmental Health Service:

[http://www.waverley.gov.uk/info/1003/planning\\_enforcement/1284/dunsfold\\_park](http://www.waverley.gov.uk/info/1003/planning_enforcement/1284/dunsfold_park)

In addition, regular liaison takes place through the group (consisting of Members, officers and Dunsfold Park).

## Conclusions

Good progress has been made in improving the output and effectiveness of the enforcement service since 2008. However, a number of actions are outstanding and, given the limited team resources, require appropriate target dates commensurate with the level of priority. These are set out in the Action Plan.

This plan will be reviewed and updated regularly.



## ACTIONS

<u>Action No.</u>	<u>Objective</u>	<u>Lead Officer</u>	<u>Measurable outcome/output</u>	<u>Target Date</u>	<u>Completed</u>	<u>Outstanding action</u>
1.	Identify and clear all outstanding cases nearing time immunity <sup>1</sup> . The total currently stands at 38.	DCM	No cases on hand are within six months of time immunity date. (4 years: operational development/single dwelling; 10 years: change of use)	End of April 2011	Ongoing	1. Blitz days. 2. Develop standard templates for NFA reports.
2.	Develop new performance indicator in respect of new complaint cases to achieve progress but realistic given other priorities <sup>2</sup> .	DCM	See draft target on page 2.	April 2011	Agreed by Executive May 2011. Quarterly analysis changed	1. Report to ELOS/ Executive. 2. Change quarterly report analysis
3.	Review all Enforcement Notice cases where compliance has not been achieved <sup>3</sup> .	ETL	All cases progressed further towards resolution depending on priority.	April 2012	36 Notices Reviewed. 13 closed / complied cases. 5 prosecutions. 1 injunction. 3 not expedient to pursue.	1. Produce list of cases. (completed) 2. Decide whether to pursue. (completed) 3. Close cases, which are not expedient to enforce. (Ongoing) 4. Identify priority of

<sup>1</sup> Cases nearing time immunity are registered complaints that are unresolved and for which an Enforcement or other notice has not been served to 'stop the clock'; or the Council has not resolved to take no further action.

<sup>2</sup> New complaint cases are complaints registered alleging breaches of planning control.

<sup>3</sup> Enforcement Notice cases are breaches of control for which Notices have been served.

<u>Action No.</u>	<u>Objective</u>	<u>Lead Officer</u>	<u>Measurable outcome/output</u>	<u>Target Date</u>	<u>Completed</u>	<u>Outstanding action</u>
						cases needing further action by ranking. 5. EO to send regular follow-up letters to chase compliance (ongoing).
4.	Reduce cases on hand to 250	ETL	250 cases on hand	June 2012	250 cases on hand reached October 2012	1. Ensure number of cases on hand does not rise.
5.	Complete procedures and process mapping making.	DCM / ET	All processes mapped and recorded on Departmental Manual.	April 2011	<ol style="list-style-type: none"> <li>1. High Hedges protocol completed.</li> <li>2. Process map completed.</li> <li>3. Progress made on reviewing standard letters.</li> <li>4. Procedure notes E01-E36 completed excluding those that are superseded.</li> <li>5. Former notes superseded</li> <li>6. Dunsfold Park complaints procedure note</li> </ol>	<ol style="list-style-type: none"> <li>1. Complete all standard letters and store on iLap.</li> <li>2. Complete new templates following introduction of new powers under Localism Act.</li> <li>3. Review all procedures for SMART practices and efficiency.</li> <li>4. Monitor compliance through appraisals and 1:1 meetings.</li> </ol>

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6.	Implement Direct Action Procedure Note.	ETL			February 2011	<ol style="list-style-type: none"> <li>1. Circulate note to all staff.</li> <li>2. Train staff.</li> <li>3. Save to Departmental Manual.</li> </ol>
7.	Training and development.	ETL	All staff completed basic training to carry out duties of job description and achieve agreed targets.	July 2012 Amended to include new EOs and ET and new ETL	All appraisals held targets set for existing staff annually.	<ol style="list-style-type: none"> <li>1. Identify training needs.</li> <li>2. Arrange training.</li> <li>3. Monitor and review through appraisals.</li> </ol>
8.	Planning Enforcement Charter (Service Standards)	ETL	Clear standards of service to customers in place.	September 2011	On website - August 2011.	
9.	Planning Enforcement Policies and Procedures adopted	ETL	New planning enforcement policy in place.	July 2012	Draft completed. Report to community O & S November 2012	<ol style="list-style-type: none"> <li>1. Prepare report to Executive</li> <li>2. Agreed standards placed on website</li> <li>3. Staff training in new procedures</li> <li>4. Member training</li> </ol>
10.	Respond to new legislation on Enforcement (Localism Act)	DCM	Revise standards and procedures in place to reflect new legislation	June 2012	Completed. New powers being noted where appropriate.	<ol style="list-style-type: none"> <li>1. Review new legislation (completed).</li> <li>2. Prepare new procedures as required</li> <li>3. Staff/Member training</li> </ol>

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						4. Amendments to Scheme of Delegation (completed)
11.	Develop system for effective monitoring of complaints about Dunsfold Park	ETL	<ul style="list-style-type: none"> <li>- Bespoke complaints system on website</li> <li>- Internal regular monitoring meetings</li> <li>- 6 weekly tripartite liaison group meetings</li> </ul>	April 2012	Completed. Internal meeting held to monitor all matters.	<ol style="list-style-type: none"> <li>1. Improve website as living tool.</li> <li>2. Map procedure</li> <li>3. Establish regular monthly data and enforce where necessary.</li> </ol>