



**Report Reference Number: PR/18/1**

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**To: Policy Review Committee**  
**Date: 24 July 2018**  
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**Title: Planning Enforcement Management Plan**

**Summary:**

This report outlines the current policy position on Planning Enforcement and recommends improvements.

**Recommendations:**

- i. The Committee are asked to agree the use of a specific Planning Enforcement Management Plan to improve the performance of planning enforcement.**
- ii. To note that a specific Planning Enforcement Management Plan will enable the embedding of policy and practice which will improve responses and output, whilst at the same time setting clear standards for delivery.**

**Reasons for recommendation**

Concerns have been expressed about the performance of Planning Enforcement.

**1. Introduction and background**

- 1.1** This report sets out the current policy governing Planning Enforcement and establishes the principles of forward planning for service improvement. This service is underpinned by Selby District Council's Corporate Enforcement Policy and forms an overarching general approach to enforcement of planning, licensing, housing and environmental issues (see Appendix A).

**2. The Report**

**Principles**

- 2.1** The existing policy referenced the Regulatory Reform Act 2006 and National Planning Policy Framework (NPPF) require that action taken be

**Proportionate, Consistent, Transparent, Accountable and Targeted.**

Further, the policy made reference to operating within the Regulator's Code, the Cabinet Office's Enforcement Concordat, the Police and Criminal Evidence Act and the Equalities Act 2010. All officers were required to have due regard to the obligations and advice set out in these documents. A key principle albeit with due regard to risk and constraints of each investigation remained keeping all parties informed.

**2.2** Choice of actions taken were set against the following considerations:

- a. the prior history including risk to the public or environment and any matters considered to be a local priority,
- b. achievable outcomes of action,
- c. public interest,
- d. proportionality
- e. balance of financial gain.

However, this did not establish key priorities in any finite sense particularly in terms of communicating this clearly to residents.

**2.3** Specific reference was made to, where possible, advice and education would be offered to any 'breacher' to enable compliance.

**2.4** For customers, every effort was made to encourage access to the service with reporting of potential breaches enabled by means of a variety of easy access points and a range of reporting methods.

**2.5** Review of legislation and the effectiveness of the services would inform revision of the policy.

**Current performance**

**2.6** The current Enforcement Team consists of one full time Principal Enforcement Officer (PEO), one full time Senior Enforcement Officer (SEO) and one full time Enforcement Officer (EO). The permanent PEO is on maternity leave with an anticipated return date in October 2018. A temporary full time replacement has been filling the post since August 2017. The SEO post has been filled with a former Development Management officer who took up the role in July 2018.

**2.7** There has been difficulty in recruiting to the posts and this has effectively meant the extra resources have not been fully in place at any time since their determination and approval. A Planning Development Officer was recruited to assist with prioritisation and management of case load and long-term strategy and development of the Enforcement service on a part-time contract to manage permanent strategic improvement.

**2.8** The existing active case load currently shows a substantial number of outstanding investigations. Many relate to minor issues such as modest extensions and changes of use that could potentially be resolved through

planning consent. Approximately 20% (around 80) of these cases could be closed as they relate to duplicate cases or matters which are out of time under the relevant regulations and are therefore exempt from action. Resource and time is now being managed to affect this process.

- 2.9** There are also cases which relate to non-planning matters which the Planning Enforcement team have historically been required to manage. These require a multi-agency approach which can take considerable time as every effort is made to achieve an appropriate outcome across all disciplines working with partners.
- 2.10** With no agreed qualification on policy on prioritisation all cases are currently being treated as of equal importance.
- 2.11** Work systems and database use is limited with a lack of procedural standards and time saving work practice. Inefficient data storage and retrieval is time consuming and impacts on all cases, thus adding to workload and lack of progress. There is also a historic underuse of the Uniform system that leads to a lack of reporting metrics further challenging case review and identification of priorities. This also makes for inconsistent practice particularly for new recruits.
- 2.12** A number of cases have been elevated to Stage 1 or 2 complaints, approximately 10%, and a approximate further 5% involve challenging complainants which collectively consume a significant amount of officer time but without formal agreement on priorities have to be uniformly given high priority.

### **Proposal**

- 2.13** As noted in the adopted review of Selby District Council Development Management Service (2016) NPPF Para. 207 states:

*'Effective enforcement is important as a means of maintaining public confidence in the planning system'.*

Government guidance further advises authorities should have a *'...local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area'.*

- 2.14** The existing plan is not specific to planning enforcement and as such is not able to be targeted in setting out specific principles or in defining working practice. A tailored prescriptive plan will enable the definition essential in management of resources effectively but also in measuring performance against specific objectives, therefore informing future allocation of resources and focus. A detailed management plan specific to planning enforcement should be produced to define identification of priorities and, equally as important, areas of lower priority and areas where we will not act. These should include proactive conditions checking on sensitive sites, compliance with key policy areas and health and safety issues, listed buildings, protected

trees and waste disposal. Balancing factors present in other organisational drivers will need to be factored in and their impact acknowledged and weighted.

- 2.15** A critical and full analysis of working practice and systems improvements will be necessary to inform this plan and this will require basic service improvements to be put in place that will enable full reporting on performance and better assessment of capacity. Work is also being done to effect better use of standardised documents. These improvements will establish an improved level of service from which to manage further enhancements.

### **3. Implications**

#### **3.1 Legal Implications**

Enforcement is discretionary and powers would be exercised in accordance with any policy adopted and enforcement principles.

#### **3.2 Financial Implications**

Following the completion of the Enforcement Management Plan a further report will be provided for Members this will be the subject of a full financial assessment.

### **4. Conclusion**

This report demonstrates that the existing plan and working practice in Planning Enforcement needs to be reviewed. The proposal to create a dedicated Enforcement Management plan will establish both policy and working practice improvements that will enable Planning Enforcement to work in a structured, strategic and more effective way.

### **5. Background Documents**

None.

### **6. Appendices**

Appendix A - Selby District Council Corporate Enforcement Policy

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