

Report to the Audit and Standards Committee on 26th April 2022 on the actions taken in relation to the recommendations made in the Planning (Enforcement) Internal Audit report.

Lead and Presenting Officer:

Geraldine Le Cointe, Head of Development Management

Summary of Audit Area

Stroud District Council (the Council) is the area's local planning authority, whose duty it is to carry out specific planning functions. The Council's broader Development Management Service enables the discharge of this duty. One of the functions of the Development Management Service is planning enforcement. The Planning Enforcement Service is a discretionary service, where the Council investigates complaints about alleged breaches of planning control.

The National Planning Policy Framework advises local planning authorities to act in a proportionate way when responding to suspected breaches of planning control. The Framework states that enforcement can be important for maintaining public confidence in the planning system, but enforcement action is discretionary and must be proportionate, expedient and in the public interest. Detailed information about planning enforcement powers is given in the online Planning Practice Guidance on ensuring effective enforcement. For example, a local planning authority may decide not to take enforcement action if it believes that a development would have been granted planning permission, or may require retrospective planning permission to be obtained.

The Council has responsibility for taking appropriate enforcement action as necessary, in the public interest, within the Stroud District. The Council has an Enforcement Policy and Procedure which recognises that planning enforcement can be a complex and involved process with varying timescales. The aim of the policy is to ensure that the Council's approach is fair and reasonable, that interested parties are kept informed, and that any action is timely and proportionate. This being said, service provision has been adversely impacted by the imposed national (and local) restrictions across the UK in response to the Covid-19 pandemic.

The actions of the Planning Enforcement service are governed by the Town and Country Planning Acts, National Planning Policy Framework, Planning Practice Guidance, the Council's Constitution and the Council's Planning Enforcement Policy and Procedure.

Summary Terms of Reference for the Audit

This audit review considered the following key service components (themes):

- i The development, review, and approval process for the Council's policy;

- ii Processes and systems designed to implement the policy and to ensure its application;
- iii Control systems designed to ensure and report on compliance with the processes;
- iv Process and system changes implemented and planned to improve service delivery and outcomes, including the introduction of enhanced IT systems;
- v Service 'management', operational activities and processes that assess, ensure, and confirm (including monitoring and reporting) that desired policy objectives are achieved (as detailed in section B of the approved Terms of Reference);
- vi The Member oversight and engagement arrangements that monitor, support, and ensure the service has the required inputs to deliver the desired performance outcomes and deliver those outcomes; and
- vii The service delivery arrangements during the Covid-19 pandemic in meeting the national and Council requirements to keep staff safe and the consequential impact on following policy and procedure and delivering outcomes.

It should be noted that during the course of the review a number of areas were considered where there were corporate arrangements that would apply, for example, project management, service planning, risk management. The corporate approach to these areas were outside of the scope for this review. However, Internal Audit did consider how these impacted on the enforcement service and how they may have better aided it. Recommendations have been made, but these need to be considered against the particular corporate arrangements and practices operating and planned.

Risks

The following were the key risks identified at the planning stage of this review:

- i. The Council fails to deliver the requirement of its Planning Enforcement Policy;
- ii. Public confidence in the Council's enforcement and wider planning service is eroded; and
- iii. Adverse impact on staff morale and retention.

Key Findings

During the course of the Internal Audit fieldwork, it was apparent that the service was aware of the challenge it had and was experiencing in delivering the requirements of the Planning Enforcement Policy and Procedure. The service had developed an improvement plan, though improvements were identified over the course of our fieldwork. Following discussions with the Development Team Manager, this initial version of the improvement plan was further developed into a comprehensive Business Improvement Plan.

The key findings from this review have been summarised below.

Key Findings

- i. Procedures should be reviewed and clarified to ensure that Member oversight of the revised Council Planning Enforcement Policy and Procedure is sufficiently defined;
- ii. The Enforcement Policy and Procedure requires review and revision to ensure that it contains clear guidance. This review should include establishing through consultation the enforcement aims and objectives, delivery requirements and measurements, and monitoring processes. The policy and procedure monitoring processes should ensure the service is effective and compliant with procedures, internal process, and any statutory requirements. This review and approval of the policy and procedure should be followed by further training on it being offered to Members and officers;

Key Findings (Continued)

- iii. There were a number of operating processes which required review, to ensure that they support the delivery of (and compliance with) the Enforcement Policy and Procedure. The current IT systems used (Uniform for case records and Idox for documents and evidence) is a key factor here. For example, Uniform is not a comprehensive case management system, it currently offers little in the way of management information (or oversight functionality) on case progress. There is little built-in functionality with regards to monitoring resource allocation, prompts and event triggers, record-keeping, or communications-monitoring. This was identified by the service and featured in the service's Business Improvement Plan. It was being addressed through the review of Uniform functionality and the adoption of Enterprise, the service's case management system;
- iv. There were some gaps within the service's Business Improvement Plan with regards to assessing resource demand (as part of achieving key objectives and goals). It was therefore challenging to appraise how realistic Business Plan goals were. The service change being actioned was an "activity" to be undertaken alongside 'business as usual'. The change programme should be formally defined as a "project", which requires a resource demand assessment and, where appropriate, specific corporate project support;
- v. The service has struggled to ensure adequate resourcing; the Head of Development Management has advised Internal Audit that she is aware that this is not unique to Stroud, but is also reflected across many English Councils because of a recognised shortage of applicants with planning related skills. The service has not had a full establishment in 2020 and 2021. Recently the approach to resourcing has relied upon the availability of candidates within the 'agency' market. A comprehensive service delivery resourcing assessment is required that results in a business case for change, if so required, to address the resourcing challenges; and
- vi. The demands on the service have increased due to, in the service's view, the impact of the Covid-19 pandemic. There has been no formal assessment of the demand levels and the impact this has on service delivery and compliance with the Enforcement Policy and Procedure. Demand variances should be proactively monitored to ensure that undue pressure is not placed on the service. It would also be prudent to assess the demands exerted (on resources) by both direct and non-direct service activities to fully understand the direct service resource available.

Action Taken As Of March 2022

Management Overall Comment: There has been some slippage to the delivery dates in the Business Improvement Plan, mainly due to significantly depleted staffing, but also because this project has no dedicated resource and is running alongside business as usual. The revised date to roll out the proposed system changes is now May 2022. Much of the Business Improvement Plan revolves around the planned IT improvements.

Since the audit fieldwork was undertaken, there have been a number of staff changes. The ones which have affected this project the most related to the Systems Processing Officer and Senior Enforcement Officer. Through internal promotion, the Systems Processing Officer post was vacant between 1 December 2021 and 7 March 2022. This is a critical post in delivering the system changes. While the previous post holder continues to support this project, they have done so while taking on the challenges of a new role.

The Senior Enforcement Officer is another critical role to the delivery of this project. The previous post holder retired in February 2022. The role is currently vacant although we are actively trying to backfill this post; we had no suitable applicants when it was advertised in February 2022. Additional agency staff have just been recruited but there has been a drop in capacity within the team. The management actions of the Senior Enforcement Officer are currently being handled by the Development Team Manager, but again this is alongside the normal responsibilities of that post.

Notwithstanding these challenges, good progress has been made against a number of the recommendations, as set out in the following sections of this report. Many other elements are dependent on the implementation of the new IT processes and therefore are also delayed.

Recommendation – 1(M)	Original Management Response
<p>Procedures should be reviewed and clarified to ensure that Member oversight of the revised Council Planning Enforcement Policy and Procedure is sufficiently defined.</p>	<p>The revision of the Enforcement Policy and Procedure will define the arrangements for Member monitoring of its objectives and performance measures.</p> <p>Target Completion Date:</p> <p>31st December 2021</p>
Management Update As At March 2022	
<p>The Monitoring Officer confirmed that the Development Control Committee was the constitutional body with oversight for all development management issues. Following detailed discussions on the format and operations, the ‘Development Management Advisory Panel’ – a member/ officer working group was established by the Development Control Committee, and the group’s terms of reference approved, on 18 January 2022.</p> <p>In accordance with the resolution of the Development Control Committee, Members of the group have been agreed by the Chair of Development Control Committee, in consultation with the Group Leaders. The first meeting of the Panel is scheduled for 4 May 2022. The planning enforcement policy and procedure review will be an agenda item for that meeting.</p>	

Recommendation – 2(M)	Original Management Response
<p>The review of the Enforcement Policy and Procedure is key to ensuring Members approve guidance that meets the Council’s needs, can be delivered, and can be monitored for effectiveness and compliance (with outcomes that can and will be measured).</p> <p>This review should be a collaborative process between Members and officers. A Policy and Procedure Development Programme has been developed (Business Improvement Goal A, Appendix B), which involves consultation with stakeholders. However, this process should be further defined – this represents an opportunity to proactively engage with Members and groups who may initiate complaints on a more regular basis, like Parish and Town Councils.</p>	<p>There is a plan to set up an informal Member group from Development Control Committee to discuss development management and enforcement performance management issues. This group, to be chaired by the Head of Development Management, will provide the Members oversight for the revised Enforcement Policy and Procedure. Consultation on the revised policy will be carried out in accordance with the Council’s Corporate Consultation Strategy. The method of adoption of the revised policy is dependent on the outcome of Recommendation 1. Resources available to progress this dependent on Recommendation 5.</p> <p>Target Completion Date:</p> <p>Revised policy and procedures to DCC 31st July 2022</p>
Management Update As At March 2022	
<p>The Development Management Advisory Panel will meet for the first time in early May 2022. It will review the draft policy and procedures. Subject to feedback, the policy and procedures will be subject to consultation over the summer before returning to the Development Management Advisory Panel in September with the aim to be adopted by the Development Control Committee in the autumn.</p>	

Recommendation – 3(H)	Original Management Response
<p>The review and implementation of new IT processes represents an opportunity to ensure the efficiency and effectiveness of both processes and controls. Internal Audit should be invited to be a proactive consultee during the testing phase. This should involve Internal Audit reviewing and offering advice on the planned controls, particularly those that are embedded within the IT systems and that support performance management and the delivery of objectives. Audit plan days should be allocated for this within the current year and 2022-23.</p>	<p>Internal Audit will be invited to participate in the design and testing phase. Specifically, as part of Goal 3, Objective 3, Action 3 (scheduled for November 2021) and Goal 3 Objective 4 Action 5 (scheduled for December 2021) of the Business Improvement Plan.</p> <p>Target Completion Date:</p> <p>31st December 2021</p>
Management Update As At March 2022	
<p>Internal Audit reviewed and advised upon the proposed IT processes in February 2022. Management have committed to engaging with Internal Audit regarding testing and feedback, which is scheduled to take place in April 2022. However, it is not envisaged that Internal Audit will undertake the testing. Internal Audit have also requested to review the accompanying procedure notes. Again, management will liaise with Internal Audit over procedure notes when appropriate.</p>	

Recommendation – 4(M)	Original Management Response
<p>The service should undertake a post-implementation review of the Enterprise system and associated processes. This will ensure that maximum benefit is being obtained and the desired level of case and performance management, control, and record-keeping is being obtained. Internal Audit should be invited to provide independent support to assist this specific review.</p>	<p>Internal Audit will be invited to participate in the review phase, specifically Goal 5, Objective 2, Action 3 (scheduled for February 2022) and Goal 5 Objective 3 Action 2 (which is dependent on the adoption of the revised Enforcement Policy and Procedure) of the Business Improvement Plan. Resources available to progress this dependent on Recommendation 5.</p> <p>Target Completion Date:</p> <p>31st July 2022, to coincide with Recommendation 2</p>
Management Update As At March 2022	
<p>The service remains committed to undertaking a post-implementation review of the IT process and system changes. This is now scheduled for the autumn of 2022.</p>	

Recommendation – 5(H)	Original Management Response
<p>The service should consider its need for corporate support to deliver its change and improvement programme. Minor change may be able to occur alongside ‘business as usual’ activities, but change beyond this should be considered as a project in its own right. This project should have clear terms, delivery goals and outcomes, be resourced, be time-limited and have a delivery assurance process.</p> <p>It is Internal Audit’s opinion that the Enforcement service’s Business Improvement Plan is an activity that should be defined as a ‘project’ requiring a clear resource demand assessment and support as assessed pertinent.</p>	<p>The service agrees in principle with this recommendation and fully supports its implementation however, there is a lack of resource available to assist the service in delivering this piece of work as a project. Although requiring significant resources, the Business Improvement Plan as drafted is considered to be broadly achievable but only to the detriment of the business in other areas of the service. There is not a corporate project team to either manage or support the delivery of a project by the service. There is a structural, financial, and skill resource issue in implementing this recommendation.</p> <p>Discussion to be held with Strategic Director to establish resource and timescale. This recommendation is key to the delivery and success of most other recommendations.</p> <p>Target Completion Date:</p> <p>31st March 2022</p>
<p>Management Update As At March 2022</p>	
<p>No additional resource has been secured to assist in the delivery of this work or to establish the Business Improvement Plan as a formal project. Indeed, with recent staff changes the Business Improvement Plan now has less resourcing than when the audit reports were presented to the Audit and Standards Committee. Some support has been provided from other council services, although this has been limited. Temporary support for the planning enforcement team, through an additional agency enforcement officer, has been provided to ensure that capacity does not fall while the Senior Enforcement Officer role remains vacant.</p>	

Recommendation – 6(M)	Original Management Response
<p>Officers should determine and agree the training and awareness arrangements required and provided to stakeholders, interested parties and staff. Determining and agreeing the delivery methods, frequency, scope, and funding. The effectiveness of the awareness and training arrangements should be periodically tested to ensure they remain appropriate and effective.</p>	<p>The intent of the recommendation is recognised. However, from the service’s experience there is little value to detailed training to a wider audience as planning enforcement decisions are made on a case-by-case basis against planning merit. The objective is to provide clear understanding of the enforcement process, procedures, and scope and the service consider this is best met through the content of the revised Enforcement Policy and Procedure accompanying guidance on the website.</p> <p>Strengthen training on enforcement issues at annual mandatory Development Control Committee training. This is open to any Member to attend.</p> <p>Staff training programme spring 2022. Resources available to progress this dependent on Recommendation 5.</p> <p>Target Completion Date:</p> <p>31st July 2022 (see Recommendation 2)</p>
Management Update As At March 2022	
<p>Progress on this recommendation has slowed due to the retirement of the Senior Enforcement Officer. However, the service is on track to develop individual professional development plans for staff this spring. The service remains committed to providing a clear understanding of enforcement processes as part of the revised policy and procedure. Although not specifically in relation to planning enforcement, the Planning Advisory Service have been engaged to work with officers and members on training and development. There remain no plans to provide training for a wider audience or other stakeholders.</p>	

Recommendation – 7(H)	Original Management Response
<p>Officers and Members should ensure the revised corporate approach to service planning (performance and risk management) provides assurance that policy objectives, performance requirements and risks are being effectively met and managed. Where there are service challenges these corporate and service-based processes should identify and lead to agreed rectification actions that are supported, delivered, and monitored.</p>	<p>The service considers this beyond their remit although fully support this recommendation. This matter shall be raised with the relevant Strategic Directors.</p> <p>Target Completion Date:</p> <p>31st December 2021</p>
Management Update As At March 2022	
<p>The corporate approach is still outstanding, however, on reflection, there is an opportunity to establish performance and risk monitoring. However, this would be against the objectives of the revised policy and procedures. It would also depend on the service delivery resourcing assessment required by Recommendation 8. The service still considers there to be a limit on what may be achieved with regard to a corporate approach; however, the service shall be mindful of this recommendation when implementing Recommendations 8, 9, 10, and 11.</p>	

Recommendation – 8(H)	Original Management Response
<p>The service should produce a comprehensive service delivery resourcing assessment, and a business case for change if needed. This should include a formal assessment of:</p> <ul style="list-style-type: none"> i Resource to meet demand; ii Skills requirements (for each role); iii The market rate for the roles required (salaries and supplements); iv Staff availability; 	<p>There is a clear need to review the resourcing of the planning enforcement function; at present additional resource is provided by agency staffing at considerable cost. However, the resourcing needs are directly related to the requirements of the Enforcement Policy and Procedure and may be influenced by any efficiencies gained through the introduction of Enterprise.</p> <p>A short term review of resourcing will be made in January 2022 before the current agency placement comes to an end (in February).</p>

<ul style="list-style-type: none"> v Reasonableness of service costs (via market testing or benchmarking); and vi Alternative delivery models for service delivery (for example, shared service agreements with other local authorities). <p>In addition, this assessment should also factor in the immediate challenges of implementing both IT and process changes. The medium-term impact of a revised policy and procedure and the long-term impact of more effective IT systems (and service demand forecasting) also require consideration.</p> <p>The outcome of this assessment should link to Business Improvement Plan Goal 6.</p>	<p>A longer-term review of resourcing will be made in the summer of 2022 once the expectations of the revised Enforcement Policy and Procedure are identified and the Enterprise system has been embedded into the service’s ways of working.</p> <p>Resources required to undertake a resourcing assessment should be included in the project resources as part of Recommendation 5.</p> <p>Target Completion Date:</p> <p>31st July 2022 if resources / support available</p>
<p>Management Update As At March 2022</p>	
<p>This is a future piece of work, depending on any efficiencies that may be gained from Enterprise and the commitments made in the policy and procedure. However, as the Senior Enforcement Officer role is vacant and going through the recruitment process, the opportunity was taken to review the role in light of proposed changes resulting from the new IT systems. The role is currently subject to a re-evaluation by Human Resources. It remains the plan to review resources of the team more broadly in the near future.</p>	

Recommendation – 9(M)	Original Management Response
<p>Changes in service demand should be monitored based on pre-determined tolerances which should trigger a formal process that assesses impact and determines, agrees, and approves actions to address these. In the instance of the Enforcement service this could mean officers and Members considering balancing demand to resource and the scope and requirements of the policy and procedure.</p>	<p>Monitoring of service demand against identified resource tolerances established as part of Recommendation 8. This information can be discussed with the proposed Development Management liaison group to allow for Member involvement.</p> <p>However, there is no provision in the Service Plan or budget for contingency should the tolerances be reached/ breached and the experience of the service is either using agency resource or to make do and mend.</p> <p>Target Completion Date:</p> <p>31st January 2022 and ongoing</p>
Management Update As At March 2022	
<p>The service remains committed to defining tolerances and actions. This piece of work is dependent on the resourcing review of the service, which itself relies on the revised policy and procedures. The service is yet to start this piece of work.</p>	

Recommendation – 10(M)	Original Management Response
<p>The service should introduce time and task monitoring arrangements for a limited period in order to obtain timesheet data on the relationship between direct and non-direct service activities. This information can then be used to inform the resource review recommended earlier.</p>	<p>The service will introduce time and task monitoring over a defined period in spring 2022 once the revised Enforcement Policy and Procedure and the service standards it introduces have been published. However, there is a resource implication in the setting up of time and task monitoring which should be included in the project resources as part of Recommendation 5 and 8.</p> <p>Target Completion Date:</p> <p>30th April 2022</p>
Management Update As At March 2022	
<p>Investigations into how the service may introduce time and task monitoring are a priority for the newly appointed Systems Processing Officer. Work on this has started and is ongoing.</p>	

Recommendation – 11(H)	Original Management Response
<p>The performance management framework should be reviewed as part of the policy and procedure review to ensure the delivery of the objectives set can be measured and monitored. This framework should measure and monitor the delivery of the Enforcement Policy and Procedure, supporting and demonstrating the progress of operational and individual targets and outcomes.</p>	<p>The service is in the process of reviewing its performance management tools, as set out in Goal 7 of the Business Improvement Plan. The revised Enforcement Policy and Procedure, the new Council Plan, and any subsequent revised Service Plan will feed into the performance management framework and any tools required to monitor.</p> <p>There is a resource demand to reporting on performance objectives which should be included in the project resources as part of Recommendation 5 and 8.</p> <p>This can only be started with any degree of confidence after other recommendations and aspects of the business improvement plan have been completed and embedded.</p> <p>Target Completion Date:</p> <p>31st October 2022</p>
Management Update As At March 2022	
<p>Performance management tools remain an issue across the service. A recent engagement with the software provider proved unsuccessful in delivering performance management reports at a reasonable cost. While work has started on this recommendation, it is still in its infancy.</p>	

Recommendation – 12(M)	Original Management Response
<p>The review of the policy and procedure is an opportunity for officers and Members to assess, agree and approve the enforcement communication arrangements.</p> <p>The communication arrangements should be governed by the required service levels and legal constraints. These should be able to be performance tracked, monitored, and reported, and meet the expectations and requirements of the complainant, the complaint location owner, occupier or person responsible, and Members, whilst maintaining required complainant confidentiality.</p>	<p>The service acknowledges the purpose of this recommendation. The service intends to address this by setting out the communications expectations in the revised Enforcement Policy and Procedure. Additional guidance may be required for Members who are not themselves the complainant; this will be progressed in the form of a note and published on the Members' Hub.</p> <p>The implementation of this is dependent on the date that the revised Enforcement Policy and Procedure is adopted.</p> <p>Resources being available to progress this are dependent on Recommendations 5 and 8.</p> <p>Target Completion Date:</p> <p>31st October 2022</p>
Management Update As At March 2022	
No further update to original management response.	

Recommendation – 13(M)	Original Management Response
<p>As part of the Enforcement Policy and Procedure review, the implementation of the IT system, the changing working practices and any operational benefits stemming from the arrangements introduced during the pandemic should be considered for inclusion.</p>	<p>The introduction of Enterprise will facilitate greater levels of flexible working as through the automation of tasks. The corporate approach to hybrid working is being prepared and the service will ensure that new systems and processes take on board the lessons learned from the pandemic.</p> <p>Furthermore, the service will review (as part of its review of the website or digital platform) IT capabilities to allow the submission of supporting documentation and evidence with enforcement complaints.</p> <p>Resources being available to progress this are dependent on Recommendations 5 and 8.</p> <p>Target Completion Date:</p> <p>31st July 2022</p>
Management Update As At March 2022	
<p>The hybrid policy has now been introduced. Management are considering how to interpret this policy to ensure service delivery as a customer facing function.</p>	