

Planning Enforcement - Supplementary information requested, to the report presented on 30th November 2021.

1. As part of the agreed 2021/22 Internal Audit Plan, the Audit and Standards Committee (the Committee) requested ARA undertake a review of the Planning Enforcement service. The report was presented to the November 2021 Committee. At the meeting, the Committee requested additional information, not included in the report presented, to be subsequently provided. It was agreed that this would be delivered as part of the 2022/23 Internal Audit Plan.
2. Pre-engagement planning included a meeting held with the Principal Auditor, Senior Auditor, and the respective Cllr, to discuss and agree the additional information required. At the meeting, confirmation was sought that the information presented within this Information Sheet concluded the outstanding matter, and that no additional new Internal Audit work was needed.
3. Paragraph 8.16 of the initial report confirmed that 2021 complaints received up to the beginning of August 2021 totalled 433 cases. The Enforcement team investigated and closed 316 cases by the beginning of August 2021.
4. Audit testing was completed with the objective of confirming that the key procedures and controls had been correctly followed, in compliance with the Enforcement Policy and Procedure. A stratified representative sample of 30 enforcement complaints, including, open, pending consideration, and closed comprised; i) five from Parish Councils; ii) two from Town Councils; iii) twenty from members of the public; and iv) three from other sources. The sample approach was to choose ten each from the 2019-20; 2020-2021; and 2021-22 years.
5. The key results from the sample of 30 complaints was as follows:
 - Twelve complaints were fully compliant with the Enforcement Policy and Procedure;
 - Eighteen complaints had a gap in being compliant, categorised as follows:
 - for eleven complaints, the Council had not communicated with the complainant at the relevant stage in the enforcement process;
 - for eleven complaints, the Development Management Uniform enforcement system had not been kept up to date;
 - for eight complaints, inadequate evidence of supporting records held on the I-Docx system to support Uniform entries, and
 - for five complaints, suitable and timely follow up, and or investigation enforcement procedures, had not been completed by staff.
6. In addition, a sample of six Planning Enforcement complaints from Councillors was reviewed, to assess compliance with the Enforcement Policy and Procedure. The sample for open and closed complaints covered the period 2019-20 to 2021-22.

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7. The audit findings demonstrated that; i) five cases were materially compliant; and ii) for one complaint, there had been a failure to communicate written findings on progress to the relevant ward Councillor.
8. Further Internal Audit work was completed looking at the time taken to close a 2021 complaint case for those received up to the beginning of August for that year. Six complaints taking greater than one hundred days¹ to close, were selected for review. The results are as follows:
 - Four were as a result of the retrospective planning approval process;
 - Two were assessed as non-material development breaches, and due to staff resource priorities were delayed in closing the case; and
 - No unfavourable performance issues were identified.
9. The results from the sample of 30 complaints which are referred to in paragraph 3, confirmed that four were subject to the Enforcement Notice process. Testing, checked for compliance with the Policy and Procedures. The results from the review of the four Enforcement Notice cases, was as follows:
 - Two were at the enforcement draft expediency report stage;
 - One served notice was the subject of a retrospective planning application which was granted; and
 - One served notice was confirmed to have been complied with after a site inspection visit by a Planning Enforcement Officer.
10. The actual time taken for the four cases at the Enforcement Notice stage was checked to the existing Policy and Procedure. Where appropriate, the Enforcement Notice case in paragraph 7 was dealt with within timescales for retrospective planning application receipts as per the Policy and Procedure. One case at the enforcement decision stage, experienced a seven-week delay in being proposed for a notice due to staff resourcing issues.
11. Due to vacancies in the team, enquiries were made into its short and medium -term resourcing, and it was established that temporary appointments had been made to best handle the existing caseload. The recent interview process for the vacant Senior Enforcement Officer post was successful and the new permanent officer should join in the autumn.
12. As documented in the Planning Enforcement report, paragraph 6.4 “The service has identified many of the operating processes that need development and improvement and these form part of the Business Improvement Plan Goals 2 and 3”. Much of the Business Improvement Plan revolves around the planned IT software improvements, and appropriate staff resource to test and implement the “Enterprise” IT for complaint case management. The team is still carrying one vacancy (Compliance Technician).

¹ Greater than one hundred days was chosen to identify any performance issues which resulted in elongating the investigation and closure of the case.

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