

Scrutiny Standing Panel Agenda



Environmental and Planning Services Standing Scrutiny Panel Monday, 30th October, 2006

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 7.30 pm

**Democratic Services
Officer:** Z Folley - Research and Democratic Services
Tel: 01992 564532 Email: zfolley@eppingforestdc.gov.uk

Members:

Councillors Mrs P Smith (Chairman), D Kelly (Vice-Chairman), D Bateman,
Councillor Mrs D Borton, Mrs A Cooper, D Jacobs, A Lee, G Mohindra, Mrs P Richardson,
Mrs L Wagland and J Wyatt

1. APOLOGIES FOR ABSENCE

2. SUBSITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

3. DECLARATION OF INTERESTS

(Head of Research and Democratic Services). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

4. NOTES OF THE LAST MEETING - 29 AUGUST 2006 (Pages 3 - 6)

Attached.

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 7 - 8)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

6. COMMUNITY STREET WARDENS - SITE VISIT

To receive feedback on the site visit to the Braintree and Colchester Community Warden Schemes.

Earlier this month several members visited Colchester Borough Council and Braintree District Council to witness the operation of their Community Warden Schemes.

The members have been asked to report feed back on the visit and consider a way forward.

7. ESSEX COUNTY JOINT WASTE PROCUREMENT PROCESS - MINUTES OF THE LAST MEETING (Pages 9 - 12)

To consider the minutes of the last meeting of the West Essex Area Waste Management Joint Committee held on 14 September 2006.

8. PLANNING AND ECONOMIC DEVELOPMENT ENFORCEMENT STATISTICS (Pages 13 - 24)

(Head of Planning and Economic Development). To consider the attached report.

9. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

10. FUTURE MEETINGS

19 December 2006, 26 February and 26 April 2007. All meetings will commence at 7.30p.m

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF ENVIRONMENTAL AND PLANNING SERVICES STANDING
SCRUTINY PANEL
HELD ON TUESDAY, 29 AUGUST 2006
IN COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 9.50 PM**

Members Present:	Mrs P Smith (Chairman), D Kelly (Vice-Chairman), Councillor Mrs D Borton, Mrs A Cooper, D Jacobs, A Lee, G Mohindra, Mrs P Richardson and Mrs L Wagland
Other members present:	Mrs D Collins, Mrs A Grigg, Mrs M Sartin, Ms S Stavrou and Mrs J H Whitehouse
Apologies for Absence:	J Wyatt
Officers Present	J Preston (Head of Planning and Economic Development), J Scott (Joint Chief Executive), H Stamp (Principal Planning Officer) and Z Folley (Democratic Services Assistant)
Also in attendance:	I LeGallais (Consultant), A Burgess (PORA), J Buckles (North Weald Airfield Users Group), G Horsecraft (North Weald Airfield Users Action Group) and D Young (North Weald Airfield Users Action Group)

10. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

None reported for the meeting.

11. DECLARATIONS OF INTERESTS

No declarations were reported pursuant to the Council's Code of Member Conduct.

12. NOTES OF THE LAST MEETING - 26 JUNE 2006

Noted.

13. TERMS OF REFERENCE / WORK PROGRAMME

Noted.

14. DRAFT EAST OF ENGLAND PLAN - REPORT OF PANEL OF INSPECTORS

The Chairman introduced Ivan LeGellais (EFDC consultant for the East of England Plan) who presented the draft response to the Panel of Inspectors recommendations to the East of England Plan. He reported the timescale for the submission and the consideration of the recommendations by the Secretary of State who was expected to publish Proposed Changes in November 2006 which would be followed by a formal 12 week consultation exercise.

He referred to the appendix of the report comparing the EFDC view with that of the Panels showing that there was some agreement but also differences. This expressed concerns regarding the proposed deletion of major development at North Harlow, the

proposals for housing provision, employment, Harlow urban extensions, green belt, car travel restraint and highlighted the resources implications of future work.

The Panel supported the report and made the following comments:

(a) consideration should be given to major development at North Harlow baring in mind its proximity to shopping areas and the commercial railway line. Such development was also necessary to provide a further junction at the Hastingwood Roundabout in Harlow to the M11 to alleviate congestion;

(b) the proposed extension of Harlow South/West would threaten the direct route and boundary between Epping and Roydon;

(c) the reasons for the indicative employment growth target of 12,000 should be provided. The proposals were unclear in view of the link between Harlow and Epping for homes. The proposals were likely to lead to more migration into London rather than local employment;

(d) the comments about 'not a tested strategy' should be made stronger;

(e) the report should read as a direct response to the Secretary of State. It required more positive drafting to maximise impact, needed to be split into bullet points to effectively convey the essentials. In relation to the North Weald the points should be placed in order of priority with the last point about potential alternative uses being placed first. The letter to the Minister must be harder hitting and to the point to achieve its intentions;

(f) the reasons for the preferred figure of 2,400 for housing should be explained in order to demonstrate why this figure was perceived as acceptable and the Panels higher figure was not. It should be asked whether the Panel had a sound base point for housing?.

(g) there was no reference to the proposals for two reservoirs for water as mentioned at the Members briefing session on the 19 August 2006.

(h) the concern that the proposals would lead to unrealistic development in the Green Belt should be strengthened. It should be stated that the car travel restraint proposals were not sound as there was no intention to provide public transport investment;

(i) concern was expressed at the perceived sacrifice of the principles behind the plan - the provision of sufficient homes, jobs infrastructure. Clarification was also sought as to why emphasis had switched away from North Harlow to South/ West Harlow;

(j) the assumption that the landscaping issues at South/West Harlow were better than those for North Harlow seem to be wrong. The Principal Planning Officer anticipated that evidence could be gathered to suggest that there were sound places for development in North Harlow to strengthened the case. A local interest group had undertaken some work on this;

(k) the housing proposals conflicted with PPG13 advising against the development of land near airfield sites. Emphasis should be placed on potential alternatives uses for the North Weald Airfield. Reference should be made to the

significant levels of support that had been expressed for the District response in this respect;

(l) the proposals would add more traffic from south and west of Harlow into and through the District; in particular on unsuitable and overloaded rural roads;

(m) a Joint response should be made with Harlow Council to show the wider support for the response. It was reported that action would be taken to do this. It was anticipated that the MP for Harlow Bill Rammell would report back to the government shared concerns to facilitate a joint approach;

The Head of Planning and Economic Development reported the intention to contact Harlow Council to facilitate the desired Joint Approach. He stated that the response would take on board the views of the Panel which would need to be submitted to the Secretary of State as soon as possible.

ACTION:

Chairman to report Panels response to the OSC on 31 August 2006 and the Cabinet on 4 September 2006.

15. WEST ESSEX AREA WASTE MANAGEMENT JOINT COMMITTEE - DECISION SUMMARY FOR MEETING HELD ON 28 JUNE 2006.

Noted.

16. NEIGHBOURHOOD WARDENS - CURRENT POSITION

The Joint Chief Executive (Community) reported that the sites visits to Community Wardens Schemes agreed at the last meeting had been delayed due to a combination of sickness and holiday absence at the participating Authorities Braintree and Colchester. Two potential dates have been identified – 4/5 Oct. The Panel were asked to select a date. The Panel agreed that the visits be held on 5 October 2006 and that an item be placed in the Members Bulletin to invite Members to the visit.

ACTION:

Democratic Services Assistant to put item in Bulletin.

17. TRAFFIC IN THE NAZEING AND ROYDON AREA

The Panel considered a reported requesting that an away day be organised with assistance from Essex County Council, that the costs of holding such a focus day be met from existing budgets and the Cabinet receive a further report after the event on any further work required.

A Member stated that simple practical actions such as the provision of signage was desirable to alleviate the problems. Support was expressed for action to control HGV traffic and the re use of buildings for non agricultural purposes. More money was needed to improve the condition of roads in the areas of concern.

A Member reported that meetings attended by officers of the Council had been held in Nazeing. A report had been produced by local interests. She questioned the need for the day given this previous work.

The Head of Planning and Economic Development clarified that the purpose of the event was to ascertain available funding, enable Members and officers from the Councils affected to meet. Attempts would be made to ensure the attendance of a government officer to advise on HGV licensing which government had responsibility for.

Requested that the agenda include a report on enforcement regarding glasshouses.

A Member reminded the Panel that the Local Plan amendments sought to control the increase in glasshouse areas, pack houses, the reuse of agricultural buildings for industrial and residential purposes. She referred to a recent case considered at Committee for such development where the officer recommendation was to grant suggesting that the principle was not being upheld in practice.

It was emphasised that planning enforcement information was received. Officers were reminded of the need to make this available.

It was agreed that the recommendations be reported to the Cabinet on 4 September 2006 for feedback.

18. FUTURE GYPSY AND TRAVELLER PROVISION - RESPONSE TO APPROACH BY GO-EAST

The Principal Planning Officer reported that officers had not been able to produce in time for this meeting the report anticipated following the Member Briefing Sessions on travellers on 19 August 2006. It was hoped that the information would be brought to a future meeting.

19. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

None.

20. FUTURE MEETINGS

The next meeting of the Panel will take place on 30 October 2006 at 7.30pm in CR1 and then at the same time on 19 December 2006, 26 February and 26 April 2007.

<i>Environmental and Planning Services Standing Panel</i>			
October 2006			
(1) Essex County Joint Waste Procurement Process	Ongoing	Underway – Panel considers decisions of the West Essex Waste Joint Management Committee as and when they become available	19 December 2006, 26 February, 26 April 2007.
(2) New Local Development Scheme	Ongoing		
(3) Re use of buildings in the Green Belt/			
(4) Traffic Issues in the Roydon and Nazeing Areas.		Underway: Focus day agreed to identify issues	
(5) East of England Plan – EFDC Response to Examination in Public		Recommendations of the EIP responded to and commented on by Panel on 29 August 2006	
(6) Provision of Neighbourhood/Community Wardens	September 2006	Underway – Site visits carried out to Braintree and Colchester on 5 October 2006 – Report to this meeting	
(7) Ongoing Traveller Issues	Ongoing	Report on future Gypsy and Traveller provision to be submitted to future meeting	
(8) Planning Performance – monitoring of enforcement figures/outcomes	Ongoing	Report to this meeting	
(9) Waste Management – Size of Wheeled Bins	Ongoing	Completed	

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MINUTES OF A MEETING OF THE WEST ESSEX AREA WASTE MANAGEMENT JOINT COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 14 SEPTEMBER 2006

Present:

Members

Councillor Michael Gage, Braintree District Council
Councillor Michael Lager, Essex County Council (vice Councillor Roger Walters)
Councillor Mary Sartin, Epping Forest District Council (vice Councillor Stephen Metcalfe)
Councillor Tony Sleep, Brentwood Borough Council (Chairman)
Councillor Alan Thawley, Uttlesford District Council (Vice-Chairman)

Substitute Members

Councillor Sarah Courage, Brentwood Borough Council

Officers

Ian Haines, Braintree District Council
Brian Lawrence, Brentwood Borough Council
John Gilbert, Epping Forest District Council
Nicola Beach, Essex County Council
Melanie Clark, Essex County Council
Alex Creecy, Essex County Council
Peter Kelsbie, Essex County Council
Kathy May, Harlow District Council

63. Apologies for Absence and Notices of Substitution

The Secretary to the meeting reported that he had received formal notification that Councillor Michael Lager had replaced Councillor Norman Hume as the Substitute Member for Essex County Council.

Apologies for absence were received from, Councillor Stephen Metcalfe, Epping Forest District Council with Councillor Mary Sartin as his substitute; from Councillor Roger Walters, Essex County Council with Councillor Michael Lager as his substitute; and from Councillor Christopher Millington and his substitute Councillor Bob Davis, Harlow District Council.

64. Minutes

The Minutes of the meeting held on 28 June 2006 were approved as a correct record and signed by the Chairman.

65. Matter Arising from the Minutes
(Minute 52 – Appointment of Vice-Chairman)

On behalf of the Committee, the Chairman thanked Councillor Thawley for agreeing to act as Vice-Chairman.

66. Project Progress Report

Peter Kelsbie, Essex County Council, presented his 'dashboard' progress report (WEWM/18/06), giving an update on the overall progress of the project. It was explained that the overall status of the project remained as "red", which was inevitable while talks with DEFRA were continuing. If the timetable is to be met, the Outline Business Case will need to be submitted to DEFRA by mid-December 2006. This deadline was considered to be tight but achievable.

It was reported that Southend-on-Sea had completed its soft market testing exercise. As part of the exercise it had received feedback that partnership with the County Council for disposal was the best way forward rather than going it alone. Arrangements for Essex County Council's soft market testing event were underway; the invitations had been sent out and about 50 delegates were expected at the conference to be held on 29 September. The Rivenhall planning application had been received by the County Council and was now going through due process. The revisiting of the Thames Gateway joint procurement desktop study had concluded that there would be real economies of scale for three authorities working together.

Plans for the next period included continuing discussions regarding the Courtauld Road lease; the commencement of discussions with existing landfill contractors on the potential extension of current contracts; the preparation of question packs for the soft market testing event and the preparation of the MRF business case subjective report which would be presented to members for approval in the October/November round of meetings.

The Chairman thanked Peter Kelsbie for his report.

67. Kerbside Analysis Tool (KAT) Modelling

Melanie Clark, Essex County Council, gave a presentation on the KAT and mass flow modelling work.

It was explained that the objectives of the system were to design an integrated collection, treatment and disposal system which –

- met the statutory obligations of BVPIs and LATS;
- delivered the aspirations of the waste strategy;
- represented best value;
- informed choice of future system configuration;
- created a starting point for discussions on Funding Formula.

The intention was to construct 14 models for five pilot authorities (Braintree, Harlow, Brentwood, Basildon and Tendring). The starting point was to assess and calibrate the current systems and to use this information to model a series of options for the Districts.

It was noted that, following the conclusion of the modelling, the next steps would be –

- to approve formally the process and modelling results;
- for parent Authorities to consider recommendations from the modelling report;
- to start development of the Funding Formula to establish the financial position for each Authority;
- to develop Service Delivery Plans (recycling plans)
- to develop Inter-Authority Agreements (IAAs).

Discussion

In response to a question from Councillor Courage about the promotion of home composting Nicola Beach responded that the intention was not to detract from home composting or to lead to the unnecessary collection of green waste.

In response to a question from Councillor Thawley concerning the confidence levels in the data, it was confirmed that part of the pilot work involved a calibration exercise using 05/06 data so that the model closely reflected the actual figures. From there, it would be possible to build fluctuating rates into the pilot models in order to create different “what if” scenarios.

In response to questions from Councillor Lager it was explained that another package being used in conjunction with KAT called “Waste Flow” is better able to deal with uncertainties in such areas as population growth. Having used KAT to agree a process the next stages will be about examining detailed options. A separate desktop exercise had shown the benefits of group working and percentage bandwidths of savings.

The Chairman thanked Melanie Clark for her presentation.

68. Update on Communications Strategy

Nicola Beach, Essex County Council, provided a brief communications update for the Joint Committee. The following points were noted.

Rivenhall - the planning application for the Rivenhall site had been received in August.

Courtauld Road – negotiations on the lease were continuing with Integra, the site owners. Heads of Terms had been agreed. It was hoped that the details of the lease could be finalised as soon as possible. Until the lease is agreed the planning application will not be submitted. Arrangements were in hand when the application is submitted for a full range of public information leaflets and exhibitions.

Stanway – a planning application may be submitted later in the year.

Sandon – was still at a very early stage.

Pitsea – an application for works had been submitted.

There had been very few media enquiries and the media were being kept informed on progress with the Courtauld Road site.

Project branding – proposals had been prepared. The branding was intended for internal use only, for businesses and DEFRA. These would be considered at the Waste Management Advisory Board meeting on 28 September.

69. Date of Next Meeting

It was noted that the next meeting was scheduled for 2.30pm on Wednesday, 1 November 2006 in Committee Room 1, County Hall, Chelmsford.

70. Exclusion of the public

Resolved:

That the public, including the press, be excluded from the meeting during consideration of the following agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part 1 of schedule 12A of the Local Government Act 1972:

Report on Commercial Partnership Arrangements
(Para 3 – information relating to the financial or business affairs of another party)

71. Commercial Partnership Arrangements

(Public and press excluded)

Peter Kelsbie, Essex County Council, gave a presentation on the structure of the possible Inter-Authority Agreements and a timetable for achieving them.

Chairman
1 November 2006



Report to Environmental and Planning Services Standing Scrutiny Panel

Date of meeting: 30 October 2006

Portfolio: Planning and Economic Development
Subject: Enforcement Statistics

Officer contact for further information: John de Wilton Preston (01992 564111)

Democratic Services Officer: Zoe Folley (01992 564532)

Recommendations:

That for a trial period of six months, a monthly report be provided within the Members Bulletin indicating:

- (a) The numbers of enforcement investigations started, processed and “in hand” each month; and**
- (b) That in respect of those cases where an enforcement notice has become effective and the compliance date has passed, but has not yet been complied with; a brief progress report is given.**

Report:

1. The Panel's work programme has included a requirement to introduce greater reporting of statistics concerning Planning Enforcement.
2. Planning enforcement information has been entered into the new Building Control /Planning and Local Land Charges Computer system as from 3 January 2006. That information, together with other spread sheets and manual systems operated has now been considered carefully to see what “Management Information” could and should be produced, and which might address the broad concerns of Members.
3. The essence of Members concerns appears to be that they are not provided with regular, timely and accurate information about;
 - (a) The general volume of work received, processed and outstanding; Recommendation a seeks to give this information, using definitions used in connection with the way the computer system operates.
 - (b) Progress on particular cases. There appear to be concerns that some cases take a long time to deal with, even when some action has been authorised. The information presently given in the Members Bulletin is not able to provide a clear picture about what is happening. Recommendation b seeks to address this issue.

4. Members have been given reports about statistics when staffing issues have been considered, and have been aware of problems when the team is not staffed to the establishment level. In addition, Enforcement procedures have been covered in Member training, and any Member can ask for specific information about individual case at any time. Members have been provided with information about Development Control performance over the last six months in the Members Bulletin, and the agreed information will be provided in the same report.
5. A recent audit recommends that the manual and spread sheet based systems are closed down to concentrate on one recording system. Whilst it is recognised that in the long term a full single system should be operated, there are advantages in keeping a restricted manual reminder system. The audit has been done in advance of the implementation of the Anite at Work system; this is being implemented in Planning Services at present. Anite involves the scanning and management of records including correspondence, which will assist the provision of case management.
6. Other options. The recommendations made seek to introduce a simple system, which does not take large resources to operate, but will provide information that Members would find useful. Part of the point of a six month trial is to ensure that time is not being spent on the provision of unnecessary information. The two types of information suggested are to seek to show an overall picture, and the picture where cases have become more complex, and action has been necessary. It would be possible to give more information, particularly as more information is added to the electronic record.
7. It should be clear that Members may have different requirements, and that it is not proposed to treat the above as a formal Local Performance Indicator at this stage.
8. We recommend as set out at the commencement of this report.

PRIVATE AND CONFIDENTIAL

EPPING FOREST DISTRICT COUNCIL

INTERNAL AUDIT REPORT No. 394

Subject: Planning Enforcement
Client: Head of Planning and Economic Development
Auditor: Brian Bassington
Date: 27th September 2006

**Signed
Auditor:**

Chief Auditor:

Distribution:

Full Report

John Preston	Head of Planning and Economic Development
Barry Land	Assistant Head of Planning Services
Stephan Solon	Principal Planning Officer

Management Summary

Management Board
Chief Financial Officer

Audit of Planning Enforcement Management Summary

1.0 Introduction

An audit of Planning Enforcement has been carried out as part of the approved Audit Plan for 2006/07.

The audit has covered the process of enforcement from initial receipt of a complaint through to final closure of the case following full investigation, visits and enforcement action where required. The enforcement process is mainly complaint driven, the complaints frequently anonymous, and received by letter, phone call, personal visit or email. Occasionally a member of staff may observe a potential breach and report it to the enforcement team. There is no proactive identification of potential breaches as the resources required would be beyond the small enforcement team.

As the computer system used for the recording of the enforcement process is a recent acquisition and the previous system was fully manual the opportunity was taken to examine the quality of the data and the level of data conversion.

As at 7 August 2006, 433 investigations were in progress and 403 investigations had been cleared by officers since 1 January 2006. The Principal Planning Officer stated that in the region of 600 cases had been received since January.

The sample reviewed during the audit consisted of a brief examination of all 403 closed cases to ensure data quality on the new MVM system, and a detailed examination of 24 cases chosen so as to include a sample of cases allocated to each member of staff.

The audit concluded that complaints are recorded, investigated and signed off in a formal manner with adequate supervisory review, with the exception of those cases investigated by the Principal Planning Officer, which should be signed off by the Assistant Head of Planning. Use of the MVM system for enforcement is not fully developed yet and needs management review to reduce duplication of effort with parallel systems, and risk of data error.

2.0 Overall Rating

Satisfactory assurance.

3.0 Opinion

This audit provides satisfactory assurance in the system reviewed in that procedures are in place for the correct investigation of complaints and the recording and authorisation of the action taken. The transfer of the records from a manual system to the recently implemented MVM system has partially taken place but needs to be reviewed to make full use of the new system.

4.0 Implications for statement on internal control

None

1.0 Introduction

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2.0 Opinion

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3.0 Objectives

To ensure that controls are in place for the correct processing of planning breaches identified by Planning Services officers or notified by members of the public.

4.0 Scope

The recording of enforcement action from initial notification through to resolution and a sample test of cases to ensure that each stage of the process is correctly authorised, actioned and recorded. To follow up the recommendations that were made in the Planning Fees Investigation report issued in June 2005.

5.0 Findings.

5.1.1 Complaint Registration

Complaints are recorded on an "Enforcement Complaint/Request to Investigate" form by the officer receiving the complaint, which can be received in a number of ways, which includes letter, phone call, personal visit, observation by a member of staff or email. The complaint is then assessed for complexity and sensitivity by the Principal Planning Officer before allocation to an Enforcement Officer.

The Administrative Assistant records the complaint initially on a spreadsheet and then on the MVM system creating a unique case/file number.

5.1.2 Risk

Complaints may go unrecorded and uninvestigated.

5.1.3 Conclusion

While it would be possible for a complaint to go unrecorded it is most likely that the complainant would be in contact with the Council again if not informed of the outcome of any investigation.

Sample testing of cases has shown that duplicate complaints are often received, whether from the same complainant or another affected neighbour, so the likelihood of a breach going uninvestigated is reduced.

5.2.1 Complaint Processing

The procedures to be followed by Enforcement Officers are fully documented and guide the officers through each step to be taken through to the conclusion of each case, with the resulting action being recorded on the new MVM system.

The Enforcement Officer will initially review the property file held within the Planning filing room, to identify any permissions previously granted. If not seen as being either previously granted or a breach of permission, the officer will assess the complaint to highlight if it is permitted development, or would be likely to be approved if an application should be made.

If necessary, a visit will be made to assess the alleged breach, take measurements, and photographs if required for evidence. Letters may then be sent requesting cessation of an activity, the submission of a planning application or to comply with an existing permission.

In many cases the decision may be made that no further action should be taken as the breach has been resolved, ceased or that no breach existed. Other reasons may be that the breach is time immune due to the length of time the breach has been in existence being verified as more than four or ten years, depending on the nature of the breach, or that it is not expedient to allocate resources to the case due to the minor level of the breach. Where breaches are of a serious nature stop notices may be issued and court action may be taken.

5.2.2 Risk

Incorrect action may be taken resulting in the continuation of a breach.

5.2.3 Conclusion

Procedures are in place for the proper assessment of complaints received with the action taken being recorded on the MVM system.

5.3.1 Complaint Sign Off

The Principal Planning Officer reviews all complaints files to agree the action taken and to sign off each case. The case is signed off on the MVM system and the system identifies the officer carrying out the sign off.

Examination of the 403 cleared cases, as part of the data quality review referred to in 5.6.1 below, identified that cases are signed off by the Principal Planning Officer, providing adequate separation of duties where the Enforcement Officers have investigated the case.

Due to the majority of complaints being of a straight forward nature the Enforcement Officers do not need to be fully qualified planners. The post of Senior Enforcement Officer has until recently been vacant, which has meant that where complaints are of a complex nature the Principal Planning Officer has been carrying out the investigation, and has also been signing off the cases he has investigated. This is a weakness in internal control due to the lack of separation of duties in these particular cases.

5.3.2 Risk

Complaints could be closed without formal supervisory review.

5.3.3 Agreed Action

Where the Principal Planning Officer investigates a complaint the case will be signed off by the Assistant Head of Planning Services so as to retain separation of duties and supervisory overview.

5.4.1 Complaint Monitoring

All complaints received are input to an Excel spreadsheet identifying the staff members the cases are allocated to and the action taken. From this spreadsheet regular reports are run to show the current position for monitoring purposes. The spreadsheet is used in parallel to the data being input to the new MVM system and should be superseded when the new system is in full use.

5.4.2 Risk

The inherent weaknesses of spreadsheets may result in data inaccuracy.

5.4.3 Agreed Action

While monitoring by management is carried out on a regular basis the use of spreadsheets may result in data inaccuracy. This is considered further in para 5.6.1.

5.5.1 System Controls

The MVM system provides a range of controls over access and data quality as would be expected of a recently implemented system. Use of the system during sample testing confirmed that controls are in place to protect data from unauthorised amendment or deletion. The set up of users and the levels of access granted are controlled by the Service Business Manager.

The system records the user carrying out actions on a number of screens by initials or name, and by name and date on the audit screen, to provide an audit trail.

5.5.2 Risk

Unauthorised data amendment or deletion.

5.5.3 Conclusion

The risks are minimised.

5.6.1 Data Quality

The MVM system holds a greater amount of enforcement data than the previous Plantech system, but as yet its use is still under development by the Principal Planning Officer with regard to the reports that will benefit the management process.

Before MVM, the enforcement system was predominantly manual, and case cards were held in racks by each desk. The use of these cards has continued as a form of control, identifying at a glance, the outstanding cases. When the cases are passed to the Principal Planning Officer for review and authorisation the card is also passed on.

The Admin Assistant maintains a spreadsheet of cases to enable a check to be kept on the data entered to the MVM system. Staff are using MVM to varying levels and the Principal Planning Officer has stated that until a full year's data has been entered it will not be possible to review the data storage and usage in any meaningful way.

Examination of the system showed that the full history of each complaint has yet to be input, in particular the letters screen is often not completed although the links exist to letters sent.

5.6.2 Risk

Data may be incomplete on the MVM system possibly resulting in incorrect decisions being made.

5.6.3 Agreed Action

There is an issue over data quality on the MVM system which is the primary system for planning records. While it is understood that use of the system is still under development, the continued use of spreadsheets, manual files, record cards and the MVM system provides the opportunity for both error and duplication of effort. Management will review the situation at the earliest opportunity and identify what data to hold. Resulting from the review procedure notes will be developed and training provided where required for all staff in the section.

5.7.1 Performance Indicators

At present there are no performance indicators specifically for Planning Enforcement, but it is understood that Members have been requesting information on the enforcement process.

5.7.2 Risk

Members may be uninformed as to the volume of complaints received and processed.

5.7.3 Agreed Action

Management will develop more detailed indicators for Members, and will consider indicators such as the number of complaints received and the number processed to conclusion on a monthly or quarterly basis to provide a general picture, Also the percentage of complaints where no further action is required or how many are in breach or not should be considered.

5.8.1 Report 331 Follow Up Points

To ensure that the points noted in the implementation schedule of the Planning Fees Investigation report no. 331 dated 21/06/05 have been put in place as agreed.

Input parameters will be put in place within the MVM system e.g. the maximum fee is currently £50,000, so the upper parameter on the fee field should be set at this level.

Finding. The system would not allow the limit to be programmed in, so an exception report was developed to identify any high value amounts in the fees field, which is run on a monthly basis and is reviewed by the Service Business Manager.

Further controls for checking that fees have been paid into cashiers before a decision letter is sent will be developed.

Finding. The MVM system now displays an indicator on screen to show when the fee has been paid.

Reports providing a greater level of management information will be developed on the MVM system.

Finding. Various reports have been developed for use by the Assistant Head of Planning, providing analysis by type of application and by staff member. Reports continue to be developed as a management need is identified.

Reconciliation will be improved.

Finding. The Assistant Head of Planning continues to work on the reconciliation problems.

5.8.2 Conclusion/Agreed Action

Improvements have been made in the use of the MVM system as identified in the previous audit, but total reconciliation has not been achieved. The Assistant Head of Planning will continue to improve the reconciliation process.

6. Implications for statement on internal control

None.

7. Conclusions

Complaints are recorded, investigated and signed off in a formal manner with adequate supervisory review, with the exception of those cases investigated by the Principal Planning Officer, which should be signed off by the Assistant Head of Planning. Only a small number of occurrences have been identified, and it is understood that as the Senior Enforcement Officer post has recently been filled this will reduce the number of cases being investigated by the Principal Planning Officer.

Use of the MVM system for enforcement is not fully developed yet and needs management review to reduce duplication of effort with parallel systems, and risk of data error.

8. Value derived from this audit

Assurance that the enforcement process is generally sound and that the MVM system provides a controlled environment for the recording of complaints.

Epping Forest District Council
Internal Audit Unit
Audit: Planning Enforcement
Client: Head of Planning and Economic Development

Implementation Schedule

Report Reference	Priority	Agreed Action	Responsible Officer	Target Date
5.1		Complaint Registration	No further action required.	
5.2		Complaint Processing	No further action required.	
5.3	***	Complaint Sign Off Where the Principal Planning Officer investigates a complaint the case will be signed off by the Assistant Head of Planning Services so as to retain separation of duties and supervisory overview.	Assistant Head of Planning.	31 st October 2006
5.4		Complaint Monitoring	See 5.6 below.	
5.5		System Controls	No further action required.	
5.6	***	Data Quality There is an issue over data quality on the MVM system which is the primary system for planning records. While it is understood that use of the system is still under development, the continued use of spreadsheets, manual files, record cards and the MVM system provides the opportunity for both error and duplication of effort. Management will review the situation at the earliest opportunity and identify what data to hold. Resulting from the review procedure notes will be developed and training provided where required for all staff in the section.	Principal Planning Officer.	31 st March 2007

Report Reference	Priority	Agreed Action	Responsible Officer	Target Date
5.7	**	Performance Indicators Management will develop more detailed indicators for Members, and will consider indicators such as the number of complaints received and the number processed to conclusion on a monthly or quarterly basis to provide a general picture. Also the percentage of complaints where no further action is required or how many are in breach or not should be considered.	Head of Planning and Economic Development.	31 st March 2007
5.8	**	Report 331 Follow Up Points Improvements have been made in the use of the MVM system as identified in the previous audit, but total reconciliation has not been achieved. The Assistant Head of Planning will continue to improve the reconciliation process.	Assistant Head of Planning.	31 st March 2007

Key: Priority
*** = high
** = medium
* = low

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