

Scrutiny Standing Panel Agenda



Planning Services Scrutiny Standing Panel Thursday, 18th June, 2009

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

Time: 7.30 pm

Democratic Services Officer: Mark Jenkins - Office of the Chief Executive
Email mjenkins@eppingforestdc.gov.uk Tel: 01992 564607

Members:

Councillors Mrs L Wagland (Chairman), K Chana (Vice-Chairman), A Boyce, M Colling, Mrs A Cooper, R Frankel, Mrs A Haigh, J Hart, Mrs C Pond, W Pryor, H Ulkun and Mrs P Richardson

A BRIEFING FOR THE CHAIRMAN OF THE PANEL WILL BE HELD AT
7.00 PM PRIOR TO THE MEETING

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS

(Assistant to the Chief Executive). To report the appointment of any substitute members for the meeting.

3. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items of the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview and Scrutiny members are asked to 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 Overview and Scrutiny 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 Overview and Scrutiny meeting purely for the purpose of answering questions or providing information on such a matter.

4. NOTES FROM THE LAST MEETING (Pages 5 - 14)

To agree the notes of the last meeting held on 12 March 2009 (attached).

5. TERMS OF REFERENCE (Pages 15 - 16)

The Terms of Reference are attached.

6. WORK PROGRAMME (Pages 17 - 20)

The Work Programme is attached.

7. PLANNING AND ECONOMIC DEVELOPMENT OUTURN 2008-09/INCOME AND EXPENDITURE FOR ALL PLANNING AND ECONOMIC DEVELOPMENT SERVICES (Pages 21 - 32)

(Director of Planning and Economic Development). To note the attached report.

8. BUILDING CONTROL (Pages 33 - 40)

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

9. SUMMARY OF COURSE A PLANNING INVESTIGATION CAN TAKE (Pages 41 - 58)

(Director of Planning and Economic Development). To consider and comment on the attached report and to note the Guide to Enforcement for the Public.

10. STAFFING WITHIN PLANNING ENFORCEMENT (Pages 59 - 64)

(Director of Planning and Economic Development). To consider and comment on the attached report.

11. RECRUITMENT TO THE ASSISTANT DIRECTOR (CONSERVATION AND POLICY) POST (Pages 65 - 66)

(Director of Planning and Economic Development). To note the attached report.

12. STAFFING UPDATE

Update on current staffing situation.

13. CURRENT ECONOMIC SITUATION OF THE DISTRICT (Pages 67 - 74)

(Director of Planning and Economic Development). To note the attached report.

14. IMPROVEMENT PLAN (Pages 75 - 82)

(Director of Planning and Economic Development). To note the attached Improvement Plan.

15. ANY OTHER BUSINESS

16. DATES OF FUTURE MEETINGS

The next programmed meeting of the panel is on 8 September 2009 and thereafter on:

10 November;
5 January 2010;
11 February; and
27 March

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**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF PLANNING SERVICES SCRUTINY STANDING PANEL
HELD ON THURSDAY, 12 MARCH 2009
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 10.05 PM**

Members Present: Mrs L Wagland (Chairman), A Boyce, M Colling, R Frankel, Mrs C Pond and P Spencer

Other members present: Mrs A Grigg

Apologies for Absence: K Chana, J Hart and W Pryor

Officers Present D Macnab (Deputy Chief Executive), J Preston (Director of Planning and Economic Development), R Sharp (Principal Accountant), S Solon (Principal Planning Officer) and M Jenkins (Democratic Services Assistant)

47. SUBSTITUTE MEMBERS

It was noted that there were no substitute members present.

48. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Conduct.

49. NOTES FROM THE LAST MEETING

The notes of the last meeting held on 12 February 2009, were agreed as a correct record, subject to the inclusion of Councillor Mrs P Smith and R Sharp, Senior Accountant, as being present.

50. TERMS OF REFERENCE

The Terms of Reference were noted.

51. WORK PROGRAMME

The Panel considered its Work Programme.

(1) East of England Plan and Local Development Framework

(a) The Panel noted that the final version of the East of England Plan was awaiting completion, as the results of a legal challenge were being awaited.

(b) Planning Services were awaiting the report from the Inspector's Panel on the number of Gypsy and Traveller sites in the district. The number of sites within the district was expected to fall from 49 to 39.

(c) A report on the Local Development Framework (LDF) was going to the Cabinet. A six monthly review of the LDF would be put before the Panel later in the year.

(2) Traffic issues and transport in the District

Although a review of the action plan was scheduled for the March 2009 Panel, the District Council was still awaiting the Essex County Council transport strategy for the Nazeing area.

(3) Value for Money within Planning Services

(a) Development Control

A benchmarking review of work coming forward was scheduled to go before this Panel in September 2009.

(b) Forward Planning

This item was being re-scheduled.

(c) Economic Development

The Panel would need statistics to underpin discussions on the economic situation within the district before discussing this item fully.

AGREED:

That economic statistics be included in the report on Economic Development at the June 2009 meeting.

(12) Scrutiny Review Request – Councillor Mrs A Cooper

A report was going before the next Overview and Scrutiny Committee in April 2009 as a result of the Panel's consideration of this issue with a proposal to develop a set of frequently asked questions.

52. PLANNING ENFORCEMENT SCOPING REPORT

The Panel received a report from Mr S Solon, Principal Planning Officer (Enforcement), setting out how the Council's planning enforcement function was delivered, setting out performance indicators, identifying issues and challenges for the delivery of planning enforcement by the District Council.

The Panel's Terms of Reference had indicated that they were considering Value for Money within Planning Enforcement. The report gave a general background on planning enforcement and allowed the Panel to consider the scope for future discussions.

The main purposes of the Council's Planning Enforcement Service was to:

- Investigate allegations of breaches of planning control;
- Remedy the harm caused by actual breaches of planning control; and
- Regularise acceptable development carried out in breach of planning control.

In fulfilling its purpose, the Planning Enforcement Service had regard to relevant legislation, case law, national planning policy and adopted development plan policy.

The planning merits of all actual breaches of planning control were assessed prior to an appropriate course of action being decided upon. The service primarily drew on resources from other sections within the Planning Directorate and on legal advice provided by the Corporate Support Services Directorate.

The Panel were informed that planning enforcement was a discretionary function of the Council. However, experience suggested that the demand for the delivery of a Planning Enforcement Service was high. The failure to take appropriate and timely enforcement action could lead to the Council being found guilty of maladministration and being required to compensate those whose interests were harmed by the consequences of breaches of planning control.

The Planning Enforcement Team, its Performance, Identification and Discussion of Issues

The Council's Planning Enforcement Team was part of the Development Control Group of the Planning and Economic Development Directorate and was made up of seven staff. This comprised a Principal Planning Officer, Senior Enforcement Officer, three Enforcement Officers, a Compliance Officer and a dedicated administrative officer, the Principal Planning and Senior Enforcement Officers were the only posts where the post holders were required to have a relevant planning qualification. Between August 2006 and February 2009 the team had been fully staffed. However, some staff had had extended periods of absence due to illness or bereavement. Since February 2009 the Compliance Officer post had been vacant pending a decision on whether to replace it with either a further Senior Officer or a full time Compliance Officer post. An Enforcement Officer had been taken seriously ill and was unlikely to return to work for a number of months. It was recognised that the District Council's Planning Enforcement Team was one of the bigger planning enforcement teams amongst other local authorities.

The Planning Enforcement Team's workload had increased with the turn over of investigations going up from 650 to 750. There were 60 to 70 complaints per month. However, a great deal of the enforcement work, 65%, involved no breach of planning control. The Panel was informed that it was better to take informal action against breaches of planning control with enforcement action being used only as a last resort. Currently the District Council had a good success rate at appeal, the Council sought injunctions and took direct action from time to time, but there were too few instances to serve as a useful performance indicator. The Panel noted the statistics for performance over the previous three calendar years presented to the Panel.

S Solon advised that staffing and skills within the Enforcement Team were an issue, although there were no targets for the District Council to comply with and no national targets on enforcement. It was felt that better advice to the public on enforcement would drive up the council's performance. Members asked why some enforcement cases took a long time to resolve. S Solon said that if people wished to delay the system there were many avenues open to them.

S Solon advised that managing the workload was a problem due to a lack of skills amongst the enforcement team and having the whole of the District to deal with. Although they can make the best use of existing rules and bring action more speedily, appeals which followed enforcement and went to a public inquiry, took up a lot of time. The enforcement rules were not problematical, the main issue concerned staffing resources. In contrast each of the two Development Control Area Teams had more qualified staff. S Solon proposed that the part time Compliance Officer post be replaced by a full time senior officer post. Members requested a report setting out the

benefits of providing an additional senior officer in place of the Compliance Officer, with reference to outcomes and setting out options for funding the new post. Members had asked for consideration to be given to alternative options rather than recruitment.

D Macnab reminded the Panel that the Council had set a deficit budget with a medium term framed strategy which required £300,000p.a. CSB efficiency saving to be found for three years from 2010/11. Any requests for additional staffing should be found from within existing resources.

It was suggested that by prioritising some cases, a great deal of enforcement action should be avoided sending a strong message around the District that enforcement was taken seriously leading to workloads being eased. The Panel were advised that a lot of complaints about planning control did not actually involve planning issues. It was confirmed that letters sent by the enforcement team to complainants were designed to reduce their expectations and point out contraveners rights of appeal against enforcement action. The members were advised that staff work on an investigation may last up to a year and end in a £300 fine for the offender. Members were also advised that approximately 10% of cases dealt with, generated up to 80% of the work done. They were also advised that a site visit was made within two weeks of a complaint being made. The Panel requested a route map explaining the possibilities and outcomes for each investigation to serve as an indicator of whether more resources were needed to ensure an effective delivery of the planning enforcement function.

Members asked about local cafes which had operated without obtaining planning permission. J Preston advised that there were other dimensions to businesses working without planning permission. Some had bought a site and started operating without permission waiting for the District Council to take action against them. When the District Council took action the applicant gained retrospective approval. The costs in penalties were minor, making it worthwhile breaking the law.

Officers were currently differentiating between types of planning contraventions employing a flexible approach and taking a sterner approach with some compared to others. J Preston advised caution when dealing with people who had a history of planning breaches because they still needed their applications judged fairly. Councillor R Frankel commented that the Council Bulletin published notification of enforcement action taken, but the final outcomes of the actions were not always known by members. It was also interesting to know how much time was spent on enforcement actions and planning applications. The Chairman argued that evidence was needed to justify more resources.

The Chairman asked how many people were making retrospective planning applications, the council should be making greater work on these. S Solon advised that they did not control the number and types of allegation brought to the attention of the Planning Enforcement Team and there were undoubtedly more breaches of planning control in the district than was known. Members felt that fear of appeal should not be a factor in how the District Council dealt with these cases. The Chairman commented that defaulters on Housing Benefit were published regularly in the Council Bulletin, the same could be applied to Enforcement defaulters. The public, and in particular Parish Clerks, should be trained in evaluating what constituted a breach. S Solon advised that there could be significant danger in this, as they may make the wrong decision. The Parish Clerks could be a source of information but it would be a mistake to rely on them. Swifter, draconian action on

breaches should bring dividends. Members requested enforcement statistics to illustrate the process by which a more streamlined system could be implemented.

AGREED:

- (1) That a report be produced for the Panel setting out the benefits of creating an additional senior officer post, replacing the Compliance Officer post with reference to outcomes, options for funding the new post with consideration given to alternative options for securing the same benefits;
- (2) That a report be produced for the Panel setting out the possible route any planning enforcement investigation could take;
- (3) That Members should be advised, through the Council Bulletin, of milestones reached and further action taken in the course of resolving an enforcement action; and
- (4) That Members should be advised of planning enforcement performance through the inclusion of quarterly planning enforcement statistics in the Council Bulletin.

53. GYPSY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT (DPD) UPDATE

The Panel received a brief update report on the Gypsy and Traveller Development Plan Update. The Panel were informed that the deadline for the consultation had now expired. It had generated the following responses:

- In total, there were 9,700 responses to the consultation made;
- 8,100 group responses;
- 900 individual responses; and
- 700 responses were made online.

The responses were still being checked for duplication, and were being put through various processes for analysis. This would generate a report about the number of responses reflecting on where the analysis suggested the Council could go in terms of a strategy with specific extra provision of sites, within the timescale of the Government direction. This report will be considered initially by the Cabinet committee and then the Cabinet in April. Some general themes were clear from the considerable response received. Few responses needed returning, so acceptable language had been used. Although some technical responses were still awaited, in particular that from the Environment Agency, there was still a great deal of work which needed completion.

54. LOCAL DEVELOPMENT FRAMEWORK TIMELINE

The Panel received a summary of the position with regards to the Local Development Framework Timeline. GO East, the Government office for the East of England, had responsibility for monitoring overall progress on development documents, they recently introduced a new template for highlighting this. Officers from, the District Council, Harlow Council and East Hertfordshire Council, had formulated a response for discussion with GO East. The summary specified the likely completion dates of

the Development Plan Documents for the Core Strategy and Development Management Policies as July 2012, Land Allocations as October 2014 and Area Action Plans for Lands around Harlow as October 2014.

55. IMPROVEMENT PLAN

The Panel received a report regarding the Improvement Plan. In November 2008, the Overview and Scrutiny Committee had agreed that the Planning and Economic Directorate would produce an Improvement Plan for the next eighteen months. The Panel's investigations had shown that there had been significant change within planning over the last four years. However, there was scope for further change and improvement. The following was noted:

1. Review the measures used within Planning and Economic Development to ensure that staff are maximising the performance of the Directorate.

- **The Directorate Business Plan for 2009/2010 was almost completed.**
- **The Key Performance Indicators (KPIs) for inclusion in the KPI 2009/2010, was whittled down to 51 KPIs.**

2. Develop and promote a set of service standards for Planning and Economic Development, outlining the minimum levels of service that external and internal customers will receive.

- **The Panel were informed that the Planning Services' Business Manager, S Bacon, was leaving for another position within the District Council. His position would need filling.**

3. Check the effectiveness of the channels of communication used to ensure that all staff are aware of service priorities and quality standards.

- **All Planning Services staff had been consulted regarding the Development of the Service Business Plan. However the Staff Survey was due for completion by June 2009.**

4. Improve the mechanisms of regular on-going feedback from users on the quality of service they have received.

Ensure officers with the appropriate level of responsibility act upon complaints.

- **The Panel had already received feedback from planning agents and amenity groups.**

ACTION: Comments from the planning agents and amenity groups required matching, and were to be brought back to the Panel.

5. Improve ownership of problems and accountability amongst the Senior Management Team within Planning and Economic Development.

- **Appointment of new senior staff needed.**

6. Implement appropriate measures to raise morale and increase staff motivation in achieving service improvements.

- **It was possible for a staff newsletter to be produced, however this could be problematic given resource issues.**
7. Develop a systematic approach to workforce planning to address recurring recruitment and retention difficulties.
- **The previous Workforce Development Plan was being updated. It was noted that some staff were approaching retirement age and subsequently would take away many years of experience. Procedures for replacing staff needed to be faster.**
8. Improve the standard, content, presentation and consistency of reports to Development Control, Planning Standing Panel and Area Sub Committees.
- **This was a separate item on the agenda.**
9. Review the Corporate Planning Protocol with respect to dealing with applicants, agents, developers and the local business community to ensure that the highest standards of probity and governance are achieved.
- **The Corporate Planning Protocol was being started.**
10. Implement practical measures to improve the public perception and reputation of the Council's Planning Service, particularly with respect to high profile/controversial applications and enforcement action.
- **More publicity was needed for planning successes.**
11. Take positive action to raise confidence amongst elected Members of the Council with respect to the performance of the service area.
- **Travel Plan – better feedback.**
12. Routinely review costs for the different elements of the service, set challenging targets for improved performance and implement effective monitoring arrangements.
- **Going before the September 2009 panel.**
13. Ensure that there is a clear focus on the actions contained within the improvement plan by all senior staff within Planning and Economic Development and that priority is given to delivery.
- **The Panel are currently monitoring the Improvement Plan.**
- 56. FEEDBACK FROM MEETING OF DEVELOPMENT CONTROL CHAIRMEN AND VICE CHAIRMEN**
- The Chairman fed back to the Panel on the outcomes from the recent meeting of the Development Control Chairmen and Vice Chairmen on 26 February 2009.
- Arrangement of a pilot of pre-application briefings for the Chair, Vice Chair and nominated group representatives of the Area Planning Sub-Committees;

- Inclusion of a link to online plans on Area Plans agendas;
- Officers ensure that full application documentation was received before application was registered;
- Consideration of agreement with developers allowing larger applications over a longer timescale;
- Area Plans Sub-Committees report template reviewed ensuring that information was presented in the best way taking account of best practice in other authorities and how many residents had been consulted;
- Decision making at meetings – webcasts. Chairmen should ensure that they obtained clear reasons for refusal before any vote was taken. Chairmen should provide a summary of the decision of the sub-committee at the end of each item for the benefit of the public, both those present and those viewing the webcast; and
- Highways Objections – responses from Highways to consultations did not always have an explanation with the decision. Highways should attend sub-committees if requested.

57. STAFFING UPDATE

The Panel received an update on the current staffing situation within Planning Services.

The Compliance officer was retiring, the IT Business Manager, S Bacon, was moving to another position within the District Council.

The Assistant Director's post was still vacant. There was concern amongst members regarding the apparent lack of progress in locating a replacement for this post, particularly as the current economic conditions should, in theory, furnish the Council with lots of candidates. The Chairman requested a report for the Panel reviewing the whole recruiting process, for the Assistant Director's post.

AGREED:

That a report be produced reviewing the recruiting process for the Assistant Director of Planning Services post.

58. ANY OTHER BUSINESS

There was no other business.

59. DATES OF FUTURE MEETINGS

The future meeting dates of the Panel were noted as follows:

Thursday 18 June 2009;

Tuesday 8 September 2009;

Tuesday 10 November 2009;

Tuesday 5 January 2010; and

Thursday 11 February 2010.

The Director of Planning Services was concerned that the meeting dates of 5 January 2010 and 11 February 2010, were too close to allow sufficient time for adequate reports for the next meeting. The Chairman agreed, suggesting that the February meeting date could be re-arranged.

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TERMS OF REFERENCE - STANDING PANEL

Title: Planning Services

Status: Standing Panel

Terms of Reference:

1. To consider matters which arise through the process that the Government is driving to bring in an East Of England Plan as issued in May 2008; these may range from how to respond to the initiatives or views of those who support or oppose us, and how we may support or oppose the views taken by others, and how to work in partnership with others to secure delivery of the plan with adequate infrastructure. In particular, this is to allow the Portfolio Holder for Planning and Economic Development to remain tuned in to local views.
2. In association with 1, to keep an overview of work associated with securing a sound New Local Development Framework; in particular how the core strategy will cater for the adequate delivery of infrastructure of all types, the limited rolling back of the Metropolitan Green Belt to allow the regeneration and expansion of Harlow, the increased provision of affordable housing, and the maintenance of the existing settlement pattern elsewhere in the District.
3. To consider what changes are practical and desirable to Council policies concerning the Metropolitan Green Belt; including those concerning the extension of existing dwellings, and the reuse of redundant and other buildings; in particular, are further restrictions necessary (changes in policy required) to ensure that such developments are truly sustainable.
4. To consider in detail the provision of Value for Money within the following Planning Services focusing specifically on:
 - Development Control (including Appeals)
 - Forward Planning
 - Building Control
 - Enforcement
 - Administration and Customer Support
 - Economic Development
 - Environment Team
5. To gather evidence and information in relation to these functions through the receipt of:
 - performance monitoring documents,
 - Best Value Review of Planning Services (updated version)
 - benchmarking exercises,
 - consultation with Planning Committee Members, customers and IT Suppliers.
6. To identify problems, possible solutions, barriers to success;
7. To review the measures introduced since 2004 to improve performance within Development Control namely the success of
 - the 'Hit Squad',

- the Service restructure(s),
- the new IT system
- the application of the Planning Delivery Grant.

8. To review a selection of controversial planning decisions to see if lessons can be learnt from their consideration.
9. To consider whether the reporting arrangements for all of the above matters and those for the Section 106s (including how they are negotiated agreed and implemented strategically to secure community benefit), and appeals are sufficient (including how new legislation impacts on these) and to recommend accordingly.
10. To evaluate all relevant facts in relation to the topics under review in an objective way and to produce recommendations for future action accordingly;
11. To establish whether there are any resource implications arising out of the topics under review and advise Cabinet for inclusion in the Budget Process 2008/09;
12. To report to the Overview and Scrutiny Committee at appropriate intervals and to submit an interim report on Development Control in the June 2008 cycle, and a final report on all matters by March 2009.
13. To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

Chairman: Cllr Mrs Wagland

Planning Services Standing Panel

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) (i) New Local Development Scheme and East of England Plan – EFDC Response to Final Version (ii) To consider matters that arise through the East of England Plan (iii) In association with the above, to keep an overview of work associated with securing a sound New Local Development Framework	Regular updating reports	(i) Final version of the East of England plan incomplete. Awaiting the results of a legal challenge and the results from the gypsy/traveller consultation. (ii) To receive a progress report at each meeting. (iii) LDF timeline to be presented.	18 th June 2009 8 th September 10 th November 5 th January 2010 11 th February 27 th March
(2) (i) Re use of buildings in the Green Belt/Traffic Issues in the Roydon and Nazeing Areas. (ii) To keep an overview on transport matters that were the subject of a focus day in Nazeing in March 2007, and the action plan.		On going – VOSA attended meeting of the old Environment and Planning Standing Panel on 28 Feb 2008. Awaiting Essex C.C. transport freight strategy for the Nazeing area.	

<p>(3) To consider the provision of Value for Money within the following Planning Services:</p> <p>a) Development Control (including Appeals)</p> <p>b) Forward Planning</p> <p>c) Building Control</p> <p>d) Enforcement</p> <p>e) Administration and Customer Support</p> <p>f) Economic Development</p> <p>g) Environment Team</p>	<p>a) VFM Completed (Subject to annual review in August 2009)</p> <p>b) January 2009 This has had to wait because of staff shortages & work on Gypsy & Traveller issues.</p> <p>c) review in March 09.</p> <p>f) To be discussed at June meeting</p>	<p>a) VFM Task and Finish report went to September meeting and the November O&S Cttee meeting where it was endorsed.</p> <p>f) To include response to Economic Downturn.</p>	
<p>(4) Update on current staffing situation</p>	<p>Regular agenda item.</p>		
<p>(5) Improvement Plan</p>	<p>Regular agenda item.</p>		
<p>(6) Chairmen and Vice Chairmen of Area Planning Cttees. to be invited to a meeting to provide feedback.</p>		<p>Considered at the March 09 meeting.</p>	
<p>(7) Update on Gypsy and Traveller Consultation</p>	<p>Regular item.</p>	<p>Update to every meeting.</p>	

(8) Report from legal on performance at Planning appeals.	June 2009		
(9) Report reviewing the recruiting process for the Asst Director's Post	June 2009		
(10) Comments from the planning agents and amenity groups required matching.			
(11) That a report be produced setting out the benefits of creating an additional senior officer post, replacing the Compliance Officer post with reference to outcomes, options for funding the new post with consideration given to alternative options for securing the same benefits			
(12) That a report be produced for the Panel setting out the possible route any planning enforcement investigation could take			

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PLANNING & ECONOMIC DEVELOPMENT PORTFOLIO

OUTTURN 2008/09

Planning and Economic Development

General Fund Estimate Summary

2008/09		2008/09 Actuals				
Original Estimate £000	Revised Estimate £000		Gross Expend £000	Gross Income £000	Net Expend £000	Over (Under) Spend £000
Direct Services						
182	164	Economic Development	156	0	156	(8)
23	17	Bus Shelters	17	0	17	0
91	55	Environmental Co-Ordination	41	0	41	(14)
209	187	Conservation Policy	170	0	170	(17)
688	487	Forward Planning	560	147	413	(74)
131	183	Town Centre Enhancements	179	4	175	(8)
1,324	1,093	Total Direct Services	1,123	151	972	(121)
Regulatory Services						
240	427	Planning Appeals	424	3	421	(6)
521	509	Development Control Enforcement	523	0	523	14
483	317	Development Control	957	659	298	(19)
0	0	Building Control Fee Earning	609	599	0	0
176	166	Building Control Non Fee Earning	164	0	164	(2)
1,420	1,419	Total Regulatory Services	2,677	1,261	1,406	(13)
2,744	2,512	Total (Transferred to GF Summary)	3,800	1,412	2,378	(134)
Support and Trading Services						
438	367	Planning Administration	397	82	315	(52)
341	272	Planning Policy	290	0	290	18
(734)	(569)	Recharged to this Portfolio	(611)	(74)	(539)	29
(45)	(70)	Recharged to other Portfolios	(76)	(9)	(67)	4
0	0	Total	0	0	0	0
2,744	2,512	Portfolio Total	3,800	1,412	2,378	(134)
2,324	2,207	Continuing Services Budget			2,179	(28)
20	90	Continuing Services Budget - Growth			111	21
(27)	(97)	Continuing Services Budget - Savings			(127)	(30)
2,317	2,200	Total Continuing Services Budget			2,163	(37)
627	574	District Development Fund - Expenditure			477	(97)
(200)	(262)	District Development Fund - Savings			(262)	0
427	312	Total District Development Fund			215	(97)
2,744	2,512	Portfolio Total			2,378	(134)

Planning and Economic Development

Development Fund & Growth Items

		Original 2008/09 £000's	Revised 2008/09 £000's	Actuals 2008/09 £000's
CSB Growth Items				
Building Control	Reduced Income		80	108
Building Control	Building Control Ring Fence Account		(80)	(108)
Development Control	Pre-Application Fee Consultancy	20	(10)	(12)
Development Control	Income from Pre-application discussions	(20)	10	3
Forward Planning	Strategic Environmental Assessment	(7)	(7)	(7)
		(7)	(7)	(16)

		Original 2008/09 £000's	Revised 2008/09 £000's	Actuals 2008/09 £000's
Development Fund Items				
Economic Development	Developing Business Networks	5	3	
Economic Development	Enhanced Business Contacts		2	
Economic Development	Town Centre Manager	35	15	17
Forward Planning	High Hedges Legislation - Staffing	4	4	4
Forward Planning	Local Development Framework	288	77	88
Forward Planning	Technical Planning Officer Tree Preservation	14	14	13
Forward Planning	Gypsy and Travellers Accommodation Consultancy		19	19
Forward Planning	Loughton Broadway/Epping Design Brief		66	45
Planning Services	Planning Delivery Grant 2	27	17	15
Planning Services	Planning Delivery Grant 3	14	14	14
Planning Services	Planning Delivery Grant 4	38	27	15
Planning Services	Planning Delivery Grant 4	(40)	(40)	(40)
Planning Services	Planning Delivery Grant 5	160	139	141
Planning Services	Planning Delivery Grant 5	(160)	(160)	(160)
Planning Services	Housing and Planning Delivery Grant		62	
Planning Services	Housing and Planning Delivery Grant		(62)	(62)
Planning Appeals	Costs - 1 Connaught Avenue		43	43
Planning Appeals	Costs - Wansfell College		42	42
Planning Appeals	Contingency for Appeals		10	7
Tourism	Rural Projects and Tourism Officer	30	8	
Tourism	Tourism Summit		2	
Town Centre Enhancements	Improvements Grant - Waltham Abbey TC		10	14
Town Centre Enhancements	Town Centre Support	12		
		427	312	215

Planning Delivery Grant Income is allocated to the year when it is originally intended to be spent in order to match the income to the expenditure. If the expenditure is delayed or rephased the income relating to the delayed expenditure is credited to the DDF at the end of the year concerned. When the expenditure is actually incurred it can then be funded from the DDF like any other DDF item.

Planning and Economic Development

Direct Services

2008/09		2008/09 Actuals			Over	
Original Estimate £000	Revised Estimate £000		Gross Expend £000	Gross Income £000	Net Expend £000	(Under) Spend £000
135	147	Economic Development - General	139	0	139	(8)
47	17	Economic Development - Tourism	17	0	17	0
182	164	Total Economic Development	156	0	156	(8)
23	17	Bus Shelters	17	0	17	0
91	55	Environmental Co-Ordination	41	0	41	(14)
209	187	Conservation Policy	170	0	170	(17)
688	487	Forward Planning	560	147	413	(74)
131	183	Town Centre Enhancements	179	4	175	(8)
1,324	1,093	Total (Transferred to Summary)	1,123	151	972	(121)
919	877	Continuing Services Budget			674	(203)
0	0	Continuing Services Budget - Growth			0	0
(7)	(7)	Continuing Services Budget - Savings			(7)	0
912	870	Total Continuing Services Budget			667	(203)
522	395	District Development Fund - Expenditure			477	82
(110)	(172)	District Development Fund - Savings			(172)	0
412	223	Total District Development Fund			305	82
1,324	1,093	Portfolio Total			972	(121)

Planning and Economic Development

Regulatory Services

2008/09			2008/09 Actuals			Over
Original Estimate £000	Revised Estimate £000		Gross Expend £000	Gross Income £000	Net Expend £000	(Under) Spend £000
240	427	Planning Appeals	424	3	421	(6)
521	509	Development Control Enforcement	523	0	523	14
483	317	Development Control	957	659	298	(19)
0	0	Building Control Fee Earning	609	599	10	10
176	166	Building Control Non Fee Earning	164	0	164	(2)
1,420	1,419	Total (Transferred to Summary)	2,677	1,261	1,416	(3)
1,405	1,309	Continuing Services Budget			1,445	136
20	90	Continuing Services Budget - Growth			111	21
(20)	(90)	Continuing Services Budget - Savings			(120)	(30)
1,405	1,309	Total Continuing Services Budget			1,436	127
35	130	District Development Fund - Expenditure			0	(130)
(20)	(20)	District Development Fund - Savings			(20)	0
15	110	Total District Development Fund			(20)	(130)
1,420	1,419	Portfolio Total			1,416	(3)

Planning and Economic Development

Support & Trading Services

2008/09			2008/09 Actuals			
Original Estimate £000	Revised Estimate £000		Gross Expend £000	Gross Income £000	Net Expend £000	Over (Under) Spend £000
438	367	Planning Administration	397	82	315	(52)
341	272	Planning Policy Group	290	0	290	18
779	639	Total (Transferred to Summary)	687	82	605	(34)
779	660	Continuing Services Budget			675	15
0	0	Continuing Services Budget - Growth			0	0
0	0	Continuing Services Budget - Savings			0	0
779	660	Total Continuing Services Budget			675	15
70	49	District Development Fund - Expenditure			0	(49)
(70)	(70)	District Development Fund - Savings			(70)	0
0	(21)	Total District Development Fund			(70)	(49)
779	639	Portfolio Total			605	(34)

**PLANNING & ECONOMIC DEVELOPMENT PORTFOLIO
SUBJECTIVE ANALYSIS 2008/09 Actual**

Cost Centre	Employees	Premises Related Expenses	Transport	Supplies Related Expenses	Contracted Services	Support Services	Asset Rentals	(Internally Recharged)	Gross Expenditure	Internal Recharges	Gross Expenditure	Fees & Charges	Grants & Reimb Other	Gross Income	Net Expenditure
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
Direct Services															
Economic Development	86,590		2,980	15,545		33,645			138,760		138,760			0	138,760
Tourism				15,000		1,670			16,670		16,670			0	16,670
Bus Shelters	3,600	260	520	9,899		2,883			17,162		17,162	167		167	16,995
Environmental Co -Ordination	19,560		680	8,309		12,664			41,213		41,213			0	41,213
Conservation Policy	89,910		3,070	30,504		46,827			170,311		170,311	250		250	170,061
Forward Planning	221,750		7,580	226,224		104,273			559,827		559,827	280	146,529	146,809	413,018
Town Centre Enhancements	6,300		220	14,110		3,118	154,922		178,670		178,670		3,840	3,840	174,830
									0		0				
Regulatory Services															
Planning Appeals	122,230		4,790	112,635		184,044			423,699		423,699	3,000		3,000	420,699
Enforcement	227,170		9,140	34,184		252,839			523,333		523,333	150		150	523,183
Development Control	407,510		17,490	104,433		412,515	15,367		957,315		957,315	633,462	25,585	659,047	298,268
Building Control Fee Earning	250,860		16,860	63,146		275,393	3,073		609,332		609,332	598,881		598,881	10,451
Building Control Non Fee Earning	73,360		4,910	1,963		83,583			163,816		163,816			0	163,816
TOTAL (Transferred to GF Summary)	1,508,840	260	68,240	635,952	0	1,413,454	173,362	0	3,800,108	0	3,800,108	1,236,190	175,954		2,387,964
Support Services															
Planning Administration	379,613	90	1,401	96,870		252,121	987	(649,092)	81,990	-	396,971	11,502	70,488	81,990	0
Planning Policy Group	272,273		17,918	51		76,421		(366,663)	0	-	290,242			0	0
TOTAL	651,886	90	19,319	96,921	0	328,542	987	(1,015,755)	81,990	0	687,213	11,502	70,488	81,990	0
PORTFOLIO TOTAL	2,160,726	350	87,559	732,873	0	1,741,996	174,349	(1,015,755)	3,882,098	0	4,487,321	1,247,692	246,442		2,387,964

**PLANNING & ECONOMIC DEVELOPMENT PORTFOLIO
SUBJECTIVE ANALYSIS 2008/09 ORIGINAL**

Cost Centre	Employees	Premises Related Expenses	Transport	Supplies Related Expenses	Contracted Services	Support Services	Asset Rentals	(Internally Recharged)	Gross Expenditure	Internal Recharges	Gross Expenditure	Fees & Charges	Grants & Reimb Other	Gross Income	Net Expenditure
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
Direct Services															
Economic Development	82,860		1,920	25,540		25,100			135,420		135,420			0	135,420
Tourism	30,000			15,000		1,690			46,690		46,690			0	46,690
Bus Shelters	5,360		740	12,290		4,180			22,570		22,570	140		140	22,430
Environmental Co -Ordination	43,880		2,670	22,930		21,750			91,230		91,230			0	91,230
Conservation Policy	103,070		4,150	58,510		43,540			209,270		209,270			0	209,270
Forward Planning	250,370		10,590	371,210		128,890			761,060		761,060	520	72,680	73,200	687,860
Town Centre Enhancements				12,000			123,050		135,050		135,050		3,690	3,690	131,360
Regulatory Services															
Planning Appeals	110,120		4,390	40,690		88,120			243,320		243,320	3,120		3,120	240,200
Enforcement	263,760		10,530	30,710		218,080			523,080		523,080	2,080		2,080	521,000
Development Control	469,130		20,080	149,670		501,990	11,120		1,151,990		1,151,990	646,240	22,680	668,920	483,070
Building Control Fee Earning	349,140		18,950	62,760		239,730	2,220	1,470	674,270		674,270	674,270		674,270	0
Building Control Non Fee Earning	99,550		5,410	5,780		64,800			175,540		175,540			0	175,540
TOTAL (Transferred to GF Summary)	1,807,240	0	79,430	807,090	0	1,337,870	136,390	1,470	4,169,490	0	4,169,490	1,326,370	99,050		2,744,070
Support Services															
Planning Administration	422,970		2,300	85,050		163,540		(601,780)	72,080	-	438,240	1,080	71,000	72,080	0
Planning Policy Group	308,110		23,990	9,210		67,780		(409,090)	0	-	341,310			0	0
TOTAL	731,080	0	26,290	94,260	0	231,320	0	(1,010,870)	72,080	0	779,550	1,080	71,000	72,080	0
PORTFOLIO TOTAL	2,538,320	0	105,720	901,350	0	1,569,190	136,390	(1,009,400)	4,241,570	0	4,949,040	1,327,450	170,050		2,744,070

**PLANNING & ECONOMIC DEVELOPMENT
SUBJECTIVE ANALYSIS 2008/09 REVISED**

Cost Centre	Employees	Premises Related Expenses	Transport	Supplies Related Expenses	Contracted Services	Support Services	Asset Rentals	(Internally Recharged)	Gross Expenditure	Internal Recharges	Gross Expenditure	Fees & Charges	Grants & Reimb Other	Gross Income	Net Expenditure
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
Direct Services															
Economic Development	85,800		2,980	23,480		34,980			147,240		147,240			0	147,240
Tourism				15,000		1,670			16,670		16,670			0	16,670
Bus Shelters	3,560	260	520	11,150		2,880			18,370		18,370	140		140	18,230
Environmental Co -Ordination	19,560		680	21,850		12,660			54,750		54,750			0	54,750
Conservation Policy	88,550		3,070	46,430		49,590			187,640		187,640		250	250	187,390
Forward Planning	218,640		7,580	248,260		96,790			571,270		571,270	520	84,080	84,600	486,670
Town Centre Enhancements	6,300		220	22,110		3,120	154,920		186,670		186,670		3,840	3,840	182,830
Regulatory Services															
Planning Appeals	119,940		4,790	121,440		184,050			430,220		430,220	3,120		3,120	427,100
Enforcement	223,410		9,140	23,600		252,840			508,990		508,990	150		150	508,840
Development Control	399,320		17,490	112,550		412,520	15,370		957,250		957,250	614,640	25,580	640,220	317,030
Building Control Fee Earning	248,450		16,860	47,800		278,090	3,070		594,270		594,270	594,270		594,270	0
Building Control Non Fee Earning	72,330		4,910	4,740		83,580			165,560		165,560			0	165,560
TOTAL (Transferred to GF Summary)	1,485,860	260	68,240	698,410	0	1,412,770	173,360	0	3,838,900	0	3,838,900	1,212,840	113,750		2,512,310
SUPPORT SERVICES															
Planning Administration	362,380		2,160	177,160		258,240	990	(625,460)	175,470	-	367,220	12,000	163,470	175,470	0
Planning Policy Group	257,410		14,980	100		75,990		(348,480)	0	-	272,490			0	0
TOTAL	619,790	0	17,140	177,260	0	334,230	990	(973,940)	175,470	0	639,710	12,000	163,470	175,470	0
PORTFOLIO TOTAL	2,105,650	260	85,380	875,670	0	1,747,000	174,350	(973,940)	4,014,370	0	4,478,610	1,224,840	277,220		2,512,310

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Income and Expenditure for all Planning and Economic Development Services

2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2008/09			ESTIMATE 2009/10		
						Original Estimate £000	Revised Estimate £000		Gross Expend £000	Gross Income £000	Net Expend £000
									Direct Services		
83	131	110	83	122	156	182	164	Economic Development	218	0	218
15	3	17	19	21	17	23	17	Bus Shelters	19	0	19
					41	91	55	Environmental Co-Ordination	55	0	55
190	203	194	187	188		0	0	Countrycare	0	0	0
158	145	186	199	172	170	209	187	Conservation Policy	214	0	214
260	209	365	454	450	413	688	487	Forward Planning	780	16	764
0	13	89	85	124	175	131	183	Town Centre Enhancements	181	4	177
706	704	961	1,027	1,077	972	1,324	1,093	Total Direct Services	1,467	20	1,447
									Regulatory Services		
323	346	290	260	237	421	240	427	Planning Appeals	454	3	451
337	392	390	520	583	523	521	509	Development Control Enforcement	520	0	520
360	681	620	506	598	298	483	317	Development Control	971	623	348
0	0	0	0	0	0	0	0	Building Control Fee Earning *	642	642	0
79	89	130	155	164	164	176	166	Building Control Non Fee Earning	174	0	174
1099	1508	1,430	1,441	1,582	1,406	1,420	1,419	Total Regulatory Services	2,761	1,268	1,493
1805	2212	2,391	2,468	2,659	2,378	2,744	2,512	Total (Transferred to GF Summary)	4,228	1,288	2,940
									Support and Trading Services		
206	181	209	527	528	315	438	367	Planning Administration	443	12	431
					290	341	272	Planning Policy	325	0	325
-145	-154	(173)	(496)	(497)	(539)	(733)	(568)	Recharged to this Portfolio	(684)	(11)	(673)
-61	-27	(36)	(31)	(31)	(66)	(45)	(70)	Recharged to other Portfolios	(84)	(1)	(83)
0	0	0	(0)	0	0	0	0	Total	0	0	(0)
1805	2212	2,391	2,468	2,659	0	2,744	2,512	Portfolio Total	4,228	1,288	2,940
1782	1927	2,237	2,310	2,277	2,152	2,324	2,207	Continuing Services Budget			2,296
115	73	27	19	89	111	20	90	Continuing Services Budget - Growth			0
-71	-25	(65)	(19)	(81)	(127)	(27)	(97)	Continuing Services Budget - Savings			0
1826	1975	2,199	2,310	2,285	2,136	2,317	2,200	Total Continuing Services Budget			2,296
64	580	419	286	421	477	627	574	District Development Fund - Expenditure			644
-85	-343	(227)	(128)	(47)	(262)	(200)	(262)	District Development Fund - Savings			0
-21	237	192	158	374	215	427	312	Total District Development Fund			644
1805	2212	2,391	2,468	2,659	2,378	2,744	2,512	Portfolio Total			2,940
	23	8	3	8	(11)	3	(9)	% Year on Year increase in Planning Services			18

Planing services in relation to ALL EFDC Services Net Cost											
17,539	17837	15,076	17,901	19,366	20,287	21,554	20,416	Net cost of all EFDC services			21,664
10.30	12.40	15.86	13.80	13.70	11.72	12.73	12.26	Planning as a % of all EFDC services			13.57

2.60	1.80	4.00	3.30	3.30	2.20	4.00	4.00	INFLATON RPI (Excluding interest)			4.00
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* Building Control Ringfenced Account											
144	197	118	57	15	(15)	(15)	(15)	Opening Balance			(15)
53	-79	(61)	(42)	(30)	(10)	0	0	Surplus/(Deficit)			15
197	118	57	15	(15)	(25)	(15)	(15)	Closing Balance			0

Main Income generating Items - Included above											
491	379	547	535	529	639	646	614	Development Control			
49	71	66	48	33	20	23	26	Fees & Charges		615	
								Planning Del Grant		9	
515	543	511	553	621	566	674	594	Building Control Fee Earning		642	
0	0	0	9	0	0	0	0	Fees & Charges		0	
								Planning Del Grant		0	

Notes

The 23% increase between 03/04 & 04/05 relates mainly to the start of the new ICT system. Also £116,000 for a Land tribunal case.

Increases between 04/05 & 05/06 relate mainly to Local Plan.

Portfolio service changes have moved Countrycare from the Planning & Economic Services Portfolio to the Civil Engineering & Maintenance Portfolio, and include Environmental Co-Ordination in the Planning Portfolio having moved from Environmental Protection Portfolio.

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Report to Planning Services Scrutiny Standing Panel

Date of meeting: 18th June 2009

Subject: Introduction to Building Control

Officer contact for further information: John Kershaw (Assistant Director – 01992 56 4142)

Committee Secretary: M Jenkins (Democratic Services Assistant – 01992 56 4607)



Recommendations/Decisions Required:

To consider and comment on the Introduction to Building Control Report

Report:

1. The Panel's Terms of Reference had indicated that they were to consider Value for Money within Building Control. This report is designed to give general background on Building Control and to allow the Panel to consider the scope of future discussion.
- 1.2 The Assistant Director (Building) will be in attendance at the meeting and will be able to explain in more detail the contents of the report. Sections of this report and further detail can also be found in the Planning and Economic Development Business Plan.
- 1.3 The Building Control Service is based at Epping as part of the Planning and Economic Development Directorate. The Service provides a number of services and is registered with Lloyds Quality Assurance under ISO 9002 for these. The Service is in direct competition with the private market for the building regulation elements of its work. In the case of formal enforcement action however, the statutory duty remains with the Council.
- 1.4 The main functions of the building control service are:
 - *Full Plans Applications* - These are detailed applications submitted to the Council under the building regulations. The Council must determine an application within a legally prescribed timescale or the application will become "deemed approved". Each application is considered in detail relation to the requirements of the Building Act, the Building Regulations, the Approved Documents, British Standards and Codes of Practice. Following any appropriate negotiation with the applicant the application is Approved, Conditionally Approved or Rejected. Where the application is approved the applicant has the certainty of being able to develop in accordance with the approved plans.
 - *Building Notices* - these are notifications to the Council, under the building regulations, of intentions to carry out building work. Minimum information is initially submitted although additional information may be required to be given. The applicant does not have the protection of building to an approved plan and consequently takes the responsibility for complying with the building regulations.
 - *Inspections* – These consist of the inspection of building work through the construction stages from commencement to completion. The builder has a statutory responsibility to notify the Council at specific stages of construction, although Council officers may inspect at any stage.

- *Contraventions* -This relates to enforcement action to secure compliance with the building regulations, both in terms of building work found not to comply with approved plans/building regulations and also where an appropriate full plans/building notice has not been received and work has been carried out.
- *Initial Notices* – The Council is in competition with the private market for building regulation work. A person carrying out building work may, as an alternative to the Council, chose to use an Approved Inspector. In these circumstances, only two main areas of responsibility remain with the Council. Firstly to ensure that Initial Notice setting out details of the project and the Approved Inspector has been submitted and secondly, where an Approved Inspector has identified a contravention of building regulations in the work under his control, and has been unable to resolve the matter; the building work is handed back to the Council, as the authority of last resort to carry out enforcement action.
- *Demolitions*- Persons intending to carry out the demolition of a building are required to give the Council six weeks notice of the intended date of commencement. The Council may, by notice, require the demolition to be carried out taking into account specific matters.
- *Dangerous Structures* – The Council are empowered, under the Building Act, to deal with dangerous buildings and structures. If informal measures are unsuccessful it may apply to a Court for an order requiring the danger to be remedied. In more urgent cases the powers allow appropriate emergency action to be taken.
- *Access for Disabled People* – In addition to ensuring the building regulation requirements relating to building works are complied with, the building control service also provides the role of Access Officer; regularly meeting with the Epping Forest Access Group to promote improved standards of access and facilities for disabled people in the District.

1.5 The enforcement of the Building Regulations is a statutory requirement for the Council. The main legislative provisions are contained in the Building Act 1984. The Building Regulations 2000 and the supporting Approved Documents made under the Act are subject to the approval of the Secretary of State. These provide the basis for a uniform system throughout England and Wales. The Building Act also provides the legislative means of controlling other associated matters such as drainage, means of escape in case of fire, demolitions, dangerous structures etc. In relation to access and facilities for disabled people the Disability Discrimination Act has particular current reference.

1.6 The main customers of the Building Control Service are the general public, as it is they who benefit from the standards of health and safety etc. of the built environment that the Service seeks to control and improve.

1.7 The main direct users of the Service are building developers and their architects seeking approval to proposed building developments, builders and owners of building work in the constructional stages from commencement to completion and other of the Council's services.

2. The Building Control Team

2.1 As at June 2009 the Building Control Team has an establishment strength of 12 FTE with 9 staff in post, however of these 9 staff, two are consultants, Paul Cattell and John Vanderloo who both work 2 days per week. In addition to this a Senior Building Control Surveyor is on maternity leave until December. Due to this the team at present functions with the equivalent of 6.8 full time posts.

2.2 Staffing Profile

Post Number	Name	Post Title	Qualifications
PBC01	John Kershaw	Assistant Director (Building)	Member of the Association of Building Engineers BSc. Hons. Building Control Engineering
PBC02	Jeff Dixon	Principal Building Control Surveyor	Member of the Royal Institution of Chartered Surveyors Member of the Association of Building Engineers
PBC03	Paul Cattell (Consultant)	Principal Building Control Surveyor	Member of the Association of Building Engineers
PBC04	Sara Myers	Senior Building Control Surveyor	BSc. Hons. Building Surveying BSc Hons. Sociology
PBC05	Barry Hill	Senior Building Control Surveyor	Member of the Association of Building Engineers Bsc. Building Surveying
PBC06	John Vanderloo (Consultant)	Senior Building Control Surveyor	Associate of the Royal Institution of Chartered Surveyors
PBC07	Vacant	Senior Building Control Surveyor	
PBC08	Rob Saunders	Senior Building Control Surveyor	PhD Civil Engineering BEng Hons, 1 st class Civil Engineering
PBC09	Steve Browne	Senior Building Control Surveyor	Advanced Professional Certificate in Construction
PBC10	Jane Gravelle	Technical Co-ordinator (Contaminated Land)	Bsc. Hons. Applied Environmental Science
PBC11	Vacant	Trainee Surveyor	
PBC12	Vacant	Trainee Surveyor	

3. Workload and Performance

3.1 The statistics showing the trends of workflow over the past three years are set out in the following table:

	2006	2007	2008
Full Plans Applications	712	767	631
Building Notices	796	1040	1338
Demolitions	28	27	25
Dangerous Structures	22	45	28
Contraventions	35	26	29
Initial Notices	87	150	133
Regularisation Certificates	61	144	35
Partnership Schemes	44	52	44
Inspections			

3.2 The following internal measures are used in this area of the directorate to measure performance.

Internal Measure	Target 2008/09	Performance			
		2007/08 (Q4 & Outturn)	2008/09 (Q1)	2008/09 (Q2)	2008/09 (Q3)
Registration					
Full Plans: Initial registration, charge assessment and acknowledgement	3 Days	84.12%	84.46%	87.39%	85.11%
Building Notices: Initial registration, charge assessment and acknowledgement	3 Days	83.91%	82.15%	87.90%	86.37%
Initial Notice: Initial registration, assessment and acknowledgement	5 Days	91.71%	94.87%	97.44%	93.97%
Plan Vetting					
Applicant notified of defects/amendments required	15 Days	88.20%	97.94%	93.13%	85.90%
Decision notified within statutory time limits	5 Weeks	71.95%	78.52%	77.16%	83.18%
Decision notified within statutory time limits	2 Months	85.18%	97.14%	97.95%	98.72%
Inspections (Building Regulations)					
'Same day' requests (received before 10.00 a.m.) satisfied.	Same Day	100%	100%	100%	100%
Detailed site inspection record to be made	1 Day	100%	100%	100%	100%
Person responsible, for unauthorised work, notified of discovery	5 Days	Not Monitored	Not Monitored	Not Monitored	Not Monitored
Non-requested in progress visits made to inactive Site	3 Months	Not Achieved	Not Achieved	Not Achieved	Not Achieved
Non-requested in progress visits to active sites	15 Days	Not Achieved	Not Achieved	Not Achieved	Not Achieved
Other Administration					
Dangerous structure call out: response time during working hours	1 Hour	100%	100%	100%	100%
Dangerous structure call out: response time outside normal working hours	2 Hours	100%	100%	100%	100%
Dangerous structure written record made	1 day	100%	100%	100%	100%
Inspection charge invoices raised and issued.	10 days	74.49%	78.15%	84.00%	80.92%
Demolitions issue of Section 81 Notice where appropriate	10 days	Not Monitored	Not Monitored	Not Monitored	Not Monitored

Internal Measure	Target 2008/09	Performance			
		2007/08 (Q4 & Outturn)	2008/09 (Q1)	2008/09 (Q2)	2008/09 (Q3)
Non-application correspondence to be processed	8 days	Not Monitored	Not Monitored	Not Monitored	Not Monitored
Completion certificates issued	5 days	73.61%	70.17%	73.10%	71.99%

4. Budget

4.1 The Building Control Service divides financially into two main areas; Fee Earning and Non Fee Earning. The Fee Earning part of the Service relates to activity related to Income/expenditure in connection with building regulation administration and enforcement.

Under the Building (Local Authority Charges) Regulations 1998 the Council is authorised to fix a scheme of charges in connection with the performance of its functions under the Building Regulations. Income from the charges should be sufficient to meet the costs of the service provided, and must always meet the cost over any three-year rolling accounting period (the break-even target).

4.2 The current position for the three year accounting period for the ring fenced account is as follows:

	Original Est	Rev Otn	Actual	Actual	Actual
	2009/10	2008/09	2008/09	2007/08	2006/07
	£000	£000	£000	£000	£000
Expenditure					
Employee Costs	264	248	303	328	312
Premises	0	0	0	0	1
Transport	17	17	28	18	14
Supplies & Services	46	48	59	84	34
Central & Support Service charges	296	278	216	219	240
Asset Rentals	4	3	3	2	2
Total Expenditure	627	594	609	651	603
Building Regulation Charges	642	594	566	621	550
Other Income	0	0	33	0	12
Total Income	642	594	599	621 0	562
Surplus/(Deficit) for the Year	15	0	(10)	(30)	(41)
Balance B/Fwd	(15)	(15)	(15)	15	56
Balance C/Fwd	0	(15)	(25)	(15)	15

Notes:

This table includes an increase in fees and charges for 2009/10 of 8%.

5. Issues/Challenges

5.1 Budget

- 5.1.1 As can be seen from table 4.2, the revised out turn for 2008/09 showed a surplus / deficit of zero. The £15,000 deficit brought forward from 2007/08 needs to be recouped over a three year rolling cycle. Cabinet therefore recently agreed to a fee increase of 8%. The Building Control ring fenced account eventually ended up with a loss of £10,451, which when added to the deficit rolled over from the previous year gives a shortfall to be found in 2009/10 of £25,000.
- 5.1.2 Efforts must now be made to clear £25,000 at least. In addition to this, the month 1 income report shows that a shortfall in income against budget of £11652 was achieved and month 2 shows a shortfall of £5639 to make the position even worse. Measures have however been taken to reduce costs in this period.

5.2 Staffing

- 5.2.1 With professional/technical staffing levels now at just over 50% of a full establishment and little or no response to national advertisements of vacancies, Service performance is inevitably affected. External consultants can do some work but even with this assistance only a very basic level of service can be provided. There are also consequential effects upon staff in terms of their ability to meet required Continuing Professional Development programmes and the level of pressure and stress they are being expected to work under. This is a very real concern.
- 5.2.2 Previously in 2003/04 when the surveyors were 50% understaffed the Assistant Head of Planning Services had to make decisions on the best use of the remaining resource. This meant that all full plans applications were vetted by external agencies. This led to a greater cost to the council than if the applications were checked in house and also to a dilution of knowledge within the building control section.
- 5.2.3 Risk assessments were carried out daily with regard to inspection requests as they could not all be carried out. Each day calls were cancelled and builders are told to progress with the works.

5.3 Competition

- 5.3.1 The extension of the Approved Inspector Regulations; permitting the private market across the full range of building work has seen an increase in loss of market share. Higher fee earning work, for example, large scale developments and commercial work for the larger chain stores have been lost to Approved Inspectors.

5.4 Performance

- 5.4.1 The ability to influence the performance indicators is almost totally connected with staffing levels, certainly without sufficient staff managers do not have the raw materials necessary to provide a service.

5.5 Outsourcing of Building Control

- 5.5.1 The council is considering the outsourcing of Building Control, however officers feel they need a fuller understanding of what is meant by this. It is recognised that there is a number of models that could be undertaken, all of which have pros and cons.

5.6 Changes in local and global economy i.e. recession

5.6.1 There is a continual juggling act to maintain the level of staff to carry out the workload and still be mindful of fee income. Officers do not however, want to cut down staff to a point that they are unable to recruit should there be an upturn in the economy.

5.7 Changes in legislation

5.7.1 Keeping up with new Approved Documents and legislation has proved a challenge as staff have a difficulty finding the time to deal with these complex issues.

6. Matters for scrutiny

6.1.1 This report has provided initial information on Building Control, it is set out with the aim of stimulating discussion. Officers are keen to obtain Member reaction and to engage in the value for money process.

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Report to Planning Services Scrutiny Standing Panel

Date of meeting: 18 June 2009

**Subject: Course of a Planning
Enforcement Investigation**

**Officer contact for further information: Stephan Solon
(01992 56 4103)**

Committee Secretary: Mark Jenkins (01992 56 4607)



Recommendations/Decisions Required:

To consider and comment on the Course of a Planning Enforcement Investigation and to note the Guide to Enforcement for the Public

Introduction:

At the last meeting of the Planning Services Standing Panel it was resolved that a report should be submitted to the panel setting out the possible route any planning enforcement investigation could take. This report summarises the investigation and enforcement process. Appendix 1 to the report comprises flow charts mapping the investigation and enforcement process and Appendix 2 sets out possible ground of appeal against notices. Appendix 3 to the report is a guide to planning enforcement for members of the public that was recently published to the Council's website.

Report:

SUMMARY OF INVESTIGATION AND ENFORCEMENT PROCESS

Note:

- a) In all cases, where the harm caused by a breach has been remedied no further action is taken and the investigation is closed.
- b) The decision to take enforcement action is delegated to officers with the exception of the issue of:
Discontinuance Notices in respect of the display of advertisements
Discontinuance Notices in respect of lawful development
- c) The decision to take direct action is not delegated to officers

1. Complaint received/possible breach detected:

- 1.1 Possible breach investigated to ascertain whether there is an actual breach.
- 1.2 If no breach found, no further action is taken and the investigation is closed.

2. Breach Found:

- 2.1 Evidence of whether the breach is time immune from enforcement action is considered. If found to be time immune – no further action is taken and the investigation is closed.
- 2.2 If breach not time immune, planning merits assessed. This might require consultation with other Council Directorates or with other agencies, e.g. Essex County Council as Highway Authority.
- 2.3 If breach assessed as likely to be given permission – appropriate application invited within a set timescale. Confirmation of an intention to comply with the request prior to submission
- 2.4 If breach assessed as unlikely to be given permission, contravener (and landowner if different) are requested to take specific steps to remedy the identified harm caused by the breach within a set timescale.
- 2.5 If the breach is an offence, consideration is given to whether it is in the public interest to prosecute those responsible for the breach. There are 3 possible general scenarios:
 - 2.5.1 It is not in the public interest and there is no harm to remedy – no further action is taken and the investigation is closed.
 - 2.5.2 Even though it is not in the public interest to prosecute, there is still a need and a possibility to remedy the harm caused – a solution is sought that might require enforcement action.
 - 2.5.3 It is in the public interest and there is a need and a possibility to remedy the harm caused – process for prosecution followed and a solution is sought that might require enforcement action.

3. Enforcement Action:

- 3.1 In the event of failure to comply with requests to submit an application or take steps to remedy the harm caused or, if appropriate, failure to confirm an intention to comply, the expediency of taking enforcement action is considered. A report is produced for each case. Reports recommending enforcement action is taken need to deal with the grounds of appeal open to a person served with a notice.
- 3.2 If it is not expedient to take enforcement action (In almost every case that is because it is considered likely that permission would be granted) then no further action is taken and the investigation is closed.
- 3.3 If, following consideration of a report recommending enforcement action, the Director of Planning & Economic Development or a nominated person Authorises the recommended action, the Director of Corporate Support Services is instructed to issue an appropriate notice.
- 3.4 A notice will specify what the Council alleges the breach to be, briefly set out why it is expedient to take enforcement action, specify steps required to be taken to remedy the breach and specify the timescale within which the steps should be carried out. The timescale starts when the notice becomes effective.

3.5 A notice becomes effective on a specific date stated in the notice unless an appeal is made beforehand. If an appeal is made, the notice does not become effective until the appeal is dismissed.

4. Appeals and Grounds of Appeal;

4.1 Appeals against enforcement notices and listed building enforcement notices are to the Secretary of State. Appeals against S215 notices (“untidy land notices”) are to the magistrate’s court. Appeals against the decisions of the Secretary of State or Magistrate’s court can be made to the High Court.

4.2 There are set grounds of appeal for enforcement notice, listed building enforcement notice and conservation area enforcement notice appeals. They are given letter codes which can be found in Appendix 2 to this report.

5. Consequences of Appeals Against Notices

5.1 If an appeal is allowed and the notice quashed the case is reviewed. If there is an opportunity to take further enforcement action its expediency is considered and, if appropriate, further action taken. Normally there is no further opportunity for action so no further action is taken and the investigation is closed.

5.2 If an appeal is dismissed and the notice upheld or varied, the notice becomes effective on the date the appeal decision is made. The requirements of the notice must then be complied with in the timescale given in the notice.

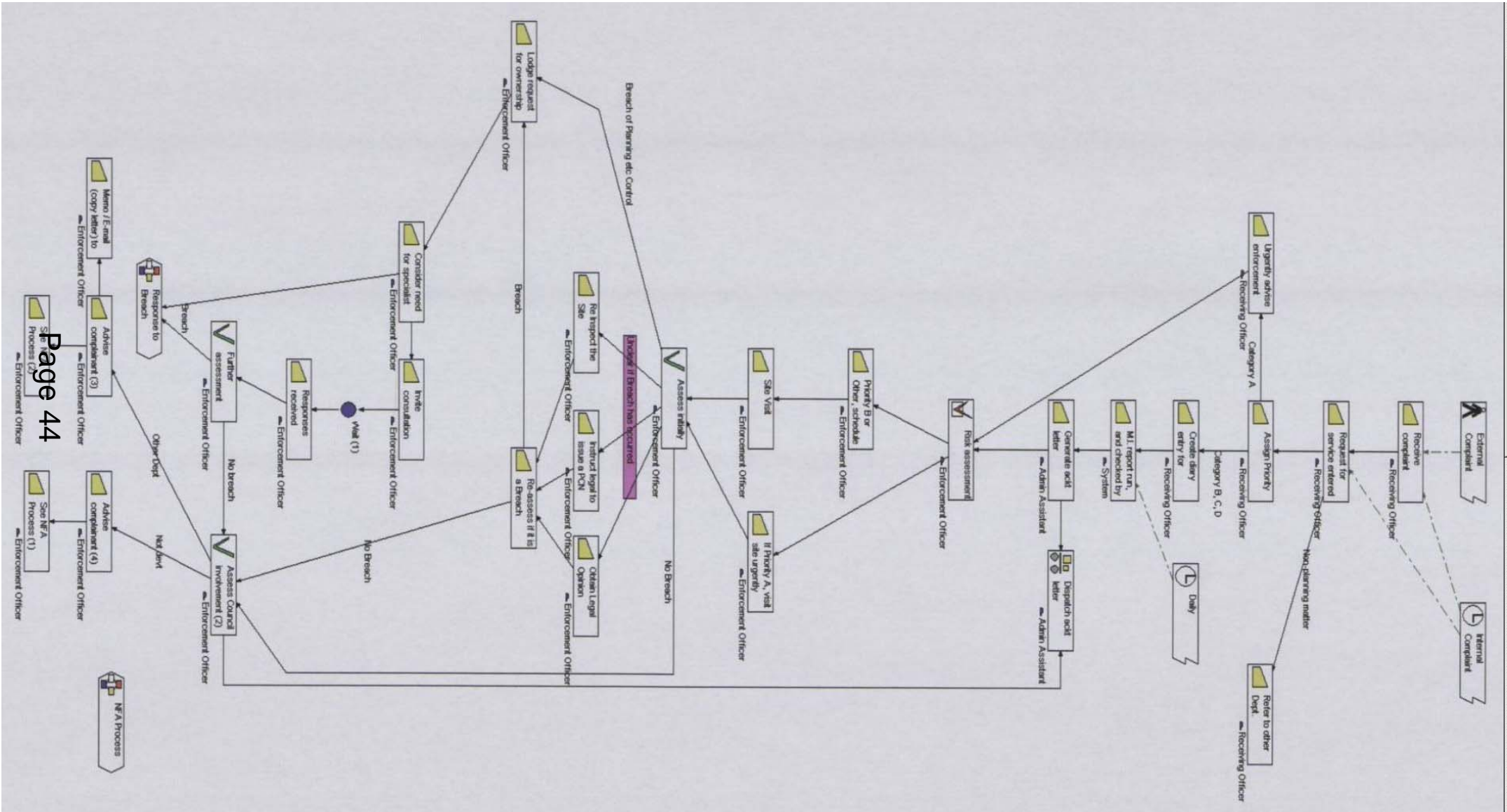
6. Failure to Comply with a Notice:

6.1 Failure to comply with the requirements of a notice within the period given for compliance is an offence. In such cases consideration is given to whether it is in the public interest to prosecute those responsible for the failure to comply. Normally it is expedient to do so.

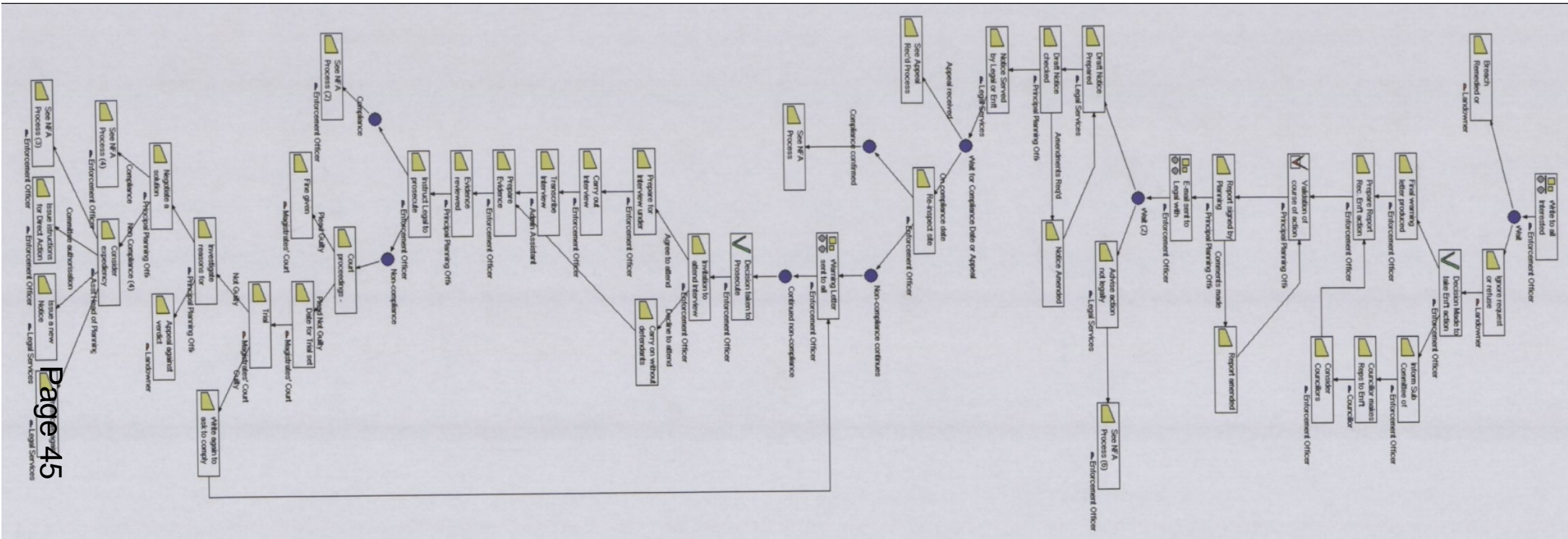
6.2 If compliance does not take place following a successful prosecution, that consideration will be given to the expediency of applying to the high court for an injunction or taking direct action. If such action is unsuccessful it is necessary to consider the expediency of continuing with the investigation.

Appendix 1(a)

Main Investigation Process:

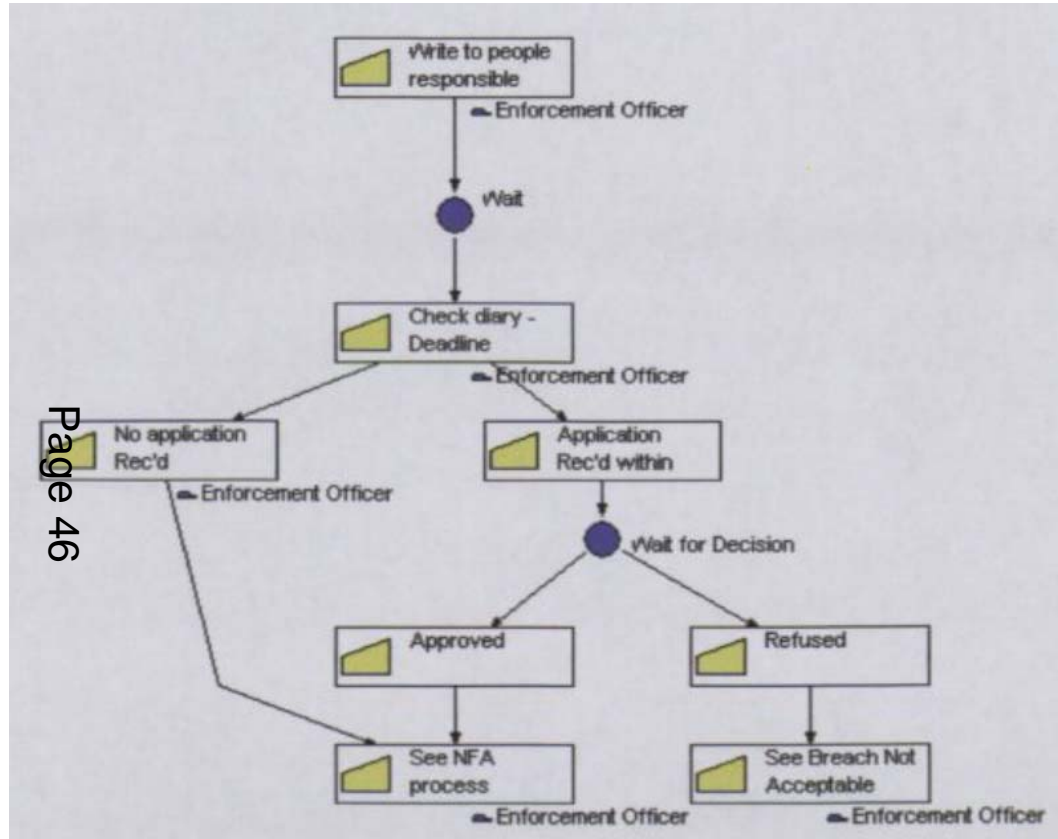


Breach Unacceptable Process:



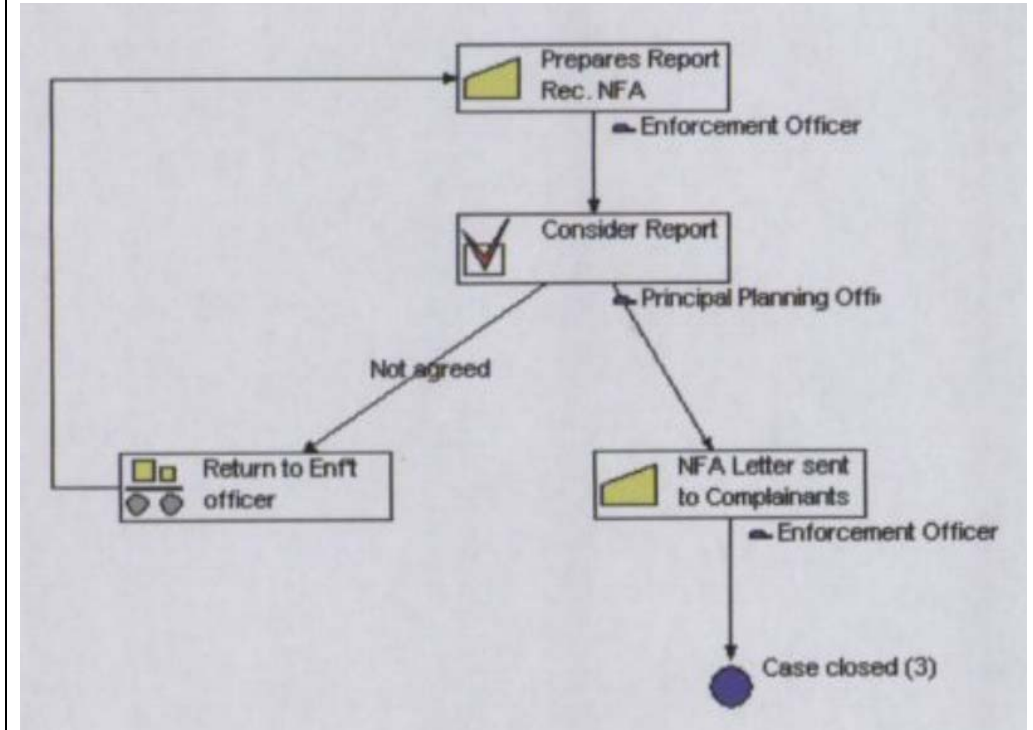
Breach Acceptable and No Further Action Processes:

Breach Acceptable



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NFA



APPENDIX 2

Grounds of Appeal Against Enforcement Notices: (source: *Planning Portal*)

- Ground (a):** That planning permission should be granted for what is alleged in the notice. Section 174(2)(a) of the Town and Country Planning Act says “that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged”.
- Ground (b):** That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- Ground (c):** That there has not been a breach of planning control (for example because permission has already been granted, or it is “permitted development”).
- Ground (d):** That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.
- Ground (e):** The notice was not properly served on everyone with an interest in the land.
- Ground (f):** The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. Section 174(2)(f) says “that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach”.
- Ground (g):** The time given to comply with the notice is too short.

Grounds of Appeal Against Listed Building Enforcement Notices: (source: *Planning Portal*)

- Ground (a):** That the building is not of special architectural or historic interest. That is to say that although the building is listed, it is not outstanding and worthy of preservation. This ground, in effect, invites the Secretary of State to remove the building from the statutory list. In the case of a conservation area enforcement notice, ground (a) reads “that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated”; (see SI 1990 No 1519 reg 12 and Schedule 3).
- Ground (b):** That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred. That what is alleged in the notice has not taken place as a matter of fact.
- Ground (c):** That those matters (if they occurred) do not constitute such a contravention. This ground argues that listed building consent is not needed – for example, because the works do not affect the character of the listed building, or because the works concern a building which is not part of a listed building.
- Ground (d):** That works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that

the works carried out were limited to the minimum measures immediately necessary. All 3 tests must be met. It may be argued here, for example, that the works in question were urgently necessary because parts of the building were unsafe.

- Ground (e):** That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted. This ground covers any arguments on the merits of the case.
- Ground (f):** That copies of the notice were not served as required by section 38(4).
- Ground (g):** Except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out. An appeal on this ground will claim that the steps said to be required for restoring the building to its former state are excessive. *If an appellant chooses this ground they cannot also choose (i), (j) or (k)*
- Ground (h):** That the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed.
- Ground (i):** That the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose. An appeal on this ground would claim that the steps required by the notice would not restore the character of the building to its former state. This is different from an appeal on ground (g) which would claim that the steps required are excessive. This ground of appeal is not available for appeals against conservation area enforcement notices alleging the demolition of an unlisted building in a conservation area. *If an appellant chooses this ground they cannot also choose (g), (j) or (k)*
- Ground (j):** That steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building. Where restoration of the building to its former state has not been required, the works required go beyond what is necessary to alleviate the effect of the works done. Section 38(2)(b) enables an authority which considers that restoration of the building to its former state would not be reasonably practicable or would be undesirable, to specify steps “for executing such further works specified in the notice as they consider necessary to alleviate the effect of the works which were carried out without listed building consent”. Please state how the requirements should be varied. *If an appellant chooses this ground they cannot also choose (g), (i) or (k)*
- Ground (k):** That steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with. As above, but relating to cases involving a breach of condition attached to a grant of listed building consent. Section 38(2)(c) enables an authority to specify steps “for bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which had been granted for the works had been complied with”. *If an appellant chooses this ground they cannot also choose (g), (i) or (j)*

PLANNING ENFORCEMENT IN EPPING FOREST DISTRICT: A guide for complainants and landowners/occupiers

Set out below is a guide to planning enforcement at Epping Forest District Council. It briefly explains the purpose of planning enforcement and what matters it deals with. It also gives more specific guidance to those who would like to report a suspected breach of planning control and to those whose property or activity might become the subject of a planning enforcement investigation.

- **Contact details for reporting a breach of planning control and a list of information you should provide can be found at pages 4-5 of this guide.**
- **Guidance for persons whose property or activities are being investigated by Planning Enforcement Officers can be found at page 8 of this guide.**
- **General guidance on the need for planning permission for works to houses can be found on the Planning Portal, which can be accessed using the following link:**

<http://www.planningportal.gov.uk/england/genpub/en/1115311947777.html>

Similar guidance can be found in the planning section of the Councils' website, www.eppingforestdc.gov.uk.

- **Information on planning applications previously considered or currently being considered by the District Council can be found on the Councils' website, and can be accessed using the following link:**

http://www.eppingforestdc.gov.uk/Council_Services/planning/iPlan.asp

The Council has a small team of officers within the Directorate of Planning and Economic Development who are responsible for dealing with planning enforcement matters across the District. Planning enforcement is a discretionary service that is part of the Councils' wider development control function. Even though the Council is not obliged by statute to provide a planning enforcement service, it recognises the importance of doing so in order to underpin the planning process. Furthermore, the Council recognises the benefits to residents and businesses in the District of taking prompt and appropriate action to deal with the harm that can sometimes be caused by breaches of planning control. At the same time, the Council acknowledges some breaches of planning control may not cause harm and/or have been carried out by a person who did not know the permission of the Council is required for the development concerned.

What does the Planning Enforcement Team do?

The Planning Enforcement Team is primarily concerned to deal with harm caused by breaches of planning control. To do so it follows a process that starts with opening an investigation into alleged breaches of planning control and normally concludes when either:

- it is found there has in fact been no breach, or
- planning permission is subsequently granted, or
- the harm caused by the breach has been dealt with to the extent it can using planning legislation.

The investigation process is explained in more detail below starting at page 6 of this guide.

The Planning Enforcement Team can only investigate those matters that planning legislation places under the control of the District Council. They are limited to the matters set out at pages 2-4 of this guide under the heading *“Types of alleged breach the Planning Enforcement Team can investigate”*.

Where an allegation is about a matter controlled under other legislation, then the Team will ask the responsible organisation to investigate the matter. Sometimes investigations will find a breach of planning control has taken place and the breach might also be a breach of other legislation. In those cases the Team will work with the other responsible organisations to deal with any harm caused.

Types of alleged breach the Planning Enforcement Team can investigate

1. Development without planning permission. This includes:
 - Works – either building or engineering operations.
For example, construction of a new building or making significant changes to the levels of land.
 - Changes of use of land.
For example, changing the use of a house to flats or a shop to an office.
 - Breaches of conditions on a planning permission.
Most planning permissions are given subject to conditions requiring that something be done before the development starts (e.g. the provision of extract ducting before starting a new use as a restaurant) or that something is not done once the development has started (e.g. no material is stored in the open above a specific height at a depot or warehouse). In some cases, starting a development without complying with conditions can result in the development not benefiting from the original permission and therefore being unlawful.
2. Works affecting the special architectural or historic character of a listed building without Listed Building Consent. This includes:
 - Works to a listed building
Note: works requiring listed building consent often include internal works and or relatively minor works such as painting a building or fitting a ventilation flu.
 - Breaches of conditions on a Listed Building Consent
As with planning permissions, most listed building consents are granted subject to conditions.
 - Causing intentional damage to a listed building
3. Demolition of a building in a conservation area without Conservation Area Consent.
4. Removal of a tree in a conservation area without consent.
5. Causing damage to or removal of a preserved tree without consent.

6. The removal of more than 20 metres of continuous hedgerow without consent, where the length of hedgerow removed does not form a boundary with a residential property.
7. Display of an advertisement without consent.

In addition to investigating the above types of breach where permission from the Council may be required, the Planning Enforcement Team also investigates the following allegations:

1. Display of an advertisement that causes serious harm to amenity or safety *even though it did not need any prior permission from the Council.*
2. Condition of land causing harm to amenity.

PLEASE NOTE:

1. **Development on Highway land** including stationing skips on it or safety concerns such as mud on the road should be reported to the Highway Authority. In Epping Forest District that is Essex County Council. Tel: 01279 642500. Email: highways.westarea@essexcc.gov.uk . Further information is available at www.essex.gov.uk
2. **The use of land for storing or disposal of waste or the winning and working of minerals** is a matter for the Waste and Minerals Planning Authority. In Epping Forest District that is Essex County Council. Tel: 01245 437245. You can also report such matters through the Planning section of www.essex.gov.uk using the following link:

<http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/dis/guc.jsp?channelOid=27961&guideOid=115122&guideContentOid=15970>

or write to:

Enforcement Officer
Minerals and Waste Planning
E2
County Hall
CHELMSFORD
CM1 1QH

3. **Most breaches of planning control are not a criminal offence.** Breaches that are in themselves criminal offences are limited to:
 1. Works affecting the special architectural or historic character of a listed building without Listed Building Consent.
 2. Demolition of a building in a conservation area without Conservation Area Consent.
 3. Removal of a tree in a conservation area without consent.
 4. Display of an advertisement without express consent.
 5. Causing damage to or removal of a preserved tree without consent.
 6. The removal of more than 20 metres of continuous hedgerow without consent, where the length of hedgerow removed does not form a boundary with a residential property.

4. Before asking the Planning Enforcement Team to investigate a possible breach please bear in mind the Planning Enforcement Team is primarily concerned with remedying any harm caused by breaches of planning control. Therefore, you are requested to only draw attention to suspected breaches where, *in your opinion*, harm is caused and to which you have an objection. This would assist the Team in making best use of limited resources.

How do I ask the Planning Enforcement Team to investigate a possible breach?

You can report suspected breaches of planning control through:

1. The Councils website, www.eppingforestdc.gov.uk
2. By email at ContactDCENF@eppingforestdc.gov.uk
2. By telephone between 9.00am to 5.00pm Monday to Friday (except Bank and Public Holidays) on the following numbers:
 - 01992 564000 Ask to be put through to either the Planning Enforcement Team or to the Planning Customer Contact Team.
 - 01992 564527 Direct line to the Planning Enforcement Team. You may need to leave a message on an answer phone since Officers are frequently out of the office.
3. In writing to the following address:

Planning Enforcement Team
Directorate of Planning and Economic Development
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ
4. In person between 9.00am to 5.00pm Monday to Friday (Except Bank and Public Holidays) at the Planning Reception situated on the second floor of the above address. Planning Reception is accessible to wheelchair users.

Please note, Planning Enforcement Officers are not normally available but a Duty Planning Officer is available between 9.00am and 12.00pm.

What information should I provide when reporting a suspected breach?

When reporting a suspected breach you should:

1. ***Be very clear about where the breach is.***
Please be aware, we have to identify the land on a map.
2. ***Be clear and concise about what you think the breach is.***

Make sure the Enforcement Officer knows what to look for when they inspect the land.

3. **Say when the breach started.**
4. **Say what harm, in your opinion, is caused by the suspected breach.**
5. **Give details of the owner or occupier of the land, if known.**
6. **Advise on potential danger.**
For example, violent behaviour by owners/occupiers of the land, the presence of dogs or dangerous condition of the land.
7. **Give your daytime contact details and a postal contact address, if you want to be notified in writing of the outcome of the investigation or be contacted by the enforcement officer for further information. Your details will remain confidential and will be kept separately from the investigation file.**

PLEASE NOTE:

The Council recognises some suspected breaches of planning control can cause distress and you might be feeling very emotional when you are reporting the suspected breach. Nevertheless, in order to be sure an investigation can start without delay, please take the time to clearly give the information requested, especially when reporting a breach by telephone. In the case of reporting a breach by telephone, please be aware the person you are speaking to will have to fill out a form and they might be an administrative officer rather than a planning officer or a planning enforcement officer.

Complaints that are racist or otherwise malicious in nature will not be investigated.

Complaints relating to an alleged breach which has recently been investigated will not be investigated unless new information is provided which is of sufficient significance that could result in a different assessment being made of the need for permission and/or the degree of harm caused by the breach.

In cases where a complainant is rude to the Council officer receiving the complaint the officer will end the conversation.

How will the Planning Enforcement Team communicate with me and what might I be asked to do?

When drawing matters to the Teams' attention you will be questioned to ensure the Team has sufficient information to start an investigation. The investigation will be registered and, if you provide a postal contact address, a written acknowledgement will be sent to you within one week. The acknowledgement letter will explain the investigation process the Team follows, advise you who is carrying out the investigation and advise you of the investigation reference.

You do not have to give contact details but it is helpful if you at least provide a contact name and daytime telephone number so case officers can ask you for further information and inform you of their findings. PLEASE NOTE: All contact details are confidential and are not kept with the investigation file.

You might be asked to assist an investigation, such as by keeping a written log of activity. You might also be asked to give evidence in court or at a planning appeal to support action to remedy the harm caused by a breach of planning control. It is up to you whether you give any assistance but if you do not it will be harder to progress the investigation.

When an investigation is closed you will be notified and a summary of the reason for closing the investigation will be given. If you have given a postal address you will normally be notified in writing, unless otherwise agreed by you with the enforcement officer investigating the matter you raised.

In all cases the Planning Enforcement Team will be professional in its dealings with you. You are expected to act in a similar manner.

First steps in a Planning Enforcement Investigation

The formal investigation starts when it is registered and allocated to an enforcement officer. In each case an initial investigation is carried out to find out whether what you have alleged has actually happened and, if it has, to find out whether it requires permission from the Council. Where a breach of planning control is found to have actually taken place, *and* it is found to cause harm, the Planning Enforcement Team will take steps to resolve the matter and deal with any harm caused.

What happens after the initial investigation is complete?

In cases where no permission is required the investigation is closed. Just over half of all cases investigated by the Planning Enforcement Team are closed for this reason.

In cases where it is concluded a breach of planning control has taken place and permission from the District Council is required, the planning merits of the breach are assessed and a decision made on whether there is a reasonable possibility permission could be given. This is done in the light of relevant planning policy and the circumstances of the site. Particular weight is given to the degree of harm actually caused by the breach.

Where an assessment concludes there is a reasonable possibility that permission could be granted the owner and/or occupier of the land will be asked to apply for permission. Complainants are consulted on planning applications if they have given a postal contact address. If a subsequent application is approved the investigation will be closed. If permission is refused or no application is submitted a decision on whether enforcement action should be taken will be made. In cases where planning permission has been refused it is normally expedient to take enforcement action.

In cases where an assessment concludes it is unlikely permission could be granted the Planning Enforcement Team will take steps to deal with the harm caused by the breach. The normal course of events will involve the owner and/or occupier being requested to take steps to remedy the harm caused within a given timescale. If that request is not complied with a decision on whether it is expedient to take enforcement action will be made. In most such cases it is expedient to take enforcement action.

In cases relating to advertisements that do not need any prior permission from the Council before being displayed but are alleged to cause harm *and* in cases where the condition of land is alleged to cause harm, the impact of the relevant advertisement

or state of land will be assessed. If the assessment concludes no serious harm is caused the investigation will be closed. If it is decided that harm is caused a decision on whether enforcement action should be taken will be made.

What is enforcement action?

Enforcement action is where the District Council takes formal action to remedy the harm caused by confirmed breaches of planning control. It does not include lesser informal types of action such as requesting steps be taken to remedy a breach. The Council has a range of formal enforcement powers that can be used to remedy the harm caused by a breach. It can serve legal notices on the owners and occupiers of land requiring specific steps to be taken within a specified timescale. There is normally a right of appeal within approximately one month against such notices but if no appeal is made or an appeal is dismissed the notice becomes effective and must be complied with. Failure to comply with the requirements of a notice is an offence for which an owner and/or occupier of the land concerned can be prosecuted.

The District Council can also, in appropriate cases, seek an injunction against people with an interest in the land in order to require them to take steps to remedy the harm caused. In certain cases where the breach is an offence in its own right, for example, the demolition of a building in a conservation area without permission, the Council can prosecute those responsible for carrying out the breach.

As for all public bodies, where the Council is considering prosecution, it must be satisfied prosecution of the person concerned is in the public interest.

Finally, the Council has the power to enter land and take steps to comply with the requirements of effective notices. Where it does so it will seek to recover its costs from the owner of the land.

What should I do if I disagree with the outcome of a planning enforcement investigation?

In some cases you might disagree with the Planning Enforcement Teams' assessment of whether there is a breach of planning control or its assessment of the degree of harm caused by a breach or the course of action taken to deal with the harm caused. In such cases, you should informally discuss this with the case officer in the first instance. If you are not satisfied with the outcome of that discussion you should set out your concerns in writing to the case officer. You will receive a written response at the most appropriate level. That may be from the Teams' Principal Planning Officer rather than the case officer or, if that is not appropriate, from an Assistant Director or the Director of Planning and Economic Development.

If you want to complain about the service provided by the Planning Enforcement Team it is open to you to use the Councils' formal complaints procedure. Details of this can be found on the Councils' website: www.eppingforestdc.gov.uk . Please use the following link:

http://www.eppingforestdc.gov.uk/complaints_how.asp

What should I do if the investigation is about my property or something I am doing?

One of the first steps in an investigation is to inspect the land or building concerned. The enforcement officer will also, if necessary, question you about what is found at the inspection. You should:

- ***Allow enforcement officers onto the land or into the building the investigation relates to.***

Enforcement Officers have a legal right to go onto land and into buildings in connection with their investigation. They all carry appropriate identification and a copy of their authority to enter land which you may ask to see. Enforcement Officers are entitled to take photographs of the land and buildings, including the inside of a building. It is a criminal offence to obstruct an enforcement officer carrying out their duty. If necessary, an Enforcement Officer can obtain a warrant to secure entry.

- ***Tell the enforcement officer if it is not safe to go onto land or into a building and explain why it is not safe. If it is possible to make the land or building safe very quickly to allow an inspection to take place without delay, you should do so.***

Landowners and people controlling land have a responsibility for the safety of people who enter it.

- ***Provide any information relating to the matter being investigated when asked.***

Sometimes a lot of information is needed before a decision can be made on whether the matter being investigated is a breach of planning control. You will be notified in writing of the decision. If there is a breach of planning control, the impact of the breach will be assessed. This might need other officers, such as Environmental Health Officers, to inspect the land or building.

Following an assessment of the impact of the breach you will either be asked to make an application for the necessary permission, perhaps with some suggested modification to the works or use, or you will be asked to remove the works or stop the use. You will be given a period of time to comply with the request but if you do not do as you are asked within the timescale given the Council will consider taking enforcement action to deal with the harm caused by the breach. Please refer to the above section at page 7 of this guide for further information on what enforcement action includes.

Most breaches of planning control are not a criminal offence. However, please be aware, if the enforcement officer suspects you have committed a criminal offence the officer will formally caution you before asking you any further questions. Do not be alarmed but do listen carefully to the caution. It is given to ensure you are aware of your rights.

Members of the Planning Enforcement Team will act professionally in the way they deal with you but remain focused on the primary concern of the Team to deal with actual harm caused by the breaches of planning control. Nearly all investigations that reveal that a breach of planning control has taken place are closed for the reasons that either planning permission is subsequently granted or that the harm caused by breach has been remedied. Of those investigations closed because the harm caused has been remedied, nearly all are concluded without the need for enforcement action. However, you should also be aware the District Council does

take enforcement action where it is expedient to do so. Therefore, in order to conclude any investigation of an alleged breach concerning your property or an activity you are carrying out in the fastest and most amicable way possible, you are requested to give your full cooperation to the Planning Enforcement Officer investigating the matter.

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Report to Planning Services Scrutiny Standing Panel

Date of meeting: 18 June 2009

Subject: Staffing within Planning Enforcement

**Officer contact for further information: Stephan Solon
(01992 56 4103)**

Committee Secretary: Mark Jenkins (01992 56 4607)



Recommendations/Decisions Required:

To consider and comment on the Staffing within Planning Enforcement

Report:

1. Introduction:

1.1 At the last meeting of the Planning Services Standing Panel it was resolved that a report should be submitted to the panel dealing with the matter of planning expertise in the Planning Enforcement Team. This report discusses that matter, identifies a shortfall in planning expertise available for the delivery of the Councils' planning enforcement function and put forward options for dealing with it. Members are requested to express their view on the availability of planning expertise in the Team and on a proposal for addressing a staffing numbers shortfall identified by officers.

2. Report:

2.1 The Council's Planning Enforcement Team is part of the Development Control Group of the Planning and Economic Development Directorate and is made up of 7 staff. That comprises a Principal Planning Officer, Senior Enforcement Officer, 3 Enforcement Officers, a Compliance Officer and a dedicated administrative officer.

2.2 The Team has a weakness identified in that it has only one fulltime qualified planning officer dedicated to carrying out planning enforcement work; the Teams' Senior Enforcement Officer. The Enforcement and Compliance Officers are not required to have any planning qualification. Although the Teams' Principal Planning Officer is a qualified planning officer, that resource is not solely dedicated to the work of the Team. The role of the Principal Planning Officer normally includes responsibility for dealing with planning applications and preparing and presenting reports to Committee on a 3 weekly cycle resulting in approximately half that post being used for work outside of the Team. Time dedicated to the Team by the Principal Planning Officer is split between management of the Team, reviewing officers' assessments of the planning merits of unauthorised development, appeal work and pursuing a very small number of planning enforcement investigations.

2.3 Consequently, the Team has insufficient capacity to deal with peaks of work requiring the input of senior level planning expertise. This constrains the Council's ability to take effective and timely enforcement action, especially where the matter being investigated is complex. It also constrains the Council's ability to defend enforcement action at appeal. Furthermore, while the dedicated senior officer is dealing with peaks of work requiring their input that has a knock on effect on their ability to

continue to progress other investigations. Over the past 3 years nearly all planning enforcement appeals have been dealt with by the Senior Enforcement Officer and the Teams' Principal Planning Officer. While those officers are working on appeals or, indeed pursuing action through court, there is normally no time available for other work. It is not unusual for them to both be carrying out such work at the same time.

- 2.4 The restricted expert capacity also leaves the Council's planning enforcement function exposed should the Senior Enforcement Officer post become vacant. In the recent past it has proven difficult to recruit to that post resulting in it being vacant for a number of years.
- 2.5 In respect of appeals, the shortfall of planning expertise has previously been dealt with by a combination of assigning planning appeals to mainstream Development Control Staff or to planning consultants employed to deal with that particular appeal. Due to a combination of budget constraints and a reduction in professional staff working in Development Control, that option is normally reserved only for the most complex cases or where there is a clash in the timetables for 2 or more appeals.
- 2.6 In respect of progressing complex investigations, due to their time consuming nature it has not been possible to assign other planning staff to deal with them since that would undermine their effectiveness in their own roles. It has also not been considered a good use of resources to employ consultants to carry out complex planning enforcement investigations due to the unpredictable timescale for dealing with them.
- 2.7 The number of new investigations started and investigations closed over the last 3 years has been consistent at about 750 started and a similar amount closed. However, the proportion of investigations closed for the reason that the breach has been resolved has remained at less than 25% (ranging between 18% and 22%) and the number of enforcement notices issued each year is consistently low at approximately 26. Approximately 60% of all enforcement notices issued are appealed and a similar proportion of planning enforcement appeals are decided by way of a hearing or public inquiry. Although the Council's enforcement appeal success rate is very high with nearly all appeals being dismissed and the notice upheld, that success generates a need for further work to be carried out to be taken to ensure compliance with the requirements of notices. Such work can include court action.
- 2.8 Officers are generally aware from informal discussions with Members and members of the public that there is a desire for the Council to increase its planning enforcement activity. Although that is an unreliable indicator of demand for the service, officers are aware that if the council fails to take appropriate and timely enforcement action where it is expedient to do so it could be found guilty of maladministration by the local government ombudsman and required to compensate members of the public. Officers are also aware that, from time to time, concern is expressed about the progress and outcome of planning enforcement investigations by members of the public in the form of complaints or even in the local press.
- 2.9 Consequently it is concluded that there is a need to address the lack of planning expertise at a senior level in the Planning Enforcement Team. Furthermore, it is not possible to do so in a manner that is sustainable by allocating planning enforcement work to development control officers or employing planning consultants.

3. Options for dealing with a lack of planning expertise in the Planning Enforcement Team:

3.1 Option 1:

Delete Existing Post PEF/06 Compliance Officer (0.5 FTE) Grade 5 and replace with new Post PEF/06 Senior Enforcement Officer (1.0 FTE) Grade 8.

An opportunity to deal with the matter of planning expertise in the Planning enforcement Team has arisen with the retirement of the person appointed to the post of Compliance Officer (PEF06). That post is a part time grade 5 position with the primary responsibilities of investigating allegations of unauthorised development in general, taking action to remedy the harm caused by breaches found and to check and ensure compliance with conditions of planning conditions in particular. In practice the post holder has carried out similar work to enforcement officers within the Planning Enforcement Team while the work of verifying and enforcing compliance with planning conditions has been spread across all enforcement officers.

It is proposed that post PEF06 is replaced by a full time senior enforcement officer position (Grade 8). If implemented this would result in a total increase in salary costs of £24,570 at the mid point of each grade. This would have to be met through new funding.

The increase in cost reflects both the increase in time worked and the gain in planning expertise at a senior level for the Council's planning enforcement function.

The creation of the post would in practice nearly double the available planning expertise within the Planning Enforcement Team that is dedicated to progressing investigations. It would create the capacity of dealing with approximately 100 additional complex investigations each year and is likely to result the number of enforcement notices issued each year increasing by at least one third. The new post is also likely to result in faster resolution of the harm caused by more complex contraventions since planning expertise could be more readily brought to such cases.

3.2 Option 2:

Replace post PEF06 with a new full time enforcement officer post (Grade 6).

That would result in a total increase in salary costs of £15,000, which would have to be met through new funding. While of benefit in terms of an increase in hours worked it is of no value at all in dealing with the lack of planning expertise at a senior level within the Planning enforcement Team. It would create additional capacity for dealing with less complex investigations and the early stages of complex investigations, that would be of benefit in general terms. It would be likely to result in a very small increase in the number of enforcement notices issued (3-4 notices a year).

3.3 Option 3:

Make post PEF06 (Grade 5) a full time post.

That would result in a total increase in salary costs of £10,900, which would have to be met through new funding. The benefits are similar to Option 2, although the expertise attracted to the post is likely to be less than that of a

new full time enforcement officer. This option does, however, offer greater value for money than option 2.

3.4 *Option 4:*

Replace post PEF06 with 2 full time trainee planner (enforcement) posts at Grade 3.

The posts would be aimed at post graduate or under graduate planning students who are required to gain work experience in a relevant position over one year of their degree course. The posts would be filled alternately on a fixed term 14 month contract. The last 2 months of the contract for one post would overlap with the first 2 months of the other post. It would result in a total increase in salary costs of £7,500, which would have to be met through new funding..

While of benefit in terms of an increase in hours worked it is of no value at all in dealing with the lack of planning expertise at a senior level within the Planning Enforcement Team. The benefit in terms of hours worked would be undermined by the additional training and coaching that would be given by the permanent staff of the Team. It is likely to create additional capacity for dealing with less complex investigations and the early stages of complex investigations, that would be of benefit in general terms. It would be unlikely to result in any increase in the number of enforcement notices issued.

3.5 *Option 5:*

Make no change and fill post PEF06.

That would not result in any increase in salary costs to the Council. No benefit could be achieved in terms of hours worked or dealing with the lack of planning expertise at a senior level within the Planning enforcement Team.

Planning Enforcement Team

Current Position Option 5		Option 1	Option 2	Option 3	Option 4
PEF/06	Grade 5 SP24	New Post Senior Enforcement Officer Grade 8 Mid Point SP38	New Post Enforcement Officer Grade 6 Mid Point SP 28	Convert PEF/06 to grade 5 FT Compliance Officer Grade 5 Mid Point SP23	New Posts 2 FT Trainee Planner Posts Grade 3 Mid Point SP13
20 Hrs F/T 20/36	25210 14006	38140	28590	24430	0 18780
Add PA	0 14476	Add PA 39422	Add PA 29551	Add PA 25251	Add PA 19411
	14480	Less Current 14020	Less Current 14020	Less Current 14020	Less Current 14020
Mid Point	Grade 5 SP 23	Additional Cost 25402	Additional Cost 15531	Additional Cost 11231	Additional Cost 5391 Add 2/12 Overlap 3235 Additional Cost 8626
20 Hrs F/T 20/36	24430 13572				
Add PA	0 14028				
Current Mid Point	14020				

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Report to Planning Scrutiny Standing Panel

Date of meeting: 18 June 2009

Subject: Recruitment to the Assistant Director (Policy and Conservation) Post



Officer contact for further information: J Preston (Director of Planning and Economic Development) 01992 56 4111

Committee Secretary: M Jenkins (Democratic Services Assistant) 01992 56 4607

Recommendations/Decisions Required:

That, the Recruitment to the Assistant Director (Policy and Conservation) Post report, be noted.

Report:

At the last meeting of the Panel on 12 March 2009 the members requested that a report be put before the Panel explaining the problems encountered in recruiting for the Assistant Director (Policy and Conservation) Post. Since that meeting the Leader of the Council had agreed that the post should be advertised rather than be frozen.

The post with the amended higher grade was subsequently advertised in:

The Epping Forest Guardian on 2 April.

Opportunities on 6 and 13 April editions (a small box directed those interested to the website for fuller details.)

The "Careers for Leaders" website.

Jobcentre Plus; and

EFDC's own website and related Essex links thereto.

These routes were used to reflect the Panel's desire for a lower cost more locally focussed approach. The Panel expected that the recession, particularly since last November, would produce a significant response. However, by the closing date of 23 April, only four applications were received, all from external candidates.

One of the candidates was not judged to meet the person specification; the individual had experience as a Transport Director for a private company, but did not have the many attributes required, in particular experience of Local Planning.

Following this the Interview Panel reconvened to interview the other 3 candidates, but on receipt of the request to provide a presentation on the key threats to EFDC in delivering a Local Development Framework, one candidate dropped out.

The other two candidates were tested and interviewed in the week commencing 4 May, but unfortunately, neither persuaded the Panel that they could "hit the ground running" on the prime/essential requirement concerning the Local Development Framework.

The Interview Panel were concerned that applications did not appear to be made from those

with good detailed and recent experience, ready to take the post as the next step on their career path. This could reflect that those with such experience, who live further away, and would need to move house, are not prepared to attempt this in the present climate. However this would not explain why reasonable numbers of candidates from London, Essex or Hertfordshire, within commuting distance, have not applied.

Accordingly an approach, which is now being used, is to approach recruitment agencies to ascertain if they have potential candidates (who will meet the requirements of the person specification) this will also include the Assistant Director (Development Control) vacancy at the same time (although there are likely to be internal applicants for that post)

The continuing absence of such postholders within the Directorate plainly places constraints on the Managerial capacity of the Directorate, and puts pressure on the existing Managers therein.

Report to Planning Services Scrutiny Standing Scrutiny Panel

Date of meeting: 18 June 2009

Subject: Current Economic Situation of the District

**Officer contact for further information: Victoria Willis
(01992 56 4593)**

Committee Secretary: Mark Jenkins (01992 56 4607)



Recommendations/Decisions Required:

To note the Current Economic Situation of the District report.

Report:

To receive a report on economic development, which provides the following:

- A) Background on the current economic position within the district and highlighting some of the approaches being taken in response;
- B) A broader introduction to the remit of the Economic Development function within the Planning and Economic Development Directorate.

It is understood that in requesting this report Members are seeking access to information on the district's economy in order to inform their discussions. As requested, the report also indicates some of the approaches being taken by Economic Development staff along with partners in response to the current economic climate. It is understood that Members also wish to gain a broader understanding of the current remit of the Economic Development function within the Planning and Economic Development Directorate in order to consider Value for Money.

Economic Profile of Epping Forest District

The district's economy and in particular, the implications of the current economic situation on the local economy, have been the focus of the new Credit Crunch Task and Finish Group within the LSP. The Economic Development function is represented on this group. The below draws headlines from the intelligence brought to this group by partners as well as other information sources and is helpful in presenting an overview picture of the district.

General Employment Profile

- Epping Forest District has a considerably lower proportion of individuals in the manufacturing sector compared to the national profile (EFD 5.1%, GB 10.6%). Conversely, it has higher employment in the construction industry at 12.6% compared to 4.9% nationally. The district has a stronger than national profile representation in both 'distribution, hotels and restaurants' (EFD 24.8%, GB 23.3%) and 'finance, IT and other business sectors' (EFD 23.3%, GB 21.6%).
- All the above sectors are considered to be most vulnerable in the current economic climate
- The district has a lower proportion employed within the 'public administration, education and health sectors' (19.6%) compared to the national profile (26.9%).
(Source: Nomis, 2007)

Unemployment – Rates

The Jobseekers Allowance (JSA) rate within the district has increased from 1.5% (1,119 individuals) in April 2008 to 3.3% (2,489 individuals) in April 2009. This 122% increase may be compared to a county increase of 126%. The current county JSA rate is 3.5%.

- In terms of neighbouring authorities in Essex, London and Hertfordshire current JSA rates (April 2009) are as follows: Harlow (5.4%), Broxbourne (3.5%), Chelmsford (2.9%), Brentwood and East Herts (both 2.3%), Uttlesford (2.2%), Redbridge (4.1%), Waltham Forest (5.5%) and Enfield (4.8%).
(Source: Nomis, 2009)

Unemployment – Detail on Claimants

- If JSA claimant rate is considered at ward level, there are clear clusters of wards with higher rates in the Waltham Abbey and Loughton/Debden areas. The following also have JSA claimant rates higher than the district figure: Shelley, Lambourne, Grange Hill and Buckhurst Hill East.
- Individuals aged between 25 and 49 years accounted for 53.5% of claimants in Epping Forest in April 2008. This increased to 55% (1,365 individuals) in April 2009 whilst the other two age bands (18-24 years, 50 years +), although clearly increasing in number of claimants, decreased in terms of proportion of total claimants.
- The number of 12 month-plus claimants has decreased slightly in the period April 2008 to April 2009 from 155 to 150 individuals.
- The number of individuals claiming JSA for 'less than 6 months' and 'between 6m and 12 months' in Epping Forest has increased by 147% (to 1,955) and 120% (to 385) respectively between April 2008 and April 2009.
(Source: Nomis, 2009)

Redundancies/Occupations Sought

- Epping Forest District does not currently stand out as a location of major redundancies like other locations in Essex (e.g. Basildon). Of more significance to the district is recognising the high level of out-commuting into London and the impact of redundancies in London on residents of Epping Forest.
- In terms of occupations sought by those on JSA within Epping Forest, there is a high number seeking administrative opportunities and corporate manager positions. Also high on current records are those seeking sales, skilled construction/building and 'elementary trades, plant and storage related occupations'.
(Source: Nomis, 2009)

Other Economic Indicators

- Unemployment is one measure of economic activity but it is important to appreciate the broader picture and supplement more quantitative information with local knowledge for example.
- Development activity - St Margaret's Hospital development is underway in Epping, as is the construction of the White Water Canoe Course on the borders of Waltham Abbey. Also, it is understood that Lidl is intending to make swift progress on the development of its site in Waltham Abbey following finalisation of permissions and legal details.
- Discussions and evidence presented within the Credit Crunch Task and Finish Group have revealed an increased demand for business and resident support services such as Business Link and the Citizens Advice Bureau. Despite this increase in uptake there is a need to encourage earlier access to such advice to enable more successful intervention and to ensure better signposting and joining-up of the support that is available.

- It is considered that the town centres within the district have not been as severely impacted by business closures as towns elsewhere. This is, in part, because some of the larger brands that have suffered in recent months were not represented in the district's town centres with the main exception being Woolworths. The Planning Policy section is due to receive a report on studies of the district's town centres shortly and this will include useful 'healthcheck' information on the current situation within the centres.

Response in the Current Economic Climate

The Task and Finish Group is considering the economy in terms of the needs of local residents as well as businesses. The group is set to report to the LSP Board with proposed 'quick win' measures in June 2009 before reporting for a final time in September 2009. Following this time it is envisaged that the interests represented on this group will be subsumed into the broader 'Sustainable Communities' theme group of the LSP.

Some of the measures due to be presented to the LSP Board shortly include:

- The production of a newsletter to effectively signpost businesses/individuals to the support services that are available. This will feature as an 'insert' into The Forester and be promoted more broadly.
- The establishment of an Economic Prosperity Champion and other measures to ensure the profile of Epping Forest District is raised and to enable it to 'punch its weight' with regard to potential external funding opportunities.
- Development of economic intelligence. This ties in with the broader need for the LSP to be evidence driven and the current priority to produce holistic and robust ward-level profiles.

Essex County Council's Economic Recovery Action Plan promotes various measures and initiatives and these are being taken forward at the District Council level as appropriate. With regard to the business sector these include for example, 'Banking on Essex', procurement and supplying to Essex County Council, encouraging the uptake of Small Business Rate Relief and the Essex Apprenticeship Scheme.

The District Council has been swift to take a number of actions, including freezing its parking charges and reducing payment terms on invoices.

Beyond the Task and Finish Group, the Economic Development function continuously seeks to better signpost businesses and individuals towards existing support and new initiatives that become available. For example, a recent email issued to all EFDC staff sought to pinpoint sources of support available to the district's businesses and the role that staff in regular contact with businesses can play in referring them onto sources of support if businesses indicate that they are experiencing certain difficulties. An exercise is underway to update the Business section of the EFDC website with new support initiatives and contacts, and copy on business support has also been drafted for the Summer edition of The Forester.

Economic development is partnering with Business Link and many other organisations to host a business support event at Loughton Cricket Club on 3 July 2009. This will be a drop-in event for businesses to access support and network. Going forward, it is likely that further intended work items within Economic Development may be angled slightly differently as responses to the recession for example, further business engagement events and a revised district business directory. Whilst it is key that the District Council takes effective actions in responding to the current economic situation, it is also important to not divert all attention to this but remain focused also on the strategic and longer term picture.

Background on Economic Development function

Before considering the economic development function operationally it is useful to give an indication of the framework within which economic development rests. The summary below

focuses on the position of economic development within the county and local context.

County/Greater Essex	Local Area Agreement	Within LAA2 EFDC has signed-up as 'Having Regard to' a number of indicators around skills, business and employment.
	Essex Economic Board	Essex County Council is in the process of establishing a new Essex Economic Board following a restructure of its economic development function and the abolishment of ExDRA (Essex Development and Regeneration Agency) and GEPF (Greater Essex Prosperity Forum). Terms of reference are being drafted and at this stage it is considered that relevant Portfolio Holders will be invited to join this group.
	New duty to conduct economic assessment	Stemming from the Review of Sub National Economic Development & Regeneration, Essex County Council in partnership with local authorities will be required to undertake Local Economic Assessments. Work is due to commence within London Arc East groupings. Awaiting guidance. Commitment from EFDC not wholly understood at present time. Government has indicated that it will contribute to cost of duty.
Sub-regional	London Arc East – M11 Corridor	London Arc East (comprising 'M11 Corridor' and 'Heart of Essex') has been granted £120k pa by EEDA to deliver activities including business engagement, business intelligence, advocacy on economic issues. Essex CC will support development of these emerging sub-regional arrangements but match funding in terms of staff-time expected (0.5 days/week of an EDO). No meeting of this group has occurred to date and details still being fleshed out.
Local	Sustainable Community Strategy	Existing Community Strategy includes a focus on Economic Prosperity and this will continue to be a theme in the emerging Sustainable Community Strategy in 2009. In its current form the LSP is likely to address considerations around economic development within the 'Sustainable Communities' theme group.
	Council Plan 2006-10	Part of the Vision states: <i>Economic Prosperity - Ensuring that the district has a thriving and sustainable economy.</i> Areas of the action plan potentially relevant to economic development include for example, EP2 - TCEs EP3 – Co-ordinate land-use planning EP5 – Responding to deprivation EP6 – links between council and local town centres, business community SC1 – Safety, security well-being in town centres/car parks

	Council's Key Priority Objectives 2009/10	Current KPOs with links to economic development include: Work towards future development at The Broadway & St John's Road area (Planning) Mitigate impact current economic conditions on local businesses (CE, DCE, Ds) Legacy benefits 2012 WWCC on border Waltham Abbey (DCE) Work with Essex County Council, Epping Forest College and local schools to further the educational opportunities and facilities for the local young people (Leader)
	Planning and Economic Development Service Plan 2009-11	Under Forward Planning are priority service objectives relating to economic development as follows: Promotion of sustainable economic development and tourism. Partnership working to help secure the future viability and vitality of the district's town centres.
	Local Development Framework	There is a requirement for robust economic evidence and broader understanding of the town centres for example, to feed into the LDF Core strategy.

Economic Development within the Directorate is staffed by one full-time Economic Development Officer (this person is undertaking a postgraduate planning qualification so office attendance is technically four days per week at the current time). DDF Funding has also been secured to enable a Town Centres Officer (position previously entitled Town Centre Manager) to operate for a three-year period. The Town Centres Officer started in post in October 2008. Funding was also secured for an intended Tourism and Rural Projects Officer for a time-limited period, although consideration is being given to use this resource elsewhere in the Directorate. The Director of Planning and Economic Development commits a limited amount of resource to economic development matters.

Economic development is not an activity that occurs in isolation but rather the two dedicated officers have strong links with colleagues in the Planning Policy team and more broadly across the council including for example, Non Domestic Rates, PR, Community Development, Culture, Environment and Street Scene.

Economic Development is not a statutory function of the Council, although the profile and importance of local economic development has amplified in recent times with for example, the Review of Sub-National Economic Development and Regeneration, the revised Planning Policy Statement 4: Planning for Prosperous Economies out for consultation and the requirements for the Sustainable Community Strategy and LDF to be alive to economic considerations and strongly evidence driven. Because of the non-statutory nature of economic development resourcing varies between local authorities depending on their individual priorities.

The below is a summary indicating the scope of the work undertaken by Economic Development.

Area of work	Examples of activities
Development Briefs	The Broadway, Debden and St John's Road Area Development Briefs – Economic Development lead in terms of appointing/management of consultants, liaising internally and with other partners, managing public consultation processes, reporting to Cabinet and different levels as appropriate.
Town centre initiatives / Working with Town Centre Partnerships (TCPs)	Overseeing the district's 6 TCPs e.g. helping to build capacity/membership of individual TCPs, convening TCP Chairs meetings, managing Special Projects applications, attending Partnership meetings. Production of stronger Funding Protocol between EFDC & TCPs. Working in partnership with the TCPs and others to deliver initiatives and activities whether events, promotional material, websites, crime reduction initiatives, tourism development.
LDF Core Strategy	Involvement in collation of evidence base to inform core strategy e.g. Town Centres Study, Employment Land Review, tourism intelligence.
Business contact/Business support	Point of contact between Council and local business community – whether individual queries or traders within a certain centre, cascading of information, development of contact with Epping Forest Chamber of Commerce for example. Ad-hoc queries (EDO est. receives 60+ pa) re. business start-ups, relocations, business support, networks etc. Difficult to monitor precise outcomes of some interventions. Some examples of success include: a district pub receiving financial support via a Business Link scheme, a business benefiting from free IIP support that Economic Development had promoted. In face of no direct financial incentives for start-ups 'selling' alternative schemes which may be of value e.g. via Jobcentre+ initiatives to lower recruitment costs. Staging and marketing of business engagement events with partners e.g. business breakfast at Football Academy, Langston Road, event at Epping Forest College and forthcoming event at Loughton Cricket Club.
Tourism development	Financial support provided to operation of visitor information centre in Waltham Abbey. Inputting into Essex County Council tourism activities. Working with partners to develop tourism product in Waltham Abbey e.g. promotional leaflet, enhanced signage. Involvement in early stages of scoping on legacy opportunities with regard to tourism and the White Water Canoe Course on border of Waltham Abbey. Increasing the Council's understanding of the role of tourism within the district and potential opportunities.
Other economic development	Increasing working links and partnership opportunities with partners such as Business Link, Essex County Council, East of England International, Federation of Small Businesses, Safer Communities Team/Police, grouping of Essex EDOs etc. Promotion of the district, its town centres and visitor offer through internal mechanisms, local partners, press etc.

It is considered important to also reference a report on Economic Development that was presented to Cabinet in October 2007. This report sought to highlight that the Council had recently recruited to the position of Economic Development Officer. It also proposed the collection of a number of economic indicators to monitor and better understand the local economy and to help inform local priorities. Since this time many of these indicators have been researched and reported on but this has tended to be on an ad-hoc basis and to inform specific tasks rather than an ongoing monitoring function. This in part reflects the competing priorities faced by a small Economic Development function and in particular, the drive to ensure that Economic Development has a strong practical and outward facing role rather than a more distanced monitoring remit.

This report has been drafted to serve two purposes. It firstly seeks to provide some background on the current economic picture and responses that are being taken and secondly, offers a broader introduction to the Economic Development function within the Planning and Economic Development Directorate. Against this, guidance is sought from the Planning Services Scrutiny Standing Panel as to what further information/analysis it would like to be provided, albeit avoiding any potential duplication with other current workstreams (e.g. the Credit Crunch Task and Finish Group).

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EPPING FOREST DISTRICT COUNCIL

PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN (UPDATED MAY 2009)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input type="checkbox"/> <input type="radio"/> <input type="checkbox"/>	Fully Achieved Partially Achieved Limited Action

<p>1. Review the measures used within Planning and Economic Development to ensure that Staff are maximising the performance of the Directorate.</p>	<ul style="list-style-type: none"> • To ensure that processes are in place to implement the Corporate Performance Management Framework within Planning and Economic Development to include: • The development of Key Cabinet Objectives for the Planning and Economic Development Portfolio. • To produce a Directorate Business Plan for 2009/2010. • To identify Key Performance Indicators for inclusion in the Council's KPI set for 2009/2010. • To produce Action Plans for Key Performance Indicators. 	Director of Planning and Economic Development	Feb 2009 April 2009 Mid March 2009 April 2009	Within existing resources	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="radio"/>	
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EPPING FOREST DISTRICT COUNCIL

PLANNING & ECONOMIC DEVELOPMENT IMPROVEMENT PLAN (UPDATED MAY 2009)

AREA OF IMPROVEMENT	ACTION(S)	LEAD RESPONSIBILITY	TARGET FOR COMPLETION	RESOURCES AVAILABLE/ REQUIRED	PROGRESS	
					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
2. Develop and promote a set of service standards for Planning and Economic Development, outlining the minimum levels of service that external and internal customers will receive.	Review previous protocols, (e.g. those re DC and Enforcement)	Directorate Business Manager	End Mar 2009	Within existing resources	<input type="checkbox"/>	Postholder left – tasks are for new postholder.
	Set new Standards		April 2009		<input type="checkbox"/>	
	Report Compliance		Quarterly		<input type="checkbox"/>	
3. Check the effectiveness of the channels of communication used to ensure that all staff are aware of service priorities and quality standards.	Include Staff in the Development of Service Business Plan.	Directorate Management Team	Jan-March 09	Within existing resources	<input checked="" type="checkbox"/>	
	Undertake Staff Survey to assess effectiveness of current communication channels.		June 2009		<input type="checkbox"/>	
	Raise as part of Staff PDR Process		By end of May 09		<input type="checkbox"/>	

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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
4. Improve the mechanisms for regular on-going feedback from users on the quality of service they have received. Ensure officers with the appropriate level of responsibility act upon complaints.	Officer Group within Planning to be established to review Customer Services Issues and recommend areas for improvement.	Directorate Business Manager	End of November 2008	Within existing resources.	<input checked="" type="checkbox"/>	Responses now being received: need to consider reporting framework.
	Refresh Training on Customer Complaint Handling to be undertaken	Director of Planning, Assistant Directors	July 2009		<input type="checkbox"/>	
5. Improve ownership of problems and accountability amongst the Senior Management Team within Planning and Economic Development.	Individual Responsibilities to be clearly articulated at appointment. Part of Performance Development Review interviews to be undertaken by Director of Planning.	Director of Planning	At appointment End of May 2009	Within existing resources.	<input type="checkbox"/> <input type="checkbox"/>	This depends on successful recruitment to the two relevant AD positions.
6. Implement appropriate measures to raise morale and increase staff motivation in achieving service improvements.	Explore the production of a Directorate Newsletter to improve awareness and celebrate success.	Director of Planning	By end Sept 2009	Within existing resources.	<input type="checkbox"/>	

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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input checked="" type="checkbox"/> Limited Action	
7. Develop a systematic approach to workforce planning to address recurring recruitment and retention difficulties. Page 78	Update the previous Workforce development plan.	Reconvene previous team.	By end June 2009	Within existing resources.	<input type="checkbox"/>	Target needs to change because of need to pick up Corporate data which will not be available until July 2009.
	Review recruitment procedures, so that there is an essentially up to date package of information open to all staff that can be used to quickly commence appropriate recruitment campaigns.	Management Assistant	By end Mar 2009		<input checked="" type="checkbox"/>	

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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
8. Improve the standard, content, presentation and consistency of reports to Development Control, Planning Standing Panel and Area Sub Committees. Page 79	Meet regularly with the Chairmen and Chairwomen of these.	Director of Planning and Assistant Directors	1st Meeting February 2009 2 nd meeting early July: Simon Hill to report back on dates.	Within existing resources.	<input checked="" type="checkbox"/>	Requires input from new AD (DC)
	Review the "Standard template" for reports to Committees.		May 2009	Within existing resources.	<input type="checkbox"/>	
	Arrange refresher training for all those compiling or agreeing such reports.		End June 2009	Within existing resources.	<input type="checkbox"/>	

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					<input type="checkbox"/>	Fully Achieved
					<input type="checkbox"/>	Partially Achieved
					<input type="checkbox"/>	Limited Action
9. Review the Corporate Planning protocol with respect to dealing with applicants, agents, developers and the local business community to ensure that the highest standards of probity and governance are achieved.	Report to Standing Panel for their consideration, in liaison with Constitutional Affairs Panel.	Director of Planning and Assistant to Chief Executive	February 2009	Within existing resources	<input type="checkbox"/>	The existing Planning Protocol is already intended to remind staff, and to assure the public that officers, and members, have codes of conduct, professional requirements, financial training and various registers of interests. The protocol is being reviewed/ amended and are being brought to Standing Panel for their consideration. The review is out to consultation right now (May 2009) and the plan is to report back to Standards Committee and the Constitutional Affairs Panel in July 2009 (Ian Willett, 21/5/09)
10. Implement practical measures to improve the public perception and reputation of the Council's Planning Service, particularly with respect to high profile/controversial applications and enforcement action.	To instigate regular reporting on enforcement performance to Members. To publicise the outcome of enforcement action more widely.	Director of Planning and Economic Development	Quarterly Reporting Ongoing	J Preston/ S Solon	<input type="checkbox"/> <input type="checkbox"/>	

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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
11. Take positive action to raise confidence amongst elected Members of the Council with respect to the performance of the service area.	To report planning performance on a regular basis to the Standing Panel and Overview and Scrutiny Performance Management Committee	Director of Planning & Economic Development	Quarterly	Within existing recourse	<input checked="" type="checkbox"/>	There needs to be better communication of the successes, such as ICT.
12. Routinely review costs for the different elements of the service, set challenging targets for improved performance and implement effective monitoring arrangements.	To incorporate Value for Money considerations to include Benchmarking and Comparative Data from the Audit Commission within the Service Business Plans	Director of Planning and Principal Accountant	Business Plan completed by 31.3.09	Within existing Resources	<input type="checkbox"/>	The Scrutiny Panel has considered costs; further one off reviews are planned. Challenging targets already exist and the monitoring of these has been audited and found to be acceptable. New Business Manager will need to be significantly involved in these.

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					<input checked="" type="checkbox"/> Fully Achieved <input type="checkbox"/> Partially Achieved <input type="checkbox"/> Limited Action	
13. Ensure that there is a clear focus on the actions contained within the improvement plan by all senior staff within Planning and Economic Development and that priority is given to delivery.	To monitor the Improvement Plan at Directorate Senior Management Team Meetings. Provide updates at the Scrutiny Standing Panel	Director of Planning and Senior staff.	Regular Team Meetings When Standing Panel Meet	Within existing resources	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	