

## **Report to the Cabinet**

**Report reference:** C-055-2009/10  
**Date of meeting:** 16 November 2009



**Portfolio:** Environment

**Subject:** Arrangements concerning Planning files which have been scanned.

**Responsible Officer:** John Preston (01992 564111).

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### **Recommendations/Decisions Required:**

- (1) That Cabinet note the decision and intention of the Director of Planning & Economic Development to secure the return of a limited number of files, so that they can be further checked, but that the remainder are securely disposed of;**
- (2) That Cabinet concur that there are risks involved, but that file destruction is a proportionate response; and**
- (3) That a bid for District Development Fund (DDF) monies of up to £61,600 be made to cover the retrieval and checking of files.**

### **Executive Summary:**

There are many Planning files at the premises of two companies who have been scanning older records; the contracts envisaged the destruction of those files once they were scanned. Once destroyed those files would not be returned or stored, but nor could any missing document then be checked or retrieved, The Director of Planning does not judge that all the files should be returned, nor is there a budget for that purpose. There have been risks associated with how information on files has been dealt with in the past, and the electronic capture of files is considered to be inherently safer than other methods. No system is perfect, but the approach adopted to check files has been proportionate. This report draws attention to risks before action is taken that is final, and enables the Cabinet to be aware of these issues, and to consider whether the Corporate Risk Register requires any amendment.

### **Reasons for Proposed Decision:**

A decision is required because otherwise storage costs of some significance are going to be incurred, and where there is no budget for such costs. It is also appropriate for Cabinet to be aware of how issues with some risks have been considered and dealt with.

### **Other Options for Action:**

These are set out at paragraphs 16 to 19 below. One is to now securely destroy all the paper files that have been scanned. A second is to selectively retrieve some files, give them a further quality check, but to destroy the rest. That will require some resources. A third option is to get all files returned and to store them in case queries arise, but there is no ongoing budget for this.

## Report:

1. The Directorate of Planning & Economic Development previously had at least 20,000 individual property files, each typically containing tens of pages of documents, and other registers, plans and documents that were held in hard copy. The information in those hard copies was held in broadly a chronological order. Some such files held the only copy of information, whilst other files may have held pieces of information in a different arrangement.

2. Clearly some “architecture” for those files developed over the years, for example some documents were on different coloured paper, and therefore “stood out” in the file, but many files contained huge amounts of information without an index, so they had to be considered in full if one was searching for a particular document.

3. The volume of those files plainly grew over the years so that storage of them became an issue, and the microfilming of parts of those files began; there is thus a considerable volume of microfilmed material.

4. There were plainly a number of risks associated with the storage of such data, examples of those risks included:

- The risk of fire destroying paper records, or that a fire being tackled with water would damage the records, and particularly if there was only one copy.
- The files were often provided to other staff, the technical staff of other bodies, agents researching the history of a property, and members of the public so that the contents could be viewed. As charges for providing copies of documents grew there were occasional known examples of some documents within the files “disappearing”.
- The microfiche had a master and a second copy, so this reduced some risks, but there were some quality issues with microfilming, such as poor image quality, folded and missing documents. It is clear that some returned microfilmed files were checked for completeness before the paper original was destroyed, but it is also clear that this was not done for every single document.
- Files were only accessible to one person at a time, but because quite general access to them was allowed, they could be away from the filing room for long periods, or go “missing.” Sometimes temporary files were created, which was of short term assistance, but the existence of a temporary file was not clear on the main file.
- The main file was not necessarily complete and up to date, and microfiche were added to, but not necessarily in a consistent way.
- When computer systems started to be introduced they captured some information, but not necessarily every piece of information.
- These various drawbacks led to Local Land Charges staff being wary of some of the records, and meant that before they were satisfied with issuing the results of searches that considerable checking of records was undertaken.

5. In considering those risks, and the development of computer systems within the Authority, a number of steps have been taken, which include:

(i) Much more information is held within the computer systems, where it is regularly "backed up," it is accessible to many viewers at the same time, it is not as susceptible to destruction by fire or water, and nor can parts of files disappear or go missing (or at least not irretrievably). Plainly holding records in electronic form is less risky than previous approaches.

(ii) Information is scanned close to the time at which it is received, but also very significant quantities of older hard copy data have been scanned, and that has released storage space for others or allowed the removal of storage racks such that the space has been put to other use.

(iii) It is enabling better management of such record systems, and the development of approaches which are more corporate.

6. The back scanning of files was initially required to be undertaken by a company then called Anite, and they have scanned very significant numbers of files. The quotes for that work, and the contract, envisaged that the files would be kept for a short period after being scanned, but would then be subject to secure destruction.

7. That period was to allow for any issue that was promptly found with the scanned file to be acted upon.

8. Not surprisingly, some problems were so found, although upon investigation a good proportion of those concerned information that was missing from the original hard file, or were quickly rectified. Some issues concern matters which are judged to be desirable features, rather than critical ones (such as incorrect or incomplete scans of the inside cover(s) of files which gave the planning history; this is because that history can be accessed in other ways).

9. There are concerns that colour documents when scanned in black and white, are limiting, that plans are not linked as a matter of course with the correspondence that accompanies them, and that some data has not been captured.

10. The scanning has taken Anite (who have been taken over by Northgate in the meantime) much longer than was originally estimated (which has had the advantage that if there were issues that they could be resolved, but has the disadvantage in that it is now being suggested that re-boxing and storage charges should be incurred.) Eventually some scanning was also undertaken by one other company.

11. The Director of Planning recently suggested that the time had now been reached where the scanned files should be destroyed, but that raised concerns, which are now drawn to Cabinet's attention.

12. There is no budget for storing such files (whether that is at a contractors premises, or at EFDC) and there are risks of storing such files. Storage of files was not what was quoted for, nor was it envisaged in the contract with Anite.

### Analysis of Risks

13. There is always a risk that in storing documents, that if any part of a record goes missing, that in considering the record that a mistaken judgement or answer may be given. However, the risk associated with that has been judged to be low, and is considered to be more of an inconvenience than a critical factor. For example, a decision notice might disappear from the property file, but it would be unlikely to disappear from the register of decisions, and all other locations as well; a missing decision notice on the file can be copied

from other sources of the same document. The decision notice is also one of the most important documents within such a file.

14. Of the various ways in which data can be captured and stored it is considered that electronic, backed up and multiple stored systems are preferable to single paper based systems, they also best allow for electronic based service delivery which has become more prevalent. There is a risk if all the hard copy files which were sent for scanning are now destroyed if some parts of the record have not been captured by the scanning process, however, that risk needs to be considered in the context of what could realistically be undertaken to check the scanned records. For example, it would be possible to check every single record in hard copy, and to compare it against the scanned version, but that would be labour intensive, time consuming and costly; thus more sample based checks have been used. That is not a perfect system, but nor were the previous systems.

15. The Council has not been casual in its storage of such data over the years, although it is recognised that a missing record could be embarrassing. It has sought to improve its data collection, retention and accuracy by using electronic means. Indeed, in some instances, the electronic capture of data has led to linkages between data being improved, rather than made worse.

### Options

16. One option is to proceed with the secure destruction of the files, within the arrangements already made. The costs of that were in the original quotations/budgets. There is a risk that some documents which have not been scanned or have not been scanned properly are then lost for good.

17. A second option is to consider the selective retrieval and storage thereafter of a selection of the files perhaps concentrating on larger schemes.. That will involve some storage costs. There are some risks if the storage is on this site that the hard files are added to by "lazy" filing that escapes the electronic arrangements. Storage off site might reduce that risk, but there is then a risk that those files are never checked against the scanned version, or that they are never used meaningfully again, but that they do incur storage costs. It would be preferable to selectively retrieve certain files and check in detail that they have been scanned, and providing they have to then securely destroy the hard copy material, or to selectively retain a few documents (perhaps with colour details).

18. A third option is to retrieve and store all files off site, but many will not realistically be accessed again and there is a significant cost in retrieving the files and for ongoing storage. There is a risk that the files just get left stored, but if there were a query they could be accessed.

19. The Director of Planning and Economic Development's decision is that the files should not all be returned, but that a limited selection of files will be brought back and given a detailed check, whereas the remainder will be destroyed; i.e. that option 2 is preferred.

20. However, before implementing that decision it is considered that Cabinet should be advised of the position, because of the risks.

### **Resource Implications:**

This will vary depending on the option taken, for which DDF funding will be required. Quotations have been obtained for the selective retrieval of files (£2,250), file covers (£25,870) and also for the return of the entire stock of files (£25,940).

Upon return of any files it is suggested that they are put through a checking process; if fully scanned acceptably the file or cover need not then be retained. If material is missing from the scan, there can be an internal scan, and then the hard file can be destroyed. Storage of those files at these offices would have to be met from existing budgets.

Estimating the staff time to conduct checking is not an exact science, because the files vary in size, and because to do this properly is important. It is clear that the extra effort to do the checking is more than can be accommodated within existing staff resources, particularly as those staff resources are very stretched already. It is suggested that checking the files, and ensuring that they are properly corrected if required is at a grade 4 level of responsibility, and that an estimate of two staff for up to six months would be prudent. An additional DDF amount of £21,250 would be needed.

If the file covers are returned, this would be particularly to assist the Local Land Charges team, and it is suggested that the checking of those file covers should be captured by the storage being close to that team. An estimate of a single member of staff for up to six months would be prudent. An additional DDF amount of £10,625 would be needed.

In total, depending on which option is chosen, and including the future costs of secure destruction a maximum amount of £61,320 is possible.

### **Legal and Governance Implications:**

There could be embarrassment for the Council if important documents are missing from scanned files, and are irretrievable from any other source. If a Local Land Charges search was not to provide correct information, then there could be adverse financial consequences for the Council. The proper management of data is important, but previous arrangements have had weaknesses which electronic systems lessen. There are risks in keeping data in several systems ( hard copy, microfiche and electronic) Many previous risks have been lessened or removed.

### **Safer, Cleaner and Greener Implications:**

Not applicable.

### **Consultation Undertaken:**

The Council's insurers have been advised of this report, and have advised; "From the perspective of the policy there is nothing that would exclude the scanning of planning files. We are providing cover in respects of acts or omissions in providing information and replying to given questions. The way in which data is stored is really a business risk."

### **Background Papers:**

None.

**Impact Assessments:**

Risk Management

This report concerns the management of risks associated with planning files.

Equalities Assessment

These matters are not considered to raise equalities issues.