

PRIVATE AND CONFIDENTIAL

EPPING FOREST DISTRICT COUNCIL

INTERNAL AUDIT REPORT No. 394

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

**Signed
Auditor:**

Chief Auditor:

Distribution:

Full Report

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

Management Summary

Management Board
Chief Financial Officer

Audit of Planning Enforcement Management Summary

1.0 Introduction

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

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

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

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

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

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

2.0 Overall Rating

Satisfactory assurance.

3.0 Opinion

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

4.0 Implications for statement on internal control

None

1.0 Introduction

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2.0 Opinion

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3.0 Objectives

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

4.0 Scope

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

5.0 Findings.

5.1.1 Complaint Registration

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

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

5.1.2 Risk

Complaints may go unrecorded and uninvestigated.

5.1.3 Conclusion

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

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

5.2.1 Complaint Processing

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

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

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

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

5.2.2 Risk

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

5.2.3 Conclusion

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

5.3.1 Complaint Sign Off

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

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

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

5.3.2 Risk

Complaints could be closed without formal supervisory review.

5.3.3 Agreed Action

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

5.4.1 Complaint Monitoring

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

5.4.2 Risk

The inherent weaknesses of spreadsheets may result in data inaccuracy.

5.4.3 Agreed Action

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

5.5.1 System Controls

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

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

5.5.2 Risk

Unauthorised data amendment or deletion.

5.5.3 Conclusion

The risks are minimised.

5.6.1 Data Quality

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

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

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

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

5.6.2 Risk

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

5.6.3 Agreed Action

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

5.7.1 Performance Indicators

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

5.7.2 Risk

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

5.7.3 Agreed Action

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

5.8.1 Report 331 Follow Up Points

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

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

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

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

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

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

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

Reconciliation will be improved.

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

5.8.2 Conclusion/Agreed Action

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

6. Implications for statement on internal control

None.

7. Conclusions

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

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

8. Value derived from this audit

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

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

Implementation Schedule

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

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

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