SCRUTINY COMMITTEE

URN:	**URN 23-192**
Report Title:	**Review of Planning / Development Management**
Report to:	**Scrutiny**
Date of meeting:	**28 November 2023**
Responsible Director / Officer:	**Alex Chrusciak – Head of Planning (Interim)**

EXECUTIVE SUMMARY

The following report presents an update on the on-going review of the Planning Department, specifically the Development Management team.

The report provides an overview of:

 i. staff capacity and the approach to be taken for anticipated review of the structure of the team;

 ii. data on performance and application backlogs; and

 iii. an explanation of forthcoming changes to planning fees and the possible implications.

The report also provides an overview of the Planning Enforcement function.

RECOMMENDATION

That Committee:
 i. Note the content of the report.

1.   Introduction

1.1   The forward work plan identified a request for the Scrutiny Committee to be provided with an update on the on-going review of the Planning Department, specifically the Development Management team. The update to include information on: (i) capacity and need; (ii) data on performance and timelines; and (iii) capacity and demand for the planning enforcement function. In addition to covering those aspects (i-iii), this report also sets out recent national changes to the planning fees and the possible implications for the service from the recent Levelling Up and Regeneration Act (LURA), together with expected forthcoming Government actions.

2.   Overview of current position

2.1   Staffing and capacity

2.1.1   The Royal Town Planning Institute (RTPI) research paper from November 2023 "*State of the Profession 2023*" provides a high-level assessment of the challenges facing the planning profession. Its findings indicate that there are approximately 22,000 planning professionals (planners) and this number is similar to the last survey in 2019. However, the remuneration of planners has been declining for nearly two decades. Adjusted for CPI inflation, the median annual salaries of a town planner was £48,476 in 2005 (expressed in 2022 pounds). In 2022 it stood at £33,946. The research has found that up to a quarter of planners have left the public sector since 2013.

2.1.2   The agency market for interim planning professionals is buoyant. Anecdotal evidence is that there is a current trend within the public sector for permanently employed staff to resign and go into the contractor market due to the high pay rates. The concern is that this pattern fuels greater demand. As officers leave permanent roles Council's feel pressed to replace them with agency planners. This increases the agency rates which increases the differential between the remuneration of permanent staff and the interim officers working alongside them.

2.1.3   The Council ran an advert for a Principal Planning Officer throughout September 2023. This was advertised nationally on the main web portal connected to the RTPI. The role was supplemented with the addition of £12,000 'Golden Hello' recruitment incentive. We received 2 applicants of which neither met the essential criteria and were not offered an interview.

2.1.4   Within the Development Management team there are currently two key positions for which the postholders are absent from work on medical grounds. These are the Head of Planning and a Principal Planning officer. Interim support is being provided to cover these roles. The interim cover is putting a financial pressure on the budget.

2.1.5   The team have worked extremely hard since the summer to secure additional funding via Planning Performance Agreements (PPA). These are voluntary agreements whereby applicants provide financial payments to the Council to support us in being able to process their application in line with agreed milestones. We have secured approximately £22,000 in August for a development site near Caister and expect to soon invoice approximately £8,000 for a non-residential scheme in Great Yarmouth. Whilst they are not legally ringfenced, these are designed to offset the cost of using contractors either to handle the applications connected to the PPA, or to backfill for the permanent staff handling the applications. They also create better and more palatable planning applications, improving the planning process.

2.1.6   The voluntary nature of PPAs means that the Council cannot required them. However, by demonstrating that we have provided a good level of service and met the milestones we have signed up to, we hope to build a positive reputation with Developers so that more PPAs can be secured in future. (Please note section 2.6.4).

2.1.7   In addition, we have submitted a bid of £100,000 to the Government's Planning Skills Delivery Fund. This is money that the Government has made available to Local Planning Authorities to help them deal with planning backlogs. Our bid made clear that we wish to use the money to fund the appointment of agency staff (which is in line with most other authorities) to provide the capacity to look at older applications.

2.1.8   To date, the Government has not responded to our bid. Anecdotally, it appears that no LPAs have yet received any feedback on the bids or been awarded any money. This may happen after the autumn statement.

2.2   Structure

2.2.1   The Interim Head of Planning has been asked to continue the review of the structures within the Planning department, including Development Management. There are 2 key challenges to this this work:

   a) Assessing how much resource is required; and

   b) Identifying a structure which is sustainable and achievable.

2.2.2   The challenge is identifying the 'baseline' need for staff is that the department currently has a backlog of work. These older cases increase the caseload of individual officers and can create additional pressures, for example when applicant or their agent quite reasonably request an update, this creates additional work for the officers and reduces their overall capacity.

2.2.3   In the last 8 months there have been 2 agency contractors who have been appointed over and above the staff establishment with an aspiration to clear some of these backlog cases and return the workload to its baseline position. However, one contractor left for personal reasons after a short period, and the other, who worked wholly remotely, left to take up a role elsewhere. The lessons learnt from this period is the increasing capacity just at officer level can lead to the creation of bottlenecks at the managerial sign-off stage, and that it takes time for a new officer to acquaint themselves with a case and work it through to resolution. If we continue to work in the same way, in order to clear the backlog quickly the Council would need to appoint multiple agency staff both at officer and sign-off level for a period of several months. This is not achievable due to (i) cost, and (ii) the challenge of recruiting enough good contractors in a competitive recruitment market.

2.2.4   Due to the combination of a challenging recruitment market, for both permanent and agency staff, and the significant pressure bringing in on more temporary staff on a short-term basis, the conclusion reached is that the review of the team structure has to adopt a more pragmatic approach. Designing a 'perfect structure' on paper that relies on the backlog being completely removed, and assumes that the Council will receive applications from skilled, experienced (and ideally local) candidates for any roles created in a new structure would be unlikely to be achieved.

2.2.5   Chart 1 below seeks to represent the balance to be struck between the level of work the department has to process (workload), and strategies for the level of staffing capacity in place to deal with it.
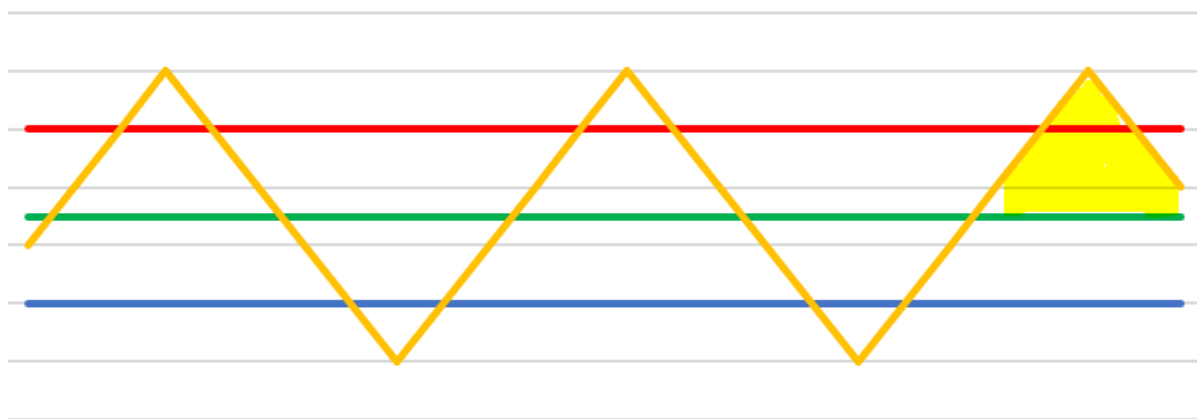
Chart 1 – Workload verses capacity

Yellow Line

2.2.6 The yellow line is workload. This demonstrates that the level of applications submitted fluctuates over time. The Council has very little control over this. Application rates are often linked to macro-economic factors such as the state of the housing market or the strength of the economy and therefore the confidence of companies to invest and new equipment and buildings.

Red line (Big Team)

2.2.7 The Red line shows a team that is staffed to deal with a workload close to the peak. A team of this size would not be overwhelmed by the level of work coming in. However, it would not be efficient as in the periods when application numbers were low staff would be under utilised. This approach is discounted due to: (i) the cost to the Council in cross-subsidising the department; and (ii) the difficulty the Council would have to recruit these additional permanent staff.

Blue line (Small Team)

2.2.8 The Blue line shows a team that is staffed to deal with close to the baseline level of work. A team of this size would be quickly overwhelmed by the level of work coming in. Having continuing periods were the capacity of the team was significantly smaller than the workload would create backlogs so that, even in periods where workload dipped to low levels, staff would continue to be overwhelmed by the backlog of work created when workloads were higher.

Green Line (Balanced team)

2.2.9 The Green line shows a team that is staffed to deal with the average number of cases over time – a balanced approach. Sufficient resilience to deal with the 'normal' workload expected but would be put under pressure in times when there is a peak in application being submitted.

Highlighted Yellow Area (Flexing capacity)

2.2.10 The area highlighted in yellow between the green line and the peak of work shown by the orange line shows the period when the team will be under pressure. The goal is to provide tools that can be deployed in these periods to flex-up the size of the team. The most common solutions are: employment of short term agency staff; contracting with third parties to undertaken work on the Council's behalf; and partnering with over Councils. At present the Development Management team default to the use of agency staff, but the ongoing review of the structure will investigate what alterative provision can be put in place to either supplement or replace agency staff.

2.3   Application numbers

2.3.1   A key challenge faced by managers within the Development Management team is the lack of readily available management data. Extracting data from the Council's back-office planning system is often a piecemeal and manual process that makes it difficult to create a comprehensive overview of cases and their progress. This is being addressed through a project with the IT department to bring together the data sets that are available through a reporting engine (Power BI).

2.3.2   On the 17 November 2023, there were 286 live planning applications held in the system. These all represent a submission to the Council for which a decision has to be made.

2.3.3   The Pie chart below seeks to demonstrate visually the very wide range of application types currently under consideration by the Council.
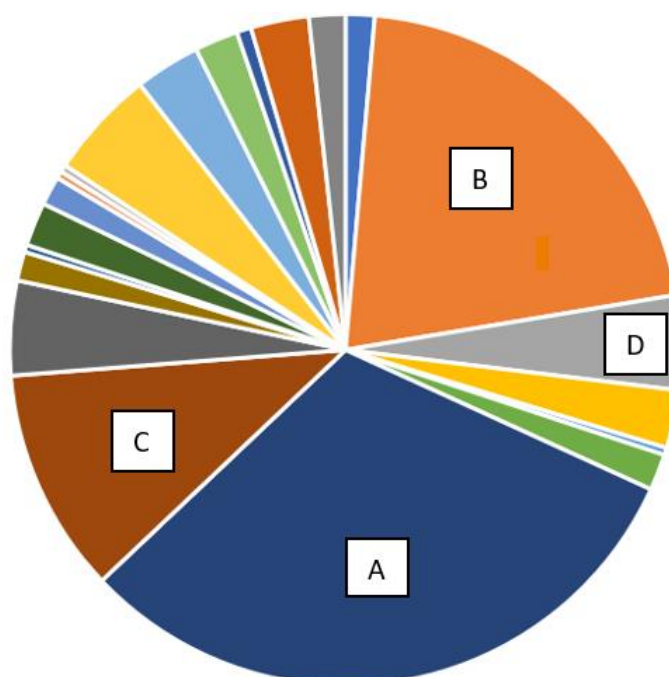
2.3.4 The most common applications are:

Application type	No. of live applications	Key for pie chart
Application for Planning permission	89	A
Discharge of a planning condition	60	B
Householder application	31	C
Pre-application enquiry	15	D

Table 1: Top 4 application types

2.3.5 The existing team structure is made up of:

- Development Manager
- Principal Planning officers x 2 (although one on long term sickness absence)
- Planning Officer x 4
- Technical Validation Officer x 3 (but one post is vacant)
- Additional capacity is also provided by Agency staff (currently one Principal Planner covering officer on sick leave), and other officers from Planning Policy team who periodically can carry a very small workload.

2.3.6 Within the team, two Planning Officers are carrying high caseloads of approximately 60 applications. The other 2 Planning Officers have roughly half this amount but divide their time between processing these applications and helping to address a current backlog in the validation new applications being received. The two Principal Officers have a caseload of between 20 and 30, and the Development Manager has a caseload of 20, but they also manage the team, sign off decisions and write reports for Committee.

2.3.7 The measurement of work or capacity by looking at the numbers of applications is a poor metric. Each application is different. The size of a development proposal does broadly correlate to the level of work involved in dealing with the related application. However, there are small applications which can prove contentious and generate significant levels of interest and therefore additional work, and conversely there are some application types which generate proportionately very little work.

2.3.8 In order to better measure the level of work outstanding for officers, the intention is to try to break down applications into individual tasks and events. For example, a simple householder application might have the following tasks or events to be worked through:

a) Validate the application;

b) Identity consultees and issue consultation requests;

c) Erect site notice and undertake site visit;

d) Check consultee responses; and

e) Write officer assessment report.

2.3.9　There will be periods when the next task cannot be commenced as it is dependent on the fulfilment of an earlier step. In the example above, no work can commence on step d (checking consultee responses) until the consultation period initiated by step b (issuing of consultation requests) has concluded. Mapping these events and tasks by due date in a calendar will then show what tasks or work packets each officer must completed on a daily or weekly basis.

2.3.10　This granularity of information would be able to show what the available capacity for each officer is. Hypothetically, Officer A may have a caseload of 60 cases but within that caseload they might have nothing time critical that must be processed that week. By contrast, Officer B may have a much smaller caseload but have several tasks due at the same time. Creating mechanism to create and track these task will allow managers to move work around so that the applications are dealt with in a timely manner, but also so that officers can been supported by their colleagues with work packets being shared out so that individuals are not overloaded.

2.3.11　This approach cannot be fully implemented at this time as the IT systems have not been configured to work in this way. However, changes have already been made to working practices which encourage officers to support each other and share work where required. This has also improved team morale and collaboration which has been a challenge in the past.

2.3.12　Recently introduced, 'huddles' are held each day with the Principal Officer talking with the Planning Officers assigned to them. This creates the space for each staff member to discuss their caseload and agree priorities for the day. This hands-on approach ensures help and support to the junior members of the team who are new to the profession and unqualified. It also provides the opportunity to identify when an officer either needs help, or has some capacity to support a colleague.

2.3.13　Huddles are just part of a wider program of work that is taking place to shift the working culture of the team to ensure greater level of support is in place for individual officers, balanced with a greater use of data to facilitate more individualised performance management. This will drive efficiencies over time that will allow throughout of applications to increase, but it also signifies the goal of fostering a more nurturing culture in the team. This is a recognition that the Development Management team has recent experience of staff having long term sickness absences where stress and workloads have been a contributing factor.

2.3.14　A re-structure of the team will be carried out in the spring 2024 to support the green line model of operation.

2.4　Backlog

2.4.1　Of the 286 live planning applications the 17 November 2023, there were 186 which remain undetermined past their target decision date. This means that 65% of the work 'on hand' within Development Management is already overdue. Of that number, 110 applications which were due for decision more than 6 months ago remain open, representing 39% of all the 'on hand' applications on the system.

2.4.2　There is some context and assumptions that are relevant to this headline figure. There are some applications in the system which are showing as live but date back a significant number of years demonstrating that there has been a lack of regular and ongoing data cleansing. As we review these files and close them, this will reduce the number.

2.4.3   The Government undertook a consultation on the (then) proposed increase in planning fees between February and April 2023. Within this consultation they proposed new criteria for the measurement of planning performance. Under the heading 'backlog' the suggestions were:

a) Average time taken to validate planning applications; and

b) Total number of cases beyond the Planning Guarantee period (currently 26 weeks for all applications but proposed to change to 16 weeks for non-major applications).

2.4.4   It is not confirmed whether these performance measures were agreed or if they are to be implemented. However, we are looking to create the right reports to extract the data we need to measure these criteria.

2.4.5   The Council has struggled with validation times this year, As a consequence of staff sickness and a departure in the summer, there was a 6-7 week delay for some applications receiving their validation checks after being submitted. Delays at the validation stage prevent applications being progressed and therefore often extends the period that applicants have to wait for their decision. Two of the planning officers have been supporting the Technical Validation Officers and significant improvements have been made. There is not yet a report in place to identify all the applications going through the validation process and how long they are taking to be progressed, but the system indicates there are currently about 85 applications awaiting validation. However, the work tray shows that we are working on applications from early November indicating that the delay has been reduced to approximately 3 weeks.

2.4.6   We learnt during the summer, when the validation backlog was higher, that the main frustration of applicants and their agents was not knowing what was happening with their applications. An application will only appear on the Council's web portal when it has been found valid, so these applications which have not yet been validated cannot be searched online. To address this, and improve customer experience, we will:

a) Publish the average time taken for applications to be validated on the website. If there are further issues at validation (perhaps a spike of new applications coming in), this will alert people to what they should expect in terms of turnaround times; and

b) Provide a means so that individual applications which have not completed their validation checks can be made available via the website. The goal is to allow the public to self-serve and get updates on the progress of their submission. This is a longer term piece of work due to the technical requirements to support it.

2.4.7   The other backlog measure relates to the 'Planning Guarantee'. This requires that the planning application fee must be refunded to applicants where no decision has been made within 26 weeks (unless a longer period has been agreed in writing between the applicant and the Local Planning Authority). Under the new fees to be implemented on the 6 December 2023, the Planning Guarantee is to be amended with smaller scale applications, those with a target termination period of 8 weeks, becoming eligible for a refund if the application is not determined within 16 weeks. Major applications, those with a target termination period of 13 or 16 weeks continue to be eligible for the refund only after 26 weeks.

2.4.8   Work is underway to create a report that will provide a list of affected applications. Whilst the reduction in the time period is a risk to the Council, it is likely to be relevant only to a proportion of the applications identified in paragraph 2.3.4 above. This is because not all applications fall in scope. For example, the 60 applications seeking

the discharge of a planning condition (segment B in the pie chart) and pre-application enquiries (segment D in the pie chart) are unaffected.

2.4.9   The risk to the departmental budget is significant due to the timing of when the refund could become due. If the Council receives a high level of applications then we would look to use the additional fees received to employ additional staff capacity to deal with them (however as stated we are operating in a very challenging national recruitment context). If the applications are not determined in the relevant planning guarantee period, and no extension is agreed by the applicant, the Council might need to refund the application fees that is has already used to pay for the additional staff resource creating a cost pressure on the Council's general fund. The new rules mean that we would still need to determine the application, but not be paid to do it.

2.5   Performance

2.5.1   The Government measures the performance of Local Planning Authorities in deciding applications for planning permission. Those Authorities which fail to meet the performance requirements set for the speed and quality of decisions on major and non-major development can be 'designated' by the Secretary of State. Where an Authority is designated as underperforming, applicants have had the option of submitting their applications for major and non-major development directly to the Planning Inspectorate for determination, bypassing the Council.

2.5.2   The relevant designation criteria and Great Yarmouth Borough Council's performance against them is set out below:

Speed *(24 months to end of June 2023)*					
Major decisions	Major decisions within 13 weeks	PPA, EoT or EIA decisions	PPA, EoT or EIA – Decision within agreed time	Designation threshold	*% within 13 weeks or within agreed time*
44	5	38	36	60%	*93.2%*
Total non-major development decisions	Total non-major development decisions within 8 weeks	PPA, EoT or EIA decisions	PPA, EoT or EIA – Decision within agreed time	Designation threshold	*% within 8 weeks or within agreed time*
889	284	526	488	70%	*86.8%*

Table 2: Speed

Quality (24 months to end of September 2022)			
Total major decisions and non- determined cases	Major decisions overturned at appeal	Designation threshold	Quality of decisions (% overturned at appeal)
54	0	10%	0%
Total major decisions and non- determined cases	Total number of decisions overturned at appeal	Designation threshold	Quality of decisions (% overturned at appeal)
1041	3	10%	0.3%

Table 3: Quality

2.5.3   The data in Table 2 (speed) shows that the Council is reliant on agreeing extensions of time with the applicant for the determination period within which applications are processed in order to surpass the designation thresholds.

2.5.4   The data in Table 2 (quality) shows that the Council is performing well against this measure. An increase in the number of appeals overturned would not automatically push the Council beyond the designation criteria as we are well below it.

2.6   Planning Fees

2.6.1   Increases to the National Planning Fees are to come into force on the 6 December 2023. A recent letter to all Chief Planning Officers summarises the changes to be:

- Increase planning application fees by 35% for applications for major development and 25% for all other applications.

- Introduce an annual indexation of planning applications fees, capped at 10%, from 1 April 2025.

- Remove the fee exemption for repeat applications (the 'free-go'). An applicant will still be able to benefit from a free-go if their application was withdrawn or refused in the preceding 12 months, subject to all other conditions for the free-go being met.

- Reduce the Planning Guarantee for non-major planning applications from 26 to 16 weeks.

2.6.2   The increase in the planning fees, together with the in-built future escalator to ensure fees continue to rise in line with inflation is positive as it will maintain funding in line with the growth of salaries and other costs affected by inflation.

2.6.3   In the preceding consultation undertaken on the proposed changes to fees, a question was asked on whether the additional income arising from the proposed fee increase should be ringfenced for spending within the planning department. There

was strong support for this proposal to ringfence the additional income (88%). However, the Government response did not support ring fencing "*as this would impose a restriction on Local Authorities when they are best placed to make decisions about funding local services, including planning departments. However, we would expect Local Planning Authorities to protect at least the income from the planning fee increase for direct investment in planning services*"[1].

2.6.4   The setting of the annual departmental budget is a matter for Full Council each year. Without prejudice to that process, the following comments are made on the potential impacts of the planning fees increase:

a) Wage expectations in planning may rise. The recruitment of both permanent staff and agency staff has proved challenging. With more money available to them, more Local Authorities may look to recruit additional staff. This could result in greater use of supplementary payments for permanent roles, such as 'market forces' or 'golden hello' payments that introduce pressures on how to retain our existing staff. Similarly, should agency payrates continue to rise the pull factor for more planners to leave permanent positions and go into the agency market may increase.

b) Officers are currently working hard to secure PPAs to fund additional support for major applications. The 35% increase in fees for major applications will in many cases be a significant amount of money, and greater than the contribution they would have made under a PPA. The increased cost of planning applications may make applicants less willing to enter into PPAs. PPA funds are not subject to refunds.

c) If insufficient investment is made into the planning service from the increased income expected, the risk of the Council having to pay back fees may be increased. In an extreme example: if all the planning fees were used to cross fund other services unrelated to planning and the planning performance dropped as a consequence, much of the income may end up being claimed back as a refund under the revised Planning Guarantee.

2.7   Operational implications of forthcoming changes

2.7.1   Another provision of the amended fees regulations is the removal of the 'free-go', the fee exemption for repeat applications.

2.7.2   As a Council we encourage Applicants to utilise our paid for pre-application advice service so that we can influence the early design of schemes and reduce the potential for problems or delays at the application stage. However, planning applications are subject to consultation, with the public and technical advisors. This can create situations were new and unforeseen issues can arise when applications are under consideration.

2.7.3   The free-go provision can be used as a tool when officers negotiate with Applicants how to have best to proceed to address issues with applications. For example, it can be confusing for local residents to track and understand applications when multiple changes and amendments. When significant changes are required to a scheme, officers may suggest the first application is withdrawn and a fresh application is made (as a free-go) supported by the updated and amended plans so that interested parties are clearer on what they are being consulted upon.

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[1] Technical consultation: Stronger performance of local planning authorities supported through an increase in planning fees: government response - GOV.UK (www.gov.uk)

2.7.4   The free-go also provides options to the Applicant. If they consider that the position the Council is adopting is not right, they can appeal their first application knowing that they will be able to apply again for free of the appeal doesn't' go their way.

2.7.5   The removal of the free-go could result in applicants being keener to negotiate on applications which they are under consideration to try and achieve a successful outcome at the first attempt. This is not however beneficial for the Council. Ongoing negotiations on an application is much more resource intensive for the officers involved, reducing the number of applications they can process overall.

2.7.6   To manage customer expectations we will publish a Negotiation Protocol on the website to give an indication on how and when the Council will negotiate on applications. Having a Negotiation Procotol will ensure the approach is consistent but will also empower officers to decline from entering into negotiations if they consider that to be appropriate. The steer that will be given to all applicants is that the appropriate place to negotiate a scheme is via our paid for pre-application advice service, not during a live planning application. Members may receive additional complaints from applicants as this process beds in, however it is necessary to implement in order to protect resources and ensure service delivery for good applications.

2.7.7   A probable result of removing the free-go is an increase in the number of appeals lodged. The is no fee for the submission of an appeal.

2.7.8   An increase in planning appeals will have a detrimental impact on the Council. We are fortunate that our appeal records are nowhere near the destination criteria (see paragraph 2.5.4). However, appeals generate significant work for officers which has to be done within fixed deadlines and for which we receive no application fees to cover our costs. In recognition of this, it is expected that any negotiation protocol developed will look to provide the flexibility necessary to empower officers to negotiate in those situations where they consider it has the potential to avoid a costly appeal.

3.   Planning Enforcement

3.1   Policy

3.1.1   The Council has an adopted Corporate Enforcement Policy. This commits the Council to follow good enforcement policies and procedures, and sets out what businesses and individuals being regulated by the Council can expect from the Council's enforcement officers.

3.1.2   Supplementing this corporate policy is the Planning Enforcement Policy. This explains the planning enforcement function, and gives guidance on what we can do and how complaints are prioritised.

3.1.3   In having a Planning Enforcement Policy, the Council is meeting the advice of Government as set out in the National Planning Policy Framework (NPPF). The NPPF (2023) at paragraph 59 states:

> *"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate".*

3.1.4   The policy sets out the following guidance on how complaints are prioritised:

Priority One	• A serious threat to health and / or safety. • Permanent damage to the environment (e.g. loss of protected tree, unauthorised work affecting the character of a listed building)
Priority Two	• Building work, which is unlikely to be given planning permission without substantial modification. • Unauthorised uses causing severe nuisance through noise, smells, congestion etc.
Priority Three	• A breach causing problems, which may be resolved by, limited modification • Property whose condition adversely affects the amenity of the surrounding neighbourhood.
Priority Four	• Breaches of a minor nature raising minimal planning concerns.
Priority Five	• Unauthorised Advertisements / Flyposting.

Table 4: Existing Enforcement Priorities

3.1.5   A review is to be undertaken of the policy to identify appropriate timescales to add to each of these priority levels. It is common practice for Local Authorities to ensure that priority one cases are dealt with as quickly as possible, with the time periods for investigations being lengthened for less serious alleged breaches.

3.1.6   Adding these timescales with both: (i) provide greater clarity to our customers so that they know how long the Council would normally take to investigate their concerns; and (ii) provide the operational flexibility so that the Council can deploy staff to investigate the most serious allegations.

3.2   Performance

3.2.1   Based on the data return we are required to provide to the Government, they publish data online of the number of enforcement actions taken by each Authority. The table below shows the trend of activity for the period of Quarter 1 2020 to Quarter 2 2023.
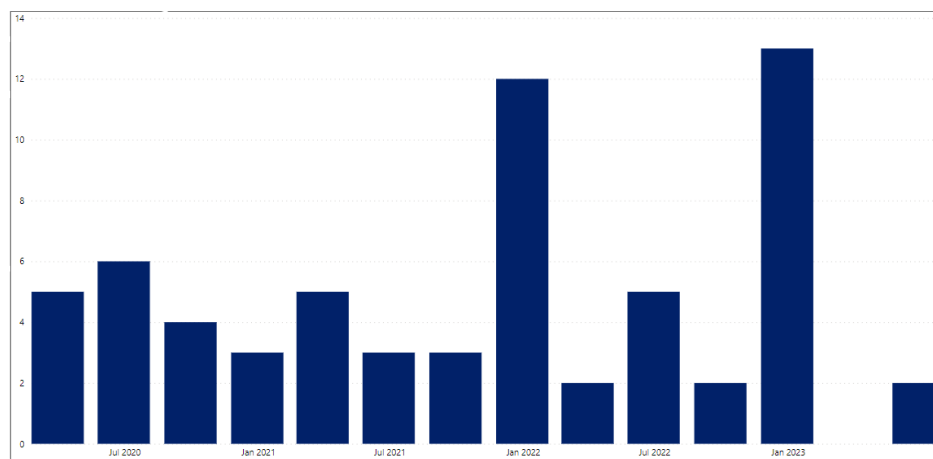

Table 5: Enforcement Actions

3.2.2   The graph indicates two periods of increased activity in January 2022 and January 2023. However, table 6 (breakdown of actions) show that the bulk of this activity was the issuing of Planning Contravention Notices (PCN).

Total	Number of enforcement actions
Total	65
Breach of conditions notices	6
Enforcement injunctions granted	0
Enforcement notices	1
Injunctive applications refused	0
Planning contravention notices	53
Stop notices	0
Temporary stop notices	5

Table 6: Breakdown of actions

3.2.3   A Planning Contravention Notice is served when it appears to the Local Planning Authority that a breach of planning control may have occurred and we want to find out more information before deciding what if any enforcement action to take.

3.2.4   They are discretionary, we do not need to one serve one before considering whether it is expedient to take appropriate enforcement action. However, they are a useful tool to collect the information we need. They also facilitate engagement with the alleged transgressor which can then provide the opportunity for a positive resolution to be negotiated without the need for formal action.

3.2.5   Excluding PCNs the data demonstrates that the Council has not found it necessary to take many formal enforcement actions in the last 3 years.

3.3 Capacity

3.3.1 The Council has one dedicated enforcement officer. However, he is a skilled and experienced officer who is able to handle the bulk of the currently caseload. This current situation provides the Council with limited resilience.

3.3.2 Related to the forthcoming restructure (Paragraph 2.3.14), the expectation is that we will investigate utilising Planning Officers to undertaken some of the lower priority level enforcement cases. It is hoped that this will provide training and experience to the Planners, and provide support to the existing Enforcement Officer.

4. Financial Implications

4.1 The potential risks associated with the changes to the planning fees and the refund provisions of the Planning Guarantee are set out in Section 2 above.

5. Risk Implications

5.1 The potential risks associated with staffing recruitment and retention, and the performance of the team are set out in Section 2 above.

6. Legal Implications

6.1 None identified

7. Next Steps

7.1 An Improvement Plan is to be created that sets out the anticipated future workstreams that have been referenced in this report.

8. Background Papers

The Royal Town Planning Institute research paper from November 2023 "STATE OF THE PROFESSION 2023" - https://shorturl.at/dvBPQ

Planning Statistics 'Live Tables' - https://shorturl.at/iS258

Enforcement Statistics - https://shorturl.at/dlAC2

Corporate Enforcement Policy - https://shorturl.at/nwN16

Planning Enforcement Policy - https://shorturl.at/lnMQX

9. Glossary

LURA – Levelling Up and Regeneration Act

RTPI - Royal Town Planning Institute

Consultations	Comment
Monitoring Officer Consultation:	Not required. No decision being sought.
Section 151 Officer Consultation:	Not required. Any future actions with associated financial implications will be subject to appropriate decision mechanism
Existing Council Policies:	Not required.
Equality Issues/EQIA assessment:	Not required. No decision being sought on amendments to process.