



REPORT of THE OVERVIEW AND SCRUTINY COMMITTEE WORKING GROUP

**to
OVERVIEW AND SCRUTINY COMMITTEE
4 SEPTEMBER 2025**

SCRUTINY WATCHING BRIEF ITEM – PLANNING ENFORCEMENT

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to update the Committee on this scrutiny watching brief item.

2. RECOMMENDATION

That the Committee receives and considers the Working Group's report and determines whether any particular recommendations or references need to be made within the Council to assist with the operational issues currently experienced by the Planning Enforcement Team.

3. SUMMARY OF KEY ISSUES

- 3.1 The Committee has for some time had Planning Enforcement on its list of watching brief items which are monitored by the Working Group (WG). Regular updates on staffing and performance continue to be received. At its March 2025 meeting the WG was concerned to note that performance had started to deteriorate again after a period of good progress. The number of outstanding cases had increased again, and this was attributed wholly to renewed staffing difficulties, it being apparent that the team had never been able to operate at a full complement and lacked resilience. These difficulties together with the position on performance, although not as bad as before the team was restructured and given additional resources, was of sufficient concern to the WG for this to be brought to the attention of the Committee.
- 3.2 A further update was provided to the April meeting of the WG which has now been brought up to date by Officers for the benefit of the Committee together with an explanation of the staffing difficulties and the impact this has on performance. Members have raised the issue of having more detailed data on Planning Enforcement - Officers need to work with Members to understand what categories of information they want presented and to also see if the Enforcement Policy supports its collation and analysis.
- 3.3 An email was sent to all Members on 18 July 2025 briefing them on the present position with regard to the Planning Enforcement Team.
- 3.4 The number of open cases presently stands at 321, this is 11 more than the March update figure. Out of those 321 – 29 have yet to be assigned an Officer; they have been logged in Uniform and are on the master spreadsheet, but no action has been taken on them yet, other than they are having their site visits carried out. None of the cases are high priority, as defined by accordance with the Council's Planning

Enforcement Policy in that they do not involve Tree Preservation Orders or Listed Buildings. Some of the Team's enforcement appeals are coming up to two years waiting for the Planning Inspectorate, which is prolonging cases which have reached this stage of the process. Officers have written to the Inspectorate to complain but they just stated that they are working through the caseloads.

- 3.5 Regarding active formal enforcement action, the team is currently processing the following:

Enforcement (Enf) Notices to be Served	12
Enf Notices at Appeal	5
Enf Notice waiting for compliance	2
Enf Notice Prosecution	1
Listed Building Consent (LBC) Enf Notices to be served	4
LBC Enf Notices at Appeal	0
LBC Enf Notice waiting for compliance	0
Breach of Condition Notices (BCN)s to be Served	5
BCN Prosecution	1
Temporary Stop Notices Served waiting for compliance	0
Tree Prosecution Pending	1
Tree Prosecution at court	0
Penalty Charge Notice (PCN) Prosecutions	1
Enf Warning Notice Pending	0
Enf Warning Notice Served	1

3.6 Staffing

- 3.6.1 As of 1 April 2025, the establishment was reduced by one Enforcement Officer. The Enforcement Team now consists of the following:

- one Team Leader
- two Enforcement Officers – one vacant post
- one Compliance Officer
- one Technical Support Officer – vacant post

- 3.6.2 The Team is supported by the Head of Planning Policy and Implementation. A replacement Compliance Officer has now been appointed. This does mean that site visits are being carried out in a timely way and site visits are up to date.

- 3.6.3 The Team still has two vacant posts - Enforcement Officer, and Technical Support Officer. The Team is therefore having to cover these vacancies for now, which is

affecting capacity. In addition to the continued difficulty in recruiting to these posts, the Team's resource has been affected by sick leave absence.

3.7 Impact staffing issues on performance

- 3.7.1 The staffing issues are having an impact on the Team's performance. The level of outstanding cases is still being maintained in the low 300s, but it is very slowly rising – new cases are not being allocated to an officer unless they are priority cases (e.g. Tree Preservation Order matters, trees in Conservation Areas, Listed Buildings). The Team Leader and Enforcement Officer now have 107 and 102 open cases each. The cases previously allocated to officers who have left the authority need to be reallocated, but it is not possible at the present time, without overloading the caseload of the remaining Officers. Any major changes to these unallocated cases are being monitored and if it is possible actioned. The Head of Service has also now picked up a small caseload to assist the numbers of cases being processed. As cases are being completed and closed then the new unallocated cases are being allocated. The Team has added some information about resource capacity to the Council's initial email to complainants to help manage their expectations.
- 3.7.2 An issue has arisen because the new Compliance Officer has started to carry out site visits relating to outstanding cases. Once the site visit has been actioned; cases move from 'needing a site visit' to 'needing a response to the site visit' and there is only one Officer in post at present to handle this. The Team has had permission to recruit a consultant Enforcement Officer for a period of three months to try and work through some of the complex enforcement notices that require serving and the backlog of cases.
- 3.7.3 Every day the Head of Service is assessing all the cases that the Compliance Officer is visiting and closing those that need no further action. The Technical Support Officer's role is to log new cases, filter out 'no breaches' before cases are logged, request additional information from complainants, acknowledge complaints, manage correspondence onto the document management system (Civica) and manage the Team's email inbox. This is now being done on a rota system by members of the Team, which inevitably impacts on their capacity to carry out their substantive roles. At the present time, because it is important to reply to customers' emails and new cases, the Team is managing to keep up with this work. Consideration has been given to whether assistance from the Development Management Technical Support team can be provided for a short period until recruitment into the vacant roles is completed. This will be difficult however since that Team is having to manage with vacancies, has statutory duties to complete, and is being supported by contracting staff.
- 3.7.4 The Enforcement Team has regular morning meetings to ensure consistency of work, enable discussion on complex cases, and quicker decisions on cases. The Team has also met to review the potential streamlining and effectiveness of processes.

3.8 Expanding duties

- 3.8.1 The Enforcement Team needs to pick up implementing the permanent enforcement requirements originally introduced by the Business and Planning Act 2020 (BPA20) covering the placement of furniture for the consumption of food and drink on the street. Previously the responsibility of Essex Highways, following changes in the Levelling Up and Regeneration Act 2023 (LURA), which came into force on 31 March 2024, this now falls to Local Planning Authorities. This means that there will be a need to include these complainants in the regime of complainants presently handled by the Team. The LURA does not involve enforcement action and the creation of

offences for street furniture placed in the highway, but rather direct action involving the removal of that furniture. It then must be stored with the intention that the owner will have to pay to have it released. If the furniture is not collected, then after three months it can be sold to try and recoup some or all the costs of collection and storage.

- 3.8.2 The Planning Enforcement Team does not have either Officers trained in direct action nor the vehicles or facilities to carry out the actual direct action; the Team will only be able to investigate and correspond with the owners of sites. The impact of this further duty on the capacity of the Team and other planning enforcement cases is not yet known. It is inevitable that at least initially it will impact that available capacity and drive up the number of open cases. It is possible that the physical enforcement work will have to be carried out by another department of the Council or contracted out to an external specialist such as a bailiff; however, this has still to be decided.
- 3.8.3 This new type of direct action will have to be included in an updated Planning Enforcement Policy and following legal advice an amendment to the delegated powers set out in the Council's Constitution prior to it being implemented. The Council will also have to consider establishing a Direct Action Budget to cover the costs of furniture removal in the first place. New risk assessments and a cost analysis of the function and how best to do it are also required. Reports will be presented to the Strategy and Resources Committee regarding this in due course.

4. CONCLUSION

- 4.1 The WG has continued to receive regular updates from Officers on this watching brief item and now wishes to bring to the attention of the Committee issues of concern around performance which have been directly affected by on-going staffing difficulties.
- 4.2 The WG is mindful that planning enforcement is a high-profile service and acknowledges that communication is vital with a particular need to keep Parish and Town Councils updated. The Enforcement Team will, if requested, meet Town and Parish Councils and it has been suggested that the mapping app available to Members could be offered to Parish and Town Councils, subject to further discussion.
- 4.3 Officers also consider that it would be beneficial to assist Members to offer some Planning Enforcement training particularly around taking formal enforcement action.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Delivering good quality services.

- 5.1.1 Thorough scrutiny processes support improved performance and efficiency which in turn will contribute to the quality of services provided, and functions undertaken by the Council.

6. IMPLICATIONS

- (i) **Impact on Customers** – None directly, but individual scrutiny reviews will enable the impact on customers to be assessed.
- (ii) **Impact on Equalities** – Equalities are considered as part of the reporting on review work undertaken by Officers.
- (iii) **Impact on Risk (including Fraud implications)** – Scrutiny reviews enable potential Corporate Risks to the organisation and their mitigation to be identified.
- (iv) **Impact on Resources (financial)** – Scrutiny reviews offer the potential for an assessment of financial impact to the organisation.
- (v) **Impact on Resources (human)** – Scrutiny reviews offer the potential for an assessment of any resource impact to the organisation.
- (vi) **Impact on Devolution / Local Government Re-organisation** – None.

Background Papers: None.

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