



**REPORT of
CHIEF EXECUTIVE**

**PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
13 NOVEMBER 2025**

**REFERENCE FROM OVERVIEW AND SCRUTINY COMMITTEE
SCRUTINY WATCHING BRIEF ITEM – PLANNING ENFORCEMENT**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide background to the above reference from the Overview and Scrutiny Committee.

2. RECOMMENDATION

That the Committee receives and considers the Overview and Scrutiny Committee Working Group's report with a view to performance reporting on Planning Enforcement being added to the existing Balanced Scorecard Exemptions report.

3. SUMMARY OF KEY ISSUES

- 3.1 At its meeting on 4 September 2025, the Overview and Scrutiny Committee agreed that this Committee should be requested to consider reviewing Planning Enforcement as part its performance monitoring role.
- 3.2 The background to this is that the Overview and Scrutiny Committee has for some time had Planning Enforcement on its list of watching brief items which are monitored by its Working Group (WG). Regular updates on staffing and performance continue have been received, and at its meeting in March 2025 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.
- 3.3 A further performance update together with an explanation of the staffing difficulties, and the impact this had on performance, was brought to the April meeting of the WG. At that time, the number of open cases was 321, 11 more than the March update figure. Out of those 321 – 29 had still to be assigned an Officer for investigation beyond the initial site visit. None of the cases were high priority, as defined by the Council's Planning Enforcement Policy in that they did not involve Tree Preservation Orders or Listed Buildings. Some of the Team's enforcement appeals had been running for nearly two years awaiting action by the Planning Inspectorate.

- 3.4 Regarding active formal enforcement action, the team was at that time 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

3.5 Staffing

- 3.5.1 At 1 April 2025, the establishment was reduced by one Enforcement Officer. The Enforcement Team now consisted of the following:
- one Team Leader
 - two Enforcement Officers – one vacant post
 - one Compliance Officer – new in post
 - one Technical Support Officer – vacant post
- 3.5.2 The Team was supported by the Head of Planning Policy and Implementation. A replacement Compliance Officer had now been appointed after the first one in the post left in February 2025. This does mean that site visits are being carried out in a timely way and there was not a backlog.
- 3.5.3 The Team still had two vacant posts - Enforcement Officer, and Technical Support Officer. The Team was therefore having to cover these vacancies, which was affecting capacity. In addition to the continued difficulty in recruiting to these posts, the Team's resources had been affected by sick leave absence.

3.6 Impact staffing issues on performance

- 3.6.1 The staffing issues have impacted on the Team's performance. The level of outstanding cases was still being maintained in the low 300s but was very slowly rising, and new cases were not being allocated to an officer unless they were priority cases (e.g. Tree Preservation Order matters, trees in Conservation Areas, Listed Buildings). The Team Leader and remaining Enforcement Officer both had over 100 open cases each, and the Head of Service had also picked up a small caseload. The cases previously allocated to officers who had left the authority needed to be reallocated, but only when the remaining Officers had capacity.
- 3.6.2 The Team 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. The Head of Services monitors daily all cases where a site visit has been made and closes those where no further action is required.
- 3.6.3 The Enforcement Team has regular morning meetings to ensure consistency of working, enable discussion on complex cases, and enable quicker decisions on cases. The Team has also met to review the potential streamlining and effectiveness of processes.
- 3.6.4 The Planning Enforcement Team will in due course need 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 will involve the processing of complaints and the taking of direct action in relation to unauthorised street furniture. Although still to be assessed, this is likely to further impact on the resources of the Team in terms of casework.

4. CONCLUSION

- 4.1 The content of section 3 above is intended to provide the Committee with the background to the reference made by the Overview and Scrutiny Committee. It is for this Committee to consider whether it wishes to receive future reports on the performance of the Planning Enforcement Team and, if so, how often and to what level of detail.
- 4.2 Reporting on this could be added to the existing quarterly performance reporting on planning applications and related matters. Officers have indicated however that the following data could be provided:
- Number of open cases
 - Notices served and type (on a quarterly basis)
 - Number of cases at appeal
 - Number of cases closed (on a half-yearly or yearly basis)
- 4.3 In light of the reference to this Committee the matter is no longer the subject of a watching brief by the Overview and Scrutiny Committee.

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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