

Enforcement Review

1. Introduction

Members have raised concerns around the process of enforcement, the time it takes to carry out enforcement activities, the lack (of local councillor) knowledge of the progress and outcomes investigations and enforcement activity itself, both local and that governed by the legal system.

In addition, there were concerns around the “vigour” exercised by officers in exercising enforcement activities, noting that the standard approach to enforcement requires investigation, discussion and encouragement before legal action is considered.

It is also worth noting that if legal action is carried, the timetable for that action is often determined by the judicial system, and involves the incurrence of additional costs, not all of which can be subsequently recovered.

A review of enforcement activity by Cllr L Burrows was as a result commissioned by the Leader, with the results of that review being reported in summary to Cabinet and to the Place Select Committee.

2. Data Gathering

The review was carried out in stages over the months of August and September.

The review covered the bulk of the enforcement activities operated by the authority, e.g., planning, environmental health, building regulation, noise etc.

The review was carried out with the input of the following named officers, Nick Dawe, Andrew Marx, Sally Devine, Mandy Thompson, James Warwick and Darren Goody.

Stage 1 : Each Department was asked to complete a proforma. A copy of the completed proformas is shown at Appendix A.

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Stage 2 : A follow up discussion was held with officers to explain the operation of their service in respect of enforcement.

Stage 3 : Involved the identification of improvements and the action of those that can be implemented immediately. (This is the position reached now).

Stage 4 : Produce full business cases for more significant projects as part of the 2022/23 Budget Setting Exercise.

Stage 5 : Implement strategic improvements during 2022/23.

Stage 6 : Review August/September 2023/2024.

3. Priority Actions

The conversations with lead officers took place during the months of August and September based upon the analyses provided.

The conversations led to discussion as to how areas of enforcement could further improve, noting that the enforcement rates are already comparatively high.

The following suggested actions resulted from the session with managers:

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Suggested Actions	Outcomes	Observations	Timeframe	Cost and Savings
Implement same system for environmental health and technical (enforcement services) as is currently being implemented for Planning and HRA.	<ul style="list-style-type: none"> • Would enable more self-service and self-checking of status by customer. • Would allow members real time access to ward-based information. • Would allow routine flagging of issues between teams. • Would reduce burdens on call centra that currently only give generic answers 	<ul style="list-style-type: none"> • In line with current IT strategy but would need prioritisation of expanded use of “sales force” system (HRA and Planning systems currently being implemented. • Need to confirm approach to DDA relating to ward-based information to councillors. • The extended system will require investment, though savings should exceed costs over time. This need to be quantified. 	12-18 months	<p>Recurrent costs of new system will be covered by reducing running costs of current systems.</p> <p>Project and implementation costs need to be identified via a business plan (work on this ready to commence).</p> <p>Initial estimate of project costs, £250,000</p>
Suggested Actions	Outcomes	Observations	Timeframe	Cost and Savings
Provide member training and familiarisation for enforcement (currently only planning enforcement covered)	<ul style="list-style-type: none"> • Would ensure all members understood the various enforcement activities carried out, how officers operate between teams, the approach to enforcement and the correlation with outside agencies 	<ul style="list-style-type: none"> • Increase understanding of processes, approaches and limitations as well as joint work within the Authority and with other partners. 	1-3 months plus annual refresher briefings	Minimal cost of delivered in-house. Cost of approximately £5,000 if externally facilitated

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Suggested Actions	Outcomes	Observations	Timeframe	Cost and Savings
Improve liaison between services (before benefits derived from shared system)	<ul style="list-style-type: none"> Major issues already have a joint team approaches, but this will now include lesser issues of broad concern. 	<ul style="list-style-type: none"> Increases the benefits that arise from concerted action where there are multiple issues of enforcement in play. 	0-6 months	None
Suggested Actions	Outcomes	Observations	Timeframe	Cost and Savings
Provide weekly/monthly ward-based update summary of enforcement activities (noting that this will need to be NDA, non-disclosure agreement, compliant document).	<ul style="list-style-type: none"> Would allow members to understand the issues currently being investigated and enforced updated either weekly or monthly, Specific questions posed by Councillors would still be answered). 	<ul style="list-style-type: none"> An interim solution that would operate until same facilities would be available to members using a full IT solution. 	0-3 Months	<p>Until improved systems are implemented will require additional clerical/support staff.</p> <p>An initial estimate of costs is between 1 and 2 members of staff at £25,000 - £50,000.</p>
Suggested Actions	Outcomes	Observations	Timeframe	Cost and Savings
Allow specified managers to seek specialist legal advice directly (saving time which is critical in terms of serving injunctions).	Speedier access to specialist advice and legal action with control of access exercised by specialist officers (currently only the monitoring officer).	Need to ensure access directly only occurs when it is time critical.	Immediate	Nil, the majority of any additional legal costs can be recovered by award of costs.

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Suggested Actions	Outcomes	Observations	Timeframe	Cost and Savings
Ensure costs of all enforcement activities where practical are charged back to those at fault, e.g., signage removal.	Ensure EFDC is protected from costs and that these are recovered. This is essential particularly if enforcement activity will increase.	Each team to review implications and adjust procedure notes accordingly.	0-6 months	Neutral to small financial gain
Suggested Actions	Outcomes	Observations	Timeframe	Cost and Savings
Review default actions regarding certain planning and other enforcement issues.	To enable more rapid enforcement action where timing is critical, e.g. incursions onto land.	Need to ensure approach is reasonable and proportionate if legally challenged	3-9 months	Nil, the majority of any additional legal costs can be recovered by award of costs.
Suggested Actions	Outcomes	Observations	Timeframe	Cost and Savings
Identify an enforce (with NEPP and ECC) key junctions, footpaths, and areas outside schools.	Improve access to footpaths for disable and those with prams in particular, improve air quality and general amenity values.	Need to confirm a priority list that also takes account of air quality, SAC and other issues and that enforcement does not displace the problem or creates clearer “rat-runs” in residential streets.	6 months for first priority projects then a rolling programme agreed with NEPP	Aim would be that fines would pay for enforcement activities however it will be critical to ensure any capital works are moderate and or multi-purpose, i.e. provide electric vehicle charging ports.

4. Next Steps

The next steps will be after consideration by Place Select Committee in January. The paper with alterations as needed will pass to Cabinet for decision making in February or March.

With any alterations as necessary the report will formally be taken to February 2022 Cabinet.

Actions requiring a formal business case will have such a case formalised as part of the 2022/23 Budget Setting Exercise, which will be subject to Cabinet consideration and Council approval in February 2022 and will commence from April 2022.

5. Appendices

Detailed returns available upon request.