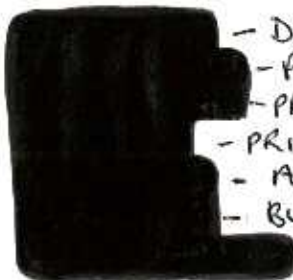


Shaping the Jersey Planning and Building Enforcement system for the future

COMMENTS FROM BUILDING CONTROL

25 OCTOBER 2013



- DIRECTOR ENVIRONMENT
- PLANNING PERFORMANCE MANAGER
- PRINCIPAL BUILDING CONTROL SURVEYOR ①
- PRINCIPAL BUILDING CONTROL SURVEYOR ②
- APPLICATIONS OFFICER
- BUILDING CONTROL SURVEYOR
- SENIOR BUILDING CONTROL SURVEYOR

QUESTION – How do you think you fit in to the Enforcement process?

- Admin is usually the first port of call for complaints and they check for relevant applications etc and pass to the Building Inspectors (BI) if necessary
- Admin can be witnesses for records of apps
- Inspectors report to the Principals
- Enf Notices if required are written and issued by the BC team and then passed to Enf Team if necessary
- Enf Team run some of the admin side (e.g. letters to complainant)
- In some cases there is no further contact back to the BC team from Enf Team

- There is no real feedback of info or dialogue between Enf Team and BC teams
- There is an impression that the Enf Team do not like to be guided or monitored by the BC teams
- There is no awareness of any prioritisation of cases by the Enf Team and no understanding of the difference between complaints and enforcement for classification of work

- Enf Notices are signed and served on the same day. Enf Team serve on a person so that there can be no dispute about service. Follow up information is sometimes lacking

- Director of BC is involved in prosecution cases


- Judgements as to how to pursue complaints is a job for professionals. There is likely to be an opportunity to resolve issue prior to issuing an Enf Notice and this is pursued by BC officers.

- There is no formal risk assessment used to judge the severity or otherwise of cases but each issue is considered on its own merit with health and safety, public safety etc high priorities
- A common issue is completion of developments prior to use/occupation. Whether to pursue outstanding issues is definitely a judgement call but this is recorded and available for scrutiny if necessary
- When a Notice is served there may not be any input after the compliance date expires. Lack of clarity over what that process is or should be.
- There is a perception that Planners pass all investigations onto Enf staff and aren't as involved in resolving issues
- No feeling that Enf Officers have too much to do particularly for BC given that they are only involved at the end of a process when it becomes more serious / formal
- There is no formal process for recording complaints and some are formal some informal there is no definition of which case is informal, which formal
- Only Principals have access to the enforcement module on Merlin. No-one knows why this is the case
- Re-organisation of office space envisages the Enf Officers moving into Planning rather than BC
- BC estimate they should have access to ½ an Enf Officer per week
- There is an impression that Enf Officers spend a lot of time in Court. There is feedback from Court cases
- Enf Officers are the last resort for BC after negotiation has been exhausted. Enf Officers do not know the bye laws

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COMMENTS FROM THE BUSINESS OPERATIONS TEAM

23 OCTOBER 2013

 - DIRECTOR FOR ENVIRONMENT
- PLANNING PERFORMANCE MANAGER
- OPERATIONS AND DATA MANAGER
- BUSINESS MANAGER

RECORDS MANAGEMENT

- Differences between the team in making information available
- Does not appear to be an awareness of Fol DP obligations
- Not clear what policies or guidance the team is working to, not just in relation to Fol etc butu operation in general
- Appear to be working to Police rules but not clear what these rules are
- Does not appear to be a departmental approach
- There is a lot of opinion and conjecture recorded which is un-necessary at best. There is a drift from facts. Contemporaneous notes should limit themselves to facts
- There appears to be a lack of focus of what information is important to capture
- There is evidence of misplaced efforts as to what the role of Enf Officers is eg looking for individuals when that is not their role

SYSTEMS AND ADMINISTRATION

- There is no admin support at all
- There is confusion over incoming data with 2 different processes of recording information and storing the data. No confidence over recording data, no confidence over processing of complaints, no confidence over consideration of complaints.
- Personalities of individuals involved appears to have influenced casework

- Corporate standards have not been adopted in things like out of office and customer focus
- Building Control seem to have a set process / protocol

MERLIN

- Seems appropriate to use but doesn't seem to have been full investigated. How do other organisations use it? What other functionality is there?
- Information should be more widely available in the Dept


CULTURE AND BEHAVIOUR

- There are no established policies and procedures or management influence
- There is straying outside what the role might be which creates confusion and distractions and has inevitable resource implications
- There sometimes appears to be a disproportionate approach to issues in some cases.

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COMMENTS FROM DEVELOPMENT CONTROL

25 OCTOBER 2013

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- DIRECTOR FOR ENVIRONMENT
 - PLANNING PERFORMANCE MANAGER
 - SENIOR ASSISTANT PLANNER
 - TRAINEE PLANNER - RURAL TEAM
 - PLANNER
 - PLANNING OFFICER
 - TECHNICAL SUPPORT OFFICER
 - APPLICATIONS MANAGER
 - PRINCIPAL PLANNER

QUESTION – How do you think you fit in to the Enforcement process?

- TSO – take enquiries over the phone and will visit possible breaches of control and make records (photos etc) to establish if planning permission is required
- TSOs liaise with Enf Officers and sometimes visit sites together
- TSOs raise breaches with Enf team using the standard form but tend to always discuss as well
- There is no formal cross check of applications to see if they are related to an Enf case. There is no ability to cross-check on the system even though they are the same package
- TSOs should tell Enf Team if a retrospective application is received (in the TSO User Guides)
- Retrospective applications attract a double fee can point to an Enf case

LOCATION

- A move closer to the teams would absolutely create a better relationship and working practice. Useful for both formal and casual contact
- Isolation is unlikely to be good for the Enf team given the confrontational nature of their role
- A spreadsheet kept outside Merlin is passed to the Enf Officers for all submissions
- Could the pub list process be used as a formal sign off of applications being checked by Enf Team?
- Would a decision list help this process as well?

QUESTION – HOW DO PLANNING OFFICERS ACCESS THE ENFORCEMENT PROCESS?

- Currently this relies on the initiative of individuals and there is no formal process, guidance or advice in place
- Not clear when POs involve Enf staff. There are different practices between teams – Minors – if you pick up a phone it is your case to pursue.
- Do POs carry out all their own investigations? Can POs pass enf issues over to TSOs? Is it the role of POs to determine apps and TSOs and Enf Officers to follow up breaches? Confusion as to where the boundaries lie
- POs not sure who takes formal action and who authorises action. POs tend to look to Enf Officers to add weight to their case

RISK AND PRIORITISATION

- There is an informal matrix (where?)
- Persistent neighbours tend to get quicker action
- No clear prioritisation, and the various routes of complaints being received might explain this
- The multiple routes of access of complaints is a further confusion of how investigations are pursued – picking the phone up (Minor Team) duty planner at reception, letters to Enf Team, letters to TSOs etc etc

QUESTION – HOW COMFORTABLE ARE YOU WITH THE ENFORCEMENT PROCESS?

- There is a right for someone to make an application
- On the other hand allowing an application can send out the wrong message and start a process of delay through the appeals process (RfR / Review Board / appeal)
- There is no clear idea of how to record complaints and at what level they change from informal recording and approach to formal recording and approach and who makes those decisions
- POs rely on custom and practice rather than any formal guidance or advice
- Not sure when a complaint is closed. Receipt of an application? Determination of an application?
- Feel that an invitation to make an application is not always a solution
- Concern that accommodating an application could be thrown back at the Department
- Not clear as how far to go with advice and what is reasonably expected in giving advice to transgressors

- Some awareness of the Enf policy but it is not felt that it reflects practice

- Many breaches are through ignorance of planning restrictions rather than malicious actions
- Perhaps the Enforcement role should be educational

- There is a perception that big cases (not qualified) go from a constructive approach to formal – such as interviewing under caution – very quickly
- Standard challenge letters seem generous (not explained)
- Some prosecutions never get progressed. Why is this?
- There seems to be no scalability of the Department's response
- The complainant needs to be involved and informed of how cases are being progressed