



# Place and Resources Scrutiny Committee

**Date:** Thursday, 24 October 2024  
**Time:** 6.30 pm  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

**Members (Quorum: 3)**

Nocturin Lacey-Clarke (Chair), Ray Bryan (Vice-Chair), Alex Brenton, Neil Eysenck, Scott Florek, Rory Major, Emma Parker, Andy Skeats, David Tooke and Sarah Williams

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 252209 / [lindsey.watson@dorsetcouncil.gov.uk](mailto:lindsey.watson@dorsetcouncil.gov.uk)

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## Agenda

| Item |  | Pages  |
|------|--|--------|
| 7.   | <b>PLANNING ENFORCEMENT: REVIEW OF PREVIOUS LOCAL ENFORCEMENT PLAN</b> | 3 - 62 |

To consider a report of the Service Manager for Development Management and Enforcement.

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## Place and Resources Scrutiny Committee

24 October 2024

### Planning Enforcement: review of previous Local Enforcement Plan

#### For Review and Consultation

**Cabinet Member and Portfolio:**

Cllr. S Bartlett, Planning and Emergency Planning

**Local Councillor(s):**

N/A

**Executive Director:**

Jan Britton, Executive Lead for Place

Report Author: Anna Lee

Job Title: Service Manager for Development Management and Enforcement

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Email: [anna.lee@dorsetcouncil.gov.uk](mailto:anna.lee@dorsetcouncil.gov.uk)

**Report Status:** Public (the exemption paragraph is N/A)

**Brief Summary:**

This report aims to provide a review of the effectiveness of the Local Enforcement Plan which has been in place up to October 2024, and a review of performance in relation to that plan. The report includes a summary of the outcomes of a recent internal audit of the planning enforcement service and includes updates on key performance statistics for planning enforcement. It also summarises the current budget available for planning enforcement. The aim of the report is to set out the current position, which can then be used as a baseline for any future review of the proposed new Local Enforcement Plan, which is due to be considered by Cabinet on 15 October 2024.

**Recommendation:**

That Place and Resources Scrutiny Committee note the contents of this report and endorses the continued implementation of the actions arising from the internal audit of the planning enforcement service.

## **Reason for Recommendation:**

The internal audit of the planning enforcement service identified several actions to help improve the efficiency and effectiveness of the service. Implementation of the actions is ongoing, and this requires continued commitment to ensure that the planning enforcement service is delivered in the most effective way possible, within available resources.

### **1. Context**

- 1.1 The National Planning Policy Framework (NPPF, paragraph 59) sets out the following in relation to planning enforcement:

*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*

- 1.2 Since the formation of Dorset Council in 2019, the work of the planning enforcement service has been guided by the Dorset Council General Statement of Enforcement Policy (**Appendix 1**) and the Development Management Planning Enforcement Plan (in place 2019 to October 2024) (**Appendix 2**).
- 1.3 The Development Management Planning Enforcement Plan (in place 2019 to October 2024) was adopted during the reorganisation of local government across Dorset and now requires updating. A new draft Local Enforcement Plan (2024) has been prepared and is due to be considered for adoption by Cabinet on 15 October 2024.
- 1.4 The Place and Resources Scrutiny Committee has requested a review of the effectiveness of the previous Development Management Planning Enforcement Plan which has been in place up to October 2024, and a review of performance in relation to that plan.
- 1.5 This report sets out a summary of the previous Development Management Planning Enforcement Plan (section 2). It also includes a summary of the outcomes of a recent internal audit of the planning enforcement service (section 3) and includes updates on key performance statistics for

planning enforcement (section 4). This is followed by a summary of the current budget available for planning enforcement (section 5). The aim of the report is to set out the current position, which can then be used as a baseline for any future review of the proposed new Local Enforcement Plan.

2. **Development Management Planning Enforcement Plan (2019 to October 2024)**
  - 2.1 The Development Management Planning Enforcement Plan which has been in place since 2019 is attached as **Appendix 2**. The plan provides a high-level summary of the Council's approach to planning enforcement. It sets out that formal enforcement action is discretionary and must be reasonable and proportionate, and that formal action should only be taken where a breach is causing serious harm. It states that the Council will seek to prioritise cases and assess risks involved, but it does not give any detailed guidance on how that prioritisation will work. The plan is light on detail in terms of how the Council will deal with notifications of alleged breaches.
  - 2.2 Given the lack of detail in the plan, it is difficult to review performance against this plan. The only specific target referred to in the plan is that "the Council will normally aim to provide a response to a written notification of alleged breach within 28 working days of being registered by the Council." There is no monitoring system in place to monitor performance against this target.
  - 2.3 The proposed new Local Enforcement Plan 2024, which is due to be considered by Cabinet on 15 October, seeks to address the issues identified with the previous plan. The key changes proposed in the new draft plan include a more detailed guide to the processes involved in an enforcement investigation, clear guidance on how to raise a complaint and the necessary information required, timescales to be expected for registering initial complaints and undertaking site visits, and guidance on how the Council prioritises the complaints it receives.
3. **Audit of the Planning Enforcement Service (January – March 2024)**
  - 3.1 In early 2024 SWAP Internal Audit Services undertook an audit of the planning enforcement service. The audit reviewed the following:
    - (a) How the Planning Enforcement policy is followed and applied.

- (b) The decision-making process for review of complaints/cases, including the amount of formal action taken as a result and efficiency of service response.
  - (c) How performance of the service is monitored and reported, including the review of working practices.
  - (d) The effectiveness of governance arrangements, such as oversight by senior managers, in ensuring consistency across the Enforcement service sub-teams.
  - (e) Benchmarking exercise with other Local Authorities.
- 3.2 The overall outcome of the audit was that the audit team could provide a 'reasonable' level of assurance that the planning enforcement service is following relevant policy and legislation and is proportionately investigating all breaches of planning control received to ensure a consistent approach by the Council. The overall assurance opinion was summarised as follows: "There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited".
- 3.3 The overall audit outcome is considered to be good. For context, to achieve a higher ('substantial') level of assurance, this would mean that there were no actions raised at all through the audit and no possible areas for improvement or recommendation.
- 3.4 The audit identified eight areas for improvement ('findings') and set out recommended actions to address these. The following paragraphs provide a summary of the findings and recommended actions and include an update on progress to date for each identified action.
- 3.5 **Finding 1: The current KPIs (key performance indicators) do not measure performance metrics aligned with manager requirement.**

Action: Identify key process and end points which are identified as performance metrics relevant to the service. Regular data extraction and reporting should be agreed to support in target and performance management. (Timescale 31 May 2024).

Update: New key performance indicators have been introduced to monitor: (i) the percentage of cases registered within 5 working days; (ii) the percentage of cases resolved within 8 weeks; and (iii) the percentage of

site visits undertaken within target timescales (depending on the priority level of each case). Data is available to monitor (i) and (ii) and is presented later in this report. For (iii), accurate data is not yet available but work is underway to improve data input to the Mastergov planning software system, to enable accurate reporting of this indicator. The new performance indicators have all been added to the corporate performance reporting for planning enforcement and are due to be reported quarterly, once data quality issues have been resolved.

**3.6 Finding 2: There is an inconsistent approach between teams for daily tasks and when subsequently updating Mastergov.**

Action: The planning enforcement service will introduce updated processes, Mastergov system training, and joint team working to ensure a consistent approach between teams. (Timescale: 31 August 2024).

Update: The enforcement team now operate a single inbox across the team and undertake joint case allocation meetings, which cover all three planning areas. The proposed new Local Enforcement Plan includes flow charts to set out the process for dealing with enforcement enquiries and instigating enforcement action. An updated process for dealing with alleged unauthorised works to protected trees and listed buildings has also been introduced, and Mastergov system training has recently been provided.

**3.7 Finding 3: Underutilisation of available data due to limited case recording in Mastergov (rejected cases are not recorded in Mastergov).**

Action (a): The planning enforcement team will consider manually inputting rejected cases onto Mastergov before the automation of cases onto the system (timescale 31 August 2024).

Update (a): A trial period of manual inputting of rejected cases was undertaken earlier this year. The team are now reviewing the resource implications of maintaining manual inputting and this will inform a decision as to whether to implement a manual process, or to wait for the implementation of an automated process (action (b) below).

Action (b): The Planning Transformation Team will link the online form to Mastergov so that it automatically populates into the system (timescale 30 April 2025).

Update (b): Work to automate this process is ongoing and is linked to the Our Future Councils work. It is still anticipated that this will be completed by 30 April 2025.

**3.8 Finding 4: The Development Management Planning Enforcement Plan requires updating to align with LGSCO (Local Government and Social Care Ombudsman) recommendations and audit findings.**

Action: Update the Development Management Planning Enforcement Plan in line with the LGSCO recommendations. Further additions should be incorporated to establish clearer process guidelines for stakeholders. (Timescale: 30 June 2024).

Update: An updated Local Enforcement Plan has been prepared and will be considered by Cabinet on 15 October 2024.

**3.9 Finding 5: Outstanding legacy cases have had minimal or no progress for over a year.**

Action: Explore ways of reducing legacy cases in a timely manner. (Timescale: 31 August 2024).

Update: This finding has not yet been addressed and will be the next area of focus for the team.

**3.10 Finding 6: The Enforcement Register is not readily accessible to all.**

Action: The service will continue work to ensure the Enforcement Register is accessible by means of an online version. (Timescale: 31 December 2024).

Update: This action is being taken forward as part of the wider project to prepare a new Online Register for planning. Work is ongoing, and we are still anticipating that the new Online Register (including the Enforcement Register) will be ready to launch by the end of this year.

**3.11 Finding 7: Completed training is not routinely recorded on the Road Map function.**

Action: Encourage the team to routinely update the Road Map function with completed training and review this during 1-2-1s. (Timescale: 31 August 2024).

Update: Recording of completed training has improved, and work continues to encourage this across the team.



3.12 **Finding 8: Current Mastergov templates are from legacy Councils and require updating.**

Action: The Planning Enforcement service will update all templates and ensure the revisions are added onto Mastergov. (Timescale: 31 December 2024).

Update: Work has started on the review of the templates, and it is anticipated that this will be completed by the end of the year.

3.13 In summary, a number of actions have already been undertaken to improve service delivery based on the findings of the audit. This includes the agreement of new performance indicators (finding 1), the introduction of a single inbox and twice-weekly cross team case allocation meetings, and updated processes (finding 2), a trial period of recording of all 'rejected' cases on MasterGov (finding 3), the preparation of the new Local Enforcement Plan (finding 4), and improved recording of completed training (finding 7). MasterGov system training has recently been provided and should assist in ensuring accurate data is available to monitor the new performance indicators.

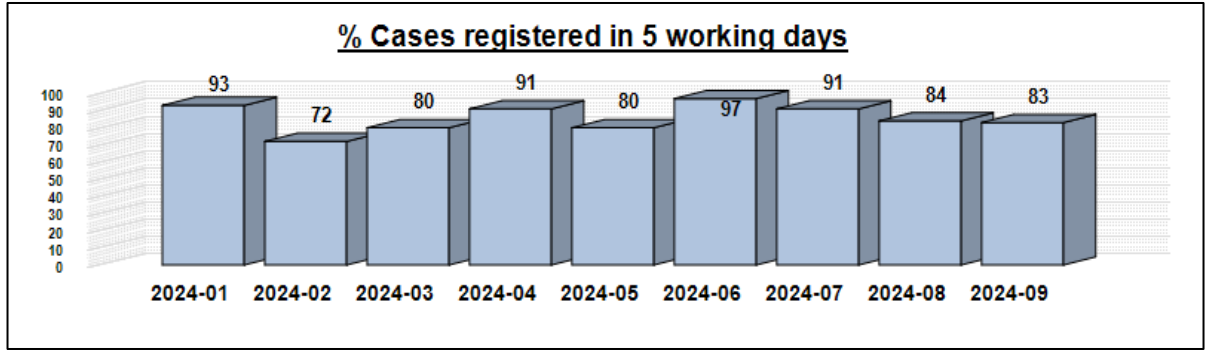
3.14 Work is ongoing to link the online reporting form to MasterGov (so that the system is automatically populated) (finding 3), to make the Enforcement Register available online (finding 6), and to review all templates (finding 8). There is an outstanding action to explore ways to reduce legacy cases in a timely manner (finding 5), and this will be the next area of focus for the team.

4. **Key performance statistics for planning enforcement (setting the baseline)**

4.1 This section of the report sets out key performance statistics for planning enforcement, with the aim that this can then be used as a baseline for any future review of the proposed new Local Enforcement Plan.

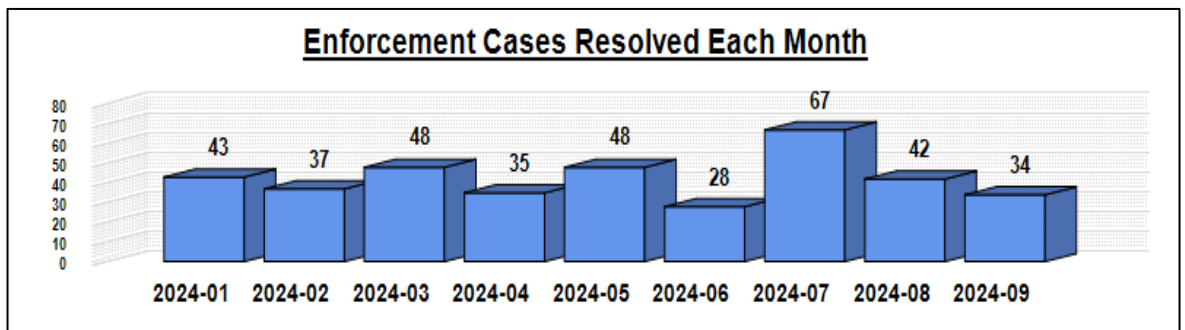
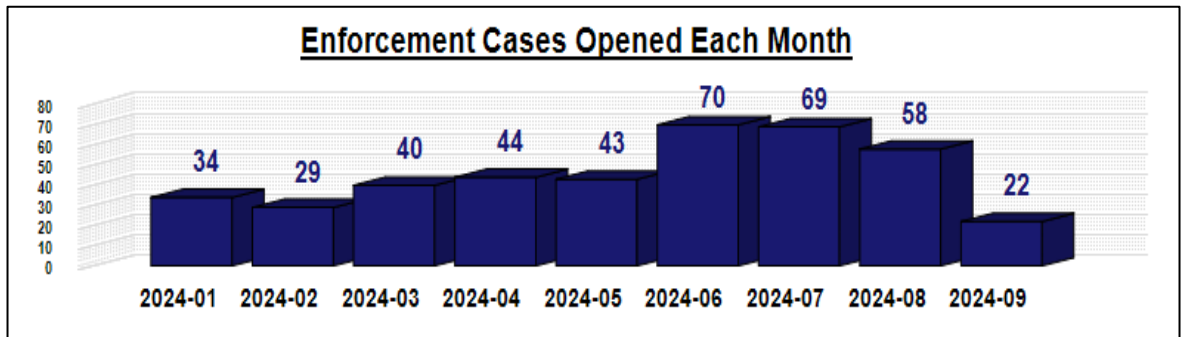
4.2 **Percentage of cases registered within 5 working days**

The graph below shows the percentage of cases registered within 5 working days of receipt (data extracted 25 September 2024). This is a new performance indicator, introduced following the audit. A target of 90% of cases registered within 5 working days is considered reasonable, and the graph below indicates that this should be achievable, with performance exceeding 90% in 4 of the last 9 months.



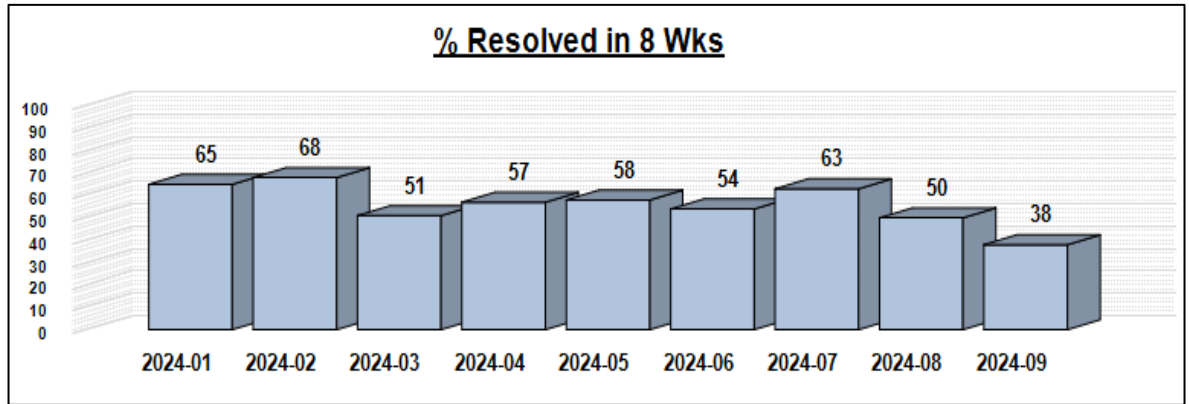
**4.3 Enforcement cases opened and resolved each month**

The graphs below show cases opened and cases resolved each month since January 2024 (data extracted 25 September 2024). A total of 409 enforcement cases have been opened since January, and 382 cases have been resolved. This indicates that the planning enforcement service has resolved nearly as many cases as have been opened over the past 9 months.



#### 4.4 Percentage of cases resolved within 8 weeks

The graph below shows the percentage of enforcement cases which have been resolved within 8 weeks of being registered (data extracted 25 September 2024). This is a new indicator which was introduced following the planning enforcement audit. The baseline data (as presented below) indicates that the team is consistently resolving more than 50% of cases within 8 weeks, however there is potentially scope to improve this through continued implementation of the actions arising from the audit.

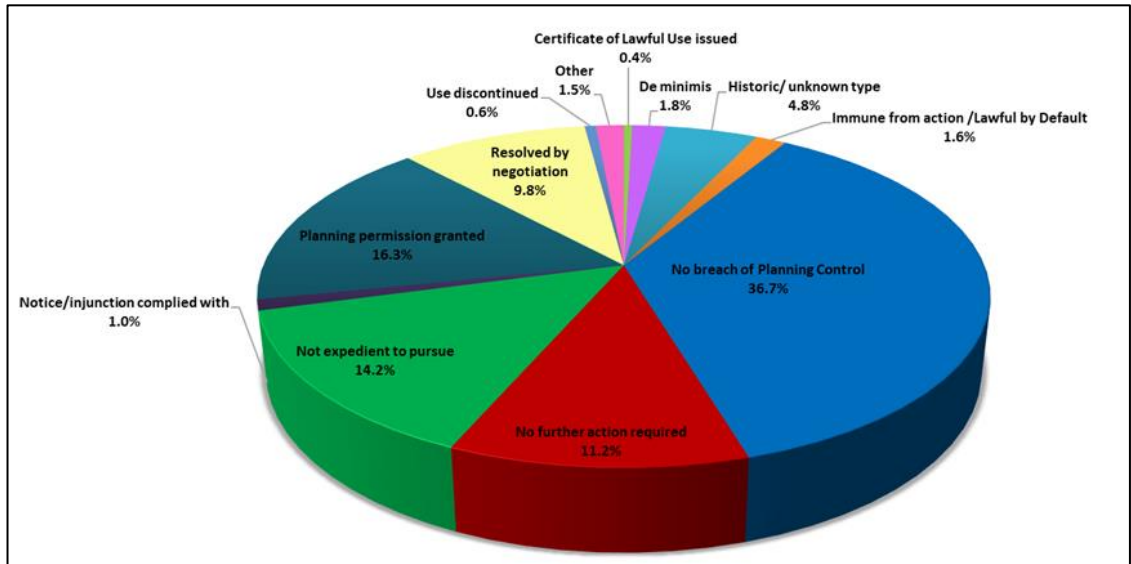


#### 4.5 Reasons for resolution of enforcement cases

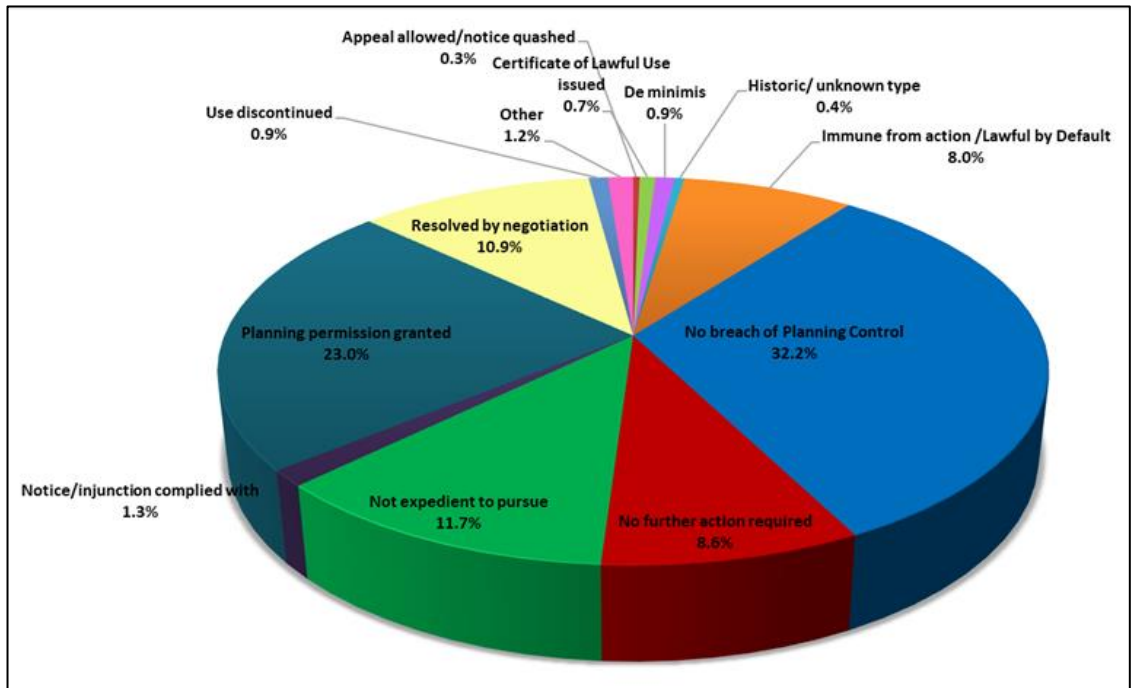
The Dorset Council Development Management Enforcement Plan (2019 to October 2024) sets out that “where a breach of planning control has been identified as having occurred, seeking an informal negotiated solution will be preferred to the taking of immediate formal enforcement action”. The proposed new Local Enforcement Plan (due to be considered by Cabinet on 15 October) continues this approach, stating that “in accordance with Government guidance, the priority is to try and resolve any breaches of planning control through negotiation” (para 9.5).

4.6 The charts below summarise the reasons planning enforcement cases have been resolved for each of the past three financial years (2021/22, 2022/23 and 2023/24). The charts illustrate that in many cases, no breach of planning control is established. Where a breach is established, the matter is often resolved through a retrospective planning application or through negotiation.

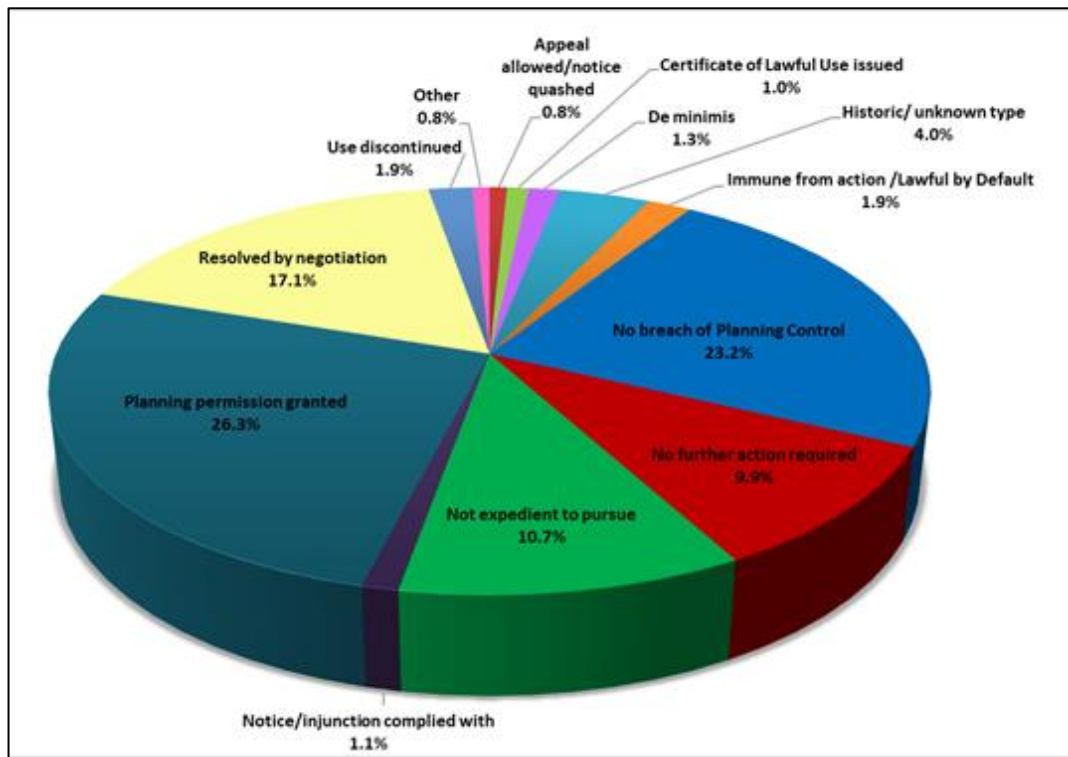
**Reasons cases resolved: 2021/22 (total cases resolved: 681)**



**Reasons cases resolved: 2022/23 (total cases resolved: 670)**



**Reasons cases resolved: 2023/24 (total cases resolved: 521)**



**4.7 Number of notices issued**

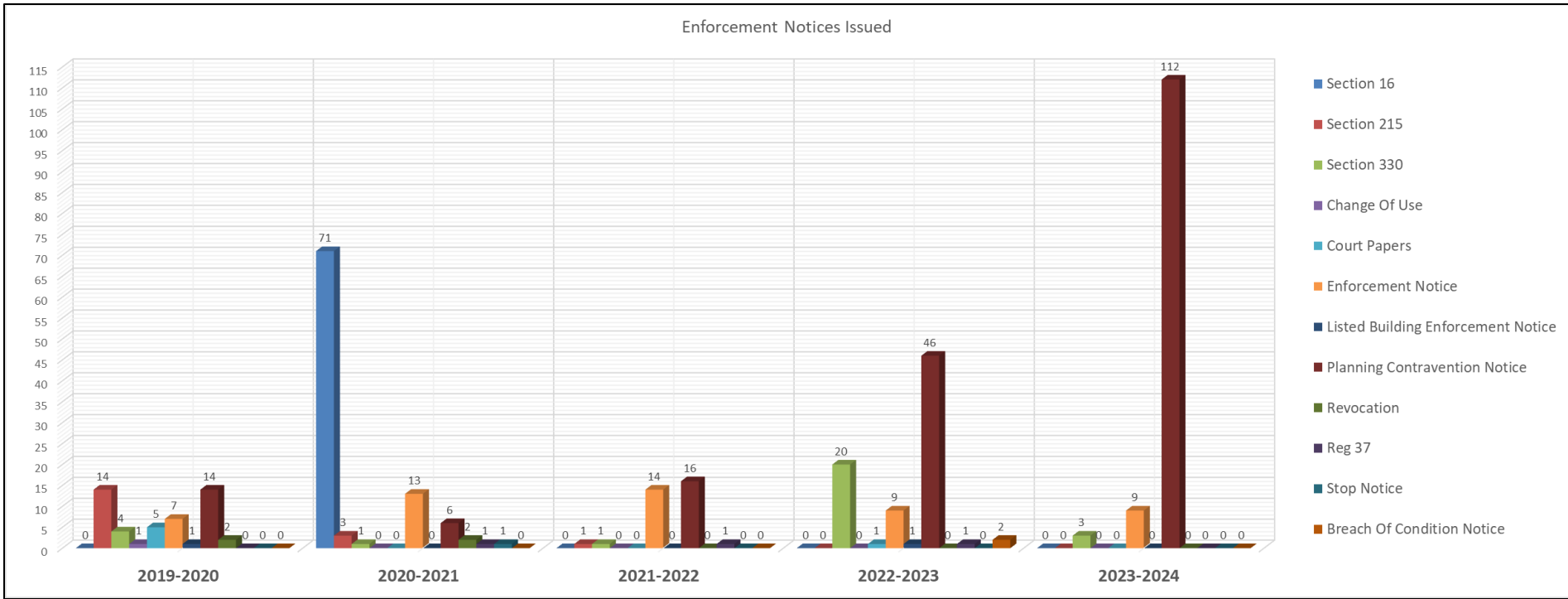
The Council can serve formal notices in relation to enforcement cases where it is expedient to do so. There are various types of formal notice which can be issued, and the graph overleaf shows the number of each type of formal notice issued each year since Dorset Council formed in 2019.

4.8 In summary, the Council has issued the following notices since 2019:

- 71 Section 16 (Requisition for Information) Notices
- 18 Section 215 (Untidy land) Notices
- 29 Section 330 (Requisition for Information) Notices
- 1 Change of Use notice
- 6 Court Papers
- 52 Enforcement Notices
- 2 Listed Building Enforcement Notices

- 194 Planning Contravention Notices (to require information)
- 4 Revocations of planning permission
- 3 Regulation 37 Notices (requiring Environmental Impact Assessment to be carried out)
- 1 Stop Notice
- 2 Breach of Condition Notices.

# Notices issued by Dorset Council since 2019



#### 4.9 **Total current enforcement caseload and legacy (pre-2019) cases**

There are currently 899 open planning enforcement cases, as summarised in the table below (data extracted 25 September 2024).

| <b>Priority level</b> | <b>Current open cases</b> |
|-----------------------|---------------------------|
| Priority 1            | 107                       |
| Priority 2            | 86                        |
| Priority 3            | 678                       |
| Other                 | 28                        |
| <b>Total</b>          | <b>899</b>                |

4.10 81 of the current open cases are cases which pre-date Dorset Council (received before April 2019). There is an outstanding action from the audit to review these legacy cases, with the aim of reducing the backlog, and this will be the next area of focus for the team.

#### 5. **Budget for planning enforcement**

5.1 The planning enforcement team currently has a staffing budget for a total of 11.95 FTE (full time equivalent) officers, as set out in the table below.

| <b>Roles</b>                 | <b>Number of posts in budget</b> |
|------------------------------|----------------------------------|
| Planning Enforcement Manager | 1 FTE                            |
| Senior Enforcement Officers  | 3 FTE                            |
| Enforcement Officers         | 4.95 FTE                         |
| Enforcement Assistants       | 3 FTE                            |
| <b>Total</b>                 | <b>11.95 FTE</b>                 |

5.2 In addition to the planning enforcement team, the wider planning budget includes 2 FTE Monitoring and Enforcement Officers in the minerals and waste team. The work of the planning enforcement service is also



supported by specialist officers from other teams, for example the tree and conservation teams.

- 5.3 The planning enforcement budget also includes a legal expenses budget of £40k (24/25 financial year). This budget is used to cover the costs of legal advice where needed, for example in relation to potential injunctions, prosecutions, and enforcement appeals.
- 5.4 The data presented above in relation to cases opened and cases resolved (section 4.3) indicates that the current resourcing levels are broadly appropriate to deal with the incoming caseload. However, the total open planning enforcement caseload is high, and needs to be reduced, including through the identified action to review legacy (pre-April 2019) cases. In addition, some enforcement cases can be complex and resource-intensive to resolve, particularly where formal notices are issued, and when dealing with appeals and prosecutions. This means that capacity available within the team can fluctuate, with less resource available to deal with routine enquiries, when officers are needing to focus on the most complex cases. The continued implementation of the audit recommendations should assist with this, by ensuring that efficient and effective processes are in place, and by taking steps to resolve legacy cases, and therefore reduce the overall caseload.

## 6. **Summary and recommendation**

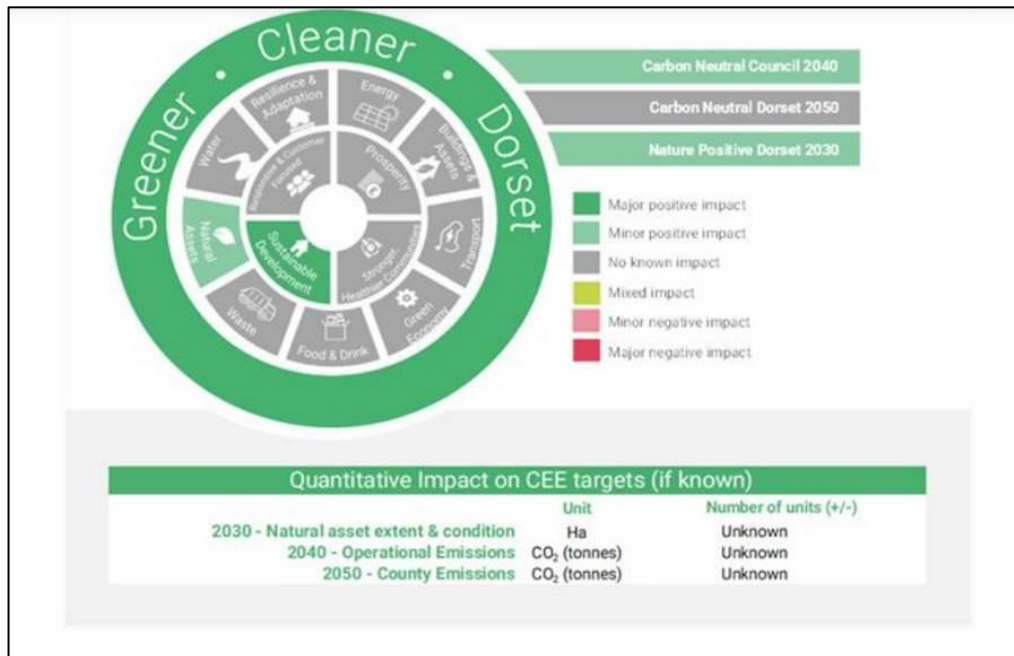
- 6.1 This report has set out a summary of the previous Local Enforcement Plan (in place from 2019 to October 2024) and has provided an update on the work which is underway to improve the efficiency and effectiveness of the planning enforcement service, informed by the findings of the recent audit. Performance statistics indicate that enquiries are registered promptly; numbers of cases resolved are roughly matching numbers of case received; and most cases are resolved informally. There is scope to improve the resolution timescales (a higher proportion of cases could potentially be closed within 8 weeks) and the current open caseload is high, and needs to be reduced.
- 6.2 It is recommended that Place and Resources Scrutiny Committee note the contents of this report and endorses the continued implementation of the actions arising from the internal audit of the planning enforcement service.

**7. Financial Implications**

- 7.1 The Council has a range of discretionary enforcement powers available to it. These include requiring compliance with conditions, issuing an enforcement notice and, usually as a last resort, issuing Court proceedings. Each case is considered on a case-by-case basis where all options are considered including whether to take informal or formal action. Once issued, an enforcement notice can be appealed to the Planning Inspectorate (Secretary of State) and so appeals, along with Court proceedings, will have cost implications for the Council. The costs involved are considered on a case-by-case basis.
- 7.2 The continued implementation of the actions arising from the internal audit will help ensure that the planning enforcement service is delivered in the most effective way possible, within available resources.

**8. Natural Environment, Climate & Ecology Implications**

- 8.1 Inappropriate and unauthorised development can be counter to the Council’s climate and nature objectives, both in terms of its location and impact. As such, appropriate enforcement action will assist in supporting the objectives of [mission 5 of the Council's Natural Environment, Climate and Ecology Strategy](#).



## 9. **Well-being and Health Implications**

- 9.1 Inappropriate and unauthorised development can have a harmful impact on health and well-being. The planning enforcement service can have a role in reducing these impacts, through effective resolution of breaches of planning control.

## 10. **Other Implications**

- 10.1 Crime & Disorder implications: effective enforcement action can help restrict the potential for breaches of planning control to develop into criminal activity.
- 10.2 Formal planning enforcement action must only be conducted following liaison with Legal Services and in accordance with the Scheme of Delegation.

## 11. **Risk Assessment**

- 11.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Medium

Residual Risk: Low

## 12. **Equalities Impact Assessment**

- 12.1 This report is not considered to have an impact on any groups protected under the Equalities Act. An Equalities Impact Assessment has been completed for the proposed new Local Enforcement Plan (2024) and identified an overall neutral impact (i.e. no change or no assessed significant impact on protected characteristic groups).
- 12.2 All planning enforcement cases are assessed on their planning merits and matters that might discriminate against people or groups would not carry any weight.

## 13. **Appendices**

- 13.1 Appendix 1: Dorset Council General Statement of Enforcement Policy
- Appendix 2: Dorset Council Development Management Planning Enforcement Plan (in place 2019 to October 2024)

14. **Background Papers**

14.1 None.

15. **Report Sign Off**

15.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)

|                 |          |
|-----------------|----------|
| Ref. No.        | PL/RE/16 |
| Category:       |          |
| People          |          |
| Place           |          |
| Corporate       | Yes      |
| In Constitution |          |

# Dorset Council Policy: General Statement of Enforcement Policy

## Policy Details

|   |  |
|---|--|
| What is this policy for?                                    | It sets out common principles that the Council will follow when taking enforcement action so that the Council's approach is consistent, transparent, accountable, proportionate and targeted.  |
| Who does this policy affect?                                | This policy applies to all enforcement action undertaken by or on behalf the Council by Planning; Building Control; Environmental Health; Anti-social Behaviour; Trading Standards; Licensing, and Children and Young People's services. |
| Keywords  | Enforcement  |
| Author  | David Fairbairn, Purbeck District Council  |
| Dorset Council policy adopted from                          | This is a new policy for Dorset Council.   |
| Does this policy relate to any laws?                        | The Legislative and Regulatory Reform Act 2006 and the Regulator's Code.   |
| Is this policy linked to any other Dorset Council policies? | Enforcement policies employed by different service teams.  |
| Equality Impact Assessment (EqIA)                           | The Dorset Council policy was subject to EqIA Screening and no negative impacts were identified.   |
| Other Impact Assessments                                    | None identified.   |

## Status and Approvals

|                                    |   |                  |                |
|------------------------------------|---|------------------|----------------|
| Status                             | Live  | Version          | 1              |
| Last review date                   | This is a new policy  | Next review date | To be arranged |
| Approved by (Director)             | Dorset Council<br>Corporate Director,<br>Legal and Democratic<br>Services | Date approved    |                |
| Member/ Partnership Board Approval | Dorset Council Shadow Executive Committee                                 | Date approved    | 25 March 2019  |

## **General Statement of Enforcement Policy**

### **1.0 Introduction**

This General Statement of Enforcement Policy is at the core of Dorset Council's commitment to the provision of excellent services and the adoption of best practice. It sets out common principles that the Council will follow when taking enforcement action so that the Council's approach is consistent, transparent, accountable, proportionate and targeted.

In formulating this policy regard has been had to relevant legislation and codes, including the Legislative and Regulatory Reform Act 2006 and the Regulator's Code.

This policy applies to all enforcement action undertaken by or on behalf the Council. Where considered appropriate, this overarching policy may be supplemented by additional enforcement policies and procedures produced by individual service areas.

### **2.0 What is Enforcement?**

The Council has a wide range of powers and responsibilities for ensuring that legal requirements are met. These include Planning; Building Control; Environmental Health; Anti-social Behaviour; Trading Standards; Waste; Community Care; Licensing; and Children and Young People's services.

The Council recognises that most people want to abide by the law. It will assist and advise where this is considered possible and appropriate, but will consider taking enforcement action against those who disregard legal requirements or act irresponsibly. However, enforcement action does not always have to mean taking formal action, such as prosecution, but includes the following outcomes:

- Deciding to take no further action;
- Compliance advice;
- Formal Warning;
- Statutory Notice;
- Simple Caution;
- Prosecution;
- Works in default;
- Injunction;
- Order e.g. Anti-Social Behaviour or Management Orders; and/or
- Other formal action e.g. seizure, recovery action, suspension or revocation of licences or permissions.

### **3.0 The Council's Approach**

#### **3.1 Standards**

Where the Council has published service standards for individual service areas, enforcement action will normally be taken in accordance with that relevant service standard unless specific circumstances have been identified that justify a departure from that standard.

#### **3.2 Openness**

So far as it is appropriate to do so, the Council will be open about how it will undertake its responsibilities and explain in a timely manner when it is necessary to take enforcement action.

#### **3.3 Helpfulness**

The Council believes that prevention is better than cure and will often work to advise and assist on compliance with the law. Council officers will be courteous and efficient and where appropriate will identify themselves by name and show identification.

In a number of cases the law provides a right of appeal against various types of enforcement action. In cases where legislation requires it, the Council will seek to ensure that relevant details of the appeal mechanism are clearly set out in writing.

#### **3.4 A Balanced Approach**

In assessing enforcement action, the Council will aim to adopt a proportionate approach to the problem.

#### **3.5 Consistency**

The Council will carry out its duties in a fair and consistent way.

#### **3.6 Liaison with other agencies**

Where the Council and another enforcement agency each have powers of enforcement (e.g with the Environment Agency, Fire and Rescue Service), the Council will liaise with the other agency to ensure effective co-ordination to avoid inconsistencies and to ensure that the most appropriate action is taken to resolve any breach.

#### **3.7 Compliance with the law**

The Council will ensure that enforcement action takes place in accordance with the Police and Criminal Evidence Act 1984; the Criminal Procedure and Investigations Act 1996; the Human Rights Act 1998; the Regulation of Investigatory Powers Act 2000 and other relevant legislation, statutory guidance or code of practice.

#### **3.8 Trained and competent officers**

The Council will ensure that its officers who take enforcement action are appropriately authorised to do so, competent, suitably qualified and trained.

### **3.9 Own merits**

Every case is unique however and will be considered on its own merits. However, when making decisions whether to prosecute or not the Council take into account the advice set out in the Director of Public Prosecution's Code for Crown Prosecutors on the need for the evidential and public interest tests to be met.

### **4.0 Assistance from the Public or other Organisations**

Assistance of others is often crucial to the success of enforcement action by the Council. Where information is given to assist the Council's enforcement, the Council will treat such information with confidence. However, if formal action is taken, information that has been provided may be required to be disclosed and made public by law.

### **5.0 Equality and Diversity**

When making enforcement decisions, the Council will ensure that there is no discrimination against any individual on the grounds of age, race, ethnic or national origin, nationality, religion and belief, sex, gender identity, marital status, employment status, disability, sexual orientation, social class, responsibility for children or dependents, trade union membership, unrelated criminal convictions or any ground that cannot be justified.

### **6.0 Complaints**

All complaints will be dealt with in accordance with the Council's Complaints procedure, but having regard to any on-going legal processes.

### **7.0 Review**

This policy will be reviewed as necessary to ensure that it is fit for purpose.

### **8.0 Further Information**

Further information regarding service specific enforcement policies and procedures can be obtained from individual service areas or from the Council's website.





Search...



[Home](#) > [Planning, buildings and land](#) > [Planning](#) > [Development Management Planning Enforcement Plan](#)

# Development Management Planning Enforcement Plan

This supplemental Enforcement Plan relates to the service area for Development Management and should be read in conjunction with the [General Statement of Enforcement Policy](#) adopted by Dorset Council which sets out the overarching principles of enforcement for all Council functions and which has been formulated with regard to relevant legislation and codes, including the Legislative and Regulatory Reform Act 2006 and the Regulator's Code.

1. [Introduction](#)
2. [Dealing with notifications of alleged breaches](#)
3. [Steps relating to enforcement investigations and action](#)
4. [Entry onto the land](#)
5. [Expectations of Dorset Council](#)

## 1. Introduction

Local Planning Authorities have a duty to consider investigating all breaches of planning control received. However, the actions to be taken for such investigation and, in particular, the power to take formal enforcement action is discretionary and must be reasonable and proportionate. Formal action should only be taken where the breach causes serious harm or is against adopted Planning Policies. Even then, if action is taken, it must be reasonable in the circumstances, and proportionate to the harm being caused.

1.1 Development Management is a service concerned with the development and use of land; it seeks to ensure that changes to our physical surroundings – buildings and land – are appropriate for their purposes and location and in line with policies and principles set out at national and local level.

1.2 The purpose of this enforcement plan is to provide a framework to ensure that the council works in an equitable, practical and consistent manner. We recognise that prevention is preferable and therefore we will work to encourage people to comply with legal obligations but formal action including prosecution will be taken if it is in the public interest to do so. It must be remembered that formal enforcement action can take many months to conclude in more complex cases or where there is a request to rectify breaches.

1.3 We will seek to prioritise and direct effort using all available information on a particular case, assessing the risks involved in taking or not taking action and give due consideration to the likelihood of compliance and non-compliance and ensure that enforcement action is necessary and proportionate to the matter concerned.

1.4 We will adopt a similar approach to how we investigate matters in respect of similar case circumstances but recognising that in planning matters each case must be considered on its own merits and under appropriate national and local policies.

1.5 We are committed to the open provision of information where this is possible under the GDPR and will provide advice in a format that is accessible and easily understood. Where requested information will be made available in other languages and formats.

1.6 We will be clear in making a distinction between what is required in law and those actions which we recommend as best practice but which are not compulsory. We will also ensure that we work in cooperation with other agencies to provide the best advice possible, though mindful of the sharing of data under the GDPR.

## 2.0 Dealing with notifications of alleged breaches

2.1 In normal circumstances notifications to the Council of alleged breaches relating to planning matters will be received from the public [via the online reporting process](#). Customers will be encouraged and assisted to use the online submission as much as possible, however, for those unable to get access to the web site notifications can be made in the following way;

- notifications submitted in writing; i.e. letter or email
- notifications made by telephone

2.2 Using the online reporting procedure enables complaints/concerns to be assessed, registered correctly and prioritised, according to the severity of the issue being reported. This might include concerns relating to unauthorised works to listed buildings, works in conservation areas and works affecting trees subject to a tree preservation order. Priorities will be based on the degree of risk from the situation, the seriousness of the contravention, the different means of remedying the situation and the particular circumstances of the case. We will also have regard to any legal guidance for example that given in Government circulars and case law.

2.3 It therefore cannot be assumed that every alleged breach notified to the Council will result in a formal enforcement investigation/action being undertaken. For example, it may be that the issues raised in the breach report do not constitute development or is a minor breach of planning law resulting in no material harm or where there is no public benefit in enforcement action being taken.

2.4 The matter reported may also benefit from being permitted development pursuant to the Town and Country Planning (General Permitted Development) Order (England) 2015 as amended, which grants consent to the development without the requirement to apply to the Local Planning Authority.

2.5 If a person(s) notifying the Council of an alleged breach identifies themselves by name and address and requests to be informed of the outcome, the Council will usually seek to advise that person(s) of the result of any investigation and any actions taken by the Council. Anonymous complaints will be given a low priority or may not be investigated at all, depending on the circumstances of each individual report.

2.6 The Council will treat the details of a person notifying the Council of an alleged breach as confidential. However, there will be circumstances under which it may be necessary to divulge those details, for example if the Council relies on information you have provided to take action through the Courts, at planning appeals or where the Council is required by law or statute to make such disclosure etc. Before this occurred the relevant parties would be informed.

## 3.0 Steps relating to enforcement investigations and action

3.1 Where appropriate, the Council will normally aim to provide a response to a written notification of alleged breach within 28 working days of being registered by the Council.

3.2 The Council will have regard to the provision of any specific statutory provisions, and requirements, relating to the service of planning enforcement notices.

3.3 Where a breach has been identified that is considered to be compliant with Planning Policy and therefore may have received permission or consent had it been applied for before the development was undertaken, a retrospective planning application may be requested and submitted in an attempt to remedy the situation. Under those circumstances the taking of formal enforcement action may be deferred pending determination of the application. Whether or not such deferment occurs will also depend upon the specific circumstances of the case.

3.4 The Council recognises that most people want to comply with the law. Where a breach of planning control has been identified as having occurred, seeking an informal negotiated solution will be preferred to the taking of immediate formal enforcement action. Again, the appropriate manner of dealing with the matter will vary according to the specific facts relating to the matter.

## 4.0 Entry onto the land

4.1 The Council has various statutory powers which enable it to enter land for the purposes of investigating planning related breaches. Consideration will be given to the use of such powers where necessary.

4.2 Where entry onto land is refused or obstructed by the land or property owner, consideration will be given to seeking a warrant of entry from the Magistrates Court.

In the event of a person wilfully obstructing an authorised officer from effecting entry, prosecution proceedings may also be considered.

4.3 It should be particularly noted that the power to take formal action is discretionary. Where a breach of planning control has been identified further action may not be taken for a number of reasons. In Planning law certain breaches can become immune through the passage of time and in those circumstances action cannot be taken.

Central Government guidelines also advise Local Planning Authorities that where planning permission would be granted, without conditions being imposed, then it must consider the expediency of formal action as this may be unreasonable and disproportionate in the circumstances.

## 5.0 Expectations of Dorset Council

5.1 Staff handling cases will be polite and helpful at all times and seek to give clear and simple advice to both those reporting a breach and those who are subject to further investigation. Where needed advice will be provided in writing with clear guidance on actions and timescales involved.

5.2 Staff will be provided with appropriate training and have access to experts in planning enforcement to enable them to pursue actions that are appropriate and proportionate.

5.3 All enforcement investigations must have due regard to the Human Rights particularly in respect of the right to a fair trial and right to respect for private and family life, home and correspondence.

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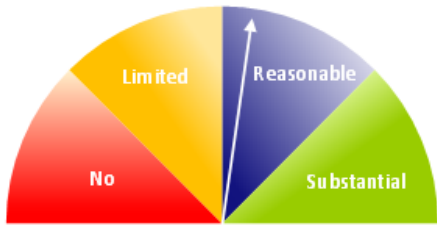


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## Audit Objective

To provide assurance that the Planning Enforcement service is following relevant policy and legislation and is proportionately investigating all breaches of planning control received to ensure a consistent approach by the Council.

## Executive Summary



### Assurance Opinion

There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.

### Management Actions

|              |          |
|--------------|----------|
| Priority 1   | 0        |
| Priority 2   | 1        |
| Priority 3   | 8        |
| <b>Total</b> | <b>9</b> |

### Organisational Risk Assessment

**Low**

Our audit work includes areas that we consider have a low organisational risk and potential impact.

We believe the key audit conclusions and any resulting outcomes still merit attention, but could be addressed by service management in their area of responsibility.

## Key Conclusions



Whilst current KPI's (key performance indicators) are reported in line with statutory Government requirements, the Planning Enforcement service does not have a clear definition of good performance or processes to identify this which has led to sub-teams working inconsistently in performance recognition. Identification of key processes and end points across the service should assist with implementation of specific KPI's together with regular whole team reporting and team management.



There is an inconsistent approach between teams for daily tasks and when inputting data into Mastergov. Cases not escalated for investigation are not sufficiently stored and monitored to provide insight for capacity management. Further review of team processes is recommended, along with targeted training, to ensure a standardised approach.



The Development Management Planning Enforcement Plan currently has minimal guidance for both internal and external stakeholders on how a case is managed. Aligned with LGSCO (Local Government & Social Care Ombudsman) recommendations, the policy should be updated to incorporate defined processes.



Testing carried out on legacy enforcement cases found minimal progress for an extended period of time. The service should explore ways of reducing legacy cases in a timely manner, to alleviate existing caseload pressures.



A compliant process to managing enforcement cases is in place aligned with internal policies and applicable regulations, though consideration should be given to structuring sub-teams to enhance a joint approach and standardisation of case management. Service management is proactive in identifying opportunities for improvement and are currently implementing new processes to ensure the Enforcement Register is available online and actively revising legacy enforcement templates.

## Audit Scope

The audit reviewed the following:

- How the Planning Enforcement policy is followed and applied.
- The decision-making process for review of complaints/cases, including the amount of formal action taken as a result and efficiency of service response.
- How performance of the service is monitored and reported, including the review of working practices.
- The effectiveness of governance arrangements, such as oversight by senior managers, in ensuring consistency across the Enforcement service sub-teams.
- Benchmarking exercise with other Local Authorities.

Data analysis on Planning Enforcement cases was conducted and can be viewed in Appendix 1. This specifically highlights case status's, time frames of completion and remaining legacy cases.

## Other Relevant Information

Analysis was conducted from the supplied Planning Enforcement data, as shown in Appendix 1. A further exercise was also undertaken to benchmark the Planning Enforcement service against other local authorities, with collated responses available within Appendix 2 and Appendix 3.

The actions outlined in the Findings & Action Plan will be followed-up in line with their allocated timescales.

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Audit Findings & Management Action Plan – March 2024

**Finding 1.**

**The current KPI's do not measure performance metrics aligned with manager requirement.**

The Council have KPI's (key performance indicators) in place which are reported quarterly within the Council's dashboard. These KPI's are performance indicators led by Government requirement assigned to all local authorities. Therefore, the current KPI's are not specific to the Council and Planning Enforcement service so do not provide a clear measurement of good performance.

The Council and Planning Enforcement service do not use the reported-on statistics at the moment, though available within the dashboard. The service currently has no agreed statistics or measurements to support with identifying good performance or underperformance. There is no clear guidance to highlight to the team what good performance looks like, leading to sub-teams adopting independent definitions and subsequently working to those specifications. Ultimately, sub-teams work against different interpretations of good performance meaning the enforcement service is inconsistent in performance recognition.

The Planning Enforcement service require a clear definition of good performance to enable sufficient reporting and team management. Regular whole team statistics reporting should be utilised to manage performance.

**Action**

Planning Enforcement Management will identify key process and end points which they identify as performance metrics relevant to the service. Regular data extraction and reporting should be agreed to support in target and performance management.

|                            |                                       |                       |         |
|----------------------------|---------------------------------------|-----------------------|---------|
| <b>Priority</b>            | 2                                     | <b>SWAP Reference</b> | AP#3724 |
| <b>Responsible Officer</b> | Service Mgr for Development Mgt & Enf |                       |         |
| <b>Timescale</b>           | 31 May 2024                           |                       |         |

**Finding 2.**

**There is an inconsistent approach between teams for daily tasks and when subsequently updating Mastergov.**

There are currently three sub-teams within Planning Enforcement allocated responsibility by geographical location. Enforcement cases are automatically filtered into two team email inboxes' and assigned from this point. However, two of these teams collaborate closely (enabling a single inbox); working together on a daily basis and are able to effectively manage workload and case allocation. The remaining team works independently and tends to utilise a different approach to daily tasks.

Testing found that there is not a consistent approach to case allocation, decision, and subsequent recording on Mastergov. Specific functions were not utilised effectively within Mastergov, such as case status and the site visit section, although sufficient detail to appropriate this was available within the individual case. Further results found that other teams, such as Tree and Conservation who use Mastergov when supporting/assuming responsibility of a case, are not completing the required sections with relevant information. This includes out-dated case statuses, with one example showing it at the planning application stage but still assigned to an enforcement officer.

To ensure a consistent and standardised approach, service-wide training should be completed aligned with agreed processes for case allocation and subsequent recording on Mastergov. Increased communication and collaboration between wider teams (Planning, Tree and Conservation) is recommended, along with the joining of the three sub-teams to one single team to promote a joint approach.

**Action**

The Planning Enforcement service will introduce updated processes, Mastergov system training, and joint team working to ensure a consistent approach between teams.

|                            |                              |                       |         |
|----------------------------|------------------------------|-----------------------|---------|
| <b>Priority</b>            | <b>3</b>                     | <b>SWAP Reference</b> | AP#3791 |
| <b>Responsible Officer</b> | Planning Enforcement Manager |                       |         |
| <b>Timescale</b>           | 31 August 2024               |                       |         |



**Finding 3.**

**Underutilisation of available data due to limited case recording in Mastergov.**

The Planning Enforcement team have an online form which they require to be filled out by the complainant to highlight a possible enforcement issue. The form currently filters into the email box of the specific sub-team depending on location of the enforcement complaint. On a weekly basis, each team reviews their inbox and determines whether there is sufficient evidence to escalate to a planning enforcement issue. If a case is established, the information will then be recorded onto Mastergov and assigned to an officer. If an enforcement complaint does not have satisfactory evidence that warrants further investigation, the team will respond with a rejection letter and the process will be terminated; unless additional evidence is provided that substantiates escalation. These rejections are stored within an email folder.

As these rejections are not recorded within the Mastergov system, there is a lost opportunity of utilising this data to analyse capacity and resources. The data could also provide information on learning opportunities by highlighting inconsistencies across the team. Automating this process to enable Mastergov to populate cases directly from the online portal will support in time-management, service monitoring, and reporting.

**Action**

The Planning Enforcement team will consider manually inputting rejected cases onto Mastergov before the automation of cases onto the system.

|                            |                              |                       |         |
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| <b>Priority</b>            | <b>3</b>                     | <b>SWAP Reference</b> | AP#3788 |
| <b>Responsible Officer</b> | Planning Enforcement Manager |                       |         |
| <b>Timescale</b>           | 31 August 2024               |                       |         |

**Action**

The Planning Transformation Team will link the online form to Mastergov so that it automatically populates into the system.

|                            |                              |                       |         |
|----------------------------|------------------------------|-----------------------|---------|
| <b>Priority</b>            | <b>3</b>                     | <b>SWAP Reference</b> | AP#3728 |
| <b>Responsible Officer</b> | Planning Enforcement Manager |                       |         |
| <b>Timescale</b>           | 30 April 2025                |                       |         |

| Finding 4.   | Action  |                       |          |                       |         |                            |                              |  |  |                  |              |  |  |
|--|---|-----------------------|----------|-----------------------|---------|----------------------------|------------------------------|--|--|------------------|--------------|--|--|
| <p><b><u>The Development Management Planning Enforcement Plan requires updating to align with LGSCO recommendations and audit findings.</u></b></p> <p>The Planning Enforcement team use their internal Development Management Planning Enforcement Plan as the foundation of managing enforcement complaints. Currently, the policy has minimal guidance, was last updated in March 2019, and the information provided is generic. The current policy does not outline communication frequency or timescales, detail on what constitutes the priority ratings, and protocol for how to manage complaints retrieved not via the online portal.</p> <p>Formal complaints testing was conducted to compare common reasons against the available policy. The general consensus found a dissatisfaction with customer service and the quality of such, specifically related to a lack of communication from officers. The revised policy could incorporate clear touch points and timescales with complainants to ensure expectations are pre-defined to prevent further formal complaints of a similar nature. The policy would also benefit from establishing priority ratings and accompanying reasons to ensure a standardised and consistent approach to case management; proportionate to the established timescales.</p> <p>Whilst enforcement complaints can be received through multiple methods including the online portal, letters, and direct email, the service promotes the use of the online portal as the primary contact method. However, the current policy does not clearly outline this, and testing found complaints are received through all discussed methods. Though there are processes demonstrated to manage these, full assurance cannot be given that complaints not submitted via the online portal do not circumvent current controls. The policy could include clearer communication to outline that the online portal is to be used as the primary enforcement complaints method, with accompanying narrative explaining the management of complaints received by the other available methods.</p> <p>These additions would provide essential guidance to both internal and external stakeholders.</p> | <p>The Planning Enforcement Manager will update the Development Management Planning Enforcement Plan in line with the LGSCO recommendations. Further additions should be incorporated to establish clearer process guidelines for stakeholders.</p> <table border="1" data-bbox="1137 1129 2119 1276"> <tr> <td data-bbox="1137 1129 1384 1177"><b>Priority</b></td> <td data-bbox="1384 1129 1630 1177"><b>3</b></td> <td data-bbox="1630 1129 1863 1177"><b>SWAP Reference</b></td> <td data-bbox="1863 1129 2119 1177">AP#3790</td> </tr> <tr> <td data-bbox="1137 1177 1630 1228"><b>Responsible Officer</b></td> <td colspan="3" data-bbox="1630 1177 2119 1228">Planning Enforcement Manager</td> </tr> <tr> <td data-bbox="1137 1228 1630 1276"><b>Timescale</b></td> <td colspan="3" data-bbox="1630 1228 2119 1276">30 June 2024</td> </tr> </table> | <b>Priority</b>       | <b>3</b> | <b>SWAP Reference</b> | AP#3790 | <b>Responsible Officer</b> | Planning Enforcement Manager |  |  | <b>Timescale</b> | 30 June 2024 |  |  |
| <b>Priority</b>  | <b>3</b>  | <b>SWAP Reference</b> | AP#3790  |                       |         |                            |                              |  |  |                  |              |  |  |
| <b>Responsible Officer</b>   | Planning Enforcement Manager  |                       |          |                       |         |                            |                              |  |  |                  |              |  |  |
| <b>Timescale</b>   | 30 June 2024  |                       |          |                       |         |                            |                              |  |  |                  |              |  |  |

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| <p><b>Finding 5.</b></p> <p><b><u>Outstanding legacy cases have had minimal or no progress for over a year.</u></b></p> <p>There are currently 78 enforcement cases within Mastergov that pre-date Dorset Council (2009 - 2019). Though these cases are already allocated and reviewed as part of case reviews by the Planning Enforcement Manager and officer, testing found limited progress made on such cases for over a year.</p> <p>It is recommended that consideration is given to the management of these legacy cases, to ensure a timely decision is made and can subsequently be removed from the existing workload. Managing this backlog would provide officers with increased capacity to better manage recent enforcement cases.</p> | <p><b>Action</b></p> <p>The Planning Enforcement Manager will explore ways of reducing legacy cases in a timely manner.</p> <table border="1" data-bbox="1137 443 2119 608"> <tr> <td><b>Priority</b></td> <td><b>3</b></td> <td><b>SWAP Reference</b></td> <td>AP#3814</td> </tr> <tr> <td><b>Responsible Officer</b></td> <td colspan="3">Planning Enforcement Manager</td> </tr> <tr> <td><b>Timescale</b></td> <td colspan="3">31 August 2024</td> </tr> </table> | <b>Priority</b>       | <b>3</b> | <b>SWAP Reference</b> | AP#3814 | <b>Responsible Officer</b> | Planning Enforcement Manager |  |  | <b>Timescale</b> | 31 August 2024 |  |  |
| <b>Priority</b>  | <b>3</b>  | <b>SWAP Reference</b> | AP#3814  |                       |         |                            |                              |  |  |                  |                |  |  |
| <b>Responsible Officer</b>   | Planning Enforcement Manager  |                       |          |                       |         |                            |                              |  |  |                  |                |  |  |
| <b>Timescale</b>   | 31 August 2024  |                       |          |                       |         |                            |                              |  |  |                  |                |  |  |

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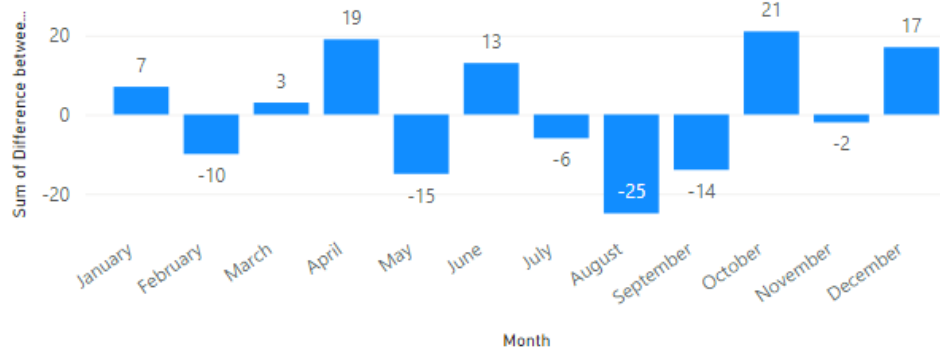
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| <p><b>Finding 6.</b></p> <p><b><u>The Enforcement Register is not readily accessible to all.</u></b></p> <p>The Council currently maintain a hard copy of the Enforcement Register within County Hall. Access to the public is restricted to Monday to Friday, 08:30am to 17:00pm and requires individuals to physically attend the location. The Planning Enforcement assistant has to also update this hard copy manually, by attending County Hall when an enforcement notice has been served or to retrieve requested information. As per Section 188 of the Town and Country Planning Act 1990, Councils should maintain a register that shall be available for inspection by the public at all reasonable hours.</p> <p>The Council recognise that the current process for accessing the Enforcement Register is limiting and results in accessibility issues. Ongoing work by the Transformation Team is actively underway to provide an online version to the public.</p> | <p><b>Action</b></p> <p>The service will continue work to ensure the Enforcement Register is accessible by means of an online version.</p> <table border="1" data-bbox="1137 978 2119 1142"> <tr> <td><b>Priority</b></td> <td><b>3</b></td> <td><b>SWAP Reference</b></td> <td>AP#3789</td> </tr> <tr> <td><b>Responsible Officer</b></td> <td colspan="3">Planning Enforcement Manager</td> </tr> <tr> <td><b>Timescale</b></td> <td colspan="3">31 December 2024</td> </tr> </table> | <b>Priority</b>       | <b>3</b> | <b>SWAP Reference</b> | AP#3789 | <b>Responsible Officer</b> | Planning Enforcement Manager |  |  | <b>Timescale</b> | 31 December 2024 |  |  |
| <b>Priority</b>   | <b>3</b>  | <b>SWAP Reference</b> | AP#3789  |                       |         |                            |                              |  |  |                  |                  |  |  |
| <b>Responsible Officer</b>  | Planning Enforcement Manager  |                       |          |                       |         |                            |                              |  |  |                  |                  |  |  |
| <b>Timescale</b>  | 31 December 2024  |                       |          |                       |         |                            |                              |  |  |                  |                  |  |  |

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|---|---|-----------------------|----------|-----------------------|---------|----------------------------|------------------------------|--|--|------------------|----------------|--|--|
| <p><b>Finding 7.</b><br/> <u>Officers do not routinely update the Road Map function with their completed training.</u></p> <p>The service currently offers the Planning Enforcement team with a multitude of training opportunities including webinars, subject matter expert speakers, professional courses such as Ivy Legal, and both in-house and external training. Whilst this additional training is not mandatory, attendance is encouraged by managers. Testing found that whilst such training is not recorded on officers Road Maps, managers actively utilise 1-2-1's to discuss development options with the team members. However, Council assigned mandatory training via Boxphish automatically records in individual Road Maps.</p> <p>Better recording of completed training within the Road Map function would further support with 1-2-1's and the ongoing development of the team.</p> | <p><b>Action</b><br/>                     Planning Enforcement managers will encourage officers to routinely update the Road Map function with completed training and review this during 1-2-1's.</p> <table border="1"> <tr> <td><b>Priority</b></td> <td><b>3</b></td> <td><b>SWAP Reference</b></td> <td>AP#3792</td> </tr> <tr> <td><b>Responsible Officer</b></td> <td colspan="3">Planning Enforcement Manager</td> </tr> <tr> <td><b>Timescale</b></td> <td colspan="3">31 August 2024</td> </tr> </table> | <b>Priority</b>       | <b>3</b> | <b>SWAP Reference</b> | AP#3792 | <b>Responsible Officer</b> | Planning Enforcement Manager |  |  | <b>Timescale</b> | 31 August 2024 |  |  |
| <b>Priority</b>   | <b>3</b>  | <b>SWAP Reference</b> | AP#3792  |                       |         |                            |                              |  |  |                  |                |  |  |
| <b>Responsible Officer</b>  | Planning Enforcement Manager  |                       |          |                       |         |                            |                              |  |  |                  |                |  |  |
| <b>Timescale</b>  | 31 August 2024  |                       |          |                       |         |                            |                              |  |  |                  |                |  |  |

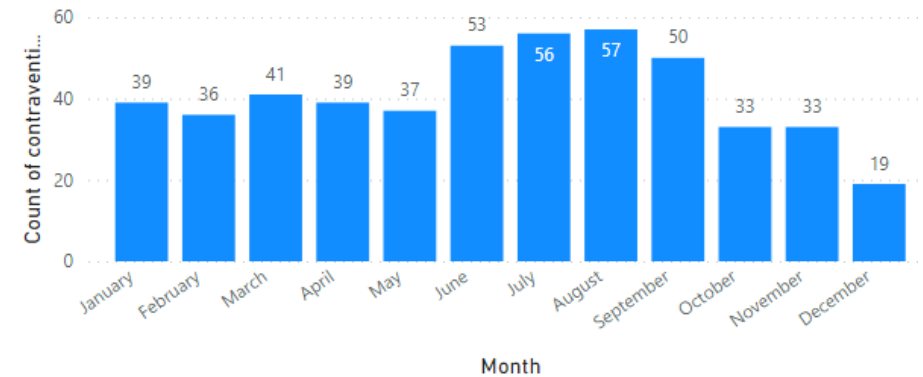
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| <p><b>Finding 8.</b><br/> <u>Current Mastergov templates are from legacy Councils and require updating.</u></p> <p>The Planning Enforcement officers currently use satisfactory templates for communication purposes to stakeholders and the completed versions are located within Mastergov on the specific case. However, testing found that these templates are not available in one general location resulting in officers having to manually retrieve templates from local drives and folders.</p> <p>The service recognises that the current process is time-consuming, and the templates require revision. Ongoing work by the Training &amp; Development Officer is actively underway to provide updated templates and to load these onto a general location within Mastergov.</p> | <p><b>Action</b><br/>                     The Planning Enforcement service will update all templates and ensure the revisions are added onto Mastergov.</p> <table border="1"> <tr> <td><b>Priority</b></td> <td><b>3</b></td> <td><b>SWAP Reference</b></td> <td>AP#3793</td> </tr> <tr> <td><b>Responsible Officer</b></td> <td colspan="3">Service Mgr for Development Mgt &amp; Enf</td> </tr> <tr> <td><b>Timescale</b></td> <td colspan="3">31 December 2024</td> </tr> </table> | <b>Priority</b>       | <b>3</b> | <b>SWAP Reference</b> | AP#3793 | <b>Responsible Officer</b> | Service Mgr for Development Mgt & Enf |  |  | <b>Timescale</b> | 31 December 2024 |  |  |
| <b>Priority</b>  | <b>3</b>   | <b>SWAP Reference</b> | AP#3793  |                       |         |                            |                                       |  |  |                  |                  |  |  |
| <b>Responsible Officer</b>   | Service Mgr for Development Mgt & Enf  |                       |          |                       |         |                            |                                       |  |  |                  |                  |  |  |
| <b>Timescale</b>   | 31 December 2024   |                       |          |                       |         |                            |                                       |  |  |                  |                  |  |  |

Cases opened between January 23 and Dec 23

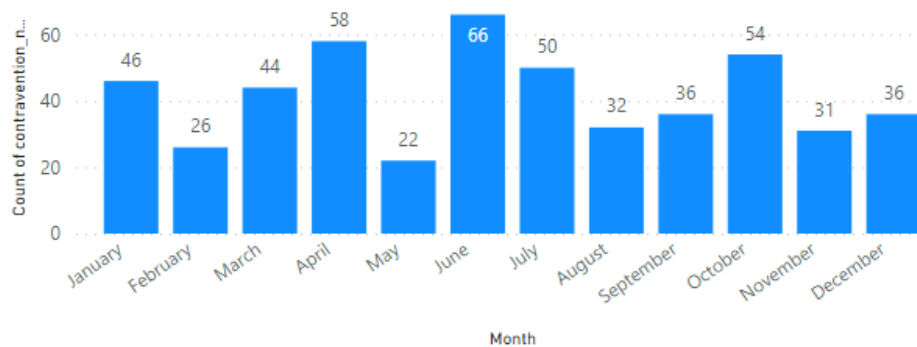
The difference between cases opened and closed by Month



Cases opened per month



Number resolved by month



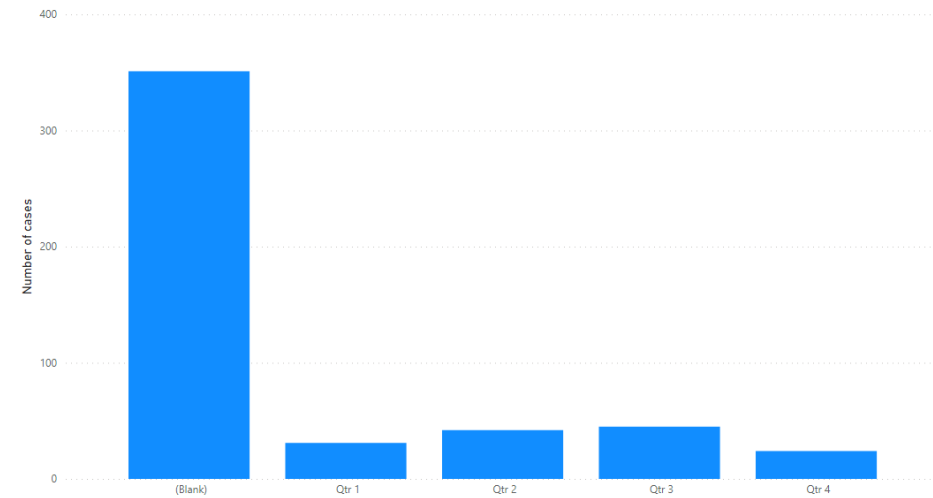
The graphs on this page show the number of cases which were opened in 2023 and the number of cases closed in 2023. The first graph is the difference between open and closed on a month by month basis.

The cases opened have a spike in the summer months from June to September. Whereas the closed cases vary a lot more as seen from April, May and June. There is a large number closed in April then a low number in May followed by another high number in June. The outcome of this is that for the 2023 year, 8 more cases were closed than were opened.

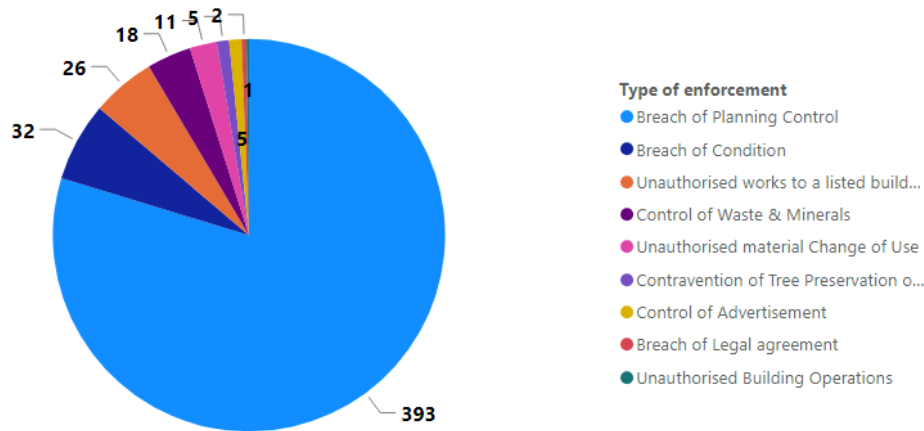
The two graphs on this page are still using the number of cases opened in 2023 data. The first graph is showing the number of site visits when which quarter they happened. However, the graph shows that the vast majority of cases haven't had a site visit or have not been recorded on the system.

The second figure on the page is a pie chart showing the type of cases opened in 2023. Well over three quarters, 393 cases were a breach of planning of control with the next highest being a breach of condition but there were only 32 of these cases. Overall, there were 9 different types of enforcement case opened in 2023.

Initial site visit of cases opened between Jan 23 and Dec 23



Type of enforcement

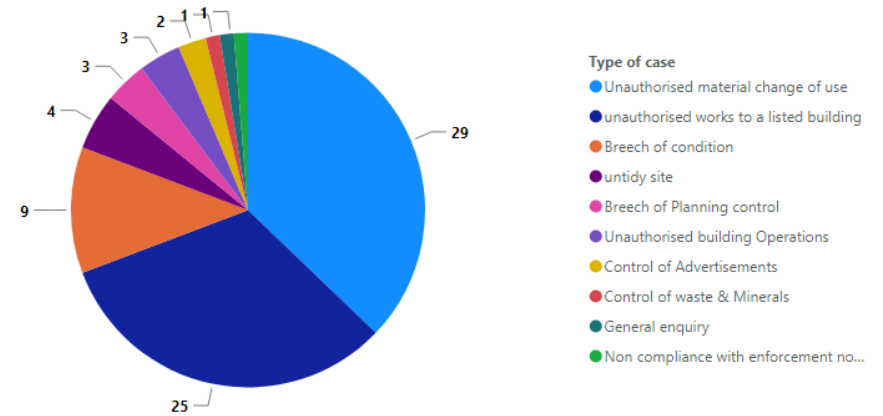


**Cases which are still open but which predate the formation of Dorset Council**

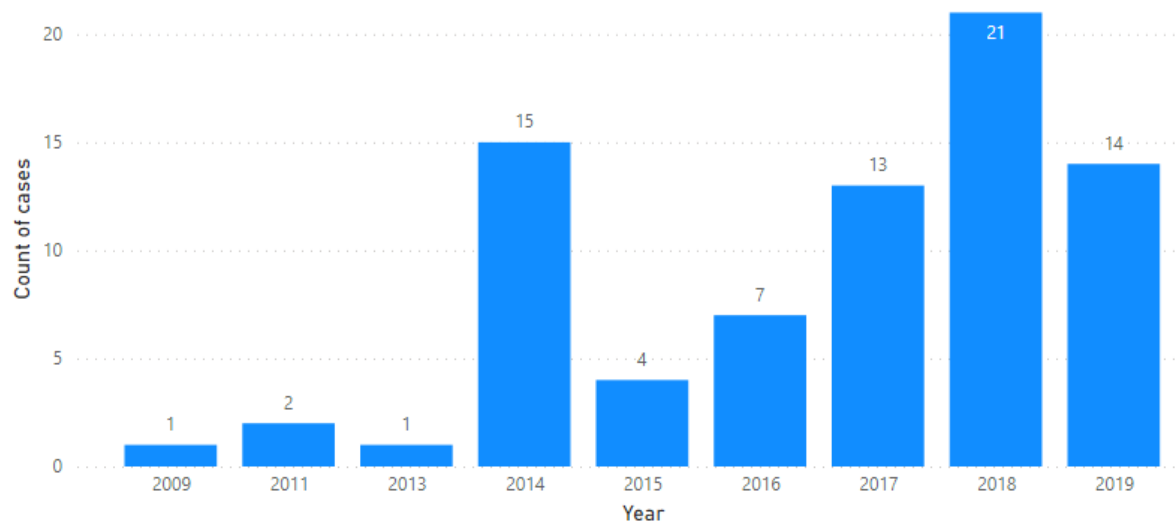
The two graphs on this page are showing cases which are still open but they predate the formation of Dorset Council as a unitary authority (1<sup>st</sup> April 2019) and have been brought over from the former district councils.

The first graph on the page is showing all the different types of enforcement case. Over a third of these cases are unauthorised material change of use with 29 cases. The next highest with nearly another third is unauthorised works to a listed building, 25 of these cases are still open. One cases has been recorded as a general enquiry, which has been opened for over 5 years.

Application type



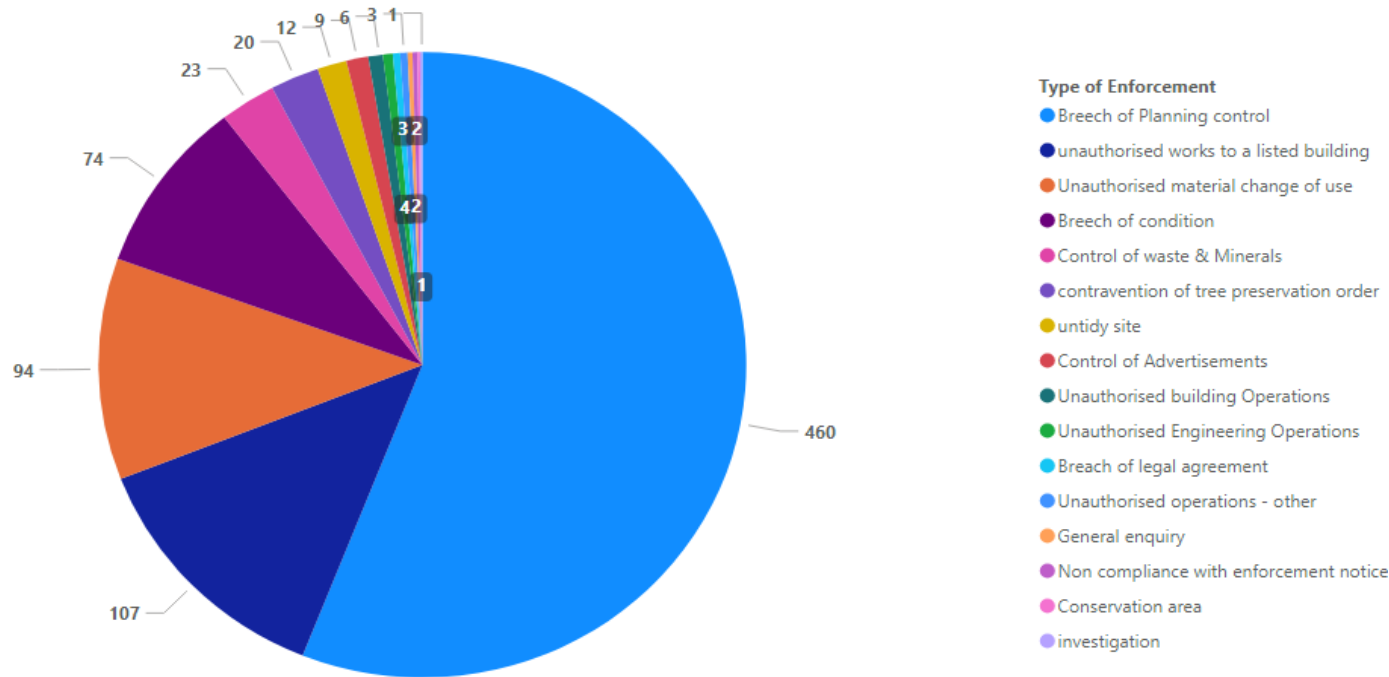
When application is received



The second graph on this page shows when the cases were opened.

The oldest cases were opened in 2009 and there are also two cases opened in 2011 which are still active.

Type of enforcement

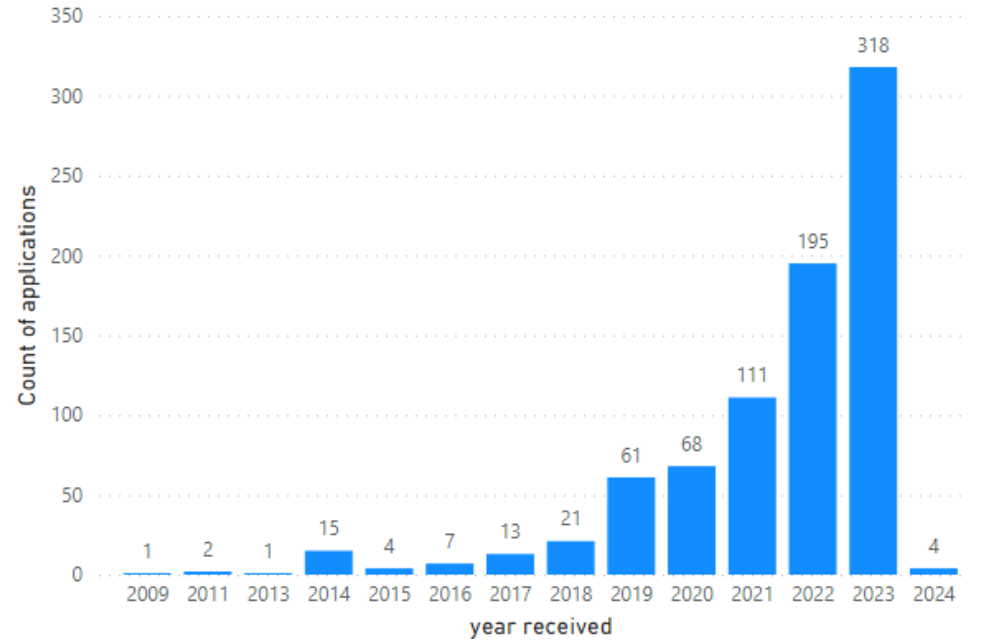


This graph is showing the cases which are still open as of January 2024. The overall number of cases open is 821. 460 and over half of the cases are categorised as a breach of Planning control. The next largest category is unauthorised works to a listed building with 107 and the third largest is unauthorised material change of use with 94. These three make up over three quarters of the open applications.



The graph on this page shows the cases which are still open and the year the council received the case. The data was produced in January 2024 and shows a year on year increase as you would expect.

Number of open cases and when they were received

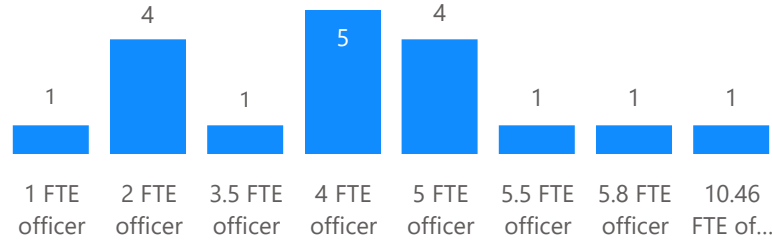


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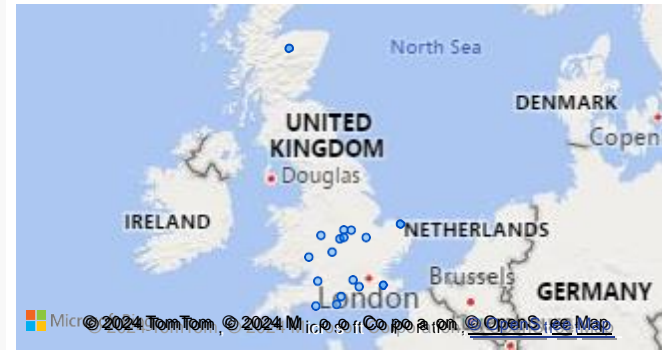
18

Responses

How many full-time equivalent officers do you currently have within the Planning enforcement team, who are actively involved in enforcement investigations?



Location of Council/Authority of Response



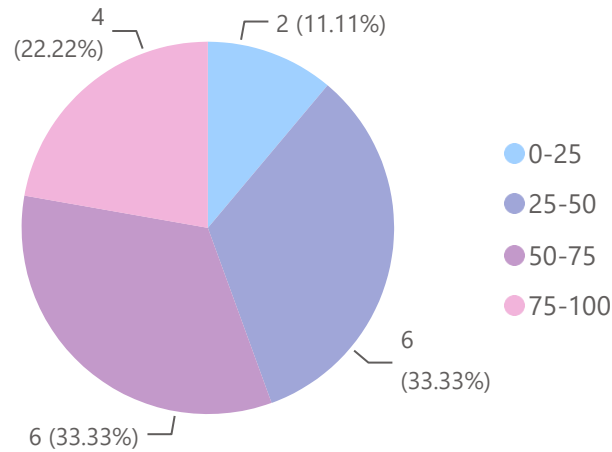
Location of Council/Authority of Response

- South Staffordshire District Council
- Guildford Borough Council
- Peterborough City Council
- Melton Borough Council
- Herefordshire Council
- Stratford upon Avon District Council
- North Norfolk District Council
- Hinckley Bosworth BC
- Eastleigh Borough Council
- Charnwood Borough Council
- Blaby District Council
- New Forest National Park Authority
- Bath North East Somerset
- Cairngorms National Park Authority
- Dorset Council
- Wokingham BC
- maidstone

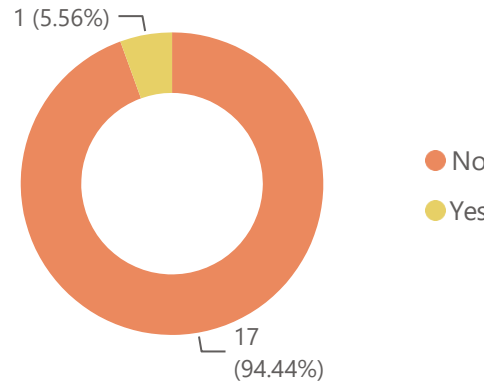
Question Section

|           |                       |                                      |            |                 |                     |   |
|-----------|-----------------------|--------------------------------------|------------|-----------------|---------------------|---|
| Case Load | Enforcement Enquiries | Enforcement Prosecutions and Appeals | Complaints | KPI's/Reporting | Skills and Training | Guidance to Public/Enforcement Register |
|-----------|-----------------------|--------------------------------------|------------|-----------------|---------------------|---|

What is the average number of cases a full-time officer has assigned to them (assigned groups)?



Do staff have a maximum caseload amount?



Please note the maximum caseload amount a FTE staff member would be assigned.

target of 50 per enforcement officer

1

What is the current structure of your enforcement team?

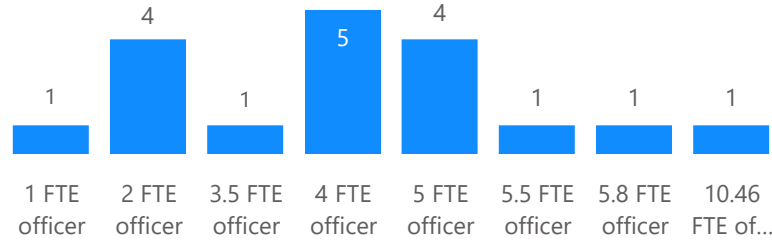
Value

- 1 Compliance and Legal Officer + 2 Enforcement Officers -> Enforcement Manager
- 1 Manager, 3 Seniors, 5 Officers, 3 assistants
- 1 Team Leader
- 2 Planning Enforcement officers
- 1 Trainee Planning Enforcement officer
- 1 Conditions Monitoring officer
- 1 x Planning Enforcement Officer
- 1 x Planning Enforcement Technical Officer
- 1 x Team Leader and 3 x Enforcement Officers
- 1 x Team Manager
- 1 x Senior Enforcement Officer
- 2 x Planning Enforcement Assistants
- 2 x Monitoring and ENforcement (Minerals and Waste) Officers
- 3 X Enforcement Officers > 2 Senior Planners > Planning Manager (Performance, Appeals and Enforcement)

18

Responses

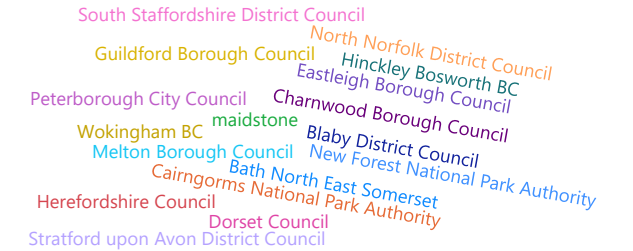
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Location of Council/Authority of Response



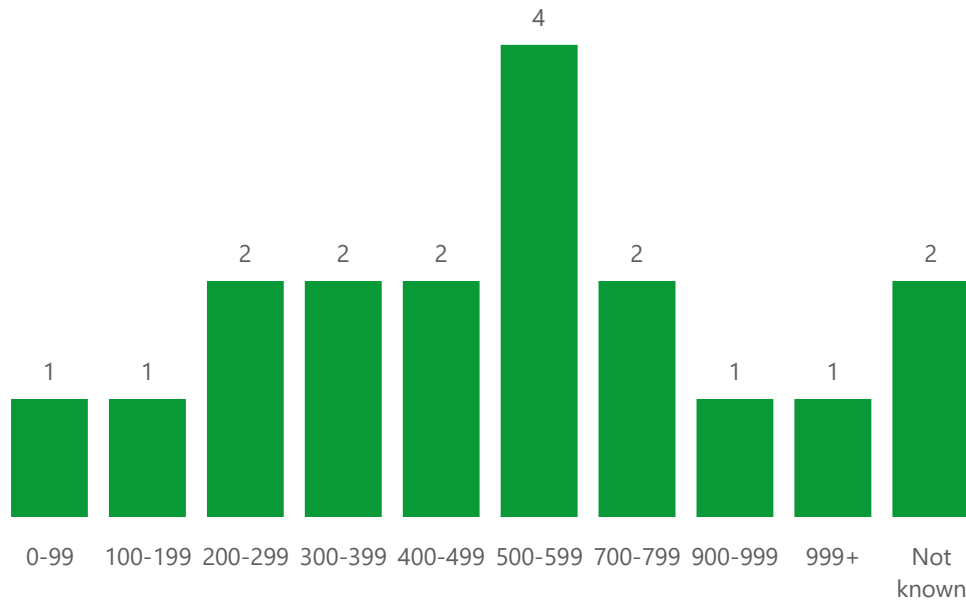
Location of Council/Authority of Response



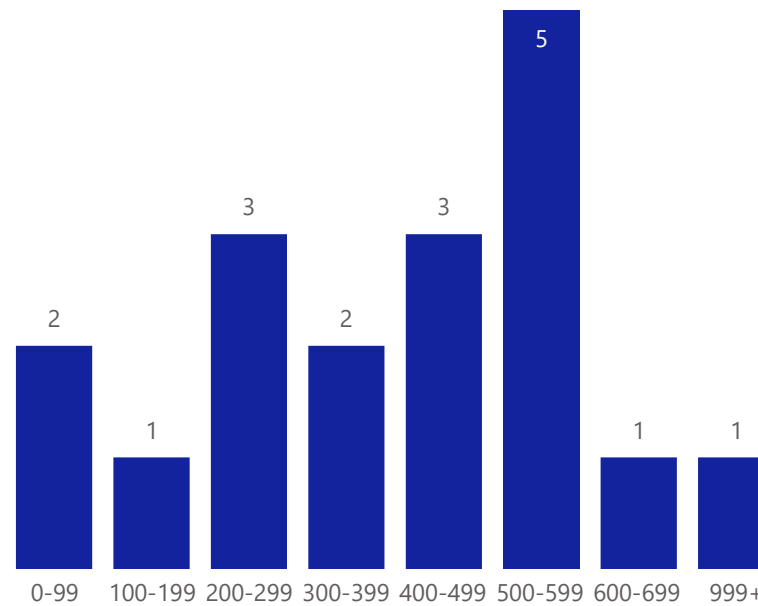
Question Section

|           |                              |                                      |            |                 |                     |   |
|-----------|------------------------------|--------------------------------------|------------|-----------------|---------------------|---|
| Case Load | <b>Enforcement Enquiries</b> | Enforcement Prosecutions and Appeals | Complaints | KPI's/Reporting | Skills and Training | Guidance to Public/Enforcement Register |
|-----------|------------------------------|--------------------------------------|------------|-----------------|---------------------|---|

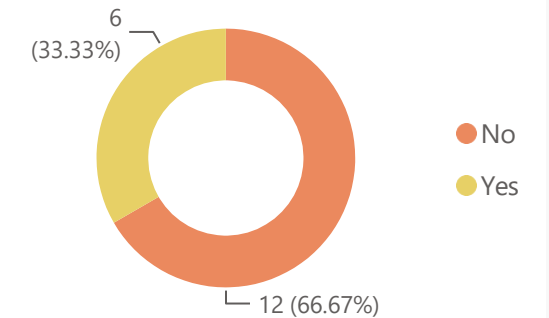
How many enforcement enquiries did you receive in the 22-23 financial year?



Of these, how many were logged as enforcement cases?



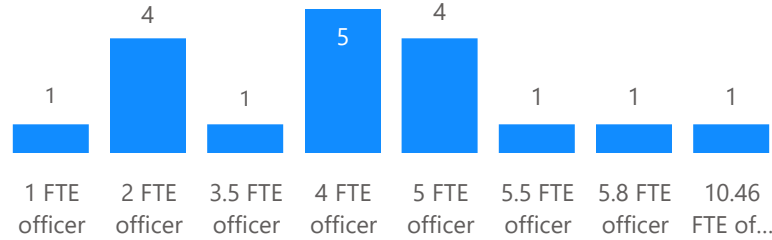
Did any of these enforcement cases lead to prosecution?



18

Responses

How many full-time equivalent officers do you currently have within the Planning enforcement team, who are actively involved in enforcement investigations?



Location of Council/Authority of Response



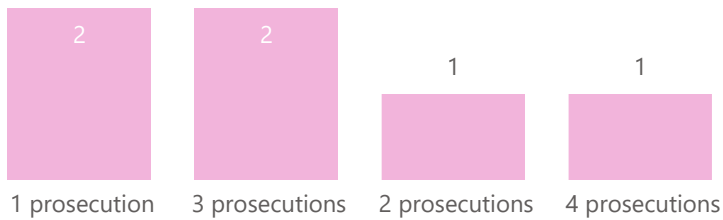
Location of Council/Authority of Response



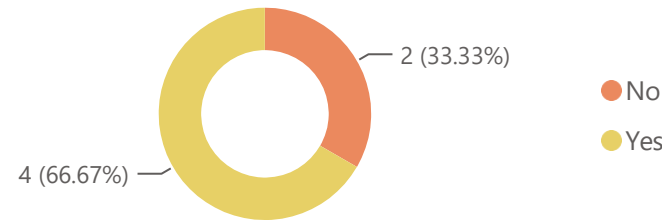
Question Section

- Case Load
- Enforcement Enquiries
- Enforcement Prosecutions and Appeals**
- Complaints
- KPI's/Reporting
- Skills and Training
- Guidance to Public/Enforcement Register

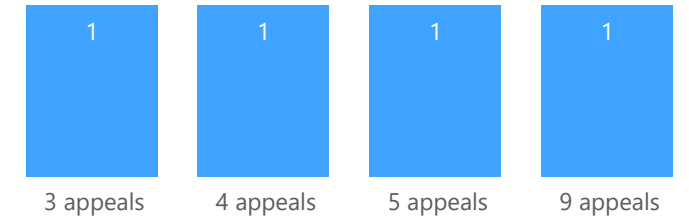
Please note how many enforcement prosecutions your Council dealt with in the 22-23 financial year?



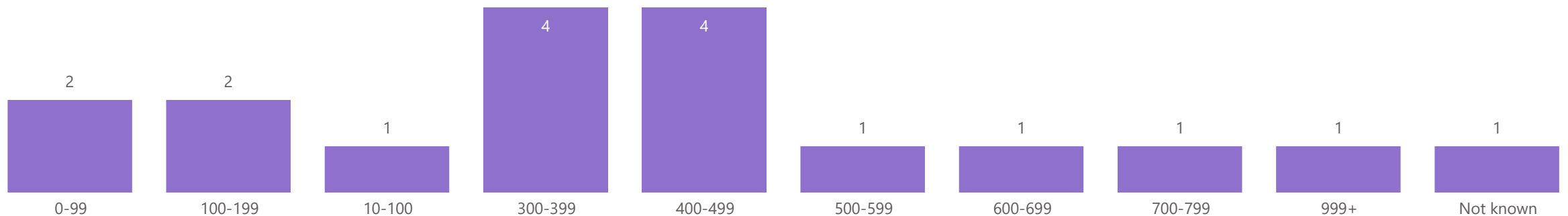
Did any of the cases lead to appeals?



Please note how many enforcement appeals your Council dealt with in the 22-23 financial year?



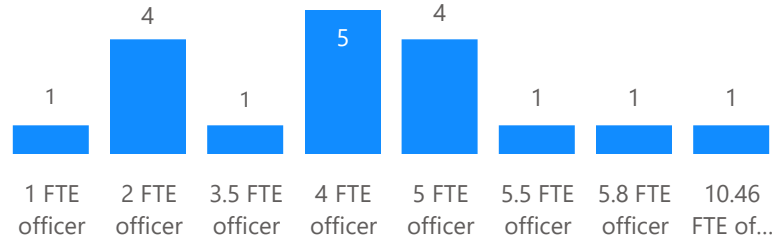
How many enforcement cases were closed in the 22-23 financial year?



18

Responses

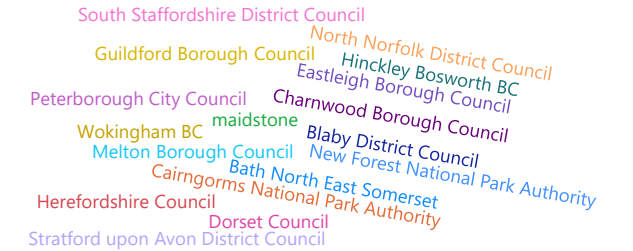
How many full-time equivalent officers do you currently have within the Planning enforcement team, who are actively involved in enforcement investigations?



Location of Council/Authority of Response



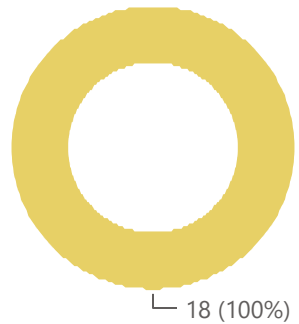
Location of Council/Authority of Response



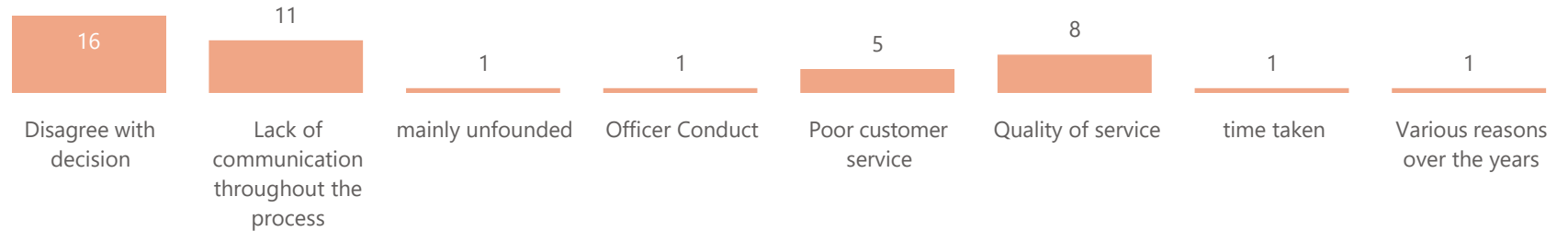
Question Section

|           |                       |                                      |                   |                 |                     |   |
|-----------|-----------------------|--------------------------------------|-------------------|-----------------|---------------------|---|
| Case Load | Enforcement Enquiries | Enforcement Prosecutions and Appeals | <b>Complaints</b> | KPI's/Reporting | Skills and Training | Guidance to Public/Enforcement Register |
|-----------|-----------------------|--------------------------------------|-------------------|-----------------|---------------------|---|

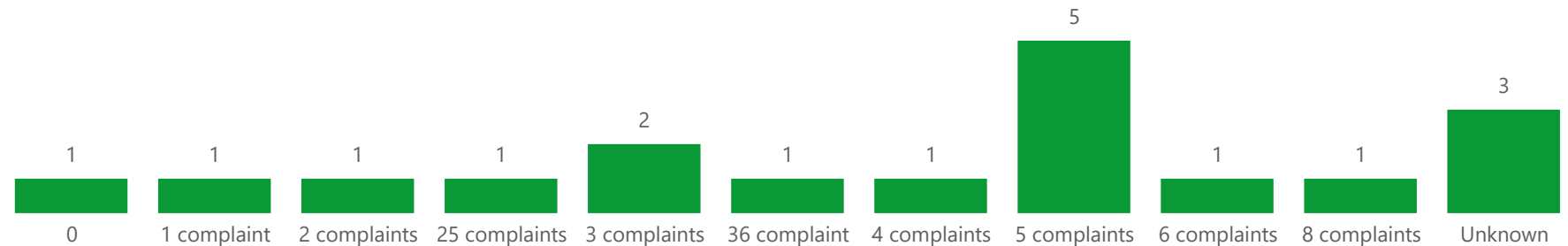
Do you have received formal complaints as a result of enforcement cases?



What does this include?



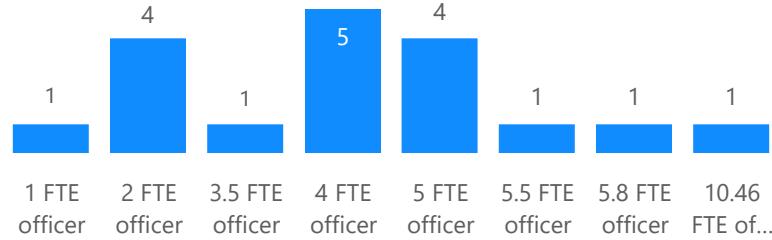
How many formal complaints did you receive in the 22-23 financial year relating to planning enforcement matters?



18

Responses

How many full-time equivalent officers do you currently have within the Planning enforcement team, who are actively involved in enforcement investigations?



Location of Council/Authority of Response



Location of Council/Authority of Response

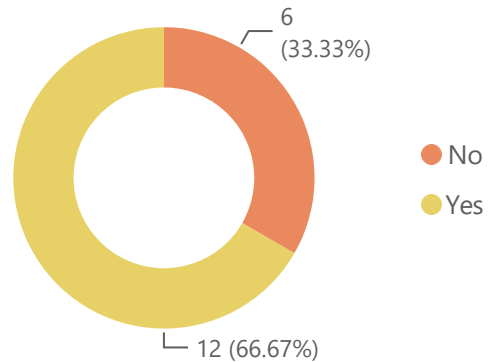


Question Section

- Case Load
- Enforcement Enquiries
- Enforcement Prosecutions and Appeals
- Complaints
- KPI's/Reporting**
- Skills and Training
- Guidance to Public/Enforcement Register

Do you have KPIs or metrics that are used to measure performance against organisational objectives?

Page 17

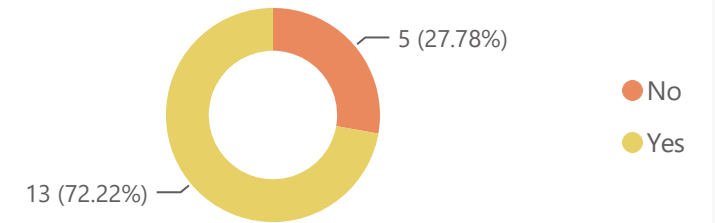


Please provide examples of KPI's/metrics.

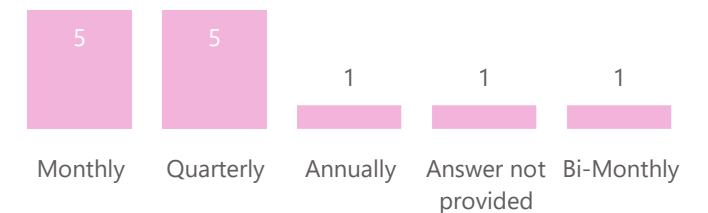
Value

- Using system to look at number of cases opened vs closed for teams / individuals as well as charts showing number of notices, prosecutions & appeals.
- update comp within 3 working days, do site visit within 10 working days and update the comp within 15 working days
- time taken to undertake visit
- time taken to ack receipt of allegation plus govt PS1/PS2
- Site visits carried out within;
  - P1 Within 1 working day
  - P2 Within 10 working days
  - P3 Within 20 working days
  - P4 No target date
- Conclude cases within;
  - P1 Within 30 working days
  - P2 Within 90 working days
  - P3 Within 45 working days
  - P4 Within 45 working days

Is there regular reporting of enforcement outcomes/statistics to Senior Management?



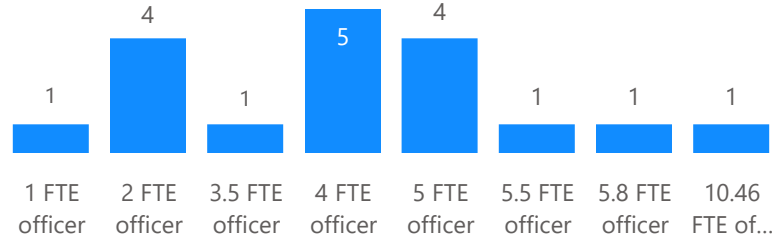
Please note how often, and what, is reported to Senior Management.



18

Responses

How many full-time equivalent officers do you currently have within the Planning enforcement team, who are actively involved in enforcement investigations?



Location of Council/Authority of Response



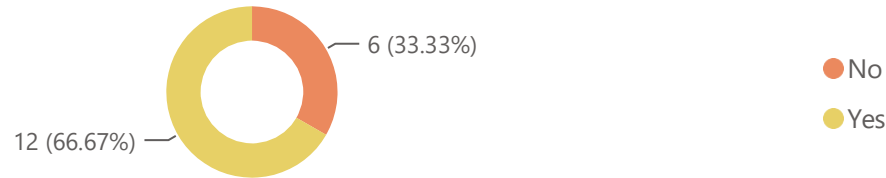
Location of Council/Authority of Response



Question Section

|           |                       |                                      |            |                 |                            |   |
|-----------|-----------------------|--------------------------------------|------------|-----------------|----------------------------|---|
| Case Load | Enforcement Enquiries | Enforcement Prosecutions and Appeals | Complaints | KPI's/Reporting | <b>Skills and Training</b> | Guidance to Public/Enforcement Register |
|-----------|-----------------------|--------------------------------------|------------|-----------------|----------------------------|---|

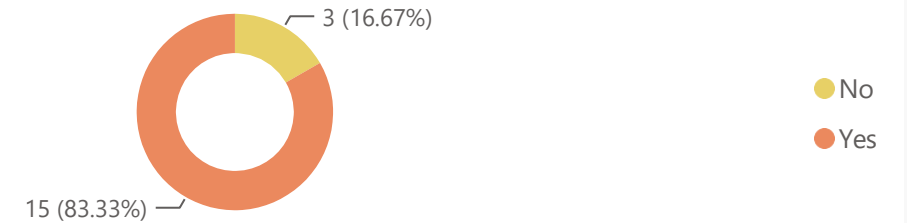
Do staff require specific skills, certifications, or qualifications to be applicable for an enforcement officer role?



Please note what skills, certifications, or qualifications which are necessary for applicants.

- Value
- degree level qualification
- Effective communication / negotiation skills. Ability to interpret plans and legislation.
- Investigation and / or planning experience.
- investigation skills
- No certifications or qualifications essential but previous experience in planning is preferable and transferable skills required.
- Normal skills associated with enforcement and monitoring process

Do you offer the enforcement team further training in addition to any mandatory training?



Please note any additional training offered to the enforcement team.

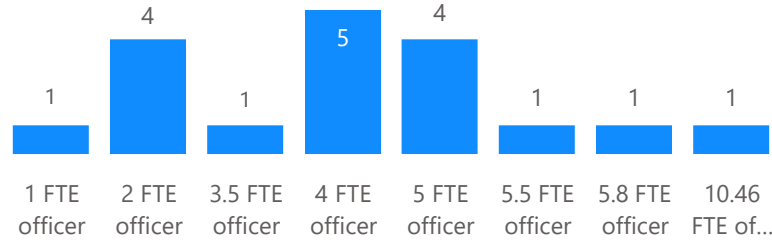
- Value
- access to attend accredited RTP1 / NAPE courses / PACE / RIPA etc.
- Anything related to enforcement
- certified course in enforcement now run by Ivy Legal
- Courses run via Ivy Legal mainly but other providers used too.
- I have supplied training locally and nationally covering enforcement powers, basic investigation best practice, cautions, interviews and management oversight
- ILM Level 3 and various IVY Legal Courses



18

Responses

How many full-time equivalent officers do you currently have within the Planning enforcement team, who are actively involved in enforcement investigations?



Location of Council/Authority of Response



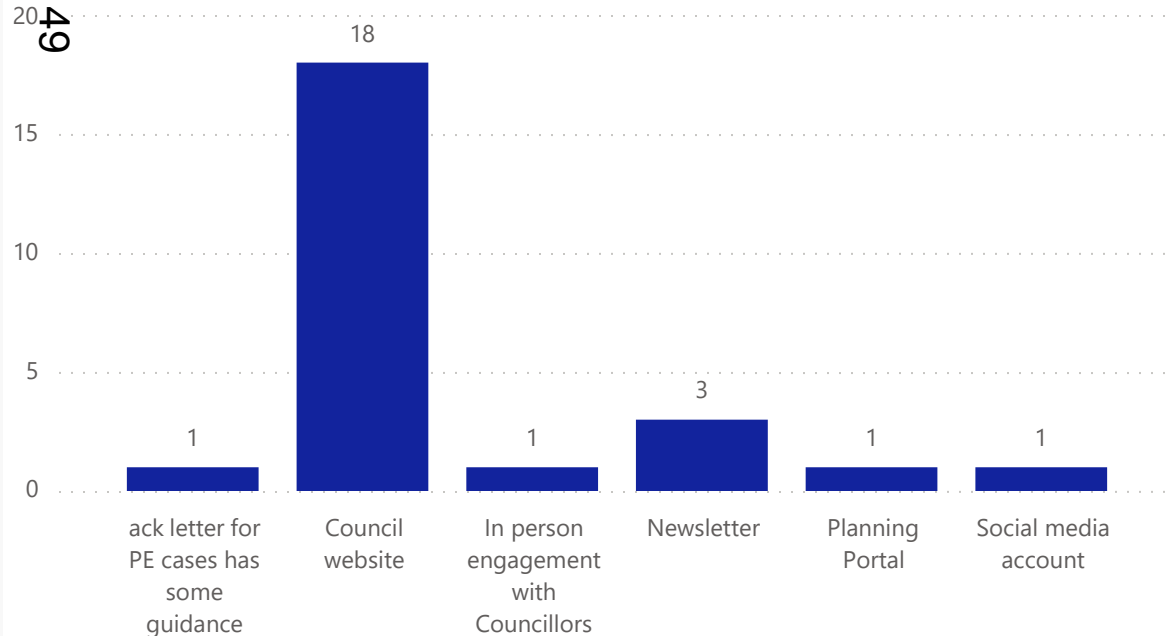
Location of Council/Authority of Response



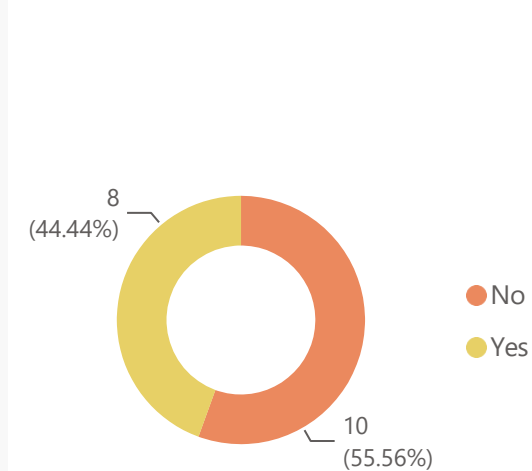
Question Section

|           |                       |                                      |            |                 |                     |   |
|-----------|-----------------------|--------------------------------------|------------|-----------------|---------------------|---|
| Case Load | Enforcement Enquiries | Enforcement Prosecutions and Appeals | Complaints | KPI's/Reporting | Skills and Training | Guidance to Public/Enforcement Register |
|-----------|-----------------------|--------------------------------------|------------|-----------------|---------------------|---|

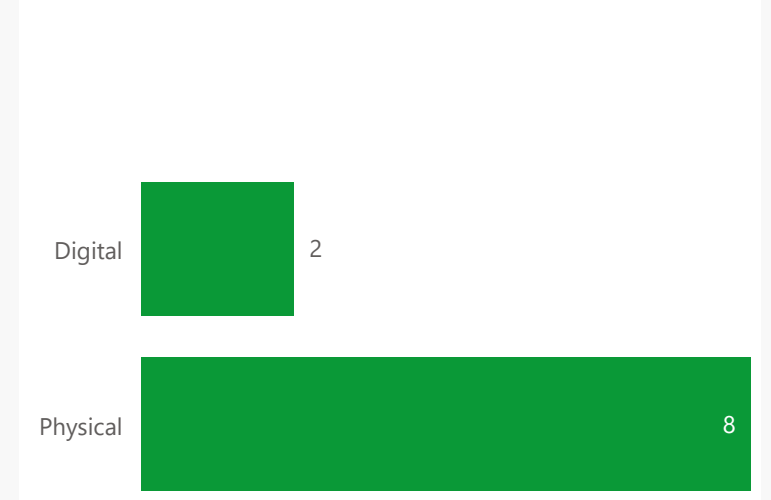
What methods are currently used to provide guidance to the general public .1



Is your enforcement register accessible online?



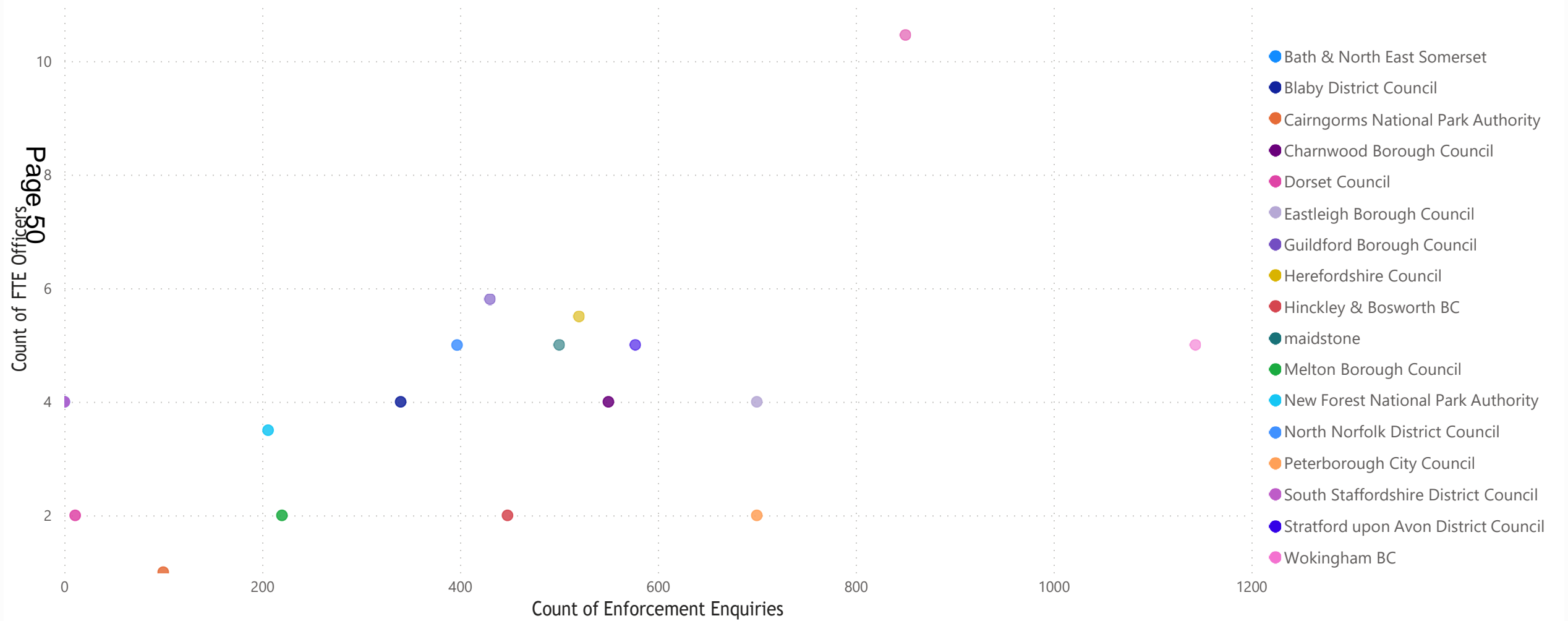
Please note what format the register is available.



Question Section

- Case Load
- Enforcement Enquiries
- Enforcement Prosecutions and...
- Complaints
- KPI's/Reporting
- Skills and Training
- Guidance to Public/Enforcement..
- Enforcement Enquiries by Authority
- Closed Enquiries by Authority

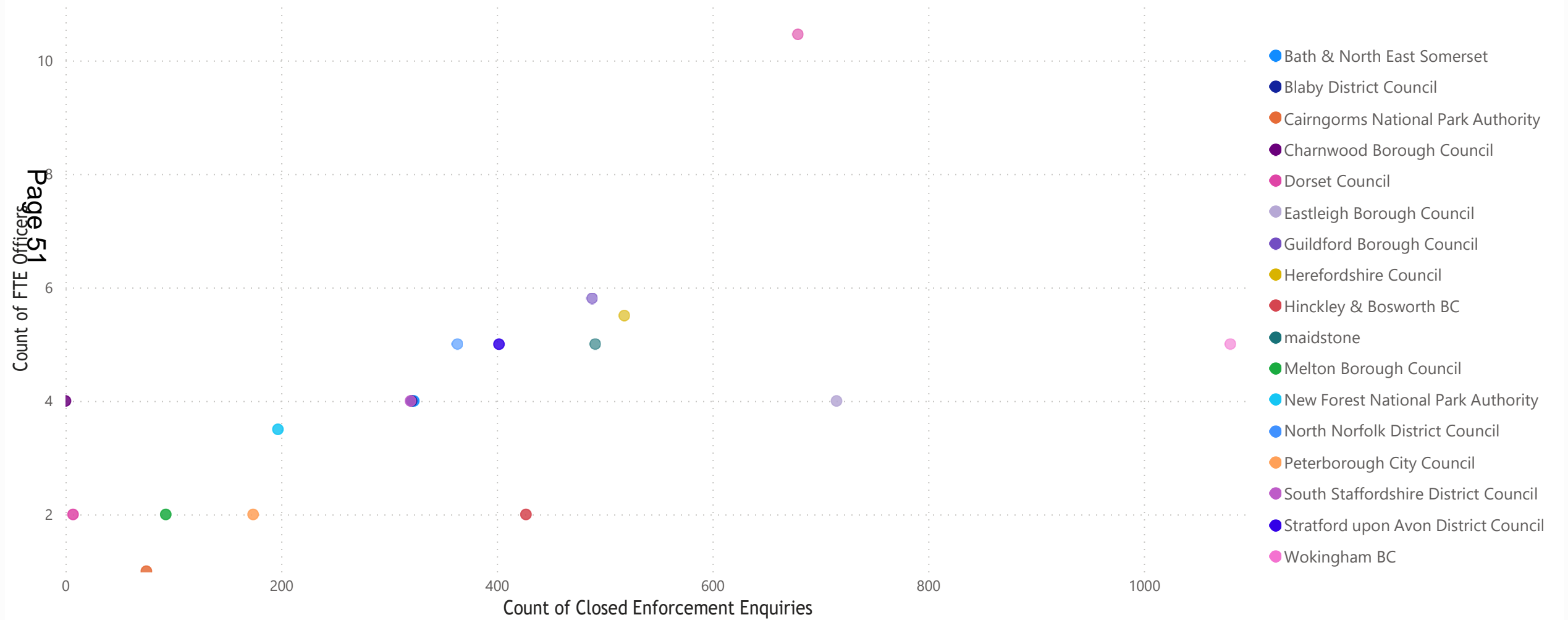
How many enforcement enquiries did you receive in the 22-23 financial year?



Question Section

- Case Load
- Enforcement Enquiries
- Enforcement Prosecutions and...
- Complaints
- KPI's/Reporting
- Skills and Training
- Guidance to Public/Enforcement...
- Enforcement Enquiries by Authority
- Closed Enquiries by Authority

How many enforcement cases were closed in the 22-23 financial year?



## Full Answer Responses

What is the current structure of your enforcement team?

Value



1 Compliance and Legal Officer + 2 Enforcement Officers

->Enforcement Manager

1 Manager, 3 Seniors, 5 Officers, 3 assistants

1 Team Leader

2 Planning Enforcement officers

1 Trainee Planning Enforcement officer

1 Conditions Monitoring officer

1 x Planning Enforcement Officer

1 x Planning Enforcement Technical Officer

1 x Team Leader and 3 x Enforcement Officers

1 x Team Manager

1 x Senior Enforcement Officer

2 x Planning Enforcement Assistants

2 x Monitoring and Enforcement (Minerals and Waste) Officers

3 x Enforcement Officers > 2 Senior Planners > Planning Manager (Performance, Appeals and Enforcement)

Admin Assistant, Technical Enforcement Officer, Senior Enforcement Officer, Planning Enforcement Manager

Development Manager (Enf - Team leader)

4.5 enforcement officers

Enforcement officer

Enforcement officer -> senior enforcement officer -> team manager

Operational Manager, Team Manager, Senior Enforcement Officer, 2 Planning Enforcement Officers

Principal PE Officer (FT), PE/Compliance Officer (FT), PE/Compliance Officer (P/T)

Team Leader - F/T

Senior Planner - F/T

x2 Enforcement Officers (one is a Planner) - F/T

Planning Investigations Officer - F/T

Technical assistant - 21hrs

Team Leader (part-time) - senior enforcement officer - enforcement officer

Team Leader

Senior Planning Enforcement Officer x 2 (one is vacant)

Planning Enforcement Officer x 3

Team leader, two enf officers and one assistant

Please provide examples of KPI's/metrics.

Value



Using system to look at number of cases opened vs closed for teams / individuals as well as charts showing number of notices, prosecutions & appeals.

update comp within 3 working days, do site visit within 10 working days and update the comp within 15 working days

time taken to undertake visit

time taken to ack receipt of allegation

plus govt PS1/PS2

Site visits carried out within;

P1 Within 1 working day

P2 Within 10 working days

P3 Within 20 working days

P4 No target date

Conclude cases within;

P1 Within 30 working days

P2 Within 90 working days

P3 Within 45 working days

P4 Within 45 working days

Priority one cases - visit within 1 day and update complainant within 1 day - 95% KPI

Priority two cases - visit within 10 days and update complainant within 1 day - 90% KPI

Planning Compliance Performance (Cal year)

\*Total number of enforcement cases received

\*Enforcement cases closed within 8 weeks if no breach found (% Target 80% within 8 weeks)

\*Acknowledgement of enforcement complaints (% Target 80% within 3 working days)

\*Enforcement site visits carried out within 10 days of agreement (% Target 80% within 10 days)

Number of enforcement cases on hand (target less than 180)

Acknowledge complaint within 3 working days. Initial site visit / assessment within 15 working days.

80% of cases investigation is complete within 12 weeks of case being logged (investigation complete means that it has been established if a breach of planning control has occurred and next action has been communicated to subject of the complaint).

5 PCNs for 2023-2024 period .

1 - Ensure that complainants are acknowledged within the agreed timescales of the Planning Enforcement Policy. (3 working days)

2 - Ensure that the first action (assessment/site visit) of alleged breaches are being undertaken within the agreed timescales of the Planning Enforcement Policy (10 working days)

3- Ensure that complainants are informed of the Council's initial findings within the agreed timescales of the Planning Enforcement Policy. (15 working days from registration)

% of site visits conducted within agreed timelines (linked to priority)

% of files acknowledged within three working days.

We also monitor the % of appeals allowed, number and type of notices served and the number of cases opened and closed but these are not reported.

## Full Answer Responses

Please note what skills, certifications, or qualifications which are necessary for applicants.

Value



degree level qualification

Effective communication / negotiation skills. Ability to interpret plans and legislation.

Investigation and / or planning experience.

investigation skills

No certifications or qualifications essential but previous experience in planning is preferable and transferable skills required.

Normal skills associated with enforcement and monitoring process

Planning degree/qualification for TL and Senior Planner.

Planning degree/qualification for Planning enforcement Officer (but experience counts in the absence of qualifications).

Investigating Officer - investigating skills, planning knowledge or experience (desirable)

Previous experience and GCSE

RTPI and Masters for Enf Officer at senior level and above

Senior Enforcement Officer and Planning Enforcement Manager, are required to hold a formal certification in planning enforcement.

Staff are going through certificate with Ivy legal.

We have career graded roles. Enforcement Officer level requires a degree in a planning or relevant subject.

Please note any additional training offered to the enforcement team.

Value



access to attend accredited RTPI / NAPE courses / PACE / RIPA etc.

Anything related to enforcement

certified course in enforcement now run by Ivy Legal

Courses run via Ivy Legal mainly but other providers used too.

I have supplied training locally and nationally covering enforcement powers, basic investigation best practice, cautions, interviews and management oversight

ILM Level 3 and various IVY Legal Courses

in the past Trevor Roberts courses(now closed) and ad hoc events/on line, when funds available.

no budget set aside and financial constraints now apply

Ivy Legal courses

Mallard Training

Eventbright

planning masters course

Masters apprentice course

PACE training, Specific planning enforcement training, NAPE conferences, relevant RTPI training, Ivy Legal training on Planning Enforcement topics.

PACE, RIPA, Certificate in Planning Enforcement, Listed Building Training, TPO training, BNG Training.

RTPI courses and events and other relevant courses as they arise.

RTPI CPD Events and any other training identified by the individual that they feel might be of benefit.

Site Safety, PACE

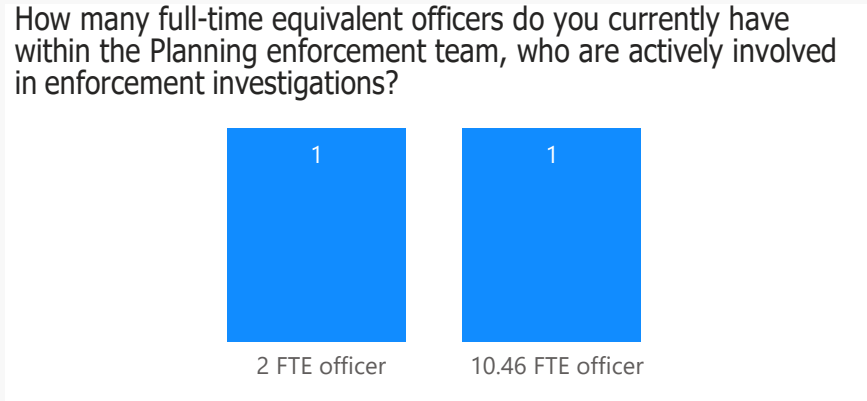
Team Leader carried out Tuesday training sessions on a fortnightly basis.

Also look for PACE training once a year.

Attend enforcement forum for local government enforcement officers

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**2**  
Responses



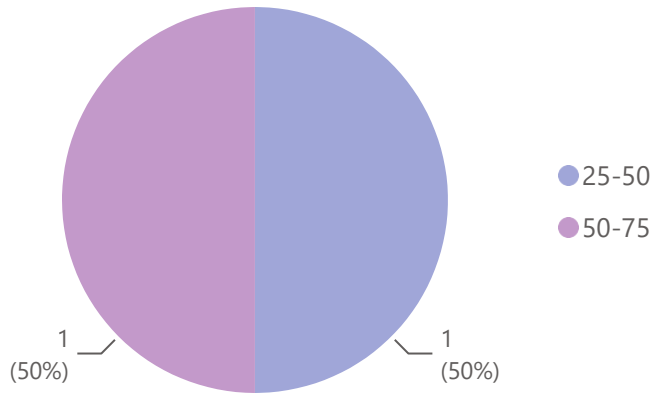
Location of Council/Authority of Response

**Dorset Council**

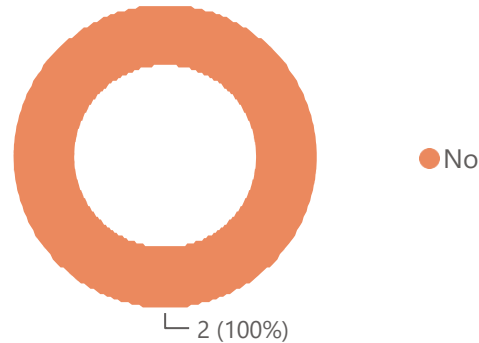
Question Section

- Case Load
- Enforcement Enquiries
- Enforcement Prosecutions and Appeals
- Complaints
- KPI's/Reporting
- Skills and Training
- Guidance to Public/Enforcement Register

What is the average number of cases a full-time officer has assigned to them (assigned groups)?



Do staff have a maximum caseload amount?



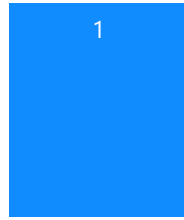
What is the current structure of your enforcement team?

- Value
- 1 Manager, 3 Seniors, 5 Officers, 3 assistants
  - 2 x Monitoring and ENforcement (Minerals and Waste) Officers

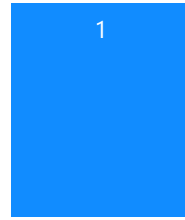
2

Responses

How many full-time equivalent officers do you currently have within the Planning enforcement team, who are actively involved in enforcement investigations?



2 FTE officer



10.46 FTE officer

Location of Council/Authority of Response



Location of Council/Authority of Response

Dorset Council

Question Section

Page 56

Case Load

**Enforcement Enquiries**

Enforcement Prosecutions and Appeals

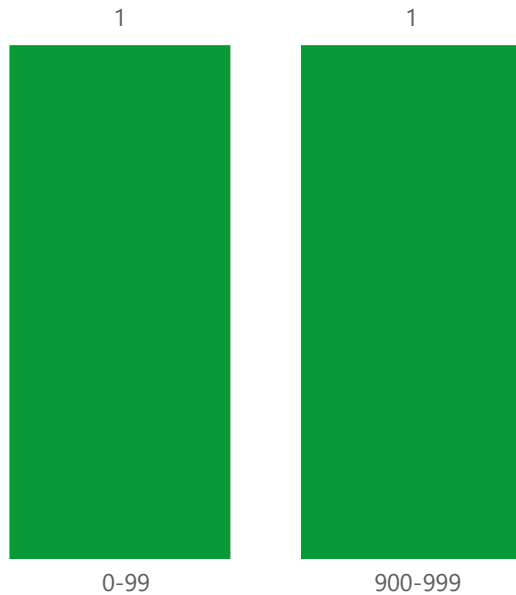
Complaints

KPI's/Reporting

Skills and Training

Guidance to Public/Enforcement Register

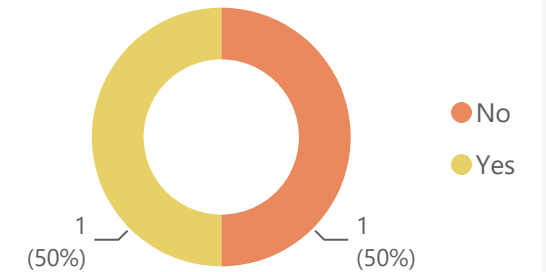
How many enforcement enquiries did you receive in the 22-23 financial year?



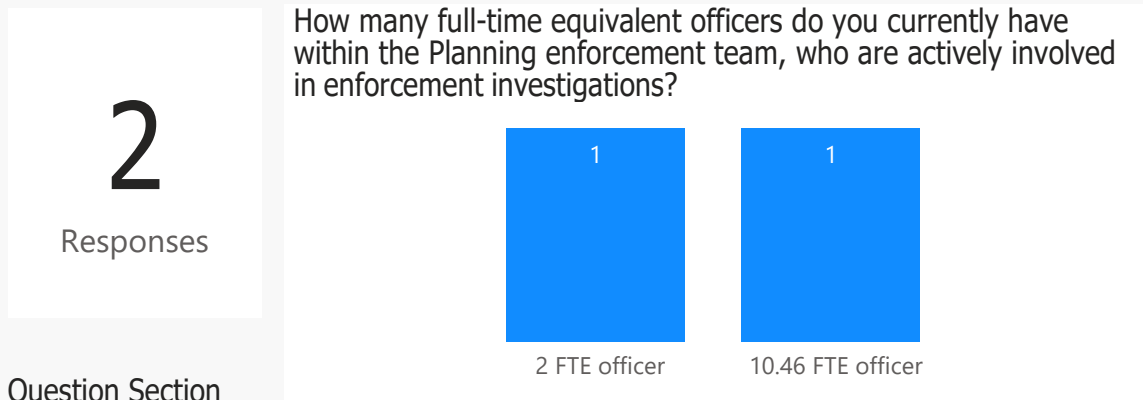
Of these, how many were logged as enforcement cases?



Did any of these enforcement cases lead to prosecution?





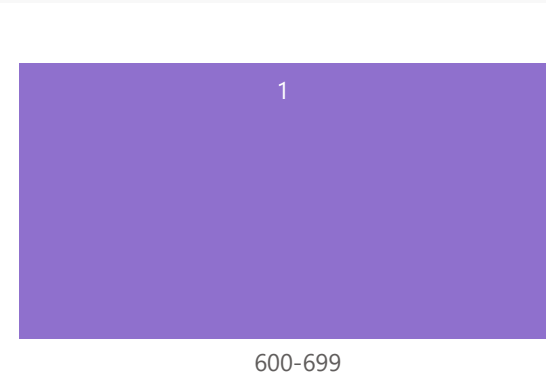
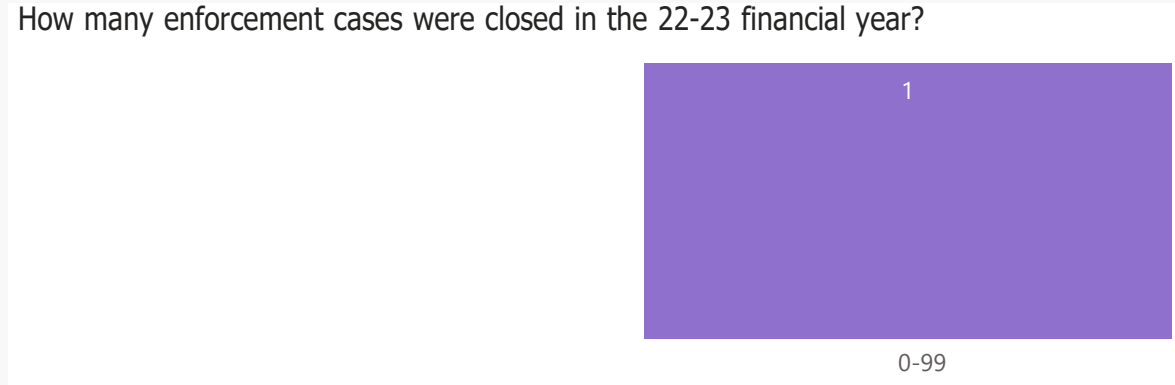
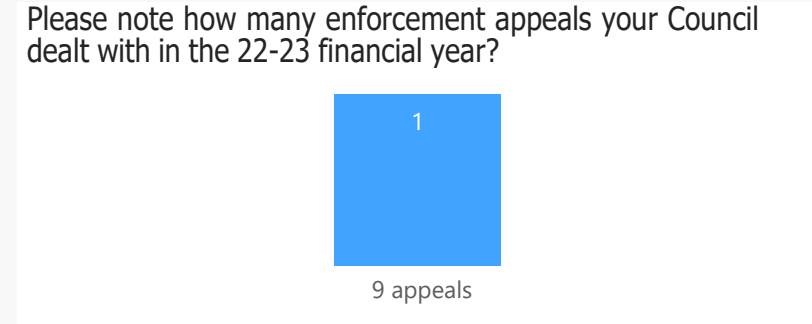
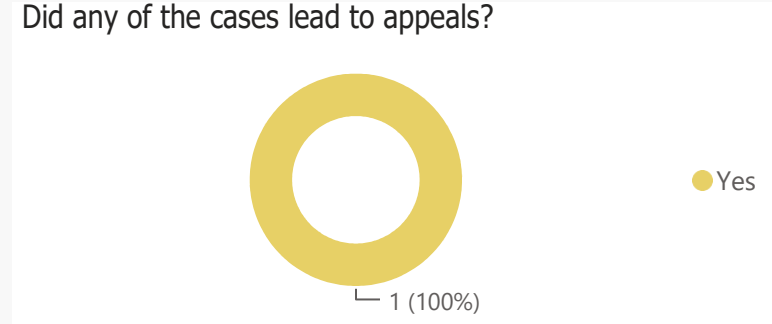


Location of Council/Authority of Response

**Dorset Council**

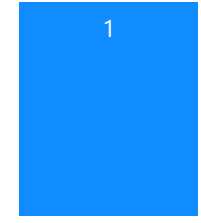
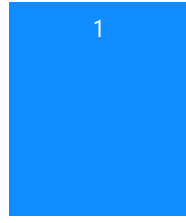
Question Section

- Case Load
- Enforcement Enquiries
- Enforcement Prosecutions and Appeals**
- Complaints
- KPI's/Reporting
- Skills and Training
- Guidance to Public/Enforcement Register



**2**  
Responses

How many full-time equivalent officers do you currently have within the Planning enforcement team, who are actively involved in enforcement investigations?



Location of Council/Authority of Response



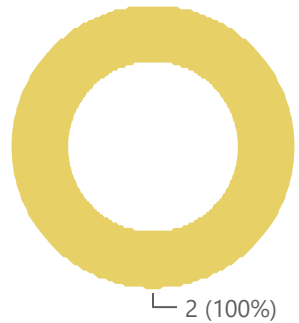
Location of Council/Authority of Response

**Dorset Council**

Question Section

- Case Load
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Do you have received formal complaints as a result of enforcement cases?



● Yes

What does this include?



Disagree with decision



Various reasons over the years

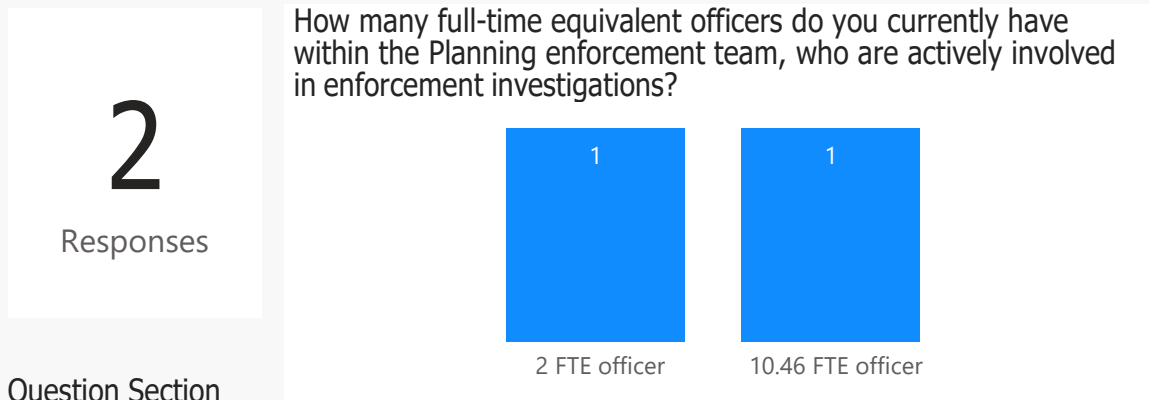
How many formal complaints did you receive in the 22-23 financial year relating to planning enforcement matters?



0



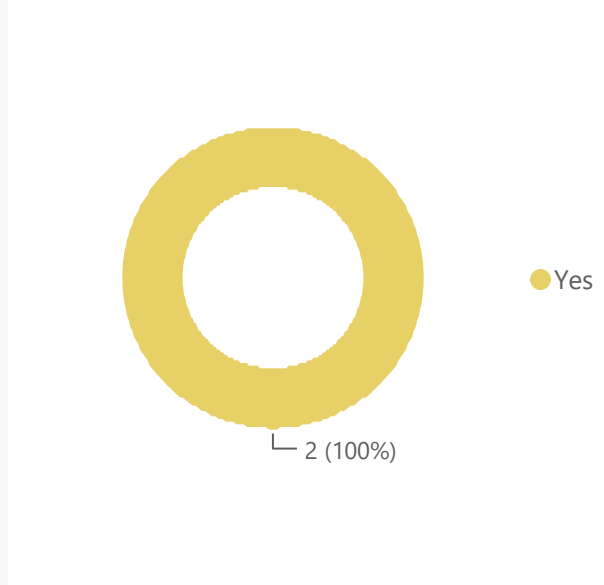
36 complaint



Question Section

| Case Load | Enforcement Enquiries | Enforcement Prosecutions and Appeals | Complaints | <b>KPI's/Reporting</b> | Skills and Training | Guidance to Public/Enforcement Register |
|-----------|-----------------------|--------------------------------------|------------|------------------------|---------------------|---|
|-----------|-----------------------|--------------------------------------|------------|------------------------|---------------------|---|

Do you have KPIs or metrics that are used to measure performance against organisational objectives?



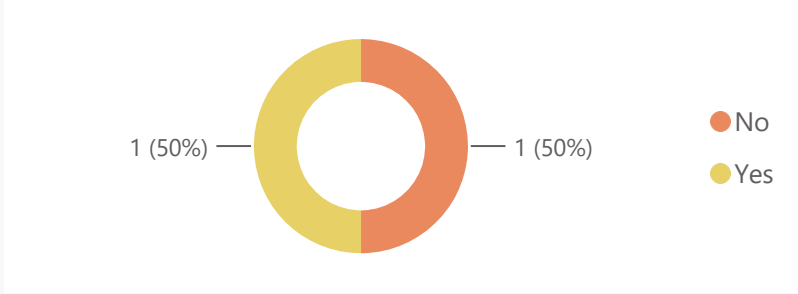
Please provide examples of KPI's/metrics.

Value

Using system to look at number of cases opened vs closed for teams / individuals as well as charts showing number of notices, prosecutions & appeals.

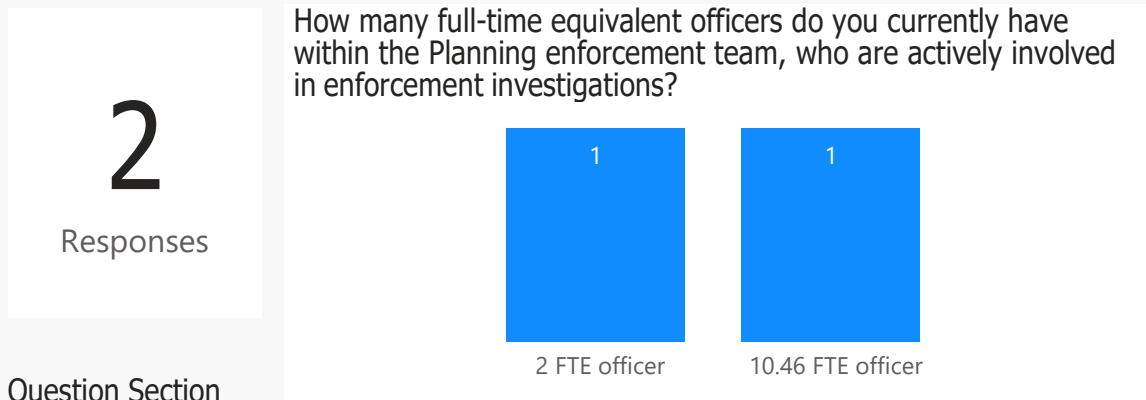
5 PCNs for 2023-2024 period .

Is there regular reporting of enforcement outcomes/statistics to Senior Management?



Please note how often, and what, is reported to Senior Management.



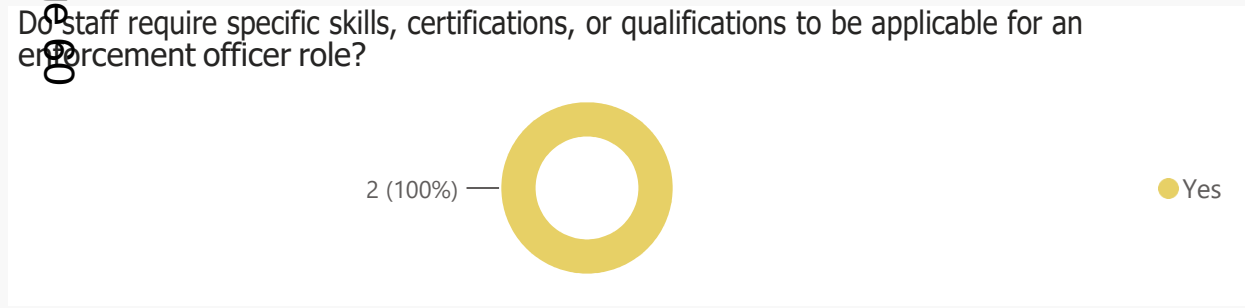


Location of Council/Authority of Response

**Dorset Council**

Question Section

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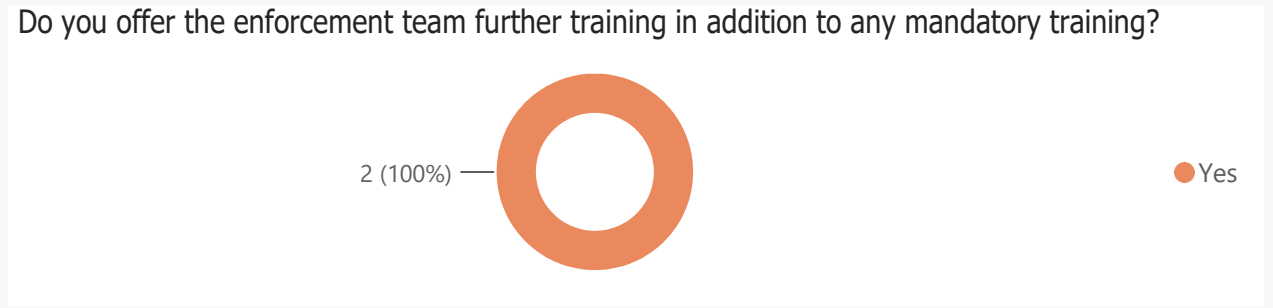


Please note what skills, certifications, or qualifications which are necessary for applicants.

Value

Investigation and / or planning experience.

Normal skills associated with enforcement and monitoring process



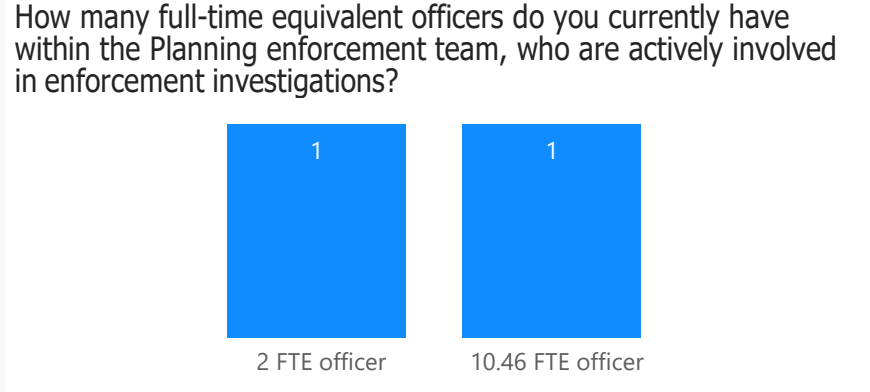
Please note any additional training offered to the enforcement team.

Value

Anything related to enforcement

I have supplied training locally and nationally covering enforcement powers, basic investigation best practice, cautions, interviews and management oversight

**2**  
Responses

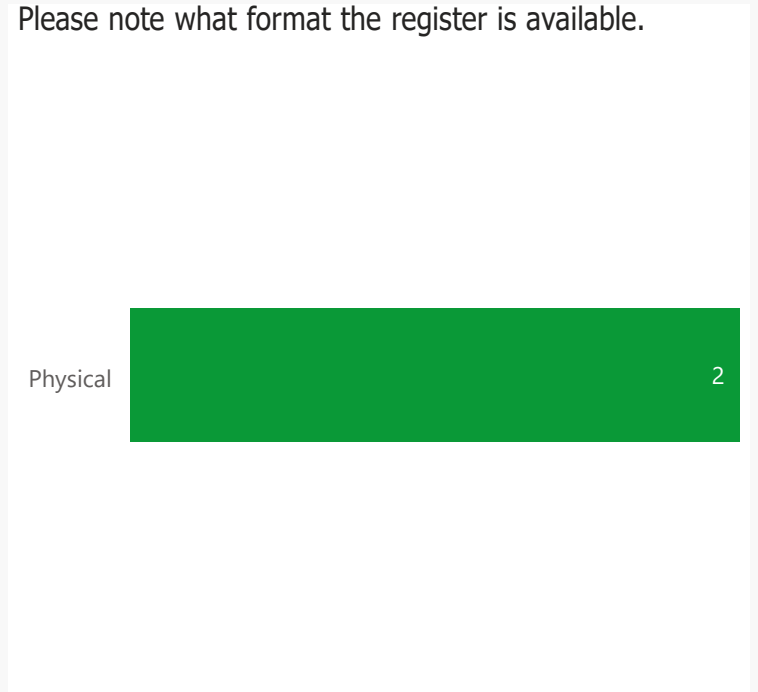
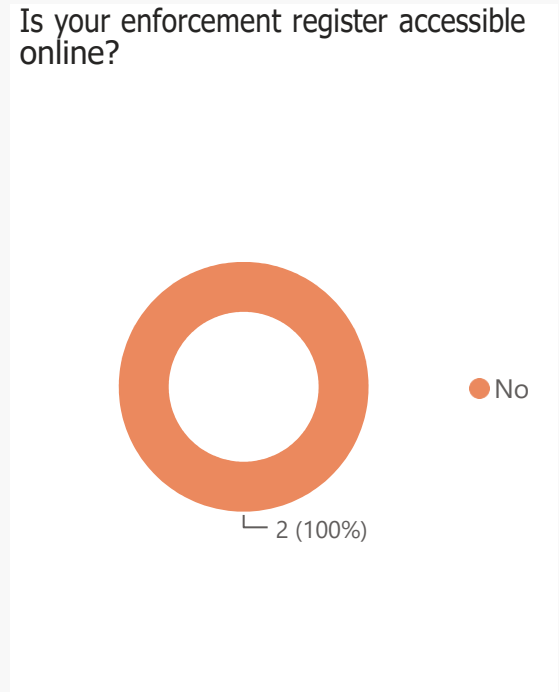
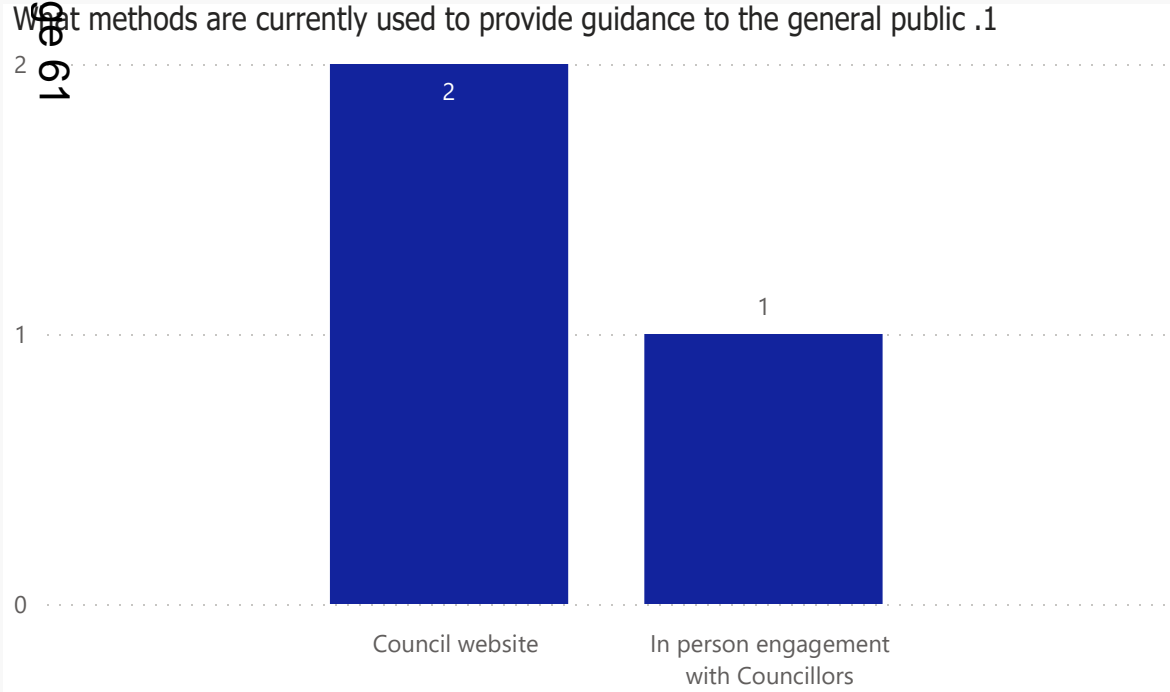


Location of Council/Authority of Response

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