



RTPI

Royal Town Planning Institute

**RTPI
Research
Paper**

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PLANNING ENFORCEMENT RESOURCING

**The scale and nature of
resourcing challenges faced
by enforcement teams**

The Royal Town Planning Institute (RTPI)

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Executive Summary

Planning enforcement sits at the heart of the planning system. Without it, planning legislation is meaningless. Our recent research indicates that there has been a 43% decrease in net expenditure from local authorities on planning as a whole, from £844m in 2009/10 to £480m in 2020/21¹. As a result of this long-term reduction in investment, local authorities are now facing major challenges in resourcing, skills and performance.

This has been felt acutely by enforcement teams across England. The RTPI conducted a survey with responses from 133 enforcement officers representing about a third of local authorities in England. The results were striking. 80% of respondents reported that there weren't enough officers in their team to carry out the workload, 89% that their councils are currently experiencing a backlog, 73% that their authority had struggled to recruit in the last year and 96% supported central government funding for direct action. Under 50% of authorities now have the capacity to monitor compliance of conditions once successful enforcement action has been taken. Additionally, 71% reported that delays from the Planning Inspectorate are negatively impacting the service. Thus, the last decade of cuts has had a tangible and damaging impact on planning enforcement.

In addition to the survey RTPI carried out 8 long form and in-depth interviews with enforcement managers at authorities across England. The qualitative results reflected the survey data as interviewees expressed how officers are currently stretched to the limit.

“The system is falling apart, the pressure that’s put on officers at the moment is just ridiculous. Something needs to give or more people are going to leave the profession.”(C2)

“Resources, unreasonable expectations from the public [and] politicians, workloads, completely unsustainable workloads; they’re the biggest problems on the ground” (C8)

The task of recruiting enforcement officers is often impossible as low graduate interest, the squeezing of more traditional entry paths into the profession, and the increased competition from recruitment consultancies has decimated the talent pool. Moreover, the rise of contracting and lack of upward progression within local authorities means that there's high staff turnover and instability.

Recruitment difficulties are accompanied by unmanageable workloads and insufficient staff. Long-term under resourcing combined with the accumulation of cases during the pandemic has resulted in back logs and low staff morale. Moreover, the lack of resource both within enforcement teams as well as in the appeals system and the courts systems is responsible for large delays within the system.

Consequently, enforcement teams are no longer able to proactively monitor compliance and the service provided to the public has significantly deteriorated. Finally, tight budgets make it extremely difficult for councils to effectively use direct action.

¹ Harry Steele & Madeleine Bauer, “Planning Agencies”, RTPI, September 2022, <https://www.rtpi.org.uk/media/12613/planning-agencies-rtpi-2022.pdf>.

Difficulties with running the enforcement service under its current obligations also have implications where Government is considering adding new burdens such as the incoming policy of Biodiversity Net Gain.

The current situation faced by enforcement teams is hugely challenging as low skills, a lack of staff and tight financial constraints have weakened the service. This undermines the planning system as a whole and negatively affects members of the public who rely on its integrity.

Introduction

This research was requested by the Department of Levelling Up, Housing and Communities with the aim of attaining a clearer understanding of what is currently happening on the ground with planning enforcement. Its purpose is to discover the nature and scale of the resourcing challenges which enforcement teams face across England and to strengthen the government's evidence base on this topic. Public sector planning as a whole has been crippled by a decade of cuts, and this can be seen especially clearly in the case of enforcement.

Firstly, this report will examine how local authorities recruit and organise enforcement teams. It will discuss the recruitment challenges faced by councils, what causes them and training and development. It will also look at how enforcement teams sit within the council's organisational structure, and whether they work better alongside other planning services or more regulatory functions.

Secondly it will explore resourcing within the service including the number of staff available and the workloads which they have to manage. It will also discuss how lack of resourcing impacts case numbers, staff morale, response times and legal advice.

Finally, this research investigates the service which is provided to the public. It will look at the capacity of enforcement teams to proactively monitor compliance, how they deal with people repeatedly carrying out serious unauthorised development and whether they are able to take direct action to resolve breaches. Planning enforcement teams are underfunded and understaffed across all levels of councils in England frustrating their ability to provide a good public service.

The research is supported by 8 qualitative interviews with enforcement team leaders at different local authorities across England. These candidates are anonymised (as C1 etc.) and were from a range of local authorities. C1 works for a London Borough, C2, C4, C6 and C7 work for district councils, and C3, C5 and C8 work for unitary authorities. The interviews are complemented by a survey of 133 enforcement officers who represent 103 different councils in England; the questions and results are in Appendix 1.

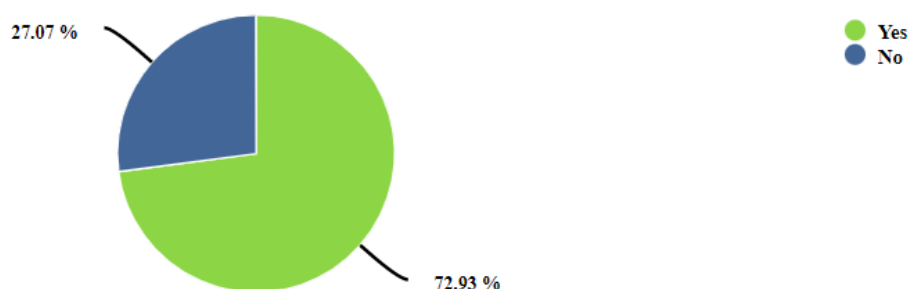
Section 1 – Organisation, recruitment and the talent pool

Introduction

This section investigates how local authorities currently organise their enforcement teams, and how they recruit and manage them. Enforcement managers face a dire situation in attracting talent. There are several underlying reasons for this including a lack of awareness among graduates and the changing nature of the profession. Many local authorities overcome this by training up employees. Recruitment challenges have been accompanied by rise of contracting, with implications for staff turnover. Finally, participants in the study discussed where their teams are situated within council and their relationships with other departments. The research illuminates why the talent pool for enforcement is so narrow and causes local authorities such difficulties, and how enforcement teams are managed.

Recruitment Challenges

The participants in this study illustrated a striking picture of the challenges which local authorities face in trying to recruit enforcement officers. All 8 interviewees and 73% of survey respondents worked for local authorities which had struggled to recruit in recent years. C1 described how, in the last year, they conducted two recruitment campaigns with the aim of bringing in planning enforcement officers at both a senior and junior level. The results were poor. During the first round “We only got one applicant at senior and nine applicants for the planning enforcement officer role...only one had any planning experience” (C1). They then conducted a second round, increasing salaries and attracting some applicants with planning experience. This still wasn’t fruitful as they only came up with ‘one applicant for interview essentially from two recruitment campaigns over the last year.’ C2 told a similar story. Their local authority “had to go out for the last round of recruitment twice because first time round was unsuccessful, we did interview a few candidates but they were unsuitable” (C2). Another interviewee, despite advertising three times, increasing the salary and using a variety of different platforms “didn’t recruit and that job has gone into savings” (C4). Each recruitment campaign attracted “nobody with relevant skills or experience” (C4). Local authorities using multiple rounds of recruitment and increasing salaries yet attracting few to no experienced candidates is the norm.



Has your local authority experienced problems recruiting enforcement officers in the last five years?

The lack of available talent for enforcement roles is clear in all the interviews. C5 advertised an enforcement role on a national advert and had two external applicants, only one of whom had any background in planning. C6 attempted to recruit a few years ago “but nobody applied with any form of planning qualification or a planning background of any kind”. C7’s council also experienced difficulties, ultimately being forced to train an internal applicant when recruiting a fully trained external officer proved impossible. Similarly, C8 described how, in their most recent recruitment campaign “we didn’t have one candidate, in any of the two or three times we advertised, with any planning experience whatsoever externally” and they had to “headhunt somebody in the organization” (C8). The only participant with any success led a team that “do a mix of work within the team, planning applications, LDCs, permitted development inquiries, discharge of conditions” which helped to attract candidates as they “were able to give people a variety of work to help with their career progression” (C3). Even so they “have found it quite difficult on occasion to recruit” (C3). Local authorities across the country are faced with low levels of applicants, most of whom are not equipped with the relevant skills to undertake enforcement work.

The talent pool

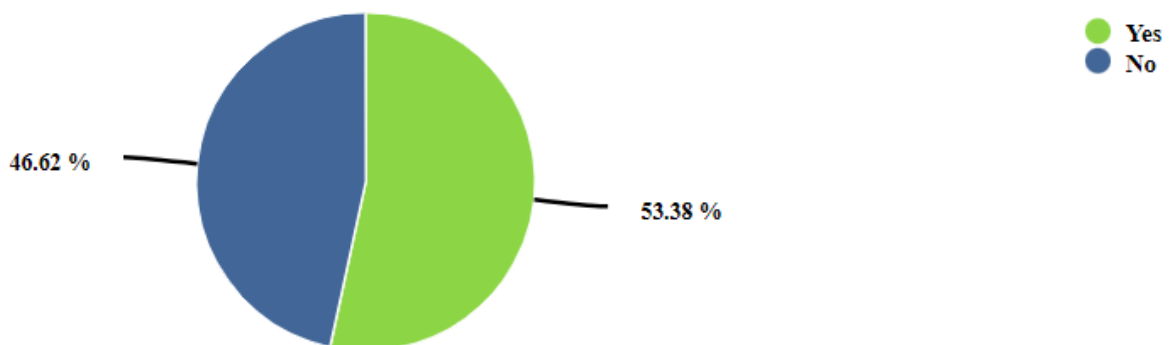
Salary on its own does not explain the low appetite for enforcement officer roles. C1 explained that in their local authority other planning positions with a similar pay grading were being filled. C7 confirmed “the way we pay isn’t putting people off” because enforcement officers are “on the same level as the planning officers so there’s not a pay discrepancy or any sort of deferential terms” (C7). While the acute difficulties experienced with enforcement do not arise solely from salary, it is worth recognising that there are “difficulties in the wider local government”, in “one trying to retain staff and two trying to replace them when they go”(C8). Nonetheless, feedback suggests there is a widespread disinterest in enforcement from graduate planners. C7 depicted how they’ve “had no success at all trying to get graduates to join”. C2’s council were only successful in engaging graduate talent when they recruited altogether across planning enforcement, development management and strategic planning. The reputation of enforcement discourages young planners because of the ‘perception from people that planning enforcement isn’t particularly nice and that people get a lot of aggravation’ (C1). Moreover, some interviewees attributed this to “universities just not teaching any element of enforcement within the syllabi” creating a “lack of awareness from graduates coming through that it’s a viable career option for officers” (C7). Hence, low recognition among graduate planners is a crucial aspect of the recruitment challenges faced by local authorities.

However, the problem of recruitment is still more complex. There is no clear career path into enforcement. As councils have tried to make enforcement more professional, “a greater emphasis has been put on officers having qualifications, degrees, relevant degrees and having RTPI membership” (C7). Planning enforcement officers have “historically...been ex-police, ex-army who can deal with confrontation but may not have the knowledge of planning law specifically” (C2). Talent from these backgrounds have investigative abilities but lack knowledge of planning merits. One interviewee had “had quite mixed results working with ex forces” but suggested that even this source of candidates had diminished as “perhaps police officers don’t retire quite as early as they used to so there’s less of them available” (C5). Moreover, another respondent only had one other RTPI qualified planner on their team of 8 which means that “where it gets to the planning merits it will just fall to me to produce all the planning reasons” (C8). “In an ideal world I would have all my team be RTPI qualified planners because that helps massively, not just in terms of our ability to go

out and make decisions reasonably quickly”. Thus, the traditional ex-police officers candidates do not fully meet the needs of local authorities.

On the other hand, councils struggle to balance recognition of qualifications with relevant experience. “There are people out there with really good skills and a lot of good experience, but they can’t be put onto the paygrade that they want because they don’t have the qualifications”. (C2). This is problematic as “people who’ve got experience in investigatory work are now not able to apply for those roles because they don’t meet the eligibility criteria” (C7). Thus, flexibility matters as authorities need “a bit of wriggle room so if we have a really good candidate without a planning background but with a good investigative background, we’re fair in our discretion” (C5). Consequently, enforcement leaders are “stuck between a rock and a hard place in that we’re not able to get those professional graduates because they’re not aware of the role and the career progression, but then we’re not able to recruit those people who aren’t coming through academia” (C7). The talent pool is being squeezed at both ends.

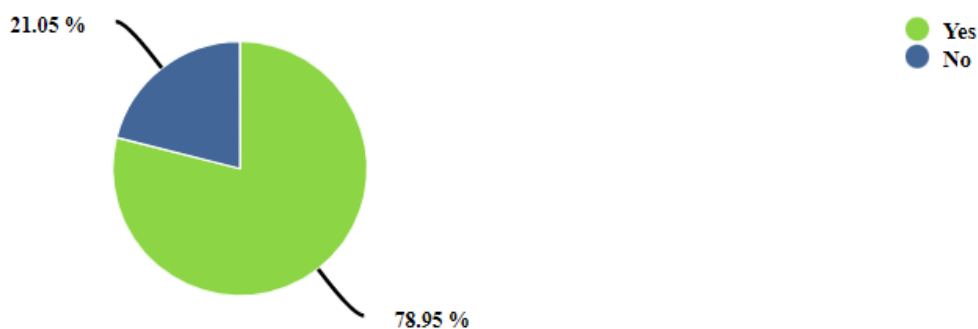
The recruitment challenges faced by local authorities are associated with high staff turnover and instability within in enforcement teams. The short supply of candidates results in increased competition between different local authorities. This combined with poor career progression “creates this chessboard of people being moved, and sometimes moving to another authority locally to get a promotion and then moving back again when another promotion becomes available.” (C2). This volatility is amplified by the rising phenomenon of contracting. 53% of survey respondents reported that their councils use external contractors to carry out the workload. Much higher salaries in contracting are causing “the pool of available people to get smaller and smaller” (C1). C5 describes how one of their enforcement officers was recently offered “ten grand extra to go and work for a consultancy”. The growing use of consultancy staff suggests that salaries do play an instrumental role in the difficult recruitment environment. Enforcement officers “either have or are working for a local authority” (C2) but “more people go into the contracting side of things because it’s more enticing, the money is better” (C1). Consequently, local authorities are being forced to pay higher rates for contractors rather than employing staff directly. Hence, recruitment challenges are accompanied by staff impermanence and the negative impact which that has on enforcement teams.



Does your local authority use external contractors to carry out the workload?

Training and development

One of the clearest solutions is for councils to ‘grow their own’. The survey results show that a large number of councils are sponsoring officers through planning qualifications. Authorities regularly develop “internal candidates [who are] doing admin/technical support roles looking to step up” (C5). Many team leaders ended up “appoint[ing] an internal applicant...as a trainee” (C7) or “appointing a planning liaison and...admin support officer” (C8). Upskilling and training members of staff is key to expanding the workforce. C2 explained how their “authority supported me to do my masters on day release” which “councils need to do across the board in order to retain talent and retain good staff.” The council which C5 works for does this routinely, sending one or two interested people to a nearby university each year to do a master’s degree in planning. This has seen positive results as “we’ve had some really good people come through that route” (C5). C7’s council also consistently sponsors its enforcement officers through their master’s degrees in order to counteract this issue. Thus, authority’s capacity to support staff through qualifications is vital to alleviating problems of recruitment and retention.



Does your local authority ever sponsor planning officers through planning qualifications?

However, not all local authorities demonstrate a commitment to upskilling staff. On the contrary, tight budgets generally undermine the professional development of enforcement officers. C2 described how “the skillset required to do enforcement certainly at a more senior level is quite specific and requires a lot of experience” and many applicants are unable to meet the essential criteria. C3 agreed that it’s “difficult to get an experienced enforcement officer who can hit the ground running”. The absence of skilled workers or more senior enforcement officers is attributed to “a lack of training courses and also a lack of courses that are reasonably priced” (C2). C8 explained how currently their council are “not providing any funds for any training course...that is the party line”. In addition to the inability to send staff on courses, this interviewee also reported that they were unable to send their team to key conferences such as the RTPI Planning Enforcement Conference in 2022. Nurturing and progressing employees at local authorities is critical to solving staffing shortages.

Organisational Structure

Many enforcement teams have been moved around as part of restructures over the last decade with mixed results. Some interviewees felt that enforcement is best situated with other planning services, others were more ambivalent. C1 described how about 5 years ago enforcement was taken from planning services into more general regulatory services. They argued that while not being with other planning services could have adverse effects such as having “lawful development certificates granted on properties which we’ve issued enforcement notices against”, both set ups “have their uses as we often rely on a lot of information that’s gathered from the noise and odour teams” (C1). C4 had also experienced sitting with planning and outside of it in a team containing environmental crime and housing enforcement. While they agreed that there are “positives and negatives in both”, they contended that when enforcement sits with other planning services it can be “used to cover up the development management officers errors” (C4). This results in loss of confidence in the planning process as “members of the public have that attitude that the planning department will just close ranks and cover any mistakes” (C4). Communication with other teams and integrity in the planning process were thus put forward as benefits of separating enforcement from the rest of the planning department.

However, the consensus was overwhelmingly in favour of having a structure where enforcement is incorporated with other planning services. C2 leads a team which sits under an overarching service manager who looks after enforcement, development management and strategy. They argue that this connection with strategic planning “is critical especially when you’re dealing with appeals, and there’s a new local plan evolving and to find out where you’re at with certain strategic documents and promises” (C2). Moreover, it “helps raise the profile of planning enforcement” (C2). Other interviewees agreed that enforcement “sits best within the planning department” (C6), “needs to be integrated within the planning team” (C8) and “closely aligned with the planning teams...the planning policy team, the major applications team and the applications and consents team” (C3). One respondent explained how when their council proposed “pooling all the enforcement resources into a separate sphere” (C7) the enforcement team objected strongly. Thus, enforcement sits most naturally within the planning department.

The logic of placing enforcement with other planning services was reinforced by the fact that respondents undertake cross service working without the need for formal relationships. Enforcement officers “work well with all our teams within the council” (C3). C5 explained how enforcement at their authority has put into a new regulatory services directorate, expressing scepticism at the theoretical advantage of increased cross service working as they “informally have a reasonable relationship between different services” (C5). Moreover, the colleagues which enforcement officers collaborate with is hugely diverse. For instance, C1 explained how in their area there were particular issues with shisha lounges necessitating joint inspections “with the noise team and the food safety team” (C1). C6 regularly teams up with the antisocial behaviour team. Many interviewees explained how they collaborate closely with environmental health on things such as “dog breeding issues or traveller issues” (C2). The private rental sector came up frequently as teams work together “on things like untidy sites or HMOs” (C3), or “big empty properties projects” (C5). C4 explained how the “recently introduced article four direction removing permitted development rights for change of use from C3 dwellinghouse to C4 HMO” has caused a major problem in their locality. In response, they attend weekly meetings with the housing team. C8 was recently involved with the National Crime Agency over cases of unregulated car washes,

and some cases require engagement with multiple stakeholders and agencies including “the fire service, social services, child protection staff, licensing, environment agency” (C5). Enforcement officers collaborate regularly with other departments as a fundamental part of their day to day job. Informal relationships allow for flexibility which is necessitated by the variety of work. However, the knowledge sharing with colleagues in planning is more constant and situating it within planning services raises the esteem of the profession.

Conclusion

Local authorities across England are struggling to recruit permanent enforcement officers. Multiple rounds of recruitment lead to small numbers of applicants with little relevant experience. Respondents attributed this to several factors. Firstly, low awareness and interest among graduate planners makes them hard to attract. Secondly, while enforcement officers have traditionally come from the police force, the increasing emphasis on qualifications has reduced their eligibility. As a result, enforcement teams face increasing instability exacerbated by the growth of contracting and competition in pay. As a solution, many councils have successfully turned to training up internal candidates such as admin support officers and sponsoring them through planning masters degrees. The research also found that enforcement teams sit in a variety of different structures in councils but are most logically placed with other planning services. Moreover, enforcement teams collaborate well with other colleagues and the need for cross service working is hugely variable.

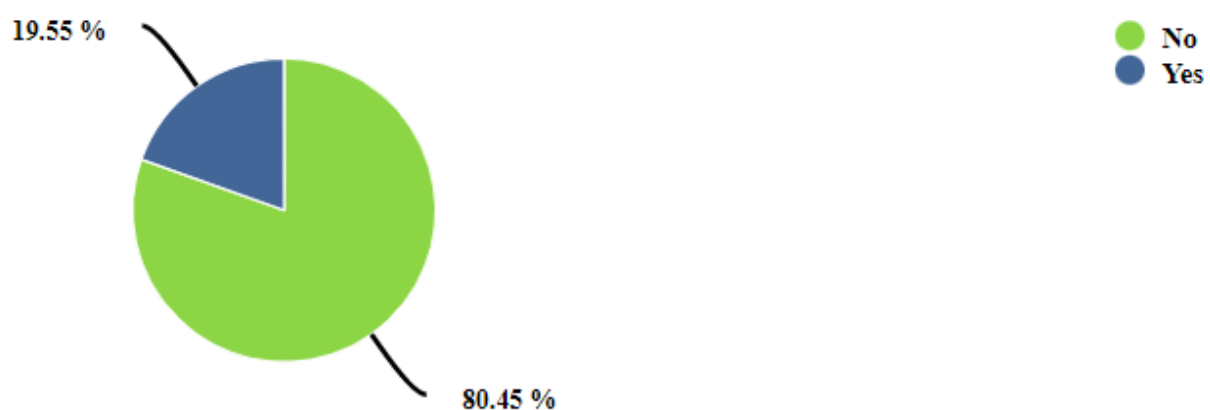
Section 2 – Low capacity; workloads, delays and legal advice

Introduction

This section focuses on under resourcing in both local and central government and how this negatively impacts enforcement officers at teams across England. Interviewees discussed the sizes of teams across different tiers of councils, their workloads, backlogs, and demoralisation in the workforce. Secondly, delays in the system are cited as a major concern and have been catalysed by under resourcing both within enforcement teams and across central government services. Finally, interviewees provided feedback on their access to legal advice and how this has been impacted by problems of resourcing.

Unmanageable Workloads

Local authorities are under resourced when it comes to planning enforcement. All interviewees and 80% of survey respondents felt there weren't enough enforcement officers to carry out the workload. District councils are currently facing severe staff shortages. C4 related how while they have just poached an experienced enforcement officer from another authority they are currently working by themselves and "there's not enough resource at all" (C4). C2 described how they have 3.2 enforcement officers which "for the amount of work we have coming is not enough staff" (C2). C7 reported that with three enforcement officers "we haven't got enough staff, we're trying to sort that out at the moment but obviously finances are difficult". Another respondent was more circumspect but still didn't feel the resourcing was adequate. With just themselves and one other full time planning enforcement officer; "ideally we'd at least have another officer or at least another part time officer...we manage but we could offer a better service if we had more staff on the ground" (C6). Thus with teams of two or three, district councils are short-handed.

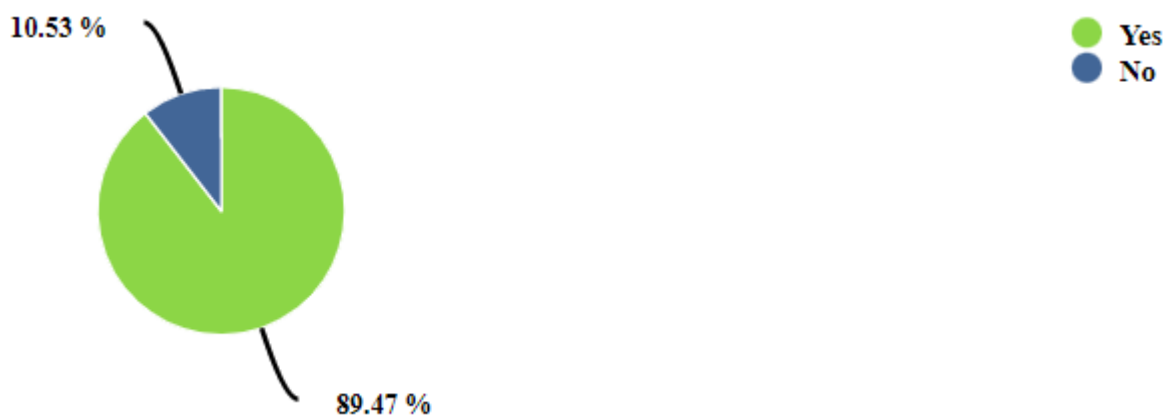


Are there enough enforcement officers in your team to carry out the workload?

London Borough's with responsibility for large metropolitan areas are also having difficulty. Currently, there are "not enough officers for the volume of work and complaints that we're receiving" as "on average we receive about 1,100 cases a year... which is a lot for three officers" (C1). Meanwhile, unitary authorities have bigger teams but still struggle to meet demand. C3 recounted how they are "very stretched; there are seven of us in the team, but not all of them deal with enforcement. I have 3 enforcement officers in the team at the moment that deal with enforcement investigations and appeals". On the other hand, C8 has a much bigger team with "nine enforcement officers". While this is "a sufficient amount of enforcement officers" capacity is still "the biggest problem from my perspective, it all comes down to resources, unreasonable expectations from the public, politicians, and completely unsustainable workloads" (C8). C5 also has a much larger team with "full time equivalents 12.4 planning enforcement officers dealing with a workload of around two and a half thousand cases that come in a year". This is four times the amount of officers as C1 for just over twice the amount of cases and still the resource is at a level where the team can only "just about cope with what we've got" (C5). Even the most well-resourced local authorities are still at capacity.

Consequences – backlogs and demoralisation

Insufficient staff generates backlogs of cases which force enforcement officers to make difficult choices. 89% of local authorities in our survey are currently experiencing backlogs. At the moment enforcement teams are "fighting fires and just dealing with the priority cases" (C1) and "constantly having to prioritise and reprioritise which ends up creating this backlog of cases" (C2). Consequently "older cases that aren't a priority tend to fall by the wayside and remain open but just not being progressed" (C2). This accumulation of cases is particularly associated with the pandemic. Local authorities "experienced backlogs"...[coming] out of the pandemic" as "you've got more stuff coming in then you can push out the other end" (C3). These backlogs are well established; C5 describes how they have "a target with my team that we run with about 1000 open cases at any one time which is about 6 months' work of work" (C5). Thus, under resourcing in local authorities has made it impossible for enforcement teams to get on top of caseloads which piled up during Covid-19. As a result, they are now experiencing large backlogs of cases and being forced to constantly reprioritise cases.



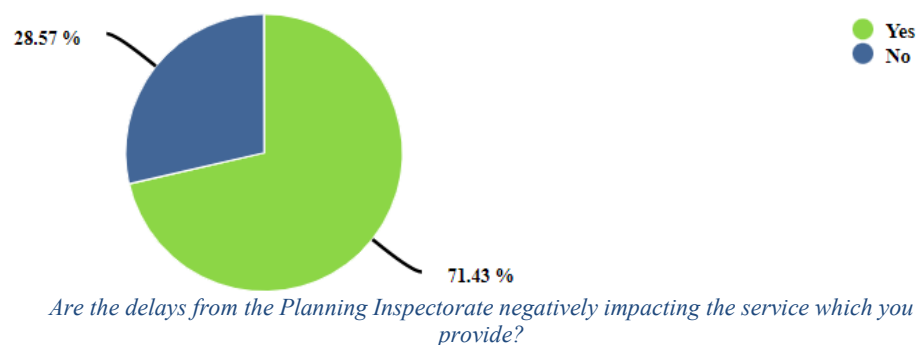
Is your local authority currently experiencing a backlog of cases?

Lack of capacity in enforcement teams produces widespread demoralisation. Respondents described how pressurised work environments have a detrimental impact on staff. As one interviewee put it “the pressure that’s put on officers at the moment is just ridiculous; something needs to give or more people are going to leave the profession” (C2). Another told how they were “about to have a melt down over the last few weeks... the expectation on enforcement at the moment is greater than I’ve ever known it” (C4). As staff are stretched to the maximum “the pressure of work can be quite demoralising and lead to difficulty when it comes to work life balance” (C3) and officers “feel they can’t ever achieve anything” (C4). Enforcement officers are routinely working “a lot more hours than what you’re getting paid” (C8) feeding into issues of staff retention. Moreover, under resourcing means that teams lack resilience as “if somebody is off, on sick leave for example, for some time then we really don’t have anyone to pull in from other teams to help” (C3). Thus, unmanageable workloads result in the accumulation of high numbers of cases, with officers under a huge amount of pressure.

Delays

Poor resourcing both within local authority enforcement teams and across wider central government services create major delays negatively affecting both officers and the public. One of the primary concerns is “frustration and long delays” (C8) and “just how slow everything is really” (C5) as “anything to sort of speed up the process would help” (C6). C3 recounted how the lack of capacity in enforcement teams means “it takes us a long time to deal with enforcement cases, it takes us a long time to bring cases forward to issuing a notice or prosecution because you’re often just dealing with day-to-day updates” (C3). Additionally, the planning system is a “very procedurally burdensome” (C2) and “drawn out process...even without delays” (C8). Thus “local people get very frustrated as do politicians, getting frustrated with the time taken” (C8). Problems of staffing make it extremely challenging for Councils to respond to complaints in a timely fashion.

These delays are exacerbated by central government services including both planning appeals and the court system. There’s widespread discontent with the “poor service for delays and slowness” (C5) provided by the Planning Inspectorate (PINS). 71% of officers surveyed reported that this is negatively impacting the service. Participants recounted how some cases “have been over two years waiting for a decision” (C1), in some instances serving “the enforcement notice in February 2019 and... [getting] a decision from PINS in February of 2021” (C5). This is difficult for residents as “there are certain uses that have been causing them quite a lot of harm and we’re kind of powerless with what we can do when an appeal has been lodged” (C1). Moreover, enforcement teams are “having to chase PINS for an update” and “keep complainants updated as to what the process is” (C2) which is time consuming. Many are aware of PINS “speeding up” (C5) and sympathetic to the fact that “they’ve got the same staffing problems as what local authorities have” (C8). However, “anything that would reduce the appeal time or the right to appeal would be helpful” (C6). Additionally, delays in the



courts were also frequently cited as undermining the effectiveness on enforcement teams. Local authorities are regularly waiting “months now rather than weeks” (C5) for court dates and presently “getting trial dates for November 2023” (C1). Delays in both the appeals system and the courts system are detrimental for enforcement teams.

Legal Advice

Resourcing problems also impact enforcement officers’ access to legal advice. Some teams have “direct access to our legal team” (C1) or “very good access” (C4 & C7) and find “that side of things is OK” (C6). They contend that “when counsel input is required...that is done quite speedily” (C2) and “it’s easily accessible - I never have a problem getting responses” (C4). However, many local authorities are experiencing a “slow response time, you can easily wait a couple of months” (C5), “the legal advice may take you weeks if not months” (C8), and enforcement officers are “struggling to get an answer” (C7). Access to legal advice varies but reduction in resource has undoubtedly impacted legal services at councils. One respondent explained “it’s a capacity thing because the legal team is the legal service for all the council and they provide services for two other authorities” (C2). Others agreed that “they do struggle with the same problems that we have; workload and resources” (C3) and that while “planning solicitors that we deal with are actually quite good... there’s just not enough of them” (C5). Moreover, all three enforcement managers at unitary authorities described geography as a challenge as solicitors are “not on our doorstep and they’re situated in a building elsewhere” (C3) which compares unfavourably to district councils where you could “walk up the stairs and speak to a legal executive” (C8). Some councils have adapted by “getting external legal advice” (C6) or buying in legal services for “anything remotely complicated” (C8) which is an expensive solution. Thus, while many local authorities have adequate legal advice, the reduction in resource has slowed response times, and the amalgamation of district councils into unitary authorities has made these relationships more distanced

Conclusion

Local authorities across England do not have enough enforcement officers to carry their workload. This has resulted in backlogs of cases, forcing officers to constantly reprioritise and leading to the demoralisation of staff. Under resourcing within enforcement teams as well as in both the appeal systems and the court system are currently causing long delays as staff are unable to respond promptly complaints. Finally, while many interviewees reported a positive relationship with legal services there are also capacity issues when it comes to accessing legal advice. Enforcement teams at councils across the country are heavily under resourced.

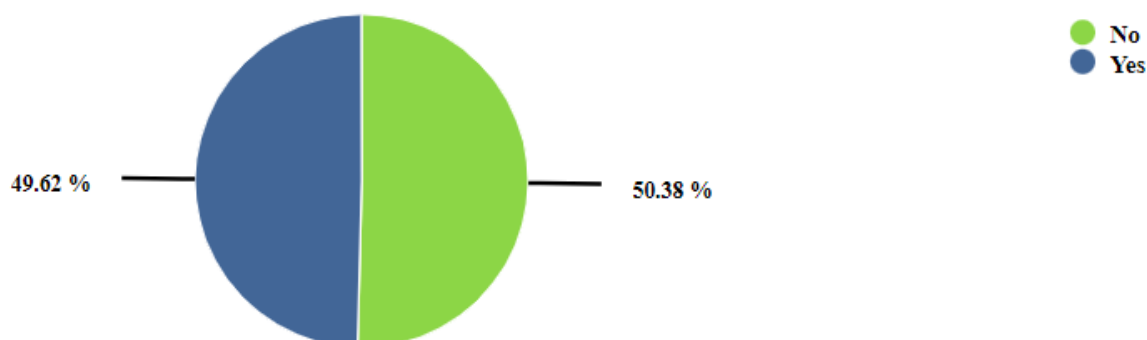
Section 3 – Problems with the service

Introduction

Thus far this research has demonstrated that local authorities are facing huge difficulties in recruiting enforcement officers, and the service has significant resourcing problems. These are responsible for a deterioration in the service being provided to the public. Enforcement teams are now largely reactive with implications for their ability to respond to repeat offenders. Moreover, the use of direct action has been curtailed.

A Reactive Service

Backlogs, delays and under resourcing both within enforcement teams and across the wider government context have a tangible impact on the service which enforcement teams offer to the public. They are often unable to monitor compliance once successful enforcement action has been taken. While 50% of survey respondents answered their local authority did monitor compliance of conditions, almost all of the interviewees reported difficulties in doing this. Staff are unable to “proactively go out on every single notice we serve and do a compliance check” (C1), teams “don’t have the resources to be able to go out there and check where we are” (C2), and they “have more than enough [work] coming in which makes it difficult for us to go out and monitor” (C3). Only one interviewee had “proactive things that we do” (C4). Otherwise, enforcement teams at unitary authorities “do the proactive stuff on minerals and waste because we do charge for it” (C5). Local authority’s “don’t have the staff or resources to monitor anything bar waste” (C8). This is a recent phenomenon. In the past, candidates were part of “teams of four or five dealing with 400 cases a year rather than 12 people dealing with 2,000 a year” which allowed them to “do quite a lot of proactive work around checking occupancy conditions and adverts” (C5). C7 relates that “when I started enforcement in about 2004 I worked in [a] district council and they were heavily resourced and we had a compliance team and a reactive team which worked fantastically” (C7). Currently, local authorities find it difficult to monitor compliance with the exception of minerals and waste at unitary authorities.



Does your local authority monitor compliance of conditions once successful enforcement action has been taken?

Enforcement teams are largely reactive. Rather than actively monitoring respondents explained that they “certainly 98% reactive” (C7), “don’t do anything on the proactive side of that now, it’s all reactive” (C5) and are “only reactive in terms of any kind of complaint” (C8). Local authorities are reliant on “people who have been complaining...[to] make us aware if things haven’t been complied with” (C1), teams don’t generally monitor conditions “unless somebody complains” (C2) and staff wait for “the public to come to us...we’ll assume it’s resolved unless we hear otherwise” (C6). Lack of capacity is “generally a complaint in service” (C6) and means that “the level of service for the public at large has certainly deteriorated” (C7). Moreover, this has clear implications for the incoming Biodiversity Net Gain policy. In our response to DEFRA’s consultation in April we expressed concern that “local authorities do not have the resources and capacity to ensure these biodiversity gains are actually realised and sustained” and the need for “funding for local authorities to review and deal with monitoring reports and enforcement be found”². The interviews conducted for this report highlight the gravity of these issues.

Repeat Offenders

Interviews also investigated whether the people repeatedly carrying out serious unauthorised development pose a hindrance to enforcement officers. Responses illustrated the wide variety of cases which enforcement officer have to deal with, rather than particular individuals or developers being a consistent problem. In one council “a few individuals in the borough’s MO [modus operandi] is buying industrial units, converting the first floor into flats and the ground floor into some sort of shisha lounge” (C1). Moreover, these “rogue landlords know how to play the system...and if the council did take action then there’s an appeal process which runs on a year plus” (C1). Another local authority also deals with certain people who purposefully “prolong these things by appealing” (C6). One respondent described having problems with rogue landlords owning “about 400-450 rental properties” (C4) and another interviewee faced challenges “unauthorised airport car parking” (C3). C5 pointed to a number of housing developers who “are serial problems” with “problems on every single site” (C5). C6 had experienced “certain people that have cropped up through my 16-17 years that keep coming back” and C7 also recognised that there were “serial offenders”. Thus, the majority of local authorities experience repeat transgressors but nature of the cases is diverse.

The wide variety of cases merits an equally varied response. Occasionally enforcement officers “do take a harsher line” as “with certain individuals you know the breach is going to escalate so you do perhaps go to that next stage sooner” (C7). However, generally the course of action depends on what’s appropriate. Interviewees related that for cases from people repeatedly breaching planning control they “deal with it on its planning merit at the time”, ensuring that “we deal with them in the same way we do everyone else” (C3), “deal with them on a case by case basis” (C7) and “it really depends on the nature of the breach as to how we would deal with it” (C6). Enforcement officers assess in the same way as “there is no difference for the same people doing constant things because there is that same test: is it expedient to pursue or not” (C8). Nonetheless, insufficient resourcing to monitor can make handling serial offenders more challenging. For instance, C3 who experiences trouble with airport parking explained how

² RTPI, “RTPI response to DEFRA Biodiversity Net Gain Regulations and Implementation consultation”, April 2022, <https://www.rtpi.org.uk/consultations-rtpi/2022/april/rtpi-response-to-defra-biodiversity-net-gain-regulations-and-implementation-consultation/>.

“monitoring those sites can be very difficult” (C3). C5 and C7 agreed that they are unable to “put any specific strategies in place to proactively monitor those sites” (C5) or “carry out any further proactive monitoring on what that individual might be doing” (C7). There is no one correct method of managing those who continually carry out unauthorised development as officers must base their decision on the merits of each case. Nonetheless, the insufficient resource to proactively monitor sites can create an impediment.

Direct Action

Insufficient resourcing also prevents council’s from using direct action. Under Section 178 of the Town and Country Planning Act 1990 local planning authorities are empowered to carry out action themselves when an enforcement notice isn’t complied with. This power is often used for Section 215 (untidy land) notices which require the proper maintenance of land. As one candidate explains “untidy land is probably the easiest one we take direct action on because you can get some gardeners in for an untidy garden or waste dump” (C8). Local authorities are currently underutilising this power. C2 could only think of two instances in the last ten years where direct action was taken, C4 took direct action “very rarely” and C5 “occasionally...5 in 13.5 years” (C5). C6 agreed that “we have done in the past but it’s quite rare”. C1’s council used it more frequently “but not quite as much currently, partly because of resources, as we have been pre-pandemic”. Direct action is only rarely used by councils as a means to resolve breaches of planning control.

Financial and time constraints prevent enforcement teams from using this tool. Most interviewees referred to budgetary constraints as a major factor as “there’s not a set budget” (C1) and “every budget is absolutely stretched to the maximum” (C2). While C6’s councils had “£2,000 set aside each year for direct action; it’s just nothing in the scheme of things”. Authorities should be able to recover expenses but “it would be a huge initial outlay and there’s concern about whether we’d get the money back” (C3) and claiming back costs “can take years” (C6). Interviewees also pointed to the time costs as for example “if you’re talking demolition than that’s such a big job it would again take you away from the day job and the emails coming in, and the training up staff and allocating jobs and monitoring work” (C2). Enforcement officers find that “direct action is a very time consuming affair” (C6) which “takes an awfully long time as well to arrange” (C3). Therefore, “the main reason for not doing it comes back to resourcing” (C5) and councils “opt for prosecution because of the cost and expertise involved in direct action” (C6). The exception to this is when there’s “a lot of member pressure and political interest” (C2). Direct action is only taken when “there’s political will to do it” (C5) and “the councillors are clearly minded to take action” (C6). One interviewee “had some direct action authorised by our senior leadership for £80,000” (C7) for a high-profile case but they “haven’t taken direct action before”. Thus, low capacity and tight budgets prevent authorities from using direct action, with the exception of cases which are of political interest.

Many enforcement team leaders spoke about the potential remedy of “a central government fund that you could dip into when you needed to take action” (C6). 96% of survey respondents were in favour of this. Councils would be “would be more than happy to do direct action” (C5) as a way to solve matters more expediently. C7 explained that “if that was an option we would dip into and immediately improve the local area” and “a central fighting fund would be something that would revolutionise how we enforce”. There are many untidy land complaints which “if we could just take direct action and nip it in the bud it would be better for everyone” (C6). While a central government

pot for direct action would assist councils in using this tool “it needs to be a fairly simple process to apply for” (C5). A burdensome application process would defeat the purpose. Moreover, while a central pot of money would definitely help to solve the cost element, it is only a partial solution as it doesn’t change the time costs involved in taking this kind of action. Nonetheless, it receives overwhelming support from enforcement officers.



Would you find a central government pot which you could use to fund direct action beneficial?

Conclusion

Resourcing problems are detrimental to the enforcement service which councils provide. It reduces officers’ ability to proactively monitor sites and causes teams to rely completely on complaints from the public. While the nature of those carrying out serious unauthorised development varies, the lack of capacity to monitor these sites is a hindrance. Finally, insufficient resourcing prevents local authorities from taking direct action unless there is a clear political will to do so. A central pot of money is something which could help to resolve this.

Conclusion

This study has found that enforcement teams at local authorities across England are being stretched to their limits, facing immense pressure from both politicians and the public. Councils are finding it impossible to attract candidates, as multiple rounds of recruitment end in failure. The talent pool is being drained as low awareness of the profession amongst graduate planners makes it difficult to engage them, and people that come through more traditional routes such as the police force are being excluded for their lack of qualifications. This is exacerbated by competition from recruitment consultancies and results in instability in enforcement teams. Many authorities are overcoming this by training up internal candidates, but this relies on the willingness and ability of the council to sponsor staff through qualifications.

Many enforcement teams have recently been subjected to restructures with some sitting with planning services and others with regulatory services. While some respondents argued that there are positives to both, the consensus was overwhelmingly in favour of placing enforcement with other planning services. Interviewees reported that they collaborate with other colleagues within the council with ease and without the need to sit in the same department. Cross service working with non-planning colleagues is driven by necessity and varies dramatically, the need to collaborate with planning colleagues is more constant.

Enforcement teams across councils are understaffed. They are insufficiently resourced to manage the complaints coming in, which makes it extremely challenging to work through the cases which accumulated during the pandemic. Moreover, lack of resource within both PINs and the legal system creates major delays, preventing officers from providing an efficient service. Finally, while access to legal advice varies reduction in resource also been felt in this area.

Interviewees related that enforcement teams are now struggling to actively monitor compliance of conditions once successful enforcement action has been taken. They are now largely reactive, relying on members of the public to alert them to non-compliance. Thus, it is improbable that councils will be able to monitor biodiversity sites as required by the new Biodiversity Net Gain policy. Many councils experience people repeatedly carrying out serious unauthorised development, but these cases are dissimilar and warrant different responses. Lack of resourcing inhibits local authorities from taking direct action, unless there is a political will, and a central government pot of money is widely supported as a means to resolve this.

In conclusion this research has highlighted the desperate conditions which enforcement staff face across England. Recruitment challenges can be partially overcome by training and upskilling current employees as well as awareness raising of the profession amongst graduates. However, the phenomenon of contracting suggests that salaries are also a major factor. Improving timescales in both the appeal system and the legal system are a primary concern. Central funding for direct action is also backed by a majority of enforcement officers. Without a change from the status quo, the service which is being provided to the public will continue to deteriorate and the planning system will lack teeth.

Appendix 1

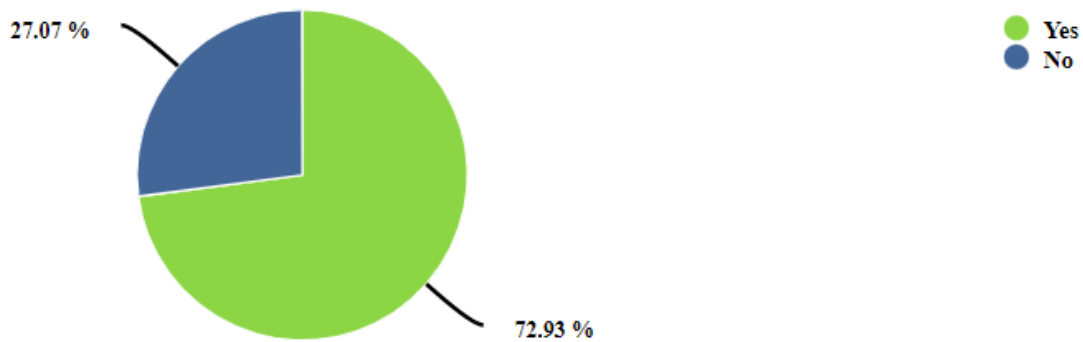
Enforcement Resourcing Survey Results

Note – there were 133 respondents from 103 different councils in England

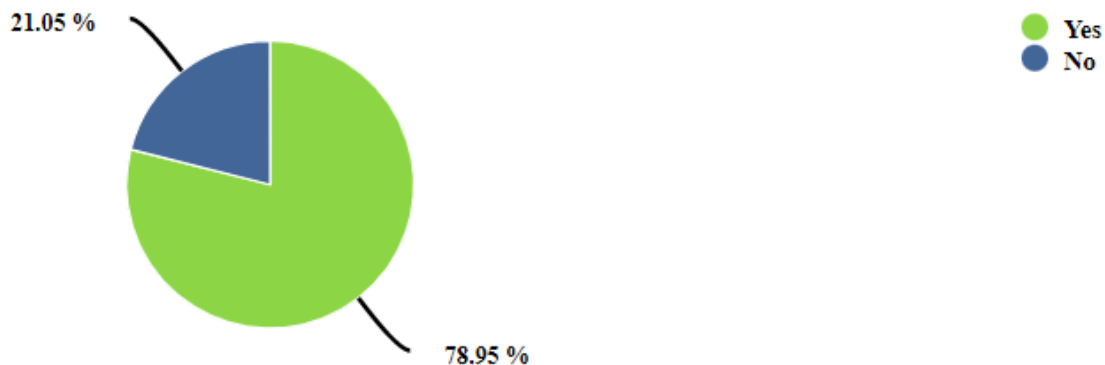
Q1: Which local authority do you work for?

	<u>District Councils</u>	<u>Unitary Authorities</u>	<u>London Boroughs</u>	<u>County Councils</u>	<u>National Parks</u>	<u>Prefer not to say</u>
Number of Respondents	63	47	9	9	4	1

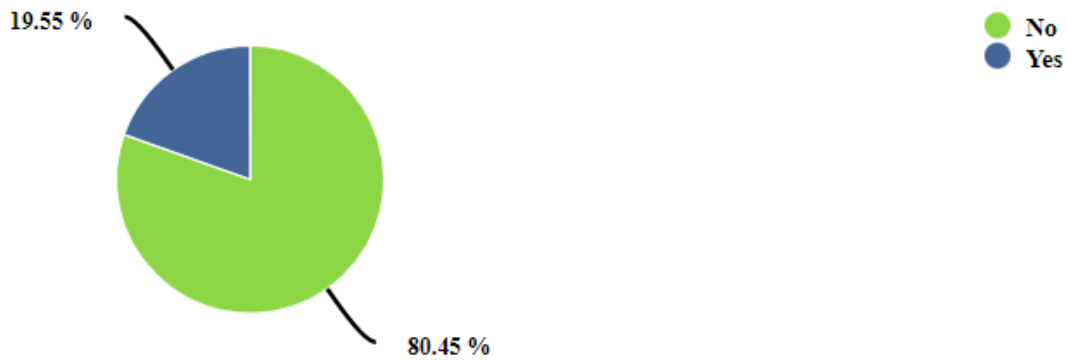
Q2: Has your local authority experienced problems recruiting enforcement officers in the last five years?



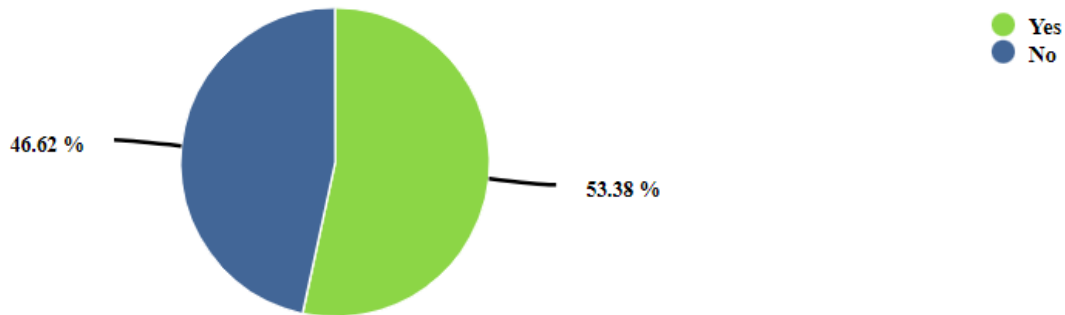
Q3: Does your local authority ever sponsor planning officers through planning qualifications?



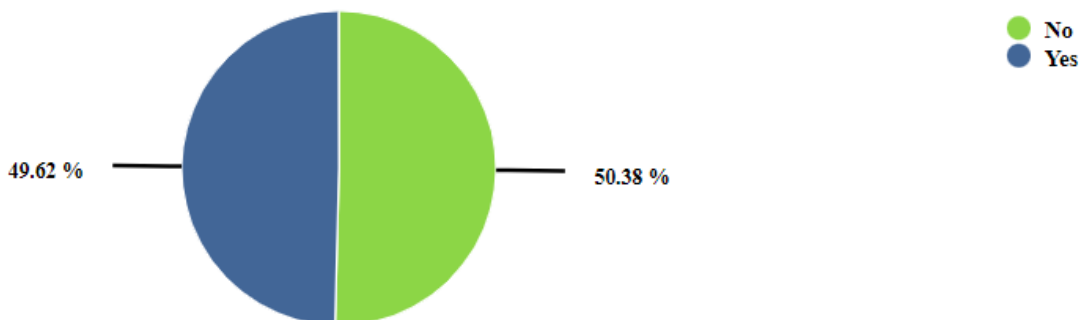
Q4: Are there enough enforcement officers in your team to carry out the workload?



Q5: Does your local authority use external contractors to help carry out the workload?



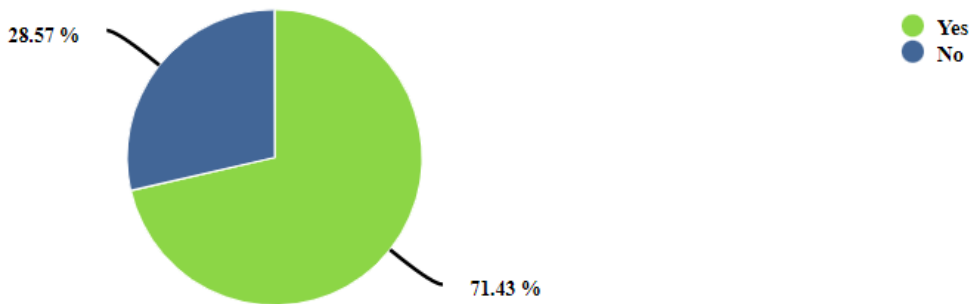
Q6: Does your local authority monitor compliance of conditions once successful enforcement action has been taken?



Q7: Is your local authority currently experiencing a backlog of cases?



Q8: Are the delays from the Planning Inspectorate negatively impacting the service which you provide?



Q9: Would you find a central government pot which you could use to fund direct action beneficial?



Appendix 2

Interview Topic Guide

The Royal Town Planning Institute has been requested by the Department of Levelling Up, Housing and Communities to undertake research with the aim of gaining a better picture of what is currently happening on the ground with planning enforcement at local authorities. We wish to discover the nature and scale of the resourcing challenges which enforcement teams face across England and to strengthen the government's evidence base on this topic.

All the data which is gathered in this exercise will be anonymised. Please could you confirm that you are happy for us to record this interview and quote you anonymously. The recording will be for our purposes only and will not be circulated to anyone outside of the RTPi.

1. Have you experienced any difficulties in recruiting enforcement officers? If so what are they?
2. Where does enforcement sit in relation to other planning services in the council's organisational structure? Do you feel like it could be situated in a better structure? Why or why not?
3. How many enforcement officers are in your team? Are there enough officers to carry out the workload?
4. What access do you have to legal advice? How could this be improved?
5. Are you having trouble finding the resources to monitor compliance of conditions once successful enforcement action has been taken?
6. Do you experience problems with the same people repeatedly carrying out serious unauthorised development? If so, how do you handle this?
7. Do you ever take direct action?
8. Do you undertake cross service working, for instance with the housing department?
9. Is there any other feedback which you'd like to give to DLUHC?

For more information about this paper, visit:

www.rtpi.org.uk/enforcementreport

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