

FINAL INTERNAL AUDIT REPORT
ENVIRONMENT AND COMMUNITY SERVICES DEPARTMENT

PLANNING AUDIT FOR 2017-18

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REVIEW OF PLANNING AUDIT 2017-18

INTRODUCTION

1. This report sets out the results of our systems based audit of Planning for 2017-18. The audit was carried out in quarter 3 as part of the programmed work specified in the 2017/18 Internal Audit Plan agreed by the Section 151 Officer and Audit Sub-Committee.
2. The controls we expect to see in place are designed to minimise the department's exposure to a range of risks. Weaknesses in controls that have been highlighted will increase the associated risks and should therefore be corrected to assist overall effective operations. Any Priority 1 recommendations or Nil/Limited Assurance opinions must be considered for inclusion in the Department's Risk Register.

AUDIT SCOPE

3. The scope of the audit was outlined in the Terms of Reference issued on 16/06/2017.

AUDIT OPINION

4. Overall, the conclusion of this audit was that substantial assurance can be placed on the effectiveness of the overall controls. Definitions of the audit opinions can be found in Appendix C.

MANAGEMENT SUMMARY

5. The Internal Audit covered the planning application process with particular emphasis on pre-planning application advice and the subsequent approval process. The review also covered current planning enforcement arrangements.
6. The council offers a pre-planning application advice service for planning applications which can help applicants to prepare a proposal for the best chance of success and also advise on revisions following determination of applications. Applicants must complete a pre-planning application advice form and submit along with required drawings / documents (set out on each application form) and appropriate fee.

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7. A sample of 20 pre-planning applications was selected from a report from the Uniform system listing the pre-planning applications received for the period April 2016 to July 2017. The information on the Uniform system for the pre-planning applications in the sample was reviewed to ensure that for each pre-planning application:
- A pre-planning application form was retained
 - Acknowledgement email/letter was sent
 - Appropriate pre-application advice fee was collected
 - A decision letter was sent by the target date - 8 weeks or 13 weeks (based on size of proposal) from receipt of the pre-planning application form
 - A copy of the decision letter was retained

Testing identified the following issues which we would like to draw to management's attention:-

- 2 out of 20 were not supported by a pre-planning application form
 - Acknowledgement letters were not sent for 6 out of 20 pre-planning applications
 - The decision letter for 2 out of 20 pre-planning applications could not be located on the Uniform system. 3 out of 20 decision letters were incorrectly labelled on the system and therefore could not be identified.
 - A decision letter was not sent by the target date for response in 2 out of 20 and one application was withdrawn due to delays in the decision letter being sent out.
8. The sample of 20 pre-applications was also reviewed to ensure that where pre-application advice is followed by a planning application, the subsequent approval process is independent. 12/20 pre-applications in the sample were followed by submission of a planning application. It was noted that for 10/12 applications, pre planning advice and the subsequent planning application were dealt with by the same officer. No segregation of duties could be evidenced.

These concerns were discussed with the Planning Development Control Manager who advised that the role of the officer in giving pre-application advice is almost identical to the process they will follow when dealing with an application. Rather than segregate the pre-application and application process, in fact wherever possible the same officer will deal with the application as provided the pre-application advice, since the approach to considering the proposal will essentially be the same. The

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advice is from the Planning Authority and not the individual. The decision letters prepared by the case officers are reviewed by a development manager and updated with any required changes before they are sent to the applicant. This serves as a check on the process. This approach to the pre-application process is in accordance with the government's desire to 'front-load' the planning application process, as set out in the National Planning Policy Framework.

9. This review also covered the current planning enforcement arrangements. A planning enforcement policy is in place which includes the following suggested target and timescales:
 - Complaint acknowledged and site visited within 5 working days wherever possible
 - Complainants advised of progress at significant stages throughout the process
 - Contact owner/occupier and visit site within 10 working days
 - If breach identified, advise owner/occupier of the remedial steps required, timescale and consequences of taking no action within 10 working days of site visit
 - Failing rectification, take appropriate action to rectify breach in 14 days.
10. A sample of 20 referrals for the period April 2016 to July 2017 was reviewed to ensure that the enforcement complaints are logged, allocated and addressed in a timely manner in compliance with the planning enforcement policy.

Testing identified the following issues which we would like to draw to management's attention:-

- 2 out of 20 complaints were not acknowledged within 5 working days
- 9 out of 20 site visits were not completed in 5 working days
- Complainant being kept informed could not be evidenced for 13 out of 20 complaints
- Contact with owner/occupier and of site visits within 10 working days could not be evidenced for 9 out of 20 complaints
- For 3 complaints where breaches were identified, the owner/occupier were not advised of the remedial steps required, timescale and consequences of taking no action within 10 working days of site visit
- For 3 complaints where rectification was not initiated, appropriate action to rectify the breach was not taken in 14 days

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SIGNIFICANT FINDINGS (PRIORITY 1)

11. There are no priority one findings in this report.

DETAILED FINDINGS / MANAGEMENT ACTION PLAN

12. The findings of this report, together with an assessment of the risk associated with any control weaknesses identified, are detailed in Appendix A. Any recommendations to management are raised and prioritised at Appendix B.

ACKNOWLEDGEMENT

13. Internal Audit would like to thank all staff contacted during this review for their help and co-operation.

DETAILED FINDINGS

No.	Findings	Risk	Recommendation
1	<p>A sample of 20 pre-planning applications was selected from a report from the Uniform system listing the pre-planning applications received for the period April 2016 to July 2017. The information on the Uniform system for the pre-planning applications in the sample was reviewed to ensure that for each pre-planning application:</p> <ul style="list-style-type: none"> • A pre-planning application form was retained • Acknowledgement email/letter was sent • Appropriate pre-application advice fee was collected • A decision letter was sent by the target date - 8 weeks or 13 weeks (based on size of proposal) from receipt of the pre-planning application form • A copy of the decision letter was retained <p>Testing identified the following issues which we would like to draw to management’s attention:-</p> <ul style="list-style-type: none"> • 2 out of 20 were not supported by a pre-planning application form • Acknowledgement letters were not sent for 6 out of 20 pre-planning applications 	<p>Loss of income due to reduced take up of pre-planning advice service</p>	<p>Management should ensure that for each pre-planning application:</p> <p>(1) A pre-planning application form is completed and retained</p> <p>(2) Acknowledgement email/letters are sent</p> <p>(3) A decision letter is sent by the target date</p> <p>(4) A copy of the decision letter is clearly marked and retained on the system.</p> <p>[Priority 2]</p>

Project Code:

Priority 1
Required to address major weaknesses and should be implemented as soon as possible

Priority 2
Required to address issues which do not represent good practice

Priority 3
Identification of suggested areas for improvement

DETAILED FINDINGS

No.	Findings	Risk	Recommendation
	<ul style="list-style-type: none"> The decision letter for 2 out of 20 pre-applications could not be located on the Uniform system. 3 of 20 decision letters were incorrectly labelled on the system and therefore could not be identified. Decision letters were not sent by the target date for response in 2 out of 20 and one application was withdrawn due to delays in decision letter being sent out. 		
2	<p>A sample of 20 referrals for the period April 2016 to July 2017 was reviewed to ensure that the enforcement complaints are logged, allocated and addressed in a timely manner in compliance with the planning enforcement policy.</p> <p>Testing identified the following issues which we would like to draw to management’s attention:-</p> <ul style="list-style-type: none"> 2 out of 20 complaints were not acknowledged within 5 working days 9 out of 20 site visits were not completed in 5 working days Complainant being kept informed could not be evidenced for 13 out of 20 complaints Contact with owner/occupier and of site visits within 10 	<p>The unacceptable harmful effects of unauthorised development may not be remedied in a timely manner.</p>	<p>Management should ensure that for each planning enforcement referral:</p> <p>(1) Complaints are acknowledged and site visits are undertaken within 5 working days wherever possible</p> <p>(2) Complainants are kept informed of the progress at significant stages throughout the process</p>

Project Code:

Priority 1
Required to address major weaknesses and should be implemented as soon as possible

Priority 2
Required to address issues which do not represent good practice

Priority 3
Identification of suggested areas for improvement

DETAILED FINDINGS

No.	Findings	Risk	Recommendation
	<p>working days could not be evidenced for 9 out of 20 complaints</p> <ul style="list-style-type: none"> • For 3 complaints where breaches were identified, the owner/occupier were not advised of the remedial steps required, timescale and consequences of taking no action within 10 working days of site visit • For 3 complaints where rectification was not initiated, appropriate action to rectify the breach was not taken in 14 days 		<p>(3) The owner/occupier should be contacted and site visited within 10 working days of the complaint</p> <p>(4) If breach is identified, the owner/occupier should be advised of the remedial steps required, timescale and consequences of taking no action within 10 working days of site visit.</p> <p>(5) Failing rectification, appropriate action should be taken to rectify breach in 14 days.</p> <p>[Priority 2]</p>

Project Code:

Priority 1
Required to address major weaknesses and should be implemented as soon as possible

Priority 2
Required to address issues which do not represent good practice

Priority 3
Identification of suggested areas for improvement

MANAGEMENT ACTION PLAN

Finding No.	Recommendation	Priority *Raised in Previous Audit	Management Comment	Responsibility	Agreed Timescale
1	<p>Management should ensure that for each pre-planning application:</p> <p>(1) A pre-planning application form is completed and retained</p> <p>(2) Acknowledgement email/letters are sent</p> <p>(3) A decision letter is sent by the target date</p> <p>(4) A copy of the decision letter is clearly marked and retained on the system.</p>	2	<p>1) and 2) A new validation process is being introduced which will require a form to be submitted with each submission and acknowledgement letter sent.</p> <p>3) and 4) Targets are being introduced for issuing pre-application responses for Planning Officers via the appraisal system. The advice letter is now being produced by the administration team (similar to the way planning application decisions are produced) and therefore will be sent in a more timely manner and uploaded by the admin team as a regular task for retention.</p>	<p>Planning Development Control Manager</p> <p>Planning Development Control Manager</p>	<p>31/03/2018</p> <p>31/03/2018</p>

Project Code:

Priority 1
Required to address major weaknesses and should be implemented as soon as possible

Priority 2
Required to address issues which do not represent good practice

Priority 3
Identification of suggested areas for improvement

MANAGEMENT ACTION PLAN

Finding No.	Recommendation	Priority *Raised in Previous Audit	Management Comment	Responsibility	Agreed Timescale
2	<p>Management should ensure that for each planning enforcement referral:</p> <p>(1) Complaints are acknowledged and site visits are undertaken within 5 working days wherever possible</p> <p>(2) Complainants are kept informed of the progress at significant stages throughout the process</p> <p>(3) The owner/occupier should be contacted and site visited within 10 working days of the complaint</p> <p>(4) If breach is identified, the owner/occupier should be advised of the remedial steps</p>	2	1) Previous practices have already been looked at and changes made. Changes in practices will improve officer's achievements of carrying out site visits within 5 working days wherever possible.	Development Control Manager	31/03/2018
			2) & 3) complainants kept informed ongoing improvements with diarising and additional administration support to assist officers. Uniform records to be updated promptly.	Development Control Manager	31/03/2018
			4) Letters to be sent to owner occupiers as per our current practices ongoing improvements with added checks in place to assists with meeting these deadlines, Uniform records are to be updated promptly	Development Control Manager	31/03/2018

Project Code:

Priority 1
 Required to address major weaknesses and should be implemented as soon as possible

Priority 2
 Required to address issues which do not represent good practice

Priority 3
 Identification of suggested areas for improvement

MANAGEMENT ACTION PLAN

Finding No.	Recommendation	Priority *Raised in Previous Audit	Management Comment	Responsibility	Agreed Timescale
	<p>required, timescale and consequences of taking no action within 10 working days of site visit.</p> <p>(5) Failing rectification, appropriate action should be taken to rectify breach in 14 days.</p>		<p>5) Officers delegated reports to be completed as soon as the expediency test is clearly identified in conjunction with our legal department (weekly meetings) in order to instigate formal action, with consideration given to high priority cases within the agreed timescales as in the Council's Planning Enforcement Policy</p>	<p>Development Control Manager</p>	<p>31/03/2018</p>

Project Code:

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Priority 1
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Priority 2
Required to address issues which do not represent good practice

Priority 3
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OPINION DEFINITIONS

APPENDIX C

As a result of their audit work auditors should form an overall opinion on the extent that actual controls in existence provide assurance that significant risks are being managed. They grade the control system accordingly. Absolute assurance cannot be given as internal control systems, no matter how sophisticated, cannot prevent or detect all errors or irregularities.

Assurance Level	Definition
Full Assurance	There is a sound system of control designed to achieve all the objectives tested.
Substantial Assurance	While there is a basically sound systems and procedures in place, there are weaknesses, which put some of these objectives at risk. It is possible to give substantial assurance even in circumstances where there may be a priority one recommendation that is not considered to be a fundamental control system weakness. Fundamental control systems are considered to be crucial to the overall integrity of the system under review. Examples would include no regular bank reconciliation, non-compliance with legislation, substantial lack of documentation to support expenditure, inaccurate and untimely reporting to management, material income losses and material inaccurate data collection or recording.
Limited Assurance	Weaknesses in the system of controls and procedures are such as to put the objectives at risk. This opinion is given in circumstances where there are priority one recommendations considered to be fundamental control system weaknesses and/or several priority two recommendations relating to control and procedural weaknesses.
No Assurance	Control is generally weak leaving the systems and procedures open to significant error or abuse. There will be a number of fundamental control weaknesses highlighted.

Project Code: