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WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY 29TH FEBRUARY 2024, AT 4.30 P.M.

PARKSIDE, MARKET STREET, BROMSGROVE, WORCESTERSHIRE, B61 8DA

SUPPLEMENTARY DOCUMENTATION

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

11. Environmental and Planning Enforcement Business Case (Pages 3 - 34)

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22nd February 2024

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WRS BOARD

Date: 29th February 2024

Title: Environmental and Planning Enforcement Business Case (Bromsgrove District and Redditch Borough Councils)

Recommendation

(i) That members agree to the proposal to progress the business case by bringing enviro-crime and planning enforcement functions for Bromsgrove and Redditch Councils into the WRS remit.

(ii) That Members note the associated budget uplift of £470,625 will be provided by Bromsgrove and Redditch Councils to facilitate the delivery of those services, which will ensure no financial impacts for the other four partners.

(iii) That Members agree the associated permanent uplift to the current establishment that these additional functions require for delivery.

Background

The WRS Business Plan 2023-26 sets out income generation as a key work strand in supporting the partner authorities to deliver a strong regulatory service. The plan also recommends that partners consider adding functions with synergies to existing functions to the WRS portfolio of activities. The key tactical priorities in the WRS Service Plan 2024/25 include promotion of safe and healthy communities and supporting commercial business to operate safely and responsibly, into which both enviro-crime offences of fly-tipping, littering and dog fouling, as well as breaches of planning control by residents and developers of all sizes that blight the landscape, would fit. Ensuring people do not benefit from irresponsible practices has long been part of the WRS way of approaching its functions.

During 2021 WRS were asked to assist Bromsgrove and Redditch Planning colleagues with evidence gathering for allegations of planning breaches. On the back of this, wider support was provided for planning enforcement, enviro-crime and wider enforcement functions through training, mentoring,

intelligence analysis and reporting, as well as undertaking the enforcement work. This has increased such that the majority of planning enforcement work in Bromsgrove and Redditch is currently delivered by WRS under a service level agreement, fully funded by these two partners. Wyre Forest District Council colleagues have also provided support to the Bromsgrove and Redditch Enviro-crime services during this time.

Report

In line with the WRS Business Plan which suggests partner authorities should consider building on the WRS platform to utilise the existing support, management, and governance structures by adding additional areas of work to the WRS portfolio, Redditch and Bromsgrove CMT representatives offered to work with WRS on a business case.

Whilst initially expressing an interest in the early stages of the review latterly, the relevant managers at Wyre Forest District Council confirmed their intent to explore alternative in-house options of development. Hence, subsequent iterations of the business case omitted their service areas and focused on Bromsgrove and Redditch services alone.

A business case was prepared [see Appendix 1] to explore the benefit in bringing together enforcement functions from Bromsgrove and Redditch Council services with those already within WRS to deliver a quality service to all customers. The intention was to identify where service delivery could be improved through prioritisation, standardisation, and resilience. Weaknesses were identified in the current Bromsgrove and Redditch delivery model and the business case explores possible alternatives.

Operational issues

The business case provided an overview of the enforcement activity across all services of Bromsgrove and Redditch Councils, including shared services. Planning, Environmental Services and Housing Standards all had obvious enforcement functions to consider. The difficulties in maintaining a viable enforcement service for each subject area was discussed and identified that knowledge, skills, and wider supporting mechanisms are in general difficult to provide for isolated teams or individuals. WRS conversely as a larger enforcement team with relevant support functions does not suffer these issues.

With reference to the relevant priorities of the Councils and WRS, the objectives of the business case are to target enforcement using an intelligence led approach with proportionate use of resources and improved service standards. Recognising the risk to authorities in getting enforcement wrong, both reputationally and financially, the business case sought to deliver a strong service with efficiencies. These

efficiencies initially would be around the use of appropriate enforcement tools and clarity on service area lead but, if additional partner authorities wished to do the same, financial savings could also be realised depending on the level of resource currently deployed by those partners in the relevant areas.

Critical success factors were developed from the objectives to encourage non-offending behaviours, delivery of successful enforcement, a consistent level of service, optimisation of resources and financial efficiency. Four plausible scenarios were considered further: continuing with the existing arrangements; grouping the enforcement roles into one team within the two councils; or alternatively grouping them within WRS; and a fourth scenario with associated call handling also grouped together in WRS. This last option would enable full triaging, together with the ability to resolve at 'first point of contact' and was identified as the best option following the cost benefit assessment and risk analysis.

The commercial case goes on to identify how the mechanisms of governance could be delivered through the WRS Joint Board, service standards set out in the Statement of Partner Requirements and how the WRS performance indicators could be enhanced to include these enforcement activities as a key component.

As the business case involved only two of the WRS partner authorities, it was, and remains important to minimise cross subsidisation by the wider WRS budget. How this will be achieved is set out in the financial case which also sets out how the wider benefits of utilising WRS support structures could still be realised. There is precedent for this with gull control provided for Worcester City only, where these activities have grown significantly since the original position in 2010 when the service was formed.

The business case relied on both Redditch and Bromsgrove Councils endorsing this approach. Both the Redditch Executive and Bromsgrove Cabinet approved the recommendation to pursue the business case during January 2024, including the transfer of associated budget to WRS with additional investment to a total of £470,625. Should the other 4 WRS partners be happy to endorse this via approval by the WRS Joint Board, both full Councils would need to approve the same before the functions can formally be added to the statement of requirements for these partners.

The additional investment referred to covers the inclusion of resource not easily transferable into WRS (call handling), additional resource to meet demand in planning enforcement, and resource to tackle a backlog created during COVID, as well as enhancement of the enviro-crime resource to enable greater proactive measures to support the wider enforcement work.

Financial Implications

The recommendation would see an increase in the WRS budget of £470,625, with Bromsgrove District Council's contribution increasing by £326,128 and Redditch Borough Council's by £144,497.

It is worth noting that there would be a corresponding reduction in gross income generated by the service of approximately £200,000 as planning enforcement work currently undertaken for Bromsgrove and Redditch Councils by WRS under contract would effectively become core business activity, paid for in the usual way via core funding from those partners. However, this would have no impact on the overall finances of the service.

Contact Points

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Background Papers

EXEMPT – Appendix 1
Environmental and Planning Enforcement Business Case

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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