

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

COMMITTEE DATE 30 September 2021

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

AUDIT OF PLANNING APPLICATIONS & APPEALS AND BUILDING CONTROL

1. Purpose of report

- 1.1 The purpose of this report is to update the Development Control Committee on the outcomes of recent audits of Planning Applications & Appeals and Building Control. The audits were carried out in accordance with the 2021/22 Internal Audit Plan.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the Well-being of Future Generations (Wales) Act 2015:
- Smarter use of resources – ensuring that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives..

3. Background

- 3.1 The purpose of the **Planning Applications and Appeals** audit was to provide assurance on the adequacy and effectiveness of the internal control, governance and risk management arrangements in respect of Planning Applications & Appeals. Audit testing was undertaken in respect of financial years 2020/21 and 2021/22
- 3.2 The Audit scope included ensuring that the following key controls were in place:
- Planning applications are administered promptly and in line with legislation and Council procedures
 - There is a robust decision making process in place and all decisions can be clearly evidenced
 - An effective Planning application appeals process exists that minimises the costs incurred by the Authority
 - The Authority responds appropriately to potential breaches of Planning Regulations

- The Development Control Committee operates in a transparent and accountable manner

3.3 The purpose of the **Building Control audit** was to provide assurance on the adequacy and effectiveness of the internal control, governance and risk management arrangements in respect of Building Control. Audit testing was undertaken in respect of financial year 2020/21 and 2021/22.

3.4 The Audit scope included ensuring that the following key controls were in place:

- All applications are promptly administered and all records updated appropriately to ensure a transparent decision making process
- Ensuring on-site inspections have been undertaken as required
- The processes in relation to the fees charged and income received are robust
- Enforcement action with regards to breaches of Building Regulation is in line with legislation

4. Recommendations, Actions and Conclusions from the Audit Reports

4.1 For the **Planning Applications and Appeals Audit** it was found that “there is a generally sound system of governance, risk management and control in place.” The Control Objectives included whether:

- applications are administered promptly and in line with legislation and Council procedures;
- there is a robust decision making process and all decisions can be clearly evidenced; the Planning application appeals process is effective and minimises the costs incurred by the Authority;
- there are robust procedures in place to ensure the Authority responds appropriately to potential breaches of Planning Regulations
- the Development Control Committee operates in a transparent and accountable manner.

4.2 During the audit the following strengths and areas of good practice were identified:

- A clear segregation of duties was evident within the decision making process.
- All applications reviewed were authorised in line with the Scheme of Delegation.
- Clear guidance on the Planning application and appeals process is available to the public.
- A segregation of duties within the determination of enforcement action process was evident in all cases.
- All Development Control Committee meetings reviewed were quorate and the minutes available online.

4.3 The following issues were identified during the audit and will be addressed:

- In one payment the financial data input into MasterGov did not reconcile with the ledger.
- Personal data including customers' email addresses were published online in error.

4.4 With specific regard to how the Development Control Committee operates, it was found that:

- there is an up to date documented list of all Members available within the Development Control Committee webpage on the BCBC website;
- there is a completed Code of Conduct Declaration of Personal Interest form for each of the members available on the website for the public to view;
- Members are required to declare their own personal interests at the start of each Development Control Committee meeting and all declarations made at meetings are also available via the website.

4.5 The audit also found that:

- Development Control Committee minutes were available on the BCBC website for all meetings,
- all meetings during the sample period were quorate,
- Members are provided with reports pertaining to recent Planning applications the week prior to Committee meetings and
- each report contains general guidance for Members in relation to the Planning application process.

4.6 The only low priority risk pertaining to the Development Control Committee relates to the fact that only 56% and 50% attended the respective training sessions during the sample period. It was noted that, given that the Code of Practice states that Members "should attend a minimum of 75% of the training arranged," the Auditors felt that Members should be reminded of their responsibilities in relation to training requirements. The Member Training session scheduled for 29 September 2021 will include this advice.

4.7 For the **Building Control Audit**, it was also found that "there is a generally sound system of governance, risk management and control in place." The Control Objectives included whether:

- all applications are promptly administered and records are maintained to ensure a transparent process;
- the processes followed by Building Control in relation to the fees charged and income received are robust and
- the processes followed by Building Control in relation to breaches of Building Regulations are robust and enforcement action is in line with legislation.

4.8 During the audit the following strengths and areas of good practice were identified:

- the department is pro-active in its efforts to attract new customers and generate income for the Authority
- there was a clear segregation of duties evident within the invoicing process

- there was a full audit trail on file for inspections that had taken place
- the percentage of Full Plan applications processed within the statutory determination period increased during 2020/2021

4.9 The following issues were identified during the audit and will be addressed:

- Departmental procedural notes required updating to reflect current practices
- Decisions made by Officers with regards to applications were not documented
- The financial data input into MasterGov is not currently reconciled to the ledger

5. Effect upon policy framework and procedure rules

5.1 The Audit Reports will be used as a basis for reviewing the service areas.

6. Equality Impact Assessment

6.1 There are no direct implications associated with this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The report has been prepared in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act.

8. The Socio Economic Duty

8.1 The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010), which came in to force on 31 March, 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and, whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

9. Financial implications

9.1 None.

10. Recommendation(s)

10.1 That Members of the Development Control Committee note the contents of this report and the findings and recommendations within the Audit Reports for the two service areas.

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30 September 2021

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Background documents:

- Planning Applications & Appeals Audit Report
- Building Control Audit Report

Professional, Approachable, Independent

Draft Internal Audit Report



Planning Applications & Appeals

2021/22

AUDIT OPINION	RECOMMENDATION SUMMARY	
	High priority	0
	Medium Priority	3
	Low Priority	9
	Total	12

REASONABLE ASSURANCE

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.

STRENGTHS & AREAS FOR IMPROVEMENT

During the audit a number of strengths and areas of good practice were identified as follows:

- A clear segregation of duties was evident within the decision making process
- All applications reviewed were authorised in line with the Scheme of Delegation.
- Clear guidance on the planning application and appeals process is available to the public
- A segregation of duties within the determination of enforcement action process was evident in all cases.
- All Development Control Committee meetings reviewed were quorate and the minutes available online

The following key issues were identified during the audit which need to be addressed:

- The financial data input into MasterGov is not currently reconciled to the ledger
- Personal data, including customers' email addresses were published online in error

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1. INTRODUCTION & BACKGROUND

An audit of Planning Applications & Appeals was undertaken in accordance with the 2021/22 Internal Audit Plan.

This report sets out the findings of the audit and provides an opinion on the adequacy and effectiveness of internal control, governance and risk management arrangements in place. Where controls are not present or operating satisfactorily, recommendations have been made to allow Management to improve internal control, governance and risk management to ensure the achievement of objectives.

Bridgend County Borough Council has a comprehensive scheme of delegation, which results in approximately 95% of all planning applications being determined by Officers. The Development Control Committee comprises 18 elected members and has delegated powers to determine all other planning applications.

2. OBJECTIVES & SCOPE OF THE AUDIT

The purpose of the audit is to provide assurance on the adequacy and effectiveness of the internal control, governance and risk management arrangements in respect of Planning Applications & Appeals.

Audit testing was undertaken in respect of financial years 2020/21 & 2021/22

The Audit scope included ensuring that the following key controls were in place:

- Planning applications are administered promptly and in line with legislation and Council procedures
- There is a robust decision making process in place and all decisions can be clearly evidenced
- An effective planning application appeals process exists that minimises the costs incurred by the Authority
- The Authority responds appropriately to potential breaches of planning regulations
- The Development Control Committee operates in a transparent and accountable manner

3. AUDIT APPROACH

Fieldwork will take place following agreement of the audit objectives.

A draft report will be prepared and provided to Management for review and comment with an opportunity given for discussion or clarification.

The final report will incorporate Management comments together with a Management Action Plan for the implementation of recommendations.

Governance & Audit Committee will be advised of the outcome of the audit and may receive a copy of the Final Report.

Management will be contacted and asked to provide feedback on the status of each agreed recommendation, once the target date for implementation has been reached.

Any audits concluded with a no assurance or limited assurance opinion will be subject to a follow up audit.

4. ACKNOWLEDGEMENTS

A number of staff gave their time and co-operation during the course of this review. We would like to record our thanks to all of the individuals concerned.

The work undertaken in performing this audit has been conducted in conformance with the Public Sector Internal Audit Standards.

The findings and opinion contained within this report are based on sample testing undertaken. Absolute assurance regarding the internal control, governance and risk management arrangements cannot be provided given the limited time to undertake the audit. Responsibility for internal control, governance, risk management and the prevention and detection of fraud lies with Management and the organisation.

Any enquires regarding the disclosure or re-issue of this document to third parties should be sent to the Head of the Regional Internal Audit Service via mark.thomas@bridgend.gov.uk

5. FINDINGS & RECOMMENDATIONS

5.1 APPLICATIONS	
Control Objective: Planning applications are administered promptly and in line with legislation and Council procedures	
	<p>Strengths:</p> <p>The Auditor reviewed data from MasterGov for all Full Planning Applications received for the 6 month period between December 2020 – May 2021. It was noted out of the 439 applications received:</p> <ul style="list-style-type: none"> • 245 were approved • 24 were rejected • 7 were withdrawn • 163 were open and ongoing • 19 / 163 had not yet been validated <p>The Auditor reviewed the 19 listed above that had not been validated at the time of review and no issues were identified. In all cases, the delay in validating the applications were appropriate and necessary, as the Authority was either awaiting payment or further information from each applicant.</p> <p>A 20% (50) sample of the 245 approved was selected for review. It was noted that:</p> <ul style="list-style-type: none"> • 50 / 50 of applications had a completed National Standard Application Form on file as per the mandatory requirement • 50 / 50 of applications had been electronically grid stamped to denote when they were received by the section • 50 / 50 was allocated a unique reference number on MasterGov • 50 / 50 applications were published on the BCBC website • 50 / 50 details of each application published (received date, validated date, expiry date, decision date) corresponded to the data held within MasterGov. <p>Therefore, all information published was accurate and reflected the information held on file</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
<p>5.1.1</p> <p>Low</p>	<p>The Auditor was provided with clear and detailed procedural notes used by the Minor Applications Team, who are responsible for the registration and administration of new planning applications.</p> <p>It was advised that the current legislation ultimately guides the working practices of the Developmental Control Team, whose responsibilities include on-site inspections and the assessment of planning applications. The only formal procedural note provided to the Auditor was an instruction on how to issue a Decision Notice.</p> <p>The Auditor felt that formal procedural notes should be created to document the Development Control Team’s practices which will demonstrate that the procedures ensure that the team comply with relevant legislation.</p> <p>In addition, it was advised that the Development Control Team Leader normally validates each application prior to being allocated to a Planning Officer.</p> <p>Within the sample of approved applications selected for review, it was noted that:</p> <ul style="list-style-type: none"> • 0 / 50 had evidence on file detailing who had validated the application 	<p>Staff are unaware of their responsibilities; applications could be processed in an inconsistent manner and/or delayed unnecessarily; non compliance with legislation</p>	<p>Formal procedural notes are created in relation to the Development Control Team’s current practices. To enhance the audit trail of the process, this should include recording is the name of the officer who validates each application</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>Aside from the name of the officer who had initially validated the application, it was noted:</p> <ul style="list-style-type: none"> • 50 / 50 had a full audit trail on EDRM/MasterGov for all applications processed <p>Given this, the Auditor felt that to enhance the audit trail of the process, a record should be made of the officer who validated each application</p>		
<p>5.1.2 Low</p>	<p>The Auditor reviewed the literature available to the public via the BCBC website and noted that, along with the links to additional information within the Planning Portal, the guidance was detailed and clear.</p> <p>The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2020 dictate the fees and charges that an Authority must use in relation to planning applications.</p> <p>The Auditor reviewed the fees and charges listed on the BCBC website and compared it to the legislative figures (listed within the Planning Portal). It was noted that all figures</p>	<p>Incorrect information provided to the public; potential loss of income for the Authority</p>	<p>The planning application fees and charges listed on the BCBC website are amended to correct the error identified within the report</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>aligned with those detailed, except for the following fee:</p> <ul style="list-style-type: none"> • ‘Erection, alteration or replacement of plant and machinery’. Maximum fee of £80k for those greater than 5 hectares <p>It was noted that the correct figure for the maximum fee in this case should be listed as £300k.</p>		
<p>5.1.3 Low</p>	<p>The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 states that when an application has been validated <i>“the authority must, as soon as is reasonably practicable, send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Schedule 1.”</i></p> <p>For the same 50 cases reviewed above, it was noted that:</p> <ul style="list-style-type: none"> • 50 / 50 cases were issued acknowledgement letters after the application was validated • 7 / 50 (14%) cases had an acknowledgement letter issued 1 -2 weeks after validation date 	<p>No audit trail; planning applications are delayed unnecessarily; reputational damage to Authority</p>	<p>Where possible, efforts should be made to ensure that acknowledgement letters are issued to customers in a timely manner after the application has been validated</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<ul style="list-style-type: none"> • 22 / 50 (44%) cases had an acknowledgement letter issued 2 - 3 weeks after validation date • 20 / 50 (40%) cases had an acknowledgement letter issued 3 - 4 weeks after validation date • 1 / 50 (2%) cases had an acknowledgement letter issued 9 weeks after validation date. It was identified that this was due to an administrative error and an apology was issued to the customer via email <p>Given that there was a delay of at least 3 weeks for 42% of successful applications from the validation date to the issue of an acknowledgement letter, it was felt that, where possible, efforts are made to ensure that letters are issued to customers in a more timely manner.</p>		
<p>5.1.4</p> <p>Low</p>	<p>The Local Government (Access to Information) Act 1985 allows the public to inspect, and make copies of, documents in connection with current planning applications. The Council's online Planning Register has application forms, plans and any other supporting information (and decision notices following determination) available to view at any time.</p>	<p>Planning Application data is not published in a timely manner; non compliance to legislation</p>	<p>The weekly list of planning applications posted online details the date of publication</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>From the sample referenced above it was noted although comprehensive information and documentation was published in relation to each application, the Auditor was unable to determine if they were published in a timely manner as the weekly lists posted online did not detail the publication date.</p>		
<p>5.1.5 Medium</p>	<p>The Auditor reviewed the documentation on the website to determine if any personal data was present. It was noted:</p> <ul style="list-style-type: none"> • The majority of applications had personal data redacted where appropriate • 4 / 50 applications published had documents detailing the customer's personal email address • 3 / 50 applications published had documents detailing the personal email addresses of BCBC officers 	<p>Non-compliance to GDPR policies/legislation; potential fines.</p>	<p>All personal data, such as email addresses, must be redacted prior to publication. Staff are reminded only their BCBC email addresses should be used for business purposes. A review is carried out to identify any personal data that has been published that could demonstrate non-compliance to GDPR legislation</p>
<p>5.1.6 Medium</p>	<p>Planning application income has been taken exclusively via debit/credit card over the telephone since the introduction of remote working. Minor Application Team officers take the payment using Paye.net and then manually inputs the details onto the MasterGov system against the corresponding application reference.</p>	<p>Inability to confirm receipt of income; Monies received could be unidentified and misappropriated</p>	<p>Regular reconciliations from the general ledger to MasterGov should be undertaken to confirm that all payments have been recorded correctly. This should be verified by an officer who is independent of the payment process.</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>The Auditor selected the month of May 2021 and compared the income data input on MasterGov to the income recorded on the general ledger. Out of 44 transactions totalling £44,670 from the ledger, the Auditor was able to reconcile:</p> <ul style="list-style-type: none"> • 43 / 44 transactions totalling £44,440 back to MasterGov <p>The Auditor identified that 1 payment taken via the Planning Portal for £230 had been recorded on MasterGov as £460. The total fee of the application was £460, so £230 remained outstanding, however no outstanding charge was showing on Mastergov. It was advised that this was an error and the customer would be contacted in due course to arrange for the additional payment to be taken.</p> <p>Given that certain risks are associated with manually inputting payment information onto a system, such as human error or potential misuse, the Auditor felt that regular reconciliations from general ledger to MasterGov should be undertaken to confirm that all payments have been recorded correctly. In addition, in order to ensure that a segregation of duties is present within the process, the reconciliation should be verified by an officer independent of those who are</p>		

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	responsible for taking and recording payments.		
<p>5.1.7</p> <p>Low</p>	<p>No formal procedural note is used for the processing of refunds, however, it was advised that the Minor Applications Assistant is responsible for this task and obtains authorisation from the Minor Applications Team Leader prior to actioning refunds. All relevant correspondence is uploaded onto EDRM.</p> <p>The Auditor selected the months of April and May 2021, where there had been 18 refunds totalling £4,835, to review. It was noted that:</p> <ul style="list-style-type: none"> • 17 / 18 had evidence on EDRM that the refund was authorised by the Minor Applications Team Leader prior to actioning • 1 / 18 did not have evidence of prior authorisation on EDRM due to an oversight. This was uploaded after being queried by the Auditor. <p>In addition, it was also noted:</p> <ul style="list-style-type: none"> • 11 / 18 refunds were not recorded on MasterGov <p>These were instances where customers made duplicate payments via the Planning Portal and were subsequently refunded the</p>	<p>Lack of audit trail; Refunds are given that are unauthorised or to applicants where the original payment has not cleared</p>	<p>A formal procedural note is created in relation to refunds. For a full audit trail of the payment activity, all transactions including all duplicate payments and refunds are recorded on MasterGov</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>payments that were made in error. Only the correct payments were recorded in these cases. The Auditor felt that the MasterGov system should be utilised to record a full audit trail of payment activity, including all duplicate payments and refunds.</p>		

5.2 DECISION MAKING PROCESS			
Control Objective: There is a robust decision making process and all decisions can be clearly evidenced			
	<p>Strengths: It was identified that there were clear governance arrangements in place to support the decision making process. Guidance on this arrangement is available to the public via the BCBC website.</p> <p>It was noted that within the 2020/21 financial year in line with the scheme of delegation:</p> <ul style="list-style-type: none"> • 96.5% of planning applications were decided by Officers using delegated powers • 3.5% of planning applications were decided by the Development Control Committee <p>A clear segregation of duties was evident within the decision making process and all applications reviewed were authorised in line with the Scheme of Delegation.</p>		
Ref. & Priority	Finding / Weakness	Risk	Recommendation
<p>5.2.1 Low</p>	<p>It was advised that although no formal procedure is in place, officers are aware that they should declare any personal interest or</p>	<p>Officers act inappropriately when dealing with applications</p>	<p>A register is created in relation to the declaration of the personal interests of officers</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>association with applications received to a senior officer in order for the case to be reallocated to another member of the team.</p> <p>It was identified that within the Planning Code of Practice there was clear guidance for Committee Members on declaration of interest, but nothing in relation to officers.</p>		
<p>5.2.2</p> <p>Low</p>	<p>After reviewing the reports sent to Welsh Government in relation to quarterly Development Management performance statistics, it was noted that the percentage of applications determined within the statutory period had decreased from 77.5% in 2019/20 (Wales average for the year was 85.8%) to 65.3% (Wales average not available at time of review) in 2020/21.</p> <p>The Auditor noted that cases where planning applications are likely to go over the 8 week statutory determination period, the Council can obtain permission from the applicant to extend the period. This is clearly outlined in the Acknowledgement Letter sent to customers after the application has been validated.</p> <p>For the same 50 approved applications referenced above, it was identified that 27 were approved within the 8-week statutory</p>	<p>Decisions are challenged due to non compliance with timeframes</p>	<p>For all planning applications determined outside the statutory determination period, an extension is agreed with the customer and documented on file</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>determination period. For the remaining applications it was noted that:</p> <ul style="list-style-type: none"> • 10 / 23 had evidence on file documenting that the extension had been agreed with the applicant • 13 / 23 had no evidence on file that an extension was agreed with the applicant 		

5.3 APPEALS	
Control Objective: The planning application appeals process is effective and minimises the costs incurred by the Authority	
	<p>Strengths:</p> <p>There are links within the Planning webpage that direct the public to clear guidance within the Planning Portal regarding the appeals process. In addition to this, customers who are unsuccessful with a planning application are issued guidance on the appeals procedure along with the decision notice.</p> <p>Using the same sample of rejected planning applications referenced in 5.1.2, it was noted that appeals guidance was issued alongside the decision notice in all cases.</p> <p>The Auditor reviewed the departmental appeals procedural notes and noted they aligned with the information provided to the public online. In addition, examples of good practice were identified where tailored reports were regularly provided to the Development Control Committee to inform them of current appeal decisions.</p> <p>The Auditor chose a 50% sample (34) of appeals received since 01/04/2020 to date to review. It was noted that:</p> <ul style="list-style-type: none"> • There was a full audit trail for 33 / 34 appeals on EDRM • Evidence was viewed that all requested documentation in relation to 33 / 34 appeals was provided to the Planning Inspectorate within the deadlines imposed in the Appeal Start Letter • The Auditor was satisfied that the anomalies noted above were due to oversight and no issues were identified

- All appeal decisions were publicly available on the BCBC website

5.4 ENFORCEMENT

Control Objective: There are robust procedures in place to ensure the Authority responds appropriately to potential breaches of planning regulations

Strengths:

The notes provided to members of the public after they had contacted the Authority to make a complaint were found to be clear and concise. Clear information on how to report a potential breach was located within the Planning webpage on the BCBC website.

A segregation of duties within the determination of enforcement action process was evident in all cases. All cases were reviewed & authorised by the Development & Building Control Manager and the Development Control Manager correctly under Delegated Powers.

A confirmation of the enforcement action decision was provided to the complainant within 10 days of the date of determination for all cases.

There was a clear audit trail for all cases reviewed.

Ref. & Priority	Finding / Weakness	Risk	Recommendation
5.4.1 Medium	It was advised that the departmental procedural notes in relation to planning enforcement action were outdated and irrelevant to the current working practices. However, the Auditor was provided with the Planning Enforcement Charter, that outlines to the public the processes and enforcement actions the Authority will undertake in the event of a breach of planning control.	Process is inconsistent; decisions made by Authority are open to challenge; excessive enforcement action taken in cases	

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>The Auditor noted that elements of the Charter were out of date and it was no longer available via the BCBC website. It was advised that it was possibly removed in error when the content of the webpages were updated to be bilingual.</p> <p>It was also identified that the online enforcement action register had not been updated with new cases since July 2020.</p>		
<p>5.4.2 Low</p>	<p>The Charter states: <i>“The Council aim to make this decision not later than 12 weeks after the receipt of the complaint”</i> and the <i>“site inspection will be carried out within 21 working days of the complaint being received”</i></p> <p>The Auditor reviewed MasterGov reports for the 2020/21 year. It was noted that out the 302 cases that were resolved during the year:</p> <ul style="list-style-type: none"> • 206 / 302 (68.2%) were resolved within 12 weeks after the complaint was received • 96 / 302 (31.8%) were not resolved within 12 weeks after the complaint was received <p>The Planning Enforcement Officer is the only officer responsible for investigating complaints. He advised that due a high increase in workload during the previous year, cases were not always</p>	<p>Failure to comply with legislation; decisions made by Authority are open to challenge; unnecessary financial costs incurred</p>	<p>Where possible, efforts are made to increase the number of planning enforcement cases that are resolved within 12 weeks after the date of the initial complaint</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	resolved within 12 weeks. Also other factors, such the non-co-operation of developers and appeals made against enforcement action taken means that some cases will always take an extended period of time to resolve.		

5.5 DEVELOPMENT CONTROL COMMITTEE	
Control Objective: The Development Control Committee operates in a transparent and accountable manner	
	<p>Strengths:</p> <p>There is an up to date documented list of all members available within the Development Control Committee webpage on the BCBC website.</p> <p>There is a completed Code of Conduct Declaration of Personal Interest form for each of the members available on the website for the public to view. Members are also required to declare their own personal interests at the start of each Development Control Committee meeting. All declarations made at meetings are also available via the website.</p> <p>There had been 9 committee meetings for the period July 2020 and May 2021. It was noted that:</p> <ul style="list-style-type: none"> • minutes were available on the BCBC website for all meetings • all meetings were quorate <p>Members are provided with reports pertaining to recent planning applications the week prior to Committee meetings. Each report contains general guidance for members in relation to the planning application process.</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
<p>5.5.1</p> <p>Low</p>	<p>The initial training provided to new members includes a review of the Planning Code of Practice, which clearly details the appropriate roles and responsibilities of a Committee Member. Additional training on a range of topics relevant to the planning is also provided within the same week of each Committee meeting.</p> <p>The attendance records from the meetings held in April and May 2021 were reviewed by the Auditors. It was noted that only 56% and 50% attended the respective training sessions which were provided remotely.</p> <p>Given that the Code of Practice states that members “<i>should attend a minimum of 75% of the training arranged</i>”, the Auditors felt that members should be reminded of their responsibilities in relation to training requirements.</p>	<p><i>Misinterpretation of applications; Error in decision making.</i></p>	<p>Members are reminded of their responsibilities detailed within the Planning Code of Practice in relation to training requirements</p>

6. MANAGEMENT ACTION PLAN

Report Ref & Priority	Recommendation	Agreed (Y/N)	Management Comments	Job Title of Officer Responsible	Date to be Implemented
5.1.1 Low	Formal procedural notes are created in relation to the Development Control Team's current practices. To enhance the audit trail of the process, this should include recording the name of the officer who validates each application	Y	Procedural Notes to follow WG Development Management Manual and the Development Management Procedure (Wales) Order 2012 as amended. Initials to be inputted against relevant box on the file cover/in DEFSOFT (validation officer)	Development and Building Control Manager, Development Control Team Leader, Principal Planning Officers, Minor Applications Team Leader	January 2022 September 2021
5.1.2 Low	The planning application fees and charges listed on the BCBC website are amended to correct the error identified within the report	Y	Minor Applications Team Leader to change and advise Communications Team/Web Manager.	MAT Team Leader	September 2021
5.1.3 Low	Where possible, efforts should be made to ensure that acknowledgement letters are issued to customers in a timely manner after the application has been validated	Y	Noted and agreed. Some anomalies due to limited resources, no transfer of Administration tasks to Admin Support team and increased work pressures over the last 12-18 months.	MAT Team Leader	Ongoing
5.1.4 Low	The weekly list of planning applications posted online details the date of publication	Y	Date range at the top of the weekly list will still be included but the actual date of release of the list will be added as well.	MAT Team Leader	September 2021
5.1.5	All personal data, such as email addresses, must be redacted prior to publication. Staff are	Y	Officers to redact personal contact details where necessary. Personal email addresses	All DC staff.	September 2021

Medium	reminded only their BCBC email addresses should be used for business purposes. A review is carried out to identify any personal data that has been published that could demonstrate non-compliance to GDPR legislation.		being left on the system likely to be a result of agency staff and delays in obtaining IT equipment. APMISC to be used in most cases rather than releasing everything as publicly viewable.		
5.1.6 Medium	Regular reconciliations from the general ledger to MasterGov should be undertaken to confirm that all payments have been recorded correctly. This should be verified by an officer who is independent of the payment process	Y with comment	We are in the process of arranging a query on the system (DEFSoft and COA Financials/Ledger) with Business Administration Support so that they can take up the role of independent assessor to do this on a monthly basis.	Business Admin	January 2022
5.1.7 Low	A formal procedural note is created in relation to refunds. For a full audit trail of the payment activity, all transactions including all duplicate payments and refunds are recorded on MasterGov	Y	Tab on Defsoft to be populated and short guidance note to be prepared.	MAT Team Leader	January 2022
5.2.1 Low	A register is created in relation to the declaration of the personal interests of officers	Y	Declaration of interests form to be compiled and added to O:Drive and populated by all Officers.	Development and Building Control Manager and all Officers thereafter.	January 2022
5.2.2 Low	For all planning applications determined outside the statutory determination period, an extension is agreed with the customer and documented on file	Y	Acknowledgement Letter to be reworded to forewarn applicants that their applications are unlikely to be determined within the statutory 8 week period but likely to be dealt with within 12 weeks.	MAT Team Leader All Officers	September 2021

			EoTs to be sent out by Officers to seek agreement from the agent/applicant if the determination date is likely to go beyond 12 weeks.		
5.4.1 Medium	Updated procedural notes in relation to planning enforcement are created. The BCBC website is updated with all relevant planning enforcement documentation	Y	<p>Enforcement Guidance Notes to be updated and added to website by Communications Team/Web Page Manager.</p> <p>Updated procedural notes in relation to planning enforcement are created and the BCBC website is updated with all relevant planning enforcement documentation.</p> <p>Register to be shut down until it has been updated going back to August 2020.</p> <p>Online Enforcement Search facility to be renamed "Planning Enforcement Notice Search - Search for planning enforcement notice records" as opposed to "Planning Enforcement Search" which implies all complaints can be viewed.</p>	DC Team Leader, Enforcement Officer and Web Manager	December 2022
5.4.2 Low	Where possible, efforts are made to increase the number of planning enforcement cases that are resolved within 12 weeks after the date of the initial complaint	Y	<p>Due to unprecedented levels and numbers of complaints and the lack of resources it has been difficult to resolve all complaints within 12 weeks.</p> <p>Some administrative assistance has been secured in the short term (15 hours a week) from the Council's Business Admin Support Team and another potential Enforcement Officer to be appointed through a restructure.</p>	Development and Building Control Manager, DC Team Leader, Enforcement Officer	Ongoing

<p>5.5.1 Low</p>	<p>Members are reminded of their responsibilities detailed within the Planning Code of Practice in relation to training requirements</p>		<p>DC Committee Members to be trained after election.</p> <p>Reminder to DC Committee members to attend sessions regularly in line with the Code of Practice.</p> <p>Report for noting on Applications and Appeals Audit Report and findings to be placed on the agenda for next DC Committee meeting.</p>		<p>May 2022</p> <p>October 2021</p> <p>September 2021</p>
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7. DEFINITIONS

AUDIT ASSURANCE CATEGORY CODE	
Substantial	A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.
Reasonable	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.
Limited	Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of

RECOMMENDATION CATEGORISATION	
Risk may be viewed as the chance, or probability, of one or more of the organisation’s objectives not being met. It refers both to unwanted outcomes which might arise, and to the potential failure to realise desired results. The criticality of each recommendation is as follows:	
High Priority	Action that is considered imperative to ensure that the organisation is not exposed to high risks.
Medium Priority	Action that is considered necessary to avoid exposure to significant risks.

	governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.
No Assurance	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.

Low Priority	Action that is considered desirable and should result in enhanced control.

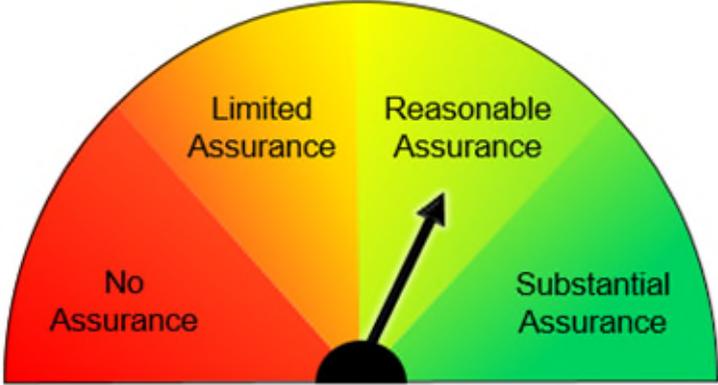
Professional, Approachable, Independent

Draft Internal Audit Report



Building Control

2021/22

AUDIT OPINION	RECOMMENDATION SUMMARY	
	High priority	0
	Medium Priority	4
	Low Priority	3
	Total	7

REASONABLE ASSURANCE

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.

STRENGTHS & AREAS FOR IMPROVEMENT

During the audit a number of strengths and areas of good practice were identified as follows:

- The department is pro-active in its efforts to attract new customers and generate income for the Authority
- There was a clear segregation of duties evident within the invoicing process
- There was a full audit trail on file for inspections that had taken place
- The percentage of Full Plan applications processed within the statutory determination period increased during 2020/21

The following key issues were identified during the audit which need to be addressed:

- Departmental procedural notes required updating to reflect current practices
- Decisions made by Officers with regards to applications were not documented
- The financial data input into MasterGov is not currently reconciled to the ledger

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1. INTRODUCTION & BACKGROUND

An audit of Building Control was undertaken in accordance with the 2021/22 Internal Audit Plan.

This report sets out the findings of the audit and provides an opinion on the adequacy and effectiveness of internal control, governance and risk management arrangements in place. Where controls are not present or operating satisfactorily, recommendations have been made to allow Management to improve internal control, governance and risk management to ensure the achievement of objectives.

Building regulations exist to ensure the health and safety of people in and around all types of buildings, including domestic, commercial, public and industrial. They also provide for energy conservation, security, and access to buildings.

Building Control is an important fee earning and statutory service offered by the Authority.

2. OBJECTIVES & SCOPE OF THE AUDIT

The purpose of the audit is to provide assurance on the adequacy and effectiveness of the internal control, governance and risk management arrangements in respect of Building Control.

Audit testing was undertaken in respect of financial year 2020/21 & 2021/22

The Audit scope included ensuring that the following key controls were in place:

- All applications are promptly administered and all records updated appropriately to ensure a transparent decision making process
- Ensuring on-site inspections have been undertaken as required.
- The processes in relation to the fees charged and income received are robust
- Enforcement action with regards to breaches of building regulation is in line with legislation

3. AUDIT APPROACH

Fieldwork will take place following agreement of the audit objectives.

A draft report will be prepared and provided to Management for review and comment with an opportunity given for discussion or clarification.

The final report will incorporate Management comments together with a Management Action Plan for the implementation of recommendations.

Audit Committee will be advised of the outcome of the audit and may receive a copy of the Final Report.

Management will be contacted and asked to provide feedback on the status of each agreed recommendation, once the target date for implementation has been reached.

Any audits concluded with a no assurance or limited assurance opinion will be subject to a follow up audit.

4. ACKNOWLEDGEMENTS

A number of staff gave their time and co-operation during the course of this review. We would like to record our thanks to all of the individuals concerned.

The work undertaken in performing this audit has been conducted in conformance with the Public Sector Internal Audit Standards.

The findings and opinion contained within this report are based on sample testing undertaken. Absolute assurance regarding the internal control, governance and risk management arrangements cannot be provided given the limited time to undertake the audit. Responsibility for internal control, governance, risk management and the prevention and detection of fraud lies with Management and the organisation.

Any enquires regarding the disclosure or re-issue of this document to third parties should be sent to the Head of the Regional Internal Audit Service via mark.thomas@bridgend.gov.uk

5. FINDINGS & RECOMMENDATIONS

5.1 APPLICATION PROCESS

Control Objective: All applications are promptly administered and records are maintained to ensure a transparent decision making process

Strengths:

The Auditor reviewed the literature available to the public via the BCBC website and noted that, along with the links to additional information within the Building Portal, the guidance on Building Control applications and the associated fees was detailed and clear.

The statutory determination period for a local authority to issue a decision on a Full Plan application is 5 weeks (or 8 weeks if consent is obtained from the applicant). Using reports produced from MasterGov, the Auditor analysed the department’s performance in relation to these timescales over the past 2 financial years:

Decisions issued	2019/20	2020/2021
Under 3 weeks	70%	76%
Between 3 - 5 weeks	14%	12%
Between 5 – 8 weeks	8%	7%
Over 8 weeks	8%	5%

The above indicates that despite the difficulties experienced within the department during 2020/21, with the introduction of legislative restrictions and remote working, the performance in relation to these standards has slightly increased

Full details of inspections (name of officer, inspection date, report comments, decision) can be recorded on the ‘Work Items’ tab within MasterGov. For the same sample referenced in 5.1.2, the Auditor reviewed each application and noted that (where work had commenced) there were full details recorded on MasterGov of each inspection that had taken place.

Ref. & Priority	Finding / Weakness	Risk	Recommendation
<p>5.1.1 Medium</p>	<p>The Auditors were provided with the most recent procedural notes. It was noted that although they were detailed, they had not been updated since 2012 and given that the MasterGov system had been implemented since then, they did not reflect current working practices within the department.</p>	<p>Staff unaware of their responsibilities; applications processed in an inconsistent manner and/or delayed unnecessarily</p>	<p>Updated procedural notes are created for all current working practices within Building Control including:</p> <ul style="list-style-type: none"> • Application and decision making processes • Disabled Person exemption award • Enforcement action
<p>5.1.2 Low</p>	<p>Using data from MasterGov, the Auditor reviewed the Full Plan applications and filtered those that were decided within the 6 month period between January and June 2021. The EDRM system was also reviewed to check the documentation on file for each application.</p> <p>It was noted that out of the 181 applications:</p> <ul style="list-style-type: none"> • 93% were decided within the mandatory 5 week determination period • 7% were decided after 5 weeks <p>For the 13 (7%) of the decisions that were made outside the 5 week mandatory determination period, the Auditor reviewed the documentation on file to see if there was consent on file from the customer:</p> <ul style="list-style-type: none"> • 5 / 13 had confirmation within the original application form that the 	<p>No audit trail; applications delayed unnecessarily; reputational damage to Authority</p>	<p>When processing applications:</p> <ul style="list-style-type: none"> • Consent from customers to extend mandatory determination period is obtained and documented in all appropriate cases • Only applications completed using the standard BCBC application form are accepted and processed • All application forms are date stamped upon receipt • All applications are acknowledged formally upon receipt

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>customer had provided consent to extend the mandatory determination period</p> <ul style="list-style-type: none"> • 8 / 13 had no documentation on file confirming that the customer had provided consent to extend the mandatory determination period <p>It was noted, however, that in 6 / 8 cases identified, the Building Control Assistant had completed the application of behalf of the customer and in these circumstances, it was advised that the customer would always be asked for consent to extend the 5 week period.</p> <p>The Auditor chose a 25% (45) of the sample (181) of to review further. It was noted that:</p> <ul style="list-style-type: none"> • 42 / 45 cases had a completed BCBC Building Control application form on file • 2 / 45 cases had a custom application form created by the customer on file • 1 / 45 cases had no application on file <p>After this was queried by the Auditor, the missing planning application was located and uploaded onto EDRM.</p> <p>The Auditor was able to ascertain when the application was originally received by the</p>		

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>department for cases received directly via the Portal or those completed over the telephone by the Building Control Assistant (26 / 45). For those that had been received via post (19 / 45), there was no date stamp used (electronic or physical), so the Auditor was unable to identify the correct date of receipt.</p> <p>With regards to the same sample, it was noted that:</p> <ul style="list-style-type: none"> • 37 / 45 cases had evidence on file showing that an acknowledgement letter sent to the customer advising that their application was under consideration • 8 / 45 had no evidence on file that an acknowledgement letter was issued <p>Apart from the individual documents highlighted above, it was noted that there was a full audit trail of each application and the relevant correspondence within the MasterGov and EDRM systems.</p>		
<p>5.1.3 Medium</p>	<p>The Auditor was advised that the current authorisation process is as follows:</p> <ul style="list-style-type: none"> • Building Control Officers pass their application decision to the Building 	<p>Unauthorised decisions being made; incorrect information given to applicant</p>	<p>Decisions made by both Building Control Officers and the Development Control Manager in relation to applications are recorded and retained on file</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>Control Assistant who will then create the decision notice on MasterGov.</p> <ul style="list-style-type: none"> The Development Control Manager reviews and authorises each application decision prior to the notice being issued to the customer. <p>It was demonstrated to the Auditor that this was done via email and no record is made within MasterGov or EDRM.</p> <p>The Auditor was unable to carry out testing due to insufficient information available within the relevant systems used. In order to ensure a full audit trail of the authorisation process, and to evidence that a segregation of duties was in place for each application processed, decisions made by both Building Control Officers and the Development Control Manager should be recorded and retained on file along with other documentation relevant to the application.</p>		

5.2 FEES & CHARGES			
Control Objective: The processes followed by Building Control in relation to the fees charged and income received are robust			
	<p>Strengths:</p> <p>The full range of Building Control fees and charges can be easily located on the BCBC website.</p> <p>The Auditor chose a sample of 50 successful planning applications for the 6 month period between December 2020 and May 2021. It was noted that in all cases, the decision notice issued to each customer detailed information advertising the services of the Building Control Section.</p> <p>In addition, the Building Control section are regularly provided by Development Control with the lists of new planning applications. The lists are reviewed for any potential new customers that have not previously used the Authority’s services. The Auditor viewed evidence where potential customers had been sent letters that detailed:</p> <ul style="list-style-type: none"> • An offer of a free submission advice report • A blank application form • A list of fees and charges <p>This demonstrates that the department is pro-active in its efforts to attract new customers and generate income for the Authority.</p> <p>The Auditor selected 50 Building Control Inspector Fee invoices in relation to payments received within the 6 month period between January – June 2021. COA was reviewed to determine who raised the invoice and who authorised. It was noted that a clear segregation of duties was evident within the process for all invoices raised.</p>		
Ref. & Priority	Finding / Weakness	Risk	Recommendation
5.2.1 Low	The Auditor viewed evidence that the fees and charges were reviewed in 2018 and a comparison with Pembrokeshire Council was carried out prior to the decision to increase the fees by 5%. The increase was approved by full Council on 28/02/2018.	Loss of trade; Unfair fees levied by Authority charged; reputational damage	A review of Building Control fees and charges is carried out and any increase is approved at the appropriate level. Regular comparison exercises with other local authorities should be carried out to ensure that charges remain competitive

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>The Medium Term Financial Strategy 2021/22 – 2024/25 ‘Fees & Charges’ Appendix E states that a review of Building Control fees is due in 2021/22 where it was “likely to be 2% increase to reflect current market conditions”.</p> <p>As yet no review or price increase has been undertaken in 2021/22</p> <p>The Auditor carried out an exercise that compared the Authority’s Building Control fees to 5 other Local Authorities of a similar population size. It was determined that the Authority’s overall charges were 4% lower than the total average of the other authorities reviewed. Regular comparison exercises should be carried out to ensure that the fees charged remain competitive.</p>		
<p>5.2.2 Medium</p>	<p>Using the same sample of Full Plan Applications reference in 5.1.2, it was noted that:</p> <ul style="list-style-type: none"> • 40 / 45 applications had the correct fee charged on MasterGov • 0 / 5 did not have any charges applied <p>It was confirmed that in 1/ 5 of these cases, the fees had not been applied in error and was corrected during the review.</p> <p>The Auditor identified that 4 / 5 had been awarded an exemption from the charge on the</p>	<p>Unfair fees levied by Authority charged; reputational damage</p>	<p>See Report Ref 5.1.1.</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>grounds that the applicant was disabled. It was advised that in these cases, an exemption would be awarded on receipt of:</p> <ul style="list-style-type: none"> • A letter from an Occupational Therapist or Doctor confirming that the adaption is required in relation to the customer's disability • Confirmation from Bridgend County Care and Repair that the adaptation is required <p>The Auditor identified documentation on EDRM in relation to only 1 / 4 cases confirming that the applicant qualified for the exemption under the criteria listed above. Additional documentation was obtained and uploaded onto EDRM in relation to 1 other case and queries were ongoing at the time of the review in relation to the other 2.</p> <p>Normal practice was noted to be that: exemption is awarded from the initial Plan fee upon receipt of the application and then verification of the exemption is pursued prior to the inspection at the property.</p> <p>The Auditor felt that given the applicant is issued with the initial acknowledgment letter confirming the exemption has already been awarded without verification of the customer's disabled status, there is a potential risk that this could</p>		

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<p>undermine the ability of the Authority to achieve successful resolution of any potential disputes that may arise. It is recommended, that a procedural note is created specifically for disabled persons exemption and include that verification of an applicant’s disabled status is established prior to awarding any exemption from the charge.</p>		
<p>5.2.3 Medium</p>	<p>The Auditor noted that Building Control income for 2020/21 on the ledger totalled £214,973, which was a 4.9% decrease from the previous year (£226,102). Further analysis showed that this can primarily be attributed to the 19.6% (£18,530) decrease in inspection fees that was lost due to the legislative restrictions introduced during the year.</p> <p>Only debit/credit card payments over the telephone have been taken since the introduction of remote working. The Building Control Assistant take the payment using Paye.net and then manually inputs the details onto the MasterGov system against the corresponding application reference.</p> <p>The Auditor selected the month of May 2021 and compared the income data input on MasterGov to the income recorded on the general ledger. Out of 52 transactions totalling £11,309.03 from the ledger, the Auditors were able to reconcile :</p>	<p>Inability to confirm receipt of income; Monies received could be unidentified and misappropriated</p>	<p>Regular reconciliations from the general ledger to MasterGov should be undertaken to confirm that all payments have been recorded correctly. This should be verified by an officer who is independent of the payment process</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	<ul style="list-style-type: none"> 51 transactions totalling £11,114.86 back to MasterGov <p>The Auditor identified that only the card payment reference and not the actual amount had been recorded in MasterGov for 1 payment received for £194.17. In addition, the card payment references recorded on MasterGov for 3 transactions were incorrect. The Auditor was however able to trace the payments to ledger using copies of the receipts that had been uploaded onto EDRM</p> <p>Given that certain risks are associated with manually inputting payment information onto a system, such as human error or potential misuse, regular reconciliations from general ledger to MasterGov should be undertaken to confirm that all payments have been recorded correctly. In addition, to ensure that a segregation of duties is present within the process, the reconciliation should be verified by an officer independent of those who are responsible for taking and recording payments.</p>		
5.2.4 Low	<p>The Auditor chose a sample of 50 Building Applications where there had been a Plan fee received during the period between April and June 2020.</p>	<p>Customer unable to confirm if VAT has been charged; non-compliance with HMRC guidelines; reputational damage</p>	<p>VAT receipts are issued to all customers and a record is retained on file</p>

Ref. & Priority	Finding / Weakness	Risk	Recommendation
	EDRM was reviewed to ensure that there was an audit trail showing that a valid VAT receipt had been issued in each case. It was noted: <ul style="list-style-type: none"> • 40 / 50 had documentation on file confirming that a valid VAT receipt had been issued to the customer • 10 / 50 there was no evidence on file that a valid VAT receipt had been issued 		

5.3 BUILDING REGULATION BREACHES			
Control Objective: The processes followed by Building Control in relation to breaches of building regulations is robust and enforcement action is in line with legislation			
	<p>Strengths: There is clear guidance detailed within the BCBC website on the channels available to the public to report a breach of building regulation. Examples of good practice were identified where a ‘soft’ enforcement letter was issued in efforts to engage the customer prior to formal enforcement action, such a Section 35 Notice.</p>		
Ref. & Priority	Finding / Weakness	Risk	Recommendation
5.3.1 Medium	A departmental procedural note was provided in relation to this area, but as referenced earlier in the report, this was also from 2012 and needed updating in line with all procedural notes.	Staff unaware of their responsibilities; enforcement action taken in an inconsistent manner and/or delayed unnecessarily	See Report Ref 5.1.1

Ref. & Priority	Finding / Weakness	Risk	Recommendation
<p>5.3.2 Medium</p>	<p>It was identified that 8 cases of 'Unauthorised Work' had been recorded on MasterGov since 01/04/2020. After a review of each case, in conjunction with EDRM, observations were made by the Auditor:</p> <ul style="list-style-type: none"> • 4 / 8 were ongoing cases currently being investigated • 1 case was closed due to the submission of a Building Control application • 3/8 the Auditor was unable to determine the status based on the information available <p>In addition, the Auditor was unable to locate evidence of the original complaint received by the department, or any documentation on EDRM under the appropriate reference number, for any of the 8 cases. Further efforts could be made to utilise the systems in place to enhance the audit trail of all enforcement action taken.</p>	<p>No audit trail; decisions made by Authority are open to challenge; inability to achieve resolution of any potential disputes that may arise</p>	<p>A full audit trail of all enforcement action taken and decisions made is recorded within MasterGov/EDRM</p>

6. MANAGEMENT ACTION PLAN

Report Ref & Priority	Recommendation	Agreed (Y/N)	Management Comments	Job Title of Officer Responsible	Date to be Implemented
5.1.1 Medium	<p>Updated procedural notes are created for all current working practices within Building Control, including:</p> <ul style="list-style-type: none"> • Application and decision making processes • Disabled Person Exemption award • Enforcement action 	Y	<p>Agreed - Guidance notes for new starters/apprentices to be updated (and reviewed annually) to take into account our current ways of working. Original 2012 version to be sourced from MM.</p> <p>Exemption letters to be secured upfront rather than during the process.</p>	Team Leader – Building Control	November 2021
5.1.2 Low	<p>When processing applications:</p> <ul style="list-style-type: none"> • Consent from customers to extend mandatory determination period is obtained and documented in all appropriate cases • Only applications completed using the standard BCBC application form are accepted and processed • All application forms are date stamped upon receipt • All applications are acknowledged formally upon receipt 	Y	<p>EoT consent to be sought and documented.</p> <p>Whilst the BC team cannot force applicants to use the standard application form, it will be encouraged/promoted.</p> <p>All entries/applications over the phone will document agreement for EoT (inputted into 'Notes' tab), all application forms will be date stamped and placed on the system even if there's no fee to formally register and all applications will be acknowledged.</p>	Team Leader BC, Building Control Assistant and Technical Support Officer	September 2021
5.1.3 Medium	<p>Decisions made by both Building Control Officers and the Development Control Manager* in relation to applications are recorded and retained on file</p>	Y	<p>(n.b. *Reference should be Building Control Team Leader not Development Control Manager)</p> <p>Decisions and emails will be saved into Defsoft to show decision/audit trail.</p>	Team Leader BC, Building Control Assistant and Technical Support Officer	September 2021

5.2.1 Low	A review of Building Control fees and charges is carried out and any increase is approved at the appropriate level. Regular comparison exercises with other local authorities should be carried out to ensure that charges remain competitive	Y	Comparisons to be undertaken annually and 2% increase factored in for next financial year (2022/2023) already. Spreadsheet for all Council's in Wales to be set up and updated every April using details of fees on their websites. Regularisation fees to be reviewed as well to dissuade customers from avoiding applying at the start of the process.	Team Leader BC, Building Control Assistant and Technical Support Officer	March/April 2022 and every year thereafter
5.2.3 Medium	Regular reconciliations from the general ledger to MasterGov should be undertaken to confirm that all payments have been recorded correctly. This should be verified by an officer who is independent of the payment process	Y in principle	We are in the process of arranging a query on the system (DEFSoft and COA Financials/Ledger) with Business Administration Support so that they can take up the role of independent assessor to do this on a monthly basis.	Business Admin Support Team in conjunction with Building Control Assistant	From Jan 2022 and then every month
5.2.4 Low	VAT receipts are issued to all customers and a record is retained on file	Y	Some types of applications are VAT exempt. e.g. in house applications? Inter-departmental charging? All others where VAT is applicable will be the subject of a receipt issued to the applicant and will be recorded and saved to the file on the system.	Building Control Assistant and Technical Support Officer	September 2021
5.3.2 Medium	A full audit trail of all enforcement action taken and decisions made is recorded within MasterGov/EDRM	Y	Addresses/cases to be identified and records updated	Building Control Assistant and Technical Support Officer	September 2021

7. DEFINITIONS

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Reasonable	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.
Limited	Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.
No Assurance	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.

RECOMMENDATION CATEGORISATION	
Risk may be viewed as the chance, or probability, of one or more of the organisation's objectives not being met. It refers both to unwanted outcomes which might arise, and to the potential failure to realise desired results. The criticality of each recommendation is as follows:	
High Priority	Action that is considered imperative to ensure that the organisation is not exposed to high risks.
Medium Priority	Action that is considered necessary to avoid exposure to significant risks.
Low Priority	Action that is considered desirable and should result in enhanced control.