



**OFFICE OF THE COMPTROLLER AND AUDITOR  
GENERAL**

**USE OF ENFORCEMENT POWERS  
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**R.40/2020**

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## Summary

### Introduction

1. The Government of Jersey operates a number of regulatory functions, predominantly within the Growth, Housing and Environment Department. The applicable legislation gives certain powers to the Government of Jersey to enforce compliance with decisions, legislation and regulation.
2. Regulatory functions are an important area of interaction between the Government of Jersey and citizens. Decisions and the enforcement of decisions can have a significant impact on individuals.
3. Enforcement powers are a necessary component of regulation. However:
  - enforcement action is a last resort: it is resource intensive and inherently adversarial. Effective information, engagement and advice are important elements of minimising the need to take enforcement action; and
  - public confidence is secured only where enforcement powers are exercised (and seen to be exercised) proportionately, consistently and fairly.
4. There is a wide range of regulatory activities in respect of which enforcement powers may be used. My work however has focussed on the following areas that fall within two different directorates within the Growth, Housing and Environment Department (See Exhibit 1).

#### **Exhibit 1: Regulatory activities considered in this review**

Directorate	Service	Enforcement activity
Regulation	Planning	38 notices served 2017 to 2019
Regulation	Building Control	1 prosecution since 2015 5 potential prosecutions under consideration
Regulation	Trading Standards	No prosecutions, voluntary notices or undertakings in 2019 (from c. 800 cases)
Regulation	Environmental Health	No prosecutions, 8 statutory notices served in 2019 (from c. 2,000 cases)

Directorate	Service	Enforcement activity
Regulation	Environmental Protection	7 prosecutions, 36 statutory notices, 76 verbal advice in 2019 (from c. 290 cases)
Operations & Transport	Highways/ Events	c. 5,000 permits issued in 2019 No enforcement activity undertaken yet following the Roadworks and Events Law coming into force on 1 January 2018.
Operations & Transport	Car Parking	c. 13,000 enforcement notices issued in 2019 of which 6% were successfully appealed

5. There has been public criticism of the way in which the Government has used its enforcement powers in relation to planning, including:
  - a Complaints Board decision in 2018 that focussed on the action and an alleged conflict of interest of officers working to enforce a planning decision; and
  - a Complaints Board decision in 2019 that found, among other things, that there were inadequate arrangements to ensure compliance with planning conditions.
6. In 2018 and 2019 my Office also received correspondence which raised concerns in relation to planning enforcement.
7. Within the former Department of the Environment there was a wide ranging internal review of the use of enforcement powers in relation to planning and building control in 2014 that made recommendations regarding:
  - policy and process;
  - systems and administration;
  - records management;
  - enforcement culture and officer behaviour;
  - consistency between planning and building control enforcement and other enforcement action;

- management, location and officer support; and
- performance management and reporting.

## Key findings

8. The key findings from my review are as follows:

- there is significant information available to citizens about regulatory activities. However, there are some gaps (in relation to enforcement processes) and weaknesses (in relation to overly technical communication). If these gaps were addressed it could help to reduce the incidence of non-compliance with regulatory requirements and therefore the need for enforcement action;
- there is a limited focus on monitoring the effectiveness of communication with citizens about regulatory activities;
- although there have been some initiatives to improve engagement with citizens about regulatory activities, these have not been underpinned by clarity about the desired outcomes;
- in some cases there are no developed arrangements for training of staff involved in enforcement activities;
- for most services reviewed, there are no structured arrangements for identifying and documenting conflicts of interest nor how they should be managed in practice;
- policies on the use of enforcement powers are often informal and are not publicised;
- there is a variety of practice in internal monitoring of compliance with documented enforcement processes;
- there is limited use of Key Performance Indicators for enforcement activities. For planning there is substantial underperformance against target;
- the poor performance in enforcement in planning and building control and a limited focus on improvement may be linked to these functions operating below establishment for an extended period; and

- although some of the enforcement activities reviewed sit within one department, taking the valuable opportunities to work together to secure improvement have been limited. Whilst there has been some training on enforcement across regulatory activities, there is little focus on learning between regulatory activities.

## Conclusions

9. There needs to be a stronger and consistent focus on engaging with individuals and organisations about the nature of regulatory activities and the enforcement powers available to the Government of Jersey. Enhancing communication and engagement should reduce the subsequent need to use enforcement powers.
10. Some enforcement activities have well documented procedures supported by adequate training of the staff involved and good systems for documenting and reviewing decisions. This is not however consistent across all areas. The Government of Jersey should focus on ensuring that good practice is shared and operated across all enforcement activities.
11. In order to demonstrate the objectivity of enforcement decisions there need to be more explicit processes to manage conflicts of interest and clear published policies for the exercise of discretion.
12. There has been an inadequate focus on monitoring performance on or implementing structured improvement in enforcement activities. In the case of planning and building control, performance on enforcement has been poor. At the same time, there has been no structured approach to the implementation of previous recommendations relating to enforcement in planning and building control and performance has deteriorated further. Implementing the Target Operating Model may ensure that the team is adequately resourced to improve performance in the short-term and implement longer-term improvement initiatives.

## Objectives and scope of the review

13. The review has evaluated:

- the effectiveness of design and operation of arrangements for engagement with citizens through provision of information and advice that might minimise the need for enforcement action;
- the design and operation of the existing arrangements for monitoring compliance and determining whether and what enforcement action is taken, including:
  - documentation of procedures;
  - training and supervision of staff;
  - management of conflicts of interest;
  - a clear framework for and good documentation of decisions on enforcement; and
  - effective arrangements for monitoring and managing performance; and
- the design and operation of the existing administrative arrangements for challenge of the proposed or actual use of enforcement powers.

14. In undertaking the work I have considered:

- the extent to which the recommendations of the 2014 internal review by the former Department of the Environment have been implemented; and
- the extent to which there is scope for learning between enforcement activities across the Government of Jersey.

## Detailed findings

### Engagement with citizens

15. Early, effective engagement with citizens reduces the risk of subsequent enforcement activity. My work focussed on:
- the nature, scope and accessibility of website and written information available to citizens; and
  - the nature, scope and accessibility of face to face, telephone and email advice offered to citizens relating to the activities reviewed.
16. Generally the information available to Individuals and organisations is wide ranging and accessible (see Exhibit 2). However, I identified scope for improvement in communicating about enforcement regimes and in communicating consistently in an accessible way.

#### **Exhibit 2: Communication with individuals and organisations**

Service	Communication with individuals and organisations
Planning	Wide range of material on the Government of Jersey website although there is very limited information on breaches and enforcement.
Building Control	
Trading Standards	Comprehensive material on the Government of Jersey website including guidance for consumers and suppliers and contact details.
Environmental Health	Comprehensive range of material on the Government of Jersey website on different aspects of environmental health
Environmental Protection	Comprehensive material on the Government of Jersey website including advice to citizens and those responsible for environmental protection and contact details.  Effective engagement with citizens on fly tipping through the 'Love Jersey' app. Effective engagement with the farming community to reduce the level of nitrates entering the water system.

Service	Communication with individuals and organisations
	However, some elements are not written in an accessible style e.g. Code of Practice on Good Agricultural Practice for the Protection of Water.
Highways/ Events	Comprehensive range of materials on the Government of Jersey website explaining new regime, including industry specific briefings and technical documents. Effective engagement with the business community as part of the implementation of the Road Works and Events (Jersey) Law 2016.
Car Parking	Comprehensive range of information on the Government of Jersey website that is easy to navigate. Easily accessible information on the availability of car park spaces. External review commissioned by the Government identified good practice in the leaflets and pamphlets available from the Parking Control Office.

17. Website and written communication is supported by a range of direct proactive and reactive contact with citizens including:
  - free and confidential advice to customers on trading standards;
  - regular round table meetings on environmental protection with key players in the farming industry; and
  - training for contractors on the new highways legislation.
  
18. The best performing organisations:
  - seek and respond to customer feedback about the effectiveness of their communication; and
  - set and monitor performance against standards for their responsiveness to customer enquiries.
  
19. Such practices have not consistently been adopted in Jersey. There have, however, been some individual initiatives, such as:
  - customer satisfaction measurement for trading standards;

- adoption of target response times for responses in trading standards and environmental health. These services both set three day response targets and achieved these in 99% of cases in 2019; and
  - ‘mystery shopper’ exercises for car parking in 2013 that are due to be reintroduced in 2020.
20. In some of the services reviewed there is evidence of a commitment to continuous improvement in engaging with citizens. For example:
- working with businesses to achieve ‘persuasive compliance’ in trading standards;
  - development of customer focused monthly Key Performance Indicators (KPIs) by environmental health and trading standards;
  - a move to preventative work through a series of campaigns in environmental protection; and
  - commissioning and responding to the findings of external reviews of car parking.
21. However, there is no consistent approach to securing continuous improvement across enforcement activities. Where there have been improvement initiatives, the desired outcomes have not explicitly been set out and used to evaluate the success of those initiatives.

## Recommendations

- R1** Review the content of the Government of Jersey website and written communications across regulatory functions to ensure that on a consistent basis:
- sufficient information is provided about enforcement regimes; and
  - communication is in accessible and non-technical language where possible.
- R2** Across all regulatory functions:
- establish mechanisms for capturing feedback from service users;
  - set targets for responding to enquiries; and

- monitor and manage performance against those targets.

**R3** Across all regulatory functions:

- set clear desired outcomes for engagement with individuals and organisations; and
- monitor and manage the success of improvement initiatives against those desired outcomes.

## Monitoring compliance and deciding on enforcement action

22. Monitoring and securing compliance with regulatory provisions, including making decisions on what enforcement action to take and when, requires:

- well documented procedures;
- effective training of staff;
- effective arrangements for managing conflicts of interest;
- a clear framework for and good documentation of decisions on enforcement; and
- effective arrangements for monitoring and managing performance.

## Documented procedures

23. For some of the services reviewed, procedures are well documented and are communicated effectively. For example:

- a relevant UK manual is used for trading standards and environmental health, supplemented by internal guidance and standard forms; and
- there is a detailed procedures manual for Parking Control Officers.

24. However, the picture is not consistent:

- procedures for planning and building control are not comprehensively documented. Much of the documentation focusses on how to record action rather than what action to take and in what circumstances. Although a matrix is used within building control to help officers in exercising their discretion on a consistent basis, there is no corresponding document for planning;

- no action was taken on a recommendation from the 2014 internal review that supplementary procedures and forms for planning and building control were consolidated into a single, accessible document; and
- the strategy for highways/ events sets out a staged move towards more formal enforcement activity following the coming into force of new legislation. Detailed documented procedures for officers to follow in implementing the statutory framework will need to be developed.

## Recommendations

**R4** Prepare comprehensive documented procedures for officers responsible for decisions on enforcement action for:

- planning;
- building control; and
- highways/events.

**R5** Ensure that for all regulatory activities, documented procedures are kept up to date to reflect changes in legislation and policy.

## Staff training

25. Effective implementation of arrangements for enforcement action requires not only clear, accessible documented procedures but also appropriately trained staff. Appropriate training promotes consistency of approach and awareness of relevant changes in procedures and practice.
26. Relevant training has been provided in some cases. For example:
  - training on the UK online manual used for trading standards and environmental health has been provided by an external training provider;
  - environmental protection staff are being supported by a training initiative from colleagues working in trading standards and environmental health;
  - there is structured introductory and refresher training for Parking Control Officers. An external review in 2018 concluded that this training met expectations; and

- in planning and building control, there has been some shared training with Guernsey, for example on interviews under caution.

27. However, there is not a consistent approach to ensuring that relevant training is provided on an appropriate basis. This is particularly important where new staff are engaged.

### **Recommendation**

**R6** Across all regulatory functions, ensure that relevant and appropriate training programmes are in place to ensure that staff making enforcement decisions have a clear and up to date understanding of legislation, policies and procedures relevant to the use of enforcement powers.

### **Arrangements for managing conflicts of interest**

28. It is essential that the exercise of enforcement powers is perceived as fair. That includes ensuring that those making decisions do not have any conflicts of interest.
29. There are structured arrangements and forms for recording and documenting the consideration of conflicts of interest for environmental health and trading standards. Although there is evidence of awareness of the importance of avoiding conflicts of interest and examples of the management of conflicts of interest, there are no equivalent structured arrangements for planning, building control, environmental protection, highways/events and car parking.

### **Recommendation**

- R7** For planning, building control, environmental protection, highways/events and car parking, introduce structured arrangements to:
- identify conflicts of interest;
  - agree how such conflicts will be managed; and
  - record conflicts of interest and how they are being managed.

## Framework for and documentation of decisions

30. Where there is discretion about taking enforcement action, it is important that there is an objective, recorded and defensible decision making process. Different arrangements are in place across different services. For example:

- the Deputy Chief Trading Standards Officer reviews case files and provides feedback to individual members of staff; and
- for environmental protection, there is a quarterly meeting of three officers that reviews cases, including deciding whether more robust enforcement action should be taken.

31. However:

- there is inconsistent practice in the adoption of clear public statements on the policies driving enforcement action, including prosecution. Environmental protection has a published enforcement and prosecution policy. Highways/events published a draft strategy for enforcement in October 2019. However, other services have no corresponding public statements and there appear to be differences in the appetite for enforcement activity, including prosecution, across activities. That appetite can vary for good reasons and over time. For example:
  - Trading standards has embraced a policy of 'persuasive engagement', for example working to educate a major retailer that had a lack of awareness of Jersey Law, rather than prosecute them; and
  - Environmental protection has responded to an increase in fly tipping by increasing the use of prosecution: the number of prosecutions rose from none in 2016 to seven in 2018.

Transparency of decision making would however be promoted if the policy framework was, in all cases, publicly available;

- officers believe that the systems for planning and building control are cumbersome. This reduces the ability to review decision making and increases the risk that action taken is not adequately recorded;
- a review of case files undertaken with officers identified weaknesses in record keeping including in relation to planning cases subject to

enforcement action. Such weaknesses increase the prospects of successful challenges to decisions; and

- for all the services reviewed, there are no formal processes for capturing the wider learning for review activities, sharing it with relevant staff and influencing procedures and training.

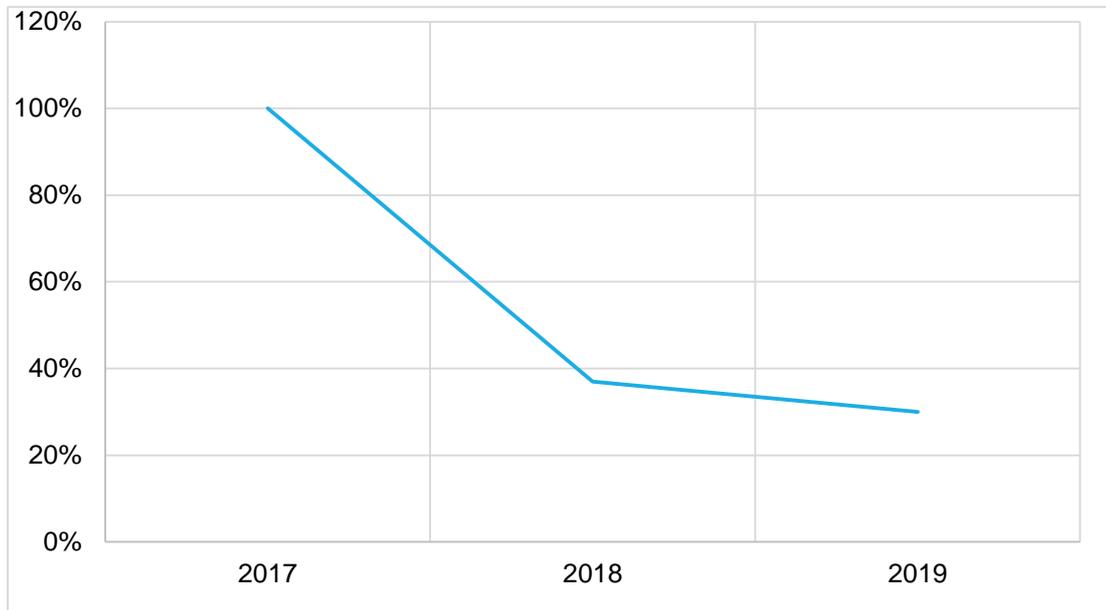
## Recommendations

- R8** For planning, building control, trading standards, environmental health and car parking, adopt and publicise clear policies on the circumstances in which enforcement action will be taken.
- R9** For all services reviewed, monitor compliance with documented standards consistently and take remedial action where appropriate.
- R10** For all services reviewed, establish effective mechanisms to capture, disseminate and act on wider learning arising from review activities.

## Managing and monitoring performance

32. Key Performance Indicators (KPIs) – quantitative measures to assess service performance – are an important tool of management, including in respect of compliance with established arrangements for enforcement activities.
33. Environmental health and trading standards have a range of KPIs. These are brought together in a monthly dashboard and used to drive continuous service improvement. Whilst these are focused mainly on customer service measures, they do include KPIs for the limited enforcement activity that does take place. For the other regulatory activities reviewed, there is limited use of such KPIs. Where they have been adopted they are not being used as effectively as possible:
- for planning and building control enforcement, a target time for inspection had been set. Performance deteriorated from 100% inspected in target time in 2017 to 30% in 2019 (see Exhibit 3). However, even this measure must be treated with caution as the date of inspection was only recorded in 14% of cases in 2018 and 40% of cases in 2019; and
  - for car parking, the Parking Services Manager has access to a range of KPIs to assess performance but these are not brought together in a single management pack.

**Exhibit 3: Planning enforcement: compliance with targets**



Source: Annual departmental review of business plan targets 2017 - 2019

34. The internal review of the use of enforcement powers in planning and building control undertaken in 2014 identified significant scope for improvement. In response, some work was undertaken on new procedures. However, I believe that an opportunity was missed:

- action in response to the internal review was partial and a number of recommendations were not implemented or only partially implemented (see Exhibit 4); and
- the quantifiable evidence is of a deterioration in performance.

**Exhibit 4: Planning and building control: implementation of the recommendations of the internal review undertaken in 2014**

Recommendations	Management update - 2018	Evaluation of current position
<b>Policy and process</b>		
Prepare operational reference document which can be published. Alongside this develop	System User Guides produced and guidance available on website. Action log in system can be exported.	<b>Recommendations partly implemented</b> Comprehensive operational procedure manual is not available

Recommendations	Management update - 2018	Evaluation of current position
<p>standard documents and protocols to improve prioritisation and consistency of documentation and case files.</p>	<p>Letter and form templates adapted from Environmental Protection and Health teams.</p>	<p>other than guidance on use of IT systems.</p>
<p><b>Systems and administration</b></p>		
<p>Provide administrative support to compliance team.</p> <p>Improve understanding and use of IT systems in department including process notes for users.</p>	<p>Support now available from Technical Support Officers (TSOs).</p> <p>System guides produced.</p> <p>Regular dialogue evident on caseload.</p>	<p><b>Recommendation implemented</b></p> <p>However, in practice, use of TSOs by Compliance Officers is inconsistent.</p>
<p><b>Records management</b></p>		
<p>Improve processes for recording and publishing notices to comply with Freedom of Information and Data Protection legislation.</p>	<p>Register of notices online.</p> <p>User guides set out where letters and emails should be used.</p>	<p><b>Recommendations partially implemented</b></p> <p>Register of notices does not indicate when withdrawn or closed.</p>
<p><b>Enforcement culture and behaviour</b></p>		
<p>Reinforce behaviours expected in regulation and support this with appropriate training for officers and managers.</p> <p>Rename team as 'Compliance'.</p>	<p>Team personnel changed and different culture reinforced.</p>	<p><b>Recommendations partly implemented</b></p> <p>Limited evidence of structured training, for example, on induction.</p>
<p><b>Consistency with other regulators</b></p>		
<p>Increase liaison with other regulators and adopt more common practices, including Law Officer authorisation for potential prosecutions.</p>	<p>Attorney General provided guidance to improve consistency across all areas of regulation.</p>	<p><b>Recommendations partly implemented</b></p> <p>Limited evidence of shared learning with other regulators.</p>

Recommendations	Management update - 2018	Evaluation of current position
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**Management location and officer support**

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Clearly define management responsibilities and reporting lines. Introduce active caseload management.	Management line established for enforcement within Development Control team. Functionality in system allows for prioritisation and active caseload management reports.	<b>Recommendations not implemented</b> At time of review, Enforcement Team not completing all prioritisation data or recoding inspections. Also not using the functionality in system to produce management information and monitor workload.
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**Performance management and reporting**

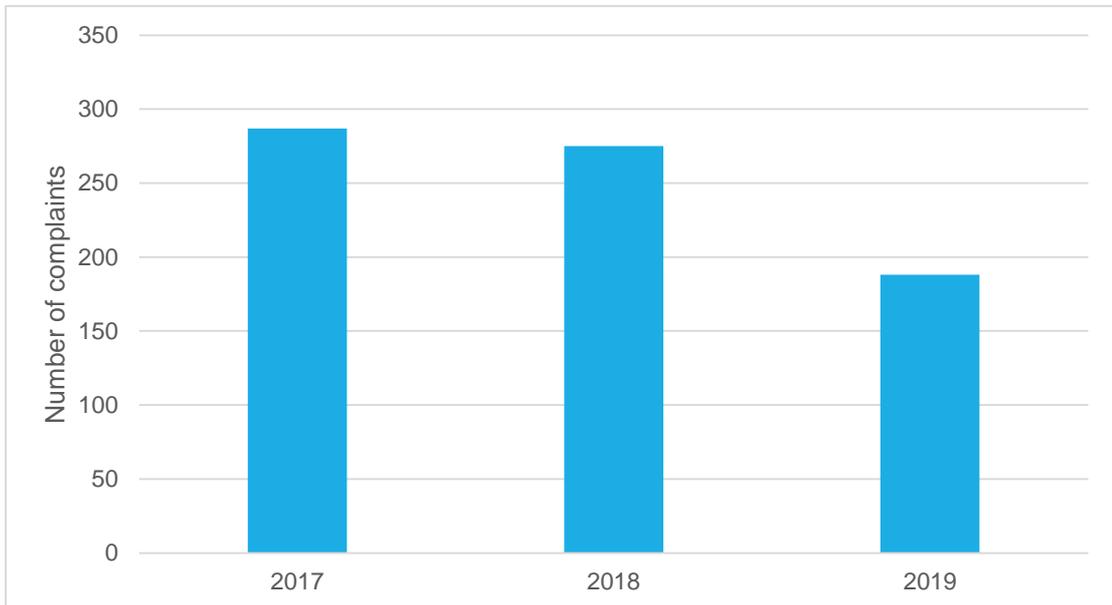
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Use functionality of system to produce meaningful performance data.	Reports produced to allow annual Key Performance Indicators to be produced.	<b>Recommendations not implemented</b> At time of review, data is not being recorded. Inspection targets and resolution targets are being missed.
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35. I am concerned about the lack of focus on improvement in the performance of the enforcement function for planning and building control. The team has been below establishment since September 2019 and this may have impeded its ability to target and to implement the improvements previously identified as required. I understand that the Target Operating Model envisages a strengthening of the team alongside widening its remit to include trees and wildlife enforcement.
36. I have considered the enforcement caseload for planning and building control. The enforcement workload per officer has increased as a result of staff vacancies. However, the overall volume of complaints being handled has fallen over the last three years (see Exhibit 5).

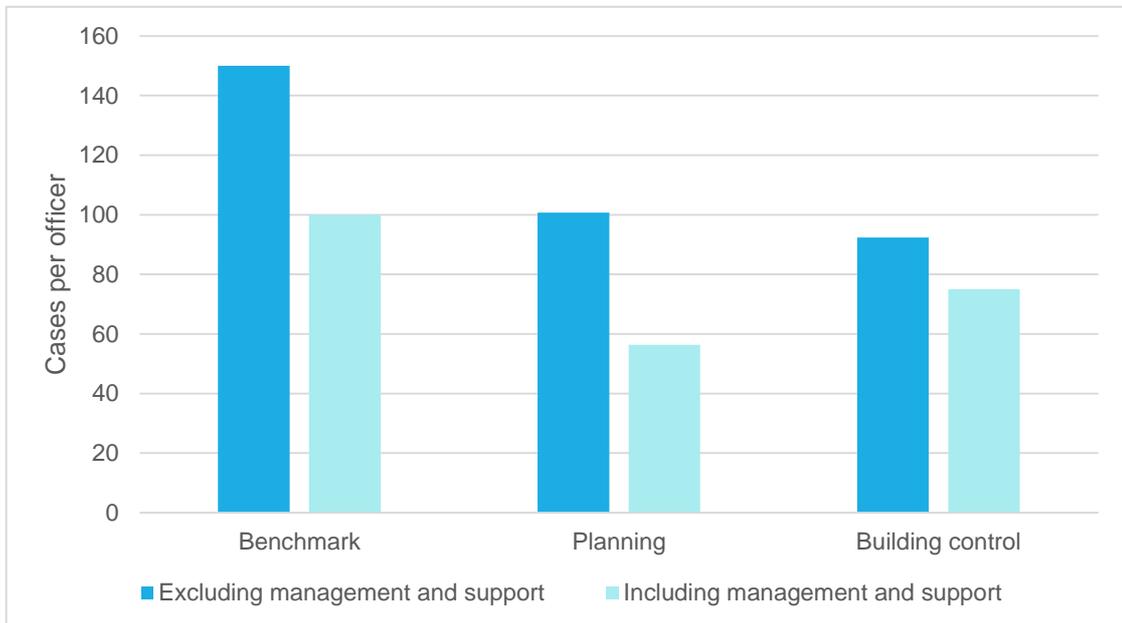
### Exhibit 5: Enforcement workload for planning and building control



Source: Annual departmental review of business plan targets 2017 - 2019

37. There is no established benchmark for the caseload for planning and building control. However, the Planning Advisory Services has quoted benchmarks of 150 cases per officer for planning and building control (or 100 cases per officer if management and support staff are included). Applying these benchmarks, caseloads per officer for both planning and building control are below benchmark (see Exhibit 6).

**Exhibit 6: Caseload for planning and building control**



*Source: Average planning and building control applications per annum based on departmental records plus staff in post mid 2019*

38. In other regulatory activities reviewed, there is some evidence of embracing a culture of continuous improvement, including looking outwards. For example:
- in trading standards and environmental health there have been a range of improvement initiatives, including a joint enforcement policy, duty rotas and the introduction of the UK manual referred to above; and
  - general enforcement training from an outsourced provider, originally provided to trading standards, has been extended to other services, including planning, building control, environmental protection and fisheries as well as to counterparts in Guernsey.
39. However, learning across enforcement functions is limited, with teams more likely to look to the UK than sharing experiences with colleagues in other teams within the Government of Jersey.

**Recommendations**

**R11** For environmental protection, car parking and highways/events:

- identify appropriate KPIs for enforcement where not currently prepared; and

- ensure effective compilation and dissemination of the KPIs adopted.

**R12** Review the resources devoted to the enforcement function for planning and building control in the context of its current performance and capacity to focus on improvement.

**R13** Develop forums to share experience and promote effective co-operation between and learning from teams within the Government of Jersey engaged in enforcement functions.

## Administrative arrangements for challenge of the proposed or actual use of enforcement powers

40. The use of enforcement powers is often controversial and emotive. Having effective mechanisms for dealing with challenge to the proposed or actual use of enforcement powers is a key means by which the Government can demonstrate that it is dealing with citizens fairly.

41. The relevant sections of the Government of Jersey website provide information on the statutory appeal mechanisms that are available. Officers recognise that members of the public may also use the States' complaints processes. I am currently undertaking a wider review of the complaints process and intend to report shortly.

42. For many services there are few, if any, appeals against or complaints about enforcement action. However:

- there was a successful appeal against planning enforcement in 2019 and three other appeals are awaiting determination; and
- complaints about planning enforcement action have been upheld by a States' Complaints Board.

43. The volume of appeals in relation to car parking are inevitably higher than for other services. As a result, there are established arrangements for considering them, including:

- a formal policy on cancelling excess charge notices, introduced following a 2018 external review; and
- a target time for responding to appeals received.

44. An on-line appeals system for excess charge notices is under development. Alongside this, work is in hand to develop public guidance, including on the cancellation of excess charge notices.

**Recommendation**

- R14** Evaluate the impact of the implementation of the proposed on-line appeals system for excess charge notices and the publication of the associated guidance.

## Appendix One

### Audit Approach

The review included the following key elements:

- review of relevant documentation provided by the Government; and
- interviews with key officers within the Government.

The documentation reviewed included:

- the Government of Jersey website;
- written guidance to the public;
- relevant Business Plans;
- documents recording internal procedures; and
- management information about compliance and enforcement action.

The following officers were interviewed:

- Group Director, Regulation;
- Group Director, Operations and Transport;
- Director, Building Control;
- Director, Development Control;
- Director, Environmental Protection;
- Director, Parking;
- Acting Director, Environmental Health and Trading Standards;
- Head of Driver and Vehicle Standards and Inspector of Motor Traffic;
- Senior Engineer, Transport Planning;
- Parking Control Manager;



- Compliance Manager, Planning and Building Control;
- Two Compliance Officers, Planning and Building Control;
- Principal Planner Business Transformation; and
- Legal Advisor.

I would like to thank all officers who have contributed to this report.

The review was carried out by affiliates working for the Comptroller and Auditor General.

## Appendix 2

### Summary of recommendations

- R1** Review the content of the Government of Jersey website and written communications across regulatory functions to ensure that on a consistent basis:
- sufficient information is provided about enforcement regimes; and
  - communication is in accessible and non-technical language where possible.
- R2** Across all regulatory functions:
- establish mechanisms for capturing feedback from service users;
  - set targets for responding to enquiries; and
  - monitor and manage performance against those targets.
- R3** Across all regulatory functions:
- set clear desired outcomes for engagement with citizens; and
  - monitor and manage the success of improvement initiatives against those desired outcomes.
- R4** Prepare comprehensive documented procedures for officers responsible for decisions on enforcement action for:
- planning;
  - building control; and
  - highways/events.
- R5** Ensure that for all regulatory activities, documented procedures are kept up to date to reflect changes in legislation and policy.
- R6** Across all regulatory functions, ensure that relevant and appropriate training programmes are in place to ensure that staff making enforcement decisions have a clear and up to date understanding of legislation, policies and procedures relevant to the use of enforcement powers.

- R7** For planning, building control, environmental health, environmental protection, highways/events and car parking, introduce structured arrangements to:
- identify conflicts of interest;
  - agree how such conflicts will be managed; and
  - record conflicts of interest and how they are being managed.
- R8** For planning, building control, trading standards, environmental health and car parking, adopt and publicise clear policies on the circumstances in which enforcement action will be taken.
- R9** For all services reviewed, monitor compliance with documented standards consistently and take remedial action where appropriate.
- R10** For all services reviewed, establish effective mechanisms to capture, disseminate and act on wider learning arising from review activities.
- R11** For environmental protection, car parking and highways/events:
- identify appropriate KPIs for enforcement where not currently prepared; and
  - ensure effective compilation and dissemination of the KPIs adopted.
- R12** Review the resources devoted to the enforcement function for planning and building control in the context of its current performance and capacity to focus on improvement.
- R13** Develop forums to share experience and promote effective co-operation between and learning from between teams within the Government of Jersey engaged in enforcement functions.
- R14** Evaluate the impact of the implementation of the proposed on-line appeals system for excess charge notices and the publication of the associated guidance.



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