

Case/ Project Information	
Site:	Smoke Shack - Stony Stratford
Case/ Project Ref:	Enforcement
Case/ Lead Officer(s)	Carl Stokes/ Richard Proctor
Senior Officer Lead/ Team Manager:	Gavin Treen
Brief Outline of case/ project	Enforcement action against unauthorised works resulting in a material change to a Grade II Listed Building
Next Lessons Learned Review Date	Sep-17

Purpose of template
A Lessons Learned process will be invoked by the Management Team in response to complaints and third party requests, where this is appropriate. However the Lessons Learned process should also be a proactive process and should be used, as appropriate by all officers where there are opportunities to improve performance and service delivery. This does not necessarily mean that it should be invoked through a Management request but can be initiated by officers (in consultation with their Line Manager).

REVIEW OF ACTIONS AND PROCESSES OF MILTON KEYNES COUNCIL WITH REGARDS TO UNAUTHORISED WORKS AND ALTERATIONS TO A GRADE II LISTED BUILDING

1. Ref	2. Date	3. Category	4. Identified By	5. Description of lesson	6. Barriers / enablers	7. Recommendation	8. Action required	9. Owner
	State the date when this added to the register		Identify where this lesson was generated from (a person / group)	State what the lesson was, its helpful to provide some context with this	What are the issues related to this lesson, what are the reasons this may affect other areas of work?	Following on from the learning, ● How could the issue have been handled in a different way to have minimised its impact? ● Suggested tools, processes, training, or expertise required	Who should be made aware of the lesson & how? What actions need to be put in place in order that this lesson is learned?	Who will ensure this lesson is disseminated?
SS-LL-01	09/02/2017	Organisation	G Treen	After the Enforcement Officer, following standard processes, served the legal notices on everyone with an interest in the land informing them that the Council was preparing a case for prosecution, the Officer received written threats of a personal and serious nature. The Police were engaged by the Officer following receipt of this threat and performed their own investigations, which is understood to have resulted in a caution for a leaseholder of the property. Officers should identify any personal threats or communications to their line manager as soon as they are able who will remove that officer from the case and ask a new officer to complete any ongoing work. This action supports the Councils transparent approach and ensures importantly the safety of officers and enables the Council to carry out its duties.	1. Staff resource; workloads may need to be adjusted to manage capacity (swapping of cases, etc). 2. 'Replacement' officers remaining neutral.	1. Should any Officer whose case for whatever reason becomes "personal" whether by association with the case or by the unreasonable actions of a contravener, then they should be removed from the case and a new Officer allocated (to avoid any inference against a Council Officer and to ensure their safety). 2. Such cases and any 'substitute' Officers will be overseen by Senior Officers/ Managers.	Make all Development Management staff are aware of lessons needing to be learned through staff briefing.	Head of Development Management and Team Managers

SS-LL-02	09/02/2017	Organisation	G Treen	The case was listed to be heard on 14 December 2015 (some one year after the initial site investigation). At the Crown Court the Council was represented by its Barrister and Council Officers including the Legal Solicitor. Concerns were raised by the Barrister generally about poor presentation of case papers and in particular a concern that a Council witness had not attended the property. These points were raised in late submissions by the Defence. In future earlier checks and decisions should be undertaken between legal and planning to confirm that the processes are in place and correct.	1. Identification of key review milestones.	1. All cases referred to Legal which proceed to litigation for action should be case managed by a Senior Officer (Development Management) and Legal are to provide a lead and support against key milestones prior to any court hearing or trial (to ensure clarity of facts and adequate preparation of case before the court date).
SS-LL-03	09/02/2017	Organisation	G Treen	Although the Council's Conservation and Archaeology Manger had produced a witness statement in advance of the trial this had been done based on another Officer's visit. This was not considered to be unusual Council practice, but in the independent opinion of our Barrister it would have been prudent to arrange for the expert witness, to have visited the site to establish the facts for themselves and provide a statement for re-submission, avoiding any challenges from the Defence and weaknesses in the Council's case. Wherever possible the council will ensure any expert witness wil provide a statement of facts. When this is not possible advice will be sought from Legal Services.	1. Staff turnover and continuity.	1. Where possible it should be arranged that all expert witnesses should have visited the premises or site to establish visually and factually all matters with regards to their specialised area. This is to ensure witness statements are supported by evidence as seen on site, unless there is good reason not to (to avoid challenges in court and to allow the best test of evidence).

SS-LL-04	09/02/2017	Organisation	G Treen	<p>An agreement was reached between solicitors representing both parties. That agreement was that the prosecution case would not proceed and both parties would stand their own costs. In addition the leaseholders of the Smoke Shack entered into a written agreement that they would comply with the remedial works needed to correct the unauthorised works. The above was accepted by all parties and no case proceeded. Had the evidence been reviewed and all options (in light of risks and issues identified) been discussed by relevant senior officers in advance, this outcome may have been achieved earlier in the process, resulting in saving time costs for all parties. The Barrister also raised concerns that the Judge in the case had given his indication that he felt this case could have been resolved by the parties without the need for the involvement of the Court. Planning/ Enforcement/ Legal to meet and discuss all ways of acting to achieve the desired result in keeping within the councils Enforcement Plan 2017.</p>	<p>1. Effective evaluation of all options to resolve the situation.</p>	<p>1. Delegated authority rests with the Head of Legal Services for a decision as to whether a case should be withdrawn or negotiated at Court. However, it is recommended that a protocol should be developed and agreed between Development Management and Legal services to support the decision making process.</p>
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