



State Comptroller | Audit Reports on Municipalities 2020

## Chapter 3

# **Planning and Building**





State of Israel  
State Comptroller and Ombudsman  
Audit Reports on Municipalities 2020

# **Supervision of Construction in Local Planning and Building Committees**

Abstract



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## Abstract

### Background

The Local Planning and Building Committees are part of the planning institutions and operate by virtue of the Planning and Building Law, 1965. These committees are authorized, inter alia, to enforce planning and building legislation in their areas, which are usually identical to the municipal areas of the local authorities. In these cases, the local authority's council is the local committee. Effectively enforcing construction and preventing construction offenses is of public importance because these violations may lead to misuse of land resources, may damage the quality of life and of the environment, and even cause safety hazards. In most cases, these violations are easily manifested. As a result, the ways they are managed in affects the committees' trustworthiness in the eyes of the public. Accordingly, and in light of the widespread phenomenon of construction offenses, the State Comptroller's Office reviewed how the local committees manage this issue.

### Key figures

**131**

Local planning and building committees (as at 2017)

**11,513**

Supervision files sent to prosecutors in local committees in 2018

**58%**

of the committees failed to submit reports to the National Enforcement Unit about their enforcement activities in 2018, as required by law

**98%**

of the committees did not complete a survey about construction offenses as required by law, which is essential for decision making regarding enforcement procedures

**47%**

Percentage of committees in which the number of supervisors is lower than the minimum recommended standard

**59%**

of the committees did not send reports to the Criminal Registry

**38%**

of the committees were evaluated by their prosecutors and were found to require improvements in supervision

**71**

Building permits for split apartments issued 15 months after the amendment to the corresponding law

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## Audit Actions







From June 2019 to January 2020, the State Comptroller's Office conducted an audit of building supervision at local committees. Supplementary examinations were conducted by the National Unit for Enforcing Planning and Construction Laws, the Department for Guiding Prosecutors, the Planning Administration and The land registry Division. The audit reviewed the preparedness of local committees to carry out their functions in the area of enforcement and their operation from 2016 to 2018. Some of the subjects were reviewed in all committees, some in only a sample of the committees.



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## Key findings



-  **Preparedness of local committees for supervision and enforcement functions:** The vast majority of the committees did not prepare a survey of construction offenses. As a result, they do not have the factual infrastructure that is essential for effective decision making. Half of the committees are lacking supervisors, and 38 of the committees have 20% less supervisors than the minimum recommended standard.
-  **Interfaces between planning, licensing and supervision:** There is a lack of detailed outline plans in Arab towns, which may lead to an increase in construction offenses. Furthermore, Amendment 117 to the Planning and Building Law, which enabled local committees to issue building permits for split apartments through a shorter procedure, has almost not been implemented.
-  **Initiation of enforcement activities:** Based on the committees' reports, most of them do not initiate enforcement activities methodically. This results in violations that are not detected at the early stages and in longer resolution times.
-  **Allocation of budgets to demolitions:** Out of 12 committees audited, only two, Elad and Bnei Brak, allocated a dedicated budget to the demolition of illegal buildings. Furthermore, except for Bnei Brak, which in 2018 demolished 60 buildings, most

committees audited made almost no demolitions.

-  **Reports to the Lands Registrar:** Nine committees out of the 12 reviewed did not report building deviations to the Lands Registrar. Data from the Lands Registrar for the entire country shows that 1,566 reports were submitted in 2018, even though the number of supervision files sent that year to the local committees' prosecutors reached 11,500. It can be assumed that thousands of deviations are not reported at all.
-  **Enforcement processes:** A review of four local committees (Bnei Brak, Givatayim, Tira and Hof Ashkelon) showed deviations in enforcement procedures, delays in enforcement activities and lack of effectiveness. The Tira local committee showed a phenomenon whereby construction offenses are not supervised.







**Accreditation of local committees:** In general, in the accreditation process of local committees as independent committees, the Planning Administration takes into consideration issues relating to their function in the area of supervision and enforcement, based on the opinion of authorized bodies.

**Interfaces between planning, licensing and supervision:** In some of the committees reviewed, it was found that professionals initiate the required detailed outline plans, which contribute to minimizing the conditions that lead to construction offenses.

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## Key recommendations

-  It is recommended to study the possibility of several local committees joining forces in their supervision activities, in light of the fact that there is a lack of supervisors in many committees. This situation impacts on enforcement activities, Where the minimum standard of supervisors is initially little.
-  It is recommended that local committees reinforce the interfaces between planning, licensing and supervision, and that they promote plans that prevent construction offenses in the future.
-  Local committees should complete their surveys of construction offenses, as soon as possible and based on the guidelines of the National Enforcement Unit. They must also update their enforcement policies.
-  Local committees must methodically increase enforcement in their areas. Their workplans should include proactive actions and measurements to assess effectiveness. This will enable to detect violations at the early stages and act to resolve them. They must utilize all their enforcement authorities to make the processes more effective and efficient.

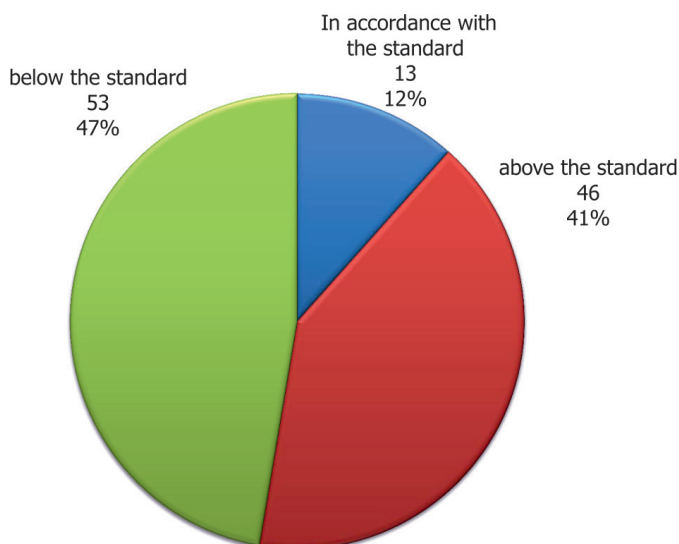


The National Enforcement Unit and the Department for Guiding Prosecutors must increase supervision over local committees, work to computerize reporting interface, and take the necessary steps to increase enforcement. It is recommended to focus on local committees whose enforcement activities are poor, and where there is a great potential for construction offenses due to the nature of construction in their jurisdiction or the weakness of their enforcement bodies.

## Summary

Construction offenses and lack of enforcement challenge the rule of law, cause financial, environmental and planning damages, and put human lives in danger. The majority of the committees are not prepared for conducting effective enforcement. This is due to the shortage in human resources, lack of information about violations, and a lack of proactive enforcement. Without strengthening the status of the supervisory units, improve their preparedness, and with lack of governmental control over their activities will result the inability to substantially reduce construction offenses. In light of the findings, it is recommended to evaluate alternatives to improve supervision and enforcement by local committees, to strengthen the interfaces between planning and supervision at all levels, and ensure optimum use of the land based on the policy of the planning institutions.

### Actual number of supervisors at local committees comparing to the standard



\*In 30 out of 53 committees, the gap between the standard and the headcount is 20% to 50%; in eight committees it is higher than 50%.



