

MEETING:	ENVIRONMENT SCRUTINY COMMITTEE
DATE:	13 JULY 2010
TITLE OF REPORT:	UPDATE ON OPERATION OF PLANNING COMMITTEE AND ENFORCEMENT FUNCTION
REPORT BY:	ASSISTANT DIRECTOR – ENVIRONMENT, PLANNING AND WASTE

CLASSIFICATION: Open

Purpose

To update the Committee on progress of both the single Planning Committee and the enforcement function.

Recommendation

THAT: the report be noted

Key Points Summary

- The single Planning Committee had been operational since January 2010. This report provides a report on its activities for these six months.
- The recent restructuring of the Planning Service has brought about the creation of a dedicated enforcement team. Its primary objective is to raise the level, intensity and monitoring of the enforcement regime under the Town and Country Planning Acts. The report sets out details of recent enforcement activity.

Alternative Options

- 1 This report sets out the workings of the Planning Committee from January to June 2010. The creation of the single Planning Committee was itself the subject of much discussion, debate and the consideration of various options.
- 2 The Council could decide not to focus its resources and efforts on planning enforcement. However in recent months there has been an agreement between both officers and members that this part of the planning function needs to be strengthened.

Reasons for Recommendations

- 3 These matters have been the subject of interest to the Committee for some time.

Introduction and Background

- 4 The introduction of the single Planning Committee followed on from detailed scrutiny process last year of the operation of the development control system in the Council. An external report (from the Audit Commission) and an internal report (from a working group of your Committee) made a series of recommendations that were incorporated into a single Action Plan.
- 5 The Council has a responsibility to administer an enforcement function as part of its discharge of the Town and Country Planning Acts. There is significant discretion given to local authorities on how to discharge these functions.

Key Considerations

Operation of the new Planning Committee (Jan – June 2010)

- 6 The Committee has met on seven occasions.

The Committee has considered the following number of applications (in some cases applications have been reported to / considered by the Committee at two meetings).

10 February	11
24 February	2
17 March	2
30 March	1 (special ESG meeting)
14 April	9
12 May	7
30 June	2

- 7 The Committee meetings have largely reflected the number of applications in terms of their length. The duration of the meetings has been as follows:-

10 February	10.00 – 16.30
24 February	10.00 – 10.40
17 March	10.00 – 12.25
30 March	10.00 – 12.30
14 April	10.00 – 17.00
12 May	10.00 – 14.40
30 June	10.00 – 11.20

The initial throughput of residual applications from 2009 (and which would have otherwise have been reported to the former area sub-committees) has now been cleared. This is reflected in the more recent ability of the Committee to concentrate on key strategic applications. The cycle of meetings for 2010/11 has also been amended to introduce three weekly meetings (rather than the previous four weekly cycle).

- 8 Key associated elements of the revised Constitution are also now firmly embedded in working practices. The member request system for applications to be redirected to Committee is working well. Twenty-four redirection requests have been made by ward members. Twelve have resulted in redirections of applications to the Committee.
- 9 The Committee has received two training events. The Monitoring Officer has provided advice on the operation of the Constitution and the organisation of the meetings themselves. The Planning Services' Landscape and Biodiversity team has also addressed a very-well received training event on its input into the planning process.

- 10 Key issues for the future appear to be:-
- (a) maintaining the ongoing communication/relationship between ward members and case officers;
 - (b) providing improved clarity to Members on the outcome of requests for redirection of applications to Committee;
 - (c) ongoing monitoring of the operation of the new Constitution insofar as it relates to the Planning function;
 - (d) ensuring that the ward member / case officer relationship is translated through into the new enforcement function.

Enforcement

- 11 Part VII of the Town and Country Planning Act 1990 provides the context for local planning authorities to take enforcement action in respect of breaches of planning control. Enforcement powers may be invoked where development has been carried out without the requisite grant of planning permission, or a condition imposed on a planning permission has been breached.
- 12 This is a self-contained code. Enforcement powers for other special controls, such as planning obligations, tree preservation orders and listed buildings, are conferred separately.
- 13 The 1990 Act represented a further ratcheting-up of the enforcement provisions. In particular it introduced a wider range of powers available to a local planning to use in its armoury to seek to control and regulate unauthorised development. Appendix 1 summarises the principal elements of the legislation.
- 14 In recent years enforcement activity has been as follows:-

	2008	2009	2010 (to date)
Complaints received	655	552	237
Enforcement Notices	24	16	7
Planning Contravention Notices	80	33	27
Section 215 Notices	0	0	0

- 15 In June 2010, and as part of the wider review of the new Environment, Planning and Waste Division (in which the planning function now sits) a separate enforcement team has been established in the Development Management part of the Service. It has a separate manager, and has been charged with bringing a sharper focus to the level, intensity and monitoring of the enforcement regime under the Town and Country Planning Acts.
- 16 Key elements for the focus of the enforcement team will include:-
- (a) updating and clarifying the Enforcement Protocol;
 - (b) providing structured and timely feedback to complainants;
 - (c) providing appropriate information to ward members;
 - (d) making appropriate linkages to the work of the Planning Obligations Manager;

- (e) providing a detailed monitoring system on development sites which by their nature are either sensitive, or which have been the subject of particular local scrutiny or debate.

Community Impact

- 17 Strong enforcement action will assist in giving local communities the confidence that the built and natural environments are being maintained, and that democratic planning decisions are correctly implemented.

Financial Implications

- 18 The cost of the existing enforcement team is met from base budgets. The pro-active chasing of unauthorised developments can generate fee income through the submission of retrospective applications.

Legal Implications

- 19 The Enforcement Team works closely with the Council's legal officers.

Risk Management

- 20 Appropriate assessments are undertaken on costs and benefits of taking action. Particular care is taken when the Council may be at risk of compensation action claims (see Appendix 1).

Consultees

- 21 None identified

Appendices

- 22 Appendix 1 : The Planning Enforcement Toolkit

Background Papers

- None identified.