

Report To The Overview and Scrutiny Committee

Report No.8

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| Date of Meeting | 23 October 2007 |
| Title of Report | Planning Enforcement |
| Link to Corporate Priorities | Customer focus |
| Public Report | Yes |

Summary of Report – At its meeting on 24 May 2007 Overview and Scrutiny Committee resolved to consider the provision for Enforcement and requested a short paper

This was subsequently considered at the meeting of Overview and Scrutiny Committee on 21 June 2007, where it was resolved that a further report be prepared for the Committee including a draft Enforcement Policy/Protocol

This report addresses the issues identified by the Committee.

Officer Recommendations

This report is for information and for Members to endorse the Enforcement policy/protocol and recommend that the Development Control consider its adoption.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

| Financial Implications | Legal Implications | Community & Environmental Implications | Human Resources Implications | Equality & Diversity Implications |
|------------------------|--------------------|--|------------------------------|-----------------------------------|
| None | None | None | None | None |

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1 Introduction

1.1 At the meeting of the Overview and Scrutiny Committee held on 21 June 2007, Members resolved that a report be presented on the following issues:-

- a) That the draft Enforcement Policy be considered by the Committee ahead of it being considered by the Development Control Committee.
- b) That the Committee receives the following information when considering the Policy
 - Possible improvements to communication, especially whether Members and the public can be kept better informed.
 - A breakdown of how the 590 complaints received in 2006 were categorised and what action taken.
 - Detail of how pro-active monitoring could work effectively
 - Information on how feedback on the service could be obtained and used to monitor performance.
 - Information on the issue of the service reporting to both the Executive and Development Control and how does this work and does it cause problems.

1.2 This report addresses the specific issues.

2. Options and Options Appraisal

2.1 Option 1

To note the contents of this report, endorse the Enforcement Policy/Protocol and recommend that the Development Control Committee consider its adoption.

2.2 Option 2

To note the report but not to endorse the Enforcement Policy/Protocol.

2.3 Option 3

To note the report, endorse the protocol but request that future work is undertaken in relation to optimum resources for the service.

3 Issues identified by Overview and Scrutiny

3.1 Enforcement Policy (Protocol)

- A draft enforcement policy is attached at Appendix 1.
- This policy draws on best practice and Government policy and will provide clarity for all customers involved in the enforcement process.
- It is recommended that Members endorse the policy and advise Development Control Committee to consider and adopted the policy as appropriate.

3.2 Communication – Members and the Public

- Members were concerned that the service to the public and Members was not being “tested” to identify whether perceived improvements were necessary, from the users

viewpoint.

- Whilst surveys have been undertaken in the past, they have not been on a regular basis. In future, therefore, a random selection of the public will be asked to complete a short questionnaire, on the service they have received.
- A short questionnaire has been recently sent to Members to try and identify what improvements they would consider are necessary to keep them informed of enforcement activities in their wards/the District. The outcome will be reported verbally to the Committee.

3.3 2006 Complaints

- Unfortunately, this information was not previously recorded due to the lack of facility within the old computer system. Therefore, we are unable to provide the committee with a breakdown of complaints.
- However, with the introduction of the new system, it is intended to provide a 6 monthly review to Development Control Committee to include issues such as:-
 - No. of complaints received.
 - No. of cases closed.
 - No of cases where it is not expedient to pursue action.
 - No. of Enforcement Notices served.
 - No. of cases which are found not be a breach of control.

3.4 Resources

- Members were keen to identify what level of resources would be needed between the current level of service compared to a fully pro-active service.
- However, since this matter was originally discussed, the decision has been made for the Authority to be merged into a Unitary Authority. At a time when there is a lot of work leading to transition and there is a freeze on the establishment of new structures and posts, it would be a pointless exercise and a waste of current resources.

3.5 Pro-active monitoring

- Whilst this has also been superseded by the Unitary decision, processes have recently been introduced on major applications to monitor the discharge of conditions. This will particularly assist in the monitoring of contributions to be paid through conditions/legal agreements.

3.6 Feedback

- The customer surveys will be used to instigate improvements to the service.

3.7 Executive and Development Control

- Development Control including Enforcement is not an Executive function and therefore does not report to Executive. The current process of reporting to Development Control seems to work well.

4 Implications

- 4.1 Assuming that Members agree to the recommendation, bearing in mind the Unitary decision, there are no implications associated with this report. However should Members require information on new structures/resources, this would have serious consequences on the current level of service and would divert resources from the transition work needed for the Unitary Authority.

5. Risk Analysis

- 5.1 Option 1
There are no risks associated with this option and the adoption of the protocol, in due course, would provide clarity for all concerned with Enforcement.
- 5.2 Option2
There are no particular risks associated with this option, other than there would not be clarity for users of what to expect from the service.
- 5.3 Option3
Further work on new structures/resources would now impact on the current level of service, as a significant amount of time is now having to be spent on transition planning for the new Authority.

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| Appendices | Appendix 1 Draft Enforcement Policy |
| Background Documents use in the Preparation of this Report | None |

Previous Decisions Connected with this Report

| Report | Committee & Date | Minute Reference |
|---|---|-------------------------|
| Please list any previous reports | Overview and Scrutiny 21 June 2007 | |