



## **REPORT of OVERVIEW AND SCRUTINY COMMITTEE WORKING GROUP**

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to  
**OVERVIEW AND SCRUTINY COMMITTEE**  
**28 MARCH 2023**

### **POTENTIAL SCRUTINY WORKPLAN ITEM - PLANNING ENFORCEMENT**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To present to the Committee a further update report on this potential scrutiny workplan item.

#### **2. RECOMMENDATION**

That the Committee receives this report on the issues and concerns previously raised and accepts the conclusion of the Working Group that this item remains the subject of a 'watching brief' for further review after May.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 At the last meeting of the Overview and Scrutiny Committee, following consideration of a full report on a range of identified issues, it was agreed that the Working Group prepares further information for scrutiny by the Committee on the following detailed issues:
- Prioritisation of enforcement cases
  - Baseline study/pathways for specific categories of enforcement processes
  - Protocols for Member involvement in enforcement processes
  - Arrangements for after-office hours work to assist with investigating and monitoring enforcement cases
  - Arrangements for the closing of enforcement cases
  - Concept of Compliance Officers for the checking of planning conditions particularly on new residential developments, new builds and extensions etc.
- 3.2 The Working Group has looked at this on two further occasions. The Lead Specialist (Local Plans and Implementation) is currently overseeing the Planning Enforcement Team and has provided updates to the Working Group on progress being made towards reducing the historic backlog of cases. It was reported in early February that there were some 590 open cases, a considerable reduction in the number over recent months. A master spreadsheet was being prepared on which all cases would be entered including detail down to individual Officer actions. This would assist with the nature of the information provided to Members in the future, and the idea of a Self-Help Mapping App to provide Members with accessing up to date information was being explored.
- 3.3 It was clear that individual Officer caseload was too high and unmanageable – the master spreadsheet would help manage this. Internal training would be provided for Officers to ensure a consistent approach to the 'housework' necessary with proper

case notes, reference to the expediency test, and the process telling a much clearer story. It had been identified that a decision on the expediency of taking action needed to be taken much earlier in the process.

- 3.4 It was also clear that the existing team resource was sufficient only to deal properly with new cases coming forward, and innovative ways needed to be found to work on closing some of the older cases, e.g. a quick 'drive-by' visual inspection. At the date of the Working Group meeting 68 cases were scheduled for closure, and some 43 had been closed in the previous week. A revised procedure had been introduced for closing cases, a separate list being reviewed daily. The staffing was at the full complement, although two were contractors with administrative support being part-time at present.
- 3.5 Process-mapping for the life of cases would be developed, however this was likely to be rather 'ideal world' and therefore represent an aspiration in the present circumstances. Linked to this would be a further review of the Enforcement Policy which would need to align with the process map and better reflect degrees of any prioritisation. A more accurate assessment and a recommendation as to resources should ideally await completion of the master spreadsheet since this would give a truer picture of the overall workload.
- 3.6 While the concept of a Compliance Officer would be an ideal component of any enforcement team, to have a Conditions Monitoring Officer to dovetail in with the work of Development Management might be a better solution. A critical look at the extent and enforceability of planning conditions imposed generally would be a useful exercise. Changes to the NPPF were likely to provide greater clarification in this respect. Planning Committee Members had a role to play here – looking critically at Officer reports and recommendations as to conditions.
- 3.7 By way of response to other points raised previously by the Committee it was confirmed that every site is visited, and specialist Officers are consulted in relation to trees, conservation and listed buildings etc. Enforcement in relation to trees was perhaps more urgent since issues could at times be difficult to resolve without an in-house Tree Officer whose brief could include dealing with tree-related planning applications. The Working Group asked for information around the expenditure on specialist tree consultations.
- 3.8 Officers acknowledged the need to communicate with Members more regularly and clearly, and specific training on Planning Enforcement and the various processes together with the role of Members would be provided as part of the compulsory training after the elections in May.
- 3.9 The Working Group was reassured by the work now being undertaken and was confident in being able to recommend to the Committee that this matter remains the subject of a watching brief, with regular updates being given to the Working Group and pending a clear picture of the situation being available for presentation to the new membership after May.

#### **4. IMPACT ON STRATEGIC THEMES**

- 4.1 Robust overview and scrutiny work and learning from what comes out of it contributes to the performance and value theme of the Corporate Plan.

## 5. IMPLICATIONS

- (i) **Impact on Customers** – None directly, although helping to ensure that the Council’s approach to Planning Enforcement is robust and effective will be of benefit to the residents of the District.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

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