

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 23 FEBRUARY 2016

REPORT BY THE CHAIRMAN OF THE PLANNING ENFORCEMENT  
REVIEW TASK AND FINISH GROUP

REVIEW OF PLANNING ENFORCEMENT

WARD(S) AFFECTED: All

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**Purpose/Summary of Report**

- To report the outcome of the consideration of the Planning Enforcement Policy by a Task and Finish Group.

<b><u>RECOMMENDATIONS:</u> That Environment Scrutiny recommend to the Executive that:</b>	
<b>(A)</b>	<b>the revised Planning Enforcement Plan be supported.</b>
<b>(B)</b>	<b>changes to the delegation to Officers in relation to the serving of Enforcement and related notices be made as set out in paragraph 2.5 of the report;</b>
<b>(C)</b>	<b>new Performance Indicators and targets be established for the service for the 2016/17 year onwards as set out in paragraphs 2.9 – 2.12 of the report;</b>
<b>(D)</b>	<b>a business case be made to the Executive to establish if further resources should be provided to enable the implementation of pro-active site monitoring</b>

1.0 Background

1.1 At its meeting of 9 July 2015 the Environment Scrutiny committee resolved that the Performance Indicators (PIs) associated with the delivery of the planning enforcement service, should be reviewed. Following further consideration, at the meeting of 8 September 2015, the committee agreed to widen out the review to the policy under pinning the delivery of the service.

- 1.2 A Task and Finish Group was set up with Councillor Tim Page as Chairman. The Group has met four times in the intervening period and has reviewed the under pinning planning enforcement policy (now to be identified as a planning enforcement plan), the PIs associated with the service and the resources to enable it to be delivered.
- 1.2 The National Planning Practice Guidance now advises the production of an Enforcement Plan. Such a Plan would cover the same matters as those covered in the Council's current Policy. It has been determined then that, on completion of this review process, the Policy will now be identified as the Councils Planning Enforcement Plan.
- 1.3 The Planning Enforcement Plan which has been drafted following the work of the Task and Finish Group is attached to this report as **Essential Reference Paper B**.

## 2.0 Report

- 2.1 **General policy matters:** The Task and Finish Group felt that the policy needed to be updated to reflect changes in legislation since it was last reviewed in 2010. In addition, it was considered that the existing policy contained a range of material which, whilst of interest, did not assist customers to easily understand the operation of the service.
- 2.2 This additional commentary material has been removed from the Plan. Where technical details are still considered to be of assistance, these are to be retained as an appendix to the Plan.
- 2.4 **Benchmarking:** The operation of the service was considered alongside statistics setting out the operation of the service in the planning authorities across Hertfordshire and the Local Government Association 'most similar group' of authorities. Comparison of policy content was also undertaken in relation to others nationally. No significant differences were identified with regard to the scope of the operation of the service – range and extent of activity. However, it was noted that, in many of the other authorities, there was a greater range of delegation to Officers of decisions in relation to formal action.

- 2.5 **Delegation:** Officers are currently delegated to issue Breach of Condition and Untidy site Notices. In urgent circumstances, they can issue Enforcement Notices and temporary Stop Notices, subject to subsequent reporting to the Development Management (DM) committee. Officers are also delegated to reach a decision with regard to the expediency of undertaking formal enforcement action. However, there is no general delegation with regard to the issue of Enforcement Notices in non-urgent cases and none at all in relation to Listed Building Enforcement Notices, and authority needs to be sought from the DM committee for their service.
- 2.6 The Task and Finish Group reached the view that, as reporting of these matters can result in a delay in the progress of an enforcement case, a general delegated authority should be granted to officers to serve all Enforcement and related notices. In order to maintain oversight, a report in relation to all notices served will be provided to the next meeting of the DM committee.
- 2.7 **Anonymous reporting:** The Task and Finish Group considered the issue of anonymous reporting of potential breaches of planning control. The service currently operates on the basis that the details of any party submitting a request anonymously to investigate a matter will not be made available. The Group considered the current safeguards in place should any party still remain sensitive to providing their details. It was concluded that the arrangements set out in the current Policy for dealing with anonymous submissions remain valid.
- 2.8 These arrangements are that, if a dialogue is possible with the party who wishes to raise a matter anonymously (for example they have contacted the Council in person or by phone) then they can be referred to either their local Ward Member or Parish/Town Council, to submit the matter on their behalf. Where a dialogue is not possible, for example an anonymous letter is received, then officers will refer the matter to the local Ward Member or Parish/Town Council. These arrangements will remain unchanged in the revised Plan.
- 2.9 **Performance Indicators (PIs).** The Group considered the current PIs. In relation to the PI dealing with initial site inspections, the Group felt that the matter did not accurately reflect the attention given to urgent cases (as defined in the Plan) and, in some instances did not support the timely initial inspection of sites.

- 2.10 To address this matter the Group has concluded that the existing PI should be replaced by two new ones. Both will continue to relate to the initial inspection of sites, but one will deal with urgent cases and the other with all other cases. With regard to PIs, it was proposed that the target for site inspections be set at 100% of all urgent cases within 2 working days and at least 90% of all other cases within 15 working days.
- 2.11 There is a current indicator in relation to the service of Enforcement Notices once they are authorised by the DM committee. It was considered that this provided little monitoring information and, given the suggested change to delegation, would not serve any useful purpose in the future. It is proposed that this PI be deleted.
- 2.12 Instead, it is proposed that a new PI be introduced. This will relate to the timescale within which a decision should be reached on whether it is expedient to undertake formal action in relation to any case (or to confirm that a decision cannot currently be reached). The target for the indicator would be set at 100% of all cases within 5 weeks of the date that the matter was first raised with the Council.
- 2.13 **Proactive site inspection Resources:** The Group considered the ability of the service to undertake the proactive monitoring of sites – rather than reacting only to matters when they are raised by members of the public and others. It considered that an improvement in the quality of the service could be achieved by proactive monitoring. It acknowledged that it would not be a good use of resources to monitor all sites but that further work was required to determine where resources might be deployed in this respect, if they were available.
- 2.14 In respect of this matter the Group were of the view that additional resources in the planning enforcement team were required to allow this enhanced element of service to be achieved and considered that an additional 0.5FTE Enforcement Officer would enable this. It concluded that further work, to comprise a business case, should be undertaken to establish what additional proactive work could be achieved if this additional resource was available.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers - None

Submissions to the Planning Enforcement review task and Finish Group

Contact Member: Cllr Tim Page, Chairman, Planning Enforcement review task and Finish Group  
[tim.page@eastherts.gov.uk](mailto:tim.page@eastherts.gov.uk)

Contact Officer: Kevin Steptoe – Head of Planning and Building Control  
Contact Tel No 1407  
[kevin.steptoe@eastherts.gov.uk](mailto:kevin.steptoe@eastherts.gov.uk)