

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE - 15 SEPTEMBER 2009

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

8. PLANNING ENFORCEMENT POLICY REVIEW

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To report the outcome of the work of the Planning Enforcement Policy Review Task and Finish Group.

<u>'D' RECOMMENDATION that:</u>	
(A)	the draft revised policy formulated by the Planning Enforcement Policy Task and Finish Group be endorsed;
(B)	the draft revised Planning Enforcement Policy be commended to the Executive for approval; and
(C)	the continuation of the Task and Finish Group, in order to scrutinise the procedures undertaken in operating the planning enforcement service, be endorsed.

1.0 Background

1.1 Members will recall that at the 3 March 2009 meeting of this committee a task and finish group was set up to review the Planning Enforcement policy of the council. At the 16 June 2009 meeting, an interim report was submitted setting out the scope of this review and outlining progress to date. The scope was accepted by Environment Scrutiny Committee and progress noted.

1.2 The task and finish group has met five times as set out below:

Task and finish group meetings 01 to 05	'agenda'	Start time	All BOOKED at Wallfields
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(01) Mon 6 April	<ul style="list-style-type: none"> Intro and context 	4:30pm	Room 27
(02) Mon 11 May	<ul style="list-style-type: none"> Question Planning then meet and question Parish Council representatives agree scoping document and outline of interim report 	4:30pm 5:00pm	Room 1:11 Council Chamber
(03) Mon 1 June	<ul style="list-style-type: none"> Meet and question professional representative (Jane Orsborn) Discuss policy review Agree interim report for Environment Scrutiny 	4:30pm	Room 27
<i>Note: 16 June: Environment Scrutiny Committee</i>	<i>Interim report and seeking support for scope</i>		
(04) Mon 29 June	<ul style="list-style-type: none"> Final changes & recommendations 	4:30pm	Council Chamber
(05) Tue 1 Sept	<ul style="list-style-type: none"> Outstanding issues and final agreement 	10:30am	Room 27

2.0 Report

2.1 Following the 16 June meeting, the draft revised policy has been formulated on the basis of the interim report submitted to that meeting. This has subsequently been considered further by the task and finish group and by officers who would be operating the policy. The policy has also been subject to a 'plain English' assessment by the communications team.

2.2 The draft revised policy is now attached to this report as **Essential Reference Paper B** on pages 8.6 - 8.16.

2.3 In reaching its conclusions on the draft policy, the task and finish group has also been interested in considering the procedures that are adopted to ensure that it is implemented. It has requested that, following the conclusion of the work of the group on the policy, it remain constituted to then give consideration to the procedures that are followed in carrying out the planning enforcement function.

2.4 The main areas of consideration of the group have been in relation to the timescales set out in the policy. The task and finish group have sought to achieve an acceptable balance between

ensuring that timely and effective action is taken when necessary and the resources available to the service.

2.5 As part of this process a review of the enforcement policies operated by other Councils in Hertfordshire was undertaken. This indicated that the East Herts policy, as drafted, included more timescale deadlines than most other Councils it was compared with. The group decided that some of these should be deleted from the policy – but that further consideration should be given to them through the consideration of procedures. This has reinforced the desire of the group to undertake further work on this matter.

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** on page 8.5.

Background Papers

PPG18 – Enforcing Planning Control.

DETR – Enforcing Planning Control: Good Practice Guide for Local Planning Authorities.

Circular 10/97 – Enforcing Planning Control – Legislative Provisions and Procedural Requirements.

BERR – Enforcement Concordat.

Enforcement Policy for East Herts District Council.

Regulatory Services – Development Control – Enforcement Policy – the current policy.

RTPI Practice Advice Note 6 – Enforcement of Planning Control.

Planning Advisory Service – Managing Planning Enforcement.

Draft Review of the Planning Enforcement Function at East Herts District Council – S Davidson (Herts CC).

Planning Enforcement Policies – other District and Borough Councils in Hertfordshire and the County Council.

Minutes of Environment Scrutiny Committee of 16 June 2009.

Notes of all task and finish group meetings: these are available on request to the Scrutiny Officer via scrutiny@eastherts.gov.uk or on 01992 531612.

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ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives</p>	<p>Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p> <p>Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i></p> <p>Caring about what's built and where <i>Care for and improve our natural and built environment.</i></p> <p>Shaping now, shaping the future <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p> <p>Leading the way, working together <i>Deliver responsible community leadership that engages with our partners and the public.</i></p>
<p>Consultation:</p>	<p>The representatives of two parish councils and a professional representative attended meetings of the task and finish group and set out views on the policy.</p> <p>A deskbased benchmarking exercise on timescales used by neighbouring councils was also carried out.</p>
<p>Legal:</p>	<p>The Legal Services Manager noted that it will remain a requirement to consider the provisions of the Enforcement Concordat and the Crown Prosecution Service guidance before deciding whether to prosecute in any particular case.</p>
<p>Financial:</p>	<p>It will be a requirement that the revised policy is implemented within existing financial constraints</p>
<p>Human Resource:</p>	<p>None</p>
<p>Risk Management:</p>	<p>The policy sets out the Councils risk based approach to enforcement action.</p>