

EAST HERTS COUNCIL

EXECUTIVE – 7 JUNE 2016

REPORT BY EXECUTIVE MEMBER FOR DEVELOPMENT
MANAGEMENT AND COUNCIL SUPPORT

PLANNING ENFORCEMENT, PROACTIVE SERVICE

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To enable the Executive to consider the case for the introduction of a pro-active element to the planning enforcement service

RECOMMENDATION FOR EXECUTIVE: That:

(A)	the introduction of a pro-active element to the planning enforcement service, to the extent and on the basis of the costs set out in this report, be endorsed.
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1.0 Background

1.1 The Environment Scrutiny Committee set up a Task and Finish Group to consider the operation of the planning enforcement service during the last civic year (2015/16). The Group met a number of times toward the end of 2015 and concluded its work in early 2016.

1.2 A number of recommendations were made by the Group to improve the service and these were reported back to the Environment Scrutiny Committee at its meeting of 23 Feb 2016 and to the 5 April 2016 meeting of the Executive. These recommendations, relating to the delivery of the service and performance management, are being implemented from the new civic year.

1.3 This report addresses the recommendation of the Group that a business case be formulated and considered that relates to the

introduction of a proactive element to the enforcement service. The Executive at the meeting of 5 April 2016 asked that the case be formulated and reported back to it.

2.0 Current service

- 2.1 The number of cases that the service deals with fluctuates over time, however, on average over the last few years this has amounted to 400 – 500 cases per year. Many cases will be resolved quickly and require minimal investigation and assessment. A number however will result in formal enforcement action, the service of notices and appeal cases.
- 2.2 The resources available to deliver the service are 3 Enforcement Officer posts (one in a lead role) and one administrative/ technical support role. The service currently operates in a reactive way, responding to requests that are submitted to it, to undertake the investigation of potential breaches of planning control.
- 2.3 There has been no capacity in the service to undertake a proactive role – visiting and inspecting known active development sites, to pick up any potential breaches in control before they are reported to the service – and identifying those which may not otherwise be identified.

3.0 The case for proactive enforcement

- 3.1 The benefits of a proactive service can generally be summarised as follows: identifying otherwise unreported breaches – where development sites are more remote from or do not have a relationship with adjacent development, visual on site breaches of permissions which have been granted would be unlikely to be identified by a reactive only service.
- 3.2 Where breaches may not have a visual impact, for example a condition relating to a permission has not been dealt with, this would not necessarily be identified by a reactive service only.
- 3.3 Proactive action enables any potential breaches to be identified early in the life of a development and therefore also potentially resolved earlier, reducing resources which may be required to resolve them if they are identified later. This has the potential to free up some capacity in the service dealing with the remaining enforcement work.

- 3.4 Proactive action serves to set a good example to regular developers in the District. Setting a benchmark that they can expect their development sites to be visited and assessed and thereby encouraging compliance with all relevant controls on both current and future sites.
- 3.5 Level of service: There is extensive potential for proactive work. An appropriate balance needs to be achieved between greater activity, and undue scrutiny that does not result in any greater overall value. The Task and Finish Group proposed that an additional 0.5FTE Enforcement Officer resource be employed in order to deliver the proactive element of the service. It was considered that this would achieve a good balance. It would not enable all active development sites across the District to be investigated, but would enable a significant number of selected sites to be monitored.
- 3.6 The selection and monitoring arrangements would be established by Officers, in consultation with the Executive Member, if that is required. This could be through a process of selection of sites at random – or by assessment given the knowledge of sites at the application stage. The level of service that could be provided will depend on the extent of resource and a 0.5FTE role is considered to represent a good basis on which to assess the impact of this role. Officers will be able to provide further information to Executive on this point at the meeting.
- 3.7 Costs of this level of service: Against the benefits it is necessary to identify the additional costs of delivering the service. At the appropriate Officer grade, the 0.5FTE post would result in additional salary costs of £20,000. Given that the Officer would be required to regularly travel around the District to monitor sites an additional amount of £2,000 would be required to cover travel allowances. Other costs would be met from within existing operational budgets.
- 3.8 Officers have considered the potential for these additional costs to be offset by the generation of additional income. There appears very limited potential for this. At present the planning enforcement service operates as a budget cost to the Council, without the generation of any regular income. Occasionally cases that have resulted in prosecution or other legal action can result in some payments being made to the Council, but these only reflect the significant input in Officer resources, that has been made to

those cases in advance. There appears little reasonable prospect that these circumstances will change.

3.9 It is appropriate to also consider a non monetary implication of greater proactivity. This is likely to generate a greater case load for the service overall. After initial investigation, it would be necessary for any cases identified to be passed to the current service Officers, otherwise there is the potential that the proactive element of the service is quickly lost. At this stage it is difficult to predict the impact that this may have on the service overall.

4.0 Implications/Consultations

4.1 Executive are asked to reach a view on the introduction of this element of the service. Your Officers are of the view that the benefits of early identification of potential planning breaches and the wider site scrutiny message that the service would give are of a value that warrants the additional costs. As a result, it is recommended that the service be introduced as proposed.

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

Background Papers

Reports to the Environment Scrutiny committee of 23 Feb 2016 and the Executive of 5 April 2016

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=154&MId=2692>

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=119&MId=2635&Ver=4>

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