

Report to Planning Services Scrutiny Panel

Date of meeting: 16 December 2010

Subject: Planning Enforcement Protocol

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Committee Secretary: Mark Jenkins (01992 564607)



Recommendations/Decisions Required:

1. That the Planning Enforcement Protocol Code of Practise be reviewed as per the attached document.
2. That members confirm the revised notification procedures in the Members Bulletin for enforcement action, and whether they require further information from Planning Enforcement.

Report:

With regard to Minute 19 Item 4 of Planning Service Scrutiny Standing Panel dated 02 September 2010, Members have requested that a review is carried out of the Planning Protocol Code of Practise as it relates to the Enforcement Section.

This is due to concerns being raised about apparent delays in subsequent action once enforcement action had been authorised.

Enforcement investigation can frequently take a considerable amount of time to bring about a successful conclusion, in some cases taking 2 – 3 years to resolve. This is mainly due to the nature of the planning system, which allows for the submission and determination of retrospective applications and any appeals to be made against even self evidently unacceptable development, thereby allowing a contravener to elongate the time span of the investigation to the frustration of all other parties. Whilst the determination of applications and subsequent appeals is taking place it can seem to third parties that nothing is happening, or the case has been dropped, when in fact it is very much a live case.

The Enforcement Section provides full contact details of the investigating officer to the complainants with an invitation for them to contact the officer for updates on the progression of the case.

A Code of Practise is attached which is based on the current Local Charter and has been revised to reflect the current procedures within the Enforcement Section. The main changes are firstly the replacement of categorising complaints from 4 types for response purposes to 2 types of response, and secondly changes to how members are notified of enforcement action.

With regard to the first change, this is due to a streamlining of administrative procedures and internal working practises, but it should be noted that this is also reliant on the current levels of staffing within the Section remaining stable; should staffing numbers fall, then previous system would have to be reintroduced to allow a more discriminating time response to complaints on the basis of a far more detailed assessment of the harm each complaint was alleged to be causing to amenity.

The second change is that more comprehensive reporting and updating of Enforcement actions with regard to the issue of, compliance with, and prosecutions for breaches of Enforcement Notices in the Members Bulletin is taking place.

If there is any further information regarding the progress of cases that Members would like to see it would be helpful to know in what format they would like the information and to what level of detail, bearing in mind the possible resource implications for the administration of the Section.

Reason for decision:

Revise the Code of Practise to reflect the current working practises of the Planning Enforcement Section and to ensure greater transparency

Options considered and rejected:

Nil

Consultation undertaken:

Nil

Resource implications:

Budget provision: Nil

Personnel: Planning Officers and Members

Land: Nil

Community Plan/BVPP reference: Nil

Relevant statutory powers: Town and Country Planning Act

Background papers: Planning applications as per report

Environmental/Human Rights Act/Crime and Disorder Act Implications: Nil

Key Decision reference: (if required)