

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 7 APRIL 2011
title: COMMENTS ON OVERVIEW & SCRUTINY COMMITTEE REPORT ON
PLANNING ENFORCEMENT
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

- 1.1 To invite Members to comment on issues arising from the Overview and Scrutiny Committee report which was reported on the 13 April 2010 and subsequently given as an information item on a Planning and Development Committee.

2 BACKGROUND

- 2.1 A report was taken to the Overview and Scrutiny Committee on 13 April 2010 to examine the Planning Enforcement service of the Council. The report went into some technical details as to what constitutes a breach of planning control and referred to national guidance and particularly issues contained in Planning Policy Guidance Note 18 which deals with enforcement.

- 2.2 Interviews took place with senior officers in relation to enforcement and various points & comments were made . Some of the main points/comments are:

1. That the planning enforcement services is under-resourced and only able to provide a reactive service;
2. The vast majority of breaches of planning control are resolved informally and by negotiation, which is consistent with national guidance;
3. The Council's Scheme of Delegation gave powers to the Director of Development to deal with enforcement matters and it is implicit that in being authorised to take action they are also authorised to decide on cases where it is not expedient to take any further action.
4. Members need to be more involved in decision-making process of whether enforcement action should be taken and also kept informed;
5. Details of complaints and action taken should be reported to the Planning and Development Committee on a regular basis.

3 ISSUES

- 3.1 While I fully understand some of the findings of the Overview and Scrutiny Committee and share their concern that the enforcement service is somewhat under resourced, it is important to remind Committee of the current situation.

- 3.2 Members will be aware that the Enforcement Officer retired from the Council in December 2010 and there has been no replacement of the post. Currently the Assistant Planning Officer, Claire Booth, working under the direction of the Senior Planning Officer Colin Sharpe who is responsible for the enforcement function, has taken on some of the enforcement duties whilst undertaking a significant planning caseload work. It was noted by Overview and Scrutiny Committee that there was significant additional tasks relating to administrative work such as the vetting of planning applications that were carried out by the Enforcement Officer. This work is now being carried out by administrative staff. If the post was retained, this would have enabled for the enforcement post to undertake more enforcement duties and allocate more time being proactive rather than reactive.
- 3.3 In relation to the ability to move forward it is important to recognise that to carry out the task adequately that the existing enforcement post which is currently frozen, should not be removed from the establishment. I am of the opinion that there would be significant benefits to retain this post and perhaps in a modified form with an officer also determining some planning applications which would allow a greater flexibility. It should be noted that the existing post in relation to the Assistant Planning Officer of Claire Booth is a fixed term contract currently expiring in March 2012.
- 3.4 I note the concerns of Overview and Scrutiny about insufficient updates on enforcement matters being reported to Committee and I do recognise that it is important to brief Members of key situations. Although there has not been a general update report of enforcement issues, various individual cases have been reported to Committee some for information and some for decision-making. Some of the long established Members will be aware that previously an enforcement update report was taken to Committee on a quarterly basis then reduced to 6 monthly basis and eventually an annual report was taken.
- 3.5 It is clear that there are limited resources available and as Head of Planning Services I am examining all options for utilizing the existing staff within the department together with those from other Directorates such as Building Control staff. It is evident that there could be significant benefits in working together more effectively.
- 3.6 I note that one of the points relates to the fact that Members should be both kept in touch and more actively involved in the decision-making on whether enforcement action needs to be taken. As previously mentioned when there is a significant matter I have taken reports to Planning and Development Committee to seek their agreement on whether or not to take action. I do not believe it would be practical or realistic or even of any benefit to take reports to Committee on all items when officers have decided not to take further action.

4 RECOMMENDED THAT COMMITTEE

- 4.1 The views of Committee are sought on the issues raised both in the Overview and Scrutiny Report and issues raised in this report.

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

- 1 Overview and Scrutiny Report 13 April 2010
- 2 PPG 18 Enforcing Planning Control
- 3 Chapter 3 Section 7 of Members Planning Manual (green binder)

For further information please ask for John Macholc, extension 4502.