
POLICY DEVELOPMENT AND REVIEW COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 15 October 2014 from 7.00 - 8.44 pm.

PRESENT: Councillors Monique Bonney, Andy Booth (Vice-Chairman), Lloyd Bowen (Chairman), Derek Conway, John Coulter and Ben Stokes.

OFFICERS PRESENT: Philippa Davies, James Freeman, Peter Hinckesman, Andrew Jeffers and Bob Pullen.

ALSO IN ATTENDANCE: Councillors Barnicott and Mike Henderson.

287 WELCOME

The Chairman explained that Councillor Derek Conway, a member of the Committee, was attending for the 'Review of Planning Enforcement Strategy and Charter' item, as Lead Member for Planning, following Councillor Gerry Lewin's sad loss. Condolences were sent to Councillor Lewin at this time.

The Chairman welcomed Councillor Derek Conway, Councillor Barnicott (Chairman of the Planning Committee), James Freeman (Head of Planning Services), Andrew Jeffers (Development Manager) and Peter Hinckesman (Enforcement Team Leader) to the meeting.

288 MINUTES

The Minutes of the Meeting held on 3 September 2014 (Minute Nos. 208 – 212) were taken as read, approved and signed by the Chairman as a correct record.

289 DECLARATIONS OF INTEREST

No interests were declared.

PART ONE - SUBSTANTIVE ITEM

290 REVIEW OF PLANNING ENFORCEMENT STRATEGY AND CHARTER

The Chairman and Lead Member for Planning explained that the purpose of the report was to set out the scope and programme for undertaking a review of the Council's Planning Enforcement Strategy and Charter and the Planning Enforcement Service, and that there was a opportunity for members of the Committee to provide input into the process.

The Chairman of the Planning Committee considered it would be beneficial to have a tracking system so that stages of each enforcement case could be listed and this would enable Members to have a better understanding of where delays occurred.

The Head of Planning Services explained that the intention was to have a tracking system in the future to produce a transparent process for Members. He suggested that Members could have an input on the development 'spec' of the tracking system, but was unsure of the timeframe for this to progress.

The Enforcement Team Leader gave a presentation on Planning Enforcement. He explained that it was a similar presentation to one given a few years ago. The presentation included the following information: there were 2.6 FTE in the Enforcement Team; outline of the work areas covered; and the workload, which included 600+ new complaints each year, and 90 Notices served last year; the highest number in Kent. Members were advised that breach of planning control was not an offence, the offence occurred when an enforcement notice was served and the work was not stopped. The investigation process was also outlined.

The Enforcement Team Leader explained that the new system had four priority levels, similar in range to the three currently worked to at Swale Borough Council (SBC), ranging from two to 10 working days. There was a general discretion on taking enforcement action and action had to be proportionate, reasonable, in the public interest and had to take human rights into account. He outlined enforcement powers; permitted development; time limits of developments immune from enforcement action; and trivial/anonymous complaints.

The Chairman brought Members' attention to the tabled paper which set out the 2011/12 Scrutiny Committee recommendations on Planning Enforcement.

Members made the following comments: there needed to be more flexible working together within departments at SBC to increase communication levels and to reduce frustration of trying to find out what was happening with a particular enforcement case; the Legal Services Team should be involved in this review; and a tracking system needed to be implemented.

The Head of Planning Services explained that there was a Service Level Agreement with Legal Services and he would forward this to members of the Committee.

- Head of Planning Services

Further comments from Members included: the link between the Legal Team and Enforcement Team appeared to be weak; a simple shared Excel sheet between departments would be beneficial; the Head of Service should monitor the Teams; communication between the Teams needed to improve; there were resource issues; transparency was needed; continual updates were needed; Members needed to get involved and follow-up cases; with increase in enforcement cases, was there sufficient staff in place and had the recommendations in the Scrutiny Committee report been acted upon? The Head of Planning Services advised that the recommended resources were now in place, although the Team Manager had reduced his days to three days a week. He suggested that the Development Managers' and Enforcement Officers' roles could be 'blended' more in the future to provide more flexibility. Benchmarking with other Local Authorities in Kent would be carried out during the review.

In response to whether the Enforcement Team was understaffed, the Head of Planning Services advised that there was the right level of staffing, and in the future this would be combined with Development Management. Other Local Authorities' way of working would also be looked at. The Head of Planning Services brought Members' attention to Appendix III in the report and advised that Swale was a very active enforcement service when compared to other local planning authorities in terms of serving various types of enforcement notices.

Members commented further as follows: there needed to be follow-up monitoring of the enforcement cases; the team may not be on site; the Legal Team should be integrated with the Enforcement Team as one department to improve communication.

The Enforcement Team Leader confirmed that the Enforcement Team was within the Development Management Team, now within the same office, and that the vast majority of breach of condition notices were dealt with by the Enforcement Team and others, not so straight forward, went to the Legal Team.

The Head of Planning Services acknowledged that the Legal Services Team should be included within the review.

The Development Manager explained that the level of service had improved in the last couple of years with timely and effective advice from Legal Services; and the restructure of the Legal Team should result in more structured advice, ideally in Swale House. He stated that there could be a Performance Indicator for the outcome of cases, i.e. how many went to court, how many were complied with.

The Chairman of the Planning Committee considered the perception of SBC was as a 'soft touch' and breach of planning conditions needed to be dealt with straight away. The Enforcement Team Manager advised that cases were not often clear-cut and there could often be delays in investigating and proceeding with an issue.

The Head of Planning Services explained that the service was a re-active service. He suggested that if it was to be a pro-active service, where planning conditions would be monitored, it would mean a different type of service, and this would have significant resource implications.

Members then made the following comments: monitoring planning conditions could be expensive; success stories should be publicised; if there was a specific post this could alleviate pressure on enforcement; and it would be interesting to see what neighbouring Local Authorities did.

In response to a question, the Enforcement Team Leader advised that Members had previously been kept up-to-date by monthly bulletins of new cases being received in the Team and the instigating of enforcement notices were reported to Planning Committee. The new computer system could not currently provide the same monthly bulletin, but it was hoped to get an upgrade to enable this to be carried out.

A Member suggested the following issues should be taken into account during the review: what was going wrong with some enforcement cases; available resources; performance indicators; reporting structures; and regular information for Councillors. The Head of Planning Services advised that the peer review was also the opportunity for Members' views to be taken into account.

The Policy and Performance Officer explained that the role of the Policy Development and Review Committee was to review policies and to make recommendations of how policies should change.

Discussion ensued on the programme for completing the review, especially with regard to whether the Committee should be updated before the consultation process, or after the consultation to see the comments that were made and to then input further. The Head of Planning Services explained that consultees included parish councils, key stakeholders, key agencies involved in the enforcement service and Councillors. The Committee agreed that they be updated after the consultation process had been carried out. The Head of Planning Services advised therefore that the programme would need to be amended so that the report went to Cabinet in April 2015, rather than March 2015.

Members agreed that a mechanism should be developed to feed back enforcement case outcomes and targets back to the Planning Committee.

In response to a question, the Head of Planning Services advised that prior to moving to shared services, performance was at or above target levels, and the Enforcement Team Leader advised that it was not possible to identify the targets that were met currently with the new computer system.

A Member raised the issue of resource levels to monitor Section 106 Agreements that were being worked on. The Head of Planning Services advised that there was one FTE shared across the three authorities and a further person was to be put in place in tandem with the new IT database. He explained that Section 106 Agreements were not included within this review. Members agreed that if they fitted the remit of this Committee, 106 Agreements should be reviewed in the future.

The Chairman thanked the Lead Member for Planning, Chairman of the Planning Committee, Head of Planning Services, Development Manager and Enforcement Team Leader for attending the meeting.

Resolved:

- (1) That the above comments be taken into consideration in the review process.**
- (2) That the Policy Development and Review Committee be consulted at the end of the formal consultation.**

PART TWO - BUSINESS ITEM

291 COMMITTEE WORK PROGRAMME

The Policy and Performance Officer drew attention to the Committee Work Programme.

The Review Leader provided an update on the Economic Development Strategy; the Policy and Performance Officer explained that it was likely that the Scrutiny Committee would review this.

The Policy and Performance Officer advised that he would consult with the relevant Heads of Service with regard to the timescales for the Discretionary Housing Policy and the Domestic Refuse and Recycling Collection Policy and Procedures.

Resolved:

- (1) 19 November 2014 – Local First and Sports Development Framework**
- (2) 25 February 2015 – Planning Enforcement Strategy and Service Charter.**

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel