
POLICY DEVELOPMENT AND REVIEW COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne on Wednesday, 22 July 2015 from 7.00 - 9.17 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart (substitute for Peter Marchington), Monique Bonney, Tina Booth (substitute for Andy Booth), Lloyd Bowen (Chairman), Katy Coleman, Alan Horton, James Hunt, George Samuel, Ben Stokes and Roger Truelove.

OFFICERS PRESENT: Katherine Bescoby, Jayne Bolas, James Freeman, Peter Hinckesman, Andrew Jeffers, Abdool Kara and Bob Pullen.

ALSO IN ATTENDANCE: Councillors Roger Clark, Gerry Lewin, Bryan Mulhern and Ghlin Whelan.

APOLOGIES: Councillors Andy Booth and Peter Marchington.

124 MINUTES

The Minutes of the Meeting held on 3 June 2015 (Minute Nos. 41 – 44) were taken as read, approved and signed by the Chairman as a correct record.

125 DECLARATIONS OF INTEREST

No interests were declared.

126 PLANNING ENFORCEMENT CHARTER AND STRATEGY

The Chairman welcomed Members and Officers to the meeting.

The Head of Planning introduced the report and advised that the proposed draft Charter attached to the report would be used as the basis for consultation with Ward Members and Parish Councils in August/September 2015. He particularly welcomed views on the priorities listed in paragraph 2.6, on handling complaints and Members' involvement in decision-making. He referred to the proposal to enable officers to take more action without the need for Committee approval; for earlier involvement of Members in the process; and the new performance indicators for monitoring enforcement. He advised that there would be a pre-view of a new system later in the meeting which would allow Members to access information more easily, and that monthly reports would be re-introduced. In respect of the performance indicators, he advised that they had hit targets over the last two months. The Head of Planning advised there was a proposal for long-term monitoring which would involve the Chairman of the Planning Committee, the Cabinet Member for Planning and Ward Member(s), and that there would be a review of the operational structure of the team.

The Chairman advised that he would take the report page by page, and invited Members to ask questions.

In response to questions the Cabinet Member for Planning and the Head of Planning confirmed that: the Planning Enforcement Team were already integrated with the Development Management Team, in that development management officers took on part of the casework; there was a service level agreement (SLA) with the legal shared services partnership which had resulted in significant improvements over recent years; it was acknowledged that there had been some difficulties working across the teams at times, but the introduction of the SLA, the sharepoint system and a revision to the way they worked together had resulted in significant improvements.

In respect of the consultation with Parish Councils, the Head of Planning undertook to give the Swale Area Committee of the Kent Association of Local Councils, and Parish Councils, at least two months to respond to the consultation. It was also confirmed that if there were significant changes proposed to the document, as a result of the consultation, then the report would be considered by the Cabinet, which Members of the Committee were welcome to attend.

In respect of case monitoring, the Head of Planning advised that the previous performance indicator related to the time taken to undertake a site inspection, whereas the new indicator also required a response within 21 days.

In respect of officer recommendations for no further action, there was a debate about membership of the panel; whether the panel could meet virtually; who would chair the panel and whether the chair would have a casting vote; whether Parish Councils should also be involved; the voting rights of the panel, in particular taking into account that some wards comprised of one, two or three Members. The Head of Planning Services noted that there was general agreement to the principle of a panel and advised that this matter would be considered further by the General Purposes Committee where options would be considered. The Chief Executive advised that Parish Councils would not have any direct involvement in the decision.

In respect of Performance Monitoring, there was discussion as to whether 21 days was quick enough, and whether the response time should vary across the different categories. The Head of Planning advised that 21 days was consistent with other authorities and would allow for benchmarking; however, it would be kept under review. It was confirmed that inspections were often undertaken immediately for 'major' issues and as quickly as possible for the rest.

In respect of regular reporting of planning enforcement cases, a Member asked whether the quarterly report for the Cabinet Member should also be sent to all Members, to which the Head of Planning agreed. It was also suggested whether the six-monthly report to the Planning Committee should be quarterly. The Chairman of the Planning Committee questioned whether this would be the most efficient way of dealing with those reports. It was acknowledged that there would be regular reports for Members and intervals could be reviewed in the future.

The Development Manager then gave a demonstration of a system that was being developed to give Members the opportunity to access up-to-date information about enforcement cases. Members welcomed the principle of such a system and gave feedback during the demonstration which included: the addition of information as to whether a case was closed; how long closed cases would remain on the system;

data protection issues; security of information, in particular the need for a logon page and terms and conditions to abide by; whether this system would replace the need for monthly reports; and whether enforcement officers would have remote access to be able to ensure information was up-to-date. The Development Manager thanked Members for their feedback and advised that further work would be undertaken on the development of the system.

In respect of regular reporting to the Planning Committee, there was some discussion as to whether six-monthly was frequent enough, when the Committee met every three weeks; and whether it was still required when Ward Members would have the information through monthly reports and the on-line system demonstrated at the meeting. The Chief Executive clarified that the Planning Committee did not have any role in resource allocation in the event of delay, and there were other mechanisms in place to deal with complaints.

In respect of the operational changes proposed, and whether this would lead to a reduction in the service provided, the Head of Planning confirmed that the enforcement officers already worked with planning and legal officers and so services were already integrated. They had experienced some difficulties with recruitment in the past and the changes proposed would provide resilience. In response to questions about the timing of structure changes, the Head of Planning advised that this was a management issue.

The Committee then considered the Strategy and Service Charter, page by page.

In response to questions concerning paragraphs 2.2 and 2.3, the Enforcement Team Manager advised that Central Government Advice was clear, in that if an unauthorised development was considered to be acceptable, enforcement action should not be taken. There was a period, generally of 28 days, given for a retrospective planning application to be submitted, and if not received officers would report to the Panel recommending that no further action be taken. A Member welcomed that under the new proposals, Ward Members would now have this information.

In response to a suggestion to change the wording of the last sentence of paragraph 2.4, the Practice Area Team Leader (Contentious) advised that 'if it is expedient to do so' was wording taken from legislation and so it should remain, which Members agreed to.

In response to questions on paragraph 2.6 and the categorisation of breaches of planning control, Members made suggestions to alter some of the breaches into different categories. The Head of Planning confirmed that the timing was just a 'back stop' deadline, each case would be assessed on its own circumstances and very often visits were undertaken immediately and were within the targets set.

There was also a discussion regarding the provision of an out-of-hours service, as often breaches occurred over a weekend, or a bank holiday weekend. The Head of Planning advised why it was often not possible to take immediate action, as a temporary stop notice was required and so there would be no benefit for individual enforcement officers to work out of hours as planning and legal advice could also be required. The Practice Area Team Leader (Contentious) also explained the

legislation in terms of what could be done by injunction or notice and that a temporary stop notice was often the most practical route in an emergency case. In response to further questions, the Enforcement Team Leader advised that enforcement issues were not dealt with just by one person. The Chief Executive suggested that as part of the consultation, the document should invite feedback on whether there was a demand for weekend working, and if so that could be considered as part of the budget process for 2016/17.

In response to a question concerning how to make the public aware of how to raise a concern, the Head of Planning agreed to discuss this with the Communications Team. In response to further comments on the wording of paragraphs, the Head of Planning undertook to remove the words 'aim to' from the first sentence of paragraph 3.6; remove the reference to Category D in paragraph 4.1; and to remove 'the status of this strategy is guidance' in paragraph 5.5. Referring to Appendix II, Members asked for the text in the box which started 'Liaison with responsible persons...' to include reference to 'within 28 days of the timeframe unless otherwise agreed'.

The Committee then considered Appendix III and a discussion ensued regarding the number of enforcement notices issued and the comparatively low number of breach of condition notices served. Officers advised that it was possible that some of the enforcement notices covered breach of condition, and the Practice Area Team Leader (Contentious) explained the difference between the two notices.

The Head of Planning referred to the high number of enforcement notices issued, in comparison with other authorities, the reasons for which he could not explain. The Cabinet Member for Planning advised that Ashford Borough Council had a dedicated officer to monitor conditions, which was paid for by developers. It was suggested that the Head of Planning may wish to consider exploring this option further.

In respect of the Swale Enforcement Peer Review set out in Appendix V, it was suggested that the exercise of Section 215 notices should also be considered further, as a separate piece of work, which was agreed.

The Chairman of the Planning Committee, the Cabinet Member for Planning and the Chairman thanked Members and Officers for their contributions.

Resolved:

(1) That the recommendations be agreed in principle, subject to further work on the matters set out within the report and agreed by Members and the minor amendments to wording referred to in the above Minute being incorporated in the draft document prior to consultation.

127 COMMITTEE WORK PROGRAMME

The Policy and Performance Officer drew attention to the revised schedule, which had been updated since the last meeting of the Committee. In response to comments regarding the number of items proposed for the 9 September meeting, it

was suggested that the following items could be deferred: Access Strategy/Digital First and Climate Local Swale.

Resolved:

(1) That the report be noted.

Chairman

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