

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	22 October 2019
Subject:	Review of Planning Enforcement Plan
Report of:	Head of Development Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	2

Executive Summary:

Paragraph 207 of the National Planning Policy Framework states that local planning authorities should consider publishing a local enforcement plan setting out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

The Council's Planning Enforcement Plan was formally adopted in July 2018. Preparation of this plan followed a review of the Council's Planning Enforcement Service and a number of operational changes have been implemented. The Planning Enforcement Plan sets out the Council's principles and approaches to delivering the service.

This report provides information on the current service and performance data collected from April – September 2019.

Recommendation:

To CONSIDER the information on performance arising from the adoption of the Planning Enforcement Plan and note that this will be included with the Planning Key Performance Indicators in future.

Reasons for Recommendation:

To advise Members on planning enforcement activity within the borough.

Resource Implications:

None as a direct result of this report.

Legal Implications:

None as a direct result of this report.

Risk Management Implications:

Whilst there is no statutory requirement to prepare a Planning Enforcement Plan, it is considered good practice, and provides justification and support for enforcement decisions. These decisions often have significant implications for the subject of enforcement, or those persons or communities affected by it, and therefore are often open to considerable scrutiny. The Planning Enforcement Plan provides a framework to justify decisions made and defend challenges against the Council.

Performance Management Follow-up:

Performance data on the service will continue to be monitored and used to improve the service.

Environmental Implications:

None as a direct result of this report.

1.0 INTRODUCTION/BACKGROUND

- 1.1** In January 2018, the Executive Committee approved a Planning Enforcement Plan for consultation following consideration by the Overview and Scrutiny Committee. Following consultation, the Plan was formally adopted in July 2018 and a copy is attached at Appendix 1.
- 1.2** The preparation of the Plan followed a review of the Council's enforcement service. The Plan sets out the Council's principles and approaches to delivering the service and is available on the Council's website.

2.0 STAFFING

- 2.1** The Enforcement section consists of three members of staff: two Enforcement Officer posts and a Senior Enforcement Officer post.
- 2.2** The Senior Enforcement Officer post was a newly created post and an officer was in post for just under 12 months from May 2017 – May 2018. Since this time the post has been advertised on four occasions without success. A temporary officer was in post for two months between June and July 2018 and then left. There was then a three month period without anyone in post followed by the employment of a further temporary officer since September 2018 but on a priority case basis dealing specifically with the high profile cases.
- 2.3** In addition, during this period both of the Enforcement Officer posts became vacant due to resignations and although applicants have been successfully recruited to these posts, they are inexperienced and need support and guidance, some of which is being provided by the temporary cover in the Senior Enforcement Officer role.
- 2.4** In summary, the section consists of two Enforcement Officers who are growing into the roles and a temporary agency officer in the senior role supporting the Enforcement Officer posts and dealing with the more complex, high profile cases. There is a national shortage of experienced Enforcement Officers and many local authorities are experiencing shortages in this area. A restructure is now being considered to address the vacant senior role.

3.0 THE ENFORCEMENT SERVICE

3.1 The Planning Enforcement Plan seeks to aid clarity on enforcement making it easier for the lay person to understand. The Enforcement Officers follow an internal protocol which is in essence a procedure manual setting out timescales for investigating cases depending on their severity and there has been increased liaison with the Planning Team Leaders by implementing regular meetings.

3.2 There is collaboration between the Environmental Health Team and the Enforcement Team on a regular basis and, similarly, data is often used to support the work of the team from the Revenues and Benefits Team to check occupation/last use etc. and the team often work in partnership with the Police. There is also a future ambition to work with the Counter Fraud Unit and initial investigations have commenced for collaborative working to be explored.

4.0 ENFORCEMENT STATISTICS

4.1 With effect from 1 April 2019, statistics in relation to the service were recorded on the Uniform system and the first six months' data to 30 September 2019 is shown at Appendix 2 in accordance with the service expectations set out in the Plan and the Planning Key Performance Indicators (KPIs) considered by the Overview and Scrutiny Committee in January 2019.

5.0 CONCLUSION

5.1 There have been no specific corporate complaints relating to enforcement, although by the nature of the service it is not possible for everyone to be satisfied.

5.2 The service has experienced staffing problems but progress is being made and performance data is being collected and will be used to further improve the service.

6.0 OTHER OPTIONS CONSIDERED

6.1 N/A

7.0 CONSULTATION

7.1 The Plan was subject to consultation.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 Planning Key Performance Indicators

9.0 RELEVANT GOVERNMENT POLICIES

9.1 National Planning Policy Framework
National Planning Practice Guidance

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 None as a direct result of this report.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 None as a direct result of this report.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 None as a direct result of this report.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 Planning Key Performance Indicators – Overview and Scrutiny Committee 8 January 2019.

Background Papers: Planning Key Performance Indicators.

Contact Officer: Head of Development Services
01684 272095 Annette.Roberts@teWKesbury.gov.uk

Appendices: Appendix 1 – Planning Enforcement Plan
Appendix 2 – Enforcement Statistics 1 April-30 September 2019