

# Public Document Pack

**Mid Devon District Council**

## **Scrutiny Committee**

**Monday, 14 September 2020 at 2.15 pm**  
**Virtual meeting**

**Next ordinary meeting**  
**Monday, 12 October 2020 at 2.15 pm**

**Important** - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

**To join this meeting, please click the following link:**

<https://zoom.us/j/95350922526?pwd=Sy9rbVh6ZkpITUpQVVc4TGtKM3owUT09>

Meeting ID: 953 5092 2526

Passcode: 844230

One tap mobile

08000315717,,95350922526#,,,,,0#,,844230# United Kingdom Toll-free

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Meeting ID: 953 5092 2526

Passcode: 844230

Those attending are advised that this meeting will be recorded

## **Membership**

Cllr F W Letch

Cllr G Barnell

Cllr E J Berry

Cllr W Burke

Cllr L J Cruwys

Cllr Mrs C P Daw

Cllr J M Downes

Cllr Mrs S Griggs

Cllr S J Penny

Cllr R L Stanley

Cllr B G J Warren

Cllr A Wilce

# AGENDA

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

- 1      **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2      **REMOTE MEETING PROTOCOL** *(Pages 5 - 10)*  
Members to note the remote meeting protocol.
- 3      **ELECTION OF VICE CHAIRMAN**  
To elect a Vice Chairman for the remainder of the municipal year.
- 4      **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 5      **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
- 6      **MEMBER FORUM**  
An opportunity for non-Cabinet Members to raise issues.
- 7      **MINUTES OF THE PREVIOUS MEETING**  
Members to consider whether to approve the minutes as a correct record of the meeting held on  
  
The Committee is reminded that only those members of the Committee present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.
- 8      **DECISIONS OF THE CABINET**  
To consider any decisions made by the Cabinet at its last meeting that have been called-in.
- 9      **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements that the Chairman of Scrutiny Committee may wish to make.
- 10     **PLANNING ENFORCEMENT UPDATE** *(Pages 11 - 54)*  
Members to receive an update on the Planning Enforcement Service.
- 11     **COSTS OF PUBLIC CONSULTATIONS** *(Pages 55 - 60)*

To receive the costs of recent public consultations

12 **WORKING GROUP - QUALITY AND QUANTITY OF COUNCIL REPORTS** *(Pages 61 - 64)*

Members to discuss the creation of the Working Group to investigate the quality and quantity of council reports and agree the membership of the Working Group if approved.

13 **FORWARD PLAN** *(Pages 65 - 78)*

Members are asked to consider any items within the Forward Plan that they may wish to bring forward for discussion at the next meeting.

14 **SCRUTINY OFFICER UPDATE**

15 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Members are asked to note that the following items are already identified in the work programme for the next meeting:

- Street Scene Enforcement update
- Performance and Risk
- Viability of Council Owned Commercial property

Note: - this item is limited to 10 minutes. There should be no discussion on items raised.

**Stephen Walford**  
Chief Executive  
Friday, 4 September 2020

**Covid-19 and meetings**

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information please contact Carole Oliphant on:  
E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)

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## **Mid Devon District Council - Remote Meetings Protocol**

### **1. Introduction**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

### **2. Zoom**

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **3. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

### **4. Setting up the Meeting**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

### **5. Public Access**

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

## 6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

## 7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

## 8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## 9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

## **10. The Meeting and Debate**

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

## **11. Voting**

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

## **12. Meeting Etiquette Reminder**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. After the meeting**

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

#### **18. Technical issues – meeting management**

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.



If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

## **19. Technical issues – Individual Responsibility (Members and Officers)**

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity
- Member Services will hold a list of contact details for all senior officers

## Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

**Call the toll free number** either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

*"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"*

**Wait.....**

*"You have now entered the meeting"*

### Important notes for participating in meetings

Press **\*6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing **\*9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

## SCRUTINY 14<sup>TH</sup> SEPTEMBER 2020

### PLANNING ENFORCEMENT

**Cabinet Member** Cllr Richard Chesterton  
**Responsible Officer** Head of Planning, Economy and Regeneration

**Reason for Report:** To respond to Scrutiny Committee's request for a report on the enforcement of planning control, levels of activity, time taken and comparison with other local Councils (where information is available).

### RECOMMENDATIONS:

- i) **That the report be noted and Scrutiny Committee identify any issues to inform service improvement**

**Financial Implications:** Certain types of planning enforcement action such as the issue of an enforcement notice have a right of appeal whilst others have an opportunity for compensation to be claimed. Both may have financial implications for the Council. In terms of appeals, there is a risk of a cost award against the authority at appeal if it is found to have acted unreasonably. Financial implications may also arise if the Council has to pay compensation for example for loss or damage attributable to a stop notice.

**Legal Implications:** Formal enforcement action may take a variety of forms with a wide range of legal tools available. Enforcement must be undertaken in accordance with Government guidance and must be in the public interest.

**Risk Assessment:** The enforcement of planning control is by its nature often high profile and may lead to taking formal measures that involve legal processes on behalf of the Council. Risk in connection with action is considered on a case by case basis in close liaison with the Legal Service.

**Budget and Policy Framework:** None directly in terms of the Council's policy framework. Budget implications may arise as a result of certain types of enforcement activity and through the cost of defending an appeal.

**Equalities Assessment:** None identified arising directly from this report.

**Relationship to Corporate Plan:** Priorities within the Corporate Plan are economy, homes, community and environment. The enforcement of planning controls through investigation and where appropriate the taking of action in the public interest by the Council will assist in upholding these priorities.

**Impact on climate change:** None arising directly from this report.

### 1.0 PLANNING ENFORCEMENT – INTRODUCTION

- 1.1 Planning enforcement is a statutory function of local government although the power to take formal action is discretionary. The Council as the Local Planning Authority has responsibility for the investigation of reported breaches

of planning control. Unauthorised development can be detrimental to the local environment and a source of community tension. Failure to investigate and enforce planning conditions or address unauthorised development can reduce the effectiveness of a Local Planning Authority and undermine public confidence in the planning system.

- 1.2 The basis for the planning system is to protect amenity, whether it is the quality of the environment in general, or the quality of life of people living close to development. Powers have been granted to the Council to ensure that action can be taken against unauthorised development or a breach of planning control which is causing harm to the amenity of the area.
- 1.3 A breach of planning control is:
  - The carrying out of development without the required planning permission;
  - Failing to comply with any condition or limitation subject to which planning permission has been granted.
- 1.4 Planning enforcement also investigates other breaches such as unauthorised works to listed buildings, the illegal display of advertisements on land or buildings and the failure to properly maintain land.
- 1.5 Councils are advised to take formal enforcement action only in cases of obvious harm or nuisance and/or where persuasion and negotiation have failed. It is a discretionary power based upon proportionality. Action should only be taken where it is expedient to do so.
- 1.6 In deciding whether it is expedient to take enforcement action, the Local Planning Authority must consider:
  - Whether it is in the public interest to do so;
  - Whether the breach would unacceptably affect public amenity or the existing use of land or buildings (would planning permission be granted if applied for and considered against development plan policies).
  - Whether the proposed action is commensurate with the breach (proportionate).
- 1.7 The decision on whether action is proportionate and, if so, which action to take will need to take into account all the circumstances of each individual case. In practical terms consideration will need to be given to:
  - the impact of the unauthorised development;
  - the potential for damage to the environment;
  - the benefit of taking action.

It will not always be proportionate to take formal enforcement action having considered the circumstances of the case. Enforcement powers are to be used in a reasonable manner, to remedy adverse impacts on the environment or on neighbours and should not be used solely to regularise a situation where no planning permission exists. Such situations should be dealt with by negotiation. Enforcement action should not be used as a punishment, but

instead is a tool to rectify unacceptable breaches of planning control. The fact that development has gone ahead without planning permission should not prejudice the consideration of a subsequent, retrospective planning application if it is a reasonable use of land and in cases in which no criminal offence has been committed, planning permission is likely to be granted. Retrospective applications must be considered in the same way as any other – they should not be penalised because they are retrospective.

- 1.8 Undertaking development without planning permission is not a criminal offence. In such instances it is only when an enforcement notice has not been complied with that a criminal offence has occurred. However unauthorised works to listed buildings, unauthorised works to protected trees or the display of advertisements without consent are criminal offences.
- 1.9 In many cases, the ability to take formal enforcement action is time limited as development may become immune from enforcement if no action is taken:
- Within 4 years of the substantial completion of a breach of planning control (operational development).
  - Within 4 years for an unauthorised change of use to a single dwelling house.
  - Within 10 years for any other breach of planning control such as other changes of use or other breaches of conditions.

Exceptions include the taking of further enforcement action within 4 years of earlier action over the same breach or where the breach was fully or partly concealed. No such immunity period exists for unauthorised works to a listed building.

## 2.0 **RELEVANT POLICIES AND GUIDANCE.**

- 2.1 Paragraph 58 ,of the National Planning Policy Framework (2019) relates to the enforcement of planning control and states:

*‘Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set 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.’*

- 2.2 Policy DM29 of the Mid Devon Local Plan Review reflects this and states:

*‘The Council will investigate unauthorised development, acting proportionately to the scale of the suspected breach of planning control. Enforcement action will be taken where it is appropriate to do so and in the public interest.’*

Text accompanying this policy also makes it clear that when undertaking investigations, the Council will act in proportion to the scale of the suspected

breach to which it relates. The Council will then take enforcement action where it deems such action to be appropriate, having regard to the scale of the breach and the impact upon public amenity.

- 2.3 The Council published a Local Enforcement Plan (2018) to ensure enforcement is managed proactively and in a way that is appropriate to Mid Devon. It sets out the Council's approach to enforcement, including timescales for action and states how the Council will respond to suspected breaches of planning control. The prioritisation of planning enforcement resources in terms of planning breaches also forms part of the document. A copy of the Local Enforcement Plan is at **Appendix 1** to this report.
- 2.4 National planning practice guidance is also relevant. It provides guidance on a range of enforcement related matters, much of which are covered within this report. Planning practice guidance on enforcement is available here <https://www.gov.uk/guidance/ensuring-effective-enforcement>

### 3.0 **ENFORCEMENT POWERS AND TOOLS AVAILABLE**

- 3.1 Summarised information on the range of enforcement powers and tools available is to be found within the Local Enforcement Plan at **Appendix 1**. This is intended to be for general guidance only as the circumstances of each case will dictate the action to be taken. They may broadly be divided into 5 different types:
- i) For information gathering.
  - ii) Where conditions imposed on a planning permission are not being complied with.
  - iii) Where there is a continuing breach of planning control.
  - iv) Where a breach of control is causing serious harm or has the potential to cause serious or irrevocable harm to amenity.
  - v) Other

### 4.0 **NO FORMAL ACTION**

- 4.1 No further action will be taken by the Council where it is established that there has not been a breach of planning control.
- 4.2 National planning practice guidance advises that addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of control may be the result of a genuine mistake where, once the breach is identified, the owner or occupier takes immediate action to remedy it. Additionally in some instances formal enforcement action may not be appropriate.
- 4.3 On a case by case basis, Local Planning Authorities are advised that formal enforcement action should be avoided where:

- There is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- Development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development (That planning permission would be granted if applied for. A retrospective application to remedy the breach of planning will be sought);
- In their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

## **5.0 SCHEME OF DELEGATION ON PLANNING ENFORCEMENT MATTERS**

5.1 The scheme of delegation to the Head of Planning and Regeneration by Planning Committee extends to formal enforcement action, with the exception of the following:

1. The proposed enforcement action raises matters of significant public interest and / or significant costs to the Council for which there is no budget and / or would prevent a person from residing or continuing to reside on land within the district;
2. The action relates to land in which the Council, a Member or an Officer has an interest;
3. The action is the issue of an enforcement notice, stop notice, temporary stop notice or legal proceedings, in which case the notice or proceedings will be issued by the Head of Legal (Monitoring Officer) or a solicitor employed by the Council, in consultation with the Head of Planning, Economy and Regeneration or the Group Manager for Development.

For information, formal enforcement action does not include the service of a Planning Contravention Notice or a section 330 requisition for information.

## **6.0 THE PLANNING ENFORCEMENT TEAM AT MID DEVON**

6.1 The planning enforcement team at Mid Devon comprises 2 full time officers who each cover an area of the district, together with administration support. The team is managed by an Area Team Leader, that latter post being currently vacant with recruitment underway.

6.2 Information on activity and performance within the enforcement service is reported to Planning Committee, with a further report proposed for the October meeting. At the time of writing, 171 new cases have been received and 155 cases closed this calendar year to date and there are currently 222 cases under investigation with officers dealing with 146 and 76 respectively.

6.3 Comparison information has recently been sought from other Councils in the area. Information received indicates:

	<b>Number of enforcement officers (FTE)</b>	<b>Total cases on hand</b>	<b>Number of cases per officer</b>	<b>Notes</b>
<b>Mid Devon</b>	<b>2</b>	<b>222</b>	<b>76 to 146</b>	
Cornwall	14.3 plus two Group Leaders managing the team	1120	22 to 87	
Dartmoor NP Authority	1	156	78	Remaining cases divided between planning officers
East Devon	3	266	75 to 101	
Mendip	2 plus 1 contract senior officer	172	15 to 82	
North Somerset	1 plus 1 compliance monitoring officer	372	33 to 150	Also deal with planning applications (mostly retrospective), lawful development certificates and associated appeals.
Plymouth	3 (due to reduce shortly to 2.5)	376	52 to 178	Also deal with a small number of retrospective applications
Somerset West & Taunton	1.75	178	Cases split between 2 officers	
Teignbridge	2	Not given	Not given	

## 7.0 INVESTIGATION OF BREACHES

- 7.1 The Local Enforcement Plan sets out how the implementation of planning permission is monitored and how alleged cases of unauthorised development are investigated. The extent to which the implementation of planning permission is pro-actively monitored is tempered by the resources available. The main source of knowledge of alleged breaches of planning control arises from the receipt of complaints which may come from the public, Parish or Town Councils, elected members or other groups. Planning and other officers may also become aware of breaches through their work and while on site



visits. Enforcement Officers also check on sites of known enforcement risk periodically as resources allow. Enforcement complaints are prioritised according to the seriousness of the alleged breach. Pro-active enforcement of all planning conditions would require significantly greater resources than currently available. Instead a primarily reactive service is targeted at reported breaches. Other Local Planning Authorities in the region act in a similar manner.

- 7.2 Applicants are advised on grant of planning permission of the need to comply with the attached conditions. Applicants are also asked to advise the Council in advance, via the return of a form, of their intention to start work together with the date. This allows checking that pre-commencement conditions have been complied with. Planning conditions need to meet a series of tests. These include precision and that they are capable of being enforced. The drafting of conditions so that they capable of being enforced and include the necessary triggers and safeguards is important.

## 8.0 **PERFORMANCE**

- 8.1 The Local Enforcement Plan sets out a prioritisation of complaint investigation together with a response time for the initial investigation site visit (under normal non COVID19 circumstances) as follows:

### **Highest –**

- A breach of planning control which is in the process of causing serious harm to the environment or to public safety unless an immediate response is made.
- The unauthorised works or use of land or buildings that present an immediate and serious danger to the public.
- Unauthorised works that are in the process of being seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.
- Works that are currently taking place to protected trees or hedgerows.

### **Response time – 80% of first site visits within 2 working days of registration**

### **High –**

- A breach of planning control which is causing, or is likely to cause serious harm to the environment or to public safety unless an urgent response is made.
- The unauthorised works or use of land or buildings that present a danger to the public.
- Unauthorised works that could be seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.
- Unauthorised development that causes serious harm, yet has gone undetected and the statutory time limit for taking enforcement action is imminent.

- Works to protected trees or hedgerows.

**Response time – first site visit within 3 working days of registration**

**Medium –**

- This priority level covers all cases that are not a high or low priority.
- Unauthorised developments causing disturbance/ nuisance to residents or damage to the environment.
- Work to Listed Buildings which is not considered seriously detrimental to its character.
- Unauthorised advertisements in a conservation area or prominent locations which have the potential to cause serious harm to public safety or amenity.
- Unauthorised development where the statutory time limit for taking enforcement action may expire within the next six months.
- Untidy land which is causing serious harm to the amenity of the area.
- Non-compliance with planning conditions which are having a significant adverse impact on the development, amenity or neighbouring properties.
- Deviation from approved plans, which is having a significant adverse impact on amenity or neighbouring properties.

**Response time – first site visit within 10 working days of registration**

**Low -**

- This priority level covers breaches of planning control that are causing limited or no harm to the environment or residential amenity.
- Technical breaches of control – for example works that are marginally above permitted development.
- Installation of satellite dishes.
- Unauthorised advertisements in less sensitive locations.
- Minor variations from approved plans which are not having an adverse impact on amenity.

- **Response time – first site visit within 15 working days of registration**

- 8.2 There are no national performance indicators for planning enforcement unlike planning application determination. Instead the Local Enforcement Plan sets a series of local targets, the performance against which is monitored:

<b>ACTION</b>	<b>TARGET TIME</b>
Register and acknowledge all written complaints	3 working days
Carry out initial site visit – Highest priority	80% of first site visits within 2 working days

cases	of registration
Carry out initial site visit – High priority cases	3 working days
Carry out initial site visit – Medium priority cases	10 working days
Carry out initial site visit – Low priority cases	15 working days
Initial response to complainant setting out progress or informing about a decision in cases where there is no breach	Within 5 working days of the date of the initial site visit
Notify complainant that Enforcement Notice has been served or decision that 'no action' will be taken	Within 5 working days of the issue of the notice or decision to take no further action.

8.3 **Appendix 2** sets out performance against these local indicators for 19/20 by quarter. **Appendix 2a** reports of performance for quarter 1 20/21.

## 9.0 BENCHMARKING

9.1 The level of activity in opening and closing cases and the issue of various notices are normally reported to Planning Committee, although the frequency of this has dropped off and needs to resume on a quarterly basis. Information on enforcement activity by way of formal action type is collated nationally and this data set is able to be interrogated via [planning application statistics](#) where enforcement activity may be found.

9.2 As part of the generation of this report, comparator information from other Councils in the local area was sought, but does not take place on a regular basis. The establishment of common reporting on enforcement between Councils would assist in the management and monitoring of the service and provide greater transparency over the level of service provision.

9.3 In addition to staff and case information referred to in 6.3 above, the following information was sought:

- Number of complaints by quarter / financial year for 19/20 and 20/21 Qu 1
- Any local performance indicators, associated targets and performance information on enforcement investigations, over the same period
- Whether there is an up to local enforcement plan
- Whether any information on enforcement cases is routinely:  
Published on the website or reported to a Committee  
Reports on cases issued to Parish or Town Councils  
Reports on cases issued to Members

The information has recently been received from some of the Councils contacted and has been collated into a table at **Appendix 3**.

## 10.0 SUMMARY AND CONCLUSIONS

- 10.1 The enforcement of breaches of planning control is often complex with opportunity for those contravening to submit planning applications to regularise the breach and to appeal at different stages. This often results in delay. Enforcement action is not appropriate in all cases, particularly where it is a technical breach of planning control with little impact or where planning permission would be approved if applied for. Furthermore, there is also clear Government advice that enforcement action should not be used as a punishment, but as a tool to address harm where it is the public interest to do so. This often leads to misunderstanding of the purpose of enforcement action and timescales within which it operates. Public expectation is often of enforcement action as a punishment for a breach or in cases where the breach causes little or no harm and planning permission would be granted if applied for.
- 10.2 Nevertheless there will be cases where it is clearly in the public interest to seek to swiftly resolve breaches that are causing harm to amenity. Councils have a range of enforcement tools available to them to do this. There is a duty to investigate breaches, although taking action itself is discretionary and based upon the merits of the case.
- 10.3 This report seeks to provide the context for the planning enforcement system, how it is resourced within Mid Devon and, where available, comparator information from other Councils. The service operates within finite resources and seeks to deliver an effective service within a challenging environment where expectations are high.

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**Circulation of the Report:** Cllr Richard Chesterton

### **List of Background Papers:**

Mid Devon Local Enforcement Plan

<https://www.middevon.gov.uk/media/345259/local-enforcement-plan-final-280318.pdf>

National Planning Policy Framework

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

Planning Practice Guidance

<https://www.gov.uk/guidance/ensuring-effective-enforcement>

Mid Devon Local Plan Review



# **Local Enforcement Plan Mid Devon District Council**

**January 2017**

## MID DEVON DISTRICT COUNCIL

### LOCAL ENFORCEMENT PLAN

#### BACKGROUND

Mid Devon District Council has responsibility for the investigation of reported breaches of planning control. Unauthorised development can be detrimental to the local environment and be a source of social tension. Failure to enforce planning conditions or address unauthorised development can reduce the effectiveness of a Local Planning Authority and undermine public confidence in the planning system.

Policy DM31 of the Mid Devon Local Plan (MDLP) which was adopted in October 2013, states;

*The Council will investigate unauthorised development, acting proportionately to the scale of the suspected breach of planning control. Enforcement action will be taken where it is appropriate to do so and in the public interest.*

The MDLP, in paragraph 6.3 clarifies the need for a Local Enforcement Plan to set out the Council's approach to enforcement and states it will include timescales for action and detail on how the Council will respond to suspected breaches of planning control.

This Local Enforcement Plan has been developed in accordance with Government advice contained in the National Planning Policy Framework (March 2012) which was issued by the Department for Communities and Local Government. Paragraph 207 states;

*Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set 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."*

Furthermore, the Local Government Ombudsman, who investigate complaints from the public when Councils have failed to take enforcement action, state in their report 'Not in my back yard:

Local People and The Planning Process' (December 2014);

*"(Local Enforcement) Plans should set out how councils will investigate alleged cases of unauthorised development, the circumstances where they might take action, and the enforcement actions that they will consider. This will help officers make*

*consistent decisions and understand the legal tools available to them. It will also help local people understand what to expect when they make a complaint. The enforcement plan should be reviewed and updated on a regular basis.”*

Bearing this guidance in mind, this Plan will pursue the following objectives:

- Provide an accessible service that maintains public confidence in the planning system;
- Provide a service that is both reactive and proactive in its commitment to remedy undesirable effects of unauthorised development;
- Provide a service response that is prioritised according to the harm or the potential harm caused by the breach;
- Provide information on how breaches of planning control will be investigated and action taken where it is appropriate to do so;
- Monitor development in line with resources and prioritise according to the scale and complexity of the development permitted;
- Achieve a balance between protecting amenity and other interests and allowing acceptable development to remain, or to continue, in the absence of permission;
- Seek resolution of planning breaches through informal and formal action including prosecution of offenders to uphold the integrity of the planning system;
- Monitor performance of the service.

These objectives should be read within the context of the policies contained within the adopted MDLP and Mid Devon District Council's wider corporate aims as set out in the Corporate Plan 2016 -2020

- Economy
- Houses
- Community
- Environment

## LEGISLATIVE FRAMEWORK

The statutory legislation that the Council enforces is based upon the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990. This legislation forms the fundamental basis of the planning system today in England and Wales.

Subsequent national planning legislation that is of particular relevance to Planning Enforcement includes the following :

**The Town and Country Planning (General Permitted Development) (England)**

**Order 2015** which sets out what can be done under 'permitted development rights', i.e. without requiring specific planning permission from the Council.

**The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended)** which sets out which advertisements benefit from deemed consent i.e. those advertisements which can be displayed without requiring express consent from the Council.

**The Town and Country Planning (Use Classes) Order 1987 (as amended)** which sets out the various categories that different uses of land fall into, and what comprises a material change of use requiring planning permission.

**Planning (Listed Buildings and Conservation Areas) Act 1990** which sets out the regards a Local Planning Authority must have to preserving or enhancing the character and appearance of listed buildings and conservation areas



## WHAT IS A BREACH OF PLANNING CONTROL?

The Town and County Planning Act 1990 (as amended) sets out that planning permission is required for development. Section 55 of this Act defines development as the “*carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change of use of any buildings or other land.*”

Section 171A of the Act defines a breach of control as a) carrying out development without the required planning permission, or b) failing to comply with any condition or limitation subject to which planning permission has been granted.

The majority of complaints made to the Council allege that one of the following breaches has occurred:

- Operational development has taken place without planning permission
- A material change of use of land without planning permission
- Works have not been carried out in accordance with an approved planning permission
- Failure to comply with conditions attached to an approved planning permission

There are also other matters which fall under the scope of planning control, and therefore any reported breach would be investigated by the Council. These include:

- Advertisements which are being displayed without either deemed or express consent
- Works to a listed building which affect its character and setting without the necessary listed building consent
- Demolition in a conservation area, when planning permission is required
- Works to or removal of protected trees and hedgerows

## **WHAT IS NOT A BREACH OF PLANNING CONTROL?**

We receive a number of complaints about matters which are not within the scope of planning control. They may fall within the remit of other Council departments, and where this is the case we will advise the complainant of where to seek further advice. Some examples of things that we cannot investigate include:

- Boundary wall and other land ownership disputes. These are civil matters between neighbours, and we do not keep records of land ownership
- Parking, traffic and obstructions on the Highway or verges. These are matters in which we cannot take action. Devon County Council are the highway authority and can be contacted on 0845 155 100 for further advice
- Fly tipping. This is investigated by the Council's Environmental Health Team. Reports can be made via the Council's website or by phone on 01884 255255. For very large quantities of fly tipped waste or incidents which might threaten to pollute a water course, the Environment Agency can investigate. Their hotline number is 0800 807060.
- Dangerous structures. These may fall within the remit of the Building Control team who can be contacted on 01884 234345
- Complaints regarding noise and smell. These may be an issue which can be investigated by Environmental Health who can be contacted on 01884 255255.
- Stationing of a caravan within the grounds of a dwelling

### **Time Limits**

Section 171B of the Act sets out the time limits for taking enforcement action. In the case of building, engineering, mining or other operations in, on, over or under land, normally no action can be taken after four years from where the works were substantially completed. Where there has been a change of use of any building to a single dwelling house, the limit is also four years, beginning with the date of the breach. In the case of any other breach of planning control no enforcement action can be taken once ten years has elapsed. Works to listed buildings, protected trees and the display of advertisements fall within the remit of different legislation, and therefore these time limits do not apply.

## **INVESTIGATION OF REPORTED BREACHES OF PLANNING CONTROL**

### **Receipt of complaints**

There are several ways that members of the public can register a planning enforcement complaint:

- by email to [devcon@middevon.gov.uk](mailto:devcon@middevon.gov.uk)
- by telephone to the contact centre 01884 225 225
- by completing the online form at <https://www.middevon.gov.uk/residents/planning/planning-enforcementreporting-alleged-breaches/>
- by writing to us at Planning Enforcement, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP
- in person to the duty Planning Officer at Phoenix House from 9:00 to 12:00, Monday to Friday

Breaches of planning control are also reported to the Council by its Elected Councillors, Parish and Town Councils. The Council's staff also identify breaches for investigation.

### **Confidentiality**

The details of the complainant are treated as confidential. However, in some circumstances this may not be possible particularly when matters progress to court in the event the complainant becomes a witness and gives evidence and/or details of the complaint must be disclosed. Representations received on a planning application are not confidential. Breaches reported by Parish and Town Councils where they are discussed in public at a meeting of the Council are a matter of public record and not treated as confidential.

### **Registration of complaints**

When a complaint is received, it is recorded on our secure database and allocated a unique reference number. In order that we are able to investigate effectively it is important that we have the following information as a minimum:

- Full address of the site where the breach of control is suspected
- Details of the nature and extent of the suspected breach of control
- Name and contact details of the complainant so that we are able to update on progress made and advise of the outcome of our investigation. For convenience and in the interests of best use of resources, it is helpful for this to include an email address if the complainant is happy to be contacted in this manner. Generally we will not investigate anonymous complaints.

We will acknowledge all complaints made to us, and confirm the reference number and the investigating officer. This may be by telephone if the complaint is made in this manner.

All complainant details will remain confidential. Although a contravener may be able to guess the source of the complaint, this will not be revealed by the Council. All information is held securely in our database and is not accessible to the public.

### **Background checks**

Once a complaint has been registered, we will carry out a check of the planning history of the site. This may include checking whether planning permission has been granted for the development, whether there are any relevant conditions or if the matter has been previously investigated. If appropriate, we may look at aerial photographs from different timescales and historic maps.

We may also liaise with other Council departments relevant to the case. This may include Building Control, Environmental Health, Licensing and Council Tax. This helps us establish a background to the case, and may help us to confirm whether works have already commenced or a change of use has occurred.

In order that we are able to use the resources available most effectively, we prioritise all cases received as follows:

**Highest Priority:**

A breach of planning control which is in the process of causing serious harm to the environment or to public safety unless an immediate response is made.

The unauthorised works or use of land or buildings that present an immediate and serious danger to the public.

Unauthorised works that are in the process of being seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.

Works that are currently taking place to protected trees or hedgerows.

**Response time – 80% of first site visits within 2 working days of registration**

**High Priority:**

A breach of planning control which is causing, or is likely to cause serious harm to the environment or to public safety unless an urgent response is made.

The unauthorised works or use of land or buildings that present a danger to the public.

Unauthorised works that could be seriously detrimental to the character of a Listed Building, Scheduled Ancient Monument, Conservation Area or Site of Specific Scientific Interest.

Unauthorised development that causes serious harm, yet has gone undetected and the statutory time limit for taking enforcement action is imminent.

Works to protected trees or hedgerows.

**Response time – first site visit within 3 working days of registration**

**Medium Priority:**

The priority level covers all cases that are not a high or low priority.

Unauthorised developments causing disturbance/ nuisance to residents or damage to the environment.

Work to Listed Buildings which is not considered seriously detrimental to its character.

Unauthorised advertisements in a conservation area or prominent locations which have the potential to cause serious harm to public safety or amenity.

Unauthorised development where the statutory time limit for taking enforcement action may expire within the next six months.

Untidy land which is causing serious harm to the amenity of the area.

Non-compliance with planning conditions which are having a significant adverse impact on the development, amenity or neighbouring properties.

Deviation from approved plans, which is having a significant adverse impact on amenity or neighbouring properties.

**Response time – first site visit within 10 working days of registration**

**Low priority:**

This priority level covers breaches of planning control that are causing limited or no harm to the environment or residential amenity.

Technical breaches of control – for example works that are marginally above permitted development.

Installation of satellite dishes.

Unauthorised advertisements in less sensitive locations.

Minor variations from approved plans which are not having an adverse impact on amenity.

**Response time – first site visit within 15 working days of registration**

**Initial site visit**

Once the check of the history of the site has been undertaken, the investigating officer will normally visit the site. Sometimes for safety or operational reasons this may be by more than one officer, or with colleagues from other departments. It is standard procedure for the officer to visit the site where the alleged breach of control has been reported, and speak to the owner or occupier where they are present.

The timescale for the initial site visit when required of the site relates to the priority of the alleged breach (see above). Where the matter falls within the remit of more than one Council department, the initial visit may be carried out by an officer from another department.

As part of our investigation we may take photographs at the site. These will be stored in a secure manner and will not be accessible to the public but may be used in documents which the public will have access to in the event of them being required as evidence. Photographs enable us to have an accurate record of the situation on a given day and also facilitate discussions with other officers about what has been seen during the site visit.

Once the visit has been completed, the findings will be assessed and a view taken as to how the investigation will proceed. This may include obtaining legal advice about the case.

### **If no breach is established**

A significant proportion of cases are closed as it appears to the Council that no breach of control has occurred. Examples of where this might take place include where:

- planning permission has been granted for the development
- there is no evidence that the alleged breach has taken place.
- specific planning permission is not required as the works fall under the scope of the Town and Country Planning (General Permitted Development) (England) Order 2015. This legislation grants deemed planning permission for certain works.
- evidence confirms that the development is now immune from enforcement action due to the passage of time

Where no breach is established and therefore no further action is to be taken, we will notify the complainant within ten days of the date of the initial site visit to explain the position and the case will be closed.

### **Where further investigation is required**

In some circumstances it may not be possible to establish from our initial visit whether there is a breach of planning control. Examples of this may include:

- Alleged breaches of hours of operation conditions
- Domestic premises being used for business purposes where a material change of use is alleged
- Building works which the owner claims took place more than four years ago.

Further investigation will be required, and examples of this may include a more detailed study of Council records, liaison with other Council departments and external agencies and seeking further clarification from the alleged contravener.

In some cases, we may ask the complainant to provide us with more information. If they are unable to do so, this may result in the Council not being able to take further action due to insufficient evidence.

### **Obtaining additional information**

To help us obtain more information and to ensure we correctly identify the breach of planning control and persons responsible, there are specific legal tools available to us. These are discretionary, and are not used in every case:

#### **i) Planning Contravention Notice (PCN)**

A PCN can be served on anyone with an interest in the property. It can only be served where it appears to the Council that a breach of planning control may have occurred and they want to find out more information before deciding what if any enforcement action to take. It allows

the local planning authority to require any information they need for enforcement purposes about any operations being carried out or any use of the land.

It can be used to invite its recipient to respond constructively to the Council about how any suspected breach of planning control may be satisfactorily remedied.

There is no right of appeal against a PCN and failure to respond within the required timescale is an offence.

## **ii) Section 330 Notice (Requisition for Information)**

To enable the Council to exercise other powers, they may serve a notice under Section 330 of the Town and Country Planning Act 1990 requiring information as to interests in land, including ownership and occupier details. There is no right of appeal against a Section 330 Notice and failure to respond within the required timescale is an offence.

## **Where a breach of control is established**

Where a breach is established, the first step is for a decision to be made whether it would be expedient to take formal action. Expediency is a test of whether the unauthorised activities are causing serious harm having regard to the Mid Devon District Council Local Plan policies and other material considerations. This decision will be made in conjunction with the relevant Planning Officer.

It may be the case that a technical breach of control has occurred, but that it is so minor in nature, and having little or no impact on the amenity of the local area, that it would not be expedient to take further action. An example of this might be a fence which is slightly higher than the height it could be erected without the need for planning permission, so is a technical breach of control. If it was not having any adverse impact on the amenity of the area, the Council may decide that it is so minor that it would not warrant any further action.

## **Proportionality**

The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action. Government guidance advises that there is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, the Council will have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, as well as those who are affected by a breach of planning control.

Planning enforcement powers are discretionary, and it is not considered to be a good use of limited public resources to pursue enforcement action against any development where planning permission would normally be granted, except where the imposition of conditions would allow appropriate controls to be secured. It is important to be aware that enforcement is not intended to be a punishment for those who have breached planning control, but a necessary function to protect the environment.

Where a development is considered likely to be granted planning permission, or where the imposition of conditions would enable appropriate control, the Council will encourage the submission of a retrospective planning application. This enables affected neighbours and interested parties to have their say. Where the Council considers that there is no prospect of planning permission being granted, and there is an adverse impact on the built environment,

the Council will proceed to formal enforcement action where negotiations to resolve the matter informally are unsuccessful.

### **Negotiation**

Where it is considered that the breach of planning control is unacceptable, the Council will initially attempt to negotiate a solution unless the breach is causing an irreparable harm to the environment or local amenity. This may include the reduction or cessation of an unauthorised use or activity or the modification or removal of unauthorised operational development.

In carrying out negotiations, officers will have regard to the specific circumstances of the case, and advise an appropriate timescale for any remedial works or relocation to be carried out. Where it is clear from the outset that negotiation will not be successful, or where a solution cannot be reached within a reasonable timescale, we will proceed with formal action.

### **Retrospective planning application**

In circumstances where a breach of planning control has occurred and it is considered that the development could be made acceptable by the imposition of conditions, or where the submission of a planning application is likely to benefit the proper assessment of the impact of the unauthorised development, a retrospective planning application would be invited within a specified timescale. In such circumstances it will be made clear that the invitation is made without prejudice to any final decision the Council may make in the matter. If such an application is not submitted, the Council will consider whether or not it is expedient to take enforcement action.



## **COMMENCING FORMAL ENFORCEMENT ACTION**

Where negotiations with the contravener are unsuccessful, or if the breach of control is considered to have such a detrimental impact that more immediate action is needed, there are a range of powers available to the Council, which are set out in the paragraphs below.

The Planning Services Scheme of Delegation sets out which powers are delegated to the Head of Planning and Regeneration and which will require Planning Committee authority.

Once a report has been prepared for committee approval, the contravener and complainant will be advised of the date in writing. The Planning Committee meeting will be held in Council's Tiverton office at Phoenix House and meetings usually commence at 2.15pm. The meeting is open to the public. There is an opportunity for both parties to address the Committee. Details of the procedure on how to register to speak will be contained within the letter.

A copy of the officer's report is available either from Phoenix House five working days prior to the date of the Committee or via the Committee Meetings and Minutes link accessed from [www.middevon.gov.uk](http://www.middevon.gov.uk).

### **Enforcement Notice**

This can be issued where development is being carried out without planning permission or where a condition is not being complied with. It requires action to be taken to rectify the breach within a specified timescale. A copy should be served on the land and anyone with an interest in the land. Once the notice has been served, there is a further minimum period of 28 days before the notice becomes effective. Any person in receipt of a copy of the notice has right of appeal to the Planning Inspectorate. Failure to comply with an enforcement notice is a criminal offence tried in the Magistrates' or the Crown Court. The maximum penalty in the Magistrates' Court is a fine not exceeding £20,000 but there is no limit on the fine that the Crown Court may impose.

### **Breach of Condition Notice**

This can be issued where a condition on a planning permission is not being complied with. A copy of the Breach of Condition Notice, is not served on the land, but instead on anyone with an interest in the land and requires compliance with condition within a specified timescale. There is no right of appeal, but the validity of a breach of condition notice, and the appropriateness of the local planning authority's decision to serve it may be challenged by application to the High Court for judicial review. Summary prosecution can be brought in the Magistrates' Court for the offence of contravening a breach of condition notice. The maximum penalty on conviction is a fine, currently not exceeding £1,000.

### **Listed building Enforcement Notice**

This is similar to an Enforcement Notice but used where works have been carried out to a listed building, either without the benefit of listed building consent or in contravention of a condition of such a consent. The notice can require the removal of the unauthorised works and reinstatement.

### **Stop Notice**

This can be served with an Enforcement Notice or after we have served an Enforcement Notice if it is considered that continuing unauthorised development is causing irreparable

and immediate significant harm. The Stop Notice continues to take effect even if an appeal is lodged against the Enforcement Notice. It requires that activities cease to safeguard local amenity or public safety and to prevent serious or irreversible harm to the environment. There is a minimum three day period before it comes into effect. There is no right of appeal to the Secretary of State against the prohibitions in a stop notice. The validity of a stop notice, and the appropriateness of the local planning authority's decision to issue a notice, may be challenged by application to the High Court for judicial review. Where the associated enforcement notice is quashed, varied or withdrawn or the stop notice is withdrawn, compensation may be payable in certain circumstances and subject to various limitations.

### **Temporary Stop Notice**

These can be served where we consider that there has been a breach of planning control, and it is necessary to stop the activity or development in question immediately to safeguard the amenity of the area. This differs from the normal Stop Notice powers as it is immediate and does not have to be accompanied by an Enforcement Notice, but it is only valid for a period of 28 days. There is no right of appeal when a Temporary Stop Notice is served, but a judicial review can challenge the validity and propriety of our decision.

### **Section 215 Notices**

When the condition of land or buildings negatively affects the amenity of an area, a Section 215 Notice can be served. This requires the owners and occupiers of the land to take specific steps to secure an improvement in its appearance. Recipients of a Section 215 Notice have the right of appeal to a Magistrates' court. Failure to comply with the notice is an offence.

Where an appeal is lodged with the Planning Inspectorate against any notice issued by the Council, the complainants, the applicable Ward Councillors and the Town/Parish Council will be notified in writing and advised on how they may contribute to the appeal process, should they wish to do so.

### **Prosecution**

We can commence Court proceedings where a formal notice has not been complied with. In addition, in some instances we can commence legal proceedings for unauthorised works without the need to serve any formal notices, e.g. unauthorised works to a listed building or a protected tree or an unauthorised advertisement.

We will apply two tests in cases where a prosecution appears likely, in consultation with our legal services department:

- i) The evidential test - Is there admissible and reliable evidence that the offence has been committed, and that there is a reasonable prospect of conviction?
- ii) The public interest test - Is it in the public interest to take action?

### **Direct Action**

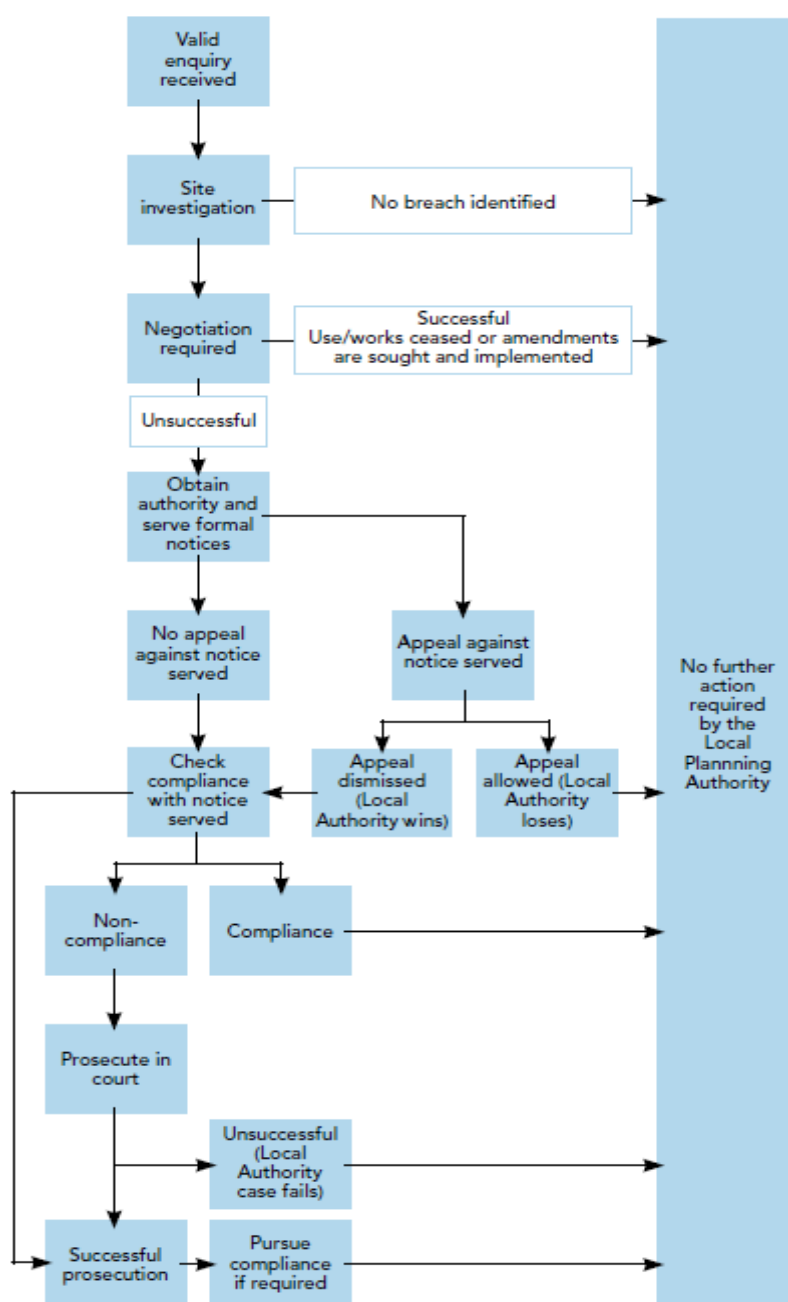
The Council has powers to enter land to carry out works and to make sure an Enforcement Notice or a Section 215 Notice is complied with by carrying out the required steps ourselves. The Local Planning Authority may also recover from the person who is then the owner of the

land any expenses reasonably incurred by them in doing so, either by direct billing or by registering. a charge on the property with the Land Registry. Direct Action is costly, and will only be considered when the level of harm being caused is sufficient to justify the use of limited resources.

### **Injunction**

This is an order of the High Court or the County Court, which can be used to restrain an actual or anticipated breach of planning or listed building control. This power is used where nothing short of an injunction would be effective to restrain breaches. There are compensation implications for the LPA to consider. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.

## How the process works



## TARGETS FOR ACTION

The planning service aims to achieve the following targets. The Service will set performance targets depending upon the priorities and resources available to deliver the planning enforcement service:

ACTION	TARGET TIME
Register and acknowledge all written complaints	3 working days
Carry out initial site visit – Highest priority cases	80% of first site visits within 2 working days of registration
Carry out initial site visit – High priority cases	3 working days
Carry out initial site visit – Medium priority cases	10 working days
Carry out initial site visit – Low priority cases	15 working days
Initial response to complainant setting out progress or informing about a decision in cases where there is no breach	Within 5 working days of the date of the initial site visit
Notify complainant that Enforcement Notice has been served or decision that ‘no action’ will be taken	Within 5 working days of the issue of the notice or decision to take no further action.

When cases take a long time to investigate, for example where on-going monitoring is required, the Enforcement Officer will update the complainant at each significant stage of the process. This might include consulting if a retrospective planning application is submitted or advising of the compliance date within an issued enforcement notice.

The Enforcement Service will endeavour to resolve enquiries within three months of their receipt. However, where formal enforcement action is required, such as the issue of an enforcement notice, the timescales involved will not make this possible.

## **MONITORING THE IMPLEMENTATION OF PLANNING PERMISSIONS**

It remains the responsibility of individual developers to comply with the terms and conditions set out in their planning permissions. However, failure to comply can affect not only the quality of the environment of the district or the amenity of the neighbourhood and also undermine the reasons and justification for granting planning permission in the first place.

There is no requirement for a developer to notify the Council of commencement of most developments once planning permission has been granted, however we ask that they do so. We are not always aware of when work commences on site and it is of assistance if this is brought to our attention. Due to limited resources, it is not possible for the Council to monitor every planning permission granted. We rely in part on nearby residents and the Town and Parish Councils to let us know if they notice things are not being built in accordance with the approved plans, or if a condition is not being complied with.

Where planning applications have attracted a high level of public interest we will endeavour to monitor the implementation of any permission granted.

## **REVIEWING THE PLAN**

This Local Enforcement Plan will be reviewed every three years or sooner if there is a substantial change in the relevant legislation.

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Indicator	Details	19/20 Q1	Q1	Q1	Q1	19/20 Q2	Q2	Q2	Q2	Q3	19/20 Q3	Q3	Q3	19/20 Q4	Q4	Q4	Q4
		Target	% Achieved	No Rec'd	% Achieved	Target	% Achieved	No Rec'd	Achieved	Target	% Achieved	No Rec'd	Achieved	Target	% Achieved	No Rec'd	Achieved
PE01-within 3 working days	Register and acknowledge all written complaints.	100%	100%	131	131	100%	100%	123	123	100%	100%	139	139	100%	97%	89	86
PE02 - 90% of first site visits before the end of the next working day following registration.	Highest priority complaint investigation.	90%	100%	0	0	90%	100%	1	1	90%	100%	1	1	90%	100%	3	3
PE03 - Initial site visit within 3 working days of registration.	High priority complaint investigation.	100%	100%	1	1	100%	0%	0	0	100%	100%	1	1	100%	100%	2	2
PE04 - Initial site visit within 10 working days of registration.	Medium priority complaint investigation.	100%	91%	11	10	100%	79%	14	11	100%	100%	11	11	100%	80%	5	4
PE05 - Initial site visit within 15 working days of registration.	Low priority complaint investigation.	100%	92%	101	93	100%	96%	83	80	100%	100%	81	81	100%	96%	72	69
PE06 - Within 5 working days of the date of the initial site visit.	Initial response to complainant setting out progress or informing about a decision in cases where there is no breach.	100%	89%	90	80	100%	86%	70	60	100%	100%	32	32	100%	78%	59	46
PE07 - Within 5 working days of the issue of the notice [or decision to take no further action].	Notify complainant that Enforcement Notice has been served or decision that 'no action' will be taken.	100%	89%	90	80	100%	86%	70	60	100%	100%	32	32	100%	78%	59	46

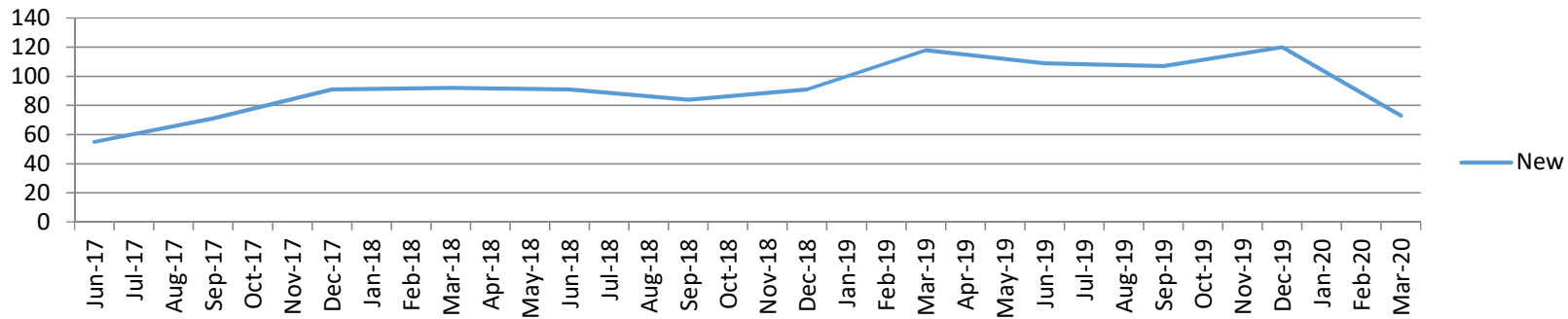
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<b>Details</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Total Initial Site Vists carried out in the Quarter	113	97	94	83
New enforcement cases registered (in quarter)	109	107	120	73
Enforcement cases closed (in quarter)	107	82	128	84
Committee authorisations sought	1	0	0	0
Total Outstanding cases at end of Quarter	180	205	197	199
<b>Enforcement Notices Served</b>				
<i>Planning contravention notices served (PCN)</i>	4	4	2	1
<i>Breach of condition notices served</i>	0	0	0	0
<i>Section 215 (untidy land)</i>	0	0	0	0
<i>NOT330</i>	0	0	0	0
<i>REPNOT</i>	0	0	0	0
<i>ENFCOU</i>	1	0	0	0
<i>ENFDEV</i>	1	0	0	0
<i>TEMSTO</i>		0	0	0
<b>Total Notices Served</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>1</b>

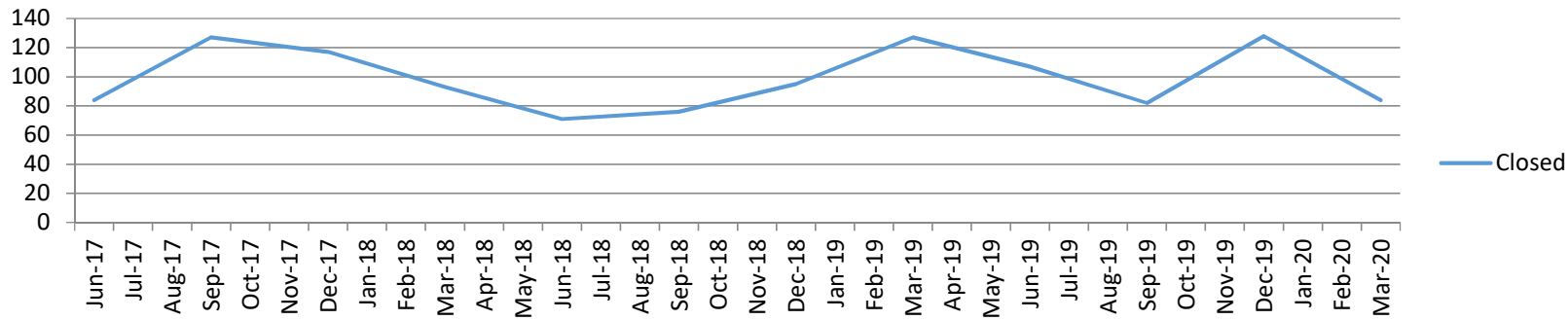
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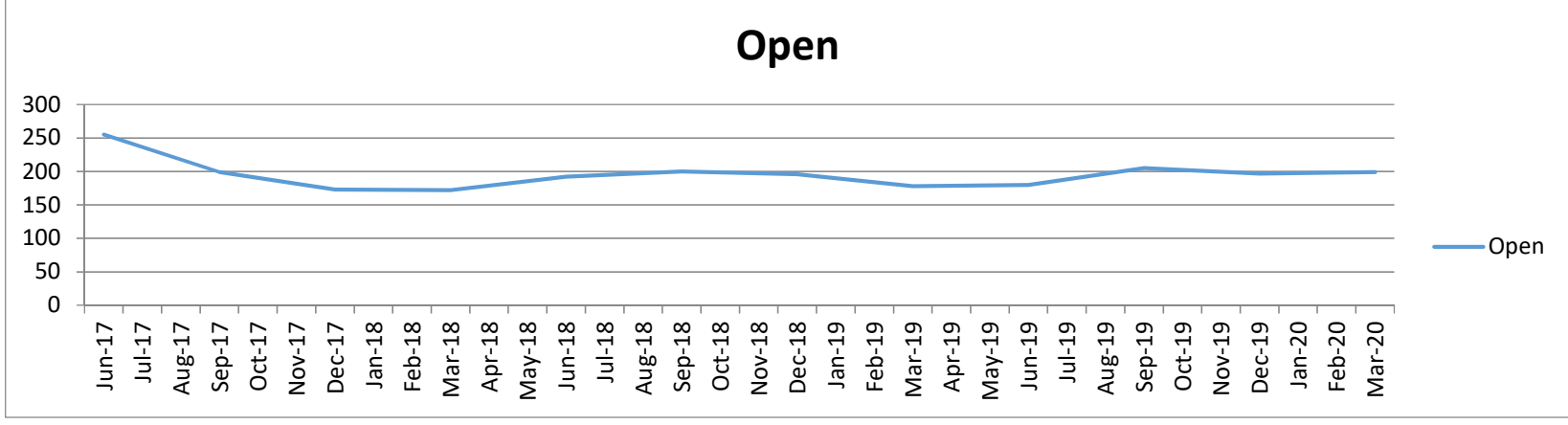
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4
Q End	Jun-17	Sep-17	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19		Jun-19	Sep-19	Dec-19	Mar-20
New	55	71	91	92	91	84	91	118		109	107	120	73
Closed	84	127	117	93	71	76	95	127		107	82	128	84
Open	255	199	173	172	192	200	196	178		180	205	197	199

## New



## Closed





Indicator	Details	2019/2020	2020/2021				2020/2021			
		Q4	April 20 - June 20				July 20 - September 20			
			Q1	Q1	Q1	Q1	Q2	Q2	Q2	Q2
		Achieved	Target	% Achieved	No Rec'd	Achieved	Target	% Achieved	No Rec'd	Achieved
PE01-within 3 working days	Register and acknowledge all written complaints.	86	100%	97%	70	68	100%			
PE02 - 90% of first site visits before the end of the next working day following registration.	Highest priority complaint investigation.	3	90%	100%	0	0	90%			
PE03 - Initial site visit within 3 working days of registration.	High priority complaint investigation.	2	100%	100%	1	1	100%			
PE04 - Initial site visit within 10 working days of registration.	Medium priority complaint investigation.	4	100%	100%	2	2	100%			
PE05 - Initial site visit within 15 working days of registration.	Low priority complaint investigation.	69	100%	95%	22	21	100%			
PE06 - Within 5 working days of the date of the initial site visit.	Initial response to complainant setting out progress or informing about a decision in cases where there is no breach.	46	100%	100%	16	16	100%			
PE07 - Within 5 working days of the issue of the notice [or decision to take no further action].	Notify complainant that Enforcement Notice has been served or decision that 'no action' will be taken.	46	100%	100%	16	16	100%			

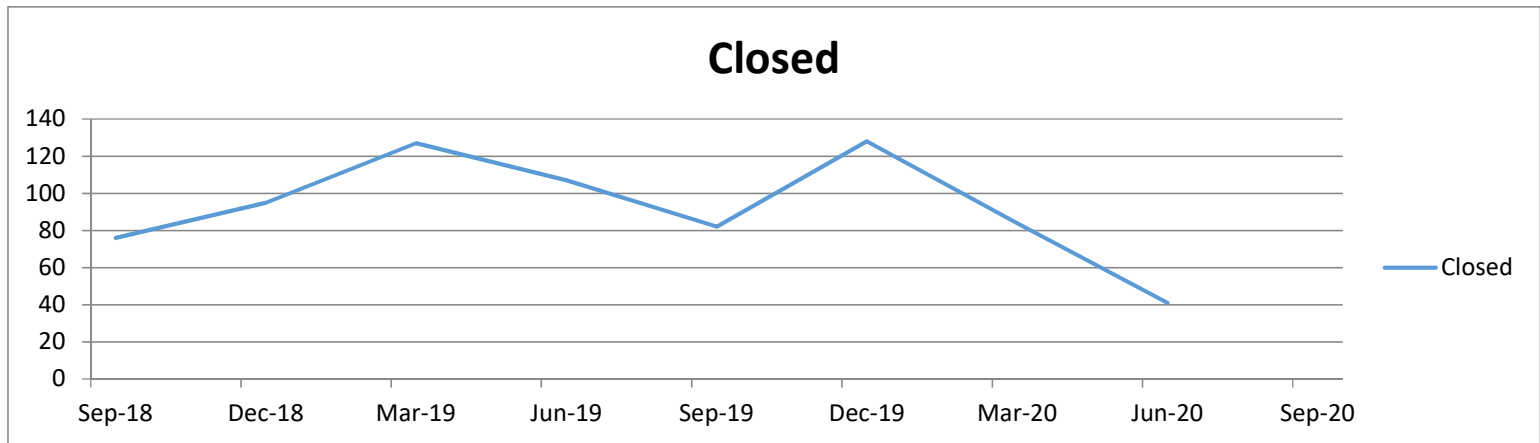
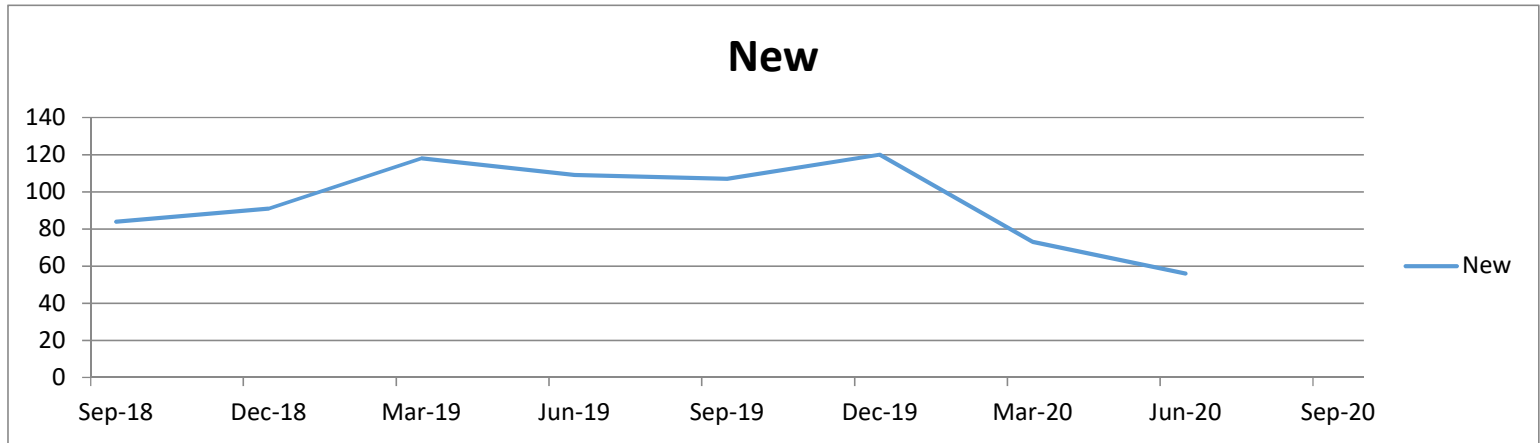
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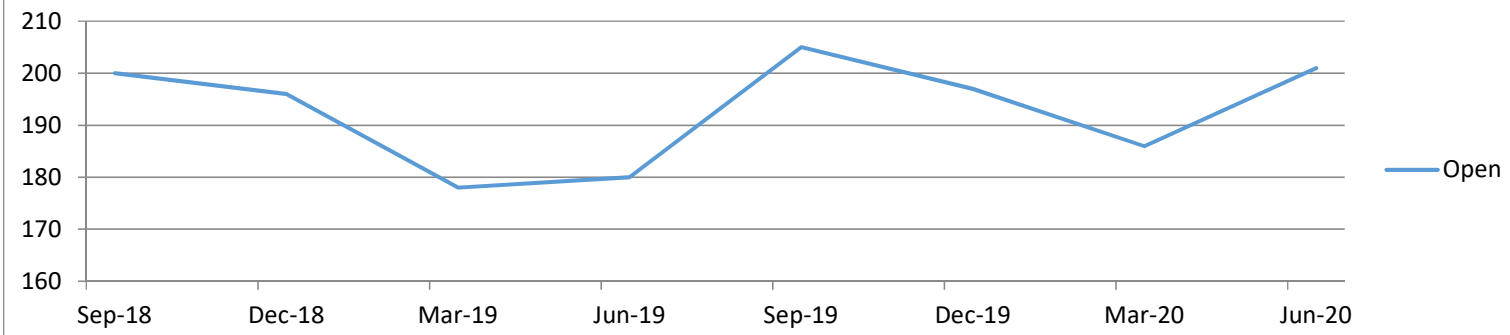
Details	2019/2020				2020/2021			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Total Initial Site Vists carried out in the Quarter	113	97	94	83	25			
New enforcement cases registered (in quarter)	109	107	120	73	56			
Enforcement cases closed (in quarter)	107	82	128	84	41			
Committee authorisations sought	1	0	0	0	0			
Total Outstanding cases at end of Quarter	180	205	197	186	201			
Enforcement Notices Served					Enforcement Notices Served			
<i>Planning contravention notices served (PCN)</i>	4	4	2	1	1			
<i>Breach of condition notices served</i>	0	0	0	0	0			
<i>Section 215 (untidy land)</i>	0	0	0	0	0			
<i>NOT330</i>	0	0	0	0	0			
<i>REPNOT</i>	0	0	0	0	0			
<i>ENFCOU</i>	1	0	0	0	0			
<i>ENFDEV</i>	1	0	0	0	0			
<i>TEMSTO</i>		0	0	0	0			
<b>Total Notices Served</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>			

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	Q2	Q3	Q4		Q1	Q2	Q3	Q4	Q1	Q2
Q End	Sep-18	Dec-18	Mar-19		Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20
New	84	91	118		109	107	120	73	56	
Closed	76	95	127		107	82	128	84	41	
Open	200	196	178		180	205	197	186	201	



## Open



### Appendix 3 Enforcement benchmarking information

Council	Number of complaints 19/20 quarters 1,2,3,4 20/21 quarter 1					Local performance indicators used	Local Enforcement Plan in place	Information on enforcement cases (case specific)
	Q1	Q2	Q3	Q4	Q1			
Cornwall	646	526	411	390	364	Target no of cases on hand <900 Target to resolve cases within 60 days of complaint Target close case within 56 days of resolution date	Y	Website- no Quarterly report for Members and Parishes on enforcement statistics, not individual cases Confidential updates to Ward Members on cases
Dartmoor NP Authority	49	38	38	40	30	No details provided	Y	Website- no Member or Parish update reports –no (Following legal advice)
East Devon				725 (for year)	758 (for year)	Ack complaint receipt 5 working days High priority- immediate investigation Medium priority- inform complainant of progress 15 working days Low priority- inform complainant of progress 25 working days	Y	Website- enforcement appeal decisions only Member or Parish update reports –no
Mendip	34	85	50	56	90	No details provided	Y	Quarterly report to Planning Committee on enforcement statistics, not individual cases Member or Parish update reports –no
North Somerset				606 (for year)	407 (for year to date)	Ack complaint receipt 5 working days High priority – Site visit within 1 working day Medium priority – Site visit within 10 working days Low priority – site visit within 20 working days	Y	Quarterly reports to Planning Committee on enforcement statistics, not individual cases Bi monthly list of ‘live’ enforcement cases sent to individual Parish Councils and ward councillors

						80% of cases closed within 26 weeks of the registration date Monitor time taken over investigation and by type		
Plymouth	113	120	87	77	233	Ack complaint receipt 5 working days High Priority– site visit carried out within 5 working days Medium Priority – site visit carried out within 15 working days Low Priority – site visit carried out within 25 working days. Target set for income via discretionary fee to issue ‘no further action’ letter (£100 fee each)	Y	Quarterly reports to Planning Committee on enforcement statistics and cases
Somerset West & Taunton				323 (for year)	189 (for year to date)	No details provided	Y	Reports of enforcement cases are made available to Parish Councils Members are consulted on all enforcement cases and updated
Teignbridge	120 approx	120 approx	120 approx	120 approx	120 approx	Ack complaint receipt 5 working days High Priority– immediate investigation Medium priority- inform complainant of progress 15 working days Low priority- inform complainant of progress 25 working days Number of cases opened and closed by month Reason for case closure tracked	Y	Website- no Committee - no Parish update reports –no Monthly confidential closed cases report to Members

## SCRUTINY COMMITTEE 14 SEPTEMBER 2020

### COST OF CONSULTATIONS

**Cabinet Member(s):** Cllr R Chesterton – Cabinet Member for Planning and Economic Regeneration  
Cllr R B Evans – Cabinet Member for Housing and Property Services

**Responsible Officer:** Jenny Clifford, Head of Planning and Regeneration  
Claire Fry, Housing Services Manager

**Reason for Report:** To provide the Scrutiny Committee with information, as requested, on public consultations over the last two years.

**Recommendation:** That the Scrutiny Committee **NOTE** the report.

**Financial Implications:** None.

**Legal Implications:** None.

**Risk Assessment:** None.

**Equality Impact Assessment:** None.

**Relationship to Corporate Plan:** None.

**Impact on Climate Change:** None.

#### 1.0 Introduction/Background

1.1 At the Scrutiny Committee on 1<sup>st</sup> June 2020, Cllr C Daw asked for information on the number and cost of public consultations over the last two years. This report gives details of various consultations held by the Council, and whether they were statutory or non-statutory consultations.

1.2 Information has been collated from a number of Departments for this report. Where relevant, costs have been included. A number of consultations, however, did not involve any financial costs and therefore the cost was officer time only.

**Contact for more Information:** Clare Robathan, Scrutiny Officer.

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# **PUBLIC CONSULTATIONS OVER THE PAST TWO YEARS - PLANNING, GROWTH, ECONOMY AND DELIVERY**

Date	Consultation	Statutory/ Non Statutory	Purpose	Approx cost	Notes
<b>FORWARD PLANNING</b>					
July-August 2019 (3 weeks)	Draft Housing Land Supply update and Sustainability Appraisal implications report	Statutory	Requirement of plan making process	£0	Consultation via email to examination participants only. Does not include staff time
Jan - Feb 2020 (6 weeks)	Local Plan Main Modifications with Sustainability Appraisal Addendum, Habitat Regulations Assessment Addendum, Equalities Impact Assessment Addendum, Schedule of Proposed Modifications	Statutory	Statutory requirement of part of this stage of plan making	£826.67	Est. Covers postage and letters. Does not include staff time
May - July 2020 (8 weeks)	Design Guide Supplementary Planning Guidance	Statutory	Requirement of SPD process	£827.75	Postage and letters. Staff time in addition
<b>GROWTH, ECONOMY AND DELIVERY</b>					
April - June 2018 (6 weeks)	Stage 1 Tiverton Town Centre Masterplan supplementary planning document	Statutory	Requirement of SPD process	£6,500	Consultants, printing, postage, venues etc. Includes staff time
April - June 2018 (6 weeks)	Pannier Market redevelopment potential	Non Statutory	Accompanied stage 1 masterplan consultation	£0	Combined consultation with Tiverton town centre masterplan above. Cost above includes both
Sept - Oct 2018 (6 weeks)	Cullompton relief road route options	Non Statutory	To inform the selection of the route option	£14,000	Est. Run in conjunction with DCC. Includes est of staff time

Date	Consultation	Statutory/ Non Statutory	Purpose	Approx cost	Notes
Jan - March 2019 (6 weeks)	East Cullompton Masterplan supplementary planning document	Statutory	Requirement of SPD process	£11,500	Includes staff time. Combined consultation with Garden Village framework plan below. £11,500 covers both documents
Jan - March 2019 (6 weeks)	Culm Garden Village Vision and Concept Document	Non Statutory	To consult on the approach to the garden village	£0	No separate cost. Combined consultation with East Cullompton masterplan above. £11,500 covered both documents
Feb - April 2020 (6 weeks)	Stage 1 Cullompton Town Centre Masterplan supplementary planning document	Statutory	Requirement of SPD process	£13,000	Consultants, printing, postage, venues. Includes staff time
Feb - April 2020 (8 weeks)	Stage 2 Tiverton Eastern Urban Extension Area B masterplan supplementary planning document	Statutory	Requirement of SPD process	£12,000	Consultants, printing, postage, venues. Includes staff time
<b>DEVELOPMENT MANAGEMENT</b>					
	Running the application consultation process. Includes public consultation on approximately 1101 number of planning applications and applications for listed building consent involving newspaper notice and site notice/ neighbour notification. Estimated number of neighbour notification emails/letters over this period 8729.	Statutory	Statutory requirement/ in accordance with the Statement of Community Involvement	£164,124	Est cost of running the consultation process including staff time
	Public consultation on approximately 2 number of environmental statements in connection with planning applications	Statutory	Statutory requirement	£300	est

<b>Type of consultation</b>	<b>Date of consultation</b>	<b>Consultation with who?</b>	<b>Reason for consultation</b>	<b>Any costs involved</b>	<b>Outcome of consultation</b>
Neighbourhood Management Policy	September 2018	Tenants Homes PDG Cabinet	Policy review	Officer time	Policy review agreed
Pets & Animals Policy	October 20219	Tenants Homes PDG Cabinet	Policy review	Officer time	Policy review agreed
Hoarding Policy	October 20219	Tenants Homes PDG Cabinet	Policy review	Officer time	Policy review agreed
Harassment Policy	October 20219	Tenants Homes PDG Cabinet	Policy review	Officer time	Policy review agreed
Homeless Strategy	December 2019	Tenants Homes PDG Cabinet	Policy review	Officer time	Policy review agreed
Income Management Policy	January 2020	Tenants Homes PDG Cabinet	Policy review	Officer time	Policy review agreed
Garage Management Policy	March 2020	Tenants on Facebook Homes PDG Cabinet	Policy review	Officer time	Policy review agreed
Car Parking management Policy	March 2020	Tenants on Facebook Homes PDG Cabinet	Policy review	Officer time	Policy review agreed

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## Mid Devon District Council Scrutiny Proposal Form

This form should be completed by Member(s), Officers or members of the public when proposing an item for Scrutiny.

**Note: The Scrutiny Committee reserves the right to reject suggestions for scrutiny that fall outside the District Council's remit.**

Proposer's name and title	Cllr Barry Warren	Date of referral	10 August 2020
Proposed topic title and brief description of the issue	Quality and quantity of Council reports: To review the quality of reports, the number of reports being prepared for Committees and the recommended actions.		
Link to national, regional and local priorities(Corporate Plan) and targets	This links to the 'Values and Priorities' section of the Corporate Plan. Notably around the performance of the Council, and in the outcomes that are generated.		
Background to the issue	<p>Some members have expressed concern at the number of reports prepared for Committees and PDGs, notably that reports are duplicated amongst a number of Committees.</p> <p>Some reports go before Cabinet (and actions agreed) before going to Committees/Groups.</p> <p>Additionally, the quality of content, duplication and typos/errors within some reports has been a concern.</p> <p>A number of reports discussed by the Committee are 'to note'. Consideration should be given as to whether this information could be disseminated in another way without taking Committee time.</p>		
<p>Please address as many of the following shortlisting considerations as possible:</p> <p>Why is this issue of concern to merit review?</p> <p>What is the impact on the community/area/Council?</p> <p>Are there performance or risk concerns?</p> <p>What is the urgency?</p> <p>Is there any supporting evidence to justify the</p>	<p>A number of reports have come to the Committee over the last 12 months that have had to be re-written in order for the Committee to take an informed decision.</p> <p>Committee, Member and Officer time has been taken up ensuring reports are up to standard.</p> <p>This review would help improve the quality of the Council reports by ensuring they are concise and focussed on key areas whilst providing significant information to allow decisions to be made.</p> <p>The review would seek to achieve:-</p> <p>a) Shorter, clearer and more informative reports;</p> <p>b) An emphasis on costs and the implications of a course of action – financial, social and political - and clear timetables for taking the policy or operation forward;</p> <p>c) Better informed leaders;</p>		

<p>issue?</p> <p>What would be the outcome of this work?</p>	<p>d) Less work for drafting officers; e) Better briefing and information outside the reports process.</p> <p>A review could consider/recommend:</p> <ul style="list-style-type: none"> <li>• Leadership Team to review how to improve quality of reports;</li> <li>• Improved training on 'how to write reports and briefings' for Officers;</li> <li>• A style guide for reports and briefings, including the information required and how to ensure the balance of conciseness with an informed reader.</li> <li>• A review of the current report template;</li> <li>• Clarity on the role of Cabinet Member's in report finalisation;</li> <li>• Any reports 'to note' must clearly set out key discussion points and highlight issues for further consideration. Alternatively, a written briefing could be provided to Members rather than discussion at Committee.</li> </ul>
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### For Members of the Scrutiny Committee

Is there sufficient information available to take a decision, or is there a need for further research investigation?	
Will a review of the issue add value?	
Is this a matter for the Scrutiny Committee or another Committee/PDG?	
Decision taken: should this be added to the Work Programme, if so when should work start?	

## SCRUTINY COMMITTEE

### **Suggested Task and Finish Group on the Quality & Quantity of Council Reports.**

#### **1. Information.**

1.1 Some members are expressing concern at the number of reports being prepared for committees and policy development groups. They are also concerned at the way the same report is duplicated amongst the committees and groups leading to some councillors, dependent on their committee/group membership, reading the same report as many as three to four times.

1.2 The quality of content, duplication and typos/errors within some reports are of concern particularly when they are available to the public.

1.3 Most reports have a recommendation as to action. Where the recommendation in the report is to note the report it is felt that this information could be disseminated in another way without taking committee time.

#### **2. Intention.**

2.1 To improve the quality of the Council reports by making them shorter, clearer, jargon-free and more focussed on key areas whilst ensuring significant information is provided to allow decisions to be made.

2.2 The resulting objective will seek to achieve:-

- a) Shorter, clearer and more informative reports;
- b) More emphasis on costs and the implications of a course of action – financial, social and political - and clear timetables for taking the policy or operation forward;
- c) Better informed readers;
- d) Less work for drafting officers;
- e) Better briefing and information outside the reports process.

#### **3. Method.**

3.1 Scrutiny Committee to set up a **Task & Finish Group** from members of Committee with some additional Councillors not on Scrutiny Committee. Potentially 5 members plus two Portfolio Holders. There would be a Lead Officer and a Support Officer [Scrutiny Officer?].

3.2 Potential witness would be approached as follows:-

- a) Council Members;
- b) Senior officers and their staff who prepare reports;
- c) Local press;
- d) Community groups;
- e) Parish Councils;

3.3 Suggested Key Questions could be taken from the following:-

- ☐ What do readers want from reports?
- ☐ What are officers' experiences of the report writing process?

- ☐ What can be learnt from other councils' reports?
- ☐ What should be removed?
- ☐ What is missing?
- ☐ What should the style be?
- ☐ How should officers be supported to write effective reports?
- ☐ How do reports fit into the current briefing process for members and the public?
- ☐ Does the existing reports process enable robust decision making?

3.4 Consideration of preparation and use of report 'templates' to reflect agreed policy/procedure.

#### **4. Administrative Considerations.**

4.1 The Scrutiny Officer to provide research and support. To provide information on:

- members' views on the quality and effectiveness of reports;
- officers' views on the process of producing reports;
- Example reports from MDDC;
- Example reports from other authorities;
- MDDC report writing template and guidance.

4.2 Collection of information, circulation and collection of questionnaires can be achieved by email, or where necessary, post.

4.3 Shorter reports would reduce the volume of paper produced significantly, thereby reducing the carbon footprint and costs.

4.4 Remote meetings could be used to save travel time and cost.

#### **5. Timescale.**

5.1 Most of the work can be carried out as indicated at 4.2 above thereby reducing the need for meetings. Two or three meeting should be sufficient to achieve a resultant report for action.

5.2 All questionnaires and other consultations or actions should have a clear timescale attached to them.

Barry GJ Warren  
Independent Councillor  
Lower Culm Ward  
Member of Scrutiny Committee  
10 August 2020



# MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

September 2020

The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Climate Strategy and Action Plan</b> To receive the 4 yearly review of the Climate Strategy and Action Plan from the Group Manager for Corporate Property and Commercial Assets.	Environment Policy Development Group  Cabinet	8 Sep 2020  1 Oct 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Climate Change (Councillor Elizabeth Wainwright)	Open
<b>Private Sector Fees and Charges</b> To consider a revised policy.	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Leasehold Management Policy</b> To receive a report reviewing the Leasehold Management Policy.	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Report on DCC responsibility for HRA grass verges</b> To receive a report on grass cutting currently carried out by the Housing Team which is the responsibility of DCC and to make a decision on whether this practice should continue.	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Tenancy Changes Policy</b> To receive a report reviewing the Tenancy Changes Policy.	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Allocations Policy</b> To receive a report from the Group Manager for Housing Services reviewing the Allocations Policy.	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Tenancy Inspection Policy</b> To receive a report reviewing the Tenancy Inspection Policy	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Aids and Adaptations Policy</b> To receive a report reviewing the Aids and Adaptations Policy.	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>ASB Policy and Procedures</b> To receive a report reviewing the Housing Services' Anti-Social Behaviour Policy and Procedures.	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Introductory Tenancies Policy</b> To receive a report reviewing the Introductory Tenancies Policy	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Service Standards Review</b> To receive a report reviewing Service Standards in the Housing Service.	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Severe Weather Emergency Protocol and Extended Winter Provision Protocol</b> To receive a report reviewing	Homes Policy Development Group  Cabinet	15 Sep 2020  1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
the Severe Weather Emergency Protocol and Extended Winter Provision Protocol.					
<b>Grant payments to external organisations (the strategic grants review process)</b> To receive the 4 yearly review of Grant Payments to external organisations from the Group Manager for Growth, Economy & Delivery	Community Policy Development Group  Cabinet	22 Sep 2020  1 Oct 2020	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Use of CCTV Policy and Guidance</b> To receive and approve the Use of CCTV Policy and Guidance	Community Policy Development Group  Cabinet  Council	22 Sep 2020  1 Oct 2020  28 Oct 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>SPV Options Report</b> To consider options for the Special Purpose Vehicle	Cabinet	Not before 26th Sep 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Leader of the Council (Councillor Bob Deed)	Part exempt

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<b>Revised Budget</b> To consider a revised budget	Cabinet  Council	1 Oct 2020  28 Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Public Spaces Protection Order</b> To consider the outcome of the public consultation and any recommendations.	Cabinet	1 Oct 2020	Darren Beer, Operations Manager	Cabinet Member for the Environment (Councillor Luke Taylor)	Open
<b>Design Supplementary Planning Document - post consultation</b> To consider the Supplementary Planning Document post consultation	Cabinet	1 Oct 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
<b>Beech Road, Tiverton - Design and Build Tender</b> To consider the award of the tender	Cabinet	1 Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Part exempt
<b>Reform of the Planning system</b> To consider the Government's proposed	Cabinet	1 Oct 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel:	Cabinet Member for Planning and Economic Regeneration	Open

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changes to the Planning system and formulate a consultation response			01884 234346	(Councillor Graeme Barnell)	
<b>Cullompton Railway Station</b> To provide a project update and next steps	Cabinet	1 Oct 2020	Adrian Welsh, Group Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
<b>Appointment of consultants in respect of a draft masterplan SPD for the East Cullompton allocation and a draft framework masterplan for Culm Garden Village</b> To consider a report with regard to the appointment of consultants for the East Cullompton allocation and a draft framework masterplan for the Culm Garden Village.	Cabinet	1 Oct 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
<b>Options for Accelerating Affordable Housing Delivery in the District</b>	Scrutiny Committee	12 Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151)	Cabinet Member for Housing and Property Services	Open

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To consider additional governance arrangements for housing delivery	Cabinet	29 Oct 2020	Tel: 01884 234242	(Councillor Simon Clist)	
<b>Operations Directive Enforcement Policy</b> A joint meeting of the Community, Environment and Homes PDG's to receive a review of the Operations Directive Enforcement Policy from the Group Manager for Public Health and Regulatory Services.	Community Policy Development Group  Cabinet	20 Oct 2020  29 Oct 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615		Open
<b>Land at Post Hill, to consider development options</b> To consider the options for the land at Post Hill Tiverton.	Cabinet	29 Oct 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Part exempt
<b>Economic Development Strategy</b> To consider a revised strategies	Economy Policy Development Group  Cabinet	5 Nov 2020  3 Dec 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open

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<b>Housing Revenue Account Asset Management Strategy</b> To receive a report providing a review of the Housing Revenue Account Asset Management Strategy.	Homes Policy Development Group  Cabinet	10 Nov 2020  3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Community Led Affordable Housing Grant Policy</b> To consider a report with regard to a new policy.	Homes Policy Development Group  Cabinet  Council	10 Nov 2020  3 Dec 2020  6 Jan 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Tenancy Policy review and Tenancy Strategy</b> To receive a report reviewing the Tenancy Policy and Tenancy Strategy.	Homes Policy Development Group  Cabinet	10 Nov 2020  3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Domestic Abuse Policy</b> To receive a report reviewing the Domestic Abuse Policy	Homes Policy Development Group  Cabinet	10 Nov 2020  3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

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<b>Single Equalities Policy and Equality Objectives</b> To receive the Annual review of the Single Equalities Policy and Equality Objective	Community Policy Development Group  Cabinet	17 Nov 2020  3 Dec 2020	Catherine Yandle, Group Manager for Performance, Governance and Data Security Tel: 01884 234975	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Community Safety Partnership Plan</b> To receive the 2 yearly review of the Community Safety Partnership Plan	Community Policy Development Group  Cabinet	17 Nov 2020  3 Dec 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Community Engagement Strategy (Including Action Plan)</b> To receive the 2 yearly review of the Community Engagement Strategy and Action Plan	Community Policy Development Group  Cabinet	17 Nov 2020  3 Dec 2020	Lisa Lewis, Group Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Tiverton Town Centre Masterplan</b> To consider a draft masterplan for public consultation	Cabinet	3 Dec 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open

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<b>Bereavement Services Fees &amp; Charges</b> To receive the annual review of Bereavement Services Fees & Charges from the Group Manager for Corporate Property and Commercial Assets	Environment Policy Development Group  Cabinet	12 Jan 2021  4 Feb 2021	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for the Environment (Councillor Luke Taylor)	Open
<b>Housing Enabling SPD (S106 - Housing Need Allocation - Exception Sites)</b> To receive a report reviewing the Housing Enabling SPD document	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Housing Strategy</b> To receive a report reviewing the Housing Strategy	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Decant Policy</b> To receive a report reviewing the Decant Policy.	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

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<b>HRA Medium Term Financial Plan</b> To consider a MTFP for the HRA.	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	J P McLachlan, Principal Accountant	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Corporate Health and Safety Policy</b> To receive the annual review of the Corporate Health & Safety Policy from the Director of Corporate Affairs and Business Transformation	Community Policy Development Group  Cabinet	26 Jan 2021  4 Mar 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Corporate Anti Social Behaviour Policy</b> To receive the 3 yearly review of the Corporate Anti Social Behaviour Policy	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Town and Parish Charter</b> To receive the 3 yearly review of the Town and Parish Charter	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

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<b>Budget</b> To receive proposals for the General Fund and Housing Revenue Account for 2021/22	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Capital Programme</b> To seek approval of the 2021/22 Capital Programme and to note the draft 2022/23, 2023/24 and 2024/25 programmes	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Capital Strategy</b> To request agreement of the proposed Capital Strategy for 2021/22.	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Treasury Management Strategy and Annual Investment Strategy</b> To seek agreement of the proposed Treasury Management Strategy and Annual Investment Strategy for 2021/22.	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open

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<b>Policy Framework</b> To consider the Policy Framework	Cabinet Council	4 Feb 2021 24 Feb 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open
<b>The Establishment</b> Report of the Group Manager for Human Resources informing Members of the overall structure of the Council showing the management and deployment of officers.	Cabinet Council	4 Feb 2021 24 Feb 2021	Matthew Page, Group Manager for Human Resources	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Pay Policy</b> To consider a report relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers.	Cabinet Council	4 Feb 2021 24 Feb 2021	Matthew Page, Group Manager for Human Resources	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Debt Collection Policy (recommendation from the Audit Committee to the Cabinet)</b>	Audit Committee Cabinet	23 Mar 2021 8 Apr 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
<b>Vulnerability Policy</b> To receive a report reviewing	Homes Policy Development		Jill May, Director of Corporate Affairs	Cabinet Member for Housing and	Open

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the Vulnerability Policy	Group Cabinet	16 Mar 2021 8 Apr 2021	and Business Transformation Tel: 01884 234381	Property Services (Councillor Simon Clist)	
<b>Telecare Policy</b> To receive a report reviewing the Telecare Policy	Homes Policy Development Group Cabinet	16 Mar 2021 8 Apr 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
<b>Tree Policy</b> yearly review	Environment Policy Development Group Cabinet	9 Mar 2021 8 Apr 2021	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open