

## 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 Graeme Barnell	Date of referral	Sept 2020
Proposed topic title and brief description of the issue	Review of planning enforcement in the Council: to review the operation and utilisation of planning conditions and enforcement powers, and to identify issues to inform service improvement.		
Link to national, regional and local priorities(Corporate Plan) and targets	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.		
Background to the issue	<p>There is some concern among MDDC Members and Members of Parish and Town Councils at a perceived lack of enforcement action by the MDDC Planning Department. This is particularly in respect of breaches of planning control and failure to comply with planning conditions.</p> <p>There is a perception that the planning enforcement service is under resourced and is, sometimes, risk averse to taking formal enforcement action when this might seem necessary to members of the public.</p> <p>There is also a perception that planning conditions are poorly drafted leading to concerns over their enforceability, coupled with applicants not always being aware, formally, of the conditions that require compliance, nor requirement that they be discharged.</p> <p>These issues could present a reputational challenge for MDDC.</p> <p>The planning enforcement team at Mid Devon comprises 2 full time officers who each cover an area of the district, together with administration support.</p> <p>The team is managed by an Area Team Leader (latter post currently vacant). At the time of writing (14 September 2020) 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.</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 issue?</p> <p>What would be the outcome of this work?</p>	<p>The working group should consider the operation and management of planning conditions and enforcement. This should include a better understanding of:</p> <ol style="list-style-type: none"> <li>1. Enforcement Team workloads and how these are managed.</li> <li>2. The performance metrics and targets required to assess service delivery.</li> <li>3. What are positive outcomes for planning enforcement and how these might be achieved.</li> <li>4. How legal support services might best be configured to support effective enforcement.</li> <li>5. The role of Parish and Town Councils in supporting planning enforcement.</li> <li>6. The role of Planning Committee in encouraging and supporting positive enforcement action.</li> <li>7. The use of the MDDC Local Enforcement Plan in ensuring effective delivery of enforcement services</li> </ol> <p>The Committee asks that the working group brings forward recommendations for improvements in the configuration and operation of planning enforcement within MDDC.</p> <p>Given the adoption of the Local Plan the Local Enforcement Plan is now due to be refreshed – it may therefore be a timely opportunity to consider this issue.</p> <p>Outcomes could include:</p> <ul style="list-style-type: none"> <li>• Utilisation of Planning Enforcement Officers in the best way to investigate existing enforcement issues and find a resolution;</li> <li>• Annual reporting on planning enforcement to the Scrutiny Committee (alongside the Planning Committee);</li> <li>• Specific recommendations to inform service improvement.</li> <li>• Bi monthly reporting to the Planning Committee of numbers of Enforcement notices, Planning Contravention notices issued and numbers of Enforcement appeals. This is done at South Cambridgeshire District Council. For example: - please see the links: the <a href="#">first</a> provides the number of cases received and the cases closed, and the <a href="#">second</a> shows the number and type of notices that are served.</li> </ul>
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### For Scrutiny Committee Members

<p>Is there sufficient information available to take a decision, or is there a need for further research investigation?</p>	
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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?	