

Scoping Document for Scrutiny Working Groups

<u>Review Title</u>	Planning Enforcement Working Group
<u>Working Group Members</u>	Cllr G Barnell; Cllr W Burke; Cllr L Cruwys; Cllr R Stanley; Cllr B Warren.
<u>Working Group Chairman</u>	
<u>Officer Support</u>	Eileen Paterson, DM Group Manager Jenny Clifford, Head of Planning and Regeneration Carole Oliphant, Member Services Clare Robathan, Scrutiny Officer
<u>Rationale:</u> Why is the review important? For example: <ul style="list-style-type: none"> • Identified by Members as a key issue for the public? • Poor performing service? • Service considered important by the community? • Public interest covered in local media? 	<p>Members are concerned about a 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. Members have been contacted by residents on numerous occasions with regards to planning enforcement issues in their Wards.</p> <p>There is concern that the planning enforcement service is under resourced and is, sometimes, risk averse to taking formal enforcement action.</p> <p>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.</p>
<u>Review aims, objectives</u> What does the review hope to achieve? Identify what will be included and what is achievable. For example: <ul style="list-style-type: none"> • Identify what is being done and what the potential barriers are • Explore existing initiatives and determine if they are appropriately joined up • Review performance indicators • Compare our policies with those of a neighbouring authority • Assess the environmental /social impacts 	<p>The Working Group aims to review the operation and utilisation of planning conditions and enforcement powers, and to identify issues to inform service improvement. This will include an understanding and review of:</p> <ul style="list-style-type: none"> • Enforcement team workloads - what is causing the high level of workloads and how are these are managed/prioritised. • The performance metrics and targets required to assess service delivery. • What are positive outcomes for planning enforcement and how these might be achieved. • Planning conditions - how they are set, how they are followed up and how to ensure compliance. • Legal services role and how they might best support effective enforcement. • Promotion of the system so that people are

	<p>deterred from breaching planning controls.</p> <ul style="list-style-type: none"> • The role of Parish and Town Councils in supporting planning enforcement. • The role of Planning Committee in encouraging and supporting positive enforcement action • The use of the MDDC Local Enforcement Plan in ensuring effective delivery of enforcement services. <p>The review will also consider any other issues identified during course of work.</p> <p>The review will aim to ensure:</p> <ul style="list-style-type: none"> • Demonstrable improvements in planning enforcement response times and outcomes; • Clear deadlines for compliance and enforcement action; • Outcome and output based performance indicators (<u>not</u> process indicators); and • Improved public perceptions of the service.
<p><u>Desired Outcomes</u></p>	<p>Appropriately resourced and effective planning enforcement in the District. Officers will be efficient at dealing with breaches of planning control and the public will have confidence in the planning system.</p>
<p><u>Methodology / Approach</u></p> <p>What type of enquiry will be used to gather evidence? For example:</p> <ul style="list-style-type: none"> • Desk based review of papers • Site visits / observations • Comparisons with other authorities • Process mapping • Public meetings • Interviewing officers • Calling witnesses/experts to give evidence 	<ul style="list-style-type: none"> • To ensure understanding of the context in which planning enforcement takes place. • Review of cases – the Group will review a handful of cases covering a range of issues, including: planning conditions; certificates of lawful use; TPOs. In order to see the journey from start to finish these will largely be historic cases, although some live cases may be reviewed if they are not in Members wards. A summary of cases will be presented at the first meeting for discussion with officers. • An all Member email will be sent to ascertain if Members have examples of (preferably completed) planning enforcement issues where there is concern that it has not been dealt with effectively, or, additionally examples of where it has been resolved in a timely manner. • Discussions with officers including: <ul style="list-style-type: none"> ○ Enforcement officers, including a review of workloads and resourcing and an understanding how many alleged breaches are taken forward; ○ Legal services – to understand barriers to prosecution and legal services role in the process;

	<ul style="list-style-type: none"> ○ Line manager(s) ○ Elected members ○ Parish Councillors <ul style="list-style-type: none"> ● Review of statute, and internal process and procedures including compliance and enforcement deadlines. ● Consideration of the policy on delegated decision making on planning enforcement, and understanding of which cases cannot be resolved by delegated decision. ● Review of best practice to understand if there are any lessons to be learnt from others. ● Benchmarking of information available on planning enforcement. ● Consideration of how to feed into the review of the Local Enforcement Plan.
<p><u>Witness / Experts</u></p> <p>An important part of the scoping process includes deciding what people should be asked for interview.</p> <ul style="list-style-type: none"> ● Executive Members and officers are required by the Constitution to attend to explain decisions. ● Other people may be invited to discuss issues of local concern and / or answer questions but are not required to attend. It may be more beneficial to visit people for an informal chat. 	<p>Members will hold discussions with a number of officers, as above.</p>
<p><u>Timescales</u></p> <p>What will be done and by when. For example:</p> <ul style="list-style-type: none"> ● Start date ● Meeting frequency ● Draft report deadline ● Projected completion date 	<p>Start Date:- January 2021 Meeting Frequency:- Every three weeks Draft Report by:- End May 2021 Completion:- Report to Scrutiny July 2021</p> <p>Ideally meetings will be held at 10am on a Thursday.</p>
<p><u>Target Body for Findings / Recommendations</u></p>	<p>Scrutiny Committee and then Cabinet.</p>

Proposed Work Plan

First meeting mid-January

Review of cases – the Group will review a handful of cases covering a range of issues, including: planning conditions; certificates of lawful use; TPOs. In order to see the journey from start to finish these will largely be historic cases, although some live cases may be reviewed if they are not in Members wards.

A summary of cases will be presented at the first meeting for discussion with officers. (Cllr Warren will liaise with Eileen Paterson and Clare Robathan to agree selection criteria and numbers required).

Second meeting

Discussion with enforcement officers to include: a review of workloads and resourcing; an understanding how many alleged breaches are taken forward (compared to how many are reported); an understanding of internal processes and procedures; an understanding of what recommendations would help officers in doing their job better.

Third meeting

Discussion with legal services, to include: a review of the number of cases taken to prosecution; legal services role; to understand barriers to prosecution.

Other meetings

- Discussions with other officers, Members and Parish Councillors as needed;
- Review of best practice to understand if there are any lessons to be learnt from others.
- Review of resources;
- Consideration of the policy on delegated decision making on planning enforcement, and understanding of which cases cannot be resolved by delegated decision.
- Consideration of how to feed into the review of the Local Enforcement Plan.