

Report

Body:	Scrutiny
Date:	9 February 2009
Subject:	Planning Enforcement
Report Of:	Councillors Alex Hough and Barbara Goodall
Ward(s)	All
Purpose	To advise the Scrutiny Committee on the outcome of the review into planning enforcement procedures within the Council.
Recommendation:	Members are requested to note the content of the report
Contact:	Katie Armstrong, Scrutiny Co-Ordinator, Telephone 01323 415023 or internally on extension 5023. E-mail address – katie.armstrong@eastbourne.gov.uk

1.0 Background

- 1.1 The Planning system operates to regulate the development and use of land in the public interest. The effective and proper enforcement of planning controls is essential to protect the environment and interests of residents, visitors and businesses of the borough from the harmful effects of unauthorised development.
- 1.2 The Council's Planning Enforcement Policy statement sets out the policy for enforcement of planning control within the Borough.
- 1.3 The Policy further outlines the vision and general approach to enforcement, types and incidences of enforcement problems, investigation of suspected breaches and the powers available to local authorities. A copy of this document can be found at;
<http://www.eastbourne.gov.uk/environment/planning/enforcement/?locale=en>

2.0 The Scrutiny Review

- 2.1 At their meeting on 7 July 2008 the Committee agreed to include a review of planning enforcement in Eastbourne.
- 2.2 Councillor Alex Hough and Councillor Barbara Goodall (the review group) were nominated to undertake the review and to report to Scrutiny Committee on the 9 February 2009.

2.3 The review undertaken has been carried out in accordance with the report adopted by Scrutiny Committee on the 9 July 2003 entitled "Effective Scrutinising".

3.0 Scope of the Review

3.1 At their first meeting on 16 September 2008 the review group discussed the scope for the review, which in general terms was to provide further information regarding current policy and practice and consider ways of informing members of the outcomes of enforcement action taken.

3.2 Councillors Goodall and Hough felt that they needed a better understanding of the planning enforcement process and in particular some feedback on outstanding enforcement cases and action taken against breaches in planning.

4.0 Consultation

4.1 The Review Group decided that the review would comprise of a number of interviews with the following:

- Jeff Collard, Planning Manager
- Lisa Rawlinson, Senior Planning Officer
- Susan Morris, Planning Enforcement Officer
- Daniel Stevens, Planning Enforcement Officer

4.2 Invitations were sent to the above and the interviews were held on 8 and 24 October 2008.

4.3 The Councillors asked for a further explanation of the general approach to the planning enforcement process. The observations of those who attended are detailed below.

4.3.1 Susan Morris, Planning Enforcement Officer

Mrs Morris gave a brief overview of the work carried out by the planning enforcement team. The review team were advised that Planning Officers monitor conditions as part of the consent granted, any breaches are referred to planning enforcement. It can take 10 – 12 weeks to issue an enforcement notice and it is often more effective to negotiate rather than prosecute in most cases.

4.3.2 Daniel Stevens, Planning Enforcement Officer

Mr Stevens advised that with every enforcement notice there is a right of appeal and this can often delay enforcement action being taken – again this reinforced the importance of negotiating the resolution of any breaches at the earliest opportunity.

4.3.3 Lisa Rawlinson, Senior Planning Officer

Miss Rawlinson was asked about the number of conditions attached to planning permissions and advised that there were some 4000 conditions attached over the

past three years. Members confirmed that they were only concerned with breaches resulting in enforcement action being taken. The review team discussed the methods of feeding this information back to the Planning Committee members, and it was agreed that an update could be provided at Committee; in the same format as the appeals decisions, when necessary. Miss Rawlinson also advised of the work of the Difficult Properties Group and the enforcement action taken on properties.

4.3.4 **Jeff Collard, Planning Manager**

The review team advised Mr Collard that they were only interested in the applications on which enforcement action had been requested / taken by the Planning Committee. Mr Collard advised that pre-application discussions were very important to avoid the need for enforcement action.

The review team suggested a regular press release highlighting the action that had been taken to show that the Council was taking a proactive approach to enforcement across the town.

Mr Collard advised that the Planning Enforcement Policy Statement was due for review in April 2009, and that the requests of the review team would be incorporated where possible.

5.0 Resource Implications

5.1 Financial

There are no financial implications arising from this Scrutiny Review.

5.2 Staffing

There are no staffing implications arising from the outcome of this review.

6.0 Environmental and Community Safety Implication

6.1 There are no implications from this review.

7.0 Conclusion

7.1 Following the interviews with the relevant officers the Members requested feedback regarding enforcement outcomes that had previously been to the Planning Committee. It was requested that the update be given in the same format as the appeals decisions.

7.2 Members also requested a regular press release highlighting the action that had been taken to show that the Council was taking a proactive approach to enforcement across the town. It was agreed that this would commence in April 2009.

7.3 Officers took the Members request on board and the first update on enforcement action was presented to Planning Committee on 2 December 2008.

7.4 Councillor Goodall and Hough agreed that the information presented at committee was exactly what they had intended when commencing the review,

and thanked the Planning officers for their quick response.
Katie Armstrong, Scrutiny Co-ordinator

Background Papers:

The Background Papers used in compiling this report were as follows:

Planning Enforcement Policy Statement.

To inspect or obtain copies of background papers please refer to the contact officer listed above.