

**BODY:** CABINET  
**DATE:** 31 March 2010  
**SUBJECT:** Planning Enforcement Policy  
**REPORT OF:** Senior Head of Development and Environment

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**Ward(s):** All

**Purpose:** To seek Members' approval to the updated Planning Enforcement Policy

**Contact:** Jefferson Collard, Senior Head of Development and Environment, 68 Grove Road, Eastbourne, Tel no: (01323) 415252,  
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**Recommendation:** Members are asked to adopt the revised Enforcement Policy as Council policy

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## **1.0 Background**

1.1 The current Planning Enforcement Policy Statement was adopted by the Council in April 2006. In the past three years there have been limited changes in legislation and in the Council's planning enforcement priorities but to reflect these, the Enforcement Policy requires updating and revising.

## **2.0 Revised Enforcement Policy Statement**

2.1 The proposed changes to the previously adopted enforcement policy have been left highlighted in the attached draft for ease and are minor revisions as follows:-

- References to relevant documents are updated
- Response times are revised marginally to ensure that action is focused on the more serious breaches and that complainants are given a realistic estimate of the time that will be required to investigate matters. This will assist in enabling the most effective and efficient use of resources.
- The revised policy statement gives clearer direction on the grounds on which enforcement action can be successfully pursued which will assist in generating a higher level of public confidence in the planning enforcement process

- It continues to:
  - promote the joined up enforcement approach, recognising that working closely with others from outside the planning service is essential to maximise outcomes
  - reflect and reinforce the more proactive work already being undertaken by the planning enforcement service and the priorities of the Council in taking positive action to improve the environment of the Borough and the amenities of its residents
  - present clear links between the enforcement service and the Sustainable Community Strategy and Council priorities in the Corporate Plan

The success of policies will be monitored and in accordance with the outcomes of a review by the Scrutiny Committee in February 2009 the Planning Committee will be provided with a quarterly report detailing the actions and outcomes relating to enforcement matters arising from decisions on applications determined or requested by the Planning Committee.

### **3.0 Consultations**

- 3.1 Internal consultation has been carried out with the relevant services involved in the wider enforcement processes.
- 3.2 The revised Enforcement Policy was considered and endorsed by the Planning Committee on 2 February 2010 subject to a minor change to Paragraph 4, which has been incorporated into the attached Policy document. In the interests of economy the Policy is not attached but copies have been sent to members of the Cabinet and lead Opposition members, placed in the Members Room, at the Town Hall Reception, and on the Councils website at <http://www.eastbourne.gov.uk/council/meetings/cabinet> Copies are also available on request.

### **4.0 Financial and Staffing Implications**

- 4.1 The Enforcement team was temporarily supplemented by an additional officer. That temporary contract has now ended and the Service has returned to one permanent full time officer. However this is adequate to successfully implement the enforcement policy.

### **5.0 Human Rights Implications**

- 5.1 When deciding to take enforcement action, including prosecution, the rights of individuals under the Human Rights Act 1998 will be carefully considered. Particular account will be taken of Article 6, the right to a fair trial and Article 8, the right to respect for private and

family life, home and correspondence.

## **6.0 Environmental Implications**

- 6.1 The implementation of the revised enforcement policy will have significant environmental benefits for the Borough.

## **7.0 Community Safety Implications**

- 7.1 The promotion of a culture of positive and proactive planning enforcement will assist in meeting the relevant objectives in the Corporate Plan.

## **8.0 Other Implications**

- 8.1 There are no youth, anti-poverty or equalities implications as a direct result of the revised enforcement policy.

## **9.0 Conclusion**

- 9.1 Since the Enforcement Policy was revised in 2006 it has been successfully implemented bringing about significant changes in the Council's approach to enforcement issues in general. Planning enforcement now enjoys a significantly higher profile than in the past. Public expectation is also higher and therefore a more robust policy document which more clearly identifies when and how speedily action can be undertaken is required to ensure that these expectations can be met.
- 9.2 It is therefore recommended that Members endorse the revised Enforcement Policy and resolve that it be adopted as Council policy.

**Jefferson Collard**  
**Senior Head of Development and Environment**

### **Background Papers:**

The Background Papers used in compiling this report were:

*Enforcement Policy 2006*  
*Minutes of Planning Committee dated 2 February 2010*

A copy of the draft policy document is available as indicated at paragraph 3.2 above.