

Report to: **Executive**

Date: **30 November 2023**

Title: **Planning Enforcement: Task and Finish Group Review**

Portfolio Area: *Planning and Enforcement – Cllr Dan Thomas*

Wards Affected: **all**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Upon the expiry of the call-in period.

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RECOMMENDATIONS:

That the Executive:

- 1. Thank the Task and Finish Group for their considerable and in-depth work reviewing and developing the new approach to planning enforcement; and**
- 2. Consider the recommendations set out by the Task and Finish Group in section 2.**
- 3. Delegates authority to the Assistant Director of Planning, in consultation with the Lead Member for Planning, to update the draft Enforcement Plan as set out in Appendix A to include relevant powers introduced by the Levelling-up and Regeneration Act 2023.**

1. Executive summary

- 1.1 At its meeting held on 21 September 2023, the Executive asked that the Overview & Scrutiny Committee consider: *'setting up a Task and Finish Group to further develop the new approach to planning enforcement and report back to the Executive accordingly.'*

- 1.2 A Task and Finish Group was set up and Councillor Samantha Dennis chaired the Group. The focus of the Planning Enforcement Task and Finish Group was to:
 - Undertake a detailed review of the existing Planning Enforcement Policy; and
 - To review the current approach to handling Enforcement complaints and the associated resources required.
- 1.3 The Group has reviewed the current Planning Enforcement Plan and a new simpler and user-friendly Enforcement Plan produced.
- 1.4 Several changes are proposed to streamline existing processes, removing minor allegations of breaches from the system quickly, focusing on key cases and improving the communication of the service.
- 1.5 The improvements in communication are specifically targeted at how the service communicate with Councillors, Parish Councils, and members of the public to ensure that they understand the enforcement process, how decisions are made and in indicative timeline for the consideration of cases.
- 1.6 The Group considered that the Enforcement team was dealing well with most of the new cases received however there are historic cases which need to be resolved and a strategy is required to deal with this.
- 1.7 The report contains a number of operational changes that will help improve the efficiency and transparency in the way that the Council considers enforcement cases.

Task And Finish Group Report of the Overview and Scrutiny Committee

2. Summary Recommendations

1. The updated, draft Enforcement Plan, subject to updates from the Levelling-up and Regeneration Act 2023, be approved.
2. The Head of Development Management takes a quarterly report to Development Management Committee setting out the current position with enforcement cases.
3. Following the introduction of the new planning IT system in November 2023, the monthly report updating Members on enforcement cases is amended to provide greater clarity for Members, Town, and Parish Councils.
4. Enforcement Officers are to be geographically based to develop local knowledge and working relationship with Ward Councillors.

5. An annual programme of six monthly Ward Member Enforcement meetings to be reintroduced and diarised.
6. The Enforcement Team commences a process of reducing historic planning enforcement cases and close cases where there is no active ongoing investigation.
7. The Enforcement Team delivers a dedicated training session on the new enforcement plan within the next 3 months.

2. Background

- 2.1 Planning Enforcement is a discretionary service but it is vitally important in supporting the planning process and in managing, preserving and enhancing the built and natural environment.
- 2.2 The Council receives a significant number of complaints, termed planning breach notifications, each year which require investigation. In 2022, 505 notifications were received and, at the time of drafting this report in mid-November, 506 notifications requiring investigation have already been received to date in 2023.
- 2.3 These are managed by the Councils Planning Enforcement Service who investigate them and where appropriate and where it is both expedient and in the public interest to do so. The breach notifications cover a wide scope from minor issues to significant, on-going breaches of planning control with widespread impacts on the built and/or natural environment.
- 2.4 Over the past few years significant change has happened in the Planning Enforcement team with a host of new officers being brought into the service under the management of the Planning Business Manager (Principal Enforcement Officer). The Team has been delivering service improvements, however, there remain further improvements which need to be implemented as part of the wider Planning Improvement Plan.

3. Matters considered by the Task and Finish Group

- 3.1 The Group considered the enforcement process from end to end, reviewed an updated, simplified enforcement plan, and looked at communication with all parties.
- 3.2 As a result, an 'Enforcement Investigation Process flow chart' has been developed to improve customers understanding of the process.
- 3.3 The flow chart forms part of the proposed refreshed Council Enforcement Plan as set out in Appendix A. The Plan will replace the existing enforcement strategy, is simpler and easier to

understand whilst still setting out the Councils formal position in the event of enforcement action.

- 3.4 The plan sets out the legislative process, how to report a potential breach, the Councils approach to investigating, simplified flow process diagram, detail of the potential outcomes of an investigation including the action that can be taken by the Council.
- 3.5 A key theme for the Task and Finish Group has been improving communication and engagement from the service with both the ward members and the wider community. The updated Plan including the flow chart makes it much easier to understand the enforcement process, potential timeframes and outcomes. It also clearly sets out when communication will be provided by the team and when it is not able to be provided, for example during formal court proceedings. The Group recognised that during the more formal stages of action communication may be reduced.
- 3.6 Effective and timely engagement with Members is essential. The Group is therefore recommending that the opportunity for six monthly Ward Member Enforcement meetings be reintroduced to ensure Members are better aware of, and can engage where relevant in, enforcement cases.
- 3.7 The group also identified that the existing monthly emails Members receive do not make it easy to identify new, ongoing, and closed cases and where enforcement action is being taken.
- 3.8 Following the implementation of the new Planning IT system at the end of November this will be reviewed to ensure clear information is set out and will be the basis for 6 monthly meetings going forward.
- 3.9 The Group recommended the Head of Development Management should report a quarterly report to the Development Management Committee on the current number of open enforcement cases, the number of cases which have been received, closed and where formal Enforcement Action is in the process of being taken.
- 3.10 The Group also supported Enforcement Officers being geographically based to develop local knowledge and working relationship with Ward Councillors.
- 3.11 The Group reviewed the current approach to investigating enforcement cases. It was agreed that the Enforcement Team was progressing well with the current enforcement cases, and that while progress on some case was elongated this was due to the need to properly investigate and resolve the breaches, in particular where there is the need to take formal action.

- 3.12 The Group identified that sometimes the time periods given to people who are being investigated is either not defined or too long. The Group is therefore recommending that a clear period was set with 12 weeks being a reasonable period for most enforcement breaches to be resolved. It was acknowledged that some cases may be more complex and in those instances, there was an understanding that they will go beyond the 12 weeks.
- 3.13 However, to ensure that momentum is retained in resolving these breaches then clear timescales will be agreed with the Planning Business Manager for the transgressors to resolve the breach. This allows the case to progress while setting a clear requirement for those committing breach to resolve the breach. It also gives a clear period by which the investigating officer should then seek to move forward to considering enforcement action.
- 3.14 The Group identified that there remained a number of outstanding historic 'legacy' cases in some Wards. It was agreed that there needs to be a proactive, pragmatic approach to reducing the number of legacy cases and that the six monthly enforcement review meetings with Ward Councillors would be the best time to implement this.
- 3.15 As a result of the changes proposed above, the Group also felt that that a targeted training session on the new approach to enforcement should be arranged for Councillors.

4. Proposed Way Forward

- 4.1 That the Executive consider the recommendations set out in Section 2 and the Head of Development Management implements any changes, as necessary.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The proposed new Enforcement Statement will guide the Councils approach to Planning Enforcement but is not in itself a policy. It accords with Councils Enforcement Policy.
Financial implications to include reference to value for money.	Y	While there are no specific financial impacts of the recommendations of the Task and Finish Group the potential for enforcement action can have both financial and resource impacts on the council's planning and legal services. While the process of dealing with the back log of cases will require

		resources this is considered able to be managed through the existing service resource.
Risk	Y	The tackling of the back log of cases is necessary and considered manageable within the existing services although there may be a potential impact on service while this takes place
Supporting Corporate Strategy	Y	The proposals will improve the Council's response to unauthorised development. This contributes to protecting, conserving and enhancing our built and natural environment. It also aligns with current draft Corporate Strategy, Good Quality Core Services and priority aim 3 To enhance services such as planning, enforcement and waste & recycling
Consultation & Engagement Strategy	Y	The Task and Finish Group has been set up to deliver the agreed outputs.
Climate Change - Carbon / Biodiversity Impact	N	No direct carbon/biodiversity impact arising from the recommendations.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	In delivering planning enforcement action the human rights are considered.
Safeguarding	N	None
Community Safety, Crime and Disorder	N	While there are no direct impacts planning enforcement activity help deal with disorder though dealing with unauthorised development
Health, Safety and Wellbeing	N	While there are no direct impacts planning enforcement activity help deal with disorder though dealing with unauthorised development
Other implications	N	None

Supporting Information

Appendices:

Appendix A Draft Enforcement Plan

Background Papers:

None