



Report Reference Number: PR/19/12

To: Policy Review Committee
Date: 15 October 2019
Author: Fiona Derbyshire, Planning Development Officer
Lead Executive Member: Cllr Richard Musgrave, Lead Executive Member for Place Shaping
Lead Officer: Martin Grainger, Head of Planning

Title: Planning Enforcement & the Planning Enforcement Management Plan Review

Summary:

This report is a six month update following the introduction of the Planning Enforcement Management Plan in February 2019. The Committee requested an update on the implementation of the PEMP after six months of operation.

Recommendation:

The Committee are asked to consider and comment on the report.

1. Background

- 1.1 The Planning Enforcement Management Plan (PEMP) was agreed at Leadership Team and reported to Policy Review Committee in February 2019 and introduced to the service thereafter. All Member briefings were undertaken immediately after the elections in May 2019 to apprise Members of the key points.
- 1.2 An agreed PEMP (Appendix A) is recommended as best practice in the National Planning Policy Framework (NPPF) to set out the tests and drivers for the service within the regulatory framework and establishes outcomes based on government guidance on Planning Enforcement action. It identifies the performance timescales and prioritisation of investigations to give clarity for Members and residents and to enable the effective management of resources.
- 1.3 In addition to the PEMP the implementation of the workflow data system Enterprise is planned to capture and measure performance in the

Enforcement team. The database will enable reporting of performance against key indicators aligned with the priorities and timescales set out in the PEMP.

- 1.4 Alongside the PEMP further resource was allocated to Planning Enforcement in July 2019 running to October 2019 to address the high number of backlog (400+) cases in addition to a running number of more recent cases of approximately 200. The PEMP and additional resource is intended to reduce workload and better manage workflow, improve public and Member perception and reduce formal complaints.

2. Performance

- 2.1 By October of 2018 cases had been reduced by 37% and by September 2019 the backlog cases numbered only 106. Additionally, newly generated cases number 179 giving a total current caseload of 285. Officers have reported that the increased turnover of cases in line with the timelines set in the PEMP have resulted in more cases being dealt with raising the total number. This demonstrates that more cases are being dealt with as efficiency increases.
- 2.2 Formal complaints in 2018 numbered 11 and in 2019 so far number 8. The full impact of the improvements to performance will not be reflected until next year as formal complaints can take up to a year to progress through the informal stages. Complaints to the Head of Service from residents and Members have noticeably reduced in the last year. All of the complaints logged have shown limited or no fault with the Planning Enforcement Service with fault mainly relating to lack of action due to former lack of resource or expectations of the service not matching the powers, scope and resource available.
- 2.3 Planning applications generated by an Enforcement investigation numbered 26 in 2018 and 63 in 2019 due to increased proactive action by Officers in Planning Enforcement. This demonstrates best practice in line with advice in the NPPF which recommends resolution by negotiation and submission of a relevant application as the optimum result.
- 2.4 Scrutiny Committee requested a report on the number of Notices under s.215 by the Planning Enforcement team in August 2019. The report presented in September 2019 to Scrutiny Committee showed that 2 notices had been served since 2015 but that 10 cases for untidy sites were logged in 2018 and the same number in 2019. 50% of these cases were unfounded and of the remainder 50% were successfully negotiated to conclusion, often with the threat of formal action as leverage. A further 8 s.215 Notices have been served in the last 10 years demonstrating the willingness of Officers to use this power when necessary. The PEMP sets such cases as low priority and it was noted that these priorities needed re-assessing against Members identification of priority. It was noted that further action or direct action to undertake improvement works would require further resource.

3 Next Steps

- 3.1 The Enterprise data base requires bespoke adaption to capture performance and prioritise tasks in Planning Enforcement. This work will be completed within the next 6 months and will enable comprehensive measurement of KPI's.
- 3.2 A sub-group of planning committee comprised of Members and Officers will be established in the next 3 months to monitor reports of Planning Enforcement performance and measure the impact of the PEMP. The group will be in a position to fully assess performance and recommend targeted amendments to the PEMP to reflect their findings. This group will have Members with relevant experience and knowledge of Planning Enforcement service delivery and Officers will inform on the wider implications of service challenges and constraints as well as opportunities
- 3.3 The Ministry of Housing, Communities & Local Government (MHCLG) recently issued a funding offer for Local Planning Authorities (LPA's) of up to £50,000 stating that "*Effective planning enforcement is crucial to the integrity of the planning system*". SDC have been successful in their bid for funding to assist in work related to protecting the green belt and will shortly find out the extent of this funding.
- 3.4 Budget funding for the additional resource allocated to Planning Enforcement in July 2018 runs out in November 2019. However, we recognise the improvement in enforcement performance since the additional resource was allocated and with the additional funding above (3.3) we are exploring funding options to retain the additional resource.

4. Recommendation

- 4.1 Policy Review Committee are asked to consider and comment on the performance improvement to date and the next steps as set out in the report.

5. Legal/Financial Controls and other Policy matters

5.1 Legal Issues

- 5.2 Enforcement is discretionary and powers referred to are exercised in accordance with the adopted policy and enforcement principles. Legal Officers examined those policies and plans and their requested amendments were incorporated prior to adoption.

5.3 Policy matters

- 5.4 Policy amendments or changes will be referred to Leadership Team for consideration and to determine if any other sanction is needed to adopt such recommendations.

6. Financial Issues

- 6.1 The mode of operation suggested in the plan reflects existing working practice and resource. This 6 month review is to assess the efficacy of the PEMP and any recommendations to amend or change it will be the subject of a further fully costed plan.

7. Conclusion

- 7.1 That progress and improvement is evidenced in the performance data on Planning Enforcement and is the result of additional temporary resource and the implementation of the PEMP. Further work to be done will complement this improvement and result in better performance analysis and recommendation.

Contact Officer: Fiona Derbyshire, Planning Development Officer
fderbyshire@selby.gov.uk
Ext 42064