

# Update on Planning Enforcement

For Overview and Scrutiny Committee on Thursday 29 September 2022.

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## Summary

**Lead Member:** Councillor Hugo Pound – Cabinet Member for Housing and Planning

**Lead Director:** Lee Colyer – Director of Finance, Policy and Development

**Head of Service:** Carlos Hone – Head of Planning

**Lead Reporting Officer:** Carlos Hone – Head of Planning

**Covering Report Author:** Mark O’Callaghan – Scrutiny and Engagement Officer

**Classification:** Public document

**Wards Affected:** All

Committee Timetable	Date
Overview and Scrutiny Committee	29 September 2022

## Recommendations

Officer recommendations:

1. That the Committee consider the report and presentation then determine next steps, which may include one of the options set out in section 2 of the report.

# 1. Introduction and Background

- 1.1 At its meeting on 22 November 2021 the committee received a presentation on the council's Planning Enforcement service. The presentation was introduced by the Development Manager and supported by the former Head of Planning.
- 1.2 Immediately following the presentation the committee resolved to take no further action. However, later in the year the committee were concerned of reports that service level expectations were not being met and requested a further update on the service from the new Head of Planning.
- 1.3 In addition to any information the officers feel is relevant, the committee identified the following lines of enquiry it wished to address, these were expressed in the form of questions:
  - a) How many officers does TWBC have and length of service?
  - b) Are there any vacancies?
  - c) Does TWBC have a specific Tree Officer?
  - d) How many complaints are received and how many are investigated?
  - e) What is the average time from complaint or issue to site investigation?
  - f) What percentage of complaints or issues are dealt with by just a letter? How many entail a site visit? How many have an enforcement notice? How many enforcement actions are pursued?
  - g) How many notices are served monthly? What percentage is that of complaints?
  - h) How many enforcements take place? What types of enforcement has taken place over the last year?
  - i) Do you have any comparative data from other local boroughs?
  - j) How many breaches took place in conservation areas? How many TPO have been issued and how many breached?
- 1.4 The above questions were shared with the relevant officers prior to the publication of this report.
- 1.5 The review, in the first instance, will take the form of a presentation by the relevant Head of Service and question and answer session.
- 1.6 In accordance with the committee's agreed Statement of Principles, the relevant Cabinet Member is also invited to comment and answer questions on any matter within their portfolio.

- 1.7 Committee members may also invite other relevant persons to attend to give evidence or answer questions, notice of this should be given to the Scrutiny Officer in good time to allow such arrangements to be made..

## 2. Options

- 2.1 Having considered the report, presentation and any related discussion, the Committee may decide what, if anything, it wishes to do next. Options include, but are not limited to:
- 2.2 **To note the report (i.e. no further action)** – The Committee may be satisfied with the reviewed service areas and take no further action on this matter.
- 2.3 **Request further information** – Unresolved matters or matters which require further clarification may be addressed by requesting further details. This may take the form of a written update to the members of the Committee, a members' briefing or a further presentation at a future meeting.
- 2.4 **New lines of enquiry** – The Committee may identify related but different lines of enquiry and seek evidence from alternative sources. These could either be delivered in writing or by attendance at a future meeting. New lines of enquiry will usually be treated as a separate review and it may be necessary or desirable to prepare a related initiation document to ensure clarity in the request.
- 2.5 **Review in 6 – 12 months** – The Committee may request an update from the relevant officer or Cabinet Member in a specified period of time. 12 months would be typical unless there is a specific event or deadline which would make a shorter period desirable.
- 2.6 **Establish a Task and Finish Group** – If examination of outstanding matters or new lines of enquiry would be more involved than a single report or further presentation at a meeting, the Committee may form a Task and Finish Group (TFG). The terms of the reference for a TFG should be clearly defined.
- The Committee may only have two simultaneous Task and Finish Groups.
- 2.7 **Make recommendations** – Recommendations may be made to Cabinet. Recommendation should be explicit and actionable but must be evidence based and should, where necessary, be costed. This would usually be achieved by commissioning a report from relevant officers setting out the evidence collected, the recommendations made and the cross-cutting implications of any proposals. Such a report would be prepared and brought to a future meeting of the Committee for approval prior to being referred to Cabinet.

### **3. Preferred Option and Reason**

- 3.1 This is a matter for the members of the Overview and Scrutiny Committee to decide and no recommendation is provided by this report. The Committee should have regard to the Council's available resources and the prioritisation of the Committee's own work.

### **4. Consultation on Options**

- 4.1 No public consultation has taken place on this matter but this document and any documents referred to therein are publicly available. The public are encouraged to attend meetings and, subject to giving due notice, comment on any matter under consideration by the Committee.

### **5. Implementation**

- 5.1 The decision of the Committee will be communicated to relevant persons and published through the minutes.
- 5.2 If the Committee was to request a review or instruct a TFG, this should include expected timelines.

### **6. Appendices and Background Documents**

Appendices:

- None

Exempt appendices (if any):

- None

Background Papers:

- None

## **7. Cross Cutting Issues**

### **A. Legal (including the Human Rights Act)**

The Overview and Scrutiny Committee has the power to establish a task and finish group on any matter that it feels is affecting residents of the borough, without Cabinet approval, but does not have decision making powers in terms of staffing or resources. As such any recommendations it makes will ultimately need to be referred to the relevant decision maker for approval.

There are no direct legal implications arising from this report, however further reports will be required to give effect to the option adopted and legal input will be provided at the appropriate time in respect of such reports.

There are no consequences arising from this report that adversely affect or interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998.

### **B. Finance and Other Resources**

There are no direct financial implications as a result of the options within this report. There is no specific budget for the Committee. However, the Committee is resourced to undertake a maximum of two concurrent Task and Finish Groups. Any substantive recommendations of the Committee would be subject to separate consideration of any financial implications.

Mark O'Callaghan, Scrutiny and Engagement Officer, 21 September 2022.

### **C. Other implications (Staffing, Risk Management, Environment and Sustainability, Community Safety, Equalities, Data Protection, Health and Safety, Health and Wellbeing)**

There are no direct, significant implications as a result of the options within this report. Any substantive recommendations of the Committee would be subject to separate consideration of any relevant implications.

Mark O'Callaghan, Scrutiny and Engagement Officer, 21 September 2022.