

Review Committee – 7 November 2017

Minutes of the meeting of the **Review Committee** held on **7 November 2017** when there were present:-

Chairman: Cllr J C Burton
Vice-Chairman: Cllr R Milne

Cllr N L Cooper
Cllr R R Dray
Cllr Mrs J R Gooding
Cllr B T Hazlewood
Cllr N J Hookway

Cllr M Hoy
Cllr J E Newport
Cllr Mrs L Shaw
Cllr C M Stanley
Cllr A L Williams

VISITING MEMBER

Cllr I H Ward

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs J R Lumley, Mrs C M Mason and J R F Mason.

SUBSTITUTES

Cllr Mrs D Hoy for Cllr Mrs C M Mason.

OFFICERS PRESENT

M Thomas	-	Assistant Director, Planning & Regeneration Services
R Snape	-	Building Control Team Leader
Y Dunn	-	Planning Enforcement Team Leader
P Gowers	-	Overview and Scrutiny Officer
M Power	-	Democratic Services Officer

228 MINUTES

The Minutes of the meeting held on 3 October 2017 were agreed as a correct record and signed by the Chairman.

229 DECLARATIONS OF INTEREST

Cllrs C M Stanley and J C Burton each declared a non-pecuniary interest in Item 8 of the Agenda 'The Enforcement of Unauthorised Advertisements' by virtue of being Members of the Rayleigh Town Council Planning Committee. Cllrs Mrs D Hoy and M Hoy each declared a non-pecuniary interest in item 7 of the Agenda 'Delivery of Rochford District Council's Building Control Service' by virtue having a planning application with the Council and potential communication with the Council's Building Control Service. Cllr M Hoy declared a non-pecuniary interest in this item by virtue of the fact that a number of his

clients were builders or building contractors who may use Building Control services in Rochford.

230 SANCTUARY HOUSING

E Keegan, Managing Director and C Cole, Head of Development, Sanctuary Housing in Rochford sent apologies to the Committee that they would be unable to attend the meeting due to ill health. Sanctuary Housing would be invited to attend the Committee's meeting on 5 December to provide an update on the Sanctuary Housing development programme.

231 DELIVERY OF ROCHFORD DISTRICT COUNCIL'S BUILDING CONTROL SERVICE

The Committee considered the report of the Assistant Director, Planning and Regeneration Services, which provided an update on the progress of the implementation of the structure for Rochford District Council's Building Control Service, following the report on 14 March 2017.

In response to questions, the following was noted:

- In respect of Business Plan objectives, income currently is in the region of £246,700, with a forecast of £265,000 for 2018/19.
- Following recruitment of appropriately experienced staff an increased market share could be achieved. A ceiling amount of £350,000 is thought to be achievable with the proposed level of staffing.
- There have been delays experienced in the provision of Building Control services due to insufficient staffing levels, long term sickness and an increased volume of work. Following a restructure the Service is now achieving a same-day/next day turnaround for site inspections. A list of site visits requested is made available to the team by 10 am each morning; visits regarded as a priority are made the same day. Where site visits are deemed to be lower priority the client is contacted by telephone on the day to discuss the visit.
- Opportunities for partnership working with other neighbouring authorities could be explored.
- In order to maximise accessibility to the service and decrease the waiting time, the Council's Building Control Service has introduced a phone app, developed by the Local Authority Building Control for use by local authorities, which enables site inspection visits to be booked online. Builders can also email, phone or visit the Council to book an appointment if they prefer. The availability of the app could be posted on the website or be included with planning letters and pre-application meetings, as well as demonstrated to builders on site.

- Although all Building Control services are statutory, some are chargeable, some are not. Where the plans are passed, and work on site is passed, this is regarded as fee earning; pre-application advice, plans and work not passing and enforcement are all recorded as non-fee earning. Approved Inspectors can carry out the Building Control service but cannot enforce Building Regulations and are legally obliged to hand the work back to the Council if they cannot resolve the work on site.
- By focussing on recruitment of appropriately experienced staff and reducing spending on agency staff it is projected that there will not be a deficit in Building Control spending going forward. A surplus can be carried forward over a three year period which would take account of market fluctuations.
- The Council needs to maintain a 70% share of the market by value, which is in line with other Essex authorities. There is potential for the market share to be increased when the Building Control officer posts have been filled.
- All emails received go into the central Building Control inbox and work is allocated to staff from there; this speeds up the workflow.
- IT could be used as part of the process to record inspection visits and, going forward, there are likely to be additional systems developed to assist the process and improve productivity.

Members agreed that it would be appropriate that a further report be submitted by the Building Control Service to the Review Committee at its meeting in June 2018 as this would allow time for the restructured Service to bed in and for appropriate staff to be recruited.

Resolved

- (1) That the progress made in the redesign on the in-house building control service and the arrangements for commercialisation be noted.
- (2) That the Assistant Director, Planning and Regeneration Services be asked to provide an update on the Building Control Service offered by the Council to the Review Committee at its meeting in June 2018.

232 THE ENFORCEMENT OF UNAUTHORISED ADVERTISEMENTS

The Committee considered the report of the Assistant Director, Planning and Regeneration Services, which provided an outline of the enforcement powers available to the planning authority and a review of the planning enforcement team's procedure for dealing with advertisements without the necessary advert consent.

Members felt that public perception was that enforcement was not taken seriously by the Council and that breaches were not likely to be enforced.

Officers advised that the Council had only two officers to undertake the whole of the Council's enforcement function. Although the team investigated all cases of unauthorised advertising that were notified to them, officer resource had to be directed to the most serious planning breaches. A significant improvement to the enforcement function had been seen as a result of employing temporary additional staffing in August.

During discussion the following was noted:

- There wasn't a database of unauthorised adverts in the District, only a list of applications made to display signage. Certain advertisements could be displayed under deemed consent.
- Advertisements attached to a vehicle or trailer parked on the highway solely for the purpose of displaying an advert could be reported to Essex County Highways (ECH) as the land owner. They have the power to remove without giving notice.
- Although the authority and decision for removal of signage lies with ECH, there could be discussion around delegating authority to other bodies such as Parish Councils to actually remove the advertising. The viability of taking photos of a potential breach and sending for assessment and delegation could be explored with ECH. There were potential insurance implications if other bodies were involved.
- A prosecution for improper use of A Boards on the pavement could act as a deterrent. A Highways Authority policy on A Boards in 2013, which allowed businesses to have an A Board on the highway, would be circulated to all Members. The Policy is on the Essex County Council website.
- Different areas have different issues around unauthorised advertising and it was suggested that the focus should be on what was important to residents. The Council's Business Plan should be at the forefront of any decisions made in respect of enforcement of unauthorised advertising.
- The option of giving enforcement powers to the Highways Rangers could be explored. A decision could be made as part of the budget process as to whether additional resources should be allocated to enforcement, which would improve the visual amenity of the District.
- There had been two cases of people being threatened with prosecution, both of whom had complied prior to the case going to court. If someone is prosecuted and fined the Council could only recover their costs of the prosecution; the Council does not receive the fine. Under the Proceeds of Crime Act following a successful prosecution in the courts there are options for the Council to recoup monies from the profit of the illegal activity. This has not yet been explored by the enforcement team. The average time from a complaint being made to completion was 6-8 months.

- The possibility of incorporating advertising restrictions into the conditions granted to licensed premises by the Licensing Committee could be explored.
- A campaign targeted at businesses and articles in the press about the enforcements service could be considered.

Resolved

- (1) That the approach taken by officers in relation to advertisements and their inter-relationship with the work, jurisdiction and responsibilities of Essex Highways be noted.
- (2) That it be recommended that consideration be given in the budget setting process to allocating additional resources to planning enforcement so that the issue of unauthorised advertisements can be addressed.

233 KEY DECISIONS DOCUMENT

The Committee considered the Key Decisions Document and noted its contents.

11/17 Economic Growth Strategy. The Assistant Director, Planning and Regeneration Services advised the Committee that this was a live document that could be developed and updated as it is established what sectors the Council wanted to target as part of the development of its Local Plan. This would enable the Council to support existing business and develop key areas in accordance with the Business Plan including the Cherry Orchard Business Park and, in particular, high-tech manufacturing.

234 WORK PLAN

The Committee considered and approved its work plan.

- Sanctuary Housing would be invited to attend the Review Committee's December 2017 meeting.
- 9 January 2018 meeting – the Council's use of Social Media, as suggested by a resident, subject to confirmation of attendance by the resident.
- 6 February 2018 – An update from the Building Control Service would be provided, instead, at the June 2018 meeting of the Committee, subject to agreement of the Committee at the time.

The meeting closed at 9.36 pm.

Chairman

Date

CONFIRMED

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