

Review Committee – 8 October 2019

Minutes of the meeting of the **Review Committee** held on **8 October 2019** when there were present:-

Chairman: Cllr J C Burton
Vice-Chairman: Cllr D J Sperring

Cllr C C Cannell
Cllr T G Cutmore
Cllr Mrs J R Gooding
Cllr B T Hazlewood
Cllr Mrs D Hoy
Cllr M Hoy

Cllr Mrs J E McPherson
Cllr R Milne
Cllr Mrs C A Pavelin
Cllr Mrs L Shaw
Cllr P J Shaw

VISITING MEMBERS

Cllr I H Ward, Portfolio Holder for Planning
Cllr Mrs D L Belton

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs T L Carter and Mrs C M Mason.

OFFICERS PRESENT

M Hotten	-	Assistant Director, Place & Environment
L Moss	-	Assistant Director, People & Communities
Y Dunn	-	Team Leader Development Management Enforcement
P Gowers	-	Overview & Scrutiny Officer
M Power	-	Democratic Services Officer

177 MINUTES

The Minutes of the meeting held on 3 September 2019 were agreed as a correct record and signed by the Chairman.

178 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

The Committee considered the report of the Assistant Director, People & Communities, updating Members on the use of RIPA over the past year and allowed for the review of the Council's RIPA policy.

In response to a question as to why there are as many environmental health officers named as authorised applicants, Members were advised that authorised applicants are needed to attend the magistrates court if it reaches that stage. The RIPA training provides officers with good background knowledge of how RIPA works, which is useful in their day to day activities. It is also better that an officer involved with a case can deal with the matter direct rather than having to pass the case to someone else. The Inspector

commented that there were potentially too many authorising officers; to remedy this, as staff members leave the authority they are not replaced.

It was confirmed that the appointment of the officer added to the list of authorised applicants will be effective from when approval is received from Full Council on 22 October 2019.

Resolved

That the Council's annual usage of RIPA be noted.

Recommended to Full Council

That the amendments to the Council's RIPA policy, as set out in section 4 of the officer report, be approved.

179 PLANNING ENFORCEMENT PLAN 2019 - 2024

The Committee considered the report of the Assistant Director, Place & Environment, introducing an updated Planning Enforcement Plan and Policy, following a review of the Local Planning Authority's planning enforcement team function within the Council.

In response to questions, the following was noted:-

- The Council's planning enforcement team consists of a team leader and a senior planner, both with full caseloads.
- Officers are confident that the proposed revised timescales for dealing with each of the enforcement case categories is achievable. Extending the timescale for dealing with Category C cases to 30 days would enable officers to triage cases more effectively.
- Having an enforcement plan in place will put the Council in a stronger position to bid for funding under the Planning Delivery Fund, which is available to support planning enforcement against unauthorised development in the greenbelt. The bid can be submitted in February 2020; priority will be given by the enforcement team, in liaison with the Assistant Director, Place & Environment to preparing this bid.
- Online reporting forms go direct to the planning enforcement team and residents are able to upload photographs and documents and are asked to state how the planning infringement affects them directly, both of which provide further opportunity to triage complaints. The online form also allows residents to input information relating to the use of the property or land over the course of 21 days. Complaints are triaged according to the nature of the complaint; a more serious planning infringement would

warrant a visit by an enforcement officer earlier than a less serious one.

- A retrospective planning application has the same cost as an application for proposed development.
- Although most complaints are submitted via the online form, complaints are also received by telephone, email or in person.
- The majority of the enforcement cases currently received are category C.
- The harm assessment form used by the Council is similar to that used by other local authorities; the form allows scores to be allocated to assess its harm. In respect of the complainant, an immediate neighbour, who would be affected most by the breach, or a member of the planning department, who would have technical knowledge of the actual breach, would score higher than other complainants. In respect of the Age of the Breach section, a breach that is within 6 months of reaching the time limitation on enforcement orders being able to be served, is given a higher score. The impact of new breaches (less than 3 months old) is considered to be more harmful to the complainant and, as such, these breaches are given a higher priority.
- A flow chart to ensure residents are directed to the correct form and an FAQ section would be added to the Plan.
- When reporting breaches of planning control, complainants are made aware that their details will be kept confidential; this applies to complaints reported by telephone or email as well as online. If a complaint progresses to the court, the complainant will always be asked for their permission to disclose their details. If a complainant does not want to give their personal details in respect of a case going to court, their identity will still be protected; details of the complaint will be submitted but with any personal information redacted. The wording of the Plan would be amended to show this.
- Section 10 of the Plan 'What happens if an allegation is made against you' should include signposting to the Council's complaints procedure, should someone who has a complaint made against them not be happy with the result of the enforcement. This will be added to the draft Plan.

Recommended to Full Council

That the updated Planning Enforcement Plan, as set out in the appendix to the officer report, but subject to the amendments requested by the Review Committee above, be adopted.

180 KEY DECISION DOCUMENT

The Committee considered the Key decision document and noted its contents.

181 WORK PLAN

The Committee considered its work plan.

5 November meeting - Grass cutting and management of open spaces in new developments: Members advised the Assistant Director, Place & Environment of the areas they would like covered in the report.

Carbon Neutral by 2030 Working Group: Cllr Mrs D L Belton was appointed to this working group.

The meeting closed at 8.20 pm.

Chairman

Date

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