

Overview & Scrutiny Committee – 8 November 2022

Minutes of the meeting of the **Overview & Scrutiny Committee** held on **8 November 2022** when there were present:-

Chairman: Cllr S A Wilson
Vice-Chairman: Cllr Mrs J E McPherson

Cllr R P Constable	
Cllr A H Eves	Cllr J R F Mason
Cllr Mrs E P Gadsdon	Cllr R Milne
Cllr J N Gooding	Cllr G W Myers
Cllr Mrs J R Gooding	Cllr D W Sharp
Cllr R Lambourne	Cllr M G Wilkinson

VISITING MEMBERS

Cllrs D S Efde, A L Williams and S E Wootton.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs J E Newport and L J Newport.

SUBSTITUTES

Cllr Mrs C M Mason	- for Cllr L J Newport
Cllr C M Stanley	- for Cllr J E Newport

OFFICERS PRESENT

Y Dunn	- Planning Manager
T Masuku	- Planning Enforcement Team Leader
W Szyzka	- Democratic Services Officer
H Boyd	- Civic Officer

215 MINUTES

The Minutes of the meeting held on 4 October 2022 were approved as a correct record and signed by the Chairman.

216 REPORT ON THE REVIEW OF ROCHFORD DISTRICT COUNCIL'S PLANNING ENFORCEMENT ACTIVITY

Members considered the report of the Task & Finish Group reviewing planning enforcement activity at the Council.

Members noted that this area had the potential to affect residents if conditions were not enforced which could in turn increase workload for the Council with residents seeking advice from officers.

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In respect of recommendation 1 at paragraph 7.1 on page 6.5 of the report it was noted that the Council had a limited resource within the Enforcement team, with only one officer currently serving as the Enforcement Officer across the whole Council.

Members thanked officers for their assistance on the report.

The following responses to Member questions were noted:-

- Upon receipt of an enforcement notice, parties that owned the land would be informed of such notice and the reporting party would be updated via email or via phone. Should the offenders go through an appeal process, all parties would be informed.
- The Council maintained an enforcement register that was publicly available via the Council's website; this was updated via date of compliance or status report.
- Each planning consent came with conditions requiring enforcement; however, there was an increased reliance on the public due to lack of resource.

Officers advised that issues could arise from the wording as opposed to the condition recommended in planning reports to the Development Committee or enforceable conditions on planning applications. In instances where the wording was ambiguous the conditions could not be enforced as it would not meet the 6 tests. Officers emphasised that recommendation 2 in the report would provide Members with appropriate training to reduce this.

Officers advised that the Council was legally unable to fine offenders; however, where there would be a breach of condition, notice would be served and should the offender not comply with the notice, the Council would then be in a position to prosecute. This would allow a fine to be added, subject to the court fees that resulted in the Council being allocated a small percentage of the fees.

In response to a Member question, officers advised that the Council would benefit from a compliance officer who would be able to, advise when consent was granted and could proactively contact developers regarding conditions to strengthen the Council's position due to improved communication between the Council and developers.

Officers also advised that pre-commencement conditions needed to be discharged before a development was due to commence. In an instance where pre-commencement conditions had not been discharged, the Council had the right to nullify consent. Members noted that this was an issue predominantly related to smaller developers.

A Member observed that the Council should be more proactive and involved with monitoring of cases; this would result in greater community confidence and increased trust in the enforcement process. Further concerns were raised

that if there was a high level of non-compliance by developers that was not being enforced, residents would be concerned about new developments.

A Member commented that conditions put forward at Development Committee meetings often influenced the decision-making process at the Committee, thus if conditions were altered there was a possibility that the Committee would have reached an alternative decision.

A Member suggested that if officers were to subsequently alter condition wording, the Item should be referred back to Committee for consideration prior to being finalised. A further suggestion was made that a list of standard conditions should be considered to mitigate any amendments to aid with public perception.

The Chairman responded that this would be raised with officers outside of the meeting.

A Member suggested that there would be merit in prioritising pre-conditions and questioned whether that might be included in a further review. It was also requested by Members that there should be further involvement in past conditions with annual inspections by the Council to ensure conditions were complied with.

Members suggested that recommendation 2, at paragraph 7.1 on page 6.5 of the report should be postponed until after service reviews to avoid the need for any training to be repeated.

Recommended to the Executive

- (1) That options are explored within the #OneTeam partnership to create additional planning enforcement capacity across both Councils with the aspiration to create one additional post that supports both Councils.
- (2) That Member training be updated to include inappropriate conditions being attached to planning consents and to provide Members with a clear understanding on enforcement procedures and practice.
- (3) That officers review the 'ACHIEVE' online reporting form to explore opportunities to improve the reporting process. (DP)

(This was unanimously agreed.)

217 KEY DECISIONS DOCUMENT

The Committee noted the content of the Key Decisions Document.

218 WORK PLAN

The Committee discussed and noted the Work Plan.

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The Chairman noted that the Regulation of Investigatory Powers Act (RIPA) report was due to be reviewed by the Committee at this meeting; however, the report would now be considered at the next meeting.

A Member queried whether the Portfolio Holder for Climate & Economy, Cllr Mrs D L Belton, would include transport implications within the update report from the Portfolio Holder at the January meeting of the Committee. A further request had been made that the frequency of the update reports should be every three months for the Committee to consider.

The Chairman responded that this would be explored.

Members requested that the Police, Fire and Crime Commissioner (PFCC) or a representative be invited to the Overview & Scrutiny Committee meeting in March 2023.

The Chairman advised that this would also be explored.

The meeting closed at 8.02 pm

Chairman

Date

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