

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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<b>REPORT TO:</b>	Planning Committee	1 October 2008
<b>AUTHOR/S:</b>	Executive Director / Corporate Manager (Planning and Sustainable Communities) / Democratic Services Manager	

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### **PLANNING SUB-COMMITTEE – FUTURE ARRANGEMENTS FOR ENFORCEMENT AGAINST BREACHES OF PLANNING CONTROL**

#### **Purpose**

1. The purpose of this report is to review the way in which South Cambridgeshire District Council should deal with all aspects of regulation where there has been a breach of planning control.

#### **Background**

2. The Minutes of the inaugural Planning Sub-Committee meeting held on 4 August 2006 include the following text:

“At its meeting on 1 June 2005, the Development and Conservation Control Committee had established the Development and Conservation Control (Advisory) Committee by Resolving:

- (1) That an Advisory Committee be established;
- (2) That the role of that body be to focus on enforcement issues on traveller sites, and to evolve a course of action prior to make a recommendation for action by the Development and Conservation Control Committee;
- (3) That it be responsible for determining enforcement action on traveller sites in line with strategy developed by the Cabinet;
- (4) That all Members of Council be invited to attend meetings, and be encouraged to assist in developing recommendations to the Development and Conservation Control Committee;
- (5) That the new body be called the Development and Conservation Control (Advisory) Committee; and
- (6) That the Advisory Committee consist of the Chairman and Vice-Chairman of the Development and Conservation Control Committee, and those four other members of the Development and Conservation Control Committee whose Executive functions relate to Leader of the Council and to the portfolios for Planning and Economic Development, Environmental Health and Community Development.

At its meeting on 7 June 2006, the Development and Conservation Control Committee appointed the Chairman and Vice Chairman of the Development and Conservation Control Committee (Councillors NIC Wright and SGM Kindersley), and re-appointed Councillors Dr DR Bard, Mrs DP Roberts, and Mrs DSK Spink to the body formally known as the Development and Conservation Control (Advisory)

Committee, but now to be a Sub-Committee with executive powers. The Committee elected Councillor Mrs HM Smith as the sixth Member of the Sub-Committee.

At its meeting on 27 June 2006, full Council resolved to rename Development and Conservation Control Committee as the Planning Committee. Accordingly, the Development and Conservation Control Sub-Committee became the Planning Sub-Committee.

The Planning Sub-Committee agreed that its Terms of Reference should reflect those originally drawn up for the Development and Conservation Control (Advisory) Committee.

The Planning Sub-Committee **RESOLVED**

- (1) That the role of the Planning Sub-Committee should be to focus on regulatory issues on traveller sites, and to develop an appropriate course of action
- (2) That it be responsible for determining regulatory action on traveller sites in line with strategy developed by the Cabinet;
- (3) That all Members of Council be invited to attend meetings, and be encouraged to assist in developing the Council's regulatory approach to Travellers."

### **Considerations**

3. It is considered that the original terms of reference established by the Development and Conservation Control Committee and adapted to reflect the name change are in need of review so that they do not conflict in any way with the Council's Equalities and Diversity Strategy.. Specifically, Members may feel that it is unacceptable that the Planning Sub-Committee should focus solely on Travellers sites and that it should, instead, take over from the parent Committee responsibility for monitoring enforcement and other regulatory action in respect of breaches of planning control throughout the District.
4. At the moment, Planning Committee receives an Enforcement Action Progress Report, on a quarterly basis. In the interests of sustainability, and acknowledging that the report is for members' information only, the main report is included on the Council's website and in the Weekly Bulletin only. A short 'executive summary' is attached to the paper copy of the Planning Committee agenda.
5. If the Planning Sub-Committee was to take on responsibility for the monitoring of all enforcement action, the progress report would no longer be presented to the Planning Committee. Instead, a report would be made to the Planning Sub-Committee on the same basis, that is an executive summary on the paper copy of the agenda and the full report on the website and in the Weekly Bulletin.
6. The power to authorise enforcement action would be delegated downwards from the main committee; this potentially would cause delay as it does not allow planning committee to pass a double-resolution, that is, to refuse retrospective permission and also to authorise enforcement action. The alternative would be to take the quarterly information report to sub- not main committee. This would not address the anomaly that traveller enforcement goes to the sub-committee for authorisation yet enforcement of breaches on other sites does not.

7. Whereas the progress report is currently presented to the Planning Committee on a quarterly basis, the Planning Sub-Committee is scheduled to meet every six weeks, subject to meetings not being called if there is insufficient business to transact (typically if there are no decisions to be made).
8. Ultimately, the aim should be to make sure that everyone subject to enforcement action, whether from the travelling or the “settled” community, is treated equally and fairly. This would imply that everyone should be subject to regulation within the same forum.
9. It should be remembered that, when the original sub-Committee was established (consisting of 5-7 members) one of the reasons was to make it easier to call meetings quickly. At the time, the parent Committee consisted of 35 members. Today, Planning Committee has 14 members.

### **Options**

10. The Planning Committee has three options. It can either
  - (a) Review the Sub-Committee’s terms of reference, as it deems appropriate.
  - (b) Leave those terms of reference as they currently are
  - (c) Abolish the Planning Sub-Committee altogether and refer all enforcement issues requiring Member decisions to the parent Committee. This option achieves the aim of ensuring equality and fairness while addressing the concerns raised in paragraphs 6, 13 and 14 of this report.

### **Implications**

11. Financial	There would be a significant financial saving if the Planning Sub-Committee was abolished in terms of printing, officer time and travel expenses. Otherwise, savings would be minimal.
Legal	Neutral
Staffing	Slight increase in officer time spent preparing the Action Progress Report on a more regular basis, if the Planning Sub-Committee is retained with adjusted terms of reference.
Risk Management	None
Equal Opportunities	The Planning Sub-Committee’s current terms of reference could be viewed as conflicting with the Council’s equalities and diversity policies as being discriminatory.

### **Consultations**

12. The Council’s Principal Solicitor has been consulted.
13. The Enforcement Officer (Development Control) has made the following comments in relation to changing the Sub-Committee’s terms of reference:

“...I presume that there would be no need to make any changes to the constitution re authority to take action? Very occasionally there is need to bring an enforcement matter to planning committee to seek authority to take action... I presume that if the recommendation was accepted any future report would go directly to Planning Sub Committee for the necessary authority. I take it that Planning Committee would still have the authority to authorise enforcement action and that we would then report the progress of the case at sub committee. There would be a slight increase of officer time spent preparing the Action Progress Report on a more regular basis.”

14. The Development Control Manager has made the following comments in relation to changing the Sub-Committee's terms of reference:

"The Council's delegation procedures include authority to take appropriate enforcement action in consultation with Local Member(s) and Chairman of Planning Committee. If such a decision were to require a Committee resolution it would be speedier to report to a monthly Planning Committee, rather than a Sub-Committee meeting at 6 weekly intervals. Quarterly monitoring of progress of enforcement action seems appropriate given the lengthy time periods involved, often including appeals. Consequently I have some reservations regarding the benefits from an enforcement point of view of an expansion of the Planning Sub-Committee's remit."

#### **Effect on Corporate Objectives and Service Priorities**

15.	<b>Work in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future</b>
	Not applicable
	<b>Deliver high quality services that represent best value and are accessible to all our community</b>
	Not applicable
	<b>Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work</b>
	Not applicable

#### **Recommendations**

16. It is recommended that the Planning Sub-Committee be abolished with immediate effect and that all enforcement issues requiring Member decisions be referred to the Planning Committee (Option (c) in paragraph 10 above).

**Background Papers:** the following background papers were used in the preparation of this report:  
None

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