

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 1 April 2009
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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 consider the way in which South Cambridgeshire District Council should regulate all breaches of planning control.

Background

2. The Planning Committee first considered this issue in October 2008. A copy of the report to that meeting is attached to both the paper and electronic versions of this report as **Appendix 1**.
3. Members made the following points
 - The enforcement process should not be delayed unreasonably
 - All enforcement should be dealt with in a single Member forum
 - The Planning Sub-Committee's terms of Reference should be updated
 - Equality and fairness was of paramount importance
 - The Planning Committee should deal with all enforcement issues
 - Public speaking should be extended to enforcement issues
 - There would be training implications were traveller-related issues to be dealt with by the larger Planning Committee
 - A Sub-Committee offered greater flexibility

Consideration

4. Members and officers have given this matter further thought during the past six months, and should review the elements referred to in paragraph 3 when considering the current report.

Options

5. Members have three options:
 - (a) Abolish the Planning Sub-Committee
 - The feedback from members is that the Sub-Committee provides a very valuable arena for discussing matters in much more detail than the Planning Committee allows for.
 - It also gives the opportunity for Members to have training and acquire specialist knowledge they would otherwise be denied.
 - The Sub-Committee allows for some flexibility in reacting to changing situations and timetables

- (b) Continue the current arrangement
 - While this would meet in part what is needed, it could be seen as being unfair and treating travellers and Gypsies differently from other users of the planning system
 - It would also not allow for some of the important innovations such as public speaking that the Planning Committee allows
- (c) Amend the Sub-Committee's terms of reference to have regard to members' considerations
 - Where relevant, **any** enforcement matter could be referred to the sub-Committee. This would address what could be perceived as an inequity
 - Other parties could be allowed to address the Sub-Committee in accordance with the arrangements in place for the Planning Committee (a separate public speaking protocol would be needed).
 - It would also keep the positive elements of the existing system

Implications

6. Financial	There is a limited cost in running the Sub-Committee, but this is allowed for within existing budgets. Costs arising from enforcement action will be budgeted separately when decisions are made.
Legal	None apparent. Any that emerge will be reported verbally to the Planning Committee
Staffing	None
Risk Management	Members are now better informed when considering Traveller issues, and this proposal would extend this advantage to other potential areas to be enforced. The risk register addresses the key areas.
Equal Opportunities	Travellers constitute the largest ethnic group within South Cambridgeshire, and this proposal would address any perception of inequitable treatment.

Consultations

- 7. The Development Control Manager states as follows:

“Officer delegation arrangements already allow for enforcement proceedings to be instigated in consultation with Local Members and Chairman or Vice Chairman of Committee. Most enforcement matters will not need to involve Committee unless a Member refers the issue to it. The decision to enforce also involves the deemed decision as to whether planning permission would have been granted for the alleged breach. Planning Committee is the Regulatory and experienced forum to take that decision if the decision is referred by a Member.”
- 8. Any outstanding comments from the Democratic Services Manager, Equalities and Diversity Officer, Enforcement Officer and Principal Solicitor received after publication of the agenda will be reported verbally at the meeting.

Effect on Corporate Objectives and Service Priorities

9.	Work in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future
	The Council is working to meet the needs of Travellers while respecting those of the settled community
	Deliver high quality services that represent best value and are accessible to all our community
	The Council runs Cambridgeshire County Council's sites and is considering ways to improve them. Dialogue with Travellers is important in understanding their needs and helping them to work within, rather than outside, the planning system.
	Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work
	Members have visited sites that were not acceptable both in terms of their impact and of the standard of living environment.

Conclusions

10. the existing arrangement has been successful to date, but needs to become more equitable and to incorporate the improved customer service standards now well established and applied by the Planning Committee.

Recommendations

11. It is **recommended** that the Planning Committee endorses Option (c) in paragraph 5 above, and instructs officers to draft revised terms of reference for consideration at its meeting on 6 May 2009. Members' guidance is sought about the following sample terms:
- a) the role of the Planning Sub-Committee is to focus on regulatory issues relating to all planning matters, and develop an appropriate course of action
 - b) The Planning Sub-Committee is responsible for determining regulatory action on all sites in line with strategy developed by the Cabinet;
 - c) All Members of Council are invited to attend meetings, and encouraged to help in developing the Council's regulatory approach to development.

Background Papers:

None

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