

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

PLANNING ENFORCEMENT SUB-COMMITTEE

Purpose

1. To present proposals for amendments to decision-making and monitoring arrangements for Planning Enforcement.
2. This is not a key decision but is being brought to Planning Committee as it relates to one of its key functions.

Recommendations

3. That the Planning Committee does not retain the Planning Enforcement Sub-Committee.

Reasons for Recommendations

4. The recommendation has several advantages over the current arrangement of the Sub-Committee. By returning the responsibility for enforcement to the parent Planning Committee, the Committee will be able to make decisions more quickly and also more effectively monitor progress with serious enforcement cases.
5. The recommended option, in paragraph 13, sets out arrangements that will give greater control and oversight to the Planning Committee, and strengthen performance management.

Background

6. Since 2004, the Planning Committee has had a sub-committee that can make decisions regarding serious enforcement matters. The sub-committee was established in response to issues at Smithy Fen, when there were major financial, reputational and legal implications arising from the decisions facing the Council.
7. The current Terms of Reference for the Sub-Committee were agreed in 2009, and are:
 - (a) "To work with the relevant Portfolio Holder to provide an overview of the Council's planning enforcement policies and procedures, bringing forward recommendations for changes for the Portfolio Holder and Cabinet's consideration as appropriate; and
 - (b) "To make determinations in respect of formal enforcement action in respect of breaches of planning control referred to the Sub-Committee by the Corporate Manager for Planning and Sustainable Communities. In making such referrals, the Corporate Manager will take the following matters into account:
 - (i) "The extent of the likely harm to the character and amenity of the area concerned and the physical, social and economic well-being of communities within and around it.

- (ii) "The implications of enforcement action on the Council's resources balanced against the benefits likely to be generated from such action.
 - (iii) "The extent to which there is difference of opinion between officers, parish councils and Local Ward Members on the expediency of enforcement action.
 - (c) "To receive reports on the progress of cases determined in (b) above."
A public speaking protocol was also adopted at this time.
8. Over the last two years the Planning Enforcement Sub-Committee has met four times and has considered the following main issues:
- Smithy Fen injunctive action
 - Q8 Garage Foxton
 - Request for relief from planning obligation
 - Action at unauthorised gypsy/traveller site at Willingham
 - Authorising enforcement action at Babraham Road, Stapleford
9. The Scheme of Delegation does not specify which enforcement decisions should go to the sub-committee.
10. A monitoring report on Planning Enforcement is presented to Planning Committee four times a year. The report presented on 4 July 2012, contained information on 28 cases.

Considerations

11. The Planning Enforcement Sub-Committee provides a focussed opportunity to consider Planning Enforcement cases. However, over the past two years, it has been asked to make decisions on 5 cases. There were two meetings during 2011-12. Therefore the Sub-Committee has not received reports on the progress of cases it has determined (paragraph c of the Terms of Reference).
12. Over the last year, a system of 'ward alerts' for new enforcement cases has been introduced. This has increased the level of information provided automatically to Members on enforcement cases. It is intended that a further system of 'ward updates' will be introduced during 2012/13, which will provide Members with progress reports on enforcement cases in their neighbourhood.

Options

13. To end the current arrangement of a Planning Enforcement Sub-Committee, and in its place:
- (a) Review the monitoring reports presented to Planning Committee, so that there is more emphasis on case management, forward planning and target timescales for serious cases. The reports will also highlight which cases are being considered by the Corporate Task and Co-ordination Group that was set up as a result of the Council's Enforcement Review carried out during 2011.
 - (b) Enforcement decisions, that need to be considered by Members, will be made by Planning Committee. The Committee may make such decisions at separate meetings where planning applications are not being considered.

- (c) The Portfolio Holder for Planning and Economic Development will receive reports on the overall performance of Planning Enforcement, as part of the regular performance management reporting system.

14. Alternatively there is an option to retain a Planning Enforcement Sub-Committee of
- (a) 3 (2 Conservative, 1 Liberal Democrat); or
 - (b) 4 (3 Conservative, 1 Liberal Democrat); or
 - (c) 7 members (4 Conservative, 2 Liberal Democrat, 1 Independent Group)

Implications

15. Financial	Retaining the delegated functions within the range of the parent Planning Committee reduces the expenditure on public meetings.
Legal	The Planning Enforcement Sub-Committee is not, and never has been, recognised in the Constitution. The Local Government Act 1972 reserves to the full Council the power to appoint those bodies it considers necessary to discharge its functions. Bodies established by Council can appoint panels or sub-committees from amongst their membership for the discharge of specified functions.
Staffing	None
Risk Management	The recommended option is expected to enhance management of risks relating to Planning Enforcement.
Equality and Diversity	This paper proposes that the Council reviews how it considers planning enforcement cases at Committee, in order to take account of equality and diversity implications arising from such cases.
Equality Impact Assessment (EQIA) completed	No, although the EQIA completed for the schedule of Council meetings takes into account many of the financial, staffing and climate change implications arising from additional meetings.
Climate Change	None

Consultations

16. The contents of this report have been discussed with the Chair of the Planning Committee and Planning Portfolio Holder.

Consultation with Children and Young People

17. Not relevant.

Effect on Strategic Aims

18. We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money: Planning Committee is a suitable forum for providing a focussed approach to determining enforcement matters, with the actions recommended above..

Conclusions / Summary

19. The initial reasons behind the establishment of the Planning Enforcement Sub-Committee no longer apply. There will be tighter management of enforcement matters by returning the sub-committee's functions to the parent committee. Planning Committee meetings now begin at 10.00am instead of 2.00pm, and, since October

2011, have only once continued after lunch. The Constitution gives Members the option to adjourn the remainder of the business to another date.

Background Papers: the following background papers were used in the preparation of this report:

Local Government Acts 1972, 2000

SCDC Constitution

Agendas and minutes of Council, Development and Conservation Control Committee, Planning Committee, sub-committees

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