
MEETING	PLANNING ENFORCEMENT AD HOC SCRUTINY COMMITTEE
DATE	15 APRIL 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), PIERCE, WAUDBY AND WISEMAN
APOLOGIES	COUNCILLOR DOUGLAS

16. DECLARATIONS OF INTEREST**17. MINUTES**

RESOLVED: That the minutes of the meeting held on 4 March 2009 be approved as a correct record and be signed by the Chair.

18. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

19. PLANNING ENFORCEMENT SCRUTINY - INTERIM REPORT.

Members of the Committee were presented with an interim report which detailed further information on both the first and fifth key objectives of the review.

First Key Objective

- (i) To understand the Council's approach in relation to planning enforcement processes including Section 106 Agreements.

Members were presented with 2 briefing papers, as requested at a previous meeting. The first of these concerned the use of the Local Land Charges Register and the second, the circumstances in which Councillors could be used as witnesses in planning enforcement cases.

They also received an update on the status of the pilot scheme regarding the use of mobile technology due to be undertaken by the Building Control department.

Fifth Key Objective

- (v) To explore the impact of the Scrutiny Review on 'Powers of Enforcement – Take-Aways' on the way planning enforcement is now conducted.

The Scrutiny Officer updated that both she and the Chair of the Committee had looked at the recommendations arising from the 'Powers of Enforcement Take-Aways' review to establish whether they had been fully implemented. Annex C of the interim report detailed their findings.

The findings of the Chair and Scrutiny Officer had given rise to various issues that had required further clarification from the Planning Enforcement Team. A representative of the Planning Enforcement Team made the following comments regarding Annex C of the interim report:

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| Recommendation 3 | Planning Enforcement Officers confirmed that one Planning Enforcement Officer attended the joint meetings. |
| Recommendation 4 | The Planning Enforcement Officers confirmed that no one had been out with them at night to assess the level of risk. |
| Recommendation 5 | The nearest car park that Planning Enforcement Officers could use was the one in Marygate and this could be time consuming and difficult when dealing with urgent or emergency call outs as it took a while to walk to and from it. They also needed 48 hours notice to obtain a pool car for out of hours working. |
| Recommendation 6 | Existing Planning Enforcement Officers had not received any court training (e.g. preparation of files, display of evidence, what to do in court). One Planning Enforcement Officer was an ex-policeman and therefore had more knowledge than the other Planning Enforcement Officers regarding this. |

Members then considered the recommendations arising from the 'Powers of Enforcement - Take-Aways' review as outlined in Annex C to the Interim Report alongside the information set out above. The following comments were raised:

Recommendation 5

Members queried why 48 hours notice had to be given for Enforcement Officers to have use of a pool car and why Bootham and St. Leonard's Place car parks could not be used. Planning Officers advised that the rules were the same for everyone requiring a pool car and that the journey on foot to Marygate car park was acceptable at 5 minutes, It was suggested that it would be useful if the notice period required to obtain a pool car

could be reduced to 24 hours and requested that this be looked at as part of Development Control's internal review.

Recommendation 6

Members were advised that the current Planning Enforcement Officers had not received legal training on how to compile evidence files or undertaken any court training. Planning Enforcement Officers were keen to learn about the processes needed to prepare a court case and a representative from legal services indicated that they were supportive of this.

Recommendations 7 and 8

Members were not satisfied that either of these recommendations had been fully implemented and they would, therefore, be addressed within the recommendations arising from the current review.

Draft Recommendations

Consideration was given to the suggested recommendations attached at Annex D to the Interim.

Members queried whether an additional recommendation was required in relation to how the money collected from Section 106 Agreements was spent. Officers advised a system was in place but Members thought that this needed to be reassessed.

In relation to draft recommendation 4, Members suggested first response kits and training be added to the list of requirements.

Members commented that the outcome of the internal Planning Enforcement review, should be communicated to all staff in development control.

RESOLVED: (i) That Members comments on the outstanding issues on the recommendations of the 'Powers of Enforcement Take-Aways' Review be included in the draft final report.¹

(ii) That the additional recommendation and amendments to the existing draft recommendations be incorporated into the draft final report.²

REASON: To ensure compliance with scrutiny procedures, protocols and work plans.

Action Required

1. That Members comments on the recommendations of the 'Powers of Enforcement Take-Aways' review be included in the Draft Final Report. GR GR
2. To add the additional recommendation and make amendments to the draft recommendations to be incorporated into the Draft Final Report.

Councillor Hyman, Chair

[The meeting started at 1.30 pm and finished at 2.50 pm].