

## **Planning Enforcement Ad Hoc Scrutiny Committee**

7<sup>th</sup> October 2008

### **Scoping Report**

#### **Purpose of Report**

1. This report outlines the suggested scope and timetable for the above review which aims to identify ways of bringing enforcement cases to an earlier completion through reviewing City of York Council's approach to planning enforcement and court action.

#### **Background**

2. This topic was registered by Councillor Wiseman to explore the possibilities of speeding up the period from opening to closing planning enforcement cases and to achieve a reduction in the number of outstanding cases. She had raised concerns that a lack of resources within the Planning Enforcement Team may be contributing to delays in cases being brought to a timely conclusion. As part of the review she would also propose that the Council's approach to court action is reviewed to investigate concerns that enforcement by City of York Council has little threat of further legal action being taken.
3. Members are presented with information on both ongoing and completed cases at Planning Sub-Committees on a quarterly basis and it is noticeable that the number of ongoing cases is not being reduced. Some cases have been open for a very long time without resolution and there do not appear to be any timescales for completing a case. Whilst Councillor Wiseman is aware that some cases are very complex and need a lot of time there are still too many minor cases ongoing and as part of this review she would like to explore possible ways of completing these in a timelier manner.
4. A feasibility study and a draft remit were submitted to Scrutiny Management Committee (SMC) in July 2008 and after due consideration it was agreed to proceed with this scrutiny review based on the following remit:

#### **Aim**

5. To identify ways of bringing enforcement cases to an earlier completion through reviewing City of York Council's approach to planning enforcement and court action.

## **Key Objectives**

- i. To understand the Council's approach in relation to planning enforcement processes including Section 106 Agreements.
  - ii. To understand City of York Council's approach to court action in relation to breaches of planning enforcement notices.
  - iii. To examine why so many cases are outstanding.
  - iv. To review the Council's processes and procedures to improve the handling of Planning Enforcement Cases.
  - v. To explore the impact of the Scrutiny Review on Powers of Enforcement – Take-Aways on the way planning enforcement is now conducted.
6. In an effort to keep the review focused and in consideration of the timetable below it is suggested that this review should take no more than 3-6 months to complete.

## **Information Gathering**

7. This Scrutiny Review will allow Members to study various statistics in relation to planning enforcement cases including:
- The number of cases opened, ongoing and closed over a specified time
  - The number of Enforcement Notices (of all types) issued over a specified time
  - The number of times court action was taken over a specified time.

These statistics could then be compared with statistics in similar Local Authorities.

8. It would also allow Members to:
- Investigate City of York Council's approach to court action in relation to planning enforcement matters.
  - Investigate the possibility of adapting the planning Enforcement Guidelines to form a Charter and/or a policy

## **Consultation**

9. The following persons will be consulted as part of the review process:
- Officers from the planning department
  - Planning Enforcement Officers
  - Legal Services
  - Members
  - Any other associated Officers in relation to planning enforcement

10. Members may choose to call the Chair or Vice-Chair of the 'Powers of Enforcement – Take Aways' Scrutiny Review to assist with information in relation to Key Objective (v) of this review.
11. Members may chose to co-opt an expert on Planning Enforcement onto the Committee for the duration of the review. At the time of writing this report no name had been put forward.

### **Timetable For Review**

12. SMC agreed a timetable of approximately 3 to 6 months for this review. Members of the Committee are asked to consider the following proposed timetable for review and agree or amend it, as they feel necessary:

Meeting 1 (Formal meeting) Tuesday 7 <sup>th</sup> November 2008 at 5pm	<ul style="list-style-type: none"> <li>□ To receive the scoping report and agree a timetable for the Review.</li> <li>□ To receive a presentation from The Assistant Director (Planning and Sustainable Development) and the Head of Development Control in relation to Key Objectives (i) and (ii) and a general overview of Planning Enforcement in York</li> </ul>
Meeting 2 (informal meeting) Week commencing 3 <sup>rd</sup> November 2008)  1.30pm start	<p>Presentations and discussions in relation to Key Objectives (iii), (iv) and (v).</p> <p>The Assistant Director (Planning &amp; Sustainable Development) and Head of Development Control will give a presentation on the above 3 key objectives.</p> <p>The following people will be invited to join in the discussions after this:</p> <ul style="list-style-type: none"> <li>□ Enforcement Officers (or representative of)</li> <li>□ Representative from Legal Services</li> <li>□ Planning Area Team Leaders</li> <li>□ Chair or Vice Chair of the Powers of Enforcement – Take Aways' Scrutiny Review.</li> </ul>
Meeting 3 (formal) Mid January 2008	<ul style="list-style-type: none"> <li>□ To receive feedback from the evidence gathering session in the form of an interim report</li> <li>□ Ideas and possible actions arising from the information gathered from the Assistant Director (Planning &amp; Sustainable Development) and Head of Development Control.</li> </ul>
Meeting 4 (formal)	Draft Final Report

13. At a meeting of the Scrutiny Management Committee (SMC) held on 28<sup>th</sup> July 2008 Members agreed that they would like to take up the offer of attending a training course on Planning Enforcement. This would be facilitated by the Assistant Director (Planning and Sustainable Development) and the Head of Development Control. The course could either be undertaken as part of the review process or on completion of the review. If it were taken on completion of the review then Members would receive the most up to date information regarding Planning Enforcement and the recommendations stemming from the review process could be fed into the training. The training session will be open to Members & Substitutes of all Planning Committees, Parish Councillors and Members of local Planning Panels.

## **Options**

14. Having regard to the aim and objectives of this topic remit Members may chose to:
  - i. Agree or amend the timetable for review.
  - ii. Agree or amend the information gathering in paragraphs 7 & 8 of this report.
  - iii. Co-opt an external expert on Planning Enforcement onto the Committee for the duration of the review as suggested in paragraph 11 of this report.
  - iv. Have the training course referred to in paragraph 12 of this report as part of the review process or when the review process is finished.
  - v. Call the Chair or Vice-Chair of the 'Powers of Enforcement – Take Aways' Scrutiny Review as a witness.

## **Implications**

15. **Human Resources (HR)** – Members should be aware of the ongoing heavy workload within the Development Control Area of City Strategy.
16. **Legal** – There are no known legal implications associated with this report.
17. **Financial** – There are minimal funds available within the scrutiny budget for research relating to ongoing reviews, therefore there are no financial implications associated with the recommendations within this report.
18. There are no known Equalities, Property, Crime and Disorder or other implications associated with the recommendations within this report.

## **Corporate Strategy**

19. This review relates to the following Value as set out in the Corporate Strategy 2007-2011:

'Encouraging improvement in everything we do'

## Risk Management

20. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report other than the focus of the review and the progress of the Scrutiny Workplan would be adversely affected if the review did not keep within the agreed timescale.

## Recommendations

21. It is recommended that Members consider and agree:
- a. The proposed timetable and scoping for this review
  - b. Whether they would like to call the Chair or Vice-Chair of the 'Powers of Enforcement – Take Aways' Scrutiny Review as a witness (paragraph 10 refers)
  - c. The involvement of a co-optee (paragraph 11 refers)
  - d. Whether to hold the training course referred to in paragraph 12 of this report as part of the review process or when the review process is finished.

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

## Contact Details

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**Scoping Report  
Approved**



**Date** 26.09.2008

**Specialist Implications Officer(s)**

None

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

None