

Scrutiny Management Committee

24th March 2009

Report of the Civic, Legal & Democratic Services

Planning Enforcement Ad Hoc Scrutiny Request to Extend Timeframe

Summary

1. This report is to ask Members of SMC to agree to an extension to the timeframe originally agreed for the Planning Enforcement Ad Hoc Scrutiny Review.

Background

2. This topic was originally 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 also proposed that the Council's approach to court action was reviewed to investigate concerns that enforcement by City of York Council had little threat of further action being taken.
3. A feasibility study and a draft remit were submitted to the Scrutiny Management Committee in July 2008 and after due consideration it was agreed to proceed with this scrutiny review based on the following remit:

Aim

4. 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 the 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.

Consultation

5. The following people have been consulted as part of this review:
 - Assistant Director (Planning & Sustainable Development)
 - Head of Development Control
 - Planning Enforcement Officers
 - Officers from Legal Services
 - Elected Members with links to Planning Committees
 - Area Team Leaders for East area Planning & West and City Centre Planning Committees.

Information Gathered & Reason for Request for Extension

6. During the course of this review, at both informal and formal meetings, Members of the Committee have gathered information relating to the five key objectives listed above. A draft final report has been prepared which currently includes 9 recommendations. On revisiting 2 of the recommendations (set out below), Members of the Committee decided that they should collect this information as part of the review rather than have the briefing notes presented to SMC.

Proposed Recommendations

- i. That the Head of Development Control be asked to prepare, for consideration by SMC initially, a briefing note exploring how the Land Charges Register could be used to assist the planning enforcement process.
 - ii. That a briefing note be prepared, subject to legal advice, detailing the circumstances in which Members can be used as witnesses in planning enforcement cases.
7. Another of the recommendations arising from the review makes reference to a pilot scheme being undertaken within the Building Control Department. This is a trial of various kinds of mobile technology (e.g. laptops, PDA, mobile phones, laser rules). Members have now asked for a briefing note regarding progress with this pilot scheme in order that they might make a more specific recommendation regarding possible equipment for Planning Enforcement Officers.
 8. Originally SMC had agreed that the review should take between 3 and 6 months. This timeframe has now expired but there is still a small amount of work outstanding. In light of this Members of the Committee have arranged for two extra meetings to take place. The first (15th April 2009) to receive the three

requested briefing papers and the second (18th May 2009) to receive the amended draft final report. The final report will hopefully be presented to SMC in July 2009.

Options

9. Members can either:
 - i. Agree to the request for an extension to the timeframe
 - ii. Not agree to the request for an extension to the timeframe

Analysis

10. In order that the Committee can make informed recommendations, it would be advantageous if the requested extension to the timeframe of this review were approved.

Corporate Strategy

11. The Planning Enforcement Ad Hoc Scrutiny Review relates to the following value as set out in the Corporate Strategy 2007-2011:

‘Encouraging improvement in everything we do.’

Implications

12. There are no known financial, human resources, equalities, legal, crime & disorder, information technology, property or other implications associated with the recommendations in this report.

Risk Management

13. In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations in this report.

Recommendations

14. In light of the above report Members are asked to agree to the requested extension to the timeframe of this review.

Reason: In order that further relevant information may be considered by the Planning Enforcement Ad Hoc Scrutiny Committee.

Contact Details

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Report Approved

Date 12 March 2009

Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

None