

Board and Topic	Rec No.	Recommendation as approved by the Executive on 8th September 2009	Update on recommendations as of September 2010
<b>Planning Enforcement Ad Hoc Scrutiny Committee Mike Slater &amp; Jonathan Carr</b>	1	That the Head of Development Control:	
	1(i)	Prioritises new cases/complaints	Cases are categorised as described in the enforcement guide published on the website, to prioritise the caseload. Following the restructuring of the Section and the change to development Management, the Enforcement Appeals and S 106 team Leader is in post and has dedicated responsibility for the management and prioritisation of cases.
	2	That, once trigger points are reached and payment has not been received, Section 106 Agreements are promptly passed to Legal for action	Initial reminder letters to developers can often be sufficient prompt to secure payment, and avoid costly and time consuming formal action. Otherwise cases are referred to Legal Services. In many cases now, given the use of conditions to secure infrastructure works, there may be a breach of condition rather than a non compliance with a S106 agreement. Review of the process for S 106 agreements is considering ways of streamlining the process such that one letter advising of the trigger point is reached will be sent prior to Legal proceedings being instigated.
	4(i)	That the expenditure of Section 106 monies be made entirely in accordance with the Council's Financial Regulations	As previously reported, this is dependent on the directorates responsible for the required infrastructure improvement. A recent internal audit suggested that the funds were being used as intended. The new Team Leader for Enforcement, S106 and Appeals will be reviewing the Section 106 contribution arrangements.

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	4(ii)	That a regular report be presented to the relevant Planning Committees detailing where Section 106 monies have been spent by the receiving Directorates	The new Team Leader will be considering the most appropriate reporting arrangements in liaison with relevant fund -receiving directorates, which need to feedback on how the contributions have or will be spent. Assessment of the preparation time and resource implications will be required.
	5	That Planning Enforcement Officers be issued with:	
	5 (i)	Necessary mobile communications technology (e.g.; laptop, mobile phone, PDA, laser rule) subject to the outcome of the pilot scheme to be undertaken by Building Control and to funding being available	The final outcome of the Building Control pilot project is still awaited. Various devices have been trialled and issues identified. The costs, benefits and value added of tablet devices for enforcement are being considered as part of the More for York process review work, as changes to existing and purchase of new software would be required. Mobile phones, are already issued to staff.
	5 (ii)	A First Response Kit and any appropriate training to use this	First response kits with usage instructions have been issued to all enforcement staff
	9	That a copy of the final report of the Planning Enforcement Ad Hoc Scrutiny Committee be circulated to all Members involved with Planning Committees	This was sent out to all Members on 24.02.2010
<b>Note</b>		<b>That at a meeting of Economic &amp; City Development in March 2010 the following recommendations were signed off as complete: 1(ii), 1(iii), 3,6,7,8 and 9</b>	