

APPENDIX D
Agenda Item No. 7

REVIEW OF PROGRESS ON ENFORCEMENT AND Director of Environment and
Planning
IMPLEMENTATION OF S106 PLANNING OBLIGATIONS

(1.0) Purpose

This report updates Members on progress relating to improvements to the enforcement and implementation/monitoring of S106 planning obligations (developer contributions) functions within Planning since the matter was previously considered last March.

(2.0) Recommendation/For decision

That Committee notes the progress made and the intentions for continuing improvements.

(3.0) Supporting Information

3.1 At the meeting on 31st March 2004, this Committee considered a report which reviewed the reorganisation of the Planning enforcement function, including the changes then being finalised to the way we dealt with securing developer contributions through S106 agreements (especially Open Space provision and adoption). Members were supportive of the changes that had been put in place and future planned improvements, but asked that a report come back at this stage to allow progress to be monitored. In this report the “mainstream” planning enforcement function and the Planned Development function (S106 Implementation/adoption) will be dealt with separately.

Enforcement function

3.2 The previous report explained the basis behind setting up the dedicated enforcement team under its own team leader, and the progress that had been made at that time in undertaking a major review of all cases “on the books”. Members were advised that a large number of outstanding cases had been closed, where issues had been resolved, or further meaningful progress was not a realistic prospect.

3.3 Since April work has continued on reviewing and improving our systems and procedures, with a particular focus on putting in place a robust and effective system of management information. In terms of managing cases we have also moved to a system of prioritising and profiling cases. However since April we have been faced with a problem of long-term staff sickness which has effectively left us without one of the three investigative enforcement officers. We have sought to close this gap by redeploying existing staff and bringing in administrative support on an agency basis, but this has clearly had a significant impact, both on our ability to manage newly received cases as well as striving to resolve older cases and reducing the number of cases in hand. Since the last report the number of cases in hand has risen from 440 to 500. To set this in context, in the last 12 months we have received 574 new

complaints. In the same period however, 500 cases have been closed. The current level of cases in hand is still significantly below the March 2003 figure of 600.

- 3.4 In addition to redeploying staff to deal with the “ongoing” work we have also earmarked money from the Planning Delivery Grant funding to bring in some external resources to target the backlog of cases. It has proved immensely difficult to recruit agency staff with the necessary skills and experience, and three of the four people we have lined up have dropped out at the last minute in favour of more “mainstream” planning work. Members should be aware that there is an extremely pressured market for skilled planning staff at present. We have however continued to seek such a resource and are anticipating a suitably experienced person will start with us shortly on an agency basis.
- 3.5 Overall therefore whilst we have made some “systems” progress, we recognise that we have not been able to move this part of the service forward as fast as had originally been hoped. Significant improvements are still intended, but these are predicated upon reducing the cases in hand to more manageable levels and that needs full and consistent resources.

Planned Development function

- 3.6 When Members considered the previous report we were just starting a reorganisation of how we dealt with the adoption of open space, to integrate this with the main Planned Development function which looked at a wider range of developer contributions. That “team” is now established and working effectively. We have completed our review of how open space provision is secured through the S106 process, involving a series of Scrutiny Committee meetings and Seminars for Members. Those changes cannot be applied retrospectively, but will bite on future S106 arrangements that are now being negotiated. However, evolving from this has been a radical change to the way we work with Members and Parish Councils to keep them informed about what is happening. Working closely with Legal colleagues, we have also had a focussed drive at reducing the backlog of “problem” sites, most of which go back a number of years to very different S106 regimes to those we now operate. This has shown clear successes, and the “problem” list has reduced from 51 sites to 39 over this period. It is anticipated that a number of other sites will be resolved in the near future.
- 3.7 Whilst this good progress is pleasing, showing the benefits of the organisational changes that have been put in place, we recognise that this needs to continue into the future. To facilitate this we have also undertaken a fundamental review of our procedures on such sites, and established a far more effective records base from which to work.
- 3.8 In conclusion therefore it is regrettable that the difficulties within the enforcement team have prevented the progress being experience in the first part of 2004 being continued throughout the year in the way that had been hoped for. We are committed to making substantial progress here and are redirecting resources and bringing in an external resource to help. Progress on the Planned development function is however far more positive and has shown very good initial results. We are not complacent about the work it will take to continue to resolve the problems from previous years with open space adoptions, and the organisational and procedural changes we have put in place will assist with this.

(4.0) Options Considered

Not applicable – this is a report on progress.

(5.0) Reasons for Recommendation

Committee requested that this report be brought to this meeting to update them of progress.

(6.0) Resource Implications

The preparation of this report has been met from within existing budgets.

(7.0) Response to Key Aims and Outcomes

The most relevant Outcome is ensuring high quality, sustainable development, that minimises the impact on the environment.

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Background Documents: Report to Development & Environment Scrutiny Committee on 31st March 2004.

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