

Environment and Living Scrutiny Committee

13 FEBRUARY 2018

PRESENT: Councillors S Jenkins (Vice-Chair, in the Chair), M Bateman, A Cole, S Cole, P Cooper, B Foster, N Glover (In place of B Everitt), T Hunter-Watts, R King and R Newcombe (In place of M Winn)

APOLOGIES: Councillors S Chapple, B Everitt and M Winn

1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 19 December 2017 be approved as a correct record.

2. DEVELOPMENT MANAGEMENT SERVICE AND ENFORCEMENT UPDATE

The Committee received a report which outlined the progress of the Council's Development Management and Planning Enforcement services. In addition to the report, two presentations were given to the Committee.

Development Management

AVDC had seen a significant increase in workload for the service over recent years due to the Vale's development with major applications having doubled since 2013 (a major application being 10 or more dwellings). The category of applications AVDC received was often for large numbers of housing or high investment retail developments. This was in addition to national projects included HS2 (with AVDC being the most affected authority outside London), East West Rail and the National Infrastructure Corridor all of which would have associated planning applications. Additional challenges to the service included a national shortage of skilled planners which had made recruitment competitive amongst Local Authorities. The service had undertaken a communications campaign to reach potential candidates through LinkedIn, offering 'golden hellos' and working with Reading University to approach graduates nearing the end of their studies. Recruitment to Senior roles had been slower than anticipated which had led to the utilisation of planning consultants and agency workers.

Major applications were often complex with representations made by developers and objectors. As a highly visible service, the perception was that Development Management was in favour of applications which created a challenging working environment due to the service's actions being scrutinised by both sides. It was acknowledged that communication with the public, Parishes and Members was important in the delivery of the service. The recent introduction of the Parish Liaison Officer role had aided in this regard and had been well received by the Aylesbury Vale Association of Local Councils. The introduction of Account Managers had also assisted the service as these posts were able to respond to planning enquiries from developers directly.

Between July – September 2017 82% of applications were processed on time which was second locally only to Chiltern (83%). The special measures threshold was being increased by Central Government however AVDC would be unaffected by this based on current performance which was well above the minimum performance requirement.

Members sought more information and were advised that:-

- i. At present there were four vacant posts in the service. 17 planners were in the service, two of which were part-time, and one experienced planner had failed the behaviour assessment as part of the corporate restructure. In addition, two planners had retired and one planner went on maternity leave and then did not return. Members were assured that the service did not want to lose their staff.
- ii. The service was reaching its government target through the use of improved information management such as a workflow software system that flagged applications in danger of being late and monitored staff workload. Process mapping was also being undertaken to identify further streamlining opportunities. Authority had also been delegated to experienced officers rather than awaiting senior approval. Contractors had also assisted with targets being met.
- iii. The remaining percentage of applications that failed to meet the deadline was more complex due to the need for additional consultation such as Buckinghamshire County Council on traffic flow and management.
- iv. Applications that were rejected were often subject to developer appeal whereas objectors had no process to appeal against approved application. Therefore it was felt that the planning process distorted the public's perception on the service.
- v. HS2 had the potential to result in around 600 applications (numbers were still to be confirmed) to the planning service over a period of several years. The cost for work carried out on behalf of HS2 would be fully recoverable via a service level agreement. It was expected that HS2 would require the Council to employ 3-5 fulltime planning staff over an eight year period but this was still to be confirmed.
- vi. Neighbourhood Plans deterred speculative development.
- vii. One agency worker was working full-time to recruit additional staff to the service whilst four managers and an HR Businesses Partner also assisted in the recruitment. This approach had seen nine external planners recruited in addition to staff in other parts of commercial services. It was also noted that this resource did not detract from the planning service itself as the staff involved were not planners.
- viii. As well as recruitment, the service was focussing on staff retention through the building of a work culture to progress staff. An example of this was by delegating low-risk applications to the less experienced staff to develop their skills which had the additional benefit of freeing the resource of more experienced planners. The service had had success in retention, for instance the planner that had worked on Arla was still at AVDC. Nonetheless, recruitment itself would be ongoing due to officers deciding to move on with their careers which was expected to a degree with the infrastructure projects that would take place in Aylesbury Vale.

Whilst Members commended the planning service, concern was expressed over the expected number of applications that would be received in future and the impact these would have on residents. Members agreed that they wanted more information, such as projected application numbers and staffing requirements, to come back to Committee. This would be picked up on the Work Programme item.

Planning Enforcement

The corporate restructure had brought together a range of enforcement and regulatory functions in to one group which was called Regulatory Services. The remit covered a range of disciplines which included Environmental Health, Housing and Housing Enforcement, Licensing, Ecology and Heritage. The officers for the services worked within multi-disciplinary teams which had the benefit of knowledge sharing as well as the creation of synergies between services and a reduction in work duplication. It had been found that using this method had reduced the necessity to despatch two officers to investigate two separate issues on the same site. For instance, environmental and

planning issues raised on a construction site may not require a Planning Enforcement Officer and an Environmental Health Officer as one officer would be able to remedy the situation sufficiently using suitable planning enforcement or environmental health powers. This had the potential to free up the resources of the highly experienced and qualified planning enforcement officers and allow them to focus their attention on complex and controversial cases.

The intention of the enforcement service was to underpin the existing regulations and uphold confidence in the planning system. Key to this was to investigate situations where either development had deviated from consent or had been carried out without consent. The purpose of the service was to seek to remedy rather than to punish and, as it was not an offence to carry out works without planning permission, would not seek enforcement action to regularise development which would otherwise have been accepted. The key test for enforcement was that had an application been submitted then would it have likely been refused or granted subject to controlling conditions; if it was the latter then no action should be taken. The service was predominantly reactive and Audit Committee (November 2017) heard that proactive enforcement in line with the current Planning Enforcement Plan 2016 was not being undertaken in the main as proactive enforcement was currently hard to achieve given the level of demand. Enforcement operated within a statutory framework and had to consider level of harm caused with an impetus on negotiating a solution wherever possible. If negotiation was not possible then enforcement options were available however reaching a final outcome may take some time.

Members heard more on the demand of the planning enforcement service, namely that there had been a 27% increase in caseload over the last three years and that there were currently 430 open cases. Geographically this corresponded broadly with the current development areas in Aylesbury Vale and it was expected that these numbers would increase as major development continued. Progress with open cases was often not visible to those that had complained which led to an increase in public perception that no progress was taking place. For 2017, the statistics were as follows:

- 586 complaints received
- 496 cases closed
- 209 breaches identified
- 80 breaches ceased
- 64 permissions granted
- 65 no expedient to pursue
- 10 notices served
- 1 injunction

Moving forward, the intention was to review current staffing resource and review the service's historical trends and demand patterns to recognise ways of working more efficiently. So far, it had been identified that enforcement would utilise the skills and resources of other officers and services (such as council tax inspectors) to reduce the need for travel time which was significant given the large geographical size of the District. The service had also encouraged customers to provide as much information as possible during the initial report contact stage so that officers would not have to ask for further information. A new back office database system was in the process of being implemented which would provide greater case visibility to officers and allow managers to monitor workflow and case management more efficiently. Collaboration was also aimed for by working with Development Management to produce an achievable and workable proactive response where risk was deemed greatest such as the discharge of conditions on major development sites. By focusing on communicating 'once and well', the enforcement service would be able to focus their resources on cases where harm was at its highest risk.

Members sought more information and were advised that:-

- i. HS2 was expected to be one of the most monitored major infrastructure projects ever undertaken and that enforcement for the HS2 project would cover not just planning but also environmental conditions (e.g. noise, dust and vibration). HS2 had established a complaints process to manage and deal with complaints from those affected by construction in the first instance. It was felt that escalations from the HS2 complaints process would likely involve AVDC officers and Members and, despite HS2 not committing to covering the costs of these investigations, recompense would be sought from the additional work. AVDC had also offered HS2 the possibility of having their staff work at The Gateway to aid communication which was under HS2's consideration.
- ii. It was hoped that an additional full-time post would be approved and recruited in order to replace a long term agency worker who had assisted in meeting increased demand. Further recruitment would take place if deemed necessary by the enforcement service after the implementation of a new back office database system which was software that intended to assist in the enforcement process.
- iii. Whilst it was appreciated that enforcement issues had potential impacts on residents, there was an issue of complainants' expectations of outcome vs reality of outcome. The need was to focus on managing expectations, resolving complaints as quickly as possible and clearly explaining the rationale behind enforcement decisions.
- iv. Parish communication was important with meetings had on issues as necessary. An upcoming Parish Conference was scheduled on 20 February with enforcement on the agenda whilst an enforcement update was normally discussed at the quarterly AVALC meetings.
- v. The way that planning enforcement complaints were prioritised was set out in the Planning Enforcement plan as Low, Medium and High. These ratings were thresholds based on case law, experience and government guidance. Any decision for no-action was based on whether action was appropriate or legal in the particular case circumstances. This needed to be made clearer to those involved in the complaint.
- vi. Developers were generally compliant and stayed within the planning conditions.

Members also received a brief update regarding action to deal with suspected ACM cladding on the exterior of Friars House, Aylesbury. Since the last update at Committee 19 December 2017, LGA had distributed legal guidance and advice on actions by other local authorities. Members were advised that a more detailed update would come to Committee when available.

RESOLVED –

That the planning and enforcement update be noted. Members saw the potential benefit of additional staffing within the enforcement service due to development and infrastructure growth within the Vale. It was agreed that an enforcement update would come back to Committee once the new back office database had been implemented and the impact on the service was fully understood.

3. WORK PROGRAMME

Following the Development Management update, Members considered the additional information on the service that they wanted to come to Committee and agreed on the following:

- Staffing number projections and application number projections
- Budget/Costs

- Time and resourcing for recruitment as well as more detail on recruitment activity

The Committee then discussed their upcoming work programme and noted the policy frameworks that would be coming to Committee over the next three meetings. Members also expressed an interest in an item regarding culture in Aylesbury Town Centre coming to Committee in future.

RESOLVED –

That the work programme and Committee discussion be noted.