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| SUBJECT | Delegation Arrangements on Planning Enforcement |
| REPORT OF | Cllr John Read |
| RESPONSIBLE OFFICER | Steve Bambrick |
| REPORT AUTHOR | Joanna Swift |
| WARD/S AFFECTED | All wards |

1. Purpose of Report

To recommend changes to the delegation arrangements on Planning Enforcement matters to take account of the recent approval of the Local Enforcement Plan.

RECOMMENDATION

That the revised delegations as set out in the Appendix to the report be agreed and recommended to Full Council for approval.

2. Reasons for Recommendations

The recommended revised arrangements will provide the mechanism for the effective delivery of the Local Enforcement Plan.

3. Content of Report

- 3.1. The Local Enforcement Plan was approved at Cabinet on 17 April 2018.
- 3.2. The Plan brings about significant changes to the processes that will be followed in receiving and assessing information about alleged breaches of planning control.
- 3.3. The current delegated arrangements give officers authority to serve requisitions for information about ownership of land and Planning Contravention Notices. In cases of urgency the Head of Legal and Democratic Services has power in consultation with the Head of Planning and Economic Development and Chairman of the Planning Committee to serve a range of enforcement notices and apply for injunctions. The Head of Planning and Economic Development also has power to take direct action to remove offending development with the action taken being reported to the next meeting of the Planning Committee. Apart from these delegations the current arrangements require all enforcement action to be authorised by Planning Committee.
- 3.4. In order to ensure the efficient operation of the recently approved Local Enforcement Plan it is considered the current arrangements require review. In particular, the requirement for the planning committee to authorise the service of enforcement notices adds time and operational costs to the wider process. Current

work on assessing the backlog of enforcement activity indicates that there will be a significant increase in the service of notices in the coming months. Plainly, this pipeline of work will stretch the current arrangements even further.

- 3.5. The new arrangements proposed would give delegated authority to the Head of Planning and Economic Development on all enforcement matters with a requirement for consultation with the Head of Legal and Democratic Services on the service of notices and instigation of legal proceedings. The decision to serve a Stop Notice, Temporary Stop Notice or to apply for an injunction would be made in consultation with the Chairman of Planning Committee (or in his absence the Vice – Chairman). Any direct action taken would continue to be reported to the next Planning Committee as required under the current delegations. A service level agreement would be prepared between the Planning service and the Legal service. This agreement would identify the timescales for undertaking consultation and providing legal advice. This is intended to ensure legal issues are properly considered when issuing notices and instituting proceedings but allow more streamlined decision - making particularly on the serving of enforcement notices. This revised process would also address many of the current issues and complaints about the enforcement service which focus on the time taken for notices to be served where necessary.
- 3.6 Whilst the proposed revised delegations are directly to officers, it is acknowledged that members of the Planning Committee and local members will continue to expect a degree of engagement in the wider process. It is on this basis that senior officers will ensure that they raise issues with ward members as would be appropriate to the proposed notice or action concerned.
- 3.7 A similar report is being submitted to the Cabinet and Planning Committee at CDC seeking views on the proposed new arrangements.

4. Consultation

The contents of this report have been discussed with the Portfolio Holder and Chairman of the Planning Committee.

5. Options (if any)

There are a variety of options for delegating decision-making for enforcement matters based on a combination of factors including the ability of officers to serve an extensive or a more restrictive range of notices. The proposed delegations are based on national best practice and seek to ensure the Council can deliver the recently introduced Local Enforcement Plan in an effective and timely manner.

6. Corporate Implications

- 6.1 Financial – There are no direct financial implications from this report.

Planning & Economic Development PAG
Planning Committee
Cabinet
Full Council

13 September 2018
10 October 2018
17 October 2018
14 November 2018

- 6.2 Legal – Enforcing breaches of planning and advertisement control is a statutory power which requires investigation of factual and legal issues to determine whether a breach has taken place, as well as a decision as to whether it is expedient to take action having regard to relevant planning policy considerations.
- 6.3 Whilst the report does not have any direct implications on any other corporate matters, it has the potential to send out very strong signals about the Council’s willingness to take positive and proportionate enforcement action where necessary.

7. Links to Council Policy Objectives

The proposal supports the objectives of conserving the environment and promoting sustainability as well as delivering cost-effective, customer-focused services.

8. Next Steps

Following consideration by Planning Committee and Cabinet the proposed revisions to the Scheme of Delegations will be reported to Full Council for approval and the Constitution updated accordingly.

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| Background Papers: | None other than referred to in this report |
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