

BABERGH AND MID SUFFOLK DISTRICT COUNCILS

Minutes of the meeting of the **JOINT OVERVIEW AND SCRUTINY COMMITTEE** held in the Virtual Meeting on Monday, 14 December 2020

PRESENT:

Councillor: Keith Welham (Chair)

Councillors:	Terence Carter	James Caston
	Paul Ekpenyong	Jane Gould
	Margaret Maybury	Alastair McCraw (Co-Chair)
	Mary McLaren	David Muller
	Adrian Osborne	Keith Scarff

In attendance:

Officers: Chief Planning Officer - Sustainable Communities (PI)
Officer for Heritage and Planning Compliance (SB)
Performance and Quality Officer for Growth & Sustainable Planning (JM)
The Business Practice Manager - Development Management (JH)
The Assistant Director – Planning for Growth (TB)
The Assistant Director – Law and Governance and Monitoring Officer (EY)
Senior Governance Officer (HH)

Apologies:

Siân Dawson
Kathryn Grandon

14 DECLARATION OF INTERESTS

14.1 There were no declarations of interests from Members.

15 JOS/20/6 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 23 NOVEMBER 2020

15.1 That the minutes of the meeting held on the 23 November 2020 be deferred to the Joint Overview and Scrutiny Committee on the 15 February 2021.

16 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

17 QUESTIONS BY THE PUBLIC

17.1 None received.

18 QUESTIONS BY COUNCILLORS

None received.

19 JOS/20/7 PLANNING ENFORCEMENT - TRANSFORMATION UPDATE

- 17.1 The Chair invited the Chief Planning Officer, Philip Isbell to introduce the report.
- 17.2 The Chief Planning Officer introduced the report and detailed the background for the project.
- 17.3 The Officer for Heritage and Planning Compliance, Simon Bailey, informed Members that there had been 380 applications at the start of 2020 and that two thirds of these cases had been over 26 weeks old. The team had focused on these and had now processed 152 of these cases, which formed part of the mapping process for enforcement cases. The Team continued to work on reducing the outstanding cases, however the Covid-19 Lockdown had slowed this work down as site visits had only just commenced again. Some business had had to reduce the way they operated in order to keep working under the Covid-19 restrictions.
- 17.4 In response to Member's questions the Officer responded that the Government had taken a tolerant approach to the way businesses were working, and that not all residents had been understanding for the new ways of working on building sites and in relation to the increase of home deliveries.
- 17.5 The Performance and Quality Officer for Growth & Sustainable Planning, John Mawdsley referred to the Enforcement Flowchart in Appendix E and presented the process map for enforcement cases to Members.
- 17.6 The Business Practice Manager - Development Management, Julie Havard, detailed the administrative side of the enforcement process and the work with the Development Management team. A report was set up within three working days for each case which was reduction from ten days previously. Each enforcement case was plotted with the Enforcement and the Development Teams within 24 hours of receipt, once the validation team had evaluated the application forms. However, not all cases referred were enforcement cases.
- 17.7 The Chief Planning Officer added that improved process mapping and workflow management have assisted officers to deal with the high personal workloads and that this had been a learning point for officers.
- 17.8 Councillor Ekpenyong queried the increase in the year-on-year cases and why this was happening.
- 17.9 The Officer for Heritage and Planning Compliance explained that there was a number of reasons, such as residents currently spending more time at home and walking around the neighbourhood more. Building work on sites did not have to adhere to social distancing and had extended working hours, which

had caused some increase in cases being reported. He expected that the number of cases reported would reduce once the pandemic and the lockdown restrictions had been lifted.

- 17.10 Councillor McLaren queried whether allocations of cases were based on geographical areas and the officers responded that the Districts were divided into east and west and that each area had three teams allocated on a geographical basis. In response to further questions from Councillor McLaren, the officers confirmed that some areas such as Stowmarket and Sudbury received more complaints than other areas.
- 17.11 In a response to several Members' questions regarding resources, the Chief Planning Officer explained that resources remained under review, pending on the implementation of the new software system. Planning officers actioned the workflow mapping for each case and desktop assessment was an important step to reduce the workload. Not all cases required a site visit but could be resolved by appropriate advice to the complainant. Currently this was a period of learning for officers.
- 17.12 Councillor McCraw referred to page 53 in the report and asked if the upward trend was due to the perception that there was a greater awareness of planning conditions resulting in people reporting more cases.
- 17.13 The Heritage and Planning Compliance Officer confirmed that this was the case but also that larger developments drew more attention from residents.
- 17.14 The Assistant Director – Planning for Growth, added that there was a greater visibility of the planning process, as Neighbourhood Plans were being developed, currently there were 50 plans in development, and this could lead to a greater expectation and reporting of breaches of conditions.
- 17.15 Councillor Maybury commented that member briefings were useful for Members' understanding the complex issues of enforcement cases. She asked if officers could provide clarification of the legal issues referred to in the report.
- 17.16 The Heritage and Planning Compliance officer explained that court dates for legal cases were difficult due to the Covid-19 restrictions and the Lockdown period.
- 17.17 The Business Practice Manager - Development Management respond to further question from Councillor Maybury and explained the process for validations and enforcement cases and that officers could provide support for the applications.
- 17.18 Councillor Adrian Osborne queried how many older enforcement cases before 2017 -18 had not yet been enforced.
- 17.19 The Heritage and Planning Compliance officer responded that steps had been taken to reduce older cases and that in those cases where legal action

noticed had been served, further action would be pursued and as a judgement had been made.

17.20 Councillor Carter queried whether it would be the Enforcement team or the Tree Protection Officers who would be following up on reporting on tree felling and coppicing.

17.21 The Heritage and Planning Compliance Officer responded that it depended on whether the tree had a Tree Protection Order (TPO), if so, the officers would be attending within three days. With regards to coppicing the legislation stated that hedgerows had to be uprooted before action could be enforced.

17.22 Councillor Caston asked if the Chief Planning Officer could provide an overview of the resources required for the transition project.

17.23 The Chief Planning Officer explained that work around high priority cases and policy was being undertaken. An internal consideration of resources was being conducted in relation to skills and ability to deal and close cases. Once the timetable had been implemented, he would have a better understanding of the resources required.

Note the meeting was adjourned between 10:55 am and 11:01am.

17.24 Members debated the issues including:

- That the increase in the reporting enforcement cases should be considered as a positive, as it indicated that the public had more faith in the Enforcement Team.
- That the processing time for cases had been reduced over the period from January to November.
- That it was positive that there was not an immediate requirement for further resources.
- That officers had embraced the new system and that the implementation was reassuring.
- That the public did not always understand the process for planning enforcement.

17.25 Councillor Carter thought that reports should be available to the public if possible, to explain the circumstance of enforcement, to which officers responded that this was an important point for consideration and that if possible, there should be more transparency around enforcement policy. However, by the nature of the enforcement investigations not all information could be shared with the public.

17.26 Members and officers discussed the implications of recovery of cost for enforcement cases and that reimbursement was uncertain even if cases were successful.

17.27 Members discussed the recommendations and the implications of using the

Members from the Joint Local Plan (JLP) working group as a basis for the propose Task and Finish group for the Joint Local Plan Planning Enforcement Policy. Some Members felt that it excluded a wider member participation.

17.28 Councillor Ekpenyong asked that more detail be included in the next report for cost recovery.

17.29 Councillor Scarff considered the composition of the JLP working group. He felt that Members had had opportunities to contribute to the group effectively. He understood that whilst the Government had allowed for relaxation for some procedures due to the Covid-19 pandemic, this had left some residents worried and could create problems in the neighbourhood. He thought that measures had to be taken for enforcing the policies again once the Covid-19 pandemic had passed and that directions was necessary from Central Government.

17.30 Councillor McCraw thought that the amount of work undertaken by the planning team and had created awareness and understanding amongst members and the public. It was important that the process and structure was made available to the public and that transparency was considered for planning enforcement. In terms of using the JLP working group for the Task and Finish Group for the JLP Planning Enforcement Policy with the addition of further members participation, and he proposed that changes be made to the recommendations:

3.2 That a further update on progress with service transformation work within planning enforcement be provided to the Committee at the conclusion of the work of the Joint Member/Officer Task & Finish Group recommended under 3.3 at the conclusion.

3.3 That the Chief Planning Officer establish a Joint Member/Officer Task & Finish Group, comprising after review of the existing membership Members of the Joint Local Plan Member working group together with further Member input resolved with the chief planning officer in consultation with Political Group Leaders to review and make recommendations on the Joint Local Planning Enforcement Policy (JLPEP) and that this group have regard to best practice and other examples of published local enforcement policies in that process of review.

17.31 Councillor Carter seconded the recommendation.

17.32 Members debated the recommendations further and agreed the following wording for the recommendations.

3.2 That a further update on progress with service transformation work within planning enforcement be provided to the Committee at the conclusion of the work of the Joint Member/Officer Task & Finish Group recommended under 3.3 at the conclusion.

3.3 That the Chief Planning Officer establish a Joint Member/Officer Task &

Finish Group (comprising as a basis of-the Members of the Joint Local Plan Member working group together with further Member input resolved with the chief planning officer in consultation with Political Group Leaders) to review and make recommendations on the Joint Local Planning Enforcement Policy (JLPEP) and that this group have regard to best practice and other examples of published local enforcement policies in that process of review.

Note: Councillor Maybury left the meeting at 11:47am.

17.33 The Chair asked if the proposer and seconder would agree the proposed recommendations, and Councillor McCraw and Councillor Carter both agreed.

By a unanimous vote

It was RESOLVED: -

1.1 That the contents of this report be noted.

1.2 That a further update on progress with service transformation work within planning enforcement be provided to the Committee at the conclusion of the work of the Joint Member/Officer Task & Finish Group recommended under 3.3 at the conclusion.

1.3 That the Chief Planning Officer establish a Joint Member/Officer Task & Finish Group (comprising as a basis of-the Members of the Joint Local Plan Member working group together with further Member input resolved with the chief planning officer in consultation with Political Group Leaders) to review and make recommendations on the Joint Local Planning Enforcement Policy (JLPEP) and that this group have regard to best practice and other examples of published local enforcement policies in that process of review.

20 JOS/20/8 - REVIEW OF OUTSIDE BODIES- ADDITIONAL RECOMMENDATION

20.1 The Chair informed Members that with the agreement of the Chair of Babergh Overview and Scrutiny Committee this Item was to be deferred to the Mid Suffolk Overview and Scrutiny Committee meeting on the 14 January 2021.

20.2 The Chair asked that the Item be added to the Mid Suffolk Overview and Scrutiny Work Plan.

21 FORTHCOMING DECISIONS LIST

It was RESOLVED: -

That the Forthcoming Decisions List be noted.

22 JOS/20/9 BABERGH OVERVIEW AND SCRUTINY WORK PLAN

It was RESOLVED: -

That the Babergh Overview and Scrutiny Work Plan be noted.

23 JOS/20/10 MID SUFFOLK OVERVIEW AND SCRUTINY WORK PLAN

It was RESOLVED: -

That the Mid Suffolk Overview and Scrutiny Work Plan be noted.

The business of the meeting was concluded at 11:58 am.

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Chair