

WEST OXFORDSHIRE DISTRICT COUNCIL
ECONOMIC AND SOCIAL OVERVIEW AND SCRUTINY COMMITTEE:
THURSDAY 20 SEPTEMBER 2018
UPDATE ON PLANNING ENFORCEMENT
REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING
(Contact: Phil Shaw Tel: (01993) 861687)

1. PURPOSE

To update members regarding the operation of the enforcement function since it was last considered in September 2017.

2. RECOMMENDATION

That the report be noted.

3. BACKGROUND

3.1. At its meeting on 28 September 2017, the Committee considered a detailed report setting out the staffing levels and modus operandi of the planning enforcement team. The following is an extract from the minutes of that meeting:

“Mr Handley expressed his support for the introduction of some form of simple monitoring arrangement to enable Members to report potential unauthorised development and monitor the progress of investigations and it was AGREED that Officers would explore the possibility of introducing such an arrangement. The Strategic Director questioned whether, having received the report, the Committee wished to proceed with the institution of a Working Party to consider the operation of the planning enforcement system. Members AGREED that no further action be taken at this juncture.

Mr Handley thanked the Development Manager and his team for their work on the Council’s behalf and Mr Haine reminded Members that the new staffing arrangements would need time to bed in.

RESOLVED: *That the information provided be noted.”*

3.2. This report seeks to update the position. Separately members have raised concerns as to the apparent difficulties/delays arising between identification of a planning breach to the taking of effective legal/enforcement/prosecution action to remedy that breach. That matter will be addressed by a representative of the Legal Service attending the meeting.

4. UPDATED POSITION

Staffing

4.1. Members were advised at the previous meeting that the team had been under strength whilst disciplinary measures were undertaken against a now former member of staff. Those matters have been concluded and the team has been brought back up to full complement. However during the extended period that the team was below complement a backlog had built up that is progressively being worked through. The team now comprises a Principal Planner (Kim Smith) and two Planning Officers (Kelly Murray and Declan Jermy). The

Principal Planner is concentrating on the 30 or so high profile/intractable cases and mentoring the new team members (who are not Planners by training/education) with the two Planners dividing their work on an Uplands (Declan) and Lowlands (Kelly) basis and additionally dealing with all retrospective applications and applications for certificates of lawfulness. As the backlog of reactive cases is brought back to more manageable levels it is hoped that pro-active monitoring can commence in earnest.

Legal

- 4.2. In seeking to move forward the very high volume of outstanding work and bring the backlog down the team now meet with the Development Manager on a monthly basis and within the team more regularly to prioritize key cases and to try to bring them to a conclusion. This triaging of the caseload has meant that service of notices and works towards formal action have gathered pace which in turn has meant that substantial legal resource has been required and due to staffing/capacity issues with the in-house resource much of the more formal elements of this has been externalised. Good working relations continue with internal legal staff in terms of providing advice as to the expediency of action, vetting notices before issue etc.

Volumes

- 4.3. At its peak the number of reactive cases in the system peaked at approximately 300 cases. This has now been brought down to 192 with 99 in Lowlands and 93 in Uplands. The triage process outlined above has meant that some of the lower priority cases (e.g. fence is 2cm too high, neighbour disputes, satellite dish etc) will continue to take some time to bring to a conclusion but the aim with the higher priority cases is to shorten the period between identifying a breach, identifying a period for voluntary compliance and commencing formal action- if that is not adhered to. This is a more efficient way of working as it means that the officers retain a familiarity with the file in question rather than having to relearn it if matters are dealt with in strict date order with consequent extended periods between enforcement activity.

Member Referral Form

- 4.4. The Member referral form requested at the last meeting is available on the Members section of the Councillor Portal.

Enforcement Policy

- 4.5. Officers have contributed to the development of a new Council-wide Enforcement Policy and there is a specific section dealing with Planning enforcement contained therein. This Policy is due to be reported to Councillors for approval later in the year.

The Future

- 4.6. At the time of preparation of this report the impacts of any revised structures proposed as part of Publica are not known. This, dependent upon what is approved, may have short term impacts on delivery whilst any new arrangements are put in place- with the ultimate outcome being a better service as a result of any revised arrangements.

5. ALTERNATIVES/OPTIONS

Not applicable – the report is for information.

6. FINANCIAL IMPLICATIONS

The report has no financial implications.

Giles Hughes
Head of Paid Service/Head of Planning and Strategic Housing

(Author: Phil Shaw, Tel: (01993) 861687; EMail: phil.shaw@westoxon.gov.uk)

Date: 10 September 2018

Background Papers:

None