

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 15 MARCH 2012
title: PLANNING ENFORCEMENT UPDATE
submitted by: CHIEF EXECUTIVE
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1 PURPOSE

1.1 To:

- inform Committee about the current arrangements for planning enforcement;
- request authorisation for enforcement officers;
- inform Members of the outcome of a recent prosecution;
- set out the next steps proposed including an opportunity for Members of the Committee to comment on enforcement issues generally and in particular to approve the information proposed for the Council's website.

2 BACKGROUND

2.1 With effect from 1 January 2012 certain aspects of planning enforcement transferred to the legal section, namely initial investigation/contact with complainants and those responsible for breaches. Assessment of the planning merits remain with the planning section, and as previously the planning and legal sections work together where formal action such as the service of an enforcement notice or a prosecution is proposed.

2.2 15 of the enforcement cases (as at 1 January 2012) which were being dealt with by the planning section were transferred to the legal section – the remaining outstanding enforcement matters are to be finalised by the planning section with assistance from legal if formal action is required, as previously.

3 ISSUES

Staffing

3.1 The current staffing within the legal section for planning enforcement provides for a full time postholder who combines planning enforcement with other duties including licensing enforcement.

3.2 In order to create a system compatible with other enforcement systems within the legal section, the Council's Head of Legal and Democratic Services and Solicitor are working with the current postholder to assist in ensuring that all systems would meet the ultimate requirements of a prosecution, clerical support is being provided by the Chief Executive's PA.

3.3 It would be helpful to be able to make use of the taxi licensing enforcement officer who also works within the legal section but primarily works out of hours. This officer could assist with planning enforcement, for example in relation to matters such as illumination

of signs and premises working outside hours set by planning conditions. (This would not involve him working any additional hours).

- 3.4 The Council's Scheme of Delegation to Officers provides that the Council's Head of Legal and Democratic Services and Solicitor are authorised for all purposes, however for planning purposes authority in the scheme is given to the enforcement officer. The purpose of referring this matter to Committee is to seek Committee's formal confirmation that the references in the delegation scheme to enforcement officer includes the enforcement officers working in the legal section, whose posts are referred to as licensing enforcement officer and taxi licensing enforcement officer respectively.
- 3.5 In order to avoid having to refer the matter again to Committee for example if an individual is absent as a result of long term sickness or maternity leave, it is suggested that the current postholder rather than the named individual be authorised.

Recent Court Action

- 3.6 The Council's planning and legal sections have recently worked together to secure a prosecution in respect of unauthorised decking at an address in the Low Moor area of Clitheroe. The matter was before the Magistrates Court on 22 February 2012 and the individual concerned pleaded guilty and was fined £1000 and ordered to pay in excess of £400 in respect of the Council's costs.

Information about Planning Enforcement

- 3.7 As part of the process for improving the information provided to complainants and those infringing planning control, a section of the Council's website will be used to explain how planning enforcement works. It is hoped this will assist residents in understanding the delays inherent in planning enforcement and the reasons why the Council does not always take action even where a breach exist (expediency). It will also provide information about the basis upon which the Council prioritises enforcement action.
- 3.8 A review is also being made of the enforcement element of the Development Control Protocol and the Council's Enforcement Policies, to ensure that Members have an opportunity to revisit those documents to ensure that they are still fit for purpose as reflecting the Council's current priorities.

The Council's Priorities for Enforcement

- 3.9 This report is intended to deal with certain preliminary matters, however a full report will, if possible, be presented to the meeting of the Planning and Development Committee on 12 April 2012 setting out an analysis of enforcement action taken over the 3 month period from January to March. This will provide an opportunity to explore those factors which are inhibiting the Council's ability to take enforcement action, or add delay within the process, and will also provide an opportunity for this Committee, on behalf of the Council to begin to explore how the Council's priorities, as opposed to those of individual residents, are reflected in the way enforcement resources are targeted.

4 RECOMMENDED THAT COMMITTEE

- 4.1 Confirm the authorisation of enforcement officer posts for planning purposes as set out at 3.4.

- 4.2 Note the current arrangements for planning enforcement.
- 4.3 Note the outcome of the recent prosecution.
- 4.4 Note the information to be made available on the website.
- 4.5 Note the opportunity for Members at the April meeting to consider the Council's current enforcement practice to ensure it reflects the Council's priorities.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

BACKGROUND PAPERS

For further information please ask for Diane Rice, extension 4418.