

Item No.	Classification: Open	Date: 15 June 2010	Meeting Name: Cabinet
Report title:		Planning Enforcement Review	
Ward(s) or groups affected:		All	
From:		Scrutiny Sub-Committee C	

RECOMMENDATIONS

1. That the cabinet considers the recommendations of the planning enforcement review undertaken by scrutiny sub-committee C (attached as annex 1 to this report), including the comments of the strategic directors of regeneration and neighbourhoods as outlined in this report.
2. That the cabinet refers the recommendations from this report to the Planning Committee, Constitutional Steering Panel and Chairs of Community Councils as appropriate, for consideration and implementation.

BACKGROUND

3. The scrutiny sub-committee undertook a review of planning enforcement, focused on the way the enforcement process works in practice. In particular:
 - How the enforcement service works in collaboration with other regulatory and service delivery functions within the council
 - The understanding and approach to pre-emptive tools such as temporary stop notices and injunctions
 - Decision making and the scheme of delegation in operation
 - Communication between the council and the community on enforcement issues
4. The sub-committee's report was considered by overview & scrutiny committee at its meeting on 24 May 2010.

KEY ISSUES FOR CONSIDERATION

5. The Planning Acts give the council a wide range of powers to deal with a breach of planning control. The implementation of these powers is known as planning enforcement.
6. A breach of planning control occurs when an organisation or individual:
 - carries out development that needs planning permission without first obtaining it, or
 - breaches the conditions attached to planning permission.
 - Effective planning enforcement has a significant role to play in protecting the quality of the local environment and quality of life for communities.

7. Planning enforcement is an important element of the overall planning regime. The delivery of an effective, consistent and efficient enforcement service can have a great positive impact on the lives and livelihoods of the people of Southwark.
8. Planning is a complex and contentious issue across the United Kingdom. Southwark is no exception to this. The visibility of planning issues evoke strong feeling and this makes them a favourite topic of discussion and debate in every community, especially where there is a perception that things have not been dealt with effectively
9. The scoping discussion highlighted a potential need for greater clarity, communication and consistency between cases in the implementation and decision making associated with planning enforcement.
10. The individual recommendations suggested in this review are small in scale. However, if made, collectively they would have a substantial impact on the effective delivery of the service, by:
 - setting a clear framework for joined-up working with other regulatory regimes;
 - improving clarity of roles;
 - establishing clear priorities for use of resources; and
 - providing better information and guidance for users of the planning service
11. The response from the strategic director of regeneration and neighbourhoods to scrutiny's recommendations is set out below:

Recommendation	Officer Response
1. The implementation of increased and systematic internal communication and training between planning enforcement and other regulatory functions of the council, including access to computerised record systems.	- Agreed. Internal communication with Building Control, Housing Management, Environmental Protection and Area Renewal Teams continue to be strengthened.
2. Particular focused training should be introduced in the "evolution of premises" issue.	- Agreed. Officer awareness being raised in identifying incremental changes to the use of buildings over time, or changes to the fabric of the building that might accumulate into planning breaches.
3. A common system should be developed for all enforcement teams across the council to pass information in a timely way to planning enforcement officers when they become aware of a possible breach of planning control.	- Other enforcement teams across the Council to be made aware of the role of the planning enforcement team and an information sharing system developed.
4. The development of clear guidance	- Agreed. There are plans to publish

<p>for businesses and individuals on planning enforcement issues, especially around licensing. This advice should be developed with full engagement of those members of the public who are already actively involved in planning enforcement issues.</p> <p>5. In future, when differential and potentially contradictory compliance requirements are made by planning enforcement and other regulatory regimes, a clear “joint” explanation be offered to minimise misunderstanding.</p> <p>6. Development of systematic closer working arrangements between the planning enforcement and building control functions of the council.</p> <p>7. Where a priority one breach of planning control is identified, there will be a presumption in favour of the use of a temporary stop notice by the legal and planning enforcement officers.</p> <p>8. Systems should be put in place to facilitate decision making for priority one breaches which are fast enough to make the use of temporary stop notices by the council a viable option.</p> <p>9. The Planning Committee should receive an annual report on planning enforcement containing both quantitative and qualitative information, to allow it to set policy priorities effectively.</p> <p>10. The scheme of delegation in the Council’s Constitution should be amended to facilitate the referral (at the discretion of the Head of Development Management) of planning enforcement decisions to the Planning Committee.</p> <p>11. Each community council should receive regular (at least quarterly reports) on planning enforcement issues, building upon the pilots already underway. These should normally be presented by an officer who could answer questions.</p> <p>12. Individuals or organisations that report a possible breach of planning should receive a copy of the enforcement</p>	<p>focused guidance in planning regulations to specific target groups such as small businesses in liaison with local residents, members & local businesses.</p> <p>- Agreed, joined up and coordinated working sought in seeking compliance with planning regulations.</p> <p>- Agreed. Joined up working between the planning enforcement and building control functions of the council continue to be strengthened. Planning enforcement now receiving weekly reports from Building Control discoveries, commencement and initial building notices to check compliance with planning regulations.</p> <p>Agreed. Updated IDOX Enterprise planning enforcement module now up and running.</p> <p>Agreed. Officers in the process of preparing the 2009-2010 report to planning committee.</p> <p>Agreed.</p> <p>Agreed.</p> <p>Agreed.</p>
---	---

protocol to improve communication and transparency around processes.	
--	--

Background Papers	Held At	Contact
Scrutiny Sub-Committee C/Overview & Scrutiny Committee - minutes and reports	Scrutiny Team Tooley Street London SE1 2TZ	Karen Harris Scrutiny project manager Tel: 020 7525 0324

APPENDICES

No.	Title
Appendix 1	Planning Enforcement Scrutiny Review

AUDIT TRAIL

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Karen Harris, Scrutiny Project Manager	
Version	Final	
Dated	25 May 2010	
Key Decision?	No	
Consultation with other officers / directorates / Cabinet member		
Officer Title	Comments Sought	Comments Included
Strategic Director of Communities, Law and Governance	Yes	None made
Directors of Regeneration and Neighbourhoods	Yes	Yes