

Cabinet Interim Response to the Overview and Scrutiny Task Group Planning Policy Report

Introduction

At the Cabinet meeting on 4th April 2012 consideration was given to the report of the Planning Policy Task Group. The Leader welcomed the Chairman of the Task Group, Councillor S. R. Colella to the meeting and invited him to introduce the report.

Councillor Colella gave background information on the purpose of the Task Group and explained that it had been set up to investigate the effectiveness of planning conditions and the enforcement of breaches of these conditions. The Task Group had used existing case studies to look at the effectiveness of planning conditions and the Council's Enforcement Policy and to suggest where improvements could be made.

The Cabinet considered each of the recommendations in turn. The Cabinet's response to some of the recommendations would require further consideration from the Overview and Scrutiny Board and therefore a final response, including implementation dates, was deferred. It was felt appropriate however to provide this interim report to the Overview and Scrutiny Board.

Response to recommendations

Please find below responses to the recommendations contained within the scrutiny report:

Recommendation 1

That a mechanism be put in place to ensure that :

- (a) where conditions cannot be monitored within existing resources, an estimate of the resources required to monitor those conditions be clearly identified ;
- (b) the applicant be made aware at the earliest possible stage of the need to ensure that these conditions are adhered to and properly monitored in line with the conditions applied; and
- (c) where the planning officer recommends refusal of a planning application and the Planning Committee go against the recommendation, sufficient time should be given within the Planning Committee Meeting to discuss conditions.

Cabinet Response

- (a) there was concern that it may often be difficult to decide what additional resources would be appropriate and therefore to estimate that cost. In addition, whilst an estimate may be made the Council may not then have the resources to meet that cost. It was therefore felt that that this part of the recommendation should be referred back to the Overview and Scrutiny Board for further consideration;
- (b) this was agreed;
- (c) this was agreed;

Recommendation 2

- (a) that a review of the Bromsgrove Standard Planning Conditions be carried out as soon as practicably possible, but within six months of this report being presented to the Cabinet; and
- (b) that Planning officer training be formalised to ensure appropriate conditions are identified for routine and non-routine applications.

Cabinet Response

- (a) this was agreed; and
- (b) this was agreed but in addition it was felt that a suitable level of Member training in this regard should also be undertaken to assist Members in understanding the appropriateness of conditions.

Recommendation 3

That monitoring groups are not used in the future. However it is recognised that on occasion there may need to be some form of community engagement for larger more complex planning applications.

Cabinet Response

It was felt that there may be a place for monitoring groups in some circumstances and that in the past confusion had been caused because of the lack of proper terms of reference and reporting lines. This recommendation was therefore referred back to the Overview and Scrutiny Board with a request that consideration be given as to how any future monitoring group could be set up to work more effectively.

Recommendation 4

That a detailed review of the Planning Enforcement Policy, which was adopted in April 2011 (as encouraged in Section 8 – Conclusion), be carried out giving particular attention to Sections 4 – Enforcement Procedures (Informal) and 7 – Council’s Commitment to Complainants.

Cabinet Response

This was agreed.

Recommendation 5

That a case officer be appointed and remain responsible as the point of contact for each enforcement case to ensure continuity and an electronic case file be set up and open to view by colleagues and management.

Cabinet Response

This was agreed.

Recommendation 6

That a mechanism be put in place in order for control systems to be developed to ensure enforcement cases are recorded and available upon request to Ward Members.

Cabinet Response

It was queried whether this information was already available and what advantage there would be in establishing a further mechanism. This recommendation was therefore referred back to the Overview and Scrutiny Board for further consideration.

Recommendation 7

That the Planning Committee receives a quarterly report in respect of all new and outstanding planning enforcement cases.

Cabinet Response

This was agreed.

Recommendation 8

That thorough the Transformation programme a review and mapping exercise be carried out in respect of the process post planning application approval stage and that the results of this be shared with the Overview and Scrutiny Board.

Cabinet Response

This was agreed.

Recommendation 9

That the Internal Audit Report recommendations be supported and included within the Overview and Scrutiny Board's Quarterly Recommendation Tracker report to ensure that progress on the implementation is monitored in an appropriate and timely manner.

Cabinet Response

This was agreed.

Recommendation 10

That a quarterly report be made available to the Overview and Scrutiny Board to enable Members and officers to be aware of repeat or common themed compliments and complaints (in order to address such complaints).

Cabinet Response

This was agreed

Recommendation 11

That all Heads of Service ensure mechanisms are in place to ensure that when a service request escalates to the extent that there is or could be a critical failure of any nature, they are immediately made aware of the situation and

- (a) that Heads of Service ensure all staff are made aware of and understand the definitions of a complaint; and
- (b) that the Head of Customer Service provides additional guidance in respect of recording service requests which may also be a valid complaint.

Cabinet Response

This was agreed.

Recommendation 12

That the Head of Customer Service and Human Resources work together to establish a mandatory management training programme to:

- (a) ensure that all managers of the Council are given support to enable them to respond, both verbally and in writing, to all customers in a timely and appropriate manner, with regular reviews of the success of such training carried out; and
- (b) ensure that the Overview and Scrutiny Board receive regular updates to ensure this has been implemented.

Cabinet Response

This was agreed.

The Leader thanked the Task Group for their work to date in producing the report which had provoked a good discussion and some worthwhile recommendations. The Cabinet looked forward to receiving the further comments of the Overview and Scrutiny Board on the issues the Cabinet had referred back for further consideration.

Councillor Kit Taylor - Portfolio Holder for Planning.