

## **Updated Cabinet 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 an interim report was provided.

The Overview and Scrutiny Board subsequently approved revised recommendations 1(a), 3 and 6 from the Planning Policy Task Group and these were in turn considered by Cabinet on 4th July 2012.

### 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;

### **Revised Recommendation 1(a)**

*That a mechanism be put in place to ensure that:*

- (a) *where conditions have been attached to a planning application and monitoring is required then the Planning and Enforcement team should allow for this to be discharged fully to the required level of detail that the condition(s) specify within their work. This should be carried out, irrespective of the cost, to ensure that the conditions are met and where appropriate, enforced.*

*(N.B. The lack of resources to enforce a condition on a planning application would not be sufficient to either refuse the application or to not include the condition if it was deemed a necessary part of the planning permission. It may be prudent to estimate the cost of monitoring or enforcement before a decision on an application is made, in order that a decision as to who meets that cost can be determined and to ensure that any monitoring is carried out effectively.)*

### **Cabinet Further Response**

*The recommendation as amended was noted. It was still felt however there should be a mechanism whereby Planning officers would consult in advance with the Finance Department regarding the likely costs of enforcing particular conditions and the availability of a budget to meet these. In addition it was queried whether financial constraints on the Authority or the applicant would be a valid consideration when determining a planning application.*

*The Portfolio Holder for Planning undertook to discuss this further with the relevant officers.*

**Implementation Date: October 2012**

## **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.

**Implementation Date: January 2013**

## **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.

## **Revised Recommendation 3**

*It is recognised that on occasion there will be need for some form of community engagement for example a public meeting(s). This will act as a forum to improve lines of communication and is to be developed between senior officers and residents in respect of larger more complex planning applications. This would be a recommendation from the Planning Committee and reviewed periodically by that Committee.*

### **Cabinet Further Response**

*This was agreed*

**Implementation Date: On going**

### **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.

**Implementation Date: this will form part of the on going Transformation process**

### **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.

**Implementation Date: this will form part of the on going Transformation process**

### **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.

### **Revised Recommendation 6**

*That a mechanism be put in place to ensure that enforcement cases are recorded and regularly up dated with a audit trail of actions and documents and correspondence on the electronic system accessible via the Council's 'Orb'.*

### **Cabinet Response**

*This was agreed.*

**Implementation Date: this will form part of the on going Transformation process**

### **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.

**Implementation Date: January 2013**

### **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.

**Implementation Date: this is on going through the Transformation process**

### **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.

**Implementation Date: with immediate effect**

**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

**Implementation Date: already implemented**

**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.

**Implementation Date: work has commenced on this**

**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.

**Implementation Date: work has commenced on this**

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.

At Cabinet on 4th July 2012 the Leader thanked the Task Group and the Overview and Scrutiny Board for their further consideration of the three recommendations which had been referred back.

Councillor Kit Taylor - Portfolio Holder for Planning.