

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**4TH MARCH 2019, AT 6.00 P.M.**

PRESENT: Councillors L. C. R. Mallett (Chairman), S. A. Webb (Vice-Chairman), C. Allen-Jones, S. R. Colella, M. Glass, C.A. Hotham, R. J. Laight, P.L. Thomas and M. Thompson

Observers: Councillor C. B. Taylor

Officers: Mrs. R. Bamford, Mr. D. M. Birch, Ms F. Mughal, Ms. J. Pickering and Ms. A. Scarce

112/18 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were received on behalf of Councillor R.J. Deeming and P.M. McDonald.

113/18 **TRANSPORT PLANNING REPORT - TO FOLLOW**

Members were informed that the consideration of the Transport Planning Review draft report had been deferred to the next meeting in April, 2019. The Chairman explained that the small sub group of Members (Councillors Mallett, Webb, Colella and Thomas) who had met with the officers from Worcestershire County Council would be meeting to discuss the draft final report, before it was brought before the Board.

114/18 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest or whipping arrangements.

115/18 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 11TH FEBRUARY 2019**

The minutes of the Overview and Scrutiny Board meeting held on 11<sup>th</sup> February, 2019 were submitted for Members' consideration.

**RESOLVED** that the Minutes of the Overview and Scrutiny Board held on 11<sup>th</sup> February, 2019 be approved as an accurate record.

## **PLANNING ENFORCEMENT PROCESS**

Members were reminded that at the Overview and Scrutiny meeting held on 14<sup>th</sup> January, 2019 a topic proposal form was submitted to review the Council's Planning Enforcement Department, in particular, to look at processes and breaches of Planning Policy and Regulations.

Members were advised that should the Board agree to establish a Task Group for an investigation of the work and processes of the Council Planning Department that the initial meeting would need to be arranged in the new municipal year.

The Development Management Manager and the Head of Planning and Regeneration gave a presentation in respect of the planning enforcement process and the breach of planning control. The key areas were highlighted as follows:

- What was a breach of planning control? A breach of planning control was defined in section 171A of the Town and Country Planning Act 1990. If there was a breach of planning control, the Council would initially try to resolve the matter locally, before resorting to any formal enforcement action.
- When should enforcement action be taken? Whilst the Council had powers to take enforcement action if there was a breach, enforcement was there to prevent inappropriate development that would not get planning permission. It was explained that a large number of breaches had no action taken against them because they caused no planning harm.
- What are the time limits for taking enforcement action? It was explained that there were set time limits as to when enforcement action could be taken.
- What happens with enforcement enquiries? The process of how an enquiry would be dealt with from the initial report was explained, including the allocation of an officer to each case.

Arising from the presentation Members made the following comments and raised a number of concerns. Officers provided responses as follows:

- With regards to enforcement cases, Members felt that the current mechanism in place, to inform Members of any cases in relation to enforcement, was not working. Members were advised that if an enforcement enquiry was made, they would be advised at the initial stage and would also be made available to the public. However, once enforcement action had started this would not be available as it became a criminal case and the sharing of information may impact on the Council's case. However, The Head of Planning and Regeneration confirmed that she would be happy to share some of this information, in confidence, with Members, upon request.
- Officers clarified that any orders made would be available to the public; however, the full details of the case would remain confidential.

- It was explained that the information would not be made available for public interest until a notice was served.

The Head of Planning and Regeneration emphasised that if Members had any concerns in relation to a particular site then they should contact her and she would be happy to discuss this with them.

The Head of Planning and Regeneration offered to meet with Members individually to go through any particular enforcement concerns they may have in relation to their Wards. Members also requested that the Council Enforcement Policy be made available to them.

The Portfolio Holder for Planning and Strategic Housing encouraged Members to talk to the Planners if they had any concerns regarding particular sites in their Wards. He accepted that it was difficult when legal enforcement action was being considered and that there was a need for confidentiality at some stages of that process.

Members asked for it to be noted, that whenever they had raised issues with the Planning Team, that they had been pleased with the support received, particularly in respect of any enforcement issues.

The Chairman asked Members to put forward any suggestions regarding any further steps to be taken in respect of the topic proposal and Members responded that it was felt that it was too broad. It was also recognised that a particular enforcement case could not be included within any review that was carried out.

Councillor S. Webb proposed that the presentation and the discussions simply be noted and that no further action be taken.

Councillor M. Thompson proposed that the topic proposal be added to the work programme of the Board for future consideration.

Members were reminded that the Board had previously carried out a detailed review with regard to the planning process and in particular enforcement processes and procedures was undertaken in 2011.

Members requested that the presentation be disseminated to them for their perusal.

**RESOLVED** that the presentation be noted and that no further action be taken.

#### **WCC LTP4 ON THE DISTRICT OF BROMSGROVE**

Members were reminded that at the last meeting, the Board considered a proposal that had been received from Councillor S. Colella, for a scrutiny review in respect of an investigation into the effect of WCC LTP4 on the District of Bromsgrove. Members had concluded that the Head of

Planning and Regeneration be invited to attend this meeting to discuss the subject matter further in order to determine whether this would be a suitable topic for further scrutiny.

Councillor S. Colella requested that, as the Transport Planning Report had been deferred, that the consideration of the review also be deferred pending the outcome of the report to be considered at the next meeting.

The Head of Planning and Regeneration provided a brief update to Members in respect of the transport infrastructure in Bromsgrove. She informed the Board that whilst the accuracy of the data used for the Local Transport Plan 4(LTP4) was a key issue, the transport review would underpin the Strategic Transport Assessment which Worcestershire County Council (WCC) would carry out, supported by this Council's officers and Mott MacDonald. Members were informed that WCC had commissioned Jacobs to carry out the work and confirmed that they were the current consultant at WCC.

Councillor S. Colella commented that following the meeting, which had been held with a number of officers from WCC he had felt that they had not fully appreciated or considered the traffic infrastructure in the District and he was concerned that there was no vision for the future of the District. Councillor Colella further reiterated that the issues raised had not been considered in the LTP4. He felt that the LTP4 did not support the population, development and economic growth for Bromsgrove.

In reviewing the plan it was felt that the 'Predict and Provide' methodology used was not fit for purpose for Bromsgrove District and this had been replaced with 'Vision and Validates'. It was felt that the new approach was more appropriate for Bromsgrove.

Following the discussions it was agreed that the item would be deferred until the next meeting of the Board in order for it to be discussed in conjunction with the draft Transport Planning Review Report.

118/18

#### **FINANCE AND BUDGET WORKING GROUP - VERBAL UPDATE**

Members were informed that the next meeting of this Group would take place on 4<sup>th</sup> March, 2019 when the working group would consider a number of reports including the Investment and Acquisition Strategy and that an update would be provided at the next meeting of the Board in April 2019.

119/18

#### **CORPORATE PERFORMANCE WORKING GROUP - VERBAL UPDATE**

Members were informed that the March 2019 scheduled meeting of the Group had been cancelled. The next performance report would be considered in June 2019, In light of this, the next meeting would be arranged to take place in the new municipal year.

120/18

### **TASK GROUP UPDATES**

Councillor M. Thompson provided the following updates:

- Bromsgrove Sporting Football Club Task Group – The Group was yet to meet and an update would be provided once the first meeting had taken place;
- Business Rates Relief Short Sharp Review – as previously advised, the Group had held two meetings and the next meeting was due to be arranged. The Senior Democratic Services Officer (Bromsgrove) advised that she would contact the Chartered Accountant in order to invite him to the next meeting once this had been arranged and an update would be provided in due course.

121/18

### **CABINET WORK PROGRAMME - TABLED AT THE MEETING**

Members considered the Cabinet Leader's Work Programme from the 1<sup>st</sup> April to 31<sup>st</sup> July, 2019 which was tabled at the meeting. The Senior Democratic Services Officer (Bromsgrove) provided the following update:

- Corporate Performance Reports would be considered by the Corporate Performance Working Group;
- Bromsgrove Enterprise Park – Build out was already on the Board's work programme and had been put back, so would now be considered at the Overview and Scrutiny Board in April, 2019.

Members agreed to pre-scrutinise the following items:

- Market Hall Site Redevelopment – Phase 2 – April, 2019
- North Worcestershire Economic Growth Strategy July, 2019

### **RESOLVED**

- a) that the Cabinet Leader's Work Programme be noted; and
- b) that the following items be included in the Overview and Scrutiny Work Programme for pre-scrutiny as agreed:
  - Market Hall Site Redevelopment – Phase 2 – April, 2019;
  - North Worcestershire Economic Growth Strategy July, 2019.

122/18

### **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

Members considered the Overview and Scrutiny Board Work Programme. As a number of items had been added and deferred to the next meeting, it was agreed that the following reports would be considered and/or moved to future meetings:

- Bromsgrove Market update to be considered in April, 2019;
- Customer Services update to be considered in June, 2019;
- Staff Survey to be consider in June, 2019;

**RESOLVED**

- a) that the Overview and Scrutiny Board Work Programme be noted;  
and
- b) that the Overview and Scrutiny Board Work Programme be amended subject to the pre-amble, as detailed above.

The meeting closed at 7.00 p.m.

Chairman