

Minutes of a Meeting of the **Scrutiny Committee** held in the **Deben Conference Room, East Suffolk House, Riduna Park, Melton** on **Thursday 13 September 2018** at **6.30pm**

Members of the Committee present:

P Dunnett (Chairman), M Deacon (Vice Chairman), S Bird, C Block, S Burroughes, P Coleman, S Geater, G Harding, C Hedgley, S Mower

Other Councillors present:

T Fryatt

Officers present:

K Abbott (Democratic Services Business Manager), L Beighton (Interim Planning Development Manager), K Blair (Head of Operations), C Buck (Senior Planning Enforcement Officer), P Ridley (Head of Planning and Coastal Management)

1. Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Day and Councillor Lynch.

2. Declarations of Interest

With regard to item 6, Verbal Update on the Review of the Provision of Affordable Broadband, Councillor Block declared a Local Non Pecuniary Interest as a member of the Suffolk Superfast Broadband CIC.

With regard to item 6, Verbal Update on the Review of the Provision of Affordable Broadband, Councillor Dunnett declared a Local Non Pecuniary Interest as a member of the Suffolk Superfast Broadband CIC.

3. Minutes

RESOLVED:

That the Minutes of the Meeting held on 12 July 2018 be confirmed as a correct record

4. Planning Enforcement at Suffolk Coastal District Council

The Scrutiny Committee received report **SCR 06/18** by the Cabinet Member with responsibility for Planning. The item was before the Committee, at its request, and further to its wish to review the full range of planning enforcement actions undertaken by the Council, including the investigation of alleged contraventions of planning control, monitoring of approved development during construction phases and the use of powers under Section 215 of the Town and Country Planning Act 1990 in relation to untidy sites.

With regard to Section 215 of the Act, the Scrutiny Committee had also sought a clear explanation of the trigger points for such powers. The Cabinet Member introduced the report and highlighted the obvious need for the Council's Officers to abide by legislative requirements and processes to ensure enforcement action was undertaken with care and thoroughness to avoid, where possible, appeals and legal challenges.

The Head of Planning and Coastal Management said the report before the Committee was comprehensive and provided significant detail on planning enforcement working practices and the options available to address alleged contraventions. The Head of Planning and Coastal Management also referred to the report's specific detail on the use of Section 215 powers and to the various case studies (attached as an appendix).

The Chairman invited questions on the report and, specifically, the generic processes and work of the planning enforcement team.

A member of the Committee referred to what he considered to be delays in resolving untidy sites and cited two examples within his Ward where Section 215 Notices had not been issued for seven months and thirteen months due to negotiations and discussions with the residents. He asked for an explanation of these timescales. The Head of Planning and Coastal Management replied that six or seven months was not an unreasonable nor unusual timescale given the requirement for comprehensive investigative work, negotiation and mediation, the need to triage cases to ensure their correct prioritisation by profile or significance, nor in the wider context of all aspects of planning enforcement work. He added that enforcement cases were expedited as quickly as possible but this needed to be balanced with the need for a thorough process, to include legally compliant notices.

The member of the Committee, with specific reference to a case within his Ward, highlighted the trigger points and criteria used to determine whether a Section 215 Notice should be issued and also questioned whether more weight needed to be given to the views of neighbouring properties, for example, the potential loss of their amenity. The Head of Planning and Coastal Management referred the Committee to the case studies appended to the report and highlighted that, whilst the site in question was not tidy, it had not been considered sufficiently unkempt that it required a Section 215 Notice. The member of the Committee suggested improved communication of planning enforcement decisions and actions. The Head of Planning and Coastal Management agreed it was important to communicate decisions to communities, parish clerks etc. and said current processes would be reviewed; he referred to information available on the Council's website including some self-help guidance.

The member of the Committee also referred to the Government's best practice guidance, specifically on Section 215 notices; he quoted the guidance's references to the Notices which recommended "proactive use without fear" and stated that these were "relatively straight forward powers to use". The member continued to refer to the report before the Committee which stated that in the last five years, four Section 215 Notices had been issued. The member of the Committee questioned if the Council was in accord with the Government's guidance and using Section 215 Notices sufficiently proactively. The Head of Planning and Coastal Management stated that the Council was applying its enforcement policy in compliance with the Government's policy and criteria; he suggested that the Government's encouragement to be proactive in the use of Section 215 Notices related to

more dire cases where the potential levels of harm were more significant and, also, to ensure properties were returned to residential use. He assured the Committee that the Government's criteria were used both fairly and soundly by the Council.

The Senior Planning Enforcement Officer, with reference to the specific case highlighted by the member of the Committee, said that whilst there was a wish to deal with such matters expediently, there was also the need to be reasonable and allow the owner of a site the opportunity to clear and/or tidy it before action was taken by the Council. She added that if the Council did not act in a reasonable manner it could, potentially, have to justify its action in court.

Another member of the Committee asked if current staffing resources within the planning enforcement team were considered to be sufficient to manage the level of case work. The Head of Planning and Coastal Management said that staffing capacity within the enforcement team had been recently increased; he added that Area Planning and Enforcement Officers also had a role to play in this regard. He advised the Committee that discussions about staffing levels had been held and proposals to increase capacity generally across the department were in place. The Committee was further informed by the Head of Planning and Coastal Management of a general and growing national shortage of Planning Officers and, with reference to significant and large-scale high profile projects as well as day-to-day planning work, emphasised the increasing necessity to recruit the right calibre of candidates. He also referred to the proposal to introduce, recruit to, and sponsor a degree apprenticeship in town planning.

It was suggested and agreed that all members of the Planning Committee receive the Scrutiny Committee's report, for information.

A member of the Committee asked if residents in contravention of planning control were advised what needed to be done before a Section 215 Notice was issued and, also, if Parish Councils could be empowered to do more in terms of enforcement. The Head of Planning and Coastal Management confirmed that, during the initial investigative stages, negotiation and mediation was undertaken to seek to resolve contraventions without the necessity to issue formal notices. The Senior Planning Enforcement Officer added that, whilst it would be useful to have increased involvement by Parish Councils at the early stages of enforcement action, there would need to provide training to ensure this was both appropriate and proportionate. It was confirmed that the district Council, as Planning Authority, had responsibility for planning enforcement powers and the issuing of formal notices.

The member also asked for an indication of the percentage of Section 215 notices which were challenged in court and if the Council's decisions were overturned or upheld. The Head of Planning and Coastal Management said he did not have the percentage figures with him but these would be provided outside of the meeting; he added that all enforcement notices were drafted in conjunction with the Council's legal team.

Another member of the Committee referred to the detailed monthly report provided to the Planning Committee on the status of authorised enforcement cases; he wished to commend the work of the enforcement team and thanked them for their advice and work.

A member of the Committee raised concerns that, potentially, enforcement action might be delayed because of cost implications in the event of challenge. The Head of Planning and Coastal Management said the assessment of planning enforcement action was not based on financial implications, but from thorough investigations to ensure resulting actions were judged to be both acceptable and sound in planning terms.

Another member of the Committee referred to retrospective planning applications which, she said, were sometimes the cause of concern and frustration within communities and that, as discussed earlier in the meeting, effective communication was key.

Several members expressed support for the existing proposals for additional staffing resources, as best determined by the Head of Planning and Coastal Management, but specifically endorsed an additional planning enforcement resource. The potential use of some of the annual income from planning application fees was noted and also generally supported.

There being no further questions or matters raised for debate, the Chairman moved to the report's recommendation. An additional recommendation, to Cabinet, was proposed and agreed.

It was proposed by Councillor Dunnett, seconded by Councillor Bird and by unanimous vote

RESOLVED:

1. That the Scrutiny Committee had commented upon and noted the overview of the current Planning Enforcement Service;
2. That the Scrutiny Committee endorsed and supported the proposed allocation of a proportion of the funds which had resulted from the increase of planning fees for additional planning staffing resource, as best determined by the responsible Cabinet Member and the Head of Planning and Coastal Management, but including an allocation of said funds specifically for planning enforcement matters, and so recommended to Cabinet.

5. Report on Suffolk Coastal Norse

The Scrutiny Committee received report **SCR 07/18** by the Cabinet Member with responsibility for the Green Environment. In the absence of the Cabinet Member, the Head of Operations introduced the report which included a review of the Council's arrangements with Suffolk Coastal Norse (SCN) with particular reference to financial issues, governance, risks in the event of service delivery failure, business continuity arrangements and associated mitigation measures. In addition, the report explained the supervision of governance arrangements with SCN including how contractual relationships between the Council and SCN were regulated and supervised with probity.

The Head of Operations highlighted the breadth of activities and service areas provided to the Council by SCN and which, he said, were predominantly public facing. The Committee was advised that the Council sought to encourage SCN to extend its commercial income through, for example, joint ventures, but whilst maintaining required levels of service delivery. The Head of Operations also referred to the requirement for SCN to demonstrate

value for money through, for example, procurement on a larger scale to achieve economies, service alignment and investment in technology to increase efficiency and performance monitoring; examples of the latter were provided and included car park operations and refuse collection route mapping.

In response to a question by a member of the Committee about micro-chips being added to green waste bins, the Head of Operations confirmed that the new bins would have chips moulded in to them whilst retained bins would receive a chip within the next issue of “stickers”.

A member of the Committee asked about the leasing of lorries as opposed to the owning of lorries in terms of which provided the best overall value for money. The Head of Operations said an examination of the variation in costs had not identified a significant difference in terms of value for money.

Another member of the Committee referred to missed collections of bins late on Friday afternoons which meant it was not possible to report the issue until the following Monday morning. The Head of Operations apologised, on behalf of SCN, and said the inability to communicate a missed collection late on a Friday would be raised with SCN.

In response to a question about composting centres within villages and the potential impact on the viability of bin collections in rural communities, the Head of Operations stated that, to an extent, this was already factored in to the SCN contract and rural collections would continue.

Another member of the Committee sought assurances that problems with collections which had been experienced previously would not be repeated. The Head of Operations said the period referred to had, in many ways, been the result of a combination of factors, including extreme weather conditions. The Head of Operations said he was confident that improved processes and the introduction of new technology would reduce the occurrences of missed bin collections, but emphasised that this was continually monitored as a key performance indicator.

In response to a query by another member about where responsibility lay for the clearing of sand from footpaths between Alderton and Bawdsey, the Head of Operations undertook to clarify if this was SCN or Suffolk County Council and provide the information outside of the meeting.

There being no further questions or matters raised for debate, the Chairman moved to the recommendations. It was proposed by Councillor Hedgley, seconded by Councillor Geater and by unanimous vote

RESOLVED:

1. That the Scrutiny Committee had considered and commented upon the summary of performance against the Council’s 2017/18 contract with Suffolk Coastal Norse.
2. That the Scrutiny Committee accepted the report (SCR 07/18)

6. Verbal update on the provision of affordable broadband

The Scrutiny Committee received a short verbal update by the Member Working Group.

7. Consideration of the Committee's Forward Work Programme

The Scrutiny Committee reviewed and agreed its Forward Work Programme, including the remit for the review of the work and plans of Coastal Partnership East to be undertaken jointly with Waveney District Council's Overview and Scrutiny Committee.

The Meeting concluded at 8.40pm