

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
CIVIC CENTRE ROAD
HAVANT
HAMPSHIRE P09 2AX



Havant
BOROUGH COUNCIL

Telephone: 023 9244 6019
Website: www.havant.gov.uk

Monday, 22 January 2024

SUMMONS

Dear Councillor,

You are requested to attend the following meeting:

Meeting: Overview and Scrutiny Committee
Date Tuesday, 30 January 2024
Time: 5.30 pm
Venue Hurstwood Room, Public Service Plaza,
Civic Centre Road, Havant, Hampshire
PO9 2AX

The business to be transacted is set out below:

Yours faithfully,

Steve Jordan

Chief Executive

OVERVIEW AND SCRUTINY COMMITTEE MEMBERSHIP

Chairman: Councillor Kennett

Councillors Munday (Vice-Chairman), Blades, Brent, Crellin, Gray, Keast, Milne, Patrick, Sceal, Tindall, Turner and Weeks

Contact Officer: Mark Gregory 02392 446232
Email: mark.gregory@easthants.gov.uk

AGENDA

Can Councillors Please Submit Any Detailed Technical Questions On The Items Included In This Agenda To The Contact Officer By 12 Noon On Friday, 26 January 2024

	Page
1 Apologies for Absence	
To receive any apologies for absence	
2 Declarations of Interest	
To receive and record any declarations of interests from Members present.	
3 Minutes of the Previous Meeting	1 - 6
To receive the Minutes of the meetings held on 21 November and 6 December 2023.	
4 Norse Performance	7 - 16
5 Planning Enforcement Service	17 - 44

GENERAL INFORMATION

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Internet

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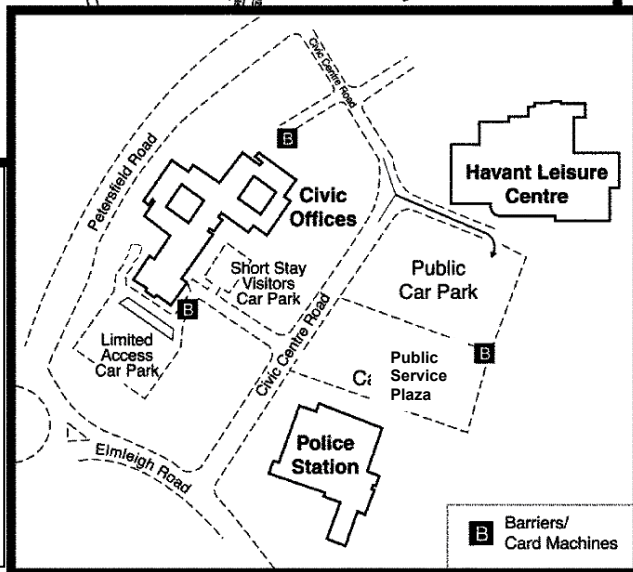
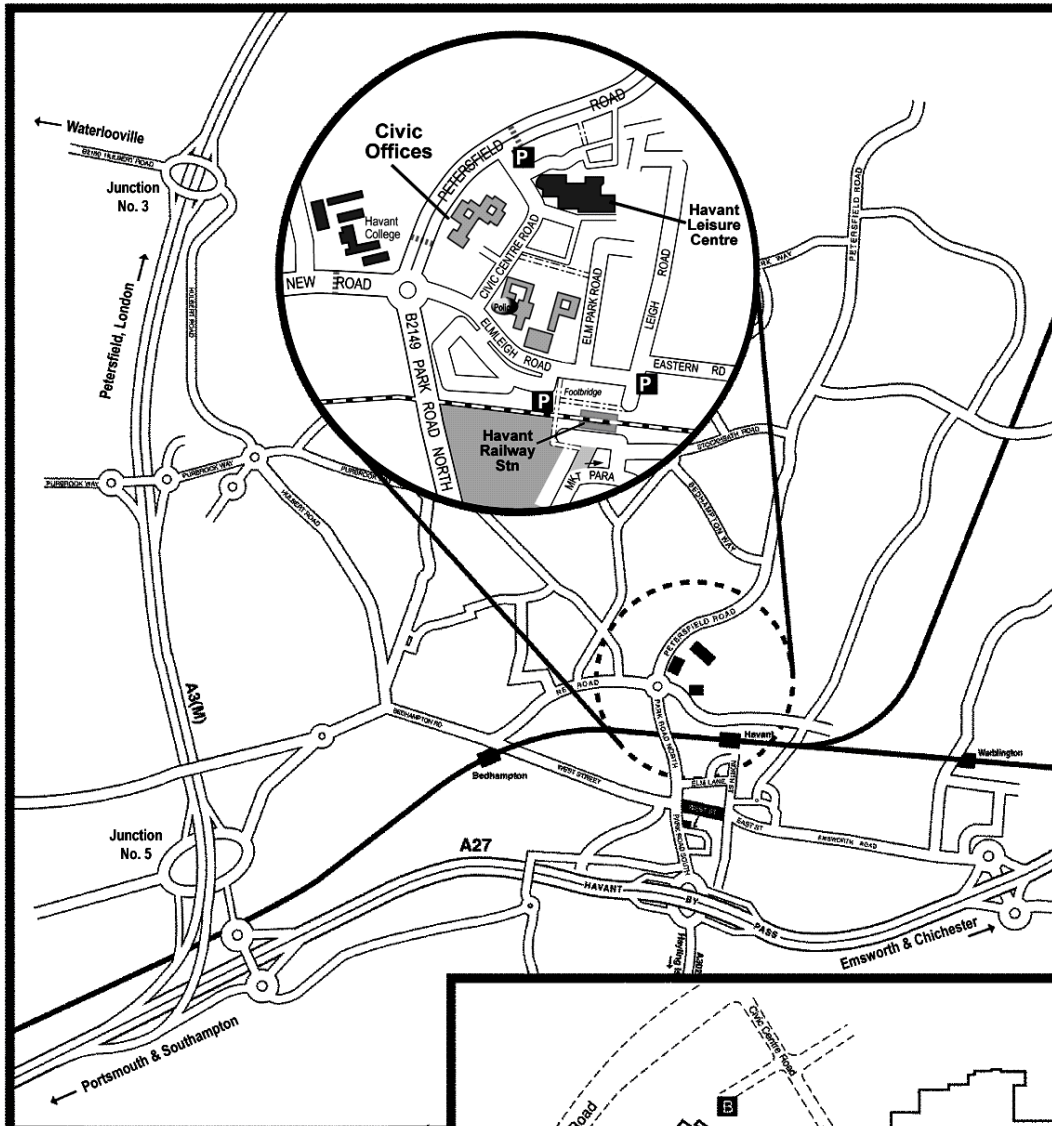
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HAVANT BOROUGH COUNCIL

At a meeting of the Overview and Scrutiny Committee held on 21 November 2023

Present

Councillor Kennett (Chairman)

Councillors Munday (Vice-Chairman), Crellin, Gray, Keast, Milne, Patrick, Sceal, Tindall, Turner and Weeks

14 Apologies for Absence

Apologies for absence were received from Councillor Brent.

15 Declarations of Interest

There were no declarations of interests relating to matters on the agenda.

16 Minutes of the Previous Meeting

RESOLVED

that the minutes of the meeting of the Overview and Scrutiny Committee held on 25 July 2023 were approved as a true record and signed by the Chairman.

17 Housing Strategy - Executive Head Housing and Communities

Councillor Robinson introduced a report which set out the key aims to meet the Council's responsibilities.

Members asked questions of clarification from Patrick Lee, Interim Executive Head of Housing & Communities and raised points in relation to:

- The need for personal outside space for all homes
- developing relationships with Portsmouth City Council
- the number of affordable homes as opposed to the number of social housing
- to clarify what the classification of an empty home and vacant home
- the need for energy efficiency to be more prominent in housing delivery and assessment
- the needs to raise standards of housing
- the need to have stronger expectations of housing associations in relation to timely and adequate repairs to properties
- to explore implementing timelines for the completion of new properties
- clarity of the number of empty homes that are Portsmouth City Council

Members were requested to raise any issues regarding housing providers not undertaking repairs to housing officers

Members thanked officers for their work on the Housing Strategy.

Proposed by Councillor Keast and seconded by Councillor Munday, following questions and a vote, it was

RESOLVED that members note the information and update presented.

18 Update of IT Infrastructure and Procurement

Councillor Fairhurst introduced a report which outlines the progress made in relation to the procurement of a replacement of ICT Infrastructure & Security and confirmation of the tender process and timeline.

Members asked questions of clarification from Tom Locke, Digital Services Manager and raised points in relation to:

- The need to ensure any future provider has the ability to increase their provision and undertake any changes we require in the future
- The need to have a completion date to measure performance and ensure delivery is as expected

Proposed by Councillor Sceal and seconded by Councillor Milne, following questions and a vote, it was

RESOLVED that members note the information and update presented.

The meeting commenced at 5.00 pm and concluded at 6.29 pm

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Chairman

HAVANT BOROUGH COUNCIL

At a meeting of the Overview and Scrutiny Committee held on 6 December 2023

Present

Councillor Kennett (Chairman)

Councillors Munday (Vice-Chairman), Blades, Brent, Crellin, Gray, Milne, Sceal, Tindall, Turner and Weeks

Other Councillors Present:

Councillor(s): Bowerman

19 Apologies for Absence

Apologies for absence were received from Councillors Patrick and Keast.

20 Declarations of Interest

There were no declarations of interests relating to matters on the agenda.

21 Langstone Sea Wall

The Board was given an update on the work being undertaken to address the public concern over the potential loss of Langstone Mill Pond.

The officers presented the report and answered any questions raised.

The Cabinet Lead for Coastal and Councillor Bowerman, in her capacity as Chairman of the multi-agency meetings referred to in the report, were also invited to join the meeting and answer any questions in relation to the report.

The question and answer session together with the subsequent discussion highlighted the leading role taken by the Council in bring the relevant agencies together to seek long term solution for Langstone Sea Wall and the Council's innovative proposal to identify the preferred management options for the harbour coastline.

The Chairman, on behalf of the Committee, thanked the officers for work on this issue.

RESOLVED that the information, evidence and data presented in the report be noted.

22 Meridian Task and Finish Group Report

The Committee considered the recommendations of the report of the Meridian Task and Finish Group.

The Committee also received supplementary information, which:

- a. included the latest performance statistics for the Meridian Centre; and
- b. updated the Committee on how performance of the Meridian Centre had been adversely affected by the closure of the Wilco store and Compass House.

Councillor Munday, the scrutiny lead of the Meridian Task and Finish Group, presented the report and answered any questions raised. Councillor Fairhurst, the relevant Cabinet Lead, and the Head of Property and Asset Management were also invited to join the meeting and answer any questions in relation to the report.

The Committee noted that Hampshire County Council was looking into the possibility of pedestrianizing the area outside St Faith's Church in such a way that funeral and weddings vehicles could still be able to park outside the church, when required.

The Committee was satisfied that, at the time of the meeting, the centre was operating successfully. However, in view of the concerns raised by the Head of Property and Asset Management that the current operation arrangements would not be sustainable in the long term, the Committee considered that it would be prudent to monitor the operation of the centre in the next municipal year.

RESOLVED that Cabinet be recommended to:

1. request Hampshire County Council, the Highway Authority to:
 - a. Improve the connection with Solent Road Retail Park to attract more shoppers to visit the town centre by waymarking the route more effectively and possible changing the position of the pedestrian crossing on Park Road South.
 - b. Make the area outside St Faiths Church into a pedestrian zone with demountable bollards, enabling the development of an outdoor café culture during summer months. This might also possibly attract someone to open a restaurant in this area.
2. focus on improvements to Market Parade, encouraging more shops to cluster around the Meridian Centre, reducing the footprint of the town centre shops to create a busier atmosphere, reducing the vacant shop sites; and
3. to form a group to take responsibility for the further development of the Meridian Centre and Havant Town Centre.

RESOLVED that the Overview and Scrutiny Workplan for 2024/25 include a session to update the Committee on the performance of the Meridian Centre.

The meeting commenced at 5.00 pm and concluded at 6.46 pm

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Chairman

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Name of Committee:	Overview & Scrutiny		
Committee Date:	30 th January 2024		
Report Title:	Update on Norse Contract Performance		
Responsible Officer:	Chris Riggott, Acting Executive Head of Commercial		
Cabinet Lead:	Cllr L Bowerman, Cabinet Lead for Commercial		
Status:	Non- Exempt		
Urgent Decision:	No	Key Decision:	No
Appendices:			
Background Papers:			
Officer Contact:	Name: Chris Riggott Email: chris.riggott@havant.gov.uk		
Report Number:	HBC/71/2024		

Corporate Priorities:

Pride in Place:

- We will work closely with partners to drive improvements in our areas relating to communities, safety and place
- We will improve our public spaces in particular our seafront, towns and village centres across the borough

The KPI dashboard underpins performance improvement of both Norse and the Council, such as improving the quality of service delivery, increasing recycling, and improving wider environmental outcomes.

Executive Summary:

There have been significant improvements in the performance of Norse South East during the 2023-2024 period, including;

Developments in Performance Management

- Implementation of the PowerBI dashboard to monitor KPI performance
- New IT systems sourced for implementation in 2024-2025
- Production of an annual business plan
- Completion of an annual budget for the 2024-2025 period

Improvements in Service Delivery

- Reduction in customer complaints (from average 25 in Q3 22/23 to 7 by Nov 23)
- Reduction in the number of missed household bins (from 270 misses in March 2023 to 100 in Nov 2023)
- Increase in allotment occupancy in year from 94% to 96.7%

Recommendations:

That members note the information and update presented.

1.0 Introduction

- 1.1 Norse SE have been delivering a range of Council Services since 2016, covering waste and recycling, street cleansing, grounds maintenance, seafront management, allotments, sports pitches and other peripheral services. The company is jointly owned by the Council and Norse Group, a Local Authority Trading Company.
- 1.2 This presentation provides an opportunity for Overview and Scrutiny Committee to understand and comment on the strategic direction of travel in management of the contract.

2.0 Background

- 2.1 The operation of Norse SE is controlled through a range of strategic and operational functions which are designed to ensure services are delivered effectively and efficiently. This is underpinned by a detailed contract which sets out the scope of activities, work schedules, performance objectives, costs, and governance arrangements.
- 2.2 Performance is monitored at a strategic level through the Board of Directors, Shareholder Sub-committee and the Strategic Liaison Board. At an operational level, monthly contract monitoring meetings, project specific monitoring and day to day engagement ensures that there is active engagement.

3.0 Developments in Performance management

- 3.1 High standards of performance are achieved through a range of formal and informal controls and processes ranging from activities of the board of directors through day to day to engagement with operational supervisors. Key developments in the last twelve months are:
- 3.2 A new key performance indicator (KPI) dashboard has been developed, utilising the PowerBI system which has recently been adopted by the Council. This enables faster and more efficient

collection of data along with better analysis tools. The dashboard collates existing performance measures and introduces new ones, enabling improvements in the performance of services.

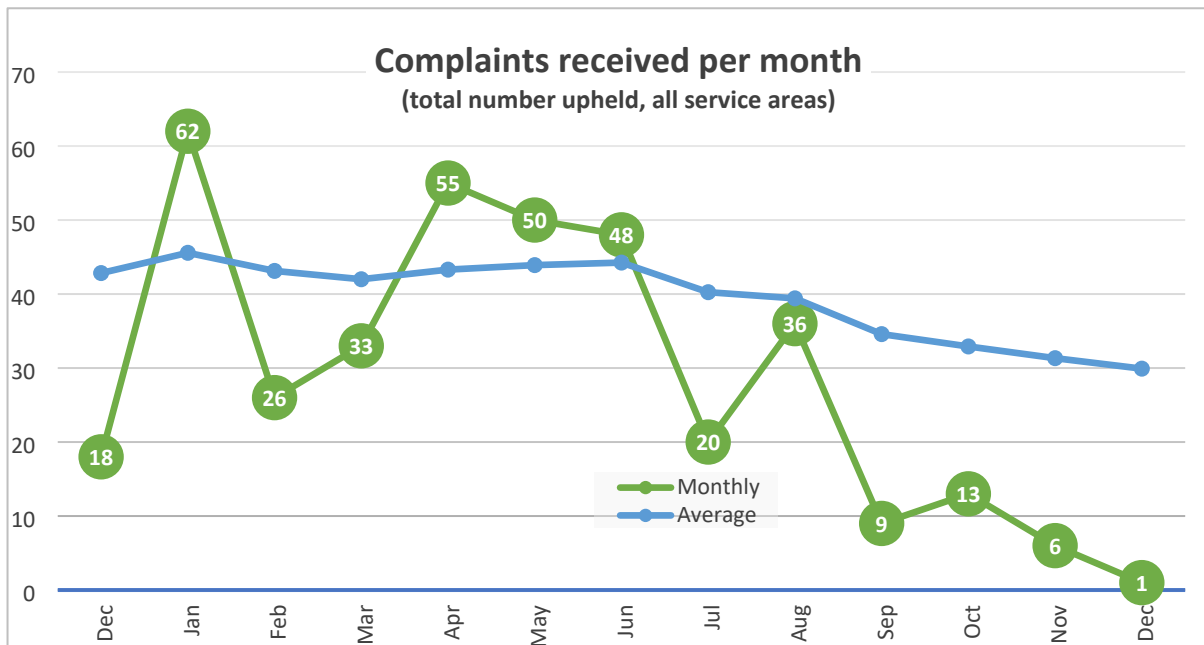
- 3.3 Norse SE have proposed developments to the IT systems which support service delivery and customer interactions. This includes:
- route optimisation software which will maintain and improve productivity of refuse and recycling collection rounds, also reducing fuel usage.
 - a new customer reporting portal, which will enable reports of service issues to be managed directly within the Bartec operational management system (the in-cab routing system).
 - a new contact centre portal, which will provide the contact centre staff with real time information on waste collections, enabling better customer interactions.
 - a system to manage garden waste subscriptions, which will improve customer interaction and reliability of service delivery.
- 3.4 These systems are funded within the 2024/25 budget and will be purchased and commissioned during the year.
- 3.5 The annual budget planning process has been completed to the required timescales, and through an effective collaboration of Norse SE management and council officers. This ensures that the Council's budget setting process accurately reflects the proposed service costs and that officers have scrutinised proposals from Norse SE. This is the first time since the inception of the contract that the budget has been agreed prior to the start of the financial year.
- 3.6 Norse SE is required to produce an annual business plan, which sets out the work programme and development objectives for the year. This augments the core contract objectives, providing detail and additional work activities. The business plan has not played a meaningful role in managing performance until the current year. It now plays a much more significant role in setting out Norse's performance objectives, covering service quality, safety, environmental improvement and wider objectives. This enables greater scrutiny of performance through formal channels and sets out a clear work programme for their internal management team to work towards. The business plan for 2024/25 is currently being developed and will be scrutinised through the Strategic Liaison Board and Board of Directors.

- 3.7 Formal scrutiny and control of Norse is delivered through strategic and operational boards, which are co-ordinated to optimise their effectiveness. The Board of Directors for Norse SE East provides the primary decision making function, The Council is represented by two directors who are actively engaged in company decision making and scrutiny.
- 3.8 The Shareholder Subcommittee allows scrutiny and input by elected members and meets periodically, monitoring strategic and operational performance. Separately, the Strategic Liaison Board allows scrutiny with a greater focus on the detail of operational delivery. This is attended by senior officers and the Cabinet Lead for Environmental Services. The role of both functions has been increased, enabling much more effective discussion of performance issues and active involvement setting objectives and priorities.
- 3.9 Alongside formal processes, the role of working culture is making a significant contribution to service improvement. The Council's Client Liaison Team has adopted an approach of collaborating with Norse SE in an open and positive way and has developed effective working relationships with key managers at Norse SE. Likewise, the senior management team at Norse is being developed by the local Managing Director, who joined in April 2023. This has led to a shared understanding of the service improvement objectives and clear improvement plans which are being driven forwards through both support and a healthy challenge process where necessary.

4.0 Improvements in service delivery

4.1 Complaints

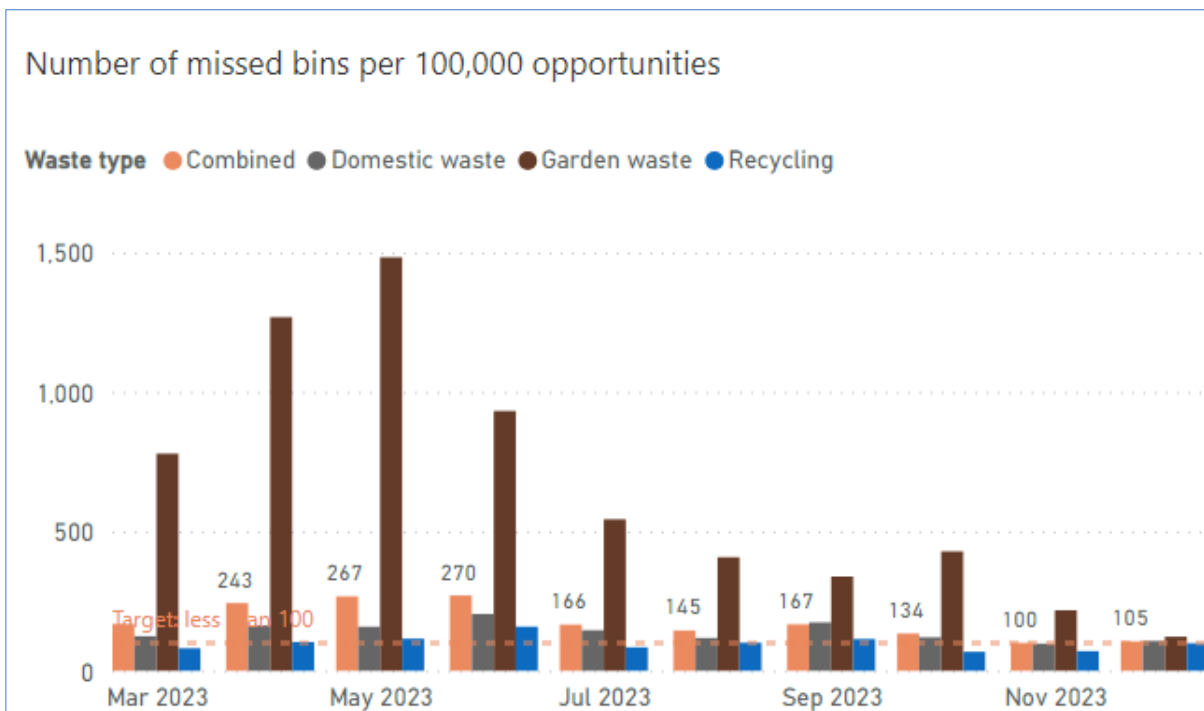
Monitoring of complaints gives a broad-brush indication of the overall level of service delivery. There has been a strong downward trend since summer 2023 with particularly strong performance in quarter three. The average for quarter three 2022/23 was 25, dropping to six in November 2023. There are significant seasonal trends that will continue to apply, however it is clear that the underlying rate has dropped significantly. The reduction in complaints can be attributed to two key factors. Firstly, the overall level of service delivery has improved due to better management controls and practices. Secondly, there has been a greater focus on establishing the root causes of complaints and resolving these. This has prevented repeated service failures escalating into complaints, they are resolved after one or two instances rather than being allowed to continue.



4.2 Missed household bins

4.3 Reports of missed refuse and recycling collections are a key performance measure and give a clear indication of how well the service is being managed. The established best practice is to measure the number of reports per 100,000 collections which take place. There is not a national target or set figure for good performance, however it widely considered that 100 misses per 100,000 collections is a high performance, therefore this target is being used for monitoring.

Data collection started in March 2023, showing a typical performance of around 250-270 misses and a high spike in misses for garden waste. Performance showed a dramatic improvement from July onwards and achieved the target of 100 misses in November, for the first time. The improvement is most notable for the garden waste service, however there is still room for further improvement. There is also significant improvement in residual refuse and recycling, albeit from a better starting point.



4.4 Grass cutting – verges, parks, public land and sports pitches

There were challenges with the grass cutting service in Spring 2023, caused by a combination of an extended period of heavy rain and management controls which did not initially respond effectively to deliver a good remedial plan. In response, Norse SE have strengthened management controls and closer monitoring has been put in place by the Council’s client liaison team. During the 2024 growing season, details of scheduled work will be shared through the council’s website and social media channels. If adverse weather causes cutting to be delayed, this will be closely monitored, and remedial plans agreed with Norse.

Grass cutting in public parks and sports pitches operated well in 2023 and we will continue to actively monitor.

4.5 Street cleansing

To date, there has been limited active monitoring of the quality of street and pavement sweeping services, and there are no performance targets set within the contract. The Client Liaison team attend town centres on a rota basis monthly to ensure the cleanliness is of a good standard, any observations are dealt with immediately with direct contact with the operations manager. The Council has explored options for suitable monitoring with Norse and agreed the principles of a new inspections and monitoring process. This will

follow national best practice, adopting a formal protocol for inspections which will allow comparison with other local authorities.

The implementation of performance monitoring will require additional resources, primarily to conduct the extensive inspections required to monitor the levels of street litter.

4.6 **Other service areas**

Norse SE deliver a broad range of services for the Council, so the new KPI monitoring covers areas including:

- Waste production, recycling rate and contamination rate
- Bulky waste collection – 97% are completed within the service level agreement period
- Fly tipping – the proportion completed within the SLA will be monitored
- Allotments – occupancy has increased from 94% to 96.7%
- Playparks – the proportion of inspections carried out on schedule will be monitored
- Health and safety – monitoring of a range of key metrics including days lost due to serious accidents (reportable RIDDORS), statutory fleet compliance score, number of reported incidents.

5.0 **Options**

- 5.1 This report is for noting and as such no alternative options have been presented. The Committee could request further reports should it wish to do so. However, the Committee should be satisfied with the performance levels of Norse SE and the performance monitoring which is undertaken.

6.0 **Relationship to the Corporate Strategy**

- 6.1 This programme of work contributes to the strategic theme of Pride in Place.
- 6.2 Development in performance management and governance will ensure that services provided by Norse SE are delivered efficiently and to a high standard, through enabling effective scrutiny of performance in input into development programmes.
- 6.3 The benefits will be Council services that are fit for purpose and fit for the future, while remaining cost-effective.

7.0 **Conclusion**

- 7.1 Throughout the year 2023-2024, significant progress has been made in performance improvement, which is demonstrated through the KPI's and in the reduction of customer complaints. This is largely due to the change in Managing Director and closer working with the Council. Going forward, our focus will be on improvements in the monitoring of work undertaken in the maintenance and cleaning of our open spaces.

8.0 Implications and Comments

8.1 S151 Comments:

Whilst there are no direct financial implications from this report, members should be reminded that the efficiency and operational performance of the Norse partnership is a strong indicator of its financial viability and is intrinsically linked to the value for money received by the Council and its residents. Poor performance and/or efficiency is more likely to lead to future cost pressures or demand for additional investment.

8.2 Financial Implications:

There are no financial implications arising directly from the report.

8.3 Monitoring Officer Comments:

The role that the Overview and Scrutiny Committee plays in holding the Council to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself.

8.4 Legal Implications:

There are no legal implications arising directly from this report.

8.5 Equality and Diversity:

There are no equality and diversity implications arising directly from this report.

8.6 Human Resources:

There are no human resources implications arising directly from this report.

8.7 Information Governance:

There are no information governance implications arising directly from

this report.

8.8 Climate and Environment:

There are no climate and environment implications arising directly from this report.

9.0 Risks

9.1 There are no specific risks to consider as part of this report. It should be noted that KPIs are measurable values that demonstrates how effectively the Council achieves its key business objectives. The use of KPIs allows the Council to identify potential risks or obstacles to success and make any necessary adjustments.

10.0 Consultation

10.1 Given the nature of the report no formal consultation has been undertaken. Councillors' views and feedback are welcomed during the meeting.

11.0 Communications

11.1 Performance information is regularly communicated to members and residents through various channels including the Council website, newsletters, and presentations.

Agreed and signed off by:		Date:
Cabinet Lead:	Cllr Lulu Bowerman	
Executive Head:	Executive Head of Commercial	22/01/2024
Monitoring Officer:		22/01/24
Section151 Officer:		22/01/24

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Name of Committee:	Overview and Scrutiny Committee		
Committee Date:	30 January 2024		
Report Title:	Planning Enforcement Service		
Responsible Officer:	Alex Robinson – Executive Head of Place		
Cabinet Lead:	Cllr Elizabeth Lloyd – Planning, Environmental Health, Climate Change inc. Water Quality		
Status:	Non-Exempt		
Urgent Decision:	No	Key Decision:	No
Appendices:	Appendix 1 – Planning Enforcement Overview Appendix 2 – Planning Enforcement Service Review		
Background Papers:	None		
Officer Contact:	Name: Brendan Flynn Email: Brendan.Flynn@Havant.gov.uk		
Report Number:	HBC/70/2024		

Corporate Priorities:

This paper is submitted to the Overview and Scrutiny Committee following a review of the planning enforcement service in June 2023 and the implementation of the action plan to improve the service that will help to deliver the ambitions set out in the Corporate Strategy.

Executive Summary:

The Council's planning enforcement service undertakes a range of investigative activities covering complex areas of planning law. The following report and appendices provides an overview of planning enforcement as well as summarising the work the Council is doing to implement the recommendations of a service review that was undertaken in June 2023.

Recommendations:

That members note the information, evidence and data presented.

1.0 Introduction

- 1.1 The purpose of this document is to set out the Council's approach to planning enforcement in the borough. It also provides details of the service review that was undertaken in June 2023 and the steps officers are taking to implement the recommendations.

2.0 Background

- 2.1 Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control.
- 2.2 Many Councils across England face unprecedented pressures, including in planning enforcement. The sector faces considerable pressures around recruitment and retention with many Councils experiencing backlogs as a result. The Council's planning enforcement team has also experienced similar issues and is in a period of transition.
- 2.3 Appendix 1 sets out an overview of the legal and policy position around planning enforcement. It also provides a summary of recent performance over the last 12 months, including data on complaints received and cases closed. The data demonstrates that there has been a significant improvement in the number of cases closed, particularly in the last six months.
- 2.4 The service has been subject to internal review (attached at Appendix 2) which has set out a number of operational reforms to improve the approach how the service is operating. In addition to these the service has moved across into Place to allow it to align more closely with the Council's planning department.
- 2.5 The Council will seek to continuously improve its planning enforcement service by regularly monitoring, reviewing and updating its policies and procedures as a matter of good practice. The Council will be preparing a revised Local Enforcement Plan in order to set out how it will manage enforcement proactively in a way that is appropriate to Havant. It will also set out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

3.0 Options

3.1 This report is for noting. .

4.0 Relationship to the Corporate Strategy

4.1 This paper is submitted to the Overview and Scrutiny Committee following a review of the planning enforcement service in June 2023 and implementing the action plan to improve the service that will help to deliver the ambitions set out in the Corporate Strategy.

5.0 Conclusion

5.1 The Council's planning enforcement function has not been without its issues, many of which reflect wider national pressures. The service is in a period of transition and is currently implementing a number of recommendations from an internal service review conducted in June 2023. The early indications are that the measures are having a positive impact on the cases being closed.

5.2 The Council will continue to work to implement the recommendations of the service review and will keep the performance of the service under review.

6.0 Implications and Comments

6.1 SS151 Comments – Members should be content that there are no financial implications arising from the report. The review will not lead to any pressures outside of the existing budgets. However, it is also worth noting that whilst an important service, planning enforcement is discretionary (or non-statutory) service.

6.2 Financial Implications – There are no financial implications arising from the report.

6.3 Monitoring Officer Comments - The role that the Overview and Scrutiny Committee plays in holding the Council to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself.

- 6.4 Legal Implications - There are no legal implications arising from the report.
- 6.5 Equality and Diversity - There are no equality and diversity implications arising from the report.
- 6.6 Human Resources - There are no human resource implications arising from the report.
- 6.7 Information Governance - There are no information governance impacts arising from the report.
- 6.8 Climate and Environment - There are no climate change implications arising from the report.

7.0 Risks

- 7.1 There are no notifiable risks arising from the content of the report.

8.0 Consultation

- 8.1 No consultation has taken place on the report.

9.0 Communications

- 9.1 No communications implications are considered likely.

Agreed and signed off by:		Date:
Cabinet Lead:	Cllr Elizabeth Lloyd	18/01/2024
Executive Head:	Alex Robinson	18/01/2024
Monitoring Officer:	Jo McIntosh	22/01/2024
Section151 Officer:	Steven Pink	18/01/2024

PLANNING ENFORCEMENT

OVERVIEW AND SCRUTINY REVIEW 2024

ENFORCEMENT PLAN

THE PURPOSE OF THIS DOCUMENT

The purpose of this document is to set out Havant Borough Council's approach to planning enforcement in the borough.

Policy context

The Town and Country Planning Act 1990 provides the main legislative provisions regarding breaches of planning control, with policy guidance provided in the National Planning Practice Guidance (NPPG) “Enforcement and post-permission matters: Responding to suspected breaches of planning control” (March 2014 last updated July 2019).

Paragraph 58 of the National Planning Policy Framework (NPPF) document: February 2019 states:

- Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

The NPPG (at para 006) explains that it is important to prepare and adopt a local enforcement plan because it:

- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers; provides greater certainty for all parties engaged in the development process.

What is planning enforcement

A breach of planning is defined within the legislation as being either:

- The carrying out of development without the required planning permission; or
- Failing to comply with any condition or limitation subject to which planning permission has been granted.

Planning enforcement is dealt with under Part VII of the Town and County Planning Act 1990 and is a vital part of the overall planning function. The Council is required to act proportionately in responding to suspected breaches of control. The Council will use the enforcement powers provided by the planning legislation where there has been a breach of planning that is causing unacceptable harm. The use of these powers will have regard to:

- Whether it is a practical and good use of public resources to take planning enforcement action;
- Planning policy
- The Human Rights Act 1998 and the Equality Act 2010
- Where it is expedient to take planning enforcement action within an acceptable timescale to prevent serious harm to public amenity, where negotiations fail to achieve compliance, or where offences have occurred that would mean negotiation would be inappropriate
- Government advice is that formal planning enforcement action should be taken as a last resort. In the majority of cases the Council aims to resolve identified breaches of planning control by negotiation. If negotiation proves unsuccessful within identified timescales, the Council will consider whether formal action should be taken.

Matters the local authority can investigate

What constitutes Development

Not all building works or changes of use require formal planning permission or consent from the Council. Local Planning Authorities are only concerned with

- “Development”, which is defined by section 55 of the Town and Country Planning Act 1990 as:
- Operational Development – for example building, mining, or engineering works
- Material Change of Use of buildings or land – changing from one use class to another

Development is not:

- Works which affect only the interior of the building;
- Works which do not materially affect the external appearance of the building

If there is no Development as defined by the Town & Country Planning Act 1990, there is no breach of planning and no planning enforcement action is available to the Council under its planning powers.

Matters the local planning authority cannot investigate

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The Local Planning Authority cannot investigate the following issues:

- Internal works to a non-listed building, which are not part of a change of use
- Boundary wall disputes or other land ownership disputes, including breach of covenant
- Highway obstructions including parking and traffic (unless there is breach of planning conditions on a relevant planning permission)
- Clearing of unprotected trees or landscaping and gardening works (unless there is breach of planning conditions on a relevant planning permission)
- Out of hours construction and related disturbances (unless there is a breach of planning conditions on a relevant planning permission)
- Graffiti, unless it is classed as an advertisement or failure to properly maintain land, or where the graffiti causes harm to the amenity of the area, in which case a Section 215 notice can be considered.
- Dangerous structures or damage to property, unless it is a listed building or is related to action being considered under s215 of the Town and Country Planning Act 1990. (Dangerous structures can be investigated by the Council under its building control function but not under its planning function except in the circumstances set out above).
- Site safety and security
- Sewers, soakaways or other drainage matters (unless there is breach of planning conditions on a relevant planning permission, or it relates to the formation of hard surfaces such as driveways)
- Business competition

Breaches of planning control

A breach of planning control may result from:

- Carrying out work either without planning permission, or in a way that is different to that which has been granted planning permission;
 - Carrying out work without compliance with planning conditions attached to a planning permission;
 - Changing the use of land or buildings without planning permission
-
- It is not a criminal offence to carry out works without planning permission or related consents. These works are termed as being unauthorised and only become illegal if they are retained in contravention of formal planning enforcement action that has come into effect.

Time restrictions

- A breach of planning control may become immune from planning enforcement action if no enforcement action has been taken within the time limits set out in the Town and Country Planning Act 1990, unless the works comprise a criminal offence or the immunity was obtained through deception.
- The Council cannot take planning enforcement action relating to building works or a change of use to an independent residential dwelling if the breach of planning control is more than 4 years old. Other changes of use or breach of condition become immune if the breach of planning control is over 10 years old.

Performance monitoring and review

- The Council will seek to continuously improve its planning enforcement service by regularly monitoring, reviewing and updating its policies and procedures as a matter of good practice. In doing so, it will consult with stakeholders to make improvements in the delivery of the service.
- The Council has a Planning Enforcement Register available to the public which contains details of Enforcement Notices, Stop Notices, Breach of Condition Notices and Planning Enforcement Orders that have been issued. The Council also publishes an up-to-date list of Notices issued under Section 215 of the Act against untidy sites. The Planning Enforcement Register and list of Section 215 Notices can be viewed at the Town Hall

Amy Boulain - Business project analyst June 2023

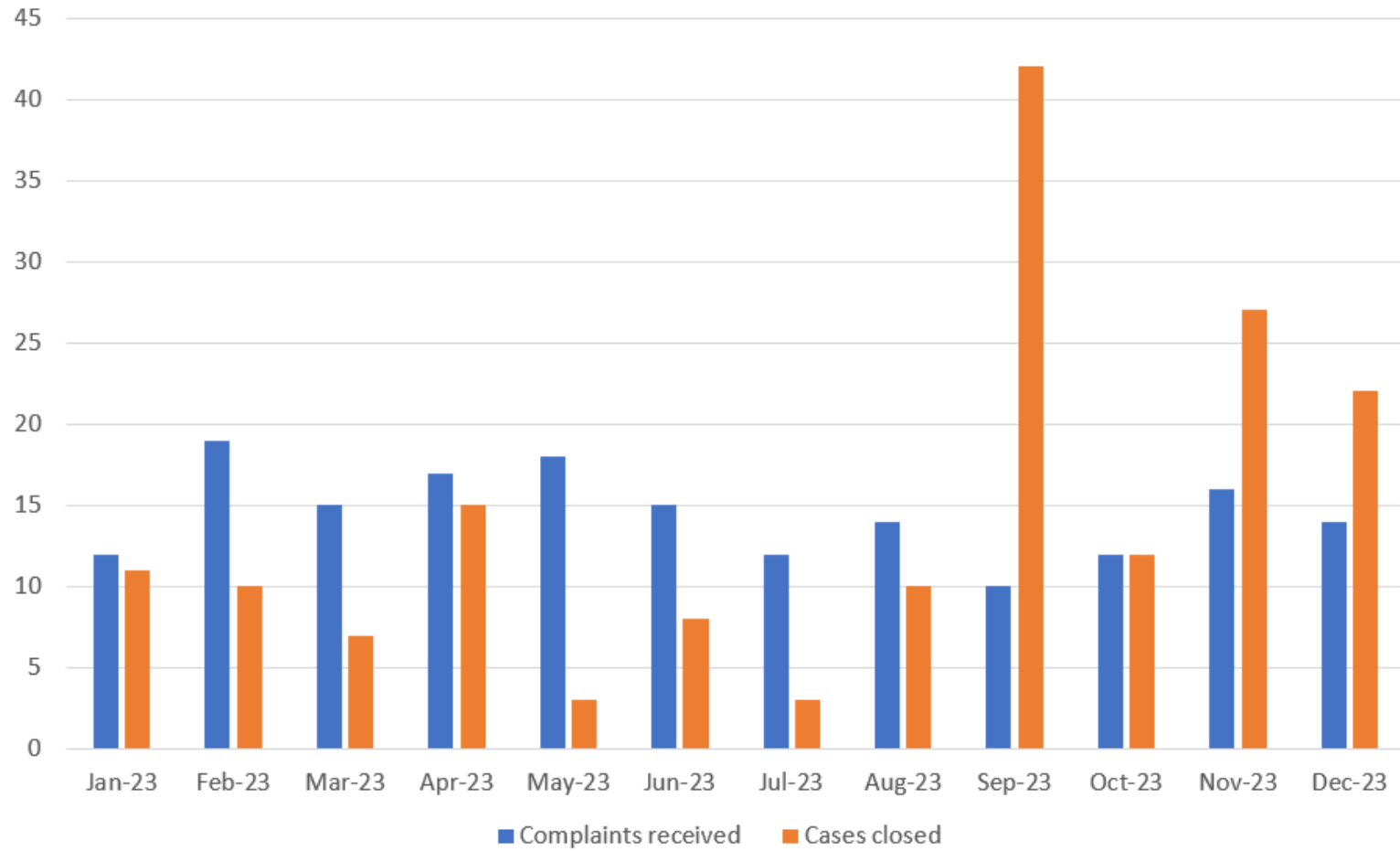
#	Issue	Action Plan	Priority	Status	Date started	Date completed
1	Lack of Oversight, Management and support	SPO to use <u>Accolaid</u> report to look at oldest cases with team and offer advice and support, how to take cases forward - may need to take ownership of some of these cases	High	Commenced	September 2023	
		SPO to take on allocation of cases based on workload	High	Commenced		
		Introduce interim measures to show workload and assist case management	High	Case management system introduced		
2	Lack of Autonomous working	<u>SPO</u> to support team to feel confident lone working and to implement a rota / turn basis for the inbox	High	Supported	site visits undertaken	
3	Delays before visits	Change process for contact - get team access to undertake Land reg search as soon as case is registered so letters are sent addressed to the owner and not owner <u>occ</u>	High	Land registry searched done in house		
		Support and train team to feel confident undertaking unannounced visits as required	High	Onsite training commenced		
4	No direct customer contact	Introduce and train team on customer service, responding to emails on time and direct contact <u>i.e.</u> telephone calls	High	Training undertaken and direct customer contact improved		
5	No formal Training	Enforcement training is booked, Training in interviews under caution to be arranged	High	Training commenced with Ivy Legal		
6	<u>Accolaid</u> not fit for purpose	New system to be procured at the end of current contract				

Action plan

- Senior Planning Enforcement Officer appointed
- Case management
- Development of team
- Training

Planning Enforcement

Complaints received and cases closed in 2023



Source – [Acolaid](#)

Interim results

September 2023 open enforcement cases	154
New cases (Sept – Jan)	42
Total cases Jan 2024	196
Closed cases (Sept – Jan)	148
Current cases live investigations	48 (N.6)

- Action plan implemented resulting in the significant reduction of cases but is still a work in progress

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Planning enforcement

A hand in a light-colored sleeve points to a specific location on a complex transit map. The map features a dense network of lines in various colors (blue, red, yellow, green, purple) representing different transit routes. The background is slightly blurred, focusing attention on the hand and the map.

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AMY BOULAIN
SERVICE REVIEW
JUNE 2023

Overview



The planning enforcement team investigate breaches of planning across the borough. The team is currently made up on two members of staff one full time and one working 21 hours per week (Mon – Thurs)



Look at the data to identify the breakdown of work and priority work



Assess the current situation in the Planning enforcement team



Map the current processes and identify issues and failings



Suggest areas in need of improvement and suggest solutions

Current caseload (As of May 2023)

There are currently 119 open cases some dating back quite some time with 44 cases over 12 months old:

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2015	1
2018	1
2019	5
2020	7
2021	16
2022	53
2023	36
Grand Total	119

In 2022 239 complaints were made and that averages about 20 per month

Of these approximately 45 we which the team needed support

Process mapping

Mapping the processes for Planning enforcement is quite difficult as each case is very different and the number of variables are staggering.

To date we have mapped complaints about tree works, a basic complaint and a complaint relating to a listed building (priority 1)

These are too large to be added to a PowerPoint so can be shown separately

Issues with the current working practice and team

Lack of oversight, Management, Support and Training

Work is carried out as a team with joint working no autonomy (inbox / visits)

Delays with case registration and allocation– And next in turn does not work as no consideration to current caseload / leave / sickness

Delays before a visit is undertaken – Process long winded, use of owner occupier addressed letters

No access to undertake their own Land Registry Searches

No formal enforcement training (booked)

No ability to carry out interviews under caution (NQT conduct them)

Lack of guidance when unable to take cases forward (clearance / trees – no tree officer)

Acolaid in its current form does no case management and is not fit for purpose

No evidence of direct customer contact (face to face / telephone) mainly over email

Information provided on initial complaints is often unclear and often does not explain the complaint or location

Suggestions for improvement in the team

Increase training, support, management

Introduce a complaint form and improve website

Manager / Senior to allocate cases

Provide access to Land registry

Look issues with no tree officer and workload of conservation officer

Training on interviews under caution and formal enforcement training (external training booked)

Acolaid replacement to have case management

Introduce new processes and customer service expectations

Risk assessment and lone working

Employ a senior Planning enforcement officer

Introduce a suite of measures

Use shared mailbox as customer contact (in and out)

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Suggestions for improvement - HBC information changes

HBC website page to be improved – links to useful planning information (see Cornwall link as an example)

Update the Planning enforcement plan and timescales make this more realistic in current climate

Clear standard letters and emails (templates to be created)

Use information to manage customer expectations – i.e., unable to update on cases during investigations

[Planning enforcement - Cornwall Council](#)

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Project Implementation Plan

Project Name	Planning Enforcement Service Review
Change Team Officer	Amy Boulain - Business Process Analyst
Project Sponsor	Wayne Layton
Project Objective	Implementation of suggestions made during the Planning Enforcement Team Service review

#	Issue	Action Plan	Priority	Status	Date started	Date completed
1	Lack of Oversight, Management and support	SPO to use Acolaid report to look at oldest cases with team and offer advice and support, how to take cases forward - may need to take ownership of some of these cases	High			
		SPO to take on allocation of cases based on workload	High			
		Introduce interim measures to show workload and assist case management	High			
2	Lack of Autonomous working	SPO to support team to feel confident lone working and to implement a rota / turn basis for the inbox	High			
3	Delays before visits	Change process for contact - get team access to undertake Land reg search as soon as case is registered so letters are	High			
		Support and train team to feel confident undertaking unannounced visits as required	High			
4	No direct customer contact	Introduce and train team on customer service, responding to emails on time and direct contact i.e. telephone calls	High			
5	No formal Training	Enforcement training is booked, Training in interviews under caution to be arranged	High			
6	Accolaid not fit for purpose	New system to be procured at the end of current contract	High			

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