

COUNCIL, 28 JANUARY 2015

REPORT OF THE GOVERNANCE COMMITTEE

CHANGES TO DELEGATED POWERS - REGULATORY SERVICES

Governance Committee at its meeting on 14 January considered amendments required to the Constitution to extend the delegated authority of the Head of Regulatory Services concerning changes to dispense with the creation of the 7 Day list and its weekly publication within Calendar Brief (whilst retaining the call-in process) and extending delegated powers to allow the Head of Regulatory Services to serve all forms of planning related Enforcement Notices including Stop Notices

The 7 Day List:

It has been found that despite refinements to the 7 Day List over time, this doesn't appear to have increased Members reliance on Calendar Brief as the main way of identifying applications which they wish to call-in.

A survey was undertaken and all Members were emailed on 31 October 2014 asking which of the following applied to them. Members were advised that all replies received within 14 days would be reflected in the content of any report to Governance Committee. Responses (received from 31 out of 54 members) are shown in italics alongside:

1. ***You rely significantly on the 7 Day List within Calendar Brief as the main way of identifying planning applications which you may wish to seek to call-in to Committee. 1 Member out of 31 total replies received (3%).***
2. ***You rely only very occasionally on the 7 Day List and usually instead rely on the main planning applications list and/or feedback from constituents when considering which applications you may wish to seek to call-in. 22 Members out of 31 total replies received (71%).***
3. ***You never rely on the 7 Day List when considering potential call-ins. 6 Members out of 31 total replies received (19%).***
4. ***You rarely call applications into Committee under any circumstances. 1 Member out of 31 total replies received (3%).***

Additionally, one Member reply didn't specify any particular category but welcomed the staff initiative.

Members' responses appear to bear out staff conclusions that there is no material benefit in retaining the 7 day list within the Call-in procedure.

Planning Enforcement Notices:

This matter concerns the service of notices against breaches of planning control.

A review of enforcement authority reports presented to Regulatory Services over the period January 2013 to date showed that in no instances did the Committee decline to authorise staff to initiate enforcement action.

Decisions to seek enforcement authority are made having regard to the Council's Planning Enforcement Policy and material considerations, notably the development plan framework. Any decisions to enforce under delegated powers employ the same approach.

Extending delegated powers to cover all types of enforcement case including Enforcement Notices and Listed Building Notices would speed up the timeframe within which notices may be created and served and the associated reduction in reports to Committee would create process efficiencies.

The Governance Committee accordingly recommends to the Council that the following changes be incorporated into Section 3.6.6 of the Constitution relating to the Head of Regulatory Services.

- 1) Section 3.6.6(e) be deleted and Section 3.6.6 (d) be altered to:

"Members may request that an application be referred to the Regulatory Services Committee for determination. Such request must be made in writing (including e-mail) to either the Head of Regulatory Services or the Planning Manager personally. If no such request is received by the deadline of that period the Head of Regulatory Services may approve the application.

- 2) Section 3.6.6(p) be altered to:

"To issue Enforcement Notices, Stop Notices and Listed Building Enforcement Notices".