

**Teignbridge District Council
Overview and Scrutiny 2
November 2022
Part i**

Report of Planning Enforcement Review Group

Purpose of Report

To Report to Overview and Scrutiny 2 on the findings of the Planning Enforcement Review Group.

Recommendation(s)

The Committee RESOLVES to:

Recommend to the Executive that the Development Management team implements the recommendations of the review group.

Financial Implications

There are no specific financial implications arising out of the report.

Martin Flitcroft Chief Finance Officer

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Legal Implications

There are no specific legal implications arising out of the report.

Paul Woodhead Head of Legal Services and Monitoring Officer

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Risk Assessment

The Recommendations are not considered to change the level of operational risk for the Department

Ros Eastman Business Manager – Strategic Place

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Environmental/ Climate Change Implications

The impact of this report is neutral in this regard

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Executive Member

Cllr Gary Taylor

Appendices/Background Papers

Full Report Appended

1. Introduction/Background

The Task and Finish Group (the Group) was set up to:

- A) Review TDC planning enforcement policy last updated in 2017. This is necessary to ensure our local enforcement plan is up to date and to recommend amendments to improve the service.
- B) Review progress on promised additional enforcement resourcing. This has not been delivered because of Covid. The group will review options and make a recommendation how best to take this forward given the situation now.
- C) Compare planning enforcement policy and outcomes with neighbouring councils. Mid Devon council recently reviewed their enforcement process, and a detailed report is available dated 14th September 2020. This report includes comparison data on TDC and neighbours, which can be used to shape recommendations to TDC using recent data that is already available.
- D) Invite feedback and suggestions from Parish Councils. The feedback and suggestions will need to focus on the effectiveness of the current enforcement processes and powers, and not an opportunity to comment on specific details of on individual enforcement cases.

Details of the work undertaken by the Group are in the appended report.

2. Recommendations

The Group has made 9 recommendations for consideration by O&S2. These are detailed in the attached report and outlined below with Officer comments:

Recommendation 1: Review of enforcement policy and process documents

Teignbridge Council Should Update the enforcement policy as soon as possible, this is overdue. Current policy states it should be reviewed annually, but it appears to be as it was in 2017.

We recommend it does not need annual review, but every 2 years, or in response to relevant changes in law, would be adequate.

We recommend some indicative timescales added to the Process document, to clarify the expected level of service for reporters, but also to manage expectations, in allowing for compliance periods, and legal processes where simple resolutions are not achievable.

We recommend where possible adjusting the language in the policy e.g., "enquiry" rather than "complaint", "subject" rather than "offender", and consider "compliance" rather than "enforcement".

We recommend the Policy should include or refer to the new national powers relating to concealment

We recommend reviewing the template wording for responses and especially strengthening that used to notify "breach no merit in pursuing". Wording should convey the risks that may result, following a breach, and should reserve the option of future action. The current wording states that Teignbridge Council will take no further action,

thereby in effect, indemnifying the subject in writing.

Officer Comment: Officers agree the Enforcement Policy needs updating in light of the time that has passed and are looking to programme this work.

Officers also agree that greater use of template documents is needed and this work should follow on from the Policy review to ensure co-ordination but will prioritise wording of “outcome” templates to take this recommendation into account.

Recommendation 2: Review of Teignbridge Council website content

We understand that a review of the web site is already anticipated. This is welcomed.

The web site does contain information on enforcement and permitted development. Where possible Teignbridge Council Signposts national information rather than repeating it (this avoids the burden of maintaining the information, and the risk of offering out of date advice) Signposted information needs to be clear and navigable to support people “self-serving” and to minimise “Failure load” where a user cannot find the information they need, so they contact officers or members instead.

Moving content from documents to inline in web pages makes accessing the content more direct and flexible. When a web page is edited, the previous version may be lost. We must be able to audit what advice Teignbridge Council was offering at any given time so take steps to ensure that archive information is retained.

Officer Comment:

(This is a web management not a Planning Issue – I have asked Media / Comms for their input)

Recommendation 3: Social media output

Public perception of enforcement is important and social media is a good channel for this. We should consider offering planning and enforcement news on our social media channels. Members and community newsletters etc.

Where an enforcement notice has been raised, the privacy issues no longer apply. We should publish information about successful notices and good outcomes as we did recently for the high-profile fly tipping incident. This will help build confidence that enforcement actions do happen, even if we don't see any in our immediate neighbourhood. That builds confidence in general and reinforces the deterrent.

Officer Comment: The Planning Enforcement team does provide information through the Members’ Newsletter when sites are cleared and Enforcement Appeal decisions are public and circulated to Members through our decision lists. We can work with Media and Comms to continue to do so and to highlight more widely as appropriate.

Recommendation 4: Communication with reporters

The New online portal should include some mechanism for updating reporters, ward

councillors and parish councils on compliance queries.

This should not offer any information that breaches confidentiality, and so information will be limited. We consider there is still significant value even in simply confirming that a case is still open, and it has not been forgotten.

Wherever possible simple cases should be resolved rapidly.

Teignbridge Council should consider making better use of parish and town councils. These are competent bodies and statutory consultees. They are often willing to assist. It would be helpful to clarify the role of parish and town councils within the enforcement policy.

We recommend some follow up contact to parish councils, sharing the revised policy, to build understanding of the process, and draw their attention to the timescales and other additions to manage expectations. Explain the CLOPUD and CLEUD processes and recommend their use to avoid enforcement problems.

Officer Comment: The proposed Review of our Policy provides an opportunity to be clear about the role of all parties in the enforcement process and will an updated framework about how we communicate with all parties once an enforcement matter has been logged with the LPA.

This can acknowledge the important role of Town and Parish Councils in the community.

We are planning T&PC training for the new year and can tie enforcement training into that. Other suggestions for possible briefings / topics for explaining would be welcome.

Recommendation 5: Consider the use of bonds

Teignbridge Council should consider the use of bonds in large developments, considering the limitations set out above in the section “completion issues on larger sites”.

Officer Comment: Officers do not believe current powers allow this to take place. This can be kept under review.

Recommendation 6: Quarterly meetings on larger sites

The policy of quarterly meetings on larger sites has been limited due to covid and priority settings. These meetings should be actioned to help eliminate post development completion issues.

District councillors should be made fully aware of this procedure and encouraged to ensure that the meetings happen.

Officer Comment: Dates are being set for relevant sites. This process will continue to be embedded in our reviewed Policy for large major sites.

Recommendation 7: Drone Trial

We Recommend Teignbridge Council look at possible benefits of drone use and consider

identifying an operator to run a trial.

Officer Comment: Current operational constraints are likely to preclude this however best practice and the legality around the use of drones will be monitored.

Recommendation 8: Planning training to reference enforcement

Some planning decisions are open to interpretation, some conditions are harder to enforce than others.

We should ensure that enforcement considerations are adequately reflected in the planning training for members so that planning decisions can be structured to reduce the likelihood of enforcement problems.

Training should also help members understand the limitations of enforcement and enable them to represent to process positively and realistically to councils and the public.

Officer Comment: Member training for Members interested in Planning and / those on Planning Committee specifically focussed on enforcement matters in 2021 and can do so again in the future. Other external training providers such as Ivy Legal, the LGA etc or others also offer training opportunities for Members that Councillors can investigate. Relevant opportunities identified by Officers are noted in the MNL.

Recommendation 9: Review progress

An Overview and Scrutiny committee should review the outcomes or progress of these recommendations 1 year after this report is adopted and if appropriate resolve to review again.

Officer Comment: This can be added to the Forward Plan for Member consideration.

October 2022