EXECUTIVE SUMMARY:

The Planning Services team is keen to respond to the Leader's stated priorities in respect of Planning Enforcement and has considered the measures that could be taken to enhance the service. There are a number of elements within a package of improvements that could be delivered, with little or no budgetary implications, but additional resources would be required to support the full package that we consider will meet the aims of the Administration.

RECOMMENDATION: THAT

(A) CABINET RECOMMENDS TO FULL COUNCIL THE PACKAGE OF MEASURES TO ENHANCE THE ENFORCEMENT SERVICE, INCLUDING THE CREATION OF ONE ADDITIONAL OFFICER POST.

REPORT:

1. Background

1.1 The Leader of the Council has stated that his 3 key priorities include the delivery of a more robust Planning Enforcement Service. A number of measures have already been put in place to ensure a more communicative service and the current Planning Enforcement Charter has been redrafted in accordance with the National Planning Policy Framework (NPPF) 2012 and awaits formal adoption by Planning Committee as the Council’s new Enforcement Plan. The Enforcement Team comprises a Team Leader and two Enforcement Officers, all of whom carry a caseload of investigations. At the time of writing, the caseloads for the two existing enforcement officers were 90 & 95 cases with the Team Leader carrying 60 cases as well as addressing other aspects of that post. This equates to a caseload in the region of 190 cases per annum which is approximately 6% higher than the national average¹. Despite the high volume of work, the team is delivering a fit-for-purpose service within the resources available.

¹ As yet unpublished figures provided by the National Association of Planning Enforcement 25/08/2016
2. Current challenges

2.1 The challenge is how to deliver a more robust service. Decisions on whether or not to take formal enforcement action are not resource dependent but result after consideration of the expediency of taking such action. Formal action should not be seen as a ‘success’ but as a last resort after attempts to resolve a breach of planning control have failed. As such, the production of more Enforcement Notices, for example, would not mean that the team is delivering a more robust service.

2.3 Elmbridge is a unique area and, in many respects, planning enforcement does not face the same demands as our near neighbours, the London Boroughs. That said, the expectations of the residents and Councillors alike are high in respect of the visual appearance of the Borough and the delivery of Council services. Officers in the team have analysed the type of investigation requests received:

<table>
<thead>
<tr>
<th>Type of investigation</th>
<th>% of cases for period 01/01/2016 to 15/08/2016</th>
<th>% of cases for period 01/01/2015 to 31/12/2015</th>
<th>Level of public concern* estimated from officer knowledge as such information is classified as confidential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertisements</td>
<td>4.5</td>
<td>8</td>
<td>High</td>
</tr>
<tr>
<td>Breach of condition</td>
<td>45</td>
<td>38</td>
<td>High</td>
</tr>
<tr>
<td>Breaches of tree conditions</td>
<td>5</td>
<td>13</td>
<td>Medium</td>
</tr>
<tr>
<td>Unauthorised development</td>
<td>34.5</td>
<td>36</td>
<td>Medium</td>
</tr>
</tbody>
</table>

2.3 From the snapshot of investigation cases shown above it can be seen that the majority of cases have arisen as a result of the grant of planning permission, namely compliance with plans and/or conditions. Additionally, it can be seen that the relatively low level of investigations relating to advertisements, the bulk of which are incorrectly displayed estate agent boards, attracts a disproportionally high level of public concern. Last year saw a push on estate agent prosecutions for incorrectly placed boards which has, to some extent, focused agents and resulted in a decrease in investigations. However, the level of fines Magistrates are handing down are low when considered in terms of the commission agents earn from sales/lettings in the Borough and it is not serving to dissuade agents from reoffending.

2.4 To deliver a fully proactive enforcement service is an aim many authorities would like to achieve but without unlimited resources it would be impossible, given the number of planning decisions made each year and the number of illegal advertisements. Therefore, in common with most authorities, Elmbridge relies on potential breaches being reported and then investigated reactively. This is not necessarily a negative approach as it would only be expedient to consider enforcement action where a degree of harm can be demonstrated and
the inference is that if a member of the public has not reported a breach the harm is unlikely to be severe. However, a greater level of proactive enforcement generates greater confidence in the planning system and can serve as a deterrent to those who may seek to ‘break the rules’.

2.5 Related to the subject of deterrence, the Planning Enforcement team has tended to deliver its service in a discreet manner, without the visual ‘presence’ of some of the other Elmbridge teams who carry out enforcement activities. This is the way things have always been done rather than an intentional approach. There is an opportunity to raise the profile of the work of the team and its officers through the use of branding, public engagement and better communication. This would serve to show the public that Planning Enforcement is having a positive impact on the visual amenity of the Borough and the quality of life of its residents.

3 The Proposal

3.1 It is proposed to re-brand the team as the Planning Compliance Team. This would put greater emphasis on ensuring people comply with plans, conditions and the law, with enforcement being the end result in only the minority of cases. The new team would have access to a branded vehicle in order to remove incorrectly placed estate agents boards and other illegal advertisements, which they are currently unable to do as easily and regularly using officers’ own vehicles. The officers would also have their own uniform, in common with other teams in the Council carrying out enforcement activities.

3.2 In order to introduce more proactive compliance, specifically with respect to estate agents boards, retrospective refusals of planning permission and condition compliance on the most contentious applications.

3.3 The new team would introduce regular ‘surgeries’ and/or participation in existing events such as Let’s Talk Elmbridge in order to provide a greater and more visible presence within the community. Officers would also hold more face to face meetings with councillors and members of the public on the more contentious investigations.

3.4 It is proposed to increase the team by one officer, resulting in a structure comprising one Team Leader and three Planning Compliance Officers. Each officer would have new job descriptions to include specific responsibility for activities such as co-ordination of proactive projects, public liaison and communication. The addition of an officer would not only allow for the introduction of these activities but would also free up some of the Team Leader’s time in order to carry out more management duties and to focus on the most contentious investigations.
4 Financial Implications

4.1 The financial implications arising from the proposals in the report are as follows:

<table>
<thead>
<tr>
<th>New Post</th>
<th>Salary scale</th>
<th>Mid point salary</th>
<th>Salary including oncosts at 23.3%</th>
<th>Essential car user allowance</th>
<th>Total employee costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Compliance Officer</td>
<td>S6-SO2</td>
<td>£29,437</td>
<td>£36,296</td>
<td>£1,239</td>
<td>£37,535</td>
</tr>
</tbody>
</table>

4.2 Also, there will be an additional uniform/equipment cost of £500 in total per annum for all 4 staff in the team.

4.3 There is no current revenue funding for a vehicle in the 2017/18 budget. If the vehicle cost exceeds £10,000 then a bid could be made to the 2017/18 capital programme. However, following discussion with CMB, it is considered there is potential to have access to a vehicle from another service area that can be temporarily branded when needed. This would represent a more cost-effective solution.

5 Conclusion

5.1 The package outlined above represents an exciting opportunity to refresh the existing team and deliver improvements in order to meet the Council’s priorities for a more dynamic and robust planning enforcement and compliance service.

Financial implications: Identified within the report.

Environmental/Sustainability Implications: None for the purposes of this report.

Legal implications: The existing Planning Enforcement Team works closely with Legal Services in order to ensure the implications of taking enforcement action are fully considered, in accordance with relevant legislation. The measures proposed within this report would not impact on the legal mechanisms for taking action.

Equality Implications: The report has been prepared taking into account equality issues.

Risk Implications: The measures included within this report are considered to improve and enhance the existing service. Reputational risk can arise when the Development Management process is not supported by effective compliance and enforcement. Whilst the existing team delivers an efficient service, it is considered that the measures would result in additional resources in order to maintain quality and resilience.
Community Safety Implications:
None for the purpose of this report.

Principal Consultees:
Finance
Legal Services

Background papers:
None

Enclosures/Appendices:
None

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