SCRUTINY COMMITTEE

Minutes of a meeting of the Scrutiny Committee of South Norfolk District Council held at South Norfolk House, Long Stratton on 25 May 2017 at 9.30am.

Committee Members Present: Councillors: T Lewis (Chairman for the duration of the meeting), B Bernard, D Fulcher, C Gould, T Palmer, R Savage and J Wilby

Apologies: Councillor: B Duffin

Substitute Member: Councillor: L Neal for B Duffin

Cabinet Members in Attendance: Councillors: L Hornby and Y Bendle

Other Members in Attendance: Councillors: M Gray and V Thomson

Officers in Attendance: The Director of Business Development (D Lorimer), the Development Manager (H Mellors), the Planning Decisions Team Leader (C Trett) and the Senior Governance Officer (E Goddard)

1199 MEMBERSHIP OF THE SCRUTINY COMMITTEE

The Democratic Services Officer confirmed the membership of the Scrutiny Committee for 2017/18 and it was noted that a Chairman for the Committee would be appointed at the next meeting of Full Council, to be held on 10 July 2017.
MINUTES

Subject to a few minor amendments, the minutes of the meetings of the Scrutiny Committee held on 10 May 2017 were confirmed as a correct record and signed by the Chairman.

REVIEW OF THE COUNCIL’S COMPLIANCE AND ENFORCEMENT POLICY

Cllr Hornby gave a brief introduction to the report of the Development Manager, which sought to assist the Committee in its review and evaluation of the effectiveness of the Council’s Compliance and Enforcement Policy with respect to Planning, Appendix 3 of the Policy.

The Development Manager summarised the salient points in her report, explaining that it was a high-level assessment and that it was not intended that details of individual cases would be discussed at the meeting. Members considered the key issues of the report and were pleased to note the proposal that on all major sites and certain contentious sites where there may be breaches, the relevant local member would be notified and regularly updated on the ongoing progress of such issues. The Committee agreed that this would assist local members when dealing with enquiries and complaints from parish councils and members of the public.

Members raised concerns, stating that there was a public perception that the Council did not operate a swift, consistent and strict enforcement policy and that larger developers were sometimes allowed to breach planning conditions. The Development Manager advised that, due to the lengthy legal process involved in applying enforcement action, it often appeared that the Council was slow to react to breaches. In addition, members were advised that it was usually the case that officers were seeking to ensure development was carried out in accordance with the approved plans and chasing requests for further information to be submitted. Due to the time and costs involved in administering and authorising enforcement action, it was important that the Council reacted proportionately and made every effort to resolve issues informally in the first instance so that developers could continue to work on sites. The Committee was informed that it was inappropriate to completely stop building works unless immediate action was essential to safeguard amenity or public safety, or to prevent serious or irreversible harm to the environment in the surrounding area.

The Committee agreed that there was often confusion amongst parish councils regarding the Council’s Enforcement Policy, the work being undertaken by enforcement officers, and planning terms such as ‘permitted development’. The Development Manager stressed that local members were well-placed to educate parish councils and needed to demonstrate confidence in how the Council’s officers were acting on the Policy. She reminded the Committee that Nplaw would be delivering a training session on Planning Enforcement in November 2017 to which all South Norfolk Council members were invited to attend. In response to a suggestion that parish clerks should be invited to attend the training session, officers stated that it would be more appropriate for them to approach other organisations such as the National Association for Local Councils (NALC) who were better placed to deliver training to parish councils.
Members suggested that the Council provide a brief summary of the Policy and/or provide training presentation materials to allow Local Councillors to give their own short training sessions to parishes. The Planning Decisions Team Leader spoke of his concerns that the area of enforcement was extremely complex and that any parishes with specific queries should contact the Council directly, but that officers could email all town and parish clerks to bring the Enforcement Policy to their attention in order to highlight the process and powers available to South Norfolk Council, including references to permitted development.

In response to a member’s question regarding the powers delegated to officers to authorise enforcement action, officers agreed that it might be beneficial to review the Scheme of Delegation to extend these delegated powers for breaches in certain circumstances, to reduce costs and shorten the lengthy processes involved. Officers clarified that any changes recommended to the Scheme of Delegation would need to be agreed by Full Council.

In response to a member’s query regarding the weekly reports generated to monitor all major sites where building work had started in the last two weeks, officers reassured the Committee that the Council’s compliance officer carried out checks with CNC Building Control who also checked for possible breaches with respect to any approved plans. Once notified of any potential breaches, the Council would take proportionate action, as required.

Members queried the conditions specified on planning permissions and suggested that these might sometimes be unreasonable. The Development Manager assured the Committee that all conditions were subject to six tests, one of which was ‘reasonableness’. She confirmed that conditions were set at the time of approving permission and that although there had been some recent cases considered by the Development Management Committee where conditions had been removed, these were for permissions granted some years ago where the conditions were no longer reasonable or enforceable. Members briefly discussed the Government’s promotion that local planning authorities used fewer pre-commencement conditions to enable developers to deliver houses more quickly. Officers advised that it was often beneficial to obtain more information up front so that later problems and delays were less likely to occur.

The Committee discussed advertisements in the countryside and officers confirmed that the Planning Act permitted the Council to remove unauthorised adverts as it was an offence to display an advertisement without consent. However, members were advised that the laws around advertisements were complex and that some advertisements were exempt. There was some discussion around ‘trailer signs’ on highways and officers detailed some of the difficulties in enforcing their removal. Members questioned whether the timescales could be reduced for enforcing the removal of trailer advertisements, but were informed that this was governed by a legal requirement.

Members thanked officers for their report and, after a short discussion, it was:
RESOLVED:

1. to endorse the proposals set out in paragraph 4 of the report and note that a training session, as detailed in paragraph 4, had been arranged for all members and would take place on 29 November 2017;

2. to recommend that officers email town and parish council clerks to bring the Enforcement Policy to their attention, in order to highlight the process and powers available to South Norfolk Council. This email would include references to permitted development;

3. to recommend that officers review the Scheme of Delegation with regard to enforcement action and recommend changes to Council, as appropriate.

1202 SCRUTINY COMMITTEE WORK PROGRAMME AND TRACKER, AND CABINET CORE AGENDA

The Committee noted the Work Programme, Tracker and Cabinet Core Agenda.

It was noted that Member Grants would be considered by Scrutiny at a later date and this would be added to the Work Programme in due course.

Cllr Palmer suggested that the Scrutiny Committee might consider a review of the enforcement for the protection of listed buildings. Officers suggested that this would fall under the Enforcement Policy and if there were any suspected breaches, these should be reported to South Norfolk Council or CNC Building Control.

(The meeting concluded at 10:52 am)

Chairman