

A.2 APPENDIX 1

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

10 JANUARY 2024

REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS

A.1 COUNCIL ENFORCEMENT ARRANGEMENTS TASK AND FINISH GROUP – INTERIM REPORT (PLANNING ENFORCEMENT)

PURPOSE OF THE REPORT

The purpose of this report is to provide the Committee with the interim Report from its Council Enforcement Arrangements Task and Finish Group. This interim report is being submitted as the Task and Finish Group has concluded the element of its enquiry concerning Planning Enforcement. The interim report is set out in the Appendix to this report. The intention of the whole enquiry was recorded as:

“To identify the extent to which here are further steps that can be taken to further achieve a fair and equitable use of enforcement powers, taking account of relevant information and that the resources made available for enforcement are used to best effect.”

SCOPE - THE AIMS AND OBJECTIVES OF THE REPORT

The Council on 11 July 2023 approved an enquiry through this Committee into the matters set out here. The Committee approved that this enquiry would be undertaken through a Task and Finish Group and following a published decision the Task and Finish Group was formed and the enquiry is underway.

“Council Enforcement arrangements, including:

- (a) Planning Enforcement (and other areas) where decisions are taken ‘in the public interest’ whether to take particular enforcement action. To look at written statements to support the basis of such judgements and the matters demonstrably weighed up in reaching such decisions,*
- (b) The existing and possible opportunities for information to be provided by Ward Councillors in respect of matters which may attract enforcement action and decisions to not take enforcement (given the unique role of Councillors in representing their Ward).*
- (c) The extent to which enforcement powers are looked at in a silo or corporate way to ensure that (within the purposes of particular enforcement powers) the Council considers the ability to address non-compliances robustly.*
- (d) The experience of fly tipping on public land and the actions to deter such fly tipping*
- (e) The use of mobile CCTV cameras openly and covertly to identify offences and, potentially, offenders.”*

The enquiry has addressed, to this point, elements (a), (b) and (c) above in relation to Planning Enforcement. The interim report references the enquiry to this point. Further phases of the enquiry will concentrate on points (d) and (e) from the above scope. It may well return to points (b) and (c) as it considers other enforcement matters with the scope of the enquiry.

A.2 APPENDIX 1

A.2 APPENDIX 1

INVITEES

The Task and Finish Group Chairman (Cllr Paul Honeywood) will speak to the interim report set out as the Appendix to this report. Other members of the Task and Finish Group may also wish to refer to the work of the Group to this point. To facilitate this, Councillors Morrison and Sudra (who are not members of this Committee) have been invited to attend this meeting.

The lead officers for the whole enquiry, Damian Williams (Corporate Director for Operations and Delivery) and Anastasia Simpson (Assistant Director for Partnerships) have been invited to attend the meeting. As the element of the enquiry covered by the Interim Report has focussed on Planning Enforcement, Gary Guiver (Director of Planning) has been invited to attend this meeting.

BACKGROUND

The background to the enquiry (to this point) is set out in the interim report attached as the Appendix to this report.

RELEVANT CORPORATE PLAN THEME/ANNUAL CABINET PRIORITY

The enquiry was established in the summer 2023 and the relevant Corporate Plan was that for the period 2020-24. The relevant Corporate Plan theme identified at that time was:

“Delivering High Quality Services - Effective regulation and enforcement”

In the Corporate Plan for 2024-28, the following high level themes are relevant to the enquiry as it moves into 2024:

“Pride in our area and services to residents”

“Championing our local environment”

DESIRED OUTCOME OF THE CONSIDERATION OF THIS ITEM

The Committee is invited to receive the interim report from the Task and Finish Group and consider its recommendations. If satisfied, the Committee is invited to submit those recommendations to Cabinet as appropriate.

DETAILED INFORMATION

The detailed information concerning this enquiry (to this point) is set out in the interim report attached as the Appendix to this report.

RECOMMENDATION

That the Committee receive the interim report from the Council Enforcement Arrangements Task and Finish Group set out in the Appendix to this report and, if satisfied, submit recommendations to Cabinet as appropriate on the matters set out in the Appendix.

A.2 APPENDIX 1

PREVIOUS RELEVANT DECISIONS	
Council on 1 July 2023 – Minute 37 refers (this was to approve the enquiry to which the interim report relates)	
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL	
None.	
APPENDICES	
Appendix – The interim report of the Council Enforcement Arrangements Task and Finish Group (in respect of the element of the enquiry concerning Planning Enforcement).	
REPORT CONTACT OFFICER(S)	
Name	Keith Simmons
Job Title	Head of Democratic Services & Elections
Email/Telephone	ksimmons@tendringdc.gov.uk/ (01255) 686580