

Update of Planning Enforcement Charter – Ashley Smith (CHDMBC)

Synopsis of report:

The Planning Committee adopted a revised Planning Enforcement Charter in January 2016. This report seeks to update the Enforcement Charter to reflect updated national legislation, to ensure enforcement resource continues to be appropriately directed, provide more information for residents about planning enforcement up front, manage expectations and improve communications with residents during planning enforcement investigations.

The report recommends updating the Planning Enforcement Charter.

Recommendation(s):

- That the draft 2023 Enforcement Charter attached as Appendix A be adopted to replace the April 2016 version with effect from 1st February 2023.
- That the CHDMBC be provided delegated authority to make minor typographical or similar corrections as appropriate prior to 1st February 2023.

1. Context of report

- 1.1. The Planning Committee on behalf of the Council adopted a Planning Enforcement Charter in January 2016 (replacing a 2013 Charter). This report seeks to update the Enforcement Charter to reflect updated national legislation, to ensure resource continues to be appropriately directed, provide more information for residents about enforcement up front, manage expectations and improve communications with residents during planning enforcement investigations

2. Report and, where applicable, options considered

- 2.1. Paragraph 59 of the NPPF encourages local Planning Authorities to produce a Local Enforcement Charter and it is considered sensible that such a document should be reviewed periodically. The Planning Enforcement Charter explains the purpose of the planning enforcement function of the Council, set against the legal framework of the Town and Country Planning Act 1990, and government policy as set out in the National Planning Policy Framework (NPPF).
- 2.2. The Council is committed to providing an effective planning enforcement service and it is understood that public perception of the planning system can be undermined when unauthorised unacceptable development is allowed to proceed, or remain, without any apparent attempt by the council to intervene.
- 2.3. A Royal Town Planning Institute (RTPI) survey conducted in November 2022 found that 89% of Councils surveyed LPAs reported a Planning Enforcement backlog. The RTPI also found that 80 per cent of respondents reported not having enough enforcement officers to carry out the Council enforcement workload and 70 per cent that their authority had struggled to recruit enforcement officers in the past five years.

The RTPI indicated that the pandemic had led to a significant increase in cases on hand for authorities across the country.

- 2.4. Runnymede Borough receives a large number of enforcement requests, and many of these are of a complex nature. Enforcement is unfortunately by its nature often a long and complicated process. Like many Councils RBC has a fairly significant number of cases in hand, however a restructure of the Enforcement Team occurred during the pandemic which led to increased resource, from existing budget, and the team now has 4 Enforcement Officers and an Assistant Development Manager who is dedicated to Enforcement and related specialist services. This constitutes a significant increase in resource from before the pandemic in the team. A new officer, Mr Tom Fry, has started in the Assistant Development Manager (Enforcement) role in December 2022. As a result of this increase in resource and following the end of the pandemic the Council has been working hard to reduce cases in hand and is now reasonably well placed to make progress further progress on reducing cases in hand and tackling larger higher priority cases. It must however be remembered that enforcement resource remains finite and as such will still need to be focused on the higher priority matters.
- 2.5. The implementation of an updated Enforcement Charter is intended to enhance the performance of the planning enforcement team and improve resident satisfaction and knowledge of the process. It forms one part of the ongoing service enhancements for the Local Planning Authority in order to operate as efficiently and effectively as possible to meet commitments within the service plan.
- 2.6. The Borough receives a very significant number of enforcement investigation requests every year and the planning enforcement resource remains finite. Of these requests the Borough receives a significant number of 'high' and 'medium' priority cases which take up a significant amount of officer time and resource due to the complexity of such investigations. The 2016 charter set out a sensible prioritisation system which seeks to provide the greatest amount of resource to cases that cause the most significant harm or have the greatest impact upon residents. It is considered that this is a sensible methodology and as such it is not proposed to change this approach to the priority system.
- 2.7. In updating the document, the service has looked to frontload the provision of information for residents so as to make clear how investigations into breaches of planning control occur and better detail the legislative framework that the Council has to work within. The revised document better sets out that, due to reasons outside of the Council's control (e.g., appeals/legal considerations), planning enforcement may not always be a rapid process; it better sets out how the process may unfold and what to expect from an enforcement investigation.
- 2.8. The document also seeks to set out more clearly what constitutes and doesn't constitute a breach of planning control. A new table at para 1.10 sets out common examples of matters that don't normally constitute a breach of planning control. This is considered likely to help avoid confusion and avoid residents expending unnecessary effort in relation to matters that Planning Enforcement would be unable to resolve.
- 2.9. In its section 2 the updated Charter also provides more guidance to residents on information to provide alongside their enforcement requests. This will allow investigations to commence more swiftly, reduce any registration delays and provide the Council with more details and evidence at an earlier stage increasing the chances of successful outcomes.

- 2.10. The update also seeks to update and make clearer customer service standards for high and medium priority cases, seeking to commence High Priority cases within two working days of report and medium cases within 10 Working days and requires the Enforcement Team to update complainants following initial investigations. The policy makes it clear that the timeframes for resolving lower priority cases that cause limited or no harm to residential amenity or the environment would be influenced by the number of high and medium priority cases on hand where limited resource is best directed.
- 2.11. The draft charter also includes a short new section on customer care which provides residents and other interested parties with more information on the service and how to raise or escalate any concerns that they might have.
- 2.12. The opportunity has also been taken to put the document in the Council's corporate style for a more professional looking document.
- 2.13. The implementation of an updated Enforcement Charter is intended to enhance the performance of the planning enforcement team, within the Development Management Service, and improve resident satisfaction and access to information on Planning Enforcement.
- 2.14. The options available are:
- Update the Planning Enforcement Charter (**recommended option**)
 - Do not update the Planning Enforcement Charter (not the recommended option)
- 2.15. Updating the Enforcement Charter provides the opportunity to secure the aforementioned benefits, enhance the operation of the enforcement service and provide more information upfront to residents and set clearer expectations for the process in the context of resource and nationally set processes. It therefore constitutes the recommended option.
- 2.16. Not updating the charter, maintains the status quo and therefore must be considered a workable option, however it does not secure the aforementioned benefits and means the Council's charter is seven years old and does not reflect the latest best practice, therefore this is not the recommended option.

3. Resource implications

- 3.1. The proposed updates are likely to result in modest time savings for the enforcement team. By providing residents with more information upfront and increasing the quality of submissions of Enforcement Requests it is likely that there will be some savings in Enforcement Officer time which can be directed to resolving other cases.
- 3.2. There are no known increased financial costs for the Council as a result of this recommendation.

4. Legal implications

- 4.1. The Planning Committee has the authority to update the Enforcement Charter.

5. Equality implications

- 5.1. The Equality Act 2010 identifies 9 'Protected Characteristics' (being age, disability, race / ethnicity, pregnancy and maternity, religion, sexual orientation, sex, gender

reassignment and marriage / civil partnership). Section 149 of this Act provides that a public authority must, when exercising a public function, have due regard to the need to:

- a) eliminate unlawful discrimination, harassment or victimisation;
- b) advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;
- c) foster good relations between those who share a relevant Protected Characteristic and persons who do not share it.

5.2. Updating the Enforcement Charter is not considered to result in any adverse equality issues. The Charter replaces a relatively similar charter and seeks to achieve the same objectives.

6. Environmental/Sustainability/Biodiversity implications

6.1. The Council already has an Enforcement Charter. The recommended updates are not considered to result in any changes in these areas.

7. Conclusions

7.1. This report seeks to update the Enforcement Charter to reflect updated national legislation, to ensure resource continues to be appropriately directed, provide more information for residents about enforcement up front, manage expectations and improve communications with residents during planning enforcement investigations. It is therefore recommended that the updated charter (Appendix A) be adopted.

(To resolve)

Background papers

None stated