

**ORGANISATION IMPROVEMENT & ENVIRONMENT OVERVIEW
AND SCRUTINY COMMISSION
HELD ON 2 MARCH 2009
(FROM 5.30 PM TO 7.32 PM)**

PRESENT: Councillor Mrs Atkinson in the Chair. Councillors Ian Galloway, Hawkins, Hill, Bob Nash, Newby, Matthew Webber and Willis.

In attendance: Councillor Don Mackenzie (Cabinet Member Planning and Transport)

Late Arrivals: Councillor Hill at 5.32 pm.

Early Departures: Councillor Bob Nash at 7.15 pm.

66/08 - APOLOGIES FOR ABSENCE AND NOTIFICATION OF

SUBSTITUTES: Apologies for absence had been received from Councillors Hawke, Reg Marsh and Wren. Notification had been received that Councillor Hawkins was to act as a substitute for Councillor Willoughby.

(5.30 pm)

67/08 - DECLARATIONS OF INTEREST: There were no declarations of interest.

(5.31 pm)

68/08 - MINUTES: The Minutes of the meeting of the Commission held on 14 January 2009 were approved as a correct record and signed by the Chair.

(Five Members voted for the motion and there were two abstentions)

The Minutes of the meeting of the Commission held on 19 January 2009 were approved as a correct record and signed by the Chair.

(Five Members voted for the motion and there were two abstentions)

69/08 – EXEMPT INFORMATION: There were no exempt information items.

(5.32 pm)

70/08 – PUBLIC ARRANGEMENTS – QUESTIONS: There were no questions to consider pursuant to Standing Order 27.

(5.32pm)

MATTERS HOLDING THE EXECUTIVE TO ACCOUNT

71/08 - PERFORMANCE REPORT - QUARTER 3, 2008/09: The Scrutiny Officer delivered a presentation regarding the quarter three performance for 2008/09 in relation to those performance indicators which were off target and had a 10%

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decrease in performance. The PI's which were off target related to the percentage of planning complaints which resulted in the issue of enforcement notices, the percentage of planning complaints found on investigation not to be a material breach of planning control, the percentage of unemployment in the District, the highest ward unemployment rate, the amount by which the District unemployment rate was below the national average and the average shop vacancy rate across the District's market towns. The presentation also focused on those indicators that were part of the Local Area Agreement (LAA), and those that had shown a marked improvement in performance.

Members asked for further information in relation to the amount by which the unemployment rate of the District was below the national average and the average shop vacancy rate across the District's market towns and the Scrutiny Officer **agreed** to follow this up.

(7.10 pm - 7.17 pm)

72/08 - **FORWARD PLAN OF KEY DECISIONS:** The Commission noted the Key Decisions which fell within its remit. They requested further information relating to Key Decision DCS/FP159, review of waste management strategy and expansion of kerbside waste recycling service and key decision DCS/FP171 concerning the contract for the collection of mixed recyclables. The Scrutiny Officer **agreed** to follow this up with a view to considering both issues at one meeting.

SCRUTINY MATTERS AND REVIEWS UNDERTAKEN BY THE COMMISSION

73/08 - **PLANNING ENFORCEMENT:** The Head of Planning Services, together with the Chief Planner (Development Control), the Chief Planning Enforcement Officer and the Cabinet Member (Planning and Transport), were in attendance for this item. The Head of Planning Services submitted a briefing note which set out an overview of the Planning Enforcement function and which covered the following areas:

- the legislative framework and Government guidance;
- the objectives;
- the activities;
- the approach to enforcement;
- the resources;
- the workload;
- the performance;
- the priorities;
- the types of formal action taken;
- pro-active enforcement; and
- the future of the enforcement service

He highlighted the main elements in each of the above areas and invited questions. Referring to section 5.3 of the briefing note, Members discussed the issue of confidentiality of the identify of the person reporting suspected breaches of planning control and also the information sent by the Enforcement Team to Members and Parish Councillors. The Head of Planning Services referred to the situations where the identity of the complainant would be released into the public domain and added

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that, after proposals by Members a number of years ago, the practice of informing Ward Members and Parish Councils of enforcement allegations had been introduced.

Councillor Hawkins queried the process involved in making a final decision regarding enforcement action and the Head of Planning Services advised that, if enforcement action was sought, the Chairman of the Planning Committee would be consulted and the Head of Planning Services would be authorised to take appropriate enforcement action. In relation to the staff establishment, it was noted that, together with the Chief Enforcement Officer, there were two Enforcement Officers and one Enforcement Technician. It was also acknowledged that there was no enforcement service provided outside normal working hours.

In relation to the workload of the Enforcement Section, the Head of Planning Services **agreed** that an annual report would be produced at the end of each financial year detailing information such as the number of complaints received, the number of Enforcement, Stop Notices and Section 215 Notices served, the number of appeals against Enforcement Notices and the number of prosecutions undertaken. Referring to the issue of advertising banners, in particular those displayed in hotel grounds, and their classification as a low priority, the Chief Planner (Development Control) stated that, although they did offend some people, they were given a low classification due to the low level of concern expressed about them compared to other areas of planning control. He added that he was to meet with the Chairman of Destination Harrogate on the 3 March 2009 to discuss the issue and to relay some of the Commission's concerns as expressed at a previous meeting. The Cabinet Member stated that he thought the Council had the balance right in relation to advertising banners which were allowed in the District, although he added that the Chamber of Trade had again brought up the issue of A-Boards expressing the opinion that the Council was too restrictive on what businesses were allowed to display.

One Member queried pro-active enforcement and the Head of Planning Services advised that the technology was in place but staff resources were not available. Councillor Newby asked whether people and sites with a history of planning control breaches were monitored and the Chief Planning Enforcement Officer commented that the Section were aware of repeat offenders. Councillor Hawkins expressed concerns over the resources available and commented that, in his experience, there was negative public perception about the Enforcement Section and he also stated that there were issues with builders giving wrong advice to members of the public in terms of planning permission for conservatories, porches etc. The Head of Planning Services commented that there was nothing the Council could do to prevent wrong and misleading advice given out by builders but added that they needed to start to change public perception of the Enforcement Section and one way of doing this was by publishing their achievements. The Commission supported the decision to publish end of year final reports and suggested that copies should be sent to District and Parish Councillors and the Head of Planning Services **agreed** to this request. Councillor Bob Nash also suggested issuing a media release once the 2008/09 annual report was ready to be published.

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It was also **agreed** that there would be a report back to the Commission in mid-summer once the complete 2008/09 statistics were available.

(5.32 pm - 7.10 pm)

74/08 - FEEDBACK FROM WORKING GROUP / REPRESENTATIVES: The Scrutiny Officer advised that the Car Parking Policy Working Group had met on the 28 January 2009 and stated that they were half way through preparing their final report, which would be presented to the Commission in the near future. He added that there would also be a public meeting.

(7.20 pm - 7.25 pm)

75/08 - REQUESTS FOR INCLUSION OF ITEMS IN FUTURE WORK

PROGRAMME: Councillor Ian Galloway raised the issue of the role and effectiveness of the Harrogate and District Transport Forum and it was **agreed** that the matter be included as a future Agenda item and relevant officers and/or Cabinet Member (Planning and Transport) be invited to attend.

(7.25 pm - 7.32 pm)