

REPORT FOR: **Planning Committee**

Date of Meeting:	11 October 2011
Subject:	Consultation Draft - Enforcement Policy and Prosecution & Direct Action Policy
Responsible Officer:	Stephen Kelly (Divisional Director of Planning)
Exempt:	No
Enclosures:	Appendix 1 – Consultation Draft: Planning Enforcement Policy Appendix 2 – Consultation Draft: Planning Prosecution & Direct Action Policy

Section 1 – Summary and Recommendations

Recommendation:

That the Committee:

- (a) consider and comment on the Draft Planning Enforcement Policy and the Draft Planning Prosecution & Direct Action Policy annexed to this report as Appendices 1 and 2
- (b) refer the Draft Planning Enforcement Policy and the Draft Planning Prosecution and Direct Action Policy to Cabinet for public consultation

Section 2 – Report

Background

Planning plays an important role in managing development to ensure a high quality environment, facilitating a better pattern of land use and securing the efficient use of resources. However, the planning regime can only achieve these goals effectively if it is backed up by an effective planning enforcement service.

In recent years, the planning enforcement service has been subject to closer public scrutiny. The attached draft Planning Enforcement Policy has been formulated to help the authority to deliver consistent and effective management of the rising demand for enforcement investigations, and to help everyone understand the basis upon which decisions surrounding planning enforcement are made.

The document sets out how the service will prioritise and respond to planning breaches, and contains information for all those involved in, or affected by the enforcement process. The policy will be referred to by those involved in the decision-making process, and will allow decisions surrounding resource allocation to be more clearly focused on Council priorities.

In addition to an enforcement policy statement, and reflecting the need to take formal action where voluntary compliance with notices issued fail, the attached Planning Prosecution & Direct Action policy outlines the Council's approach to taking direct action, prosecution, and applying for court injunctions for planning related matters. Its purpose is to ensure a consistent and fair approach to dealing with planning related offences.

Current Situation

The Council's policy on planning enforcement is currently contained within the 'Development Management and Enforcement Policy', available on the Council's website. The part of this policy relating to enforcement is comprised of a brief list of service commitments in bullet point format and was prepared in 2000.

This brief policy statement does not provide context or background information for those who are not experienced with planning enforcement. It also does not explain the process or practice of planning enforcement, or provide information specific to different types of breaches and the legislation relevant to each. It does not state any position on the Council's approach to prosecution or direct action in relation to planning enforcement. Neither does it provide a clear written basis for assessing the 'expediency' of taking enforcement action, where legislation requires the Council to do so.

Proposal

The attached documents have therefore been prepared to reflect contemporary enforcement practice and to provide a much more complete and comprehensive document for those affected by enforcement investigations, including residents, Members, and Officers. It is proposed to make both the Planning Enforcement Policy and the Planning Prosecution & Direct Action Policy available to the public for a consultation period of six weeks using the Council's Limehouse Consultation software and to write to all planning agents who have made retrospective planning applications to the Council in the last 12 months and resident associations within the borough

It is envisaged that following the consultation period, any necessary revisions on the basis of feedback received would be made and final versions would be reported to the Planning Committee and subsequently to Cabinet for adoption

Other options considered

The Council could continue with the current policy. Based on a review of comments (including complaints), it is clear that the existing policy and information does not meet the varying needs of those affected by or interested in this complex area of planning. The absence of a full enforcement policy is inconsistent with the government's guidance, for instance in the 'Enforcing Planning Control: Good Practice Guide for Local Authorities'.

Financial Implications

The adoption of the policy has no direct financial implications. The policies relating to Enforcement and Prosecution/Direct Action may result in modest savings by making corporate complaints easier to deal with (by providing a clear framework against which complaints about the service provided could be assessed). Additionally, by providing clear guidelines for officers to make decisions about how enforcement investigations should be progressed, it could potentially streamline the management of enforcement cases and reduce the costs associated with providing information on the enforcement process.

The impact of any service improvements will be reviewed as part of the annual MTFS process.

Equalities

The Enforcement Policy and Prosecution & Direct Action Policy are subject to Equalities Impact Assessment. An initial impact assessment has been undertaken and will be placed on the website alongside the policy following the consultation process. This initial impact assessment will be reviewed as part of the consideration of the consultation responses to the draft policy.

Corporate Priorities

The Draft Enforcement Policy and Prosecution & Direct Action Policy will contribute to meeting a number of Harrow Council's corporate objectives, including 'Keeping neighbourhoods clean, green and safe' and 'Supporting our Town Centre, our local shopping centres and businesses'. The proposed

policies, if eventually adopted, would assist the enforcement service to meet these objectives more effectively.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 27 September 2011		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 30 September 2011		

Section 4 - Contact Details and Background Papers

Contact: Stephen Kelly (Divisional Director of Planning), 020 8736 6149

Background Papers:

'Development Management and Enforcement Policy' which is on the council website at

http://www.harrow.gov.uk/downloads/file/6153/development_management_and_enforcement_policy

If appropriate, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	YES