

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Friday, 15 October 2021

Committee:
Place Overview Committee

Date: Monday, 25 October 2021
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached.

There will be some access to the meeting room for members of the press and public but this will be limited for health and safety reasons. If you wish to attend the meeting, please email democracy@shropshire.gov.uk to check that a seat will be available for you.

The meeting can be viewed live via Microsoft Teams using the link below. The recording will be made available on YouTube, this will be made accessible from the web page for the meeting shortly afterwards.

<https://www.shropshire.gov.uk/placeoverviewcommittee25october2021/>

Tim Collard
Interim Assistant Director – Legal and Democratic Services

Members of Place Overview Committee

Joyce Barrow (Chairman)	Geoff Elner
Paul Wynn (Vice Chairman)	Paul Gill
Andy Boddington	Dan Morris
Steve Davenport	Pamela Moseley
Julian Dean	David Vasmer

Your Committee Officer is:

Sarah Townsend Committee Officer

Tel: 01743 257721

Email: sarah.townsend@shropshire.gov.uk

AGENDA

1 Apologies for Absence

2 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a disclosable pecuniary interest and should leave the room prior to the commencement of the debate.

3 Minutes of the Previous Meeting

To consider the minutes of the Place Overview Committee meetings held on 4th August 2021 and 17th September 2021 (To Follow).

Contact: Sarah Townsend (Tel: 01743 257721)

4 Public Question Time

To receive any questions or petitions from the public of which notice has been given. The deadline for notification for this meeting is 2.00 p.m. on Thursday, 21st October 2021.

5 Member Question Time

To receive any questions of which Members of the Council have given notice. The deadline for notification for this meeting is 2.00 p.m. on Thursday, 21st October 2021.

6 Planning Enforcement (Pages 1 - 6)

To scrutinise impact of changes to the Planning Enforcement Team. (Attached).

Contact: Tracy Darke (tracy.darke@shropshire.gov.uk)

7 Planning Committee Structures

To review the outcome of Shropshire Council's decision to reduce from three to two Planning Committees and scrutinise the impact of delegations. (To Follow).

Contact: Danial Webb (Tel: 01743 258509)

8 Place Overview Committee Work Programme (Pages 7 - 14)

To consider the future work programme of the Committee. (Attached).

Contact: Danial Webb (Tel: 01743 258509)

9 Date/Time of Next Meeting of the Committee

The Committee is scheduled to next meet on Thursday, 11th November 2021 at 2.00 p.m.



<u>Committee and Date</u>	<u>Item</u>
Place Overview Committee 25th October 2021	6 Public

PLANNING ENFORCEMENT IMPROVEMENT PROGRESS

Responsible Officer: Tracy Darke, Assistant Director Economy & Place

Email: tracy.darke@shropshire.gov.uk

1. Synopsis

The report is to advise members on the progress that has taken place over the last twelve months to focus on improving the delivery of the planning enforcement service. The key points covered will include: the progress made to date; increase in resources; the further improvements to be made over the next six months; promoting the positive outcomes better.

2. Executive Summary

- 2.1 Planning enforcement is one of the more difficult parts of the planning service. Officers are often having to deal with situations that are confrontational due to property owners potentially carrying out works that do not have planning permission, or with complainants that expect officers to be able to stop works immediately when carried out in breach of planning control. As a result of this, it is very hard to recruit to such roles and retain the staff. However, in Shropshire Council we now have a strong team and are committed to ensuring that the service offered will be responsive and provide the outcomes that demonstrate that we will not tolerate breaches of planning control where development is unacceptable.
- 2.2 In the last 6 months, the number of cases on-going have nearly halved and we have served more formal notices than previous years.

3. Recommendations

- 3.1. That members note and endorse the report.
- 3.2. That members advise of any further improvements that may be made to the service.

REPORT

4. Risk Assessment and Opportunities Appraisal

4.1. This is an information report

5. Financial Implications

5.1. There are no financial implications as a direct result of this report

6. Climate Change Appraisal

6.1. There are no climate change implications as a direct result of this report.

7. Background

7.1 What is planning enforcement?

Planning enforcement is a process to investigate cases where development without planning permission is potentially taking place and to ensure that development with planning permission takes place in accordance with the approved plans and planning conditions.

7.2 Planning enforcement is a discretionary function and the council will take a proportionate approach in responding to alleged breaches of planning control. The impacts of any unauthorised development are assessed at an early stage and the case prioritised accordingly. The Councils focus will be on those cases where the impacts are significant.

7.3 It is recognised that public confidence in the planning system would be quickly undermined if development is not monitored or unauthorised development is allowed to proceed without intervention by the Local Planning Authority. The Council has the primary responsibility for taking enforcement action in the public interest, having regard to the risk and harm arising from the alleged breach. In this respect the approach taken by Shropshire Council is to seek relevant information from complainants at an early stage. This will help prioritise the case, and officers will work with complainants and other relevant parties to identify possible resolutions quickly, having regard to the wider public interest.

7.4 **Progress and resources**

Over recent years, Shropshire Council has not adequately resourced the service and over time, the number of cases did increase and the speed of resolving enforcement matters declined, which impacted on public confidence and frustration that unauthorised development took place and action was slow and/or ineffective. As a result of these concerns, approval was given in the last budget setting in 2020/21 to add two additional permanent posts to the team. This has provided the much needed support to be able to focus on

keeping on top of day to day complaints, but also providing experienced officers time to be able to progress with formal action on the more complicated cases that have not been tackled for years.

7.5 Below sets out the progress made over the last 12 months:

Cases Closed:	
No Breach:	504
Technical Breach:	168
Application submitted:	80
Breach Voluntary solved:	60
Acceptable Development:	25
Invited Application – Conditions:	25
Formal Action:	13
Total:	875

Current Cases on hand	
North:	107
South:	169
Total:	276

Cases received Per Area:	
North:	379
South:	328
Total:	707

Number of notices served.	
Section 330	3
Planning contravention Notice	1
Enforcement Notice	9
Untidy Land	2
Temporary stop notice	2
Stop Notice	2
Total	19

7.6 It is important to note that since March 2021, the number of cases on hand have reduced from 446 to 276 (as of the 30th September 2021), and work continues to reduce and assess the outstanding cases, with priority on the older cases

7.7 There have been a number of further improvements to the service. This has included acknowledgement of complaint at the point of receipt, rather than officers trying to assess the complaint on receipt. This was resulting in a frustration on the complainants part as they were unclear whether their complaint had been received, resulting in a lot of unnecessary progress chasing. The team have also been concentrating on dealing with cases that had become stuck in the system due to their complexity or challenging nature.

The consequence of this is that a small number of cases have become immune from action due to the time period taken to deal with them, which is acknowledged as unacceptable. Officers have, therefore, been systematically working through these. There have also been some cases where difficult decisions have had to be taken that should have been taken years ago, and unfortunately due to the time taken, has built up an expectation that action could be taken. It is the intention to have a clear position on all of these cases during the next six months of our improvement journey.

- 7.8 One of the other significant pieces of work is the update to the planning enforcement protocol. The document is currently being finalised so that it can go to Cabinet for approval to consult. This will set out performance standards that the customer can expect and how different types of complaints are dealt with. Following completion of the consultation stage, it will then be finalised for adoption.
- 7.9 It should also be noted that there is a strong misconception about planning enforcement work. It is a reactionary service, ie. we cannot take action on the basis that someone may carry out works without planning permission. We cannot take action on works that would have been acceptable had an application been submitted. Enforcement action cannot be used to punish residents that should have applied for planning permission. This often causes annoyance to residents and members who want action taken as a penalty. Planning enforcement is very often dragged into civil matters and the Council will be very clear that it will not get involved in cases such as this, to properly manage expectations.
- 7.10 There is a requirement that any enforcement action is expedient and proportionate. This means that the harm caused must be assessed, and if it is minimal, the Council should not proceed with action. It would not, for example, be proportionate to take action against someone who has erected a fence 100mm higher than 2 metres just because it needs planning permission.

8. Conclusions

- 8.1 Shropshire Council has put a commitment into planning enforcement work by increasing the resources in the team by 40%, sending a strong message to members of the public that it will not tolerate breaches of planning control that are unacceptable by being robust with action where necessary and setting out an up to date enforcement protocol.
- 8.2 The team are continuing to implement the changes identified above and to tackle the more challenging cases to bring these to a conclusion as soon as possible. The team is also confident that the planning enforcement function will continue to improve, and that Members and the public will soon see and hopefully appreciate the outcome of this.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) Cllr Ed Potter

Local Member - All

Appendices

[Please list the titles of Appendices and provide a link to the Sharepoint site where the document is located]

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Place Overview Committee	<u>Item 8</u>
25 October 2021	<u>Public</u>

Place Overview Committee Work Programme

Responsible officer

Danial Webb, scrutiny officer
danial.webb@shropshire.gov.uk
[01743 258509](tel:01743258509)

1.0 Summary

1.1 This paper presents the Place Overview Committee's proposed work programme for the 2021-2022 municipal year.

2.0 Recommendations

2.1 Committee members to:

- agree the proposed committee work programme attached as **appendix 1**
- suggest changes to the committee work programme and
- recommend other topics to consider.

3.0 Next steps

3.1 Officers will present a refreshed work programme at each committee meeting. In addition the committee will meet informally between committee meetings to discuss which topics they wish to scrutinise at future meetings.

List of background papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

None

Cabinet Member (Portfolio Holder)

All

Local Member

All

Appendices

Overview and scrutiny work programme

Appendix 1

Overview and Scrutiny work programme for municipal year 2021-2022

Place Overview Committee

Topic	Objectives	Participants	Information required	Date
Roadworks diversions	<ul style="list-style-type: none">• Scrutinise current practice for implementing diversions for roadworks.• Make recommendations to strengthen existing arrangements.	Assistant Director, Infrastructure	<ul style="list-style-type: none">• National guidance	4 August 2021
Post Covid-19 economic renewal	<ul style="list-style-type: none">• Understand Shropshire Council's strategy for economic renewal following the pandemic	Assistant Director Economy and Place	<ul style="list-style-type: none">• Business start-up and closure rates• Employment and average wage rates• Retail centre occupancy rates	17 Sep 2021
Roadworks Diversions working group terms of reference	<ul style="list-style-type: none">• Agree terms of reference for agreed working group.	Overview and Scrutiny Officer	<ul style="list-style-type: none">• Draft terms of reference	17 Sep 2021




Place Overview Committee

Topic	Objectives	Participants	Information required	Date
BRIEFING <i>Planning enforcement</i>	<ul style="list-style-type: none"> Overview of changes to the planning enforcement team. 	Assistant Director for Economy and Place	<ul style="list-style-type: none"> Number of alleged planning breaches reported to Shropshire Council. Time taken to investigate reported breaches. Percentage of reported breaches investigated by Shropshire Council. 	21 Oct 2021
Planning enforcement 6666	<ul style="list-style-type: none"> Scrutinise impact of changes to planning enforcement team. 	Assistant Director for Economy and Place	<ul style="list-style-type: none"> Number of alleged planning breaches reported to Shropshire Council. Time taken to investigate reported breaches. Percentage of reported breaches investigated by Shropshire Council. 	25 Oct 2021

Place Overview Committee

Topic	Objectives	Participants	Information required	Date
Planning Committee Structures	<ul style="list-style-type: none"> Review the outcome of Shropshire Council's decision to reduce from three to two planning committees Scrutinise the impact of delegations 	Assistant Director for Economy and Place	<ul style="list-style-type: none"> Interviews with committee chairs Number of decisions made by existing committees, compared with previous committees Focus groups/questionnaires with elected members, town and parish councils Delegation processes Appeals made, split by delegation outcome 	25 Oct 2021
Winter maintenance	<ul style="list-style-type: none"> Understand progress in reviewing the winter maintenance policy Ensure council responds to recommendations of task and finish group's report. 	Head of Highways	<ul style="list-style-type: none"> Winter service protocol Task and finish group report Service review reports 	11 Nov 2021
Footpath and cyclepath maintenance	<ul style="list-style-type: none"> Examine current maintenance regimes for clearing and maintaining footpaths and cycle paths, 	Head of Highways	<ul style="list-style-type: none"> Expenditure on footpath and cycle path maintenance. Planned schedules of maintenance and cleansing. 	11 Nov 2021

Place Overview Committee

Topic	Objectives	Participants	Information required	Date
LTP 4	<ul style="list-style-type: none"> • Scrutinise findings of thematic consultation on emerging themes underpinning the draft local transport plan. • Ensure the plan's priorities align with and support other council corporate priorities. • Understand how the plan addresses competing and complementary priorities within the plan. • Examine plan priorities and capital investment underpinning the plan. 	Assistant Director, Infrastructure	<ul style="list-style-type: none"> • Draft local transport plan • Findings from thematic workshops • Regional transport strategies 	11 Nov 2021
<p>  BRIEFING  Shrewsbury  Big Town Plan </p>	<ul style="list-style-type: none"> • 		<ul style="list-style-type: none"> • 	Dec 2022
Communicating highways works and repairs	<ul style="list-style-type: none"> • Understand how the council communicates disruptions to the highway. • Make recommendations on future development of communications. 	Assistant Director, Infrastructure	<ul style="list-style-type: none"> • Draft local transport plan • Findings from thematic workshops • Regional transport strategies 	27 Jan 2022

Place Overview Committee

Topic	Objectives	Participants	Information required	Date
Further update on signs, banners and barriers task and finish group	<ul style="list-style-type: none"> • Receive an update on implementing recommendations from the task and finish group, to cover: <ul style="list-style-type: none"> ○ Fees for housing development signage ○ Policies for banners, bunting and Christmas decorations. 	Director of Place	<ul style="list-style-type: none"> • Task and finish group report • Verbal update from officers 	27 Jan 2022
Roadworks Diversions working group final report	<ul style="list-style-type: none"> • Final report from working group. 	Overview and Scrutiny Officer	<ul style="list-style-type: none"> • Final report 	27 Jan 2022
Highways capital programme	<ul style="list-style-type: none"> • Review the council's capital programme for highways and transport for the period 2021-2025. • Ensure Shropshire Council has the staffing and infrastructure in place to plan and deliver programmes of work made possible by increased capital funding. • Ensure adequate funding is allocated to programme investments within LTP4. 	Executive Director of Place	<ul style="list-style-type: none"> • Financial strategy 2021-2025 • Capital investment plan 	27 Jan 2022
WSP contracting arrangements	<ul style="list-style-type: none"> • 			TBC February 2021

Place Overview Committee

Topic	Objectives	Participants	Information required	Date
Market town renewal schemes	<ul style="list-style-type: none"> • Scrutinise progress in drafting and implementing renewal schemes 	Assistant Director Economy and Place		24 Mar 2022
Active Travel Strategy	<ul style="list-style-type: none"> • Scrutinise draft active travel strategy • Examine capital funding underpinning strategy • Explore how the strategy will meet the objective of the draft local transport plan 	Head of Environment and Transport		24 Mar 2022
WSP/Kier annual performance monitoring	<ul style="list-style-type: none"> • 			June 2022

Other topics for further consideration for inclusion:

- Decarbonising housing – progress and update
- 20mph limits in schools and colleges
- Biodiversity – early 2022
- Waste and recycling
- LED street lighting programme

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