

## PERTH AND KINROSS COUNCIL

## SCRUTINY COMMITTEE – 2 DECEMBER 2015

## SIXTH SCRUTINY REVIEW: PLANNING ENFORCEMENT

REPORT BY HEAD OF STRATEGIC COMMISSIONING AND  
ORGANISATIONAL DEVELOPMENT**ABSTRACT**

This report outlines the scope of the sixth scrutiny review to be undertaken by the Scrutiny Committee. The purpose of the review is to consider how effectively the Council uses its powers to enforce planning control.

**1 BACKGROUND/ MAIN ISSUES**

- 1.1 Scrutiny reviews are an important part of the work of the Scrutiny Committee. A decision on the topic area for review is based on the potential for the review to result in recommendations for change that will deliver measurable improvements. Topics for review may be identified by considering: audit reports; performance management reports; information gathered via surveys and feedback mechanisms; issues raised by representative groups e.g. community councils, resident groups and community groups; issues raised by partner organisations; complaints; and issues raised directly by the public.
- 1.2 To date the Committee has undertaken five reviews:
- Implementation of Grounds Maintenance Policy (findings reported to the Scrutiny Committee on 16 September 2009);
  - Integration of policy in respect of the More Choices, More Chances policy area (findings reported to the Scrutiny Committee on 23 February 2011);
  - Learning from complaints and customer feedback (findings reported to the Scrutiny Committee on 28 March 2012);
  - Member Officer Groups (findings reported to the Scrutiny Committee on 27 November 2013); and
  - Charging for Council Services (findings reported to the Scrutiny Committee on 11 February 2015).

**2 PROPOSALS**

- 2.1 Members of the Scrutiny Committee met on Monday 24 August 2015 to consider suggestions received for the Sixth Scrutiny Review. A scoring system, as outlined within the Scrutiny handbook, was used for topic selection. As a result, it was agreed that the review should focus on planning enforcement.

- 2.2 Members of the Scrutiny Committee met on 21 September 2015 to discuss further the scope of the proposed review. The agreed scope and full terms of reference for the review is contained in Appendix 1 to this report.

### **3 CONCLUSION AND RECOMMENDATIONS**

- 3.1 The Council's commitment to continuous improvement and effective challenge and scrutiny is reflected in the current remits of the themed committees, the Scrutiny Committee and the Strategic Policy and Resources Committee. The Review of Planning Enforcement allows the Scrutiny Committee to further develop its overall approach to supporting continuous improvement across the Council.
- 3.2 It is recommended that the Scrutiny Committee:
- I) Approves the content of this report, including the scope and terms of reference outlined in Appendix 1; and
  - II) Agrees that a final report and findings from the review is submitted to the Scrutiny Committee before 31 March 2016.

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**Date of Report:** 16 October 2015

**Appendix 1:** Scope and terms of reference for the Sixth Scrutiny Review: Planning Enforcement

## ANNEX

### 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	
Community Plan/ Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>None</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>None</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

#### 1.1 Strategic implications

This report supports the delivery of the Strategic Objectives within Community Plan/ Single Outcome Agreement 2013-23 and Corporate Plan 2013-18.

#### 1.2 Consultation

The Scrutiny Committee, Depute Director (The Environment Service), Head of Planning and Regeneration, Development Quality Manager, Enforcement Officer, Legal Manager and Democratic Services Manager were consulted in the preparation of this report.

### 2. BACKGROUND PAPERS

There are no background papers to this report.

### 3. APPENDICES

Appendix 1      Scope and terms of reference for the Sixth Scrutiny Review of Planning Enforcement



## **SCRUTINY COMMITTEE**

### **REVIEW OF PLANNING ENFORCEMENT**

#### **SCOPE AND TERMS OF REFERENCE**

##### **Background and Rationale**

Perth and Kinross Council is committed to providing a modern, effective and efficient planning system which operates in the interest of the local community and the environment. An important element of the planning system is the range of powers available to planning authorities to enforce planning control.

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 grants planning permission to certain specified classes of development, removing the need for a planning application to be made in those cases. Any other class of development is likely to require an application for planning permission.

Undertaking development without appropriate permission or failure to comply with a planning condition generally constitutes a breach of planning control and may result in enforcement action under planning legislation. Planning authorities have a general discretion to take enforcement action against any breach of planning control if they consider such action to be expedient, having regard to the provisions of the development plan and any other material considerations.

The Scrutiny Committee has selected planning enforcement as the topic of its sixth Scrutiny Review to consider how effectively the Council uses these powers.

##### **Objectives of the Review**

- Examine public perception and consistency of the planning enforcement service;
- Explore and understand the intended outcomes of planning enforcement and the effectiveness of the Planning Enforcement Team in delivering these outcomes;
- Work with elected members and Council officers to examine the effectiveness of internal communication around planning enforcement;
- Investigate other Council's experiences and practices with planning enforcement to identify best practice and opportunities for improvement; and
- Ensure Councillors feel equipped to support members of the public.

### **Scope of the Review:**

#### **What will be included?**

The review will include the nature and scale of all planning enforcement activity.

#### **What will not be included?**

Any aspect of planning, other than planning enforcement.

#### **Who will be involved?**

- Scrutiny Committee
- Elected members across Council Committees and MOGs
- Officers across Council Services
- Planning Enforcement
- Legal Services
- Democratic Services
- Planning User Forum
- Colleagues from best practice Councils
- Colleagues from external organisations where relevant

#### **Methods that will be used to undertake the review?**

The research methodology agreed is:

- Desk top analysis of existing information
- Presentation by the Development Quality Manager
- Evidence gathering visit from the Planning Enforcement Team
- Evidence gathering visit from external agencies including Homes for Scotland
- Engagement with the Scottish Planning Enforcement Group and Planning Lawyers Group
- Benchmarking visits
- Engagement with elected members, including the Planning Member Officer Group
- Discussions/ interviews with external representatives e.g. colleagues from other Councils and external organisations where relevant
- Presentations of information as required

#### **Evidence Required**

- Perth and Kinross Council Planning Enforcement Charter
- Planning Enforcement Circular 10/2009
- Planning Enforcement Frequently Asked Questions
- Analysis of Planning Enforcement Investigations
- Benchmarking data if available

#### **Resources Required**

- Member time outwith Committee to attend review meetings and participate in research and consultation
- Officer time (The Environment Service, Education and Children's Services, Housing and Community Care and the Chief Executive's Service)