

PERTH AND KINROSS COUNCIL**Scrutiny Committee****19 April 2017****SIXTH SCRUTINY REVIEW: PLANNING ENFORCEMENT – UPDATE REPORT****Report by the Depute Chief Executive**

This report provides an update on the implementation of the recommendations from the Scrutiny Review of Planning Enforcement.

1. BACKGROUND/MAIN ISSUES

- 1.1 Scrutiny Reviews form an important part of the work undertaken by the Scrutiny Committee. They provide an opportunity for the Scrutiny Committee to undertake an in-depth investigation into a specific area of Council business.
- 1.2 The selection of the topic for the sixth Scrutiny Review followed the procedure set out in the Scrutiny Guide 2014 (report number [14/261](#)). This involved all Elected Members and the Executive Officer Team being asked to propose topics which they felt may benefit from such a review.
- 1.3 The decision to select “Planning Enforcement” as the topic for this review was based on the potential for the review to result in recommendations for change that would deliver measurable improvements. The final report concluding the review was approved by the Scrutiny Committee on 21 September 2016 (report number [16/397](#)). In addition to approving the report, the Committee requested that a progress report on the implementation of the recommendations, be submitted to the meeting of the Scrutiny Committee on 19 April 2016.

2. PROPOSALS

- 2.1 The recommendations from the Scrutiny Review of Planning Enforcement are set out in Appendix 1 along with updated detail on the work undertaken to date in terms of implementation.
- 2.2 Recommendations two, three and six are not yet fully implemented but are on target for completion throughout June/July 2017. It is proposed that a further update in respect to progress on these recommendations be submitted for consideration by the Committee in six months.

3. CONCLUSIONS/RECOMMENDATIONS

3.1 It is recommended that the Committee

- (a) Notes the work undertaken to implement the recommendations from Sixth Scrutiny Review.
- (b) Seeks a further update on the implementation of recommendations two, three and six, in six months, if these actions have slipped from the scheduled timescales detailed in Appendix 1.

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Approved

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

1. Strategic Implications

Community Plan / Single Outcome Agreement/Corporate Plan

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

2. Resource Implications

Financial

- 2.1 Not applicable

Workforce

- 2.2 Not applicable

Asset Management (land, property, IT)

- 2.3 Not applicable

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This report has been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- Assessed as not relevant for the purposes of EqIA

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

Legal and Governance

- 3.6 Not applicable

Risk

- 3.7 Not applicable.

4. Consultation

Internal

- 4.1 The Director of The Environment Service, The Head of Planning, and the Head of Legal Services have been consulted in the preparation of this report.

External

4.2 No external consultation was required.

5. **Communication**

5.1 Not applicable

2. **BACKGROUND PAPERS**

- Guide to Scrutiny at Perth and Kinross Council 2014 (report 14/261)
- Sixth Scrutiny Review: Planning Enforcement (report 15/550)

3. **APPENDICES**

Appendix 1: Recommendations from the Scrutiny Review of Planning Enforcement

RECOMMENDATIONS FROM THE SCRUTINY REVIEW OF PLANNING ENFORCEMENT

No	Recommendation	Progress to implementation	Status
1	<p><u>Planning Enforcement Charter</u></p> <p>(i) There should be improved awareness of the Council's Planning Enforcement Charter which could be achieved by the following measures:-</p> <p>(a) The next review of the charter should follow a wider consultation process. It would be appropriate to use some of the information ingathered through this Scrutiny Committee review.</p> <p>(ii) The review of the charter should examine the scope for a document which is more accessible to all stakeholders. Although the current version adopts the content recommended in the Scottish Government's guide, it is probable that a document can be produced which is more engaging.</p>	<p>Following the report on the Sixth Scrutiny Review to the Scrutiny Committee on 21 September 2016, the biennial review of the Enforcement Charter was completed and reported to the Enterprise & Infrastructure Committee on 11 January 2017 (Item 9, report 17/12).</p> <p>The review of the Charter was held back to ensure that the information ingathered through the Scrutiny Review could be used instead of a separate consultation. Future reviews of the Charter will certainly involve a specific wider consultation process.</p> <p>The reviewed Charter which was approved by the Enterprise & Infrastructure Committee has been referred to the Council's Design Team who are currently assisting us in ensuring the published document will be more engaging.</p>	Completed pending publication
2	<p><u>Public Information</u></p> <p>The Council's webpage relating to Planning Enforcement should be improved and information provided specifically to assist community councils.</p>	<p>The web portal specifically to assist community councils as regards wider planning matters has been recently improved. Consideration will be given to expanding the portal to include a specific section on enforcement.</p> <p>A review of the planning enforcement webpages is due to be undertaken in the near future.</p>	On target for completion by July 2017

No	Recommendation	Progress to implementation	Status
3	<p><u>Establish an Annual Planning Enforcement Report</u> There should be an annual report on the work of the Planning Enforcement Team.</p> <p>This should be submitted to the Development Management Committee and Scrutiny Committee. The report should outline the work of the Planning Enforcement Officers over the preceding year. It could cover issues such as the current year's results compared with previous years; performance indicators and emerging trends. This report would have the dual benefits of showing the value of the work of the Planning Enforcement officers and publicising this work.</p>	<p>Tools have recently been developed using our IDOX Enterprise software to allow more comprehensive monitoring and reporting of the team's performance. A comprehensive annual report on planning enforcement covering the year 2016/17 will be produced by July 2017 for submission to the Development Management and Scrutiny Committees. In addition to showing a range of performance figures, the report will also provide evidence of cases where the team has utilised their skills and powers to ensure the integrity of the planning system is maintained.</p> <p>Additionally, a brief summary of the work and performance of the Planning Enforcement Team is included within the Planning Performance Framework report which is submitted annually to the Scottish Ministers.</p>	On target for completion by July 2017
4	<p><u>Organisation within the Planning Enforcement Team</u> Consideration should be given as to whether to rotate periodically the roles allocated to the three planning enforcement officers as this could provide opportunities to improve the breadth of experience and sustainability of the team given the relatively small capacity.</p> <p>Against this however, the Group recognises the benefits of officers who know thoroughly the work in their areas and the Review Group acknowledge that the responsibility to make such decisions, which are operational in nature, rests with service management. For this reason, the recommendation is simply that this issue is given consideration.</p>	<p>This has been considered but will not be taken forward as regards the overall team. It would be possible to rotate the two enforcement officers between their 'north' and 'south' areas, and while this may give greater awareness and working knowledge for those officers, it would not necessarily broaden experience or sustainability. The monitoring officer post differs in specification to the enforcement officer posts and is not directly comparable or transferable.</p>	Complete

No	Recommendation	Progress to implementation	Status
5	<p><u>Organisation within Development Management Team</u></p> <p>(i) The Planning conditions used should be kept under review and updated where appropriate.</p>	The standard planning conditions used have been comprehensively reviewed and updated since September 2016. They have been incorporated into our UNIFORM processing system and also stored on Sharepoint. The conditions will be kept under review to ensure they remain fit for purpose. The ongoing review will take account of any difficulties arising from their enforcement; decisions on appeal; and new case law.	Completed and ongoing
6	<p><u>Training for Councillors in Planning Enforcement</u></p> <p>(i) The responses to the survey of councillors showed a wish for additional training for elected members on planning enforcement. The Head of Planning and Development is asked to consider how this training request should be met.</p> <p>(ii) The induction training provided to newly elected councillors should include a section on planning enforcement.</p>	We are working with Organisational Development colleagues to ensure that a comprehensive training event is delivered as part of the elected member induction.	On target for completion by end June 2017

(source: [Perth and Kinross Council, Scrutiny Review: Planning Enforcement 2016. July 2016](#))