

**READING BOROUGH COUNCIL
REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES**

TO:	PLANNING APPLICATIONS COMMITTEE		
DATE:	13th January 2021		
TITLE:	ENFORCEMENT PERFORMANCE MONITORING REPORT - DEVELOPMENT MANAGEMENT SERVICE - Quarters 1 & 2 2020/2021		
SERVICE:	PLANNING ENFORCEMENT	WARDS:	BOROUGHWIDE
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JOB TITLE:	PLANNING MANAGER (acting)	E-MAIL:	Julie.williams@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 The purpose of this report is to explain the role of the Planning Enforcement Service and to provide information on how the service has been performing since April 2020.
- 1.2 This has been, and continues to be, a challenging year for the Planning Enforcement Service given the impact of Covid and staff changes. The report provides an update on how we are trying to make good these gaps in resources.

2. RECOMMENDED ACTION

- 2.1 That the contents of the report be noted.

3. BACKGROUND

- 3.1 The Planning Enforcement Service investigates breaches of planning control. A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 and in summary it is:
 - the carrying out of development without the required planning permission; or
 - failing to comply with any condition or limitation imposed when planning permission has been granted.
- 3.2 Effective enforcement is important to:
 - tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
 - maintain the integrity of the decision-making process;
 - help ensure that public acceptance of the decision-making process is maintained.
- 3.3 However, national guidance makes clear that while local planning authorities have responsibility for taking enforcement action in their administrative areas this responsibility

must be used in a proportionate way. Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations.

- 3.4 The National Planning Policy Framework, in particular paragraph 58, reminds that while there is a clear public interest in enforcing planning law and planning regulations when deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.
- 3.5 In Reading we adopted an Enforcement Plan in 2015 which sets out priorities (groups A - D) for investigation and time frames for acknowledging complaints received (5 days) and for completing initial investigations (20 days). It may be appropriate, in line with reviews to customer services generally in the Council to revisit the Plan to ensure that it remains appropriate and relevant.

4. PLANNING ENFORCEMENT

- 4.1 The Planning Enforcement Service has one corporate performance indicator, which is to resolve complaints within the relevant target period identified for different types of complaint in the Council's Enforcement Plan.

Priority Group	Time for resolving complaint
A - High (Listed Buildings)	8 weeks
B - Medium	13 weeks
C- Low	20 weeks
D - No Priority	ASAP

- 4.2 Performance against this indicator for 2019/20 was very good with 72% of enforcement complaints being resolved and closed within 13 weeks of receipt against a target of 60%.
- 4.3 Unfortunately, so far in 2020/21 this performance on closing investigated cases has dropped to 17%. Restrictions introduced to manage the Covid 19 outbreak has had a significant impact on performance with no visits taking place in the initial part of the first lockdown. and this has been combined with the retirement of the principal officer from the team and other staff matters.
- 4.4 Recruitment has been more difficult than we had expected but we are optimistic that the team will be back to three FTE early in 2021. This would allow the backlog of complaints and enquiries to be resolved (only a small percentage of complaints go on to become enforcement investigations requiring formal action to be taken) and hopefully we will close the year with an improved performance.
- 4.5 One notable improvement in how the service operates has arisen as a consequence of the problems described above. Other officers in the planning service have become more involved by carrying out visits and, in particular, by providing administration support. There has also been greater collaboration with the other Regulatory Service teams to resolve cases.
- 4.6 Having to cope over the past year has required us to look at the planning enforcement service to consider how it can remain effective while operating more efficiently. It is useful therefore that the Planning Service is currently engaged in the corporate Customer Experience service review. Improving how we handle the numerous enquires that come to planning enforcement; such as by better use of our webpage to deal with those enquiries that can be easily answered at that point and then prioritising enquiries that need investigation is something I will be asking for.

- 4.7 Table 1 below provides more detailed information on cases received and enforcement activity during 2020/21 compared to previous years. I intend to provide the full data for quarter 3 (September to December) in an amended table in an update report for your meeting.

Table 1: Enforcement Performance for April to September (Q1 & Q2 of 2020/2021) plus taking up to end of November compared with totals for previous years.

	2018/19	2019/20	2020/21 (Q1, Q2 plus up to the end of November)
Total number of enforcement cases received	285	228	142
No. of cases closed	276	221	24
No. of cases on hand at end of year	190	200	323
Enforcement notices	6	8	4
Planning contravention notices	6	6	0
Breach of condition notices	2	0	1
Section 215 notices	0	4	0
Listed Building Enforcement notice	0	0	0
Temp Stop Notice	0	0	0
Stop Notice	0	0	0
Appeals against enforcement notices	4	3	4
New enforcement prosecutions	0	0	0

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 Planning services contribute to producing a sustainable environment and economy within the Borough as set out in some of the Council's Corporate Plan priorities:

1. Securing the economic success of Reading and provision of job opportunities
2. Ensuring access to decent housing to meet local needs
3. Keeping Reading's environment clean, green and safe
4. Ensuring that there are good education, leisure and cultural opportunities for people in Reading.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 Statutory consultation takes place on planning applications and appeals and this can influence the speed with which applications and appeals are decided. Information on development management performance is publicly available.

7. EQUALITY IMPACT ASSESSMENT

7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 In terms of the key equalities protected characteristics, it is considered that the development management performance set out in this report has no adverse impacts.

8. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

8.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).

8.2 The Planning Service uses policies to encourage developers to build and use properties responsibly by making efficient use of land and using sustainable materials and building methods. As a team we have also reduced the amount of resources (paper and printing) we use to carry out our work.

9. LEGAL IMPLICATIONS

9.1 The work of the planning enforcement team involves liaison with the Council's legal section to ensure that notices are served properly and procedures followed in accordance with relevant regulations.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications arising from this report.