

**MINUTES OF A MEETING OF THE
CORPORATE SERVICES OVERVIEW AND SCRUTINY PANEL
HELD ON 27 FEBRUARY 2013 FROM 7:00PM TO 8:15PM**

Present:- Norman Jorgensen (Chairman), Michael Firmager (Vice-Chairman), Parry Batth, Ken Miall and Rachelle Shepherd-DuBey.

Also present:-

*Susan Coulter, Senior Democratic Services Officer;
Clare Lawrence, Assistant Head of Development Management; and
Marcia Head, Development Management Team Leader.*

PART I

8. MINUTES

The Minutes of the meeting of the Panel held on 30 October 2012 were confirmed as a correct record and signed by the Chairman.

9. APOLOGIES

There were no apologies for absence submitted for this meeting.

10. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

11. PUBLIC QUESTION TIME

There were no public questions.

12. MEMBER QUESTION TIME

There were no Member questions.

13. DEVELOPMENT MANAGEMENT PLANNING ENFORCEMENT SERVICE

The Panel received a report, which provided information about the enforcement service, the key issues and to outline enforcement processes with a view to identifying improvements, as set out on Agenda pages 3 to 17.

The Assistant Head of Development Management, Clare Lawrence and Marcia Head, Development Management Team Leader presented Members with a flow diagram which explained how the enforcement service worked in Wokingham. The Panel was advised that the object of enforcement was to secure compliance, preferably voluntarily and to only resort to formal action as a last resort. This was the regulatory basis for enforcement and it is often a misunderstanding of this principle which causes tension with some of the Council's customers.

The Panel was advised that the Council has an enforcement team comprising 3 dedicated enforcement officers managed by a Development Management Team Leader and this forms part of the Development Management Service. The team deals with an average of 700 cases per year, focussing on the investigation of breaches of planning control while the expediency reports are undertaken by the Development Management Planning Officers.

The team faces high levels of public expectation about what the enforcement service should achieve. There is a clear framework within which enforcement activity must operate as contained in the Council's Enforcement Policy, which was attached to the report as an appendix. The Policy is also available on the Council's website. The Government's policy is set out in the National Planning Policy Framework and Government circulars. The Development Management team also has an Enforcement Procedure, in addition to this guidance and policy.

The Enforcement service operates to serve all of the Council's residents. Customers of the enforcement service include neighbours and other affected parties who often advise the Council of potential breaches of planning control and expect the Council to take appropriate action. However they also include the people who have undertaken unauthorised development and some of whom may not be aware of the planning regulations. It is acknowledged that there are some people who deliberately flout the planning regulations, however, all customers need to be dealt with dispassionately by the same procedure.

The Panel was advised that Planning Enforcement was discretionary and officers need to consider whether to use that discretion. They need to fully consider cases of unauthorised development (expediency) and there is only a requirement to take action where there is justification for this. When expedient, Local Planning Authorities can serve a notice on the owners of the land to remedy the situation but this process is not a legal one. It is only when the notices are ignored that the planning authority can prosecute the offender through the courts. When considering expediency, this needs to be assessed against the Development Plan which is Wokingham's Core Strategy, and other supplementary planning documents.

When a breach is identified, the Enforcement Team have a number of options available. There is no "one size fits all" approach as the nature of the unlawful development varies from case to case. Enforcement notices are not the most desirable solution and should only be used when all other opportunities for a negotiated solution have been exhausted.

Enforcement officers need to consider if the harm caused by the breach of planning control is significant enough to take action. They also need to consider if it is contrary to policy and what effect the overall impact of the breach would have.

Councillor Keith Baker, Executive Member for Highways and Planning attended the meeting. He advised that while some people were genuinely ignorant of the planning system, there were those who deliberately flouted the rules. Where successful enforcement action had been taken by the Enforcement Team, this should be publicised more widely to discourage others from deliberately flouting the rules.

Clare advised that information was on the Council's website and on the planning portal advising residents what they could and couldn't do with regard to planning development. There was also an interactive map.

Marcia Head advised that she produced a quarterly monitoring report, as part of the planning agenda, which was available on the Council's website. It is essential that an enforcement notice is correct and based on correct information otherwise this can be challenged and if this is successful, planning permission would be granted by default.

Clare advised that a confidential monthly report was compiled of sensitive sites and controversial enforcement cases. She urged Members interested in this information to contact the enforcement officers to discuss the matters.

Councillor Baker advised that the enforcement policy was due for review and when this had been done it would be considered by the Planning Policy Steering Group (PPSG) and be adopted via an Individual Executive Member Decision (IMD).

The Chairman thanked Marcia for attending the meeting.

RESOLVED: That the report be noted.

14. UPDATE ON THE BOROUGH DESIGN GUIDE

Clare Lawrence gave Members a verbal update on the implementation of the Borough Design Guide, which had been adopted last year. Unfortunately, it is considered by officers that it would take over a year to fully assess its impact and the time was not appropriate yet to see what impact the guide had had so far.

The guide was more focussed on the design of the area rather than adherence to strict rules. It assisted with assessment of planning applications at pre-application stage and was a useful tool in guiding developers through the planning process. The guide also built on information set out in the core strategy.

The Chairman stressed that it would be useful to see what effect the Borough Design Guide had had.

Clare advised that while the Building Design Guide was useful, other documents such as Government policy, was also having an impact on development. The guide was a good tool and put into visual and literary sense how development should be taken forward. The guide was also referenced in appeal decisions, which were monitored regularly.

Clare advised that if Members required copies of the appeals decisions, they could be found at the end of the amendments sheets attached to the planning committee papers. Members could also contact her if they required copies. She advised the Panel that the next meeting of the Planning Committee was on 6 March 2013.

The Chairman thanked Clare for attending the meeting.

RESOLVED: That the information provided on the Borough Design Guide be noted.

15. THE FUTURE DELIVERY OF THE LIBRARY SERVICE

The Panel was advised that at its meeting on 22 November 2012, the Council received a question relating to the options for the future delivery of the library service. The Panel was also advised that at the meeting of the Overview and Scrutiny Management Committee on 21 January 2013, it was proposed that that the Corporate Services Overview and Scrutiny Panel be asked to consider whether to undertake a scrutiny review in this area.

It was suggested that the Panel may wish to look at the future of the library service, given the number of new houses being provided in the Borough via the SDLs. It was also suggested that more services could be provided within libraries such as provision of areas for members of the public to fill in forms etc. This would take some of the pressure off staff working at Shute End. With the increase in e-books, the lending of books was becoming

less, more people were paying bills and doing more on-line so provision of IT equipment was important. It was also suggested that residents could collect and pay for their blue bags for waste at libraries. There were other options to expand the services provided at libraries and these needed to be explored.

The Panel was advised that a working Group had been set up in the past to consider these options and it was thought that a report did exist. The Chairman suggested that a copy of the report be obtained and presented to the next meeting of the Panel. The Senior Democratic Services Office undertook to research this matter.

RESOLVED: That a copy of the report referred to above be obtained and presented to the next meeting of the Panel for further consideration.

16. DRAFT ANNUAL REPORT OF CORPORATE SERVICES SCRUTINY PANEL

The Panel considered the annual report of the Corporate Services Overview and Scrutiny Panel.

The Chairman reminded Members that they could proactively develop the work programme.

RESOLVED: That the annual report of the Corporate Services Overview and Scrutiny Panel be noted.

17. PANEL FORWARD PROGRAMME

The Panel considered its work programme for 2013/14 set on Agenda pages 22 to 23.

The Panel was advised that the item relating to Improving the Customer Experience (Whitehall Business Plan) had not been presented at this meeting as the Working Group undertaking this work had not met yet. The Panel was also advised that the item relating to the monitoring of burial provision was also not available for this meeting but would be presented to the next meeting of the Panel.

RESOLVED: That the Forward Programme be updated accordingly.

These are the Minutes of a meeting of the Corporate Services Overview and Scrutiny Panel.

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