

Rother District Council

Report to: Overview and Scrutiny Committee

Date: 18 March 2024

Title: Local Enforcement Plan Task and Finish Group

Report of: Ben Hook, Director – Place and Climate Change

Ward(s): All

Purpose of Report: To recommend a Local Enforcement Plan Task and Finish Group be established to inform the Council’s Local Enforcement Plan.

Officer

Recommendation(s): It be **RESOLVED**: That:

- 1) a Local Enforcement Plan Task and Finish Group be established;
- 2) the Terms of Reference at Appendix 1 be approved, together with indicative timescales for carrying out the review and reporting back; and
- 3) the size of the Task and Finish Group be agreed and appointments made thereto.

Introduction

1. The draft revised Local Enforcement Plan (2023) (LEP) was not approved by Cabinet when it was presented for approval in February 2024 and a number of concerns were raised. Cabinet had therefore requested that a Task and Finish Group be established to inform the LEP going forward to address the issues identified (Minute CB23/66 refers).

Terms of Reference

2. The draft Terms of Reference for the Task and Finish Group can be found at Appendix 1. When establishing a Task and Finish Group, the Committee should consider the operating guidelines for Task and Finish Groups contained within the Constitution and attached at Appendix 2, which will guide the issues to be considered and agreed, including size and timescales.
3. The desired outcome of the review is:
 - a) An understanding of the role and function of Planning Enforcement within Development Management.
 - b) Establishment of SMART targets within the LEP taking account of limited resource within the team.
 - c) Clear understanding of the limitations of enforcement actions including the associated costs.
 - d) How the Council will fund such costs.

Conclusion

4. The Council's current LEP is outdated and is not fit for purpose. This review is required to enable the Council to have in place a new LEP that will assist in a more efficient and consistent planning enforcement service to manage stakeholders, customers and residents' expectations.

Financial Implications

5. Depending on the outcome of the review, there may be financial implications but these are unknown at this stage.

Human Resources Implications

6. The Task and Finish Group will be resourced from within the Planning Team with support from Democratic Services.

Environmental

7. In terms of carrying out the review, it will where possible, be carried out via MS Teams in order to keep the carbon footprint of the review itself to a minimum.

Equalities and Diversity

8. Equalities impact will form part of the development of the LEP and an Equalities Impact Assessment will accompany the revised LEP.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	External Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	No	Exempt from publication	No

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Appendices:	A - Draft Terms of Reference B - Operating guidelines for Task and Finish Groups set up by the Overview and Scrutiny Committee
Relevant previous Minutes:	CB23/66
Background Papers:	None
Reference Documents:	None

Rother District Council

LOCAL ENFORCEMENT PLAN TASK AND FINISH GROUP

TERMS OF REFERENCE

Aims and Origin

Enforcement is a discretionary service within the Planning Service. As a discretionary service which has to be balanced with public interest and indeed trust in the service. The Rother District Council Local Enforcement Plan (LEP) should provide information on how the Planning Enforcement Team, will undertake its monitoring and implementation duties, including how it should address and investigate breaches of planning control.

The current LEP is inconsistent with the operations of the service. It is also overly ambitious on timescales for enforcement proceedings which, bench marked against other local authority planning plans, has been found to be unreasonable.

It is, therefore, necessary to review the current LEP to ensure that the intentions within the document is achievable in the public interest and set against the background of limited resource and cost of undertaking this discretionary service.

The revised LEP (2023) was not taken onboard by the Executive when it was presented for approval and it was recommended that a Task and Finish Group was establish to inform the LEP going forward. These terms of reference sets out the proposed objectives for the Task and Finish Group.

Scope

- a) Existing LEP and functionality.
- b) Role and function of enforcement within the Planning Service.
- c) Resource within the Enforcement Team.

Approach

- a) Review current LEP.
- b) Determine priorities for further work.
- c) Review current workload, targets set against resource.
- d) Review and consider realistically the role of enforcement in Planning.

Desired Outcomes

- e) An understanding of the role and function of Planning Enforcement within Development Management.
- f) Establishment of SMART targets within the LEP taking account of limited resource within the team.
- g) Clear understanding of the limitations of enforcement actions including the associated costs.
- h) How the Council will fund such costs.

Timescale

- Preliminary meeting and review – TBC 2024.
- Follow-up meeting – TBC 2024.
- Analysis, report writing and recommendations – TBC 2024.
- Report back to the Overview and Scrutiny Committee – TBC 2024.

Membership

Five or Six Non-Executive Members as nominated by the Overview and Scrutiny Committee (any Member of the Council).

Officer Lead

Kemi Erifevieme Development Management

Appendix 2

Operating guidelines for Task and Finish Groups set up by the Overview and Scrutiny Committee:

Formal Agenda	Optional
Informal minutes / notes	Yes, and not routinely publicly available.
Lead Officer(s)	Lead Officer(s) from the relevant service area with support from a dedicated Democratic Services Officer.
Action points	To be compiled by the Democratic Services Officer as part of minutes and circulated to all relevant officers and reviewed from meeting to meeting.
External / public involvement	Each Task and Finish Group to determine whether meetings shall or shall not be public. Stakeholders shall be invited to attend and to contribute to the group's work programmes, including co-option to the group, as appropriate.
Politically balanced	Not essential, but there is an expectation that task and finish groups shall include representatives from each political group, as far as reasonably practicable.
Composition	Appointed by the Overview and Scrutiny Committee from non-executive members with the relevant experience / interest. The lead Cabinet member may be invited to contribute in an advisory capacity to reviews.
Size	This shall vary according to the matter under discussion; however, groups should not normally comprise more than five members of the Council.
Terms of Reference	Terms of Reference shall be set and agreed by the Overview and Scrutiny Committee at the point of establishment and shall include: <ul style="list-style-type: none"> (a) The specific issue to be considered; (b) A timescale and deadline; (c) Principal aims and objectives.