

Report to the Overview and Scrutiny Committee

Subject: Councillor Call for Action

Date: 19 September 2016

Author: Members' Services Officer.

Working Group Members: Councillors Truscott, Paling and Lawrence.

1. PURPOSE OF THE REPORT

To update Members on the Councillor Call for Action submitted by Councillor Ellwood, relating to the processes undertaken by the Council for issuing Section 215 notices under the Town and Country Planning Act, specifically in relation to the property at 72-74 Westdale Lane.

2. BACKGROUND

At the April meeting it was agreed that a small group of Members would take forward the request to examine the process for the issuing of Section 215 notices and the progress of the notice issued for Westdale Lane.

3. INFORMATION

To action this request a meeting was held with the members of the working group and an officer from the Planning Department. The process for the issuing and monitoring of Section 215 notices was explained and the delay in the effecting of the notice in relation to Westdale Lane clarified.

During the discussion the following points were highlighted:

- Section 215 notices require certain steps to be undertaken by the owner of the land to remedy its condition. Failure to comply with a Section 215 Notice is an offence that could be the subject of a prosecution. The Local Planning Authority has the power to enter the land, carry out the work and charge the cost of such work to the landowner, which may also involve a financial charge on the land. Currently the Planning Department issues notices for sites that have planning or development applications, Public Protection also has the authority to issue Section 215 notices.

- The land at Westdale Lane has been sold, and resold, twice by the previous owners. The new owners of the land have yet to be established. Once this information is available a new Section 215 notice will be issued
- The original notice expired because of staff changes, illness, and a shortage of enforcement officers, resulting in it not being followed up
- The site is unsightly rather than dangerous.

Members concluded that:

- A clear process to pick up cases, when staff change, needs to be established
- A system that will ensure the delay in following up 215 notices doesn't happen again needs to be implemented
- A system of regular supervision, and hand over interviews, when people leave should be implemented
- A written enforcement policy should be developed that sets out the steps that have to be followed when progressing a Section 215 notice
- A system that identifies outstanding enforcement issues needs to be established
- Staff should be fully trained to use the 'Uniform' database to record all enforcement activity.

At a further meeting with Nick Morley, Principal Planning Officer - Development Management

Members were informed that:

- The ownership of the land on Westdale Lane has still not been established as the new owners have not registered with the Land Registry; the Planning Department will continue check fortnightly. Once established, the owners will be given the opportunity to rectify the situation before a new notice is served. Any remedial work would be expected to be undertaken without delay
- Handover meetings will be established and when cases are passed to other officers the more urgent and sensitive ones will be prioritised. Weekly meetings which will focus attention on urgent cases will be introduced
- Improved organisation and recordkeeping are being implemented and this will include better use of the idox Uniform planning system. A mechanism to enable reports to be printed off will be introduced. Additional training will be made available for officers
- The appointment of the new Planning Delivery Manager, who started 25th July, would assist in staffing and work load planning.

Members concluded that there had been particular issues that had impacted on the original Section 215 notice not being progressed, and the delay in issuing a new notice. Staffing issues and changes in ownership of the land have prolonged the process. Officers in the Planning Department are well aware of the issues that impacted on the delay in actioning the Section 215 notice and systems to ensure that this delay does not happen again are being developed.

4. RECOMMENDATIONS:

The Overview and Scrutiny Committee is recommended to:

- Note the findings of the working group
- Consider and comment on the information provided
- Receive an update on the progress of issuing a new Section 215 notice and the tidying up of the site at Westdale Lane at the November meeting.