

MINUTES OF THE JOINT SCRUTINY COMMITTEE MEETING HELD AT THE  
COUNCIL OFFICES, BABERGH DISTRICT COUNCIL, CORKS LANE HADLEIGH  
ON WEDNESDAY 23 JULY AT 5.30 PM

PRESENT:

**BABERGH**

**MID SUFFOLK**

Peter Burgoyne (Chairman)  
Bryn Hurren  
James Long  
Neil MacMaster  
Mark Newman  
Jack Norman  
David Wood

Rachel Eburne  
John Matthissen  
Derek Osborne  
Martin Redbond  
Charles Tilbury

Apologies were received from the following Members:-

Jenny Antill, Elizabeth Gibson-Harries, Samantha Powell and Jane Storey.

1 DECLARATION OF INTERESTS

None declared.

2 MINUTES

**RESOLVED**

**That the Minutes of the meeting held on [28 May 2014](#) be confirmed and signed as a correct record.**

3 PETITIONS

None received.

4 QUESTIONS FROM THE PUBLIC

None received.

5 QUESTIONS FROM MEMBERS

None received.

6 REVIEW OF PLANNING ENFORCEMENT IN BABERGH AND MID SUFFOLK

Members had before them a report from the Head of Environment ([Paper JSC/12/14](#)) to enable them to examine the understanding and impact of planning enforcement, and their role in the process.

James Buckingham, Corporate Manager – Environmental Protection and Planning Enforcement introduced the report, following which Simon Bailey, Senior Planning Enforcement Officer, gave a presentation based on a summarised version of the recently-held Member training session on this topic.

Members were asked to consider the Conclusions in paragraph 21 of the report, with a view to them being taken forward for consideration through the Planning Services Transformation Project.

The Senior Planning Enforcement Officer in outlining the role of Planning Enforcement emphasised that enforcement is the last resort in relation to confirmed breaches of planning control. Members noted the various steps to be followed in establishing and prioritising breaches and the requirement of reasonableness in deciding the appropriate and proportionate action to be taken in each individual case. He referred to the 'toolkit' which officers use in deciding whether development is unauthorised: whether unauthorised development is acceptable, or can be made so: what other means may be employed to remedy a breach. Members were aware that it is not an offence to carry out development without permission, and that the aim of the Councils' enforcement process is to secure an acceptable position. Any element of punishment is the responsibility of the courts, but the courts do not address remedial action.

During the course of the debate, Members raised specific questions on various matters including those as listed below, together with an indication of the officers' responses:-

- Siting of caravans – *any requirement for permission would take into account whether eg the use is ancillary to a dwelling house.*
- Permitted development rights – *these are extensive and subject to constant change so it would be difficult to produce a useful summary for Members / Parishes. Officers are happy to respond to individual requests for information.*
- Responsibility for adhering to conditions – *this rests with the developer / individual to whom permission has been granted. Officers do not have the resources to pro-actively monitor compliance.*
- Availability of links from the Councils' websites to relevant information – *links are provided to the Government's Planning Portal.*
- Role of parishes and general public in reporting possible breaches – *this is the most usual route for identifying possible breaches, which will then be followed up by officers, with the exception of anonymous complaints which are not generally actioned.*
- Public perception regarding planning enforcement – *the public and parishes tend to be unaware that the serving of Notices etc / court action are a last resort, not an automatic response.*
- Liaison with other sections such as Building Control – *yes, this happens as a matter of course.*
- Presentation of statistics – *officers are working towards compatible comparisons, taking into account the differences between the two Councils in recording reports which do not necessitate action, and the current situation regarding separate applications being in use.*

- Retrospective applications for planning permission – *there is no provision to charge an increased fee in such cases.*

Members then considered the recommendations in paragraph 2 of Paper JSC/12/14 including the extent to which they wished the Conclusions in paragraph 21 of the report to be taken forward.

## **RESOLVED**

- (1) That the contents of [Paper JSC/12/14](#) be noted.
- (2) That the Conclusions in paragraph 21 of the report be taken forward for consideration as part of the impending Planning Services Transformation Project as set out below, subject to 21.2, 21.6 and 21.7 being qualified as indicated in italics:-

**21.1** It is evident that managing expectations in respect of planning enforcement matters is extremely important and there appears to be a discrepancy between public expectations and what action the Council is able to take.

**21.2** Greater clarity about the enforcement process could be achieved by:

- Producing a joint enforcement policy for the Councils, to reflect the integration of the officer teams and Members' adoption of a "One Service Model" for the entire planning service. A first draft is already being produced and seeks to identify clear priorities and new service standards to inform all involved in the enforcement process.
- Providing an explanation guide / leaflet to people who contact the Councils with an enforcement complaint. The documentation should also include the type of information the complainant may have to collect to enable the Council to pursue its case. *To include an outline of the way in which complaints may be investigated.*
- In conjunction with the Development Management team, reviewing the published advice given by the Councils on common permitted development issues. *To make it clear where the information is provided via a link / links to the Planning Portal.*

This information should also be published on the Councils' websites.

**21.3** The Planning Enforcement team will continue to maintain a proactive stance in communicating enforcement issues and publishing media releases to highlight prosecutions and other cases where planning enforcement action is taken.

- 21.4 As part of the Member training programme, the Councils should seek to ensure that all Councillors receive training on the planning enforcement procedures to ensure that they are equipped with information to assist the Councils with planning enforcement. *Currently being progressed.*
- 21.5 As part of the Councils' ongoing programme of community engagement and the Planning Transformation Project, it is intended that a programme of briefings or seminars will be devised to better inform Parish / Town Councils about the planning enforcement framework and the District Councils' policies and procedures.
- 21.6 The current level of active case investigations is unlikely to change with current resources, or without major changes to what or how we investigate the bulk of complaints, which are in the medium-low category. Member and community consultation will form an essential part of the impending Planning Transformation Project to determine how best to prioritise resources in the future. *This forms part of the overall review of the Planning Service (including governance and other arrangements, together with a community-based pilot scheme) which is currently being overseen by the Head of Economy.*
- 21.7 The Planning Transformation could include a possible 'triage system' for all requests to investigate breaches of planning control. A 'desk top' exercise could be undertaken to establish cases where the issues raised are not a planning matter or where the breach is minor or technical. These cases would not be investigated and the customer could be advised of this within a specified period. A 'risk assessment / rating' proforma could be developed to define the type / nature of alleged breaches that the Councils would investigate. *For clarification – this already operates in respect of Mid Suffolk, and the intention would be to apply the same system in Babergh.*
- 21.8 Following the recent management and staffing changes in the Planning Enforcement team, a system of reviews for 'stalled' cases has commenced and will be developed further and established as part of the team's working procedures. Consideration is being given to whether and how such cases should be prioritised above incoming cases.
- (3) That a further report be made to the meeting of the Joint Scrutiny Committee scheduled for 25 March 2015.

7 CORPORATE COMPLIMENTS, COMMENTS AND COMPLAINTS ANNUAL REPORT

The Corporate Manager – Customer Services presented a report from the Head of Corporate Resources ([Paper JSC/13/14](#)) briefing Members on the activity in this area since the introduction of a new system in April 2013. He referred to the low response to the new section on Equality and Diversity (paragraph 8.12 refers) which had been incorporated as required by Government, and expanded on some of the reasons behind the figures in the report, including variations.

During the course of Members' consideration, the Corporate Manager was asked to introduce a means of alerting Ward Members at an early stage to complaints of a serious nature, or with the potential to be so.

Members were advised that although information on all complaints across both Councils is recorded in one system, it is not currently held in a form that would enable it to be sent to Ward Members by automated means. However, Corporate Managers had access to the relevant information for their areas and they could be asked to alert the appropriate Members.

**RESOLVED**

- (1) That the activity set out in the Corporate Compliments, Comments and Complaints Annual Report since the introduction of the new system in April 2013 be noted.**
- (2) That Corporate Managers are to advise relevant Ward Members of serious / potentially serious complaints from, or relating to, residents or matters within their Wards.**

8 JOINT SCRUTINY REVIEW ON FUEL POVERTY

Christine Roofe, Project and Research Officer introduced a report from the Head of Corporate Organisation ([Paper JSC/14/14](#)) to enable Members to identify any actions which could be taken forward with the aim of alleviating fuel poverty in the Districts. The following officers were also in attendance at the meeting to answer questions and clarify various aspects of the report:-

Martin King, Head of Housing; Nathan Pittam, Senior Environmental Management Officer; Ben Hancock, Senior Surveyor – Building Services; James Buckingham, Corporate Manager – Environmental Protection and Planning Enforcement; Heather Worton, Interim Corporate Manager – Private Sector Housing; Steve Clarke, Senior Surveyor – Building Maintenance.

Officers explained the contribution of initiatives such as the Suffolk Change Partnership, Rural Coffee Caravan and Suffolk Energy Action in raising awareness of various schemes to improve energy efficiency and reduce costs. The impact of SAP ratings and other indicators were outlined together with the energy efficiency of various types of heating, including details of the operation and feed-in tariff benefits of the Councils' solar panel programme, and the key role of effective insulation.

Reference was made by both Members and officers to the constraints affecting Listed Buildings, properties in Conservation Areas, properties with inadequate insulation and those using oil because of the unavailability of gas. Officers also responded to questions about arrangements for bulk buying from energy suppliers, the availability of various types of grant funding, the definition of fuel poverty and the low income / high costs indicators.

Members recognised that more detailed work was needed and that a key concern was to reach those in fuel poverty who were also in low income groups and / or elderly and therefore less likely to have easy internet access. As a result of its consideration, the Committee highlighted a number of areas as set out below, prior to identifying specific actions to address these matters:-

- Recognition of the importance of a multi-discipline approach to the wide range of activities and initiatives associated with this review.
- The need for a Lead Officer to be identified, to work initially with a small group of Members on a 'task and finish' basis.
- Best use of resources through increased engagement with our partners and communities to deliver bulk buying, grant funding and other schemes.
- Targeted promotion / publicity through a variety of means, including the use of a 'street-based' approach and recognising that current arrangements may not be reaching all of the target groups.
- Future house-building by the Councils to use all feasible means to produce energy-efficient dwellings.
- The desirability of obtaining further, more detailed statistics where possible, including in relation to the numbers of households in receipt of winter fuel allowance.

## **RESOLVED**

- (1) That a Lead Officer be identified to co-ordinate a multi-disciplinary approach to measures to alleviate fuel poverty.**
- (2) That a Working Group be set up on a task and finish basis to work with the designated Lead Officer on a range of recommendations based around the matters highlighted by the Committee, with a view to reporting to the meeting scheduled for 1 October.**
- (3) That the following Members be appointed to serve on the Working Group:-**

**Rachel Eburne  
Bryn Hurren  
Jack Norman  
Derek Osborne**

9 JOINT SCRUTINY COMMITTEE WORK PLAN FOR 2014/15

The Head of Corporate Organisation submitted [Paper JSC/15/14](#), which would be updated as follows, to include further items already identified at the meeting:-

1 October –

To consider the recommendations of the Working Group on measures to alleviate fuel poverty

25 March –

To receive an update on Planning Enforcement

Members also asked for a report to be made to a future meeting on the operation of the Council's IT systems, with specific reference to progress following the end of the CSD contract.

**RESOLVED**

**That the Joint Scrutiny Work Plan (Paper JSC/15/14) together with the updates as reported above be approved.**

The business of the meeting was concluded at 8.10 p.m.

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Chairman