

OVERVIEW & SCRUTINY PANEL

Minutes of the meeting held on 20 July 2021 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Rev. Stuart Piper (Chair); Councillors Austin, Boyd, Currie, Coleman-Cooke, Fellows, Huxley, Keen, Pat Moore, Paul Moore, Rattigan and Tomlinson

319. ELECTION OF VICE CHAIR

The chair requested for nominations for the vacant post of the OSP Vice Chair.

Councillor Keen proposed that Councillor Currie be the Voice Chair.
Councillor Pat Moore seconded the proposal.

Councillor Rattigan proposed that Councillor Fellows be the Voice Chair.
Councillor Paul Moore seconded the proposal.

When put to the vote Members agreed that Councillor Fellows be the OSP Vice Chair.

320. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Lynda Piper.

321. DECLARATION OF INTERESTS

There were no declarations made at the meeting.

322. MINUTES OF PREVIOUS MEETING

Councillor Fellows proposed, Councillor Piper seconded and Members agreed the minutes as a correct record of the meeting held on 25 May 2021.

323. PLANNING ENFORCEMENT REVIEW - REPORT BACK BY THE PLANNING ENFORCEMENT WORKING PARTY

Councillor Paul Moore, Chair of the Planning Enforcement Working party introduced the item and gave a feedback report to the Panel. The Panel was asked to either adopt the recommendations in the working party report or adopt an alternative approach to the review.

Members made comments and asked questions as follows:

- The recommendations were a good idea;
- The council could second a planning officer to increase the numbers on the planning enforcement team;
- What was the timeline for finalising the recommendations?
- Were there any opportunities using enforcement activities for making savings or generating income?
- How would the council create incentives for developers to comply with planning policies in the first place without creating the need for retrospective planning applications?
- Could some of the enforcement work be subcontracted?

- How was the monitoring of development conditions that included planting of trees and creating play areas in new development, particularly with new large development coming up?
- Could the council set its own local fees for planning enforcement?
- How long should it take before the Section 106 fund is used?
- If the S106 fund was identified for particular sites, how could councillors monitor the use of this fund?
- Although the department was working with a small enforcement team, they were doing a great job;
- On the Planning Enforcement Portal, there were a number of long-standing planning applications that included the caravan park and a burger bar. These two have generated a number of emails to councillors from residents. How would the department inform the public about progress regarding these applications?

Iain Livingstone, Planning Applications Manager responded as follows:

- The OSP recommendations would add more information to the ongoing review;
- The review would also be looking at additional resources that be made available to the department;
- The option of apprentices would be considered;
- The review would be for a six months period and was expected to be concluded by year end;
- The new Protocol would be recommended to Full Council for adoption;
- Officer could bring back a summary of the review outcome to the Panel meeting later in the year, (23 November 2021);
- The Planning Enforcement team could use the criminal act to raise generate income, but that income would be shared with the government;
- In order to adequately monitor development work, there would be a need for additional resources mainly the legal resources;
- There were no punitive measures for retrospective planning applications;
- Retrospective planning was permitted within the current national planning legislation;
- The department has often approached estate agents to provide change of use advice to assist with minimising the number of retrospective planning applications;
- There was a need to agree on an approach for inter departmental working to enhance the work of planning enforcement;
- Adherence to living conditions and the environment were key priority areas for planning enforcement;
- Compliance with conditions had generated the most complaints;
- The setting of fees was done at the national level;
- Use of S106 was dependent on the agreement in place. However most such agreements had a 5 year period within with to use the funds;
- Open Spaces team would be involved and the council would usually go to tender and within two years the works would be completed;
- Councillor would need to check with the Planning Applications Manager regarding the monitoring of S106 funds;
- Planning applications were published in such a way that the public would log in and check if there already was a complaint about the application;
- With regards to retrospective planning, often the department would keep enforcement in abeyance until the retrospective planning had been submitted.

After the debate Councillor Paul Moore proposed, Councillor Fellows seconded and Members agreed that the Panel approve the following recommendations from the Planning Enforcement Review Working Party and further agreed to forward them for

consideration to Cabinet as part of the ongoing review of the Council's planning enforcement protocol. These are that:

- a. Investigations be carried out to determine the potential utility of a planning enforcement portal on the council's website to provide updates to members of the public and elected members on current cases, as well as increasing the availability of information about the Enforcement process for the public;
- b. A review be conducted to identify how the council could come up with a more effective system of prioritising planning enforcement cases;
- c. A review be conducted to determine how best to improve communication between the council and complainants regarding planning enforcement cases being handled by the council;
- d. Investigations be carried out to determine how best the council could include proactive work in the planning enforcement protocol.

324. REVIEW OF OSP WORK PROGRAMME FOR 2021/22

Members agreed that an item on the Planning Enforcement Review Results be added to the Panel agenda for the 23rd November meeting.

Members also agreed to invite the Leader of Council to make a cabinet member presentation on the vision for the new cabinet at the Panel meeting on 26 August. Officers were going to check the Leader's availability for that meeting.

A Member requested that an item on Private Sector Housing be added to the agenda for the Panel to review the impact of covid on residents in private sector rented accommodation.

Another Member requested for a presentation by the Cabinet Member for Environmental Services and Special Projects on Waste and Recycling – A Review of Waste Management.

Nick Hughes, Committee Services Manager reminded the Panel that there were review topics that the Panel agreed to consider in priority order. These were attached as Annex 2 to the work programme report.

Thereafter the Chair said that there was a need to come up with terms of reference for the Waste Management Review and share with Members before assigning Panel members to conduct an in-depth review.

Members noted the report.

325. FORWARD PLAN & EXEMPT CABINET REPORT LIST

Members noted the report.

Meeting concluded: 7.36 pm