

COMMITTEE	PLANNING COMMITTEE
DATE	7th July 2015
SUBJECT	Enforcement Policy Statement 2015
REPORT OF	Leigh Palmer Senior Specialist Advisor (Planning)
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WARDS	All
PURPOSE	To seek Members' approval to the Updated Enforcement Policy Statement 2015
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RECOMMENDATION	Members endorse the revised/updated Enforcement Policy Statement 2015 and resolve that it be continued to be used as Council Policy.
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Background

The current Planning Enforcement Policy Statement was adopted by the Council in April 2010. In the past four years there have been changes in legislation and in the Councils organisational structure and these were captured within the October 2014 version.

The National Planning Policy Framework (at paragraph 207) recommended that Councils adopt a Local Enforcement Plan that outlines how planning enforcement will be conducted/concluded within a local area.

The Enforcement Policy Statement 2015 acknowledges the NPPF requirement and builds upon/updates the Councils' adopted document.

Revised Enforcement Policy Statement 2015

The proposed changes to the previously adopted enforcement policy are modest with the significant changes from the October 2014 version being:-

- Revised title
- Section 6 ii) page 11, outlines how the Council will work proactively to mitigate the potential breaches of planning control
- Section 9 Direct Action page 20, outlines the parameters and criteria against which the Council will pursue Direct Action.
- Section 9 Monitoring of Conditions page 22, outlines that informative that will be attached to all approval notices.

Purpose of this report:-

The purpose of this report is to bring to your attention the proposed changes to the Councils Enforcement Policy Statement 2015 and seek the support of planning committee .prior to referring the document onto Cabinet for formal adoption.

Members will note that the Policy statement continues to:-

- Promote the joined up enforcement approach, recognising that working closely with others from outside the planning service is essential to maximise outcomes
- Reflect and reinforce the more proactive work already undertaken by the by the planning enforcement processes and also by the Difficult Properties Group in taking positive action to improve the environment of the Borough and the amenities of its residents.
- Planning Committee will receive a quarterly report detailing the actions and outcomes relating to enforcement matters.

Financial and Staffing Implications:-

The planning enforcement function for Eastbourne Borough Council falls under Customer First with the Case Workers assisted by the Specialist Advisors administering the relevant processes.

It is considered that the current establishment is sufficient to continue to implement this enforcement policy.

Human Rights Implications

When deciding to take enforcement action, including prosecution, the rights of individuals un the Human Right Act will be carefully considered. Particular account will be taken of Article 6, the right to a fair trial and Article 8, the right to respect for private and family life, home and correspondence.

Conclusion

Since the Enforcement Policy Statement was adopted in April 2010 it has be successfully implemented bringing about significant changes in the Council's approach to enforcement issues in general.

Planning enforcement now enjoys a significantly higher profile than in the past. Public expectation is also higher and therefore a more robust policy document which more clearly identifies when and how action can be undertaken is required to ensure that these expectations can be met.

It is considered that given the profile now afforded by the National Planning Policy Framework it is recommended that this updated document be referred to Cabinet for formal adoption.

Recommendation:-

1. Members support/endorse the revised/updated Enforcement Policy Statement 2015

2. The Enforcement Policy Statement 2015 (as the local approach for conducting/undertaking the planning enforcement function within the Borough of Eastbourne) be referred to Cabinet for formal adoption.