

<b>COMMITTEE</b>	<b>PLANNING</b>
<b>DATE</b>	<b>February</b>
<b>SUBJECT</b>	<b>Planning Enforcement Policy Statement 2016</b>
<b>REPORT OF</b>	<b>Anna Clare Specialist Advisor - Planning</b>

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**WARDS**                      **All**

**PURPOSE**                      **This report provides Members with an updated position with regard to the council's Enforcement Policy Documents.**

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**RECOMMENDATION**

- 1.                      Endorse the revised/updated Enforcement Policy**
- 2.                      Endorse the content of the Planning Enforcement Guidance Note and**
- 3.                      Refer the Cabinet for full adoption**

**Introduction:-**

The National Planning Policy Framework (Para 207) identifies that local planning authorities should consider publishing a **local enforcement plan** to manage enforcement effectively and proactively and where one does not exist it should be produce one as a matter of expediency. This is endorsed by the Royal Town Planning Institute, The Planning Advisory Service where the benefits of an Enforcement Plan are echoed. It is recognised that Enforcement Plans should be seen as the direct link to planning policy and as such carry the same weight as other policy documents. However they need to be dynamic and fit for purpose documents.

Since 2010 Eastbourne have been using an Enforcement Plan, however it is recognised that whilst it has been updated/amended over the years due to legislative changes it remains a thorough document containing a significant amount of legal references and professional jargon; a more customer/user friendly document has been produced (Planning Enforcement Policy Guidance Note 2016).

It is considered that this streamlined document would assist in the delivery of an 'enforcement process/function' that remains faithful to the delivery of what development has been permitted, should also assist in engendering a culture of compliance and help to maintain the integrity of the planning system.

The table below highlights the main users of each of the documents:-

DOCUMENT	USERS
Planning Enforcement Policy Statement 2016	Members – Officers – General Public
Planning Enforcement Policy Guidance Note 2016	General Public

### **Enforcement Policy Statement and Guidance Note**

The proposed changes to the previously adopted enforcement policy are modest and relate to updating legislative references and also clarity over the type and nature of the types of enforcement action that can be pursued.

The Planning Enforcement Guide has been developed to set out to complainants or those involved in an investigation the process of an investigation and its timeframes in a simpler manner than that of the full policy document. The guide will be sent out to anyone contacting the Council in relation to a breach of planning control and contains a pro-forma for a complaint.

### **Purpose of this report:-**

The purpose of this information item is to bring to your attention to the Councils Enforcement Protocol (EP) as amended and updated.

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 planning Caseworkers and Specialists and also by the Difficult Properties Group to improve the environment of the Borough and the amenities of its residents.
- Planning Committee will continue to receive a quarterly report detailing the actions and outcomes relating to enforcement matters.

### **Financial and Staffing Implications:-**

The 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 under the Human Rights 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 was first adopted in April 2010 it has been 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.

### **Recommendation:-**

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