

MINUTES
OF THE MEETING OF THE
GROWTH AND DEVELOPMENT SCRUTINY GROUP
TUESDAY, 25 AUGUST 2020

Held virtually at 7.00 pm and live streamed on the
Rushcliffe Borough Council YouTube channel

PRESENT:

Councillors N Clarke (Chairman), A Brennan (Vice-Chairman), J Cottee,
L Howitt, A Phillips, J Stockwood, C Thomas and D Viridi

ALSO IN ATTENDANCE:

Councillor R Jones

OFFICERS IN ATTENDANCE:

G Dwyer	ICT Manager
D Mitchell	Executive Manager - Communities
A Pegram	Service Manager - Communities
H Tambini	Democratic Services Manager
S Woltman	Customer Services Manager

APOLOGIES:

Councillors N Begum and L Way

18 Declarations of Interest

There were no declarations of interest.

19 Minutes of the meeting held on 15 July 2020

The minutes of the meeting held on Wednesday, 15 July 2020 were declared a true record and signed by the Chairman.

20 Planning Enforcement Part 1

The Service Manager – Communities, Planning and Growth delivered a presentation on Planning Enforcement, which accompanied the report already circulated with the agenda.

In the presentation, the Service Manager – Communities, Planning and Growth and N Cox, Principal Planning Officer provided details on the following issues:

- the Council's Corporate Enforcement Policy, which had been adopted in March 2010 and last revised in June 2017;
- what constituted a breach of planning control and the range of ways to tackle them;
- timescales involved for taking enforcement action;
- the various enforcement tools available to the Council;
- the appeals process against the serving of an Enforcement Notice;

- the different enforcement tools available to the Council;
- categories of enforcement enquiries received by the Council from 1 April 2019 to 31 March 2020;
- the outcome of investigations in 2019/20;
- the number of notices served by regional councils since 2014;
- the team structure;
- the number of planning submissions received from 2010 to 2020; and
- various case studies.

At the invitation of the Group, Councillors had been asked to submit written submissions on their experiences of planning enforcement. The Group had received submissions from a number of Councillors and those had been considered by the Executive Manager for Communities and the Service Manager – Communities, Planning and Growth. The report and presentation had provided responses to some of the questions raised by the Councillors, and a Question and Answer document would be produced following the meeting to address any remaining issues and points raised during the meeting.

Following the last Council meeting, the Chairman of the Growth and Development Scrutiny Group had invited Councillor Jones to attend this meeting to provide his thoughts on the Council's planning enforcement process.

Councillor Jones stated that following a conversation with Planning Officers earlier this year, he had become concerned that current staffing levels were insufficient to cope with the volume of work, especially given the growth in the number of applications and the scale and complexity of large developments. He was aware of instances where specific environmental protection measures had not been undertaken by developers as specified as part of the planning permission. There needed to be more emphasis on proactively ensuring that work was being undertaken and conditions were being complied with.

The Service Manager – Communities, Planning and Growth advised that there was no definitive definition of what constituted 'harm', it was subjective and a matter of scale and degree.

Councillor Thomas reiterated the comments made by Councillor Jones and queried if developers were notifying officers when trigger points were met, which required work to be undertaken. That was particularly important when developments were passed over to management companies and residents, who might be charged if works were not completed. Although the proactive monitoring of developments over 50 dwellings was welcomed, it would be helpful if that 50 dwellings limit could be reduced.

The Service Manager – Communities, Planning and Growth confirmed that with the exception of two sites, all of the new larger developments coming forward were for over 50 dwellings. As part of a Section 106 Agreement, a developer had to notify officers that development was commencing and that acted as a trigger to monitor sights.

The Chairman referred to the case study submitted by Councillor Phillips, questioned in that instance if officers had known that there would be

substantial engineering operations involved and if officers should have anticipated the problems, and taken appropriate mitigation measures. The possibility of imposing conditions to pre-empt any problems should be considered. It should be noted that members of the public always perceived such issues to be the Council's responsibility and it would be helpful to try to ensure that such problems did not occur.

The Service Manager – Communities, Planning and Growth stated that in general, Building Control would cover substantial engineering works. Such issues would also be included in a Construction Management Plan or a Construction Methods Statement, if they had been requested as part of planning conditions. Such issues were also site dependent, with some elements not known when planning permission was sought and a Construction Methods Statement covered those points. Planning Officers worked with Environmental Health Officers to ensure that best working practices were adhered to and it was possible to control hours of work by conditions.

The Vice Chairman stated that given the recent publication of the Government White Paper, "Planning for the Future for consultation" and the likelihood that in the future developers would have increased freedom, the Council would need to become more proactive when working with developers and it was likely that more enforcement would be required. It was essential that the Council had enough resources and staff to deal with any increased workloads.

The Executive Manager – Communities advised that the current Planning Enforcement Policy was in place to strengthen planning enforcement under the current legislation. Any changes to the legislation could result in amendments being required to that Policy. The enforcement of planning control was discretionary and the Council did not have the ability to recover any costs. The service was also particularly emotive for complainants who wanted significant action, which was not always possible. As previously referred to, the number of applications received was often not an accurate reflection of workloads, given that each application was different in scale and complexity. The Council now had a dedicated CIL Officer and a consultant was currently reviewing Planning Services and looking at staffing and resource issues. The Group was asked to consider if the Planning Enforcement Policy was resilient enough and if it was being implemented correctly.

The Chairman referred to the potentially difficult situation going forward, if the Council was to lose income from the submission of planning applications, whilst having to deal with more enforcement matters.

Councillor J Stockwood referred to the steps taken to consult with the public and to the Council's policy, its Statement of Community Involvement, which considered how the Council engaged with the public before planning permission was granted. Given that the Planning Enforcement Policy related to post development issues, it would be helpful if both policies used similar terms to ensure consistency. The Statement of Community Involvement was very clear and well formatted and it would be useful to follow that template. In respect of scale of development, it should be noted that the Statement of Community Involvement defined 'Major' and 'Minor' applications based on 10 dwellings and the scale of retail development, and again it would be helpful to use the same definitions to ensure clarity across policies. It would be helpful to

divide the Policy into clear processes to cover how to make a complaint, or what happens when a complaint is made about someone, and the step-by-step process for each scenario. In relation to matters that were not breaches of planning control, it would be helpful if the Policy directed people to other Council services or agencies who could assist them, perhaps through Customer Services. It would also be appropriate to refer to the additional support offered to groups that are more vulnerable.

The Vice Chairman welcomed the Policy and reiterated the importance of having sufficient resources to deliver and enact the Policy, and it would be appropriate to make it clear that those resources were available before it was finalised and agreed.

The Chairman referred to the Government White Paper and asked officers if it would be possible to pre-empt those changes and the likelihood of increased development taking place without having to apply for planning permission. It would be appropriate to have a plan in place to increase resources, to allow a more proactive approach when working with developers, as it was always more prudent to prevent a problem, rather than solving a problem. By being proactive, the Council should be able to reduce the resources required.

The Executive Manager – Communities confirmed that a report to consider minor revisions to the Statement of Community Involvement was being submitted to Cabinet on 8 September 2020. In respect of resources, it was reiterated that a resource review of Planning Services was taking place with an external consultant and it was hoped to bring feedback back to the Group at its meeting on 14 October 2020. The previous staffing issue in Enforcement had been due to sickness, and an interim officer had been brought in on a temporary basis to cover that period. There were now two Enforcement Officers in post again. In relation to the “Planning for the Future” consultation paper, Member Briefing sessions had been arranged for September 2020.

Councillor Thomas welcomed the emphasis on being proactive and suggested that approach should be built more into the Policy. In respect of resources, it was noted that there was a large positive variance on income for planning application fees, and the possibility of using those resources for additional staff should be considered. In respect of the Policy, it was suggested that a two stage prioritisation criteria would be appropriate, to cover an initial assessment and a proactive monitoring stage.

The Service Manager – Communities, Planning and Growth confirmed that the issue of prioritisation was being reviewed and would be brought back to the Group to discuss at its meeting on 14 October 2020.

The Chairman referred to the range of breaches that occurred and questioned the scope and legal powers the Council had to set its own priorities.

The Service Manager – Communities, Planning and Growth advised that there was no national legislation in respect of setting priorities, and it was for the Council to determine its own, whilst ensuring that expectations were not set too high and could not be achieved. The Planning Enforcement Policy would also be submitted to Cabinet for consideration and go out for public consultation before being submitted to Council for adoption.

It was RESOLVED that:

- a) the presentation on Planning Enforcement be noted;
- b) the comments and amendments suggested by the Group be considered by officers and the Policy amended accordingly;
- c) the comments from the Group on resources be considered by officers and an update submitted to the Group at its meeting on 14 October 2020;
- d) a Question and Answer session document incorporating the comments made in the Councillor submissions be circulated to the Group for comment, in advance of the next meeting on 14 October 2020; and
- e) a further draft of the Policy be submitted to the Group for consideration at the next meeting on 14 October 2020.

21 **Customer Services and Digital Transformation**

The Customer Services Manager and the ICT Manager delivered a presentation on Customer Services and Digital by Design, which accompanied the report already circulated with the agenda.

In the presentation, the Customer Services Manager and the ICT Manager provided details on the following issues:

- the history of the One Stop Shop from 2005 to the present day;
- the partners who work with Customer Services;
- the average time taken to answer an enquiry over the telephone;
- the numbers of people accessing the various contact points;
- the channel shift in how people access services from 2013 to 2020, and how that has changed during the Covid-19 lockdown;
- the key achievements for Customer Services from the Digital by Default Programme from 2014 to 2017;
- the Digital by Design Programme 2018;
- the key projects already delivered by Digital by Design; and
- the projects going forward in 2020/21.

The Chairman and members of the Group welcomed the move towards hybrid meetings and the increased flexibility it would allow everyone going forward. Reference was made to the importance of still having face-to-face contact; however, it was considered appropriate to embrace new methods of working. It was noted that those new ways of working had also been embraced by the Customer Services team, whilst ensuring that face-to-face contact via virtual technology was still possible for people who preferred that method.

In answer to a question regarding security and data protection and the processes in place to ensure the integrity of those engagements, the ICT Manager assured members of the Group that this issue was at the heart of the Digital by Design Strategy, in terms of security and privacy by design. The

issue would be reviewed before any new initiative went live and that would continue going forward.

Councillor J Stockwood noted that many people had been seriously affected by Covid-19 and were unwilling or hesitant to interact with other people, and queried how Customer Services was reaching out to the vulnerable to reiterate that there were safe ways to do so.

The Customer Services Manager confirmed that throughout the Covid-19 pandemic, Customer Services had continued to operate as normal, with telephone and email access and if any member of the public had wanted to see an officer, an alternative solution would have been found.

Councillor J Stockwood referred to the use of open data sets and asked if the Council would be following the approach of other councils in sharing data in a standard way to help drive the digital economy.

The ICT Manager advised that the Digital Strategy would not replace face-to-face contact; it would improve access by increasing options. In respect of open data, that was an aspect of being digital and the Council was open to that and looking for opportunities to collaborate with other local authorities.

Councillor Thomas commented on behalf of Councillor Way, who echoed the comments made by previous Councillors regarding the benefits of on-line meetings and welcomed the start-up of the service in East Leake.

In answer to a question regarding the percentage of enquiries being handled at first point of contact, the Customer Services Manager stated that those figures were reported and would be circulated.

In answer to a question regarding tourist information services, the Customer Services Manager advised the Group that Customer Services worked in partnership with Nottinghamshire County Council, which provided that service and the Council linked into that.

Councillor Cottee referred to the continued excellent service provided by Customer Services over the years. Whilst highlighting the advances in new technology, the importance of having face to face contact should not be forgotten, especially for those who could not use online facilities or those who chose not to use them. Those people should not be forgotten or disadvantaged in any way.

In answer to a question regarding hybrid meetings and webcasting, the ICT Manager confirmed that going forward the new system would provide that type of facility.

The Chairman noted the potential health and wellbeing issues of spending significant periods of time attending online meetings and using digital technology and queried how that could be regulated.

The ICT Manager suggested that going forward; it would be prudent to take adequate breaks during meetings.

It was RESOLVED that:

- a) the presentation on Customer Services and Digital by Design be noted;
- b) the current proposed activity for Customer Services and the Digital by Design programme be endorsed; and
- c) the following additional information be provided to the Group in a Briefing Note:
 - ways to increase face to face virtual technology, including advice and guidance on how hybrid meetings operate;
 - potential data sharing opportunities; and
 - details of the percentage of enquiries being handled at first point of contact by Customer Services.

22 **Work Programme**

The Group considered its work programme and suggested potential items for future scrutiny.

It was **RESOLVED** that the Work Programme as detailed below be approved.

14 October 2020

- Abbey Road Development
- Crematorium
- Planning Enforcement – Part 2
- Work Programme

20 January 2021

- Management of Open Spaces on New Developments – Part 2
- Town Centres Update - Cashless Society
- Work Programme

21 April 2021

- Work Programme

The meeting closed at 9.25 pm.

CHAIRMAN