

**SCRUTINY COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 7.30 pm on 5 APRIL 2011**

Present: Councillor A Dean (Chairman)
Councillors D M Jones, H S Rolfe, G Sell, and S V
Schneider

Officers
in attendance: Sonia Williams (Enforcement Team Leader), S
Martin (Divisional Head of Customer Support and
Revenue Services), M Perry (Assistant Chief
Executive – Legal), C Roberts (Democratic Services
Officer), B Tice (Project Officer).

SC26 **MINUTES**

The minutes of the meeting held on 7 December 2010 were received and signed by the Chairman as a correct record subject to the insertion of a comma in Minute SC 24 recommendation 3 after the word "Park".

SC27 **BUSINESS ARISING**

(i) Minute SC24 – Stansted Airport s106 Agreement

The Chairman updated the meeting about money arising under this agreement.

SC28 **LEAD OFFICER'S REPORT/ACTION LIST**

The Committee considered the report/action list of the Divisional Head of Customer Support and Revenue Services.

The Chairman asked that the entry for the Olympics Working Group be updated to show that a meeting had now taken place.

The progress shown in the committee action list was noted.

SC29 **ENFORCEMENT PRIORITIES – STATUS REPORT**

The Committee considered a status report from the Assistant Chief Executive - Legal on enforcement priorities.

The Assistant Chief Executive – Legal said the report had been tailored to the information requested in the previous minutes; he invited Members to ask questions.

Councillor Sell referred to a complaint raised by his parish council about the time taken to deal with planning enforcement.

The Assistant Chief Executive - Legal said that there was a lack of understanding by the public of the enforcement process. Allegations of a breach of planning control were received by the planning department and prioritised as to their urgency. This impacted upon the response time. An enforcement officer would carry out a site visit to ascertain whether there was evidence of a breach of planning control. Where evidence of a breach was found it was sometimes necessary to issue statutory notices to get further information regarding activities or land ownership. Not every breach of planning control merited enforcement action. Such action ought to be taken only if it was expedient to do so. If what had occurred was acceptable in planning terms it would not be expedient to enforce. Frequently people subject to enforcement would make a regularising application and it was not generally sensible to enforce whilst such an application was in process or while an appeal against a refusal of planning permission was pending. Appeals against refusals of planning permission were generally dealt with more quickly than enforcement appeals. Delays in the process were outside the control of the enforcement team.

The Chairman referred to a need to have an enforcement strategy for planning. The Assistant Chief Executive – Legal said that Andrew Taylor had drafted a policy which was to be considered by the Development Control Committee the following day.

The main area for enforcement aside from planning was benefit fraud. The Council had a sanctions policy for benefit fraud which was reviewed annually and was last reviewed in January 2011. The enforcement team also had a score sheet which determined the priority given to cases for investigation. The sanctions policy was published but the score sheet was not as it was an internal document not intended for public use. Outside of planning and benefit fraud there were no policies for other areas of enforcement as there were insufficient cases at present to require such policies.

In answer to a question from Councillor Jones the Assistant Chief Executive – Legal confirmed that the District Council had no role in pressing for a result in the case of waste or dangerous substance cases.

In answer to a question from Councillor Dean he confirmed that there was no publication of the length of time taken in cases. He added that the objective on the whole was to secure compliance, preferably without the need for further action. .

Members asked questions about the possible impact on the enforcement team of the Revenues and Benefits partnership with Harlow Council. The Assistant Chief Executive - Legal said that benefit fraud enforcement would transfer to the proposed partnership and as a result 1 post would be TUPE transferred. One officer spent the majority of his time dealing with benefit fraud. Whilst the element of his time on other work would be lost to the team this would be offset by the fact that other team members would not need to support benefit fraud investigations for instance by sitting in on interviews under caution. However the loss of a post would inevitably reduce cover for sickness and holidays.

Councillor Rolfe asked whether there would remain a satisfactory level of service from the point of view of the customer, and Members noted that this should be a matter pursued by the Scrutiny Committee after the May election.

RESOLVED

that a further enforcement report , which provides details of levels of performance, be brought to the Scrutiny Committee.

SC30

NEW COMMITTEE ARRANGEMENTS

The Chairman of the Committee thanked Members and officers for the support they had shown over the previous twelve months and expressed his good wishes for the next Scrutiny administration.

The meeting ended at 8.10 pm.