

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 11 AUGUST 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), Carden (Opposition Spokesperson), Cobb, Davey, Fryer, Hamilton, Kemble, McCaffery, Pidgeon, Simson, Smart and Steedman

**Co-opted Members** Philip Andrews ((Chairman) Conservation Advisory Group)

**Officers in attendance:** Jeanette Walsh (Head of Development Control), Nicola Hurley (Area Planning Manager (West)), Claire Burnett (Area Planning Manager (East)), Gerard McCormack (Investigation and Enforcement Manager), Steve Reeves (Principal Transport Planner), Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

**PART ONE**

**78. PLANNING ENFORCEMENT POLICY DOCUMENT**

78.1 The Committee considered a report from the Director of Environment regarding the Planning Enforcement Policy Document.

78.2 The Planning Enforcement Manager, Mr McCormack, introduced the report and stated that a wide process of consultation had taken place with officers of the Council, users of the enforcement service, the Planning Service's Agent's Forum, Council Members, members of the public, the Conservation Advisory Team and Rottingdean Parish Council.

The policy set out a framework for the aims of the Planning Enforcement Team and highlighted priorities in terms of responding to complaints and outlining expectations of the Team. A standardised complaint form was now in use to gain as much information as possible about the complaint and a written acknowledgement was sent within five working days. The acknowledgement stated that if contact had not been made within 4-6 weeks of the complaint being made, then the complainant was encouraged to contact the department for an update. All cases would remain open until the Team had corresponded with the complainant as to why they were being closed.

It was noted that 45% of breaches were dealt with without legal action and would take around 2-3 weeks to resolve and this target would be maintained. The policy recommended that should complainants become unreasonable or bullying behaviour was identified, their complaint would be dealt with in writing only.

Mr McCormack recognised that the service was under-publicised and attempts had been made to rectify this. Cases would be advertised on the Council website and information regarding the policy would be included in City News. It was hoped that good publicity would demonstrate to larger developers what was expected in terms of compliance, and reduce breaches from smaller developers. Ward Members would also be regularly up-dated about enforcement action in their ward.

- 78.3 Councillor Smart asked if the section relating to illegal adverts would affect temporary adverts for festivals etc. Mr McCormack replied that this section of the policy referred mainly to permanent advertising. Temporary adverts would be treated with discretion by officers.
- 78.4 Councillor McCaffery asked what happened after an Enforcement Notice was issued and not complied with. Mr McCormack replied that the Council would be able to prosecute the person in breach, and/or complete the work themselves and charge the work back to the developer.
- 78.5 Councillor Steedman asked why the burden was being placed on complainants to follow up the complaint after 4-6 weeks and felt that this was not good practice. Mr McCormack replied that this would free up officer time to deal with the case before forming an update response, and would hopefully prevent complainants from contacting the department for regular updates on small or inconsequential matters. He added that the complainant would be contacted immediately should the case be closed early for any reason.
- 78.6 Councillor Hamilton asked about illegal A-board enforcement and Mr McCormack replied that this was a separate issue dealt with outside of planning.
- 78.7 **RESOLVED –**
- (1) That the draft planning enforcement policy be noted; and
  - (2) That the Environment Cabinet Member be recommended to approve the policy for adoption by the Development Control Service.