

Notes of the Scrutiny and Overview Committee
Business Improvement Working Group
25th November 2014

- Present:** Councillors: Brian O'Connell (Chairman), John Chidlow, Leonard Crosbie, Malcolm Curnock, Frances Haigh, David Jenkins, Diana van der Klugt
- Apologies:** Councillors: Philip Circus, Laurence Deakins, Duncan England
- Also present:** Councillors: Roger Arthur, George Cockman, Brian Donnelly
- Officers:** Paul Cummins, Head of Legal and Democratic Services
Madeleine Hartley, Planning Compliance Team Leader
Chris Lyons, Director of Planning, Economic Development and Property

1. RECORD OF THE MEETING HELD ON 14TH OCTOBER 2014

The notes of the meeting held on 14th October 2014 were approved as a correct record.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. ANNOUNCEMENTS FROM THE CHAIRMAN OR CHIEF EXECUTIVE

The Chairman announced that he had suggested, at the Scrutiny and Overview Committee meeting on 10th November 2014, that the Finance and Performance Working Group should, in future, deal with Community Infrastructure Levy (CIL) matters to avoid duplication of work by the two working groups. The Chairman of the Finance and Performance Working Group had agreed to that handover.

It had also been agreed that the Business Improvement Working Group would oversee the completion of advice on the S106 procedure. The Chairman reported that the Director of Planning, Economic Development and Property had, on 21st November 2014, written to local parish and neighbourhood councils, and to all Horsham District Councillors, about S106 planning contributions and the use of that money. The Director had explained that the process was likely to change with the introduction of the CIL and how the CIL Working Group which he chaired would ensure the systems were effective and transparent; and consider how councillors could input to the process and could easily access relevant information.

4. FIVE YEAR HOUSING LAND SUPPLY

The Chairman presented a report on the review of the Five Year Housing Land Supply.

The Working Group noted the reasons why the Council had not, for a number of years, met the housing targets set and how a backlog had accrued. The evidence had shown that the Council had granted a significant number of planning permissions but that the number of houses actually completed each year fell short of the requirement in the South East Plan.

The Working Group noted that, for the future, the Horsham District Planning Framework (HDPF) should provide an adequate housing supply for the next twenty years. The HDPF Housing Trajectory 2011-31 could achieve a 116% figure.

Members discussed the report's reference to how the current situation could arise again because the most significant external factor affecting the ability to achieve housing supply targets was the availability and affordability of mortgages. Another economic downturn could see developers not building a sufficient number of houses which would affect the housing supply targets.

The Director of Planning stated that sites had been identified for 650 houses to be built each year in the District. The Council would undertake high level viability appraisals when considering potential sites; that information was included in the Authority Monitoring Report.

The Chairman agreed to revise the report in light of the comments made at the meeting to include reference to the Council's high level viability appraisals, to check that the figures in the tables were consistent with the report's reference to the permissions granted by HDC, and mention market forces and how the level of wages when compared to house prices in the District affected the affordability of housing.

The Chairman invited Members to send him any further comments on the report. He would present a final report to the Scrutiny and Overview Committee at its meeting on 12th January 2015.

5. FINANCIAL IMPACT OF THE OVERTURN OF DECISIONS ON APPEAL AND DETAILS OF THE PERCENTAGE OF PLANNING APPEALS ALLOWED

The Chairman suggested that information about the financial impact on the Council of the overturn of planning decisions on appeal over the last two years should include the legal costs of the Council's case officers, the cost of its use of consultants, the costs awarded against the Council, and the potential loss of S106 monies to parishes. That information was requested for the Working Group meeting on 27th January 2015.

The Working Group discussed how Members should relate residents' concerns about planning applications to valid planning reasons; it was suggested that further planning training for Members might be beneficial. The Director of Planning said he could provide such training and he could advise Members about valid planning reasons.

6. **PLANNING ENFORCEMENT PERFORMANCE REPORT FOR QUARTER 2, 2014/15**

The Working Group noted that 138 planning enforcement cases had been received and 152 cases closed in Quarter 2 for 2014/15.

7. **DRAFT PLANNING ENFORCEMENT PLAN**

The Chairman reminded Members of the discussion at previous meetings about the need to examine the Council's approach to planning enforcement, how robust that enforcement should be, and resources.

The Planning Compliance Team Leader presented details of the proposed Draft Enforcement Policy. It outlined the process for dealing with complaints and the four priority classifications ranging from immediate investigation to an investigation within 15 days.

Schedules detailing the age of planning enforcement cases when they were closed, in relation to Q1 and Q2 in 2014/15, were tabled. The target for an average case was to seek, where possible, a resolution of a complaint within 3 months. If a case progressed to legal proceedings it would take considerably longer before it was resolved.

The Chairman queried whether the enforcement team was adequately staffed and resourced. The Working Group had been told that one principal planning officer post had been deleted from the team in recent years. The recent vacancy for the Senior Planning Compliance Officer position was being filled. The Director of Planning and the Planning Compliance Team Leader stated that the team was properly resourced.

The Head of Legal and Democratic Services outlined the legal department's role in the planning enforcement process. Three legal officers were dedicated to dealing with planning work. A barrister was in post on a temporary contract and dealt with planning enforcement work; further external resources, if required, were available. All of the current planning enforcement cases within the legal department were being progressed. The introduction of an electronic case management system and the use of pro forma for enforcement and S106 work would bring improved efficiency.

Members requested information about the age of cases and also the number of outstanding enforcement cases which were over 2 years in age.

The Director of Planning stated that the Enforcement Policy would contain more detail and he agreed to add information about the circumstances when it might not be expedient to pursue alleged breaches of planning permissions.

The Chairman agreed to prepare a summary report for the Working Group meeting on 27th January 2015 which would recommend that the Finance and Performance Working Group receive planning enforcement data as a performance indicator at its quarterly meetings. A final report would then be presented to the Scrutiny and Overview Committee.

8. BUSINESS TRANSFORMATION - UPDATE

The Chairman reported that he would attend the Business Transformation Advisory Group meeting on 26th November 2014.

The Working Group noted the information on the progress of Business Transformation projects which were shown as being on track. The Council, at its meeting on 9th October 2014, had approved the move to the Parkside (County Hall North) building in Horsham in 2015.

The Chairman agreed to request updated details of the budget for the Business Transformation Programme and the savings those would achieve, for consideration at the Working Group meeting on 27th January 2015.

9. NEXT MEETING

The Chairman reminded Members that the Working Group meeting on 27th January 2015 would commence its follow-up review of the Development Management Improvement Plan and the progress made on the Working Group's recommendations.

The Working Group would receive information about the number of planning applications that were determined on time in the last year, including major applications that had been subject to agreed extensions. That information would be presented as quarterly figures.

The Working Group would receive details about the costs incurred during the transition period in the planning department's restructure, and financial information for the first three quarters of 2014/15 compared to 2013/14, and a forecast for the department for the next 12 months. The cost of the use of consultants would also be considered.

The aim was to conclude that review by March/April 2015; additional Working Group meetings, if required, would be arranged.

The Chairman informed Members that the Director of Planning had written a report about Development Management staffing issues for presentation at the Personnel Committee meeting on 26th November 2014.

The Working Group meeting in January 2015 would also receive the final report about the draft Planning Enforcement Policy.

The meeting finished at 7.41 p.m. having commenced at 5.30 p.m.

CHAIRMAN