

Subject:	Report on the Findings of the Enforcement Task and Finish Group Report	Status:	For Publication
Report to:	Overview and Scrutiny Management	Date:	6 th June 2011
Report of:	Various Officers	Portfolio Holder:	Environmental Services
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That the Overview and Scrutiny Management Committee notes the response from Cabinet to the recommendations of the Enforcement Task and Finish Group

2. PURPOSE OF REPORT

2.1 The report considers the recommendations of the Enforcement Task and Finish Group.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale** – creating a better environment for all.
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND AND OPTIONS

5.1 Whilst developing its work programme for 2010/11, it was agreed that a Task and Finish Group be established to look at Enforcement throughout the Borough.

5.2 The Task and Finish Group first met on 3 November and received information relating to Planning Enforcement. At this stage members of the Task and Finish Group agreed to extend the review to include Environment Enforcement and Communities Enforcement. The final report was presented to the Overview and Scrutiny Management Committee in February 2011 (Report attached at Appendix A). In March 2011 the Cabinet considered the recommendations and the response to those recommendations is as follows.

5.3 **Recommendation 1** – That Development Control produced Guidance Notes which could also be distributed to Members to enable them to hand out to local businesses, which could include the following information:

- a) The type of roller shutter which should be used
- b) The use of internal shutters do not require planning permission
- c) The type of advertisement board/banners which are acceptable within their area

Response -

Two reports have been prepared for approval by Cabinet on the 29th June 2011.

The Shop Front Design Guide provides illustrations, guidance and policy which will be a material consideration in the determination of Planning Applications and should address the issues highlighted. A draft of this report and paper is attached and will be prepared as a paper to the Development Control Committee for comments to feed in to Cabinet for consideration, given it is Development Control which will need to use this document in the determining of applications. The report will request the paper is approved for consultation purposes with subsequent amendments agreed between the Planning Manager and the portfolio holder for Regeneration.

The Revised Interim Hot food Takeaway policy already contains a policy in relation to shop fronts and shuttering. This policy is being taken back to Cabinet for adoption to address a previous procedural technicality, so it is not proposed for this policy to be formally consulted upon. It is proposed any future amendments to this policy will be subject to agreement between the Planning Manager and the portfolio holder for Regeneration.

Once these documents are approved, a leaflet will be produced as a guide, which can be given to members and circulated to local commercial businesses.

- 5.4 **Recommendation 2** – There is a need to be a set of guidelines on realistic targets for when each stage of the open planning enforcement file is complete ie acknowledged within 3 days etc and measures in place to ensure that should the target not be met, then Members should be kept informed via a quarterly report to Development Control Committee

Response - Establish a set of procedures to implement for each stage of the enforcement process as follows:

1. Within 3 working days of receiving a complaint a file is to be opened and the complaint acknowledged by way of letter or email sent to the complainant.
2. Within 10-15 days of the complaint being received a site visit to be undertaken.
3. Assessment to be made and if no breach has occurred case closed and complainant informed of outcome within 10 working days of undertaking the site visit.
4. If breach has occurred within 10 working days following the site visit an update is made to the Councillor or complainant.
5. Thereon after, updates made when any significant event occurs until the case is closed.
6. Councillors updated by quarterly report on any enforcement appeals received and appeal decisions.

- 5.5 **Recommendation 3** – That the Council needs to be proactive in their work to ensure that they continue to submit quarterly reports to allow Members to keep a review of the number of open investigations being followed up by the Team.

Response - A record of all enforcement cases will continue to be maintained, recording the opening and closing dates for each case and length of time taken to deal with the complaint. This data will continue to be used to update Members on a quarterly basis on the number of active cases and those that have been closed. The quarterly report will also include data on

the number of cases going to appeal and any outcome from the Planning Inspectorate.

- 5.6 **Recommendation 4** – There should be a joint protocol between the Police and the Council to determine process for dealing with noise and nuisance complaints that contribute to Anti Social Behaviour and when they are purely noise and nuisance complaints the Council can investigate. This should determine legislation to be used for ASB and nuisance and the Lead Partners for complaints.

Response - It is proposed that this forms part of a multi-departmental review following the restructure of the Communities Team and the Government's current review to current ASB Legislation.

- 5.7 **Recommendation 5** – The Council and Police should consider the use of mediation through organisations such as SMILE to support such things as neighbour disputes about issues such as noise, and ASB where this is possible.

Response – Through ASBRAC (Anti-Social Behavior Risk Assessment Conference) a multi agency meeting with the Police and peer agencies; Council Officers have recently been utilising joint mediation to resolve neighbour disputes. Following the success of this intervention, all Council Officers will be aware of the opportunity to use the ASBRAC meeting to raise issues which require multi-agency support and subsequent resolution options.

- 5.8 **Recommendation 6** – That the Council has further debate on how the 'recycling of Work by Default money' could be justified and if there is an opportunity, to establish a corporate ring-fenced Works in Default budget to support enforcement work.

Response – This has been resolved with Finance and is monitored through the Vacant Property Task Group.

- 5.9 **Recommendation 7** – That should a licence be required for mobile food vans, then this should not be given until the Council were sure that plans were in place for the removal of waste.

Response - The following are conditions already attached to a street trading Consent:

- 9) Nuisance or annoyance shall not be caused by the consent holder or any of his/her employees to persons using the street or otherwise.
- 10) No obstruction of any street or right of way or danger to the public shall be caused by the consent holder or any of his/her employees.
- 11) The consent holder shall not permit any nuisance, obstruction or annoyance to be caused by the presence of his/her trading activities to persons occupying nearby residential or commercial premises.
- 15) The consent holder shall provide adequate receptacles for rubbish and shall after trading has ceased, remove all rubbish and litter from the site.

- 5.10 **Recommendation 8** - That the Communities Team work towards a press release to raise the profile of the Hyndburn Used Furniture Service, who provide bulky waste collection. This may discourage people from dumping bulky waste unnecessarily.

Response

Hyndburn Used Furniture provided information about the service they deliver for the purposes of drafting a press release, and this was re-drafted into a council press release with the aim of promoting responsible waste disposal which benefits others, and avoids legal action. This has been sent to communications.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 "In making any recommendation Members should ensure that they can be accommodated within existing budget resources".

7. MONITORING OFFICER

7.1 No comments.

8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

8.1 No HR implications.

9. CONSULTATION CARRIED OUT

9.1 None

No background papers