

Appendix 2

Comments arising from the Member Working Group –

| Comments from Members: | Commentary |
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| 15/20 days seems a long time if building works are continuing | The 20 days is a maximum and a visit could be carried out sooner. This timeframe only relates to those categorised as level 3 enquiries. The prioritisation of cases is also subject to an initial check and could be re-categorised. |
| Will the categories be rigid | No, the different levels are intended to assist officers with prioritisation of work. If a scheme would ordinarily be a level 3 enquiry but the circumstances of the case raised more issues it could be re-prioritised. |
| Level 3 type queries could be open to some taking advantage knowing that it will take 20 days for a site visit | The concern is noted, however, the priorities are intended to try and manage and advance those types of complaints that have more impact across a wider area. This does not mean it is less important but the ongoing potential breach is less likely to cause immediate harm. Also the Field Officer is likely to assist with some of the work of the enforcement team and timings could be reviewed at a later date. |
| How many complaints do we receive regarding satellite dishes? | In 2017, the service received 11 complaints in respect of satellite dishes. |
| Prioritisation looks sensible but concerned about categorisation of adverts | Adverts are one area that has been nominated for the Field Officer, which will assist with timescales for this work. In addition, it is envisaged that the Field Officer will take on proactive work as well. |
| Concerns were raised regarding the wording of the different priority groups | Amended to Level 1, Level 2 and Level 3. |
| Need to give commitment that enforcement will happen and show we mean business | The document provides guidance on how an enforcement case may take and includes a toolkit of the different options available to assist with investigations and/or take action. The service can though only take action within the legislation that governs possible enforcement action. |
| What happens once investigation underway? | The document provides a process timeline and a communication timeline. |

Appendix 3:

Member Workshop

Members attended the workshop:

Councillor Atkinson, Councillor Deane, Councillor Gilbey, Councillor Gibson, Councillor Janio, Councillor Littman, Councillor Meadows, Councillor Mears, Councillor Miller, Councillor Mitchell, Councillor Nemeth, Councillor O'Quinn, Councillor Page, Councillor Carol Theobald, Councillor Wares

Exercise 1:

What do you think are the top three enforcement problems that you come across in terms of unauthorised works in the city?

| | Issue | Occurrence | Commentary |
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| Service Matters | Stronger enforcement on unauthorised works | 3 | In some respects the team are restricted by the powers available to use; Also some cases we can achieve compliance through negotiation/remedy the breach before formal action is necessary. Need to be fair and proportionate |
| | Should not allow retrospective applications | 2 | Mechanisms exist in the planning system to consider applications retrospectively. |
| | Time taken to enforce | 5 | Enforcement action can take a long time to progress, the document acknowledges this and manages expectations accordingly |
| | Knowledge - who should Members approach directly | 1 | The document advises how to make complaints in a clearer way. |
| | Lack of communication/no updates/need to know when something will happen | 3 | New policy document introduces timelines for feedback to help manage expectations; the document is intended to be more customer focused |
| | Too quick to push back and make it difficult to report | 1 | Completing the form is helpful for officers, we |

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| | potential breaches | | ask for specific questions to be answered in order to give more help and guidance to the officer when commencing an investigation. The information received can help expedite cases |
| | Too many 'not expedient' to enforce | 1 | It is important to work within legislation |
| | Inconsistency of enforcement action | 1 | All cases are investigated in a fair and proportionate manner. |
| Specific Enforcement Issues | Non-enforcement of conditions & non-compliance with approved plans | 3 | One of the new uniform module that the service is introducing is condition monitoring. |
| | Non-compliance with s106 | 1 | We have a monitoring officer that does monitor implementation/non-compliance of s106 |
| | State of buildings | 1 | All of the criteria listed are included in the document except graffiti which is covered by other departments. |
| | Historic building maintenance | 1 | |
| | Historic building changes | 1 | |
| | Graffiti - who is responsible | 1 | |
| | Party Houses that were given consent as a domestic dwelling | 1 | |
| | Unauthorised works - loft conversions/basements | 1 | |
| | Overlarge extension, especially those that overlook gardens | 2 | |
| | Front garden hardstanding | 1 | |
| | Lighting installed without permission | 1 | |
| | Estate agent boards on council land - took too long to get them removed | 1 | |
| | Signs in Conservation Areas | 1 | |
| | Ecology/reptile method statement - who enforces? What are the penalties if any? | 1 | |
| | Accumulation of HMOs - need an impact study | 3 | |
| | Extensions to HMOs to intensify HMO uses should be stopped | 1 | |
| | Stronger enforcement on HMOs | 2 | |
| HMOs on the quiet | 1 | | |
| Street frontage alterations | 1 | | |

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| Empty properties | 1 |
| Drop kerbs | 1 |
| Unauthorised changes of use | 1 |
| Householder developments & lack of knowledge about permitted development | 3 |

Exercise 2:

Do you think the timescales are appropriate? If not what is acceptable?

| Issue | Commentary |
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| Timescales vs action | Officers need to work within the parameters of the laws/legislation and powers that we have |
| Are holidays included in the limits | Yes - we would try and consider extended periods of leave when allocating cases, although depending on incoming cases and overall cases this may not be possible |
| How long? | Enforcement investigations can be time consuming – included in the document is a mechanism at 8 weeks post receipt of the complaint for officers to provide an update |
| No breach timescale for informant | Yes the document does include this |
| Medium impact quicker Lower impact slower | Agreed and is in the document |
| Need flexibility for emergencies | The document does include caveat for re-prioritisation |
| Consider urgency whatever impact and accelerate more urgent matters even if low impact | As above comment |

Do you agree with the priorities? If not how should they be split?

| Issue | Occurrence | Commentary |
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| Difficult to decide which category - subjective, especially the wording of high impact | 1 | The priorities are based on impact and those of high impact include those works that can be irreplaceable or have the most impact on communities |
| Establish a relationship with specific planning officer/enforcement officer for major developments | 1 | Difficult as the planning case officer will not be the same as the enforcement officer - there will be discussions between the different officers but it is unlikely they will lead the enforcement case |
| Priorities are reactive not proactive which seems counter-intuitive | 3 | Given the resources it is difficult for the team to prioritise pro-active work; however, the Field Officer is likely to manage 215 work, which could be pro-active. |
| Having the priorities ignores | 2 | Not necessarily as some of the criteria in |

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| the suburbs | | Level 1 could equally apply to all areas of the city and depends on the nature of the breach and the circumstances of the site. |
| Substantial works including demolition in conservation areas should be high priority | 1 | Changed to Level 1 |
| Where are works to Listed Buildings? | 1 | Level 1 |
| Where is 215 works categorised? | 2 | Level 2 |
| Add to development of change of use with serious implications on environment and should be high priority | 1 | Suggestion incorporated |
| HMOs should be high priority | 5 | HMOs have been categorised as Medium priority - this is considered appropriate. Whilst it is acknowledged HMOs can have an impact on neighbouring occupiers, unauthorised works are not irreplaceable in the same way as some of the works identified as Level 1. In addition, the different levels does not mean a visit will not take place. |
| Breaches of condition should be high impact and should be triaged | 3 | As above |
| Supports Prioritisation of cases | 1 | Comment noted |

