

Agenda



Contact: Candida Basilio, Democratic Services
Telephone number: 07895 213820
Email: candida.basilio@southandvale.gov.uk
Date: 20 January 2023
Website: www.whitehorsedc.gov.uk

A meeting of the **Scrutiny Committee** will be held on Monday, 30 January 2023 at 7.00 pm

At Abbey House, Abbey Close, Abingdon OX14 3JE

To watch this virtual meeting, follow this link to the council's YouTube channel:
<https://www.youtube.com/channel/UCTj2pCic8vzucpzlaSWE3UQ>

Members of the Committee:

Councillors:

Nathan Boyd (Chair)
Jerry Avery
Ron Batstone (Vice chair)
Eric De La Harpe
Hayleigh Gascoigne
David Grant
Patrick O'Leary
Ben Mabbett
Max Thompson

Alternative formats of this publication are available on request. These include large print, Braille, audio, email and easy read. For this or any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting.

Patrick Arran
Head of Legal and Democratic

Agenda

Open to the Public including the Press

1. Apologies for absence

FIELD_PAGE_RANGED

To record apologies for absence and the attendance of substitute members.

2. Minutes

FIELD_PAGE_RANGED

To adopt and sign as a correct record the Scrutiny Committee minutes of the meeting held on 14 November 2022.

3. Declarations of interest

FIELD_PAGE_RANGED

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

4. Urgent business and chairman's announcements

FIELD_PAGE_RANGED

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chairman.

5. Work schedule and dates for all Vale and Joint Scrutiny meetings

FIELD_PAGE_RANGED

To review the attached scrutiny work schedule. Please note, although the dates are confirmed, the items under consideration are subject to being withdrawn, added to or rearranged without further notice.

6. Public participation

FIELD_PAGE_RANGED

To receive any questions or statements from members of the public that have registered to speak.

REPORTS AND ISSUES FOR THE CONSIDERATION OF THE SCRUTINY COMMITTEE

FIELD_PAGE_RANGED

7. Revenue Budget 2023/24 and Capital Programme to 2027/28 - budget briefing

FIELD_PAGE_RANGED

To receive a briefing on the revenue budget 2023/24 and capital programme to 2027/28 from the Head of Finance and for Scrutiny Committee to ask the Head of Finance and Cabinet Member for Finance and Property Assets questions.

8. Revenue Budget 2023/24 and Capital Programme to 2027/28 - Cabinet report

FIELD_PAGE_RANGED

For scrutiny committee to consider the report of the Head of Finance and make any recommendations to Cabinet (papers to follow).

9. Planning Enforcement Statement

FIELD_PAGE_RANGED

Scrutiny Committee is asked to consider the progress of the new approach to planning enforcement, as set out in the Planning Enforcement Statement 2021, and provide any comments to the Cabinet Member for Development and Infrastructure.

Minutes

of a meeting of the

Scrutiny Committee



held on Monday, 14 November 2022 at 7.00 pm
at Abbey House, Abbey Close, Abingdon OX14 3JE

Open to the public, including the press

Present:

Councillors: Nathan Boyd (Chair), Ron Batstone (Vice-Chair), Paul Barrow (Sub), Samantha Bowring (Sub), Eric de la Harpe, Ben Mabbett, Patrick O'Leary and Val Shaw (Sub)

Officers: Candida Basilio, Democratic Services Officer

Guests: Councillor Emily Smith, Council Leader.

Officers: Simon Hewings, Head of Finance, Eliot Ward, Interim Masterplanning Lead, Aileen David, Principal Place Officer, and Trevor Gaffney, Revenues and Benefits Manager

1. Apologies for absence

Apologies received from:

Councillor Jerry Avery, and Councillor Val Shaw was present as substitute.

Councillor Max Thompson, and Councillor Samantha Bowring was present as substitute.

Councillor Hayleigh Gascoigne, and Councillor Paul Barrow was present as substitute.

Councillor David Grant sent apologies but could not find a substitute for the meeting.

It was noted that Councillor Emily Smith (Council Leader) was present to introduce both papers this evening, as Cabinet Member for Finance and Corporate Assets, Councillor Andy Crawford, sent apologies.

2. Urgent business and chair's announcements

Chair ran through housekeeping matters.

3. Declaration of interests

In respect of agenda item 9, Councillors Bowring and De La Harpe declared interest, as members of Abingdon Town Council. Although they could take part in discussion, they would have to leave the room during debate and could not vote should a recommendation be put forward.

4. Notes of the last meeting

Resolved:

The minutes of the meeting on 22 September 2022 were noted as a correct record and will be signed as such by the chair.

5. Public participation

None.

6. Work schedule and dates for all Vale and Joint scrutiny meetings

No comments raised.

7. Council Tax Reduction Scheme (CTRS) Review

Leader of the Council introduced the report. The committee were invited to review the proposed council tax reduction scheme that will be adopted for the financial year 2023/24, until such time as members wish to change the scheme and make any recommendations to the Cabinet member for Finance.

The council was required by statute to adopt a scheme to help those on low incomes to meet their council tax liability. In accordance with the strategic objective “running an efficient council” by having a scheme we meet this objective whilst, at the same time, considering the views of residents, service users and other stakeholders.

It was proposed to reverse three of the amendments made to the scheme that were approved from April 2014 in light of the cost-of-living crisis and mounting debt risk.

In summary, it was proposed the changes will:

- i. provide greater support for low income working individuals and families that have previously been penalised financially and
- ii. Provide a fairer council tax reduction scheme for all residents on a low income.

It was suggested for 2023-24 onwards, that the same 2022-23 scheme be adopted but with the following amendments as detailed in the report:

1. to remove the 91.5 per cent limit when calculating the council tax bill, and remove the band E restriction for all applicants, so that their CTR is calculated at 100 per cent of their council tax bill after any deductions and based on their property’s actual council tax band.
2. to reinstate Second adult rebate

Cabinet had approved the changes, but scrutiny was welcomed to review and provide further comments to the Cabinet member for Finance.

Committee asked questions. A member asked how this affected Parishes. Officer responded that there would be a reduced tax base, but this would affect across all parishes and doesn’t affect Parish pre-set.

There was discussion about the history of legislation about CTRS and how councils set up their own schemes.

Council Leader explained that it benefitted 1,400 applications, but also created efficiencies for the council.

Officers were thanked for a clear and concise report on CTRS.

Resolved:

Committee noted the CTRS report and members considered it to be a good report and a good scheme to progress.

8. Exclusion of the public

Resolved:

Committee voted in favour of exclusion of the public for a confidential item.

9. Central Abingdon Regeneration Framework

Committee noted a report and provided their views to the Council Leader and officers.

The meeting closed at 20.30

Chair:

Date:

Draft

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Scrutiny work programme

1 January 2023



MEETING	AGENDA ITEM	PURPOSE	CABINET MEMBER	CONTACT OFFICER
Scrutiny Committee 30 Jan 2023	Revenue budget 2023/24 and capital programme 2023/24 to 2027/28		Councillor Andy Crawford	Simon Hewings simon.hewings@southandvale.gov.uk
Scrutiny Committee 30 Jan 2023	Review of the Planning Enforcement Statement		Councillor Bethia Thomas	Emma Turner emma.turner@southandvale.gov.uk
Joint Scrutiny Committee 27 Feb 2023	BOB (Buckinghamshire, Oxfordshire and Berkshire West) Integrated Care Partnership's (ICP) strategic priorities		Councillor Helen Pighills	Jayne Bolton jayne.bolton@southandvale.gov.uk

Page 11

Agenda Item 5

MEETING	AGENDA ITEM	PURPOSE	CABINET MEMBER	CONTACT OFFICER
---------	-------------	---------	----------------	-----------------

Items for future meetings (dates to be determined)

Joint Scrutiny Committee 27 Feb 2023	Oxfordshire Electric Vehicle (EV) Infrastructure Strategy / EV Charging Points		Councillor Sally Povolotsky	Harry Barrington-Mountford harry.barrington-mountford@southandvale.gov.uk
Scrutiny Committee 13 Mar 2023	The Beacon future use		Councillor Andy Crawford	James Carpenter james.carpenter@southandvale.gov.uk
Joint Scrutiny Committee	Joint Local Plan		Councillor Debby Hallett	Andrew Lane andrew.lane@southandvale.gov.uk
Joint Scrutiny Committee	Flooding - partnership roles and responsibilities		Councillor Neil Fawcett	Andrew Down andrew.down@southandvale.gov.uk
Joint Scrutiny Committee	Future waste services		Councillor Sally Povolotsky	William Maxwell william.maxwell@southandvale.gov.uk
Joint Scrutiny Committee September 2023	Biffa annual contract performance		Councillor Sally Povolotsky	Ian Matten ian.matten@southandvale.gov.uk

MEETING	AGENDA ITEM	PURPOSE	CABINET MEMBER	CONTACT OFFICER
Joint Scrutiny Committee September 2023	Community Safety Partnership annual report		Councillor Helen Pighills	Diane Foster diane.foster@southandvale.gov.uk
Joint Scrutiny Committee September 2023	Saba car park annual performance report		Councillor Sally Povolotsky	John Backley john.backley@southandvale.gov.uk

Scrutiny Report

Report of Head of Planning

Author: Emma Turner

Telephone number: 07717 779171

Email: emma.turner@southandvale.gov.uk

Wards affected: All

Cabinet member responsible: Judy Roberts

Email: Judy.roberts@whitehorsedc.gov.uk

To: SCRUTINY

Date: 30 January 2023

Review: Planning Enforcement Statement

Recommendation

- (a) that Scrutiny Committee considers the progress of the new approach to planning enforcement, as set out in the Planning Enforcement Statement 2021, and provide any comments to the Cabinet Member for Development and Infrastructure.

Purpose of report

1. To seek Scrutiny Committee's comments on the implementation of the new approach to managing planning enforcement work as set out in the Planning Enforcement Statement (December 2021).
2. To inform progress made in the last 12 months in reducing the on-hand enforcement case work to enable improvement in the performance of timely responses to investigations.

Corporate Objectives

3. The investigation and actions to mitigate planning harm supports the Corporate Plan, 2020 - 2024, themes of 'Providing the Homes People Need' and "Building Healthy Communities".

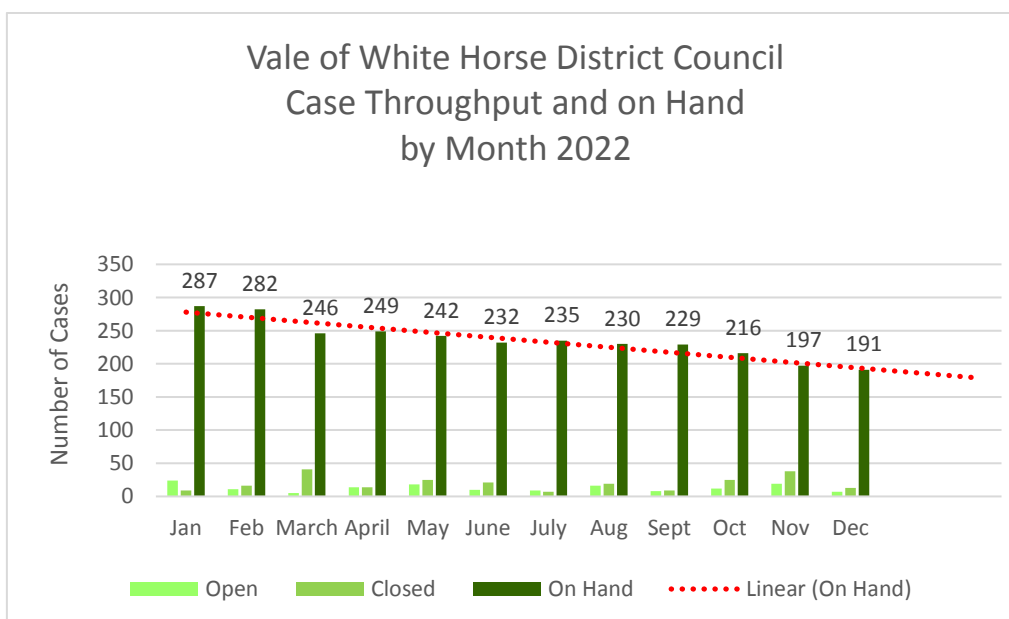
Background

4. A review of the enforcement team took place in 2021. There were fifteen operational improvements and one procedural update recommended. The procedural update was a review of the 2016 Planning Enforcement Statement and the introduction of a more formal triaging process. The review has enabled officers to improve transparency of decision making and efficiency in working, which has allowed greater focus on the issues with the potential to cause unacceptable planning harm.
5. The new Planning Enforcement Statement was agreed and adopted by both Cabinets in December 2021. Presentations and interactive sessions were conducted by officers in December and January for district, town and parish councillors and were all well attended.
6. Scrutiny Committee first considered the new approach to planning enforcement in November 2021 and resolved to request a 12-month progress report, which was supported by Cabinet.
7. This report presents a review of the new approach to working as set out in the Enforcement Statement and an assessment of performance up to the end of December 2022.

Managing caseload

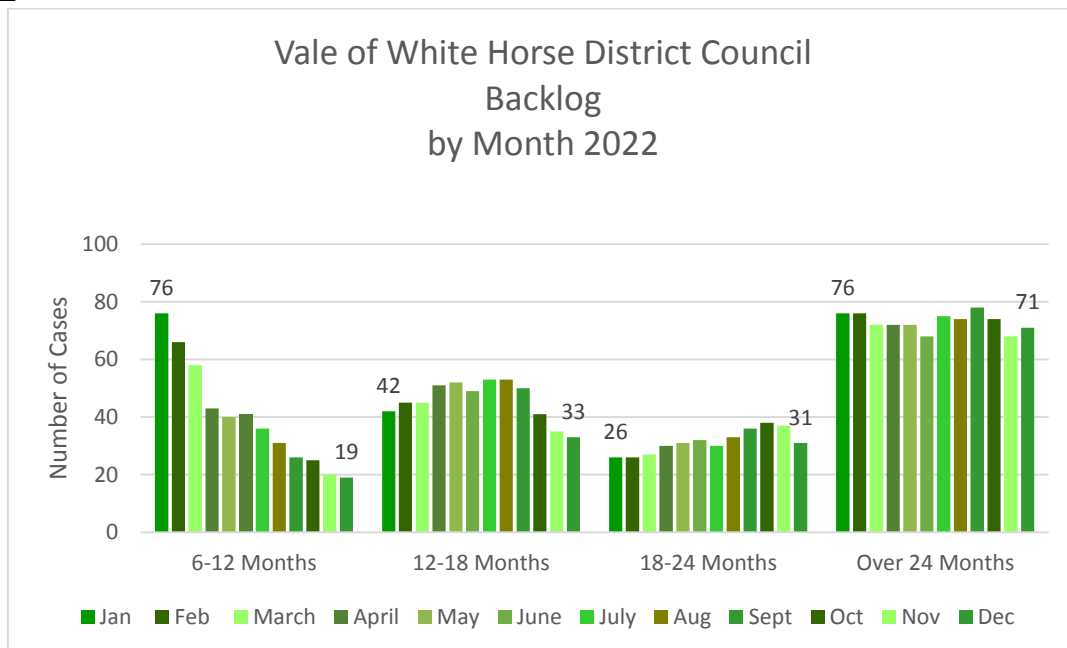
8. To assist improvement in timely responses for new investigations, our approach was to first improve the management of existing case throughput, by more regular reviews. Planning enforcement case throughput and on-hand monitoring for 2022 is set out below in Graph 1.

Graph 1



9. With additional temporary resources, over the last 12 months the number of on-hand cases since the introduction of the new statement and triaging process has reduced to under 200 cases. Maintaining this position or below is considered sustainable with the established resourcing. The council's position bucks the national trend (RTPI research paper; November 2022) where 89% of respondents (a third of England councils) confirmed they were working with an unmanageable backlog of work.
10. During the year there have been challenges in team recruitment. Our experience is however consistent with other councils as evidenced through the RTPI research paper where over 72% of respondents have had problems recruiting enforcement officers in the last five years.
11. We have recently been successful in our team recruitment, from elsewhere in the council. However to ensure the team is able to complete its work to continue to clear the backlog two officers have been seconded from the wider planning service. The aim is to clear the backlog of work by the end of March 2023.
12. Graph 1 shows that the reduction in case closures slowed during the summer, but improved from September which was mainly due to securing resources through recruitment to vacancies. However we currently have a fully resourced team and expect the on-hand trend to continue to fall.
13. A breakdown of the on-hand casework older than 6 months is set out in Graph 2.

Graph 2



14. The graph shows the significant drop in cases that are up to 12 months old. There is a mixed picture with older cases. The data shows a significant number of cases are open for long periods of time. This is for a variety of reasons. Cases are required to remain open to ensure compliance with notices served and so that we can monitor compliance with actions we've specified to remedy a breach of planning control or compliance with conditions e.g. relating to seasonal planting periods. Cases also remain open while we wait for planning applications to be determined and we have a number of cases that

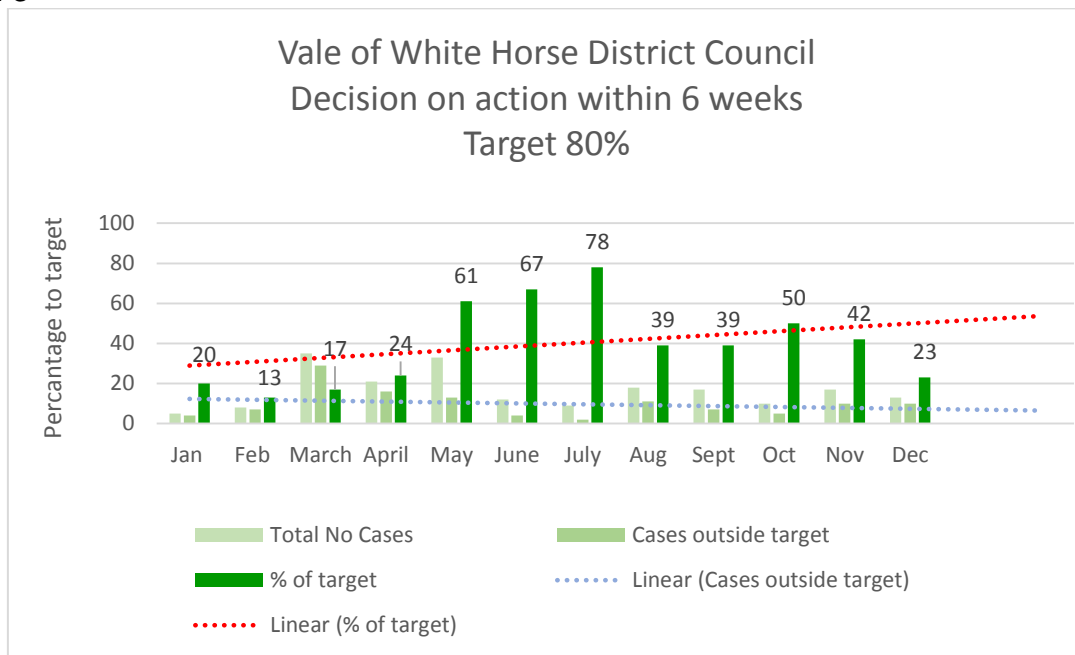
have been waiting over 12 months for appeals to be heard or for prosecution proceedings in the courts.

15. These issues are part of the planning enforcement process and limited improvement can be undertaken, other than ensuring regular case reviews.

Performance

16. Since April we have monitored our efficiency target of deciding a course of action for 80% of cases within six weeks of case allocation. The composite graph 3 below shows that we are making progress towards our target. We had expected to meet the target by the end of 2022, however due to a combination of resource challenges mentioned above and several new complex cases (e.g., gypsy and traveller investigations), this has not been possible. The drop in performance reflects the resource changes during the summer. However, with the on-hand case number expected to continue to fall, and with the wider use of team resources, we expect to meet the target and sustain performance by March 2023.

Graph 3



Customer feedback and triage review

17. As part of the revised Enforcement Statement (2021) we introduced the risk-based approach to rate the impact of a planning breach (harm assessment and scoring). In July 2022 we reviewed the feedback following the agreed changes. In the first six months we had 15 requests to review the investigation decision or to provide further clarification. Using this feedback, adjustments have been made to improve responses to customers and a fuller explanation of our decision is provided. Since this change, the requests for review have fallen to four.

18. Some customers and Parish Councils continue to ask why they are not provided with regular updates. We have set out our reasons in the Enforcement Statement but in addition we think it helpful to give a more detailed explanation.
19. When releasing information relating to planning matters, we recognise the need to protect personal data. For non-personal data we follow the Environmental Information Regulations 2004 (EIR) in considering what can be released and to evaluate if any exceptions apply for withholding information.
20. EIR regulation 12(5)(b), permits the refusal to disclose information that would adversely affect formal legal proceedings, whether criminal or civil, including enforcement proceedings. This exception is subject to a public interest assessment.
21. We recognise the strong interest in openness and transparency and consider this is met through promoting better public understanding of the planning enforcement processes (e.g., Enforcement Investigation Process Page 12, Enforcement Statement 2021).
22. Although there is also an obvious personal interest by informants wanting details of specific investigations, we must consider the release of information fairly and equally. An important factor against releasing progress reports on individual investigations for example is that the council's ability to instigate a prosecution and/or to take action may be compromised. On balance and respecting expert advice, we consider there to be stronger arguments in favour of withholding the information during the investigation stage. This is considered best practice and all information is available for viewing (subject to GDPR etc) once an investigation has been completed.
23. In arriving at this decision, we reviewed advice given by the Information Commissioner's Office (ICO), as the supervisory body for information access rights, and considered decisions made by the ICO for similar case.
24. Officers have also reviewed whether the triaging threshold (harm assessment) score is set at the right level to ensure it captures cases with the potential for the most planning harm. Officers consider the level is appropriate but will continue to monitor this process to ensure it continues to meet the objective: to capture cases with the potential for most planning harm.

Climate and ecological implications

25. In maintaining public confidence in the planning system (NPPF), the revised Planning Enforcement Statement helps ensure new development and relevant planning conditions support climate and biodiversity mitigation.

Financial implications

26. There are no financial implications because of this report.

Legal implications

27. Legal implications regarding information sharing are contained within the report.

Conclusion

28. Overall, the improved Planning Enforcement Statement is working and achieving its objective, to capture cases with the potential for most planning harm and to improve transparency of decision making and efficiency in working.

29. The performance has been an improvement on previous years, both in reducing the on-hand case work and managing case throughput, but there is room to improve, particularly on performance of timely responses.

30. Resources has had an impact on the team and its ability to improve performance. Management will investigate how best to improve team resilience.

31. At this stage, there is nothing suggested to further improve the Statement as adopted.

Recommendation

32. That Scrutiny Committee considers the progress of the new approach to planning enforcement, as set out in the Planning Enforcement Statement 2021, and provide any comments to the Cabinet Member for Development and Infrastructure.

Appendix 1

Planning Enforcement Statement December 2021

Background papers

Further details from the RTPi research can be found using the URL below:

<https://www.rtpi.org.uk/media/13292/planning-enforcement-resourcing-report-final.pdf>

Planning Enforcement Statement

Introduction

As the local Planning Authority, we have a duty to ensure developments are in line with the latest planning guidance and regulations and the details of any planning permission we have granted.

We will look into all reports of breaches of planning control and where it is confirmed, assess the level of planning harm to determine our next steps. This is so we can prioritise and intervene more quickly on cases that are causing or have the potential to cause significant planning harm.

Our approach is to work positively and constructively with anyone responsible for a breach and where the development is causing significant planning harm, agree reasonable remedial options. It is not to punish everyone that carries out inappropriate or unauthorised work.

We are grateful to those who report potential breaches as it helps us in our role to protect the district from planning harm, though it's important to note that all investigations are carried out on behalf of the district council, rather than those reporting them or any third parties.

You can find links containing more details on the legal and national policy that we work to at the end of this document.

Mission Statement

We will investigate breaches of planning control in a timely manner and take effective action in the public interest where unacceptable planning harm is identified.

We will do this by

- Prioritising cases with the greatest planning harm.
- Making decisions in each case in accordance with planning law, national policies, guidance and the adopted development plan.
- Only intervening when in our view action is necessary and proportionate given the scale of the planning harm.

We do this to

- Ensure the integrity of the planning system and decision-making process.
- Support our local communities and protect them from inappropriate development.
- Support the objectives set out in councils' Corporate Plans.

Our commitment

- We will acknowledge all reports of alleged breaches of planning control within two working days.
- We will prioritise the cases with the potential to cause the most planning harm.
- We will aim to complete our investigations and decide on what action to take within six weeks of a case being considered, in 80 per cent of our cases.
- We will notify those reporting suspected breaches of the outcome of the investigation in writing once it has been concluded.

What we will /will not do

- We carry out our investigations on behalf of the council, not on behalf of the those reporting a breach or any third parties – who we are very grateful to for being our eyes and ears on the ground.
- Formal enforcement action is at our discretion.
- We cannot accept anonymous information directly. Anyone wishing to report a suspected breach and remain anonymous needs to approach their local district councillor or parish council representatives to do this on their behalf.
- For data protection reasons, we cannot provide updates on ongoing cases, even to those reporting suspected breaches.
- Unless a suspected breach relates to a listed building, we can only consider taking action against building work that has taken place in the last four years.
- We cannot take formal action against the following if they've been in place for more than 10 years:
 - Material changes of the use of land
 - Breaches of planning conditions
 - New dwellings built without planning permission
- We cannot get involved in neighbour disputes.
- We cannot consider reports that are not planning issues, such as:

<ul style="list-style-type: none">• Obstruction of a highway or public right of way• Parking of commercial or other vehicles on the highway in residential areas or on grass verges	These matters are either subject to Oxfordshire County Council controls or if there is a highway safety issue can be reported to the police
--	---

<ul style="list-style-type: none"> • Trespass on land • Deeds and covenant restrictions • Boundary disputes 	<p>These are private matters not dealt with under planning legislation. Details of the Party Wall Act 1996 can be found on line at; https://www.gov.uk/party-wall-etc-act-1996-guidance. Any advice on civil matter should be sought from a solicitor, or the Citizens Advice Bureau.</p>
<ul style="list-style-type: none"> • Clearing land of hedges, bushes or undergrowth 	<p>Unless subject to Ancient Hedgerows Regulations 1997. Details can be found at https://www.gov.uk/countryside-hedgerows-regulation-and-management</p>
<ul style="list-style-type: none"> • Internal works to a non-listed building 	<p>Structural works may be subject to building control regulations. The councils' building control team can be contacted at: http://www.southoxon.gov.uk/services-and-advice/planning-and-building/building-control</p>
<ul style="list-style-type: none"> • Parking a caravan within the curtilage of a residential building provided its use is incidental or ancillary to the main dwelling. 	<p>In most cases caravans are not classed as buildings and therefore it is their use that is subject to planning controls. However, if you are in any doubt contact the planning department for advice</p>
<ul style="list-style-type: none"> • Insertion of additional windows in residential dwellings. 	<p>Once a building has been occupied windows may be inserted into existing walls provided there is not a planning condition to prevent the insertion of additional windows or a restriction set by permitted development rights</p>

<ul style="list-style-type: none"> • Health and safety issues including noise and activity on building sites 	<p>These matters are ordinarily the responsibility of the Health and Safety Executive. They can be contacted at: http://www.hse.gov.uk/contact/contact.htm</p>
---	--

Reporting an alleged breach of planning control

Before making an allegation

- Check the council's Planning Permission Register (links below) to see if planning permission has recently been granted for the development.

South Oxfordshire District Council

<https://www.southoxon.gov.uk/south-oxfordshire-district-council/planning-anddevelopment/comment-on-planning-applications/find-and-comment-on-a-planningapplication/>

Vale of the White Horse District Council

<https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/planning-anddevelopment/comment-on-planning-applications/find-an-application-and-comment/>

- Have all the details needed to hand - location including the address and post code or grid references, nature and scale of alleged breach
- Read our privacy statement to understand how we will process and protect people's personal data.
- Bear in mind that investigations are on behalf of the district council and not those reporting alleged breaches

We can only accept reports through our online form as it ensures we have the minimum information needed to consider the matter. Anyone unable to access the online form can contact Customer Services for advice on how to report a suspected breach.

We may need further information to aid our investigations, so it is important contact details are provided.

Privacy Statement

You have the right to be informed what the council does with your personal data in accordance with the [Data Protection Act 2018](#) and UK General Data Protection Regulation (UK GDPR). We do this through this privacy notice in addition to that information provided on our [privacy page](#) such as your rights over your information.

Purpose of the processing	The information we collect is for the purposes of investigating an alleged breach of planning control.
How we collect your data	<p>This is information you provide to us directly, such as when you give us the referral form, contacting us about our services by email, post, telephone, completing forms or online applications.</p> <p>We also need to obtain evidence of uses of land or buildings or other operations by individuals from various sources and organisations including but not limited to:</p> <ul style="list-style-type: none"> • internet, • social media, • Parish Councils and Town Councils • Land Registry and • other councils services and government departments. <p>We are only able to collect your data for the described purposes.</p>
Lawful basis for processing personal data	We only process your personal data where we have a lawful reason to do so as set out in Article 6 of UK GDPR which, for planning enforcement, is that of public task with a basis in law.
Categories of personal data being processed	<p>The types of personal data, in UK GDPR terms, which we use are:</p> <ul style="list-style-type: none"> • Your name • Address • Contact details • Images • Records of land ownership • Companies House records • Financial records
Special categories of personal data being processed (if appropriate)	<p>The types of special category personal data, in UK GDPR terms, which we use may include:</p> <ul style="list-style-type: none"> • Health records
Condition for processing special categories of personal data	The UK GDPR requires us to have additional conditions for processing special category personal data. For planning enforcement this is reasons of substantial public interest with a basis in law.
Processing of personal data relating to criminal convictions and offences	In GDPR terms the definition of criminal data is broad and includes allegations of offences whether proven or unproven and which may result in criminal or civil proceedings. Therefore, the nature of what we are investigating may involve criminal data information.

Who the data may be shared with	<p>We may share your personal information when there is a legal duty to do so, or we feel there's a good reason that is more important than protecting your privacy. This doesn't happen often, but we may share your information:</p> <ul style="list-style-type: none"> • In the event of litigation arising from your complaint where we are required to disclose the data. • Where we are required in law to make a disclosure to another public authority (or its agents). • Where the land you have identified is under the planning control of another planning authority • in order to find and stop crime and fraud • if there are serious risks to the public, our staff or to other professionals • to safeguard the protection of a child or vulnerable adult <p>The council is under a legal duty to protect the public funds it administers. To do this we may use the information you have provided to the council for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.</p>
Sharing data outside United Kingdom	We process your data within the UK.
Automated decision making	We do not use automated decision making for planning enforcement functions.
How Long Will the Data be Kept For?	Your data will be kept in perpetuity. Whilst immunity in the planning Act is 4 and 10 years, the evidence collected is an important chapter in the planning history that can inform later investigations.

Please see further details about the councils' privacy policies using the links below:

South Oxfordshire district Council

<https://www.southoxon.gov.uk/south-oxfordshire-district-council/about-the-council/privacy/privacy-policy/>

Vale of the White Horse District Council

<https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/about-the-council/privacy/privacy-policy/>

What happens when we receive a report of a breach?

- We will acknowledge receipt of the form within two working days.
- We will review the information provided and if there is a breach of planning control, we will triage the case to assess the level and scale of planning harm using the process set out in Appendix 1 and whether it meets the threshold for a site visit.
- If the breach exceeds our threshold, an officer will carry out a site visit and any further investigation necessary in accordance with our site visit priorities (see below).
- Cases under the threshold will be assessed without a site visit.
- It can take many weeks to investigate and resolve a planning enforcement case. e.g., there is a statutory three-week period if we serve a Planning Contravention Notice and there is an eight- or thirteen-week period for consideration should the developer decide to submit a planning application part way through the enforcement investigation.

Please see the flowchart at the end of this document that illustrates the enforcement investigation process.

Site visit priorities

Priority 1	Site visit within 48 hours
<ul style="list-style-type: none">• Permanent damage to the environment e.g. demolition or significant alteration to a listed building• Unauthorised works to a protected tree (by Preservation Order or planning condition) or qualifying trees in a conservation area.	
Priority 2	Site visit within 10 working days
<ul style="list-style-type: none">• Less immediate but harmful development with potential to escalate e.g. buildings part constructed and works in progress• Major development site building works just commenced This does not include land clearance of shrubbery etc• Development within 12 months of immunity	

- Other breaches likely to remain stable
e.g. development that has been completed
- Non-compliance with planning conditions
- Display of advertisements unless details given give rise to concerns about highways safety
- Breaches of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended) known as PD rights.

We will not provide progress updates on live investigations

There are several reasons why we will not provide updates:

- We have a duty under the Data Protection Act 2018 and UK General Data Protection Regulations to protect the personal data for the person responsible for the breach and the person reporting it.
- The information is likely to be exempt from releasing under the Freedom of Information Act 2000/Environmental Information Regulations 2004 whilst live investigations are ongoing.
- The need to maintain confidentiality and impartiality while we investigate live cases and divulging information could prejudice this.

This includes providing updates on live cases on our websites, which are no longer available. We can and will however inform those that report a perceived breach the outcome of the investigation.

Enforcement Register

We are legally required to maintain an Enforcement Register. This Register contains details of formal notices served including the address, the breach identified, the date for compliance and when the notice was complied with. Notices will only be removed from the Register if they are formally quashed at appeal or by the courts or withdrawn by the council.

All notices remain part of the planning history. Please follow the links on the next page to view the registers.

South Oxfordshire District Council

<https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=EnforcementNoticeCriteria&TYPE=EnforcementNotice>

Vale of the White Horse District Council

<https://data.whitehorsedc.gov.uk/java/support/Main.jsp?MODULE=EnforcementNoticeCriteria&TYPE=EnforcementNotice>

Possible outcomes of our investigations

No breach

We will not take any further action if we establish there hasn't been a breach of planning control.

Voluntary compliance

This is where the person responsible for the confirmed breach agrees to stop/remove the unauthorised work or submits a retrospective application that is approved. In this situation we will not take any further action.

Not expedient

Where there has been a confirmed breach of planning control, but the level of planning harm is assessed to be low or officers are satisfied planning permission would be granted without conditions, no further action will be taken.

Lawful due to the passage of time

This is where a confirmed breach of planning control has been in place for a long time and has become lawful. In this situation we cannot take any further action.

Serving an Enforcement Notice

An Enforcement Notice will clearly state:

- The matters that constitute a breach of planning control
- The steps required to remedy the breach of planning control
- The date by which the steps to remedy the breach must be completed
- The process for appealing the notice

Serving a Breach of Condition Notice

This will require the person responsible to comply with a condition that has been made through granting planning permission. There is no right of appeal to this notice.

Serving a Stop or Temporary Stop Notice

These are used to stop unacceptable activity on land. This can only be served in conjunction with an Enforcement Notice referred to above. It expires after 28 days.

Serving a Section 215 Notice (Untidy land)

These notices require the person responsible to properly maintain land or buildings. They will set out what the issue is, what the person needs to do and the timeframe to comply. Appeals against these notices can only be considered by the Magistrates Court.

Contacting the person responsible

We will not contact the person responsible if we're able to assess reports of perceived breaches of planning control without disturbing them and where we find one has not occurred.

If we contact anyone about their development or activity, it's to work with them to resolve any concerns. This could be an unannounced site visit, or by telephone or letter.

Powers of Entry

We have legal powers to enter land and/or premises to undertake our official duties, and the wilful obstruction of an officer exercising a right of entry is a criminal offence. On entry we will always identify ourselves and can provide written authority. We will give twenty-four hours' notice before visiting someone's home.

- We will ask for information to understand the nature of the development undertaken.
- We may need to inspect, measure and take photos.
- We will consider the development or activity on its merits against planning law and local and national planning policies and guidance.
- If we confirm a breach of planning control has taken place that would not be granted planning permission and causes planning harm, we can take formal action.
- We will always provide information on what the options are to resolve any breaches identified.
- We would normally give people the opportunity to remedy any breach before taking any formal action.

Planning Contravention Notice (PCN)

As part of our investigation, we may serve a PCN. This notice allows us to formally require the person responsible for a breach to answer questions and provide information needed for enforcement purposes e.g., details of operations being carried out, any use of, or any activities being carried out on the land. It also gives

those in receipt of these notices the opportunity to provide any additional information relevant to the situation and to put forward remedial options.

Planning Enforcement Order (PEO)

Where there has been a deliberate concealment of a breach of planning control, we may apply to the Magistrates Court for a PEO. Where a PEO is granted we have one year and 22 days to serve an enforcement notice irrespective of how long ago the breach first occurred. The four year and 10 year periods for immunity do not apply.

Enforcement Investigation Process

Step 1

Report Received

The best way to report a matter to us is through our online form on our website. Please remember to include your telephone number and as much detail as possible.

Step 2

Triage/ Initial assessment

The information will be assessed to see if it is a breach. If there is no breach you will be informed in writing and the enquiry closed. Breaches will be scored using the triage/harm assessment process to see if the issue meets our threshold for a site visit and further investigation. If the score does not meet the threshold you will be informed in writing and the case will be closed as not expedient.

Step 3

Case required

Further investigations are necessary. A case will be allocated and an acknowledgement letter will be sent to you providing the reference number of the case.

Step 4

Investigations underway such as:

☑ Site visit ☑ Meeting with owner/occupier ☑ Consider legislation and guidance. Consider third party evidence ☑ Discuss with other council teams or other agencies ☑ Land registry searches ☑ Obtaining information via formal notices (Planning Contravention Notice, Requisition for Information or Interview Under Caution)

Step 5

Breach confirmed

Not expedient - Write report and close the case
Expedient - Move to step 6

Step 6

Working to find appropriate outcome such as:

☑ Regularise with application ☑ Negotiate remedial works ☑ Negotiate removal of unauthorised works require use to cease.

Step 7

Negotiations successful

No - Continue to Step 8
Yes - Case will be closed and you will be informed of the outcome.

Step 8

Consider expediency of formal action:

Assess against local and national policy ☑ Consider the harm caused and the material planning considerations ☑ Consultee comments ☑ Consider relevant appeal decisions/ case law ☑ and Human Rights and equalities legislation.

Step 9

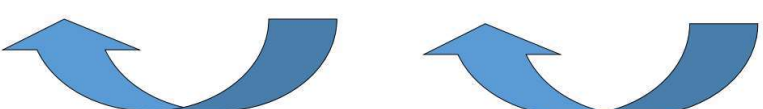
Commence formal action such as:

Draft notice and report ☑ Discuss implications with other teams including the councils legal team ☑ Gain authorisation in accordance with the council's constitution. Inform the local ward councillor. Preparation of documents for service.

16 weeks *

16 weeks *

30 weeks *



**timescales are approximate, some complicated cases may take considerably longer. A flexible approach must be taken, if circumstances change we may need to alter our course of action.*

Contacts and links to legislation and further information

Contacts

■ Development Management Team Leader (Enforcement)

South Oxfordshire and Vale of the White Horse District Councils,
135 Eastern Avenue
Milton Park
Milton
OX14 4SB
Phone: 01235 422600

■ Department for Levelling Up, Housing and Communities

The Government Department with overall responsibility for planning.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

■ Planning Inspectorate

The organisation responsible for the processing of planning and enforcement appeals.

Tel: 0303 444 5000.

Email: enquiries@pins.gsi.gov.uk

<http://www.planning-inspectorate.gov.uk/pins/index.htm>

■ Planning Aid

Provides free, independent, and professional town planning advice to communities and individuals.

Email: contact@rtpi.org.uk

<http://www.rtpi.org.uk/planning-aid/>

■ Planning Portal

The Government's online planning resource where you can learn about the planning system and research the latest government policy.

<http://www.planningportal.gov.uk/wps/portal/portalhome>

Legislation and National Policy

- **The Town and Country Planning Act 1990 (as amended)**

Part III Control Over Development

<https://www.legislation.gov.uk/ukpga/1990/8/part/III>

- **Town and Country Planning (General permitted Development) (England) Order 2015 (as amended)**

<https://www.legislation.gov.uk/uksi/2015/596/contents/made>

- **NPPF para 59 Section 4 Decision making**

<https://www.gov.uk/guidance/national-planning-policy-framework/4-decision-making>

Government Guidance

- **PD for Householders technical guidance**

<https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>

- **Enforcement and Post decision matters**

<https://www.gov.uk/guidance/ensuring-effective-enforcement#planning-enforcement-overview>

- **Use of Planning Conditions**

<https://www.gov.uk/guidance/use-of-planning-conditions>

Other useful links

- **Planning Portal interactive house visual guide to PD**

https://www.planningportal.co.uk/info/200125/do_you_need_permission/90/interactive_house

- **OCC - Fix My Street**

<https://fixmystreet.oxfordshire.gov.uk/>

Harm Assessment – Triage Scheme

Procedure for initial processing reported breaches of planning control.

Purpose

This document sets out the council's assessment procedure for handling identified breaches of planning control. It assesses the level of "planning harm" the breach is considered to cause and provides a process for efficiently closing cases.

Background

In the past when the council considered an alleged breach of planning control the case was not closed until a site visit had taken place and any breach of planning control remedied. This meant considerable resource being spent on pursuing minor breaches of planning control that were not causing harm to public amenity and/or interest.

The Scheme

The assessment is used for all allegations made to the council that are confirmed as breaches of planning control. The scheme allows officers to assess the information and grade the "harm" of the breach against a series of planning criteria.

The threshold for triggering a site visit and further investigation is a total score of five and above. Where the score is four or under, we will not pursue the breach due to the negligible impact on public amenity and/or interest being considered negligible.

Cases that don't meet the threshold will be closed and advisory correspondence sent to the informant that no action will be taken.

Operational Aspects

The assessment is part of our triage process, which we will complete within five working days of receiving a report. If a site visit is required, it will be prioritised in accordance with the priorities set out in the Enforcement Statement and allocated to an enforcement officer for further investigation.

Conclusion

The harm assessment approach provides:

- A quantitative and qualitative assessment of harm to public amenity/interest.
- An open and transparent process.
- A quick and effective method for processing reports of alleged breaches.
- A flexible system to make best use of our resources.
- Fair and consistent decision making.

The criteria and scoring are an effective way to identify minor/trivial breaches of planning control, as well as prioritising more serious breaches of planning control for officers to investigate further.

We will review this statement and approach on an annual basis

TRIAGE HARM ASSESSMENT FORM

Following the submission of an alleged breach of planning, an assessment is first made as to whether the issue is a breach of planning control. All confirmed breaches of planning control will be triaged to assess their harm and allocated scores. The total will provide its harm score.

Cases with a score of four or below will have had a desktop assessment without a site visit.

Points Allocation			Score
1	Is the breach:	a breach of condition (3) Worsening/ongoing (2) Stable (0) Score each issue	
2	Highway safety issue:	Yes (2) No (0)	
3	Other safety issues:	Yes (2) No (0)	
4	Causing/potential to cause a statutory or serious environmental nuisance	Yes (1) No (0)	
5	Age of breach:	Within 12 months of immunity (2) Over 12 months to immunity (0)	
6	Is there planning harm:	Widespread (2) Local (1) None (0)	
7	Irreversible harm: Biodiversity Protected species Trees Conservation area Listed Building	Yes (2) No (0) (2 points per issue)	
8	Flood Risk	Zone 3 (2) Zone 1-2 (1)	

		NFR (0)	
9	Listed building (or affecting the character or setting of a listed building)	Yes (3) No (0)	
10	Particularly sensitive site e.g. Conservation area, SSSI, AONB, Greenbelt Scheduled monument Listed Garden, Archaeological importance	Yes (1) No (0) (1 point per designation)	
11	Cumulative Impact?	Yes (1) No (0)	
TOTAL POINTS (HARM SCORE)			