



PARTNERSHIP DEVELOPMENT SCRUTINY COMMITTEE AGENDA

**Wednesday, 17th November 2021
at 7.15pm**

Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB

This meeting is open to the public and will be available to view via the Council's
webcast and YouTube channel
<http://www.braintree.gov.uk/youtube>

**Members of the Partnership Development Scrutiny Committee are requested to
attend this meeting to transact the business set out in the Agenda.**

Councillor J Baugh	Councillor Mrs J Pell
Councillor G Courtauld (Vice-Chairman)	Councillor Mrs J Sandum
Councillor Mrs M Cunningham (Chairman)	Councillor P Thorogood
Councillor A Hensman	Councillor Mrs L Walters
Councillor T McArdle	

Members unable to attend the meeting are requested to forward their apologies for absence
to the Governance and Members Team on 01376 552525 or email
governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking:

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk **by midday on the second working day** before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Friday, (where there is a bank holiday Monday you will need to register by midday on the previous Thursday).

The Council reserves the right to decline any requests to register for Public Question Time if they are received after the registration deadline.

All questions or statements should be concise and should be able to be read within 3 minutes allotted for each question/statement.

The Chairman of the Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

Public Attendance at Meetings:

Public attendance is welcomed, but is subject to restrictions due to the Council's arrangements for keeping Causeway House Covid secure and visitors safe.

Public attendance is limited and will be on a first come first served basis with priority given to Public Registered Speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Council's YouTube Channel and can be viewed by the public as a live broadcast, or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast, or to contact the Governance and Members Team to reserve a seat within the public gallery.

Health and Safety/COVID:

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

Anyone attending meetings is asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

Documents:

Agendas, Reports, Minutes and Public Question Time questions and statements can be accessed via www.braintree.gov.uk

Data Processing:

For further information on how the Council processes data, please see the Council's Privacy Policy.

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

Mobile Phones:

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording:

Please note that this meeting will be webcast . You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions:

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

PUBLIC SESSION

1 Apologies for Absence

2 Declaration of Interests - Scrutiny Committee

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1. To declare the existence and nature of any interests relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice (where necessary) before the meeting.
2. To declare the existence and nature of any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Committee or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote on any particular matter.

3 Minutes of the Previous Meeting

To approve as a correct record the minutes of the meeting of the Partnership Development Scrutiny Committee held on 13th October 2021 (copy previously circulated).

4 Public Question Time (See paragraph above)

5 Scrutiny Review into Enforcement Procedures - Draft 'Scrutiny' Report

Members are requested to give consideration to the draft report for the Scrutiny Review into Enforcement Procedures.

In drawing their recommendations for inclusion within the report, Members should bear in mind the Terms of Reference for the Scrutiny Review and the evidence collected thus far from witnesses and Lead Officers.

Members are also asked to note the information from Emma Goodings, Head of Planning and Economic Growth, in response to questions raised by the Chairman and Councillor Mrs Sandum.

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Urgent Business - Public Session

- ### **6**
- To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Report Title: Scrutiny Review into Enforcement Procedures – Responses from Emma Goodings	
Report to: Partnership Development Scrutiny Committee	
Date: 17 th November 2021	For: Noting
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Jessica Mann, Governance and Members Officer	
Enquiries to: Jessica Mann, Governance and Members Officer Jessica.mann@braintree.gov.uk	

1. Purpose of the Report

- 1.1 To ensure that the evidence base of the Partnership Development Scrutiny Committee is as robust and informative as possible, thus enabling Members to draw appropriate recommendations for submission to the Executive following the conclusion of the Scrutiny Review.

2. Recommendations

- 2.1 Members are requested to note the information provided by Emma Goodings, Head of Planning and Economic Growth in response to the queries raised by the Chairman, Councillor Mrs Cunningham and Councillor Mrs Sandum.

3. Summary of Issues

- 3.1 As part of their Scrutiny Review, Members of the Partnership Development Scrutiny Committee indicated that they would like to gain a clearer understanding of the different enforcement functions at the Council, where these functions were situated within the organisation, how enforcement was implemented and the effectiveness of these arrangements, as well as any perceived barriers to partnership working.
- 3.2 Over the course of the Scrutiny Review, a specific query was raised by Councillor Mrs Sandum in respect of the Landscape Services team regarding the potential for any additional partnerships that could be acquired in order to strengthen support for enforcement proceedings.
- 3.3 In order to support Members with their evidence gathering, Governance Officers agreed to contact Emma Goodings, Head of Planning and Economic Growth and kindly request that a written statement be provided in order to provide Members with both a general overview of 'enforcement' within Planning (based around questions which related to the Terms of Reference for the Scrutiny Review), and to respond to the query raised previously by Councillor Mrs Sandum.

- 3.5 A list of the questions that were raised with Emma Goodings is detailed below:
- 3.6 Questions 1 – 6
- 3.7 *How many officers within the (Planning) team are responsible for enforcement, or deal with elements of enforcement as part of their role? Where are these officers based within the service?*
- 3.8 *What type of enforcement activities take place within the (Planning) service and what, if any, statutory powers are utilised?*
- 3.9 *What internal or external partners/agencies, if any, do officers work with to implement enforcement or share intelligence with?*
- 3.10 *What internal or external partners/agencies, if any, do officers work with to deliver training for staff on enforcement?*
- 3.11 *Could other partnerships be acquired to help strengthen support for enforcement proceedings? Are there any partnership ‘gaps,’ or perceived ‘barriers’ to increasing partnerships?*
- 3.12 *(From Councillor Mrs Sandum) Regarding tree and hedgerow removal on planning application sites, is there potential to do more to prevent this from happening by working in partnership with other agencies like the Essex Wildlife Trust, the Essex Field Club, or other local wildlife / environmental groups? Given that the UK is in the worst 10% globally for biodiversity loss, and has lost half of all its hedgerows since World War 2, which is a big contributor to this, can we all agree that it would be good to do more in partnership with others to reverse this worrying trend?*
- 3.13 The information that was subsequently provided by Emma Goodings in response to the above questions is detailed in Appendix 1 to the report.

4. Chairman’s Observations

- 4.1 After reviewing the information provided, Councillor Mrs Cunningham raised a number of follow-up questions for clarification with Emma Goodings. Responses have since been received and are incorporated within the overall responses in Appendix 1.
- 4.2 The Chairman also acknowledges the work of Planning Enforcement Member Reference Group (MRG), whose work compliments that of the Partnership Development Scrutiny Committee and addresses areas of work explored by the Committee throughout the duration of its Scrutiny Review. As per her request, Councillor Mrs Cunningham has had sight of the MRG’s draft report; however, the Committee advised that it is unable to make the report a publically accessible document as it is still under consideration by the MRG and has yet to be viewed in any other public forum.

5. Financial Implications

5.1 No matters arising out of this report.

6. Legal Implications

6.1 No matters arising out of this report.

7. Other Implications

7.1 No matters arising out of this report.

8. Equality and Diversity Implications

8.1 No matters arising out of this report.

9. List of Appendices

9.1 Full response from Emma Goodings to the questions raised (Appendix 1).

10. Background Papers

10.1 None.

Scrutiny Enquiry into Planning Enforcement – Responses

1. Question 1

- 1.1 *How many officers within the (Planning) team are responsible for enforcement, or deal with elements of enforcement as part of their role? Where are these officers based within the service?*

1.2 Response from Emma Goodings:

At present there are 4 posts within the Planning Enforcement team which are responsible for all elements of planning enforcement on a day to day basis, although the resources in this team are currently under review with a separate MRG recommendation to increase the staff resources in this team. However all planning and tree officers within the service may also be called upon to be part of the assessment or others parts of the enforcement process depending on the case.

2. Question 2

- 2.1 *What type of enforcement activities take place within the (Planning) service and what, if any, statutory powers are utilised?*

2.2 Response from Emma Goodings:

The Planning Enforcement team deal with all aspects of planning enforcement. A breach of planning control is defined in [section 171A of the Town and Country Planning Act 1990](#) and timescales are set out in 171B of the same act.

The law on Tree Preservation Orders is in [Part VIII of the Town and Country Planning Act 1990](#) as amended and in the [Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#) which came into force on 6th April 2012.

[Section 192 of the Planning Act 2008](#) made further amendments to the 1990 Act which allowed for the transfer of provisions from within existing Tree Preservation Orders to regulations. [Part 6 of the Localism Act 2011 amended section 210 of the Town and Country Planning Act 1990](#) concerning time limits for proceedings in regard to non-compliance with Tree Preservation Order regulations.

3. Question 3

- 3.1 *What internal or external partners/agencies, if any, do officers work with to implement enforcement or share intelligence with?*

3.2 Response from Emma Goodings:

Officers work closely with all the teams within the growth directorate and also receive and share intelligence as appropriate with other internal departments including environmental health, ops and legal. Planning enforcement also works with external legal advisers and other external experts as appropriate depending on the type of case that is being investigated.

4. **Question 4**

4.1 *What internal or external partners/agencies, if any, do officers work with to deliver training for staff on enforcement?*

4.2 Response from Emma Goodings:

Procuring training for staff would be done on a case by case basis. However the Council is a member of Essex Planning Officers Association (EPOA) and staff have access to a programme of training that they run every year.

The training is optional. However, members of the planning or other teams who are members of professional bodies such as the Royal Town Planning Institute (RTPI) have requirements to undertake continuous professional development as part of their membership and are required to report on that as appropriate.

5. **Question 5**

5.1 *Could other partnerships be acquired to help strengthen support for enforcement proceedings? Are there any partnership 'gaps,' or perceived 'barriers' to increasing partnerships?*

5.2 Response from Emma Goodings:

Planning Enforcement is a specialised field and as the planning authority it is not considered that any new or increased partnerships would help deliver the service more effectively. This was part of the discussion at the separate Planning Enforcement MRG.

Note:

Members are reminded that in respect of Question 5, Councillor Mrs Cunningham requested access to information regarding the Planning Enforcement Member Reference Group (MRG). Councillor Mrs Cunningham has since had sight of the Working Group's recent report, but as it still within the draft stages, the Committee is unable to make the report publically accessible.

6. Question 6 – From Councillor Mrs Sandum

- 6.1 *Regarding tree and hedgerow removal on planning application sites, is there potential to do more to prevent this from happening by working in partnership with other agencies like the Essex Wildlife Trust, the Essex Field Club, or other local wildlife / environmental groups? Given that the UK is in the worst 10% globally for biodiversity loss, and has lost half of all its hedgerows since World War 2, which is a big contributor to this, can we all agree that it would be good to do more in partnership with others to reverse this worrying trend?*

6.2 Response from Emma Goodings:

The issue above is more of a general issue about trees and hedges than an enforcement question. The enforcement team can only take action against those who do not seek permission and do works to a tree protected by a TPO or in a conservation area. If a tree is in your ownership and does not fall within either of those protections that you can fell or lop as you see fit and the Council planning service is unable to take any action.

On planning applications, the loss of any trees and hedges would be considered through an arboricultural report and decision made as part of that permission as to whether approve the removal of certain sections or specimens would be approved. As such again this is not an enforcement issue.