

## SCRUTINY BOARD (CITY DEVELOPMENT)

TUESDAY, 22ND APRIL, 2008

**PRESENT:** Councillor R Pryke in the Chair

Councillors G Driver, P Ewens, J Harper,  
M Lobleby, J Monaghan, B Selby, N Taggart  
and P Wadsworth

### 106 Declaration of Interests

No Member declarations of interest were made.

### 107 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors R Procter and Dunn.

### 108 Minutes of Last Meeting

With regard to Councillor Ewens' request for clarification on Minute No. 103, third bullet point, the Chief Planning Officer confirmed that fewer officer recommendations were being overturned by Plans Panels and he agreed to provide Councillor Ewens with further information on this.

Regarding Councillor Ewens' second query relating to Minute No. 103, sixth bullet point, and the setting up of a Community Planning Officer in the North East Outer area of Leeds, the Chief Planning Officer advised that the department did not have the capacity within its existing budget to provide match funding for similar posts in other areas of the city.

**RESOLVED** – That the minutes of the meeting held on 18<sup>th</sup> March 2008 be confirmed as a correct record.

### 109 Overview and Scrutiny Minutes

**RESOLVED** – That the minutes of the Overview and Scrutiny Committee meeting held on 11<sup>th</sup> March 2008 be received and noted.

### 110 Executive Board Minutes

**RESOLVED** – That the minutes of the Executive Board meeting held on 12<sup>th</sup> March 2008 be received and noted.

### 111 Management and Capacity of the Planning Compliance Service

The Chief Planning Officer submitted a report as a result of Members expressing their concern at the meeting of the Board on 19<sup>th</sup> February 2008

on the quarter 3 performance report regarding the management and capacity of the Compliance Service of the City Development Department. The report set out background information relating to the present performance levels of the compliance service, the composition of the team and the enforcement tools available for use. The report also drew attention to the national context and the Department of Communities and Local Government's (CLG) report on the national Review of Planning Enforcement, which indicated areas of focus which were relevant to the development of the compliance service in Leeds.

The Chair welcomed to the meeting Phil Crabtree, Chief Planning Officer, Sue Wraith, Head of Planning Services, and Jim Wigginton, Planning Compliance Manager, all from City Development. The Chief Planning Officer outlined the key issues in the report and requested that Members consider and comment on the report and endorse the course of actions set out which had already been taken towards improving the compliance service.

In brief summary, the following issues were discussed:

- **Training for Members** – It was suggested that officers reconsider the timing of the seminar training sessions in order to try and improve attendance.
- **Workload** of compliance officers – Officers advised that this was an issue and currently amplified by two vacancies in the section.
- **Improving the customer experience** – With regard to members of the public, officers advised that the service endeavoured to keep people informed of progress on individual cases. With regard to keeping Elected Members informed, officers advised that lists of key cases were provided and they would review whether it was possible to provide more frequent updates on cases than at present. Members stated that they would like the Compliance Service to be much more proactive in informing Members as to what action was being taken on particular cases, what advice they could give to their constituents and the likely timescales involved for any action to be taken by the Compliance Service. Members stressed that they should be made aware as soon as a case was registered, including tree preservation orders. Members suggested that they should receive progress reports on *all* compliance cases rather than on just the key cases, however officers advised that this was not practicable within the current resources available.
- **Training and Development of Staff** – Members were advised that the service had found difficulty over a number of years in recruiting to more senior and specialised positions. The service was reviewing its career graded progression arrangements and training opportunities in order to help develop and promote junior staff to more senior posts. It was reported that work was already underway to develop a more integrated compliance and planning service. This would help develop planners and compliance officer skills to become more generic, build capacity and provide greater flexibility in the service. A review of officers' job descriptions in these areas was currently being reviewed. Members requested that the Department's Action Plan on Career and Training for the Planning and Compliance Service be brought to the successor

Scrutiny Board. The suggestion of introducing apprenticeships was also raised.

- **Resources** – It was noted that as a result of fee income being below estimate, there was a financial deficit of £800,000 for salaries in the Planning department for 2007/08.
- **Police and Criminal Evidence Act (PACE) training** – Officers confirmed that it was within the section's action plan for some PACE training to be supplied by external providers.
- **Public perception that the service only took enforcement action against individuals or smaller companies** – The Board was advised that there was no reluctance to take enforcement action against large developers, however this impression might be due to the fact that larger developers were often more amenable to resolving issues through negotiation and therefore formal actions were not required.
- **Planning conditions** – Officers advised that construction codes were very rare, could not be placed on smaller planning applications and therefore this was not a compliance issue.
- **Inadequacy of fines** – Members expressed their concern regarding the maximum fine of £1,000 which they considered totally inadequate for larger businesses. Officers advised that there were other more effective means of resolving matters with larger developers than fines, such as discussion and negotiation. If this proved unsuccessful, then fines of up to £20,000 could be levied through serving enforcement and stop notices. It was acknowledged that often insufficient weight was given to environmental crimes. Anti Social Behaviour Orders were suggested by Members as perhaps a more effective method of ensuring compliance.
- **General public's lack of faith in the enforcement process** – Giving more publicity on the successes should be considered.
- **The relationship with legal services** – Members were advised that the relationship between enforcement and legal colleagues was very good. Regular meetings took place with prosecution solicitors.
- **Monitoring of large developments** – Members expressed concern with regard to large housing developments in particular, where building took place over a number of years, where there were no rights of access and whether there were the resources to monitor these developments on a continuous basis. Officers responded that there were no resources to do this and that the priority was to respond to complaints.
- **Section 215 (Planning Blight) notices** – Members were advised that this notice was infrequently used. Completion notices would often be more appropriate.
- **Problems with certain developers** – Members were advised that perhaps procedures could be put in place to examine more closely new planning applications submitted by developers who were known to have caused problems with compliance in the past.

#### **RESOLVED –**

- (a) That the report be noted and that support and endorsement be given by the Scrutiny Board in particular to the following actions and further improvements as set out in the report:

- (i) A review of the career graded progression and training and development opportunities available to compliance staff.
  - (ii) Regular progress reports to appropriate parties on key enforcement cases.
  - (iii) A review of prosecution procedures, including making provision for holding taped interviews compliant with Police and Criminal Evidence Act requirements and provide appropriate training for enforcement officers.
- (b) That the Head of Scrutiny and Member Development consider with the Chief Planning Officer what subjects to include in the new training programme for Members and whether more suitable dates and times could be identified that would achieve better attendance levels.
  - (c) That update reports be submitted to the Scrutiny Board (City Development)'s successor Board in autumn 2008.

(Note: Councillor Taggart arrived at 10.30 am during the consideration of this item.)

## **112 Inquiry to Review Consultation Processes**

The Head of Scrutiny and Member Development submitted a report for Members' consideration, attaching the draft final report of the Board's inquiry to review consultation processes. The report recounted the Board's findings and its conclusions and recommendations resulting from the evidence gathered, along with a summary of the evidence considered during the inquiry.

The Chair welcomed to the meeting Paul Brook, Chief Asset Management Officer, City Development Department, and Hannah Rees, Area Management Officer, East North East Area Management. The Chief Asset Manager confirmed the appropriateness of the recommendations and that he would be taking the Board's final report and recommendations to the Council's Asset Management Group if the Board agreed it today.

The Principal Scrutiny Adviser advised the Board that, in accordance with Scrutiny Board Procedure Rules, the Directors of City Development and Environment and Neighbourhoods and the Chief Executive of Education Leeds, had each been invited to consult with their respective Executive Member on the specific recommendations and provide any advice they wished before Board Members finalised the report. The Principle Scrutiny Adviser reported that no comments or advice had been received.

### **RESOLVED –**

- (a) That the Board's final report and recommendations be agreed.
- (b) That the relevant Directors and the Chief Executive of Education Leeds be requested to formally respond to the Scrutiny Board's recommendations within two months of receipt of the Board's report.
- (c) That an update report, advising Members of the Asset Management Group's comments and recommendations, be submitted to the Scrutiny Board (City Development)'s successor Board.

## 113 Town and District Centre Regeneration Scheme

The Director of Environment and Neighbourhoods submitted a report providing Members with an update on the progress of the Council's Town and District Centre Regeneration Scheme following the December 2007 report to the Board, focussing on the Town and District Centres component of the scheme.

The Chair welcomed to the meeting Stephen Boyle, Chief Regeneration Officer and Tara Muthoora, Programme Manager, both from Environment and Neighbourhoods Department, to present the report and respond to queries and comments from the Board.

In brief summary, the main issues discussed were:

- Whether the **budget** had been increased – Officers confirmed that the budget for the Town & District Centre component of the regeneration scheme had not been increased from £11.75m. Allowing for a contingency of £776k, there remained £245.8k for projects.
- Lack of **long-term strategic thinking** in the scheme – Members were advised that this was due to some extent to the evolution of the scheme but a strategic approach to investment in the future was now on the agenda. The Chief Regeneration Officer offered to return to a future meeting of the Board with the Civic Architect to discuss the citywide long-term programme of investment.
- The **criteria** by which Centres were judged to be in need of regeneration – Members were advised that a scoring matrix was used to assess need. However sufficient resources were not available to allow for a comprehensive approach. Members were of the opinion that future reports to the Board should include more detail, in particular on how specific Town & District Centres were selected for regeneration.
- The **definition** of a Town & District Centre – Officers advised the Board that the selection of centres was based on those centres as identified in the Unitary Development Plan. There were currently 22 schemes being worked on.
- **Sustainability** of Centres – Members were of the view that one important aspect of the regeneration schemes was that they contributed to the long-term sustainability of centres.

**RESOLVED** – That the report be noted.

## 114 Council Business Plan 2008-11 - Update

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report providing Members with an update on the development of the Council Business Plan 2008-11 and setting out the revised business plan outcomes and improvement priorities, along with the first draft of the performance indicators which would be used to measure progress in achieving this plan.

The Chair welcomed to the meeting Heather Pinches, Performance Manager, Chief Executive's Department to present the report and respond to queries and comments from the Board.

The Performance Manager advised the Board that Appendix 1 – the Corporate Balanced Scorecard - was very much work in progress and as such the colour coding did not at this stage have any significance. Members' views on the draft scorecard, in particular if there were any gaps, would be welcomed.

Members sought clarification on specific matters with regard to particular individual performance indicators, however the major issues raised with regard to the overall usefulness of the draft Corporate Balanced Scorecard were in brief summary:

- The need to **breakdown the figures** in the scorecard by geographical area – Members expressed concern that the data did not show how effective measures were in the geographical areas that needed to benefit from them most. The Performance Manager pointed out that the scorecard was an overview but that consideration was being given to producing a subset of balanced scorecards for individual departments and in some instances by geographical area.
- **Accountability** – Members were advised that if there was an issue of accountability that could be narrowed down to one particular service area, this would be advised to the Director and Chief Officers concerned and addressed through the accountability and intervention frameworks.

**RESOLVED** – That the report be noted.

#### **115 Annual Report 2007/2008**

The Head of Scrutiny and Member Development submitted a report presenting, for Members' consideration, the draft of the Board's contribution to the Scrutiny Board Annual Report.

The Principal Scrutiny Adviser advised the Board that Members' comments had been included in the draft and following the meeting today, also incorporated into the report would be the Board's recommendations on its inquiry into consultation processes and information on the Chief Planning Officer's paper on the Planning Compliance Service.

**RESOLVED** – That the Board's contribution to the composite Annual Report be approved subject to the additions as above, as a result of today's meeting.

#### **116 Outstanding Issues and Forward Plan**

The Head of Scrutiny and Member Development submitted a report outlining at Appendix 1 outstanding issues from the Board's current Work Programme that the successor Board might like to consider and at Appendix 2 the Forward Plan for the period 1 April to 31 July 2008.

**RESOLVED –**

- (a) That the outstanding issues to be passed to the successor Board for consideration be noted.
- (b) That the Forward Plan for the period 1 April to 31 July 2008 be noted.

The Chair thanked Members and officers for attending throughout the year and the meeting concluded at 11.45am.