

Enforcement of Planning Conditions and Compliance of S106 Agreements

What are the objectives and desired outcomes of the review

Planning Conditions

- Compare the practices of MBC's enforcement of planning conditions in comparison to other local authorities
- Review planning enforcement priorities along with responsibilities for responses and actions.
- Review the Council's procedures and activities in terms of the enforcement of planning conditions
- Identify strengths and weaknesses and make recommendations to improve the efficiency of the enforcement service and to the enforcement of planning conditions if necessary
- Establish whether the Council's enforcement of planning conditions is proactive or reactive and make recommendations if required.
- Review procedures for residents, amenity groups and Members to report breaches
- Review the provision of information to the public regarding the enforcement of planning conditions
- Assess how the enforcement of planning conditions is viewed by residents of the Borough and make recommendations to improve the public's image of the service if necessary.

Section 106 Agreements (S106s)

- Review MBC's procedures and activities in terms of S106 compliance, including S106 wording
- Compare the approach of MBC to S106 compliance to other local authorities
- Establish whether a structure and mechanism for reporting the non-compliance of S106s exists, including progress updates
- Identify strengths and weaknesses and make recommendations to improve the effectiveness of S106 compliance if necessary
- Review the provision of information to the public regarding the non-compliance of S106s
- Identify the appropriateness of a bond or other type of guarantee to ensure the delivery of infrastructure obligations.

Terms of Reference

- Establish whether the Council's procedures and activities with regard to planning enforcement are efficient, robust and fit for purpose.
- Establish whether the Council's enforcement of planning conditions is proactive or reactive and make recommendations if required.
- Assess how the enforcement of planning conditions and S106 compliance is viewed by residents of the Borough and make recommendations to improve the public's perception of the service if necessary.
- Identify steps to improve reporting mechanisms for breaches of planning conditions, if improvements are required.
- Establish whether a structure and mechanism for reporting the non-compliance of S106s exists and make recommendations if required.

- Identify whether improvements to the compliance of S106s in Maidstone are required and make recommendations if necessary.
- Identify whether the wording of S106s are fit for purpose and make recommendations if required.

Which witnesses are required?

- Cabinet Member for Regeneration
- Director of Operations
- Assistant Director of Regulatory and Environmental Services
- Environmental Enforcement Manager
- Development Control Manager
- Legal Services
- Developers
- Best practice local authorities
- Parish Councils
- Ward Councillors
- Communities and Local Government

Other ways to seek evidence? E.g. site visits, involving members of the public

- Case studies: Petition on 29/07/08
- Hold meetings across the Borough to get views
- Press release to seek views from residents

What information/training is needed?

- MBC's performance
- The Cabinet Members report on development control

Suggested time for review and report completion date

- 3-4 month- Complete November 2008

How does the review link to council priorities?

- Quality Living

How does this item deliver CfPS effective scrutiny principles?

- Enables the voice and concerns of the public
- Drives improvement in public services

Any co-optees or expert witnesses?