

MAIDSTONE BOROUGH COUNCIL

**MINUTES OF THE REGENERATION AND SUSTAINABLE
COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE MEETING
HELD ON TUESDAY 10 FEBRUARY 2009**

PRESENT: Councillors Sherreard (Chairman), Batt, Beerling, English, FitzGerald, Hinder, Horne, Paine and Thick.

APOLOGIES: Councillors Nelson-Gracie and Ross.

128. Web-Casting

The Chairman highlighted that there were Part II minutes on the agenda and that this item would not be web-cast.

Resolved: That all Part I items on the agenda be web-cast.

129. Notification of Substitute Members

It was noted that Councillors Horne and Hinder were substituting for Councillors Nelson-Gracie and Ross respectively.

130. Notification of Visiting Members

There were no visiting Members.

131. Disclosures by Members and Officers

Councillor English declared a personal interest in Agenda Item 9, Workshop, by virtue of his membership of the Kent Association of Local Councils. Councillors FitzGerald, Hinder and Horne also declared personal interests in Agenda Item 9, Workshop, by virtue of being Parish Councillors.

132. Exempt Items

Resolved: That the Part II minutes of the meeting held on 18 December 2008 be taken in private due to the possible disclosure of exempt information.

133. Part I Minutes

Resolved: That the Part I minutes of the meetings held on 9 December 2008, 18 December 2008 and 13 January 2008 be agreed as correct records and duly signed by the Chairman.

134. Future Work Programme and Actions Taken Since the Last Meeting

The Committee discussed the future work programme and noted that the draft road safety review report would be discussed at its meeting in March. The Chairman of the Road Safety Working Group advised Members on the progress of the review and highlighted his gratitude for the co-operation of the external organisations in contributing to the review.

The Overview and Scrutiny Officer informed the Committee that the Chief Housing Officer was hosting a Choice Based Lettings seminar for Members on Wednesday 18 March. The Committee agreed this would be particularly useful in light of the Committee's Choice Based Lettings Allocation Policy review.

Resolved: That the future work programme be noted.

135. Enforcement of Planning Conditions and Compliance with Section 106 Agreements Report Workshop

The Committee discussed the draft Enforcement of Planning Conditions and Compliance with Section 106 Agreements Review Report. The Committee considered the recommendations outlined in the draft report and agreed to emphasise three key recommendations from these, the Committee agreed to contact the Overview and Scrutiny Officer of these. Following a brief discussion about the report, the Committee suggested the following amendments and additions:

- All recommendations with regard to improvements to monitoring, training and the prioritisation matrix be encompassed in three recommendations;
- The Committee recommend that the role of Parish Councils in giving the Council notice of suspected breaches of planning control as early as possible be formalised;
- The importance of developing good relationships with developers and exploring training or awards for developers be noted in the report;
- Members noted that bonds could not be placed with regard to planning permission, but felt it important to note in the report that bonds were used with regard to Agreements in relation to Section 278 of the Highways Act 1980;
- Section 106 (S106) monitoring should include an audit trail detailing how S106 money was spent and what it achieved for the community. This would ensure that the intended benefits were received and reported to the community. A Councillor advised that an omission he had reported had not been incorporated into a subsequent update. The Committee therefore agreed that it be noted in the body of report that it be ensured that the quarterly updates provided be updated following reports to staff of omissions;
- That a programme of rolling training be provided to all Councillors, Officers and Parish Councillors and Clerks, and that the training include procedures in enforcement and case

law. However, it was also noted that the training must be manageable;

- That the existing protocol for using pre-application discussions be formally recognised as the preferred approach to dealing with larger applications. The Committee suggested that when the Council received initial notification of an application, the applicant should be encouraged to undertake pre-application discussions. It was also suggested that information regarding the benefits and process of pre-application discussions be highlighted on the Council's website and in the Council's planning information literature;
- It be recommended that successful finalised enforcement action be publicised; and
- It should be recommended that the Council undertake registration of a notice of non-compliance on the local land charges register. The Committee agreed it was important to note in the body of the report that the enforcement action to remedy non-compliance of a condition had to be proportional to the harm caused. It was felt that a proportional remedy would consider the impact on purchased leasehold properties affected by a possible notice.

The Committee thanked the Overview and Scrutiny Officer for her support in collating the report and agreed that the final draft report be forwarded to the Development Control Manger to check for accuracy.

Resolved: That

- a) Members of the Committee contact the Overview and Scrutiny Officer with the three recommendation from the report that they considered key recommendations;
- b) The Development Control Manager check the final draft Enforcement of Planning Conditions and Compliance with S106s Review Report for accuracy;
- c) The report be amended to include the following changes:
 - i. All recommendations with regard to improvements to monitoring, training and the prioritisation matrix be encompassed in three recommendations;
 - ii. The role of Parish Councils in giving the Council notice of suspected breaches of planning control as early as possible be formalised;
 - iii. The importance of developing a good relationship with Developers and exploring training or awards for developers be noted in the report;
 - iv. It be noted that bonds were used with regard to Section 278 Agreements of the Highways Act 1980;
 - v. It be clarified that Section 106 (S106) monitoring include an audit trail detailing how the S106 money was spent and what it achieved for the community to ensure that the intended benefits are received and reported to the community;

- vi. It be ensured that the omissions from the quarterly updates be included in future updates;
- vii. Training be provided to all Councillors, Officers and Parish Councillors and Clerks, and that the training include procedures in enforcement and case law;
- viii. The existing protocol for using pre-application discussions be formally recognised as the preferred approach to deal with larger applications;
- ix. The benefits and process of pre-application discussions be highlighted on the Council's website and in the Council's planning information literature;
- x. Successful finalised enforcement action be publicised; and
- xi. The Council undertake registration of a notice of non-compliance on the local land charges register as a form of enforcement action.

136. Exclusion of the Public from the Meeting

Resolved: That the public be excluded from the meeting for the following item of business due to the likely disclosure of exempt information for the reason specified under schedule 12A of the Local Government Act 1972:

	Head of Schedule 12A and Brief Description
Award of Park and Ride Bus Service Contract	<p>3 – Information relating to the financial or business affairs of any particular person (including the authority holding this information); and</p> <p>5 – Information in respect of which a legal claim to legal professional privilege could be maintained in legal proceedings.</p>

Resolved: That the Part II minutes of the meeting held on 18 December 2008 be agreed as a correct record and signed by the Chairman.

134. Duration of the Meeting

6:30 p.m. to 7.55 p.m.