

Recommendation¹	Cabinet Member²	Response³	Timetable⁴	Lead Officer⁵
A. Planning Enforcement Training be improved to include the following:	Regeneration	i. With Development Control and Enforcement being brought together joint information is key to ensuring that the services work effectively with each other. An element of this is the production of enforcement web-pages alongside the development control pages. These will provide quick and easy access to information regarding the enforcement process and to provide as much information as is allowed without breaching confidentiality.	End of October 2009	ROC
ii. Ward and Parish Councillors be consulted on the draft content of the planning service information packs;		End of October 2009	RJ	
iii. Ensure the call-centre		TBC in		

	staff are sufficiently trained and informed with regard to planning enforcement to ensure the public receive correct information when potential planning breaches are reported ;		recently been carried out with the report due to be published before the end of June 2009. The report will cover a number of facets of the enforcement service including contact with complainants. We are also reviewing this internally with a view to shifting the initial contact away from the contact centre back to planning officers. The benefits of this are two fold: reduction in double-handling of complainants and a planning professional being available at initial contact improving the service quality.	Audit response action plan	RJ
iv.	A rolling programme of training be delivered to ensure that new staff joining the Council receive training from legal services with regard to enforcement and that all relevant officers, Councillors, Parish Councillors and Clerks are kept up to date with enforcement procedures and case law;		iv. All new staff, for Development Control and Enforcement, will receive appropriate training on Enforcement. Any important updates to enforcement procedures and case law can be linked to via the enforcement webpages, once created. In addition, periodic updates of significant appeal decisions will be included in the Planning Committee papers.	Immediate and Ongoing	RJ
v.	Councillors and their respective Parish Councils be encouraged to undertake training together to undertake pre-application discussions with a potential applicant and Council Officer; and		v. And vi. Pre-application discussions are a key element in the delivery of suitable schemes across the Borough. To this end a KPI has been put in place for Development Control on the % of major schemes having pre-application discussions. In addition the	Immediate and Ongoing	RJ
vi.	The existing protocol for				

using pre-application discussions be formally recognised as the preferred approach to deal with larger applications and that this preference be reflected and encouraged in Council planning literature.		Planning department has recently invested in additional pre-application software to allow better control and quality of pre-application advice, as well as making it more available via the website. Therefore training will be provided where required and pre-applications will continue to be an important element of future planning literature.		
<p>B. Planning Conditions and Section 106 Agreement Monitoring be improved to include the following:</p> <ul style="list-style-type: none"> i. An officer be assigned to monitor and pursue the progress of all cases awaiting further enforcement action to prevent unnecessary delays; ii. The Section 106 Agreement's audit trail include a statement on the direct benefits to the Community of a Section 106 Agreement; iii. The role of Parish Councils in giving the Council notice of 	Regeneration	<ul style="list-style-type: none"> i. and iii. The audit report due to be published in June 2009 will consider and make recommendations on the controls of such areas such as the monitoring of case progress and reporting of breaches. The response to the audit report and action plan will be sent to Overview and Scrutiny for information on the planned actions in these areas. ii. The information for s106 agreements will include the areas on where the money was spent once received. This information can also be included on the website updates on s106 information. iii. See i. iv. The necessary resources to carry out the conditions compliance function are not available. 	<p>TBC in Audit response action plan</p> <p>Immediate and Ongoing</p> <p>----- Immediate and Ongoing</p>	<p>RJ</p> <p>ROC</p> <p>ROC</p>

<p>suspected breaches of planning control as early as possible be formalised; and</p> <p>iv. The Council pursue a proactive approach to monitoring planning conditions and Section 106 Agreements and that the time until the condition expires be used in prioritising what is monitored to ensure the opportunity to take action is not lost.</p>		<p>However, we will continue to prioritise compliance with conditions on major schemes. The post of s106 compliance officer was made permanent in the recent restructure which will allow proactive monitoring of s106 agreements.</p>		
<p>C. Communication be improved to include the following:</p> <p>i. Quarterly updates be distributed to Ward and Parish Councillors from Planning Enforcement and Section 106 Officers on information regarding new Section 106s, information with regard to early stages of enforcement action and any changes to conditions. Reported omissions and amendments from the</p>	Regeneration	<p>i. S106 updates have recently been improved by providing the information on our website. This information is updated when relevant changes occur. The quality of quarterly enforcement updates to parishes and Councillors is undergoing changes following bringing the Enforcement IT system in line with Development Control. This allows easier tracking of all stages of a case through the enforcement process and enables the production of better quality information that is less resource intensive to produce. A letter has been written to parishes informing them of the</p>	Immediate and Ongoing	ROC

<p>contact for Ward and Parish Councillors to ensure consistency in information received;</p> <p>v. Publicise successful finalised enforcement action, including using the Borough Update;</p> <p>vi. Relationship with developers be enhanced by expanding training opportunities for them and exploring possible best practice awards in Maidstone;</p> <p>vii. Parish Councils be consulted when considering the removal of conditions that had been initially requested by Parish Councils;</p> <p>viii. Join an organisation such as NAPE or SEOG to share best practice and receive the benefits of their training; and</p> <p>ix. Ensure that the complainants of breaches of conditions or of non compliance of Section 106 Agreements are</p>		<p>recommendations on communications and reporting. The response and action plan will be circulated to the Scrutiny Committee once it is produced.</p> <p>v. Where it is appropriate to do so we will use this approach. In addition we will produce quarterly enforcement updates for planning committee.</p> <p>vi. The Developers' Forum is a recent initiative that has been successful at bringing Developers, Members and Planning Officers together. The issue of best practice awards and training requirements will be raised at the next forum to find if there is an appetite from developers for those opportunities.</p> <p>vii. Section 73 applications are required for the removal of conditions. Parish Councils are consulted on these applications.</p> <p>viii. We will investigate membership of NAPE and SEOG for our enforcement officers.</p> <p>ix. The audit report due to be published in June 2009 will consider and make recommendations on communications and reporting. The response and action plan will be circulated to the Scrutiny Committee once it is produced.</p>	<p>action plan</p> <p>Immediate and Ongoing</p> <p>7 October 2009</p> <p>Ongoing</p> <p>Immediate and Ongoing</p> <p>TBC in Audit response action plan</p>	<p>RJ</p> <p>RJ</p> <p>RJ</p> <p>RJ</p>
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regularly updated, with explanation for any delays, to improve customer service and avoid unnecessary phone calls.				
D. The legal framework under which bonds can be used to procure compliance with planning obligations set out within a Section 106 Agreement with a land owner be explored to ensure S106 compliance;	Regeneration	The potential for using bonds will be investigated.	Oct'09	ROC
E. A list of developers who have failed to comply with Section 106s or planning conditions be compiled to inform future monitoring requirements of Section 106s and planning conditions and serve as a possible justification of bond requirement;	Regeneration	The potential for doing this will be investigated with legal services.	Oct '09	ROC
F. The Council undertake registration of a notice of non-compliance on the local land charges register as a form of enforcement action to ensure Section 106 compliance;	Regeneration	This process is already in place and consists of two stages: 1. A letter of non-compliance is sent to the developer, including a date to comply by. If compliance is not met then stage 2 is carried out. 2. The letter of non-compliance is placed on the land charges register.	Ongoing	

G. Parish Councils elsewhere in the County be recommended to use Standing Orders as a possible solution to receiving appropriate confidential information;	Regeneration	The KALC can provide advice to Parish Councils on these issues.	N/A	
H. The revisions to the prioritisation matrix include evolved policy such as landscaping and that all Councillors and Parish Councils be consulted on the revisions to the matrix to ensure support and that the prioritisation matrix be reviewed periodically to ensure its continued effectiveness; and	Regeneration	Landscaping is already considered in Matrix prioritisation under environmental considerations. The matrix will be reviewed annually and any changes to the matrix system agreed by Members will be consulted upon.	Annual	RJ
I. Informatives be used to encourage developers to inform the Council of commencement dates and changes of developer.	Regeneration	Informatives to this effect can be added to permissions for major developments.	Immediate and Ongoing	RJ

Notes on the completion of SCRAIP

¹ Report recommendations are listed as found in the report.

² Insert in this box the Cabinet Member whose portfolio the recommendation falls within.

³ The Officer/Cabinet Member responsible for responding to the recommendation should indicate in this box either the acceptance or rejection of the recommendation.

If the recommendation is rejected an explanation for its rejection should be provided. The 'timetable' and 'lead officer' boxes can be left blank

If the recommendation is accepted an explanation of the action to be taken to implement the recommendation should be recorded in this box. Please also complete the 'timetable' and 'lead officer' boxes.

⁴ The Officer/Cabinet Member responsible for responding to the recommendation should indicate in this box when the action in indicated in the previous box will be implemented.

⁵ The Officer/Cabinet Member responsible for responding to the recommendation should indicate in this box the Officer responsible for the implementation of the action highlighted in the 'response' box.