

Policy and Resources Committee

23rd March, 2016

Is this the final decision on the recommendations in this report to be made at this meeting?

Yes

Unauthorised Development Matrix

Final Decision-Maker	Policy and Resources
Lead Director or Head of Service	Head of Housing and Community Services
Lead Officer and Report Author	Yasmin Gordine
Classification	Non-exempt
Wards affected	Borough

This report makes the following recommendations to the final decision-maker:

1. That the Committee approve the matrix (attached as Appendix 1) for use when assessing levels of harm caused to local communities and environment in order to prioritise various enforcement actions relating to unauthorised sites within the borough.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all

Timetable

Meeting	Date
Corporate Leadership Team	
Policy and Resources	23 rd March 2016

Unauthorised Development Matrix

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The following report outlines the council's proposed Unauthorised Development Matrix which will allow the council to assess each alleged unauthorised development and sites of significant concern within Maidstone Borough to assist in determining the most appropriate intervention through a multi-agency working group.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The proposed Matrix will be used to assess developments and sites that are causing community concern based on criteria such as; ASB and Crime, illegal activity, local priorities and possible future impact. The Matrix will allow the council to score the developments against the criteria which are weighted dependent on the severity of the issue.
- 2.2 The council is proposing to introduce the Matrix due to the growing number of unauthorised developments and/or sites within the borough that give rise to activity that is disruptive and causes distress to the local community. The Matrix has been developed from a similar tool that planning enforcement has used for some time. This will allow the council to objectively assess where it and its partners should consider interventions, prioritise resources and identify what resources need to be deployed. This type of work will be achieved through a multi-disciplinary task group.
- 2.3 The council has set up a working group comprising of planning enforcement, community engagement & safety officers, police and other agencies such as trading standards. Particular sites with ASB issues, as well as planning enforcement interventions and criminal activity have been identified. The working group has reviewed the powers available to us as a council and partner organisations in order to prevent/disrupt illegal or unsocial activity in the short term whilst a longer term solution is put in place.
- 2.4 Reviewing the sites that have already been brought to the council's attention it can be seen that the majority, if not all, of unauthorised developments complained of are located within the rural communities. There is a perception amongst rural communities that they are being disproportionately affected by numerous unauthorised developments.
- 2.5 The Matrix will be used to score various sites currently known to the council, and those that will be brought to the council's attention in future, through a ranking system that will help highlight which sites should be tackled and in what order. The ranking system also does not constrain action in relation to sites that score lowly, as there might be on occasion a site where an intervention can produce a quick and positive outcome can be achieved alongside those sites that require a greater intervention.

3. AVAILABLE OPTIONS

- 3.1 The council can decide not to implement the Matrix for unauthorised developments within the borough but to do so would mean that the council could miss the opportunity to tackle an increasing number of unauthorised developments or sites of concern in a coherent manner.
- 3.2 The council can decide to endorse the Matrix and as a result will place the council in a more robust position to engage in consistently assessed and prioritised enforcement activity and to utilise the powers already in place to take action. In addition the content of the Matrix provides the council with a mechanism to demonstrate it has objectively assessed each unauthorised development or site of concern on its on merit and specific characteristics.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is Paragraph 3.2 for the reasons outlined the report.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 When compiling the Matrix in the first instance several organisations were approached and asked for their input. Feedback was received from Kent Police, Maidstone Borough Council's Legal Team, Environmental Enforcement, Planning and KCC Trading Standards.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once a decision has been made to endorse the Matrix, the council will be looking to implement use of the Matrix with effect from the next financial year.
- 6.2 When implementing the matrix there could be significant cost implications involved, for example in planning appeals, obtaining injunctions or defending proceedings in the High Court, which may result in the need to obtain counsel's opinion and representation. Whilst it is difficult to specify a necessary budget at this stage, the commitment is that the Head of Housing & Community Services will bring requests to the Policy and Resources Committee on a case by case basis once the cost implication has been estimated and its value is likely to be above £20,000.
- 6.3 For each project that requires its own budget this will be held separately from existing budgets. A multi-agency working group will be set up for each identified

project and will assume control of the budget assigned to that particular project. Progress against the project delivery will be reported back to the Policy and Resources Committee at regular intervals.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all	[Head of Service or Manager]
Risk Management		[Head of Service or Manager]
Financial	To be reported back to the Policy & Resources Committee where the expenditure exceeds £50,000 per site.	[Section 151 Officer & Finance Team]
Staffing	Staff training will be needed for all staff involved when assessing the unauthorised developments	[Head of Service]
Legal	The legal options and implications will be considered for interventions prior to recommending appropriate action.	Legal Team
Equality Impact Needs Assessment	An EIA will be submitted on a case by case basis as this will be determined by the characteristics of each site.	[Policy & Information Manager]
Environmental/Sustainable Development		[Head of Service or Manager]
Community Safety	Contained within the report.	Head of Housing & Community Services or Manager
Human Rights Act	The use of the matrix will assist in deciding what the most appropriate and proportionate action should be considered. Each action will be assessed on a site by site basis to ensure compliance with the Humans Rights legislation.	Head of Housing & Community Services
Procurement		[Head of Service & Section 151 Officer]
Asset Management		[Head of Service & Manager]

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: Unauthorised Developments Matrix
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9. BACKGROUND PAPERS

None