

Date: Monday 15 April 2024 at 4.00 pm

Venue: Conference, Municipal Buildings, Conference 1, Stockton - on - Tees, TS18 1TU

Cllr Richard Eglington (Chair)
Cllr Jim Beall (Vice-Chair)

Cllr Kevin Faulks
Cllr Sufi Mubeen
Cllr Marilyn Surtees
Cllr Sylvia Walmsley

Cllr Stefan Houghton
Cllr Andrew Sherris
Cllr Hilary Vickers

AGENDA

- 1 Evacuation Procedure** (Pages 7 - 8)
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Minutes**
To approve the minutes of the last meeting held on 11 March 2024 (Pages 9 - 10)
- 5 Action Plan for Agreed Recommendations - Scrutiny Review of Domestic Waste Collections, Kerbside Recycling and Green Waste Collections**
To receive an action plan for the agreed recommendation of the Scrutiny Review of Domestic Waste Collections, Kerbside Recycling and Green Waste Collections (Pages 11 - 14)
- 6 Progress Update - Scrutiny Review of Planning (Development Management) and Adoption of Open Space**
To receive a progress update on the Scrutiny Review of Planning (Development Management) and Adoption of Open Space (Pages 15 - 44)
- 7 Chairs Update and Work Programme 2024 - 2025** (Pages 45 - 46)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Scrutiny Support Officer Rachel Harrison on email rachel.harrison@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance



Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Jim Cooke Conference Suite, Stockton Central Library **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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PLACE SELECT COMMITTEE

A meeting of Place Select Committee was held on Monday 11 March 2024.

Present: Cllr Richard Eglington (Chair), Cllr Katie Weston (Vice-Chair), Cllr Kevin Faulks, Cllr Stefan Houghton, Cllr Shakeel Hussain, Cllr Marilyn Surtees, Cllr Hilary Vickers and Cllr John Coulson (sub for Cllr Andrew Sherris).

Officers: Marc Stephenson (CS&R), Simon Grundy (R&IG), Anthony Wilton (CS,E&C), and Michelle Gunn (CS).

Also in attendance:

Apologies: Cllr Andrew Sherris and Cllr Sylvia Walmsley.

PLA/36/23 Evacuation Procedure

The Committee noted the evacuation and housekeeping procedure.

PLA/37/23 Declarations of Interest

There were no declarations of interest.

PLA/38/23 Minutes

AGREED the minutes of the meeting held on 13 February 2024 be confirmed as a correct record and signed by the Chair.

PLA/39/23 Scrutiny Review of (Unauthorised) Roadside Advertising

The Select Committee received a presentation from Planning Services. The presentation included:

- Advertisement legislation
- What is an advert
- Adverts excluded from direct control
- Adverts with deemed consent
- Adverts which required express consent of the Local Authority

The main issues highlighted and discussed were as follows:

- Most advertisements placed on the roadside followed the planning guidelines.
- There had not been any reports or trends of advertisements/signage causing accidents
- There were sites within the Borough where repeated offences had taken place, and these were monitored.
- Majority of calls regarding roadside advertising came through community safety, who would deal with small scale issues such as fly posting by issuing Fixed Penalty Notices (FPN). When less clear or bigger issues were reported community safety would pass on to planning services.

- If there was an issue with an advertisement, then planning service would follow the government guidance to deal with it.
- There was an issue with roadside advertising three years ago however, due to new legislation giving more powers for enforcement and switching to giving out Community Protection Notices (CPN), it now made up less than 1% of calls received

Input would be sought from the Officer Traffic Group and Royal National Institute of the Blind People. Members felt that, as community safety now had the powers they needed to deal with (unauthorised) roadside advertising and it was no longer an issue, no further information would be needed.

AGREED that the presentation be noted

PLA/40/23 Chair's Update and Work Programme 2023/24

Consideration was given to the Work Programme.

The next meeting would be held on Monday 15 April 2024.

AGREED that the Work Programme be noted.

Place Select Committee

15 April 2024

ACTION PLAN FOR AGREED RECOMMENDATIONS – REVIEW OF DOMESTIC WASTE COLLECTIONS, KERBSIDE RECYCLING, AND GREEN WASTE

Summary

Members are asked to consider the Action Plan setting out how the agreed recommendations from the Review of Domestic Waste Collections, Kerbside Recycling, and Green Waste will be implemented and target dates for completion.

Detail

1. The Committee's final report of the Review of Domestic Waste Collections, Kerbside Recycling, and Green Waste was considered by Cabinet in February 2024. Cabinet accepted the recommendations contained within.
2. These are now subject to the procedure for monitoring the implementation of agreed recommendations. An Action Plan has now been drawn up and is attached at **Appendix 1**. This sets out how the relevant departments will be taking forward the agreed recommendations and includes target dates for completion.
3. Members should consider and agree the Action Plan. The Committee will receive a detailed progress update on the implementation of recommendations approximately 12 months after the Action Plan has been agreed.

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ACTION PLAN: Review of Domestic Waste Collections, Kerbside Recycling, and Green Waste

No.	Recommendation	Proposed Actions / Progress	Success Measures	Responsibility	Date
1	That the Council adopt a fortnightly refuse collection service.	A move from the current weekly refuse collection service to a fortnightly waste collection service. Consideration to be given to some properties in the borough, such as farm and back lane properties.	Successful implementation of a fortnightly waste collection service	Service Manager – Community Services & Transport	April 2026
2	That scenario 3 (fortnightly refuse collection with a weekly 'multi-stream collection of dry recycling and food waste) in the Place Select Committee report is adopted as the Council's new waste and recycling collection service. That consideration is also given to timescales around national mandated services and local waste disposal arrangements.	A move from the current fortnightly recycling collection service to a weekly recycling collection service, when rolling out mandatory separate weekly food waste collections. Consideration to be given to some properties in the borough, such as farm and back lane properties. Aim to future proof against upcoming legislative changes around small Waste Electronic and Electrical Equipment (WEEE) and soft plastic material.	Successful implementation of a weekly food waste and recycling service.	Service Manager – Community Services & Transport	April 2026
3	To review the green waste collection service in line with updated government guidance.	A full detailed review of the current green waste collection service be undertaken as part of the transformation review of waste collection. The council currently collects green waste on a seasonal, 30-week basis (only funded for 26 weeks) using reusable and disposable bags.	Review of current green waste collection service, including containers, against other local, regional and national local authorities. Recommendations of review to be discussed/approved via the transformation review on waste collection.	Service Manager – Community Services & Transport	October 2024
4	That a comprehensive communications and community engagement plan on proposed changes is implemented to ensure residents are sufficiently informed	Ensure a full communications plan is in place to start approximately 18 months in advance of the April 2026 rollout.	Communications plan agreed to disseminate information around waste collection changes for waste and recycling.	Service Manager – Community Services & Transport and Communications	October 2024

ACTION PLAN: Review of Domestic Waste Collections, Kerbside Recycling, and Green Waste

No.	Recommendation	Proposed Actions / Progress	Success Measures	Responsibility	Date
	prior to the enactment of any changes, and to help embed the changes, to the waste and recycling service.		Resident engagement programme drafted to support the communications plan in disseminating information to residents.		

Place Select Committee

15 April 2024

PROGRESS UPDATE ON PREVIOUSLY AGREED RECOMMENDATIONS – REVIEW OF PLANNING (DEVELOPMENT MANAGEMENT) AND ADOPTION OF OPEN SPACE

Summary

Members are asked to consider the evidence and assessments of progress contained within the attached Progress Update on the implementation of previously agreed recommendations in relation to the review of planning (development management) and adoption of open space (the Committee's final report can be accessed via the following link:

<https://moderngov.stockton.gov.uk/CeListDocuments.aspx?Committeed=1146&MeetingId=1403&DF=23%2f02%2f2023&Ver=2>

Detail

1. Following the Cabinet consideration of scrutiny reports, accepted recommendations are then subject to a monitoring process to track their implementation.
2. Two main types of report are used. Initially this is by means of Action Plans detailing how services will be taking forward agreed recommendations. This is then followed by a Progress Update report approximately 12 months after the relevant Select Committee has agreed the Action Plan (unless requested earlier). Evidence is submitted by the relevant department together with an assessment of progress against all recommendations. Should members of the Select Committee agree, those recommendations which have reached an assessment of '1' are then signed-off as having been completed.
3. If any recommendations remain incomplete, or if the Select Committee does not agree with the view on progress, the Select Committee may ask for a further update.
4. The assessment of progress for each recommendation should be categorised as follows:

1	Achieved (Fully)	The evidence provided shows that the recommendation has been fully implemented within the timescale specified.
2	On Track (but not yet due for completion)	The evidence provided shows that implementation of the recommendation is on track but the timescale specified has not expired.
3	Slipped	The evidence shows that progress on implementation has slipped. An anticipated date by which the recommendation is expected to become achieved should be advised and the reasons for the delay.
4	Not Achieved	The evidence provided shows that the recommendation has not been fully achieved. An explanation for non achievement of the recommendation would be provided.

5. To further strengthen the monitoring process, from August 2020, the Progress Update report will also include references on the evidence of impact for each recommendation.
6. For Progress Update reports following the completion of a review, the relevant Link Officer(s) will be in attendance.
7. **Appendix 1** (Review of Planning (Development Management) and Adoption of Open Space) sets out the outstanding recommendations for this Committee. Members are asked to review the update and indicate whether they agree with the assessments of progress.

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PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

SCRUTINY MONITORING – PROGRESS UPDATE	
Review:	Planning (Development Management) and Adoption of Open Space
Link Officer/s:	Simon Grundy
Action Plan Agreed:	March 2023

Updates on the progress of actions in relation to agreed recommendations from previous scrutiny reviews are required approximately 12 months after the relevant Select Committee has agreed the Action Plan. Progress updates must be detailed, evidencing what has taken place regarding each recommendation – a grade assessing progress should then be given (see end of document for grading explanation). Any evidence on the impact of the actions undertaken should also be recorded for each recommendation.

Recommendation 1:	That options for introducing a charge for pre-application advice for major developments, but not for households/individuals, are investigated.
Responsibility:	Planning Services
Date:	July 2023
Agreed Action:	Wider Benchmarking of response time for charging and non-charging Authorities Consideration of cost of providing service to inform future service charges Consideration of appropriate service standards / charging rates Assessment of likely income generation Cost/Benefit Analysis of charging for service Some engagement with applicants and developers on potential charging
Agreed Success Measure:	Investigation complete and appropriate action taken
Evidence of Progress (March 2024):	The council does not need to provide pre application advice as it is not a statutory requirement, it is strongly encouraged in the National Planning Policy Framework (NPPF) and is often a way of minimising future issues within the consideration of a planning application. Equally the council cannot make a developer engage with the council prior to submitting a planning application. Under Section 93 of the Local Government Act 2003, the Council is able to charge for providing a discretionary service, such as pre-application planning advice. However, the associated charges are only permitted to cover the costs of delivering the service

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PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

and those charges should be reviewed on a regular basis. The council is not able to make a profit on providing this service.

Recently the Planning Advisory Service (PAS) have undertaken research and provided a report on 'Pre-application advice and Planning Performance Agreements (PPAs)' which offers advice on national best practice in Local Authority approaches to pre-application discussions (March 2023).

That research identified that pre-application advice is seen as a way of smoothing the application stage by 'frontloading' the application and identifying constraints early to enhance the future quality of any planning application.

It was identified that the majority of local authorities offer and engage in pre-application advice although recently some councils had suspended or offered a reduced service due to resourcing challenges and prioritising resources to deal with planning applications, which includes those who charge for such services. At Stockton we have continued to offer and respond to pre-application enquiries despite resource pressures and have instead advised of delays in issuing responses.

PAS research also highlights frustration in the inconsistency of approach across LPAs in England given services range from informal service which tends to include a brief email exchange to a written response or a structured meeting. Equally developers didn't want to see unnecessarily long responses with regurgitated policy responses.

The PAS research identifies that approximately 30% of LPAs provide some form of free pre-application advice service and where fees were to be charged these are typically calculated on either;

- The scale of the development proposed
- No. of staff involved; or
- A combination of scale and staffing involved.

With regards to calculating the cost of the pre application services the PAS research highlights frustration at the inconsistency and variation in pre-app fees. PAS also comment on a lack of transparency over the cost of fee calculation.

Benchmarking;

Figures 1 and 2 below show pre-app benchmarking with neighbouring authorities and those with a similar population size to Stockton on Tees, with figure 1 being the original evidence provided and figure 2 being additional benchmarking evidence.

Figure 1: original benchmarking for pre-app charging

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PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

PRE-APP CHARGING COMPARISON					
	Pre-app Service provided	Charges	Fees	Response Timeframes	Other
Stockton on Tees	Y	N	N/A	15 days	-
Gateshead	Y	Y	Householder: £26-£41 Minor: £46-£206 Major: £1030-£2060 Other: £52-£207	30 – 40 Days 15-25 days 25 Days 25 Days	Concessions for adaptations for disabled; registered charitable organisations and internal council funded projects.
North Tyneside	Y	Y	Householder: £50-£100 Minor: £200-£500 Major: £1800-£3500 Other: £60-£207	15 Days 15 Days Agreed individually 15 Days	No charge for listed buildings
North Lincolnshire	Y	Y	Householder: £50 Minor: £160 Major: £1200-£3600 Other: £160	Not specified	Concessions for adaptations for disabled; registered charitable organisations; Parish and Town Council schemes, listed buildings and council funded projects.
Blackburn with Darwin	Y	Y	Householder: £0-£360 Minor: £0-£565 Major: £1130-£4240 Other: £32-£94	28 days, or within 10 days of an arranged meeting.	If no pre-application advice has been sought or <u>taken into account</u> in a subsequent planning application, it is likely to be determined as submitted.
Darlington	Y	Y	Householder: £36 Minor: £50 -£400 Major: £600-£1200 Other: £25-126	within 6 weeks	No charge for listed buildings
M'Bro	y	N	N/A	N/A	
Hartlepool	Y	Y	Householder £55* Minor £158 - £427 Major £396 - £3168 Other £158- £427	15 days* 15 Days 25** 15 Days	*Optional 'fasttrack' service with a fee of £79 is offered. With 5 working days response time. ** Large scale majors subject to separate agreement
Redcar	Y	N	N/A	N/A	Advised that enquires do not take precedence over fee paying applications.

Figure 2: Further pre-app benchmarking

LPA	Charge for pre-app	Majors – app charges	Info	Response time
Barnsley	Yes	£750-£1500	Informal advice offered without <u>prejudice</u>	Within 28 days
Lancaster	Yes	Residential - £768 - £3960 Non residential - £355 - £2960	4 different engagement levels <u>inc</u> forum informal advice offered without <u>prejudice</u>	Within 4 – 5 weeks
Preston	Yes	£1500 - £2000	informal advice offered without <u>prejudice</u>	4 – 5 weeks
South Tyneside	Yes	£1369 - £2052	informal advice offered without prejudice	Within 28 days (reference majors may take longer)
York	Yes	£1900 (10-25 dwellings) £76.80 per units above 25 £3300 for major non residential	informal advice offered without prejudice	Within 20 working days

Costs assessments

Based on the PAS evidence highlighted above, it is considered in setting any associated pre-application advice fees for major developments then the most appropriate mechanism would be to define the scale of development and cost of the staff involved in providing that advice.

In processing a typical major pre-application enquiry it is anticipated that the following level of officer time would be required

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	Staff	Time spent (hrs)	Hourly rate	Cost
	Planning Support Officer	1	£30	£30
	Case Officer (Principal Planning Officer)	6	£50	£300
	Highway Engineer	3	£50	£150
	Lead Local Flood Authority	3	£50	£150
	Environmental Health	1	£40	£40
	Urban Design	2	£40	£80
	Landscape Officer	2	£40	£80
	Total			£830
	<p>In view of the above circumstances it is anticipated that the cost of providing pre-application advice from major planning applications would equate to approximately £830 per application</p> <p>Service standards In terms of introducing service standards and maintaining the council's reputation, with the introduction of charging for pre-application advice it is reasonable to assume that there would be expectations from the associated users of the pre-application advice service, that the service delivery would be high and responses (from all parties) would be on time, credible and reliable.</p> <p>It would therefore be necessary to ensure that internal statutory consultees have the capacity and are fully engaged in providing high quality responses within identified timeframes. Failure to do so would result in delayed responses or lack responses of a suitable standard to add real value to the pre-application process.</p> <p>Potential income generation Based on information which categories the type of pre-app enquires, within the councils database, the table below shows the number of 'major' pre-application enquiries received over the last four years (and based on a potential charge of £830 per major pre-application enquiry) what the level of potential income could be. However, this assumes that all those enquiries would still have been submitted with a charging regime in place. However, it is assumed that there would be some drop in the number of major pre-application enquiry cases received.</p>			
		Year	No Major application	Potential income
		2020	14	£11,600
		2021	14	£11,600
		2022	20	£16,600
		2023	9	£7,470
Assessment Progress (March 2024):	of	1 - Fully achieved		

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(include explanation if required)	<p>In deciding what is an appropriate course of action regarding charging of major pre-application enquiries, it is a balance between recouping costs associated with staff time vs the wider public and community benefits for seeking to secure inward investment and economic growth for the Borough.</p> <p>The Council's approach has been and will continue to be one which seeks to positively engage with those with an interest in the planning system and to try and build positive professional relationships with developers, applicants and agents who wish to bring forward development proposals within the Borough. Currently pre-application advice is given in a range of formats depending on the nature of an enquiry and can include multidisciplinary meeting(s) all of which aim to ensure that good quality development proposals come forward.</p> <p>With regards to the overall quality and reliability of pre-application responses, given the limited resources within other departments, improvements would need to be seen from a number of internal consultees to ensure that responses are timely, accurate and meaningful to justify the associated charges and ensure genuine value to the process.</p> <p>Whilst the financial aspects of charging may not present a significant barrier, anecdotally many businesses, developers and agents welcome the opportunity to engage with officers without the potential financial burden and no given certainty over the quality of a pre-application response.</p> <p>Furthermore, on the 6th March 2024, government introduced a new consultation on delivering 'An accelerated planning system' which may look to curtail the use of extension of time agreements. The role of pre-application advice may therefore become all the more important in 'front loading' development proposals and ensuring that the planning application process operates as smoothly as possible. As a council we would therefore want to continue to encourage pre-application discussions.</p> <p>In view of the relatively limited financial return from introducing a charging regime for major planning applications (as well as the associated costs of monitoring and annually reviewing the associated fees) it is on balance considered that there is limited merit in pursuing a charging regime at this time.</p>
Evidence of Impact (March 2024):	NA

Recommendation 2:	That the current response time of 15 working days for pre-application enquiries is re-evaluated to determine if it should be extended.
Responsibility:	Planning Services
Date:	July 2023
Agreed Action:	Wider Benchmarking of response time for charging and non-charging Authorities Consideration of appropriate service standards / response times

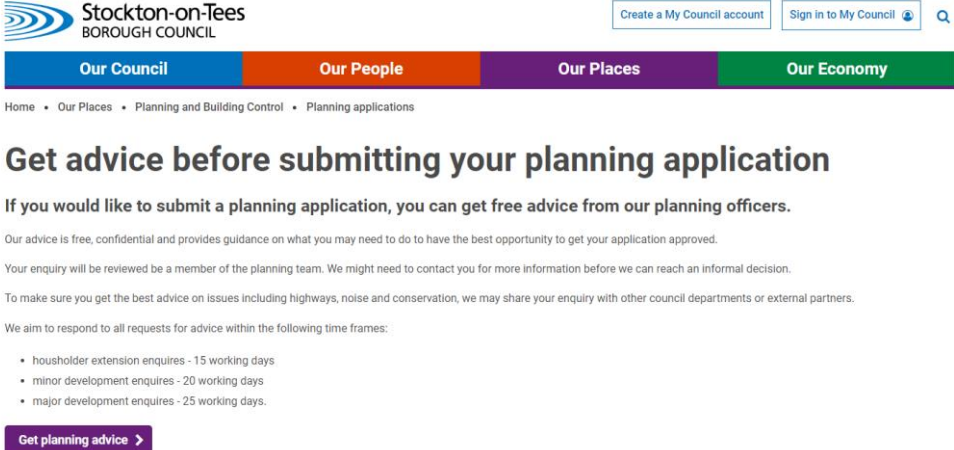
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		Consideration of above against SBC performance over last 5 years															
Agreed Success Measure:		Investigation complete and appropriate action taken															
Evidence of Progress (March 2024):	of	<p>Planning pre-application advice services is a free discretionary service which incorporates a range of requests from is planning permission required to requests for informal views on development proposals.</p> <p>Following a further review of other Local Planning Authorities approach to pre-application advice (see figures 1 and 2 above), regardless of whether authorities charge of the service or not, response times are typically between 3 weeks (15 working days) and 6 weeks (30 working days) with a larger amount of time being allowed for pre-application enquiries which are more complex.</p> <p>The council's 15 working day response time for all application type was therefore considered to be at odds with the wider range of local planning authorities approach to pre-application advice.</p> <p>Over the last five years Stockton Borough Council's average pre-application response times are shown below;</p> <table border="0"> <tr> <td>2019</td> <td>-</td> <td>41 days</td> </tr> <tr> <td>2020</td> <td>-</td> <td>51 days</td> </tr> <tr> <td>2021</td> <td>-</td> <td>55 days</td> </tr> <tr> <td>2022</td> <td>-</td> <td>67 days</td> </tr> <tr> <td>2023</td> <td>-</td> <td>38 days</td> </tr> </table> <p>The increased response times between 2020 and 2022 where largely as a result of the Coronavirus pandemic and staff shortages (whether through long term absence and/or vacancies).</p>	2019	-	41 days	2020	-	51 days	2021	-	55 days	2022	-	67 days	2023	-	38 days
2019	-	41 days															
2020	-	51 days															
2021	-	55 days															
2022	-	67 days															
2023	-	38 days															
Assessment of Progress (March 2024): (include explanation required)	of if	<p>1 – Fully achieved</p> <p>In setting out timeframes from responses a key challenge is balancing out the need/desire for more realistic and increased response times to enable full consideration of enquires and to allow officers to balance out completing demands vs making responses time too great, so that it puts people off using the pre-application advice service. In some circumstances, it is instead expected that an application for planning consent would likely be submitted without any advice being sought. The latter having the potential to increase the amount of negotiation required during the planning application process.</p> <p>Rather than seek to introduce a single response time for all pre-application enquiries, it was felt to be more appropriate to introduce a new 'tiered' approach to responses times which would adequately reflect the complexity of the range of pre-application enquires received and also ensure the simpler enquires do not wait too long for a response.</p>															

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PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

	<p>Following a similar approach to how planning applications are categorised it was therefore considered that breaking each response time down into ‘householder’; ‘minor’ and ‘majors’ was an appropriate way forward.</p> <p>The response time of 15 working days was considered to remain appropriate for householder enquires whilst allowing an extra week for a response time was appropriate for minor enquires, with a further additional week beyond that for major enquires.</p> <p>In view of those changes the Council’s website (A) has been updated accordingly with those changed timeframes along with the Planning Services shared inbox auto response (B).</p> <p>A</p>  <p>B</p> <p>PREAPPLICATION ENQUIRIES: As our pre-application advice is a free discretionary service, priority is being given to determining planning applications. We will aim to provide responses to all requests for advice within the following time frames;</p> <p>Housholder extension enquires – 15 working days; Minor development enquires - 20 working days; Major development enquires - 25 working days.</p> <p>Unfortunately responses make take longer in certain circumstances, where responses are taking longer than those identified please contact the case officer in the first instance.</p>
Evidence of Impact (March 2024):	

Recommendation 3:	That current planning enforcement powers are reviewed and the opportunity of employing an enforcement officer is explored.
Responsibility:	Planning Services
Date:	Sept/October 2023
Agreed Action:	Wider Benchmarking of approaches to planning enforcement of Local Authorities Review of performance/approach based on temporary enforcement contractor

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	<p>Introduction of a Local Enforcement Plan setting out service standards/approach</p> <p>Cost/Benefit Analysis of employing dedicated planning enforcement officer.</p>																																										
Agreed Success Measure:	Investigation complete and appropriate action taken, (including potential recruitment if appropriate)																																										
Evidence of Progress (March 2024):	<p>As detailed within the original evidence provided, all of the neighbouring local planning authorities as have a dedicated planning enforcement officer. This is also common across the rest of the north east region, except where the resource may form part of a wider 'enforcement/regulatory control' service.</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th></th> <th>DM Manager</th> <th>Team Leader</th> <th>Principal Planning Officer</th> <th>Senior Planning Officer</th> <th>Planning Officer</th> <th>Enforcement Officer</th> </tr> </thead> <tbody> <tr> <td>Redcar</td> <td>1</td> <td>-</td> <td>1</td> <td>1.5</td> <td>-</td> <td>1</td> </tr> <tr> <td>Hartlepool</td> <td>0.25</td> <td>1</td> <td>-</td> <td>3</td> <td>2</td> <td>1</td> </tr> <tr> <td>Middlesbrough</td> <td>1</td> <td>-</td> <td>2</td> <td>2</td> <td>1</td> <td>1</td> </tr> <tr> <td>Stockton*</td> <td>0.5</td> <td>-</td> <td>2</td> <td>-</td> <td>6</td> <td>-</td> </tr> <tr> <td>Darlington</td> <td>1</td> <td>-</td> <td>1</td> <td>-</td> <td>3</td> <td>1</td> </tr> </tbody> </table> <p>The temporary enforcement contractor was seen as being successful in introducing a dedicated resource and point of contact to address and investigate breaches of planning control.</p> <p>The benefits of repurposing a vacant planning officer role and re-introducing a permanent planning compliance role ensuring a dedicate resource and point of contact was therefore considered to offer an improved 'customer' experience. With the benefit of increases in productivity of responding to such planning compliance/enforcement queries. There was also deemed to be an added benefit of 'freeing' up some capacity of the planning officers to focus on planning applications and pre-application enquiries.</p> <p>The Local Enforcement Plan (LEP) has been completed and is attached for information purposes.</p>		DM Manager	Team Leader	Principal Planning Officer	Senior Planning Officer	Planning Officer	Enforcement Officer	Redcar	1	-	1	1.5	-	1	Hartlepool	0.25	1	-	3	2	1	Middlesbrough	1	-	2	2	1	1	Stockton*	0.5	-	2	-	6	-	Darlington	1	-	1	-	3	1
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Assessment of Progress (March 2024): (include explanation if required)	<p>1/2 – Fully complete/on track albeit some minor slippage re LEP's 'formal' introduction.</p> <p>As above the new Planning Compliance Officer role was created in July 2023, with the post being successfully appointed in August 2023 and the new officer commencing employment with the council in early October 2023.</p> <p>The Local Enforcement Plan (LEP) has been through its final draft and reviewed by CMT with their agreement being given to the content and introduction of the LEP.</p> <p>Following a review of the documentation and process associated with the planning compliance some additional minor changes have now been made to the LEP. The LEP is also being reported to planning committee on the 10th April 2024 with view to implementation date of the 1st June 2024.</p>																																										

APPENDIX 1

PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

	<p>Alongside the drafting and introduction of the local enforcement plan, a review of the planning enforcement procedures has been undertaken with the introduction of some new process to aid consistency and prioritisation. Performance monitoring measure for of the identified service standards have also been developed in order that the new processes are embedded as one.</p>
Evidence of Impact (March 2024):	

Recommendation 4:	<p>That <i>Maps@Stockton</i> is enhanced to provide information on those responsible for the maintenance of individual open spaces across the borough.</p>
Responsibility:	Information & Intelligence
Date:	December 2023/January 2024
Agreed Action:	<p>Discussion with Information & Intelligence over scope of information needed and timetables for implementation</p> <p>Provide relevant information from planning applications to inform mapping layer</p> <p>Information inserted into new mapping layers and assessed before going 'live'</p>
Agreed Success Measure:	Mapping layer is introduced
Evidence/Assessment of Progress (March 2024):	<p>Following changes in structure, management responsibilities and personal within the former Information and Intelligence service, the responsibility of the GIS function / 'I share' software now sits within the council's Performance Service.</p> <p>Nevertheless, dialogue has recently taken place and the associated actions discussed/picked up with the Business Partner – Performance, to discuss the requirements for the improvements to the 'I share' mapping software. Work on bringing forward the identified improvement has begun with a list of open space site requiring information to be drawn from the associated planning applications.</p> <p>Discussion have also centred on an additional tool available (a spotlight map), where residents of the borough can input their postcode and this will highlight nearby areas of Public Open Space (POS). This tool will become readily available once the 'master' data to produce the I share layer has been completed.</p> <p>Whilst regrettably this piece of work has slipped, it is not considered that it will take a significant amount of time to resolve and it is anticipated that the works and identified improvements should be complete by the summer.</p>

APPENDIX 1

PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

Assessment of Progress (March 2024): (include explanation if required)	3 – Slipped. Anticipated revised timeframe of an additional three months.
Evidence of Impact (March 2024):	NA

Recommendation 5:	That Stockton-on-Tees Borough Council (SBC) provide guidance to town or parish councils, where approached, and continue to liaise with developers on adoption of open space.
Responsibility:	Planning Services/Community Services
Date:	January 2024
Agreed Action:	Guidance developed in accordance with planning regulations/ supplementary guidance alongside best practice on appropriate maintenance information/frequencies.
Agreed Success Measure:	Incorporated into future advice / guidance note as appropriate.
Evidence/assessment of Progress (March 2024):	<p>Draft document to be complete and signed off by community services in by the end of summer 2024</p> <p>Given existing resource pressures within the Planning Services Team it has not be possible to dedicate resource to finalising the above guidance.</p> <p>A broad framework for the document is in place and following the return of a Principal Planning Officer from maternity leave, it is considered that a draft of the document could be prepared relatively quickly for consideration, comments and associated amendments with the Community Services team.</p>
Assessment of Progress (March 2024): (include explanation if required)	3 – slipped.
Evidence of Impact (March 2024):	NA

Recommendation 6:	That planning conditions for maintenance of open space be reviewed and options for SBC to obtain a copy of the maintenance agreement for each new residential development is investigated.
Responsibility:	Planning Services
Date:	<ul style="list-style-type: none"> a) July 2023 b) July 2023 c) September 2023

APPENDIX 1

PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

<p>Agreed Action:</p>	<p>Review of current planning condition(s) and benchmarking against other Local Authorities and Planning Inspectorate</p> <p>Internal consultation with colleagues in community services</p>
<p>Agreed Success Measure:</p>	<p>a) New ‘standard condition’ formulated. b) Condition circulated to development management team c) Condition incorporated into an updated ‘book of standard conditions’</p>
<p>Evidence/assessment of Progress (March 2024):</p>	<p>a) With regards to the formulation of a new standard condition, the revised condition as a result of a tweak to a previous condition is shown below with the additional wording identified below (underlined);</p> <p>On Site Public Open Space Notwithstanding the submitted information, no development shall commence until a scheme has been submitted to and has been approved in writing by Local Planning Authority has the details of the Public Open Space (POS) within the site including:</p> <ul style="list-style-type: none"> • The delineation and siting of the proposed POS including consideration of the [‘landscape for play’] approach; • The phasing for delivery of the POS across the site • Existing and proposed ground levels for all the POS and any associated mounding. Mounding details shall also include typical cross sections, at a minimum scale of 1:200 illustrating topsoil capping and core materials, side slope gradients that shall not exceed 1:5 and indicative heights. Placed soil materials shall be of a suitable depth and compaction to ensure successful grass, shrub and tree establishment. • The type and nature of the facilities to be provided within the POS which shall comprise of play equipment for all age groups including young children and teenagers which shall be supplied and installed to a specification as agreed by the local planning authority. • Details of the preparation, cultivation, grading and drainage of large grassed areas of POS; • Details of street furniture within POS; • The arrangements the developer shall make for the future management of the POS including water courses which pass through the site. • Where Title Transfer is not proposed the management details shall be prepared for a minimum period of 25 years from practical completion of the final phase of the POS works <u>and shall include details of the appointed management company.</u> <p>The open space shall be completed in accordance with the approved scheme and any phasing arrangements as agreed.</p> <p>b) the revised wording has been shared with the principal planning officers responsible for major large scale housing developments likely to feature new areas of public open space. The condition will also feature within the standard book of conditions which will feature on a shared drive once complete.</p>

APPENDIX 1

PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

	c) Wider book of standard conditions is well underway and is to be reviewed against a recent copy of the Planning Inspectorates book of model conditions, which is considered to be a benchmark of good practice.
Assessment of Progress (March 2024): (include explanation if required)	a) 1 - fully achieved b) 1 - fully achieved c) 3 – slipped. Standard book of conditions to be complete by summer 2024
Evidence of Impact (March 2024):	

Assessment of Progress Gradings:	1 Fully Achieved	2 On-Track	3 Slipped	4 Not Achieved
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Stockton on Tees Borough Council Local Enforcement Plan

MARCH 2024



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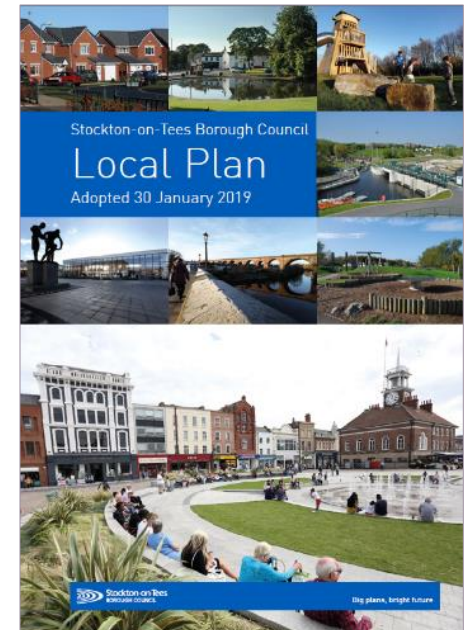
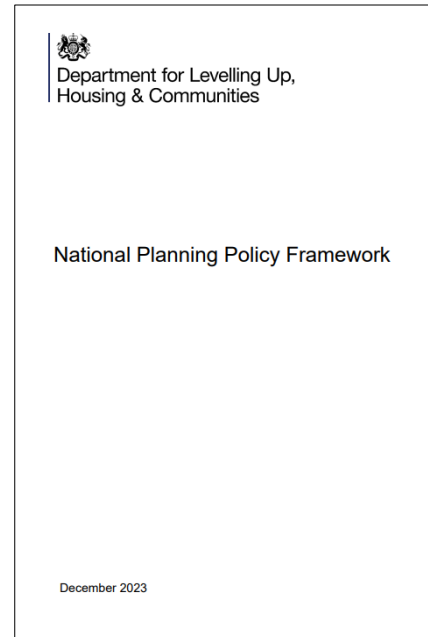
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1. INTRODUCTION;

- 1.1. The National Planning Policy Framework (NPPF) encourages effective enforcement action to maintain public confidence in the planning system. It recommends that local planning authorities (LPA's) publish a local enforcement plan to help proactively manage planning enforcement in a way that is appropriate to their area. As set out in the NPPF, planning enforcement action is discretionary, and the local planning authority should act proportionately in responding to suspected breaches of planning control.

- 1.2. Stockton-on-Tees Borough Council believes that planning compliance has an important role in ensuring that the policies of the Local Plan are effective and high standards of development are achieved across the Borough.

- 1.3. The planning enforcement function sits within the Planning Services team and the purpose of this local enforcement plan is to set out our approach to processes and investigating alleged breaches of planning control.



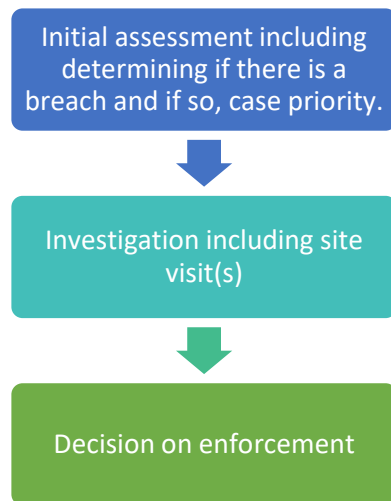
2. PLANNING ENFORCEMENT PROCESS;

2.1. Planning enforcement is a reactive service whereby requests are made for potential breaches of control to be investigated. These requests can come from the public, elected members, stakeholders, or council employees.

General process;

2.2. Once a case is received it will be logged and allocated to an officer to investigate. Initially the enforcement process involves an assessment as to whether there is a breach of control or not.

Figure 1: Main steps in an Enforcement investigation



2.3. In certain cases, the investigation may require a site visit to establish whether a breach of planning control has taken place. There may also be some occasions where a series of visits are required to be able to establish if there is a breach in planning control.

2.4. **Where there is no breach of planning control, the investigation will be closed, the relevant parties informed, and no further action taken. Where a matter has been previously investigated and no breach of control was found, there will be no reinvestigation of the case unless the complainant is able to provide substantive evidence of the alleged breach.**

2.5. If a breach of planning control has occurred, then a more detailed assessment of the breach and its associated impacts will often be required. In some circumstances the complainant may be advised that additional evidence is required to assess the impacts and may be asked to provide diaries and records over the nature and type of activity. The use of photographs with a time/date stamp is always beneficial evidence.

2.6. The council may also need to liaise with other council departments or outside bodies to be able to form a view on the impacts of a breach in planning control.

2.7. All of the information and evidence is then considered and a decision as to whether it is expedient to take enforcement action against any breach of planning control or not, is then taken.

3. WHAT IS A BREACH OF PLANNING CONTROL

- 3.1. Enforcement of planning legislation can often be complex and is in some circumstances also a lengthy process to go through. This is because a balance needs to be considered between upholding planning policies, safeguarding the amenity of an area and the rights of individuals to use or alter their property as they choose.
- 3.2. Nevertheless, the council has the ability to take enforcement action when a breach of planning control has occurred provided that it is deemed appropriate, and those powers are set out within the Town and Country Planning Act 1990.
- 3.3. The council is required to give those responsible for unauthorised works the opportunity to put matters right before taking formal enforcement action. If the council's actions are considered unreasonable, too harsh or legally incorrect any enforcement action can be overturned by the Planning Inspector or the courts and the council can also be liable to pay any associated costs.

When does a breach of planning control occur?

- 3.4. A breach of planning control is defined within the Town and Country Planning Act (section 171A), a breach occurs when development has occurred without having the required planning permission, or when the development is not being carried out in accordance with any of the imposed planning conditions.
- 3.5. A breach of planning control can also occur when development is carried out without obeying the relevant limitations or conditions

which are set out within the Town and Country Planning (General Permitted Development Order) 2015.

- 3.6. The most common breaches of planning control that the council deals with include;
 - where something has been built without planning permission
 - when the use of land or a building has altered without permission
 - where unauthorised advertisements have been installed
 - when conditions attached to planning approvals have not been complied with
 - the poor condition of land impacting on the visual amenities of the wider area.
- 3.7. The onus to apply for planning permission rests with the land/property owner. If any remedial works are required, then the property owner/developer will be liable for the full extent of any associated costs. In addition, any breach of planning control may show as part of a property search should you wish to sell your property in the future.
- 3.8. However, it is not necessarily a criminal offence to carry out development without planning permission. However, **in the event unauthorised development involves advertisements, works to**

protected trees or listed buildings, or if a formal planning enforcement notice has been served and it has not been complied with, then a criminal offence may have occurred, and the council may seek to take all necessary legal action to resolve the situation.

What cannot be considered under planning enforcement?

3.9. The planning enforcement process has a very clear legal framework and it must be related to both planning legislation and be something which would require/have planning permission.

Those matters which do not fall within the planning remit will not be investigated and we will inform you the reason why the planning department will not investigate. Where sufficient information is provided and any matter falls within the responsibility of other areas of the Council then they will be redirected to the appropriate department(s).

Many of those common aspects which do relate to planning include;

- neighbour disputes
- land boundaries or ownership disputes
- deeds of covenant issues
- works to party walls
- parking of commercial vehicles on the highway

- parking a caravan within the residential boundary of a property
- use of / development on highways or pavements.
- dangerous structures
- internal alterations to houses (unless a listed building or creating a separate dwelling/flat)



Wynyard Woodland Park

4. REPORTING A BREACH OF PLANNING CONTROL

- 4.1. Stockton on Tees Borough Council will investigate those complaints which it receives in writing as this helps us to maintain a clear audit trail so that there is no misunderstanding of what is being complained about and also prevents any malicious complaints being received.
- 4.2. **The council has an on-line form which can be used to submit any planning enforcement queries. This is the easiest and quickest way to get a planning enforcement concern looked at.** Alternatively email and letter will also be accepted where we have the required minimum level of information. Telephone calls will only be accepted where the unauthorised works relate to a listed building or protected tree.
- 4.3. **We will not investigate any anonymous complaints, complaints which rely on an email address or those which do not include the necessary mandatory information.**



Stockton Town Centre – Fountain

- 4.4. The minimum level of information that must be provided includes;
- your name and address,
 - telephone number or e-mail address.
 - location of the building or site
 - nature of the activity
 - explain what problems the development/use is causing to you (e.g. noise, traffic, smells, overshadowing).

Confidentiality

- 4.5. All planning enforcement matters are treated with a high degree of discretion and officers will not disclose any information which relates to the person(s) reporting the breach of planning control.
- 4.6. Where formal action is being taken and you have previously provided evidence to support an investigation you may be asked to give that evidence at a hearing, but before then you will be asked if you are prepared to do that. Most complaints are dealt with without the need for formal action.
- 4.7. Under the Freedom of Information Act 2000, if a request is made for the identity of the complainant or for information which may identify the complainant, we will not disclose your details. In some circumstances the information may be required to be disclosed by law. In such cases you will be contacted for your permission.

5. HOW WE WILL INVESTIGATE AND ASSESS A BREACH OF CONTROL

- 5.1. In order to make an effective use of resources, all incoming enforcement cases will be categorised and given an appropriate priority based on the on information provided (see table 1).
- 5.2. This will determine the broad timetable for processing any enforcement matter. The priority rating may be changed by the planning department following an assessment of any relevant planning history and any site visits, in case where it is deemed necessary.
- 5.3. The associated timeframes and key waypoints for dealing with enforcement action (table 2) are indicative and give a broad timeline for the majority of cases. In some circumstance there may be unforeseen delays (such as the complexity of a case, protracted negotiations or at times of high workloads within the department), where such matters arise the council will try to notify any complainant at an appropriate time.

TABLE 1; ENFORCEMENT PRIORISATION CATEGORIES

The three enforcement priorities;

Emergency – these cases will involve circumstances where there is a high likelihood that irreversible harm will occur if the council do not act immediately i.e. unauthorised felling/pruning of protected trees or unauthorised works to listed buildings;

High Priority – these cases will include matters where there is a high likelihood that there will be (or the potential for) significant harm to be caused within the surrounding area i.e. unauthorised uses/activities which are causing significant noise/disturbance; breaches in conditions which affect residential amenity; or circumstances which affect highway safety.

Low Priority – these cases will typically be matters which do not pose a significant threat to an area or are unlikely to result in immediate or irreversible harm i.e. building of walls/fences; unauthorised advertisements.

The investigation

- 5.4. Initially we will carry out some desk-based checks. Should there be no breach in planning control then the investigation will cease at this point. Where there is a potential breach, the case priority level will be established and the case officer will investigate further. This may include a site visit to help establish whether there is a breach of planning control. The majority of site visits are made without prior arrangement, and it is generally unnecessary to visit a complainant’s property or to meet with them. At the end of an investigation we will decide what the next steps may be (case action determined) which could include deciding not to pursue enforcement action; to seek a retrospective application; or whether the use of more formal powers may be necessary if any appropriate resolution cannot otherwise be reached.
- 5.5. **Officers are authorised under Section 196A of the Town and Country Planning Act 1990 to enter (at any reasonable hour and when it is reasonably necessary), land to ascertain whether there is any breach of planning control.** However, officers do not have powers to force entry into any house and we will leave a card to try and arrange a convenient time to visit. In rare cases, officers may apply for a warrant.
- 5.6. As part of the site investigation officers will ask questions, take photographs and measurements. This information will be used to ascertain whether a breach of planning control has taken place.

TABLE 2; PLANNING ENFORCEMENT WAYPOINTS

Action	Priority Level		
	Emergency	High	Low
Register complaint	Immediately	Within 2 working days	Within 2 working days
Start initial assessment process	Within 24 hours	Within 5 working days	Within 5 working days
Initial response to complaint	Within 48 hours (excluding weekends)	Within 10 working days	Within 10 working days
Commence investigation	Within 48 hours (excluding weekends)	Within 4 weeks	Within 6 weeks
Enforcement Case Action Determined	As soon as is possible if significant or irreversible harm is occupying	Within 8 weeks	Within 12 Weeks

6. ASSESSING THE IMPACT AND WHETHER ENFORCEMENT ACTION IS REQUIRED?

- 6.1. In certain or straightforward cases where the council has sufficient information either as part of the complaint or from our own records and information then the investigation may simply be a 'desk-based exercise' in other cases site visits may be required to gain a full understanding of the alleged breach of control .
- 6.2. Where officers can find no evidence of a breach of planning control the investigation will be closed, the relevant parties informed and no further action taken.
- 6.3. In some circumstances the complainant may be asked to provide additional evidence to identify or substantiate the allegation, for example information logs, records and diaries. Such cases will not be reinvestigated unless the complainant is able to provide more substantive evidence of the alleged breach of planning control.
- 6.4. The general test applied is "would planning permission likely to be granted for the development". Only material planning considerations will be part of this process. Issues such as; loss of value to property, Party Wall Act matters, competition with other businesses, land ownership disputes, loss of a view or breaches of a covenant will not be considered.
- 6.5. Where a breach has occurred and if the council consider matters can be rectified then we will initially attempt to resolve all breaches of planning control through negotiation. Negotiation will not be allowed

to unjustifiably delay any necessary planning enforcement action but they can take time to resolve.

- 6.6. In other cases where further information is required, then the council may serve a Planning Contravention Notice (PCN), the main purpose of a PCN is to gather necessary information to help establish whether there is a breach of control or whether there is a case for taking enforcement action. It is an offence if the recipient of the notice fails to provide the required information. If convicted of such an offence the offender would be liable on conviction, to a fine currently not exceeding £2,500.

Exceptions

- 6.7. There are exceptions where breaches of planning control become lawful through the passage of time and in such cases no action can be taken. These include;
- 4 years of substantial completion for operational development (i.e. structural alterations/construction)
 - 4 years for an unauthorised change of use of a building / structure to a single dwelling house
 - 10 years for any other breach of planning control (such as changes of use or breaches of condition).

7. PLANNING ENFORCEMENT ACTION AND POWERS AVAILABLE

- 7.1. In considering whether to take planning enforcement action or not, it will be necessary to take account of national planning policies including the NPPF, the Governments planning practice guidance, the relevant policies of the Local Plan and all other relevant material planning considerations.
- 7.2. Ultimately In deciding whether or not to take planning enforcement action the council must consider whether it is expedient to do so, in line with the expediency test (figure 2).
- 7.3. Should planning enforcement action be required then the council has a number of different options available to consider. In some cases there may be several which apply and the most appropriate one will be chosen. The various options which are available are identified in appendix 1.
- 7.4. If a matter is to be pursued in the courts, the council will need to consider whether the evidence held is sufficient enough to ensure that there is a realistic prospect of a of conviction. Any evidence must clearly prove that the offence has occurred and identify who is legally responsible for that breach.
- 7.5. There may also be circumstances where it is not in the public interest to pursue action and these will be discussed with the council's Legal

Services Team. The council will not initiate prosecution proceedings where it is disproportionate, likely to be ineffective in resolving the breach or where there is no realistic prospect of conviction.

- 7.6. Where it is necessary to use witnesses, the witness will be advised of the possible need to attend court and will be asked to provide a written witness statement. In such circumstances, if witnesses cannot or do not provide the necessary evidence, those prosecution proceedings may not be pursued.

FIGURE 2: EXPEDIENCY TEST:

This involves the Planning department assessing whether;

- the breach is in accordance with the policies of the Local Plan
- whether there are any other material planning considerations
- whether planning permission would have been likely to be granted
- whether the breach unacceptably affects public amenity
- whether the breach unacceptably affects any existing land, use or buildings which merit protection in the public interest
- whether action would be proportionate with the breach to which it relates
- whether it is necessary and/or in the public interest.

8. SERVICE STANDARDS

8.1. In order to ensure that the council is providing an effective planning enforcement service, it has identified a number of ways in which it can monitor its performance and where necessary take appropriate action to remedy any shortcomings in the service it is providing.

8.2. Our service targets which ensure our performance can be measured are:

- 70% of enforcement case closed where no breach identified - 20 working days
- 60% of enforcement requests receiving an initial response (i.e whether there is no breach of control or further investigation required) within 10 working days
- 60% of planning enforcement cases, where the case actions are determined within the established priority timescales.

8.3. In all planning related matters, no two cases are the same and although the council will aim to meet with the timeframes and service standards identified there may be unforeseen delays. Where

these matters arise the council will notify any complainant of any such circumstance at an appropriate time.

Complaints about the service.

8.4. Should you be unhappy about with advice you have received, the action being taken, or the level service you have received by a member of the Planning Services team in exercising our planning enforcement functions please contact us on the details below;

Phone: 01642 526022

Email: planningdevelopmentservices@stockton.gov.uk

Alternatively you can complain using the council's corporate complaints process on the details below:

Phone: 01642 527521

Email: foiandcomplaints@stockton.gov.uk

APPENDIX 1: TYPES OF ENFORCEMENT ACTION

Type of Action;	
No formal action	<p>This is often the quickest way of dealing with a breach of planning control. In some instances the owner or occupier of a property acknowledges they have made a genuine mistake and takes immediate action to remedy it.</p> <p>The local planning authority will never condone a willful breach of planning law but planning enforcement action should be proportionate to the breach of control and in some cases the local planning authority may decide that it is not necessary to take action – often termed as not being expedient to take action.</p> <p>This may include circumstances where there is a trivial or technical breach of control which causes no material harm or adverse impacts or in circumstances where development is acceptable on its planning merits.</p>
Retrospective planning application	<p>A local planning authority can invite a retrospective application where it is considered that an application is the most appropriate way to regularise the situation. However, if an application is invited it does not automatically follow that permission will be granted.</p>
Planning contravention notice (PCN)	<p>A planning contravention notice is often used by the council to seek information they may want for enforcement purposes, these may include asking questions about the use/operations being carried out on the land.</p>
Enforcement notice	<p>An enforcement notice should only be issued where the local planning authority is satisfied that there has been a breach of planning control and it is expedient to issue an enforcement notice. This will set out what the council considers to be the breach of planning control and what action(s) will be required to rectify the situation.</p>

	An appeal against an enforcement notice can be made to the Planning Inspectorate. However, it is an offence not to comply with an enforcement notice, once the period for compliance has passed. A person guilty of an offence is liable on conviction to an unlimited fine and the council can in certain circumstances also seek to apply to recover any financial benefit obtained through the unauthorised development under the Proceeds of Crime Act 2002.
Planning enforcement order	A planning enforcement order may be necessary where a person deliberately conceals unauthorised development. A planning enforcement order enables an authority to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired. To take this action the council must make an application within 6 months of the council becoming aware that there has been a breach of planning control. The application must be made to a magistrates' court and a copy must be served on the owner/occupier of the land, and anyone else with an interest in the land.
Stop notice	A stop notice prohibits any or all of the activities which comprise the alleged breach(es) of planning control specified in the related enforcement notice, however, it cannot prohibit the use of any building as a dwelling house or the siting of a caravan occupied by a person as his or her own main residence. It is however necessary to ensure that a stop notice only prevents what is essential to safeguard amenity, public safety or prevent serious or irreversible harm to the environment.
Temporary stop notice	<p>Temporary stop notices are a tool that allows local planning authorities to act very quickly to address some breaches of planning control, where it is expedient to do so. The council must be satisfied that the breach of planning control stops immediately and give appropriate reasoning for serving the temporary stop notice.</p> <p>A temporary stop notice should only be served to safeguard amenity, public safety or prevent serious or irreversible harm to the environment. In the event a temporary stop notice is served it can last up to 28 days.</p>
Breach of condition notice (BCN)	A breach of condition notice requires that previously imposed conditions are complied with and is an alternative to serving an enforcement notice. However, there is no right of appeal to a breach of condition notice. If a breach of condition notice is not complied with then prosecution can be sought via the Magistrates' Court.
Section 215 notice	A section 215 notice is served on a land/property owner if the land/buildings are deemed to be untidy and affect the amenity of an area. Where a notice is not complied with then a decision is made to determine whether;

	<ul style="list-style-type: none"> • Action is necessary • Seek to prosecute • Carry out works in default <p>Where the council carries out the work in default it can seek to recoup the monies which could include registering a charge against the property.</p>
Advertisements	The erection of unauthorised advertisement is a criminal offence and in some case the council may seek a prosecution. In other cases a land/property owner may be advised to seek retrospective approval.
Injunction	A local planning authority can, where they consider it expedient for any actual or apprehended breach of planning control to be restrained, apply to the High Court or County Court for an injunction to restrain a breach of planning control. Proceedings for an injunction are the most serious enforcement action that a local planning authority can take and failure to comply with an injunction could result in a prison sentence for contempt of court.

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Place Select Committee Work Programme 2024-2025

Date (<u>4pm unless stated</u>)	Topic	Attendance
Monday 15 April 2024	Monitoring: Action Plan - Scrutiny Review of Domestic Waste Collections, Kerbside Recycling and Green Waste Collections Monitoring: Progress Update - Planning (Development Management) and Adoption of Open Space – April 2024 •	Dale Rowbotham Simon Grundy
Monday 15 April 2024 (informal – after formal meeting)	Scrutiny Review of (Unauthorised) Roadside Advertising <ul style="list-style-type: none"> • Summary of evidence/draft recommendations 	Marc Stephenson
Monday 20 May 2024	Scrutiny Review of (Unauthorised) Roadside Advertising <ul style="list-style-type: none"> • (Draft) Final Report 	Marc Stephenson/Carolyn Nice
Monday 10 June 2024		
Monday 15 July 2024		
Monday 9 September 2024	Monitoring: Action Plan - Scrutiny Review of (Unauthorised) Roadside Advertising	Marc Stephenson
Monday 14 October 2024		
Monday 11 November 2024		
Monday 9 December 2024		
Monday 13 January 2025	TBC Overview Reports <ul style="list-style-type: none"> • Town Centres Development • Environment, Leisure & Green Infrastructure • Community Services 	Cllr Nigel Cooke/ Cllr Clare Gamble/ Cllr Norma Stephenson OBE/ Garry Cummings/ Reuben Kench/ Ann Workman/ Carolyn

Place Select Committee Work Programme 2024-2025

Date (4pm unless stated)	Topic	Attendance
	<ul style="list-style-type: none"> • Inclusive Growth & Development • Housing and A Fairer Stockton-on-Tees 	Nice/ Neil Mitchell/ Craig Willows
Monday 10 March 2025		

Remaining Monitoring Items (to be scheduled)

Scrutiny Review of Burial Provision Dale Rowbotham/ Darren Robinson

Scrutiny Review of Affordable Housing (to be scheduled)