

Outstanding actions from Overview and Scrutiny – September 2019

MEETING DATE  AGENDA ITEM AND  MINUTE NUMBER	RECOMMENDATION/ ACTION	UPDATE	TIMESCALE
OSC9/19  ACTION 1	Councillor Booth asked for a further breakdown in relation to the planning enforcement action taken relating to planning breaches. (minute OSC5/19)	<p>Figures for enforcement cases closed in 2018/19:</p> <ol style="list-style-type: none"> <li>1. No Breach Found <b>54%</b> i.e. 'development' was not found to have taken place <b>39%</b>, or where it had it variously was permitted development <b>7%</b>, had planning permission / deemed consent <b>6%</b>, had been in place for so long it was lawful <b>2%</b></li> <li>2. Retrospective planning permission granted <b>17%</b> i.e. having established that a breach had taken place, planning permission was applied for and obtained retrospectively</li> <li>3. Breach resolved through the owner / occupier taking voluntary action to remedy the breach <b>13%</b></li> <li>4. Breach resolved through the owner/ occupier taking the necessary action to comply with a formal notice issued by the Council <b>5%</b></li> <li>5. Breach of planning control but the scale of the breach is such that it does not warrant the serving of a notice and or if planning permission were applied for it would be granted planning permission <b>5%</b></li> <li>6. Cases closed due to lack of evidence <b>3%</b></li> <li>7. Duplicate case entry <b>1%</b></li> <li>8. Referred to a more appropriate FDC service area / external organisation <b>1%</b></li> <li>9. Following investigation Certificate of lawfulness applied for by owner and</li> </ol>	<b>COMPLETED</b>

		granted <b>1%</b>	
<b>OSC/10/19</b> <b>ACTION 2</b>	Councillor Booth asked if officers could prepare comparative figures reflecting an 8.5% contribution rate in relation to the Council Tax Support report.	Mark Saunders confirmed that he would provide this information to members at the meeting on 2 September 2019 when the Council Tax Support report is considered.	<b>September 2019 meeting</b>
<b>OSC/11/19</b> <b>ACTION 3</b>	Councillor Booth asked if the subsequent report could highlight any savings to the Council based on an 'average' Council Tax Support Scheme.	Mark Saunders confirmed that he would provide this information to members at the meeting on 2 September 2019 when the Council Tax Support report is considered.	<b>September 2019 meeting</b>
<b>OSC11/19</b> <b>ACTION 4</b>	Councillor Hay asked that Cabinet reconsider the appeals process and delegation for Assets of Community Value. Portfolio Holders are responsible for making decisions regarding Assets of Community Value whilst Cabinet are responsible for undertaking the appeals process. She highlighted that this could be seen as a conflict of interest.	<p>The policy was reviewed in November 2016 and changed to enable the original decision to be a decision for the relevant Portfolio Holder rather than cabinet. This therefore allowed the review process to be more streamlined to enable Cabinet to review the decision if appealed by the owner and provides a close fit to the non-statutory guidance. The Portfolio Holder would not participate in the decision making regarding the appeal.</p> <p>Overview and Scrutiny have the right to call in the review decision by Cabinet.</p> <p>Overview and Scrutiny commented on the new policy with amendments made prior to approval.</p> <p>If Overview and Scrutiny provided the appeal mechanism, then when it was referred back to Cabinet for a decision, O&amp;S would not be able to call in the Cabinet decision due to a conflict of interest in the original decision. With Cabinet being the appeal mechanism this leaves O&amp;S free to exercise their right of call-in unfettered by previous involvement in the process. Also, it adds time in to the process as O&amp;S is not a decision making body; any recommendation</p>	<b>COMPLETED</b>

		would always have to be referred by to Cabinet. A streamlined process is in the best interest of all parties.	
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