

Record of meeting with representatives from MHDC on 15.10.2020 and possible future actions by the Parish Council

Record of Meeting

Present at the meeting were:-

MHDC Cllrs. David Harrison (DH) and Daniel Walton (DW)

MHDC Planning Officers Duncan Rudge (DR), Paul Clements (PC) and Aaron Black (AB)

Broadwas & Cotheridge PC Cllrs. Eric Dale, Richard Burrows and Robert Pearce

It was agreed that the meeting would be on the record. DW volunteered to take some notes during the meeting but these would not constitute formal Minutes.

The PC representatives referred to the motion passed by the PC that it had concerns as to the way in which MHDC undertakes its responsibilities as local planning authority. In part this was as a result of the Zourka development but there had been other issues which had given cause for concern.

Initially the meeting focussed upon how MHDC operates its Enforcement Team. There is an Enforcement Plan which is monitored by the Oversight & Scrutiny Committee. Internal audit process also used. Performance is benchmarked against peers i.e. similar authorities. MHDC ranks second against 10 or 12 similar sized authorities in terms of number of enforcement notices issued.

MHDC has Peer Reviews and these are published on the website. MHDC cooperates with the Local Authority Ombudsman when cases are referred to him but he has no power to revoke any decisions. In exceptional circumstances, he can instruct local authorities to pay compensation for damages or time and trouble – but this is rare. There is no direct equivalent to Ofsted or an ISO standard.

Enforcement cases are ranked A - C as set out in the Enforcement Plan. Most serious cases (ranked A) are looked at within 1 working day. Category C cases are considered within 10 working days. MHDC officers gave an assurance that “cannot afford” is never a criteria for deciding whether to take action.

The question of “expediency” was discussed. DR preferred the phrase “public interest”. Once a case has been investigated, the Enforcement officer will produce a report and a decision is made as to whether it is “reasonable and proportionate” to take further action based upon the level of harm caused. Cases ranked A are the most harmful. The decision making process may include advice from MHDC’s solicitor as to how the courts are likely to view the issue.

MHDC generally successful with Court actions but the level of fines is a frustration.

The enforceability of conditions relating to working hours was discussed. Evidence from residents is important as is the level of harm being caused. A distinction was drawn between non-obtrusive internal activities such as decorating and noisy external works.

It was acknowledged that enforcement is very often not a swift process and that this can cause frustration to local residents.

The meeting then moved on to discuss how MHDC consults with parish councils in respect of planning applications and subsequent non-material amendments etc.

MHDC's policy is only to consult on applications where it has a statutory obligation to do so. All applications are, however, listed on the MHDC website and are publicised on their Weekly List. There is also a facility to receive email notifications when additional documents are loaded on the MHDC website for any specified application.

The fact that MHDC does not consult on some types of application (e.g. Certificates of Lawfulness and Applications for Non-Material Amendments) does not mean that they do not welcome representations on those applications.

When formal consultation takes place, a 21 day period is stated for responses but in reality MHDC will take into account any representations submitted before the planning officer prepares their report. When there is no formal consultation, there is no specific timescale for comments but, as they are generally less complex matters, they are likely to be dealt with more quickly.

The meeting concluded with a discussion regarding lines of communication. The case officer can be emailed direct by parish councils or the general public with regard to any planning application. Alternatively comments can be submitted for posting on the MHDC website. Where there are particular concerns, the Ward District Councillors should be copied in.

It was agreed that the parties would review the outcomes of the meeting at the beginning of December 2020.

Parish Council actions

The Parish Council will need to consider whether it is satisfied with the assurances provided by MHDC in respect of MHDC's planning processes and, if not, what further steps it wishes to take.

In addition, the Parish Council currently reviews applications on a monthly basis. It may wish to consider changes in the light of the information provided at the meeting. For example:-

1. The monthly Planning Report could be expanded to include applications not subject to formal consultation. This would not be a major administrative issue as the number of additional applications would be less than 50% more than those currently considered.
2. A Councillor (or the Clerk) could take on the role of monitoring the Weekly List. This would facilitate earlier identification of applications not subject to formal consultation but there would be no significant benefits unless the Parish Council establishes a process whereby comments are submitted without discussion at a formal meeting – e.g. consultation by email. One potential downside would be that the public are excluded from that consultation process.

3. Anybody can ask MHDC to receive alerts in respect of a specified application. Such a facility is perhaps more appropriate to a Councillor (or nearby resident) with a particular interest in an application as distinct from a general policy for the Parish Council.
4. The Parish Council may consider to what extent it should be the conduit for communications between MHDC and local residents or whether it wishes to encourage residents to engage directly with MHDC.

Action Plan/Response to MHDC

In the light of the above, a possible action plan might include:-

- The PC welcomes the response of MHDC to its concerns and wishes to develop its own response and capacity for the role it plays on behalf of parishioners.
- The PC wishes to build on the dialogue established with MHDC and local District Councillors to achieve:-
- More accessible and clear understanding about how the system works and the roles that parties play.
- Clarification of the processes by which planning conditions are signed off/enforced.
- Greater understanding of the ways in which MHDC determines that its services are of the highest quality and how any learning and/or shortfalls are addressed.
- An assurance that the elected members of MHDC are providing the officers with sufficient resources and support to ensure that the complexities of the planning processes fairly reflect the interests of all concerned.

28.10.2020