



## OVERVIEW AND SCRUTINY SELECT COMMITTEE

2 DECEMBER 2010

### APPENDICES

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Runnymede Borough Council

OVERVIEW AND SCRUTINY SELECT COMMITTEE

7 October 2010 at 7.30pm

Members of the Committee present: Councillors P B Tuley (Chairman), C J Chapman (Vice-Chairman), Mrs R M Denby, R J Edis, J M Edwards, Mrs L M Gillham, A M Moore, C J Norman and A P Tollett.

Members of the Committee absent: None

321. FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

322. NOTIFICATION OF CHANGE TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of its wish that the change listed below be made to the membership of the Committee. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed.

<u>Group</u>	<u>Remove From Membership</u>	<u>Appoint Instead</u>
Conservative	Councillor H A Butterfield	Councillor R J Edis

The Chief Executive had given effect to this request in accordance with Section 16(2) of the Local Government and Housing Act 1989.

323. MINUTES

The Minutes of the meeting of the Committee held on 8 July 2010 were confirmed and signed as a correct record.

324. DECLARATION OF INTEREST

Councillor J M Edwards declared a prejudicial interest in the Agenda item on Progress Report on Enforcement of Planning Control, having been a Member of the Planning Committee that had decided at its meeting on 4 August 2010 that it should receive this Progress Report before the Overview and Scrutiny Select Committee. He left the room for the consideration of this item.

325. INTERIM TREASURY REPORT AND PROPOSED REVISED ANNUAL INVESTMENT STRATEGY FOR 2010/11

The Committee considered a report that had been submitted to the Corporate Management Committee on 30 September 2010 on treasury activity for the first five months of 2010/11 and on proposed revisions to the Annual Investment Strategy for 2010/11. The Committee noted the current position on Council investments and considered the proposed revised Annual Investment Strategy which aimed to increase yield without increasing risk, by using long term rating criteria as a measure of the credit worthiness of counterparties and by lengthening some of the terms of the investments, while retaining tight controls. The Committee noted that a significant amount of Officer time was spent on revising the Strategy and compiling reports on investment for the Corporate Management Committee.

The Overview and Scrutiny Select Committee noted the Council's investments made from 1 April to 1 September 2010 and the Council's investments as at 1 September 2010. Levels of interest received from investments made during 1 April to 1 September were low, with 1% only being achieved on two occasions. Rates of interest achieved through the Government's Debt Management Office were extremely low, even by current standards, so this investment vehicle was avoided where possible. The long term investments made before the "credit crunch" with the Coventry, Kent Reliance and Nationwide (formerly Dunfermline) Building Societies had achieved good rates of return. The total value of the Council's investments at 1 September 2010 was £27.5 million, £9 million of which was invested in money market funds which had proved very useful in managing short term investments. Investment in longer duration money market funds was proposed in the revised Annual Investment Strategy.

The revised Annual Investment Strategy would enable investment with Lloyds Bank and the Royal Bank of Scotland to be resumed. Limits for short term investments with UK building societies holding high credit ratings would be increased from £2m to £2.5m. For building societies without a credit rating, it was proposed to increase the maximum term from 3 to 4 months as there did appear to be more demand from building societies for 4 month deposits. The proposal to establish a public sector money market fund (the Public Sector Deposit Fund) was a welcome development as management fees would be low and there would be an emphasis on the needs of local authorities. The Committee considered that this Fund should be set up as soon as possible and was concerned that there was no timetable for the instigation of the Fund.

The Committee noted that longer term investments seemed to offer low value at present. Confidence in longer term investment was proving slow to return in the wake of the collapse of the Icelandic banks. The recent financial turmoil in Ireland illustrated the need for caution in making long term investments and choosing counterparties carefully and prudently.

It was noted that the Corporate Management Committee had recommended that the proposed revised Annual Investment Strategy for 2010/11 be approved. The Corporate Management Committee had considered that a variety of sources should be considered in deciding on appropriate counterparties, not just credit ratings. This would include newspapers and credit default swap rates. The Overview and Scrutiny Select Committee noted that Officers did use a range of information when making investment decisions. When examining credit ratings, Officers looked at all three credit rating agencies and, for each counterparty, used the lowest rating provided by the three agencies.

It had also been suggested at the Corporate Management Committee that Officers might look at investing in foreign banks, where the assets of those foreign banks were ring-fenced in the UK. If this change were to be made, this would allow investment to be made in the UK arms of the Santander bank. The Overview and Scrutiny Select Committee noted that Officers would report on this issue as part of an overall review of the Strategy which would be submitted to Members for consideration in the Spring of 2011.

**RECOMMEND that -**

**the proposed revised Annual Investment Strategy for 2010/11 be approved.**

326. PROGRESS IN ACHIEVING NET REVENUE REDUCTIONS

As part of its work programme, the Overview and Scrutiny Select Committee periodically reviewed the Council's progress in achieving its net revenue reduction targets. The Committee considered a report on this matter that had been considered by the Corporate Management Committee at its meeting on 30 September 2010.

The Council's current programme of savings targets totalled £2,578,500, consisting of £712,000 of savings approved in December 2008, £653,000 of savings approved in October 2009, a pay freeze of £327,000 approved in February 2010 and savings of £886,500 agreed in April 2010. These targets only related to current revenue reductions that the Council aimed to achieve. It followed other savings programmes, the last of which had achieved savings of £2.4 million.

The Committee noted the savings initiatives that had been approved and details of those initiatives where action to achieve the savings had been completed and the remainder where action was still pending. For each of the savings initiatives that were not yet complete there were risk indicators showing whether the target was expected to be achieved, whether work was in progress, or whether

the target was not likely to be achieved. The Committee was also pleased to note that Officers had drawn up a separate list of savings initiatives in addition to the schedule of savings that had been formally approved and were therefore looking at other opportunities that might be available.

The Committee agreed that Officers should explore with neighbouring authorities the possibility of a joint approach to advertising public notices, with a view to obtaining a reduced price for these notices across all those authorities. The Committee considered that this possibility should be explored as the savings target in respect of a reduction in costs of public notices arising from not having to place so many of these notices in newspapers was unlikely to be achieved. This was because the Government had not passed legislation allowing public notices to be published on Council websites, rather than in a newspaper circulating in the Council's area that had to be registered with the Post Office. Furthermore, publishing them in Council newspapers was not an option because they had to be published regularly and the Government had placed restrictions on the frequency of Council newspapers, because this would have an effect on the sales of the commercial press. Therefore, there was no alternative to having to pay to use the commercial press to advertise public notices and it was possible that a greater discount might be achieved through the combined buying power of a number of local authorities, than through trying to achieve a discount as one authority.

The full outcome of the Government's comprehensive spending review would not be known until late November or early December. It would result in further increases in the savings targets. The reduced income resulting from not now being able to charge for land charge personal searches and, with regard to strategic maintenance, the absence of revenue savings and the increase in the cost of reactive and planned works that would have to be charged to revenue budgets, were noted. Savings in parks and open spaces in respect of staggered hours and in-sourcing were anticipated to be achieved by April 2011. The reduction in the KPMG fee for auditing the Benefit Subsidy claim was now only expected to reduce by £5,600. Although the target for saving for the Runnymede speed camera initiative had been achieved, the costs of the initiative had been transferred to Surrey Police and Surrey Police had withdrawn their contribution of £30,000 to Safer Runnymede, thereby negating any savings. The Committee was pleased to note the savings that would arise from the new recycling contract, which would come into effect in February 2011. The contribution being made by staff to savings through the pay freeze was noted. It was envisaged that the savings being sought through the restructuring of the Council would be achieved. The inflationary provision included in the 2010/11 budget was only 1% and this had achieved the required savings. The Committee suggested that this provision might need to be adjusted in the future. The Committee noted the increase in charges for the Careline service. The Committee considered that the Council must always bear in mind the need to achieve a balance between seeking to maximise income and not over pricing a service that was being provided to vulnerable members of the community and that therefore any significant changes in the take up of the service should be closely monitored.

#### 327. SURREY WIDE SCRUTINY CO-ORDINATION GROUP - REPRESENTATIVE

The Committee noted the proposals for collaborative scrutiny in Surrey and considered whether it wished to nominate a representative to serve on the Surrey-wide Scrutiny Co-ordination Group.

The Committee noted a report from the Surrey Scrutiny Officers Group (SSOG) which set out the framework for collaborative scrutiny in Surrey and invited all local authorities in Surrey to appoint one representative to serve on the Surrey-wide Scrutiny Co-ordination Group. Collaborative scrutiny in Surrey had been developed by the SSOG and was intended to provide the means by which local authorities and key partners in Surrey (such as Surrey Police, Surrey Police Authority, the Primary Care Trust and Probation), could work together to carry out the scrutiny of decisions or activities which had strategic/county-wide implications and where a range of partners were responsible for delivery. It was envisaged that the process for collaborative scrutiny in Surrey would be used for scrutiny of the Surrey Strategic Partnership and its thematic delivery partnerships, Local Area Agreement improvement targets and strategic crime and disorder matters.

A copy of the framework for collaborative scrutiny in Surrey as endorsed by the Surrey Strategic Partnership and Surrey Chief Executives was noted. The SSOG proposed to invite authorities and partners to complete an electronic survey of the topics that they would like to be considered for joint scrutiny. The responses would be collated and analysed for consideration by the Surrey-wide Scrutiny Co-ordination Group. It was intended that this Group would consist of a Member from each Surrey local authority and advisers from key partner organisations and would meet to act as a "clearing house", identifying only those topics suitable for collaborative scrutiny by applying a set of agreed criteria. The Co-ordination Group would submit their proposals for reviews to the appropriate

Surrey County Council Select Committee. The Select Committee would then formally appoint a task group to conduct the review. The task group would share its draft review report with the Co-ordination Group members and a final report would be presented to the County Select Committee for approval. Any recommendations would be shared with partner organisations for action as appropriate.

The Committee considered that joint scrutiny in Surrey might be appropriate for issues that cut across a number of local authorities, e.g. Airtrack, the widening of the M25, or matters affecting the River Thames or the Basingstoke Canal. While there were special interest groups looking at issues of Surrey-wide concern, these groups might not have the same influence as a County-wide scrutiny report on a particular issue. The Committee therefore concluded that it would be appropriate to be represented on the Co-ordination Group.

**RESOLVED that -**

**Councillor C J Norman be appointed as the Councillor representative from Runnymede to serve on the Surrey-wide Scrutiny Co-ordination Group.**

328. ENFORCEMENT OF PLANNING CONTROL – PROGRESS REPORT

The Committee was advised of the new reporting arrangements for the Progress Report on Enforcement of Planning Control.

The Committee had previously received the progress report on enforcement of planning control for information at each of its meetings. However, until recently, the Planning Committee, which was responsible for authorising planning enforcement action, had not received the report. At its meeting on 4 August 2010, the Planning Committee had noted a report on enforcement of planning control which had been presented to the Overview and Scrutiny Select Committee at its meeting in July 2010. The Planning Committee had agreed that, in future, it should receive enforcement of planning control reports in the first instance, as such matters were within the remit of the Planning Committee. Given the logic that it would be appropriate for the responsible Committee to receive the progress report on enforcement of planning control in the first instance, the report was not included on the present agenda for the Overview and Scrutiny Select Committee. However, the Planning Committee would receive the progress report on enforcement of planning control at its meeting on 27 October 2010 and that report would then be submitted to the Overview and Scrutiny Select Committee on 2 December 2010. In the future, progress reports on the enforcement of planning control would continue to be presented to the Overview and Scrutiny Select Committee.

The Overview and Scrutiny Select Committee was content with these new arrangements. It was suggested that the Overview and Scrutiny Select Committee might take a more thematic approach in looking at the enforcement of planning control in the future.

329. MEMBERS' ALLOWANCES IN SURREY DISTRICT AUTHORITIES

(Ref: Minutes of Overview and Scrutiny Select Committee, April 2010, page 752, para.719)

At its meeting in April 2010, the Committee had agreed that a brief report be prepared for its consideration on Members' Allowances decisions of the other Surrey district local authorities. The Committee had envisaged that the report might form the basis of a press release pointing out the low level of Runnymede Members' remuneration.

A comparison of total expenditure on Members' allowances for ten of the eleven Surrey district authorities for the year ending 31 March 2010 was accordingly noted by the Committee. The low levels of basic allowance, total expenditure and spend per Member for Runnymede, when compared to the other Surrey districts, was noted. The Committee concluded that the residents of Runnymede were receiving value for money from their Councillors and agreed that, once the remaining result had been obtained, a press release should be issued, to be agreed by the Chairman of the Committee.

In connection with the next review of Members' allowances in Runnymede, the March 2010 Council meeting had agreed to ask the Committee to examine the reports of the Independent Remuneration Panels and subsequent Council decisions of other Surrey authorities on Members' allowances to establish the reasoning behind them and whether any elements of common approach could be commended. The Committee would then make its report on these matters available to the Independent Remuneration Panel and Runnymede Members before the commencement of the next

review. The Committee had discussed the timing of this report at its meeting in April 2010. The next review of the Scheme would take place during the latter part of 2012, with a view to implementation in April 2013. In order that up to date information was available to the Independent Remuneration Panel (whose membership was to be considered before the next review) and subsequently to the Council, the Committee had agreed at that April 2010 meeting that it would be appropriate to commence work in April 2012 on this report.

The Committee considered that the following points should be taken into consideration and should be fully discussed when the next review of Members' Allowances in Runnymede was being undertaken.

- i) The fact that Runnymede Members were paid a low level of allowance in comparison to many other local authorities could be interpreted as meaning that a low value was placed on their work. While there would always be a voluntary element to a Councillor's duties, the balance between the voluntary and the paid time of Members needed to be re-evaluated.
- ii) The frequency of Council meetings and the number of people in each Councillor's ward should be taken into consideration.
- iii) There might be a case for changing the composition of the Independent Remuneration Panel. The previous Panel had considered that two thirds of a Councillor's time spent on Council business should be unpaid and should be deemed to be therefore provided on a voluntary basis. The hourly rate for remuneration for a Councillor in Runnymede was below the level of the national minimum wage. A differently constituted Panel might take a fresh view of these issues, in the light of changing circumstances.

The Committee agreed that a report should be submitted to them before April 2012 with a work plan setting out proposals for the implementation of the next review of Members' Allowances in Runnymede.

### 330. FUTURE WORK PROGRAMME FOR THE COMMITTEE

The Committee considered possible topics for consideration in future meetings, having received some suggestions from Officers which were contained in the Agenda for the meeting.

The following possible items were suggested by Committee Members:-

- i) The impact of the revised funding arrangements on voluntary services for the Borough. This might include issues arising from the winding up of Primary Care Trusts.
- ii) Flooding issues.
- iii) The impact of mineral working in the Borough.
- iv) Environmental issues including climate change and air quality, biodiversity, measures to promote sustainable ecosystems (e.g. peat bogs), Sites of Special Scientific Interest in the Borough and the use of renewable energies.
- v) The impact of contaminated land on the Borough.
- vi) The Council's IT strategy in detail, taking a long term strategic view of the Council's IT needs.
- vii) How businesses could be encouraged to make their toilet facilities available to the public. This issue was of importance to residents and people visiting the Borough in view of the expense of running municipal toilets and the unwillingness of some businesses to make their toilets available to the public. This had been an issue in Chertsey in particular and it was noted that the local bookshop and health club in that town had been prepared for the public to use their facilities. The success of a scheme in Richmond, where businesses had allowed the public to use their toilets, was noted.
- viii) Issues arising from mobile home sites.

It was agreed that an email would be sent to Members of the Committee with a list of items discussed at the meeting and also listed in the Agenda, asking Members to return them and rank

them in priority order from 1 to 10. A report would be submitted to the next meeting of the Committee with the results of this exercise for Members to select items and devise a work programme.

The aim would be to frame questions on issues that could lead to outcomes being achieved. This might include some topics where the Committee could act in an overview capacity analysing an issue before it was considered by a service Committee or by some other outside agency or body. It was suggested that training for Members of the Committee might be explored, which could be provided either in-house or through using the services of an external facilitator.

Chairman

(The meeting ended at 9.15 p.m.)

PROGRESS REPORT ON ENFORCEMENT OF PLANNING CONTROL AS AT 7TH OCTOBER 2010 (DAL)

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<b>The Conifers</b> 111A, Almers Rd Lyne <b>(8.1.93)</b>  (File 53.14.227)	Foxhills	Residential Caravan Site hardstanding and roadway.  Walls and tarmacadam of site.	i) Enforcement and Stop Notices issued.  (ii) Enforcement Notice issued.	Enforcement Notices effective. Final Injunction obtained: 16.06.95. Subsequent appeal to European Court. Judgement of European Court received and found in favour of RBC and UK position. Report to Committee regarding committal proceedings following determination of fresh application and consideration of occupiers' circumstances in addition to changed circumstances on site. Reassessment of personal circumstances to be made following site visit. Difficult to obtain necessary information.  Invalid application received for a dwelling on the site – officers seeking pre-app discussions with landowner/agent.	Awaiting response from landowner as to whether he is going to submit an application
<b>Greenacres</b> Hardwick Lane Chertsey <b>(6.3.00)</b>  (File 53.14.295)	Foxhills	Siting of mobile homes and touring caravans in residential use.	Enforcement Notices issued.	Appeal dismissed/allowed in part. Compliance period expired 15.11.01. Application refused in October 2002 and injunction proceedings authorised. Occupier circumstances being assessed prior to proceedings. Fresh planning application for new dwelling refused. Site Visit to be made in conjunction with other agencies to assess livestock levels/use of site/changes to site. Personal circumstances to be assessed. Site visit made 18.11.08 as part of Police raid. Evidence obtained and with Legal for injunctive action. However, legal advice that Human Rights information to be obtained. 21.08.09 – Multi-agency meeting and way forward agreed. Human Rights questionnaires and PCNs served with Police on 3.09.09.  Site visited on 29.09.09, all PCNs and questionnaire returned by 8.12.09. Committee report drafted updating the situation. Criminal trial by DWP to start April 2010. Guilty please made and two custodial sentences given. Retrospective applications for mobile homes and commercial yard anticipated and to be submitted, claiming gypsy status (change in circumstance from previous appeal).	Awaiting retrospective applications

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<b>Willow Farm (1)</b> Chobham Road Ottershaw (31.5.00) (File 53.14.314)	Foxhills	Non-compliance with conditions of planning permissions – landscaping.	Breach of Condition Notice issued.	Notice effective – compliance period expired 20.01.01. Partially complied. Previous owners informed that no more materials should be imported and that materials on site needed to be redistributed. Part of bunding removed. See entry for Willow Farm (2) for further information.	Await the decision of High Court in October 2010
SO 42 Authorisation (1.3.06)		Direct Action compliance in default.			
<b>Willow Farm (2)</b> Chobham Road Ottershaw (21.3.03 – SO42) (16.04.03) (File 53.14.232)	Foxhills	Laying of hardcore to form hardstanding.	Enforcement and Stop Notices issued.	Stop Notice took effect 28.03.03. Interim injunction obtained 29.04.2003. Appeal dismissed and Notice as varied upheld. Compliance period expires 22.04.05. Proceedings for full injunction continue in the High Court. Site being monitored. Final injunction granted 13.06.05. Compliance period expires 13.09.05. Occupiers vacated site and have returned. Liaising with Police and re-considering committal proceedings. New additional occupiers now on site. Site visited 04.10.07. Report to Planning Committee Meeting 30.01.08. Site visit 29.07.09. Counsel advice sought, response received and committal proceedings are being prepared. Letters delivered requiring vacation of site by mid-January. Legal and Counsel advice received and subject to separate reports to Planning Committee.	Await the decision of High Court in October 2010
S.O.42 Authorisation (1.3.06)				Committee authorised committal proceedings. Letter sent to occupants given until 28.06.09 to comply with injunction. Planning application refused by Committee on 22 April 2009 and appeal lodged. Committal proceedings initiated. First hearing held 18.08.09 and adjourned until after Public Inquiry (27-30 October 2009). Appeal dismissed 30.11.09. High Court Challenge against appeal decision made 11.1.10 – awaiting High Court decision in October 2010.	Committee authorised committal proceedings. Letter sent to occupants given until 28.06.09 to comply with injunction. Planning application refused by Committee on 22 April 2009 and appeal lodged. Committal proceedings initiated. First hearing held 18.08.09 and adjourned until after Public Inquiry (27-30 October 2009). Appeal dismissed 30.11.09. High Court Challenge against appeal decision made 11.1.10 – awaiting High Court decision in October 2010.
				Committal proceedings to recommence if High Court challenge is unsuccessful.	

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
Land r/o South Lodge (3) Chobham Road Willow Farm Ottershaw (16.4.03 – SO42) (File 53.14.337)	Foxhills	Storage of caravans, trailers and mobile homes.	Enforcement Notice issued.	Enforcement Notice took effect 04.06.03. Compliance period expired. Not complied with. Legal and Counsel advice received and subject to separate reports to Planning Committee Committal proceedings initiated. First hearing held 18.08.09 & adjourned until after Public Inquiry (27-30 October 2009)	Await the decision of High Court in October 2010
Double S Stonehill Road Ottershaw (5.9.01) (File 53.13.70)	Foxhills	Caravans.	Enforcement Notice issued.	Notice effective – compliance period expired 22.02.02. Prosecution pending. Planning Contravention Notice issued and returned.  Details checked by interviews under caution. Certificate of Lawfulness application for commercial use not received. Planning application for retention of mobile home and business units being considered. Enforcement officers produce witness statement to assist Environment Agency prosecution	Awaiting outcome of Environment Agency prosecution set for 25th October 2010
Thorpe Waterski, Thorpe Road, Chertsey (30.7.2003) (SO 42 – 12.09.2003) (File 53.14.339)	Thorpe	(i) Various unauthorised structures  (ii) Unauthorised storage compounds  (iii) Unauthorised mobile homes	Enforcement Notices.	Enforcement Notices issued September 2003. Appeal lodged and subsequently withdrawn January 2005. Compliance period for Enforcement Notices effective from 6.10.2005. Ten planning applications submitted. Eight applications withdrawn. Appeals made against non-determination of applications. Planning appeals dismissed May 2007. Officers extended compliance period for Enforcement Notices until 1.10.07 following dismissal of planning appeals.  Requirements of enforcement notice not complied with. Landowner prosecuted for non-compliance and pleaded guilty. Fined £1,000 plus costs in January 2009. Requirements of all enforcement notices complied with except for one unauthorised building B (boat store) remains. Witness statement sent to legal on 20th May 2010 for second prosecution.	Witness statement with Legal for second prosecution against retention of one unlawful building. Awaiting court date

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
Great Grove Farm (1) Murray Road Ottershaw (31.3.04)  (File 53.14.350)	Foxhills	(i) Siting of portacabin  (ii) Erection of storage building  (iii) Open storage of materials, plant, equipment and vehicles	Enforcement Notices	Enforcement Notices issued July 2004.  Appeals lodged and subsequently withdrawn April 2005. Compliance period for Enforcement Notices effective from 2.07.05.  Three Certification of Lawfulness applications granted in February 2005.  (i) and (iii) complied with.  Application to retain building (ii) refused planning permission in March 2010. Period for appealing against this decision expired on 30th September 2010.	Site visit to be made before starting prosecution proceedings against the retention of unlawful building (ii)
Great Grove Farm (2) Murray Road, Ottershaw (9.12.09)	Foxhills	Unauthorised open storage	Enforcement Notice	Enforcement Notice served on 5.03.10.  Appeal made.	Await appeal decision
Amberwood and Lone Pine Christchurch Road Virginia Water (4.8.04)  (File 53.14.333)	Virginia Water	Erection of fence.	Enforcement Notice issued.	Notice quashed on appeal. Report submitted to Planning Committee. New authorisation given to take fresh enforcement action. New Enforcement Notice issued 22.09.04 and Appeal lodged. Informal hearing 15.03.05. Appeal dismissed. Compliance period extended to 25.11.05. Owner applied to High Court for leave to appeal Hearing 22.11.05:- Application dismissed. Magistrates' Court hearing adjourned generally. Complex family issues pertaining to occupation.	Legal have issued instructions to Counsel to review the case
Padd Farm Hurst Lane Egham (25.05.05) (09.05.07)  (File 53.14.103)	Virginia Water	(i) Unauthorised waste recycling activities.  (ii) Unauthorised uses of various buildings  (iii) Unauthorised construction of bunds	Enforcement Notices	First tranche of 24 enforcement notices issued December 2007. These enforcement notices were withdrawn and re-issued in the form of 2 enforcement notices. Appeal made and Inquiry held November 2009. Appeals were dismissed and enforcement notices (amended) and upheld in May 2010 and partial Order of Costs was made in favour of Council.  Appeal decision in May 2010 also dismissed Certificate of Lawfulness appeal in respect of residential use of garage flat.	Await expiry of compliance period (13 November 2010 and 13 May 2011)
/continued ...					/continued ...

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
/continued ... <b>Padd Farm</b> Hurst Lane Egham <b>(25.05.05)</b> <b>(09.05.07)</b>  (File 53.14.103)		(iv) Unauthorised extension to building  (v) Erection of 2 unauthorised buildings  (vi) Unauthorised residential extensions to building		Compliance period 13.11.10 for (i) to (v). Compliance period 13.05.11 for (vi)  An Antisocial Behaviour Order is no longer being pursued in liaison with Surrey Police.  Reports to be prepared for Planning Committee to consider: a) June 2009 application to discharge the Padd Farm S106 legal agreement; b) Second/duplicate certification of lawfulness application for residential use of garage flat; c) December 2009 certificate of lawfulness application for stationing of residential caravans; and d) Enforcement matters including injunctive action to enforce extant enforcement notices and S106 legal agreement.	
<b>Willmar</b> Hurst Lane Egham <b>(16.11.05)</b> (File 53.14.386)	Virginia Water	i) Mobile Home  ii) Hardstanding.	Enforcement Notices	Enforcement report agreed by Planning Committee in November 2005. Retrospective planning application submitted and refused March 2006. Enforcement Notices issued April 2007 and re-issued November 2008 to strengthen prosecution case. Appeal made against re-issued Notices. Appeals dismissed in November 2009. Compliance period 2.03.10.  (i) Mobile home removed from site and complied with enforcement notice.  (ii) Hardstanding remains but to be re-used as a base for stables.	Await determination of application for stables before considering prosecution action for retention of hardstanding
				Final warning letter sent 28.07.10 requiring submission of application. Planning application submitted (RU.10/0876) for 2 stables and a tack room	

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
Walnut Tree Farm Almners Road Lyne (01.02.06) (31.03.10) (File 53.14.100)	Foxhills	(i) Unauthorised extension of hardstanding and bund and use by caravans.	(i) Authority given in April 2006 to serve enforcement notices; notices not issued by legal dept and development now lawful.	(i) Report made to Planning Committee on 31.03.10. Enforcement action authorised. Enforcement Notices issued 1.04.10. Appeals made. Inquiry set for 9th November 2010.	(ii) Await appeal decision.
		(ii) Unauthorised hardstandings, dwelling, mobile homes and caravans, outbuildings, fences, business uses	(ii) Enforcement Notices served 1.04.10		
		(iii) Breach of condition notices including use of mobile homes/caravans by non-gypsies	(iii) Enforcement Notices served 1.04.10	(iii) No appeal can be made against breach of condition enforcement notice. Compliance period 1.10.10	(iii) Await expiry of compliance period
Woburn Park Farm Woburn Hill Addlestone (13.12.06) (File 53.14.209)	Addlestone North	Unauthorised operational development.	Enforcement Notice to be drafted.	Enforcement Notice to be drafted following further works undertaken on site. Committee in December 2006 authorised injunction to cease any uses of the site other than travelling showman's permanent quarters and cease parking and storage of caravans, vehicles etc on the paddock area between March to November each year. Information sent to Counsel for advice on best way forward. Response received from Counsel and advice being considered by Legal and Planning Officers. Site visit 24.11.09. PCN issued 22.12.09. PCN returned 19.01.10 – Meeting held with landowner in February 2010. Showman's Guild delaying count until the Autumn. Additional survey work required to reconsider options including injunctive action	Report to Planning Committee Autumn 2010

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<b>Blackboy Farm</b> Addlestone Road Addlestone (31.01.07)  (File 53.14.402)	Addlestone Bourneside	Mobile Home and hardstanding.	Enforcement Notices	Enforcement Notices issued 29.05.08. Compliance periods 3.07.10 and 3.08.10. Landowner given 2 year compliance period to find solution. Reminder letter sent to landowner in January 2010 about forthcoming compliance period. No response until may 2010 when landowner requested extension of compliance period. Report made to August Planning Committee and agreed to extend compliance period until 30.09.11 and invite temporary personal application for mobile home.	Await expiry of compliance period.
<b>Arcadia</b> Hamm Court Weybridge (9.05.07)  (File 53.14.409)	Addlestone Bourneside	Unauthorised dwelling, extension and use of outbuilding.	Enforcement Notice to be drafted.	Unilateral undertaking provided by Owner to cease use of garage as dwelling by 30.06.08 and demolish extension to garage by 30.07.08. Period of compliance extended to 30.10.08. Site visited 6 <sup>th</sup> November, outbuilding not demolished as required by unilateral undertaking. Planning application for retention of structure refused by Planning Committee Planning Committee authorised injunction proceedings for non-compliance with unilateral undertaking on 22.04.09. Appeal made against planning refusal and dismissed in March 2010. Witness statement sent to Legal for injunctive action for breach of legal agreement. Legal have sent pre-action letter to landowner. The cost/benefit of taking any further action needs to be considered.	To undertake costs/benefits analysis of pursuing injunctive action any further
<b>Land rear of 4 Aymer Close (1)</b> Chertsey Lane Staines (14.05.08) File 53.14.407	Thorpe	Overheight gate.	Enforcement Notice	Being regularly monitored. Enforcement Notice to be drafted. Insufficient resources to deal with consequential appeal for a minor matter Three current planning applications on this site and gates to be reviewed as part of these proposals.	Awaiting determination of current applications
<b>Land at Aymer Close (2)</b>	Thorpe	Prefabricated building	Enforcement Notice & Stop Notice	Enforcement and Stop notice served 29.9.08 Appeal dismissed and Notice upheld 20.08.09. Compliance period 22.11.09. Building remains in situ. Current planning application to retain building	Prosecution for non-compliance of Notice on hold until planning application determined
<b>Land off Green Lane (3)</b> Chertsey (15.03.10)	Thorpe	Unauthorised construction of hardstanding and concrete base for mobile home	Temporary Stop Notice	Temporary Stop Notice served on 16.02.10. Full Stop Notice and Enforcement Notice served on 16.03.10. Appeal made and hearing set for 12.10.10	Await appeal decision

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
<b>203 Stroude Road Egham (14.05.08)</b> (File 53.14.417)	Thorpe	Garage.	Enforcement Notice	Enforcement Notices issued on 23.7.08 Notice takes effect 27.8.08 Compliance period expires 27.12.08 Appeal made but not in time, notices now effective. Compliance period extended to 6.02.10 and further extension of time given until 30.06.10 due to personal circumstances of landowner. Despite further reminders and extension of compliance periods, no works have started to reduce the height of the garage. Garage being reduced in height so that it is permitted development and does not require planning permission by 30.06.10 Works re-started on compliance works in August 2010.	Witness Statement to be prepared to start prosecution proceedings
<b>Glenfield Hurst Lane Egham ( )</b> File 53.14.414	Virginia Water	(1) residential use of caravans (2) Ice-making business (3) storage containers (4) hardstanding (5) access road (6) floodlighting	Enforcement Notices	Enforcement Notices served June 2009. No reply to PCN and Owner failed to attend meeting. Prosecution being prepared prior to enforcement action being instituted. PCN reserved. Prosecution Statement prepared. Appeal against non-determination of certificate of lawfulness applications. Appeal made against service of enforcement notices. Original Inquiry on 3.02.10 adjourned until April 2010. Appeals dismissed and enforcement notices (amended) and upheld in April 2010. Partial Order of Costs was made in favour of Council. Appeals against non-determination of certificate of lawfulness application also dismissed. Compliance period 26.10.10.	Await expiry of compliance period
<b>Southbeck, Ruxbury Road, Chertsey (13.5.09)</b> (26.8.09)	Chertsey	Unauthorised development: (1) cessation of commercial equestrian use (2) removal of portacabins/buildings	Enforcement Notices	Enforcement Notices issued 9.11.09. Appeal submitted and set for a Public Inquiry. Appellant deleted some of his grounds of appeal and appeal now downgraded to a Hearing. Appeal dismissed. Compliance period 6.02.11. Three new retrospective planning applications submitted and refused permission	Await expiry of compliance period
/continued overleaf		/continued overleaf			

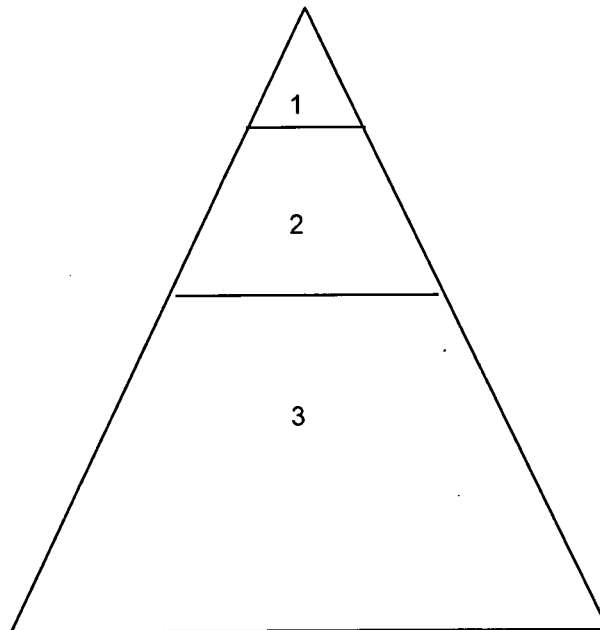
SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
/continued	Southbeck, Ruxbury Road, Chertsey	(3) removal of containers/ machinery (4) demolition of 15 stables (5) remove septic tank (6) remove sand school (7) remove hardstanding/ track (8) remove floodlighting			
The Oaks (29.10.08)	Foxhills	Unauthorised business uses and buildings  (i) cease storage of vehicles, boats and caravans  (ii) reduce height of walls and gates	Enforcement Notice	Enforcement Notices issued 12.12.08.  Appeal lodged and Inquiry into certification of lawfulness held in April 2009.  Certificate of lawfulness appeal determined. Part allowed and part upheld. Award of Costs to Council for unreasonable behaviour by appellant.  Enforcement Notice Inquiry July 2009.  Appeal dismissed for (i), appeal allowed for (ii). Compliance period expired 24.11.09. Site visit undertaken and non- compliance found.  Appeals outstanding for variation of certificate of lawfulness.  Application for dwelling to replace existing workshop refused permission.	Awaiting appeal decision

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
Land at Hurst Lodge, Hurst Lane (13.05.09)	Virginia Water	<p>Unauthorised Development</p> <p>(i) Unauthorised stables</p> <p>(ii) Unauthorised storage building</p>	Enforcement Notices	<p>Site visit made following withdrawal of previous Enforcement Notice relating to a mobile home.</p> <p>Current enforcement action reported to Planning Committee on 13.05.09. Notice issued and served on 14.05.09.</p> <p>Appeal made and then withdrawn 4.08.09. Compliance period 15.12.09.</p> <p>Site visit 5.1.10. Building (i) still in situ. Agreed to extend period of compliance until 1.05.10 for one stable building following consultation with RSPCA. Other building (ii) removed.</p> <p>Application to retain unauthorised stable building refused in March 2010.</p> <p>Period to appeal against planning refusal expires on 30.09.10. Appeal made but invalid.</p>	<p>Site visit to be undertaken before starting prosecution proceedings for retention of 1 unlawful building (i)</p>
40 Crockford Park Road Addlestone (5.08.09)	Addlestone	Unauthorised change of use and siting of mobile home	Enforcement Notice	<p>Enforcement Notice served on 11.08.09</p> <p>Appeal made and dismissed in April 2010.</p> <p>Compliance period 15.07.10.</p> <p>Site visit made – mobile home removed but has been re-sited elsewhere on the site. Further enforcement report to follow</p>	<p>Notice complied with but enforcement action to be re-started to deal with re-positioned mobile home</p>
High Trees Holloway Hill Chertsey (4.01.10)	Foxhills	Unauthorised residential mobile home and importation of hardcore to form hardstanding	Temporary Stop Notice	<p>Temporary Stop Notice served on 8.12.09.</p> <p>Site meeting 16.12.09 and site visit 12.01.09.</p> <p>Application requested from landowner in April 2010.</p> <p>No response from landowner.</p> <p>PCN and Human Rights questionnaire served on 6.05.10.</p> <p>Awaiting guidance on gypsy provision before considering any enforcement action.</p>	<p>Awaiting guidance on gypsy provision before considering any enforcement action and resource implications of any appeal.</p>

SITE AUTHORISATION DATE AND FILE REF	WARD	CONTRAVENTION	ACTION TAKEN	HISTORY AND TIMESCALE	NEXT STEPS
Land formerly known as Treetops, Knowle Grove	Virginia Lyne	Felling of TPO tree	Prosecution	Interviews conducted under caution in October 2009 and February 2010. Witness statement with Legal to prosecute.	Witness Statement with Legal for prosecution. Awaiting Court date.
Lyne View Farm, Fan Court Estate Lyne (12.05.10)	Lyne	Unauthorised dwelling	Enforcement Notice	Enforcement Notice issued 21.05.10 This notice was withdrawn at the Planning Committee on 25.08.10	Notice withdrawn
8 Stepgates Chertsey (14.07.10)	Chertsey	(i) Unauthorised builder's yard (ii) Unauthorised sheds (iii) Reduce height of gates	Enforcement Notice	Enforcement Notice issued 2.08.10 Appeal made	Await appeal decision

**EXTRACT FROM THE AGENDA REPORT TO THE PLANNING COMMITTEE – 27  
OCTOBER 2010**

- 1.1 The Overview and Scrutiny Select Committee agreed on 7 October 2010 that the Planning Committee should receive the enforcement progress report before the Overview and Scrutiny Select Committee. The Overview and Scrutiny Select Committee will now see the enforcement progress report after the Planning Committee.
- 1.2 As this is the first time the enforcement progress report has been presented to the Planning Committee before the Overview and Scrutiny Select Committee it may be helpful if the enforcement progress report was put in some context.
- 1.3 The enforcement progress list covers those sites where formal enforcement action has been authorised by the local planning authority but for various reasons remain outstanding. Once the enforcement action has been complied with, this site is removed from the enforcement progress list.
- 1.4 Diagram 1 below shows the different type of enforcement workload:



- 1.5 Areas 1 and 2 in the triangle represent the areas covered by the enforcement progress report and have been sub-divided to explain the role of the temporary enforcement appeals officer.
- 1.6 The Temporary Enforcement Appeals Officer role is defined as Area 1 dealing with some major long-standing complex enforcement sites. The temporary enforcement appeals officer is currently preparing the Council's case for the Walnut Tree Farm Inquiry in November 2010. This will be followed by work on Padd Farm and Woburn Park Farm.
- 1.7 Area 2 relates to the remainder of the outstanding enforcement sites on the enforcement progress report. These cases are dealt with by the Enforcement Officers.

- 1.8 In the past two years a tremendous effort has been made to reduce the number of enforcement sites on the enforcement progress report. The table below illustrates the point:

**Table 2**  
**Enforcement Progress Report – Outstanding Sites (See Areas 1 and 2 on Diagram)**

	<u>March 2009</u>	<u>Sept. 2009</u>	<u>March 2010</u>	<u>Sept 2010</u>
Number of Sites on List	54	45	34	23

- 1.9 Area 3 relates to the number of formal enforcement complaints which are currently under investigation. The table below sets out the number of enforcement cases currently under investigation:

**Table 3**

	<u>Jan-March 2009</u>	<u>July-Sept 2009</u>	<u>Jan-March 2010</u>	<u>April-June 2010</u>	<u>July-Sept 2010</u>
Number of New Enforcement Cases	32	40	33	47	58
Total Number of Enforcement Cases Under Investigation	182	160	153	167	180
Number of Enforcement Staff	2	2	2	2	1.6

- 1.10 It can be seen from the table that the number of new complaints received continues to increase. The total number of cases under investigation fluctuates but in the past six months has increased.
- 1.11 The current enforcement workload as at 27 September 2010 is 23 (Table 2) plus 180 (Table 3) equals 203 cases. A part-time Enforcement Officer has recently retired leaving one part-time Enforcement Officer (3 days a week) with one full-time Enforcement Officer dealing with this workload.

APPENDIX 'D'

**POSSIBLE ITEMS FOR THE CONSIDERATION OF THE OVERVIEW AND  
SCRUTINY SELECT COMMITTEE**

<b>PREFERENCE</b>	<b>1(10)</b>	<b>2(9)</b>	<b>3(8)</b>	<b>4(7)</b>	<b>5(6)</b>	<b>6(5)</b>	<b>7(4)</b>	<b>8(3)</b>	<b>9(2)</b>	<b>10(1)</b>	<b>TOTAL SCORE</b>
New funding for voluntary services*	3			1	1	1					48
Maximising income from asset portfolio.		3	1	1						1	43
Flooding *	2		1			1		1	1		38
Impact of key national initiatives	1			1		2			2	1	32
Surrey Pension Fund.			2	1	1						29
Affordable housing.				2	1	1		1			28
Council's IT strategy.*		1			2		1		1		27
Environmental issues.*	1		1				1	1			25
Mineral working *		2						1		2	23
Resources being directed to partnerships.		1				1	1		1		20
The Surrey Improvement Partnership			1	1			1			1	20
Contaminated land.*					1		1		1		12
Toilet facilities*			1					1			11
Mobile home sites.*							1	1			7
Power cuts.					1						6
Microsoft system.										1	1
Cattle grazing – Chertsey Meads	NIL										0

\*.Raised by Members at the last meeting.