



*Please reply to:*

Contact: Christeen Abee  
Service: Committee Services  
Direct Line: 01784 444229  
E-mail: c.abee@spelthorne.gov.uk  
Date: 23 February 2022

## **Notice of meeting**

### **Neighbourhood Services Committee**

**Date:** Thursday, 3 March 2022

**Time:** 7.00 pm

**Place:** Council Chamber, Knowle Green, Staines-upon-Thames TW18 1XB

#### **To the members of the Neighbourhood Services Committee**

Councillors:

A. Brar (Chairman)	R.D. Dunn	S.C. Mooney
V. Siva (Vice-Chairman)	S.A. Dunn	R.J. Noble
R. Chandler	V.J. Leighton	B.B. Spoor

Substitute Members: Councillors C. Bateson, K.M. Grant, O. Rybinski and J. Vinson

*Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.*

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

[www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) [customer.services@spelthorne.gov.uk](mailto:customer.services@spelthorne.gov.uk) Telephone 01784 451499

# Agenda

Page nos.

## **Terms of Reference**

The Committee's terms of reference are attached to assist.

### **1. Apologies and Substitutes**

To receive apologies for absence and notification of substitutions.

### **2. Minutes**

7 - 12

To confirm the minutes of the meeting held on 13 January 2022 as a correct record.

### **3. Disclosures of Interest**

To receive any disclosures of interest from members in accordance with the Members Code of Conduct.

### **4. Questions from members of the Public**

The Chair, or their nominee, to answer any questions raised by members of the public in accordance with Standing Order 40.

*Note:* the deadline for questions to be considered at this meeting is 5pm on Thursday 24 February 2022.

At the time of publication of this agenda no questions were received.

### **5. Ward Issues**

To consider any issues raised by ward councillors in accordance with Standing Order 34.2

*Note:* the deadline for ward issues to be notified for consideration at this meeting is 12 noon on Thursday 24 February 2022.

At the time of publication of this agenda no ward issues were received.

### **6. Local Planning Enforcement Policy Updates**

13 - 38

To consider adoption of the updated Local Planning Enforcement Policy.

### **7. Customer Charter**

39 - 44

To consider approval of the proposed Customer Services Charter and Spelthorne Pledge.

- |            |  |                |
|------------|--|----------------|
| <b>8.</b>  | <b>Revenue Monitoring Report Q3 (Oct-Dec 2021)</b>               | <b>45 - 52</b> |
|            | To note the forecast outturn for 2021/22 as at 31 December 2021. |                |
| <b>9.</b>  | <b>Forward Plan</b>  | <b>53 - 54</b> |
|            | To consider the Forward Plan for future committee business.      |                |
| <b>10.</b> | <b>Urgent business</b>   |                |
|            | To consider any business deemed as urgent by the chair.          |                |

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## TERMS OF REFERENCE

All Committees will have the following functions in respect of their respective areas:

- To develop the Council's policy, strategy and budget proposals
- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- To encourage performance improvement in relevant services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To develop a full understanding of the functions and services within the Committee's remit
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's processes for decision making.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to the Committee.
- To support positive relationships and practices through co-operative working with staff.
- To commission studies or the collection of information relating to policy issues (Corporate Policy and Resources Committee) or service delivery (Service Committees).
- Each Committee is limited in authority to grant expenditure to £1 million for any particular project without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.

## **NEIGHBOURHOOD SERVICES COMMITTEE**

### **Membership**

9 members reflecting political balance.

### **Functions**

This committee has responsibility for the following functions of the Council:

- Street cleansing services
- Street Scene
- Parking Services
- Customer Services and consultation
- Building Control
- Cemeteries
- Community safety and crime & disorder
- Civil Enforcement (JET)
- Environmental protection – including food safety & enforcement and infectious disease outbreak control
- Workplace Health & Safety enforcement of businesses in the community
- Licensing matters save for those specifically reserved to the Licensing Committee,
- Environmental health matters with the exception of pollution but including general noise nuisance
- Planning enforcement
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Corporate Policy and Resources Committee.

**Minutes of the Neighbourhood Services Committee  
13 January 2022**

**Present:**

Councillor A. Brar (Chairman)

Councillors:

R.D. Dunn

V.J. Leighton

R.J. Noble

S.A. Dunn

S.C. Mooney

B.B. Spoor

**Apologies:** Councillors V. Siva

**In Attendance:** Councillors C. Bateson and M. Beecher

**1/22 Minutes**

The minutes of the meeting held on 11 November 2021 were agreed as a correct record.

**2/22 Disclosures of Interest**

There were none.

**3/22 Questions from members of the Public**

There were none.

**4/22 Ward Issues**

There were none.

**5/22 Cashless Parking - Key Decision\***

The Committee considered a report on the introduction of an additional type of cashless parking within Spelthorne Borough Council-owned car parks.

The Parking Services Operational Manager explained the report arose from member interest at a previous meeting, and that the introduction of this type of cashless parking would provide an additional choice to users of Spelthorne

Borough Council owned car parks. He clarified that under the financial implications in the report, options 3.1 (a) and 3.1 (b) should be swapped.

The Committee noted that introducing this type of payment would not eliminate cash payments within the car parks, but would introduce another option for cashless payment through mobile devices. The Committee debated whether the customer should pay the associated fees for the service or whether the fees should be incorporated into the cost of parking and paid through the Council. The Committee felt the fees should be paid directly by the customer as this would provide them with more transparency and control over the transaction, and these additional fees for using this payment method should be clearly advertised. Choosing this option would also save the Council from incurring additional costs.

**Alternative options considered and rejected by the Committee:**

1) Authorise the Group Head of Neighbourhood Services to introduce “Cashless” payment as an approved payment method in The Spelthorne Borough Council (Off-Street Parking Places) Order, and for the transaction charges to be paid directly by Spelthorne Borough Council per transaction;

2) Reject the introduction of “Cashless” payment as an approved payment method in The Spelthorne Borough Council (Off-Street Parking Places) Order, with the current payment methods being considered sufficient and proportionate to the needs of its customers.

The Committee **resolved** to:

1. Authorise the Group Head of Neighbourhood Services to introduce “Cashless” payment as an approved payment method in The Spelthorne Borough Council (Off-Street Parking Places) Order;
2. Agree for the transaction charges to be paid directly by the customer, in addition to the existing tariff charges;
3. Authorise the Group Head of Neighbourhood Services to enter into a procurement exercise to tender for a Cashless parking provider;
4. Delegate the appointment of the contractor to the Group Head of Neighbourhood Services in consultation with the Chair and Vice-Chair of the Neighbourhood Services Committee;
5. Authorise the Group Head of Corporate Governance to complete any legal documentation necessary to implement the new contract.

**6/22 Electric Vehicle Charging Points in Car Parks**

The Parking Services Operational Manager presented the report on electric vehicle charging points in Spelthorne Borough Council owned car parks.



The Parking Services Operational Manager explained the current status of options for electric vehicle charging points in the borough, and with the ban on sale of non-electric or rechargeable vehicles past 2030, that adaptation of car parks needed to be considered in future. He explained there would be a significant financial challenge to meet demand in future.

The Committee noted that third party suppliers may need to fill the gap in demand for electric vehicle charging points, but Spelthorne should strive to improve the number of charging points offered.

The Committee **resolved** to note the report on electric vehicle charging points in Spelthorne Borough Council owned car parks.

## **7/22 Domestic Abuse Update**

The Chairman proposed the Committee hear this item before “Cashless Parking – Key Decision”, and the committee agreed.

The Community Safety Officer presented the update on the Domestic Abuse Strategy.

The Community Safety Officer explained the report arose from comments surrounding the community safety strategy at the 11 September 2021 meeting. He outlined Spelthorne Borough Council’s current domestic abuse strategy and provided updates on how the strategy would be adjusted to reflect changes in the Domestic Abuse Act 2021.

The Committee noted that instances of domestic abuse had risen within Spelthorne and encouraged more information and resources be made available on the Council’s website. The committee requested that opportunities to hear from domestic abuse survivors be made available to all members.

The Committee **resolved** to note the update on the Domestic Abuse Strategy for inclusion in the review of the Community Safety Strategy for 2022.

**The meeting was adjourned at 20:23**

**The meeting reconvened at 20:30**

## **8/22 Capital Bids 2022/23 (part of annual budget process)**

The Chief Accountant presented requested capital growth bids to the committee and explained that as part of the annual budget process in the Committee System, each committee was asked to rate the proposed bids for their areas and make recommendations to the Corporate Policy and Resources Committee. The Committee was asked to rate every proposal as either red (not supported), amber (supported, but the project could move forward in either 2022/23 or 2023/24), or green (commence in 2022/23). The

Chief Accountant also clarified that the document had been further updated since circulated (attached).

Officers were invited to provide justification for their capital growth bids and received questions from the Committee. The Committee debated whether the growth bids were an immediate need or whether they could be delayed.

The Committee **resolved** to rate both proposed capital growth bids as green (commence in 2022/23) for recommendation to the Corporate Policy and Resources Committee.

#### **9/22 Committee Review of Fees and Charges for Service Areas 2022/23 (part of annual budget process)**

The Chief Accountant presented the proposed Fees and Charges that related to the Neighbourhood Service Committees areas of responsibility and explained that as part of the annual budget process in the Committee System, proposed changes to these recommendations would then be presented to the Corporate Policy and Resources Committee. He advised the Committee that a number of cemetery charges had been missed and presented them to the Committee (attached).

The Committee reviewed the fees and charges relating to cemeteries, building control, car parks, environmental health, Spelride and licensing. The Committee noted that some of the rises in fees and charges were statutory and that a 3% increase had been put in place for most other charges. Officers present confirmed that many of the fees and charges were comparable to neighbouring boroughs.

The Committee **resolved** to agree all Fees and Charges as proposed for recommendation to the Corporate Policy and Resources Committee.

#### **10/22 Revenue Growth and Savings Bids 2022/23 (part of annual budget process)**

The Chief Accountant presented the proposed revenue growth and savings bids to the Committee and explained that as part of the annual budget process in the Committee System, each committee was asked to rate the proposed growth and savings bids for their areas and make recommendations to the Corporate Policy and Resources Committee. The Committee was asked to review the bids that had been rated by officers as either red (the item could be withdrawn), amber (the proposal could be deferred to 2022/23), or green (it must commence in 2022/23). The Chief Accountant also clarified that the document had been further updated since circulated (attached).

**The Committee voted to suspend Standing Orders so that the meeting could carry on until 22:30.**

The Committee invited officers to explain and provide justification for their revenue growth bids. The Committee debated whether the growth bids were an immediate need or whether they could be delayed. The Committee also noted that a number of revenue bids were statutory and their rating could not be changed.

The Committee **resolved** to agree every proposed rating by officers as presented to the Committee for recommendation to the Corporate Policy and Resources committee.

**11/22 Forward Plan**

The Committee **resolved** to note the Forward Plan for future committee business.

**12/22 Urgent business**

The Chairman proposed the Committee hear this item before “Cashless Parking – Key Decision”, and the committee agreed.

The Chair used her discretion to allow Councillor S. Mooney to make a brief statement about Covid-19 rates within the borough.

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# Neighbourhood Services Committee



## 3 March 2022

<b>Title</b>	Local Planning Enforcement Policy Updates
<b>Purpose of the report</b>	To make a recommendation to Neighbourhood Services Committee to adopt the updated Local Planning Enforcement Policy.
<b>Report Author</b>	Liz McNulty – Planning Enforcement Officer
<b>Report Owners</b>	Esme Spinks – Planning Development Manager Fiona Tebbutt – Principal Planning and Enforcement Officer
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/A
<b>Corporate Priority</b>	Community Environment Service delivery
<b>Recommendations</b>	<b>Committee is asked to:</b> 1. Adopt the updated Local Planning Enforcement Policy
<b>Reason for Recommendation</b>	The current adopted Local Planning Enforcement Policy dated 11 December 2019 does not take into consideration nor make reference to the Human Rights Act 1998, the Public Sector Duty pursuant to the Equality Act 2010 or financial implications prior to taking enforcement action. The Policy document has now been amended and updated to address these matters and to reflect the new corporate priorities and values.

### 1. Summary of the report

- 1.1 This report seeks approval for the adoption of the updated Local Planning Enforcement Policy. More detail is set out below reflecting officer changes which are being suggested to the policy as a result of learning from the outcome of a past prosecution. The team regularly looks at the results of taking action to see how they can continuously improve service delivery.

## **2. Key issues**

- 2.1 Following on from a prosecution for non-compliance of an Enforcement Notice, it was felt necessary to amend the Local Planning Enforcement Policy and particularly the considerations taken prior to enforcement action.
- 2.2 In particular, to consider the following prior to enforcement action:
  - (a) Human Rights Act 1998
  - (b) Public Sector Equality Duty pursuant to the Equality Act 2010
  - (c) Financial Implications
- 2.3 The updated policy includes a new section 10 to cover these – ‘Considerations prior to taking enforcement action’.
- 2.4 In addition, due to the newly adopted Corporate Plan (9 Dec 2021), the ‘Corporate objectives’ section has been updated to align with the new Corporate priorities and values. There are no other changes to the current Local Planning Enforcement Policy.

## **3. Options analysis and proposal**

- 3.1 The Local Planning Enforcement Policy outlines the Council’s approach to dealing with unauthorised development in the borough. It explains the role of the Planning Enforcement function within the Development Management service and how that role is fulfilled. It defines what the priorities are and the various types of breaches of planning control. The policy explains how alleged breaches of planning control are investigated and the enforcement actions available to the LPA. It details the process to be followed when determining whether or not it is expedient to take further enforcement action and the limitations of the law imposed on the Planning Enforcement function.
- 3.2 To manage resources effectively, all reports of suspected breaches of planning control will be investigated and progressed in accordance with the priority rating below. This is not an exhaustive list, and there may be exceptions.
- 3.3 The policy document sets out 3 categories of priority:
  - (a) Category 1: Serious harm (High Priority)
    - Unauthorised demolition of Listed Buildings, ancient monuments and locally Listed Buildings.
    - Felling or lopping of a preserved tree or tree in a Conservation Area.
    - Where development has started and is subject to planning conditions which are required to be agreed before commencement (e.g. contamination, archaeology, nature conservation or trees).
    - Development or breach of conditions likely to cause serious harm/danger to people or amenity
    - Harmful unauthorised development which is about to become immune from any action being taken against it because of the passage of time periods set in legislation
  - (b) Category 2: Significant and widespread harm to local amenity (Medium Priority)
    - Unauthorised development causing significant or widespread harm.

- Breaches of planning conditions causing serious nuisance to adjoining residents.
- Breaches that are contrary to well established planning policies such as Green Belt
- Unsightly buildings or untidy land that is causing serious harm to the amenity of neighbours

(c) Category 3: Other

- Breaches of a technical nature and not in significant conflict with planning policy
- Breaches which are temporary and unlikely to result in any long-term harm
- Advertisements not included above
- Breaches of other planning conditions
- Other changes of use
- High hedges
- Unauthorised pitching of caravans
- Businesses being operated from home
- Development not in accordance with the plans during the build process

3.4 Individual cases may be re-prioritised as the investigation progresses.

3.5 To ensure that an adequate overall service is provided resource allocation will be periodically reviewed. The quality of evidence and support provided by complainants can also impact on the outcome of an investigation, and where such support is likely to increase the chances of a successful outcome, the matter will be prioritised.

3.6 The Planning Enforcement function falls under the Planning DM service. The table below sets out statistics of workload for the last four years.

<b>Enforcement Case Types &amp; Notices</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
BCN - Breach of Condition Notices	0	2	0	1
PLNCON - Breach of Planning Conditions	41	53	38	41
COURTB & BUSRES - Change of Use from Residential to Business	22	18	15	24
COU - Change of Use (Other)	36	41	34	35
CONSRV - Conservation Area	0	1	0	1
ENF - Enforcement Notices	9	7	3	1
HMO - Houses in Multiple Occupancy	N/A (a)	30	18	24
LBCOM - Listed Buildings	3	5	2	2
MISC - Miscellaneous	45 (b)	27	29	40
HIGHH – High Hedges	N/A (c)	N/A	N/A	1
PCN - Planning Contravention Notice	13	9	4	5
S215 – Untidy Land	0	5	3	7
STOP - Stop Notices	0	1	0	0

TCAEN - Unauthorised Work to Trees in a Conservation Area	0	1	2	0
TEMP - Temporary Stop Notices	2	3	2	0
TPO - Tree Preservation Orders	5	8	7	16
UNADV - Unauthorised Adverts	7	15	6	10
UNDEV - Unauthorised Development	136	153	172	188
UNOUT - Unauthorised Residential Use of Outbuilding	N/A (d)	N/A	N/A	N/A
Uncategorised	10	13	6	0
<b>Totals</b>	<b>319</b>	<b>379</b>	<b>335</b>	<b>396</b>

3.7 Legend for the above table:

- (a) No stats available for this type of breach (HMO) in 2018 as the type did not exist in our database and has only recently been added to give more granularity. Prior to this new breach type HMO breaches were recorded as MISC.
- (b) 2018 MISC cases higher as this included HMO cases prior to the creation of a HMO breach type in 2019.
- (c) No stats available for this type of breach (HIGHH) pre 2021 as the type did not exist in our database and has only recently been added to give more granularity. Prior to this new breach type HIGHH breaches were recorded as MISC.
- (d) No stats available for this type of breach (UNOUT) pre 2022 as the type did not exist in our database and has only recently been added to give more granularity. Prior to this new breach type UNOUT breaches were recorded as COUOTH.

3.8 Overall there has been an increase in planning enforcement complaints by 24% from 2018 to 2021.

3.9 In this update of the policy there has been additional sections added to consider the Human Rights Act, the Public Sector Equality Duty and the financial implications to be considered when making a decision to take enforcement action. This is aligned with our continuous improvement practices and the consideration given to all feedback and suggestions received regarding our working practices.

3.10 In response to advice received from Counsel by a Planning Enforcement Officer at a recent prosecution for non-compliance with an Enforcement notice to ensure that our policy demonstrates the need to consider Human Rights, Public Sector Equality Duty and any financial implications prior to taking enforcement action.

3.11 For this reason it is proposed that the updated Local Planning Enforcement Policy be adopted in order to provide a more robust policy in line with the Public Sector Equality Duty and Human Rights considerations.

#### **4. Financial implications**

4.1 The revised Local Planning Enforcement Policy includes the financial considerations outlined below. This demonstrates a strong and thorough argument for the expediency of any enforcement action taken.

4.2 In taking enforcement action the Local Planning Authority (LPA) must consider the financial implications in doing so. The LPA must first determine



that there is a specific breach of planning control and that the harm caused far outweighs the cost of rectifying the breach.

4.3 The Council must also consider the likelihood of recuperating costs from the recipient of the enforcement action. The LPA has sought to successfully do so under the specific provisions of the Town and Country Planning Act 1990 and under the Proceeds of Crime Act if appropriate.

4.4 The Council must exhaust all means of negotiation for a resolution to the breach prior to commencing any costly enforcement action.

## **5. Other considerations**

5.1 It should be noted that the resourcing of the planning enforcement team is matched to meet the current enforcement policy. However, in view of the increasing workload, this is under review. If there is to be a change in the enforcement policy, this would impact on our resources and could potentially require additional officers.

5.2 Planning enforcement training for members has been undertaken in the past and a further session is planned for March 2022.

## **6. Equality and Diversity**

6.1 Human Rights Act 1998

(a) the LPA should pay due regard to the Human Rights Act 1998. In particular, the requirement not to act in a way which is incompatible with any relevant Convention rights which include the right to a fair trial, the right to respect for private and family life, the prohibition of discrimination and protection of property.

6.2 Public Sector Equality Duty (Equality Act 2010)

(a) The Council should:

- i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- ii) advance equality of opportunity
- iii) foster good relations

6.3 The addition of these considerations ensures the provision of more robust reasoning and justification for all enforcement action, which in turn strengthens our arguments on appeal or prosecution and will lead to more successful legal outcomes for the Council.

## **7. Sustainability/Climate Change Implications**

7.1 There are no sustainability/climate change issues.

## **8. Timetable for implementation**

8.1 It is recommended that the updated Local Planning Enforcement Policy be adopted with immediate effect.

## **9. Contact**

9.1 For any queries regarding the Local Planning Enforcement Policy, please contact Liz McNulty, Planning Enforcement Officer on

[l.mcnulty@spelthorne.gov.uk](mailto:l.mcnulty@spelthorne.gov.uk) or Fiona Tebbutt, Principal Planning and Enforcement Officer on [f.tebbutt@spelthorne.gov.uk](mailto:f.tebbutt@spelthorne.gov.uk)

**Background papers:**

- i) The currently adopted Local Planning Enforcement Policy – version 2 – located under 'Downloads' - <https://www.spelthorne.gov.uk/enforcement>

**Appendices:** Local Planning Enforcement Policy 2022.



## LOCAL PLANNING ENFORCEMENT POLICY

The Council's policy towards dealing with unauthorised development

<b>Version</b>	V9
<b>Date Drafted</b>	18/02/2022
<b>Date Issued</b>	18/02/2022
<b>Document Status</b>	Issued
<b>Document Adoption Date</b>	TBC
<b>Review Frequency</b>	Annually
<b>Owner</b>	Fiona Tebbutt
<b>Authors</b>	Fiona Tebbutt, Richard Jones, Lynsey Tracey, Liz McNulty
<b>Authorised by</b>	Esme Spinks

Planning and Housing Strategy

Spelthorne Borough Council

Council Offices

Knowle Green

Staines-upon-Thames

TW18 1XB

**TABLE OF CONTENTS**

<b>1</b>	<b>INTRODUCTION.....</b>	<b>3</b>
<b>2</b>	<b>WHAT YOU CAN EXPECT FROM THE PLANNING ENFORCEMENT SERVICE .....</b>	<b>3</b>
<b>3</b>	<b>DEFINITION OF UNAUTHORISED DEVELOPMENT .....</b>	<b>3</b>
<b>4</b>	<b>THE COUNCIL’S APPROACH TO UNAUTHORISED DEVELOPMENT .....</b>	<b>4</b>
<b>5</b>	<b>PRIORITIES .....</b>	<b>5</b>
<b>6</b>	<b>INVESTIGATION OF SUSPECTED BREACHES OF PLANNING CONTROL .....</b>	<b>6</b>
<b>7</b>	<b>RETROSPECTIVE PLANNING APPLICATIONS.....</b>	<b>10</b>
<b>8</b>	<b>MATERIAL AND NON-MATERIAL AMENDMENTS TO PLANNING PERMISSIONS .....</b>	<b>11</b>
<b>9</b>	<b>MONITORING OF PLANNING PERMISSIONS .....</b>	<b>11</b>
<b>10</b>	<b>CONSIDERATIONS PRIOR TO TAKING ENFORCEMENT ACTION .....</b>	<b>12</b>
<b>11</b>	<b>TAKING FORMAL ENFORCEMENT ACTION.....</b>	<b>13</b>
<b>12</b>	<b>TIME LIMITS FOR TAKING FORMAL ACTION .....</b>	<b>16</b>
<b>13</b>	<b>FAILURE TO COMPLY WITH FORMAL NOTICES .....</b>	<b>17</b>
<b>14</b>	<b>OTHER TYPES OF ENFORCEMENT .....</b>	<b>18</b>
<b>15</b>	<b>COMPLAINTS ABOUT THE PLANNING ENFORCEMENT SERVICE.....</b>	<b>19</b>

# 1 Introduction

This document sets out the main Planning Enforcement service areas and explains how the Council carries out its enforcement activities. In order to provide the best possible service the Council must give clear guidance on what it can and can't do, and how the demands on our services are balanced against available resources.

The Council has also published a separate list of frequently asked questions which cover other matters related to Planning Enforcement. This can be viewed on our web site at <https://www.spelthorne.gov.uk/article/17706/Planning-enforcement-FAQs> It should also be noted that the Council has enforcement powers and responsibilities relating to Building Control and Environmental Health matters, Those are not detailed in this Enforcement Plan

## 2 What you can expect from the Planning Enforcement Service

- A proactive and efficient service for customers seeking advice and information.
- A full range of available powers when conducting investigations (including negotiations and retrospective planning applications) and, where appropriate, immediate action.
- Minimising compliance costs by ensuring that action taken is proportionate to the risks.
- Care taken to work with small businesses and voluntary and community organisations to assist them in meeting their legal obligations without unnecessary expense, where practicable.
- Where appropriate, prosecute individuals or organisations who fail to comply with any formal notice served on them.
- Take direct action having regard to the degree of harm and public safety.
- Carry out our duties in a fair, equitable and consistent manner.
- Consider each matter on its merits and ensure a consistent approach to enforcement resolution
- Ensure we follow principles of consistency and high standards in each and every case.
- Provide information and advice on the rules applied and publish this as widely as possible

## 3 Definition of unauthorised development

Planning permission is required for the erection of many types of buildings and for a material change in use of land or buildings, and to erect some forms of advertisement.

There are controls to protect Listed Buildings and trees covered by a Tree Preservation Order. Unauthorised development generally constitutes the following: -

- The erection of buildings or a material change of use without the necessary planning permission
- The carrying out of development at variance to that given planning permission (and shown on the approved plans)
- The carrying out of development not in accordance with the conditions on the planning permission.
- The display of advertisements without the necessary advertisement consent
- Felling of, and works to, trees included in a Tree Preservation Order, or in a Conservation Area.
- Demolition of, and alterations to, Listed Buildings and certain buildings in Conservation Areas without the necessary consent.

#### **4 The Council's approach to unauthorised development**

The purpose of planning enforcement is to investigate and resolve breaches of planning control and unauthorised development which cause harm to public amenity and the environment.

Enforcing against unauthorised development is a discretionary power and the Council is not legally bound to act. However, the Council consider it essential, where unauthorised development occurs which has harmful consequences either to the environment or to people living nearby, that swift action is taken to prevent it continuing. The nature of the harm arising from unauthorised development will be the primary factor which influences the course of action taken to deal with an issue. Those cases which cause most harm will be prioritised.

The Council will respond sympathetically to those situations where a breach of planning control has genuinely occurred unintentionally (particularly in relation to household development) but will take the necessary steps to resolve any harm arising from the work.

In all, but the most serious of cases, the Council will first seek to resolve the matter through discussion with the owner/person carrying out the work and to avoid any unnecessary formal legal action.

**The Council will generally seek to prosecute those people who have felled or damaged a preserved tree or demolished or damaged a listed building.**

The Council wishes to support activities which contribute to economic growth and will have regard to the impact of any enforcement action on businesses. It will ensure that the time periods for compliance in any Notice are sufficient to minimise disruption to the business and if possible, avoid any permanent loss of employment.

## 5 Priorities

To manage resources effectively, all reports of suspected breaches of planning control will be investigated and progressed in accordance with the priority rating below. This is not an exhaustive list, and there may be exceptions

### 5.1 **Category 1: Serious harm (High Priority)**

- Unauthorised demolition of Listed Buildings, ancient monuments and locally Listed Buildings.
- Felling or lopping of a preserved tree or tree in a Conservation Area.
- Where development has started and is subject to planning conditions which are required to be agreed before commencement (e.g. contamination, archaeology, nature conservation or trees).
- Development or breach of conditions likely to cause serious harm/danger to people or amenity
- Harmful unauthorised development which is about to become immune from any action being taken against it because of the passage of time periods set in legislation

### 5.2 **Category 2: Significant and widespread harm to local amenity (Medium Priority)**

- Unauthorised development causing significant or widespread harm.
- Breaches of planning conditions causing serious nuisance to adjoining residents.
- Breaches that are contrary to well established planning policies such as Green Belt
- Unsightly buildings or untidy land that is causing serious harm to the amenity of neighbours

### 5.3 **Category 3: Other**

- Breaches of a technical nature and not in significant conflict with planning policy
- Breaches which are temporary and unlikely to result in any long-term harm
- Advertisements not included above
- Breaches of other planning conditions
- Other changes of use

- High hedges
- Unauthorised pitching of caravans
- Businesses being operated from home
- Development not in accordance with the plans during the build process

Individual cases may be re-prioritised as the investigation progresses.

To ensure that an adequate overall service is provided resource allocation will be periodically reviewed. The quality of evidence and support provided by complainants can also impact on the outcome of an investigation, and where such support is likely to increase the chances of a successful outcome, the matter will be prioritised.

## **6 Investigation of suspected breaches of planning control**

### **6.1 Making a complaint or an enquiry**

To start a planning enforcement investigation you can contact us by any of the following methods: -

- Email at [planningdm@spelthorne.gov.uk](mailto:planningdm@spelthorne.gov.uk)
- Completing the standard form on our web site:  
<http://www.spelthorne.gov.uk/planningenforcementcomplaintform>
- By letter to Planning Enforcement, Spelthorne Borough Council,  
Council Offices, Knowle Green, Staines Upon Thames, Surrey, KT18  
1XB

When complaints are received, they are recorded on our database with a unique reference number so they can be monitored, and the complainant updated on progress.

So that your enquiry can be processed efficiently the following information should be provided: -

- Name and contact details of complainant
- Full address of the alleged breach of planning control
- Nature of the breach and the harm it may be causing

To avoid unnecessary use of resources, anonymous reports of suspected breaches of planning control will not normally be pursued unless other evidence suggests that the breach is causing serious harm to the environment or the amenities of residents. Confidentiality of a complainant's identity will be safeguarded unless it is necessary for the complainant to give evidence at an appeal.

**We will aim to acknowledge receipt of any complaint within 5 working days and to provide an initial response on the actions we are taking within 10 working days**



After receipt of a complaint initial research will be carried out, and a site visit may be required to establish whether or not a breach of planning control has occurred.

The initial site visit (where necessary) will be conducted within the following timescales:

- High priority cases – within two working days
- Medium priority cases – within five working days
- Low priority cases – within ten working days

There will be exceptions to this, particularly in very urgent matters.

These timescales allow officers to carry out research before visiting a site. If carrying out the initial site visit within these time frames is problematic on a specific case the officer will notify the complainant.

On completion of the initial site visit, the findings will be assessed by the Officer, and a view taken as to how the investigation will proceed, which may include taking legal advice.

## **6.2 Cross Service Enforcement**

In the event of an issue being reported to multiple services, for e.g. Environmental Health and Planning Enforcement, the other service is then consulted to determine the most efficient and expedient action to take to resolve the issue. Usually this will mean after initial investigation, one service takes the lead and carries out enforcement action as and when it is expedient to do so. For example, it may mean that one service has more effective powers in legislation than the other and so takes the enforcement lead.

In certain instances it is recommended to carry out a joint investigation. However, resourcing will be taken into consideration to ensure it is essential and effective.

## **6.3 Right of Entry**

The Planning Enforcement Officers are authorised to act on the Council's behalf and have a right to enter land and buildings without warrant for the purposes of making inspections, surveys and examinations as required, pursuant to any statutory planning related powers of the Council.

Section 196A and section 324 of The Town and Country Planning Act 1990 and section 88 of The Planning (Listed Buildings and Conservations Areas) Act 1990 identify those powers giving rights of access.

## **6.4 If no breach of planning control is established**

A significant number of investigations are closed as there is no breach of planning control established. For example:

- There is no evidence to substantiate the allegation

- Development has taken place but planning permission is not required (usually because it is permitted development)
- Planning permission has been granted or an application is in progress.

Where this is the case, the complainant will be notified that no further action will be taken, either verbally or in writing, within 10 working days of the initial site visit

## **6.5 Where further investigation is required**

There are cases where the initial site visit does not provide sufficient evidence to prove whether a breach of planning control has taken place such as business operating from home and breaches of hours conditions, and further investigation is required. In these cases, the complainant will be notified within 10 working days of the initial site visit that further investigation is required. If they are unwilling to help, it may not be possible to take further action due to insufficient evidence.

A Planning Contravention Notice can be served to obtain information relating to the suspected breach, which can take time.

A person on whom notice is served has 21 days to respond. Therefore, it may be several weeks until the appropriate evidence can be collected.

## **6.6 Where there is a breach of planning control**

When a complaint is received the case officer will check to see if there is a breach of planning control and that legislation allows us to take action. Each case is judged on its individual merits. In some cases, although a breach of planning control has been identified it is not possible for the Council to take action because it has been occurring, or in existence, for a long period of time and is immune from Enforcement action.

In most cases it is not possible to take action against buildings and structures which have been erected without consent if they have been in existence for more than four years. Similarly, a change of use of a building or land without permission, or the breach of a planning condition imposed on a permission, will be immune from enforcement action if it has occurred for more than 10 years.

## **6.7 Negotiation**

Where it is considered that the breach of planning control is unacceptable Officers will initially attempt to negotiate a solution without going straight to formal action unless the breach is causing significant harm. Negotiations may involve scaling down or stopping an unauthorised use or activity or changing or removing the unauthorised development.

Where negotiation is not an acceptable solution, or it is clear at the outset that the breach is not capable of being resolved, formal enforcement action will proceed where it is expedient to do so. Service of a temporary stop notice may be appropriate to prevent the breach becoming worse.

## **6.8 Not expedient to pursue formal action**

There are cases where it would not be 'expedient' or worthwhile for the Council to take enforcement action. Expediency is a test of whether the unauthorised activities are causing serious harm, and the officer investigating the case will consider this. The outcome of this consideration will generally inform the course of the investigation. Taking formal enforcement action is only one option with other courses open to the Council. Examples of where it may not be expedient to take action are as follows:

- A technical breach of planning control is so minor that it has no, or very little, impact on amenity.
- The work carried out is only marginally in excess of that allowed under permitted development and the increase causes no harm ie. a fence has been erected and is only a few centimetres above the normal allowance of 2m (where it does not front a road).
- Where building work or a change of use has taken place, but it is clear that retrospective planning permission is likely to be granted.

Although development should not be carried out without first getting planning permission, an enforcement notice should not be issued solely to regularise development which is acceptable in planning terms, but for which permission has not been sought. In these cases, the Council will ask for an application.

It is generally regarded as unreasonable for a Council to issue an enforcement notice solely to remedy the absence of a valid planning permission if there is no significant planning objection to the building works/use.

Where officers conclude that it is not expedient to take action the case will be closed (with a reasoned justification).

Action taken should be proportionate to the breach. Many technical breaches of planning control are investigated (e.g. a fence or a rear extension slightly higher than permitted development). In such cases it would be unreasonable to require the removal of an entire building or fence where a slightly lower structure could be put up without planning permission.

We will work with owners to resolve situations, but ultimately it is unlikely that formal action could be warranted in the case of a technical breach.

## **7 Retrospective planning applications**

In some cases, unauthorised development may be rendered acceptable by the imposition of appropriate conditions on a planning permission. For example, a change of use to a restaurant may be acceptable in principle but give rise to concerns about late opening hours. Rather than take formal action against the use, it would be appropriate to request a retrospective application which if, having assessed the detail and taken into account the views of consultees, was found to be acceptable, could be granted permission subject to a condition restricting hours of use.

A retrospective application is processed in the same way as a standard planning application. This allows third parties to be formally consulted and make their views known. In addition to those adjoining the site, the Council notify anyone who originally complained about the unauthorised work. The fact that the development has already been carried out in part or full can have no bearing on the Council's decision on the application.

The Council will specify a time period in which a retrospective application must be submitted. The period given will vary from case to case but will reflect the complexity in preparing such a submission. Periods of 28 or 56 days are often given. If no application is submitted the Council will consider the expediency of taking further

action, taking into account any harm arising from the breach (and lack of conditions imposed on a planning permission to control it). It may become necessary to serve an Enforcement Notice.

If the development is unlikely to receive permission the Council will not encourage the submission of a retrospective application, although there remains a right to make such an application. Unless the Council has served an enforcement notice prior to the submission of the retrospective application (which relates to those matters sought permission in the application) the Council is duty bound to consider it.

The Council will, generally, refuse to process retrospective applications which are submitted after serving of an enforcement notice unless entertaining the application is likely to result in an amended proposal which overcomes the reason for serving the notice.

## **8 Material and non-material amendments to planning permissions**

Development should be completed strictly in accordance with the approved plans, which form part of the planning permission. Following the grant of permission applicants often wish to make variations. Sometimes, because of problems during the construction process or a change in the client's wishes. The Council's approval is required for any changes from the approved plans, and this should be sought before work is carried out. Sometimes, however, changes occur without the Council's prior approval.

Where these alterations are materially different from the permission a new application for the whole development will be required

Where the scale and nature of the alterations results in a development that is not substantially different from the one that has been approved, a "minor material amendment application" will be invited which, in effect, seeks permission for the changes proposed rather than the whole scheme again. The Council will consult adjoining properties in the consideration of these types of application and take into account any representations submitted.

Where the changes proposed are extremely minor (such as the omission of a window or reduction in the size of an extension) the Council will request the submission of a "non-material amendment". This is also subject to a fee but will usually be considered by exchange of letter and without notification to neighbouring properties.

## **9 Monitoring of planning permissions**

It is not practical or proportionate to monitor all planning permissions granted by the Council, and all development carried out as permitted development. Most development occurring in the Borough is in built up areas close to adjoining properties and the majority of alleged breaches of planning control are reported by people living close to development. Most of the Council's planning enforcement officers time is spent resolving reported breaches.

Compliance with pre commencement conditions is also checked. In addition, planning officers will, as resources allow, check sensitive development at key stages of construction and on completion of the development.

## **10 Considerations prior to taking enforcement action**

Several factors must be taken into consideration prior to any enforcement action.

### **10.1 Human Rights Act 1998**

When deciding whether or not to take enforcement action, the Council will pay due regard to the Human Rights Act 1998 and, in particular, to the requirement not to act in a way which is incompatible with any relevant Convention rights which are the right to a fair trial, right to respect for private and family life, prohibition of discrimination and protection of property. These rights are qualified rights which means that, when considering enforcement action, the Council will balance the rights of those who may be in breach of the planning legislation against those affected by the breach, including the community at large.

### **10.2 Public Sector Equality Duty (Equality Act 2010)**

**10.2.1** A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**10.2.2** For the purposes of the provisions of this Section, pregnancy and maternity, age, gender reassignment, disability, race, religion or belief, sex and sexual orientation are all protected characteristics. That question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

**10.2.3** The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.

**10.2.4** The Council must consider if formal enforcement action to remedy harm is wholly appropriate and proportionate. If a breach of planning control has occurred and requires further investigation, then the subsequent investigation must be proportionate.

In any event, if human rights or public sector equality rights are potentially affected, the Council must consider that the public interest factors outweigh any potential interference.

### **10.3 Corporate Priorities and Values**

The Council takes the following corporate priorities and values into consideration when determining the expediency of enforcement action against unauthorised development and changes of use.

The priorities for the 2021 - 2023 focus on:

**C** - Community

**A** - Affordable housing  
**R** - Recovery  
**E** - Environment  
**S** - Service delivery

Our values, ethos and ways of working will inform and underpin everything that we do:

**P** - Pride in our Council, communities, and Borough  
**R** - Responsive and flexible  
**O** - Open and accountable  
**V** - Value for money  
**I** - Integrity  
**D** - Dependable  
**E** - Empowering communities

Our priorities and values are outlined in more detail in the Corporate Plan 2021 – 2023 which can be found here:

<https://www.spelthorne.gov.uk/article/16732/Corporate-publications>

## **10.4 Financial Implications**

In taking enforcement action the Council must consider the financial implications in doing so. The Council must first determine that there is a specific breach of planning control and that the harm caused far outweighs the cost of rectifying the breach.

The Council must also consider the likelihood of recuperating costs from the recipient of the enforcement action. Could POCA (Proceeds of Crime Act) be applied?

The Council must exhaust all means of negotiation for a resolution to the breach prior to commencing any costly enforcement action.

## **11 Taking formal enforcement action**

### **11.1 Enforcement Notice**

Enforcement Notices can be served where development or a change of use has taken place without permission, and it is considered expedient to do so. They are served on the owner, occupier and any other person with an interest in the land and must set out what is expected to happen (for example demolishing a building or stopping a car repair workshop) in order to:

- Ensure development complies with the terms of any planning permission granted
- Stop the use of the land or restore it to the condition it was in before the breach took place
- Ensure that development does not have an adverse impact on amenity

A notice will specify a timescale for works to be carried out, and it comes into effect a minimum of 28 days after it is served. There is a statutory right of appeal to the Planning Inspectorate against the notice during this period. Once the Planning

Inspectorate has received a valid appeal, the enforcement notice has no effect until the appeal has been determined.

Any appeal may include one or all of these grounds:

- a) Planning permission ought to be granted
- b) The development or change of use has not taken place
- c) The development or change of use does not need permission
- d) The development or change of use is immune from action (e.g. been in place or operating too long)
- e) The enforcement notice(s) were not served correctly
- f) The works/action to be carried out are excessive
- g) Not enough time has been allowed for the works/action to be carried out

Given these rights of appeal it is important that all relevant matters are taken into account before serving an enforcement notice. This includes being clear about:

- What the specific breach is (e.g. building is too high, in the wrong place, agricultural building being used for industrial purposes)
- What must be done to set it right (e.g. reduced height, demolish and re-build, stop the use)
- How long is given for the works/actions to be carried out (e.g. three months, 12 months).

If the breach of planning control relates to a listed building or unauthorised demolition within a conservation area, the expediency of serving a listed building enforcement notice or a conservation area enforcement notice will be considered. Where appropriate prosecution in the Courts will be commenced.

All enforcement notices are placed on the Council's enforcement register which is available to view on the Council's website.

## **11.2 Planning contravention notice (PCN)**

This is often served prior to serving an enforcement notice. It can be served on the owner or occupier of the land in question, or a person who is carrying out operations or using the land. The PCN gives those people 21 days to provide the information which the Council has asked for. If they do not give the information they can be prosecuted (maximum fine of £1,000). To knowingly provide false information on a PCN can result in a fine of up to £5,000.

## **11.3 Other requisition for information notices**

The Council can require anyone who receives a requisition for information notice to supply, in writing, details of their interest in a property and details of anyone else having an interest in the property. A reply must be supplied within 14 days. Failure to



comply with the requirements of a notice or makes a false statement in a reply is an offence punishable by a fine of up to £5,000.

The Council can also require those individuals to state in writing the nature of their interest in a property and the name and address of any other person known to them as having an interest in the property, such as a freeholder, mortgagee, lessee or otherwise. Failure to return the form or to provide an untrue statement is an offence punishable by a fine up to £1,000.

#### **11.4 Breach of condition notice (BCN)**

This can be served where a planning condition has not been complied with. The type of condition which has been breached has to be taken into account (e.g. windows are not obscure glazed or contaminated land conditions have not been complied with), and what should be done to correct the situation. Once issued the notice does not take effect for 28 days.

A BCN has to set out what is required to ensure compliance with the condition and by when. There is no appeal against a BCN and therefore it can be more expedient than issuing an enforcement notice. Failure to comply with the notice is dealt with by a prosecution in the Magistrates Court (maximum fine of £2,500). The BCN is ideal for matters where the steps to be taken are relatively simple and can be readily achieved.

#### **11.5 Stop notice**

A stop notice may be served where urgent action is necessary to stop a relevant activity before the end date of the related enforcement notice.

A stop notice must be served at the same time or after the service of an enforcement notice.

The stop notice must refer to the enforcement notice, specify the activity or activities that have to stop and set the date when it comes into effect. Failure to comply with the notice is an offence (maximum fine on summary conviction is £20,000). The Council must consider the use of stop notices carefully as they carry with them significant statutory compensation provisions.

#### **11.6 Temporary stop notice (TSN)**

A TSN can be issued without an enforcement notice and is designed to halt breaches of planning control for a period of up to 28 days. This comes into immediate effect and is used to stop work and to see if issues can be resolved within a limited timescale. These are most often served where a development has started but conditions on the planning information requiring further action before commencement have not been complied with (e.g. a contaminated land investigation and mitigation measures have not been agreed).

Whilst TSNs also carry some compensation provisions these are significantly lower than with a stop notice and therefore the risk to the Council is reduced.

#### **11.7 Section 215 notice**

In cases where the amenity of an area is adversely affected by the condition of land or buildings a Section 215 Notice (untidy land) may be served. This will set out what is expected to happen (e.g. remove building materials/shrubs/board up windows), when it needs to be done by, and the date the notice takes effect.

A Section 215 notice takes effect after 28 days service during which time an appeal can be made in the Magistrates Court.

## **12 Time limits for taking formal action**

Where a breach of planning control involves building operations and has been ongoing for more than four years the Council cannot serve a notice. For example:

- Extensions to dwellings
- New buildings
- Laying hardstanding
- Change of use of any building to a single dwelling.

Other unauthorised changes of use and breaches of conditions are subject to a 10 year time limit (e.g. use of an agricultural building for industrial warehousing).

The Council are not able to take action on anything beyond the four or ten years, and the use becomes lawful. The landowner can apply for a Certificate of Lawful Existing Use or Development (CLEUD) and, if the evidence is clear, they can 'regularise' the situation. However it should be noted that even if a use is lawful, it does not mean that the Council would have granted planning permission if this has been applied for before the development/change of use had taken place.

Serving an enforcement notice in respect of a particular development 'stops the clock' in relation to these four and ten year time limits. Therefore where the Council consider a breach may be close to the four or ten year time limit it may seek to take urgent enforcement action to prevent such a development or use becoming lawful

The Localism Act 2011 introduced a new enforcement power in relation to time limits which allows Councils the possibility to act against concealed breaches of planning control even after the usual time limit for enforcement has expired.

## **13 Failure to comply with formal notices**

Where a notice has been served and has not been complied with there are three main options available to the Council.

### **13.1 Prosecution**

Prosecution proceedings can be instigated against any person who has not carried out the works expected of them and where the end date for compliance/action has passed. This may be in relation to any of the following Notices:

- enforcement notice
- listed building enforcement notice
- conservation area enforcement notice
- breach of condition notice
- section 215 notice
- stop notice

Cases involving unauthorised works carried out to a Listed Building and unauthorised demolition in a Conservation Area also constitute an offence in their own right. Consideration of whether it would be expedient to prosecute for these works rather than issuing a notice will be given on a case by case basis.

Before commencing any legal proceedings, the Council needs to be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the action taken is in the public interest.

### **13.2 Direct action**

Where any works/actions required by an enforcement notice or section 215 notice have not been completed within the time period (other than stopping the use of a piece of land), consideration will be given whether it is expedient to enter the land and undertake the works (e.g. Demolish the building and recover from the owner of the land, any expenses reasonably incurred by them in doing so).

In most cases the Council will seek to prosecute the failure to comply with a notice before seeking to initiate direct action

### **13.3 Injunction**

Where an enforcement notice has not been complied with and, because of the special circumstances of the case, either direct action or prosecution would not be an effective remedy, we will consider applying to the Court for an Injunction.

An injunction can also be applied for where there is clear evidence that a breach of planning control is anticipated but has not actually occurred. Such action will only be considered if the breach, actual or anticipated, is particularly serious and is causing

or likely to cause exceptional harm (e.g. materials for hard standing being put on a site and services being laid).

### **13.4 POCA – Proceeds of Crime Act**

The Proceeds of Crime Act 2002 (“POCA”) sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Confiscation occurs after a conviction has taken place.

The aim of the asset recovery schemes in POCA is to deny criminals the use of their assets, recover the proceeds of crime (planning and non-planning related) and disrupt and deter criminality.

With regard to planning enforcement the Council will consider requesting a confiscation order if it is considered expedient to do so.

The Crown Court must consider making a confiscation order against a defendant under Part 2 POCA if:

- a) the defendant is convicted of an offence or offences in the Crown Court, or has been committed to the Crown Court for sentence or to be considered for a confiscation order; and
- b) the prosecutor requests that the court consider making a confiscation order, or the court believes that it is appropriate to consider making a confiscation order.

## **14 Other Types of Enforcement**

### **14.1 Advertisements**

The display of advertisements without consent is an offence the Council can prosecute against without the need to issue a notice. Where it has been considered that an advertisement should be removed an offender will normally be given one written opportunity to remove the advertisement voluntarily. Failure to do so may result in further action being taken without further correspondence.

The Council is also able to remove or obliterate posters and placards and will consider using these powers as appropriate

The Localism Act 2011 has introduced new provisions in respect of dealing with advertisements. These are Removal Notices, Action Notices and the powers to remedy the defacement of property. Each provision includes rights of appeal to the Magistrates Court.

### **14.2 Removal notices**

The Council can seek removal of any structure used to display an advertisement and where the notice is not complied with can remove the structure and recover the cost of doing so.

### **14.3 Action notices**

Where there is a persistent problem with unauthorised advertisements an Action Notice can be issued specifying measures to prevent or reduce the frequency of the display of advertisements. Where the notice is not complied with the Council may remove the structure and recover the cost of doing so.

#### **14.4 Power to remedy defacement of premises**

Where a sign is readily visible from an area where there is public access and is considered to be offensive or damaging the amenity of the area, a Notice may be issued requiring the removal or obliteration of the sign. As with the above provisions failure to comply with the notice will allow the Council to undertake the works in default and recover costs (except where it relates to a flat or house or is within the curtilage of a house)

#### **14.5 Trees**

Legislation protects trees, which are the subject of Tree Preservation Orders (TPOs) or are within a Conservation Area, from felling or other works without permission. Such works are an offence and prosecution without a notice can take place. However, such action would not remedy the harm caused.

Where a tree covered by a TPO has been removed a notice requiring an appropriate replacement tree to be planted can be issued.

#### **14.6 High hedges**

From 1 June 2005 Councils have had the power to deal with disputes over high hedges where all reasonable steps to resolve the issue have been taken by the relevant parties. In cases where we find in favour of the complainant we will ensure, through enforcement action, if necessary, that any specified schedule of remedial works is carried out.

### **15 Complaints about the Planning Enforcement Service**

If you feel that there is unreasonable delay with an enforcement investigation, or you believe there is an error in the way an investigation is being carried out, please inform the Planning Enforcement Officer dealing with your case so that they may respond or take the necessary action.

If you remain dissatisfied with the service, it is open to you to make a formal complaint. Please remember that the complaints procedure does not apply to matters that are directly related to a Council or Panel decision. You can, of course, contact your local Councillor at any time.

If you remain dissatisfied, you may write to the Local Government Ombudsman and information on how to do this will be given to you by the Head of Corporate Governance. The Ombudsman will not normally deal with a complaint unless it has first been through the Council's own complaint procedures and will deal only with matters relating to the conduct of the investigation.

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# Neighbourhood Services



Date of meeting 3<sup>rd</sup> March 2022

<b>Title</b>	Customer Charter
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Roy Tilbury – Deputy Group Head of Finance & Customer Relations
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	
<b>Corporate Priority</b>	Community
<b>Recommendations</b>	<b>Committee is asked to:</b> Note and approve the Customer Services Charter and Spelthorne Pledge
<b>Reason for Recommendation</b>	To set standards for customer interactions

## 1. Summary of the report

- 1.1 This report seeks agreement on a Customer Services Charter and alongside it, is issuing a Spelthorne Pledge. The text of the Charter and Pledge are appended to this report.

## 2. Key issues

- 2.1 Setting standards publicly could lead to further complaints and criticism, but this charter sets a standard of service that offices and customers can expect.

## 3. Options analysis and proposal

- 3.1 Option 1- Agree proposed Customer Charter and Pledge. The preferred option.
- 3.2 By setting standards publicly this gives a clear and open message of intent. However, this could lead to additional comments and criticism in difficult areas like debt recovery or where statutory obligations take precedent.
- 3.3 Option 2- do not adopt a Customer Charter or a Pledge.

## 4. Financial implications

- 4.1 None.

**5. Other considerations**

5.1 Additional complaints when taking statutory recovery in debt and rent collection, housing allocations etc.

**6. Equality and Diversity**

7. No issues at this stage, the principles set out in the proposed Charter are consistent with valuing equality and diversity.

**8. Sustainability/Climate Change Implications**

8.1 Not applicable

**9. Timetable for implementation**

9.1 By 1<sup>st</sup> April 2022

**10. Contact**

10.1 Roy Tilbury, Head of Customer Services.

**Background papers:** The Charter has been discussed

**Appendices:**

**1 Customer Services Charter**

**2 Spelthorne Pledge**





## Customer Services Charter

At the heart of our customer charter is our commitment to improve the quality of life for local people. We strive to get it right first time, every time. Our aim is to deliver efficient and effective services which meet the changing needs of our communities, adapting to meet new challenges, new ways of working and different ways of interacting with our communities.

### **We will:**

- be polite, always listen and remain professional
- provide you with clear, accurate and up to date information about our services and facilities
- ensure our employees are skilled, knowledgeable, and able to provide high-quality customer care
- give you a clear explanation of why we have made the decisions if we cannot meet your expectations
- endeavour to make Council premises and services accessible to everyone
- treat everyone equally, regardless of race, family/marital status, gender, religious belief, age, disability, or sexuality
- ensure our information is in a format that can be easily accessed and understood
- provide a single point of contact wherever possible and provide responsive and reliable services
- provide a consistent, co-ordinated, and proactive service
- provide a range of convenient communication channels to contact us
- enable customers to provide feedback through customer surveys, focus groups and consultations

### **If you telephone us, we will:**

- answer 90% calls within 10 seconds
- greet you, clearly stating a name and department. If we cannot answer your enquiry or transfer you to the right person, we will take your details and ask someone to contact you
- when returning your calls, staff will clearly state their name, department, and their reason for calling. The caller identification to mobiles will show as 'withheld' and a message will be left where possible if you are unavailable

### **If you write (email/letter) to us, we will:**

- send an acknowledgment email within two working days of receipt
- send an acknowledgement to all letters and faxes within five working days of receipt
- provide timescales for a full response to be sent
- use plain and correct English
- provide details of the person dealing with the enquiry
- if required, provide an email response in large print, information in Braille, in another language, in audio or in large print

### **If you visit us, we will:**

- keep Council premises clean, tidy, safe, well-sign posted and welcoming
- wear identification
- undertake to resolve your enquiry as quickly as possible
- respect confidentiality and, where appropriate, provide private interview rooms
- endeavour to see you at your appointment time, if there is going to be a delay, we will keep you informed



#### **If we visit you, we will:**

- provide details of the person attending your home/place of business and wear identification
- resolve your enquiry as quickly as possible
- endeavour to see you at your appointment time. If, however, there is a delay we will keep you informed and let you know beforehand if we need to cancel or re-arrange an appointment
- clearly explain the purpose of the visit
- be polite and respect your home and your faith/beliefs
- provide timescales for a full response to be sent
- use plain and correct English

#### **Complaints:**

- we aim to reply to all complaints within 10 working days. If we need longer, we will tell you why and confirm who is dealing with your complaint

#### **Freedom of Information requests:**

- we will supply information requested in Freedom of Information requests within 20 working days, except in exceptional circumstances
- in such circumstances, we will contact you to let you know why it is going to take longer or if there are reasons why it is not appropriate to release all the information requested
- we will explain why we are not releasing the information and explain the appeal process

#### **What you can do to help:**

There are a few things you can do to help ensure your enquiry is resolved as quickly as possible:

- treat Council officers with respect
- provide the Council with all the information required to resolve your query
- access the Council's website for services and information if you can
- notify the Council of any change in your circumstances
- complete the feedback forms to help us improve our service

#### **How to contact us by writing to us at:**

Spelthorne Borough Council  
Council Offices  
Knowle Green  
Staines-upon-Thames  
TW18 1XB

**Website:** [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk)  
**Email:** [customer.services@spelthorne.gov.uk](mailto:customer.services@spelthorne.gov.uk)  
**Telephone:** 01784 451499

The Charter is available on request in large print. We want as many people as possible to be able to read our Customer Charter – use the audio-visual tool to change the language, size, and colour on this page.

In conducting statutory duties and operating services, the Council will ask for and use your personal data. In some instances, this data may be passed to our agents, but when we do so, we'll make sure that your information is properly protected. For more details, please see our [privacy notice](#).



# OUR PLEDGE TO SPELTHORNE RESIDENTS

At all times we will treat you with respect and care.

We will be approachable and friendly and explain things clearly.

You can expect a high level of service from us delivered in a timely, courteous, and reliable manner.

Our service motto is:

***We'll do the right thing because we care.***

We commit to this pledge.



Daniel Charles Mouawad,  
Chief Executive

Cllr Lawrence Nichols,  
Leader of Spelthorne Borough Council

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# Neighbourhood Services Committee



3 March 2022

<b>Title</b>	Draft Q3 Revenue Monitoring Report as at 31 December 2021
<b>Purpose of the report</b>	To note
<b>Report Author</b>	Anna Russell, Deputy Chief Accountant
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Corporate Priority</b>	Community Affordable Housing Recovery Environment Service delivery
<b>Recommendations</b>	<p>The Committee is asked to note the draft forecast outturn for 2021/22 as at 31 December 2021 and the aggregate variances by cost centre reported in appendix A below.</p> <p>(Please note that this is a draft report taken from the full report currently being prepared for the Corporate Policy &amp; Resources Committee meeting on 14 March and has been collated before the completion of a full review process and may be subject to change, and if this is the case the Committee will be notified.)</p>
<b>Reason for Recommendation</b>	Not applicable

## 1. Key issues

- 1.1 This report provides a summary of the forecast outturn position for the financial year 2021-22 as at 31 December, for the Neighbourhood Services Committee which is showing a forecast net overspend of £429k (September: £509k net overspend) a favourable improvement of (£80k).
- 1.2 The forecast underspend of expenditure amounted to (£88k) (September: £124k overspend) and the forecast under recovery of income was £516k, an adverse position, (September: £633k under recovery), with the major changes from Q2 being as follows (*see end of this paragraph for key*):
  - (a) A (£74k) increase in the car park income forecast.
  - (b) A (£8k) decrease in Depot other expenditure forecast.

- (c) A (£9k) increase in Neighbourhood Services Management Support income forecast.
- (d) A £21k decrease in Building Control income forecast.
- (e) A £15k increase in Environmental Protection Act other expenditure forecast.
- (f) A £9k reduction in Taxi Licensing income forecast.
- (g) A (£10k) reduction in Street Cleaning employee costs forecast.
- (h) A (£20k) reduction in Spelride employee costs forecast.

*where the (negative) and positive changes indicate:*

*(negative): a favourable change = increase in income or decrease in spend*

*positive: an adverse change = decrease in income or increase in spend*

1.3 The forecast net under recovery of income is further broken down to show the impact of COVID-19 on the Council forecast outturn position as follows:

- (a) COVID-19 – a forecast net under recovery of income of £598k (September: £708k).
- (b) Non COVID-19 a forecast net underspend of (£169k) (September: (£199k)).

The forecast outturn shows the forecast impact of COVID-19 on Cost of Services is mainly an under recovery of fees, charges, and income amounting to £508k (September: £621K) from our Car Parks, Building Control, Taxi Licensing and Spelride, offset by an increase in cemetery fees and EH admin grant income.

## **2. Significant Forecast Budget (under)/overspends at year end.**

2.1 Noting that we are only providing commentary for those budget lines with £20k or more variance and that some cost of services where below this reporting criteria last month and have now exceeded the reporting threshold.

2.2 A forecast net overspend and under recovery of income of £429k (September: £509k) and the significant net variances are as follows:

- (a) Car parks – a forecast under recovery of income of £567k (September: £642k) due to the reduction in shoppers and office workers requiring parking facilities.

*Note of an additional risk:* It is noted that Network Rail will be closing main access roads to Staines-upon-Thames during March and into April, which is likely to have a significant impact on parking income, estimated up to £56k. The Council will get (£34k) income from a license for Network Rail to use parking during that time, and potentially from legal action under that license for loss of income.

- (b) Building control – a forecast net overspend of £22k (September: £6k) due mainly to the following:
  - i) No change in the forecast underspend of (£35k) reported last quarter.

- ii) A forecast under recovery of income of £62k (September: £49k).
- (c) Cemeteries – No change in the forecast over recovery of income of (£50k) reported last quarter.
- (d) Neighbourhood Services Management Support – No change in the forecast employees underspend of (£50k) reported last quarter.
- (e) Environmental Health Administration – No change in the overall forecast underspend of £25k reported last quarter.
- (f) Environmental Protection Act – a forecast net underspend of (£26k) (September: (£41k)) due to overbudgeted Pollution Control Assessments costs.
- (g) Taxi Licensing – A forecast under recovery of income of £24k (September: £15k) due to the impact of the COVID-19 crisis.
- (h) Street Cleaning - A forecast underspend of (£40k) (September: (£30k)) due unfilled vacancies offsetting overtime and agency costs.
- (i) Spelride – a net forecast under recovery of income of £12k (September: £28k) due to the following:
  - i) A forecast underspend of (£20k) (September: £0k)
  - ii) A forecast underspend of (£18k) (September: (£22k)) in transport costs due to fewer passengers using the service and therefore fewer journeys being made.
  - iii) No change in the forecast 50k under recovery of income reported last quarter.

### **3. Other considerations**

3.1 None.

### **4. Equality and Diversity**

4.1 Not applicable.

### **5. Sustainability/Climate Change Implications**

5.1 Not applicable.

### **6. Timetable for implementation**

6.1 Not applicable

**Background papers:** There are none.

**Appendices:**

**Appendix A – Neighbourhood Services Revenue Q3 31Dec21 v18Feb**

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## Neighbourhood Services

<b>Results to 31-Dec-21</b>	<b>Budget Revised £</b>	<b>Forecast Outturn £</b>	<b>COVID-19 Variance £</b>	<b>Non-COVID-19 Variance £</b>	<b>Total Variance to Revised £</b>	<b>Staffing Budget FTE</b>	<b>Staffing Actual FTE</b>	<b>Comments</b>
Employees	457,000	457,000	0	0	0	12.8	8.8	The forecast for income has been decreased further with the continuing impact of the COVID-19 crisis.
Other Expenditure	804,400	803,700	0	(700)	(700)			
Income	(1,931,000)	(1,363,000)	568,000	0	568,000			
<b>Car Parks</b>	<b>(669,600)</b>	<b>(102,300)</b>	<b>568,000</b>	<b>(700)</b>	<b>567,300</b>	<b>13</b>	<b>9</b>	
Employees	70,100	69,400	0	(700)	(700)	1.7	1.7	
Other Expenditure	176,900	166,100	0	(10,800)	(10,800)			
Income	0	0	0	0	0			
<b>Community Safety</b>	<b>247,000</b>	<b>235,500</b>	<b>0</b>	<b>(11,500)</b>	<b>(11,500)</b>	<b>2</b>	<b>2</b>	
Employees	0	0	0	0	0			
Other Expenditure	116,200	116,200	0	0	0			
Income	0	(7,500)	0	(7,500)	(7,500)			
<b>Depot</b>	<b>116,200</b>	<b>108,700</b>	<b>0</b>	<b>(7,500)</b>	<b>(7,500)</b>	<b>0</b>	<b>0</b>	
Employees	1,192,000	1,142,000	11,128	(61,128)	(50,000)	25.4	22.0	No change from Q2.
Other Expenditure	130,400	130,400	0	0	0			
Income	(3,000)	(22,000)	(19,000)	0	(19,000)			
<b>Neighbourhood Serv Mgt Support</b>	<b>1,319,400</b>	<b>1,250,400</b>	<b>(7,872)</b>	<b>(61,128)</b>	<b>(69,000)</b>	<b>25</b>	<b>22</b>	
Employees	395,100	360,100	0	(35,000)	(35,000)	6.6	6.2	The forecast for income has been decreased further with the continuing impact of the COVID-19 crisis.
Other Expenditure	18,400	14,300	0	(4,100)	(4,100)			
Income	(410,000)	(348,500)	61,500	0	61,500			
<b>Building Control</b>	<b>3,500</b>	<b>25,900</b>	<b>61,500</b>	<b>(39,100)</b>	<b>22,400</b>	<b>7</b>	<b>6</b>	

## Neighbourhood Services

<b>Results to 31-Dec-21</b>	<b>Budget Revised £</b>	<b>Forecast Outturn £</b>	<b>COVID-19 Variance £</b>	<b>Non-COVID-19 Variance £</b>	<b>Total Variance to Revised £</b>	<b>Staffing Budget FTE</b>	<b>Staffing Actual FTE</b>	<b>Comments</b>
Employees	0	0	0	0	0			
Other Expenditure	2,500	2,500	0	0	0			
Income	(4,500)	(4,500)	0	0	0			
<b>Food Safety</b>	<b>(2,000)</b>	<b>(2,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Employees	0	0	0	0	0			
Other Expenditure	25,300	25,200	0	(100)	(100)			
Income	0	0	0	0	0			
<b>Bus Station</b>	<b>25,300</b>	<b>25,200</b>	<b>0</b>	<b>(100)</b>	<b>(100)</b>	<b>0</b>	<b>0</b>	
Employees	0	0	0	0	0			
Other Expenditure	28,800	37,000	0	8,200	8,200			
Income	(351,100)	(401,100)	(50,000)	0	(50,000)			No change from Q2.
<b>Cemeteries</b>	<b>(322,300)</b>	<b>(364,100)</b>	<b>(50,000)</b>	<b>8,200</b>	<b>(41,800)</b>	<b>0</b>	<b>0</b>	
Employees	994,300	1,133,400	78,600	60,500	139,100	18.2	17.8	Post to address COVID issues, funded by grant income.
Other Expenditure	79,900	54,900	0	(25,000)	(25,000)			No change from Q2.
Income	0	(139,100)	(139,100)	0	(139,100)			Increase in income forecast for grant income for additional COVID staffing costs. Any unused funds will be moved to next financial year.
<b>Environmental Health Admin</b>	<b>1,074,200</b>	<b>1,049,200</b>	<b>(60,500)</b>	<b>35,500</b>	<b>(25,000)</b>	<b>18</b>	<b>18</b>	Overall no change from Q2.
Employees	0	0	0	0	0			
Other Expenditure	101,900	76,300	0	(25,600)	(25,600)			Reduction in forecast from Q2 of savings expected due to overbudgeted Pollution Control Assessments costs.
Income	(21,100)	(5,100)	0	16,000	16,000			
<b>Environmental Protection Act</b>	<b>80,800</b>	<b>71,200</b>	<b>0</b>	<b>(9,600)</b>	<b>(9,600)</b>	<b>0</b>	<b>0</b>	
Employees	212,000	212,000	222	(222)	0	4.6	4.6	
Other Expenditure	5,400	10,000	0	4,600	4,600			
Income	(128,300)	(120,700)	7,600	0	7,600			
<b>Licensing</b>	<b>89,100</b>	<b>101,300</b>	<b>7,822</b>	<b>4,378</b>	<b>12,200</b>	<b>5</b>	<b>5</b>	

Page 50

## Neighbourhood Services

<b>Results to 31-Dec-21</b>	<b>Budget Revised £</b>	<b>Forecast Outturn £</b>	<b>COVID-19 Variance £</b>	<b>Non-COVID-19 Variance £</b>	<b>Total Variance to Revised £</b>	<b>Staffing Budget FTE</b>	<b>Staffing Actual FTE</b>	<b>Comments</b>
Employees	0	0	0	0	0			Income for the year is expected to be lower than budget due to the COVID-19 crisis.
Other Expenditure	3,300	2,000	0	(1,300)	(1,300)			
Income	(79,000)	(55,000)	24,000	0	24,000			
<b>Taxi Licensing</b>	<b>(75,700)</b>	<b>(53,000)</b>	<b>24,000</b>	<b>(1,300)</b>	<b>22,700</b>	<b>0</b>	<b>0</b>	
Employees	675,200	635,200	0	(40,000)	(40,000)	22.0	18.0	Forecast reduced further from Q2. Savings expected due to vacant posts; partially covered by overtime payments and agency staff, so no impact on service delivery.
Other Expenditure	314,500	314,500	0	0	0			
Income	(47,700)	(46,600)	1,100	0	1,100			
<b>Street Cleaning</b>	<b>942,000</b>	<b>903,100</b>	<b>1,100</b>	<b>(40,000)</b>	<b>(38,900)</b>	<b>22</b>	<b>18</b>	
Employees	0	0	0	0	0			
Other Expenditure	9,900	6,900	0	(3,000)	(3,000)			
Income	0	0	0	0	0			
<b>Public Conveniences</b>	<b>9,900</b>	<b>6,900</b>	<b>0</b>	<b>(3,000)</b>	<b>(3,000)</b>	<b>0</b>	<b>0</b>	
Employees	0	0	0	0	0			
Other Expenditure	15,900	10,800	0	(5,100)	(5,100)			
Income	(5,000)	(1,500)	3,500	0	3,500			
<b>Rodent &amp; Pest Control</b>	<b>10,900</b>	<b>9,300</b>	<b>3,500</b>	<b>(5,100)</b>	<b>(1,600)</b>	<b>0</b>	<b>0</b>	
Employees	192,600	172,600	0	(20,000)	(20,000)	6.0	5.0	Savings expected due to vacant post partially covered by overtime payments and temporary staff Savings expected on transport and on other expenditure because of less activity due to Covid-19 No change from Q2.
Other Expenditure	48,100	30,100	0	(18,000)	(18,000)			
Income	(94,000)	(44,000)	50,000	0	50,000			
<b>Spelride</b>	<b>146,700</b>	<b>158,700</b>	<b>50,000</b>	<b>(38,000)</b>	<b>12,000</b>	<b>6</b>	<b>5</b>	
Total Employees	<b>4,188,300</b>	<b>4,181,700</b>	<b>89,950</b>	<b>(96,550)</b>	<b>(6,600)</b>	<b>97</b>	<b>84</b>	
Total Other Expenditure	<b>1,881,800</b>	<b>1,800,900</b>	<b>0</b>	<b>(80,900)</b>	<b>(80,900)</b>			
Total Income	<b>(3,074,700)</b>	<b>(2,558,600)</b>	<b>507,600</b>	<b>8,500</b>	<b>516,100</b>			
Net Total	<b>2,995,400</b>	<b>3,424,000</b>	<b>597,550</b>	<b>(168,950)</b>	<b>428,600</b>	<b>97</b>	<b>84</b>	

Page 5

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## Spelthorne Borough Council Services Committees Forward Plan and Key Decisions

This Forward Plan sets out the decisions which the Service Committees expect to take over the forthcoming months, and identifies those which are **Key Decisions**.

A **Key Decision** is a decision to be taken by the Service Committee, which is either likely to result in significant expenditure or savings or to have significant effects on those living or working in an area comprising two or more wards in the Borough.

Please direct any enquiries about this Plan to [CommitteeServices@spelthorne.gov.uk](mailto:CommitteeServices@spelthorne.gov.uk).

## Spelthorne Borough Council

### Service Committees Forward Plan and Key Decisions for 1 March 2022 to 30 June 2022

Anticipated earliest (or next) date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer
Neighbourhood Services Committee 03 03 2022	Customer Charter	Non-Key Decision	Public	Roy Tilbury, Deputy Group Head, Customer Services
Neighbourhood Services Committee 03 03 2022	Local Planning Enforcement Policy Updates	Non-Key Decision	Public	Esme Spinks, Planning Development Manager
Neighbourhood Services Committee 03 03 2022	Revenue Monitoring Report Q3 (Oct-Dec 2021)	Non-Key Decision	Public	Anna Russell, Deputy Chief Accountant
Neighbourhood Services Committee	JET Environmental Crime Policy	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Martin Cole, Neighbourhoods Manager
Neighbourhood Services Committee	Food and Health and Safety Service Plans for 2022/23	Non-Key Decision	Public	Fidelma Bahoshy, Senior Environmental Health Officer, Tracey Willmott-French, Senior Environmental Health Manager