



## **RYDE TOWN COUNCIL OFFICER REPORT**

<b>Committee:</b>	Place, Neighbourhood and Planning Committee
<b>Date:</b>	Tuesday, 14 November 2023
<b>Title of Report:</b>	Enforcement Issues
<b>Report from:</b>	Place, Neighbourhood and Planning Officer
<b>Context:</b>	For Discussion and Decision
<b>Report Author:</b>	Chris Turvey

## **ISSUES WHICH COULD BE ADDRESSED BY ADDITIONAL PLANNING ENFORCEMENT FROM THE ISLE OF WIGHT COUNCIL.**

Ryde Town Council have been “offered” the opportunity to buy in to the IW Council’s planning enforcement service. This would involve paying for officer time to manage planning issues which may be particular to Ryde or of special interest to Ryde residents.

The previous system of enforcement requires the IW Council to employ enforcement officers to carry out enforcement issues under their own priority system depending on available resources.

In December 2022 the IW Council informed Town and Parish Councils that enforcement was not a statutory requirement in terms of Local Authority Planning services. This implies that the IW Council are not obliged, legally, to act when they are informed of planning breaches.

As a result of this anomaly, the IW Council have offered Town and Parish Councils the opportunity to “buy in” extra enforcement services tailored to their particular need in terms of type of issue and the extent and complexity of the problems faced.

This is not the only option available to Town and Parish Councils as legislation does exist in the form of the Environmental Protection Act 1990 part 3, Section 82. This legislation enables anyone, including Town and Parish Councils, to take legal action against individuals or companies which flout planning or environmental legislation, or causes an unacceptable nuisance.

The IW Council have circulated a scale of charges for enforcement officer time, and this is included below:

<b>Costs of funding additional Planning Enforcement capacity</b>			
	<b>Enforcement Officer</b>	<b>Senior Enforcement Officer</b>	<b>Principal Enforcement Officer</b>
1 day a week per year (52 weeks)	£7,884.80p	£8,901.20p	£9,786.80p
2 days a week per year (52 weeks)	£15,769.60p	£17,802.40p	£19,673.60p
3 days a week per year (52 weeks)	£23,654.40p	£26,703.60p	£29,360.40p
4 days a week per year (52 weeks)	£31,539.20p	£35,604.80p	£39,147.20p
5 days a week per year (52 weeks)	£39,424.00p	£44,506.00p	£48,934.00p

These costs are based on the 23/24 pay grades for Council staff and have been calculated using below the line costs (such as National Insurance contributions and pension).

It would appear that one day per week is the minimum that the IW Council will accept in terms of enforcement services. This, I presume, is owing to the fact that the work includes site visits and court attendance so travelling time would eat into anything less than a day.

The level of enforcement officer is also dependant on the complexity and history of the issue that requires enforcement.

Newport and Carisbrooke Community Council have opted for three days per week at a cost (according to their accounts) of £21,549, although I cannot reconcile that with any of the amounts listed in the table above. The report reflects the level of success achieved with three days of enforcement officer time over the first three months.

Apparently, there have been some easy wins. However, Ryde has some long-term issues which have not been resolved over a number of years, even though Ryde Town Council had offered £10,000 to IW Council to help resolve them.

Newport have drawn up a list of 36 planning enforcement cases of which 25% have been successfully concluded.

To date Newport have closed eight cases. Five cases were shops in the conservation area with issues about their untidy state and three were illegal advertising banners.

There were five other cases listed in the report that had been commenced. Four were for untidy condition of land and the other was for a planning condition breach. Only one of these has been successfully concluded.

There are various planning issues in Ryde and some of these are listed below:

#### Listed Buildings.

- Preventing non approved changes.
- Stopping managed decay.

#### Examples:

- The Royal York
- Vectis Hall
- Ryde Theatre
- Natwest Bank.

#### Conservation Area.

- Retain the character when inappropriate mode
- Maintaining the decorative order of buildings within the area to protect their integrity.
- Keep the area well maintained and tidy.
- Keep waste storage containers away from the frontages.
- Ensure that signage is appropriate and has planning permission.
- Ensure that any works have planning approval.

#### Other Matters.

- Building without planning permission.
- Development on land outside of the settlement boundary
- Damage to land of ecological importance.

#### Matters not to be covered by enforcement officer time.

- Neighbour Disputes.
- Major issues regarding infrastructure

### **Officer Recommendation**

Ryde Town Council's Place, Neighbourhood and Planning Committee should prepare a list of current issues that they would like to see improvement on.

Between now and 1<sup>st</sup> April 2024, RTC should utilise some of the Public Realm budget to engage the former IWC empty properties officer Will Taylor. RTC should employ him to carry out the identified enforcement work under section 82 of the Environmental Protection Act 1990 part 3.

RTC should then evaluate this "inhouse" approach against the results seen in Newport utilising the IWC enforcement offer to see which gives best results and best value for money.