

Committee: Ordinary Council	Date: 22 nd June 2022
Subject: Chairs' reports and Members' Written Questions	Wards Affected: All
Report of: Claire Mayhew – Corporate Manager (Democratic Services)	Public
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In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility is provided for Members' information at each Ordinary Council meeting.

Any Member may ask a Chair a written or oral question on

- (a) any matter included in a Chair's written report; or
- (b) any matter in relation to which the Council has powers or duties or which affects the Council's area and which falls within the area of responsibility of the Chair's committee.

Due to that no meetings have taken place before the publication of this agenda. No Chair reports have been included within the agenda.

However, Members are allowed for written and oral questions this will not exceed 60 minutes without leave of the Mayor.

Two written questions have been received from Cllr Dr Barrett, as follows:

To the Chair of Planning and Licensing and Audit and Scrutiny.

It was disappointing to see on the front page of our local newspapers that taxpayers money was required to compensate a resident for the council failing to enforce a planning condition decided in committee due to administrative errors. It was further disappointing to see this was resolved through the local ombudsman because the council's complaints procedure failed to act. What measures are put in place to stop this happening again?

Response

The situation and outcome are disappointing. This related to a planning application at 59 Crown Street, Brentwood, reference 18/00309/FUL. A complaint was received from a neighbouring resident regarding details of the screening provided as part of the

development scheme. The complaint was investigated thoroughly in line with the councils' formal complaints policy. A clear outcome was provided explaining certain technical complexities, such as the difference between the screening that had been provided and the limitations of taking enforcement action for things outside the decision notice approval. The complainant requested that the local government ombudsman review the case, as is their right.

The ombudsman conducted an assessment and concluded that the council was at fault. This was because plans for the balustrade and planters, which the complainant referred to, were not included in the initial decision notice. This meant that enforcement action to implement them could not be taken. Similarly, though the balustrade and planters were included in the plans for the conditions discharge that related to the privacy screen (reference 18/00309/COND/3), this did not relate to the matters of the condition, and though not within the formal decision notice, this would not have given the council the basis to enforce against the lack of these features.

The council reviewed the ombudsman decision. It was concluded that there were no grounds for challenge according to guidance, in terms of matters of law such as evidence inaccuracies or new information affecting the decision. Any legal challenge would have cost implications.

On review, there was an administrative error that meant the council could not require the applicant to adhere to the balcony drawings (other than the privacy screen), which impacted upon the complainant's amenity. As a result, a formal apology was issued and £1,000 compensatory payment made to enable the installation of additional planting to screen the outlook from the balcony. Additional training has been provided for staff undertaking administration tasks, such as issuing decision notices, so that a repeat of this situation can be avoided in future.

The council makes budgetary provision for losses, such as in the case of appeals or compensation. The council as local planning authority processes and determines more than 1,000 applications over the course of a year on average, a trend that has been increasing. This includes financial income through various application fees from developers, which inform budgetary projections to offset any losses. As is regularly reported to members, the council ranks highly nationwide on application performance. Within that data there are always lessons to be learned on improvements, whether by the council or by applicants. As such, reports are issued to members on appeal outcomes and enforcement action, among other things. More recently the use of conditions has been identified as being an area for improvement, in terms of their use and wording in line with national guidance.

The outcome in this situation falls short of the standards we expect. The apology and compensation were offered as a result. Lessons are being learned to continually improve the service.

This is a recent decision and so has not yet been reported to Audit & Scrutiny Committee, which will happen in due course once reviewed by the Formal Complaints and Performance Indicator Member Working Group.

To the Chair of Community, Environment, and Enforcement

Residents with access needs have reported that the mobility scooter service in the multi-storey car park has ceased taking the scooter to and from vehicles, meaning to use the service you need an additional abled person. Many residents with access requirements who relied on this service can no longer access Brentwood High St as a consequence of this change. Why and when was this change made and can it be reversed?

Response

The process for hiring a mobility scooter was initially changed in October 2021. The scheme has been running for a number of years prior to this however it became apparent that we could not always guarantee a member of staff on site or at the right location to assist. The revised process was introduced to ensure the scooters were accessible to requestees and not limited by staff on site and the new scheme is in line with other schemes that operate mobility scooters. The scheme is assisted as it is next to the Disabled Access parking bays located on the same floor as the scooter. This we feel makes the scooters accessible and will only ever be a short distance from anyone's vehicle. Further we have discussed the scheme with the Brentwood Access Group.

As said above we have adopted a scheme that other providers use and appears to have worked well. We provide ready to use scooters that are available on demand.

Moving forward the new scheme will not be limited by core hours of employees and will be available to use during the same operating hours of the car park. I can also confirm that the scheme will be investing in the procurement of new class2 mobility scooter(s)

We are looking to install the revised service and scooter(s) later this summer however the Council will continue to monitor the situation and the service.

Appendices to this report

None