

# Compliance and Enforcement Board

Notes of a Meeting of the Compliance and Enforcement Board held on Microsoft Teams on the **27<sup>th</sup> October 2020**.

## **Present:**

Cllr. Bell (Chairman);  
Cllr. Feacey (Vice-Chairman)

Cllrs. Bartlett (ex-officio), Spain

## **Apologies:**

Cllrs. Buchanan, Shorter (not able to access the meeting)

## **Also in attendance:**

Director of Law and Governance, Head of Planning and Development, Deputy Team Leader – Planning Enforcement, Community Safety and Wellbeing Manager, Environmental Contracts and Enforcement Manager, Member Services Liaison Manager.

## **1. Declarations of Interest**

- 1.1 Cllr. Feacey made a Voluntary Announcement as his daughter was having a house built near one of the sites referred to in the Planning Enforcement Update report.

## **2. Notes of the Meeting of 28<sup>th</sup> January 2020**

- 2.1 The Board agreed the notes as an accurate record.

## **3. Environmental Crime Enforcement in Ashford**

- 3.1 The Environmental Contracts and Enforcement Manager introduced his report which identified environmental crime enforcement activities for the period from January to August, and highlighted the key points in the report. He explained that due to the Covid Pandemic the recruitment of staff to form the enforcement team had been suspended. In the interim the Council's Fraud and Investigation Team were assisting with investigation work in terms of fly tipping which he explained had increased. Fixed penalty notices had been issued in respect of sites at Acton Lane Wittersham, Great Herons Wood, Kenardington and the Ellingham Industrial Estate.
- 3.2 The Environmental Contracts and Enforcement Manager drew particular attention to the successful prosecution for the dumping of building materials in Biddenden, which had resulted in the payment of costs and a custodial

sentence. In response to a question, he explained that the increase in fly tipping was above the seasonal norm which he suggested could have been related to the temporary closure of the Kent County Council Transfer station for repair work.

- 3.3 A Member asked about the cost of clearing up the waste and the Environmental Contracts and Enforcement Manager said he could include such information in future reports to the Board but said that it was based on a fixed price contract.
- 3.4 In terms of the recruitment process for enforcement staff, the Environmental Contracts and Enforcement Manager hoped that this could progress but said that at the present time the recruitment freeze was still in place. The Chairman said that it was important for the Board to know if this delay was having a detrimental impact on incidents of fly tipping.

#### **Recommendations/Actions:**

**That the update report be received and noted.**

## **4 Anti-Social Behaviour in Ashford - Update**

- 4.1 The report provided the Anti-social Behaviour (ASB) performance update for the period from January to September. The Community Safety and Wellbeing Manager ran through the performance data in relation to the Community Safety Partnership and explained that Kent Police had issued 12 Dispersal Orders for various issues and 4 Dispersal Notices for people not leaving the town centre. The Ashford CSU had secured a Partial Closure Order in respect of a property of a vulnerable adult and ABC Housing had secured 2 Orders in respect of noisy parties and drug related issues.
- 4.2 The Community Safety and Wellbeing Manager also confirmed that there had been an increase in ASB and drew attention to the information set out in the table in the report. Possible reasons for this increase included the improved reporting methods, i.e. the report it app and improved public confidence to report. In terms of Public Space Protection Orders, Officers had been working with residents of the Ashford Churchyard and arising from this the gate would be closed for an additional night each week. The Singleton Lake PSPO had been renewed and the one at Henley Fields was being reviewed and authority would be sought to renew this for a further three year period. In conclusion, the Community Safety and Wellbeing Manager explained that the Cabinet had approved an ASB policy in February and in September had agreed the Modern Slavery and Human Trafficking Statement.
- 4.3 The Vice Chairman explained that he was a member of the Kent and Medway Crime Board and was aware that instances of ASB were increasing across Kent. In response to a question, the Community Safety and Wellbeing Manager confirmed that Registered Social Landlords (RSL's) did not have delegated powers to request closure orders and that they had to obtain them via the Council or police. ABC Officers had met with RSL's and were

developing a package to help support them in obtaining closure orders. ABC was able to delegate Community Protection Notices to RSL's and this would be explored in 2021.

### **Recommendations/Actions:**

**That the update report be received and noted.**

## **5 Planning Enforcement Update**

- 5.1 The Head of Planning and Development introduced the report which provided an update on the work of the Planning Enforcement team for the reporting period 16 December 2019 to 30 September 2020. She drew particular attention to the number of changes in the planning team following the on-going restructure and advised of specific changes in respect of the Planning Enforcement Team. The Head of Planning and Development introduced the Deputy Team Leader - Planning Enforcement who had recently joined the team but explained that due to budgetary constraints it would not be possible to retain the services of the Consultant who had extensive knowledge and experience.
- 5.2 In terms of the period from December 2019 to September 2020, there had been 316 live cases, with 237 opened and 199 closed. Because of Covid, site visits had ceased for a period, however covid secure site visits were now being undertaken but only when absolutely necessary. The Head of Planning and Development considered that more members of the public were spotting breaches and reporting them to the Council. Four High Court injunctions had been granted in the period but many cases had been subject to negotiation which had resulted in subsequent planning applications.
- 5.3 The Chairman said that in terms of enforcement it was important for the Cabinet to be kept informed on resourcing issues, including the point about the potential loss of the ability to be able to utilise the services of the experienced consultant. He also asked that the Cabinet be kept informed about weekend cover arrangements put in place to deal with potential Gypsy and Traveller issues.
- 5.4 A Member said that he would find it useful to have information about the type and cost of various enforcement actions and suggested that they be presented as a form of flow chart known as a Sankey flow diagram. The Head of Planning and Development said that the current IT system used by Planning was not that flexible or good for reporting, however the new system which was to be installed would offer much better reporting tools. The production of an Enforcement Plan could also be used to provide such information.
- 5.5 Another Member drew attention to the fact that almost 50% of cases had been closed as a result of negotiation which he believed represented a high level of compliance. He said that it was important that Officers were in place to deal with enforcement issues as often residents did not wish to tackle their

own neighbours and therefore said that he would support any requests for additional resources. The Chairman said that he wished to reiterate his earlier comment that it was important for the Cabinet to consider and make decisions on this issue.

- 5.6 The Head of Planning and Development said that this year the service was fully resourced in respect of the approved structure, it was just the issue relating to funding for specialist enforcement support.

**Recommendations/Actions:**

**That the update report be received and noted.**

## **6 Dates of Future Meetings**

- 6.1 Tuesday 25 January 2021 at 10.00am  
Tuesday 27 April 2021 at 10.00am  
Tuesday 27 July 2021 at 10.00am  
Tuesday 26 October 2021 at 10.00am

Councillor Bell (Chairman)  
Compliance and Enforcement Board

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