

Response to the Recommendations of the independent inquiry into the demolition of the Royal Oak PH– June 2018 Update

All recommendations are fully accepted. It is proposed to take the following actions in response to these recommendations –

Number	Recommendation	Proposed action reported to Scrutiny Committee on 13 th March 2018	Update June 2018
1	The systems for communicating the receipt of demolition notices (served under the Building Act 1984) to the Council's planning service, and for considering potential planning issues in relation to the proposed demolitions, should be reviewed.	This has been completed. Copies of all demolition notices are sent by Southern Building Control Partnership to Planning Support. Following receipt, they are directed to the Development Management Team in order that they can consider if planning permission is required and, if so, has it already been obtained. This new approach will be the subject of discussion at the Development Management Team meeting on 8 March.Demolition Notices have been received form Southern Building Control since ...and cross checked with the planning status of the site. No issues have arisen.
2	Consideration should be given to how Council officers can best support Ward Members in identifying significant community concerns and in collating evidence that could indicate the need for action through planning and other powers.	Group leaders recently agreed to establish a small working group of officers and members to explore how we can work together better in the future (across all areas). It is proposed that this group be asked to consider this recommendation as part of its terms of reference.	Terms of reference were agreed at the Group Leader meeting on 14 May. Once all Member nominations have been confirmed the group will meet for the first time.
3	A system for briefing relevant officers in the planning service on impending and current changes to legislation should be introduced.	The planning team already subscribes to a service which provides information on legislative and other changes. However, this is only received by 1 person in the team. Likewise, the legal team receives regular updates on all legislative changes across local government. While these are routinely sent to several teams they are not currently shared with planning. The subscription to the planning updates will be extended to include all officers in the team and legal will send their updates to all managers in the team. Any significant changes identified from these publications, or from peer group meetings, training courses etc will be shared	Updates on changes to planning legislation are being circulated among the Development Management Team together with updates from the Legal Services Team. Regular updates on legislative changes sent to Members – informed by weekly emails that update has been loaded on to MOSS.

		and discussed at team meetings. In addition, all staff will be reminded of the need to check the most up to date legislation in relation to less regularly received development proposals.	
4	Officers present at meetings to consider enforcement action should share all relevant knowledge and information relating to the facts, merits and law relating to the case. The officer chairing such meetings should conduct the meeting in a structured manner to ensure that all relevant issues are fully addressed and participants are encouraged to contribute all relevant information.	Agreed – all managers who might chair such meetings have been informed.	On going
5	Decisions on whether to proceed with planning enforcement action should be clearly documented and the rationale for such decisions should be explicitly stated.	Agreed – all staff will be reminded of the need to consistently use the current approach for recording and signing off agreed actions (including no action) following the consideration of alleged breaches of planning controls.	A formal report is prepared and signed off before an alleged breach of planning control is actioned or the case closed.
6	Steps should be taken to improve knowledge of planning law and procedure in the legal team in order to enhance the resilience of the service. When specialist lawyers are not available to advise on points of law alternative arrangements should be made (e.g. reciprocal cover with other Councils or external advice).	<p>Team and individual staff training and development needs will be assessed as part of the annual Performance and Development Review process (begins in March).</p> <p>Meeting has been set up with two neighbouring authorities to explore how Legal Services could work more closely together in future. The option of reciprocal cover will be explored. In addition, legal and planning officers will be reminded that there are a number of legal firms on a framework that can be approached for advice.</p>	<p>A Planning Lawyer (Locum) is currently available to the Team for legal advice on Enforcement issues.</p> <p>Legal staff from Tandridge and Waverley will provide advice in the event that MV legal staff are on leave.</p>
7	The importance of carefully considering the content of and responding in a timely manner to correspondence - especially in cases which are already highly sensitive - needs to be reinforced at all levels within the planning service.	Agreed – the need for this was discussed at Strategic Management Team and will be discussed at the Development Management Team meeting. All team leaders asked to discuss it within their teams.	Staff have been reminded of the importance of timely responses to inquiries about alleged breaches of planning control..

8	Errors in public statements can have serious consequences, particularly in sensitive situations that are attracting significant public attention. Officers responsible for preparing and vetting such documents must give sufficient care and attention and act with due diligence to ensure avoidable errors are not made.	Agreed – this case will be discussed at the next meeting of BMT (a meeting of all service managers with Corporate Heads of Service and the CX/Deputy CX). In particular, staff will be reminded of the need to make sure that they carefully check any public statements sent to them and flag up any issues, inconsistencies or concerns. A culture of constructive challenge is to be encouraged.	Service managers have been encouraged to challenge draft public statements for accuracy.
9	Consideration should be given to ensuring that the enforcement team have the necessary level of professional direction and support and a review of their caseload should be undertaken in order to establish whether resource levels are adequate.	Agreed – this forms a key element of the current reshaping of the Development Management service. In particular, there is an intention to ensure that additional support and resources are provided for the enforcement team.	The composition of the Development management Service has been reshaped to create an expanded Enforcement Team of four officers including a dedicated Team Leader. Recruitment to the post is underway. In addition a Planning Lawyer (Locum) is available to the Team for legal advice on Enforcement issues.
10	Consideration should be given to seeking Counsel’s opinion on the question of whether it would be expedient to issue an enforcement notice to require the reconstruction of the demolished building.	Instructions were sent to Counsel on 12 February 2018. An update will be sent out to members and those residents who have asked to be kept informed as soon as possible.	Counsel’s advice was received and shared with local residents in April. Counsel recommended that the owner of the site should be invited to submit a planning application for retrospective permission for the demolition of the Royal Oak. If an application for the demolition is not forthcoming Counsel has advised MVDC would be justified in considering the issue of an enforcement notice. The owner has been given until 4 th June to submit an application.