

# COMMUNITY SCRUTINY COMMITTEE

Thursday, 24 March 2016

**PRESENT:** Councillor A.W. Jones (Chair)

**Councillors:**

J.M. Charles, J.K. Howell, J. Owen, G.B. Thomas, D.M. Cundy, S. Matthews, H.I. Jones, H.B. Shepardson, E.G. Thomas, S.M. Allen (In place of W.R.A. Davies), D.J.R. Bartlett (In place of T. Devichand), B.A.L. Roberts (In place of S.L. Davies), A.P. Cooper, I.W. Davies, J.A. Davies, T. Davies, D.C. Evans, W.T. Evans, I.J. Jackson, W.J. Lemon, A. Lenny, T. Theophilus, M.K. Thomas and J.S. Williams

**Also Present:**

Councillor M. Gravell – Executive Board Member for Regeneration and Leisure

**The following Officers were in attendance:**

J. Edwards, Development Management Manager  
L. Quelch, Head of Planning  
K. Thomas, Democratic Services Officer

**Chamber, County Hall, Carmarthen - 10.00 - 10.40 am**

**1. TO APPOINT A CHAIR FOR THE MEETING**

**UNANIMOUSLY RESOLVED that Councillor A.W. Jones be appointed Chair for the meeting**

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S.L. Davies, W.R.A. Davies, T. Devichand and J. Thomas, and from Councillor T.J. Jones Executive Board Member for Environmental and Public Protection

**3. DECLARATIONS OF PERSONAL INTERESTS**

Councillor	Minute Number	Nature of Interest
D.C. Evans	Minute 6 – Community Scrutiny Committee Task and Finish Group Review 2013/14 – Action Plan Monitoring	Member of Ammanford Town Council

**4. DECLARATION OF PROHIBITED PARTY WHIPS**

There were no declarations of prohibited party whips.

**5. PUBLIC QUESTIONS (NONE RECEIVED)**

The Chair advised that no public questions on notice had been received

**6. COMMUNITY SCRUTINY COMMITTEE TASK & FINISH GROUP REVIEW**

## 2013/14 - ACTION PLAN MONITORING

The Committee, in accordance with minute 5.4 of its meeting held on the 14<sup>th</sup> September, 2015 received for consideration a progress report on the implementation of the Community Scrutiny Committee's Task and Finish Review of Planning Enforcement.

The Development Management Manager reminded the Committee that the purpose of the report was to provide it with an update on both the actions agreed as part of the Action Plan and the recommendations arising from its meeting in September 2015. He referred specifically to recommendation 18 on the establishment of the Corporate Multi-Disciplinary Enforcement Group, and reported that following its inaugural meeting on the 14<sup>th</sup> March, 2016 consideration was being afforded to the processes to be adopted for taking forward some of the recommendations within the action plan, which included the following:-

- examining issues arising from anti social behaviour for example, the impact of high hedges and how that impacted across departments
- Corporate Enforcement Policy and the delegation arrangements to Officers,
- Derelict Properties
- The development of a protocol with Dyfed Powys Police and other agencies for the purposes of sharing information.

The following issues/questions were raised during consideration of the report.

- In response to a question on recommendation 1 relating to the provision of a members briefing, the Head of Planning advised that due to the introduction of secondary legislation by the Welsh Government on the new Planning Bill, it had been considered expedient to postpone the proposed December 2015 target date for the briefing in order to incorporate updates on the recent legislation. Arrangements would therefore be made for the briefing to be provided at a later date.
- Reference was made to the enforcement of unauthorised building works and what action was available to the Council, other than issuing a stop notice, to secure the cessation of those works.

The Development Management Manager advised that the first course of action would be to encourage a developer to cease all works on site and to apply for retrospective planning consent. As a Local Planning Authority, the Council, in addressing unauthorised development, had to adhere to planning legislation and if it were to issue a Stop Notice, and subsequently grant planning consent, it could leave itself open to a potential challenge. In all cases the issue of a Stop Notice was considered to be the last course of action. If, a developer were to choose to ignore requests to cease work, other than via a formal stop notice, the risks associated therewith rested solely with the developer. However, all applications, whether normal, or retrospective, would have to be considered on their planning merits.

- In response to a question on recommendation 8 on the publication of a plain language guide on enforcement protocol for elected members and the public, the Head of Planning advised that the protocol was currently being updated to reflect the secondary legislation issued by the Welsh Government on the 16<sup>th</sup> March on

the new Planning Bill. Whilst the guide would primarily be available on line, paper copies would be made available on request.

- The Head of Planning, in response to a question on recommendation 12 relating to the fees for processing retrospective planning applications, confirmed that the Welsh Government had decided not to pursue the option of doubling those fees. Whilst the department incurred additional cost in processing those applications, for which it received no recompense, she advised that as planning fees were set nationally by the Welsh Government the Council could not unilaterally decide to increase the fees it charged for retrospective planning applications. However, the new Planning Bill contained provision for local planning authorities to charge for certain types of work e.g. pre-application advice, and a report thereon would be submitted to Council in due course.
- In response to a question relating to the recording of retrospective planning applications, the Head of Planning advised that the department's current computer system did not differentiate between normal and retrospective applications. However, as a new system was to be installed in the near future she would examine the feasibility of incorporating a provision to identify and record retrospective planning applications.
- Reference was made to unauthorised development and the Head of Planning confirmed that the Authority did take action to secure the cessation of those works, which included the demolition and removal of all structures.
- In response to a question on recommendations 15 and 16, the Head of Planning confirmed that both a training regime and Health and Safety procedures were in place for staff undertaking site visits. Those included training for dealing with difficult people, undertaking risk assessments prior to a site visit and, where appropriate, two members of staff travelling together.
- The Head of Planning in response to a question on recommendation 18 confirmed that, at present, the Multi Disciplinary Group was confined to the Council's internal departments. Consideration of involving external partners would be the subject of future debate.
- Reference was made to recommendation 21 regarding the Magistrates courts and a request made that an update thereon be made to the next meeting.

**UNANIMOUSLY RESOLVED that:**

**6.1 The Action Plan Monitoring Report be received.**

**6.2 The feasibility be investigated on including within the Planning Department's new computer system provision for identifying retrospective planning applications.**

**6.3 An update on recommendation 21 be made to the next meeting of the joint committee.**

**6.4 That the Joint Committee meet in 6 months time to monitor progress in implementing the recommendations of the Task and Finish Group.**

**7. TO RECEIVE THE MINUTES OF THE JOINT MEETING HELD ON THE 14TH SEPTEMBER 2015**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting of the Joint Committee held on the 14<sup>th</sup> September, 2015 be received.

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**CHAIR**

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**DATE**