

# Document Pack



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

WEDNESDAY 16<sup>TH</sup> MARCH 2016

**TO: ALL MEMBERS OF THE COMMUNITY SCRUTINY COMMITTEE AND PLANNING COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A JOINT MEETING OF THE **COMMUNITY SCRUTINY COMMITTEE AND PLANNING COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 10:00AM ON THURSDAY 24<sup>TH</sup> MARCH 2016**, FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

*Mark James*

**CHIEF EXECUTIVE**



PLEASE RECYCLE

Democratic Officer:	Mr Kevin Thomas
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Ref:	AD016-001

# **COMMUNITY SCRUTINY COMMITTEE**

## **13 MEMBERS**

### **PLAID CYMRU GROUP – 5 MEMBERS**

- |    |                   |                     |
|----|-------------------|---------------------|
| 1. | <b>Councillor</b> | <b>J.M. Charles</b> |
| 2. | <b>Councillor</b> | <b>J.K. Howell</b>  |
| 3. | <b>Councillor</b> | <b>J. Owen</b>      |
| 4. | <b>Councillor</b> | <b>G.B. Thomas</b>  |
| 5. | <b>Councillor</b> | <b>J. Thomas</b>    |

### **INDEPENDENT GROUP – 4 MEMBERS**

- |    |                   |                                 |
|----|-------------------|---------------------------------|
| 1. | <b>Councillor</b> | <b>W.R.A. Davies</b>            |
| 2. | <b>Councillor</b> | <b>H.I. Jones</b>               |
| 3. | <b>Councillor</b> | <b>H.B. Shepardson</b>          |
| 4. | <b>Councillor</b> | <b>E.G. Thomas (Vice-Chair)</b> |

### **LABOUR GROUP – 4 MEMBERS**

- |    |                   |                           |
|----|-------------------|---------------------------|
| 1. | <b>Councillor</b> | <b>D.M. Cundy (Chair)</b> |
| 2. | <b>Councillor</b> | <b>S.L. Davies</b>        |
| 3. | <b>Councillor</b> | <b>T. Devichand</b>       |
| 4. | <b>Councillor</b> | <b>S. Matthews</b>        |

# PLANNING COMMITTEE

## 19 MEMBERS

### PLAID CYMRU GROUP – 7 MEMBERS

- |    |                                 |  |
|----|---------------------------------|--|
| 1. | <b>Councillor J.M. Charles</b>  | Member of Llanegwad Community Council    |
| 2. | <b>Councillor W.T. Evans</b>    | Member of Llangyndeyrn Community Council |
| 3. | <b>Councillor J.K. Howell</b>   |  |
| 4. | <b>Councillor W.J. Lemon</b>    | Member of Llanelli Town Council          |
| 5. | <b>Councillor A. Lenny</b>      | Member of Carmarthen Town Council        |
| 6. | <b>Councillor J. Owen</b>       |  |
| 7. | <b>Councillor J.S. Williams</b> | Member of Pontyberem Community Council   |

### INDEPENDENT GROUP – 6 MEMBERS

- |    |                                 |   |
|----|---------------------------------|---|
| 1. | <b>Councillor D.B. Davies</b>   | Member of Llansteffan Community Council |
| 2. | <b>Councillor I.W. Davies</b>   |   |
| 3. | <b>Councillor J.A. Davies</b>   |   |
| 4. | <b>Councillor I.J. Jackson</b>  | Member of Llandovery Town Council       |
| 5. | <b>Councillor H.I. Jones</b>    | Member of Bronwydd Community Council    |
| 6. | <b>Councillor T. Theophilus</b> | Member of Cil-y-Cwm Community Council   |

### LABOUR GROUP – 6 MEMBERS

- |    |                               |                                       |
|----|-------------------------------|---------------------------------------|
| 1. | <b>Councillor A.P. Cooper</b> | Member of Llandybie Community Council |
| 2. | <b>Councillor T. Davies</b>   | Member of Gorslas Community Council   |
| 3. | <b>Councillor D.C. Evans</b>  | Member of Ammanford Town Council      |
| 4. | <b>Councillor A.W. Jones</b>  |                                       |
| 5. | <b>Councillor K. Madge</b>    | Member of Cwmaman Town Council        |
| 6. | <b>Councillor M.K. Thomas</b> | Member of Llannon Community Council   |

# AGENDA

1. TO APPOINT A CHAIR FOR THE MEETING
2. APOLOGIES FOR ABSENCE
3. DECLARATIONS OF PERSONAL INTERESTS
4. DECLARATION OF PROHIBITED PARTY WHIPS
5. PUBLIC QUESTIONS (NONE RECEIVED)
6. COMMUNITY SCRUTINY COMMITTEE TASK & FINISH GROUP REVIEW 2013/14 – ACTION PLAN MONITORING 5 - 20
7. TO RECEIVE THE MINUTES OF THE JOINT MEETING HELD ON THE 14<sup>TH</sup> SEPTEMBER 2015 21 - 24

**JOINT MEETING OF THE COMMUNITY  
SCRUTINY COMMITTEE AND  
THE PLANNING COMMITTEE  
24<sup>th</sup> MARCH 2016**

**Community Scrutiny Committee Task & Finish Group  
Review 2013/14 – Action Plan Monitoring**

***Planning Enforcement Policy and Protocols***

**To consider and comment on the following issues:**

- To consider the progress made in relation to the recommendations made by the Community Scrutiny Committee's Task & Finish Group following the review of planning enforcement policy and protocols during 2013/14.

**Reasons:**

- All recommendations were formulated by members of the Task & Finish Group following consideration of the evidence received during the course of the review.
- Scrutiny committees have a key role to play in monitoring the implementation of the recommendations.
- At its meeting on the 28th July 2014, the Executive Board requested that the review of the impact of the revised Enforcement Protocol and the recommendations of the review as originally proposed under recommendation 23, be undertaken by the Community Scrutiny Committee, in conjunction with the Planning Committee instead of a focus group.
- At the joint meeting on the 14th September 2015, members requested that the Committees meet again in March 2016 in order to monitor progress in implementing the recommendations of the task and finish review.

**To be referred to the Executive Board for decision: NO**

**Executive Board Member Portfolio Holder:** Cllr. Meryl Gravell (Regeneration & Leisure)

<b>Directorate:</b> Environment	<b>Designations:</b>	<b>Tel Nos. / E-Mail Addresses:</b>
<b>Name of Head of Service:</b> Llinos Quelch	Head of Planning	01267 228918 <a href="mailto:lquelch@carmarthenshire.gov.uk">lquelch@carmarthenshire.gov.uk</a>
<b>Report Author:</b> Julian Edwards	Development Management Manager	01267 228659 <a href="mailto:jdedwards@carmarthenshire.gov.uk">jdedwards@carmarthenshire.gov.uk</a>

## EXECUTIVE SUMMARY

# JOINT MEETING OF THE COMMUNITY SCRUTINY COMMITTEE AND THE PLANNING COMMITTEE 24<sup>th</sup> MARCH 2016

### Community Scrutiny Committee Task & Finish Group 2013/14 – Action Plan Monitoring

#### *Planning Enforcement Policy and Protocols*

#### **Review Background**

The Community Scrutiny Committee has a key role to play in monitoring services, development of key policies and strategies, as well as identifying areas for improvement or development.

At its meeting on the 3rd December 2012, the Community Scrutiny Committee unanimously resolved that a task and finish group be established to review the planning enforcement policy and protocols. The start of the review was deferred until June 2013 to allow consideration of the draft Planning Bill Wales.

#### **Objectives and Scope**

The main objectives of the review were to consider:

- To review the current planning enforcement policy and protocols.
- To identify and evaluate the current enforcement activities undertaken by the Planning Services Division.
- To identify potential improvements and alternative delivery models for these enforcement services which are affordable and effective.
- Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
- To formulate recommendations for consideration by the Executive Board.

## Approach

The Task and Finish Group consisted of the following elected members:

- Cllr. Deryk Cundy (Labour)
- Cllr. Ken Howell (Plaid Cymru)
- Cllr. Anthony Jones – Chair (Labour)
- Cllr. Irfon Jones (Independent)
- Cllr. Hugh Shepardson (Independent)
- Cllr. Jeff Thomas (Plaid Cymru)

An invitation was also extended to members of the Planning Committee to join the task and finish group. The following members were co-opted onto the Group:

- Cllr. Peter Cooper (Labour)
- Cllr. Tyssul Evans (Plaid Cymru)
- Cllr. Tom Theophilus (Independent)

The Group held 9 meetings between June 2013 and March 2014. It also conducted a survey with local members in relation to enforcement activity. A key focus was to review and amend the existing policy and protocol which had been ratified in June 2000.

## Final Report and Recommendations

At a joint meeting of the Community Scrutiny Committee and the Planning Committee on the 23rd June 2014, members unanimously resolved to endorse the report and its recommendations to the Executive Board for consideration, subject to amendments agreed at the meeting, namely that:

- The Head of Planning to circulate relevant planning information to Farmers' Unions.
- The Head of Planning to ensure notification of enforcement activity to local members highlights the relevant address.
- The report be circulated to all members following consideration by the Executive Board.

The report was duly endorsed by the Executive Board at its meeting on the 28th July 2014 which requested that the monitoring of the implementation of the recommendations be undertaken by the Community Scrutiny Committee, in conjunction with the Planning Committee.

Planning enforcement cases are now assessed in accordance with this adopted protocol.

Enforcement timescales, as identified in paragraph 2 of the Protocol, are now:

- Top priority cases Within 2 working days
- High priority cases Within 5 working days
- Medium priority cases Within 10 working days
- Lower priority cases Within 15 working days



The National target of resolving a case within 12 weeks remains, and is regularly reported to Planning Committee on a quarterly basis. Resolved is defined as:

- i) No breach found
- ii) Not expedient to take action
- iii) Breach ceased
- iv) Retrospective planning application received
- v) Relevant notice served

The target figure identified for 2015/16 (as it has been in previous years) is that 80% of enforcement matters should be 'resolved' within a 12 week period. The achieved percentage across the County for the first three quarters of 2015/2016 is 70% (259/370).

Following every task and finish review, an action plan is developed in order to assist members of the relevant scrutiny committee in monitoring progress in relation to the implementation of the recommendations.

The attached implementation plan has been completed by the relevant officers in order to provide an update on progress to date in relation to this review.

Additionally, following the joint meeting on the 14th September 2015, the Community Scrutiny and Planning Committees raised the issues bullet pointed below. An updated commentary is provided to these, which reflects actions against the recommendations in the Action Plan:

- ***The Committees are disappointed that the recommendation to develop a protocol with Dyfed-Powys Police for information sharing and to investigate the possibility of allowing access to the Police secure database has not been progressed in a timely manner. Whilst they recognise that Dyfed-Powys Police are proactive in relation to individual enforcement case deemed a high risk, they feel that a more formal arrangement is required to enhance the Planning Enforcement risk assessment process and staff safety. The Committee therefore respectfully request that the Executive Board make strong representations to the Police and Crime Commissioner to ensure that formal arrangements are progressed through dialogue between the appropriate Police representative and the Director of Environment and Head of Planning.***

For information, a Corporate Multi-Disciplinary Group has now been established that will seek to progress this issue as part of its workplan

- ***To respectfully suggest to the Executive Board and relevant Departments that the cross departmental group targeting empty dilapidated properties consider developing a process for visiting such properties on annual basis to record any deterioration in condition.***

This Group has now been established with the issue of empty dilapidated properties forming part of its workplan.

DETAILED REPORT ATTACHED?

YES

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report.

Signed: **Llinos Quelch** **Head of Planning**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: **Llinos Quelch** **Head of Planning**

1. Local Member(s) – N/A
2. Community / Town Council – N/A
3. Relevant Partners – N/A
4. Staff Side Representatives and other Organisations – N/A

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW:**

Title of Document	File Ref No. / Locations that the papers are available for public inspection
Joint Community Scrutiny Committee and Planning Committee meeting – Task & Finish Group 2013/14 Action Plan Monitoring (14th September 2015)	<b>Report and Minutes:</b> <a href="http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=186&amp;MId=193&amp;Ver=4">http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=186&amp;MId=193&amp;Ver=4</a>

Title of Document	File Ref No. / Locations that the papers are available for public inspection
<p>Community Scrutiny Committee Task &amp; Finish Group Final Report 2013/14: Planning Enforcement Policy and Protocols – Executive Board (28th July 2014)</p>	<p><b>Report:</b>  <a href="http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20140728/REP03.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20140728/REP03.HTM</a></p> <p><b>Minutes:</b>  <a href="http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20140728/MINUTES.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20140728/MINUTES.HTM</a></p>
<p>Community Scrutiny Committee Task &amp; Finish Group Final Report 2013/14: Planning Enforcement Policy and Protocols – Joint meeting of the Community Scrutiny Committee and Planning Committee (23rd June 2014)</p>	<p><b>Report:</b>  <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20140623/REP04.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20140623/REP04.HTM</a></p> <p><b>Minutes:</b>  <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20140623/MINUTES.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20140623/MINUTES.HTM</a></p>
<p>Task &amp; Finish Group Planning and Scoping Document – Community Scrutiny Committee (9th July 2013)</p>	<p><b>Planning and Scoping Document:</b>  <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20130709/REP05.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20130709/REP05.HTM</a></p> <p><b>Minutes:</b>  <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20130709/MINUTES.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20130709/MINUTES.HTM</a></p>
<p>E&amp;PP Scrutiny Committee Task &amp; Finish Review 2012/13 Final Report – Enforcement Services (13th June 2013)</p>	<p><b>Report:</b>  <a href="http://online.carmarthenshire.gov.uk/agendas/eng/ENMT20130613/REP07.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/ENMT20130613/REP07.HTM</a></p>
<p>Referral from E&amp;PP Scrutiny Committee – Community Scrutiny Committee (3rd December 2012)</p>	<p><b>Report:</b>  <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20121203/SUM06.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20121203/SUM06.HTM</a></p> <p><b>Minutes:</b>  <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20121203/MINUTES.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20121203/MINUTES.HTM</a></p>

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## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

RECOMMENDATIONS	PROGRESS	TARGET DATE	RESPONSIBLE
<p>1. To provide training for Members on the need to consider 'expediency' when deciding on any enforcement action including when formal action should be taken under legislation relating to another service area as opposed to Planning legislation</p>	<p>The implications of the new Planning Bill have been the main priority during the last year in terms of briefings for Members.</p> <p>It had been intended to arrange a training seminar this last autumn with Legal to instruct a barrister to present the training.</p> <p>A corporate pot of £1,500 was made available to fund the training.</p> <p>The key focus was aimed to be "material consideration" and "expediency". Given the raft of secondary legislation and procedures on development management released over the last month or so it is the intention to combine this training now with updates on the newly introduced secondary legislation relating to Development Management and Enforcement.</p>	<p>December 2015 – Revised given the recent introduction of the WG secondary legislation. Date to be confirmed</p>	<p>Relevant Heads of Service</p>
<p>2. To state the reasons why formal enforcement action is taken and make the reasons for decisions more explicit in reports refusing retrospective planning applications or where informal negotiations fail.</p>	<p>Regular meeting are held with Planning Enforcement Officers (PEOs) and decisions discussed. Decision reports are signed off by Senior Planning Enforcement Officers.</p>	<p>October 2014/ completed</p>	
<p>3. To reinforce the use of Councillor Enquiry as governed by Democratic</p>	<p>Process is in place. Democratic Services email Planning which has one point of contact for enquiries regarding any aspect of</p>	<p>September 2014/</p>	

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

<p>Services protocol to Members in relation to Enforcement Complaints as a means of ensuring a case is opened as appropriate.</p>	<p>Planning. Planning open an enforcement case meeting the 10 day deadline for responses. Enforcement investigations may take longer than 10 days in which case Planning Enforcement Officers liaise directly with the Local Member to advise them of progress.</p>	<p>completed</p>	
<p>4. To ensure Local Members are notified of any enforcement activity in their area, kept informed of progress and made aware of the outcome in all cases.</p>	<p>PEOs have been instructed to ensure Local Members are notified of any enforcement activity in their area, kept informed of progress and made aware of the outcome in all cases. Local Members are requested to email the Head of Service in the event this procedure is not adhered to. The Planning Committee considers performance in relation to enforcement activity and the national indicator (that enforcement cases should be resolved within 12 weeks) on a quarterly basis through an exempt report.</p>	<p>September 2014/ Completed</p>	
<p>5. That Enforcement timescales as identified in para 2 of the Protocol be endorsed, i.e.</p> <ul style="list-style-type: none"> <li>• Top priority cases Within 2 working days</li> <li>• High priority cases Within 5 working days</li> <li>• Medium priority cases Within 10 working days</li> <li>• Lower priority cases Within 15 working days</li> </ul>	<p>The Executive Board endorsed the protocol at its meeting on the 28<sup>th</sup> of July 2014 including these recommendations.</p> <p><a href="#">Link to Executive Board minutes 28.07.2014</a></p>	<p>Completed</p>	

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

<p>6. To integrate the following enforcement breaches as priorities for investigation in the Protocol:</p> <ul style="list-style-type: none"> <li>• Unauthorised building works</li> <li>• Illegal caravans</li> <li>• Non-compliance with conditions / approved drawings</li> <li>• Change of use of land / buildings</li> <li>• Unsocial uses</li> </ul> <p>7. To continue to investigate all anonymous complaints as included within the revised Protocol.</p>			
<p>8. To endorse the revised Enforcement Protocol (Appendix A) and recommend the development of a plain language guide for the public and Local Members.</p>	<p>The target date for this was revised in light of the work being done prior to the launch of the new corporate website launched in June 2015. Comprehensive information about planning and enforcement is available on the new website. The website pages have required further updating to reflect the introduction of WG secondary legislation. The Multi Disciplinary Corporate Enforcement Group met for the first time on the 14<sup>th</sup> March. It is anticipated that this Group will lead on this.</p> <p><a href="#">Link to Planning web pages</a></p> <p>This includes a link to i-Local with details on how to report an</p>	<p>November 2015 – revised date to be agreed</p>	

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

<p>To keep complainants (apart from anonymous complaints) up to date in terms of progress with cases and notify them of decisions made, including the reasons for the decision to take further action or not.</p>	<p>alleged breach (an on-line form is available), as well as what a complainant can expect to happen following their report.</p> <p><a href="#">Link to i-Local - report an alleged breach of planning</a></p> <p>A paper guide for Local Members had not been completed as the Planning Bill proposals will have implications for the service including enforcement activity. Royal assent was given on the Bill on 6th July 2015 and the secondary guidance is expected by the end of the year.</p> <p>Additionally the implementation of the new corporate website and improved access to information for the public and Local Members, inline the adopted corporate move to "Do it online", obviates the need for a paper guide.</p>	Completed	
<p>9. To develop a protocol and working systems to ensure general planning permission enquiries are signposted to other relevant permissions that may be required such as Trees, Conservation and Listed Buildings.</p>	<p>TIC review completed and new process with an emphasis on pre-planning application in place. The process is checked on a regular basis.</p> <p>Comprehensive information is available on the new corporate website which includes other relevant permissions that may be required.</p> <p><a href="#">Link to guidance for submitting a planning application</a></p>	November 2014 revised to June 2015/ Completed	
<p>10. To recommend the use of</p>	<p>Enacted in Wales</p>	Completed	



## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

<p>temporary stop notices by the Local Planning Authority, which is not enacted in Wales under the Planning Act 2004 when responding to consultation on the new Planning Bill (Wales).</p>			
<p>11. To support the charging for pre-application advice in light of the draft Planning Bill Wales and in advance of any future advice in relation to fees.</p>	<p>This is a specific proposal which potentially has resource implications. An initial report has been taken to the Corporate Management Team and will be presented to Community Scrutiny and Planning Committee this autumn.</p> <p>WG introduced a formal pre-application consultation process, with charging regime, on the 16<sup>th</sup> March. Local Planning Authorities are given discretion as to their own charging regime that extends beyond the formal process. Further discussion needed within the Planning service as regards opportunities for further charging</p>	<p>December 2015 – March 2016 regarding national fee system. Late Spring/early Summer regarding additional fees.</p>	<p>Head of Planning / Development Management Manager</p>
<p>12. The Welsh Government is undertaking consultation on planning fees in the near future and this Group recommends that fees for retrospective planning applications should be double the normal fee.</p>	<p>The Welsh Government is not pursuing this option following its consultation.</p>	<p>N/A</p>	
<p>13. To continue to develop a protocol with Natural Resources Wales and Dyfed-Powys Police for information sharing and investigate the possibility of access to the Police secure database.</p>	<p>There continues to be close and effective working relationships with Dyfed-Powys Police and Natural Resources Wales.</p> <p>Cross agency site visits are undertaken as deemed necessary</p>	<p>TBC</p>	<p>Corporate Multi Disciplinary Enforcement</p>

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

	<p>following the risk assessment. There have been no instances where staff have been put at risk.</p> <p>Changes in staffing at DPP has meant that it has not been possible to progress with accessing the Police secure database as initially envisaged, however Officers will continue to investigate the possibility.</p> <p>The Multi Disciplinary Enforcement Group will include this within the emerging workplan.</p>		Group
14. To request that the Heads of Service Forum investigate the possibility of creating an internal accessible database to identify high risk sites.	The matter was raised with the Heads of Service Forum which referred it to the Corporate Health & Safety Steering Group which researched the issue. A report was taken to the Corporate Management Team (CMT) which agreed a corporate approach to develop an in-house database for cautionary contacts which will be accessible to all relevant frontline services. This is now in the process of being developed.	TBC	Head of Audit & Risk Management/ Head of Planning
15. To continue to monitor lone working under the Council's Policy and to review risk assessment procedures.	The Environment department has a Health & Safety risk assessment procedure in place with which Planning service and Enforcement Officers comply.	Completed	
16. To continue to provide awareness raising training for staff in relation to lone working and risk assessment procedures.	All staff comply with lone working and risk assessment procedures. A risk assessment is carried out on sites and people. The contact centre is advised when and where an officer is carrying out a site visit. The Departmental Management Team monitors the risk assessment procedures monthly.		

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

<p>17. That planning is advised of any application for a taxi, or a variation to a licence</p>	<p>This issue has been discussed by Planning and Licensing Officers. Taxi legislation and licensing conditions do not cover where private hire vehicles are parked. It has been agreed that Officers will liaise as appropriate when complaints are made.</p>	<p>Completed</p>	
<p>18. To formalise a cross-departmental Group in relation to enforcement matters primarily to strategically target action in relation to empty dilapidated properties and develop a protocol for consulting with Local Members and advising them on progress and outcomes of any action regarding empty dilapidated properties</p>	<p>This is being progressed in light of the outcomes of the Community Scrutiny Committee Task and Finish Review of Empty Properties in the county which was endorsed in full by the Executive Board on 27<sup>th</sup> July 2015. The cross departmental Group will share intelligence and focus primarily on the highest risk properties to identify long term solutions, including consultation with relevant Local Members.</p> <p>Consideration will also be given to creating a corporate fund for capital works in default linking with the work of this Group.</p> <p>The Corporate Multi Disciplinary Group has recently (first meeting held on 14/03/2016 been established, and the issue in relation to empty dilapidated properties has been identified as a workstream for this Group.</p>	<p>To be established November 15/ Completed</p>	<p>Head of Housing</p>
<p>19. That Legal Services is requested to investigate the possibility of delegating authorisation to take action under section 215 to Public Protection and Housing.</p>	<p>The powers under section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land, along with the appeal and default powers associated with Section 215, have been delegated to the Head of Housing and Public</p>	<p>Completed</p>	

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

	Protection.		
20. To review and clarify existing staff structures and line management responsibilities, in line with the outcomes of the TIC review of Development Control.	<p>This has been deferred pending the recruitment of a new Director for the Environment Department and arrival of the recently appointed Head of Service.</p> <p>The new Head of Service will look, in liaison with the Development Management Manager, to take this forward.</p>	TBC	Head of Planning / Development Management Manager
21. To make representations to the Legal Advisers to the Justices of the Magistrates Court in relation to guidance and briefings regarding planning and conservation legal requirements for the Legal Advisers and Magistrates.	An initial approach has been made to the Court that was informally positively received. The training is being co-ordinated with other departments and arrangements for delivery are progressing.	November 2015	Legal
22. That this Group reconvenes as a focus group in a year's time to review the impact of the revised Enforcement Protocol and the recommendations of this review.	<p>Recommendation 23 was amended by the Executive Board to state that the review should be jointly undertaken by the Community Scrutiny and Planning Committees.</p> <p>Joint meeting arranged for the 24<sup>th</sup> March 2016.</p>	Completed	

**JOINT COMMUNITY SCRUTINY AND PLANNING COMMITTEE**

**(NOTE: THESE MINUTES ARE SUBJECT TO CONFIRMATION BY THE COMMITTEES AT THEIR NEXT MEETING)**

Monday, 14th September 2015

**PRESENT:****Councillors:**

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

**The following Officers were in attendance:**

J. Edwards, Development Management Manager  
B. Dolan, Senior Consultant

**Chamber, County Hall, Carmarthen – 2:00pm - 2:55 pm**

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

It was unanimously resolved to appoint Councillor A.W. Jones as chair.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A.P. Cooper, I.W Davies, T. Devichand and J.S Williams.

**3. DECLARATIONS OF PERSONAL INTERESTS.**

There were no declarations of personal interest.

**4. DECLARATION OF PROHIBITED PARTY WHIPS.**

There were no declarations of prohibited party whips.

**5. COMMUNITY SCRUTINY COMMITTEE TASK & FINISH GROUP REVIEW 2013/14 - ACTION PLAN MONITORING**

The Committees considered a progress report regarding the recommendations of the Community Scrutiny Committee's task and finish review of Planning Enforcement which were endorsed by the Community Scrutiny and Planning Committee at a joint meeting on the 23<sup>rd</sup> of June 2014. The report was duly endorsed by the Executive Board at its meeting on the 28th July 2014 which requested that the monitoring of the implementation of the recommendations be undertaken by the Community Scrutiny Committee, in conjunction with the Planning Committee.

The following issues were raised during consideration of the report:

In response to a question about the arrangements for a training seminar for Members in relation to expediency, the Senior Consultant advised that this was in the process of being arranged by the Legal team and it was anticipated that it would be delivered this autumn.

Additional information was requested in relation to temporary stop notices. The Interim Head of Planning stated that these had recently been enacted in Wales. He had attended meetings with other authorities to discuss how they were being adopted. Whilst none had yet been served in the county, they were an important part of the planning toolbox.

A question was asked about pre-application charges. The Interim Head of Planning advised that Welsh Government had recently consulted on introducing a nationally set scheme of charging, although the time scale around the implementation of this was uncertain. The Council was seeking to introduce a charging scheme of its own, and it was anticipated that an initial report would be presented to the Committees during the autumn.

Concerns and disappointment were expressed that a protocol for information sharing with Dyfed-Powys Police and the possibility of enforcement officers accessing the Police secure database had not been progressed. The Interim Head of Planning stated that, whilst a formal protocol had not been developed, relationships with both the Police and Natural Resources Wales were positive and partners involved if an individual case assessment indicated a high risk. The Committees agreed to make representations to the Executive Board regarding the issue.

The issue of problematic taxi parking was raised and disappointment expressed about the apparent lack of enforcement powers. The Interim Head of Planning stated planning complaints were generally related to taxi operators with multiple cars, advertising signs on premises and potential change of use from dwellings. The consideration of these depended very much on the fact and degree of any case.

Additional information was requested in relation to the cross departmental working group regarding empty dilapidated properties. The Interim Head of Planning advised that a group, seeking to coordinate enforcement across service areas, had met to discuss membership and its terms of reference. Comments and concerns were expressed at derelict chapels and churches and reference made to a recent incident where a derelict church in Llanelli was set on fire. The Interim Head of Planning noted that a notice had been served in relation to the church in question but that the fire had occurred prior to the expiry of the compliance period. The Authority had undertaken an initial visit and survey following the fire which showed there was no imminent danger although the owner was required to establish this through engaging the services of a structural engineer. He noted that dilapidated properties could include residential and other uses. The intention of the group was to take a proactive approach to dealing with dilapidated and derelict empty properties. It was suggested by Members that such properties could be visited annually with a photographic record of their condition.

Planning enforcement in relation to listed buildings or those in conservation areas was referred to. The Chair noted that the task and finish review had looked at court action, costs claimed and awarded. It had found that the costs awarded were far less than costs claimed, particularly where cases were complex and prolonged. The Interim Head of Planning advised that where there were health and safety implications action would be taken primarily under the relevant legislation within the Building Act. This could potentially include charges on the land although there were examples where they had not been able to recoup the monies.

**UNANIMOUSLY RESOLVED:**

- 5.1 To endorse the report.**
- 5.2 The Committees are disappointed that the recommendation to develop a protocol with Dyfed-Powys Police for information sharing and to investigate the possibility of allowing access to the Police secure database has not been progressed in a timely manner. Whilst they recognise that Dyfed-Powys Police are proactive in relation to individual enforcement case deemed a high risk, they feel that a more formal arrangement is required to enhance the Planning Enforcement risk assessment process and staff safety. The Committee therefore respectfully request that the Executive Board make strong representations to the Police and Crime Commissioner to ensure that formal arrangements are progressed through dialogue between the appropriate Police representative and the Director of Environment and Head of Planning.**
- 5.3 To respectfully suggest to the Executive Board and relevant Departments that the cross departmental group targeting empty dilapidated properties consider developing a process for visiting such properties on annual basis to record any deterioration in condition.**
- 5.4 To arrange a joint meeting of the Committees in March 2016 to monitor progress in implementing the recommendations of the task and finish review.**

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_