

PLACE, SUSTAINABILITY & CLIMATE CHANGE SCRUTINY COMMITTEE

14 DECEMBER 2023

PRESENT: Councillor K. Madge (Chair) (In Person)

Councillors (In Person):

K. Davies S.M. Allen B.D.J. Phillips G.B. Thomas

Councillors (Virtually):

T.A.J. Davies T.M. Higgins J.D. James
Councillor R. Sparks - Substitute for Councillor N. Lewis.

Also in attendance:

- Councillor A. Davies, Cabinet Member for Rural Affairs, Community Cohesion and Planning Policy **(Virtually)**;
- Councillor A. Vaughan Owen, Cabinet Member for Climate Change, Decarbonisation and Sustainability **(In Person)**;
- Councillor E. Thomas, Cabinet Member for Transport, Waste and Infrastructure Services **(In Person)**;

Also Present (In Person):

R. Griffiths, Head of Place and Sustainability;
G. Glenister, Senior Enforcement and Monitoring Officer;
A. Thomas, Business & Regulation Lead;
H. Neil, Senior Consumer Protection Officer;
H. Towns, Senior Development and Enforcement Manager;
S. Rees, Simultaneous Translator;
D. Hall-Jones, Member Support Officer;
J. Owen, Democratic Services Officer.

Also Present (Virtually):

J. Morgan, Head of Housing and Public Protection;
M. Runeckles, Members Support Officer.

Chamber, County Hall, Carmarthen. SA31 1JP and remotely: 10:00am - 11:13am

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S. Godfrey-Coles and N. Lewis.

2. DECLARATIONS OF PERSONAL INTEREST INCLUDING ANY PARTY WHIPS ISSUED IN RELATION TO ANY AGENDA ITEM.

Councillor	Minute Item(s)	Nature of Interest
B.D.J. Phillips	5. DRAFT PLANNING AND SCOPING DOCUMENT- Review of the Dog Breeding Licensing Function of the Consumer and Business Affairs Animal Health Team	Councillor Phillips' brother owns a licenced dog kennels.

There were no declarations of any prohibited party whips.

3. PUBLIC QUESTIONS

The Chair advised that no public questions had been received.

4. PLANNING ENFORCEMENT

The Committee received a report accompanied by a presentation which provided an overview and progress on the Council's approach to Planning Enforcement.

The Cabinet Member for Rural Affairs, Community Cohesion and Planning Policy introduced the report highlighting that the Council had a discretionary role for taking whatever enforcement action was necessary within its area as the Local Planning Authority in the public interest. The importance of an effective planning enforcement service in seeking to ensure that national and local planning policies were robustly and reasonably applied was emphasised.

In support of the report the Senior Development and Enforcement Manager took the Committee through the presentation which was appended to the report. The presentation provided an overview of the planning enforcement system and detailed the enforcement processes and powers available to the Council.

The comments/observations raised were responded to as follows:-

- In response to queries regarding the budget and the costs in relation to enforcement and what constituted the public interest not to pursue, the Head of Place and Sustainability explained that there was no budget specifically allocated to Planning Enforcement. Costs attributed to cases before court proceedings were absorbed through the departmental budget. In the cases that proceed to Court into potential prosecution/injunction, a business case would be developed and funding would be sought from department reserves, however the Authority's position was to seek costs from the court but unfortunately this avenue was not reliable. In regard to the public interest cases, the Head of Place and Sustainability emphasised that pursuing enforcement was part of the public interest test together with the consideration of the harm that cases may have on wider public interest.
- Reference was made to the graph which provided data in relation to the outcomes of more and less than 84 days. It was asked, what was the average days over 84 days? The Head of Place and Sustainability stated at a guess that that average was running at circa 400. It was clarified that the average was recorded when a case was resolved, however in the reported data there was a disproportionate impact on the average figures by the inclusion of recently resolved historic cases. However, in order to monitor performance, the department analysed the data by excluding the data in regard to the historic cases. The Senior Enforcement and Monitoring Officer explained the data in more detail including the appeal data.

- It was commented that since the introduction of the Hwb, Local Members were now required to go through the same discipline as their ward residents in order to gain a response to enforcement matters. It was suggested that improving the communication to local members could avoid potential animosity caused in these emotive matters. The Head of Place and Sustainability stated that this matter was currently being re-considered as a project, the suggestions received by members would be taken into consideration to improve the enforcement communication process.
- It was asked, how long does it take for officers to attend a site after the initial enforcement notice? The Senior Development and Enforcement Manager explained that each valid enforcement case would go through a triage process. The triage process was formulated by three priority levels which included the consideration of the significant impact on the environment, a person's amenity, and the degree of potential damage. Based the consideration of priority levels are made up of; Priority 1 – immediate response, Priority 2 – between 5 & 10 days, Priority 3 – between 10 & 15 days
- It was commented that as communication was key particularly in matters relating to enforcement, it was suggested that it would be helpful for local members to have more information to enable informed conversations with the complainants and ease chase up e-mails.

UNANIMOUSLY RESOLVED that the Planning Enforcement report be received.

5. DRAFT PLANNING AND SCOPING DOCUMENT- Review of the Dog Breeding Licensing Function of the Consumer and Business Affairs Animal Health Team

[Note: Councillor Dorian Phillips, having earlier declared a personal interest, left the meeting prior to the consideration of this item.]

The Committee, having agreed to undertake a Task and Finish on the issues of dog breeding in Carmarthenshire at meeting held on 15th November 2020, and subsequently completing the Task and Finish Review on Fly-tipping which was agreed by the Committee to complete prior to the commencement of the dog breeding, received the Task and Finish Draft Planning and Scoping Document on the Review of the Dog Breeding Licensing Function of the Consumer and Business Affairs Animal Health Team.

The Committee considered the aims and scope of the work of the Task & Finish Group, as set out within the planning and scoping document. In recognising the emotive nature of the subject, Members were keen to undertake the review and to include site visits to both licensed kennels and explore the issues in regard to unlicensed kennels and the enforcement process.

In order to form a politically balanced membership for the Task and Finish Group, the Chair requested for up to 6 nominations from the Committee.

UNANIMOUSLY RESOLVED that:-

- 5.1 the Draft Planning and Scoping Document on the Review of the Dog Breeding Licensing Function of the Consumer and Business Affairs Animal Health Team be received;**
- 5.2 the aims and scope of the work of the Task and Finish Group as stated within the Planning and Scoping Document be endorsed;**
- 5.3 the politically balanced Membership of the Task and Finish Group on the Dog Breeding Licensing Function of the Consumer and Business Affairs Animal Health Team be as follows:-**

	COUNCILLOR	PARTY
1.	Councillor Arwel Davies	Plaid Cymru
2.	Councillor Karen Davies	Plaid Cymru
3.	Councillor Gareth Thomas	Plaid Cymru
4.	Councillor Kevin Madge	Labour
5.	Councillor Tina Higgins	Labour
6.	Councillor Sue Allen	Independent

6. EXPLANATION FOR NON-SUBMISSION OF SCRUTINY REPORT

The Committee received an explanation for the non-submission of the Pest Control report.

UNANIMOUSLY RESOLVED that:

- 6.1 the revised date for the Pest Control report be accepted;**
- 6.2 the explanation for the non-submission be noted.**

7. FORTHCOMING ITEMS

The Committee considered the list of forthcoming items to be placed on the agenda for the next meeting scheduled to take place on 30th January, 2024 and was afforded the opportunity to request for any specific information that Members may wish to include within the reports.

In line with the Place, Sustainability and Climate Change Committee's decision to receive and scrutinise reports outside of the formal committee process, the following reports were forwarded to all members of the Scrutiny Committee by e-mail on 28th November 2023:

- Revenue & Capital Budget Monitoring Report 2023/24
- 2023/24 Quarter 2 - Performance Report (01/04/23-30/09/23) Relevant to this Scrutiny
- Shoreline Management & Coastal Adaption in Carmarthenshire

Members noted that the report included a number queries and comments in respect of the abovementioned reports together with responses.

UNANIMOUSLY RESOLVED that:

- 7.1 the list of forthcoming items for the Committee meeting to be held on the 30th January 2024 be agreed;
 - 7.2 the comments received on the reports circulated for scrutiny by e-mail be noted.
 - 7.3 the Shoreline Management & Coastal Adaption in Carmarthenshire be included onto a formal agenda within the Committee's Forward Work Plan.
8. **TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 23RD NOVEMBER 2023**

RESOLVED that the minutes of the meeting of the Committee held on the 23rd November, 2023 be signed as a correct record.

CHAIR

DATE