

# Document Pack



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**THURSDAY, 24 NOVEMBER 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 **1.30 PM ON MONDAY, 5TH  
DECEMBER, 2016** FOR THE TRANSACTION OF THE BUSINESS  
OUTLINED ON THE ATTACHED AGENDA.

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

Democratic Officer:	Kevin Thomas
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Ref:	AD016-001



**YOUR COUNCIL** **doitonline**  
[www.carmarthenshire.gov.wales](http://www.carmarthenshire.gov.wales)

# **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>G.B. Thomas</b>  |
| 4. | <b>Councillor</b> | <b>D.O. Tomos</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 M.J.A. Lewis</b>  |  |
| 7. | <b>Councillor J.S. Williams</b> | Member of Pontyberem 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 Cwmamman Town Council       |
| 6. | <b>Councillor M.K. Thomas</b> | Member of Llannon Community Council   |

### INDEPENDENT GROUP - 6 MEMBERS

- |    |                                |   |
|----|--------------------------------|---|
| 1. | <b>Councillor S.M. Allen</b>   | Member of Whitland Town Council         |
| 2. | <b>Councillor D.B. Davies</b>  | Member of Llansteffan Community Council |
| 3. | <b>Councillor I.W. Davies</b>  |   |
| 4. | <b>Councillor J.A. Davies</b>  |   |
| 5. | <b>Councillor I.J. Jackson</b> | Member of Llandovery Town Council       |
| 6. | <b>Councillor H.I. Jones</b>   | Member of Bronwydd Community Council    |

### NOMINATED SUBSTITUTES

#### Plaid Cymru Group (4)

1. Councillor D.J.R. Llewellyn
2. Councillor D.O. Tomos
3. Councillor G.B. Thomas
4. Councillor J.E. Williams

#### Labour Group (4)

1. Councillor R. Bartlett
2. Councillor P.M. Edwards
3. Councillor J.D. James
4. Councillor P.E.M. Jones

#### Independent Group (4)

1. Councillor W.J.W. Evans
2. Councillor P.M. Hughes
3. Councillor D.W.H. Richards
4. VACANCY

# 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 AND FINISH GROUP REVIEW 2013/14 - ACTION PLAN MONITORING 5 - 20
7. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 24TH MARCH 2016 21 - 24

**JOINT MEETING OF THE COMMUNITY  
SCRUTINY COMMITTEE AND  
THE PLANNING COMMITTEE  
5<sup>th</sup> December 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 24<sup>th</sup> March, 2016, members requested that the Committees meet again in six months 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. L.M. Stephens (Human Resources, Efficiencies and Collaboration)

<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@cararthenshire.gov.uk">lquelch@cararthenshire.gov.uk</a>
<b>Report Author:</b> Julian Edwards	Development Management Manager	01267 228659 <a href="mailto:jdedwards@cararthenshire.gov.uk">jdedwards@cararthenshire.gov.uk</a>

## EXECUTIVE SUMMARY

# JOINT MEETING OF THE COMMUNITY SCRUTINY COMMITTEE AND THE PLANNING COMMITTEE 5<sup>th</sup> December 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. This is reported to the Planning Committee on a quarterly basis, and the most recent figure in this regard showed that, for Quarter 2 (July, August, September) the figure stood at 75% (76 out of 101) This follows earlier quarterly reports where the figure had been lower (49% and 64%). These earlier figures had arisen, primarily, due to a decision taken to 'clear' any historic outstanding cases.

Notwithstanding the nature of the current PI, the process of how a Planning Enforcement service in Wales is measured is currently the subject of review. The purpose behind this is to seek to develop a suite of measures that better reflects the 'staged' nature of any enforcement investigation and outcome, and to introduce a more qualitative approach and understanding of how a case progresses. This is a piece of work that was the subject of a recent All-Wales group meeting, and it is anticipated that changes relating thereto will be introduced for the year 2017/18.

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 earlier joint meetings, the Community Scrutiny and Planning Committees have raised the issues bullet pointed below. An updated commentary is provided to these, which reflects actions against the recommendations in the Action Plan:

On the 14<sup>th</sup> September 2015, the recommendation below was put forward. This has been reported back previously, although there is an updated position outlined below

- ***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 work plan. An invite has been received



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)	<p><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></p>

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>

## 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. It had been intended to arrange a training seminar this last autumn with Legal to instruct a barrister to present the training. A corporate pot of £1,500 was made available to fund the training. 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</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>aspect of 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</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>an 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>	<p>Completed</p>	
<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>	<p>November 2014 revised to June 2015/ Completed</p>	



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

## Action Plan

<p>10. To recommend the use of 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>Enacted in Wales</p>	<p>Completed</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</p>	<p>There continues to be close and effective working relationships with Dyfed-Powys Police and Natural Resources Wales.</p>	<p>TBC – meeting to be arranged</p>	<p>Corporate Multi</p>

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

## Action Plan

<p>sharing and investigate the possibility of access to the Police secure database.</p>	<p>Cross agency site visits are undertaken as deemed necessary 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>	<p>with the DPPA Information Compliance Unit.</p>	<p>Disciplinary Enforcement Group</p>
<p>14. To request that the Heads of Service Forum investigate the possibility of creating an internal accessible database to identify high risk sites.</p>	<p>The matter was raised with the Heads of Service Forum which referred it to the Corporate Health &amp; 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.</p>	<p>TBC</p>	<p>Head of Audit &amp; Risk Management/ Head of Planning</p>
<p>15. To continue to monitor lone working under the Council's Policy and to review risk assessment procedures.</p> <p>16. To continue to provide awareness raising training for staff in relation to lone working and risk assessment procedures.</p>	<p>The Environment department has a Health &amp; Safety risk assessment procedure in place with which Planning service and Enforcement Officers comply.</p> <p>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</p>	<p>Completed</p>	

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

## Action Plan

	Management Team monitors the risk assessment procedures monthly.		
17. That planning is advised of any application for a taxi, or a variation to a licence	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.	Completed	
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>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>	To be established November 15/ Completed	Head of Housing
19. That Legal Services is requested to investigate the possibility of delegating authorisation to take action	The powers under section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land, along with the appeal and	Completed	

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

## Action Plan

<p>under section 215 to Public Protection and Housing.</p>	<p>default powers associated with Section 215, have been delegated to the Head of Housing and Public Protection.</p>		
<p>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>	<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
<p>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.</p>	<p>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.</p>	November 2015	Legal
<p>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>	<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 COMMITTEE AND PLANNING 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

\_\_\_\_\_  
DATE