

JOINT MEETING OF THE COMMUNITY SCRUTINY COMMITTEE AND THE PLANNING COMMITTEE 5th 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 24th 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)

Directorate: Environment	Designations:	Tel Nos. / E-Mail Addresses:
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EXECUTIVE SUMMARY

JOINT MEETING OF THE COMMUNITY SCRUTINY COMMITTEE AND THE PLANNING COMMITTEE 5th 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 14th 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

from the DPPA to attend a meeting of their Information Compliance Team and, subject to confirmation of date and time, officers will attend.

At its meeting on the 24th March 2016, the Community Scrutiny and Planning Committees raised a query in relation to recommendation 21 of the report, namely:

- **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.**

This will be the subject of a verbal update to the joint meeting.

DETAILED REPORT ATTACHED?	YES
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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)	Report and Minutes: http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=186&MId=193&Ver=4

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