

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>	

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<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"> • 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 	<p>The Executive Board endorsed the protocol at its meeting on the 28th of July 2014 including these recommendations.</p> <p>Link to Executive Board minutes 28.07.2014</p>	<p>Completed</p>	

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<p>6. To integrate the following enforcement breaches as priorities for investigation in the Protocol:</p> <ul style="list-style-type: none"> • Unauthorised building works • Illegal caravans • Non-compliance with conditions / approved drawings • Change of use of land / buildings • Unsocial uses <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 14th March. It is anticipated that this Group will lead on this.</p> <p>Link to Planning web pages</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>	

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<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>Link to i-Local - report an alleged breach of planning</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>Link to guidance for submitting a planning application</p>	<p>November 2014 revised to June 2015/ Completed</p>	

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<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 16th 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>

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<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 & 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 & 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 & 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>	

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	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 27th 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	

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<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>	<p>TBC</p>	<p>Head of Planning / Development Management Manager</p>
<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>	<p>November 2015</p>	<p>Legal</p>
<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 24th March 2016.</p>	<p>Completed</p>	