

MONDAY, 13 SEPTEMBER 2021

TO: THE CABINET MEMBER FOR PUBLIC PROTECTION

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **CABINET MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION** WHICH WILL BE HELD IN **VIRTUAL MEETING**, AT **9.00 AM, ON FRIDAY, 17TH SEPTEMBER, 2021** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Wendy Walters

CHIEF EXECUTIVE

Democratic Officer:	Janine Owen
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Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

A G E N D A

- 1. DECLARATIONS OF INTEREST**
- 2. DECISIONS RECORD - 2ND SEPTEMBER 2021** 3 - 4
- 3. PLANNING ENFORCEMENT - CASE CLOSURE PROTOCOL** 5 - 10

Note:- The press and public are not entitled to attend the meeting. The decision record will be published normally within 3 working days.

CABINET MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION

2ND SEPTEMBER 2021

PRESENT: Councillor: P.M. Hughes (Cabinet Member).

The following officers were in attendance:

A. Williams, Head of Waste and Environmental Services

J. Owen, Democratic Services Officer

Virtual Meeting:- 10:15am - 10:30am

1. DECLARATIONS OF INTEREST

There were no declarations of personal interest.

2. DECISIONS RECORD - 28TH JANUARY 2021

RESOLVED that the decision record of the meeting held on 28th January, 2021 be signed as a correct record.

3. PUBLIC SPACE PROTECTION ORDER RENEWAL - INITIAL STAKEHOLDER ENGAGEMENT

The Cabinet Member considered a report which provided information regarding the renewal of the Public Space Protection Order.

The Government made provision to introduce Public Space Protection Orders in July 2019 when the Authority adopted the following 3 conditions relating to dog orders:

1. Allowing a dog to foul without picking it up anywhere within Carmarthenshire where the public have access on payment or otherwise is deemed an offence
2. Dogs must be placed on a lead following direction by an authorised officer.
3. No dogs are allowed in enclosed children's play areas.

It was reported that the PSPO is reviewed every 3 years and as part the engagement exercise process, it is required to capture any additional conditions to the existing conditions set out in points 1-3 above from relevant stakeholders.

The report proposed to undertake an engagement period with relevant stakeholders which would include Town and Community Councils by way of a survey. Early engagement would provide an opportunity to capture any additional provisions which may be deemed necessary to address dog related problems. The information received during this engagement period would be considered prior to formal consultation as part of the process of renewing the existing Order or making a new Order.

The Cabinet Member noted that following the initial engagement period of 8 weeks and consideration of the feedback, the formal consultation process would commence following the development of the draft Order(s).

RESOLVED that:

- 3.1 A survey with relevant stakeholders to gather information in preparation for the renewal of our Public Space Protection Order (PSPO) be approved.**
- 3.2 A survey to relevant stakeholders namely Town and Community Councils and Sports Associations to establish what additional conditions they may like to add onto the existing provision (PSPO that currently covers the 3 conditions relating to dog controls), or possibly through additional separate orders be endorsed.**

CABINET MEMBER

DATE

CABINET MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION

17TH SEPTEMBER 2021

Cabinet Member:	Portfolio:
Cllr. Philip Hughes	Public Protection

PLANNING ENFORCEMENT – CASE CLOSURE PROTOCOL

Purpose:

To consider and approve a protocol to support the closure of historic planning enforcement cases.

Recommendations / key decisions required:

To approve a protocol to support the closure of historic planning enforcement cases.

Reasons:

The recent WAO review of Planning Services has highlighted the significant backlog of unresolved complaints within Carmarthenshire’s Planning Enforcement service.

Further work undertaken to understand the nature of this backlog has identified the potential to close a significant number of cases as it is considered no longer appropriate/ and or feasible to further investigate the complaint.

This protocol sets out the rationale which will determine which cases can now be closed.

Directorate Name of Head of Service: Noelwyn Daniel	Designation Interim Head of Planning Services	Tel No. 01267 246270
Report Author: Sue Watts	E Mail Address: swatts@carmarthenshire.go.uk	

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

CABINET MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

CABINET MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION

17TH SEPTEMBER 2021

PLANNING ENFORCEMENT – CASE CLOSURE PROTOCOL

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

- The recent WAO review of Planning Services has highlighted the significant backlog of unresolved complaints within Carmarthenshire's Planning Enforcement service.
- Further work undertaken to understand the nature of this backlog has identified the potential to close a significant number of cases as it is considered no longer appropriate/ and or feasible to further investigate the complaint.
- This protocol sets out the rationale which will determine which cases can now be closed.

2. CASE CLOSURE PROTOCOL

- (a) Anonymous complaints where no action has been taken thus far and no significant risk identified.
- (b) Cases resulting in immunity from enforcement action due to expiry of 4/10 year time periods where no notice has previously been served.
- (c) Historical cases (over 18 months) where there is insufficient detail to allow complaint to be investigated and where any information provided indicates that it is not a significant risk.*
- (d) Complaints submitted by Elected/Members where it is agreed that further investigation/action is not deemed appropriate and where information provided indicates that this is not a significant risk.
- (e) Multiple complaints in relation to same issue/location
- (f) Historical cases (over 18 months) where following discussion with complainant, further action is now deemed inappropriate and not considered to be in the wider public interest.
- (g) Cases where any future enforcement action is not considered to be a proportionate response, as it is unlikely that the action would lead to a meaningful sanction being applied, and the use of resources in carrying out that enforcement action would be regarded as excessive when weighed against any likely sanction.

3. EXAMPLES OF SIGNIFICANT RISKS*

- Unauthorised works to listed buildings;
- Unauthorised Demolition of buildings or structures in a conservation area;
- Unauthorised Works to trees subject of a Tree Preservation Order (“TPO”) or any trees in a conservation area;
- Unauthorised Building works (i.e. extensions, outbuildings, fences, walls);
- Unauthorised Change of use of buildings and/or land (inc. sub-division of houses to flats / Houses in Multiple Occupation or residential caravans);
- Unauthorised advertisements and signage;
- Non-compliance with conditions attached to planning permissions;
- Not building in accordance with the approved plans of planning permissions;
- Unauthorised Engineering operations, such as raising of ground levels or earth bunds;
- Deliberate concealment of unauthorised building works or changes of use
- Unauthorised mineral extraction
- Unauthorised treatment or disposal of waste

DETAILED REPORT ATTACHED ?	NO
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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: Noelwyn Daniel

Interim Head of Planning Services

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
YES	YES	NONE	NONE	YES	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The statement sets out criteria to be used to support the closure of historic planning enforcement cases.

2. Legal

Adopting such a protocol will help ensure enforcement decisions are reasonable and consistent, reducing the risk of legal challenge

5. Risk Management Issues

The Case Closure protocol is underpinned by the need to adopt a risk based approach to the closure of cases.

CONSULTATIONS

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

Signed: Noelwyn Daniel

Interim Head of Planning Services

1. Scrutiny Committee

N/A

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

N/A

5. 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:

THERE ARE NONE