

# CABINET MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION

17<sup>TH</sup> SEPTEMBER 2021

<b>Cabinet Member:</b>	<b>Portfolio:</b>
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.

<b>Directorate</b> Name of Head of Service: Noelwyn Daniel	<b>Designation</b> Interim Head of Planning Services	<b>Tel No.</b> 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 <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not adopted:</b>	

# EXECUTIVE SUMMARY

## CABINET MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION

17<sup>TH</sup> 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**

# 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
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>

## **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**