

ENVIRONMENTAL AND PUBLIC PROTECTION SCRUTINY COMMITTEE

22ND DECEMBER 2021

DRAFT PLANNING ENFORCEMENT STATEMENT

To consider and comment on the following issues:

To consider a revision of the Council's Planning Enforcement Policy.

Reasons:

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

In response to the findings of the report, the Council is reviewing how it carries out its enforcement responsibilities.

The current Enforcement Policy was developed in 2015. Subsequently, an overarching Corporate Enforcement Policy was adopted in April 2018, therefore there is a need to review the original Planning Enforcement Statement to take account of changes within both the internal and external environment and to re-establish as the Planning Enforcement Statement.

In response to an increasing demand being placed on their services, a number of authorities have reviewed their approach to planning enforcement to ensure that they are able to respond to key Council priorities.

Cabinet Decision Required YES

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER:

Cllr Phillip Hughes - Public Protection

Directorate:

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EXECUTIVE SUMMARY

ENVIRONMENTAL AND PUBLIC PROTECTION SCRUTINY COMMITTEE

DRAFT PLANNING ENFORCEMENT STATEMENT

Background

- The recent WAO review of Planning Services has highlighted the significant backlog of unresolved service requests within Carmarthenshire's Planning Enforcement service.
- In response to the findings of the report, the Council is reviewing how it carries out its enforcement responsibilities.
- The current Enforcement Policy was developed in 2015. Subsequently, an overarching Corporate Enforcement Policy was adopted in April 2018, therefore there is a need to review the original Planning Enforcement Policy to take account of changes within both the internal and external environment and to re-establish as the Planning Enforcement Statement.
- In response to an increasing demand being placed on their services, a number of authorities have reviewed their approach to planning enforcement to ensure that they are able to respond to key Council priorities.

Context

- There are currently 710 unresolved Planning service requests.
- The numbers of service requests by the service have been increasing in recent years and has increased again as a result of period of Covid pandemic.
- Since June 2021 and the work of the Intervention Board there has been a steady decline in the number of cases being submitted each month from an average of 50 per month to 29 in November 2021. The service has 5 members of staff.
- The current commitment to investigate lower risk complaints means that there is insufficient resource to adequately investigate/progress high risk cases and some cases are not being investigated at all.
- Other authorities have decided to prioritise its enforcement resources by for example, no longer investigating anonymous complaints.

The Statement will provide;

1. Clarification on what constitutes a breach and what does not.
2. Review on current reporting mechanisms including the policy on service requests from anonymous complainants
3. Information on the various stages of investigation and what to expect
4. Identification of the Service Targets that the section is aiming to achieve
5. Identifying the 3 Priorities depending on the seriousness of the alleged breach and the time scales that the service will aim to visit.
6. Information on how the Authority manage compliments and complaints

REPORT ATTACHED?

Draft Planning Enforcement Statement

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: R Mullen Director of Environment

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	NONE	YES	NONE

Policy

The draft statement outlines proposed changes to the Council's approach to planning enforcement, and the type of issues that will no longer be investigated as a complaint. This will allow the Council to focus its resources on more high risk cases and adopt a more proactive approach in supporting the wider strategic planning agenda. This could have implications for other services such as Development Management linked to an increase in planning applications received.

The revised statement will be supported by the completion an Integrated Impact Assessment exercise.

Legal

Planning Enforcement is a discretionary function. However, it is recognised that it plays a key role in development management and all Wales Planning Policy. The Statement outlines the objectives of the Authority in relation to Planning Enforcement. The adoption of a more proactive approach to planning enforcement could have implications for the Council legal services in respect of more prosecution related work.

Finance

The adoption of a more proactive approach to planning enforcement could result in additional costs relating to remedial action to address enforcement breaches, some of which the Council may not be able to recover. Active and timely enforcement will result in planning /retrospective application and associated additional revenue.

Staffing

The draft statement aims to ensure that the Council is able to prioritise its resources to address high risk cases and as a result some lower level enquiries will no longer be investigated. If the Council decides to continue with the investigation of these type of complaints, this will require further financial investment in the Planning Enforcement team. Planning Enforcement will create demands on other sections within the Authority such as the Development Management Section in relation to increase planning applications and the Legal Section in relation to pursuing relevant enforcement action.

CONSULTATIONS

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

Signed: R Mullen Director of Environment

1. Local Member(s) Yes
2. Community / Town Council Yes
3. Relevant Partners Yes
4. Staff Side Representatives and other Organisations N/A

CABINET PORTFOLIO HOLDER
AWARE/CONSULTED

YES

Section 100D Local Government Act, 1972 – Access to Information - List of Background Papers used in the preparation of this report:

THERE ARE NONE