

CABINET MEMBER DECISIONS MEETING FOR PUBLIC PROTECTION

24th January 2022

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|------------------------|-------------------|
| Cabinet Member: | Portfolio: |
| Cllr. Philip Hughes | Public Protection |

PLANNING ENFORCEMENT STATEMENT

Purpose:

To consider and approve the Planning Enforcement Statement

Recommendations / key decisions required:

To approve the Planning Enforcement Statement

Reasons:

The Audit Wales review of Carmarthenshire's Planning Service published in August 2021 highlighted the significant backlog of unresolved cases within Carmarthenshire's Planning Enforcement service.

In response to the findings of the report, the Council has reviewed 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.

| Directorate - Environment | Designation | Tel No. / Email |
|--|--|------------------------------------|
| Name of Head of Service: Rhodri Griffiths | Head of Place and Sustainability | rdgriffiths@carmarthenshire.gov.uk |
| Report Author: Sue Watts | E Mail Address: swatts@carmarthenshire.gov.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

24th January 2022

PLANNING ENFORCEMENT STATEMENT

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

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 has reviewed 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 640 unresolved Planning Enforcement Cases. This has reduced from nearly 1000 cases in May 2021
- The numbers of cases received by the service has been increasing in recent years and 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 25 in December 2021. The service has 6 members of staff, an increase of two since September 2021.
- 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

DETAILED REPORT ATTACHED ?

YES

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: Rhodri Griffiths

Interim Head of Place and Sustainability

| | | | | | | |
|-----------------------------|------------|------------|-------------|------------------------|-------------------|-----------------|
| Policy and Crime & Disorder | Legal | Finance | ICT | Risk Management Issues | People Management | Physical Assets |
| YES | YES | YES | NONE | YES | YES | NONE |

1. Policy, Crime & Disorder and Equalities

The 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 case. 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.

2. 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.

3. 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.

4. People Management

The Planning Enforcement Statement aims to ensure that the Council is able to prioritise its resources to address high risk cases and a result some lower level enquiries will no longer be investigated. If the Council decides to continue with the investigation of these type of cases 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.

5.Risk Management Issues

Planning Enforcement is noted as significant risk on the Corporate Risk Register. Our failure to resolve enforcement cases in a timely manner can lead to increase complaints from the public and increased costs to the Authority.

CONSULTATIONS

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

Signed: Rhodri Griffiths

Head of Place and Sustainability

- 1. Scrutiny Committee – December 22nd**
- 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**

The Statement was discussed at the Elected Members Seminar on September 27th 2021

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

THERE ARE NONE