

## CABINET

<b>Date of Meeting</b>	Tuesday, 23 <sup>rd</sup> January 2018
<b>Report Subject</b>	Planning Enforcement Policy
<b>Cabinet Member</b>	Cabinet Member for Planning and Public Protection
<b>Report Author</b>	Chief Officer (Planning and Environment)
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

The report requires Cabinet to approve a revised Planning Enforcement Policy for consultation. The revised policy has been reported to Environment Overview and Scrutiny Committee in September 2017 who recommended three minor changes which have been incorporated in the body of the policy.

### RECOMMENDATIONS

1	Approve the revised Planning Enforcement Policy for consultation.
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## REPORT DETAILS

1.00	REVISED PLANNING ENFORCEMENT POLICY
1.01	<p>A report was presented to the April 2016 meeting of the Planning Strategy Group (PSG) advising of the intention to review the Council's Planning Enforcement Policy. The reasons behind this related to recent changes in legislation; the proposed restructuring of the Development Management service and changes in the way that the performance of the planning enforcement service is reported and benchmarked. This was followed by a report to the Environment Overview and Scrutiny Committee in May 2016 and in both cases the resolution supported the preparation of the revised policy. A further report was taken to PSG in September 2016.</p>
1.02	<p>In September 2016 a new Development Management Service Manager was appointed and after a review of the current practices and, informed by the outcome of an audit of the service in July 2016, further changes to the Enforcement Policy are recommended. These changes are intended, alongside a restructure of the service, to improve communication between enforcement officers, the public and Elected Members and to increase the speed and clarity of decision making in relation to enforcement investigations. The Service Manager is aware of a high number of complaints in relation to the enforcement function, some unfounded, however there are clearly ongoing concerns from Elected Members and the public which need to be addressed.</p>
1.03	<p>The strategy for change is as follows;</p> <ul style="list-style-type: none"><li>• The implementation of the restructure the development management and enforcement teams to enable effective casework management and the inclusion of enforcement as part of the wider planning function;</li><li>• Adoption and implementation of the revised enforcement policy to clearly set out the approach of officers, reflecting the needs of the public, Elected Members and the requirements of Welsh Government performance indicators; .</li><li>• Carry out accompanying IT and administrative changes to support the revised policy, provide the public and Elected Members with the information which they need and respond to Welsh Government performance indicators;</li><li>• Complete process mapping and carry-out lean processing to understand how and where further changes could be made; Use the above information to inform the selection of updated software to support the publication of simple information and more effective case management.</li></ul>
1.04	<p>The current "Policy for the Operation of the Planning Enforcement Service" was approved in December 2005 and mostly continues to be relevant and applicable reflecting the principles behind effective planning enforcement in general. However, it needs to be updated to take account of lessons learnt from complaints received and the outcome of the recent audit report.</p>

1.05	<p>Previously, there has been an attempt to ensure that the revised policy was less formal and more user friendly. The initially proposed document remained 14 pages long and it is considered that this is still overly complex. For the policy to become more accessible, it should be reduced in volume where possible without damaging its content. Reference to performance indicators has been removed as these frequently change and will quickly become outdated discrediting the remainder of the policy. Planning Strategy Group regularly receive reports on performance in which the enforcement indicators would be examined. Reference to the structure of the service has also been removed as this is not relevant in a policy document.</p> <p>When the revised policy was reported to Environment Overview and Scrutiny in September 2017 they asked for three small additions. Firstly to clarify that complaints made in writing included emails. Secondly, that Local Member should be informed of the reasons why a complaint moves to formal action or is close and thirdly that efforts will be made to signpost complainants to other support where relevant. These changes have been incorporated into the revised policy which is attached in appendix 1.</p>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	No increased resource implications.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Draft policy reported to Environment Overview and Scrutiny in September 2017 and Cabinet are asked to approve that the revised Policy now undergoes a period of consultation.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	<p>Key Risks and Mitigation Measures.</p> <p>Anti-poverty None relevant</p> <p>Environment The July 2017 Audit Final Report highlighted the key risks as set out below; Key controls are absent or rarely applied Evidence of (or the potential for) significant financial / other losses Key management information does not exist System / process objectives are not being met, or are being met at a significant and unnecessary cost or use of resources. Conclusion: a lack of adequate or effective controls.</p> <p>The revised Enforcement Policy sets out a clear process of how complaints will be investigated and prioritised. This will introduce key</p>

	<p>controls and processes which have been missing and on occasion have led to harm to the environment through unauthorised unplanned development.</p> <p>Equalities issues None relevant</p>
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<b>5.00</b>	<b>APPENDICES</b>
5.01	A copy of the revised Planning Enforcement Policy

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><b>Contact Officer:</b> Mandy Lewis – Development Manager  <b>Telephone:</b> 01352 703248  <b>E-mail:</b> <a href="mailto:mandy.lewis@flintshire.gov.uk">mandy.lewis@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Casework management:</b> Planning and enforcement case officers meet with team leaders or other senior officers to review all live cases. These meeting may take place on a weekly or bi-weekly basis.</p> <p><b>Process mapping:</b> A procedure in which the current processes which are undertaken within a function are recorded in writing.</p> <p><b>Lean processing:</b> A procedure which reviews any process mapping and seeks to eradicate any unnecessary stages of a process.</p> <p><b>Development Management:</b> Formerly known as development or planning control. The part of the planning service which deals with determining planning and other applications.</p> <p><b>Enforcement:</b> Part of the planning service which investigates unauthorised development.</p> <p><b>Compliance:</b> A part of the planning and enforcement process which deals with development which is not in accordance with planning permission.</p> <p><b>Planning Officers Society Wales:</b> A society of planners who ensure that planning makes a major contribution to achieving sustainable development. Welsh Government often rely upon POSW for their view on planning matters.</p> <p><b>Annual Performance Review:</b> A report proposed as part of the positive planning Welsh Government consultation in December 2013. The APR is an annual report discussing how an organisation performs against a series</p>

of criteria. The principle was to highlight and share good practice.

**Welsh Government Performance Indicators:** The APR above is measured against criteria which is set out and defined in the Welsh Government Performance Framework. There are often referred to as the indicators.