



CABINET

Date of Meeting	Tuesday, 18 th December
Report Subject	Planning Enforcement Policy
Cabinet Member	Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Planning, Environment and Economy)
Type of Report	Strategic

EXECUTIVE SUMMARY

The revised Planning Enforcement Policy sets out what Planning Enforcement is and how the Council intends to deliver the service. The Policy gives clarity about the criteria the Council will take into account when considering and the circumstances in which it will take enforcement action. It not only gives clarity and transparency to those against whom action may be taken but is also a key tool in implementing operational and cultural change in the delivery of Planning Enforcement.

RECOMMENDATIONS

1	Cabinet approves the publication of the attached Planning Enforcement Policy.
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REPORT DETAILS

1.00	EXPLAINING THE PLANNING ENFORCEMENT POLICY
1.01	The need for a revised Planning Enforcement Policy was identified in 2016. This was prior to an audit of the Planning Enforcement service which also identified that an updated Policy was required.
1.02	The draft policy has been reported to Environment Overview and Scrutiny Committee in September 2017 and Cabinet in January 2018. The policy has then been subject to a 6 week period of public consultation which was extended due to the multiple requests of clerks from Town and Community Councils.
1.03	<p>Seven responses were received during the period of public consultation. Two responses did not make any specific reference to the policy but instead expressed support for changes to be made to the service.</p> <p>The following detailed comments were received:-</p> <ul style="list-style-type: none">• If planning conditions which were imposed by the Planning Committee are not enforced they should be reported to the Planning Committee.• Town and Community Councils should be notified when an investigation has been completed with an outcome.• How will the policy be financed?• Will there be extra officers to make the policy work.• Paragraph 3.5 should reference the Public Rights of Way Department and• Section 2.0 is missing reference to the principle of expediency.
1.04	In response to the comments received a specific reference to expediency has been added to Section 2.0 and a reference to the Public Rights of Way service has been added to paragraph 3.5.
1.05	With regard to notifying Town and Community Councils about the outcome of an investigation. If the Clerk is registered as the complainant they will be the main point of contact during the investigation. It is not proposed to advise Town and Community Councils of the outcome of every investigation which has taken place in their geographical area. In time it is hoped that, subject to changing the Council's software, that information regarding the nature and status of enforcement complaints will be published and readily available digitally. However, until the portfolio has implemented a new electronic system which is compliant with the General Data Procedure Regulations it is not recommended to introduce this requirement into the policy.
1.06	There is not currently any requirement within the Council's constitution to report alleged breaches of planning conditions to the Planning Committee. Many alleged breaches of planning conditions are unfounded and many actual breaches are relatively minor. It is recommended that time would be best spent resolving those breaches of conditions which have occurred and responding to local complainants and/or local members.

1.07	In response to issues regarding resource there is not any further resource within the development service. The enforcement function will be carried out by two enforcement officers. Each officer is within a development management team focussed on the North or South of the Borough.
1.08	The Policy has most recently been reported to the Planning Strategy Group in October 2018. Members of the group when discussing the policy reflected on historic failings in approach and some current issues with ongoing communication. The Policy was positively received and, subject to minor amendment, was recommended for adoption. Members also resolved that they would wish to meet the new enforcement officers at a future meeting following publication of the policy. The members of Planning Strategy Group would then formulate the basis of a Planning Enforcement Training session for all members.

2.00	RESOURCE IMPLICATIONS
2.01	The staffing resource for permanent officers implementing the service is within the current staffing budget.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Consultation with County Councillors, Town and Community Councils, Council officers and a range of third parties including stakeholders, statutory consultees and agents.

4.00	RISK MANAGEMENT
4.01	The key risk is failure to adequately manage the regulatory provisions of Town and Country Planning Act which could have an adverse impact on living conditions of residents, wider environmental issues and failure to meet the housing, employment and infrastructure needs of Flintshire.
4.02	Limited risk regarding anti-poverty but direct risk in the increased failure of Flintshire to investigate and resolve sub-standard housing linked to poverty.
4.03	Minimal risk to equality matters.

5.00	APPENDICES
5.01	Enforcement Policy November 2018.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Mandy Lewis – Development Manager Telephone: 01352 70 3248 E-mail: mandy.lewis@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Development Management: Formerly known as development or planning control. The part of the planning service which deals with determining planning and other applications.</p> <p>Enforcement: Part of the planning service which investigates unauthorised development.</p> <p>Compliance: A part of the planning and enforcement process which deals with development which is not in accordance with planning permission.</p>