
Subject:	PLANNING ENFORCEMENT PLAN
Meeting and Date:	Cabinet – 10 September 2018
Report of:	Diane Croucher, Head of Regulatory Services
Portfolio Holder:	Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Health
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: To seek Cabinet agreement to amendments to the Planning Enforcement Plan Policy document (known as the Planning Enforcement Plan), and seek approval for the adoption of the revised Planning Enforcement Plan.

- Recommendation:**
1. To confirm agreement to the amendments to the existing adopted Planning Enforcement Plan policy (known as the Planning Enforcement Plan).
 2. To authorise the Planning Enforcement Manager to amend or edit the Planning Enforcement Plan as, when and where necessary in line with any decision made by Cabinet and/or in accordance with any subsequent changes to legislation or other Council procedures.
-

1. Summary

- 1.1 The original Corporate Enforcement Strategy was approved by Cabinet on 4 February 2013. The Strategy has a number of individual enforcement policies, which set out specific arrangements and procedures for each type of enforcement area. Individual policies were approved by Cabinet on December 2 2013. The current Planning Enforcement policy, referred to as the Planning Enforcement Plan (PEP) was one of the individual policies approved. Amendments to the (PEP) are now being proposed which will update and clarify processes and procedures in relation to the Planning Enforcement function.
- 1.2 The purpose of this Cabinet Report is to seek approval for the amendments proposed to the Planning Enforcement Plan policy and to seek delegated powers to be given to the Planning Enforcement Manager to amend or edit the policy.

2. Introduction and Background

- 2.1 The current Corporate Enforcement Strategy is the overarching document for all types of enforcement action undertaken by the Council. The Enforcement Strategy is supplemented and supported by a range of Enforcement Policies, including the Planning Enforcement policy, known as the Planning Enforcement Plan (PEP), which were approved by Cabinet on 2 December 2013.
- 2.2 Within the Corporate Enforcement Strategy it states that “Individual Enforcement Policies will be developed setting out the specific arrangements and procedures as appropriate for each area or type of enforcement”.
- 2.3 The recently revised National Planning Policy Framework (July 2018) sets out that “local (planning) authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area”.
- 2.4 Amendments are now proposed to the PEP which brings it up to date and seeks to bring clarity to the approaches and processes used to manage this area of planning enforcement. The revised PEP policy document is attached at Appendix 1

2.5 Although the aims and objectives of the revised policy document remain the same, the re-worked PEP sets out that the Council will largely focus its scarce resources more effectively towards those breaches of planning control which are resulting in the most serious harm. The main amendments to the PEP include:

- Reference to updated planning legislation
- Clarification of objectives, priorities and targets for planning enforcement
- Setting out how priorities for planning enforcement are identified
- Provision of greater certainty for all parties involved in the process

3. Identification of Options

3.1 Option 1. Do Nothing

3.2 Option 2. Confirm agreement to the amendments to the PEP policy document and approve the adoption of the amended document for Planning Enforcement purposes

4. Evaluation of Options

4.1 Option 1. This is not a preferred option because this would leave officers to undertake enforcement activity based on outdated procedures and potentially not in line with corporate priorities;

4.2 Option 2. This is the preferred option as the approval of the amended and updated PEP will provide a current, open and transparent procedure for officers and the public which sets out the Council's approach to Planning Enforcement.

5. Resource Implications

5.1 There are no immediate, identifiable resource implications as a consequence of the approval of the amendments to the Planning Enforcement Plan policy document.

6. Corporate Implications

6.1 Comment from the Director of Finance (linked to the MTFP): Finance have been consulted and have no further comments to add (SG).

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comment to make.

6.3 Comment from the Equalities Officer: 'This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.'

7. Appendices

Appendix 1: Updated and amended Planning Enforcement Plan (PEP) policy document

8. Background Papers

None.

Contact Officer: Diane Croucher, Head of Regulatory Services - Extn 2208.