

WEST DUNBARTONSHIRE COUNCIL**Report by the Strategic Lead, Regulatory****Planning Committee: 11 November 2020**

Subject: Review of the Planning Enforcement Charter**1. Purpose**

- 1.1** To seek approval of the Planning Enforcement Charter.

2. Recommendation

- 2.1** That the Committee approves the updated Planning Enforcement Charter.

3. Background

- 3.1** All planning authorities require to have an Enforcement Charter which details how the Planning Authority will deal with enforcement complaints and to provide details of their enforcement powers. The Scottish Government expect the Enforcement Charter to be reviewed every two years to ensure that it reflects the up to date view of the Council of how it deals with enforcement matters and also to reflect any changes in enforcement legislation. One of the performance markers within the annual Planning Performance Framework (PPF), to be submitted to the Scottish Government, is an up to date Enforcement Charter. The Council's Enforcement Charter was last updated and approved by the Planning Committee in June 2018.

4. Main Issues

- 4.1** The updated Planning Enforcement Charter is contained in Appendix 1. The changes include a new paragraph on the appointment of an additional Compliance Officer in September 2019 on a two day basis, updated links to further information and minor changes to wording within the document. The general focus and content of enforcement procedures and guidance remain the same and have not been changed by any new legislation in the interim. The Charter still explains, as required, how the enforcement process works in West Dunbartonshire, the current powers available to the Council and the service standards that the Council sets itself. The aims of the charter are to explain the enforcement process and to ensure that the adopted procedures are fair and reasonable; that all interested parties are kept informed at each stage of the process; and that they are clearly made aware of anything which is required of them.
- 4.2** Since the publication of the 2018 Charter a number of positive changes have been implemented within planning enforcement including the appointment of the additional Compliance Officer as noted above. This post primarily monitors the conditions associated with the large regeneration sites such as

Queens Quay and Dumbarton Waterfront. This has facilitated a swifter discharge of conditions for the major sites along with a physical presence on the sites enabling a robust compliance/resolution in response to issues and/or complaints. This new post has positively influenced the number of planning breaches identified requiring no further action. Service improvements have also been undertaken since the last Enforcement Charter was published including the introduction of a dedicated mailbox for members of the public to email enforcement related complaints direct along with a quarterly compliance/ monitoring report. The report covers in depth the work undertaken by the officers, highlighting any key issues and contentious enforcement cases.

- 4.3** The Covid-19 situation has had a significant impact on enforcement and since March 2020 there has been an unprecedented rise in enforcement related complaints. 114 enforcement related complaints have been received since 1st March 2020 to date compared with 45 for the same period in 2019. By the end of July 2020 the number of enforcement related complaints received since the beginning of the year exceeded the total number received for the whole of 2019. This rise in enforcement related work has presented additional challenges for the Compliance Officers and wider Development Management team. Despite these challenges complaints have been acknowledged and investigations initiated within the service standard timescales as set out in the Enforcement Charter and this has strongly demonstrated our organisational resilience in enforcement related matters.
- 4.4** The updated Enforcement Charter again recognises the important role that the public play in reporting potential breaches of planning control and in monitoring the conditions that are imposed on certain planning consents. It also highlights the key points on Planning Enforcement as:
- ***Category of priorities;***
 - ***Enforcement is a discretionary power, and any enforcement action must be in the public interest;***
 - ***That the planning service will work to resolve the problem, not punish the breach;***
 - ***Any enforcement action will be proportionate to the scale of the breach;***
 - ***The Council will not act as an arbiter for neighbour or boundary disputes.***
- 4.5** The updated Enforcement Charter will ensure the Council's approach to enforcement fulfils legislative requirements and is consistent and proportionate. It will also ensure our communities are well informed about the role of enforcement.

5. People Implications

- 5.1** There are no people implications.

6. Financial and Procurement Implications

6.1 There are no financial or procurement implications.

7. Risk Analysis

7.1 The Council are required to have an up to date approved Enforcement Charter so that the public are aware of their enforcement powers.

8. Equalities Impact Assessment (EIA)

8.1 An Equalities Impact Assessment has been carried out for the updated Enforcement Charter. This concludes that the updated Charter should be introduced. The Council has adopted guidance on communication with disabled people and those for whom English is not a first language which can assist members of the public in accessing alternative formats of the Enforcement Charter such as large print, braille, audio tape or a in a different language.

9. Environmental Sustainability

9.1 A Strategic Environmental Assessment is not required.

10. Consultation

10.1 None

11. Strategic Assessment

11.1 The Enforcement Charter is considered to support the strategy priorities of the Council.

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Appendices: Enforcement Charter updated September 2020

Background Papers: Screening for Equalities Impact Assessment

Wards Affected: All wards.