

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 14th December 2022**

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

- 1.1 To seek approval of the updated 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 publish an Enforcement Charter which sets out how the Council as Planning Authority will deal with planning enforcement complaints and to provide details of enforcement powers. The Scottish Government expect the Enforcement Charter to be reviewed every two years to ensure that it reflects the up to date position of the Council in respect 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) is an up to date Enforcement Charter. The Council's Enforcement Charter was last updated and approved by the Planning Committee in October 2020.

4. Main Issues

- 4.1 The updated Planning Enforcement Charter is contained in Appendix 1. The general focus and content of enforcement procedures and guidance remain consistent with that set out within the 2020 Charter 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 updates 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; and that they are clearly made aware of anything which is required of them. The Charter is also clear on what is not a planning matter to be addressed via the planning enforcement process.
- 4.2 Since the publication of the 2020 Charter a number of changes have occurred relating to planning enforcement including the Planning Compliance Officers leaving the Council and the introduction of a new online planning enforcement reporting form and improvements to the Enforcement web page in particular the Enforcement Register. The permanent 0.5 Planning Compliance post remains vacant, and the deletion of this 0.5 post is proposed as one of the Council's savings options. This results in the Planning Officers picking up and having to manage planning enforcement cases alongside a full caseload of planning applications. Managing this situation has had implications for the wider Development Management team. An online planning enforcement form has been introduced in May 2021 to assist the public in making planning enforcement enquiries which include all relevant necessary details to allow initial investigation by a case officer. This streamlines the initial investigatory process

as on receipt of an online form it is standard procedure for an automated acknowledgement to be issued, an enforcement case with individual reference number to be created, a site history search be undertaken together with a desktop assessment, and a site visit by the case officer where required. From May 2021 to December 2021 there were 82 new enforcement enquiries, 41 of which did not require any action. From January 2022 to November 2022 there were 47 new enforcement enquiries, 2 of which to date required no action. This process has positively influenced the number of planning enforcement enquiries received.

4.3 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:

- How enforcement enquiries are prioritised – Category A, B and C;
- The time limits during which enforcement action can be taken;
- That planning enforcement is ultimately a discretionary power and that it must be in the public interest to take formal enforcement action;
- 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 and land ownership disputes.

4.4 The updated Enforcement Charter will ensure the Council's approach to enforcement continues to fulfil 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 There are no risks associated with this report.

8. Equalities Impact Assessment (EIA)

8.1 An Equalities Impact Assessment has been carried out for the updated Enforcement Charter. The proposal has been screened and is relevant in terms of equality and human rights. Effective communications is highlighted as an area that is especially important, therefore following the Council's Communicating Effectively guidance will help ensure clear communications with disabled people and those for whom English is not a first language.

9. Environmental Sustainability

9.1 A Strategic Environmental Assessment is not required.

10. Consultation

10.1 None required.

11. Strategic Assessment

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

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Appendices:

1. Planning Enforcement Charter – updated December 2022
2. Equalities Impact Assessment

Background Papers: None

Wards Affected: All