

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 18 December 2013

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 revised Planning Enforcement Charter and its implementation.

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 present Enforcement Charter was published in February 2010 and it requires to be revised. This is contained in Appendix 1. 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 and also to reflect changes in enforcement legislation.

4. Main Issues

- 4.1** The revised Planning Enforcement Charter explains 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 aim of the Charter is to ensure that our adopted procedures are fair and reasonable and that all interested parties are kept informed at each stage of the process and are clearly made aware of what is required. The Charter explains what happens at each stage of the enforcement process, on what can be a lengthy process. Appendix 2 contains the revised Planning Enforcement Charter.
- 4.2** The revised Enforcement Charter recognises that members of the public play an important role in reporting potential breaches of planning control and in monitoring the conditions that are placed in certain planning consents. The key points on Planning Enforcement are summarised as:
- Resolve the problem rather than punish the mistake;
 - Any action to be appropriate to the scale of the breach;

- The Council will take the decision if it is in the public interest to take enforcement action and can decide that no action is necessary;
- The Council will not act as an arbiter in neighbour or similar disputes where there is no wider public interest involved.

4.3 The Enforcement Charter explains the information that is required when a potential breach is being reported by the public and the process which the Planning Authority will undertake when investigating possible breaches of planning control. Enforcement action is only taken in a small number of cases and the Charter explains the occasions that enforcement action is likely to be taken likely to be taken and this is dependent on the significance of the breach, its impact on the wider area and whether it complies with the policies of the local plan. Service Standards are provided which indicates timescales for a response to their complaint and it also indicates how they can be kept informed if enforcement action is taken.

4.4 Information is provided on all the Enforcement powers available to the Council are including Enforcement Notices, Breach of Condition Notice, Planning Contravention Notices, Stop Notices, etc. The Charter also provides information on other powers such as direct action, interdict and interim interdict which are only tend to be used in serious cases or where Enforcement Notices have been ignored in the past.

5. People Implications

5.1 There are no people implications.

6. Financial Implications

6.1 There are no financial implications.

7. Risk Analysis

7.1 The Council should 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 The charter has been assessed and no equalities impact assessment is required.

9. Consultation

9.1 None.

10. Strategic Assessment

10.1 None.

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Date: 3 December 2013

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Appendices:

1. Enforcement Charter updated February 2010
2. Revised Enforcement Charter –December 2013

Background Papers: None.

Wards Affected: All wards.