

<b>Report to</b>	<b>Communities Scrutiny Committee</b>
<b>Date of meeting</b>	<b>23<sup>rd</sup> January 2020</b>
<b>Lead Member / Officer</b>	<b>Cllr. Mark Young, Cabinet Lead Member for Planning, Public Protection and Safer Communities</b>
<b>Report author</b>	<b>Development Manager (Planning, Public Protection and Countryside Services)</b>
<b>Title</b>	<b>Planning compliance charter – adoption of finalised document</b>

## **1. What is the report about?**

1.1 This report informs Members of the outcomes from the consultation on the Planning, Public Protection and Countryside Services' draft planning compliance charter ("the Charter"), which was undertaken with City, Town and Community Councils. The report also presents information about the performance of the planning compliance function.

## **2. What is the reason for making this report?**

2.1 A decision is required on the matter of endorsing the post-consultation version of the Charter, so that a final draft can be presented for Lead Member approval through the Council's delegated decision process.

2.2 The report also provides information about the performance of the planning compliance function.

## **3. What are the Recommendations?**

3.1 That Members—

- (i) Endorse the draft Charter, entitled 'Planning compliance in Denbighshire – Planning compliance charter' (Appendix 1), in line with proposed amendments as set out in the Consultation Report (Appendix 2);
- (ii) Support officers' intention to present the final version of the Charter for Lead Member approval; and
- (iii) Confirm that they have read, understood and taken account of the Well-being Impact Assessment (Appendix 3) as part of their consideration.

## **4. Report details**

4.1 The Service presented a report to the Scrutiny Committee about the performance of the planning compliance function in December 2018. The report highlighted the challenge presented by the Welsh Government's introduction of new performance indicators in October 2018. It identified four mechanisms which would increase the speed with which cases are processed:

- Stricter insistence on the use of the 'report a breach of planning' form by all complainants, including Members;
- Casework digitisation;
- Adoption of a planning compliance charter to manage the expectations of complainants and contraveners; and
- Strengthened collaboration with partners such as City, Town and Community Councils.

In response, the Committee resolved to request the production of a compliance charter which, as well as managing the expectations of complainants and contraveners, would set out how the Council would seek to collaborate with partnership organisations.

4.2 An initial draft of the Charter was presented to Scrutiny Committee in July 2019. Members resolved:

- (i) To endorse the Charter as drafted;
- (ii) To request that the draft Charter be circulated to City, Town and Community Councils for consultation and comments; and

- (iii) That the revised Charter, following the consultation process, be presented to the Committee for endorsement and recommendation for adoption, along with certain additional information.

The requested additional information is as follows:

- Information on the responses to the consultation;
- Information on staffing resources;
- Communication timescales with the public; and
- The number of complaints received by the Service about planning breaches.

The responses to the consultation are reviewed within the Consultation Report, attached hereto as Appendix 2, while the remaining information is provided in Appendix 4.

- 4.3 Following the consultation exercise, the Service proposes to make a small number of changes to the text, as illustrated in Appendix 1. Proposed insertions are shown highlighted in yellow and proposed deletions have a strikethrough. The document will be subject to final design tweaks subsequent to its prospective adoption, to ensure that the Charter is legible, complies with the Council's corporate identity and meets accessibility requirements. It will also be translated into Welsh prior to publication.
- 4.4 The first section of the Charter provides general information about what constitutes a breach of planning control, and provides advice for developers about how to avoid planning compliance involvement. The second and third sections provide advice for complainants and alleged contraveners respectively. The Charter highlights how local organisations can a) report potential planning breaches, b) assist with the investigatory part of the compliance process and c) get involved in the process of introducing planning guidance and localised controls which could facilitate more effective planning compliance. It is hoped that the Charter will inspire City, Town and Community Councils to get involved in place planning and use their funds to work in partnership with the Council to target specific planning issues in their localities. This is not solely a planning compliance matter, but it contributes to achieving the corporate priority of building resilient communities by encouraging regeneration and community engagement.

4.5 In providing much-needed guidance to stakeholders, the Charter, if adopted, should reduce demand on officers and thus improve the performance of the planning compliance function, as detailed in the report presented to Scrutiny Committee in December 2018.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1 The adoption of the Charter will increase the efficiency of the planning compliance function, whose purpose is to support the delivery of each of the Corporate Priorities through policy-led development management.

## **6. What will it cost and how will it affect other services?**

6.1 The adoption of the Charter will not have direct financial implications, and it is not anticipated that it will have any significant implications on other services.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1 The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report on the Charter has taken into account the requirements of Section 3 'Well-being duties on public bodies' of the Well-being of Future Generations (Wales) Act 2015, and a well-being impact assessment is attached in Appendix 3.

## **8. What consultations have been carried out with Scrutiny and others?**

8.1 The creation of the Charter is a result of prior consultation with the Scrutiny Committee, as outlined in section 4 of this report.

8.2 The Charter has also been subject to consultation with City, Town and Community Councils, as outlined in the Consultation Report (Appendix 2). The Service proposes to make a small number of changes to the Charter in response to the consultation exercise, as illustrated in Appendix 1.

## **9. Chief Finance Officer Statement**

9.1 There are no direct financial implications of this report.

## **10. What risks are there and is there anything we can do to reduce them?**

10.1 There are no identifiable risks to adopting the Charter.

10.2 If the Charter is not adopted, there is a risk that the level of unmet demand on the Service will not be reduced. There is a risk that the performance of the planning compliance function will continue to require improvement according to Welsh Government measures, meaning that other mechanisms of achieving improvement would be needed to maintain performance relative to other councils and thereby avoid reputational damage.

## **11. Power to make the decision**

11.1 Section 7.4.1(e) of the Council's Constitution stipulates Scrutiny Committee's right to consider the impact of policies to assess if they have made a difference, whilst Section 7.4.2(b) outlines Scrutiny Committee's powers with respect of the Council's performance in delivering policy objectives and Section 7.4.2(d) states that Scrutiny can make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process.