

Report to	Communities Scrutiny Committee
Date of meeting	10th March 2022
Lead Member / Officer	Councillor Mark Young, Cabinet Lead Member for Planning, Public Protection and Safer Communities
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Title	Planning Compliance Charter

1. What is the report about?

1.1. This report examines the effectiveness of the planning compliance charter (“the Charter”), which was adopted by the Council in September 2020. The purpose of the Charter is to streamline the process of remedying alleged planning breaches by helping complainants, alleged contraveners and other interested parties understand how the Council’s planning compliance function operates.

2. What is the reason for making this report?

2.1. To provide information regarding the Charter’s effectiveness.

2.2. A decision is required on whether to amend the Charter and/or increase the resources available for planning compliance across the county.

3. What are the Recommendations?

3.1. That Members—

- (i) Endorse the draft Charter, entitled ‘Planning compliance in Denbighshire – Planning compliance charter’ (Appendix 1);

- (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 2) as part of their consideration.

4. Report details

- 4.1. The Charter was adopted by the Council in September 2020. It was anticipated that, in providing much-needed guidance to stakeholders, the Charter should reduce demand on officers and thus improve the performance of the planning compliance function. This report sets out whether this has been achieved and what changes can be made to the Charter to improve performance further.
- 4.2. The Covid-19 pandemic has had a significant impact on the performance of the planning compliance function, while the recruitment of a second officer has had an additional, beneficial effect. It is not therefore straightforward to compare the pre- and post-Charter performance of the service. We can however rely on the experience of officers to appraise the Charter's effectiveness.
- 4.3. Officers broadly consider the Charter to be a highly effective tool for advising stakeholders how the Council investigates and remedies alleged breaches of planning control. It is especially useful in the context of managing stakeholders' expectations, which is an important aspect of maintaining an efficient service. Accordingly, complainants are directed to the Charter when their complaints are acknowledged, and alleged contraveners are directed to it as required. Importantly, these stakeholders appear less likely to challenge the contents of an officially adopted document such as the Charter than the contents of an email from an officer, for example.
- 4.4. In particular, the following activities are made more straightforward by officers' ability to refer to the Charter:
 - Explaining what does and doesn't come under the control of the planning compliance function;
 - Engaging complainants in the investigation process;
 - Justifying how cases are prioritised; and

- Justifying discretionary decision-making, e.g. whether to take a case forward to formal enforcement action.

- 4.5. It is considered that certain minor changes to the Charter could improve these processes even further, and these suggested changes are highlighted in yellow in the draft Charter in Appendix 1, with proposed omissions struck through. Notably, a table has been inserted in section 2.1 of the draft Charter, to simplify the document and provide better signposting for service users.
- 4.6. In response to feedback from Members, it is also proposed to include further information within the Charter about how stakeholders are updated on the progress of cases. These specific changes are featured in section 2.4.1 of the draft Charter in Appendix 1. The Committee's views on if/how we should improve further in this regard would be welcomed. Officers are open to exploring whether additional reports to committees and Member Area Groups would be useful for Members and an efficient way for Officers to manage expectations. In the medium term, it should be possible for case-specific updates to be provided via the website directly from our database, much like the approach currently taken in relation to planning applications. This should have a beneficial effect on staff resources, and Members' views on this are also invited.
- 4.7. Lastly, further changes have been made to make the Charter more accessible and up to date (e.g. by changing reference to the Planning Inspectorate to Planning and Environment Decisions Wales).
- 4.8. While the adoption of the Charter has had tangible benefits, it is anticipated that the abovementioned changes, if adopted, should benefit the performance of the planning compliance function further. This, allied to the recent recruitment of a second compliance officer, should result in performance continuing to improve through the post-pandemic period, and allow the compliance function to continue with current resources.

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 changes to the Charter would not have direct financial implications, and it is not anticipated that it would 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 2.

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

8.1. The Charter was adopted in consultation with the Scrutiny Committee, and the changes to it are proposed in response to dialogue between officers, Members and other stakeholders.

9. Chief Finance Officer Statement

9.1. It is not anticipated there to be any costs associated costs with the adoption of the charter, any costs would be contained with existing budgets.

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 changes to the Charter.

11. Power to make the decision

11.1. Section 21 of the Local Government Act 2000.

11.2. 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.