

WIRRAL COUNCIL

Planning Committee

16th January 2020

SUBJECT:	Planning Enforcement Policy January 2020
WARD/S AFFECTED:	All
REPORT OF:	Director Economic and Housing Growth
RESPONSIBLE PORTFOLIO HOLDER:	Councillor Stuart Whittingham
KEY DECISION? <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	Yes

1.0 EXECUTIVE SUMMARY

1.1 This report updates the Council's Planning Enforcement Policy.

2.0 RECOMMENDATION/S

2.1 It is recommended that Planning Committee recommend to Cabinet that the revised Planning Enforcement Policy be adopted.

3.0 REASON/S FOR RECOMMENDATION/S

3.1 The current Planning Enforcement Policy was adopted on 12th March 2009 and the policy is in need of updating.

4.0 BACKGROUND AND KEY ISSUES

4.1 The current enforcement policy was adopted on 12th March 2009.

4.2 The Council wants all applicants to comply with the requirements of the planning system. It takes seriously all breaches of planning control and will take the required actions to remedy any breaches so that Wirral has a well regulated planning system which manages development effectively for the benefit of local communities.

4.3 The revised policy seeks to set out clearly the process the Council follows when investigating allegations of breaches of planning control and the process involved in seeking a resolution when a breach is identified.

4.4 The revised policy aims to offer greater transparency and certainty for stakeholders, whilst also setting out a clear framework in which the Council will deliver its Planning Enforcement function.

4.5 The key revisions to the policy can be summarised as follows:

- Providing a clearer insight into what planning enforcement is and what it seeks to achieve.
- Providing a clearer picture to stakeholders as to what they can expect from the

Council when they are involved in a planning enforcement matter.

- Setting out in more detail the process to be followed where a criminal offence has been committed
- Providing an explanation as to why, in some circumstances, the Council might decide that it is not expedient to take formal action against a breach of planning control.
- Ensuring that the policy offers the Council the flexibility to exercise its enforcement powers in the most effective and appropriate way.

4.6 The Policy will be reviewed every three years and if updating is required this will be reported to Planning Committee for a decision.

4.7 From April 2020 a quarterly report on the Enforcement service and its performance will be presented to the Planning Committee.

5.0 RELEVANT RISKS

5.1 If the Council does not have an up to date Planning Enforcement Policy then it will be open to legal challenge and may not be able to enforce against breaches of planning control.

6.0 OTHER OPTIONS CONSIDERED

6.1 If the revised policy is not adopted, the 2009 policy will remain in force. However, the 2009 policy is considered to be outdated and not fit for purpose.

7.0 CONSULTATION

7.1 Not applicable.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 None.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 The Council receives approximately 300 enforcement enquiries per year. The enforcement team currently consists of 4 permanent members of staff; a Principal Enforcement Officer, two Enforcement Officers and an Enforcement Assistant. The team is also supported by a Technical Clerk. This level of resource is considered to be sufficient to deal with the current level of demand on the service and to deliver the level of service set out in the revised enforcement policy attached to this report.

9.2 If either the resources available to the Council to deliver the enforcement service were to change, or if the volume of enforcement enquiries received were to increase significantly, a review of this enforcement policy would be undertaken and a report would be submitted to the Planning Committee for Members to consider the implications of either of these situations.

10.0 LEGAL IMPLICATIONS

10.1 It is good practice to have an up to date Planning Enforcement Policy to inform the public of the way in which the Council will deal with complaints relating to potential breaches of planning legislation.

11.0 EQUALITIES IMPLICATIONS

11.1 None.

11.2 Equality Impact Assessment (EIA)

- (a) Is an EIA required? No
(b) If 'yes', has one been completed?

12.0 CARBON REDUCTION IMPLICATIONS

12.1 None.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 The revised policy will facilitate the more effective delivery of the planning enforcement service.

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APPENDICES

Planning Enforcement Policy January 2020

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

SITE PLAN:

Not applicable.