

| Report of | Meeting | Date |
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| Director (Customer and Digital) (Introduced by the Councillor Paul Walmsley) | Executive Cabinet | 14 th March 2019 |

REVISED LOCAL ENFORCEMENT PLAN

PURPOSE OF REPORT

- To seek approval for changes to the Council's Local Enforcement Plan.

RECOMMENDATION(S)

- Approve the proposed changes to the Local Enforcement Plan.

EXECUTIVE SUMMARY OF REPORT

- The Council has introduced a new Enforcement Team which includes Building Control, Licensing and Planning Enforcement. The new team is currently progressing with an overhaul of these three key service areas with the intention of providing a more efficient, customer focused service which takes a tough stance on non-compliance. The review will include, but will not be limited to; upgrading digital systems and processes, staff training, improvements to case management procedures and redistributing staff resources. The first stage of this review for the Planning Enforcement service is to revise the plan to align this with other best practice examples across the Country whilst ensuring it meets the specific needs of the Chorley Council area.

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| Confidential report Please bold as appropriate | Yes | No |
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| Key Decision? Please bold as appropriate | Yes | No |
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| Reason Please bold as appropriate | 1, a change in service provision that impacts upon the service revenue budget by £100,000 or more | 2, a contract worth £100,000 or more |
| | 3, a new or unprogrammed capital scheme of £100,000 or more | 4, Significant impact in environmental, social or physical terms in two or more wards |

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- To align the Council's Local Enforcement Plan with other best practice examples across the Country whilst ensuring it meets the specific needs of the local area.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. Continuing with the existing plan which is not fit for purpose, for the reasons identified within the table at paragraph 8, below.

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

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| Involving residents in improving their local area and equality of access for all | x | A strong local economy | |
| Clean, safe and healthy homes and communities | | An ambitious council that does more to meet the needs of residents and the local area | x |

BACKGROUND

7. See Exec Summary above.

SUMMARY OF PROPOSED CHANGES

8. Attached to this report are the existing plan (Appendix A) and the new proposed plan (Appendix B). The table below summarises each provision of the plan, the proposed change and justification for the change.

| Section / Provision | Change | Reason |
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| Introduction | Added a table which provides a quick guide to timescales etc. for complaint handling. Details of how to make a complaint moved to the front page. | To avoid the reader having to read through the entire document to see the timescales and how to make a complaint |
| Introduction | Removed reference to office hours. | Service is to be contactable 'out-of-hours' |
| Introduction | Added text explaining that the plan is intended to benefit both complaints and those responsible for the breach | For clarification and so the plan is as informative as possible to all parties |
| Introduction | Added text to explain that other permissions for a development may also be required, e.g. Building Regulations. Some repetitive text was deleted. | For clarification and so the plan is as informative as possible. |
| New section explaining what constitutes a breach of planning control | As stated | For clarification and so the plan is as informative as possible. We receive numerous complaints which, upon investigation, are found to be not breaches of planning control and in some instances not even planning related. This change is intended to assist in eliminating some of those complaints. |

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| <p>Added text to the 'what will happen to a complaint' section and amending the 'Timescales' sub-section.</p> | <p>Explains that there cannot be a standard time for dealing with complaints as the process is often lengthy and complicated and each case is different.</p> <p>Added text to say that we will update the complainant when any significant developments are made on a case.</p> | <p>Current 8 week target for closing a case is unrealistic, if an appeal is lodged against an enforcement notice, this can prolong an open case for 12 months. No other authorities Local Enforcement Plans reviewed include timescales for a case being resolved, but do include targets for issuing acknowledgement letters, starting investigations, recommending an action and updating complainants.</p> <p>Text changed to develop an appreciation for how busy the service is and to avoid unrealistic expectations and ombudsman complaints when complaints go beyond a set time period.</p> <p>Targets have been set for sending acknowledgement letters, starting investigations, recommending an action and updating complainants.</p> |
| <p>Added text to the 'what will happen to a complaint' section</p> | <p>Text explains what is meant by the 'harm' caused by a breach</p> | <p>Helps complainants understand why in certain cases we will not take formal action, despite a breach being identified, i.e. when there is no identifiable harm.</p> |
| <p>Amendments to the 'what will happen to a complaint' section</p> | <p>Replacing the three categories (A, B and C) of case severity with different timescales for site visits with two categories; 'High Priority' cases, and all other cases.</p> | <p>Simplifies the process whilst ensuring that investigations into the complaints relating to the most harmful developments are commenced immediately.</p> |
| <p>Dealing with persons responsible for the alleged breach</p> | <p>Change the wording so we do not always have to give the responsible party an opportunity to explain the situation before taking action.</p> <p>Change wording from 'usually' to 'occasionally' undertaking interviews.</p> | <p>For serious cases we may need to issue a formal notice immediately to stop development causing serious harm from continuing. There may not be an opportunity in these instances to discuss the matter with the party responsible.</p> <p>In relation to interviews, this is a rare occurrence and usually only relates to when offences are believed to have occurred, i.e. damage to protected trees.</p> |
| <p>'Dealing with persons responsible for the alleged breach' and 'How we decide if an investigation is 'complete' '</p> | <p>Removal of reference to committee making decisions on formal action being undertaken and changed to 'relevantly authorised person/committee'</p> | <p>It is hoped to amend the constitution to give more power to officers. Text left ambiguous so both approaches can still apply.</p> |
| <p>Throughout the document</p> | <p>Various other tweaks to existing wording to make the</p> | <p>For a consistent approach and to avoid repetition.</p> |

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| | text consistent with the above changes | |
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IMPLICATIONS OF REPORT

- 9. The risks are minimal and most likely related to the setting of a new target of deciding a course of action for all complaints within 10 weeks. It is considered that the new target is more realistic than that which currently exists of resolving 80% of complaints within 8 weeks.
- 10. This report has implications in the following areas and the relevant Directors' comments are included:

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| Finance | | Customer Services | X |
| Human Resources | | Equality and Diversity | |
| Legal | | Integrated Impact Assessment required? | |
| No significant implications in this area | | Policy and Communications | |

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 11. No comment.

COMMENTS OF THE MONITORING OFFICER

- 12. The proposed changes amend how the council will progress investigations and complaints received going forward. They will ensure from an early stage a consistent approach and improve the efficiency of the process. As stated in the report the changes align the Council's approach with best practice identified across the country.

ASIM KHAN
DIRECTOR OF CUSTOMER AND DIGITAL

| Report Author | Ext | Date |
|---------------|------|--------------------------------|
| Mike Halsall | 5226 | 26 th February 2019 |