

# Portfolio Holder decision record sheet

**Name of decision maker:**

Cllr Graham Sutton

**Portfolio:** Planning and Infrastructure

**Date of Portfolio Holder decision:**

**Title of decision:**

Approval of Local Enforcement Plan  
(November 2019)

**Part II:** n/a

**Part II reason:**

**Background to report:** (this will be sent to members in the initial notice email so they know the content of the decision)

An effective planning enforcement service is vitally important in maintaining public confidence in the planning system by assisting in the delivery of the development that has been granted and in taking action against harmful development which has not been approved. Therefore, the Local Enforcement Plan (LEP) needs to show how planning enforcement investigations within Dacorum will be carried out, explain the basis on which planning enforcement decisions are made, and detail the Borough's enforcement priorities. The LEP will also need to outline what 'proactive enforcement' means in the Borough.

The following are the key decisions made in the drafting of the LEP:

- 1) The Core Planning Enforcement Principles will match those of the Council, i.e. Take Responsibility, Be Positive, Work with others to deliver a great service, and Be Reliable. (How this translates into planning enforcement is detailed in section 3 of the LEP.
- 2) Maintain first site visit timescales (according to the priority of the case) as per current document – see Section 7 of the LEP and Section 6 of the Development Management Committee (DMC) report.
- 3) Ensure that complainants are kept up to date with a case at three stages (initial acknowledgement, planning application / appeal submitted, closure of case) – see Section 8 of the LEP.
- 4) Introduce a new 'Priority and Projects' section (Section 9 of the LEP). For 2020 this would focus the team's proactive enforcement resources on significant major applications and flyposting hotspots.

**Decision made and reasons:**

The decision is that the Local Enforcement Plan needs updating / revising for the following reason:

The current LEP was approved in June 2013. Paragraph 26.1 of this document states that, "*The Council will review this plan from time to time and at least every three years*". Therefore, in order to ensure that the Council's LEP remains relevant in light of changes to legislation, national enforcement guidance and the Council's procedures, it is necessary for a new LEP to be produced.

**Reports considered: (here reference can be made to specific documents)**

Please refer to attached Development Management Committee Report and Local Enforcement Plan (November 2019) for further information.

**Officers/Councillors/Ward Councillors/Stakeholders consulted:**

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The draft Local Enforcement Plan was put before Development Management Committee (DMC) Members on 16 September 2019 as part of a Briefing Session (with the draft document circulated to Members beforehand). Members raised several points and comments and these are reflected in the amended version of the document.

Subsequent to the Briefing Session (on 18 September 2019), DMC Members were asked if they had any further comments / suggestions regarding the LEP. A consultation document was circulated which contained the following six discussion questions:

**Q1:** Do you agree with the Enforcement Core Principles as outlined in this document?

**Q2:** Do you agree with the approach to maintain the current first site visit target timescales?

**Q3:** Do you agree with the approach to maintain the current Priority of cases structure?

**Q4:** When, and how often, should we update interested parties?

**Q5:** What should be the Enforcement team's pro-active enforcement priorities?

**Q6:** What else do you consider the LEP should include / prioritise?

Members were provided until 27 September 2019 to send through any additional comments. No further comments were received.

On 07 November 2019 the amended draft Local Enforcement Plan and the DMC report were presented to all Members of the DMC. They voted unanimously in favour of the recommendation to seek the Portfolio Holder's approval of the Local Enforcement Plan (November 2019).

### **Deputy Monitoring Officer comments:**

Further to the National Planning Policy Framework, local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. By reviewing the LEP at regular intervals, the Council is ensuring that the LEP is updated and appropriate to the area of Dacorum.

**Chief Financial Officer comments:** No further comments to add.

**Implications:** There are no abnormal health & safety implications. The proposal relates to the built form and is not felt to have any negative impact on any of the protected groups under the Equality Act. It is appreciated that Section 9 of the LEP could potentially have a disproportionate impact on a certain community group (e.g. a priority looking at hot food takeaways). Therefore, it will be important moving forward that due regard of the Equality Act is had each year when this section of the LEP is revised.

**Risk:** The LEP complies with national planning guidance and best practice and the intention is therefore to avoid the risk of non-compliance and wasting resources.

**Value for money:** Officer time spent in producing and consulting on the LEP. The appraisal is intended to save officer time in the future in dealing with planning enforcement queries and investigations, as well as in defending appeals against the service of a formal Notice.

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## Options considered and reasons for rejection:

Retain current Local Enforcement Plan – This has been rejected as its validity and relevance can be increasingly be questioned in light of changes to the NPPF2, and other national and local planning guidance, and planning enforcement best practice.

Not have a Local Enforcement Plan – This is unacceptable in accordance with the NPPF2. It would also fail to provide a framework within which this statutory duty would function, and fail to provide residents, complainants, and other customers with a clear understanding of what they can expect (timescales, type of response, how we chose to investigate, priorities, etc.)

## Portfolio Holder's signature:

Date:

Details of any interests declared and any dispensations given by the Standards Committee:

## For Member Support Officer use only

Date decision record sheet received from portfolio holder: 23/12/19

Date decision published: 30/12/19

Decision no: PH/033/19

Date of expiry of call-in period: 07/01/20

Date any call-in received or decision implemented:

## Background