

DECISION-MAKER:	CABINET		
SUBJECT:	PLANNING ENFORCEMENT POLICY		
DATE OF DECISION:	21 OCTOBER 2014		
REPORT OF:	LEADER OF THE COUNCIL		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

The Council's Planning Enforcement Policy has been thoroughly reviewed, updated and brought into line with the National Planning Policy Framework (NPPF) of March 2012. Cabinet is requested to approve the revised Planning Enforcement Policy.

RECOMMENDATIONS:

- (i) That Cabinet approve the revised Planning Enforcement Policy, attached as Appendix 1.

REASONS FOR REPORT RECOMMENDATIONS

1. It is necessary to have a comprehensive and up to date Planning Enforcement Policy in place to ensure that:
 - Clear policies and procedures are in place for planning enforcement
 - Complaints received are prioritised, investigated, their progress monitored and resolved in a timely manner
 - Enforcement decisions are executed within statutory and legal timeframes
 - Staff are appropriately trained and qualified

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

DETAIL (Including consultation carried out)

3. The Council's Planning Enforcement Policy has not been reviewed since it was published in October 2008 and it does not reflect the updated National Planning Policy Framework, published in March 2012. The Policy has now been fundamentally revised and updated, and brought in line with the NPPF.
4. The policy statement describes what the service does and how the service is delivered to the community. It is not a legal document and does not seek to provide legal advice or to comment on individual cases, which will be judged on their individual circumstances.
5. *The policy sets out:-*
 - *The purpose of planning enforcement (section 2)*
 - *What is, and is not, a breach of planning control (section 3)*

- *How the Council decides whether to take enforcement action and possible outcomes (section 4)*
 - *How the planning enforcement team will deliver the service (section 5)*
 - *Clarification on how the Council prioritises complaints and timescales (section 6)*
 - *What happens if someone complains about you (section 7)*
 - *Customer care (section 8)*
6. An important component of the policy is that it clearly sets out what customers (complainants and those complained about) can expect from the service, the procedures that will be followed and the possible outcomes flowing from those procedures.
7. Once the policy is approved, a guidance leaflet will be produced and made available to the public, detailing the main elements of the policy.

RESOURCE IMPLICATIONS

8. None

Capital/Revenue

9. There are no direct implications resulting from this report.

Property/Other

10. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

10. Town & Country Planning Act 1990 together with a variety of primary and secondary legislation.

Other Legal Implications:

11. Enforcement activity undertaken pursuant to the policy must only be pursued where it is within the legal framework and the overriding public interest to do so, must be proportionate and necessary in order to achieve a necessary social / democratic aim. Enforcement activity must be considered and assessed having regard to s.17 Crime & Disorder Act 1990, the Equalities Act 2010 and the Human Rights Act 1998. .

POLICY FRAMEWORK IMPLICATIONS

12. The report accords with the Council's Policy Framework.

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	All
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SUPPORTING DOCUMENTATION

Appendices

1.	Planning Enforcement Policy
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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