

WYRE FOREST DISTRICT COUNCIL

COUNCIL
19th JULY 2006

Review of Pro-active Enforcement Policy

OPEN	
COMMUNITY STRATEGY THEME	A Better Environment
CORPORATE PLAN THEME	Delivering Quality Services
KEY PRIORITY	Best Practice
CABINET MEMBER	Councillor Anne Hingley
HEAD OF SERVICE	Head of Planning, Health and Environment
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APPENDICES	Pro-active Enforcement Policy 2006 Circulated to members electronically and posted on the Council's website. A public inspection copy is available on request. See front cover for contact details.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members of the revised Pro-active Enforcement Policy and to seek authority for the formal adoption of the document.

2. RECOMMENDATION

2.1 The Council is asked to DECIDE:

The revised Pro-active Enforcement Policy be adopted.

3. BACKGROUND

- 3.1 The Pro-active Enforcement Policy was first introduced in 1995 when Members wished to move towards a more pro-active approach to enforcement. The Policy was reviewed in 1998, 1999 and again in 2001. This latest review takes into account the additional powers afforded by new legislation and also the increase in staff time dedicated to enforcement.
- 3.2 The revised Pro-active Enforcement Policy was reported to the Planning (Enforcement) Committee on 8th June 2006 where it was resolved to recommend to Cabinet that it be adopted

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5. LEGAL AND POLICY IMPLICATIONS

- 5.1 In terms of legal implications, legislation and appeal decisions/case law determine the matters that the Council should consider when deciding whether enforcement action is appropriate/expedient. The policy aims to reflect this. Whilst there is no legal requirement to have such a policy, it is considered a useful tool for Councillors, officers and members of the public.

6. RISK MANAGEMENT

- 6.1 In making decisions as to whether or not to take enforcement action, the Council is exposed not only to the possibility of appeals by those against whom action is taken, but also the possibility of Human Rights claims and/or ombudsman complaints by those aggrieved at a decision not to take action. By having in place and following a clear policy on enforcement, this should minimise the risk of any successful claim against the Council.

7. CONCLUSION

- 7.1 When the Policy was last reviewed in 2001 the enforcement function was carried out by two full-time members of staff with the support of a Conservation Officer whose time was split between other local authorities, a part-time Arboricultural Officer and technical and administrative support.
- 7.2 Technical and administrative support continues at a similar level however, the Council now employs a full time Conservation Officer and a full time Arboricultural Officer who provide expert advice and support to the Enforcement Team.
- 7.3 The Enforcement Team still consists of two full-time officers however; on the 27th April 2006, Members of the Cabinet approved an additional part-time post. The purpose of the new post is to enable current procedures to be reviewed, particularly in relation to Development Monitoring, and new procedures are to be put in place.
- 7.4 Much of the Policy is unchanged however, the updated version includes details of the procedure employed when dealing with unauthorised works to trees covered by a Tree Preservation Order. It also addresses the perceived risks of choosing to exercise discretion when deciding whether or not to take action against breaches of planning control. Information is provided about new powers given to the local authority in the form of Temporary Stop Notices and a table has been added which explains how enforcement work is prioritised in terms of its impact on the building or land, the area and neighbouring properties.

8. CONSULTEES

- 8.1 Head of Legal and Democratic Services

9. BACKGROUND PAPERS

Pro-active Enforcement Policy (2001)

Review of Pro-active Enforcement Policy (Planning (Enforcement) Committee – 8th June 2006)