

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 18 March 2020

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WARD(S): ALL

PART I **FOR DECISION**

LOCAL ENFORCEMENT PLAN

1. **Purpose of Report**

1.1 The purpose of this report is to seek Committee's agreement to adopting the attached local enforcement plan.

2. **Recommendation(s)**

The Committee is requested to resolve:

- a) That the Local Enforcement Plan be adopted for enforcement purposes.
- b) That delegated authority be given to the Planning Manager to modify the plan to reflect any changes in legislation and policy, and
- c) That the the Local Enforcement Plan be published on the Council Website.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

3a. **Slough Joint Wellbeing Strategy Priorities**

Ensuring that local needs are met within Local Plans will have an impact upon the following SJWS priorities:

4. Housing

3b. **Five Year Plan Outcomes**

The Local Enforcement Plan will contribute to the following Outcomes:

- Slough will be an attractive place where people choose to live, work and stay
- Our residents will live in good quality homes
- Slough will attract, retain and grow businesses and investment to provide opportunities for our residents

4. Other Implications

(a) Financial

There are no financial implications.

(b) Risk Management

<i>Category</i>	<i>Negligible</i>	<i>Marginal</i>	<i>Critical</i>	<i>Catastrophic</i>
<i>Economic/Financial</i>	<i>Existing resources to be used to investigate reported alleged breaches..</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>Political</i>	<i>The current number of investigations is negligible.</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>Health & Safety</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>Environment</i>	<i>The local enforcement plan will contribute towards sustainable environment.</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>Legal/Regulatory</i>	<i>The local enforcement plan defines processes for enforcement investigations including general legal and regulatory considerations</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>Management inc Contractual</i>	<i>Existing and future establishment resources can provide services included in the plan.</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>

<i>Recommendation from section 2 above</i>	<i>Risks/Threats/ Opportunities</i>	<i>Current Controls</i>	<i>Using the Risk Management Matrix Score the risk</i>	<i>Future Controls</i>
<i>The Committee is requested to agree to adopt the plan and for it to be published.</i>	<i>It is good practice to have a local enforcement plan as set out in paragraph 58 of the NPPF.</i>	<i>Current controls under the Town and Country Planning Act 1990 enable proportionate investigations to take place with regard to reported alleged breaches of planning control.</i>	<i>Negligible.</i>	<i>The local enforcement plan provides a consolidated library of powers available to the Local Planning Authority to investigate alleged breaches of planning control. Any changes to legislation and government policy will need to be reflected in future editions of the local enforcement plan.</i>

(a) Human Rights Act and Other Legal Implications

Any action taken by the Council with regard to reported breaches must be proportionate taking account of the provisions of the Town and Country Planning Act 1990 and other associated planning legislation balanced against the provisions of the Human Rights Act. Furthermore, when the Council considers if formal enforcement action is to be taken under the Town and Country Planning Act, it must demonstrate it is expedient in the public interest to do so.

(b) Equalities Impact Assessment

The local enforcement plan follows the advice contained in the National Planning Policy Framework 2012. When considering independent investigations, as part of the decision to either take formal enforcement action or not, consideration is given to the provisions of the Equality Act 2010 and the Human Rights Act 1998.

(c) Workforce - There are no workforce implications.

(d) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications as a result of this report.

5. Supporting Information

Introduction

- 5.1 Paragraph 58 of the National Planning Policy Framework February 2019 states:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate”

- 5.2 The appendix to this report includes the local enforcement plan which is proposed to be adopted.
- 5.2 The Council also has an adopted ‘Regulatory and enforcement services, enforcement policy’. This can be viewed on the Council’s website:

<http://www.slough.gov.uk/council/strategies-plans-and-policies/regulatory-and-enforcement-services-enforcement-policy.aspx>

This existing policy states that the Planning Enforcement Policy deals with the enforcement of planning controls and is outside the scope of this the regulatory and enforcement services enforcement policy. This is due to the differences in legislation and powers which can be exercised. Whilst there are some similarities in terms of how complaints are reported and how evidence can be collected, the knowledge and skills required to conclude investigations is specialist and hence why there is a need for a local enforcement plan as well as the regulatory and enforcement services, enforcement policy.

6 Conclusion

- 6.1 Adopting the local enforcement plan will follow the policy given in the National Planning Policy Framework and will enable citizens to have an understanding of the processes involved in planning enforcement investigations and the level of service.

7. Appendices

Appendix – Local Enforcement Plan ‘March 2020’