

**WELSH LOCAL
PLANNING AUTHORITIES:
ENFORCEMENT
BENCHMARKING SURVEY
2009**

**FINAL REPORT
OF FINDINGS**



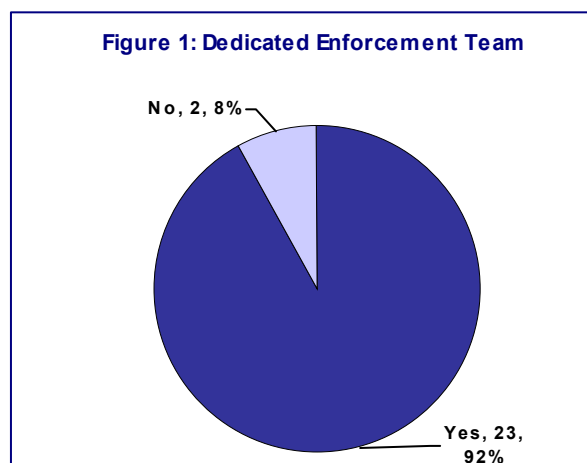
**Bryan Graham
Head of Planning Services
Environment Department
City & County of Swansea**

1. INTRODUCTION

- 1.1. This report sets out the findings of an on-line questionnaire survey undertaken into the organisation of Enforcement activities within Local Planning Authorities (LPAs) in Wales. It was initiated in May 2009. A copy of the questionnaire is included as Appendix 1.
- 1.2. The purpose of the survey was to investigate and compare the different working structures and practices, workloads, budgets, and performance measures operated by Welsh LPAs and to provide a series of benchmarks against which to gauge enforcement activity.
- 1.3. The survey was undertaken to help inform a review of Swansea Council's enforcement services, in response to workload, staffing and customer satisfaction issues that have arisen in recent years. Responses were received from all 25 LPAs (i.e. 22 Unitary Authorities and 3 National Parks) between 9th July and 12th October 2009. It should be noted that the detail of responses varied and not all Authorities provided answers to every question.
- 1.4. The findings have been grouped and are presented below under the following headings:
 - Organisational structure and staffing
 - Budget details
 - Workloads
 - Working Practices
 - Formal Action
 - Performance measurement

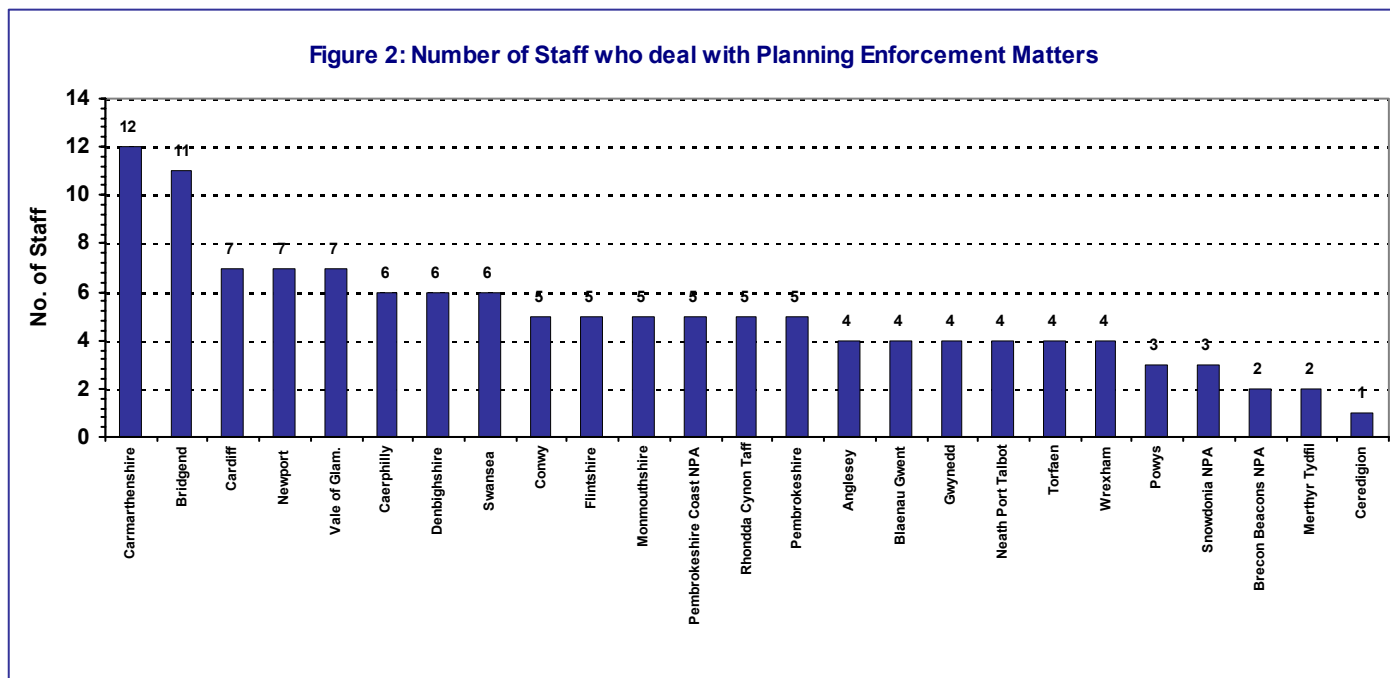
2. ORGANISATIONAL STRUCTURE AND STAFFING

- 1.5. Most (23) of the LPAs indicated that they have a dedicated team which deals with planning enforcement matters (see Figure 1).



- 1.6. Gwynedd and Neath Port Talbot (NPT) stated that enforcement matters in their authorities are dealt with by Area Development Control officers.

1.7. All respondents provided information on the numbers of full and part-time staff employed on enforcement matters and information on the total numbers employed by LPAs are summarised in Figure 2 below – full details presented in Appendix 2.



NB: The above chart shows the total number of people employed full-time and part-time by each LPA

1.8. The greatest number were employed by Carmarthenshire (12), followed by Bridgend (11), Cardiff (7), Newport (7) and the Vale of Glamorgan (7), and then Caerphilly (6), Swansea (6) and Denbighshire (6). Only Ceredigion employed 1 person. These numbers reflect caseload levels and in the context of Carmarthenshire the support services provided to other authorities.

1.9. Whilst 10 LPAs indicated that they employed staff specialising in particular types of enforcement (i.e. advertisement control, listed buildings, conservation areas, AONB, and TPOs), their numbers were relatively few.

1.10. Only 10 LPAs stated that they have any staff who specialise on these types of enforcement matters (including 3 Authorities where the staff do not work within the Planning Department). 13 LPAs stated that they do not have any staff specialising in these matters with 8 of these indicating that all of their staff deal with the full range of enforcement duties that arise. 2 LPAs did not answer the question.

1.11. Most (22) LPAs stated that Officers dealing with planning enforcement matters also process enforcement appeals; 11 indicated that they deal with planning applications; and 9 with planning appeals. Only 3 LPAs (Bridgend, Ceredigion and Pembrokeshire Council) said that their enforcement staff do not deal with any planning applications or appeals. Carmarthenshire noted that applications relating to Minerals are determined by their enforcement team, which also provides this service to 3 other LPAs. More detail on the exact nature of other matters dealt with by enforcement staff at each LPA are provided in Appendix 3.

1.12.LPAs stated that Officers who deal with planning enforcement matters also process non-planning issues as follows:

- Consultations on licensing – 10 LPAs
- Vehicle operator licensing – 9 LPAs
- Hedgerow removal / high hedge complaints – 4 LPAs
- Camping CL notifications – 2 LPAs
- Waste management licensing – 1 LPAs

1.13.Copies of organisational structures were only submitted by 5 LPAs and these are reproduced in Appendix 4.

3. BUDGET DETAILS

1.14.LPAs were asked to identify the total cost of delivering their Planning Enforcement Services during the 2008/09 financial year. The findings from the 17 who provided the information are shown in descending order of cost in Table 1, along with the calculated cost per head of staff.

Table 1: Total Cost of the Planning Enforcement Service 2008/09

LPA	Enforcement Cost 2008/09 (Rounded to nearest £5K)	Number of Staff	Cost per head
Carmarthenshire	£455k	12	£38k
Monmouthshire	£220k	5	£44k
Flintshire	£195k	5	£39k
Newport	£185k	7	£26k
Cardiff	£170k	7	£24k
Blaenau Gwent	£160k	4	£40k
Denbighshire	£155k	6	£26k
Pembrokeshire	£155k	5	£31k
Swansea	£155k	6	£26k
Anglesey	£150k	4	£38k
Rhondda Cynon Taff	£145k	5	£29k
Torfaen	£125k	4	£31k
Wrexham	£110k	4	£28k
Gwynedd	£100k	4	£25k
Pembrokeshire Coast NPA	£100k	5	£20k
Snowdonia NPA	£75k	3	£25k
Ceredigion	£40k	1	£40k

1.15.Carmarthenshire had the highest total cost at £455k followed by Monmouthshire (£220k) and Flintshire (£195k). Newport was next at £185k, then Cardiff £170k, with a further 6 LPAs stating costs ranging from £145k to £160k. At £40k total costs were lowest for Ceredigion, which had only 1 member of staff engaged on enforcement matters.

1.16. In terms of the average cost per head of staff dealing with planning enforcement matters, Monmouthshire is attributed as having the highest at £44k, followed by Ceredigion £40k, Blaenau Gwent £40k and Flintshire £39k. Pembrokeshire Coast NPA is attributed with the lowest staff cost at £20k per head.

1.17. Of the 25 LPAs surveyed, 22 said that they did not have a budget for direct enforcement action, and 2 did not answer the question. Only Pembrokeshire Council stated that they had a budget for direct planning enforcement action. This budget, established in 2009/10, was £15k.

1.18. All LPAs were asked which, if any, planning budgets received income generated from planning enforcement (e.g. retrospective planning applications or ground (a) appeals against notices). The responses were:

- The income goes into both applications and enforcement budgets – 9 LPAs
 - The income goes solely into the applications budget - 15 LPAs
 - The income goes solely into the enforcement budget – 0 LPAs
- 1 LPA did not answer the question.

4. WORKLOADS

1.19. LPA enforcement workloads for 2008/09 are summarised in Table 2.

Table 2: Number of Complaints Received and Resolved; Notices Issued, Prosecutions Undertaken and Direct Action Used

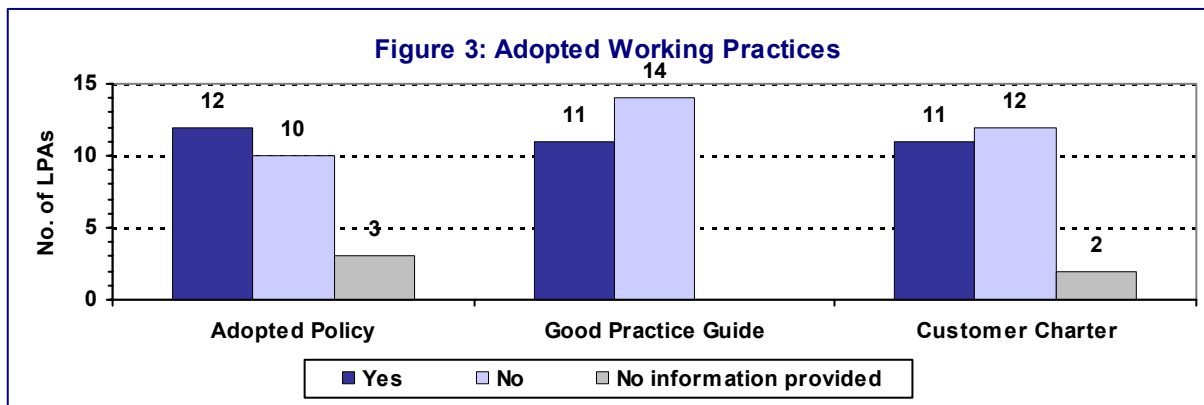
LPA	Number of complaints received	Number of complaints resolved	Enforcement Notices Served	Prosecutions undertaken	Occasions where direct action used
Newport	1,557	1,014	68	8	1
Flintshire	1,237	1,104	2	1	0
Swansea	1,099	1,277	32	10	0
Cardiff	884	Not stated	38	26	1
Wrexham	708	749	27	10	0
Denbighshire	706	69% (487?)	43	1	0
Pembrokeshire	676	576	24	8	0
Rhondda Cynon Taff	623	623	41	17	1
Caerphilly	510	576	30	5	0
Pembrokeshire Coast NPA	504	382	13	6	0
Bridgend	504	489	5	0	0
Conwy	486	437	10	4	0
Neath Port Talbot	483	331	10	3	0
Carmarthenshire	466	401	24	6	2
Gwynedd	462	217	1	1	0
Monmouthshire	454	389	31	22	0
Vale of Glamorgan	411	360	33	10	0
Ceredigion	400	200	20	0	0
Blaenau Gwent	360	316	6	2	0
Powys	335	260	9	0	0
Torfaen	325	417	10	1	0
Anglesey	272	331	8	3	0
Snowdonia NPA	172	165	4	1	0
Brecon Beacons NPA	128	26	2	0	0
Merthyr Tydfil	No information provided				

1.20. The LPAs that received the highest numbers of complaints in 2008/09 were Newport (1,557), Flintshire (1,237) and Swansea (1,099).

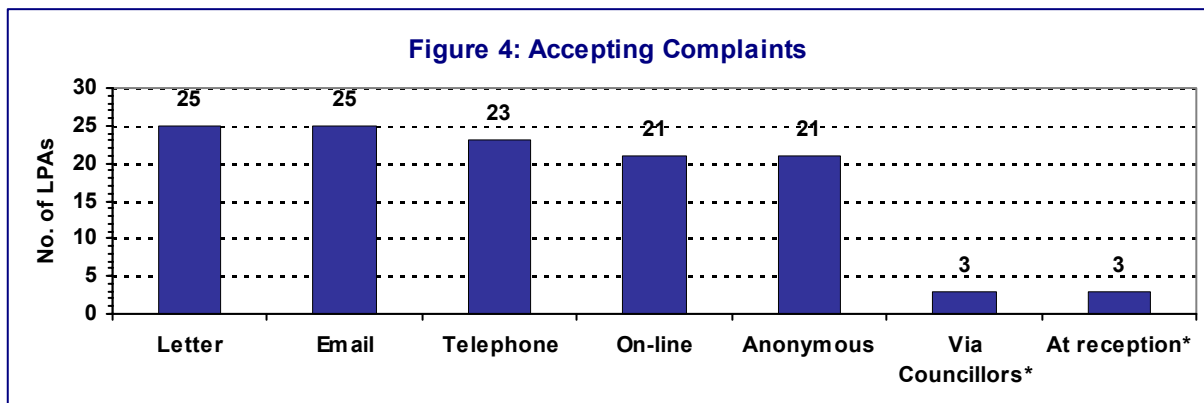
- 1.21. Swansea (1,277) resolved the most complaints in 2008/09 followed by Flintshire (1,104), Newport (1,014) and Wrexham (749). (NB The number of complaints reported as resolved in 2008/09 in some cases exceed the number of complaints received, this is attributed to a backlog in complaints from previous years.)
- 1.22. Whilst the most enforcement notices were issued by Newport (68), Denbighshire (43) and RCT (41), the greatest numbers of prosecutions were pursued by Cardiff (26), Monmouthshire (22) and RCT (17). Direct action was only undertaken on 5 occasions across Wales, twice by Carmarthenshire, and once by Newport, Cardiff and RCT.

5. WORKING PRACTICES

- 1.23. In terms of working practices 12 LPAs stated that they have an adopted planning enforcement policy, 11 a good practice guide, and a further 11 a Customer Charter – see Figure 3 (note - these are not necessarily the same LPAs). Of these, only Bridgend, Gwynedd and Wrexham indicated that they had all three in place. Appendix 5 provides a complete breakdown by LPA.



- 1.24. All LPAs indicated that they accepted complaints by letter and email, nearly all (23) by telephone, and most via their website (21). The majority (21) accepted complaints anonymously.



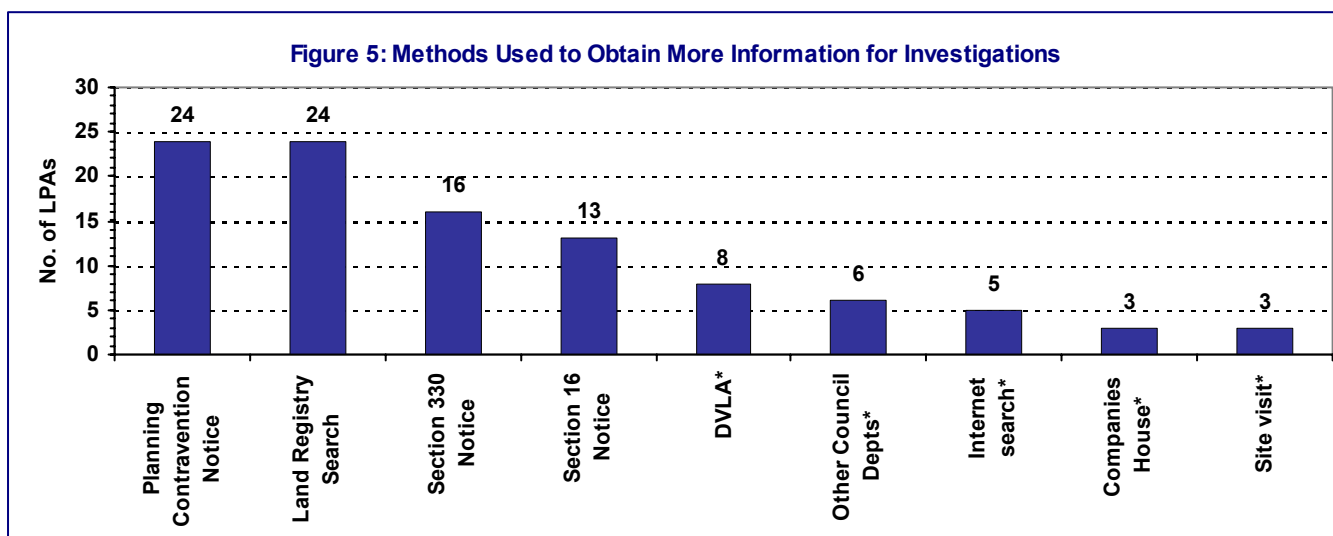
* Signifies "other" responses written in the open text box and were not included as tick options in the questionnaire for all respondents

1.25. All LPAs provided definitions of 'a complaint', listed in full in Appendix 6.

1.26. Most (24) LPAs stated that they used the POSW definition of a 'resolved complaint', i.e. a complaint being taken to be resolved where: no breach was found; investigation revealed that it was not expedient to take action; the breach ceased, a retrospective planning (or similar) application was received; or the relevant notice was served.

1.27. Gwynedd were unaware of the POSW definition.

1.28. Nearly all (24) LPAs use Planning Contravention Notices and Land Registry Searches to obtain more information for an investigation. These and other sources used are shown in Figure 5.



* Signifies "other" responses written in the open text box and were not included as tick options in the questionnaire for all respondents

1.29. LPAs were asked to identify what, if any, authorisation is required before Officers can use the above sources of information. Responses received were as follows:

- Authorisation from the Head of Planning – 6
- Authorisation is delegated to Enforcement Team Leader/Senior Officer - 5
- Land Registry searches can be undertaken by Case Officers – 3
- Section 330s are requested via the Legal Section - 2
- Authorisation is delegated to the Officer - 1

10 LPAs responded indicating that the question was 'not applicable' and 2 did not answer the question.

1.30. 16 LPAs indicated that the Head of Planning or relevant Team Leader under delegated powers makes the decision as to whether or not it is expedient to take formal Enforcement Action. 8 other LPAs indicated that these Officers have delegated decision making powers but in some or all cases decisions are sent to Committee for approval. 1 LPA (Blaenau Gwent) indicated that all such matters are decided only by Committee.

1.31.LPAs were asked if they have a policy for destroying records. The varying responses provided are set out in full by LPA in Appendix 7.

1.32.Nearly all (23) LPAs have a dedicated Planning IT system but only 5 of these stated that it could be accessed remotely.

1.33.Only 4 LPAs provide an out-of-hours planning enforcement service (Blaenau Gwent, Flintshire, Cardiff and Gwynedd).

6. FORMAL ACTION

1.34.Most (22) LPAs stated that planning enforcement matters are delegated to Officers. In 11 LPAs these powers are delegated to the Head of Service and in a further 11 the powers are delegated down to the Team Leader level. 3 LPAs stated that such powers are not delegated (Blaenau Gwent, RCT and Brecon Beacons NPA). The full extent of delegated powers for each LPA are set out in Appendix 8.

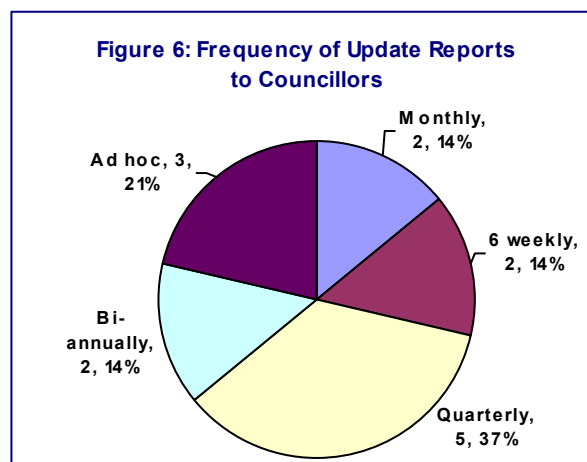
1.35.LPAs had different Committee arrangements for planning enforcement matters. Full details of the Committees, their responsibilities and numbers of members for each LPA are presented in Appendix 9.

1.36.When matters proceed to prosecution, 23 LPAs stated that they have a solicitor assigned to deal with planning prosecutions. 2 do not - NPT and Pembrokeshire Coast NPA.

1.37.Whilst 12 LPAs offer a formal caution in lieu of prosecution, 13 indicated that they do not. In summary LPAs stated that formal cautions are offered where:

- Compliance is achieved before the prosecution is heard
- A prosecution is not considered to be cost-effective/in the public interest
- Negotiation is considered preferable
- The breach has since been remedied but it is considered that it could re-occur
- Exceptional personal circumstances exist
- The investigating officer and Council's legal officer are reasonably confident that the matter will not be repeated

1.38.A large number of the LPAs (15) stated that enforcement action update reports are presented to Councillors. 9 indicated that they were not. 1 LPA stated that the nature of reports to be provided to Members was currently under consideration. Details included in the update reports are set out in Appendix 10.



1.39. 5 LPAs report 'in camera' to Councillors.

7. PERFORMANCE MEASUREMENT

1.40. Nearly all (23) of the LPAs stated that they have in place performance indicators to measure planning enforcement activity. These included:

- Complaints resolved within 12 weeks of receipt – 13 LPAs
- Determined Enforcement Notice appeals that upheld the Authority's decision – 4 LPAs
- Site visits undertaken within the target number of days – 4 LPAs
- Complaints acknowledged within the target number of days - 3 LPAs
- Written assessments prepared for complainants within 5 days of site visit – 1 LPA
- Complainants notified of the final decision within target number of days - 2 LPAs
- 6 weekly updates provided where cases extended over more than 12 weeks - 2 LPAs
- Standard PIs – 3 LPAs

1.41. Of the 25 LPAs, 16 indicated that their Planning Department carried out customer satisfaction surveys - 9 did not.

8. CONCLUSIONS

- **The Survey provides a comprehensive insight into Planning Enforcement in Wales**
- **Organisational structures, budgets and staffing levels vary significantly between LPAs**
- **Notable variations in workloads – the number of complaints received in 2008/09 ranging from 128 - 1,557**
- **Working practices vary significantly between LPAs – less than half had an adopted enforcement policy, good practice guide or customer charter in place**
- **Decision on Formal Action is delegated to Heads of Service and Team Leaders in the majority of LPAs**
- **Performance Measures are in place in nearly all LPAs. The most common: the percentage of complaints resolved in 12 weeks.**
- **Time to review the POSW MODEL OF ENFORCEMENT STANDARDS?**



**WELSH LOCAL PLANNING AUTHORITIES:
ENFORCEMENT BENCHMARKING SURVEY 2009**

Section A - Staffing and Organisational Structure

A1(a) Does your Authority have a dedicated team which deals with planning enforcement matters? *(Please tick one box only)*

- Yes *(Go to A1(c))*
- No *(Answer A1(b))*

A1(b) If no, who deals with planning enforcement matters at your Authority? *(Please tick one box only)*

- Officers in the Development Control Team
- Other Officers *(please specify their team(s) below)*

A1(c) If available, please provide a copy of the organisation structure, including salary scale points, to show how the planning enforcement staff fit within your Authority. *(Please enclose a hard copy with your completed questionnaire or email to research@swansea.gov.uk)*

A2 How many staff within your Authority deal with planning enforcement matters? *(Please specify numbers employed full-time and part-time for each row below)*

	Full-time <small>(30 hours or more per week)</small>	Part-time <small>(Fewer than 30 hours per week)</small>
Team Leader	<input type="text"/>	<input type="text"/>
Principal Officer	<input type="text"/>	<input type="text"/>
Planning Officer	<input type="text"/>	<input type="text"/>
Enforcement Officer	<input type="text"/>	<input type="text"/>
Monitoring/Compliance Officer	<input type="text"/>	<input type="text"/>
Technical/Administrative Support	<input type="text"/>	<input type="text"/>
----- Other <i>(please specify job title and relevant numbers employed in separate rows)</i>	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	

A3 How many staff within your Authority specialise in the following planning enforcement matters? *(Please specify numbers for each row below)*

	Number of staff
Advertisement Control	<input type="text"/>
Listed Buildings / Conservation Areas	<input type="text"/>
Area of Outstanding Natural Beauty	<input type="text"/>
Tree Preservation Orders	<input type="text"/>

Other <i>(please detail the specialisms and relevant numbers employed in separate rows)</i>	<input type="text"/>
	<input type="text"/>

A4(a) Do Officers dealing with planning enforcement matters process any planning applications or appeals? *(Please tick the box(s) that apply)*

- Yes – planning applications *(Answer A4(b))*
- Yes – planning appeals *(Answer A4(b))*
- Yes – enforcement appeals *(Answer A4(b))*
- No, neither *(Go to A5)*

A4(b) If yes, please provide details below.

A5(a) Do Officers dealing with planning enforcement matters deal with any non-planning issues (e.g. consultations under the Licensing Act, or Vehicle Operator Licensing)? *(Please tick one box only)*

- Yes *(Answer A5(b))*
- No *(Go to Section B)*

A5(b) If yes, please provide details below.

Section B - Budget

B1 What was the total cost of the planning enforcement service to your Authority during the 2008/09 financial year? *(Please specify below)*

£

B2(a) Does your Authority have a budget for direct planning enforcement action?

(Please tick one box only)

Yes *(Answer B2(b))*

No *(Go to B3)*

B2(b) If yes, how much was the budget for the 2008/09 financial year?

(Please specify below)

£

B2(c) What proportion of this budget was spent in the 2008/09 financial year?

(Please specify below)

%

B3 Does income generated as a result of planning enforcement (e.g. retrospective planning applications or ground (a) appeals against enforcement notices) go into the planning enforcement budget or into the planning applications budget?

(Please tick one box only)

Enforcement budget

Both

Applications budget

Section C - Workload

C1 During the 2008/09 financial year, how many...? *(Please specify for each row)*

...Complaints about breaches of
planning control were received

...Complaints about breaches of
planning control were resolved

...Enforcement Notices
were served

...Prosecutions were
undertaken

...Occasions was direct
action used

Section D - Working Practices

D1 Does your Authority have...? *(Please tick one box in each row)*

...An adopted planning enforcement policy

Yes

No

...A planning enforcement good practice guide

...A Customer Charter

D2 How does your Authority accept complaints...? *(Please tick all that apply)*

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> In writing | <input type="checkbox"/> By telephone |
| <input type="checkbox"/> By e-mail | <input type="checkbox"/> Anonymous |
| <input type="checkbox"/> On-line | <input type="checkbox"/> Other <i>(please specify below)</i> |

D3(a) Please specify below your Authority's definition of a complaint (for the purposes of recording as a 'complaint' in terms of the performance indicator i.e. complaints to be resolved within 12 weeks).

D3(b) Does your Authority use the Planning Officers' Society of Wales definition for a 'resolved complaint'? *(Please tick one box only)*

- Yes *(Go to D4)*
 No *(Answer D3(c))*

D3(c) If no, please describe below the definition that your Authority uses.

D4(a) What method(s) does your Authority use to obtain more information for an investigation? *(Please tick all that apply)*

- | | |
|--|--|
| <input type="checkbox"/> Planning Contravention Notice | <input type="checkbox"/> Land Registry Search |
| <input type="checkbox"/> Section 330 Notice | <input type="checkbox"/> Other <i>(please specify below)</i> |
| <input type="checkbox"/> Section 16 Notice | <input type="text"/> |

D4(b) Please specify below what, if any, authorisation is required before Officers can use the above methods. *(If none, please type 'NA')*

D5 If you decide it is not expedient to take formal Enforcement Action, how do you reach this decision (e.g. delegated powers, Committee or other). *(Please specify below.)*

D6 If you have a policy for destroying records, please provide details below.

Section E - Formal Action

E1(a) Are planning enforcement matters delegated to Officers?
(Please tick one box only)

- Yes *(Answer E1(b))*
- No *(Go to E2)*

E1(b) To whom is authority for planning enforcement matters delegated?
(Please specify below the job title(s))

E1(c) Please specify below details of the extent of the delegated powers?

E2(a) Which Committee must planning enforcement matters be reported to?
(Please specify below)

E2(b) What are the responsibilities of this Committee? *(Please specify below)*

E2(c) How many members serve on the Committee?

E3(a) When matters proceed to prosecution, do you have a solicitor assigned to deal with planning prosecutions? *(Please tick one box only)*

- Yes
- No

E3(b) Do you offer a formal caution in lieu of prosecution? *(Please tick one box only)*

- Yes *(Answer E3(c))*
- No *(Go to E4)*

**E3(c) If yes, in what circumstances do you offer a formal caution?
*(Please specify below)***

E4(a) Are update reports presented to Councillors? *(Please tick one box only)*

- Yes *(Answer E4(b))*
- No *(Go to Section F)*

E4(b) If yes, what information is provided? *(Please specify below)*

E4(c) How frequently do you report to Councillors? *(Please specify below)*

E4(d) Do you report 'in camera'? *(Please tick one box only)*

- Yes
- No

Section F - Miscellaneous

F1(a) Does your Authority have any Performance Indicators for planning enforcement? *(Please tick one box only)*

- Yes *(Answer F1(b))*
- No *(Go to F2)*

F1(b) If yes, please provide details below.

F2 Does your Authority's Planning Department carry out customer satisfaction surveys? *(Please tick one box only)*

- Yes
- No

F3(a) Does your Authority have a dedicated Planning IT system? *(Please tick one box only)*

- Yes *(Answer F3(b))*
- No *(Go to F4(a))*

F3(b) If yes, can this be accessed remotely by Officers? *(Please tick one box only)*

- Yes
- No

F4(a) Does your Authority provide an out-of-hours planning enforcement service? *(Please tick one box only)*

- Yes *(Answer F4(b))*
- No *(Go to Section G)*

F4(b) If yes, please provide details of the arrangements below.

Section G – Your Contact Details

G1 Please write the name of your Authority below.

G2 Please type your name and job title below.

Name:	Job title:
--------------	-------------------

G3 Please type your email address and telephone number below.

Email:	Telephone:
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**THANK YOU FOR COMPLETING THIS QUESTIONNAIRE.
PLEASE RETURN IT IN THE FREEPOST ENVELOPE PROVIDED**

**APPENDIX 2:
Number of Staff Dealing With Planning Enforcement**

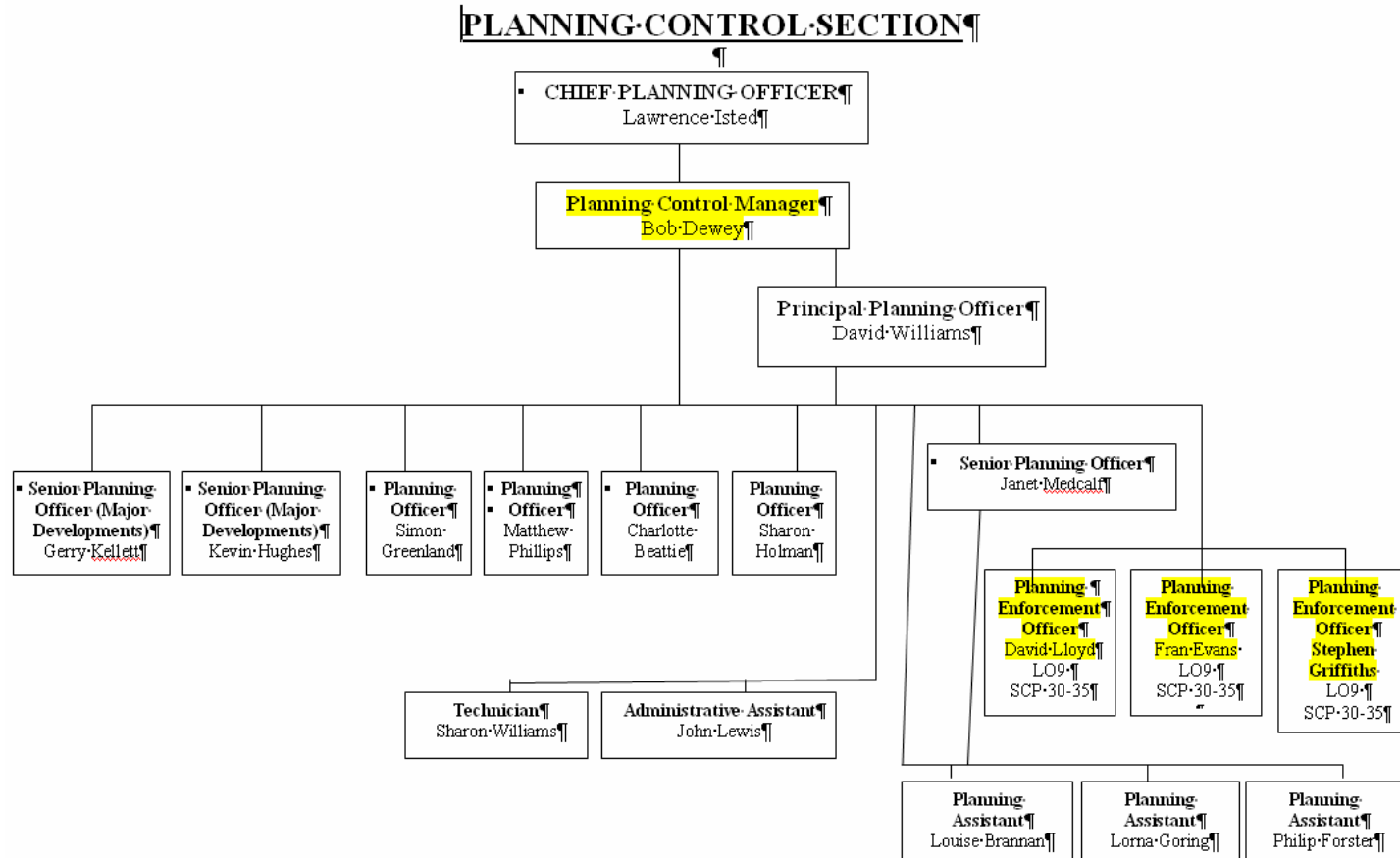
LPA	Team Leader		Principal Officer		Planning Officer		Enforcement Officer		Monitoring/ Compliance Officer		Technical/ Admin Support		Other	Total
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time		
Carmarthenshire	1 (frozen post)		1		1 (trainee)		5		2		1		1 Mineral Surveyor	12
Bridgend	2		4		3						2 "Planning Assistants"			11
Cardiff	1		1				3				1	1		7
Newport			1		4		2 "Senior Officers"							7
Vale of Glamorgan	1		2		2						2			7
Denbighshire	1						3		1		1			6
Swansea	1				1		2		1 (Temporary post)		1			6
Caerphilly	0		3				3							6
Conwy			1		1		3 (including 1 vacant post)							5
Flintshire	1				1 "Senior Planner"				3 (including 1 vacant post)					5
Monmouthshire	1		1				1		2					5
Pembrokeshire Coast NPA				1			3					1		5
Rhondda Cynon Taff	1						2			2				5
Pembrokeshire							3	2						5
Anglesey		1			2						1			4
Blaenau Gwent			1				1		2					4
Gwynedd					4							Reliant on DC Admin		4
Neath Port Talbot	1 (DC but is "Enforcement Champion")						4							4
Torfaen	1						2				1			4
Wrexham		1					3							4
Powys							2		1					3
Snowdonia NPA			1		2									3
Brecon Beacons NPA							2							2
Merthyr Tydfil							1	1						2
Ceredigion	1													1

**APPENDIX 3 -
Other Duties Carried Out by Staff**

LPA	Other duties carried out by staff dealing with planning enforcement matters
Anglesey	Team deals with all retrospective planning applications and applications for certificates of lawfulness. All appeals emanating from such applications are dealt with in addition to all enforcement appeals. Additionally, the team also deals with all minerals and waste applications and appeals.
Blaenau Gwent	Principal Enforcement Officer and Enforcement Officer deal with enforcement appeals
Brecon Beacons NPA	The Enforcement Staff deal with all aspects of Planning Enforcement Appeals, including all administrative duties.
Bridgend	No further information provided .
Caerphilly	Work permitting, Enforcement Officers will deal with both applications that are submitted as a result of their investigations, and any subsequent appeals. They also deal with appeals against Enforcement Notices.
Cardiff	Planning applications - assisting area teams, also following investigations. NB Planning appeals could result. All enforcement appeals
Carmarthenshire	Applications for minerals and waste are determined by the team, this service is provided to three other planning authorities
Ceredigion	No further information provided .
Conwy	All planning enforcement appeals are dealt with by the team. Previously some planning applications were also stopped but due to cut backs within the team this no longer happens
Denbighshire	Compliance Officers will write enforcement appeals and attend hearings.
Flintshire	Members of the enforcement team deal with the following: 1. Certificates of Lawful Existing Use and/or Development applications 2. enforcement generated planning applications (dependant upon case load) 3. high hedge complaints/applications 4. involved in enforcement appeals
Gwynedd	Planning Officers deal with enforcement appeals etc in accordance with their 50-50 planning/enforcement responsibilities and are assisted by principle planning officers with regard to more complex appeals. However doubtful if enforcement/planning is shared 50-50 and their workload is more likely to be leaning towards planning application duties.
Merthyr Tydfil	No further information provided .

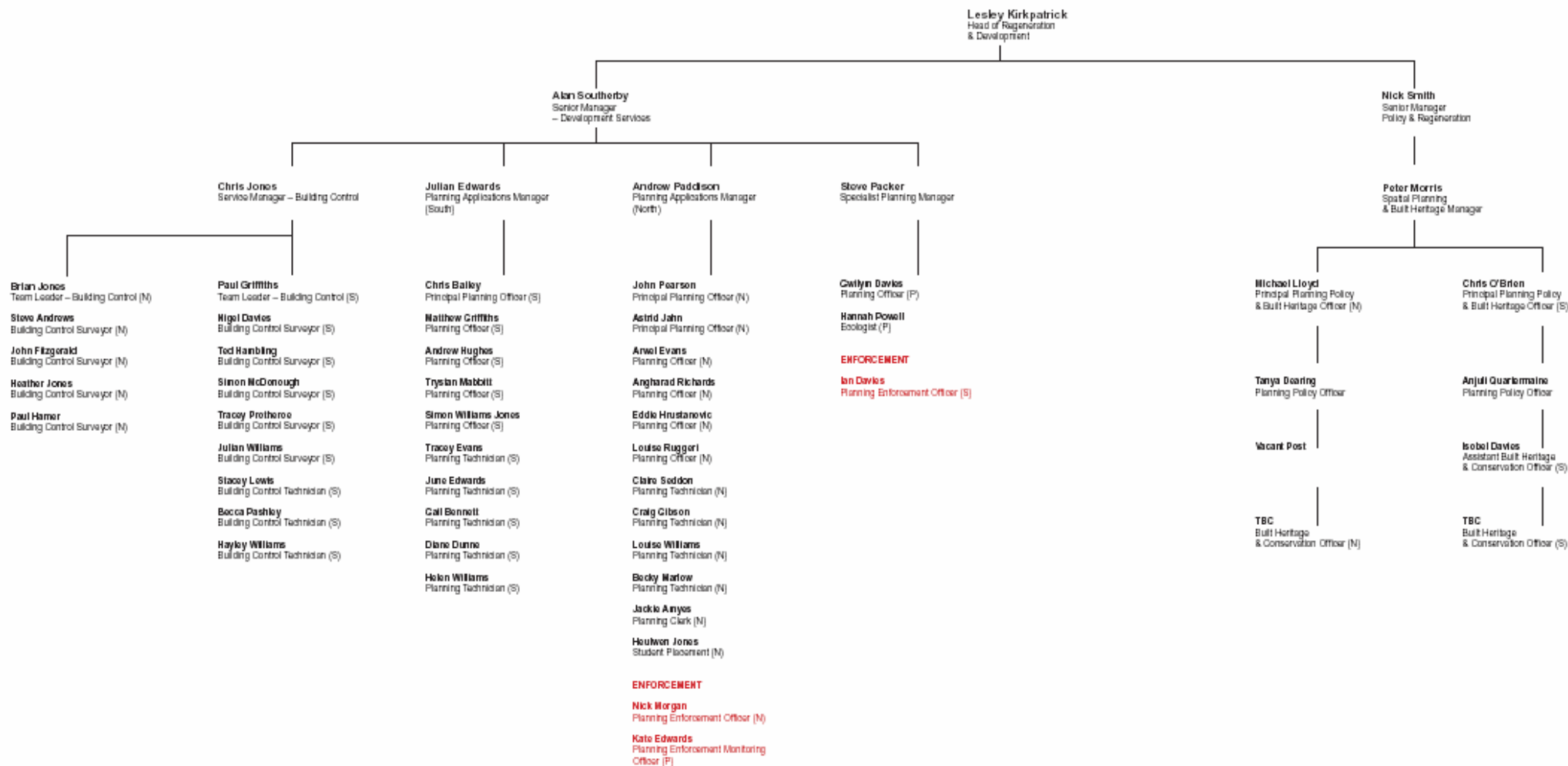
Monmouthshire	Enforcement staff deal with Enforcement Notice Appeals. They also handle applications of Certificates of Lawful Development - both existing and proposed
Neath Port Talbot	The above is in the process of being implemented and will only be operational when fully staffed
Newport	The Enforcement Team sometimes deal with Planning/Enforcement Appeals to gain experience and help when busy. The same is true for planning applications.
Pembrokeshire	No further information provided .
Pembrokeshire Coast NPA	Enforcement team carries out administration for enforcement appeals, together with contributing to preparation and presentation of evidence.
Powys	Certificate of lawfulness, erection of lighting columns required by conditions.
Rhondda Cynon Taff	Other than the part time Enforcement Assistants, Officers deal with appeals on cases they are directly involved in
Snowdonia NPA	The enforcement team is a one stop shop whereby they handle all compliance queries, following on to planning applications or CLEUDS, the issuing of all Notices and any subsequent appeal made. The only applications not dealt with by the enforcement team are those relating to Listed Building Consent and CA consent.
Swansea	The Principal Appeals Officer Post was vacant from October 2008 until September 2009. Consequently, Enforcement Appeals have been handled by Enforcement Staff over this period.
Torfaen	Enforcement officers deal with all enforcement appeals.
Vale of Glamorgan	Our team is the Appeals and Enforcement Team so we deal with all Enforcement cases and ALL appeals, both planning and enforcement related. The team also deal with planning applications that have been submitted as a result of enforcement action as well as all application for a certificates of lawfulness for existing development.
Wrexham	The Enforcement Officers deal with most Enforcement Appeal, prosecutions etc unless a strong Planning policy input is needed.

Wrexham Council



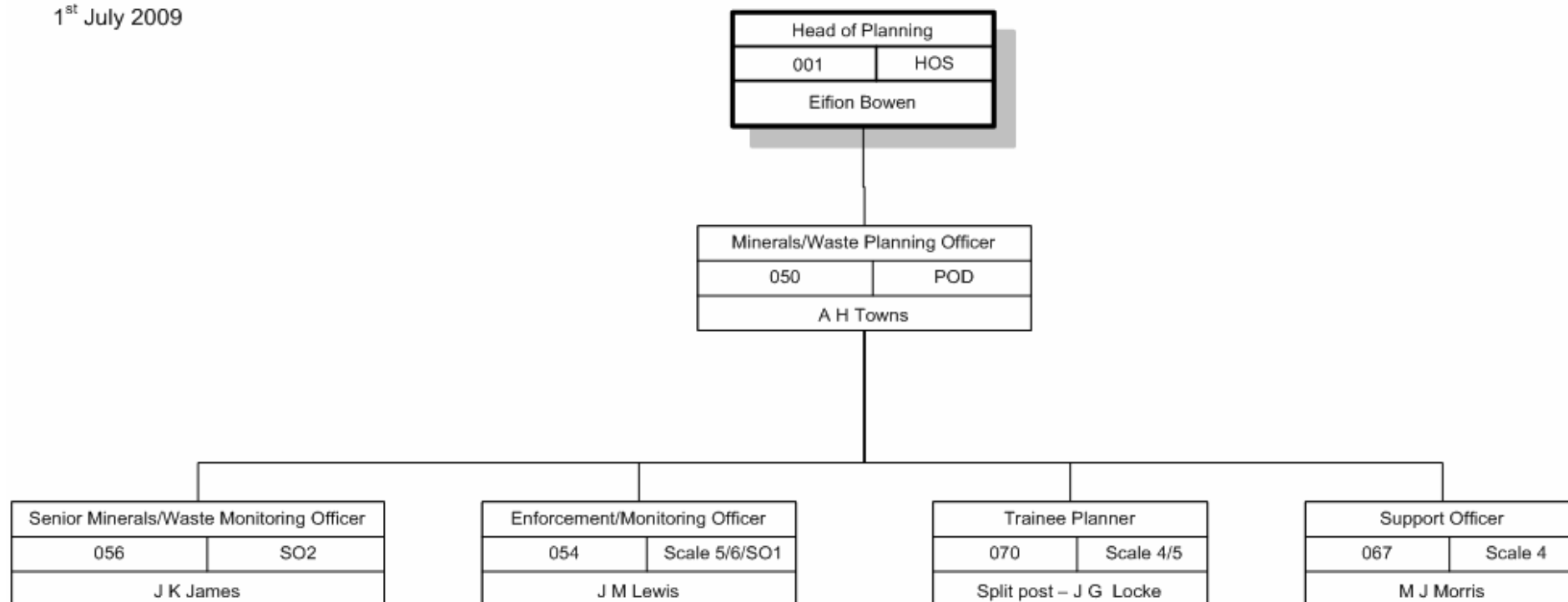
July 2009

Powys Council

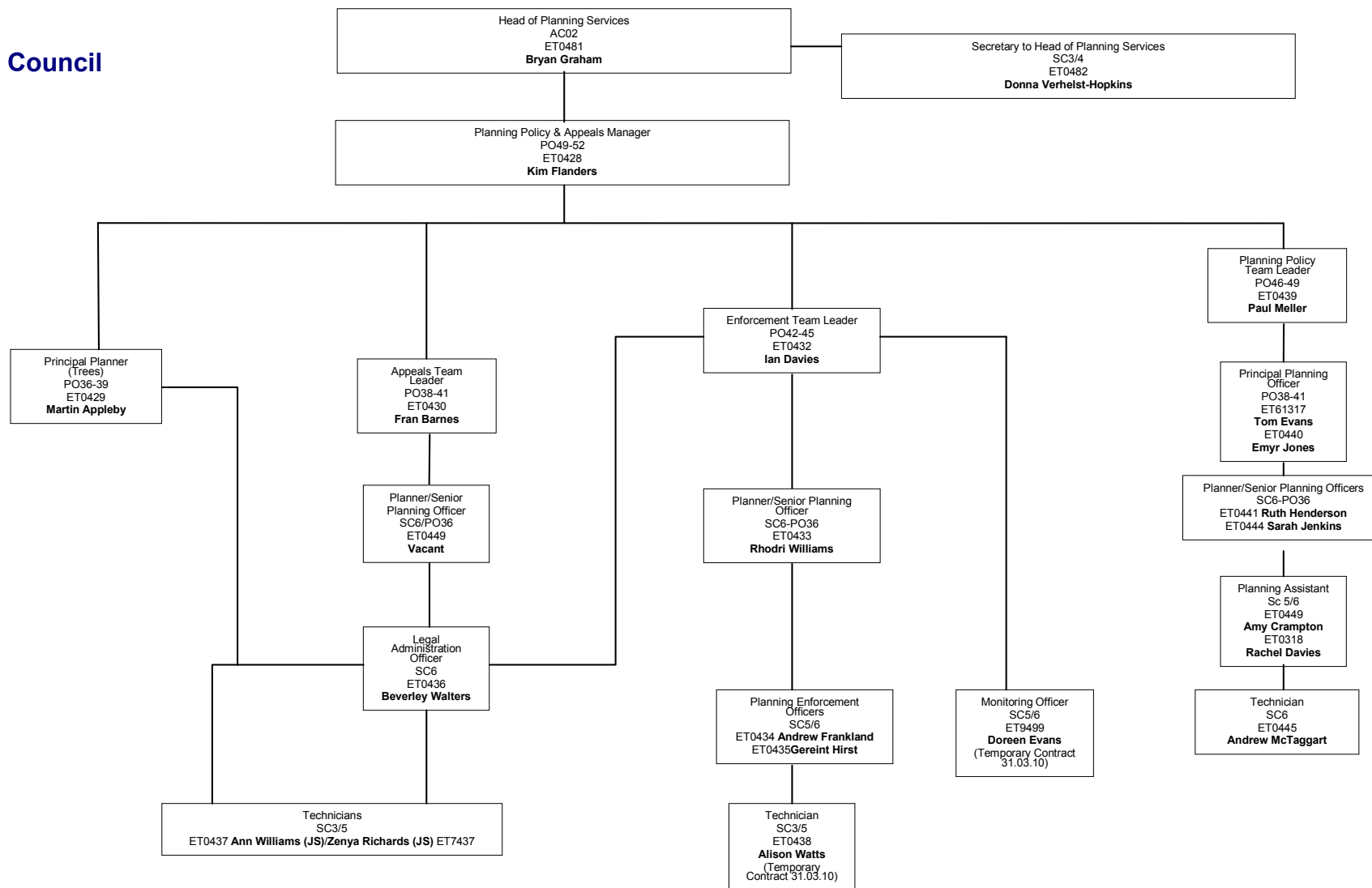


Carmarthenshire Council

Minerals & Waste
1st July 2009

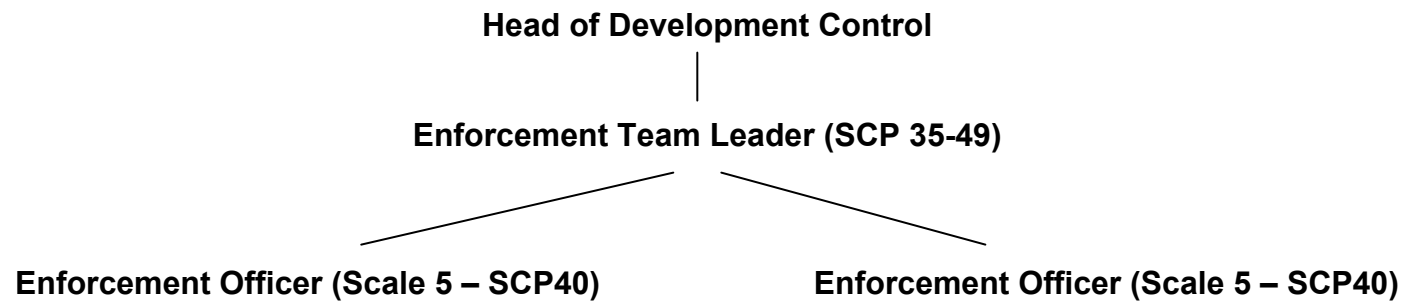


Swansea Council



Full time Filled Posts X 16
 Full Time Vacant Posts X 1 (ET0430)
 (TC) Temporary Contract X 2 (ET0438 & ET09499)
 (JS) Job Share X 1 (2 people)(ET0437 & ET7437)
Total 20 Posts

Torfaen Council



Enforcement Technician (Scale 4-5)
(Responsible to Planning Support Services Supervisor)

**APPENDIX 5 -
LPAs' Adopted Work Practices**

LPA	Adopted Planning Enforcement Policy	A Planning Enforcement Good Practice Guide	Customer Charter
Anglesey	No	Yes	No
Blaenau Gwent	Yes	No	No
Brecon Beacons NPA	Not Answered	Yes	Yes
Bridgend	Yes	Yes	Yes
Caerphilly	No	No	Yes
Cardiff	No	No	No
Carmarthenshire	Yes	No	No
Ceredigion	No	No	No
Conwy	Yes	No	Yes
Denbighshire	No	No	Yes
Flintshire	Yes	No	Yes
Gwynedd	Yes	Yes	Yes
Merthyr Tydfil	Yes	Yes	No
Monmouthshire	Yes	No	Yes
Neath Port Talbot	No	Yes	No
Newport	No	No	Yes
Pembrokeshire	Not Answered	Yes	Not Answered
Pembrokeshire Coast NPA	No	No	Yes
Powys	Not Answered	Yes	Not Answered
Rhondda Cynon Taff	Yes	No	No
Snowdonia NPA	Yes	No	No
Swansea	No	Yes	No
Torfaen	Yes	No	No
Vale of Glamorgan	No	Yes	No
Wrexham	Yes	Yes	Yes

**APPENDIX 6 -
LPAs' Definitions of a Complaint**

LPA	Definition of Complaint
Anglesey	Any matter with the potential to be a breach of planning control
Blaenau Gwent	Any complaint of an alleged breach of planning control made by any party by whatever means of communication
Brecon Beacons NPA	Complaints that make reference to potential unauthorised development. Any 'complaint' received that is non planning related is not recorded. The 12 week target starts from the date of receipt to the date of resolution.
Bridgend	unauthorised building works, unauthorised change of use, unauthorised works to listed buildings, unauthorised advertisement displays, unauthorised works to trees in a conservation area or protected by a Tree Preservation Order, Failure to comply with a planning condition or similar limitation, Untidy land.
Caerphilly	One where there is potentially a breach of planning regulations.
Cardiff	Enquiry regarding alleged breach of planning control
Carmarthenshire	Any accusation or concerns over a potential breach in planning control
Ceredigion	We will investigate most issues raised with us
Conwy	Any matter that appears to be a breach of planning control
Denbighshire	We do not have a definition of a complaint. We deal with all alleged breaches of planning control as defined by the Act.
Flintshire	1. Any complaint received in writing and/or via telephone (if deemed to be urgent) received by the Enforcement Team 2. Any breaches of conditions identified by internal procedures 3. Breaches identified through the investigation process 4. Breaches identified through being pro-active 5. Formal High Hedge Complaints 6. Breaches identified through involvement in Inter Agency Special Projects and other joint working initiatives
Gwynedd	The Authority in its Enforcement Policy lists what it considers to be complaints and non-complaints but has no specific definition although such a definition would refer to complaints which involve planning considerations and usually with a valid name and address unless they refer to serious planning contraventions e.g. with regard to listed buildings where anonymous complaints would also be investigated rather than treated as low priority.

Merthyr Tydfil	Any person who is aggrieved either by the service provided or in regard to a planning related issue.
Monmouthshire	Allegations relating to the following defined breaches: Carrying out building operations or changing the use of a property without planning permission. • Building not in accordance with the approved plans or not complying with conditions of a planning permission. • Carrying out works to or demolition of a listed building without Listed Building Consent. • Certain demolition works within a conservation area. • Displaying certain signs or advertisements without consent.
Neath Port Talbot	As defined by POSW
Newport	Not formally defined. All complaints screened on receipt. If not relevant to planning referred on to other Council sections or external agencies.
Pembrokeshire	Any matter brought to the attention of the planning department which requires investigation by an enforcement officer d1 planning enforcement protocol
Pembrokeshire Coast NPA	An Enforcement Case relates to any number of complaints relating to a single alleged breach of planning control brought to the attention of the local planning authority by any party by whatever means of communication. i.e. we use the PI definition, and includes issues identified directly by officers of the Authority
Powys	NA
Rhondda Cynon Taff	Unauthorised Change of Use Engineering Operations Operational Development Breach of Conditions Works not in accordance with approved plans Contravention of Section 106 Agreements Untidy Land/Buildings Section 215 Works to Listed Buildings Unauthorised advertisements
Snowdonia NPA	Any compliance issue received by a member of the public and by internal officers that involves carrying out some sort of investigative work e.g. checking the site history, a site visit etc.
Swansea	Any matter which is reported as a breach of planning control
Torfaen	Any matter that is reported as a suspected/possible breach of planning control.
Vale of Glamorgan	Complaints include the following: Public complaints, anonymous complaints, councillor complaints and community councillor complaints.
Wrexham	Any alleged breach of Planning control.

APPENDIX 7 – Policy for Destroying Records

LPA	Policy for destroying records
Anglesey	Not Answered
Blaenau Gwent	No
Brecon Beacons NPA	Currently being addressed corporately.
Bridgend	Document Management System - hard copies of Notices retained
Caerphilly	Records currently kept indefinitely
Cardiff	Records are not destroyed. Details are scanned into data base
Carmarthenshire	No policy
Ceredigion	Not Answered
Conwy	No
Denbighshire	Not Answered
Flintshire	No written or informal policy at present with regard to enforcement files
Gwynedd	Have a corporate policy but to date no planning enforcement files have been destroyed under such a policy.
Merthyr Tydfil	N/A
Monmouthshire	Not Answered
Neath Port Talbot	All correspondence scanned
Newport	No policy for destruction in place and therefore all records are retained.
Pembrokeshire	No policy
Pembrokeshire Coast NPA	All records are retained.
Powys	NA
Rhondda Cynon Taff	Not Answered
Snowdonia NPA	N/A
Swansea	None
Torfaen	N/A
Vale of Glamorgan	N/A although since 2008 our enforcement files are scanned once closed and linked to the enforcement database.
Wrexham	Not Answered

**APPENDIX 8 –
Extent of Delegated Powers**

LPA	Extent of Delegated Powers
Anglesey	Where expedient, to authorise formal action
Blaenau Gwent	Not Answered
Brecon Beacons NPA	Not Answered
Bridgend	Service of all Notices (PCNs, S330s, ENs etc)
Caerphilly	Chief Planning Officer and Development Control Manager have delegated authority to pursue enforcement action in consultation with the Chair and Vice-Chair of the Planning Committee and the local Ward Members
Cardiff	Investigate, Issue Notices, Resolve Cases
Carmarthenshire	All power except stop notices, only Head of Planning Director has delegated authority for this action
Ceredigion	All enforcement matters delegated
Conwy	All enforcement matters are delegated to the Head of Service
Denbighshire	1. All case requiring No Further Action. 2. Urgent action cases - Stop Notices, Injunctions etc. 3. 215 notices, Listed Building Enf Notices, Discontinuance, TPO Notices, High Hedges, Enforcement Notices relating to unauthorised HMO's.
Flintshire	DELEGATED POWERS TO CHIEF PLANNING SERVICES OFFICER Schedule 1 DESCRIPTION POWER TPO's and Trees in Making, service and Conservation Areas. confirmation of provisional TPO's where no objection is received Revocation of TPO's Notices requiring replacement of trees. Making and service and recovery of costs in default. Determination of requests for consent to fell, top or lop trees covered by TPO's and/or in Conservation Areas. Granting or refusal. Dispensations with regard to replanting. Granting or refusal. Notices requiring Making, service and proper maintenance withdrawal and recovery of land S.215 of costs in default. Planning Making, service, and Contravention determination of Notices. response to any offers and representations made at time and place meetings Stop Notices. Making, service and withdrawal of Notice. Enforcement and

	Making, service, Special Enforcement variation Notices. and withdrawal. Requests for Making and service of information S.330 notices. Repetitive To decline to determine Applications. such applications. Applications for Consideration and Certificates of determination. Lawfulness of existing or proposed use or development. Advertisements Removal and/or obliteration and making and service of discontinuance orders. Building Preservation Making and service. Notices. Listed Building Enforcement Notices. Making, service, variation and withdrawal. Listed Building Making and service. Repairs Notices. Dangerous Structures Making and service. Orders. Urgent works to Making and service of preserve unoccupied notices and recovery listed buildings. of expenses.
Gwynedd	Delegated powers cover all aspects of enforcement action with no specific action reserved for a committee decision. However Officers would report to committee regarding individual high profile enforcement cases.
Merthyr Tydfil	Absolute
Monmouthshire	see separate note - answer too long for Excel
Neath Port Talbot	Not Answered
Newport	Enforcement issues that would be treated as 'minor applications' should an application be made, retrospective application refused. Major= >10 dwellings >0.5 ha />1000m ² of floor space >1 ha. minerals/waste.
Pembrokeshire	nothing goes to Committee
Pembrokeshire Coast NPA	Full delegated powers exist over all enforcement matters, but it is the practice in relation to initiating formal enforcement action to seek the formal authority of the Development Management Committee. It is considered that this provides a valuable safeguard for the Authority when it comes to subsequent hearings, prosecutions, etc.
Powys	The Head of Planning Services before and during the exercise of this power shall have appropriate discussions with the local representative for the electoral division affected.
Rhondda Cynon Taff	Not Answered
Snowdonia NPA	Full delegated powers.

Swansea	All matters except where enforcement action would result in the loss of a residentially occupied unit or the recommendation is for no further action and the ward member does not agree. In these circumstances the matter is referred to the Area Development Control Committee
Torfaen	Issuing of Enforcement Notices is authorised by Head of DC in consultation with the Chief Officer and Legal Officer. To close cases on the grounds that it is inexpedient to take enforcement action – authorised by Head of DC.
Vale of Glamorgan	Only the planning committee can authorise the service of an enforcement notice and only the head of the Legal department can sign an enforcement notice. All other Notices are authorised and signed by the Head of Planning and Transportation. He also makes a 'non-expediency' decision. An Officer in the team can decide whether or not there is a breach of planning control.
Wrexham	Full powers, but having notified the Local Member, Chair and Vice Chair of Planning Committee

APPENDIX 9 – Committee Details

LPA	Committee for Enforcement Matters	Committee responsibilities	No. of Committee Members
Anglesey	Not currently reported, but if any matter required to be reported, would be to Planning and Orders Committee	Not Answered	14
Blaenau Gwent	Planning Committee	Planning Applications and Enforcement Authorisations	Not Answered
Brecon Beacons NPA	All enforcement cases that has been considered expedient to pursue formal action, are reported to Planning Committee seeking authority to commence.	To exercise the Authority's powers and duties for the control of development, enforcement of planning controls and other related matters.	24
Bridgend	If any - Development Control Committee	To deal with all matters related to Development Control & Enforcement	18
Caerphilly	In consultation with the Chair and Vice Chair of the Planning Committee and local ward Members, matters are referred to Planning Committee when there is not unanimous agreement with the Officer recommendation. Where the Members disagree with the Officer's recommendation, the matter is reported to Planning Committee.	The determination of all applications for permission or consent under the planning statutes that are not determined under delegated powers.	33
Cardiff	Planning Committee	Planning matters	12
Carmarthenshire	1.Planning Committee 2.Scrutiny	1.Determine planning applications and highlight enforcement cases 2. Monitor performance	22 on Planning 14 Scrutiny
Ceredigion	Not Answered	Not Answered	Not Answered
Conwy	Planning Committee - this is only undertaken if the case is contentious otherwise it is delegated to the enforcement team	To determine planning applications and to make a decision on enforcement related cases	30 approx
Denbighshire	Planning Committee	Authorising the enforcement action recommended.	27
Flintshire	Not Answered	Not Answered	Not Answered
Gwynedd	Planning enforcement matters are all delegated and do not have to be reported to the Planning Committee although officers might decide to refer a limited number of high profile cases to committee. Retrospective planning applications to resolve complaints would be dealt with under delegated procedures unless a request was made by a member or 3 letters contrary to officer recommendation was received resulting in the matter being considered by committee.	All three area committees have full Planning Committee powers but the Head of Planning or the Planning Services Manager have the right to call any matter to a Central Planning Committee for consideration if they consider that an Area Planning Committee's decision requires this. All Members are Planning Committee Members with regard to their specific Area Committees and the Central Planning Committee is composed of 15 Members elected on a Party representation basis. The Council is presently considering replacing the Three Area Committees with one committee containing 15 Members.	All
Merthyr Tydfil	Planning and Regulatory Committee - Information Only	Plenary powers	10
Monmouthshire	To consider offers and representations made under Section 171C(4) of the Act (responses to Planning Contravention Notices). B.3 To remove unauthorised advertisements, placards and posters under Sections 224 and 225 of the Act.	Planning Applications determination Planning Enforcement TPO	16
Neath Port Talbot	Planning and development control	deal with planning related issues	Not Answered
Newport	Planning Committee	Planning/ Listed Buildings/ TPOs	11
Pembrokeshire	NA	NA	NA
Pembrokeshire Coast NPA	Development Management Committee	All matters relating to planning applications, compliance with conditions of consent and enforcement.	18

Powys	Planning Committee	Determination of planning applications that have been referred by officers to the committee or that have been "called in" for planning reasons by the local representative (county councillor).	15
Rhondda Cynon Taff	Relevant Area Development Control Committee eg Rhondda Area D.C Cynon Area D.C Taff Ely Area D.C.	All Development Control matters	75 Total (includes the 3 area Committees)
Snowdonia NPA	Planning and Access Committee	Not Answered	18
Swansea	Area Development Control Committees (x2)	1. To discharge the functions of the council with regard to planning control and building control services. 2.To discharge the functions of the Council with regard to Public ROW under S257 of the T&CPA 1990, Commons Registration and Village Greens 3. To act as an advisory body to Cabinet with regards to Public ROW orders under the Highways Act 1980 * the Wildlife & Countryside Act 1981	40 on each
Torfaen	N/A All enforcement powers are delegated to the Enforcement Team Leader/The Head of DC and the Head of Planning & Public Protection.	N/A	N/A
Vale of Glamorgan	Planning Committee	They have only the responsibility for deciding whether an Enforcement Notice should be served.	19
Wrexham	Planning	To decide when case is referred to them (exceptions)	15

**APPENDIX 10 –
Information Provided in Update
Reports to Councillors**

LPA	Information provided in Update Reports to Councillors
Blaenau Gwent	Details of compliance without the need for formal action following authorisation, Details of compliance with notices, Details of prosecutions, Enforcement appeal decisions
Brecon Beacons NPA	Reports are presented to Planning Committee summarising formal action that has been carried out following previous resolutions as well as appeals lodged and determined and cases where it has not been expedient to pursue or no breach found.
Bridgend	No of complaints received, breakdown of types of complainants, time taken to acknowledge, time taken for site visits, no of complainants advised of outcome in 42 days, number of cases resolved in 12 weeks, no of applications received following invite.
Caerphilly	Nature of reports to be provided to Members currently under consideration.
Carmarthenshire	To Scrutiny only the performance indicator of % resolved within 12 weeks To Planning Committee report of all live cases and those resolved within the quarter
Denbighshire	Details of each case with brief update section on progress. i.e. with legal for production of notice, site visit undertaken breach remedied.
Merthyr Tydfil	Of a varying nature
Newport	Prosecution outcomes- currently being reviewed. Enforcement Notices issued, no of complaints received and other performance related statistics.
Pembrokeshire	NA
Pembrokeshire Coast NPA	Progress reported on key cases only, with summary reporting quarterly on volumes of activity in respect of complaints and performance indicators.
Powys	History of complaint to date and proposed action. may include other relevant information such as financial or medical information where necessary.
Rhondda Cynon Taff	Number of cases received Number of cases resolved Number of cases resolved by development type. Number of cases received by different complainant source (eg, Councillors, public, anonymous, internal, proactive) Number of delegated enforcement decisions Number of enforcement appeals
Snowdonia NPA	Sufficient information appertaining to that case but this does not include naming any interested parties e.g who the owner is.

Swansea	Statistical details of complaints i.e numbers received, resolved and performance within 12 weeks. Details of authorisations for action. Updates on progress of enforcement actions
Torfaen	Stats that are needed by the Welsh Assembly. The outcome of enforcement appeals and prosecutions.
Vale of Glamorgan	The enforcement stats and enforcement cases of note are reported on a quarterly basis to the planning committee. otherwise, a councillor will be updated by e-mail or letter if he has had any involvement in an enforcement case.