

MONITORING & ENFORCEMENT CUSTOMER CHARTER

1. SUMMARY

Development Management is about controlling the way the environment around us is changed by people or companies who wish to build on it in some way. There are complex national laws and local guidelines in place to control how the development of our environment takes place.

The new Monitoring & Enforcement charter (attached) gives information on the procedures and the powers available to the Council to ensure the planning laws are upheld and the standards of service our customers can expect from the Development Management service.

Control of unlawful development would be much less effective without pro-active planning enforcement. The public's faith in fair and legal Development Management would be undermined and lack credibility if effective planning enforcement did not happen.

The reputation of Development Management therefore relies on an effective planning enforcement service, to ensure that development is implemented within the terms of any planning consents and that all unauthorised development is investigated.

Unfortunately, works are sometimes carried out without the benefit of planning permission, or conditions attached to planning consents are not adhered to. In such cases, the Council has the responsibility to decide whether it is expedient to take action and powers available to enforce planning controls. The Council actively monitors development but due to the volume of new developments there is also a role for the public in alerting the Council if they become aware of possible breaches. We will investigate all alleged breaches, but have discretion as to whether it is expedient or appropriate to take enforcement action.

The purpose of the charter is to increase the public's awareness of planning enforcement, explain what enforcement means, advise what the Council can do and explain how the Council carries out the enforcement service. Importantly, it also explains how the public have an important role as part of the planning enforcement process and how the Council often relies on the public to draw its attention to breaches of planning control.

2. RECOMMENDATIONS

It is recommended that Members

- i) Note the content of the report;
- ii) Endorse the Charter as technical guidance for our Officers to follow;
- iii) Support the content of the Monitoring & Enforcement Charter.

3. IMPLICATIONS

3.1	Policy	No Policy issues as this is a technical guidance
3.2	Financial	Monitoring and Enforcement can stimulate the submission of planning applications and also require the Council to commit to direct action (in certain cases). The former may generate income whilst the latter may require funding resource. This Charter is a technical note and principally outlines what customers can expect from our service and what powers are already available to officers so no specific financial implications are noted.
3.3	Personnel	Nil
3.4	Equalities Impact Assessment	Nil
3.5	Legal	Input to the Charter has been provided by Legal Services.

Author of Report: Ross McLaughlin

Date: 9th Aug 2012

Reviewing Officer: Richard Kerr

Date: 10th Aug 2012

**Angus J Gilmour
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