

# Pecyn Dogfennau



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
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DYDD IAU, 24 TACHWEDD 2016

**AT: HOLL AELODAU'R PWYLLGOR CRAFFU CYMUNEDAU A'R PWYLLGOR CYNLLUNIO**

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD AR Y CYD O'R **PWYLLGOR CRAFFU CYMUNEDAU A'R PWYLLGOR CYNLLUNIO** SYDD I'W GYNNAL YN **SIAMBR, NEUADD Y SIR, CAERFYRDDIN AM 1.30 PM AR DYDD LLUN, 5ED RHAGFYR, 2016** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

*Mark James* CBE

**PRIF WEITHREDWR**



**AILGYLCHWCH OS GWELWCH YN DDA**

|                              |  |
|------------------------------|--|
| Swyddog Democrataidd:        | Kevin Thomas   |
| Ffôn (Llinell Uniongyrchol): | 01267 224027   |
| E-bost:                      | <a href="mailto:kjthomas@sirgar.gov.uk">kjthomas@sirgar.gov.uk</a> |
| Cyf:                         | AD016-001  |

# PWYLLGOR CRAFFU CYMUNEDAU

## 13 AELOD

### GRŴP PLAID CYMRU – 5 AELOD

- |    |            |              |
|----|------------|--------------|
| 1. | Cynghorydd | J.M. Charles |
| 2. | Cynghorydd | J.K. Howell  |
| 3. | Cynghorydd | G.B. Thomas  |
| 4. | Cynghorydd | D.O. Tomos   |
| 5. | Cynghorydd | J. Thomas    |

### GRŴP ANNIBYNNOL – 4 AELOD

- |    |            |                             |
|----|------------|-----------------------------|
| 1. | Cynghorydd | W.R.A. Davies               |
| 2. | Cynghorydd | H.I. Jones                  |
| 3. | Cynghorydd | H.B. Shepardson             |
| 4. | Cynghorydd | E.G. Thomas (Is-Gadeirydd ) |

### GRŴP LLAFUR – 4 AELOD

- |    |            |                        |
|----|------------|------------------------|
| 1. | Cynghorydd | D.M. Cundy (Cadeirydd) |
| 2. | Cynghorydd | S.L. Davies            |
| 3. | Cynghorydd | T. Devichand           |
| 4. | Cynghorydd | S. Matthews            |

# PWYLLGOR CYNLLUNIO 19 AELOD

## Y GRŴP PLAID CYMRU – 7 AELOD

- |    |                           |                                    |
|----|---------------------------|------------------------------------|
| 1. | Y Cyngorydd J.M. Charles  | Aelod o Gyngor Cymuned Llanegwad   |
| 2. | Y Cyngorydd W.T. Evans    | Aelod o Gyngor Cymuned Llanyndeyrn |
| 3. | Y Cyngorydd J.K. Howell   |                                    |
| 4. | Y Cyngorydd W.J. Lemon    | Aelod o Gyngor Tref Llanelli       |
| 5. | Y Cyngorydd A. Lenny      | Aelod o Gyngor Tref Caerfyrddin    |
| 6. | Y Cyngorydd M.J.A. Lewis  |                                    |
| 7. | Y Cyngorydd J.S. Williams | Aelod o Gyngor Cymuned Pontyberem  |

## Y GRŴP LLAFUR – 6 AELOD

- |    |                         |                                  |
|----|-------------------------|----------------------------------|
| 1. | Y Cyngorydd A.P. Cooper | Aelod o Gyngor Cymuned Llandybïe |
| 2. | Y Cyngorydd T. Davies   | Aelod o Gyngor Cymuned Gors-las  |
| 3. | Y Cyngorydd D.C. Evans  | Aelod o Gyngor Tref Rhydaman     |
| 4. | Y Cyngorydd A.W. Jones  |                                  |
| 5. | Y Cyngorydd K. Madge    | Aelod o Gyngor Tref Cwmaman      |
| 6. | Y Cyngorydd M.K. Thomas | Aelod o Gyngor Cymuned Llannon   |

## Y GRŴP ANNIBYNNOL – 6 AELOD

- |    |                          |                                    |
|----|--------------------------|------------------------------------|
| 1. | Y Cyngorydd S.M. Allen   | Aelod o Gyngor Tref Hendy-Gwyn     |
| 2. | Y Cyngorydd D.B. Davies  | Aelod o Gyngor Cymuned Llansteffan |
| 3. | Y Cyngorydd I.W. Davies  |                                    |
| 4. | Y Cyngorydd J.A. Davies  |                                    |
| 5. | Y Cyngorydd I.J. Jackson | Aelod o Gyngor Tref Llanyddyfri    |
| 6. | Y Cyngorydd H.I. Jones   | Aelod o Gyngor Cymuned Bronwydd    |

## DIRPRWYON ENWEBEDIG

### Y Grŵp Plaid Cymru (4)

1. Y Cyngorydd D.J.R. Llewellyn
2. Y Cyngorydd D.O. Tomos
3. Y Cyngorydd G.B. Thomas
4. Y Cyngorydd J.E. Williams

### Y Grŵp Llafur (4)

- |    |                          |  |
|----|--------------------------|--|
| 1. | Y Cyngorydd R. Bartlett  |  |
| 2. | Y Cyngorydd P.M. Edwards |  |
| 3. | Y Cyngorydd J.D. James   | Aelod o Gyngor Tref Pen-bre a Phorth Tywyn |
| 4. | Y Cyngorydd P.E.M. Jones | Aelod o Gyngor Tref Pen-bre a Phorth Tywyn |

### Y Grŵp Annibynnol (4)

- |    |                             |                                   |
|----|-----------------------------|-----------------------------------|
| 1. | Y Cyngorydd W.J.W. Evans    | Aelod o Gyngor Cymuned Llanddarog |
| 2. | Y Cyngorydd P.M. Hughes     |                                   |
| 3. | Y Cyngorydd D.W.H. Richards |                                   |
| 4. | LLE GWAG                    |                                   |

# AGENDA

1. PENODI CADEIRYDD AR GYFER Y CYFARFOD.
2. YMDDIHEURIADAU AM ABSENOLDEB
3. DATGAN BUDDIANNAU PERSONOL
4. DATGAN CHWIP WAHARDDDEDIG.
5. CWESTIYNAU GAN Y CYHOEDD (NID OEDD DIM WEDI DOD I LAW)
6. GRWP GORCHWYL A GORFFEN Y PWYLLGOR CRAFFU CYMUNEDAU 2013/14 - MONITRO'R CYNLLUN GWEITHREDU 5 - 20
7. LLOFNODI YN GOFNODAU CYWIR, COFNODION Y CYFARFOD A GYNHALIWDYD AR Y 24AIN MAWRTH, 2016 21 - 24

# CYD-GYFARFOD O'R PWYLLGOR CRAFFU CYMUNEDAU A'R PWYLLGOR CYNLLUNIO 5ED RHAGFYR 2016

## Grŵp Gorchwyl a Gorffen y Pwyllgor Craffu Cymunedau 2013/14 – Monitro'r Cynllun Gweithredu

### *Polisi a'r Protocolau o ran Gorfodi Rheolau Cynllunio*

#### **Ystyried y materion canlynol a chyflwyno sylwadau arnynt:**

- Ystyried y camau a gymerwyd mewn perthynas â'r argymhellion a gyflwynwyd gan Grŵp Gorchwyl a Gorffen y Pwyllgor Craffu Cymunedau yn dilyn yr adolygiad o'r polisi a'r protocolau o ran gorfodi rheolau cynllunio yn ystod 2013/14.

#### **Rhesymau:**

- Lluniwyd yr holl argymhellion gan aelodau'r Grŵp Gorchwyl a Gorffen wedi iddynt ystyried y tystiolaeth a dderbyniwyd yn ystod yr adolygiad.
- Mae gan Bwyllgorau Craffu ran allweddol i'w chwarae mewn perthynas â monitro'r camau i roi'r argymhellion ar waith.
- Yn ei gyfarfod ar y 28ain Gorffennaf 2014, fe wnaeth y Bwrdd Gweithredol ofyn bod yr adolygu o effaith y Protocol Gorfodi diwygiedig ac argymhellion yr adolygiad, fel y cynigiwyd yn wreiddiol o dan argymhelliad 23, yn cael ei weithredu gan y Pwyllgor Craffu Cymunedau ar y cyd gyda'r Pwyllgor Cynllunio, yn hytrach na thrwy grŵp ffocws.
- Yng nghyd-gyfarfod y 24ain o Fawrth, gofynodd aelodau bod y Pwyllgorau yn cyfarfod eto ymhen chwech mis i fonitro'r cynnydd o ran gweithredu argymhellion yr adolygiad gan y grŵp gorchwyl a gorffen.

**Angen cyfeirio'r mater at y Bwrdd Gweithredol er mwyn gwneud penderfyniad:  
NAC OES**

**Aelod y Bwrdd Gweithredol sy'n gyfrifol am y Portffolio:**  
Cyng. L.M. Stephens ( Adnoddau Dfynol, Effeithlonrwydd a Chydweithio)

|  |                         |  |
|--|-------------------------|--|
| <b>Y Gyfarwyddiaeth:</b><br>Yr Amgylchedd          | <b>Swyddi:</b>          | <b>Rhifau Ffôn / Cyfeiriadau E-bost:</b>   |
| <b>Enw Pennaeth y Gwasanaeth:</b><br>Llinos Quelch | Pennaeth Cynllunio      | 01267 228918<br><a href="mailto:lquelch@sirgar.gov.uk">lquelch@sirgar.gov.uk</a>     |
| <b>Awdur yr adroddiad:</b><br>Julian Edwards       | Rheolwr Rheoli Datblygu | 01267 228659<br><a href="mailto:jdedwards@sirgar.gov.uk">jdedwards@sirgar.gov.uk</a> |

## EXECUTIVE SUMMARY

# JOINT MEETING OF THE COMMUNITY SCRUTINY COMMITTEE AND THE PLANNING COMMITTEE 5<sup>th</sup> December 2016

### Community Scrutiny Committee Task & Finish Group 2013/14 – Action Plan Monitoring

#### *Planning Enforcement Policy and Protocols*

#### **Review Background**

The Community Scrutiny Committee has a key role to play in monitoring services, development of key policies and strategies, as well as identifying areas for improvement or development.

At its meeting on the 3rd December 2012, the Community Scrutiny Committee unanimously resolved that a task and finish group be established to review the planning enforcement policy and protocols. The start of the review was deferred until June 2013 to allow consideration of the draft Planning Bill Wales.

#### **Objectives and Scope**

The main objectives of the review were to consider:

- To review the current planning enforcement policy and protocols.
- To identify and evaluate the current enforcement activities undertaken by the Planning Services Division.
- To identify potential improvements and alternative delivery models for these enforcement services which are affordable and effective.
- Complaints and advice in relation to nuisance high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
- To formulate recommendations for consideration by the Executive Board.

## Approach

The Task and Finish Group consisted of the following elected members:

- Cllr. Deryk Cundy (Labour)
- Cllr. Ken Howell (Plaid Cymru)
- Cllr. Anthony Jones – Chair (Labour)
- Cllr. Irfon Jones (Independent)
- Cllr. Hugh Shepardson (Independent)
- Cllr. Jeff Thomas (Plaid Cymru)

An invitation was also extended to members of the Planning Committee to join the task and finish group. The following members were co-opted onto the Group:

- Cllr. Peter Cooper (Labour)
- Cllr. Tyssul Evans (Plaid Cymru)
- Cllr. Tom Theophilus (Independent)

The Group held 9 meetings between June 2013 and March 2014. It also conducted a survey with local members in relation to enforcement activity. A key focus was to review and amend the existing policy and protocol which had been ratified in June 2000.

## Final Report and Recommendations

At a joint meeting of the Community Scrutiny Committee and the Planning Committee on the 23rd June 2014, members unanimously resolved to endorse the report and its recommendations to the Executive Board for consideration, subject to amendments agreed at the meeting, namely that:

- The Head of Planning to circulate relevant planning information to Farmers' Unions.
- The Head of Planning to ensure notification of enforcement activity to local members highlights the relevant address.
- The report be circulated to all members following consideration by the Executive Board.

The report was duly endorsed by the Executive Board at its meeting on the 28th July 2014 which requested that the monitoring of the implementation of the recommendations be undertaken by the Community Scrutiny Committee, in conjunction with the Planning Committee.

Planning enforcement cases are now assessed in accordance with this adopted protocol.

Enforcement timescales, as identified in paragraph 2 of the Protocol, are now:

- Top priority cases Within 2 working days
- High priority cases Within 5 working days
- Medium priority cases Within 10 working days
- Lower priority cases Within 15 working days



The National target of resolving a case within 12 weeks remains, and is regularly reported to Planning Committee on a quarterly basis. Resolved is defined as:

- i) No breach found
- ii) Not expedient to take action
- iii) Breach ceased
- iv) Retrospective planning application received
- v) Relevant notice served

The target figure identified for 2015/16 (as it has been in previous years) is that 80% of enforcement matters should be 'resolved' within a 12 week period. This is reported to the Planning Committee on a quarterly basis, and the most recent figure in this regard showed that, for Quarter 2 (July, August, September) the figure stood at 75% (76 out of 101) This follows earlier quarterly reports where the figure had been lower (49% and 64%). These earlier figures had arisen, primarily, due to a decision taken to 'clear' any historic outstanding cases.

Notwithstanding the nature of the current PI, the process of how a Planning Enforcement service in Wales is measured is currently the subject of review. The purpose behind this is to seek to develop a suite of measures that better reflects the 'staged' nature of any enforcement investigation and outcome, and to introduce a more qualitative approach and understanding of how a case progresses. This is a piece of work that was the subject of a recent All-Wales group meeting, and it is anticipated that changes relating thereto will be introduced for the year 2017/18.

Following every task and finish review, an action plan is developed in order to assist members of the relevant scrutiny committee in monitoring progress in relation to the implementation of the recommendations.

The attached implementation plan has been completed by the relevant officers in order to provide an update on progress to date in relation to this review.

Additionally, following earlier joint meetings, the Community Scrutiny and Planning Committees have raised the issues bullet pointed below. An updated commentary is provided to these, which reflects actions against the recommendations in the Action Plan:

On the 14<sup>th</sup> September 2015, the recommendation below was put forward. This has been reported back previously, although there is an updated position outlined below

- ***The Committees are disappointed that the recommendation to develop a protocol with Dyfed-Powys Police for information sharing and to investigate the possibility of allowing access to the Police secure database has not been progressed in a timely manner. Whilst they recognise that Dyfed-Powys Police are proactive in relation to individual enforcement case deemed a high risk, they feel that a more formal arrangement is required to enhance the Planning Enforcement risk assessment process and staff safety. The Committee therefore respectfully request that the Executive Board make strong representations to the Police and Crime Commissioner to ensure that formal arrangements are progressed through dialogue between the appropriate Police representative and the Director of Environment and Head of Planning.***

For information, a Corporate Multi-Disciplinary Group has now been established that will seek to progress this issue as part of its work plan. An invite has been received



1. Local Member(s) – N/A
2. Community / Town Council – N/A
3. Relevant Partners – N/A
4. Staff Side Representatives and other Organisations – N/A

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW:**

| Title of Document  | File Ref No. / Locations that the papers are available for public inspection  |
|--|---|
| Joint Community Scrutiny Committee and Planning Committee meeting – Task & Finish Group 2013/14 Action Plan Monitoring (14th September 2015) | <b>Report and Minutes:</b><br><a href="http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=186&amp;MId=193&amp;Ver=4">http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=186&amp;MId=193&amp;Ver=4</a> |

| Title of Document   | File Ref No. / Locations that the papers are available for public inspection  |
|---|---|
| <p>Community Scrutiny Committee Task &amp; Finish Group Final Report 2013/14: Planning Enforcement Policy and Protocols – Executive Board (28th July 2014)</p>  | <p><b>Report:</b><br/> <a href="http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20140728/REP03.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20140728/REP03.HTM</a></p> <p><b>Minutes:</b><br/> <a href="http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20140728/MINUTES.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/EXEB20140728/MINUTES.HTM</a></p>                        |
| <p>Community Scrutiny Committee Task &amp; Finish Group Final Report 2013/14: Planning Enforcement Policy and Protocols – Joint meeting of the Community Scrutiny Committee and Planning Committee (23rd June 2014)</p> | <p><b>Report:</b><br/> <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20140623/REP04.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20140623/REP04.HTM</a></p> <p><b>Minutes:</b><br/> <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20140623/MINUTES.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20140623/MINUTES.HTM</a></p>                        |
| <p>Task &amp; Finish Group Planning and Scoping Document – Community Scrutiny Committee (9th July 2013)</p>   | <p><b>Planning and Scoping Document:</b><br/> <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20130709/REP05.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20130709/REP05.HTM</a></p> <p><b>Minutes:</b><br/> <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20130709/MINUTES.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20130709/MINUTES.HTM</a></p> |
| <p>E&amp;PP Scrutiny Committee Task &amp; Finish Review 2012/13 Final Report – Enforcement Services (13th June 2013)</p>  | <p><b>Report:</b><br/> <a href="http://online.carmarthenshire.gov.uk/agendas/eng/ENMT20130613/REP07.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/ENMT20130613/REP07.HTM</a></p>  |
| <p>Referral from E&amp;PP Scrutiny Committee – Community Scrutiny Committee (3rd December 2012)</p>   | <p><b>Report:</b><br/> <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20121203/SUM06.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20121203/SUM06.HTM</a></p> <p><b>Minutes:</b><br/> <a href="http://online.carmarthenshire.gov.uk/agendas/eng/COMM20121203/MINUTES.HTM">http://online.carmarthenshire.gov.uk/agendas/eng/COMM20121203/MINUTES.HTM</a></p>                        |

# Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

| RECOMMENDATIONS   | PROGRESS   | TARGET DATE  | RESPONSIBLE                      |
|---|--|--|----------------------------------|
| <p>1. To provide training for Members on the need to consider 'expediency' when deciding on any enforcement action including when formal action should be taken under legislation relating to another service area as opposed to Planning legislation</p> | <p>The implications of the new Planning Bill have been the main priority during the last year in terms of briefings for Members.<br/>It had been intended to arrange a training seminar this last autumn with Legal to instruct a barrister to present the training.<br/>A corporate pot of £1,500 was made available to fund the training.<br/>The key focus was aimed to be "material consideration" and "expediency". Given the raft of secondary legislation and procedures on development management released over the last month or so it is the intention to combine this training now with updates on the newly introduced secondary legislation relating to Development Management and Enforcement.</p> | <p>December 2015 – Revised given the recent introduction of the WG secondary legislation. Date to be confirmed</p> | <p>Relevant Heads of Service</p> |
| <p>2. To state the reasons why formal enforcement action is taken and make the reasons for decisions more explicit in reports refusing retrospective planning applications or where informal negotiations fail.</p>                                       | <p>Regular meeting are held with Planning Enforcement Officers (PEOs) and decisions discussed. Decision reports are signed off by Senior Planning Enforcement Officers.</p>  | <p>October 2014/ completed</p>   |                                  |
| <p>3. To reinforce the use of Councillor Enquiry as governed by Democratic</p>  | <p>Process is in place. Democratic Services email Planning which has one point of contact for enquiries regarding any</p>  | <p>September 2014/</p>   |                                  |

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

|  |   |                                      |  |
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| <p>Services protocol to Members in relation to Enforcement Complaints as a means of ensuring a case is opened as appropriate.</p>  | <p>aspect of Planning.<br/>Planning open an enforcement case meeting the 10 day deadline for responses.<br/>Enforcement investigations may take longer than 10 days in which case Planning Enforcement Officers liaise directly with the Local Member to advise them of progress.</p>   | <p>completed</p>                     |  |
| <p>4. To ensure Local Members are notified of any enforcement activity in their area, kept informed of progress and made aware of the outcome in all cases.</p>  | <p>PEOs have been instructed to ensure Local Members are notified of any enforcement activity in their area, kept informed of progress and made aware of the outcome in all cases.<br/>Local Members are requested to email the Head of Service in the event this procedure is not adhered to.<br/>The Planning Committee considers performance in relation to enforcement activity and the national indicator (that enforcement cases should be resolved within 12 weeks) on a quarterly basis through an exempt report.</p> | <p>September 2014/<br/>Completed</p> |  |
| <p>5. That Enforcement timescales as identified in para 2 of the Protocol be endorsed, i.e.</p> <ul style="list-style-type: none"> <li>• Top priority cases Within 2 working days</li> <li>• High priority cases Within 5 working days</li> <li>• Medium priority cases Within 10 working days</li> <li>• Lower priority cases Within 15 working days</li> </ul> | <p>The Executive Board endorsed the protocol at its meeting on the 28<sup>th</sup> of July 2014 including these recommendations.</p> <p><a href="#">Link to Executive Board minutes 28.07.2014</a></p>  | <p>Completed</p>                     |  |

# Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

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| <p>6. To integrate the following enforcement breaches as priorities for investigation in the Protocol:</p> <ul style="list-style-type: none"> <li>• Unauthorised building works</li> <li>• Illegal caravans</li> <li>• Non-compliance with conditions / approved drawings</li> <li>• Change of use of land / buildings</li> <li>• Unsocial uses</li> </ul> <p>7. To continue to investigate all anonymous complaints as included within the revised Protocol.</p> |   |  |  |
| <p>8. To endorse the revised Enforcement Protocol (Appendix A) and recommend the development of a plain language guide for the public and Local Members.</p>  | <p>The target date for this was revised in light of the work being done prior to the launch of the new corporate website launched in June 2015. Comprehensive information about planning and enforcement is available on the new website. The website pages have required further updating to reflect the introduction of WG secondary legislation. The Multi Disciplinary Corporate Enforcement Group met for the first time on the 14<sup>th</sup> March. It is anticipated that this Group will lead on this.</p> <p><a href="#">Link to Planning web pages</a></p> <p>This includes a link to i-Local with details on how to report</p> | <p>November 2015 – revised date to be agreed</p> |  |

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

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| <p>To keep complainants (apart from anonymous complaints) up to date in terms of progress with cases and notify them of decisions made, including the reasons for the decision to take further action or not.</p>       | <p>an alleged breach (an on-line form is available), as well as what a complainant can expect to happen following their report.</p> <p><a href="#">Link to i-Local - report an alleged breach of planning</a></p> <p>A paper guide for Local Members had not been completed as the Planning Bill proposals will have implications for the service including enforcement activity. Royal assent was given on the Bill on 6th July 2015 and the secondary guidance is expected by the end of the year.</p> <p>Additionally the implementation of the new corporate website and improved access to information for the public and Local Members, inline the adopted corporate move to “Do it online”, obviates the need for a paper guide.</p> | <p>Completed</p>   |  |
| <p>9. To develop a protocol and working systems to ensure general planning permission enquiries are signposted to other relevant permissions that may be required such as Trees, Conservation and Listed Buildings.</p> | <p>TIC review completed and new process with an emphasis on pre-planning application in place. The process is checked on a regular basis.</p> <p>Comprehensive information is available on the new corporate website which includes other relevant permissions that may be required.</p> <p><a href="#">Link to guidance for submitting a planning application</a></p>  | <p>November 2014 revised to June 2015/<br/>Completed</p> |  |



## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

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| <p>10. To recommend the use of temporary stop notices by the Local Planning Authority, which is not enacted in Wales under the Planning Act 2004 when responding to consultation on the new Planning Bill (Wales).</p> | <p>Enacted in Wales</p>   | <p>Completed</p>   |  |
| <p>11. To support the charging for pre-application advice in light of the draft Planning Bill Wales and in advance of any future advice in relation to fees.</p>   | <p>This is a specific proposal which potentially has resource implications. An initial report has been taken to the Corporate Management Team and will be presented to Community Scrutiny and Planning Committee this autumn.</p> <p>WG introduced a formal pre-application consultation process, with charging regime, on the 16<sup>th</sup> March. Local Planning Authorities are given discretion as to their own charging regime that extends beyond the formal process. Further discussion needed within the Planning service as regards opportunities for further charging</p> | <p>December 2015 – March 2016 regarding national fee system.<br/>Late Spring/early Summer regarding additional fees.</p> | <p>Head of Planning / Development Management Manager</p> |
| <p>12. The Welsh Government is undertaking consultation on planning fees in the near future and this Group recommends that fees for retrospective planning applications should be double the normal fee.</p>           | <p>The Welsh Government is not pursuing this option following its consultation.</p>   | <p>N/A</p>   |  |
| <p>13. To continue to develop a protocol with Natural Resources Wales and Dyfed-Powys Police for information</p>   | <p>There continues to be close and effective working relationships with Dyfed-Powys Police and Natural Resources Wales.</p>   | <p>TBC – meeting to be arranged</p>  | <p>Corporate Multi</p>                                   |

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

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| <p>sharing and investigate the possibility of access to the Police secure database.</p>  | <p>Cross agency site visits are undertaken as deemed necessary following the risk assessment. There have been no instances where staff have been put at risk.</p> <p>Changes in staffing at DPP has meant that it has not been possible to progress with accessing the Police secure database as initially envisaged, however Officers will continue to investigate the possibility.</p> <p>The Multi Disciplinary Enforcement Group will include this within the emerging workplan.</p> | <p>with the DPPA Information Compliance Unit.</p> | <p>Disciplinary Enforcement Group</p>                            |
| <p>14. To request that the Heads of Service Forum investigate the possibility of creating an internal accessible database to identify high risk sites.</p>   | <p>The matter was raised with the Heads of Service Forum which referred it to the Corporate Health &amp; Safety Steering Group which researched the issue. A report was taken to the Corporate Management Team (CMT) which agreed a corporate approach to develop an in-house database for cautionary contacts which will be accessible to all relevant frontline services. This is now in the process of being developed.</p>   | <p>TBC</p>  | <p>Head of Audit &amp; Risk Management/<br/>Head of Planning</p> |
| <p>15. To continue to monitor lone working under the Council's Policy and to review risk assessment procedures.</p> <p>16. To continue to provide awareness raising training for staff in relation to lone working and risk assessment procedures.</p> | <p>The Environment department has a Health &amp; Safety risk assessment procedure in place with which Planning service and Enforcement Officers comply.</p> <p>All staff comply with lone working and risk assessment procedures. A risk assessment is carried out on sites and people. The contact centre is advised when and where an officer is carrying out a site visit. The Departmental</p>   | <p>Completed</p>                                  |  |

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

|  |   |   |                 |
|--|---|---|-----------------|
|  | Management Team monitors the risk assessment procedures monthly.  |   |                 |
| 17. That planning is advised of any application for a taxi, or a variation to a licence  | This issue has been discussed by Planning and Licensing Officers. Taxi legislation and licensing conditions do not cover where private hire vehicles are parked. It has been agreed that Officers will liaise as appropriate when complaints are made.  | Completed                                   |                 |
| 18. To formalise a cross-departmental Group in relation to enforcement matters primarily to strategically target action in relation to empty dilapidated properties and develop a protocol for consulting with Local Members and advising them on progress and outcomes of any action regarding empty dilapidated properties | <p>This is being progressed in light of the outcomes of the Community Scrutiny Committee Task and Finish Review of Empty Properties in the county which was endorsed in full by the Executive Board on 27<sup>th</sup> July 2015. The cross departmental Group will share intelligence and focus primarily on the highest risk properties to identify long term solutions, including consultation with relevant Local Members.</p> <p>Consideration will also be given to creating a corporate fund for capital works in default linking with the work of this Group.</p> <p>The Corporate Multi Disciplinary Group has recently (first meeting held on 14/03/2016) been established, and the issue in relation to empty dilapidated properties has been identified as a workstream for this Group.</p> | To be established November 15/<br>Completed | Head of Housing |
| 19. That Legal Services is requested to investigate the possibility of delegating authorisation to take action   | The powers under section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land, along with the appeal and  | Completed                                   |                 |

## Community Scrutiny Committee Task & Finish Group Review 2013/14 Monitoring

## Action Plan

|  |   |               |   |
|--|---|---------------|---|
| <p>under section 215 to Public Protection and Housing.</p>   | <p>default powers associated with Section 215, have been delegated to the Head of Housing and Public Protection.</p>  |               |   |
| <p>20. To review and clarify existing staff structures and line management responsibilities, in line with the outcomes of the TIC review of Development Control.</p>   | <p>This has been deferred pending the recruitment of a new Director for the Environment Department and arrival of the recently appointed Head of Service.</p> <p>The new Head of Service will look, in liaison with the Development Management Manager, to take this forward.</p> | TBC           | Head of Planning / Development Management Manager |
| <p>21. To make representations to the Legal Advisers to the Justices of the Magistrates Court in relation to guidance and briefings regarding planning and conservation legal requirements for the Legal Advisers and Magistrates.</p> | <p>An initial approach has been made to the Court that was informally positively received. The training is being co-ordinated with other departments and arrangements for delivery are progressing.</p>   | November 2015 | Legal   |
| <p>22. That this Group reconvenes as a focus group in a year's time to review the impact of the revised Enforcement Protocol and the recommendations of this review.</p>   | <p>Recommendation 23 was amended by the Executive Board to state that the review should be jointly undertaken by the Community Scrutiny and Planning Committees.</p> <p>Joint meeting arranged for the 24<sup>th</sup> March 2016.</p>  | Completed     |   |

## PWYLLGOR CRAFFU CYMUNEDAU DYDD IAU, 24 MAWRTH 2016

**YN BRESENNOL:** Cynghorydd A.W. Jones (Chair)

Y Cynghorwyr:-

|              |               |                 |                |
|--------------|---------------|-----------------|----------------|
| J.M. Charles | J.K. Howell   | J. Owen         | G.B. Thomas    |
| D.M. Cundy   | S. Matthews   | H.I. Jones      | H.B. Shepardon |
| E.G. Thomas  | S.M. Allen    | D.J.R. Bartlett | B.A.L. Roberts |
| A.P. Cooper  | I.W. Davies   | J.A. Davies     | T. Davies      |
| D.C. Evans   | W.T. Evans    | I.J. Jackson    | W.J. Lemon     |
| A. Lenny     | T. Theophilus | M.K. Thomas     | J.S. Williams  |

**Hefyd yn Bresennol:**

Y Cynghorydd M. Gravell – Yr Aelod o'r Bwrdd Gweithredol dros Adfywio a Hamdden.

**Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:-**

J. Edwards, Y Pennaeth Cynllunio Integredig  
L. Quelch, Y Pennaeth Cynllunio  
K. Thomas, Swyddog Gwasanaethau Democraataidd

**Chamber, County Hall, Carmarthen - 10.00 - 10.40 am**

### 1. PENODI CADEIRYDD AR GYFER Y CYFARFOD

**PENDERFYNWYD YN UNFRYDOL benodi'r Cynghorydd A.W. Jones yn Gadeirydd ar gyfer y cyfarfod.**

### 2. YMDDIHEURIADAU AM ABSENOLDEB

Derbyniwyd ymddiheuriadau am absenoldebau gan y Cynghorwyr S.L. Davies, W.R.A. Davies, T. Devichand a J. Thomas, a chan y Cynghorydd T.J. Jones yr Aelod o'r Bwrdd Gweithredol dros yr Amgylchedd a Diogelu'r Cyhoedd.

### 3. DATGANIADAU O FUDDIANNAU PERSONOL

| Y Cynghorydd | Rhif y Cofnod   | Y Math o Fuddiant            |
|--------------|---|------------------------------|
| D.C. Evans   | Cofnod 6 – Adolygiad Grŵp Gorchwyl a Gorffen y Pwyllgor Craffu Cymunedau 2013/14 – Monitro'r Cynllun Gweithredu | Aelod o Gyngor Tref Rhydaman |

### 4. DATGAN CHWIP WAHARDDedig

Ni chafwyd datganiadau o chwip waharddedig.

## 5. CWESTIYNAU GAN Y CYHOEDD (NID OEDD DIM WEDI DOD I LAW)

Meddai'r Cadeirydd nad oedd cwestiynau gan y cyhoedd wedi dod i law.

## 6. ADOLYGIAD GRWP GORCHWYL A GORFFEN Y PWYLLGOR CRAFFU CYMUNEDAU 2013/14 - MONITRO'R CYNLLUN GWEITHREDU

Yn unol â chofnod 5.4 y cyfarfod a gynhaliwyd ar 14<sup>eg</sup> Medi 2015, derbyniodd y Pwyllgor adroddiad cynnydd i'w ystyried ar weithrediad Adolygiad Gorchwyl a Gorffen y Pwyllgor Craffu Cymunedau o Orfodi Cynllunio.

Atgoffwyd y Pwyllgor gan y Rheolwr Rheoli Datblygu mai diben yr adroddiad oedd rhoi diweddariad iddo ar y camau a gytunwyd fel rhan o'r Cynllun Gweithredu a'r argymhellion a gwyd o'i gyfarfod a gynhaliwyd ym mis Medi 2015. Cyfeiriodd yn benodol at argymhelliad 18 ynglŷn â sefydlu Grŵp Gorfodi Amlddisgyblaethol Corfforaethol, a nododd, yn dilyn cyfarfod cyntaf y grŵp ar 14<sup>eg</sup> Mawrth 2016, y rhoddwyd ystyriaeth i'r prosesau gael eu mabwysiadu er mwyn symud ymlaen ar rai o argymhellion y cynllun gweithredu, a oedd yn cynnwys y canlynol:-

- Archwilio materion sy'n codi o ymddygiad gwrthgymdeithasol er enghraifft, effaith cloddiau uchel a sut mae hynny'n effeithio ar draws adrannau
- Polisi Gorfodi Corfforaethol a threfniadau i ddirprwyo i Swyddogion,
- Eiddo Adfeilliedig
- Datblygu protocol gyda Heddlu Dyfed-Powys ac asiantaethau eraill at ddiben rhannu gwybodaeth.

Codwyd y materion/cwestiynau canlynol wrth ystyried yr adroddiad.

- Mewn ymateb i gwestiwn ar argymhelliad 1 ynghylch rhoi briff i'r aelodau, meddai'r Pennaeth Cynllunio, yn sgil cyflwyno is-ddeddfwriaeth gan Lywodraeth Cymru ar y Bil Cynllunio newydd, ystyriwyd mai hwylus fyddai gohirio dyddiad targed Rhagfyr 2015 ar gyfer y briff er mwyn cynnwys diweddariadau ar y ddeddfwriaeth ddiweddar. Byddai trefniadau'n cael eu gwneud felly i'r briff gael ei ddarparu yn nes ymlaen.
- Cyfeiriwyd at orfodi gwaith adeiladu heb ei awdurdodi a pha gamau oedd ar gael i'r Cyngor, ar wahân i roi hysbysiad atal, i sicrhau y rhoddir gorau i'r gwaith.

Meddai'r Rheolwr Rheoli Datblygu mai'r cam cyntaf fyddai annog datblygwr i roi'r gorau i'r holl waith ar y safle a gwneud cais am ôl-ganiatâd cynllunio. Fel Awdurdod Cynllunio Lleol, roedd yn rhaid i'r Cyngor, wrth ymdrin â datblygiad heb ei awdurdodi, lynu wrth ddeddfwriaeth gynllunio a phetai'n rhoi Hysbysiad Atal, ac wedyn yn rhoi caniatâd cynllunio, gallai adael ei hun yn agored i gael ei herio. Ym mhob achos, ystyriwyd mai'r cam olaf fyddai rhoi Hysbysiad Atal. Petai datblygwr yn dewis anwybyddu ceisiadau i roi'r gorau i'r gwaith, ar wahân i drwy hysbysiad atal ffurfiol, risgiau i'r datblygwr yn unig fyddai'n gysylltiedig â hynny. Ond byddai'n rhaid i bob cais, boed yn arferol neu'n ôl-gais, gael ei ystyried ar sail eu rhinweddau cynllunio.

- Mewn ymateb i gwestiwn ar argymhelliad 8 ynghylch cyhoeddi canllaw iaith glir ar brotocol gorfodi i aelodau etholedig a'r cyhoedd, meddai'r Pennaeth Cynllunio bod y protocol yn cael ei ddiweddarau ar hyn o bryd i adlewyrchu'r is-ddeddfwriaeth a

gyhoeddwyd gan Lywodraeth Cymru ar 16<sup>eg</sup> Mawrth ar y Bil Cynllunio newydd. Er mai ar-lein y byddai'r canllaw ar gael yn bennaf, byddai copïau papur ar gael ar gais.

- Mewn ymateb i gwestiwn ar argymhelliad 12 ynglŷn â'r ffoedd ar gyfer prosesu ôl-geisiadau cynllunio, cadarnhaodd y Pennaeth Cynllunio fod Llywodraeth Cymru wedi penderfynu peidio â dewis yr opsiwn o ddyblu'r ffoedd hynny. Er bod costau ychwanegol i'r adran wrth brosesu'r ceisiadau hynny, heb i'r adran dderbyn addaliad am hynny, meddai gan fod ffoedd cynllunio yn cael eu gosod yn genedlaethol gan Lywodraeth Cymru ni allai'r Cyngor benderfynu'n unochrog gynyddu'r ffoedd a gwyd ar ôl-geisiadau cynllunio. Serch hynny, roedd y Bil Cynllunio newydd yn cynnwys darpariaeth i awdurdodau cynllunio godi tâl am fathau penodol o waith, e.e. cyngor cyn cyflwyno cais, a byddai adroddiad ynglŷn â hyn yn cael ei gyflwyno i'r Cyngor yn ei bryd.
- Mewn ymateb i gwestiwn yn ymwneud â chofnodi ôl-geisiadau cynllunio, meddai'r Pennaeth Cynllunio nad oedd system gyfrifiadurol bresennol yr adran yn gwahaniaethu rhwng ceisiadau arferol ac ôl-geisiadau. Ond gan y byddai system newydd yn cael ei gosod yn y dyfodol agos, byddai'n archwilio i ba mor bosibl fyddai cynnwys darpariaeth i nodi a chofnodi ôl-geisiadau cynllunio.
- Cyfeiriwyd at ddatblygu heb awdurdodi a chadarnhaodd y Pennaeth Cynllunio fod yr Awdurdod yn gweithredu i sicrhau y rhoddir y gorau i'r gwaith hynny, a oedd yn cynnwys dymchwel a gwaredu pob strwythur.
- Mewn ymateb i gwestiwn ar argymhellion 15 ac 16, cadarnhaodd y Pennaeth Cynllunio fod trefn hyfforddiant a gweithdrefnau lechyd a Diogelwch yn eu lle i staff sy'n ymweld â safleoedd. Roedd y rhain yn cynnwys hyfforddiant i ymdrin â phobl anodd, cynnal asesiadau risg cyn ymweld â safle a, lle y bo'n briodol, bod dau aelod o staff yn teithio gyda'i gilydd.
- Mewn ymateb i gwestiwn ar argymhelliad 18, cadarnhaodd y Pennaeth Cynllunio fod y Grŵp Amlddisgyblaethol ar hyn o bryd wedi'i gyfyngu i adrannau mewnol y Cyngor. Byddai rhoi ystyriaeth i gynnwys partneriaid allanol yn destun dadl yn y dyfodol.
- Cyfeiriwyd at argymhelliad 21 ynghylch y Llysoedd Ynadon a gwnaed cais am ddiweddariad ar hyn yn y cyfarfod nesaf.

## **PENDERFYNWYD YN UNFRYDOL bod:**

- 6.1 Adroddiad Monitro'r Cynllun Gweithredu yn cael ei dderbyn.**
- 6.2 Y posibilrwydd o gynnwys darpariaeth i nodi ôl-geisiadau cynllunio yn system gyfrifiadurol newydd yr Adran Gynllunio yn cael ei ymchwilio.**
- 6.3 Diweddariad ar argymhelliad 21 yn cael ei roi yng nghyfarfod nesaf y cydbwyllgor.**
- 6.4 Y Cydbwyllgor yn cwrdd ymhen 6 mis i fonitro cynnydd ar weithredu argymhellion y Grŵp Gorchwyl a Gorffen.**

**7. DERBYN COFNODION Y CYFARFOD AR Y CYD A GYNHALIWYD AR Y 14EG O FEDI 2015**

**PENDERFYNWYD YN UNFRYDOL bod cofnodion cyfarfod y Cydbwyllgor a gynhaliwyd ar 14<sup>eg</sup> Medi 2015 yn cael eu derbyn.**

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**CADEIRYDD**

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**DYDDIAD**