

PERTH AND KINROSS COUNCIL
ENVIRONMENT AND INFRASTRUCTURE COMMITTEE

30 October 2019

ANNUAL PLANNING ENFORCEMENT REPORT 2018/19

Report by Executive Director (Housing & Environment) (Report No. 19/307)

This report analyses performance within the Planning Enforcement function of the Planning Service for the year 2018/19. In addition, examples of service improvement and best practice developed and undertaken within the team are highlighted. It also seeks Committee approval for the future reporting of performance.

1. BACKGROUND / MAIN ISSUES

- 1.1 The sixth Scrutiny Committee Review considered Planning Enforcement and made recommendations for changes that would deliver measureable improvements. The final report concluding the review was approved by the Scrutiny Committee on 21 September 2016 ([Report Number 16/397](#) refers).
- 1.2 Recommendation 3 of the Scrutiny Review specifically identified the establishment of an Annual Planning Enforcement Report, as a means to periodically report the work of the Planning Enforcement team over the preceding year.
- 1.3 Scrutiny Committee concluded the Sixth Scrutiny Review of Planning Enforcement on 12 September 2018 ([Report Number 18/290 refers](#)) with the submission of the planning report to the Environment & Infrastructure Committee.
- 1.4 The first annual report for 2017/18 was presented to Environment and Infrastructure on 7 November 2018 ([report number 18/361](#)). Committee endorsed that report and agreed that a further report should be brought forward to report on performance for 2018/19.
- 1.5 This report will have the dual benefits of showing the value of the work of the Council's Planning Enforcement officers, and publicising this work. This is through highlighting current work patterns and performance against both national and Council set indicators, as well as undertaking comparison with previous years' performance to identify any emerging trends. It also sets out what action is required to address specific areas of performance and provides analysis of variations across Council wards.

2. PLANNING ENFORCEMENT PERFORMANCE

Planning Enforcement Performance 2018/19

- 2.1 Enforcement activity performance is reported biannually to the Scottish Government through the 'Planning Authority Performance Statistics' returns. This is a process where performance of the Council as Planning Authority is measured against nationally set criteria or 'national headline indicators'. These statistics are, in turn, published cumulatively by the Scottish Government for annual performance statistics. The annual [Planning Performance Statistics for 2018/19](#) (1 April 2018 to 31 March 2019) were published by the Scottish Government (SG) on 23 July 2019.
- 2.2 Performance for enforcement activity is also reported annually through the [Planning Performance Framework \(PPF\)](#). The PPF for 2018/19 was submitted to the Scottish Government for approval on 31 July 2019. While performance is based on the criteria similar to those in the Government's statistics, the PPF does include additional metrics.
- 2.3 Performance for Perth and Kinross for this period was reported in the PPF. For 2018/19 this highlights that:
- 'Cases Taken Up' (341), being recorded enquiries; and the 'Number of Cases Closed' (414), which include cases opened in previous years but closed in the reporting year, indicating the efforts to address 'legacy cases'.
 - of the cases closed, that 141 saw no further action taken, as it was not considered proportionate or necessary to do so.
 - Conversely, where efforts to address breaches were not addressed within reasonable timescales and the 'planning harm' was such that it was appropriate and proportionate to do so, direct action was taken in 2 instances.

Planning Enforcement Performance 2014/15-2018/19

- 2.4 The data below in Figure 1 sets out core enforcement activity over the last four reporting years:

Figure 1: Enforcement Activity 2014/15 to 2018/19

Enforcement Activity	2018/19	2017/18	2016/17	2015/16	2014/15
Cases Taken Up	341	316	296	296	361
Number of Cases Closed	414	366	274	269	298
Number of breaches resolved	261	149	251	167	212
Notices Served	32	27	32	23	37
Reports to Procurator Fiscal	1*	0	0	0	0

Enforcement Activity	2018/19	2017/18	2016/17	2015/16	2014/15
Prosecutions	0	0	0	0	0

Source: 2018/19; 2017/18; 2016/17; 2015/16; and 2014/15 PPF and SG Annual Planning Performance Statistics

**Will be reported in 2019/20 statistics*

Planning Enforcement Annual Trends 2014/15-2018/19

- 2.5 The data for the last five years (shown in Figure 1 above) identifies relative consistency in the number of cases taken up, with the number of cases for 2018/19 (341) closer to the peak of 2014/15 (361) than the preceding three years.
- 2.6 The number of formal notices served, under powers available within the Town and Country Planning (Scotland) Act 1997 or the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, have a similar correlation to the case numbers. Activity for serving notices peaked in 2014/15 and increased slightly in 2018/19 compared to 2017/18. This is reflective of ongoing effort to utilise formal powers more robustly, where it is appropriate.
- 2.7 Significantly, one planning offence was reported to the Procurator Fiscal (PF) last year. This concerned the unauthorised demolition of a listed building in Ward 8 – Kinross-shire and was the first such action by the Council in several years. The prosecution was successful; with both parties pleading guilty of the criminal offence and each received a Court imposed fine of £500. This was one of only three cases reported by Planning Authorities to the PF nationally in 2018/19, reflecting the rarity of this course of action.
- 2.8 Direct action involves the Council stepping in to enforce the terms of notices where the individual/company has failed to comply with a notice. Such action was undertaken by the Council on two occasions in 2018/19. The first of these cases secured compliance with a High Hedge Notice in Ward 6 – Strathearn. The second case secured compliance with an Enforcement Notice in Ward 3 – Blairgowrie and Glens, to remove an extensive area of unauthorised development. A third case for direct action in Ward 4 – Highland, concerning the failure to comply with an Amenity Notice, was in process. However, it was ultimately not necessary to proceed, as this threat was sufficient for the developer to undertake the required works.
- 2.9 A priority for action identified in 2017/18 was to reduce historic backlogs of 'legacy' cases while maintaining performance on new cases. Performance in this regard is measured by calculating throughput; which is the proportion of cases closed in a given year, calculated by dividing the number of cases closed against the number of cases received. Throughput is represented as a percentage. Figure 2 below illustrates the throughput of enforcement cases in Perth and Kinross for the last five years. The national average is also indicated for benchmarking purposes.

Figure 2: Throughput of Cases 2014/15 – 2018/19

Year	Throughput of Cases	
	Perth & Kinross	National Average (mean)
2018/19	120.8%	92.1%
2017/18	117.0%	93.0%
2016/17	84.8%	96.5%
2015/16	56.4%	87.3%
2014/15	58.7%	86.5%

Source: 2014/15-2018/19 Annual Planning Performance Statistics

- 2.10 The upwards trend in throughput remains evident over these years. In particular, this action was effective in 2017/18 with a throughput of 117% (with 366 cases closed that year against 316 taken up). A further increase in productivity was achieved in 2018/19; with a new peak of 120.8% (412 closed/341 opened). This can be attributed to an evolving focus on the enforcement function, revised procedures, and additional resources.
- 2.11 This throughput focus will remain for 2019/20, to maintaining a positive performance, with at least a 100% throughput to keep pace with cases arising. This will be assisted by general improvements put in place since 2017 (as outlined in the 2017/18 report). It is therefore expected that performance will stabilise going forward, and compare favourably with the national average.

Planning Enforcement Charter

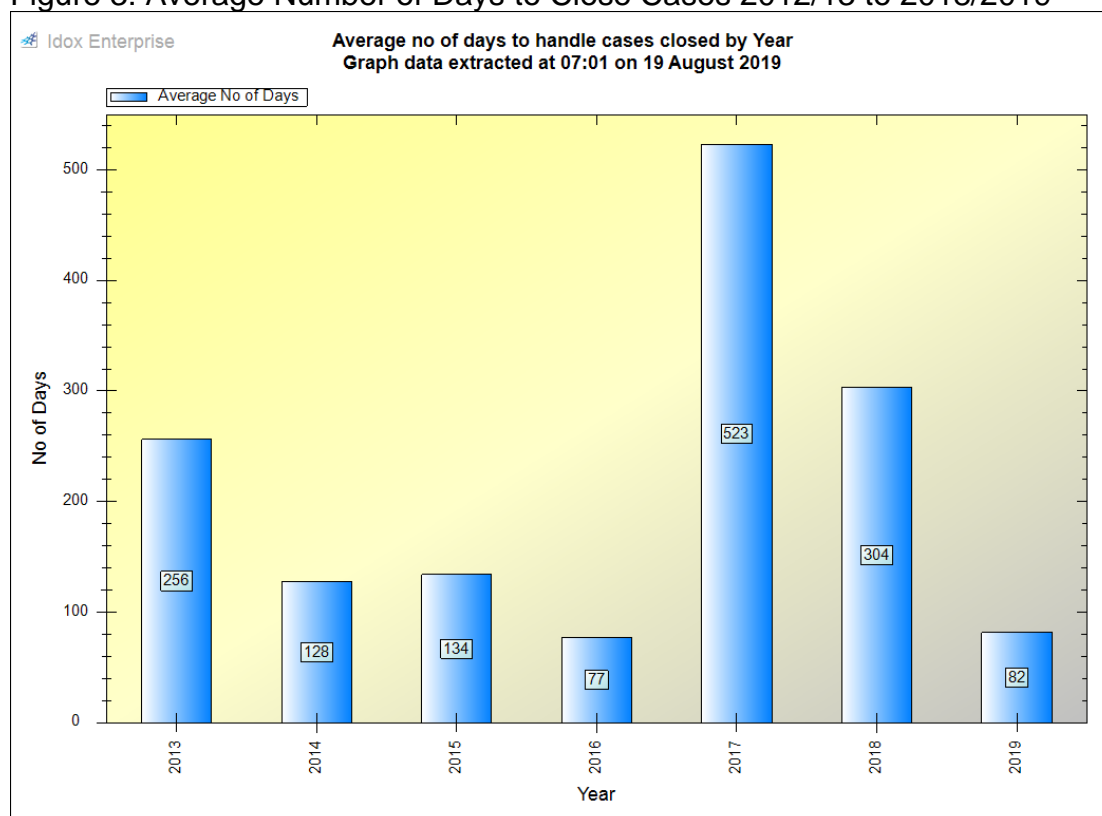
- 2.12 The Council, as Planning Authority, has a statutory obligation under Section 158A of the Town and Country Planning (Scotland) Act 1997 (as amended) to prepare and renew a Planning Enforcement Charter every two years. A new Planning Enforcement Charter was approved by Environment and Infrastructure Committee on 23 January 2019 ([report 19/17](#)). The [Planning Enforcement Charter](#) was then subsequently published.
- 2.13 The core objectives and priorities of the previous Charter were largely carried forward in 2019 Charter. The new Charter re-emphasises our enforcement priorities and refines our approach to planning enforcement, putting stakeholders at the centre of the process and focussing on how we will communicate effectively with them.
- 2.14 The Charter explains the role of the Council and how our enforcement process works to guide the stakeholder through the process by:
- identifying what constitutes a breach of planning control;
 - how to report suspected breaches to us;
 - explains possible informal and formal action that should be taken;
 - our process for investigating reported breaches; and
 - how we will act on breaches to secure compliance or a conclusion to the case, if appropriate.

- 2.15 While all observations of suspected breaches reported to the Council will be investigated, and proactive monitoring of planning conditions and obligations will be undertaken, the Council has set priorities for enforcement where they are linked to significant breaches. These include significant environmental impacts; public safety; damage to listed buildings and breaches related to major applications.
- 2.16 Four broad commitments to provide an effective public service through Customer Standards were set out in the previous Charter. To improve communication and provide better engagement with stakeholders, the revised Planning Enforcement Charter sets out seven new 'Service Standards' covering key stages of the process. This provides customers with certainty on what they can expect and when. Officers are operating under these new standards.
- 2.17 Forthcoming legislative changes will amend the remit of enforcement charters. These changes are explained in more detail in the legislative changes paragraph 2.41 below.

Performance Analysis

- 2.18 To complement the objectives of the Scrutiny Review, a number of performance analysis tools have been developed internally, within the case management system used. These provide further insight into trends, performance and assist in allocating resources. A number of these are explained below.
- 2.19 A core objective, as set in the Charter and the [Scottish Government's Planning Circular 10/2009: Planning Enforcement](#), is to identify breaches and, where appropriate, resolve them as quickly as possible. Figure 3 illustrates the average number of days taken for the closure of enforcement cases over the last 6 reporting years (and part of the current year).

Figure 3: Average Number of Days to Close Cases 2012/13 to 2018/2019



- 2.20 A general trend of a reducing average handling time for cases was evident between 2012/13 and 2015/16. The significant spike for increased handling times during 2016/17 (523 days) was discussed in last year's report. Having cleared a significant backlog of cases in 2016/17, the full-year performance for 2017/18 improved to 304 days (including cases closed after the interim year figures were published in the 2017/18 performance report). Again, this figure includes the conclusion of a number of long-running cases, particularly for major planning applications and projects subject of Environmental Impact Assessment (EIA). Whilst this reduction is welcomed, it remains significantly higher than the objectives of our current service standards. The focus is therefore to continue with the improvement journey as an ongoing process, with the ultimate aim to operate more efficiently and focus on priority cases as identified in the Planning Enforcement Charter. The interim performance for 2019/20 of 82 days is reflective of this effort.

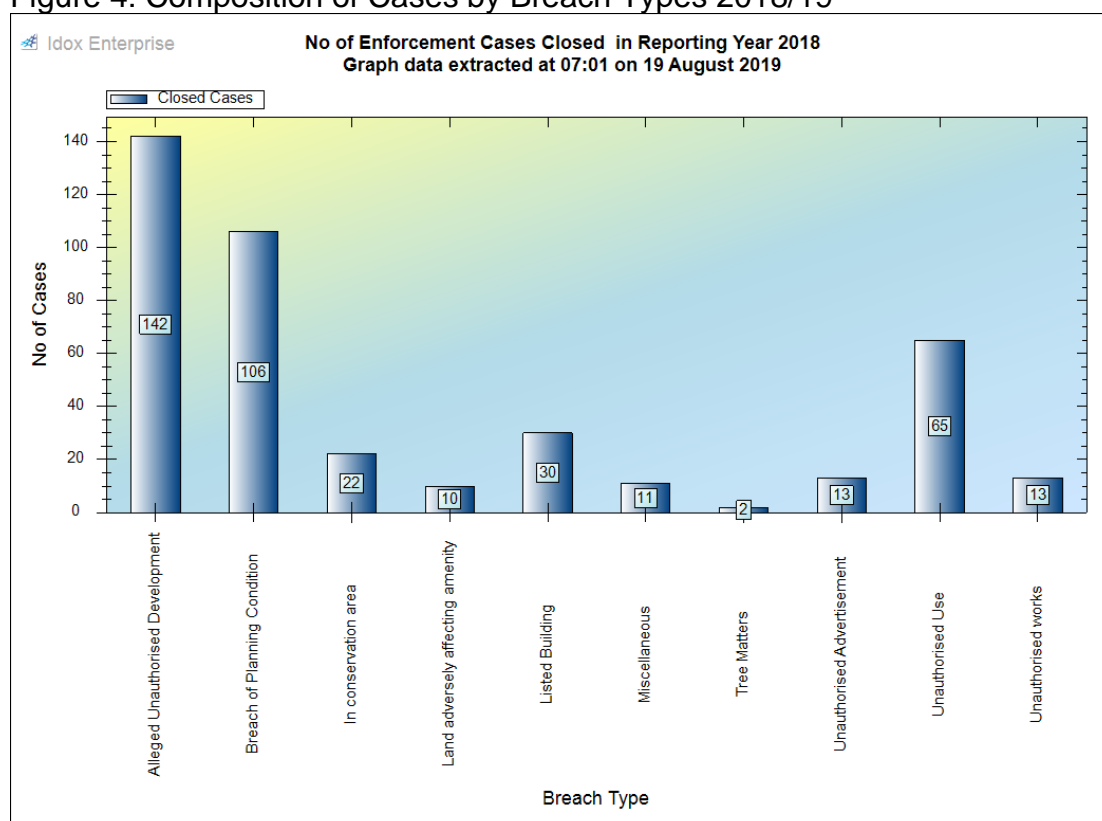
General Case Composition and Trends

- 2.21 The composition of cases by type of breach recorded is illustrated by Figure 4 (below). This figure illustrates a degree of correlation with those reported for 2017/18. It is again evident that unauthorised development represents the most common type, at just over one third of all cases at 34.3% (142 of 414 cases) - which is identical to 2017/18. The second largest case grouping, at 30.9%, is for breaches of planning conditions, relating to development with permission but where there might be non-compliance with conditions. This is an increase from the 2017/18 figures (25.1%). For suspected unauthorised

uses of land or buildings, instances where there might be no valid permission or consent being in place for a new use, the total of 15.7% of cases correlates very closely with 2017/18 (15.9%). Collectively, these cases remain the core of investigations undertaken, accounting for 80.9% of cases.

- 2.22 While smaller in number, other case types are no less significant in terms of the public interest in the breach and the time required resolving the cases. As an example, 52 cases (12.5%) involved possible breaches relating to built heritage - with 22 in Conservation Areas and 30 for works to listed buildings. This is more than double the number of such case from 2017/18; which were 10 and 14 respectively. These cases are a priority for action within the Charter and, to an extent, reflect active monitoring in this regard.
- 2.23 It is highlighted that one enforcement case can cover more than one breach (or type of breaches); these are recorded against the category of breach that is determined to be most appropriate or is the most significant breach type. For example, while there are only 2 cases under the new category of 'Tree Matters', this is solely for breaches about trees. A number of investigations relating to trees would be addressed as a possible breach of planning condition for trees/landscaping or other case types.

Figure 4: Composition of Cases by Breach Types 2018/19

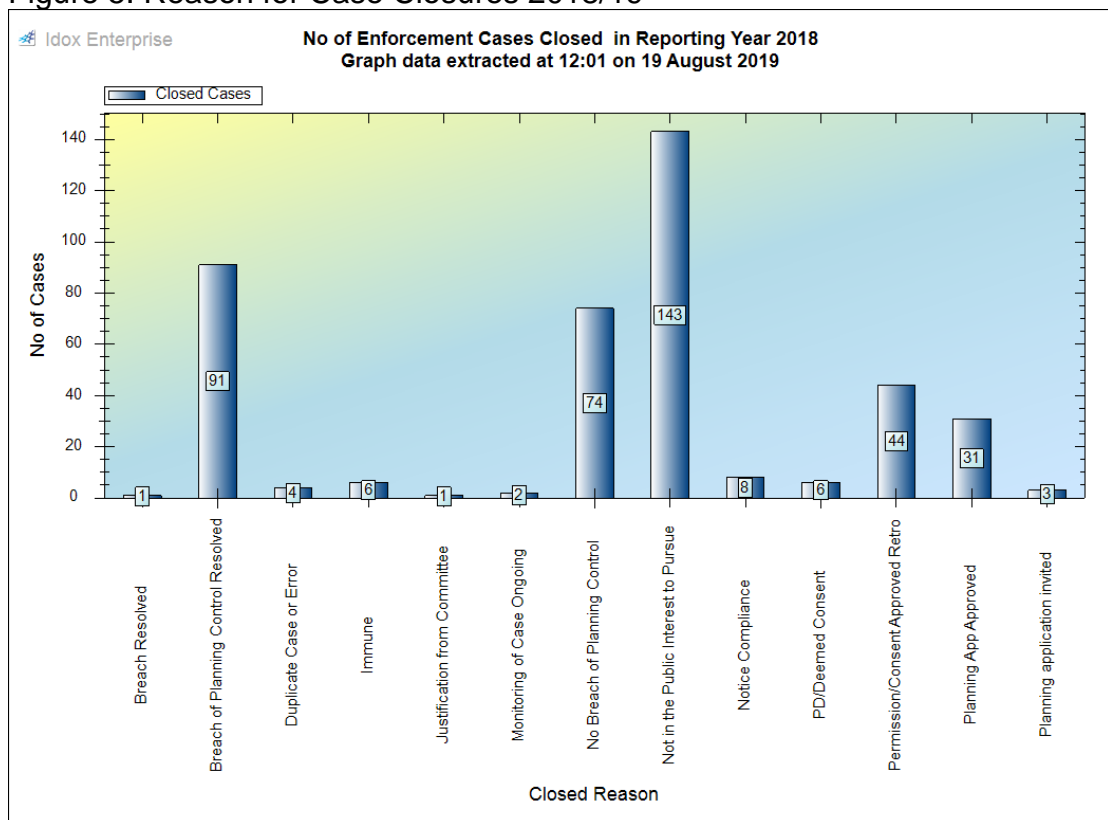


- 2.24 The annual report for 2017/18 (Paras 2.25-2.26 of [report number 18/361](#)) advised that new means to monitor performance and activity were being developed. This included a new category of breach type being added (Tree Matters, as discussed above) and recording the reason(s) as to why a case

was closed and what action was taken. In the respect of the latter, this has assisted in demonstrating the effectiveness of our enforcement systems and provided certainty to stakeholders and allowed resources to be managed effectively. These changes were implemented in the last year.

- 2.25 In total 281 of the 414 (67.9%) cases reported saw breaches of planning control confirmed. The majority of these (279 or 67.4%) are recorded under the three main categories – Not in the Public Interest to Pursue; Breach of Planning Control Resolved and Permission Approved Retrospectively.
- 2.26 Where a breach exists, a various courses of action that can be taken, see Figure 5 below. It should be noted that not all breaches are formally actioned, as impacts may not be considered significant, such that it is proportionate and/or necessary to take enforcement action. This balancing reflects the discretion for a Planning Authority to determine whether or not to take action. This discretion and proportionate use of powers is encouraged in the [Planning Circular 10/2009: Planning Enforcement](#) and further clarified in our [Enforcement Charter](#). Where we seek to exercise our options we will do so responsibly, through focusing on our priorities and managing expectations for minor breaches.

Figure 5: Reason for Case Closures 2018/19



Ward Case Comparison and Trends

General Analysis

- 2.27 To assist resource planning, an analysis of the geography of enforcement cases has been undertaken. This is expressed in Figure 6, where caseload is separated by Council Ward¹. This analysis does illustrate significant statistics; 75 cases (equating to 18.1% of all cases) were reported in Ward 8 – Kinross-shire while approximately only 9% of the population of Perth and Kinross live in this ward. This is a slight reduction of the proportion of cases in Ward 8 in 2017/18 (20.6%). Similarly, there were 47 cases in Ward 5 – Strathtay, a 4.6% increase from 2017/18, to a total of 11.4% of cases against a 6.0% share of the population. These have respectively, have, just over and just under double the amount of enforcement cases to population share.
- 2.28 Figure 7 provides a full breakdown for the proportion of enforcement cases by ward. This table also highlights the changes in the proportion of cases compared to those reported in 2017/18. Again, the population is provided for each ward for comparative purposes.

Figure 6: Geography of Cases by Council Ward 2018/19

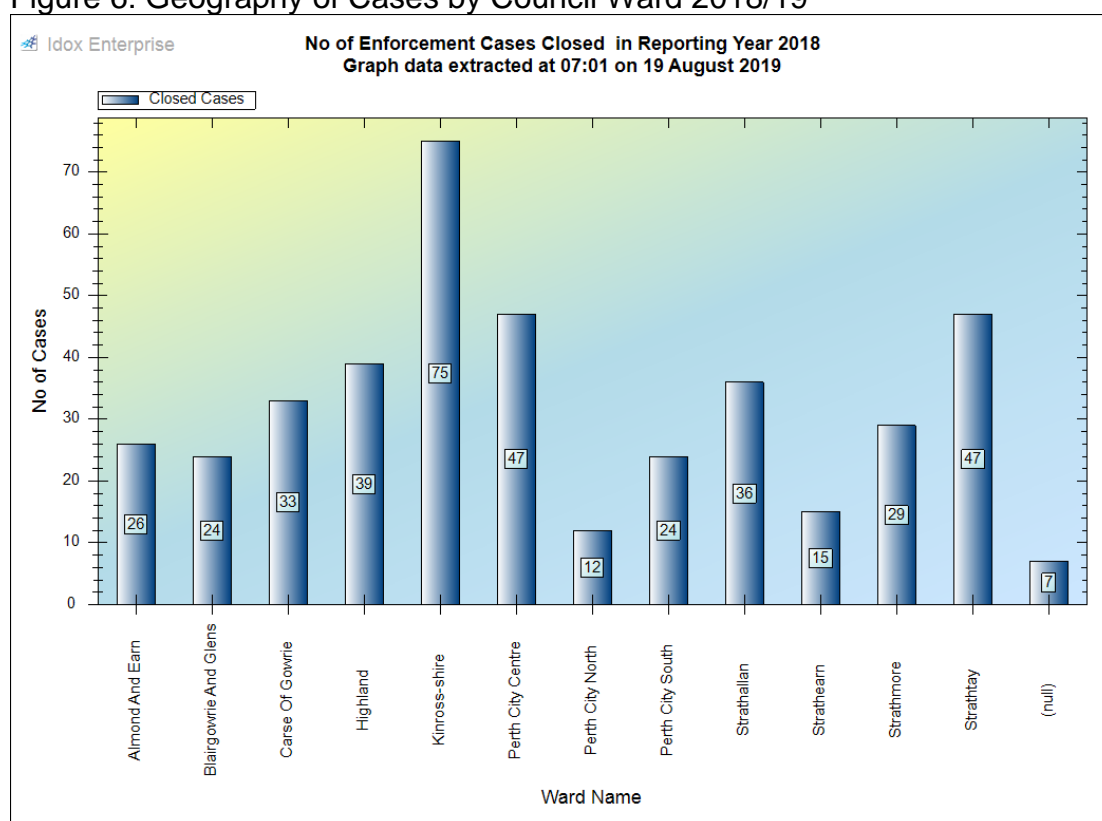


Figure 7: Proportion of Cases by Council Ward 2018/19

Ward	2018/19	2017/18	Annual	Population
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¹ As noted in **Figure 6**, 7 cases, which represents a 1.7% share of the total, omitted to record a ward or were cases that covered more than one ward.

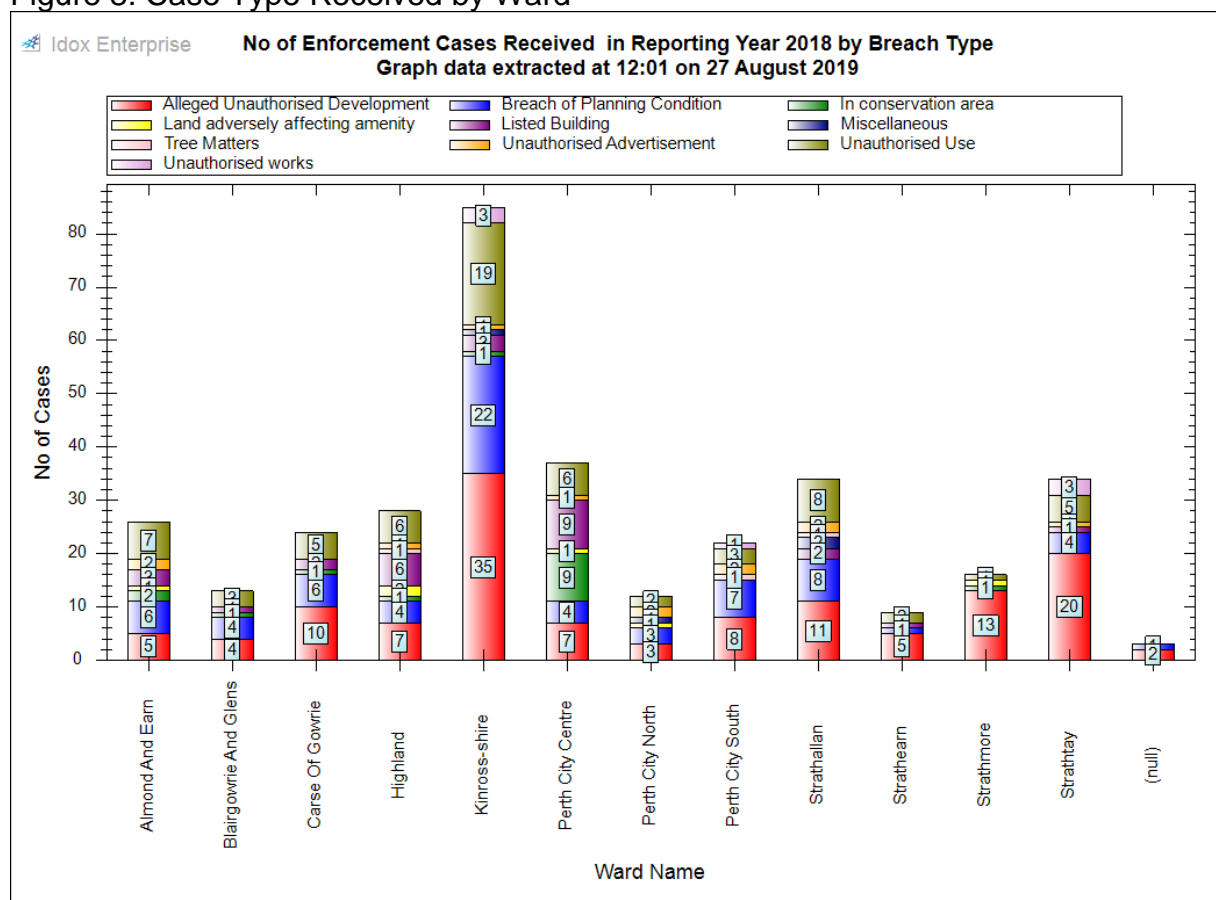
	Cases	Cases	Change	
Ward 1 – Carse of Gowrie	8.0%	9.2%	-1.2%	7.0%
Ward 2 – Strathmore	7.0%	5.3%	+1.7%	10.0%
Ward 3 – Blairgowrie and the Glens	5.8%	5.0%	+0.8	8.0%
Ward 4 – Highland	9.4%	10.0%	-0.6%	6.0%
Ward 5 – Strathtay	11.4%	6.7%	+4.7%	6.0%
Ward 6 – Strathearn	3.6%	2.8%	+1.2%	7.0%
Ward 7 – Strathallan	8.7%	9.5%	-0.8%	7.0%
Ward 8 – Kinross-shire	18.1%	20.6%	-2.5%	9.0%
Ward 9 – Almond and Earn	6.3%	8.1%	-1.8%	8.0%
Ward 10 – Perth City South	5.8%	4.7%	+1.1%	9.0%
Ward 11 – Perth City North	2.9%	4.2%	-1.3%	11.0%
Ward 12 – Perth City Centre	11.4%	9.8%	+1.6%	11.0%

- 2.29 When considering all the wards that are characterised as being rural in nature (Wards 1-9) there is generally a reasonable degree of correlation between the proportion of enforcement cases compared to the population. However, the variance is wider when compared to 2017/18. This ranges from Ward 6 – Strathearn having the lowest share of cases (lower by 3.4%) to Ward 4 – Strathtay being highest (higher by 5.4%). Ward 1 – Carse of Gowrie is the closest to parity (higher by only 1.0%).

Further Ward Analysis

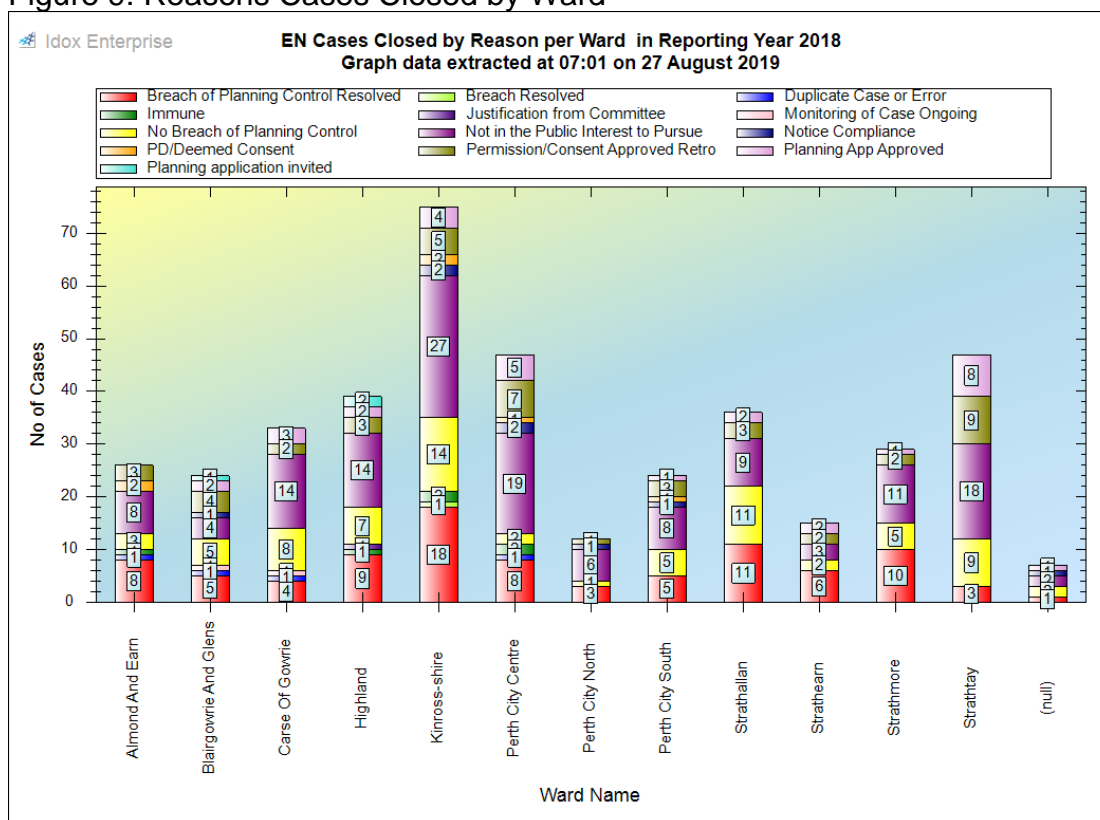
- 2.30 An outcome from the 2017/18 Annual Planning Enforcement Report was to provide greater detail and comparison of enforcement activity on a ward basis. Further analysis has, therefore, been undertaken to provide greater understanding of the circumstances for each ward. This information also allows comparison between wards and identifies variation from the average figures for PKC. This information is set out in Figures 8-10 below.
- 2.31 Figure 8 provides information on the case types received in each ward. This provides information of the type of cases reported as suspected breaches on a ward basis, in more detail than Figure 4: Composition of Cases by Breach Types 2018/19, for PKC as a whole.

Figure 8: Case Type Received by Ward



2.32 Figure 9 illustrates the reasons why enforcement cases in each ward were closed, which covers all closing decision types.

Figure 9: Reasons Cases Closed by Ward



2.33 Figure 10 provides a closer insight in to the information in Figure 9. The three key outcomes for enforcement cases of No Breach, No Public Interest and Breach Resolved have been selected to enable comparison between wards² and, in turn, how activity in each ward compares to the PKC average.

Figure 10: Ward Comparison by Key Outcomes

Ward	No Breach	No Public Interest	Breach Resolved
PKC Average	27.5%	34.1%	33.8%
Ward 1 – Carse of Gowrie	33.3%	42.4%	18.2%
Ward 2 – Strathmore	20.7%	37.9%	41.4%
Ward 3 – Blairgowrie and the Glens	29.2%	16.7%	41.7%
Ward 4 – Highland	25.6%	35.9%	30.8%
Ward 5 – Strathtay	36.2%	38.3%	25.5%
Ward 6 – Strathearn	26.7%	20.0%	53.3%
Ward 7 – Strathallan	36.1%	25.0%	38.9%
Ward 8 – Kinross-shire	29.3%	36.0%	33.3%
Ward 9 – Almond and Earn	23.1%	30.8%	46.2%
Ward 10 – Perth City South	29.2%	33.3%	37.5%
Ward 11 – Perth City North	8.3%	50.0%	41.7%

² The relevant closure reasons have been grouped together to form these categories – which include multiple reasons for No Breach and Breach Resolved.

Ward	No Breach	No Public Interest	Breach Resolved
Ward 12 – Perth City Centre	21.3%	40.4%	36.2%

Service Improvements – New Performance Analysis and Customer Service Tools

- 2.34 [Report 19/17](#) (Para 2.6) identified opportunities to improve accessibility for reporting breaches through developing and introducing a new means of reporting suspected breaches through an online form. This was also a Service Improvement Action within the 2017/18 PPF. In addition, it was agreed to introduce 'Closing Reports' as a priority area for action; with reports accessible to the public via the [Online Planning System](#).

Report a Breach Form

- 2.35 A new [Breach of Planning Control Form](#) was launched on the [Council's MyPKC](#) portal on 31 January 2019. This form allows customers to report suspected breaches directly to our dedicated email mailbox (PlanningEnforcement@pkc.gov.uk) where they are actioned by officers. It also better ensures that the information necessary to investigate potential breaches effectively is captured first time. To maximise stakeholder use, links to the form are publicised on the [Planning Enforcement page](#) on the Council's website and links to the form are embedded throughout the Charter. The form is also being used by the Council's Customer Service Centre to report breaches received. Collectively, this has encouraged a digital channel shift from reports from telephone and letter communication; with 34 of the total of the 58 reported breaches (58.6%) received in the nine week period from launch to 31 March 2019 being through the new form. In the 2019/20 year to date (up to 30 August 2019), 80 of 176 cases (45.5%) were received through the new form. In the interest of maximising efficiency, we will continue to promote and monitor this area to increase usage of the form.

Closing Reports

- 2.36 Our new Service Standards 3 and 5 within the Planning Enforcement Charter Report relate to targets for when cases will be closed (at 20 or 40 days respectively). Each standard advises that we will explain to customers why we have come to our decision with a case, through the preparation of a 'Closing Report'. These reports will be made available to the public. The reports were launched in mid-February 2019. The development of the report was in conjunction with a new requirement for enforcement decisions to be countersigned by a senior officer, which is confirmed in the report. An example of a closing Report is provided at Appendix 1. Unfortunately, there have been unforeseen technical delays with making the reports accessible via the Online Planning System. The technology to address this issue has been ordered and its implementation is anticipated to be later in 2019. In the meantime, however, at the point of closing, both the observer and the developer are provided with an electronic copy of the report.

Future Monitoring Improvements

Monitoring Service Standards

- 2.37 Monitoring of the new Charter service standards is being undertaken through a new suite of project management and performance monitoring tools which have been developed within our case management system. This is undertaken through tasks being automatically flagged to the case officer for each case, requiring specific action to be completed at key stages. These tasks are now in place as set out in Figure 11 below.

Figure 11: Monitoring Tasks – Customer Service Standards:

Monitoring Tasks – Customer Service Standards:
Service Standard 1: Register breach report and send acknowledgement to the customer within 5 working days.
Service Standard 2: Undertake and initial site visit (if required) within 15 working days.
Service Standard 3: Provide follow-up response to customer within 20 days advising of the conclusion and/or progress of the case.
Service Standard 5: To conclude the case within 40 days or to provide and update and proposed course of action.
Service Standard 6: Where it is considered expedient to issue an enforcement notice, to do so within 3 months (90 days).

- 2.38 These tasks have been live since March 2019. Given the small sample of cases for the reporting year 2018/19, statistics on performance would not be reliable as a measurement. It is proposed, however, to provide performance against these tasks for the 2019/20 Annual Planning Enforcement Report.

Enforcement Notice Appeals

- 2.39 Where an enforcement notice is served, the developer can, in most cases, submit an appeal to the Scottish Ministers. Most enforcement appeals are delegated to a Reporter within the [Scottish Government's Planning and Environmental Appeals Division \(DPEA\)](#) to determine. Officers defend notices served in such appeals to uphold the objective of the notice which seeks to remedy a breach of planning control because it was determined that it was in the public interest to take formal enforcement action. Reporters determined 8 enforcement appeals in this period (6 Enforcement Notices, 1 Advertisement Enforcement Notice and 1 Listed Building Enforcement Notice). The results of these appeals were:
- 5 appeals dismissed (with the notices we served taking effect);
 - 2 appeals allowed in part (these were both for the same site – the notice was varied only in respect of time for compliance); and

- 1 appeal was allowed (and the notice withdrawn).
- 2.40 In summary, 7 of the 8 appeals (87.5%) were defended and the steps to remedy the planning breaches were capable of being enforced. This compares with 4 of 6 appeals (66.7%) being successfully defended in 2017/18.

Legislative Framework

- 2.41 [The Planning \(Scotland\) Act 2019](#) received Royal Assent on 25 July 2019. The Act will now be progressed, including where required secondary legislation, with a view to being largely enacted by early 2021. With respect to planning enforcement, Sections 42-44 are relevant.
- 2.42 Section 42 increases the level of possible fines as penalties for planning offences:
- for not responding to a Planning Contravention Notices (PCNs) from £1,000 to £5,000;
 - making a false or misleading response to a PCN from £5,000 to £10,000;
 - offence for non-compliance with an Enforcement Notice from £20,000 to £50,000;
 - offence for non-compliance with an Enforcement Notice (which has an effect with subsequent development) from £5,000 to £10,000;
 - contravention of a Stop Notice from £20,000 to £50,000;
 - offence for non-compliance with a Temporary Stop Notice from £20,000 to £50,000;
 - offence for non-compliance with a Breach of Condition Notice from £1,000 to £5,000; and
 - offence for non-compliance with an Advertisement Enforcement Notice from £1,000 to £5,000.
- 2.43 Section 43 introduces increased liability for interested parties for expenses under enforcement notices. The existing provisions allowed for expenses to be recovered from anyone who was at the time of the notice being served as owner or lessee. The new provisions extend such liability to any person who subsequently becomes an owner of the land affected by the notice.
- 2.44 This section also introduces new powers for the Planning Authority to act as a “charging body” to make a charging order, which is registered against the land register, to recover any expenses that are reasonably incurred by us when taking enforcement action. There are associated provisions for payments being made under a charging order, the form of an order and how an order can be discharged. These provisions can only be applied to notices and associated expenses once the 2019 Act comes in to force.
- 2.45 Section 44 of the Act will extend the remit of enforcement charters to include details of how the authority monitors compliance of planning permissions for major developments, how this monitoring work is recorded and how the information is made available to the public.

- 2.46 PKC already has an Enforcement Officer who exclusively and proactively deals with the monitoring of such permissions and this activity is recorded. We are therefore well placed to meet these new requirements; nevertheless duties and working practices will be reviewed. The monitoring activities will be reflected in the next review of our Planning Enforcement Charter by January 2021 (at the latest). This will also be addressed in future Annual Planning Enforcement reports.

Good Practice

- 2.47 A key objective of the annual performance report was to highlight the breadth of work and instances of good practice within the Enforcement Team. This provides an opportunity to provide a qualitative analysis that is not reflected in the performance statistics.
- 2.48 A case study has been selected to illustrate innovation and good practice within Planning Enforcement and is included in Appendix 2. This example was also reported nationally within the Planning Authority's [PPF for 2018/19](#) (which was submitted to the Scottish Government on 31 July 2019). This was one of a total of 10 planning case studies included in the PPF, which specifically related to planning enforcement as a key driver.
- 2.49 The introduction of both the Report a Breach form on MyPKC and Closing Reports for all enforcement cases are not statutory requirements, nor were these specific actions borne out of the Scrutiny Review of Planning Enforcement. Nevertheless, these developments represent a proactive effort to enhance the quality of the service for the customer and the enhancement of transparency and trust in planning generally. As such, these are also considered to represent good practice.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 Planning Enforcement evidence demonstrates that this is a well-functioning service. While this is a discretionary service, it is recognised that much valuable work is done within the team to contribute to the Council's corporate objectives. The breadth of this work was more extensive than initially appreciated and the scope, and indeed limitations, of the legislative framework, was acknowledged in the Scrutiny Committee Review.
- 3.2 This report has analysed performance within Planning Enforcement and identified areas of good or leading practice within the field. The report continues to address the objectives of recommendation 3 of the Scrutiny Review.
- 3.3 The statistics discussed in Section 2, as reported to the Scottish Government and the Council's PPF, provide a quantitative basis for assessing performance. These illustrate that the service continues to operate well and compares favourably to performance across the country. Furthermore, the service is improving in areas. New measures for assessing performance and enhancing processes have been implemented internally and these are

assisting to analyse performance and efficiency in order to achieve further improvements in performance and customer service. Further service and monitoring improvements are planned to enhance the operation of the team further. Preparations are also being made to address future legislative changes and the new duties this will require of the Planning Authority.

3.4 Examples of good practice are provided in this report in terms of service improvements within the team. Further, the case study provided in Appendix 2 demonstrates an excellent example of the wider function and performance of the team being actively involved in delivering improvements at a national level. These examples illustrate leading practice within the field and clearly demonstrate commitment within the team for a strong, yet balanced, enforcement function that best serves the public interest.

3.5 It is recommended that Committee:

- (i) approve this Annual Planning Enforcement Report for 2018/19; and
- (ii) requests the Executive Director (Housing and Environment) to bring forward a further report following publication of the annual performance statistics for 2019/20.

Author

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Approved

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Barbara Renton	Executive Director (Housing & Environment)	17 October 2019

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 This report supports the delivery of the strategic objectives within the Community Plan / Single Outcome Agreement 2013-23 in terms of the following principles:

- (i) Promoting a prosperous, inclusive and sustainable economy; and
- (ii) Creating a safe and sustainable place for future generations

Corporate Plan

- 1.2 This report contributes to the achievement of the following the Corporate Plan Priorities:

- (i) Promoting a prosperous, inclusive and sustainable economy; and
- (ii) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 There are no direct financial implications arising from this report.

Workforce

- 2.2 There are no implications arising from this report.

Asset Management (land, property, IT)

- 2.3 There are no implications arising from this report.

3. Assessments

Equality Impact Assessment

- 3.1 Following an assessment using the Integrated Appraisal Toolkit, it has been determined that the proposal is **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No further action is required as the subject of this report does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
 - in the way best calculated to deliver any statutory adaptation programmes; and
 - in a way that it considers most sustainable.

- 3.4 There are no sustainability implications of the report under this legislation.

Legal and Governance

- 3.5 There are no implications arising from the report.

Risk

- 3.6 There are no risks associated with the report.

4. Consultation

Internal

4.1 None.

External

4.2 None.

5. Communication

5.1 None.

2. BACKGROUND PAPERS

2.1 Guide to Scrutiny at Perth and Kinross Council 2014 (report 14/261).

2.2 Sixth Scrutiny Review: Planning Enforcement (report 15/550).

2.3 Annual Planning Enforcement Report 2017/18 (report 18/361).

3. APPENDICES

3.1 Appendix 1 – Example Closing Report.

3.2 Appendix 2 – Example of Good Practice: Case Study.