

Equality Impact Assessment - Level One - Initial Screening

Service Area – Planning and Transportation

Title of Policy: Planning Enforcement – Code of Practice

1. What are the aims, objectives and intended outcomes of the proposed policy, procedure, strategy, function or working practice to be assessed?

The policy presents a “Code of Practice” in relation to the enforcement of planning control. The aim of the policy is to:

- Set out clearly the Council’s objectives on planning enforcement
- Set out clear procedures for dealing with enforcement matters with measurable targets
- Ensure consistency of approach in enforcement matters
- Enable all customers to understand what level of service can be expected

The Policy was introduced as a means of improving the service that is offered. The objectives on the Council in undertaking its planning enforcement responsibilities are to:

- Remedy the undesirable effects of unauthorised development
- Ensure that breaches of planning control do not compromise the basis of any planning permission granted, or planning policy or the planning process generally and that the credibility of the planning service is not undermined.

The Code of Practice includes several sections:

- Introduction
- The general approach to Planning Enforcement
- The Planning Enforcement Code of Practice, which includes the following policies:
 1. The Council will record and investigate all alleged breaches of planning control that are brought to its attention.
 2. Anonymous enquiries and complaints based solely on business competition will not be investigated
 3. Acknowledging enquiries
 4. The site of an alleged breach of planning control will be visited by an officer within 2 working days
 5. Those responsible for unauthorised developments will be given the opportunity to state their case
 6. Evidence will be assembled in order to assess whether there has been a breach of planning control
 7. Enquirers will be notified of the outcome of all investigations
 8. Where planning is not the relevant legislation enquiries will be passed on to a more appropriate discipline
 9. Planning conditions will be monitored to check that new developments are being carried out in accordance with the planning permission. All alleged breaches of planning conditions will be investigated
 10. The Council will ensure compliance with the Town and Country Planning (Control of Advertisements) Regulations 1992
 11. Where the condition of any land or buildings harms the amenity of an area, the Council will consider taking action under section 215 of the Town and Country Planning Act 1990 to remedy the effects.
 12. The Council will use its powers to protect trees and woodland the subject of Tree Preservation Orders and hedgerows
- Appropriate action in specific circumstances – setting out what action may be taken in particular circumstances, namely:
 1. Where unauthorised development is carried out but considered to be satisfactory
 2. Where unauthorised development can apparently be made acceptable by the imposition of conditions

- 3. Where the unauthorised development is unacceptable on the site but relocation is feasible
- 4. Where the unauthorised development is unacceptable and relocation is not feasible
- 5. Where the unauthorised development is unacceptable and immediate remedial action is required
- 6. Unauthorised development by small businesses or self employed people
- 7. Unauthorised development by private householders
- Relevant documents

2. Who is intended to benefit from the policy, procedure, strategy, function or working practice and in what way? Think about who will benefit and how. This will prompt thoughts on who will not benefit and whether this can be justified.

The policy is intended to set out the Council’s policies on the enforcement of planning control to relevant customers – these would include members of the public, developers, elected members and staff. The policy is intended to set out how the Council will respond to actual or suspected breaches of planning control.

The Town and Country Planning Act and associated regulations form the basis of planning control within England and the Government has published policy advice (PPG 18) setting out how it expects local authorities to implement this. The Code of Practice largely reflects the advice contained in PPG 18. failure to adhere to these procedures may put the Council in a position where it is open to claims of maladministration by the Local Government Ombudsman.

It should be noted that this policy was adopted by the Council in 2004. Whilst there has been little change in government policy or legislation that would warrant a revision of the document it may need to be reviewed so it reflects current best practice.

3. Is there any evidence of impact on people on the grounds of Race, Religion, Gender, Disability, Sexual orientation and age as a result of this policy, procedure, strategy, function or working practice. If there is positive or negative impact then please indicate the levels.

	Race	Religion	Gender	Disability	Sex	Age
Impact						
Positive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neutral	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Low	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Level						
High	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The policy is intended to operate equality and should not have a positive or negative impact on any of the equality groups. The planning and building control system makes specific provision for disabled people and in policy terms planning guidance seeks to meet the differing requirements of elderly people or those within particular religious groups who may have particular requirements. Enforcement cases that raise these types of issues would need to be considered on their merits against the relevant policy guidance (as with all other cases).

Within Hyndburn there have, in the past, been difficulties in communicating with asian people who were involved with actual or suspected breaches of planning control due to language difficulties. However, the Council currently employs an enforcement officer who is able to converse fluently with this section of the community.

4. Has any positive/negative impacts been identified which cannot be justified?		
<input type="checkbox"/> YES Need to proceed to stage 2 or 3 (go to question 5) <input checked="" type="checkbox"/> NO No need to proceed to stage 2 or 3 (go to question 7).		
5. Should the policy procedure proceed to Stage 2 Partial impact assessment or stage 3 Full Impact Assessment?		
Stage 2	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Stage 3	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
6. What dates will the stage 2 or stage 3 impacts Assessment be completed by?		
N/A		
7. Has this Initial Screening been sent to the HR department to be uploaded on the internet?		
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>
8. Authority		
Service Officer	Service Manager	Human Resources
Simon Prideaux	Daniel Hartley	
Date 29th July 2009	Date	Date