



Town Planning Enforcement Policy

Gillian Bishop

Interim Executive Director Environmental Services

Civic Buildings, New Market Street
Wigan WN1 1RP

Telephone: 01942 244991
Fax: 01942 404222



Town Planning Enforcement Policy

Introduction

The purpose of this document is to set out our policy about what businesses and individuals can expect from officers involved in enforcing town planning and related legislation. This document has been produced in accordance with our Corporate Enforcement Policy, you can find details on our website at www.wigan.gov.uk via the Council, on the home page.

The policy is based upon the central and local government concordat on good enforcement.

By adopting the concordat we commit ourselves to the following policies and procedures, which contribute to Best Value.

- 1 Standards** of service provision
- 2 Helpfulness** to service users
- 3 Openness** about the service
- 4 Proportionality** of the service response
- 5 Consistency** of service
- 6 Complaints about the service**

Customer Charter

We have also prepared a Customer Charter for the Town Planning Enforcement Service. This will assist members of the public who wish to make enquiries or complaints about how land or buildings are being used or how development is being carried out. You can get copies from us or from our website at www.wigan.gov.uk.

The possible implications of enforcement action

We recognise that most people want to comply with legislation. We will take care to help you to meet your legal obligations without unnecessary expense.

However, breaches of planning control and the subsequent enforcement action

can have serious implications in certain cases. We will take firm action, including prosecution where appropriate, against those who flout the legislation with total disregard for the consequences of their actions.

Currently the maximum fine for non-compliance with the terms of an enforcement notice is £20,000. In addition buildings erected without planning permission may have to be demolished and unauthorised uses stopped.

1 Standards

We will establish clear standards for the levels of service that the public and businesses can expect to receive.

Details of these standards are made available in this document and the Customer Charter for the Enforcement Service. Wherever possible, these standards will include measurable targets against which our level of performance will be assessed.

Wherever possible, the standards we set will be as a result of consultation with interested parties including, where appropriate, our technical advisors.

We will review our standards at least once a year.

2 Helpfulness

We believe in co-operation and assistance as opposed to confrontation and enforcement action.

Wherever possible we will give guidance and assistance to people or organisations in their efforts to understand and comply with the requirements and constraints placed on them.

- a We will seek to become actively involved with business, community and charitable organisations to advise and assist them with compliance with the rules applied.

Written and verbal advice on compliance will always be available and given to all people or organisations involved.

- b We will provide individuals and organisations with a courteous service and our officers will identify themselves by name.
- c We will provide those people making enquiries with contact telephone numbers and reference numbers to ensure consistency and continuity of

- service by the officers involved.
- d The business community will be encouraged to discuss both present and possible future problems involving compliance with us with a view to eliminating such problems by mutual agreement and co-operation as opposed to confrontation.
 - e We will deal efficiently and in a co-ordinated manner with enforcement issues in order to avoid unnecessary and costly time delays and overlapping of enforcement action by other Departments.
 - f Unless immediate action is required, we will provide an opportunity to discuss the circumstances of the case and if possible will resolve any points of difference.

3 Openness

Within the constraints placed on the organisation regarding confidentiality, we will try to be as open and frank as is possible in the way we carry out our duties. In particular:

- a We will have a clear commitment to the use of plain language in both oral and written form.
- b We will try to make sure that relevant information is made available as widely as possible to everyone involved with enforcement issues and a written account of actions or proposed actions will normally be provided to all involved.
- c We will ensure that everyone involved with enforcement issues is made aware of any appeals procedures or financial implications which may be applicable and which will directly or indirectly affect them.
- d We will always discuss and record any difficulties which individuals or organisations have regarding general or specific compliance with the rules which we apply.
- e We will clearly distinguish legal requirements from best practice advice.

4 Action will be appropriate and in proportion

We will make sure that the approach adopted, the requirements imposed and the action taken to remedy a breach of planning control is appropriate and in proportion to the seriousness of the matter in hand.

- a In reaching our decision on the type of action to take, we will have regard to whether there is a major or minor breach in terms of the resulting impact and implications for planning policy. Formal or informal action will be taken, depending on the individual case. At all times the action we take and the reasons for it will be fully documented.
- b When we are considering action, the particular circumstances of the operator and attitude of the operator will be taken into account as far as appropriate, given legal provisions or constraints.
- c We will ensure that policies and procedures regarding enforcement action are in place and followed to ensure the correct response is taken which is in proportion to the matters at issue.
- d Wherever possible we will take particular care to work with small businesses and voluntary and community groups to make sure that requirements are met without incurring unnecessary expense.

5 Consistency

We will try to promote consistency in both the level of service customers receive and the way in which we respond. In particular:

- a We will carry out all our duties in a fair, consistent and equitable manner.
- b We will put in place arrangements to promote consistency, including liaison with other authorities and enforcement bodies and, where appropriate, comparable documented case histories and outcomes.
- c Our decisions on enforcement action will take into account national and local government guidelines and policy which support a consistent and effective response regarding enforcement with particular reference to Planning Policy Guidance Note 18 Enforcing Planning Control. This Guidance Note can be accessed via the website of the Office of the Deputy Prime Minister at www.odpm.gov.uk From the front page, select Planning, then Planning policy, then Planning policy guidance notes, then select Planning Policy Guidance 18: Enforcing planning control.
- d Due to the often lengthy and complex nature of enforcement investigations, we may find it necessary to prioritise cases. We will give

priority to those cases where there is a serious threat to health and safety followed by those causing the greatest harm to amenity and the environment.

6 Complaints about the service

We accept that despite our best efforts, on occasion customer dissatisfaction with the service will occur and we recognise the role service complaints can play in identifying areas for improvement. Consequently:

- a The council has a written formal complaints procedure in place which is available at all times to those people who are dissatisfied with the service provided.
- b The complaints procedure is publicised and made available to the community.
- c We will address service complaints promptly and consistently. We will advise the complainant of the outcome of the investigation.
- d Should the complainant remain dissatisfied with the outcome of the investigation into their complaint, we will fully explain the further options or any appeals procedures available together with the expected timescale.

Further information

If you need more information about our enforcement service or wish to comment and/or complain about this service you may contact members of the Town Planning Enforcement Team as follows:

Senior Enforcement Officer for all areas: 01942 404270

East: 01942 404268

Leigh, Atherton, Tyldesley, Astley, Golborne, Lowton, Mosley Common

West: 01942 404269

Wigan, Pemberton, Standish, Orrell, Billinge, Shevington, Appley Bridge, Winstanley.

Central: 01942 404267

Ashton-in-Makerfield, Ince, Aspull, Haigh, Hindley Town Centre, Platt Bridge, Whelley, Scholes, Hindley Green, Hindley, Abram, Bickershaw, Poolstock, Worsley Mesnes, Hawkley Hall.

Out of hours answerphone for all areas
Telephone: 01942 404301

Alternatively you can send your **written enquiries** to:

Interim Executive Director Environmental Services
Wigan Council
Civic Buildings
New Market Street
Wigan
WN1 1RP

Website

You can get further information about the Environmental Services Department and the planning system from our website at **www.wigan.gov.uk**

You can also get further information from our website about other council departments including contact details.

Related documents

This document has been produced in conjunction with both the council's Corporate Enforcement Policy and the Customer Charter for the Town Planning Enforcement Service. Both documents explain how the council undertakes its enforcement duties and are available from the reception and the council's website at www.wigan.gov.uk.

