

minor amendment to the Council's adopted Local Enforcement Plan to make reference to this new process, and to authorise future minor amendments to both as and when necessary.

3. Background

- 3.1 When the initial investigation into an alleged breach of planning control finds that there is an identifiable breach, a decision must be made on whether to spend further time and resources on pursuing the matter towards some sort of resolution – either through negation or, if all else fails, through some form of formal action. In some cases, where there is only a minor technical breach which causes no significant harm and/or where a planning application would have been likely to be successful, it is not expedient to pursue the matter and the case is closed.
- 3.2 At present, this is solely a matter of professional judgement, based on experience and material planning considerations on a case-by-case basis. Such decisions are documented by the investigating officer in the case notes and explained to all interested parties. Nevertheless, this is a difficult and contentious area of work which is inevitably liable to complaints. It has therefore been proposed that the Council adopts a system used by some other authorities, whereby a 'harm assessment form' is used to apply a 'score' system to the breach of planning control, thereby providing a quantified assessment of the degree of harm caused, or likely to be caused by the breach. A score beyond a threshold of 5 or more, will normally mean that the case will be pursued further, though this does not necessarily mean that formal action will ultimately be considered to be expedient. Cases with a lower score will not normally be pursued any further, though owners/occupiers may be invited to remedy the matter or seek to regularise it through the submission of a planning application.
- 3.3 Some cases will automatically be pursued and will not need to be the subject of this process – these include cases where there is a clear and significant conflict with the adopted development plan, and cases where a retrospective application has been refused.
- 3.4 The form should be regarded as a useful tool to be used in guiding and informing the decision-making process, and in prioritising cases, though the final decision remains a matter of professional judgement. It is proposed that the 'trigger score' is subject to review over time and in the light of practice experience, and also subject to potential variation according to work pressures (i.e. in periods of exceptional work loads and/or limited staff resources it may be appropriate to raise the threshold temporarily to assist the management of the service).

4. Evaluation of Alternative Option(s)

- 4.1 Alternative options would be to pursue a different version of the proposed assessment form, or not to pursue the proposal at all, and continue with the existing established system. The former has been considered and the draft assessment form at Appendix A has been arrived at following the initial trialling of an existing form already used by another authority, which has been subsequently amended in the light of lessons learned.
- 4.2 The latter remains an option, but would fail to secure the potential benefits outlined below in this report.

5.	Reasons for Recommending Preferred Option
5.1	The proposed harm assessment scheme would provide : a quantitative and qualitative assessment of harm to public amenity and interest; an open and transparent procedure; a quick and effective way of determining which cases should be further pursued; a flexible system which would support prioritisation and efficient use of resources; equality and consistency in the handling of cases; and a clear 'audit' trail to assist in responding to complaints about decisions made relating to the pursuance of enforcement investigations.
6.	Scrutiny
6.1	Not applicable.
7.	Implications
7.1	<p>Delivery of the Council's Priorities</p> <p>The options/proposals in this report will contribute to the delivery of the following Council Priorities:</p> <ul style="list-style-type: none"> • Managed Growth – b) Maintain and enhance Solihull's character and sustainability; • Build Stronger Communities – a) Create conditions for strong communities that make Solihull a destination of choice to live, learn, work and play; • Deliver Value – make the best use of resources and deliver maximum value to the customer through The Solihull Way. • Policy/Strategy Implications - Consistent with the Council's adopted Local Enforcement Plan (December 2013). • Meeting the duty to involve – not applicable
7.2	Financial Implications – None as a direct result of this report
7.3	Legal implications - None
7.4	Risk Implications - None
7.5	Statutory Equality Duty – consistent with policy
7.6	Carbon Management/Environmental – Partner Organisations – not applicable
7.7	Safeguarding/Corporate Parenting Implications - None
7.8	Customer Impact – Public benefit in aiding a fair, consistent and transparent approach to enforcement.
7.9	Other implications – None
8.	List of Appendices Referred to
8.1	Appendix A – draft Harm Assessment Form.

9. Background Papers Used to Compile this Report
9.1 Local Enforcement Plan (December 2013)
10. List of Other Relevant Documents
10.1 None