

Diversity impact assessment

TITLE Planning Enforcement Policy 2023

DATE 3 November 2023

LEAD OFFICER. Dave Harris

1. Summary description of the proposed change

What is the change to policy / service / new project that is being proposed?
How does it compare with the current situation?

The policy is intended to update the existing Planning Enforcement Policy dated 2017. The policy sets out an explanation of the planning enforcement process to assist customers in understanding the service and what options are open to the Council in the legal context in terms of enforcement action. The policy provides guidance on what types of breaches are covered by planning legislation and the different forms of action available to the Planning Service and when it is appropriate to implement these actions. Full Council approval will be sought to adopt the updated policy but is first being reported to Planning Committee and Cabinet for comment.

2. Summary of evidence used to support this assessment

Eg: Feedback from consultation, performance information, service user.
Eg: Comparison of service user profile with Medway Community Profile

Planning Enforcement Policy 2023 The current Planning Enforcement Policy has been in place since 2017. Six years on and the Planning Service are operating to updated planning legislation and a more publicly accessible service. It is important that the customers of the Planning Service are able to understand the service and options that the Council can implement in the context of the legislation to help manage expectations. As the updated policy is a factual document regarding the service provision in the context of planning legislation, no public consultation has been carried out. However, the document has been produced by the Senior Enforcement Officer with reviews of the document and amendments carried out by the Chief Planning Officer, in liaison with the Assistant Director Culture and Community, and Head of Legal Services.

3. What is the likely impact of the proposed change?

Is it likely to:

Adversely impact on one or more of the protected characteristic groups

Advance equality of opportunity for one or more of the protected characteristic groups

Foster good relations between people who share a protected characteristic and those who don't

(insert Yes when there is an impact or No when there isn't)

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Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Age		X	X
Disabilty		X	X
Gender reassignment		X	X
Marriage/civil partnership		X	X
Pregnancy/maternity		X	X
Race		X	X
Religion/belief		X	X
Sex		X	X
Sexual orientation		X	X
Other (eg low income groups)		X	X

4. Summary of the likely impacts

Who will be affected?

How will they be affected?

The updated policy will affect those people who have carried out unauthorised works (offenders) and those people who report and/or are affected by the unauthorised work (complainants). Both the offenders and the complainants could fall within one or more of the above protected characteristic groups. In basic terms, the policy itself solely sets out what options are open to the Council in terms of enforcement action and when it is appropriate to take certain action within the context of planning legislation. Therefore whilst any enforcement action itself may result in an adverse impact, the policy which provides the explanation does not. In setting out service delivery and standards, the policy assists in demonstrating to all users of the service that the ability to take enforcement action is taken in the context of what the legislation allows and therefore no one person or group of people with one or more of the protected 224 characteristics is advantaged or disadvantaged. The policy should therefore help to advance equality and foster good relations whether it is between the offender and the complainant or the Council and the offender and/or complainant.

5. What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

What alternative ways can the Council provide the service?

Are there alternative providers?

Can demand for services be managed differently?

This updated policy will help improve equality and foster good relations as stated above. The delivery of the service is substantially dictated by the legislative context and therefore, changes to the way the service is provided is restricted to an extent. By providing up-to-date information, the policy

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should also help to avoid any existing adverse impacts in terms of complaints regarding service delivery and the handling of enforcement investigations which is currently being operating to an out-of-date 2017 policy.

6. Action plan

Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
Review Planning Enforcement Policy to take account of relevant changes such as the release of legislation updates related to planning enforcement.	AM	Annually with first review being 30 November 2024
Ensure policy can be available in multiple formats.	AM	30 November 2023

7. Recommendation

The recommendation by the lead officer should be stated below. This may be: to proceed with the change, implementing the Action Plan if appropriate, consider alternatives, gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

It is recommended that the Planning Committee note the Planning Enforcement Policy 2027 prior to consideration by Cabinet and Full Council.

8. Authorisation

The authorising officer is consenting that the recommendation can be implemented, sufficient evidence has been obtained and appropriate mitigation is planned, the Action Plan will be incorporated into the relevant Service Plan and monitored

Assistant Director

Date of authorisation