

REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE
DATE: 22ND MAY 2007
SUBJECT: PLANNING ENFORCEMENT
REPORT FROM: BOROUGH PLANNING, ENGINEERING AND
TRANSPORTATION SERVICES OFFICER
CONTACT OFFICER: TOM MITCHELL – DEVELOPMENT MANAGER

TYPE OF DECISION: COUNCIL
**FREEDOM OF
INFORMATION
STATUS:** This paper is within the public domain

SUMMARY:
The report provides statistical information on Enforcement Activity during 2006/7, together with an update (see Appendix) of Enforcement activity since the last report in January 2007.

OPTIONS AND RECOMMENDED OPTION (with reasons):
The Committee is recommended to note the report.

IMPLICATIONS -

Corporate Aims/Policy Framework: N/A
**Financial Implications and
Risk Considerations** N/A
**Statement by Director of Finance
and E-Government:** N/A
Equality/Diversity implications: N/A
Considered by Monitoring Officer: N/A
Are there any legal implications? No
Staffing/ICT/Property: N/A

Wards Affected: ALL

Scrutiny Interest: N/A

TRACKING/PROCESS

EXECUTIVE DIRECTOR:

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

1.0 INTRODUCTION

This report presents a brief analysis of Enforcement performance for the year 2006/7 and includes a table (below) showing a comparative statistical analysis of performance over the past 3 years. The report also provides an update on the Enforcement action since the last report in January 2007.

All Enforcement Notices served and Actions taken are considered against the provisions of the Human Rights Act 1998. In taking account of whether to serve an Enforcement Notice or take Action, which is a discretionary power afforded to Councils under the Town and Country Planning Act, 1990 as amended, consideration is taken as to whether the individual's rights are affected and whether it is expedient to serve such a Notice or take Action against the individual.

The service provided currently is a reactive one in that we respond to complaints received from members of the public. The resources are not currently available to provide a more proactive service which monitors development and compliance with planning conditions.

Table

	2004/5	2005/6	2006/7
Number of Complaints received	370	461	628
% where initial site visit within 10 working days	89%	55%	88%
Number of complaints resulting in a breach of Planning Control	112	238	298
% of breaches where Enforcement Action is taken within 13 weeks	80%	73%	79%
Number of Enforcement Notices served	6	15	27
Number of Stop Notices served	0	0	0
Number of Breach of Condition Notices served	0	0	2
Number of Section 215 Untidy land/building Notices served	1	1	7
Number of Temporary Stop Notices served	0	2	13
Number of Planning Contravention Notices served	1	5	18
Number of Injunctions served	0	0	0
Number of Prosecutions made	0	2	4
Number of Formal Cautions issued	0	0	0
Number of Works in Default actions taken	0	0	0
Number of High Hedges Remedial Notices served	0	0	6

2.0 CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer, who is employed full time; and a Planning Enforcement Officer, who is employed full time working 4 days a week. Both Officers deal with complaint cases on a Borough – wide basis, in accordance with the Council's Customer Charter for the Planning Enforcement Service.

3.0 WORKLOAD/COMPLAINT CASES RECEIVED

The table above sets out statistical information for the past 3 years.

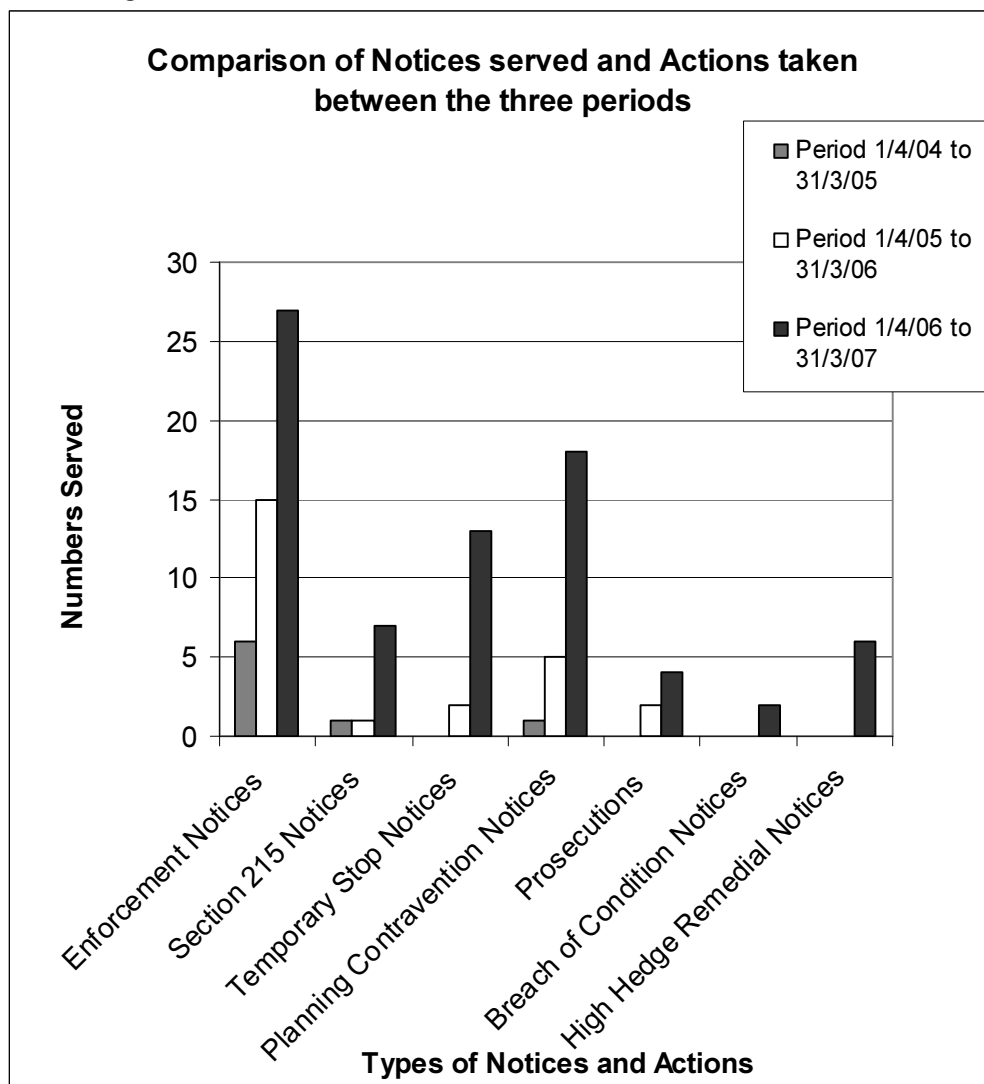
Members may be interested to note that last year we received 628 complaints, a 40% increase on the previous year. The vast majority of cases in this period were resolved without recourse to formal Enforcement Action.

The table above includes reference to 2 performance standards in terms of the speed of the responses to a) site visits and b) cases being closed. In both case we have managed to maintain or improve the response times without additional resources and with a 40% increase in workload.

4.0 FORMAL NOTICES SERVED/ACTIONS TAKEN

During the past 12 months there has also been a significant increase in the number of cases which have been pursued through formal action and 73 formal enforcement notices have been served, compared with 23 for the previous year and 8 for the year before that.

Figure 1



A comprehensive list of Notices served and Actions taken can be seen at Appendix 1 attached

5.0 CONCLUSIONS

The number of planning Enforcement cases is rising and is anticipated that the number of cases will continue to rise although perhaps not at the same rate experienced over the past 3 years.

During 2006/7 the number of complaints has remained consistently around 160 per quarter. This compares with a figure of 110 for the three previous

quarters in 2005. The number of planning Enforcement complaints is therefore being maintained at a high level.

The number of Notices being served and formal action being taken is also remaining at a high level.

The majority of cases continue to be resolved without recourse to formal action but there has been a marked increase in formal action.

The service is probably at it its maximum effectiveness and performance without additional resources.

List of Background Papers:- None

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