



REPORT FOR DECISION

Agenda Item	
----------------	--

MEETING: PLANNING CONTROL COMMITTEE

DATE: 25 NOVEMBER 2008

SUBJECT: PLANNING ENFORCEMENT

REPORT FROM: ASSISTANT DIRECTOR ([PLANNING, ENGINEERING AND TRANSPORTATION SERVICES])

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 1st April 2008 and 30th September 2008. The appendix to the report is an update on all current formal action as at 4th November 2008.

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

DIRECTOR:

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

INTRODUCTION

This report presents a brief analysis of Enforcement performance for the quarterly period from 1st April 2008 to 30th September 2008.

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

	Period 1/4/08 to 30/9/08
Number of Complaints received	349
% where initial site visit within 10 working days	82%
Number of complaints resulting in a breach of Planning Control	144
% of breaches where Enforcement Action is taken within 13 weeks	80%
Number of Enforcement Notices served	13
Number of Stop Notices served	0
Number of Breach of Condition Notices served	3
Number of Section 215 Untidy land/building Notices served	2
Number of Temporary Stop Notices served	0
Number of Planning Contravention Notices served	5
Number of Injunctions served	0
Number of Prosecutions made	3
Number of Formal Cautions issued	0
Number of Works in Default actions taken	0
Number of High Hedges Remedial Notices served	0

CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer and a Planning Enforcement Officer. The previous Planning Enforcement Officer left the Authority on 11th September 2008 and is due to be replaced on 10th November 2008. This has affected performance relating to the time taken to inspect complaints and progress cases and the number of Notices and actions taken.

Both Officers deal with complaint cases on a Borough-wide basis, in accordance with the Council's Customer Charter for the Planning Enforcement Service.

WORKLOAD/COMPLAINTS RECEIVED

During the period 1st April 2008 to 30th September 2008 the number of cases remain at a high level and during this period we received 349 complaints. In the full year 2007/8 we received 628 complaints and hence the number of complaints received continues to increase.

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 cases the performance is considered to be good although there has been some impact on performance arising from the staff change.

FORMAL NOTICES SERVED/ACTIONS TAKEN

The table above sets out statistical information for the period 1st April 2008 to 30th September 2008. During this time a total number of 23 Notices have been served and 3 prosecutions have been made. One of the prosecutions relating to the erection of unauthorised signs throughout the Bury area by a firm called Apex Self Storage, resulted in a Court appearance on 3rd November 2008. The Company pleaded Guilty and was fined a total of £8,000 plus costs.

CONCLUSIONS

The number of planning Enforcement cases remains at a high level and is anticipated that the number of cases will continue to rise.

The majority of cases continue to be resolved without recourse to formal action but the marked increase in formal action being taken continues.

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

List of Background Papers:- None

Contact Details:-

Tom Mitchell
Development Manager
Environment and Development Services
Craig House
5 Bank Street
Bury BL9 0DN

Tel: 0161 253 5321

Email: t.michell@bury.gov.uk