

REPORT FOR DECISION

MEETING: PLANNING CONTROL COMMITTEE

DATE: 21st APRIL 2009

SUBJECT: PLANNING ENFORCEMENT

REPORT FROM: BRIAN DANIEL, ASSISTANT DIRECTOR, PLANNING,
ENGINEERING & 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 2008/9, together with an update (see Appendix) of Enforcement activity since the last report in September 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

EXECUTIVE 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 year 2008/9 and includes a table (below) showing a comparative statistical analysis of performance over the past 4 years. The report also provides an update on the Enforcement action since the last report in 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.

CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer and a Planning Enforcement Officer, who are employed full time. Both Officers deal with complaint cases on a Borough – wide basis, in accordance with the Council's Customer Charter for the Planning Enforcement Service. It is proposed to transfer a member of the technical support team into Enforcement to supplement the current resources.

WORKLOAD/COMPLAINT CASES RECEIVED

	2005/6	2006/7	2007/8	2008/9
Number of Complaints received	461	628	569	576
% where initial site visit within 10 working days	55%	88%	88%	77%
Number of complaints resulting in a breach of Planning Control	238	298	257	404
% of breaches where Enforcement Action is taken within 13 weeks	73%	79%	69%	74%
Number of Enforcement Notices served	15	27	18	28
Number of Stop Notices served	0	0	0	0
Number of Breach of Condition Notices served	0	2	7	4
Number of Section 215 Untidy land/building Notices served	1	7	13	2
Number of Temporary Stop Notices served	2	13	3	2
Number of Planning Contravention Notices served	5	18	15	15
Number of Injunctions served	0	0	0	0
Number of Prosecutions made	2	4	2	9
Number of Formal Cautions issued	0	0	0	0
Number of Works in Default actions taken	0	0	0	0
Number of High Hedges Remedial Notices served	0	6	1	0

The table above sets out statistical information for the past 4 years.

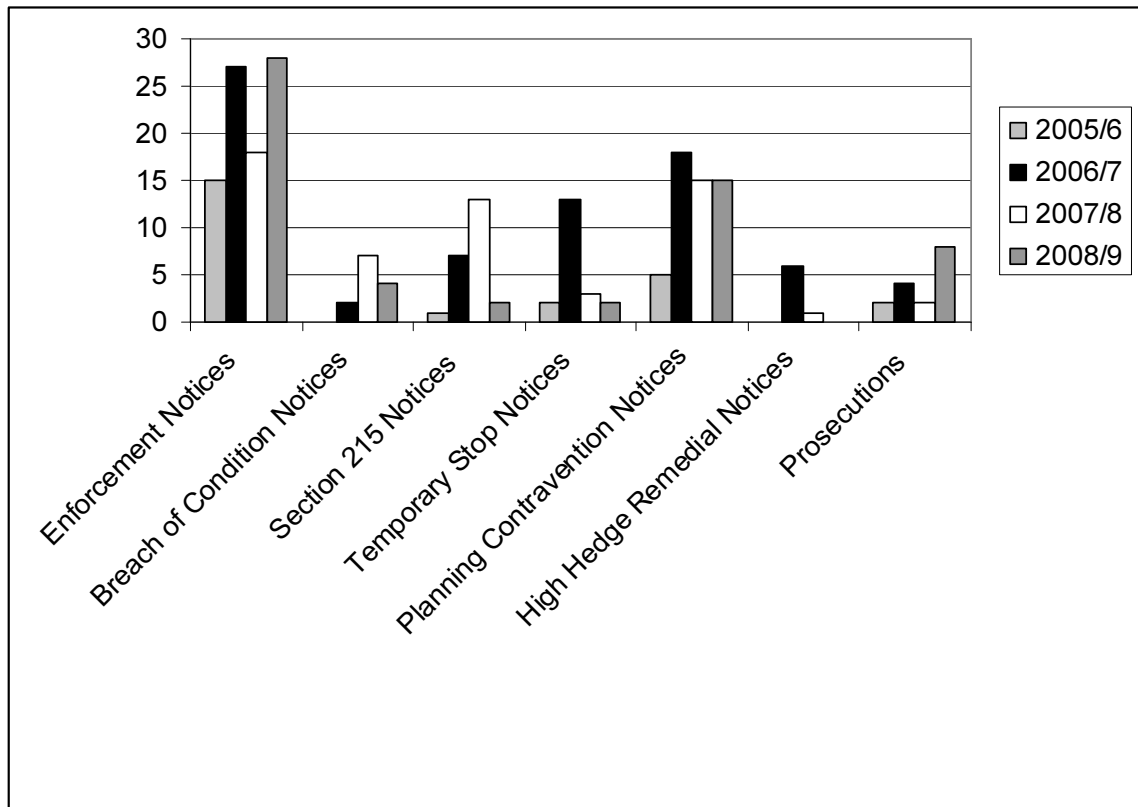
The number of complaints received is slightly up on the previous year, following a peak in complaints in 2006/7 of 628 complaints. Members may be interested to note that last year we received 576 complaints, 404 of which were breaches of Planning Control. This shows a marked increase in the number of actual breaches found and may be a reflection of the current financial and economic position. The vast majority of these 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.

FORMAL NOTICES SERVED/ACTIONS TAKEN

During the past 12 months the number of cases which have been pursued through formal action remains at a high level with 51 formal enforcement notices having been served and 9 prosecutions made.

Comparison of Notices served and Actions taken over the last 4 years



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

CONCLUSIONS

During 2008/9 the number of complaints has steadied off at around 570 for the year which is around 145 per quarter. The cases are also being visited within a consistently good time frame and the speed of which cases are closed has improved on 2007/8.

The number of Notices being served and formal action being taken is remaining at a high level. The majority of cases continue to be resolved without recourse to formal - action.

The service is probably at its maximum effectiveness and performance without additional resources. It is expected that the additional resource being proposed will improve the ability to monitor ongoing enforcement complaints. It does however remain largely a reactive service and is not proactively monitoring approved development schemes.

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.mitchell@bury.gov.uk

