

REPORT FOR DECISION

MEETING: PLANNING CONTROL COMMITTEE
DATE: 21 JULY 2009
SUBJECT: PLANNING ENFORCEMENT
REPORT FROM: DEVELOPMENT MANAGER
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 between 1st January 2009 and 30th June 2009, together with an update (see Appendix) of Enforcement activity since the last report on 21st April 2009.

OPTIONS & RECOMMENDED OPTION The Committee is recommended to the note the report.

IMPLICATIONS:

| | |
|---|--|
| Corporate Aims/Policy Framework: | Do the proposals accord with the Policy Framework? N/A |
| Financial Implications and Risk Considerations: | Director of Finance and E-Government to advise regarding risk management 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 period from 1st January 2009 and 30th June 2009. The report also provides an update on the Enforcement action since the last report on 21st April 2009.

All Enforcement Notices serviced 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.

Table

| | Period 1/1/09 to 30/6/09 |
|---|-------------------------------------|
| Number of Complaints received | 275 |
| % where initial site visit within 10 working days | 80% |
| Number of complaints resulting in a breach of Planning Control | 189 |
| % of breaches where Enforcement Action is taken within 13 weeks | 69% |
| Number of Enforcement Notices served | 11 |
| Number of Stop Notice served | 0 |
| Number of Breach of Condition Notices served | 1 |
| Number of Section 215 Untidy land/building Notices served | 2 |
| Number of Temporary Stop Notices served | 2 |
| Number of Planning Contravention Notices served | 15 |
| Number of Injunctions served | 0 |
| Number of Prosecutions made | 7 |
| Number of Formal Cautions issued | 0 |
| Number of Works in Default actions taken | 1 |
| Number of High Hedges Remedial Notices served | 0 |

2.0 CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer, a Planning Enforcement Officer and a Planning Enforcement Technician, who are employed full time. The 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 period 1st January 2009 to 30th June 2009. During this time a total number of 31 Notices have been served, 1 default action has been carried out and 7 prosecutions have been made. One of the prosecutions relating to the unauthorised use of premises at Christinas Palace, 76 to 80 Water Street, Radcliffe as a massage parlour resulted in a Court appearance by the owner and manager at Bury Magistrates

Court on 13th May 2009. Both parties pleaded Guilty to non compliance with an Enforcement Notice served to cease the unauthorised use and were fined a total of £9,226 including costs.

Members may be interested to note that during this period we received a total of 275 complaints.

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.

4.0 FORMAL NOTICES SERVED/ACTIONS TAKEN

During the past 6 months the number of cases which have been pursued through formal action remains at a high level with 31 formal notices having been served and 7 prosecutions made.

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

5.0 CONCLUSIONS

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 provided is primarily a reactive one in that we respond to complaints received from members of the public. We have transferred one additional member of staff into the team and we are now expecting to introduce a more proactive service which provides some monitoring of significant approved development schemes and compliance with planning conditions.

List of Background Papers:- None

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