

# REPORT FOR DECISION

**MEETING:** **PLANNING CONTROL COMMITTEE**  
**DATE:** **19<sup>TH</sup> JANUARY 2010**  
**SUBJECT:** **PLANNING ENFORCEMENT**  
**REPORT FROM:** **CHIEF PLANNING OFFICER**  
**CONTACT OFFICER:** **DAVID MARNO – DEVELOPMENT MANAGER**

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**TYPE OF DECISION:** **COUNCIL**

**FREEDOM OF INFORMATION/STATUS:** This paper is within the public domain

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**SUMMARY:** The report provides statistical information on Enforcement Activity between 1<sup>st</sup> October 2009 and 31<sup>st</sup> December 2009, together with an update (see Appendix) of Enforcement activity since the last report on 20<sup>th</sup> October 2009.

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

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## **IMPLICATIONS:**

**Corporate Aims/Policy Framework:** Do the proposals accord with the Policy Framework? No

**Financial Implications and Risk Considerations:** N/A

**Statement by Director of Finance and E-Government:** N/A

**Equality/Diversity implications:** No  
(see paragraph below)

**Considered by Monitoring Officer:** N/A

**Are there any legal implications?** N/A (see paragraph )

**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 BACKGROUND**

1.1 This report presents a brief analysis of Enforcement performance for the period from 1<sup>st</sup> October 2009 and 31<sup>st</sup> December 2009. The report also provides an update on the Enforcement action since the last report on 20<sup>th</sup> October 2009.

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.

*Table 1*

<b>Period 1/10/09 to 31/12/09</b>	
Number of Complaints received	152
% where initial site visit within 10 working days	97.9%
Number of complaints resulting in a breach of Planning Control	111
% of breaches where Enforcement Action is taken within 13 weeks	79%
Number of Enforcement Notices served	7
Number of Stop Notices served	0

Number of Breach of Condition Notices served	1
Number of Section 215 Untidy land/building Notices served	3
Number of Temporary Stop Notices served	1
Number of Planning Contravention Notices served	5
Number of Injunctions served	0
Number of Prosecutions made	4
Number of Formal Cautions issued	0
Number of Works in Default actions taken	0
Number of High Hedges Remedial Notices served	5

## 2.0 ISSUES

### **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.

### **WORKLOAD/COMPLAINT CASES RECEIVED**

The table above sets out statistical information for the period 1<sup>st</sup> October 2009 to 31<sup>st</sup> December 2009. During this time a total number of 22 Notices have been served.

Members may be interested to note that during this period we received a total of 152 complaints.

The table 1 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 3 months the number of cases which have been pursued through formal action remains at a high level with 22 formal notices having been served for breaches of Planning Control, with 4 prosecution cases for non compliance with notices served. The owner of Fold mill also appeared at Bolton Crown Court on 23/11/09 and was fined a total of £3,175 for non compliance with 2 enforcement notices served.

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

### **3.0 CONCLUSION**

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.

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**List of Background Papers:-** None

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