

REPORT FOR DECISION

MEETING: **PLANNING CONTROL COMMITTEE**
DATE: **20th April 2010**
SUBJECT: **PLANNING ENFORCEMENT**
REPORT FROM: **CHIEF PLANNING OFFICER**
CONTACT OFFICER: **DAVID MARNO – 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 April 2009 and 31st March 2010, together with an update (see Appendix) of Enforcement activity since the last report on 20th January 2010.

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

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

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 year 2009/10 and includes a table (below) showing a comparative statistical analysis of performance over the past 5 years. The report also provides an update on the Enforcement Action since the last report on 20th January 2010.

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

	2005/6	2006/7	2007/8	2008/9	2009/10
Number of Complaints received	461	628	569	576	632
% where initial site visit within 10 working days	55%	88%	88%	77%	96%
Number of complaints resulting in a breach of Planning Control	238	298	257	404	432
% of breaches where Enforcement Action is taken within 13 weeks	73%	79%	69%	74%	75%
Number of Enforcement Notices served	15	27	18	28	30
Number of Stop Notices served	0	0	0	0	0
Number of Breach of Condition Notices served	0	2	7	4	11
Number of Section 215 Untidy land/building Notices served	1	7	13	2	15
Number of Temporary Stop Notices served	2	13	3	2	4
Number of Planning Contravention Notices served	5	18	15	15	32
Number of Injunctions served	0	0	0	0	0
Number of Prosecutions made	2	4	2	9	10
Number of Formal Cautions issued	0	0	0	0	0
Number of Works in Default actions taken	0	0	0	0	0
Number of High Hedges Remedial Notices served	0	6	1	0	9

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 during the year we have increased the resource by redeploying a member of staff as a Planning Enforcement Technician. 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 past 5 years.

Members may be interested to note that during the period 2009/10 we received 632 complaints, 432 of which were breaches of Planning Control, which remains at a high level. This trend 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. The percentage of case being visited within the target period has improved significantly and this is undoubtedly due to the additional staff member in the team.

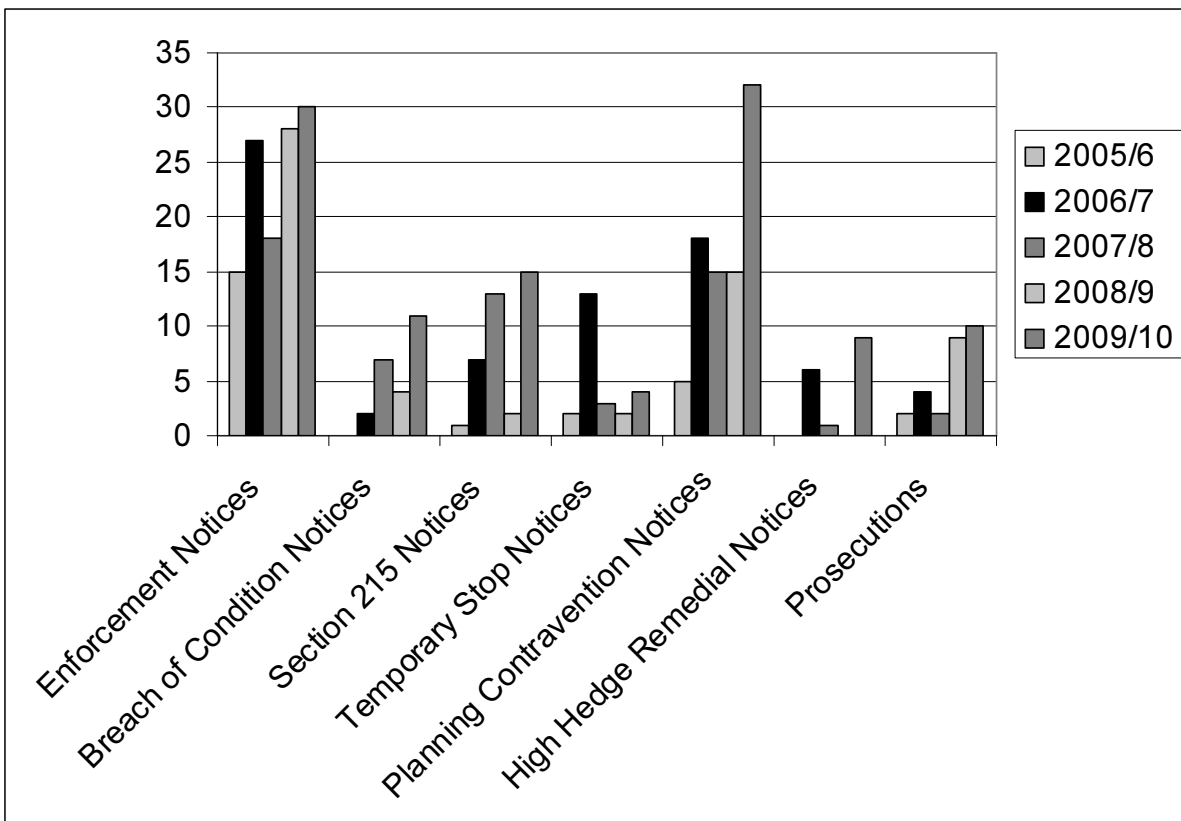
FORMAL NOTICES SERVED/ACTIONS TAKEN

During the past 12 months the number of cases which have been pursued through formal action remains at a high level with total of 101 formal notices having been served and 10 prosecutions made.

Please see figure 1 below for a comparison of notices served and actions taken over the past 5 years.

Figure 1:

Comparison of Notices served and Actions taken over the last 5 years



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

3.0 CONCLUSION

The service provided continues to be primarily a reactive one in that we respond to complaints received from members of the public.

The majority of cases continue to be resolved without recourse to formal action. It can be seen however that the number of notices served has continued to increase and reflects a significant amount of work being undertaken. This has also been accompanied by a significant increase in prosecutions through the Magistrates Court. The level of activity is considered to demonstrate a continued drive to address issues associated with unauthorised development.

The increased workload is being achieved whilst maintaining and improving performance following the redeployment of additional resources into this service.

List of Background Papers:- None

Contact Details:-

David Marno
Development Manager
Environment and Development Services
Craig House
5 Bank Street
Bury BL9 0DN

Tel: 0161 253 5321

Email: d.marno@bury.gov.uk