

# REPORT FOR DECISION

**MEETING:** PLANNING CONTROL COMMITTEE  
**DATE:** 20<sup>th</sup> July 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> April 2010 and 30th June 2010, together with an update (see Appendix) of Enforcement activity since the last report on 20<sup>th</sup> April 2010.

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

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## IMPLICATIONS:

<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? No
<b>Financial Implications and Risk Considerations:</b>	N/A
<b>Statement by Director of Finance and E-Government:</b>	N/A
<b>Equality/Diversity implications:</b>	No (see paragraph below)
<b>Considered by Monitoring Officer:</b>	N/A
<b>Are there any legal implications?</b>	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**

This report presents a brief analysis of Enforcement performance for the period 1<sup>st</sup> April 2010 and 30<sup>th</sup> June 2010 and includes a table ( below) showing a comparative statistical analysis of performance over that period. The report also provides an update on the Enforcement Action since the last report on 20<sup>th</sup> April 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.

**2.0 ISSUES**

**WORKLOAD/COMPLAINT CASES RECEIVED**

The table below sets out statistical information for the period 1<sup>st</sup> April 2010 to 30<sup>th</sup> June 2010.

Members may be interested to note that during this period we received 193 complaints, 129 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 includes reference to 2 performance standards in terms of the speed of the responses to a) site visits and b) cases being closed.

	<b>Period 1/4/10 to 30/6/10</b>
Number of Complaints received	193
% where initial site visit within 10 working days	97.8%
Number of complaints resulting in a breach of Planning Control	129
% of breaches where Enforcement Action is taken within 13 weeks	82%
Number of Enforcement Notices served	12
Number of Stop Notices served	0
Number of Breach of Condition Notices served	5
Number of Section 215 Untidy land/building Notices served	4
Number of Temporary Stop Notices served	1
Number of Planning Contravention Notices served	9
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	0

## **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 a total of 31 formal notices having been served and 4 prosecutions made.

As a result of the 4 prosecutions carried out within the last 3 months, for non compliance with notices served, and the erection of unauthorised advertisements, fines totaling £4,675 including costs, have been imposed by the Courts and outstanding monies totaling over £9,282 required to be paid under a section 106 Agreement, have been recovered from a developer.

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

Members may be interested to note that following complaints regarding activities at Waterside Mill and Peel Bridge Mill, Kenyon Street, Ramsbottom, Bury, concerning suspected breaches of planning control regarding the stockpiling of waste materials within mill buildings at the site. Enforcement Officers obtained a Warrant and together with Police made a comprehensive search of the mill premises. As a result, 4 breaches of Planning Control were discovered resulting in the serving of an enforcement notice and 3 breach of

condition notices, further details of which can be seen within the list at Appendix 1.

During the search, a large quantity of Cannabis plants were discovered being cultivated inside one of the mill buildings, valued at over £300,000 and 1 man was arrested by Police at the scene.

## **PLANNING ENFORCEMENT SERVICE SURVEY**

Members may also be interested to note that in 2009 a survey of the Planning Enforcement Service was carried out, the results of which were recently forthcoming.

The survey was carried out over a 100 completed enforcement cases, with 42 questionnaires sent to the complainants in the case; 32 questionnaires to the offenders in the case; and 13 questionnaires to both parties in the case. There was a 15% response rate which included 2% of offenders. Although this may be considered a low response rate, it may be considered predictable in view of the work type. Notwithstanding this the responses have been analysed and generally were positive with very strong ratings in the offender questionnaires.

The findings of the responses to the Survey were as follows:

First contact and written communication scored high rates of satisfaction while the telephone contact scored less well. Negatives were recorded in speed of response and speaking to the right person first time. However, once contact had been made the satisfaction ratings improved.

Visits to the Council office scored well. There was some minor negativity around waiting times but most were satisfied and all customers found the opening hours convenient.

There was a very strong response in the survey to the professionalism and politeness of the Enforcement staff.

There was some concern regarding keeping the customer informed about the case with answers across the full range of satisfaction, however most still reported they were satisfied.

Overall, satisfaction markings were good but there were some reports of dissatisfaction with the explanation of outcomes by complainants, but not by offenders.

The comments on the questionnaires highlighted the need to keep the customer informed. However there was also a complimentary comment about the professional manner of the officer despite a disagreement with the outcome.

A high proportion of the Complainants were not aware of the Council's Policy on Enforcement. Most also did not know that this was available on the Council

web site or that they could complain via the site. None had accessed this information. In contrast all the Offenders knew this facility was available, had accessed the information and found it easy to understand.

Following the Survey a management meeting was held to discuss the results and to agree an action plan. It was decided to initiate the 7 point plan listed below:-

#### Action Points

- a) Review the content of the acknowledgement letter.
- b) Review standard letters for "Plain English" content
- c) Review contact telephone numbers
- d) Review internet contact links for enforcement and how to make a complaint on line
- e) Promote availability of the Enforcement internet site
- f) Publish information e.g. Press announcements
- g) Arrange for an ongoing survey on the internet site

### **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.

The results of the Survey carried out indicate that members of the public are, overall, very satisfied with the Planning Enforcement Service being provided.

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**List of Background Papers:-** None

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