

REPORT FOR DECISION

MEETING: **PLANNING CONTROL COMMITTEE**

DATE: **19 OCTOBER 2010**

SUBJECT: **PLANNING ENFORCEMENT**

REPORT FROM: **DEVELOPMENT MANAGER**

CONTACT OFFICER: **DAVID MARNO**

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 July 2010 and 30th September together with an update (see Appendix) of Enforcement activity since the last report on 20th July 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 period 1st July 2010 and 30th September 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 20th July 2010.
- 1.2 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 WORKLOAD/COMPLAINT CASES RECEIVED

- 2.1 The table below, sets out statistical information for the period 1st July 2010 to 30th September 2010.
- 2.2 Members may be interested to note that during this period we received 161 complaints, 120 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.
- 2.3 The table below includes reference to 2 performance standards in terms of the speed of the responses to a) site visits and b) cases being closed.

3.0 FORMAL NOTICES SERVED/ACTIONS TAKEN

- 3.1 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 26 formal notices having been served and 3 prosecutions made.
- 3.2 As a result of the prosecutions carried out within the last 3 months, for non compliance with notices served, fines totaling £2,403 including costs, have been imposed by the Courts. As a result of this Court action Notices have been complied with and ownership of problem sites has

changed, with new owners wanting to now resolve matters, thus justifying the Court action being taken.

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

	Period 1/7/10 to 30/9/10
Number of Complaints received	161
% where initial site visit within 10 working days	98%
Number of complaints resulting in a breach of Planning Control	120
% of breaches where Enforcement Action is taken within 13 weeks	79%
Number of Enforcement Notices served	6
Number of Stop Notices served	0
Number of Breach of Condition Notices served	3
Number of Section 215 Untidy land/building Notices served	8
Number of Temporary Stop Notices served	1
Number of Planning Contravention Notices served	8
Number of Injunctions served	0
Number of Prosecutions made	3
Number of Formal Cautions issued	0
Number of Works in Default actions taken	0
Number of High Hedges Remedial Notices served	0

4.0 NATIONAL PLANNING ENFORCEMENT STATISTICS

- 4.1 Members may also be interested to note that for the year 1st April 2009 to 31st March 2010, the Enforcement Section in Bury served 58 Enforcement Notices, the highest number in the Greater Manchester Authority area.
- 4.2 When compared with other Authorities in the North of England, this was found to be equal second with Leeds, who employ a total of 15 Enforcement staff; the highest number being served by Bradford, who employs 10 Enforcement staff in their Authority.
- 4.3 The number of Notices served by Bury also compares very favourably with other Authorities, nationwide. Attached is a copy of the list of Enforcement Action taken by each Authority, for members' attention.

5.0 CONCLUSION

- 5.1 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.

- 5.2 The service provided is primarily a reactive one in that we respond to complaints received from members of the public.
- 5.3 The published Nationwide Enforcement Statistics confirm that the Enforcement Service being provided is highly efficient and effective.
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List of Background Papers:- None

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