

REPORT FOR DECISION

MEETING: **PLANNING CONTROL COMMITTEE**
DATE: **15th March 2011**
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 October 2010 and 28th February 2011 together with an update (see Appendix) of Enforcement activity since the last report on 20th October 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 October 2010 and 28th February 2011 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 October 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

	Period 1/10/10 to 28/2/11
Number of Complaints received	225
% where initial site visit within 10 working days	97.6%
Number of complaints resulting in a breach of Planning Control	171
% of breaches where Enforcement Action is taken within 13 weeks	72%
Number of Enforcement Notices served	19
Number of Stop Notices served	0
Number of Breach of Condition Notices served	6
Number of Section 215 Untidy land/building Notices served	3
Number of Temporary Stop Notices served	2
Number of Planning Contravention Notices served	12
Number of Injunctions served	0
Number of Prosecutions made	5
Number of Formal Cautions issued	0
Number of Works in Default actions taken	1
Number of High Hedges Remedial Notices served	0

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 1st October 2010 to 28th February 2011.

Members may be interested to note that during this period we received 225 complaints, 171 of which were breaches of Planning Control, which continues

to remain at a high level. It has also been noted that more Enforcement Notices are not being complied with within the compliance periods, resulting in an increase in the number of prosecutions required to ensure such Notices are complied with. This trend may continue to be a reflection of the current financial and economic position. The vast majority of these cases in this period were again 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.

FORMAL NOTICES SERVED/ACTIONS TAKEN

During the past 5 months the number of cases which have been pursued through formal action remains at a high level with a total of 42 formal Notices having been served, 5 prosecutions made and works in default carried out in 1 case.

As a result of the prosecutions carried out within the last 5 months, for non compliance with Notices served, fines totaling £3,530 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.

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 number of prosecutions required for non compliance with Notices served is increasing, however 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.

List of Background Papers:- None

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