

REPORT FOR DECISION

MEETING: PLANNING CONTROL COMMITTEE
DATE: 19th APRIL 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 for the year between 1st April 2010 and 31st March 2011, together with an update (see Appendix) of Enforcement activity since the last report on 15th March 2011.

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 2010/11 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 15th March 2011.

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

	2006/7	2007/8	2008/9	2009/10	2010/11
Number of Complaints received	628	569	576	632	630
% where initial site visit within 10 working days	88%	88%	77%	96%	97%
Number of complaints resulting in a breach of Planning Control	298	257	404	432	432
% of breaches where Enforcement Action is taken within 13 weeks	79%	69%	74%	75%	77%
Number of Enforcement Notices served	27	18	28	30	37
Number of Stop Notices served	0	0	0	0	0
Number of Breach of Condition Notices served	2	7	4	11	14
Number of Section 215 Untidy land/building Notices served	7	13	2	15	16
Number of Temporary Stop Notices served	13	3	2	4	4
Number of Planning Contravention Notices served	18	15	15	32	33
Number of Injunctions served	0	0	0	0	0
Number of Prosecutions made	4	2	9	10	13
Number of Formal Cautions issued	0	0	0	0	0
Number of Works in Default actions taken	0	0	0	0	1
Number of High Hedges Remedial Notices served	6	1	0	9	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 past 5 years.

Members may be interested to note that during the period 2010/11 we received 630 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 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.

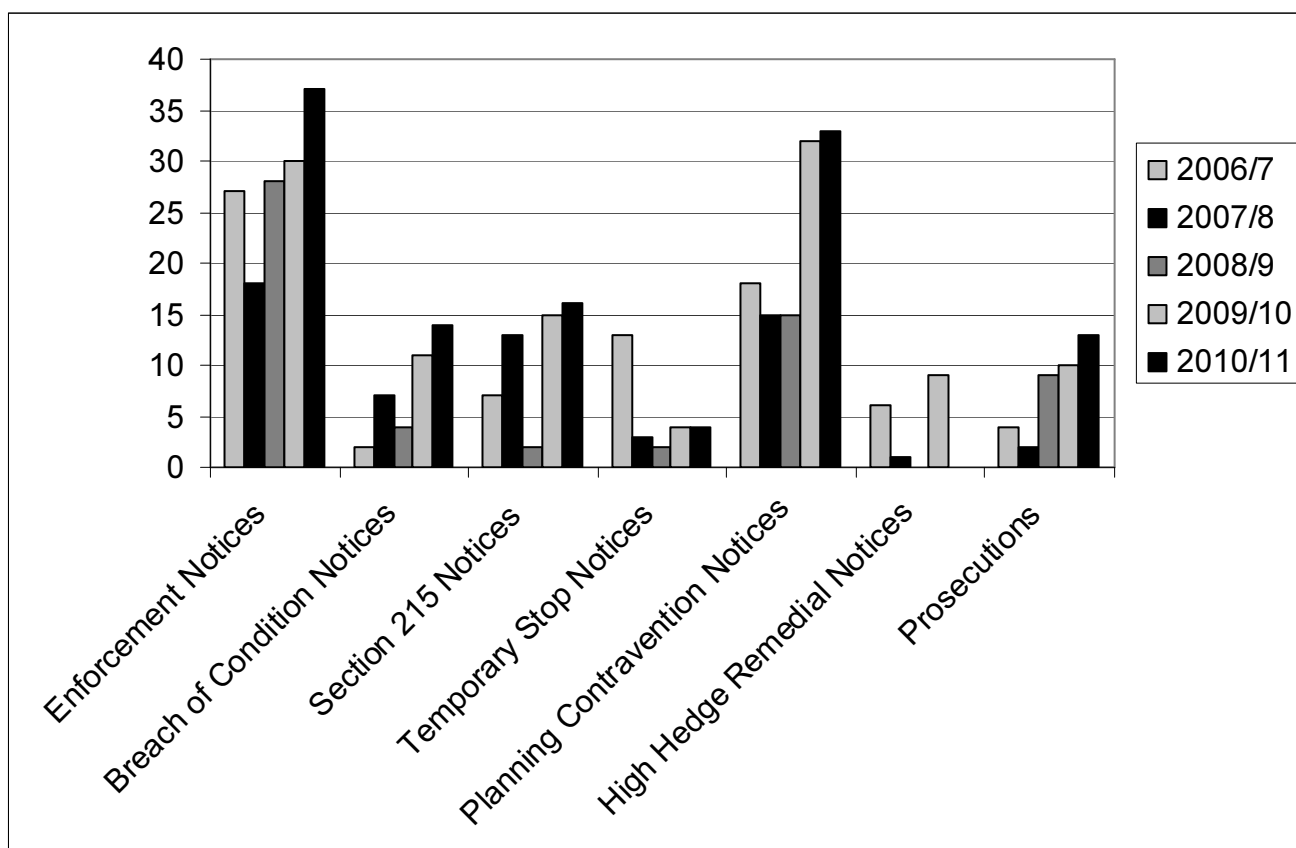
FORMAL NOTICES SERVED/ACTIONS TAKEN

During the past 12 months the number of cases which have been pursued through formal action remains at a high level with total of 104 formal notices having been served and 13 prosecutions made, for non compliance with notices served. This has resulted in fines totalling £9,893 being imposed. Outstanding Section 106 monies totalling £9,282.50 have also been recovered from developers, who were reluctant to pay the money the subject of these Agreements.

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 TABLE OF ENFORCEMENT ACTION NATIONWIDE

A table of Enforcement Action taken by each Planning Authority for the period 1/1/10 to 31/12/10 has recently been released which is also attached to this report for consideration. See Appendix 2 attached. It is interesting to note that Bury have served more enforcement notices by far than any other Authority in Greater Manchester, and in the North West.

4.0 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 enforcement section is now encountering a rise in cases of non compliance with enforcement notices served, which is resulting in more prosecutions being made to secure compliance. It has also been noted that there has been a rise in the number of complaints relating to unauthorised building works taking place, which require planning permission. This has led to an increase in the number of retrospective planning applications submitted. This may be attributable to the present financial climate, and certain members of the public attempting to avoid paying planning fees.

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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