

REPORT FOR DECISION

Agenda Item	
--------------------	--

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	19TH JULY 2011
SUBJECT:	PLANNING ENFORCEMENT
REPORT FROM:	CHIEF PLANNING OFFICER
CONTACT OFFICER:	DAVID MARNO – DEVELOPMENT MANAGER
TYPE OF DECISION:	COUNCIL (KEY DECISION OR NON KEY DECISION) COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This Report provides statistical information on Enforcement activity between 1 st April 2011 and 30 th June 2011 together with an update (see Appendix) of Enforcement Activity since the last update on 19 th April 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
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management N/A
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	Yes Comments

Wards Affected:	ALL
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

1.1 This report presents a brief analysis of Enforcement performance for the period 1st April 2011 and 30th June 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 19th April 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.

Any Enforcement Notice served is considered as to whether it is expedient to do so in accordance with the Government Guidelines of Circular 10/97 and Planning Policy Guidance 18.

Table

	Period 1/4/11 to 30/6/11
Number of Complaints received	169
% where initial site visit within 10 working days	93.5%
Number of complaints resulting in a breach of Planning Control	134
% of breaches where Enforcement Action is taken within 13 weeks	83%
Number of Enforcement Notices served	3
Number of Stop Notices served	0
Number of Breach of Condition Notices served	0
Number of Section 215 Untidy land/building Notices served	7
Number of Temporary Stop Notices served	1
Number of Planning Contravention Notices served	11
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

2.0 ISSUES

2.1 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.

2.2 WORKLOAD/COMPLAINT CASES RECEIVED

The table above sets out statistical information for the period 1st April 2011 to 30th June 2011.

Members may be interested to note that during this period we received 169 complaints, of which 134 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.

2.3 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 22 formal Notices having been served and 4 prosecutions made.

As a result of the prosecutions carried out within the last 3 months, for non compliance with Notices served, fines totaling £2,925 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 majority of cases continue to be resolved without recourse to formal action.

The enforcement section is continuing to encounter a rise in cases of non compliance with enforcement notices served, which is resulting in more prosecutions needing to be carried out in order to secure compliance; this can be seen in Table 1 above. It has also been noted that the rise in the number of complaints relating to unauthorised building works taking place, which require planning permission, is continuing. 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

Contact Details:

David Marno
Development Manager
Environment and Development Services
3 Knowsley Place
Duke Street
Bury
BL9 0EJ
Tel: 0161 253 5321
Email: d.marno@bury.gov.uk