

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	24th January 2012
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 October 2011 and 31 st December 2011 together with an update (see Appendix) of Enforcement Activity since the last update on 19 th October 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 <input type="checkbox"/>
Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	Yes Comments <input type="checkbox"/>

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 October 2011 and 31st December 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 October 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.

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.

Table

	Period 1/10/11 to 31/12/11
Number of Complaints received	109
% where initial site visit within 10 working days	94%
Number of complaints resulting in a breach of Planning Control	83
% of breaches where Enforcement Action is taken within 13 weeks	59%
Number of Enforcement Notices served	3
Number of Stop Notices served	0
Number of Breach of Condition Notices served	4
Number of Section 215 Untidy land/building Notices served	6
Number of Temporary Stop Notices served	0
Number of Planning Contravention Notices served	13
Number of Injunctions served	0
Number of Prosecutions made	7
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

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 2011 to 31st December 2011.

Members may be interested to note that during this period we received 109 complaints, of which 83 were breaches of Planning Control, which continues to remain at a high level. The vast majority of these cases in this period were again resolved without recourse to formal Enforcement Action, having been resolved by other means such as negotiation, or where appropriate, invitation of planning application.

It has also been noted that the trend of Enforcement Notices not being complied with within the compliance periods is continuing, resulting in a continued 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.

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 26 formal Notices having been served and 7 prosecutions made.

Following Court action during the last 3 months, for non compliance with Notices served, fines totaling £3,906 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. As indicated previously, 7 prosecutions have been carried out during the period of this Report. It has also been noted that there is a continued rise in the number

of complaints relating to unauthorised building works taking place, which require planning permission. This has led to a continued increase in the number of retrospective planning applications being submitted. This may again 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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