

<b>REPORT FOR INFORMATION</b>
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<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>16th October 2012</b>
<b>SUBJECT:</b>	<b>PLANNING ENFORCEMENT</b>
<b>REPORT FROM:</b>	<b>DEVELOPMENT MANAGER</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO – DEVELOPMENT MANAGER</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL (NON KEY DECISION) COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This Report provides statistical information on Enforcement activity between 1 <sup>st</sup> July 2012 and 30 <sup>th</sup> September 2012, together with an update (see Appendix) of Enforcement Activity since the last update on 17 <sup>th</sup> July 2012.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the Report
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <span style="float: right;">No</span>
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management N/A
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes <span style="float: right;">Comments</span>

<b>Wards Affected:</b>	ALL
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS**

**DIRECTOR:**

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

**1.0 BACKGROUND**

This report presents a brief analysis of Enforcement performance for the period 1<sup>st</sup> July 2012 and 30<sup>th</sup> September 2012 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 17<sup>th</sup> July 2012.

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 National Planning Policy Framework Guidance.

The table below includes reference to two performance standards in terms of the speed of the responses to a) site visits and b) cases being closed.

Table

	<b>Period 1/07/12 to 30/09/12</b>
Number of Complaints received	138
% where initial site visit within 10 working days	91%
Number of complaints resulting in a breach of Planning Control	99
% of breaches where Enforcement Action is taken within 13 weeks	75%
Number of Enforcement Notices served	6
Number of Stop Notices served	0
Number of Breach of Condition Notices served	0
Number of Section 215 Untidy land/building Notices served	1
Number of Temporary Stop Notices served	2
Number of Planning Contravention Notices served	7
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

## **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.

### **3.0 WORKLOAD/COMPLAINT CASES RECEIVED AND TRENDS IDENTIFIED**

The table above sets out statistical information for the period 1<sup>st</sup> April 2012 to 30<sup>th</sup> June 2012.

Members may be interested to note that during this period, we received 138 complaints, of which 99 were breaches of Planning Control. The number of breaches continues to remain at a high level. For the same period last year the number of complaints received was 179. 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.

### **4.0 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 16 formal Notices having been served and 3 prosecutions made, for non compliance with Notices served, and the unauthorised display of advertisements.

Following Court action during the last 3 months, fines totaling £2,503 including costs, and a Conditional Discharge for 2 years, have been imposed by the Courts. These have been for cases involving the unauthorised erection of a building; an untidy site and a case of unauthorised display of advertisements.

Other cases with the Court for unauthorised demolition of a residential dwelling; an untidy site; unauthorised demolition of a building in a Conservation Area; and a case of unauthorised display of advertisements have either been adjourned to a later date for a plea, or for a 'Not Guilty' trial.

As a result of this Court action Notices have been, or are in the process of being complied with, 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, 3 prosecutions have been carried out during the period of this Report, and 3 prosecution cases are the subject of 'Not Guilty' pleas to be dealt with in the near future.

The service provided is primarily a reactive one in that we respond to complaints received from members of the public.

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#### **List of Background Papers:- Past statistics**

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