

REPORT FOR INFORMATION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	29th JULY 2014
SUBJECT:	PLANNING ENFORCEMENT
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	DAVID MARNO – DEVELOPMENT MANAGER
TYPE OF DECISION:	COUNCIL (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 2014 and 30 th June 2014. It also provides statistical information and a comparison with other Planning Authorities Enforcement activity between 1 st April 2013 and 31 st March 2014.
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

This report presents a brief analysis of Enforcement performance and activity for the period between 1st April 2014 and 30th June 2014 and includes table 1 (below) showing a statistical analysis of performance over that period. The report also provides a comparative analysis of Bury’s Enforcement performance compared to all other Authorities in England, in terms number of notices issued, following national enforcement statistics recently being released by the Department for Communities and Local Government.

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 Council’s adopted Unitary Development Plan and the National Planning Policy Framework Guidance.

Table 1 provides a detailed breakdown of the number and type of notice issued and other actions such as prosecutions during the quarter period. It also includes a performance standard in terms of the speed of the responses to initial site visits having been carried out.

	Period 1/04/14 to 30/03/14
Number of Complaints received	149
% where initial site visit within 10 working days	96%
Number of complaints resulting in a breach of Planning Control	74
Number of Enforcement Notices served	5
Number of Stop Notices served	0
Number of Breach of Condition Notices served	3
Number of Section 215 Untidy land/building Notices served	4
Number of Temporary Stop Notices served	1
Number of Planning Contravention Notices served	2
Number of Injunctions served	0
Number of Prosecutions made	1
Number of Prosecutions referred to Legal for Prosecution	0
Number of Formal Cautions issued	0
Number of Works in Default actions taken	0
Number of High Hedges Remedial/Tree Replacement Notices served	0

2.0 ISSUES

CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer and an 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

Table 1 above sets out statistical information for the period 1st April to 30th June 2014.

Members may be interested to note that during this period, we received 149 complaints, of which 74 were breaches of Planning Control. The number of breaches remains at a fairly high level. For the same period last year the number of complaints received was 184, indicated a slight fall in numbers during the quarter period of this report. 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 need to prepare prosecutions for Legal required to ensure such Notices are complied with. It is expected that a number of cases for prosecution will be referred to Legal in the next quarter.

Members will also be interested in National Enforcement Statistics, which were recently released by the Department for Communities and Local Government for the period 1st April 2013 to March 31st 2014 (See Appendix 1 attached).

The results show that out of all Planning Authorities in England, Bury issued the 12th highest number of Enforcement Notices during the period. If the London Boroughs are taken out of the table, Bury issued the 4th highest number of Enforcement Notices, the only authorities issuing more were East Herefordshire and the large urban conurbations of Bradford and Leeds. Table 2 below shows a comparison between Bury and the other Greater Manchester Authorities.

Table 2

	Enforcement Notices	Stop Notices	Temporary Stop Notices	Breach of Condition Notices	Planning Contravention Notices
Bury	57	0	2	1	24
Bolton	10	0	2	2	-
Manchester City	11	-	-	1	29
Oldham	4	1	-	-	6
Rochdale	6	1	3	2	7
Salford	8	-	-	-	7
Stockport	11	-	-	2	26
Tameside	10	-	-	7	4
Trafford	-	-	-	-	-
Wigan	1	-	-	-	4

(- denotes data missing/not provided)

Table 2 indicates that Bury issued a significantly higher number of Enforcement Notices, more than any other Greater Manchester Authority during the period.

Whilst Planning Enforcement's performance should not necessarily be judged solely on the number of notices issued it is a clear indicator of the proactive nature of Officers involved, which reflects the planning departments culture as a whole which takes planning enforcement very seriously.

4.0 FORMAL NOTICES SERVED/ACTIONS TAKEN

During the quarter period, the number of formal Notices served totalled 15, covering a wide variety of breaches of planning control, including failure to

comply with planning conditions, changes of use land, erection of buildings/structures and untidy land and properties.

Two appeals against 2 Enforcement Notices were also received within the quarter period.

A prosecution for the failure to comply with an Enforcement Notice was also scheduled during the quarter period but due to the defendants mitigating circumstances it was agreed to withdraw the case provided the notice was complied with in full and the Council's costs of £520 paid. The notice was complied with and all costs paid.

As a result of 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 2 attached.

3.0 CONCLUSION

The number of Notices being served is remaining at a fairly 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. The need to thoroughly investigate complaints, draft and issue the high numbers of notices and preparing prosecution files for failure to comply is continuing to have a big impact on the workload of the Enforcement Team.

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

List of Background Papers:-

Appendix 1 – National Enforcement Statistics

Appendix 2 – New and Outstanding Enforcement Notices/Actions up to July 2014

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