

REPORT FOR INFORMATION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	27th October 2015
SUBJECT:	PLANNING ENFORCEMENT
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT
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 July 2015 and 30 th September 2015.
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:	N/A

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 and activity for the period between 1st July 2015 and 30th September 2015 and includes table 1 (below) showing a statistical analysis of performance over that period.
- 1.2 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.
- 1.3 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.
- 1.4 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.

Table 1

	Period 1/07/15 to 30/09/15
Number of Complaints received	158
% where initial site visit within 10 working days	100% (average time to visit 3 days)
Number of complaints resulting in a breach of Planning Control	77 (49% of complaints resulted in a breach of planning control)
Number of Enforcement Notices served	2
Number of Stop Notices served	0
Number of Breach of Condition Notices served	3
Number of Section 215 Untidy land/building Notices served	0
Number of Temporary Stop Notices served	0
Number of Planning Contravention Notices served	0
Number of Injunctions served	0
Number of Prosecutions made	0
Number of Prosecutions referred to Legal for Prosecution	2
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

2.1 The Enforcement Team currently comprises a Senior Planning Enforcement Officer and a Planning Enforcement Officer, 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 AND TRENDS IDENTIFIED

2.3 Table 1 above sets out statistical information for the period 1st July to 30th September 2015.

2.4 Members may be interested to note that during this period, we received 158 complaints, that's 33 (or 26%) more new cases compared to the same period in 2014 where we received 125 complaints. Out of the 158 complaints 77 resulted in breaches of planning control following

investigation, an increase of 31% compared to the same period last year where 59 of the total complaints resulted in breaches of planning control. 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, the invitation of a planning application. In comparison to the same period in 2014, the number of initial site visits carried out within 10 working days increased from 96% to a 100% and the average number of days to carry out an initial site visit reduced from 4 days to 3.

2.5 PROSECUTIONS

- 2.6 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. Prosecutions are made as a last resort following written requests for compliance with notices.
- 2.7 Members will be interested to know that within the period 2 cases were referred to Council's Legal Section with instructions to commence prosecution proceedings. These include the following cases:

Summerfield Bungalow, Summerfield Road, Prestwich

This case relates to an existing garage building which had an unauthorised extension built which doubled its size. The Planning Enforcement Team gained entry to the building and found it fitted out with a kitchen, bedroom and bathroom. This was a clear indication that the owner was intending to use/rent out this building as a separate dwelling house, a so called "bed in a shed". This breach of planning control resulted in an Enforcement Notice being issued in October 2014 requiring the demolition of the extension. The owners' failure to comply with the notice and lack of communication the Council following numerous requests to comply with the notice resulted in further action being necessary.

Land Adjacent to M66 Exit Slip Road

This case relates to a local business displaying a large advertisement hoarding on land adjacent to the M66, the land is within the Green Belt and the advertisement is being displayed without Advertisement Consent, which is an offence. Despite requests to remove the advertisement the company have failed to do so and prosecution proceedings are necessary.

The results of the cases will be reported in the next enforcement report.

3.0 FORMAL NOTICES SERVED/ACTIONS TAKEN

- 3.1 During the quarter period, the number of formal Notices served totalled 5 with 2 being referred to the Legal Department for prosecution.

4.0 CONCLUSION

- 4.1 The period has seen a 26% increase in the number of new enforcement complaints requiring investigation, compared to the same period last year. The majority of cases continue to be resolved without recourse to formal action. There has been an increase in the number of initial site visits carried out within 10 working days, all initial site visits were carried out within 10 working days with an average site visit time of 3 days, compared to 4 days in the same period last year.
- 4.2 The service provided is primarily a reactive one in that we respond to complaints received from members of the public. 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 considered and carried out in order to secure compliance. The need to thoroughly investigate complaints, draft and issue the formal notices, monitor existing enforcement notices served for compliance and preparing prosecution files for failure to comply is continuing to have a big impact upon the workload of the Enforcement Team. This of course is being continually monitored to ensure appropriate resourcing is maintained.
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