

Subject: Enforcement Action

Status: For Publication

Report to: Development Control Committee

Date: 18th October 2010

Report of: Director of Business

Portfolio

Holder: Portfolio Holder for Regeneration

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To provide elected members with an update on current enforcement action. This report will focus on updating members with the details relating to the current number of open planning enforcement files, the different stages of any enforcement action paying particular attention to any details relating to enforcement notices issued, appeals and details of any court hearings pending for the first quarter of this year.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.

- Delivering Quality Services to Customers
- Delivering Regeneration across the Borough
- Keeping Our Borough Clean, Green and Safe
- Promoting the Borough

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- The Council has a statutory duty to enforce planning contraventions. Failure to regulate in this area will likely result in lack of confidence in the Development Control Service.

4. BACKGROUND AND OPTIONS

4.1 As of February 2009, responsibility for planning enforcement comes under the Licensing and Planning Enforcement Manager. Planning Enforcement is

currently made up of one full time Principal Planning Enforcement Officer, one full time Planning Enforcement Officer and a part time Planning Enforcement Officer who works 7 hours a week. This has resulted in improvements to the way that enforcement action is dealt with and further changes are being investigated in order to implement additional improvements.

4.2 The Cabinet has agreed the Council's planning enforcement policy which sets out a framework within which the Council will take action.

4.3 Legal Services have devised an enforcement instructions pack which all enforcement officers use. This enables enforcement notices to be issued and served in a timely manner.

5 REPORT DETAILS

5.1 The details in this report cover the period 1st April 2010 to 30th June 2010.

5.2 It is intended to produce a report at the end of each quarter

5.3 Members are to note that there are a number of open investigations from previous months and years relating to contraventions of planning control. The numbers of ongoing complaints currently stand at 134. This has reduced significantly as follows:

- Quarter 1 of 2009 - 260 open investigations
- Quarter 2 of 2009 – 200 open investigations
- Quarter 3 of 2009 – 190 open investigations
- Quarter 4 of 2009 – 168 open investigations

5.4 During quarter 1, 38 complaints have been received and 46 complaints have been closed.

5.5 Members are further advised that there are a number of enforcement notices currently in force from previous months.

5.6 Furthermore, 3 enforcement notices were issued during quarter 1 and the details of these can be found at Appendix A.

5.7 Quarter 1 also saw an enforcement appeal hearing which is detailed at Appendix B. The decision notice was recently received from the planning inspector and this has been appended at Appendix C.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 The financial implications of enforcement have been factored into the annual Council and service department budgets.

7. MONITORING OFFICER

7.1 Comments included within the report.

8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

8.1 No HR implications at this stage.

9. CONCLUSION

9.1 This report details action taken by the planning enforcement unit.

10. RECOMMENDATION(S)

10.1 Members are advised to note the report contents.

11. CONSULTATION CARRIED OUT

11.1 None

12. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required No

Is an Equality Impact Assessment attached No

13. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Background Papers	
Document	Place of Inspection
Planning Enforcement Policy.	Licensing & Planning Enforcement Unit

Appendices	
Document	Place of Inspection
Quarter 1 Enforcement Notices Issued	Appendix A
Quarter 1 Enforcement Appeal Hearing	Appendix B
Decision Notice of Appeal Hearing	Appendix C