

Subject: Enforcement Action

Status: For Publication

Report to: Development Control Committee

Date: 15th February 2011

Report of: Director for 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 third 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 Following a restructure of the Licensing and Planning Enforcement Unit, the Unit was re-designated the Public Protection Unit with effect from 1st January 2011. The Public Protection Manager has responsibility for planning enforcement and Licensing including Licensing Enforcement.
- 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 Public Protection 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 October 2010 to 31st December 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 complaints about potential breaches of Planning Regulations from previous months and years relating to contraventions of planning control. The numbers of ongoing complaints at 31st December 2010 is 144. The figures for the previous periods are
- Quarter 3 of 2009 - 190 open investigations
 - Quarter 4 of 2009 – 168 open investigations
 - Quarter 1 of 2010 – 134 open investigations
 - Quarter 2 of 2010 – 161 open investigations
- 5.4 During quarter 3, 36 complaints have been received and 63 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 and 1 Temporary Stop Notice was issued during quarter 3 and the details of these can be found at Appendix A.
- 5.7 An Appeal decision notice was received during Quarter 3 from the planning inspector and this has been appended at Appendix B.

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 The Council makes decisions based on all relevant information and following consideration of all relevant Council policies.

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 Public Protection 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 3 Enforcement Notices Issued	Appendix A
Quarter 3 Appeal Decision Notice	Appendix B