

<b>Subject:</b>	Enforcement Report – Q4	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	Tuesday 12 <sup>th</sup> June 2012
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Environmental Services
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Community Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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1.	<b>RECOMMENDATION(S)</b>
1.1	Members are advised to note the report contents.

## 2. PURPOSE OF REPORT

- 2.1 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 forth quarter of this year.
- 2.2 Additionally, this report will include details of the income received into the Council that has been generated as a direct result of the action taken by enforcement officers.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale** – creating a better environment for all.
  - **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
  - **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 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.

## 5. BACKGROUND AND OPTIONS

- 5.1 Following a renaming of the Public Protection Unit, the Unit was re-designated the Licensing and Enforcement Unit with effect from 1<sup>st</sup> April 2012. The Licensing and Enforcement Manager has responsibility for planning enforcement, benefit fraud and licensing including Licensing Enforcement.
- 5.2 The Cabinet has agreed the Council's planning enforcement policy which sets out a

framework within which the Council will take action.

5.3 Legal Services have devised an enforcement instructions pack which Enforcement Officers use. This enables enforcement notices to be issued and served in a timely manner.

5.4 The details in this report cover the period 1<sup>st</sup> January 2012 to 31<sup>st</sup> March 2012.

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

5.6 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 31<sup>st</sup> March 2012 is 179. The figures for the previous periods are

- Quarter 4 of 2010 – 138 open investigations
- Quarter 1 of 2011 – 160 open investigations
- Quarter 2 of 2011 – 160 open investigations
- Quarter 3 of 2011 – 158 open investigations

The number of ongoing complaints has increased slightly from previous periods, in part due to a more proactive approach in monitoring planning conditions.

5.7 During quarter 4, 61 complaints have been received and 40 complaints have been closed.

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

During this period, 6 Enforcement Notices and 5 Breach of Condition Notices were issued.

5.9 The details of the ongoing notices can be found at [Appendix A](#).

5.10 Two appeal decisions have been received during Quarter 3 of 2011-12 from the Planning Inspectorate in which one appeal was upheld and one dismissed. Further details can be found in [Appendix A](#).

5.11 During the tax year 2011/2012, there has been £7,665 of generated income received into the Council as a direct result of the action of enforcement officers working on planning enforcement complaints. It is intended to report the quarterly income within the quarterly reports from now on. [Appendix B](#) details the income generated throughout 2011/2012.

## **COMMENTS FROM STATUTORY OFFICERS:**

### **6. SECTION 151 OFFICER**

6.1 There are no specific financial implications

### **7. MONITORING OFFICER**

7.1 The Council must make a decision 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 There are no specific human resources implications.

## 9. CONSULTATION CARRIED OUT

9.1 None carried out

## 10. CONCLUSION

10.1 This report details action taken by the Licensing and Enforcement Unit.

### Background Papers

Document	Place of Inspection
Planning Enforcement Policy.	<i>Licensing and Enforcement Unit</i>

### Appendices

Document	Appendix Number
Quarter 4 Enforcement Notices Issued	<i>Appendix A</i>
Generated income 2011/2012	<i>Appendix B</i>