

Subject:	Quarter 1 Planning Enforcement Report.	Status:	For Publication
Report to:	Development Control Committee	Date:	Tuesday 18 th September 2012
Report of:	Director of Business	Portfolio Holder:	Environmental Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
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.

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 1st 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 1st April 2012 to 31st June 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 30th June 2012 is 199. The figures for the previous periods are:
- Quarter 1 of 2011 – 160 open investigations
 - Quarter 2 of 2011 – 160 open investigations
 - Quarter 3 of 2011 – 158 open investigations
 - Quarter 4 of 2011 – 179 open investigations
- 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.
- 5.9 During this period, 4 Enforcement Notices and 1 Breach of Condition Notice were issued. 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 both appeals were dismissed. Further details can be found at [Appendix A](#).
- 5.11 During this quarter planning enforcement action has generated £1,570 for the Planning Department due to the submission of retrospective planning applications and applications for discharge of conditions.

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

Appendices	
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Document	Appendix Number
Quarter 4 Enforcement Notices Issued	<i>Appendix A</i>