

28th October 2010

Planning Enforcement Activity and Resources 2008 – July 2010 and its interaction with the Council's Joint Enforcement Board

Ward(s) All

Portfolios: Cllr A Andrew - Regeneration

Summary of report:

This report is presented to the Panel following a request at its July meeting to advise of the available resources and progress undertaken by the planning enforcement function within Planning and Building Control and how the work interacts with the Joint Enforcement Board which is chaired by the Assistant Director for Legal Services.

The report sets out activity levels in the form of the number of complaints received, individual cases investigated and various notices served in 2008/09, 2009/10 and this financial year up to 30th September.

Background papers:

Reports from the council's MIS planning enforcement computer system.

Reason for scrutiny:

To gain a better understanding about the resources available to the team, its work load and performance. To understand how this relates to the Joint Enforcement Board.

Resource and legal considerations:

Planning enforcement is a statutory function of the council and forms an integral component of the Development Management approach of the council. The council has a duty to investigate reports of breaches in planning control but not to take action unless it is considered expedient to do so. The majority of cases are resolved through negotiation or by the subsequent approval of a planning application where appropriate, but in other cases formal notices are served on the owners and operators of sites where breaches occur.

These can be in the form of Breaches of Condition Notices where there are breaches in conditions of planning permissions; Enforcement Notices which require the cessation or removal of unauthorised uses or development; section 215 Notices requiring the tidying up of land or buildings or Planning Contravention Notices that require the submission of information. Enforcement action under the Building Acts

e.g. under section 77, 78 and 79 which relate to dangerous or dangerous and ruinous buildings are dealt with by the Building Control Team. Repair Notices and Urgent Works Notices which relate to listed buildings are undertaken by the council's conservation officer with the support of the enforcement officers within the respective development management team.

Prior to March 2010 the planning enforcement function was delivered by a separate team which consisted of four officers including a principal planning officer (team leader), a senior planning officer and two enforcement officers.

Following the requirement to make financial savings in the planning service in 2009/10 the development management function was reorganised. As part of this the separate enforcement team and householder teams were disbanded and incorporated within the two area development management teams. This has not resulted in the loss of the number of dedicated enforcement posts which remains at four with a Senior Planning Officer and an Enforcement Officer allocated to each team. Moreover, following a recently completed Value for Money exercise undertaken by this Panel it was evidenced that the level of dedicated officers for enforcement meets the average number employed by statistical neighbouring authorities.

The restructuring has benefited the enforcement service as the teams can flex in order to deal with an increase in enforcement activity where necessary. It is also beneficial as the responsibility for the enforcement case management and associated subsequent determination of planning applications is now managed by the Area Planning Manager. This has resulted in a more comprehensive and integrated enforcement service without separate reporting lines of responsibility which is being embedded and indeed embraced by team members.

The service feeds into the Joint Enforcement Board in two ways. Firstly the Head of Planning and Building Control is a member of the council's Joint Enforcement Board which now meets monthly and is chaired by the Assistant Director, Legal Services which seeks to coordinate enforcement activity throughout the council including the recently appointed Neighbourhood Management Managers. Secondly the Senior Planning Officers responsible for enforcement form part of the topic groups that report to the Board. In particular the planning and building control function is active within the void property and fly posting groups. The board and area managers are improving the coordination of services which has seen progress made on some notable cases where a multi disciplinary approach has been coordinated with planning and Building control taking the lead role.

Citizen impact:

Breaches of planning control can cause significant problems to citizens who may experience noise and disturbance or impacts on their amenity from unauthorised developments and uses. This is evidenced by the high number of individual complaints received by the development management teams.

Environmental impact:

The impacts of planning decisions on the environment are considered as part of the

determination as to whether it is expedient to instigate enforcement action and in the determination of individual planning applications in accordance with local and national planning policies.

Performance management:

Members of the Planning Committee receive a quarterly report from the Head of Planning and Building Control on individual planning enforcement cases where it has been resolved to take formal enforcement action. This report is then made available to all members. The Joint Enforcement Board is also tracking progress of the most significant cases.

In 2008/09 the council received 786 complaints which resulted in 637 separate cases being investigated. A total of 20 notices were served.

In 2009/10 the council received 793 complaints which resulted in 584 separate cases being investigated. A total of 11 notices were served.

In 2010 (1st April to 30th September) 296 complaints have been received which has resulted in 266 separate cases being investigated. 8 notices have been served.


Equality Implications:

An Equality Impact Assessment has been carried out for Development Management function of the council which included the planning enforcement function. The study found that current process and procedures are compliant with the Council's equalities requirements.

Consultation:

Officers in Legal Services have been consulted in the preparation of this report.

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