



Agenda item:

[No.]

Planning Committee

On 15th September 2009

Report Title **Planning Enforcement Update**

Report of **Niall Bolger Director of Urban Environment**

Signed : *Niall Bolger* . 2nd Sept . 09

Contact Officer : **Eubert Malcolm, Enforcement Response Service Manager,**
telephone 020 8489 5520

Wards(s) affected: **All**

Report for: **Non-Key Decision**

1. Purpose of the report

1.1. To inform Members on planning enforcement performance for the last quarter and service issues. Members are asked to note the contents of this report.

2. Introduction by Cabinet Member (if necessary)

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1. Planning Enforcement is a key service for the delivery of the Council's Unitary Development Plan policies and objectives. The service plays an important enforcement role and in particular for the Greenest Borough Strategy priority on heritage protection, and our Enforcement Strategy objective to reverse unauthorised development

4. Recommendations

4.1. That Members note the continued success of the service in delivering strong enforcement activity; maintaining low numbers of open caseloads, successful recruitment.

5. Reason for recommendation(s)

5.1. Good progress continues in maintaining low numbers of open cases, however, older cases now open reflect some of our most complex cases and those requiring further formal action.

5.2. All permanent posts are filled.

6. Other options considered

6.1. This is a regular report update, no other option has been considered.

7. Summary

7.1. Planning Enforcement has continued to make a range of improvements to improve standards of service. This report updates members of the Planning Committee on improvements and activity in the service.

8. Chief Financial Officer Comments

8.1. The Service will have to be continued within the approved budget for the Service

9. Head of Legal Services Comments

9.1. The Head of Legal Services has no comments at the present time other than to continually liaise with planning enforcement in order to seek ways in which to further improve service delivery in a cost effective way.

10. Head of Procurement Comments –

10.1. Not applicable

11. Equalities & Community Cohesion Comments

11.1. There are no equalities and community cohesion issues raised by this issue

12. Consultation

- 12.1. The service meets routinely with colleagues from Development Control and Legal Services to review performance and improvements.

13. Service Financial Comments

- 13.1. The service relies upon a £70k contribution from Planning, Regeneration and Economy (PRE). High volumes of enforcement activity and appeals in 2008/9 cost the service more than £100k. Predicted enforcement activity does not indicate that this will reduce significantly in 2009/10 although agreed efficiency savings from this budget has reduced the funding available.

14. Use of appendices /Tables and photographs

- 14.1. Appendix 1 – The number of open cases by the year received
14.2. Appendix 2 – 2009/10 Performance indicators

15. Local Government (Access to Information) Act 1985

- 15.1. Planning Enforcement Review Full Report (2007)

16. Planning Enforcement Performance and Service Update

- 16.1. Appendix 1 demonstrates the number of open cases by the year received. Our current caseload is 379, including 183 cases remaining open 2009/10.
- 16.2. Appendix 2 reports on planning enforcement's performance indicators in the first quarter from April to July 09. Performance remains strong across the suite of indicators. ENF 1 (Successful resolution of a case after 8 weeks) is above target at 43%, ENF 2 (customer satisfaction) has proved problematic because levels of response remain too low to give an accurate picture. We have recently carried out telephone customer satisfaction surveys to improve the level of responses received although no results are yet available.
- 16.3. The service is currently at full establishment, with four permanent planning enforcement officers and a monitoring officer employed. We are continuing to employ one temporary officer to supplement resources for project work on the Ladder Roads.
- 16.4. In the first quarter of 2009/10 the service received 242 service requests. This is slightly below the levels in 2008/9, which was the highest levels since recording

began in 2001 and was a 15% increase on 2007/8 and a more than 50% increase on 2006/7.

- 16.5. The service is currently delivering two proactive conservation enforcement projects, at the Tower Gardens Estate and Myddleton Road. Tower Gardens currently has 26 live cases, one currently under appeal and 32 cases now liable for prosecution. A further number of cases are being resolved through discussions with Homes for Haringey. In Myddleton Road, we have 6 active appeal cases of which 5 will be resolved by public inquiry and a further 9 which are now liable for prosecution. -
- 16.6. The service is continuing to contribute to a corporate HMO and conversions action plan and is involved with two pilot areas, Myddleton Road and Haringay Green Lanes. This corporate strategy has an action plan which includes improvement that will support planning enforcement activity to prevent and reverse unauthorised development. Since we last reported there has been a significant data mapping for a series of Ladder Roads. This exercise which has layered a range of information on crime, planning history, housing and nuisance complaints, rubbish dumping and council tax. This information has been used to identify hotspot properties for joined up and proactive investigation. In one road, 16 properties were identified for proactive planning enforcement investigation through this process.

Appendix 1 – Table showing Planning Enforcement Caseload

Year	No. cases opened for investigation	No. cases remaining open
2001-2002	401	0
2002-2003	782	2
2003-2004	881	4
Sub total 2001/2 – 2003/4	2064	6*
2004-2005	898	2
2005-2006	939	12
2006-2007	686	12
Sub total 2004/5 - 2006/7	2523	26
2007-2008	914	36
2008-2009	1052	128
Sub total 2007/8 - 2008/9	1966	164
2009-2010 1.4 to 30/9/09	242	183
Total for all years		379

Of the 6 open cases pre 2004,

- 3 have been prosecuted and 2 are due to be prosecuted for the second time
- 1 warrant case
- 1 In court 1st hearing August 2009;
- 1 prosecution bundle submitted

Of the 26 open cases pre 2007

- 4 Enforcement Notice being appealed
- 4 have been prosecuted and are due to be prosecuted for a second time
- 4 warrant cases
- 14 cases where prosecution bundles have been prepared and or submitted to Legal Services

Appendix 2 - Table showing Performance indicators for Planning Enforcement 2009/10

Table of monthly performance indicators			
Performance Indicator Number	Performance Indicator description	Performance Indicator target	Performance Output 2009/10 First quarter
ENF PLAN 1	Successful resolution of a case after 8 weeks - 01/01/2008 onwards	40%	43% (118) 275
ENF PLAN 3	Customer satisfaction with the service received	10% of cases to be sent	TBC
ENF PLAN 4	Cases closed within target time of 6 months - 01/01/2008 onwards	80%	89% (244) 275
ENF PLAN 5	Cases acknowledged within 3 days	90%	90% (210) 233
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	100%, 92%, 100%
Performance Indicator Number	Performance Indicator description	Performance output 2009/10 First Quarter	
ENF PLAN 7	Number of Planning Contravention Notices served	18	
ENF PLAN 8	Number of Enforcement Notices Served	21	
ENF PLAN 9	Number of enforcement notices appealed	29	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	11	
ENF PLAN 11	Number of prosecutions/simple cautions for non-compliance with enforcement notice	8	
ENF PLAN 12	Number of Notices (Other) served	1	