

Agenda item:

[No.]

Planning Committee

On 13th January 2009

Report Title. **Planning Enforcement Update**

Report of **Director of Urban Environment**

Signed :



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

Wards(s) affected: **All**

Report for: **Non-Key Decision**

1. Purpose of the report

- 1.1. That Members note the planning enforcement progress on reducing open cases.
- 1.2. That Members note the progress made to date in improving service performance and the arrangements in place for the delivery and monitoring of these service improvements

2. Introduction by Cabinet Member (if necessary)

- 2.1. Not Necessary

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

- 3.1. Not applicable

4. Recommendations

- 4.1. The Planning enforcement action plan has now closed. The service will continue to improve the performance of the service particularly at establishing a stable work force and improving perception.
- 4.2. Planning enforcement has continued to make excellent progress on reducing open cases. The service will continue to make good progress in this and to enable the service to meet the challenges of the future.

5. Reason for recommendation(s)

- 5.1. Excellent progress has been made in reducing the number of open cases, however, older cases now open reflect some of our most complex cases and those requiring formal action.
- 5.2. There is good evidence that high levels of enforcement activity is being maintained, however, a small number of cases that have been prosecuted have not resulted in compliance.

6. Other options considered

- 6.1. Not applicable

7. Summary

- 7.1. Planning Enforcement has been undertaking 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. Planning Enforcement Performance

- 8.1. Open Cases – The service has established a target of 480 open cases. This is based upon four case officers each carrying a case load of 120 cases each. Appendix 1 demonstrates the number of open cases by the year received. Over the last quarter we have achieved our case load target however, increased volumes of new referrals and projects have increased this. Our current caseload is 534 including 75 cases opened for Tower Gardens and Myddleton Road conservation area projects.
- 8.2. Appendix 2 reports on the new planning enforcement performance indicators from January 08 to date. Performance remains strong across the suite of indicators

9. Action Plan Update

- 9.1. To ensure that the recommendations of the review were progressed an officer Service Improvement Group was established. This was chaired by the Assistant Director of Frontline Services and met monthly to review progress on all the recommendations and to review progress on the key performance measures identified by the review by way of an action plan. This group has now completed its final meeting and all issues for the planning enforcement service. Outstanding issues will now be taken forward and monitored through regular meetings chaired by the new Assistant Director for Planning, Regeneration and Economy (PRE).
- 9.2. The service continues to have difficulties recruiting permanent qualified planners to undertake planning enforcement. Further recruitment is planned and we will now be looking to bring in competent planning enforcement officers and not limit our recruitment to qualified planners.
- 9.3. The service currently has three permanently funded planning enforcement officers posts. One post is currently funded from a £70k contribution from PRE and is expected to be mainstreamed from transfer of budget from PRE in 2009/10.
- 9.4. The service is introducing a range of improvements to ensure complainants are better informed. New standard letters at key stage of investigation and closure are being used, a new guide to Planning Enforcement is available for use, and a new plain English Crystal Mark service standard is now published and ready for distribution.
- 9.5. Members have all been consulted on our planning guidance and their views on how we can better inform them. Responses received have welcomed the guidance but no further views have been received.
- 9.6. Service priorities for planning enforcement are within the current Frontline Services business plan and work is reported through monthly and quarterly corporate performance reporting. A new corporate Houses in Multiple Occupation Strategy is being developed and pilots for Myddleton Road and Green Lanes will help inform future service priorities.

10. Chief Financial Officer Comments

- 10.1. The recommendations of this report do not give rise to any significant financial implications. The costs related to improving the planning enforcement service will need to be managed within the approved budget for Enforcement Services.

11. Head of Legal Services Comments

- 11.1. The new guide to Planning Enforcement will go some way to explaining to residents the scope of powers relating to planning enforcement.
- 11.2. The Service has made good progress in reducing the number of historic cases. It is important to bear in mind that the success and quality of the outcome is as important if not more important than the speed of conclusion.

12. Head of Procurement Comments –

12.1. Not applicable

13. Equalities & Community Cohesion Comments

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

14. Consultation

14.1. No consultation apart from the Head of Finance and Legal Services. The service meets routinely with colleagues from Development Control and Legal Services to review performance and improvements.

15. Service Financial Comments

15.1. The Enforcement service has received confirmation that £70k temporary funding which replaced Planning Delivery Grant which ended in 2007/8 has now been confirmed as being mainstreamed by Planning, Regeneration and Economy. This pays for one Planning Enforcement Officer post and a contribution to legal costs.

16. Use of appendices /Tables and photographs

16.1. Appendix 1 – The number of open cases by the year received

16.2. Appendix 2 –New Performance indicators

17. Local Government (Access to Information) Act 1985

17.1. Planning Enforcement Review Full Report (2007)

Appendix 1

The number of open cases by the year received

Year	No. cases opened for investigation	No. of cases remaining open	Difference from last report
2001/2002	401	1	(+1)*
2002/2003	782	6	(-6)
2003/2004	881	6	(-3)
sub total 2001/2 - 2003/4	2064	13 **	(-8)
2004/2005	898	6	(-9)
2005/2006	939	26	(-24)
2006/2007	686	28	(-33)
sub total 2004/5- 2006/7	2523	60	(-66)
2007/2008	914	102	(-91)
2008/2009 to Nov 30th	709	359	(+111)
sub total 2007/8 - to 30.11	1623	461	(+20)
Total for all years		534	599

* This figure represents 1 case that has been re-opened for re-prosecution

**This figure represents the number of open cases received pre 2004. Of the 13 open cases, 2 have been prosecuted but remains non compliant; 1 has been prosecuted and is complying with the Notice but remains non compliant; 2 have a scheduled court date; 3 are awaiting service of summons. 1 is awaiting the outcome of an appeal, 3 have papers submitted to legal, and 1 is awaiting the expiry date of the compliance for the notice

Appendix 2

Performance indicators for Planning Enforcement 2008/09

Table of monthly performance indicators			
Performance Indicator Number	Performance Indicator description	Performance Indicator target	Performance output
ENF PLAN 1	Successful resolution of a case after 8 weeks	50%	48%
ENF PLAN 2	Enforcement notices served	10% of total cases	95
ENF PLAN 3	Customer satisfaction with the service received	10% of cases	10% of cases
ENF PLAN 4	Cases closed within target time of 6 months	80%	92%
ENF PLAN 5	Cases acknowledged within 3 working days	90%	91%
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	100%
Quarterly figures as indicated give an indication of the work carried out by the Planning Enforcement team. It would not be an effective measure by numbers or percentages as the areas are defined by the type of work done, which should be decided on case by case.			
Performance Indicator Number	Performance Indicator description	Performance output year to date	
ENF PLAN 7	Number of Planning Contravention Notices served	49	
ENF PLAN 8	Number of Enforcement Notices Served	95	
ENF PLAN 9	Number of enforcement notices appealed	52	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	8	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	52	
ENF PLAN 12	Number of Notices (Other) served	61	