

Haringey Council

Agenda item:

[No.]

Planning Committee

On 11th May 2009

Report Title **Planning Enforcement Update**

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

Signed :

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

Wards(s) affected: **All**

Report for: **Non-Key Decision**

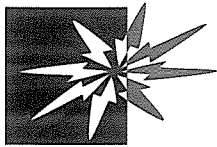
1. Purpose of the report

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



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4. Recommendations

4.1. That Members note the continued success of the service in delivering strong enforcement activity; reduced open caseloads, successful recruitment and service improvement.

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 further 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.

5.3. Recent recruitment means that we expect all posts to be filled permanently by June 2009.

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 costs related to improving the planning enforcement service will need to be managed within the approved budget for Enforcement Services

9. Head of Legal Services Comments

9.1 There has been increased activity in planning enforcement appeals and currently there are approximately 20 listed for public inquiry. This will have an implication on the work of both the Enforcement Team and Legal Services. An increase in the issue of Enforcement Notices will inevitably mean that this figure will rise.

Close liaison will now take place with legal services to review the Tower Gardens and Myddleton Road appeals in the light of evidence submitted by Appellants and to agree a way forward.

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. No consultation apart from the Head of Finance and Legal Services. The service meets routinely with colleagues from Development Control 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 will reduce 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 – 2008-09 Performance indicators

15. Local Government (Access to Information) Act 1985

15.1. Planning Enforcement Review Full Report (2007)

16. Planning Enforcement Performance

16.1. The service reached its target of 480 open cases in December 08. This is based upon four case officers each carrying a case load of approximately 120 cases each. Appendix 1 demonstrates the number of open cases by the year received. Our current case load is 425, including 54 cases remaining open 2009/10.

- 16.2. Appendix 2 reports on planning enforcement's performance indicators from January 08 to date. Performance remains strong across the suite of indicators. ENF 1 (Successful resolution of a case after 8 weeks) at the time of this report being prepared is below target at 35%, however we expect the year end position of 40% to be confirmed at the Planning Committee as we continue to close down cases. ENF 2 (customer satisfaction) has proved problematic because levels of response remain too low to give an accurate picture. We are investigating how to improve the level of responses received.
- 16.3. Enforcement activity is particularly high with very high levels of notice action and prosecution. Appeals are also significant and this largely relates to a programme of work to address conservation braches in Myddleton Road.

17. Service Update

- 17.1. A closure report of the Planning Enforcement Improvement Group has been submitted to Councillor Canver, Cabinet Member for Enforcement and Safer Communities. This confirmed that the improvement action plan agreed following the review of planning enforcement has now been substantially completed. Outstanding actions and further improvements in the service will now be taken forward and monitored through regular with meetings with PRE chaired by Robin Payne, Head of Enforcement.
- 17.2. The service has recently undergone further recruitment and we expect to be at full establishment at the end of June.
- 17.3. In 2008/9 the service received 1052 complaints, which is 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.
- 17.4. The service is currently delivering two proactive conservation enforcement projects, Tower Gardens and Myddleton Road. Tower Gardens currently has 35 live cases and 32 cases likely to proceed to prosecution. A further number of cases are being resolved through discussions with Homes for Haringey. In Myddleton Road, we have 12 active appeal cases of which 11 may be resolved by public inquiry and a further 11 ready for prosecution.
- 17.5. The service is continuing to contribute to a corporate HMO and conversions action plan and is involved with two pilot areas, Myddleton Road and Green Lanes. This corporate strategy has an action plan which includes improvement that will support planning enforcement activity to prevent and reverse unauthorised development. The Cabinet Member for Enforcement and Safer Communities has recently written to the Secretary of State for Communities and Local Government to request a review of planning powers and in particular the absence of a strict liability offence for wilful disregard of planning rules and limitations on the use of Stop Notices in relation to dwelling houses.

Appendix 1 – Table showing Planning Enforcement Caseload

Year	No. cases Opened for investigation	No. cases Remaining open
2001-2002	401	0
2002-2003	782	4
2003-2004	881	5
Sub total 2001-2 – 2003-4	2064	9**
2004-2005	898	2
2005-2006	939	15
2006-2007	686	15
Sub total 2004-5 - 2006-7	2523	32
2007-2008	914	48
2008-2009 to March 31st	1052	282
Sub total 2007-8 - 2008-9	1966	330
2009-2010 1.4 to 23.4	67	54
Total for all years		425

**This figure represents the number of open cases received pre 2004.

Of the 9 open cases,

- 3 have been prosecuted and are believed to be complaint - evidence is being confirmed;
 - 3 have been prosecuted but remain non compliant;
 - 1 re-prosecution
 - 1 warrant case
- 1 appeal dismissed compliance period expired

Appendix 2 - Table showing Performance indicators for Planning Enforcement 2008/09

Table of monthly performance indicators			
Performance Indicator Number	Performance Indicator description	Performance Indicator target	Performance Output 2008/09
ENF PLAN 1	Successful resolution of a case after 8 weeks - 01/01/2008 onwards	40%	35%* (1052)**
ENF PLAN 3	Customer satisfaction with the service received	10% of cases to be sent	To be determined
ENF PLAN 4	Cases closed within target time of 6 months - 01/01/2008 onwards	80%	86% (1052)**
ENF PLAN 5	Cases acknowledged within 3 working days	90%	99% (1052)**
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	90% (1036)**
Performance Indicator Number	Performance Indicator description	Performance output 2008/09	
ENF PLAN 7	Number of Planning Contravention Notices served	79	
ENF PLAN 8	Number of Enforcement Notices Served	165	
ENF PLAN 9	Number of enforcement notices appealed	53	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	10	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	61	
ENF PLAN 12	Number of Notices (Other) served	147	

* The service expects to confirm at the Planning Committee that the year to date figure is 40%

** Represents the total number of cases received 2008/09