



Haringey Council

Agenda item:

[No.]

Planning Committee

On 7<sup>th</sup> December 2009

Report Title **Planning Enforcement Quarterly 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

<p><b>4. Recommendations</b></p> <p>4.1. That Members note the continued success of the service in delivering strong enforcement activity and maintaining low numbers of open caseloads.</p> <p>4.2. That members note ongoing difficulty in obtaining feedback on the service.</p>
<p><b>5. Reason for recommendation(s)</b></p> <p>5.1. Good progress continues in maintaining low numbers of open cases but the service has limited feedback from satisfaction monitoring.</p>
<p><b>6. Other options considered</b></p> <p>6.1. This is a regular report update, no other option has been considered.</p>
<p><b>7. Summary</b></p> <p>7.1. Planning Enforcement has continued to deliver strong enforcement activity and continues maintain low numbers of open cases. This report updates members of the Planning Committee on service activity in the service.</p>
<p><b>8. Chief Financial Officer Comments</b></p> <p>8.1. The costs of preparing this report have been met from existing budgets. As the report is essentially an update report there are no direct costs associated with the recommendation. It should be noted that the level of enforcement activity that can take place is limited by the budget available.</p>
<p><b>9. Head of Legal Services Comments</b></p> <p>9.1. Legal Services note the content of this report.</p>
<p><b>10. Equalities &amp; Community Cohesion Comments</b></p> <p>There are no equalities and community cohesion issues raised by this issue</p>
<p><b>11. Consultation</b></p> <p>11.1. The service meets routinely with colleagues from Development Control and to review performance and improvements.</p>

## **12. Service Financial Comments**

12.1. The ongoing levels of enforcement activity are incurring raised legal costs but these will be met within the overall Enforcement budget. Due to success on case management the funding of a super-numary post for projects will end in December and the officer will leave the service. This funding has come from vacancies elsewhere in Enforcement Response which we expect to fill through planned recruitment.

## **13. Use of appendices /Tables and photographs**

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

13.2. Appendix 2 – 2009/10 Performance indicators

13.3. Appendix 3 – 2009/10 Outcomes of planning enforcement closed cases

## **14. Local Government (Access to Information) Act 1985**

14.1. Planning Enforcement Review Full Report (2007)

## **15. Planning Enforcement Performance and Service Update**

15.1. Appendix 1 demonstrates the number of open cases by the year received. Our current caseload is 344, including 227 cases remaining open 2009/10.

15.2. Appendix 2 reports on planning enforcement's performance indicators in the second quarter from July to October 09. Performance remains strong across the suite of indicators. ENF 1 (Successful resolution of a case after 8 weeks) is above target at 51%, ENF 2 (customer satisfaction) has proved problematic as levels of response remains low however there are indications that the service continues to have issues in keeping service users informed about the progress of their case.

15.3. Response to written requests for feedback has continued to be very low and not statistically reliable. We have recently carried out telephone customer satisfaction surveys and will incrementally increase the number of surveys sent out by 10% per month to improve the level of responses received. The service is also looking to have a resident's focus group in the next quarter to increase our understanding of customer satisfaction. Of the limited feedback received, keeping complainants regularly informed of our investigations remains the most common concern.

15.4. Appendix 3 reports on planning enforcement's closed cases outcomes from April to October 09. From April to date 50% of cases were closed as there was no breach or the development fell under permitted development. In 23% of closed cases it was considered that enforcement action was not expedient. 20% of

closed cases was as a result of compliance, remediation or regularisation. 7% of cases were closed as they were immune from enforcement action.

15.5. The service is also involved with a number of projects

- Tower Gardens Estate Conservation has 8 cases going forward for prosecution. A number of cases are being resolved through discussions with Homes for Haringey.
- Myddleton Road Strategy Group – 2 notices were upheld on appeal as it could be proved that the development was in situ for more than 4 years therefore immune from enforcement action. 4 cases are now liable for prosecution and a further 2 cases have a compliance date in 2010.
- Green Lanes HMO pilot - 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. 53 new cases have been generated in relation to conversions on the ladder. Another 12 cases are expected to be generated in the St Ann's ward. 10 properties are already under investigation with further internal investigations required to confirm the breach

**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	3
<b>Sub total 2001/2 – 2003/4</b>	<b>2064</b>	<b>5*</b>
2004-2005	898	2
2005-2006	939	9
2006-2007	686	8
<b>Sub total 2004/5 - 2006/7</b>	<b>2523</b>	<b>19**</b>
2007-2008	914	21
2008-2009	1052	72
<b>Sub total 2007/8 - 2008/9</b>	<b>1966</b>	<b>73</b>
2009-2010 1.4 to 09/11/09	600	227
<b>Total for all years</b>		<b>344</b>

\* Of the 5 open cases pre 2004,

- 2 have been prosecuted for the second time. Compliance in both anticipated before years end
- 2 warrant case
- 1 In court hearing 16th November 2009;

\*\* Of the other 19 open cases pre 2007

- 4 Enforcement Appeal recently dismissed
- 1 undertaken compliance works
- 2 warrant cases
- 3 prosecutions or re-prosecutions
- 7 cases where prosecution bundles have been 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 Second quarter
ENF PLAN 1	Successful resolution of a case after 8 weeks - 01/01/2008 onwards	40%	51% (121) 238
ENF PLAN 3	Customer satisfaction with the service received	20% of cases	TBC
ENF PLAN 4	Cases closed within target time of 6 months - 01/01/2008 onwards	80%	86% (205) 238
ENF PLAN 5	Cases acknowledged within 3 days	90%	89% (234) 264
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	100%, 99%, 100%
Performance Indicator Number	Performance Indicator description	Performance output 2009/10 First and Second Quarter	
ENF PLAN 7	Number of Planning Contravention Notices served	25	
ENF PLAN 8	Number of Enforcement Notices Served	38	
ENF PLAN 9	Number of enforcement notices appealed	35	
ENF PLAN 10	Number of enforcement notices withdrawn	18	
ENF PLAN 11	Number of prosecutions/simple cautions for non-compliance with enforcement notice	10	
ENF PLAN 12	Number of Notices (Other) served	3	

**Appendix 3 – Table showing Outcomes of Planning Enforcement Closed Cases**

<b>Closure reason</b>	<b>1<sup>st</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>
No beach/Permitted Development	125 (42%)	127 (50%)
Not expedient	58 (19.5%)	58 (23%)
Compliance/ Remediation/Regularisation	56 (19%)	51 (20%)
Immune from enforcement action	58 (19.5)	17 (7%)
<b>Total</b>	<b>297</b>	<b>253</b>