

Agenda item:

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Planning Committee

On 8th March 2010

Report Title: Legal Services report on outcome of Planning Enforcement cases from 1 April 2009 to February 2010.

Report of: **John Suddaby, Head of Legal Services.**

Wards(s) affected: **All**

Report for: **Planning Committee**

1. Purpose

To inform the Committee of the outcome of cases that had been referred to Legal Services by the Planning Enforcement Team – these outcomes are for the period 1 April 2009 to February 2010.

2. Summary

At the Appendix to this report a spreadsheet can be found detailing the properties against which enforcement action has been taken and which were concluded by Legal Services between 1 April 2009 to February 2010.

During this period 31 cases were concluded. Of those cases 8 resulted in a conviction, 16 in a simple caution being offered to the defendant, 5 were withdrawn when new evidence came to light, 1 was withdrawn once initial advice had been provided and 1 was withdrawn as a Certificate of Lawfulness had been issued by the Council.

It is important to note that despite the ability to continually prosecute property owners they may still continue to fail to comply with an Enforcement Notice. The Magistrates' Court has no power to order compliance by a Defendant. Therefore, Simple Cautions are sometimes used when the defendant puts right the breach, admits their guilt and often pays a contribution towards the legal costs incurred by the Planning Enforcement Team. When a Simple Caution is signed the prosecution is withdrawn.

Of the 16 cautions offered during this financial year we are informed by the Planning Enforcement Manager that £15,000 was received by the Planning Enforcement Team towards their legal costs incurred.

The amount of costs recovered for Planning Enforcement breaches from the Courts and paid to that team was approximately £28,000 in this financial year to date.

3. Recommendations

That the report be noted.

Outcome of Planning Enforcement cases referred to Legal Services 1 April 2009 to date for 8 March 2010 Planning Committee

4. Local Government (Access to Information) Act 1985

Legal staff and background documents are located at Alexandra House, 10 Station Road, London N22 7TR.

Report Authorised by: *Bernie Ryan*

Bernie Ryan

Assistant Head of Legal Services (Corporate and Litigation)

Contact Officer: **Joyce Golder, Deputy Principal Lawyer, Legal Services – Phone 0208 489 3803 (before 26th February 2010), Kerry Mure Legal Services – Phone 0208 489 2751 (after 26th February 2010)**

APPENDIX A

SPREADSHEET DETAILING OUTCOME OF PLANNING ENFORCEMENT
CASES FROM 1 APRIL 2009 TO FEBRUARY 2010

Outcome of Planning Enforcement cases referred to Legal Services 1 April 2009 to
date for 8 March 2010 Planning Committee

OUTCOME OF PLANNING ENFORCEMENT CASES FROM 1 APRIL 2009 TO FEBRUARY 2010

No	Visualfiles Number	Address of Property	Date Instructions were received by client	File Closed	Final hearing date and result of case	Total Costs sought	Total costs awarded	Comments
1	13765	39 Mannoek Road	07/11/2008	07/04/2009	7/4/09 - withdrawn following death of defendant.	N/A	N/A	
2	14246	58 Fortis Green Road, N10	04/12/2008	08/04/2009	Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
3	15130	2 Gladstone House, Gladstone Avenue, N22	04/02/2009	30/04/2009	Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
4	15129	26 Grove Park Road, N15	04/02/2009	30/04/2009	Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
5	14979	43 Rutland Gardens, London, N4	22/01/2009	30/04/2009	Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
6	16682	329 West Green Road, N15	30/06/1905	22/04/2009	22/4/09 - Prosecuted. Convicted and Fined £6000 and ordered to pay costs of £2500 and collection order and £15 victim surcharge.	£2,500	£2,500	Full costs awarded.
7	10159	29 Elm Park Ave	20/02/2008	20/04/2009	20/4/09 - Defendant convicted and a conditional discharge imposed and defendant ordered to pay costs of £2,500	£4,870.50	£2,500	No costs received to date from defendant.

No	Visualfiles Number	Address of Property	Date Instructions were received by client	File Closed	Final hearing date and result of case	Total Costs sought	Total costs awarded	Comments
8	15916	435 Lordship Lane	27/03/2009	20/04/2009	20/4/09 - Prosecution withdrawn as new evidence came to light.	N/A	N/A	No costs recouped.
9	12546	287 Hermitage Road, N4	01/08/2008	29/04/2009	29/4/09 - Prosecution withdrawn as new evidence comes to light.	N/A	N/A	No costs recouped.
10	14979	43 Rutland Gardens, London, N4	23/01/2009	27/04/2009	27/04/09 - Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
11	14649	16 Russell Avenue, N22	31/12/2008	12/05/2009	12/5/09 - Prosecution withdrawn as new evidence comes to light.	N/A	N/A	No costs recouped.
12	12042	66 Peabody Cotages	15/07/08	09/02/2009	11/05/09 - Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
13	15051	679 High Road, N17	27/01/2009	15/05/2009	15/5/09 - Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
14	14876	150 Park Lane	21/01/2009	22/06/2009	22/06/09 - Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
15	10613	14 Gordon Road, N11	26/03/2008	12/05/2008	3/6/09 - Charges withdrawn, as Council allowed Col.	N/A	N/A	No costs recouped.

No	Visualfiles Number	Address of Property	Date Instructions were received by client	File Closed	Final hearing date and result of case	Total Costs sought	Total costs awarded	Comments
16	15604	90 Trinity Road, N22	09/03/2009	20/07/2009	20/07/09. Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
17	17828	61 Shelbourne Road, N17	06/08/2009	02/12/2009	Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
18	10685	54 Effingham Road	01/04/2008	28/09/2009	28/09/2009 - Prosecuted and Convicted. £5,000 fine plus costs of £500 plus collection order and £15 victim surcharge.	£1,090	£500	£1000 received from defendant to date.
19	15605	72 Stroud Green Rd, N4	09/03/2009	10/11/2009	10/11/09 - Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
20	15744	9 The Broadway, N8	18/03/2009	27/11/2009	Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
21	18712	28 Broadway parade	23/09/2009	20/11/2009	9/11/09 - Prosecuted and fined £265 and ordered to pay costs of £200 plus collection order and victim surcharge.	N/A	N/A	£200 received to date.
22	15431	26 Mattison Road, N4	25/02/2009	20/11/2009	20/11/09 - Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.

No	Visualfiles Number	Address of Property	Date Instructions were received by client	File Closed	Final hearing date and result of case	Total Costs sought	Total costs awarded	Comments
23	16052	101 Lealand Road	27/03/2009	21/12/2009	21/12/09 - initial advice given from legal - decision not to proceed against defendant.	N/A	N/A	No costs recouped.
24	19206	2 Imperial Road	28/10/2009	25/01/2010	25/1/10 - Prosecution withdrawn following receipt of defence reps / new evidence	N/A	N/A	
25	17704	119 Warham Road, N4	29/07/2008	29/01/2010	18/1/09 - Prosecuted and Convicted. Fined £3000 and ordered to pay costs of £1708 and collection order and £15 victim surcharge.	£1,780	£1,708	
26	18713	320 Duke Mews	23/09/2009	19/01/2010	19/1/10 - Prosecuted. Convicted and given a 12 month conditional discharge. £270 costs awarded.	£500	£270	
27	14651	11 Burgoyne Road	13/12/2008	04/02/2010	4/2/10 - 2 x defendants convicted and fined £1000 fine each and ordered to pay £500 costs each.	£3,800	£1,000	
28	12957	80 Elmar Road	15/07/2008	23/02/2010	Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.
29	20120	21 Cumberton Road, N17	15/12/2009	23/02/2010	15/2/2010 - Prosecuted. Convicted and Fined. Satellite Dish £116 each (£232) and £329 (£658).	N/A	N/A	
30	15597	6 Earlham Grove	06/03/2009	23/02/2010	Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.

No	Visualfiles Number	Address of Property	Date Instructions were received by client	File Closed	Final hearing date and result of case	Total Costs sought	Total costs awarded	Comments
31	15743	845 High Road	18/03/2009	26/02/2010	Prosecution withdrawn as compliance and so caution offered and accepted by defendant.	N/A	N/A	Contribution to legal costs incurred paid to Council by defendant upon signing of caution.