



Haringey Council

Agenda item:

[No.]

Planning Committee

On 12th April 2010

Report Title. **Planning Enforcement Update**

Report of **Director of Urban Environment**

Signed :

U.P.B. 9th April 2010.

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's progress in maintaining service delivery 2009-2010.
- 1.2. To inform members on the commencement of Planning Enforcement resident focus groups, to identify and improve the perception of the service.

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 service will continue to maintain its performance in managing the number of open cases.
- 4.2. The service will implement improvements to the perception of the service upon the conclusion of resident focus groups.

5. Reason for recommendation

- 5.1. Excellent progress has been made in maintaining the number of open cases, now at 301. However, the perception of the service remains an issue.

6. Other options considered

- 6.1. Not applicable

7. Summary

- 7.1. This report updates members of the Planning Committee on Planning Enforcement's continued performance in maintaining low levels of open cases, and the commencement of resident focus groups to improve the perception of the service.

8. Planning Enforcement Performance and Service Update

- 8.1 Appendix 1 demonstrates the number of open cases by the year received. In 2009/10 the service opened its lowest number of cases since 2006/2007. Our current caseload is 301. These include 216 cases received in 2009/10 and remain open.
- 8.2 Cases opened Pre 2007 involves some of our more complex and challenging cases. Compliance has not been gained in a number of these cases, although they have been prosecuted once and due to be prosecuted a second time. A review of all pre 2007 cases will take place to determine a way forward and to ensure that all available enforcement tools are being utilised. This review will include Legal Services, Development Management and Planning Enforcement, chaired by the Head of Enforcement Robin Payne.
- 8.3 Appendix 2 reports on Planning Enforcement's performance indicators 2009/2010. Performance remains strong across the suite of indicators.
- 8.4 ENF 1 (Successful resolution of a case after 8 weeks) was 46% against a target of 40%. This demonstrates that Planning Enforcement continues to close cases after an initial 8 week investigation. The majority of cases closed within 8 weeks were permitted development, where no breach occurred or the development was immune from enforcement action.

- 8.5 ENF 3 (Customer satisfaction) As a result of low responses to customer satisfaction surveys. Resident focus groups consisting of cases investigated and closed in 2009/10 commenced in March 2010. The focus groups utilise a 6 step process, where residents plot their experience from becoming aware of the issue, through to how the service investigated and concluded the investigation. Early indicators have identified that the service continues to have perception issues around the investigation of alleged breaches and residents continue to be dissatisfied with the outcome of the investigation. Further resident focus groups are planned in the 1st quarter, after which an action plan will be developed to address areas of concern.
- 8.6 ENF 4 (Cases closed within target of 6 months) was 84% above the target of 80%. Cases that were not closed after 8 weeks fall within this performance indicator and involve some of our more complex cases. The majority of cases in this category were closed after compliance was gained through remediation or regularisation.
- 8.7 ENF 5 (Cases acknowledged within 3 working days) was 87%, below the target of 90%. This was due to technical and administrative difficulties in sending the acknowledgement letters. The service is currently looking at how to address this issue.
- 8.8 ENF 6 (Planning Enforcement Initial site inspections 3, 10, 15 working days) was 99%, above the target of 90%. This indicator demonstrates the number of days in which an initial site visit is carried out. The number of days for the initial site visit is determined by the priority of the alleged breach.
- 8.9 ENF 7 (Number of Planning Contravention Notices served) 63 PCNs were served requesting information on the activity being carried out on. This notice is used to determine if it is appropriate to serve an Enforcement Notice.
- 8.10 ENF 8 (Number of Enforcement Notices Served) 63 Enforcement Notices were served
- 8.11 ENF 9 (Number of enforcement notices appealed) 42 notices were appealed 2009/10. The majority of which were as a result of the service's activity in the Tower Gardens Estate Conservation area, and the Myddleton Road Strategy area where appeals were lodged on the grounds of immunity.
- 8.12 ENF 10 (Number of enforcement notices withdrawn by the Council) 22 Enforcement Notices were withdrawn in 2009/10. The majority of which were a result of the service's activity in the Tower Gardens Estate Conservation area, and the Myddleton Road Strategy area where the recipients of Enforcement Notices could demonstrate immunity from enforcement action.
- 8.13 ENF 11 (Number of prosecutions for non-compliance with Enforcement Notices). 42 completed prosecutions occurred in 2009/10. This demonstrates that Planning Enforcement continues to be active in enforcing non-compliance with notices, however this activity has an impact on the services legal budget.
- 8.14 ENF12 (Number of Notices (Other) served). In 2009/10 20 notices other than Enforcement Notices were served.

8.15 Appendix 3 reports on Planning Enforcements closed cases outcomes 2009/10. (46%) of cases were closed as there was no breach, or fell under permitted development. This indicates that 46 in 100 of our cases, do not need our investigation. The ability of the service to take enforcement action is linked to the perception of the service as there is an expectation that enforcement action will always take place. In 21% of closed cases it was considered that enforcement action was not expedient. (21%) of cases closed were as a result of compliance, remediation or regularisation of the development. This indicates that approximately 1 in 5 cases require our intervention. 12% of cases were closed as they were immune from enforcement action.

8.16 The service continues to be involved with a number of projects.

- Tower Gardens Estate Conservation- has 5 cases going forward for prosecution. 1 successful prosecution, Compliance has been gained in 1 case and 7 cases are currently under further investigation.
- Myddleton Road Strategy Group- 3 cases are going forward for prosecution. 1 case is under further investigation. A further 3 Enforcement Notices are to be served.
- Green Lanes HMO pilot- Planning Enforcement investigations have been ongoing in the 9 roads covered by the project since late 2008 to date. 53 new cases have been generated in relation to conversions. 2 cases have been prosecuted and compliance gained. 1 case is to be re-prosecuted, and 24 cases require further investigations to confirm the alleged breach. The new corporate Houses in Multiple Occupation Strategy which is currently being developed will inform future service priorities.

9. Conclusions

9.1 Performance remains strong across the suite of 2009/2010 indicators. The service will continue to investigate alleged breaches and ensure that a manageable number of open cases are maintained.

9.2 The service continues to have issues regarding the perception of the service. An action plan will be prepared and implemented to address resident's perception of the service.

10. Chief Financial Officer Comments

10.1 The costs involved with maintaining existing performance levels can be met within the existing budget for Planning Enforcement for 2010-11. The scale of Legal costs remains a concern and these continue to be closely monitored with all effort being made to reclaim costs where possible.

11. Head of Legal Services Comments

11.2 The majority of current expenditure on legal services relates to prosecution work and public inquiries/appeals against notices, since the legal department does not at present draft and serve the actual notices.

<p>12. Head of Procurement Comments – 12.1 Not applicable</p>
<p>13. Equalities & Community Cohesion Comments 13.1 There are no equalities, and community cohesion issues raised by this report as it updates members on Planning Enforcements performance 2009/10</p>
<p>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.</p>
<p>15. Service Financial Comments 15.1 Planning Enforcements expenditure on Legal services and cost recovery continues to be a concern. In 2009/10 the service was over budget by £39K. The service has revised its legal budget for 2010/11, and is currently implementing a Service Level Agreement (SLA) with Legal Services service to help address Legal Budget cost pressures.</p>
<p>16. Use of appendices /Tables and photographs</p> <ul style="list-style-type: none"> a. Appendix 1 - The number of open cases by the year received b. Appendix 2 - 2009/10 Performance indicators c. Appendix 3 - 2009/10 Outcomes of Planning Enforcement Closed Cases
<p>17. Local Government (Access to Information) Act 1985</p>

Appendix 1 – Table demonstrating Planning Enforcement Caseload

Year	No. cases opened for investigation	No. of cases remaining open
2001/2002	401	0
2002/2003	782	1
2003/2004	881	1
sub total 2001/2 - 2003/4	2064	2 *
2004/2005	898	1
2005/2006	939	6
2006/2007	686	5
sub total 2004/5- 2006/7	2523	11**
2007/2008	914	14
2008/2009	1052	60
sub total 2007/8 - 2008/9	1966	74
2009-2010	878	216
Total for all years		301

*** Of the 2 open cases pre 2004**

- 1 case to be prosecuted for the second time
- 1 warrant case

****Of the 12 open cases pre 2007**

- 1 Currently complying with the Enforcement Notice. Compliance in both anticipated in 2010
- 3 to appear in court
- 2 warrant cases
- 5 prosecutions or re-prosecutions

Appendix 2 Table indicating 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
ENF PLAN 1	Successful resolution of a case after 8 weeks	40%	46% (434) 950
ENF PLAN 3	Customer satisfaction with the service received	To be determined upon conclusion of resident focus groups	To be determined upon conclusion of resident focus groups
ENF PLAN 4	Cases closed within target time of 6 months	80%	84% (798) 950
ENF PLAN 5	Cases acknowledged within 3 working days	90%	87% (766) 877
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	99%
Performance Indicator Number	Performance Indicator description	Performance output year 2009/10	
ENF PLAN 7	Number of Planning Contravention Notices served	63	
ENF PLAN 8	Number of Enforcement Notices Served	63	
ENF PLAN 9	Number of enforcement notices appealed	42	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	22	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	42	
ENF PLAN 12	Number of Notices (Other) served	20	

Appendix 3 – Table showing Outcomes of Planning Enforcement Closed Cases 2009/10

Closure reason	Output 2009/10
No breach/Permitted Development	471 (46%)
Not expedient	219 (21%)
Compliance/ Remediation/Regularisation	214 (21%)
Immune from enforcement action	117 (12%)
Total	1021