

Agenda item:

The Planning Committee

On 14 June 2010

Report Title.

Legal Services report on the outcome of Planning Enforcement prosecutions and ongoing cases from 1 March 2010 to 31 May 2010

Report of:

John Suddaby, Head of Legal Services

Wards(s) affected: **Please see appendix**

Report for: **The Planning Committee**

1. Purpose of the report

To update the Planning Committee on the outcome of Planning Enforcement prosecutions from 1 March 2010 to 31 May 2010 and ongoing cases. These represent referrals from the Planning Enforcement Department to the Corporate Legal Service.

2. Summary

Contained in the **appendix** to this report is a spreadsheet detailing the outcome of concluded cases for the period outlined above and the status of ongoing cases. They do not include cases that have been referred to the Legal Service but where a summons requiring a Defendant's attendance at court has yet to be lodged with the court. A summons is only lodged once the Legal Service considers that the evidential and public interest tests to commence a prosecution have been satisfied.

The committee is reminded that prosecution is a tool that is used for the purpose of compelling compliance with an Enforcement Notice. Neither the Magistrates Court or the Crown Court has the power to order compliance. Far more expensive and draconian options for local authorities do exist e.g. conducting works in default, applying for an injunction compelling compliance, however, local authorities traditionally avoid these save for the most serious of cases.

Simple cautions are administered as an alternative to prosecution in appropriate cases invariably when compliance has been achieved after a matter has been referred to the Legal Service. Cases concluded in this way are generally considered particularly successful since compliance has been achieved, guilt has been admitted, and often a contribution toward investigation and legal costs is secured which is paid directly to the Council rather than through the courts.

For the period 1 March 2010 – 31 May 2010:

Four matters were concluded by way of a caution.

One matter was concluded by way of a conviction.

Two matters were withdrawn without either a caution or conviction.

12 matters are ongoing. Proceedings have been issued for breach of an Enforcement Notice but a conviction has yet to be secured.

£1,485 was paid to the Planning Enforcement Department representing a contribution to costs agreed when administering cautions.

No recovered court costs were paid to the Legal Service for the period 1 March 2010 – 31 May 2010. When such costs are received, they are reimbursed to the Planning Enforcement Department.

3. Recommendations

That the report be noted.

4. Local Government (Access to Information) Act 1985

Background documents are contained with the Legal Service on Floor 7, Alexandra House, Station Road, London N22 7TR and with the Planning Enforcement Department on Floor 1, 639 High Road, London N17 8BD.

Report Authorised by:

Bernie Ryan
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**APPENDIX
OUTCOME OF PLANNING ENFORCEMENT CASES FROM 1 MARCH 2010 TO 31 MAY 2010 AND ONGOING CASES**

No	Legal reference	Name of Defendant	Address of Property	Ward	Issue	Date of referral	Date of final Outcome	Details of final Outcome	Total Costs sought at court	Total Costs awarded	Next Court date / comments
1	VF 15743	Ismail Uzun, 845 High Road, N17 8EY	845 High Road, N17 8EY	Northumberland	Roof extension	18.3.10	22.3.10	Cauton accepted so prosecution withdrawn	N/A	£1,040	N/A
2	VF 16767	Masonbeam ltd and Ajmal Khan	501 High Road, N17 6QA	Bruce Grove	Illuminated shop signage and shutters in conservation area Use of garage for commercial purposes	28.5.10	22.3.10	Cauton accepted so prosecution withdrawn	N/A	£500	N/A
3	VF 17593	Patrick Shevlin	96 Palmerston Road, Wood Green, London N22 8RE	Bounds Green		20.7.10	22.3.10	Compliance with notice achieved so prosecution withdrawn	N/A	N/A	N/A
4	VF 15429	Jagjit and Gurdish Chal	47 Palace Road, N11 2PU	Bounds Green	Conversion of single dwelling into two flats	25.2.09	26.3.10	Cauton accepted so prosecution withdrawn	N/A	N/A	N/A
5	VF 18401	Southwake Ltd	22 Gladesmore Road, London N15 6TB	Seven Sisters	Conversion of single dwelling into three flats	7.9.09	12.4.10	The matter was proved in the Defendant's absence. Contact was made, however, they failed to attend court for sentence and this therefore took place in their absence. £10,000 fine. £,1000 contribution to costs	£1,350	£1,000	N/A
6	VF 18401	Syed Anwar Ali Kazmi	17 Kevelioc Road, N17 7PR	White Heart Lane	Satellite installation and removal of front garden hedge	4.3.10	12.4.10	Summons withdrawn as instructed	N/A	N/A	N/A

CONCLUDED CASES (1 MAR 10 TO 31 MAY 10):

No	Legal reference	Name of Defendant	Address of Property	Ward	Issue	Date of referral	Date of final Outcome	Details of final Outcome	Total Costs sought at court	Total Costs awarded	Next Court date / comments
7	VF 19383	Kempton Investments / Oduwole, E Oyabayo, New Covenant C&S Movement	Unit E, First Floor, 199 Eade Road, N4 1TH	Seven Sisters	Use of building as place of worship	2.11.09	24.5.10	Caution accepted so prosecution withdrawn.	N/A	N/A	N/A

ONGOING CASES (SUMMONSES LODGED WITH COURT):

8	VF 19004	-	1 Bruce Castle Road, N17 8NL	Northumberland	Unauthorised conversion of a single dwelling to five self-contained flats	8.10.09	N/A	N/A	N/A	N/A	Trial 7 July 2010
9	VF 19336	-	2 Park Avenue, London, N17 0HX	Northumberland	Unauthorised conversion of a single dwelling to six self-contained flats	26.10.09	N/A	N/A	N/A	N/A	Matter adjourned to 23 August 2010 for Defendant to comply with Notice
10	VF 19455	-	201 Devonshire Hill Lane, N17 7NP	White Hart Lane	Unauthorised conversion of a single dwelling to two self-contained flats	6.11.09	N/A	N/A	N/A	N/A	Matter adjourned to 14 June 2010 for Defendant to attend Court to enter a plea or a warrant to be issued
11	VF 19783	-	41 Umfreville Road, N4 1RY	Harringey	Unauthorised 1st floor rear extension and conversion of a single dwelling to four self-contained flats	24.11.09	N/A	N/A	N/A	N/A	Matter adjourned to 21 June 2010 for Defendant to comply with the Notice
12	VF 21924	-	135 Tower Gardens Road	White Hart Lane	Satellite dishes in conservation area	4.3.10	10.5.10	Warrant issued	N/A	N/A	N/A
13	VF 20115	-	11 Cumberston Rd, N17 7PA	White Hart Lane	Non-removal of satellite dish and failure to replace front door with a door in compliance with planning authorisation and to replant hedge	15.2.10	N/A	N/A	N/A	N/A	Matter adjourned to 14 June 2010 for Defendant to accept a simple caution

No	Legal reference	Name of Defendant	Address of Property	Ward	Issue	Date of referral	Date of final Outcome	Details of final Outcome	Total Costs sought at court	Total Costs awarded	Next Court date / comments
14	VF 23344	-	180 Park Lane, N17 OJA	Northumberland	Conversion of a single dwelling to 2 flats and unauthorised conversion of an outbuilding / garage to a residential property	6.4.10	N/A	N/A	N/A	N/A	Matter adjourned to 14 June 2010 for Defendant to obtain legal advice
15	VF 23342	-	8 Harringay Gardens, N8 OSE	Harringay	Conversion of single dwelling property to 4 flats	6.4.10	N/A	N/A	N/A	N/A	Matter adjourned to 28 June 2010 for Defendant to enter a plea
16	VF 23345	-	101 West Green Road, N15 5DE	Tottenham Green	Erection of a rear first floor extension	6.4.10	N/A	N/A	N/A	N/A	Matter listed for 1st hearing on 16 August 2010
17	VF 23323	-	320a Dukes Mews, N10 2QN	Fortis Green	Use of premises as mini-cab office on Muswell Hill Broadway - second prosecution	6.4.10	N/A	N/A	N/A	N/A	Matter adjourned to 14 June 2010 for Defendant to obtain legal advice
18	VF 23395	-	31 Siward Road, N17 7PJ	White Heart Lane	Non-removal of satellite dish and failure to replace front door with a door in compliance with planning authorisation	9.4.10	N/A	N/A	N/A	N/A	Matter adjourned to 14 June 2010 for Defendant to enter a plea
19	VF 23663	-	16 Seymour Road, London, N8 0BE	Harringay	Division of single dwelling house to multiple units of living accommodation	5.5.10	N/A	N/A	N/A	N/A	Matter listed for 1st hearing on 14 June 2010