



Haringey Council

Agenda item:

[No.]

Planning Committee

On 12th July 2010

Report Title. **Planning Enforcement Update**

Report of **Director of Urban Environment**

Signed :

W.P. Bobb . 28th June 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 in the first quarter of 2010/11.
- 1.2. To inform members on proposed actions to improve the perception of Planning Enforcement following resident focus groups.

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 based upon the conclusion of resident focus groups.

5. Reason for recommendation

- 5.1. Excellent performance is being made in maintaining the number of open cases, now at 364. 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 performance in maintaining low levels of open cases, and the actions 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 364. These include 187 cases received in 2010/11 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 chaired by the Head of Enforcement Robin Payne, has been undertaken. The purpose of the review was to determine a way forward and to ensure that all available enforcement tools are being utilised.
- 8.3 Appendix 2 reports on Planning Enforcement's performance indicators in the 1st Quarter 2010/11. Performance remains consistent across the suite of indicators.
- 8.4 ENF 1 (Successful resolution of a case after 8 weeks) is 47% against a target of 40%. This indicator is 7% above target and 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 utilised 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.
- 8.6 The focus groups identified a number of areas where residents remain dissatisfied, namely; Letters at key stages of the investigation are not consistently being sent in line with our published service standards. Residents felt that there are insufficient proactive updates, outside of our published customer contact stages. Residents considered that they were not encouraged to contact the service direct. It was considered that explanations in our standard letters are not clear. Overall the focus groups identified that satisfaction is closely linked to the outcome of the case, although the enforcement function is limited by legislation.
- 8.7 An action plan is being finalised to address these areas of dissatisfaction. A review of all our standard letters will take place to make them clearer and more informative. Our acknowledgement letter will make reference to our website, with an invitation for the resident to contact the case officer for updates outside of our published contact points. Following benchmarking with other Authorities our website will be updated to contain more informative information on planning enforcement to help manage resident's expectations. Monitoring to ensure that standard letters at key points of the investigation are being sent will be improved. Customer services scripts will be reviewed to ensure residents and business receive as much information at the initial point of contact.
- 8.8 ENF 4 (Cases closed within target of 6 months) was 88% 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.
- 8.9 ENF 5 (Cases acknowledged within 3 working days) was 64%, 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.
- 8.10 ENF 6 (Planning Enforcement Initial site inspections 3, 10, 15 working days) was 97%, 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.
- 8.11 ENF 7 (Number of Planning Contravention Notices served) 11 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.
- 8.12 ENF 8 (Number of Enforcement Notices Served) 9 Enforcement Notices were served
- 8.13 ENF 9 (Number of enforcement notices appealed) 5 notices were appealed in the first quarter 2010/11.
- 8.14 ENF 10 (Number of enforcement notices withdrawn by the Council) 1 Enforcement Notices were withdrawn in the first quarter 2010/11.

- 8.15 ENF 11 (Number of prosecutions for non-compliance with Enforcement Notices). 4 completed prosecutions occurred in the first quarter 2010/11. This demonstrates that Planning Enforcement continues to be active in enforcing non-compliance with notices
- 8.16 ENF12 (Number of Notices (Other) served). In the first quarter 2010/11 3 notices other than Enforcement Notices were served.
- 8.17 Appendix 3 reports on Planning Enforcements closed cases outcomes in the 1st quarter 2010/11. Of the cases closed 53% was due to no breach, or fell under permitted development. 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. One of the challenges for the service will be how to reduce the number of service requests in this category. This will enable the reallocation of resources to other areas of planning enforcement such as alleged breaches in conservation areas. Of the case closed, 7% was due to immunity from enforcement action. In 11% of the cases closed, it was considered that enforcement action was not expedient and 29% was closed as a result of compliance, remediation or regularisation of the development.

9. Conclusions

- 9.1 Performance remains consistent across the suite of 2010/11 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 is being finalised to help improve resident's perception of the service.

10. Chief Financial Officer Comments

- 10.1 The costs involved with maintaining the existing performance levels can be met from the revised budget 2010-11 for Planning Enforcement. The scale of legal costs remains a concern and these continue to be closely monitored. The service are currently negotiating a service level agreement with legal services that will help to control and monitor legal costs more effectively.

11. Head of Legal Services Comments

- 11.2 legal services has noted the contents of this report

12. Head of Procurement Comments –

- 12.1 Not applicable

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 Enforcement's performance in the first quarter of 2010/11.

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.

15. Service Financial Comments

15.1 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.

16. Use of appendices /Tables and photographs

- a. Appendix 1 - The number of open cases by the year received
- b. Appendix 2 – 1st Quarter 2010/11 Performance indicators
- c. Appendix 3 - 1st Quarter 2010/11 Outcomes of Planning Enforcement Closed Cases

17. Local Government (Access to Information) Act 1985

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	1 *
2004/2005	898	1
2005/2006	939	6
2006/2007	686	3
sub total 2004/5- 2006/7	2523	10**
2007/2008	914	12
2008/2009	1052	54
sub total 2007/8 - 2008/9	1966	66
2009-2010	878	216
2010-2011 (up to 17/6/10)	187	135
Total for all years		364

*** Of the 1 open cases pre 2004**

1 warrant case

****Of the 10 open cases pre 2007**

- 1 Guilty plea- awaiting sentencing
- 2 Compliance works undertaken
- 1 warrant case
- 3 already prosecuted however no compliance
- 3 Cases court summons issued

Appendix 2 Table indicating Performance indicators for Planning Enforcement 2010/11

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%	47% (58 out of 124)
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%	88% (109 out of 124)
ENF PLAN 5	Cases acknowledged within 3 working days	90%	64% (89 out of 140)
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	97%
Performance Indicator Number	Performance Indicator description	Performance output year 2009/10	
ENF PLAN 7	Number of Planning Contravention Notices served	11	
ENF PLAN 8	Number of Enforcement Notices Served	9	
ENF PLAN 9	Number of enforcement notices appealed	5	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	1	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	4	
ENF PLAN 12	Number of Notices (Other) served	3	

Appendix 3 – Table showing Outcomes of Planning Enforcement Closed Cases 2010/11

Closure reason	Output 1st Quarter 2010/11
No breach/Permitted Development	68 (53%)
Not expedient	9 (7%)
Compliance/ Remediation/Regularisation	14 (11%)
Immune from enforcement action	37 (29%)
Total	128