

Agenda item:

[No.]

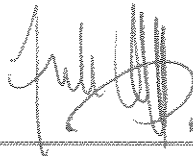
Planning Committee

On 11th October 2010

Report Title. **Planning Enforcement Update – second quarter 2010/11**

Report of **Director of Urban Environment**

Signed :



28/09/10
requisite

Asst Director Franlie Senior

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 report performance for the planning enforcement team for the second quarter of 2010/11.
- 1.2 To inform Members on the reduction funding in year for planning enforcement and the implications for the service.

2 State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 2.1 Enforcement of planning rules plays a role in delivering policy objectives of the Council's Unitary Development Plan and future Local Development Framework is delivered.
- 2.2 The Council's Enforcement Strategy has an explicit objective to reverse and prevent unauthorised use and non permitted development.

3 Recommendations

- 3.1 That Members note the ongoing performance of the planning enforcement team and implications of in year budget reduction.

4 Reason for recommendation

- 4.1 The report identifies routine performance updates and action being taken to understand and improve perception.
- 4.2 The implication of budget reduction is that the service will need to reduce costs and review service priorities and standards.

5 Other options considered

- 5.1 None

6 Summary

- 6.1 This report advises members on second quarter service performance and steps being taken to further address user perception of the service. In previous years the planning enforcement service has relied on a contribution of £71k from the planning service. This funding will not be available in 2010/11 or in future years. The report identifies steps being taken to address this budget reduction.

7 Chief Financial Officer Comments

- 7.1 The Funding for the Planning Enforcement service from the Planning and Regeneration Business Unit has been reduced in 2010-11. This was in order to offset budget pressures caused by shortfalls in Planning income due to the recession and non-award of Housing and Planning Delivery Grant in 2010-11. Thus Planning Enforcement will also need to reduce its expenditure in 2010-11 to accommodate this loss in funding. Actions to do this are being implemented.

8 Head of Legal Services Comments

- 8.1 Legal has noted the report

9 Equalities & Community Cohesion Comments

- 9.1 There are no equalities, and community cohesion issues raised by this report as it updates members on Planning Enforcement's performance in the second quarter of 2010/11. However, the service is continuing to develop its understanding of client perception and this includes a need to understand the impact of the service on different communities. Any future changes that lead to a reduction of service will need to an

equalities impact assessment.

10 Consultation

10.1 The report identifies steps taken to consult service users.

11 Service Financial Comments

11.1 The loss of £71K contribution from Planning and Regeneration, for planning enforcement will result in a need to reduce service costs. The implication will be a reduction in establishment by one and a half posts and other savings.

12 Use of appendices /Tables and photographs

Appendix 1 – Table showing a breakdown of open cases by the year received
Appendix 2 – Table showing 2nd quarter 2010/11 performance indicators
Appendix 3 - Table showing 2nd quarter 2010/11 outcomes of cases closed
Appendix 4 – Table showing planning enforcement prosecution & caution outcomes

13 Local Government (Access to Information) Act 1985

13.1 Case files held by the Team Leader for Planning Enforcement

14 Planning Enforcement Performance

- 14.1 Appendix 1 provides a table showing cases still open by the year the case was opened. Our current caseload is 344. These include 199 cases received in 2010/11 and remain open. Nine cases opened before 2007 remain open and non compliant. Action against these is on going.
- 14.2 Appendix 2 provides a table of planning enforcement performance indicators. Performance remains consistent across the suite of indicators.
- 14.3 Customer feedback response remains very low and does not provide any real insight into general perception by service users. The service has therefore worked with a series of focus groups made up of residents whose cases were closed in 2009/10. 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.
- 14.4 The focus groups identified a number of areas where residents remain dissatisfied. These are

- Letters at key stages of the investigation – it is felt that these are not consistently being sent in line with our published service standards.
- Proactive Updates - Residents felt that there are insufficient updates and that more updates are required than provided by our published customer contact stages.
- Residents considered that they were not encouraged to contact the service direct.
- Standard letters are not sufficiently clear.
- Overall the focus groups identified that satisfaction is closely linked to the outcome of the case

14.5 An action plan has been developed and is being implemented.

- A review of all our standard letters has taken 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.
- We have benchmarked our website content and this is being updated to contain more information on planning enforcement powers.
- Increased monitoring is being undertaken to ensure that standard letters at key points of the investigation are being sent.
- Customer service scripts have been reviewed to ensure residents and business receive as much information at the initial point of contact.
- For a period of six months, the service manager will contact a random sample clients whose cases have been closed for a 1:1 interview.

14.6 Appendix 3 is a table of closed cases in the second quarter broken down by outcomes. Of the cases closed 54% was due to no breach, or fell under permitted development. Of the cases closed, 7% was due to immunity from enforcement action and where there was no earlier history of complaint. In 18% of the cases closed, it was considered that enforcement action was not expedient and 21% was closed as a result of compliance, remediation or regularisation of the development.

15 Enforcement funding and future service options

- 15.1 In previous years planning enforcement has received a £71K contribution for planning enforcement costs from Planning and Regeneration. This contribution will not be available in 2010/11 and is not expected to be available in future years. Options for addressing this shortfall have been reviewed and it will be necessary to reduce the team establishment by one and a half posts. This will be delivered by a reduction in administration support and the loss of one planning enforcement officer post.
- 15.2 To mitigate against the impact of this budget reduction we are reviewing all administration support for Enforcement services, and are looking at options to reduce administration tasks. In addition the service has begun a review of planning enforcement priorities which we expect to report to Members of this committee before December 2010.
- 15.3 Planning Enforcement is participating in the Strategic Commissioning of Regulatory Services. This process will involve a detailed review of options for the future delivery of planning enforcement and for operating within a reduced budget.

Appendix 1 – Breakdown of Planning Enforcement Caseload by year opened

Year	No. cases opened for investigation	No. of cases remaining open
2001/2002	401	0
2002/2003	782	0
2003/2004	881	1
sub total 2001/2 - 2003/4	2064	1 *
2004/2005	898	1
2005/2006	939	6
2006/2007	686	2
sub total 2004/5- 2006/7	2523	9**
2007/2008	914	10
2008/2009	1052	39
sub total 2007/8 - 2008/9	1966	49
2009-2010	878	86
2010-2011 (up to 17/6/10)	402	199
Total for all years		344

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

This case has been adjourned until 10 November 2010 to allow for compliance with the Enforcement Notice and to enable a caution to be administered.

****Of the 9 open cases pre 2007**

- 1 Guilty plea entered sentencing to take place on 19 December 2010
- 1 Agreed compliance by 31st October 2010
- 1 warrant case
- 5 already prosecuted however no compliance and to be re prosecuted
- 1 initial prosecution hearing on 29 September 2010

Appendix 2

Performance Indicators for Planning Enforcement - Second Quarter 2010/11

Table of performance indicators			
Performance Indicator Number	Performance Indicator description	Performance Indicator target	Performance Output 2010/11
ENF PLAN 1	Successful resolution of a case after 8 weeks	40%	42% (138 out of 333)
ENF PLAN 3	Customer satisfaction with the service received	To be determined	To be determined
ENF PLAN 4	Cases closed within target time of 6 months	80%	80% (266 out of 333)
ENF PLAN 5	Cases acknowledged within 3 working days	90%	72% (279 out of 390)
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	93%
Performance Indicator Number	Performance Indicator description	Performance output year 2010/11	
ENF PLAN 7	Number of Planning Contravention Notices served	33	
ENF PLAN 8	Number of Enforcement Notices Served	33	
ENF PLAN 9	Number of enforcement notices appealed	9	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	1 (Quashed on appeal)	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	13	
ENF PLAN 12	Number of Notices (Other) served	15	

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

Closure reason	Output 2nd Quarter 2010/11
No breach/Permitted Development	191 (54%)
Not expedient	64 (18%)
Compliance/ Remediation/Regularisation	74 (21%)
Immune from enforcement action	25 (7%)
Total	354

Appendix 4- Table demonstrating planning enforcement prosecution & caution outcomes

Ward	Client Department, address and Lead Officer)	Legislation (inc section) prosecution under	Breach Address	Latest Action	Reason for closure	Successful result (Y/N)
Northumbe Park	Lorcan Lynch	s.179 TCPA 1990	1 Bruce Castle Road N17	01/08/2010- Trial date fixed 19.12.10	N/A -	
Tottenham Hale	Myles Joyce	s.179 TCPA 1990	10 Hampden Lane N17	Committal for trial 22.9.10	N/A	
Seven Sisters	Myles Joyce	s.179 TCPA 1990	101 Lealand Road N15	Hearing 8.9.10	N/A	
Bounds Green	Patrick Sullivan	s.179 TCPA 1990	12 Buckingham Road N22	Hearing 29.9.10	N/A	
Bruce Grove	Patrick Sullivan	s179 TCPA 1990	36 Downhills Park Road	Hearing 29.9.10	N/A	
Harringay	Myles Joyce	s.179 TCPA 1990	66 Wightman Road N4	Hearing 29.9.10	N/A	
Harringay	Myles Joyce	s179 TCPA 1990	11 Burgoyne Road N4	Hearing 29.9.10 (re-prosecution)	N/A	
Harringay	Myles Joyce	s179 TCPA 1990	74 Umfreville Road	Trail 8.10.10	N/A	
Harringay	Lorcan Lynch	s179 TCPA 1990	8 Harringay Gardens N4	Hearing 29.9.10	N/A	
Northumbe Park	Lorcan Lynch	s.179 TCPA 1990	9 Heybourne Gardens N17	Pled guilty. Sentencing 19.12.10	N/A	
Noel Park	Lorcan Lynch	s179 TCPA 1990	98 Hewitt Avenue N22	Hearing 8.9.10	N/A	

Ward	Client Department, address and Lead Officer)	Legislation (inc section) prosecution under	Breach Address	Latest Action	Reason for closure	Successful result (Y/N)
Northumb Park	Myles Joyce	s.179 TCPA 1990	180 Park Lane N17	Convicted 25.8.10. Fine 1K plus 1K costs	N/A -	
Seven Sisters	Lorcan Lynch	s.179 TCPA 1990	22 Gladesmore Road N15	Convicted 12.4.10. Fine 1K plus 1K costs	N/A	
Tottenham Green	Myles Joyce	s.179 TCPA 1990	Unit 4 Gaunson Hse Markfield Road N15	Convicted Rightstock Ltd. 1K fine plus 1K costs Rev Donker £100 fine plus £100 costs	Notice complied with	Y
Harringay	Patrick Sullivan	s.179 TCPA 1990	41 Umfreville Road N4	Convicted 11.8.10 fine £300 plus 300 costs	Notice complied with	
Fortis Green	Myles Joyce	s.179 TCPA 1990	320 Dukes Mews N10	Convicted (2 nd time) 1K fine plus 1K costs	N/A	
Crouch End	Myles Joyce	s.179 TCPA 1990	23 Mount View Road N8	Warrant case. Owner has agreed to comply. Work commenced Sept	N/A	
Harringay	Myles Joyce	s.179 TCPA 1990	89 Burgoyne Road N4	Convicted 8.9.10 10K fine plus 2K costs	N/A	
Harringay	Micheal Amadi-Wuiche	s.179 TCPA 1990	23 Hewit Road N8	Convicted 8.9.10 10K fine plus 2K costs	N/A	
Bruce Grove	Patrick Sullivan	s.179 TCPA 1990	1 St Margarets Road N15	Warrant case	N/A	

Ward	Client Department, address and Lead Officer)	Legislation (inc section) prosecution under	Breach Address	Latest Action	Reason for closure	Successful result (Y/N)
White Hart Lane	Fortune Gumbo	s179 TCPA 1990	135 Tower Gardens Road N17	Warrant case	N/A	
White Hart Lane	Fortune Gumbo	s.179 TCPA 1990	31 Siward Road N17	Warrant case	N/A	
Harringay	Patrick Sullivan	s.179 TCPA 1990	136 Falkland Road N22	Caution accepted costs paid 14.4.10	Notice complied with	Y
White Hart Lane	Fortune Gumbo	s179 TCPA 1990	11 Cumberton Road N17	Caution accepted costs paid 14.4.10	Notice complied with	Y
White Hart Lane	Fortune Gumbo	s179 TCPA 1990	210 Devonshire Hill Lane N17	Caution accepted costs paid 14.4.10	Notice complied with	Y
Bounds Green	Fortune Gumbo	s179 TCPA 1990	68 Myddleton N22	Caution accepted costs paid 14.4.10	Notice complied with	Y
Tottenham Green	Myles Joyce	s179 TCPA 1990	101 West Green Road N15	Caution accepted costs paid 14.4.10	Notice complied with	Y
Northumbe Park	Myles Joyce	s179 TCPA 1990	2 Park Ave Road N17	Caution accepted costs paid 14.4.10	Notice complied with	Y
Bruce Grove	Micheal Amadi-Wuche	s179 TCPA 1990	501 High Road N17	Cost Contribution paid	Notice complied with	Y
Harringay	Lorcan Lynch	s179 TCPA 1990	7 Coningsby Road N4	6.5.10 Caution accepted costs paid	Notice complied with	Y