



Haringey Council

Agenda item:

[No.]

Planning Committee

On 11th January 2011

Report Title. **Planning Enforcement Update**

Report of **Director of Urban Environment**

Signed :

*Stephen McDonnell
on behalf of Director of UE*

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 up to the third quarter of 2010/11 and to inform members of the reduction in establishment following an in year budget reduction.

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 the reduction in the establishment following in year of budget reduction.

4. Reason for recommendations

4.1. The report identifies consistent performance updates and ongoing actions to improve and understand perception of the service.

5. Other options considered

5.1. Not applicable

6. Summary

6.1. This report advises members up to the third quarter service performance and the reduction in establishment from four to three planning enforcement officers, following withdrawal of 71K contribution from the planning service.

7. Chief Financial Officer Comments

7.1 Planning Enforcement service was part-funded from the Planning, Regeneration and Economy (PRE) Business Unit. Due to the economic downturn Planning income has fallen dramatically and PRE were required to identify savings in expenditure to offset this pressure. This lead to a reduction in funding for planning enforcement and the consequent reduction in staffing outlined within this report.

8. Head of Legal Services Comments

8.1 The report is noted

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 up to the third 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.

10. Consultation

10.1 The report identifies steps to consult service users.

11. Service Financial Comments

11.1 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.

12. Use of appendices /Tables and photographs

Appendix 1 - The number of open cases by the year received

Appendix 2 – 1st-3rd Quarter 2010/11 Performance indicators

Appendix 3 - 1st-3rd Quarter 2010/11 Outcomes of Planning Enforcement Closed Cases

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 346. These include 229 cases received in 2010/11 and remain open. Nine cases opened before 2007 remain open and non compliant. Actions against these are ongoing.

14.2 Appendix 2 reports on Planning Enforcement's performance indicators. Performance remains consistent across the suite of indicators.

14.3 An action plan has been developed and is being implemented

- 14.4 Customer feedback response remained very low and did not provide any real insight into general perception by service users. The service has therefore developed and is implementing an action plan;
- 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 businesses receive as much information at the initial point of contact.
 - For a period of six months, the service manager has contacted a random sample of clients whose cases have been closed. Responses still remain too low to provide a representative sample.
- 14.5 Appendix 3 is a table of closed cases the 3rd quarter by outcomes. Of the cases closed 52% was due to no breach, or fell under permitted development. Of the case closed, 7% was due to immunity from enforcement action. In 18% of the cases closed, it was considered that enforcement action was not expedient and 23% was closed as a result of compliance, remediation or regularisation of the development.
- 14.6 Appendix 4 is a table of planning enforcement prosecution and caution outcomes

15. Enforcement Funding and future service options

- 15.1 Prior to 2010/11 planning enforcement have received 71K contribution for planning enforcement costs from Planning and Regeneration. As this contribution will not be available in future the service has reduced its establishment by one planning enforcement officer and a reduction in administration support by half a post.
- 15.2 To mitigate against the impact of the reduction in the establishment, the service is currently reviewing its service provision and priorities.

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	0
2003/2004	881	0
sub total 2001/2 - 2003/4	2064	0
2004/2005	898	1
2005/2006	939	6
2006/2007	686	2
sub total 2004/5- 2006/7	2523	9*
2007/2008	914	9
2008/2009	1052	30
sub total 2007/8 - 2008/9	1966	39
2009-2010	878	69
2010-2011 (up to 13.12.10)	187	229
Total for all years		346

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

- 1 Compliance works undertaken- recommended closure
- 1 warrant case
- 2 re-prosecutions (1 trial March 2011) (bundle to be submitted to legal
- 4 convicted- 2 cases referred to Crown Court for confiscation proceedings under POCA
- 1 owner bankrupt- Further liaison with receivers to take place to ensure compliance.

Appendix 2 Table indicating Performance indicators for Planning Enforcement 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%	47% (58 out of 124)
ENF PLAN 3	Customer satisfaction with the service received	To be determined	10% of closed cases to be contacted by the service manager
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 2010/11	
ENF PLAN 7	Number of Planning Contravention Notices served	62	
ENF PLAN 8	Number of Enforcement Notices Served	54	
ENF PLAN 9	Number of enforcement notices appealed	18	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	1	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	20	
ENF PLAN 12	Number of Notices (Other) served	24	

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

Closure reason	Output 3rd Quarter 2010/11
No breach/Permitted Development	294 (52%)
Not expedient	104 (18%)
Compliance/ Remediation/Regularisation	129 (23%)
Immune from enforcement action	40 (7%)
Total	567



Haringey Council

Appendix 4- Table demonstrating planning enforcement prosecution & caution outcomes

No	Client Department, address and Lead Officer)	Legislation (inc section) prosecution under	Breach Address	Latest Action	Reason for closure	Successful result (Y/N)
Northumberland Park	Lorcan Lynch	s.179 TCPA 1990	1 Bruce Castle Road N17 PAKKOS POCA	Convicted. Referred to Crown Court for confiscation 15.12.10	N/A -	
Tottenham Hale	Myles Joyce	s.179 TCPA 1990	10 Hampden Lane N17	Convicted x3 2.5K fine 857 costs	Notice Complied With	Y
Seven Sisters	Myles Joyce	s.179 TCPA 1990	101 Lealand Road N15	Warrant case Trial 4.11.11 committal hearing	N/A	
Bounds Green	Patrick Sullivan	s.179 TCPA 1990	12 Buckingham Road N22	Caution accepted £606 costs	Notice Complied With	Y
Bruce Grove	Patrick Sullivan	s179 TCPA 1990	36 Downhills Park Road	Hearing 21.12.10	Complied with. Caution TBS	
Harringay	Myles Joyce	s.179 TCPA 1990	66 Wightman Road N4	Convicted 9k fine, 1,400 costs	Compliance site visit o/s	
Harringay	Myles Joyce	s179 TCPA 1990	11 Burgoyne Road N4	Adjourned until 2.3.11	Trial 2.3.11	
Harringay	Myles Joyce	s179 TCPA 1990	74 Umfreville Road	Convicted fine 8K 2,300 costs	Compliance site visit o/s	
Harringay	Lorcan Lynch	s179 TCPA 1990	8 Harringay Gardens N4	Adjourned to 15.12.10 for compliance	Hearing at court as no compliance 15.12.10	
Northumberland Park	Lorcan Lynch	s.179 TCPA 1990	9 Heybourne Gardens N17	Convicted Ref. to Crown Court	confiscation Hearing 15.12.10	
Noel Park	Lorcan Lynch	s179 TCPA 1990	98 Hewitt Avenue N22	Prosecuted 6K fine 1K costs	Compliance site visit o/s	

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)
Northumb Park	Myles Joyce	s.179 TCPA 1990	180 Park Lane N17	Convicted 25.8.10. Fine 1K plus 1K costs	Site visit o/s with view to re-prosecute	
Seven Sisters	Lorcan Lynch	s.179 TCPA 1990	22 Gladesmore Road N15	Convicted 12.4.10. Fine 1K plus 1K costs	Liaising with receivers	
Tottenham Green	Myles Joyce	s.179 TCPA 1990	Unit 4 Gaunson Hse Markfield Road N15	Convicted Righthstock 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	Y
Fortis Green	Myles Joyce	s179 TCPA 1990	320 Dukes Mews N10	Convicted (2 nd time) 1K fine plus 1K costs	Notice complied with	Y
Crouch End	Myles Joyce	s.179 TCPA 1990	23 Mount View Road N8	Complied costs paid £1,580	Notice complied with	Y
Harringay	Myles Joyce	s.179 TCPA 1990	89 Burgoyne Road N4	Convicted 8.9.10 10K fine plus 2K costs Appeal in Cr Crt	Dismissed Fine reduced to £6K 21.12.10	
Harringay	Micheal Amadi-Wuche	s.179 TCPA 1990	23 Hewit Road N8	Convicted 8.9.10 10K fine plus 2K costs Appeal in Cr Crt	Dismissed Fine reduced to 6K 21.12.10	9
Report Template:	Formal Bodies					

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	s.179 TCPA 1990	135 Tower Gardens Road N17	Warrant case	N/A	
White Hart Lane	Fortune Gumbo	s.179 TCPA 1990	31 Seward 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	s.179 TCPA 1990	11 Cumberton Road N17	Caution accepted costs paid 14.4.10	Notice complied with	Y
White Hart Lane	Fortune Gumbo	s.179 TCPA 1990	210 Devonshire Hill Lane N17	Caution accepted costs paid 14.4.10	Notice complied with	Y
Bounds Green	Fortune Gumbo	s.179 TCPA 1990	68 Myddleton N22	Caution accepted costs paid 14.4.10	Notice complied with	Y
Tottenham Green	Myles Joyce	s.179 TCPA 1990	101 West Green Road N15	Caution accepted costs paid 14.4.10	Notice complied with	Y
Northumbe Park	Myles Joyce	s.179 TCPA 1990	2 Park Ave Road N17	Caution accepted costs paid 14.4.10	Notice complied with	Y
Bruce Grove	Micheal Amadi-Wuche	s.179 TCPA 1990	501 High Road N17	Cost Contribution paid	Notice complied with	Y
Harringay	Lorcan Lynch	s.179 TCPA 1990	7 Coningsby Road N4	6.5.10 Caution accepted costs paid	Notice complied with	Y