



Haringey Council

Agenda item:

[ ]

Planning Committee

On 14<sup>th</sup> June 2011

Report Title. **Planning Enforcement Update**

Report of: **Anne Lippitt** interim Director of Urban Environment

Report Authorised by: .....

*Paul Smith*  
*pp*  
**Marc Dorfman**

**Assistant Director Planning & Regeneration**

Contact Officer : **Myles Joyce**  
**Planning Enforcement Team Leader**

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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 2010/11.
- 1.2. To inform Members that with effect from 16 May 2011, the Planning Enforcement Team has been managed by the Development Control Service in Planning and Regeneration.

**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 the future Local Development Framework.
- 2.2. The Council's Enforcement Strategy has an explicit objective to reverse and prevent unauthorised use and non permitted development.

### **3. Recommendation**

3.1. That member's note 2010/11 performance of the Planning Enforcement team and that team is now managed by Development Control Service in Planning and Regeneration.

### **4. Reason for recommendation**

4.1. Excellent progress has been made in managing the number of open cases which was 241 at 31<sup>st</sup> March 2011.

### **5. Other options considered**

5.1. Not applicable

### **6. Summary**

6.1. This report advises members on service performance for the entire financial year 2010/11 and the management within Development Management within Planning and Regeneration from 16 May 2011.

### **7. Head of Legal Services Comments**

7.1 The Head of Legal Services notes the contents of this report.

### **8. Equalities & Community Cohesion Comments**

8.1 There are no equalities, and community cohesion issues raised by this report as it updates members on Planning Enforcement's performance 2010/11.

### **9. Consultation**

9.1 The report identifies steps to consult service users.

## **10. Service Financial Comments**

10.1 The service will continue to ensure that Planning Enforcement remains within budget. The report explains that during 2010-11 that the removal of the £71K complement from Planning and Regeneration led to the loss of 1.5 staff members. A team restructure was undertaken during the autumn of 2010 and completed in December 2010. Despite this significant reduction in staff resources the outputs and quality of the service have been largely maintained.

## **11 Use of appendices /Tables and photographs**

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

Appendix 2 – 2010/11 Performance indicators

Appendix 3 - 2010/11 Outcomes of Planning Enforcement Closed Cases

Appendix 4 – Table showing planning enforcement prosecution & caution outcomes

## **12Local Government (Access to Information) Act 1985**

12.1 Case files held by the Team Leader for Planning Enforcement

## **13. Planning Enforcement Performance**

13.1 Appendix 1 provides a table showing cases still open by the year the case was opened. Our current caseload is 241. These include 168 cases received in 2010/11 which remain open and 65 cases received from before April 2010 which remain open. Eight cases opened before 2007 remain open and non compliant. All of these cases are at an advanced stage and actions against these are ongoing. The overall caseload compares favourably with the end of 2009-2010 when the overall caseload was 301. The number of cases one or more years old at approximately 25% of the overall live caseload is encouraging especially given the maintenance of a high degree of formal enforcement action and the loss of 1.5 members of staff and the resultant increased overall workload for existing staff.

13.2 Appendix 2 reports on Planning Enforcement's performance indicators. Performance remains broadly consistent across the suite of indicators. There has been a slight decline in the proportion of cases resolved within 8 week and 6 month. However this is largely explained by the resolution of a significant number of older cases which were beyond the 6 month cut-off.

13.3 Customer feedback response remained very low and did not provide any real insight into general perception by service users. The Enforcement Response Service Manager had contacted a random sample of clients whose cases have been closed. Responses still remain too low to provide a representative sample.

- 13.4 Appendix 3 is a table of closed cases 2010/11 by outcomes. Of the cases closed 54% was due to no breach, or those allowed under permitted development rights. Of the cases closed, 7% was due to immunity from enforcement action. In 19% of the cases closed, it was considered that enforcement action was not expedient and 20% were closed as a result of compliance, remediation or regularisation of the development including formal enforcement action.
- 13.5 Appendix 4 is a table of planning enforcement prosecution and caution outcomes. As the table shows, good progress of cases through prosecution has been made. During 2010-11 the total fines accrued for convictions was £36,900 and the total costs awarded to the Council was £16,415.50. In addition, costs recovered by the Council when defendants accepted simple cautions was £8784.63.

### **Other matters**

- 13.6 During the 2009-2010 Development Management undertook a process of revoking Established Use Certificates at several properties where it was found that the evidence submitted which led to their issue was false. Enforcement Action was taken in the autumn of 2010 and the following progress has been made:
- 10 Hampden Lane N17            Prosecuted and convicted. Notice now complied with
  - 69 Roseberry Gardens        Enforcement Appeal withdrawn. Notice complied with
  - 13 Harringay Gardens        Enforcement Appeal withdrawn. Notice now in breach
  - 82 Warham Road                Enforcement Appeal allowed. Case closed
  - 49 Warham Road                Enforcement Appeal ongoing
- 13.7 It is worth noting that the decision to revoke has been upheld on all of the above. 82 Warham Road was allowed due to material planning considerations outweighing development plan policy. The grounds of challenge which if successful would undermine the decision to revoke the Certificates has been upheld on each appeal or the appeal has been withdrawn. The Planning Inspectorate awarded costs against the appellant to the Council incurred during the course of the Enforcement Appeal.

**Appendix 1 – Table demonstrating Planning Enforcement Caseload**

<b>Year</b>	<b>No. cases opened for investigation</b>	<b>No. of cases remaining open</b>
2001/2002	401	0
2002/2003	782	0
2003/2004	881	0
<b>sub total 2001/2 - 2003/4</b>	<b>2064</b>	<b>0</b>
2004/2005	898	1
2005/2006	939	5
2006/2007	686	2
<b>sub total 2004/5- 2006/7</b>	<b>2523</b>	<b>8*</b>
2007/2008	914	7
2008/2009	1052	23
<b>sub total 2007/8 - 2008/9</b>	<b>1966</b>	<b>30</b>
2009-2010	878	35
2010-2011 (up to 31.03.11)	758	168
<b>Total for all years</b>		<b>241</b>

**\*Of the 8 open cases pre 2007**

- 1 warrant case
- 3 convictions secured-sent for re-prosecution (bundles submitted to Legal Services)
- 1 convicted for the 2<sup>nd</sup> time
- 1 case referred to Crown Court for confiscation proceeding under Proceedings Of Crime Act (POCA)
- 1 owner bankrupt- Further liaison with receivers to take place to ensure compliance.
- 1 appeal against conviction and sentence allowed Enforcement Notice re-issued.

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**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%	322 (40%)
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%	619 (77%)
ENF PLAN 5	Cases acknowledged within 3 working days	90%	573 (76%)
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	95%
Performance Indicator Number	Performance Indicator description	Performance output year 2010/11	
ENF PLAN 7	Number of Planning Contravention Notices served	88	
ENF PLAN 8	Number of Enforcement Notices Served	68	
ENF PLAN 9	Number of enforcement notices appealed	23	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	3	
ENF PLAN 10a	Number of Enforcement Appeals Allowed	5	
ENF PLAN 10b	Number of Withdrawn Appeals	3	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	31	
ENF PLAN 12	Number of Notices (Other) served	28	

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

<b>Closure reason</b>	<b>Output 2010/11</b>
No breach/Permitted Development	439 (54%)
Not expedient	152 (19%)
Compliance/ Remediation/Regularisation	155 (20%)
Immune from enforcement action	60 (7%)
<b>Total</b>	806



**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	Sentence deferred due to POCA application	POCA procedure throughout 2011	
Seven Sisters	Myles Joyce	s.179 TCPA 1990	101 Lealand Road N15	Warrant case Trial 4.11.11 committal hearing	N/A	
Bruce Grove	Patrick Sullivan	s179 TCPA 1990	36 Downhills Park Road	Hearing 21.12.10	Possible compliance/caution	
Haringay	Myles Joyce	s179 TCPA 1990	11 Burgoyne Road N4	Moved from Mags to Crown Court	Crown Court Trial June 2011	
Haringay	Myles Joyce	s179 TCPA 1990	74 Umfreville Road	Convicted fine 8K 2,300 costs	PP for reduced dormer	
Haringay	Lorcan Lynch	s179 TCPA 1990	8 Haringay Gardens N4	Adjourned to 15.12.10 for compliance- part complied planning appeal pending	Trial June 2011	
Northumberland Park	Lorcan Lynch	s.179 TCPA 1990	9 Heybourne Gardens N17	Sentence deferred due to POCA application	POCA 2011	



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	
Bounds Green	Fortune Gumbo	S179 TCPA 1990	100 Myddleton Road	Trial April 2011		
Muswell Hill	Myles Joyce	S179 TCPA 1990	2 Goodwyns Vale N10	Found guilty Sentence deferred for confiscation proceedings	POCA proceedings commenced	
Seven Sisters	Myles Joyce	S179 TCPA 1990	Rear of 101 Lealand Road N15	Crown Court Trial	18 <sup>th</sup> May 2011	
Northumberland Park N17	Myles Joyce	S179 TCPA 1990	180 Park Lane N17	Convicted and fined £1000 and £867 costs	No September 2011 to comply	
White Hart Lane	Fortune Gumbo	s.179 TCPA 1990	31 Siward Road N17	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)
Tottenham Hale	Myles Joyce	s.179 TCPA 1990	10 Hampden Lane N17	Convicted x3 2.5K fine 857 costs	Notice Complied With	Y
Tottenham Green	Myles Joyce	s.179 TCPA 1990	Unit 4 Gaunson Hse Markfield Road N15	Convicted 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 <sup>nd</sup> 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
Bounds Green	Patrick Sullivan	s.179 TCPA 1990	12 Buckingham Road N22	Caution accepted £606 costs	Notice Complied With	Y
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	Caution	Notice	Y

			N22	accepted costs paid 14.4.10	complied with	
Harringay	Myles Joyce	s.179 TCPA 1990	66 Wightman Road N4	Convicted 9k fine, 1,400 costs	Appeal against conviction allowed. Enforcement Notice failed.	N
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