



Haringey Council

Agenda item:

[ ]

Planning Sub-Committee

On 12<sup>th</sup> September 2011

Report Title: Planning Enforcement Update

Report of: Lyn Garner Director of Place & Sustainability

Signed :

Contact Officer : Marc Dorfman, Assistant Director, Planning, Regeneration & Economy Telephone 020 8489 5538

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 2011/12.

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

2.1. Enforcement of planning control 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 prevent unauthorised use and non permitted development and seek to reverse this when it occurs taking formal enforcement action when expedient to do so.

**3. Recommendation**

3.1. That member's note the first quarter performance for 2012/12, April-June 2011 inclusive.

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

4.1. Good progress continues with maintaining the number of open cases at a manageable level, which were 310 at 1<sup>st</sup> July 2011. This quarter has seen a high degree of formal enforcement activity with 36 Enforcement Notices served.

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

5.1. Not applicable

#### **6. Summary**

6.1. This report advises members on service performance for the first quarter of 2011/12 and the management within Development Management within Planning and Regeneration from 16 May 2011.

#### **7. Chief Financial Officer Comments**

7.1 No comments received

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

8.1 No comments received

#### **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 April-June 2011 inclusive.

## **10. Consultation**

10.1 The report identifies steps to consult service users.

## **11. Service Financial Comments**

11.1 The service will continue to ensure that Planning Enforcement remains within budget. The Team Currently has three Planning Officers and a Team Leader. Increase in the number of enforcement cases in the last quarter has been in part due to the reduction in staff numbers but also the undertaking of formal enforcement action for a large number of cases.

## **12. 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

## **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 241. These include 168 cases received in 2010/11 which remain open. 65 cases received from before April 2010 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 favourable 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 loss of 1.5 members of staff and the increased overall workload for existing staff.

14.2 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 lies outside of the 6 month bracket.

- 14.4 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.
- 14.5 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.
- 14.6 Appendix 4 is a table of planning enforcement prosecution and caution outcomes. As the table shows good process through prosecution cases 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. Costs recovered by the Council when defendants accepted simple cautions was £8784.63.

#### **Other matters**

- 14.7. 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
- 14.8 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 was awarded costs against the appellant

**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 1.7.11)	187	168
<b>Total for all years</b>		<b>310</b>

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

- 1 warrant case
- 3 convictions secured for re-prosecution (bundles submitted to Legal Services)
- 1 cases referred to Crown Court for confiscation proceeding under Proceedings Of Crime Act (POCA) (2 further cases to referred) 3 convicted- appeal against the sentence to be herd December 2010
- 1 owner bankrupt- compliance works anticipated.
- 1 appeal against re-issued Enforcement Notice

**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 April June 2011
ENF PLAN 1	Successful resolution of a case after 8 weeks	40%	48 out of 124 39%
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%	91 out of 124 73%
ENF PLAN 5	Cases acknowledged within 3 working days	90%	156 out of 173 90%
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	151 out of 158 96%
Performance Indicator Number	Performance Indicator description	Performance output April – June 2011	
ENF PLAN 7	Number of Planning Contravention Notices served	33	
ENF PLAN 8	Number of Enforcement Notices Served	43	
ENF PLAN 9	Number of enforcement notices appealed	5	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	1	
ENF PLAN 10a	Number of Enforcement Appeals Allowed	0	
ENF PLAN 10b	Number of Withdrawn Appeals	0	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	3	
ENF PLAN 12	Number of Notices (Other) served	1	

**Appendix 3 – Table showing Outcomes of Planning Enforcement Closed Cases April-June 11**

Closure reason	Output 2010/11
No breach/Permitted Development	71 (56%)
Not expedient	22 (17%)
Compliance/ Remediation/Regularisation	22 (17%)
Immune from enforcement action	11 (10%)
<b>Total</b>	<b>126</b>