



Haringey Council

Agenda item:

[No.]

Regulatory Committee

On 12th April 2012

Report Title. Planning Enforcement Update- Year Report 2011-23rd March 2012

Report of **Director of Place and Sustainability**

Signed :

Paul Smith
Head of Development Management.

Contact Officer : **Marc Dorfman, Assistant Director, Planning and Regeneration**
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 by taking formal enforcement action when expedient to do so.

3. Recommendation

3.1. That member's note the performance for 2012/12 up to 23rd March 2012.

4. Reason for recommendation

4.1. Good progress continues with maintaining the number of open cases at a manageable level, which were 281 at 23rd March 2012. The first half of the year is quarter has seen a high degree of formal enforcement activity with 82 Enforcement Notices served and 43 Appeals against Enforcement Notices lodged

5. Other options considered

5.1. Not applicable

6. Summary

6.1. This report advises members on service performance for the first half of 2011/12 and the teams' incorporation into Development Management within the Planning regeneration and Economy Business Unit from 16 May 2011.

7. Chief Financial Officer Comments

7.1 Planning Enforcement now forms part of the Planning, Regeneration and Economy Business Unit within Place and Sustainability and the staffing budget for the posts in this team is £193,100. The costs of preparing this report have been contained within existing budgets.

8. Head of Legal Services Comments

8.1 The Head of Legal Services notes the contents of this 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 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.

12. Use of appendices /Tables and photographs

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

Appendix 2 – 1.4.11-23.3.12 Performance indicators

Appendix 3 - 1.4.11-23.3.12 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 at 23rd March 2012 was 281. These include 205 cases received in 2011/12 which remain open. 76 live cases remain which were opened before 1st April 2011, approximately 27% of the live caseload
- 14.2 Appendix 2 deals with 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 6 months. However this is largely explained by the resolution of a significant number of older cases which lies outside of the 6 month bracket and the recent concentration on formal enforcement action.
- 14.3 Customer feedback response remained very low and did not provide any real insight into general perception by service users. It is considered necessary to discuss with Service Management how the response rate could be improved going forward.
- 14.4 Appendix 3 is a table of closed cases for 2011/12 up to 23rd March 2012. Of the cases closed 54% were due to no breach, or those allowed under permitted development rights. Of the cases closed, only 6% was due to immunity from enforcement action.

- 14.5 In 18% of the cases closed, it was considered that enforcement action was not expedient, a figure which has been broadly consistent over the last two years and 20% were closed as a result of compliance, remediation or regularisation of the development including formal enforcement action maintaining the quarter figure.
- 14.6 Appendix 4 is a table of planning enforcement prosecution and caution outcomes. Good process through prosecution cases has been made. Up to 23rd March 2012, the total fines accrued for convictions were £54,400 and the total costs awarded to the Council was £10,404. Costs recovered by the Council when defendants accepted simple cautions in lieu of prosecution was £14,100.

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	899	1
2005/2006	941	4
2006/2007	687	1
sub total 2004/5- 2006/7	2527	6
2007/2008	914	2
2008/2009	1052	15
sub total 2007/8 - 2008/9	1976	17
2009-2010	878	20
2010-2011	760	39
2011-2012 (up to 23.03.12)	743	205
Total for all years	8951	281

Appendix 2 Table indicating Performance indicators for Planning Enforcement April-Sept 11

Table of performance indicators			
Performance Indicator Number	Performance Indicator description	Performance Indicator target	Performance Output April March 2012
ENF PLAN 1	Successful resolution of a case after 8 weeks	40%	41% (269 from 659 cases closed)
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%	76% (504 out of 659 cases closed)
ENF PLAN 5	Cases acknowledged within 3 working days	90%	97% (661 out of 704 cases)
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	95% (411 from 431 cases initial visit within the time period)
Performance Indicator Number	Performance Indicator description	Performance output April – March 2012	
ENF PLAN 7	Number of Planning Contravention Notices served	112	
ENF PLAN 8	Number of Enforcement Notices Served	82 (inc 3 Breach of Condition Notices)	
ENF PLAN 9	Number of enforcement notices appealed	43	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	6	
ENF PLAN 10a	Number of Enforcement Appeals Allowed	4 (26 determined 6 withdrawn 2 notices appealed withdrawn)	
ENF PLAN 10b	Number of Withdrawn Appeals	4	
ENF PLAN 10c	Number of Notices Appealed withdrawn	2	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	15	
ENF PLAN 12	Number of Notices (Other) served	4 (S11 Notices under London LAs Act 1995)	

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

Closure reason	Output April 2011-March 2012
No breach/Permitted Development	373 (54%)
Not expedient	117 (18%)
Compliance/ Remediation/Regularisation	132 (20%)
Immune from enforcement action	39 (6%)
Total	661

Appendix 4: Prosecutions and Outcomes April-Sept 11

No	Client Department, address and Lead Officer)	Legislation (inc section) prosecution under	Breach Address	Latest Action
1	Fortune Gumbo	s179 TCPA 1990	31 Siward Road N17	Warrant Case. No progress
2	Myles Joyce	S179 TCPA 1990	646 Green Lanes	Hearing 1.2.12
3	Fortune Gumbo	S179 TCPA 1990	60 St Pauls Road n17	Hearing 1.2.12
4	Abby Oloyede	S179 TCPA 1990	143-5 Philip Lane	Prosecuted and Convicted £1250 Fine £902 costs. Negotiation with Conservation and application submitted
5	Abby Oloyede	S179 TCPA 1990	2 Moorefield Road	Convicted and fined £2000 and £2073 cots
6	Myles Joyce	S179 TCPA 1990	19 Warham Road	Compliance-Caution to be accepted 28.3.12
7	<i>Fortune Gumbo</i>	<i>S179 TCPA 1990</i>	<i>181 Tower Garden Road N17</i>	<i>Simple caution accepted and £570 costs paid</i>

8	Fortune Gumbo	s181 TCPA 1990	13 Bounds Green Road	Found guilty-sentence deferred until 16th April
9	Myles Joyce	s179 TCPA 1990	13 Whitley Road	Trial 25.1.12 Found guilty and fined £5000x3 £2000 costs in total. Appeal lodged to be heard on 21st May 2012
10	<i>Myles Joyce</i>	<i>s179 TCPA 1990</i>	<i>216 West Green Road</i>	<i>Complied simple caution accepted £650 costs paid</i>
11	<i>Myles Joyce</i>	<i>S179 TCPA 1990</i>	<i>646 Green Lanes</i>	<i>Complied. Simple caution and £890 costs paid</i>
12	Fortune Gumbo	s179 TCPA 1990	38 Thackerary Avenue	Convicted and fined £15000 costs £645
13	Fortune Gumbo	s179 TCPA 1990	100 Myddleton Road	Prosecuted and Convicted
14	Fortune Gumbo	s179 TCPA 1990	25 Cumberton Road	Convicted and Fined £600 costs awarded
15	Fortune Gumbo	s179 TCPA 1990	22 Cumberton Road	Warrant Case
16	Myles Joyce	s179 TCPA 1990	2 Goodwyns Vale	Found guilty. Case in Crown Court for Confiscation under Proceeds of Crime Act. Matter listed in Wood Green Crown Court for final hearing on 2nd

				July 2012.
17	Lorcan Lynch	s179 TCPA 1990	9 Heybourne Road	Pleaded of guilty. Case in Crown Court for Confiscation under Proceeds of Crime Act Hearing August 2012
18	Lorcan Lynch	s179 TCPA 1990	1 Bruce Castle Road	Found guilty Case in Crown Court for Confiscation under Proceeds of Crime Act. Hearing August 2012
19	Myles Joyce	s179 TCPA 1990	74 Umfreville Road	Compliance. Simple caution to be accepted 28th March 2012
20	Lorcan Lynch	s179 TCPA 1990	98 Hewitt Avenue	Already convicted. LBA for 2nd prosecution to be sent
21	Myles Joyce	s179 TCPA 1990	23 Hewitt Avenue	Convicted for 2nd time £8000 fine £11617 costs. Letter before action brought response and

				schedule of works for compliance June –August 2012
				Convicted 2nd time £8000 fine Letter before action brought response and schedule of works for compliance June –August 2012
22	Myles Joyce	s179 TCPA 1990	89 Burgoyne Road	
23	<i>Myles Joyce</i>	<i>s179 TCPA 1990</i>	<i>180 Park Lane N17</i>	<i>Complied with</i>
24	<i>Myles Joyce</i>	<i>s179 TCPA 1990</i>	<i>22 Black Boy Lane</i>	<i>Caution Accepted October</i>
25	<i>Myles Joyce</i>	<i>s179 TCPA 1990</i>	<i>75 Hermitage Road</i>	<i>Caution Accepted Costs £2070 paid to Council for 5 and 6</i>
26	<i>Myles Joyce</i>	<i>s179 TCPA 1990</i>	<i>11 Burgoyne Road N4</i>	<i>Prosecution withdrawn</i>
27	<i>Lorcan Lynch</i>	<i>s179 TCPA 1990</i>	<i>8 Harringay Gardens</i>	<i>Compliance secured £2500 costs paid to Council</i>
28	<i>Myles Joyce</i>	<i>s179 TCPA 1990</i>	<i>101 Lealand Road N15</i>	<i>Prosecuted and Convicted in Crown Court. Conditional discharge</i>
29	<i>Fortune Gumbo</i>	<i>s179 TCPA 1990</i>	<i>rear of 110-118 Myddleton Road</i>	<i>Cautioned £1480 costs paid</i>

30	<i>Myles Joyce</i>	<i>s179 TCPA 1990</i>	<i>403 Lordship Lane</i>	<i>Prosecuted and Convicted £300 fine and £1500 costs. Notice complied with</i>
31	<i>Lorcan Lynch</i>	<i>s179 TCPA 1990</i>	<i>22 Gladesmore Road</i>	Notice complied with after conviction



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