

Committee: Planning Committee

Agenda Item

Date: 25 July 2012

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Title: Enforcement Strategy report

Author: Sonia Williams, Enforcement Team Leader Item for decision

Summary

1. The Development Control Committee approved a planning enforcement strategy on 29 June 2011. This set out the background to planning enforcement, the enforcement tools available to the Council, the procedure by which the Council will consider action, the priorities the Council will give to different breaches of planning control and the potential outcomes for breaching planning control. The Committee requested that the Strategy be reviewed after one year of operation.

Recommendations

2. The Committee notes the report.
3. The Committee endorses the Planning Enforcement Strategy for ongoing use.

Financial Implications

4. There are no financial implications arising from this report which are not met from existing budgets.

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - Planning Enforcement Strategy

Impact

6.

Communication/Consultation	The Strategy is available on the Councils website.
Community Safety	No issues
Equalities	Policies affect everyone equally
Health and Safety	No issues
Human Rights/Legal Implications	Policies affect everyone equally
Sustainability	No issues

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Ward-specific impacts	All wards
Workforce/Workplace	Planning and Enforcement Teams

Situation

- 6.1 The planning enforcement strategy was reported to the Development Control Committee on 29 June 2011 and adopted.
- 6.2 The strategy set out the background to planning enforcement, the enforcement tools available to the Council, the procedure by which the Council will consider action, the priorities the Council will give to different breaches of planning control and the potential outcomes for breaching planning control.
- 6.3 The strategy was prepared with the intention that it would assist members of the public in understanding the role of planning enforcement together with its limitations. The strategy also noted that the Council was required to take a proportionate approach to dealing with complaints and, because planning enforcement is a discretionary role, in some circumstances the Council may decide that it would not be expedient to take any action.
- 6.4 A link to the planning enforcement strategy was put onto the Council's website so that the document was available to members of the public.
- 6.5 The Council currently record planning enforcement information on the internal computer system. The table, below, shows the number of complaints made during the past four years complaints which have led to an enforcement file being opened and the number of formal notices served each year. The figure shown for 2012 is 253 (as at the date when this report was compiled).

YEAR	NUMBER OF FILES OPENED	NUMER OF FORMAL NOTICES SERVED
2012	253	2
2011	422	8
2010	311	15
2009	304	15
2008	298	6

- 6.6 Following receipt of a complaint the complaint is passed to a member of the Planning Advice Team who will open the enforcement file and acknowledge the complaint.
- 6.7 Complaints are passed to the Council's enforcement team who, taking account of the planning enforcement priorities and targets set out in the strategy will then carry out investigations into the alleged breaches. Site visits made by enforcement officers are normally unannounced and at such visits

evidence regarding the alleged breach will be gathered. During the site visits enforcement officers identify themselves to land owners or any other interested parties by use of the corporate identification badge. Cases are then reviewed each week by a senior officer from the Planning Department and, where appropriate, along side officers specialising in areas such as landscaping, listed buildings and conservation areas, specific planning advice is then given to the enforcement officer for ongoing management of the file.

- 6.8 When investigation into a complaint has been concluded and any enforcement action taken the file will be closed by the Assistant Director Planning and Building Control or the Development Manager. The Town or Parish Council and complainant will then be notified, where possible in writing, of the outcome of an investigation.
- 6.9 In addition, all Councillors and Parish Councils currently receive regular downloaded information from the Ocella system on live planning enforcement files and files closed within the previous month.
- 6.10 At this stage, the computer system is unable to provide data on response times to complaints. The planning enforcement files will be managed through the Council's new IDOX software system and it is anticipated that IDOX will provide an improved recording medium for cases, response times and outcomes. It is also hoped that the IDOX system will allow complainants to receive an update on a case within 21 days from the initial response date. Additionally, all councillors and parish councils will continue to receive a schedule of live planning enforcement files and files closed the previous calendar month through the IDOX system.
- 6.11 In view of the introduction of the new IDOX software system, it is anticipated that the current enforcement process and strategy will therefore require review in approximately twelve months time.

Risk Analysis

7.

Risk	Likelihood	Impact	Mitigating actions
A complaint may not be considered in accordance with the adopted strategy	Some risk or impact – action may be necessary	Complaint to Local Government Ombudsman that published procedures are not being followed.	Enforcement Team Leader ensures process is followed and has regular reviews with Assistant Chief Executive Legal.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

