

COMMITTEE	PLANNING
DATE	22nd May 2012
SUBJECT	Enforcement Performance Monitoring Period Jan – March 2012
REPORT OF	Leigh Palmer Development Manager within Planning Department

Ward(s)	ALL
Purpose	To inform and update Members of the current position in respect the current performance and workload of the Enforcement Section of the Planning Department
Contact	Leigh Palmer leigh.palmer@eastbourne.gov.uk 01323 415 215
Recommendation	That Planning Committee note the content and conclusions of the report

1 Background

- 1.1 This report is presented as part of the Service's ongoing commitment to comprehensive performance management and in response to Members' desires to ensure that the new Planning Enforcement Strategy agreed in April 2010 is fully pursued.

2 Context Performance Assessment

- 2.1 Presented here is the performance of the Enforcement Team as measured against agreed local targets as set out in the Enforcement Strategy for the survey period Jan –Mar 2012 Q4.

The Enforcement Cases received are prioritised against the following criteria (High Medium and Low) depending on the nature of the breach and the degree of harm caused. The type of cases falling into these criteria are summarised below.

High priority:

- Demolition or alterations to a Listed Building
- Demolition in a Conservation Area that is causing immediate and irreparable harm
- Works to trees subject to a Tree Preservation Order or within a Conservation Area
- Development that is causing serious danger to public safety

Medium priority:

- Unsightly buildings or untidy land that is causing serious harm to the amenity of neighbours
- Development that causes serious harm to the amenities of neighbours or are contrary to significant policies in the Development

Plan

- Unauthorised development that has gone undetected and the statutory time limit for taking enforcement action will expire within the next six months
- Disrepair of a Listed Building

Low priority:

- Advertisements causing serious harm to amenity
- Businesses being operated from home
- Minor works i.e. gates, walls, fences, domestic outbuildings and satellite dishes
- Untidy land, except where it causes serious harm to the amenity of neighbours

ACTION	TARGET	NUMBER OF CASES	Q4	Q1	Q2	Q3	Q4	Year Total
1. Acknowledge all enforcement complaints within 10 working days of receipt	100%	95	100%	0	0	0	0	
2. Site Visit on High Priority Cases within 1 day of receipt	100%	1	100%	0	0	0	0	
3. Site Visit on Medium Priority Cases within 10 working days of receipt		58 (61% of cases I survey period)	88%	0	0	0	0	
4. Site Visit on Medium Priority Cases within 10 working days of receipt		35 (37% of cases in survey period)	7 cases required site visits all of these 7 cases were visited within	0	0	0	0	

			15 days					
5. Where no further action is proposed originator of the complaint is notified within 15 working days of the site visit	90%	40 (42% of cases within survey period)	95%	0	0	0	0	
6. Where further investigation is required the originator of the complaint is notified within 15 working days of the site visit	90%	42 (44% of cases within survey period)	100%	0	0	0	0	
7. No of complaints received within survey period		95	95%	0	0	0	0	
8. No of complaints closed as no further action needed within survey period	80%	40	42%					

9. No of complaints on hand greater than 6 months old				0	0	0	0	
10. TYPE OF ACTION	Prepared		Served	0	0	0	0	
PCN (Planning Contravention Notice)	0		0	0	0	0	0	
EN (Enforcement Notice)	0		0	0	0	0	0	
BCN (Breach of Condition Notice)	0		0	0	0	0	0	
S215 (Relates to tidying up an untidy site)	11		11	0	0	0	0	
S330 (a PCN for Listed buildings)	0		0	0	0	0	0	
DN (Discontinuance Notice Adverts)	0		0	0	0	0	0	
DA (Remedial works undertaken by the Council)	0		0	0	0	0	0	

3. Monitoring of the Planning Obligations

3.1 **Category 1** In terms of keeping complainants updated the acknowledgement of complaints has improved from 89% to 100%. This is acknowledged as a much valued improvement in performance and one which officers hope to continue in the coming survey periods.

Category 2-4 As can be seen from the figures in the above table performance in terms of carrying out the initial site inspections in categories 2-4 have been exemplary and all cases where a site visit is necessary all have been inspected within a reasonable timescale. This represents focussed attention for the team and the officers will look to maintaining this high performance in the coming months.

Category 5 Members will note that officers appreciate the importance in

communication within planning enforcement service and have exceeded this target where all complainants are notified that the case has been closed as 'No Further Action' within 15 days of the site visit.

Category 6 Nearly half of the complaints received within this quarter required further investigation and out of those cases 100% of the complainants were notified of the progress of the complaint within 15 days of the site visit.

Category 7 This figure gives the quantum for the number of cases received within the survey period. After a number of quarters are assessed then it will become apparent as to the average number of complaints received.

Category 8 The most important factor for Members to be aware of is highlighted by this category in that 42% of the cases opened are closed as no further action. The phrase 'no further action' is shorthand for either that the complaint did not amount to a formal breach of planning control or that the breach of planning control was so insignificant that in the wider public interest there was no public interest in pursuing the matter.

Members may be aware that the main driver behind the establishment of the Planning Enforcement Strategy was to give a more structured focus on the delivery of the Planning Enforcement Service with the main driver being the swift resolution of cases. To this end a target of 80% has been set for the number of completed cases within three months.

This target has been set at this high level in order to ensure that all parties (complainant and the potential offender) have some degree of timeframe against which they can expect resolution to the alleged breach. Accepting that 80% of all cases to be closed within 3 months Members will note that officers have not met this standard by closing 42% of cases under this category. One note of caution here is that this performance is somewhat exceptional and the Enforcement Section has no control over the nature of the complaints that are received.

Against this background of 42 % of cases closed within a reasonable period there will always be a rump of complaints that are difficult to secure a conclusion to. This may be due to a number of reasons, for example:-

- the issues involved in the alleged breach of planning control are particularly involved
- reluctance of parties to engage
- planning application and appeals timeframe
- Legal issues
- 'Grot Spot' enhancements

Criteria 9 Members will note from Criteria that out of the complaints currently live at the time of writing 8 are more than 6 months old. This shows a marked improvement in the closing the older cases down from 23 at the end of the last survey period.

The current list of enforcement complaints is attached to this report and

Members will note that the nature of the complaints are varied.

Special Project Some of the long standing complaints are resulting from the actions of the Difficult Property Group.

The Difficult Property Group (DPG) is a multi-disciplinary team of which Planning Enforcement is an integral part. For the past 12 months the DPG have been involved in a particular corporate project to improve the external appearance of some of the buildings at the Seaside end of Terminus Road.

Within Covalent a milestone benchmark was set that 10 properties should be improved by the year end. At the year end 11 properties were improved with a further two properties going through the courts seeking prosecution for non compliance.

Officers will show photos of the improved properties at Planning Committee.

Given the relative success of this project it has been decided to roll out this programme into 'Phase 2' for the coming year. The identified zone for the phase 2 improvements include Cavendish Place, Seaside and part of Langney Road.

Category 10 is revealing in that it helps to demonstrate that whilst cases may be unresolved that does not mean that action is not being taken.

Members are advised that although the notices prepared were also served this may not always be the case. The difference between notices prepared and notices served may reflect a number of process situations which may or may not have been cleared. These include:-

- Awaiting final sign off senior officer
- The remedying of the breach prior to the actual service
- Awaiting legal department involvement

Appeals:- At the time of writing there are no appeals against any notices served.

4. Human Resources

4.1 There are no financial-resource implications for Planning Enforcement Service as the current levels of complaints can be delivered within the existing staffing establishment.

5 Legal

5.1 The Planning Enforcement Services relies heavily on the Councils Regulation Lawyer for legal advice and the preparation of the appropriate and necessary notices.

5.2 There are no current issues and or problems with the support received the

Councils Legal Department.

6 Environmental/Community Safety/Human Rights/Anti Poverty

6.1 There are no adverse impacts on these implications as a direct result of this report.

7 Conclusions

7.1 That Members agree to endorse this report and acknowledge that there will be a quarterly update on the progress of the Planning Enforcement Service.

This report will be reported on a quarterly basis and over time conclusions will be able to be drawn.

Background Papers:

Enforcement database

Leigh Palmer
Development Manager
