

COMMITTEE **PLANNING**

DATE **3 January 2012**

SUBJECT **ENFORCEMENT PERFORMANCE MONITORING PERIOD
JAN – SEP 2011**

REPORT OF **Leigh Palmer Development Manager**

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.

ACTION	TARGET	ACTUAL PERFORMANCE January – September 2011
1. Acknowledge all enforcement complaints within 10 working days of receipt	100%	89%
2. Site Visit on High Priority Cases within 1 day of receipt	100%	At the time of writing the enforcement department do not record their complaints in this formal structured way. All complaints are visited within 10 working days
3. Site Visit on Medium Priority Cases within 10 working days of receipt		As above
4. Site Visit on Medium Priority Cases within 10		As above

working days of receipt		
5. Where no further action is proposed originator of the complaint is notified within 15 working days of the site visit	90%	100%%
6. Where further investigation is required the originator of the complaint is notified within 15 working days of the site visit	90%	Not currently recorded
7. No of complaints received within survey period		270
8. No of complaints closed as no further action needed within survey period		270 complaints received 201 closed NFA 75%
9. Resolution of enforcement complaints within 3 months of receipt of initial complaint	80%	94%
10. No of complaints on hand greater than 6 months old		43 currently on hand and 23 more than 6months old 53%
11. TYPE OF ACTION	Prepared	Served
PCN (Planning Contravention Notice)	0	0
EN (Enforcement Notice)	2	2
BCN (Breach of Condition Notice)	2	2
S215 (Relates to tidying up an untidy site)	12	12
S330 (a PCN for Listed buildings)	0	0
DN (Discontinuance Notice Adverts)	0	0
DA (Remedial works undertaken by the Council)	0	0

3. Monitoring of the Planning Obligations

3.1 **Category 1** In terms of keeping complainants updated the acknowledgement of complaint level at 89% (Category 1) is below the set target, the reasons for this are currently being explored and it may simply be a data entry/data recording issue. As we move to a more front facing

service where customers will 'self serve' then the acknowledgement issue may fall away as complaints would be acknowledged at source.

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 have been inspected within a reasonable timescale. This represents focussed attention for the team and the officers will look into the need for the priority based reporting 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 Not currently recorded

Category 7 Given the survey period being three quarters and this figure is the sum of the these three quarters the figure does look high. As we move to a more regular reporting this number will be much lower.

Category 8 The most important factor for Members to be aware of is highlighted by this category in that the vast majority 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.

Category 9 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 exceeded this by closing 94% 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 a high % 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 10 Members will note from Criteria 10 that out of the complaints currently live at the time of writing 23 are more than 6 months old. I have attached the current list of enforcement complaints 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 seafront end of Terminus Road has been identified as an area where the external appearance of some of the properties/buildings has deteriorated to such an extent that they are materially affecting the character of the street scene.

With an initiative like the one above it can often take a period of time to secure the owners details, encourage the necessary works and if no improvements are secured then there is the need to secure the appropriate enforcement notices. It is clear therefore that this sort of action will not be delivered within the 3 month timetable. To this end a 12 month timeframe has been set and is being reported via Covalent. The 12 month period ends in April 2012 and at the time of writing it is likely that the target of 10 of the 17 properties identified for improvement will be achieved.

Category 11 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 At times their services are stretched which may cause a delay in the delivery of the process. It is considered that during these times of resourcing stress that the Planning Enforcement Service may secure services from an alternative source.

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 will commence at the end of Q4 and will be reported to Planning Committee in April 2012

Background Papers:

Enforcement database

Leigh Palmer
Development Manager
