

Development Control Committee



Forest Heath
District Council

Title of Report:	Overview and Update of Planning Enforcement Services
Report No:	DEV/FH/15/032
Report to and date/s:	Development Control Committee – 5 August 2015
Portfolio holder:	Councillor James Waters Portfolio Holder for Planning and Growth Tel: Email: james.waters@forest-heath.gov.uk
Lead officer:	Andrew Smith Principal Enforcement Officer Tel: 01638 719734 Email: andrew.m.smith@westsuffolk.gov.uk
Purpose of report:	To note existing caseloads and receive an update on enforcement work moving forward
Recommendation:	It is recommended that Members note the following: (1) Caseload and Performance update; and (2) Enforcement Priorities and Work Programme
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>
Consultation:	<ul style="list-style-type: none"> None required for this report
Alternative option(s):	<ul style="list-style-type: none"> N/A
Implications:	
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Report for noting only		Report for noting only	
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

1.1 Background

1.1.1 The purpose of this report is to give Members an update on Planning Enforcement including caseloads, performance, and how the function will develop in the future. Members may be aware that up until March 2015 enforcement was outsourced to LSR Solicitors, and has been since the summer of 2014 as a result of staffing issues.

1.1.2 Since that time an Enforcement Team has been recruited, which now consists of 3 Enforcement Officers and one Officer providing administrative support. The team is also supported by one Principal Planner from the Development Management Team. During March 2015, the enforcement caseload was returned in-house. That caseload, along with a longer standing backlog of more historic cases is now being worked through in conjunction with any new cases as they are raised. 4 cases have been retained by LSR for continuity purposes due to their complexity.

1.2 Caseload and Performance

1.2.1 The following statistics for Forest Heath give an indication of the workflow generated and closed.

- During the 13 months ending 30/06/15, 153 new cases were opened (West Suffolk total 363).
- In the same period 153 cases were investigated and closed (West Suffolk total 353).
- As of 02/07/15 there were 92 Forest Heath cases outstanding (West Suffolk total 318).
- In the 13 months ending 30/06/2015, 21 notices have been served.

1.2.2 There are currently 2 appeals outstanding with the Planning Inspectorate pending determination. (4 across West Suffolk) There are approximately 10 cases in West Suffolk where formal action is being considered as notices have not been complied with.

2. Enforcement Priorities and work programme.

2.1 Local Enforcement Plan

2.1.1 On publication of the National Planning Policy Framework (NPPF), the key enforcement guidance PPG18 was deleted. The NPPF does however give Local Planning Authorities (LPAs) the opportunity to produce a Local Enforcement Plan (LEP). This is a chance to make a statement as to what work we will do, how we will do it, and to begin to consider enforcement as a proactive, rather than a reactive service. Weight can be given to those matters that we will prioritise. The government is promoting this approach by opening up additional funding to those Authorities who have a LEP in place.

- 2.1.2 In relation to the Local Enforcement Plan, the Enforcement Team has been working with Corporate Officers with a view to consulting Members and Parish/Town Councils on what matters they consider locally important and what to prioritise, so that what is produced is representative of the communities in West Suffolk. The consultation should take place over the next few weeks and a plan put in place shortly after.
- 2.2 Compliance of outstanding notices.
 - 2.2.1 As indicated above, there are 10 ongoing cases where compliance with notices is outstanding. In these instances there are two options available to the Council. Firstly prosecution and secondly works in default-ie the Council entering the land and carrying out remedial works themselves. This is known as Direct Action.
 - 2.2.2 Prosecution has been the general route Councils have historically chosen, however this is costly and the Courts cannot order the remedial work to be done. Whilst Direct Action is also expensive, costs can be pursued and it does get the job done. Similarly it presents a good deterrent effect.
 - 2.2.3 Apart from cost, the procurement process has always been a sticking point in taking this course of action. To address this, works are currently underway to establish a Procurement Framework so that in due course, taking Direct Action will be less onerous and a quicker process to pursue. It is planned to have a process in place by the end of the year.