

SUMMARY OF ENFORCEMENT ACTIVITY FOR 2008

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update Members on enforcement activities carried out during 2008, to report back on the priorities which were identified for 2008, and to outline to the Panel the proposed priorities for 2009.

2. OVERALL SITUATION DURING 2008

- 2.1 2008 was a year of consolidation following a difficult year in 2007 due to staff shortages. The two Enforcement Officers continued to develop into their roles with Richard Siwicki working full-time and Karen Tozer doing 4 days per week. Karen has furthered her enforcement training and has now completed three of the modules towards the Cambridge University Certificate of Continuing Education in Planning Enforcement.
- 2.2 Kerri Millican has settled into the role of Condition Monitoring Officer and has successfully introduced the use of a computer system to hold the records, enabling the information to be retrieved and shared more easily. She has provided demonstrations for a number of other Authorities who are interested in using the same programme, and our process appears to be considerably ahead of the game.
- 2.3 The main change for 2008 was the introduction of the Team Support Officer post. Ilona Lewis joined the team in January 2008 working 15 hours per week. This is a new role funded for two years from the Planning Delivery Grant and has had a significant impact on the work of the Planning Enforcement Team Leader as well as improving customer communications. Ilona's primary functions include recording, acknowledging, and scanning the incoming post (987 items during 2008) and attaching it to the relevant file record; processing general enquiries and responding to them (125 enquiries during 2008); raising new complaint files; and issuing update letters to complainants (113 letters). She has also been able to prepare closed files for scanning as part of the changeover to a paperless office, and generally assist the team as required.
- 2.4 2008 brought a significant increase in live files under action (68%), mainly due to the number of individual sites at Hartford Marina. However this accounted for only 75 cases (approximately 75% of the increased workload) so there has been a natural 25% increase anyway. This heavier workload means a reduced ability to respond on each individual case.
- 2.5 In an attempt to reduce the file holding of the Planning Enforcement Team Leader, the decision was taken to divide the District into two Officer areas instead of three with effect from October 2008. This also impacts on Officer workloads but was considered essential to enable

the Planning Enforcement Team Leader to find a balance between casework and managerial responsibilities.

- 2.6 Hartford Marina was the most significant enforcement issue during 2008, with 75 files raised relating to this site alone and a large number of occupiers who may potentially lose their homes. This has had to be managed with sensitivity whilst nevertheless ensuring that appropriate actions are taken.
- 2.7 There were several positive outcomes achieved during 2008, perhaps the most notable being the removal of an unauthorised extension to a dwellinghouse in Huntingdon achieved following an Enforcement Notice and then prosecutions for non-compliance.

3 REQUESTS FOR SERVICE

- 3.1 The prioritisation system continues to be vital to maintain caseloads at a manageable level. The system relies on only cases which demonstrate a particular level of harm receiving a full investigation, and has now been adopted by a number of Local Planning Authorities following presentations explaining how it works and its benefits.
- 3.2 In terms of workload 381 formal complaints were received during 2008. This was an increase of 37% over 2007, largely due to the Hartford Marina files. All received at least one site visit to enable an assessment to be made to decide what action was appropriate.
- 3.3 In addition there have been a further 125 issues reported which related to advertisement enquiries, searches, matters for other organisations, expired planning permissions, and other potential breaches of planning control. These are allocated a lesser level of service but nevertheless require time to be spent on checks and responses and may on occasion require a site inspection.
- 3.4 Thus the total number of requests for service received during 2008 was 506 which is 75 more than in 2007. However this difference equates exactly to the number of Hartford Marina files raised, meaning that the remaining number of complaints received has remained static.
- 3.5 There have been 419 planning permissions identified for monitoring during the year which represents a 5% increase on the 2006 figure. This comparison has been used because there was no Condition Monitoring Officer in post for 5 months during 2007. This steady increase is being monitored as it is acknowledged that the workload will become unmanageable at some stage and the selection criteria may need to be reviewed. However with the current downturn in the building industry it is anticipated that the number of new developments commencing will be reduced for the immediate future. It is also possible that the introduction of fees for condition discharge from October 2008 may encourage developers to submit their details in one go and reduce the need for follow up.

4 RESPONSE TIMES

- 4.1 Huntingdonshire District Council's Development Control Service Plan sets out timescales for making an initial site visit in response to a

complaint. The measurement is the number of visits made within 10 working days of receipt of the complaint. The target is 100%, but statistics are also collected for visits made within one week and within 24 hours of receipt of the complaint.

4.2 For 2008 the statistics were as follows (with 2007 and 2006 figures in brackets for comparison purposes – 2007 figures first):

- Visits within 10 working days 87% (78%) (87%)
- Visits within one week 66% (50%) (59%)
- Visits within 24 hours 26% (19%) (15%)

4.3 These statistics demonstrate a good improvement on the 2007 performance and reflect the priority that Officers give to new complaints when possible.

5 CLOSURE OF FILES

5.1 285 cases were closed during 2008, approximately 29% more than in 2007. However as 96 more files were opened than closed, this is a concern given the status quo of previous years and is another factor giving rise to the increased number of open files. The number of files more than 2 years old is 43 which is only 16% of the workload, reflecting the continuing focus on bringing older cases to a conclusion. This work will continue during 2009 as it enables actions to be taken more promptly on new cases as they are received which brings quicker resolutions in the long term.

5.2 Of the 285 files which were closed the outcomes were as follows:

- 51% (146 files) No breach found (permitted development, lawful, de minimis, or not development)
- 15% (42 files) Remedied voluntarily following negotiation, or remedied after formal action
- 9% (27 files) Planning permission granted or minor amendment approved following enforcement intervention
- 25% (70 files) Not expedient to pursue further under our adopted prioritisation system

The main change in 2008 was a 14% increase in the number of files closed with no breach found. This is likely to be due to the Planning Enforcement Team Leader no longer vetting all new complaints and sifting out those where an investigation was not required.

5.3 55 planning applications were generated as a direct result of enforcement activity. This represents an increase of 12% over the total for 2007, and continues the trend achieved in previous years.

6 SIGNIFICANT CASES

6.1 The Hartford Marina issues are complex by nature and generate considerable interest and concern from the vast number of people who use and/or occupy the Marina. Progress has necessarily been slow whilst planning applications were processed and to enable those affected to consider their options, but it is expected that formal action will be commenced in the near future.

- 6.2 Another significant challenge has been the activities at Anglo ERI in Eaton Socon. The neighbouring properties experienced noise and odour resulting from a material change of use from B1 (light industrial) to B2 (general industrial). Extensive negotiations with the firm and the residents have resulted in a raft of remedial measures being implemented which have lessened the affects of the activities, and formal action is underway to ensure this trend is completed.
- 6.2 An appeal against an Enforcement Notice requiring the demolition of a dwelling in Ramsey Heights was determined by Public Inquiry. The Notice was varied to remove the need to demolish outbuildings, but upheld with regard to the dwelling. Demolition work began in November 2008 and is due for completion in January 2009.
- 6.3 A new access was provided to serve an industrial site in Tilbrook. It had not been implemented due to a land ownership dispute but the work was finally carried out following the issue of an Enforcement Notice and has satisfactorily addressed serious highway safety concerns.
- 6.4 As outlined in Paragraph 2.6 above, the demolition of an unauthorised extension was achieved following formal action. Whilst it was acceptable that it was not the worst breach of planning control, protracted attempts to secure voluntary compliance had failed and formal action was clearly the only way of achieving the desired outcome. This demonstrates that the Council will follow through its decisions as far as is necessary.

7 2008 PRIORITIES

- 7.1 Seven key objectives were identified for 2008 and the outcomes are summarised below:

7.2 **To significantly reduce the Planning Enforcement Team Leader's file-holding to no more than 20 cases**

This has not been achieved, although measures are in place to reduce the number of files held. The District is now split between the two Enforcement Officers only, meaning that the Planning Enforcement Team Leader no longer receives new files. She has however retained her ongoing formal action cases and all the Hartford Marina files. Whilst this is a live load of almost 100 files it is still a significant reduction and will continue to reduce as these cases are resolved.

7.3 **To induct the new Team Support Officer for the benefit of the team and to assist in providing greater feedback to customers**

The part-time Team Support Office started in January 2008 and has made a noticeable difference to the work of the team by providing the administrative support that was much-needed. Incoming post is now acknowledged and she monitors enforcement cases each month and issues an update letter to the complainant as required under the Case Officer's direction. This has addressed the feedback from our customer survey in 2007 which indicated that complainant's felt they were not kept informed of progress.

7.4 To enhance the use of the computer system to support a paperless regime as part of an ongoing review of best practice

No paper files were raised in 2008 other than where formal action is to be taken and it is necessary to store original documents. All members of the team have adapted well to the increased use of electronic records and with the ongoing back-scanning of closed files retrieval of records will be much easier. Initial problems have been overcome and with increased use of the Document Centre the team will see continued reduction in time-consuming administrative tasks.

7.5 To get the Development Monitoring module up and running to facilitate an effective condition monitoring programme and ease the sharing and retrieval of data

The Development Monitoring module is now fully functional and provides good support to the monitoring process. Work is ongoing to enter past records, and further work is required to add document templates, but the process is operating effectively and producing good results.

7.6 To manage the exceptional resource implications arising from the Hartford Marina investigation to enable actions to be taken promptly and effectively

Administrative support has been provided by the Team Support Officer in raising files and processing paperwork. Meetings have been organised to ensure actions are focussed and agreed by all concerned. Further action has had to be deferred pending the outcome of planning applications, but it is expected that formal action will commence early in 2009 bringing another surge of work. The Council's Solicitor is considering outsourcing the legal work, and good diary management should enable the investigative work to be carried out alongside other tasks with further support from the Team Support Officer.

7.7 To review and further develop the Enforcement Manual incorporating procedure guides

Considerable work has been done to extend and update the Enforcement Manual but the work is not yet completed and needs to continue into 2009. Its content has been widened and now includes support documents for a variety of functions undertaken by all members of the team.

7.8 Publish updated web pages to raise understanding of enforcement issues

The documentation has been written and is now being rationalised to ensure consistency with a leaflet being produced for Parish Councils. It is hoped the new pages will be uploaded early in 2009 following the appropriate training.

8 PRIORITIES FOR 2009

8.1 Seven key objectives have been identified for 2009:

- To facilitate a smooth transition into the new offices without detriment to customer service
- To ensure that individual workloads remain manageable following the transition to only two Officer areas
- To make use of available technology to reduce time spent on administrative tasks such as printing, etc
- To record all condition monitoring records on the computer system, to add document templates, and to implement the process for monitoring occupancy conditions
- To introduce a process of raising awareness internally of successful outcomes
- To complete the updating of the Enforcement Manual and Web pages
- To review and revise as necessary the Planning Enforcement Policy document

9 RECOMMENDATIONS

- 9.1 That the Panel **NOTES** the content of this report and endorses the identified objectives for the Enforcement Service during 2009.

BACKGROUND PAPERS

Huntingdonshire District Council Planning Enforcement Policy

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