



**CAI.29 12/13**

Challenge and Improvement  
Committee

**Date** 12<sup>th</sup> March 2013

**Subject: Planning Enforcement; Performance and Service Delivery Update**

Report by:

Director of Regeneration and Planning

Contact Officer:

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Purpose / Summary:

This report has been prepared to provide members with the headline performance data for planning enforcement as at 31 January 2013 and give an update on service delivery.

**RECOMMENDATION(S):** Members note the contents of this report.

## IMPLICATIONS

**Legal:** None

**Financial :** None arising from this report

**Staffing :** None arising from this report

**Equality and Diversity including Human Rights :**

N/a

**Risk Assessment :**

N/a.

**Climate Related Risks and Opportunities :**

N/A

**Title and Location of any Background Papers used in the preparation of this report:**

None

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## 1.0 Introduction

This report has been prepared to provide members with headline performance data for planning enforcement, as at 31 January 2013, and an update on service delivery.

## 2.0 Data showing progress against of casework 2012/13

2.1 Both the number of new cases opened and the number of cases closed have been relatively consistent throughout 2012/13.

### 2.2 Number of Open Cases by Priority Type\* as at 31 January 2013

Priority 1 (Highest Priority category)	6
Priority 2	41
Priority 3	38
Priority 4	16
<b>Total number of live cases</b>	<b>101</b>

\*Priority types are defined within the adopted WLDC Planning Enforcement policy

### 2.3 Cases Closed by Priority Type per Month 2012/13

Cases closed in month	Apr 12	May 12	Jun 12	Jul 12	Aug 12	Sep 12	Oct 12	Nov 12	Dec 12	Jan 13	Feb 13	Mar 13	TOTAL
Priority 1	0	1	0	0	1	0	0	1	0	0			3
Priority 2	3	4	0	1	3	1	4	4	4	2			26
Priority 3	9	8	3	4	13	6	4	4	9	10			70
Priority 4	5	7	6	5	6	7	3	12	8	2			61
<b>Total</b>	<b>17</b>	<b>20</b>	<b>9</b>	<b>10</b>	<b>23</b>	<b>14</b>	<b>11</b>	<b>21</b>	<b>21</b>	<b>14</b>			<b>160</b>

### 2.4 Cases Opened by Priority Type per Month 2012/13

Cases opened in month	Apr 12	May 12	Jun 12	Jul 12	Aug 12	Sep 12	Oct 12	Nov 12	Dec 12	Jan 13	Feb 13	Mar 13	TOTAL
Priority 1	0	0	0	1	1	0	0	3	0	0			5
Priority 2	4	2	1	3	2	4	1	16	3	4			40
Priority 3	10	3	3	9	5	6	7	7	4	8			62
Priority 4	5	12	8	10	9	10	3	5	3	4			69
<b>Total</b>	<b>19</b>	<b>17</b>	<b>12</b>	<b>23</b>	<b>17</b>	<b>20</b>	<b>11</b>	<b>31</b>	<b>10</b>	<b>16</b>			<b>176</b>

### 2.5 Appeals against enforcement action

Number of Appeals 2012/13: 0  
 Decision (Outcome of Appeals): N/A

### 2.6 Direct Action Cases

Number of Direct Action Cases 2012/13: 3  
 Total costs of work undertaken 2012/13: £25,490 (excludes VAT)

### 2.7 Prosecutions

New Prosecutions Completed 2012/13: 4  
 Current Prosecutions: 2

## 2.8 Decisions for Prosecutions Completed

Prosecution Date	Decision
August 2012	Convicted: £5000 fine and £1996.43 costs
November 2012	Convicted: £200 fine and £595.90 costs
December 2012	Convicted: sentence deferred to April 2013
December 2012	Convicted: sentence deferred to April 2013

## 3.0 Further Information

3.1 Officers are currently undertaking a review of the adopted Planning Enforcement Policy to ensure that it is up to date with current national policy and legislation and accords to the new ways of working within the Housing and Communities Team. A further aim of the review is to refocus the way that enforcement resources are utilised so that staff time is directed towards the higher priority cases, where there is clear evidence of a serious planning breach.

3.2 When members are reporting possible planning breaches to officers on behalf of their constituents, it will greatly assist officers if as much information as possible can be gathered about the issue being reported. This may include member's local knowledge of the history of a particular site or site ownership. Preferably any reports of planning breaches from members should be made electronically. This ensures that officers pick up the report quickly, wherever they are working in the district.

3.3 As a minimum, officers must be provided with accurate details of the alleged breach and, where possible, photographs. This can often mean that the need for a site visit is reduced and officers can commence their investigations faster. In some more minor cases this can conclude the matter swiftly allowing officer time to be focussed on more serious and higher priority planning breaches. Managing cases in this way alleviates some of existing pressure on staff resources.

3.4 Conversely, officers may ask for advice from members from time to time to assist with their investigations. Again, members' own local knowledge is a good asset to investigating officers and officers will ensure that members are advised if serious planning breaches are being investigated within their ward area.

## 4.0 Resources and managing expectations

One of the main challenges facing the section at this time is the need to manage the expectations of those reporting possible planning breaches. The section is currently managing its caseload by categorising each reported incident by priority order and according to a matrix set out within the existing enforcement procedures.

This matrix will be reviewed as part of the work to revise the procedures, to reflect the need to focus staff resources on the more significant reports of planning breaches. Typically these are any breaches that pose a safety risk, affect protected buildings or land or where a breach could affect a large number of people. This means that on certain occasions it may not be possible to investigate minor breaches quickly. For some reported breaches officers may decide not to visit the site at all unless there is clear evidence provided that demonstrates a serious planning breach. Members have been very supportive of this approach and officers appreciate their continued understanding as the section examines the best way of delivering the service in future, in light of the pressure on staff resources.

## 5.0 Recommendation

That members note the contents of this report.