

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 9 JUNE 2015

REPORT BY DEPUTY LEADER AND PORTFOLIO HOLDER FOR
DEVELOPMENT MANAGEMENT AND COUNCIL SUPPORT

PLANNING ENFORCEMENT PERFORMANCE TARGETS

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To enable the committee to review Performance Indicators EHPI 2.1d and 2.1e

RECOMMENDATION TO ENVIRONMENT SCRUTINY

That:

(A)	the Performance Indicators EHPI 2.1d and 2.1e are reviewed as set out in this report;
(B)	that indicator 2.1d, Planning Enforcement Initial Site Inspections is maintained unchanged; and
(C)	that indicator 2.1e, Service of Planning Enforcement Notices be deleted at an appropriate time

1.0 Background

1.1 Consideration was given to the Council's published performance indicators at the joint meeting of Scrutiny Committees of 10 February 2015 and at the Environment Scrutiny Committee of 17 February 2015. After considering the indicators that relate to planning enforcement activity, members of the committees resolved that these should be reviewed by this committee at its meeting of 9 June 2015.

1.2 The relevant performance indicators are EHPI 2.1d – planning

enforcement initial site inspections and EHPI 2.1e – service of planning enforcement notices. The first of these measures the length of time taken (in working days) between the raising of a potential planning enforcement matter with the Council and the first inspection of the site to which the matter relates by the Councils Enforcement Officers. The current target is that 75% of all sites are inspected within 15 working days.

- 1.3 The second indicator, 2.1e, measures the time which elapses (again in working days), between the resolution of the Development Management committee that a planning enforcement notice should be served (ie formal action is commenced) and the actual serving of that notice. The current target is that 70% of notices authorised in this way are served within 30 working days.
- 1.4 The Council reviewed and revised its Planning Enforcement Policy in 2010. This work was undertaken by a task and finish group set up by this committee. Consideration was given to timescales and performance during that work and the current performance indicators are largely based on the policy. A copy of the policy is attached as **Essential Reference Paper B**.

2.0 Current Performance

2.1 Performance for the 2014/15 year is set out in the table below:

Indicator	2.1d – site inspections	2.1e – service of notices
Target	75% of sites inspected in 15 working days	70% of notices served within 30 working days of authorisation
Month	Outcome (%)	Outcome (%)
April 14	91	n/a
May 14	78	100
June 14	81	n/a
July 14	70	n/a
August 14	88	100
September 14	61	100
October 14	74	100
November 14	78	100
December 14	85	100
January 15	77	n/a
February 15	81	n/a
March 15	83	n/a

Note: n/a – not applicable – this applies when no enforcement notices were served in that month.

3.0 Indicator 2.1d – Site Inspections

- 3.1 The policy establishes a priority approach to enforcement cases when considering timescales. A range of cases are identified as urgent priority (see 3.16 of the policy) – including cases where listed buildings or protected trees may be impacted, where there may be severe and irreversible impact as a result of unauthorised actions, where there may be traveller activity or highway danger or where immunity from action may be achieved if it is not taken in the next six months.
- 3.2 In these urgent priority cases, the policy sets out that, initial site inspections will be undertaken within 2 working days of the matter being raised with the Council and, if there is potential for the loss of assets, within half of a working day.
- 3.3 All other cases are identified as normal priority – and are subject to the site inspection target of 15 working days.
- 3.4 Only the overall (15 working days) performance is captured by our recording systems and reported to Members through the normal processes. Officers however are working to the much shorter policy targets if they are dealing with a case which is identified as urgent priority.
- 3.5 Site inspection is an important element of the potential enforcement action that a Council can take – but a balance should be maintained between directing resources towards early visits to sites – and the detailed research and evidence gathering that is required in relation to the longer term and more complex cases.
- 3.6 This is borne out by the number of cases that do proceed to formal action – often limited to 30-40 per year out of an annual average caseload of 400 – 500 cases, but in relation to which research and investigation should not be delayed because initial inspection is being prioritised.
- 3.7 Whilst the anxieties of those who report potential enforcement matters is noted and acknowledged, it is not considered to be the most effective use of resources to tighten site inspection times in

relation to the 90% or so of cases which do not proceed beyond the informal stage at the expense of directing resources toward those cases where formal action is authorised and which then require considerably more resources to continue to drive forward.

- 3.8 Add to this the inherent inefficiency that shorter visit timescales would create – in that the ability of staff to plan efficient site inspection journeys and times would diminish in favour of more ad hoc visit requirements.
- 3.9 It is considered then that the current target represents a good working balance which acknowledges the differing complexity of cases, within which the impact of particularly harmful activity is recognised and which ensures that short term work of potentially less value is not favoured over longer term actions which, ultimately, will provide more valued outcomes.
- 3.10 It is recommended that the performance indicator is maintained unchanged.

4.0 Indicator 2.e – Service of Notices

- 4.1 Members will note that the policy approach is to seek the informal resolution of enforcement matters where that can be achieved. Formal action, including the service of enforcement notices, is necessarily limited therefore. Reference has been made above to the number of cases annually that result in formal action being taken.
- 4.2 The Council's stated policy approach established the actions that it can take in relation to reported cases. Seeking to achieve an informal resolution requires a mixture of discussion, negotiation and consensus forming with land and building owners. There are also a range of actions that landowners and the Council can take. Given this, the timescale for an acceptable outcome to be achieved can be protracted whilst various options are explored.
- 4.3 One such example of this is where a case has been identified for formal action and authority to serve an enforcement notice is sought from the DM committee. If the committee resolves that a notice may be served, this can, by itself, trigger further action from the owner, such as the submission of a planning application to regularise a development. It would then usually be unreasonable for the Council to proceed to serve the formal notice whilst the consideration of an application is pending. This is an example

where the potential that the Council may take formal action can secure action from a landowner – without the actual requirement for that formal step to be taken.

- 4.4 Of course, the action taken on behalf of the owner may not result in an acceptable outcome to the Council and the service of a notice may still be required, albeit delayed.
- 4.5 Members will note, from the performance data set out above, that the target has either been achieved, or no notices have been served in relation to each month. The limited number of notices served overall leads to the data for a number of months being nil.
- 4.6 It is considered that this performance indicator is of limited assistance to Members or the public and, instead, the more detailed commentary that is supplied to the DM committee on a regular basis in relation to the progress being made on formal enforcement cases is more helpful. That can set out if and when a notice has been served, why not if it hasn't, and what further steps have been taken if a notice has been served.
- 4.7 It is recommended that this regular update reporting to DM committee is maintained and that this PI is deleted at an appropriate time.
- 5.0 Implications/Consultations
- 5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers - None

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