

Subject: Planning Enforcement Annual Report 2018/2019
Date of Meeting: 4 September 2019
Report of: Principal Planning Officer, Enforcement
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Ward(s) affected: All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

The purpose of the report is to advise the Planning Committee on the performance of the Development Management Enforcement Team in 2018/19 and ongoing projects being undertaken.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report which details performance statistics and other projects of note for the Development Management – Enforcement team for the period beginning 1st April 2018 and ending 31st March 2019.

3. PERFORMANCE

The service opened 587 new cases in the period between 01.04.2018 and 31.03.2019.

The service closed 598 cases in the same time period. A comparison of these figures with previous years, including details of the reasons for the closures, can be seen in the table below.

Year	Cases received	No Breach	Not expedient	Full compliance	Compliance after notice	No reason	Total
2018/2019	587	318 (53%)	128 (21%)	126 (21%)	26 (4%)	n/a	598
2017/2018	595	271 (45%)	126 (21%)	181 (30%)	23 (4%)	n/a	601
2016/2017	820	314 (52%)	82 (14%)	170 (28%)	10 (2%)	28 (4%)	604
2015/2016	576	194 (45%)	69 (17%)	157 (36%)	12 (3%)	n/a	432
2014/2015	666	176 (34%)	91 (17%)	230 (44%)	20 (3%)	n/a	517
2013/2014	658	225 (32%)	178 (26%)	275 (39%)	19 (3%)	n/a	697

Reasons for closure

No breach: where no breach of planning regulations is found

Not expedient: where a breach is identified but it is not considered expedient or in the public interest to pursue due to a lack of harm caused

Full compliance: the development is regularised either through negotiation or the granting of a planning permission

Compliance after notice: A formal enforcement notice is served which is then subsequently complied with

The increasing number of cases that are being closed with no breach of planning regulations will be analysed with a view to reducing this level and improving efficiency.

3.2 Enforcement Notices

Thirty eight (38) formal enforcement notices were served during the year which comprised thirty four (34) Section 172 enforcement notices; three (3) Section 38 listed building enforcement notices and one (1) Section 187 breach of condition notice.

Of the notices served, nine (9) have been complied with, five (5) were appealed and one was withdrawn due to the receipt of additional information. The remainder are either awaiting the determination of an appeal or for their expiry of the compliance period.

No prosecutions were taken against expired enforcement notices and works were performed in default on one occasion.

3.3 Appeals

Twenty four (24) appeal decisions were received relating to enforcement notices. Of these ten (10) were dismissed in full, ten (10) were allowed and four (4) were split decisions. Please note that due to the timescales involved (approx. 12 months for PINS to determine) most of these decisions will not relate to a notice served in the same year.

Forty-two per cent (42%) of enforcement appeals were granted in favour of the appellant or quashed which compares with 18% for all other unitary authorities.

A study will be undertaken as part of the modernisation programme to fully understand the reasons for this difference. However a key factor relates to the number of notices issued to HMO's, especially where use has been intensified through permitted development. A number of these cases have been successfully challenged by property owners and the approach to enforcement will need to be reviewed for this type of building alteration.

3.4 Houses in Multiple Occupation

66 new cases were raised in relation to HMOs across the city in the year 2018/2019. This is a drop in the number from the previous years (95 received in 2017/2018 and 192 in 2016/2017).

The number of cases relating to HMOs is dropping as a proportion of the overall figure. This year 11% of all cases raised related to an HMO, the figure was 16% for the year 2017/2018 and 23% for the year 2016/2017.

Of the 38 formal enforcement notices served, 18 related to unauthorised HMO use (47%). This remains broadly consistent with previous year's figures (see below)

	No. of enforcement notices	Number relating to HMO use	Percentage
2018/2019	38	18	47
2017/2018	62	32	52
2016/2017	43	20	47

3.5 Modernisation

Work continues on improving digital solutions. The team work electronically and will start a trial of tablets to allow mobile working on site visits and improve data handling. Additionally a Business Process Review was undertaken to identify ways to improve our way of working which is being implemented.

3.6 Planning Enforcement Policy 2018

The new Planning Enforcement Policy 2018 was adopted on the 1 January 2019 which replaces the previous 2011 document. It gives greater clarity to service users on the levels of communication they can expect when raising a case and what is within the remit of the planning enforcement service to investigate.

The most significant change is that cases are now allocated a Priority Level from one to three depending on their seriousness and capacity for harm. The rating then informs the timeliness of the investigation.

Methods of monitoring performance against these targets are being prepared.

Since the adoption of the new policy, all new cases received have been allocated to an Officer immediately for initial investigation. This represents a significant improvement on previous years where cases of a lower priority were not always allocated at receipt. However, at the end of 2018/19, the team had a backlog of 262 cases ongoing received prior to 31st December 2018. This backlog will continue to be addressed through the modernisation work stream.

3.7 Field Officers

The Field Officer team came on line in October 2018 and since then have been performing a number of tasks to assist the team. They are undertaking site visits on request as well as taking on cases that relate to unauthorised signage and the condition of buildings/land.

3.8 Large HMO Project

Following receipt of a list containing over 400 licensed large HMOs across the city from the Council's Licensing team, a project was started to determine the planning status of these HMOs.

Council records determined that a large number of these were authorised and established large HMOs, leaving 190 with inconclusive planning status.

Phase One was completed by sending a Planning Contravention Notice (PCN) to the registered owners and/or managing agents of these in an attempt to establish

their use. So far 126 responses have been received and phase two of the project to review these and determine what to do where no response was received is due to commence in October 2019 and take two months to complete. This will subsequently result in an enforcement case being generated for any identified breaches that are considered in the public interest to pursue.

4. THE YEAR AHEAD

4.1 A modernisation programme will be undertaken to look at what the role of the enforcement team is and the scope of the service it provides. This will include identifying efficiencies in the way the Team works, improved data monitoring and performance analysis (see paragraph 3.5 above).

4.2 Review of policy document

A review will be conducted into the first year's impact of the new Planning Enforcement Policy 2018 in 2020 and will be reported to councillors.

4.3 Measures to raise awareness of the work that the Enforcement Team do will be introduced as required by the Planning Enforcement Policy 2018.

4.4 As set out in paragraph 3.5, a project is underway to provide Officers with tablets which would allow them to work digitally on site. It is hoped that a trial of their use will begin soon but this is dependent on ICT.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 None carried out.

6. CONCLUSION

The report sets out the comparative performance of the Planning Enforcement Team in 2018/19 and some of the work to be undertaken in the year ahead to modernise the Service.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 There are no financial implications relating to this enforcement report that fall outside the normal service delivery for the department.

Legal Implications:

7.2 There are no legal implications relating to this enforcement report that fall outside the normal service delivery for the department.

Equalities Implications:

7.3 There are no equalities implications relating to this enforcement report that fall outside the normal service delivery for the department.

Sustainability Implications:

- 7.4 There are no sustainability implications relating to this enforcement report that fall outside the normal service delivery for the department.

Any Other Significant Implications:

- 7.5 There are no other significant implications relating to this enforcement report that fall outside the normal service delivery for the department.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None.

Background Documents

1. Planning Enforcement Policy 2018

