

# Planning Committee

## Quarterly Enforcement Report 20 May 2010

### Report of Head of Development Control and Major Developments

#### PURPOSE OF REPORT

To inform and update Members of the progress of outstanding formal enforcement cases and to inform Members of reviews caseload statistics

This report is public
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#### Recommendations

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The Planning Committee is recommended:

- (1) To accept this report.

#### Details

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#### Background

- 1.1 The last quarterly report was given to this Committee on 28 January 2010, and this report continues the regular reporting on enforcement matters in this quarterly format which commenced in October 2008.

#### The Current Situation

- 2.1 Appendix One provides a comprehensive history of those cases which have progressed to formal action of one type or another. I am pleased to be able to report that the continued effort to close down some of the older cases is being successful, albeit that some inevitably continue to appear. This is due to the complexity of the legislation and the availability of challenges/dealing tactics for the potential recipient of enforcement action.

- 2.2 It should be noted that a number of cases have been successfully closed since the January report, and are indicated as not appearing on future reports.
- 2.3 Since the January report the staff resource available for investigation has diminished as Mick Cowland has retired after many years service. As a cost-saving measure he has not been replaced. The level of complaints to be investigated has not reduced and therefore it will be necessary to prioritise our investigation complaints and there may therefore be an increase in the time to provide a response to complaints. It may also be necessary to direct some investigation to the DC teams. Our case management system should enable the enforcement team leader to maintain an over-view of the complaints and ensure that they are effectively dealt with.
- 2.4 In the last report the high success rate an enforcement notice appeals was noted. It is pleasing to see that this continues in the last quarter.
- 2.5 Members will be aware that the end of Appendix one is dominated by those related to former RAF Upper Heyford. Negotiations are under way with the new owners of the site and it is hoped that it will soon be possible to bring a report to the Committee with a recommended way forward that has been preliminarily agreed with the owners.
- 2.6 Appendix Two provides the basic statistics related to this service

## **Implications**

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- Financial:** It is anticipated that the cost of taking enforcement action can be met within existing budgets. The cost implications with regards to action at Heyford Park will be addressed in a future report.
- Comments checked by Eric Meadows, Service Accountant 01295 221556
- Legal:** There are no additional legal implications arising for the Council from this report.
- Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688
- Risk Management:** Where it is relevant to do so the risk of taking formal enforcement action is that costs could be awarded against the Council in any appeal that precedes to an inquiry or hearing if this action is subsequently considered to have been unreasonable. The risk of not taking effective and timely action is that a complaint could be made by a complainant to the Local Enforcement Ombudsman.
- Comments checked by Rosemary Watts, Risk and

**Wards Affected**

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All

**Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix One Appendix Two	Enforcement and Prosecution Quarterly Report Case and Closure Statistics
<b>Background Papers</b>	
None	
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