

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore “The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment”.
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

6. 114 new cases were received for this area within the last quarter, 74 cases were closed and 325 remain outstanding. The number of new cases is the most received in a quarter for at least 6 years. This has also coincided with the loss of Mandy Swithenbank on a temporary secondment to Union duties and as yet this post has not been backfilled. It is currently being advertised with a view to filling this vacancy until at least the end of September. Hopefully officers will have an update on this for Members at the meeting.

There are 105 Section 106 monitoring cases outstanding for this area after the full payment of 4 for this quarter and partial of 2 more. These have brought in a total of £48328 of outstanding financial contributions attached to developments in the east area. Letters have gone out on some other developments where the contributions are now required and responses to these are awaited.

We currently have two pending prosecutions for the failure to comply with enforcement notices which are currently with legal services and they have been in correspondence with the relevant parties. In this quarter we have served 1 enforcement notice and we have a further 5 cases in which enforcement notices are being prepared for service. A temporary stop notice was served on an unauthorised development and authorisation for further action is currently being sought on this. 1 Planning Contravention Notice has also been served during this period in order to establish land ownership details and this information has subsequently been used in the upcoming enforcement notice.

Consultation

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

Council Plan 2011-2015

9. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular Enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

10. Implications

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

Risk Management

11. There are no known risks.

Recommendations

12. That members note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if Members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Matthew Parkinson or Alan Kendall by 5pm on Wednesday 11th April 2012. Please note that the cases are now presented in Parish order so hopefully this will make it easier for Members to reference cases in their respective areas.

Also, if Members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at

the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

Contact Details

Author:

Author's name

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Planning Enforcement
Team Leader.

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
Assistant Director (Planning and Sustainable Development)

Dept Name City Strategy
Tel No. 551657/551657.

Report Approved



Date 28/3/2012

*Chief Officer's name: Michael Slater
Title: Assistant Director (Planning and Sustainable Development).*

Report Approved



Date 28/3/2012

Specialist Implications Officer(s) *List information for all*

Implication ie Financial

Name

Title

Tel No.

Implication ie Legal

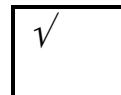
Name

Title

Tel No.

Wards Affected: *All Wards*

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For further information please contact the author of the report

Background Papers:

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2010 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)