



East Area Planning Sub-Committee

10 October 2012

Report of the Director of City and Environmental Services

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. 103 new investigation cases were received for this area within the last quarter, 103 cases were closed and 344 remain outstanding. The number of new cases received is again well above the

average number normally received in a quarter and follows the record number of new cases received in a quarter (114) from the first 3 months of this year. However it should also be noted that 103 closed cases is also well above average for a quarter and represents the highest number of closed cases in a quarter over at least the last 6 years.

This continued increase in the number of new cases is partly down to a significant rise in the number of HMO (Houses in Multiple Occupation) investigations following the new Article 4 direction which came into force on April 20th this year. New HMO investigations alone now number 72 and currently 9 planning applications have been received as a result of these investigations.

There are 97 Section 106 monitoring cases outstanding for this area. 19 such cases have been closed in this quarter and these have brought in a total of £12029 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 still have 3 pending prosecutions for the failure to comply with enforcement notices and meetings have taken place with colleagues in Legal Services to move these forward. In this quarter we have served 2 enforcement notices on sites in the east area. We have also received authorisation for 1 further notice and it is expected that this notice will be served very shortly.

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, Alan Kendall or Tim Goodall by 5pm on Tuesday 9th October 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

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City and Environmental
Services.

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Michael Slater

Assistant Director (Planning and
Sustainable Development)

**Report
Approved**



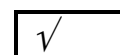
Date 1/10/2012

Specialist Implications Officer(s) *List information for all
Implication i.e. Financial*

Patrick Looker
Finance Manager
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Implication i.e. Legal
Andrew Docherty
Assistant Director Governance & ICT
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Wards Affected: *All Wards*



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)