

**MANCHESTER CITY COUNCIL**

**REPORT FOR RESOLUTION**

<b><u>COMMITTEE</u></b>	PHYSICAL ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
<b><u>DATE</u></b>	6 MARCH 2007
<b><u>SUBJECT</u></b>	PLANNING ENFORCEMENT
<b><u>REPORT OF</u></b>	HEAD OF PLANNING

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**PURPOSE OF REPORT**

To inform Members of progress in introducing changes to the Planning Enforcement Service.

**RECOMMENDATIONS**

That Members note the report

**Financial Consequences for the Revenue Budget**

None

**Financial Consequences for the Capital Budget**

None

**Contact Officers**

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**Background Documents**

Report to Physical Environment Overview & Scrutiny Committee – May 2006

**Wards Affected**

All

**Implications for:**

<b>Anti-Poverty</b>	<b>Equal Opportunities</b>	<b>Environment</b>	<b>Employment</b>
No	No	Yes	No

**INTRODUCTION**

1. Background

1.1 Members will recall that there have been a series of reports to the Physical Environment Overview and Scrutiny Committee relating to Planning Enforcement. The last of these is May 2006. This report sets out the current position of ongoing improvements needed to establish a focused Planning Enforcement Service.

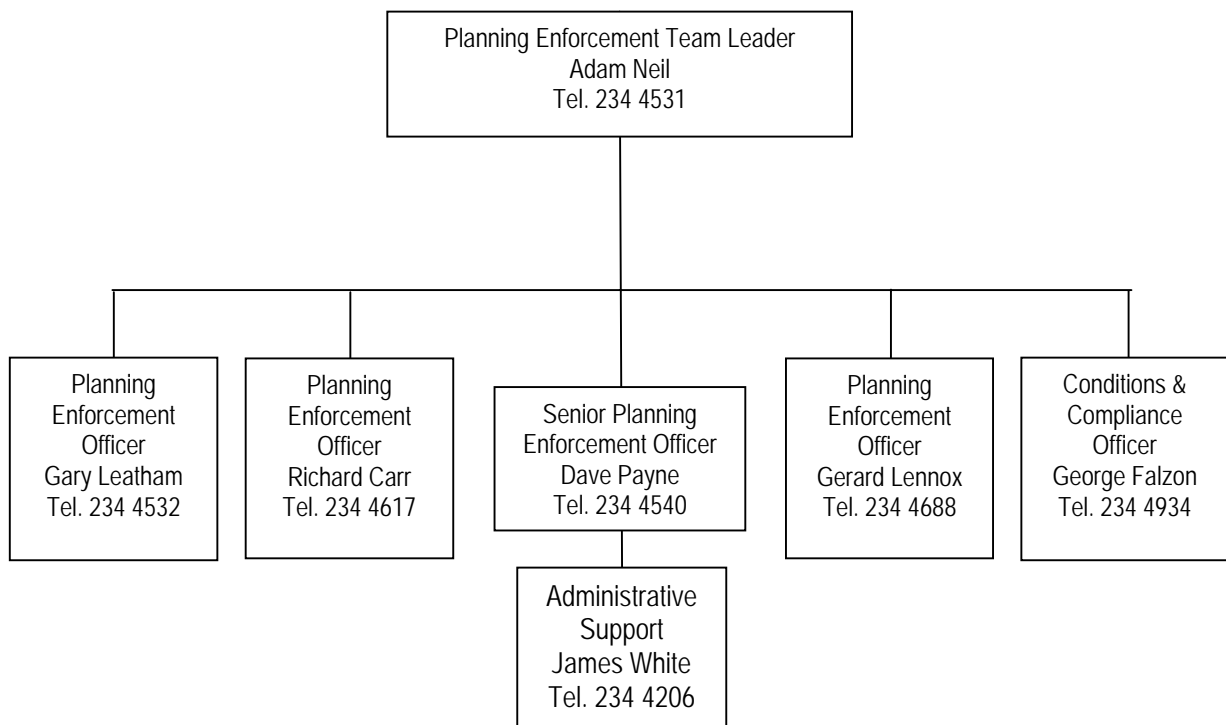
2. Dedicated Enforcement Team.

2.1 The post of Planning Enforcement Team leader was filled during summer 2006 and the team itself has now been established in Room 7003 of the Town Hall extension.

2.2 In addition to the post of Team Leader, a Conditions and Compliance Officer has recently been introduced to the team to monitor conditions imposed on approved planning applications, along with administrative support to provide clerical assistance.

2.1 The team has also now recruited an additional Planning Enforcement Officer, a post that has been vacant for several months. The new Enforcement Officer is due to start with the team on Monday 5<sup>th</sup> March 2007.

2.2 The team structure is shown below.



2.3 The precise nature of Building Control support is currently being assessed but is likely to be through a network of named Building Surveyor contacts.

2.4 The availability of online planning application information via the "Public Access" system has provided an efficient means of comparing with building regulations applications plans and this represents a proactive approach so that cases can be resolved before formal enforcement action is needed.

### 3 Reporting and monitoring

3.1 All breaches of planning control such as unauthorised development, advertisements, protected trees, listed building and conservation area control are directed to the Enforcement team for investigation. All other complaints will be re-directed to the most appropriate Council department or outside agency.

3.2 Complainants are being asked to identify themselves and provide an address and phone number so that they can be kept informed of progress and the ultimate outcome of an investigation. This information is treated as confidential. The alleged contravener is not told who has made a complaint.

3.3 All enforcement complaints are now to be acknowledged within 3 working days of receipt and the complainant will be given the name and contact details of the Investigating Officer. The team is currently moving towards generating a number of standardised update letters to keep the complainant up to date as the investigation progresses.

3.4 In the months leading up to the team moving into their new accommodation, the Team Leader took the opportunity to carry out regular monitoring checks on the quality of the data within the computerised records system. This data was found to contain a number of discrepancies, although this is currently in the process of being improved and the data cleaned.

3.5 In addition to data quality improvements and to meet with the demands of e-Government, officers are now exploring the need for an electronic document management system for the public enforcement register and arrangements are currently being made to release more information on the Council's website. It is anticipated that much of this information will have been updated by the end of March 2007, with some of these facilities available for use shortly afterwards.

### 4. Live Investigations

4.1 In the report to Committee in May 2006, Members will recall that officers advised of a quality check of all live complaints to ensure that our records contained all the investigations that had been raised with the service. In the next few weeks the Planning Enforcement Team Leader will be contacting all Members via e-mail to determine if any Member is waiting for a response on an investigation that is believed to still be underway.

### 5. Performance Indicators and Service Links

5.1 There are currently no national performance indicators for planning enforcement, probably because there is no consistency between local planning authorities on what constitutes a complaint and most enforcement action is a matter of local discretion. However, most Council's do set local standards for measuring delivery of the enforcement service and officers are currently benchmarking within the Greater Manchester Authorities and are also considering some local indicators to help improve the delivery of the service and direct our resources more effectively.

5.2 A series of case management meetings have also now been arranged with Legal Services with a view to improved monitoring of individual cases and a speedier exchange of information. These meetings have now been planned up to November 2007.

## 6. Enforcement Practices and Procedures

6.1 Undertaking the Planning Enforcement function must be done in an open, fair, equitable and consistent manner. Every complaint is considered on its individual merits and an assessment made as to whether it expedient to take enforcement action. To assist in this approach, a Quality Procedures System is being introduced consisting of a collection of Procedural Advice Notes which will set out how the Council will deal with the various stages of a complaint, along with establishing office practices to ensure the transfer of information to other persons in an approved way.

6.2 This system will initially cover the following areas:

- Processing enforcement complaints, such as acknowledging complaints, prioritising complaints, site visits and keeping complainants informed of progress;
- Investigation process, including the collection of evidence;
- Guidance on interviews and cautioning in line with PACE
- Authorisation of formal notices;
- Warrant applications;
- Appeals, including applications for costs;
- Prosecution and default action;
- Officer safety;
- Liaison between Building Control and Planning Enforcement.

6.3 It is intended that the manual will be added to and amended as necessary to reflect changing legislation, policy and procedures.

## 7. Undertaking Works In Default

7.1 In the past this power has not been utilised and offenders have been prosecuted multiple times in an attempt to achieve compliance with the requirements of a formal notice. However, discussions have taken place with colleagues in Manchester Housing's Operations Team and a process has now been established to enable the use of this power.

7.2 In the future, once a formal notice has been issued and the responsible party has failed to achieve compliance within the relevant period, the Council will be able to exercise its powers to secure compliance with the notice requirements, namely

enter the land and undertake the work required. The cost of these works is recovered from the owner.

7.3 In the first instance, an assessment will be made as to whether or not the notice is likely to be complied with within a reasonable period after the set deadline. If so, then it would not be prudent to pursue default action. In all cases, a detailed estimate will be sought and the owners/occupiers will be notified of the Council's intentions at each stage of the process.

7.4 This action can be undertaken in addition to prosecution of the offences committed.

## 8. Conclusion

8.1 It is believed significant progress has been made in terms of establishing a more efficient and effective Planning Enforcement framework. The results of the improvements may not be directly felt immediately, but significant progress is being made.

## 9. Implications

9.1 Environmental Implications – Improving the Planning Enforcement Service will assist in the physical regeneration of the City and contribute to the development of sustainable communities and the quality agenda