



Derby City Council

PLANNING CONTROL COMMITTEE
1 June 2017

ITEM 6

Report of the Director of Strategic Partnerships,
Planning and Streetpride

Enforcement Report

SUMMARY

1.1 This report summarises the current work load of the enforcement officer.

RECOMMENDATION

2.1 To note the level of complaints dealt with by the officer.

REASONS FOR RECOMMENDATION

3.1 This report is for information only.

SUPPORTING INFORMATION

4.1 The intention is that a report will be presented to Committee every two months, or otherwise agreed with the Chair and Vice Chair.

OTHER OPTIONS CONSIDERED

5.1 None.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Paul Clarke
For more information contact: Background papers: List of appendices:	Paul Clarke Tel: 01332 641642 e-mail paul.clarke@derby.gov.uk Planning Application files Appendix 1 – Implications Appendix 2 – Enforcement Report update

IMPLICATIONS

Financial and Value for Money

1.1 None.

Legal

2.1 None.

Personnel

3.1 Planning enforcement continues to operate with a single officer within the Development Control Team, in conjunction with colleagues in the Legal Division when necessary. This is an on-going challenge and has implications under 5 – Health and Safety.

IT

4.1 None.

Equalities Impact

5.1 None.

Health and Safety

6.1 The demands of planning enforcement work need to be very carefully managed with the officer concerned.

Environmental Sustainability

7.1 None.

Property and Asset Management

8.1 None.

Risk Management

9.1 None.

Corporate objectives and priorities for change

10.1 None.

Enforcement Report Update – 1 June 2017

<u>Investigations Total</u>	<u>Unauthorised Development</u>	<u>Changes of Use</u>	<u>Fences/ Walls</u>	<u>Breaches of Condition</u>	<u>Adverts</u>	<u>Sat Dishes</u>	<u>Untidy Land</u>	<u>* Trees High/ Hedges</u>
127	99	10	3	5	5	0	2	3

* These cases are handled by the Arboricultural Officer

On 19 June 2016 unauthorised works were carried out to 2 Lime Trees protected by TPO 2014 Number 583 located at the former Cavendish Public House Walbrook Road Derby.

It has been a protracted investigation due to extended enquiries to identify those responsible and have them attend a formal interview.

All the relevant information and evidence is now being collated and will be submitted for formal consultation to our Legal Division as soon as possible.

The matter has now been considered by our Legal Division and prosecution proceedings have been authorised against those responsible. The matter has been scheduled for a first hearing on 2 February 2017 at Southern Derbyshire Magistrates Court.

On the 2 February at Southern Derbyshire Magistrates Court the defendant pleaded not guilty to the charges laid against him, the matter was adjourned until 2.15 pm on Thursday 11 May 2017 at Southern Derbyshire Magistrates Court.

On 11 May 2017 at Southern Derbyshire Magistrates Court the defendant appeared for trial. The defendant was found guilty under Section 210(4) Town and Country Planning Act 1990 on both charges of Causing or Permitting the carrying out of unauthorised works to 2 protected lime trees.

The Magistrates imposed the maximum fine allowed for each offence **£2,500 (£5,000)** together with costs of **£1,900** a total of **£6,900** and a criminal conviction.

In their summing up the Magistrates concluded that the defendant's evidence was inconsistent, lacked credibility and there was a significant difference between his versions of the events given during his tape recorded formal interview and the evidence he gave on the day of his trial.