

Birmingham City Council

Report to Planning Committee

15 June 2023

Subject: Enforcement Performance

Report of Ian MacLeod - Director of Planning Transport and Sustainability, Place, Prosperity & Sustainability Directorate. Email Address: Ian.MacLeod@birmingham.gov.uk

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Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If relevant, provide exempt information paragraph number or reason if confidential:

1. Executive Summary

It was agreed at Planning Committee on 29 April 2021 that bi-annual reports would be provided to committee as stated in the Birmingham Local Enforcement Plan. It was also agreed at Economy & Skills Overview & Scrutiny Committee on 2 March 2022 that the report would be sent to all Councillors. This report shows performance/data for the financial year half, 1 October 2022 to 31 March 2023.

2. Recommendations:

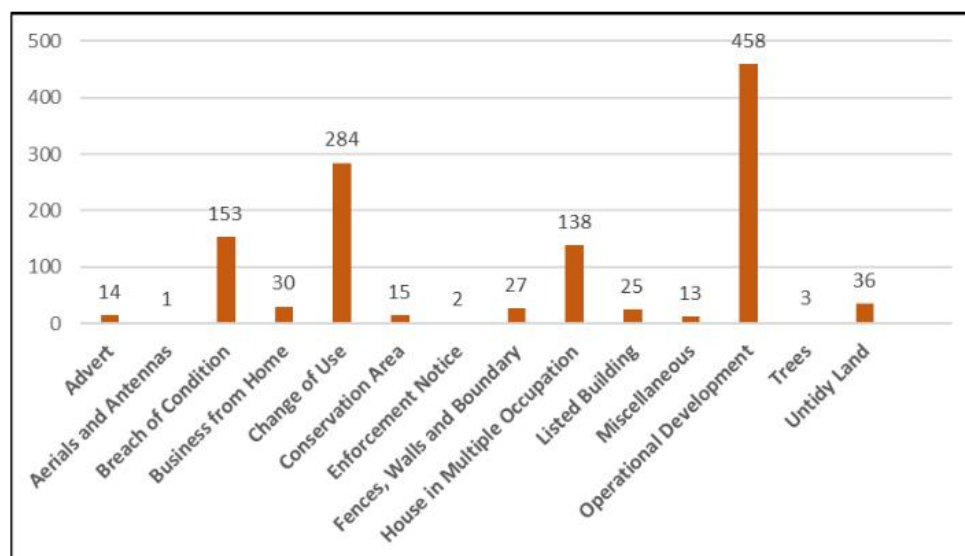
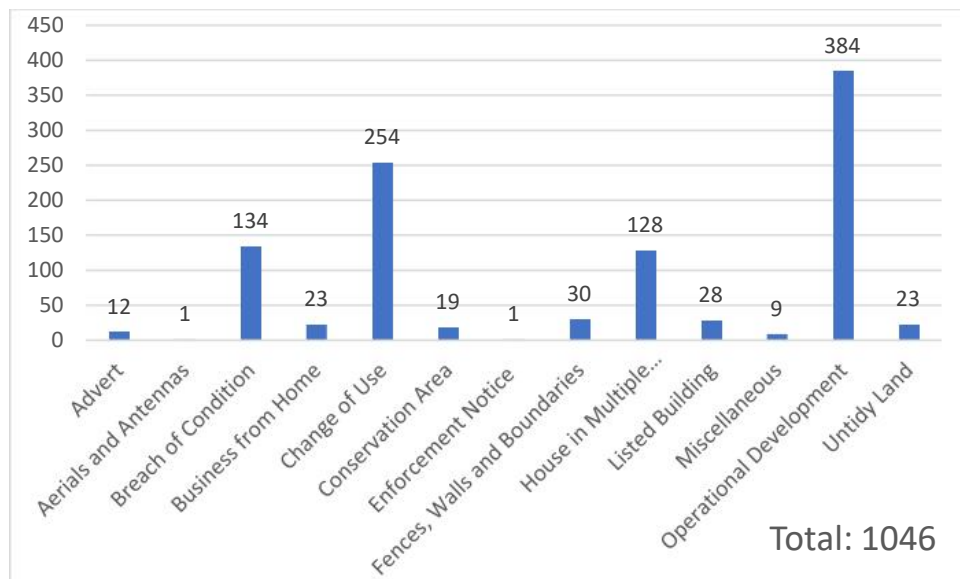
- 2.1. The report is for information only and recommended that Planning Committee note the continued high volume of live case work within the Enforcement team and the positive actions in terms of cases closed; notices served and negotiated solutions.

3. Background:

- 3.1 As members will recall from previous reports the overall management responsibility for enforcement sits with James Wagstaff. The team is divided into North and South teams. There are eight senior enforcement officers (SEO) (two are part time) who investigate complaints received and one enforcement officer (EO) who registers the complaints and has a small caseload.
- 3.2 Staffing has slightly changed since the last report. Our graduate officer has left due to her graduate contract expiring and a new graduate, Marcel Grater has joined the team on a 2 year fixed term graduate scheme. One team member has been on long term sick leave and is due to return shortly. Maria Franklin has joined the team to look solely at supported exempt accommodation planning cases. Her position is temporary for 12 months and is funded by the Pilot SEA project. There maybe scope to extend this if there is external funding available. SEA is a significant national priority and Birmingham is playing a key role in leading on this national project which this post feeds in to.
- 3.3 Previous report at committee members raised request to have previous six month stats in order to compare and contrast, therefore members will be pleased to see this has been adopted in the report below.

4. Performance/Data:

4.1 The blue chart below outlines the total number of live cases as of 31 March – 1046 live cases. Previous half year figure (orange graph) was 1199 live cases. The live cases can be categorised as the following:



4.2 The table below illustrates the number of live cases per ward the number in brackets is the last half year figure:

WARD	Count
Acocks Green	25 (36)
Allens Cross	2 (5)
Alum Rock	36 (48)
Aston	16 (21)
Balsall Heath West	14 (12)
Bartley Green	10 (12)
Billesley	14 (17)
Birchfield	17 (27)

Bordesley & Highgate	25 (33)
Bordesley Green	22 (25)
Bournbrook & Selly Park	40 (42)
Bournville & Cotteridge	10 (10)
Brandwood & King's Heath	15 (18)
Bromford & Hodge Hill	24 (21)
Castle Vale	4 (3)
Druids Heath & Monyhull	5 (3)
Edgbaston	12 (19)
Erdington	25 (33)
Frankley Great Park	3 (4)
Garretts Green	5 (7)
Glebe Farm & Tile Cross	31 (23)
Gravelly Hill	13 (24)
Hall Green North	17 (23)
Hall Green South	8 (12)
Handsworth	22 (23)
Handsworth Wood	18 (25)
Harborne	26 (27)
Heartlands	13 (23)
Highter's Heath	1 (5)
Holyhead	6 (12)
King's Norton North	5 (5)
King's Norton South	2 (2)
Kingstanding	10 (11)
Ladywood	13 (16)
Longbridge & West Heath	5 (10)
Lozells	18 (20)
Moseley	43 (41)
Nechells	9 (8)
Newtown	12 (12)
North Edgbaston	32 (40)
Northfield	5 (2)
Oscott	18 (18)
Perry Barr	17 (21)
Perry Common	7 (6)
Pype Hayes	14 (15)
Quinton	16 (15)
Rubery & Rednal	3 (3)
Shard End	4 (8)
Sheldon	15 (13)
Small Heath	18 (18)
Soho & Jewellery Quarter	46 (42)
South Yardley	11 (13)
Sparkbrook & Balsall Heath East	42 (57)
Sparkhill	31 (36)
Stirchley	9 (10)
Stockland Green	32 (36)
Sutton Four Oaks	5 (7)
Sutton Mere Green	1 (1)
Sutton Reddicap	6 (7)
Sutton Roughley	5 (2)

Sutton Trinity	11 (9)
Sutton Vesey	11 (19)
Sutton Walmley & Minworth	10 (10)
Sutton Wylde Green	7 (6)
Tyseley & Hay Mills	12 (8)
Ward End	25 (24)
Weoley & Selly Oak	15 (14)
Yardley East	11 (11)
Yardley West & Stechford	11 (10)
Total	1046 (1199)

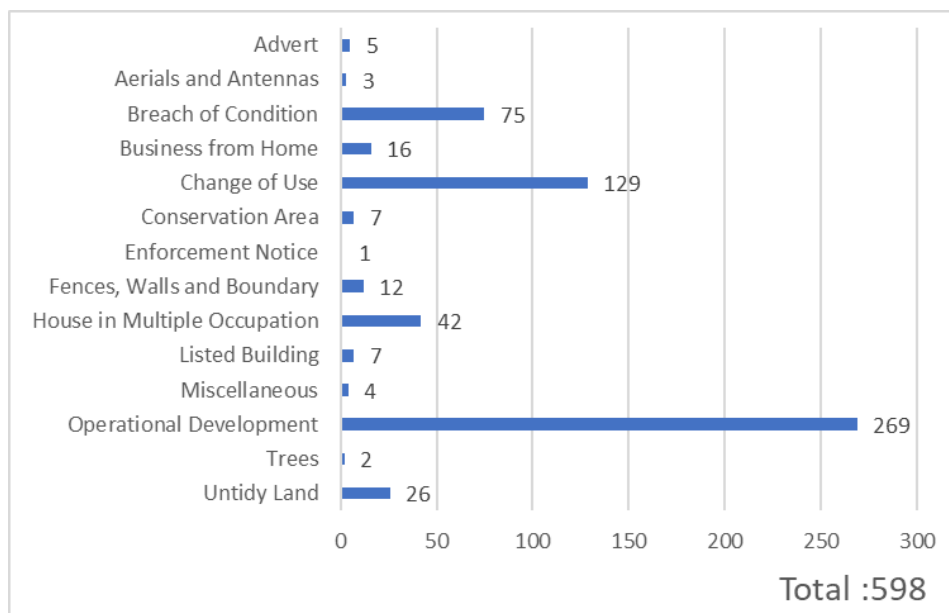
4.3 There has been a total of 598 cases closed during the final six months of the financial year (FY). The first six months of the FY had 398 case closures. The table below shows the number of closed cases per ward during the final six months of the FY. The figures in brackets are the first six months of the FY, meaning 996 cases closed in a 12 month period.

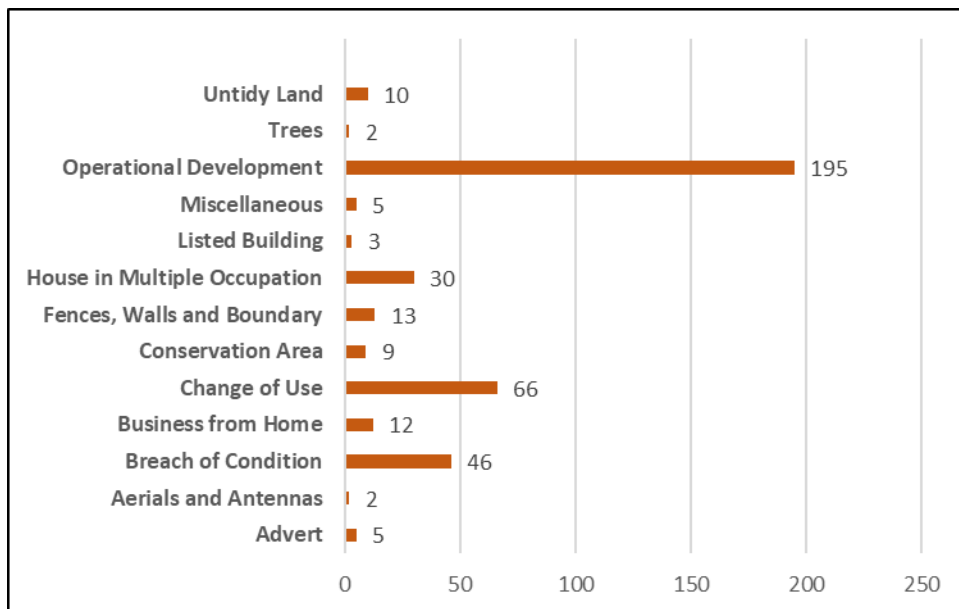
WARD	Count
Acocks Green	22 (13)
Allens Cross	3 (5)
Alum Rock	19 (11)
Aston	7 (4)
Balsall Heath West	4 (1)
Bartley Green	6 (40)
Billesley	9 (40)
Birchfield	16 (2)
Bordesley & Highgate	11 (4)
Bordesley Green	13 (12)
Bournbrook & Selly Park	15 (16)
Bournville & Cotteridge	7 (7)
Brandwood & King's Heath	9 (16)
Bromford & Hodge Hill	7 (7)
Castle Vale	6 (2)
Druids Heath & Monyhull	0 (2)
Edgbaston	14 (12)
Erdington	20 (19)
Frankley Great Park	3 (2)
Glebe Farm & Tile Cross	9 (5)
Gravelly Hill	16 (10)
Hall Green North	15 (15)
Hall Green South	8 (8)
Handsworth	7 (5)
Handsworth Wood	14 (10)
Harborne	12 (13)
Heartlands	10 (1)
Highter's Heath	4 (2)
Holyhead	8 (1)
King's Norton North	1 (1)
King's Norton South	2 (2)
Kingstanding	5 (3)
Ladywood	8 (4)
Longbridge & West Heath	5 (3)

Lozells	6 (0)
Moseley	19 (17)
Nechells	2 (1)
North Edgbaston	(14)
Northfield	0 (2)
Oscott	5 (2)
Perry Barr	11 (2)
Perry Common	1 (2)
Pype Hayes	8 (5)
Quinton	8 (11)
Rubery & Rednal	6 (1)
Sheldon	7 (5)
Small Heath	9 (8)
Soho & Jewellery Quarter	13 (6)
South Yardley	6 (7)
Sparkbrook & Balsall Heath East	24 (9)
Sparkhill	20 (4)
Stirchley	14 (4)
Stockland Green	11 (8)
Sutton Four Oaks	6 (11)
Sutton Mere Green	2 (5)
Sutton Reddicap	4 (4)
Sutton Roughley	4 (1)
Sutton Vesey	14 (12)
Sutton Walmley & Minworth	2 (9)
Sutton Wylde Green	9 (3)
Tyseley & Hay Mills	2 (4)
Ward End	9 (4)
Weoley & Selly Oak	5 (6)
Yardley East	8 (3)
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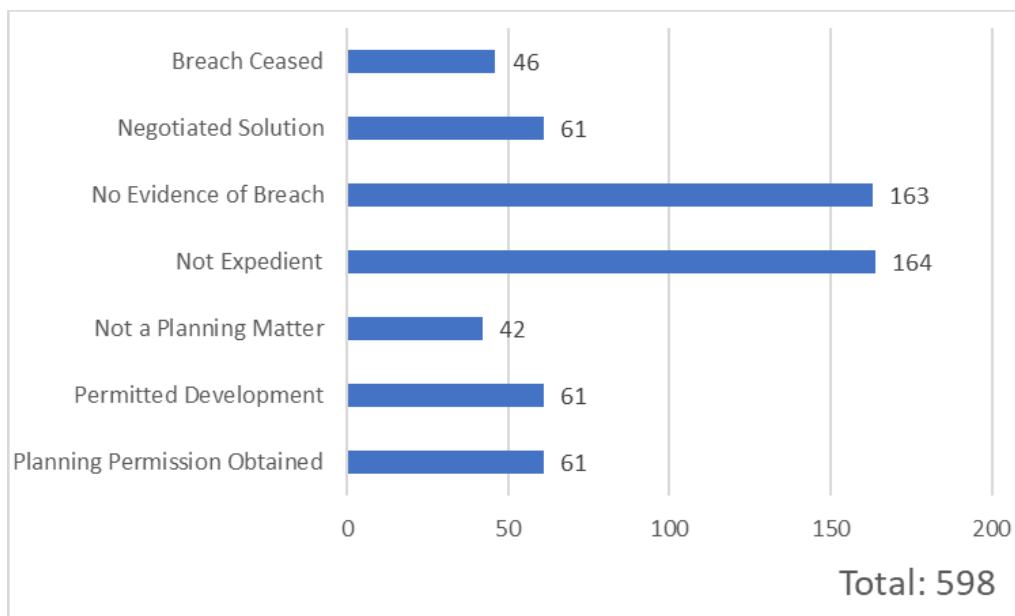
598 (398)

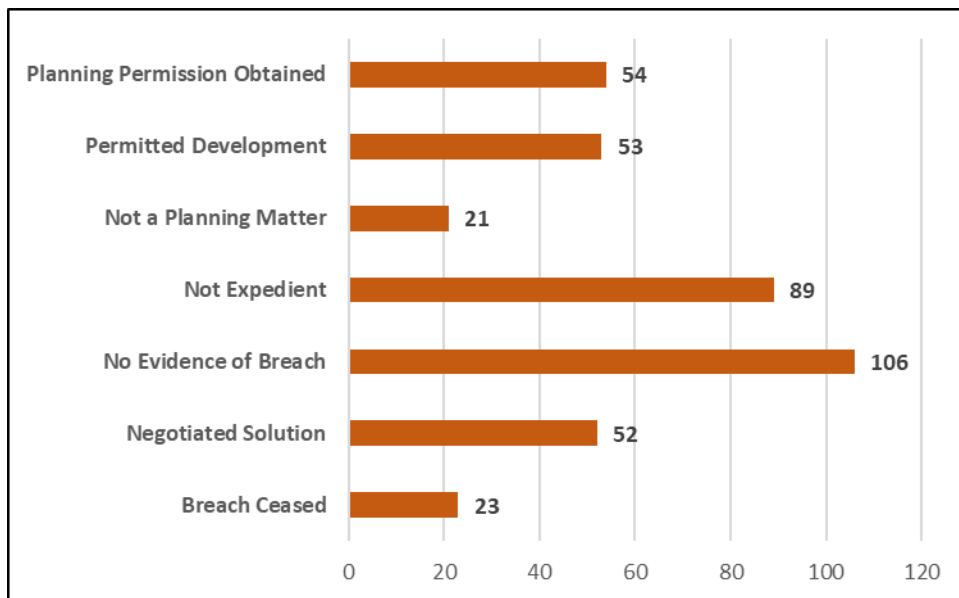
4.4 The blue chart below shows the categories of those cases closed. Operational development is by far the main source of complaint, followed by a change of use. The orange chart below shows previous figures for comparison.



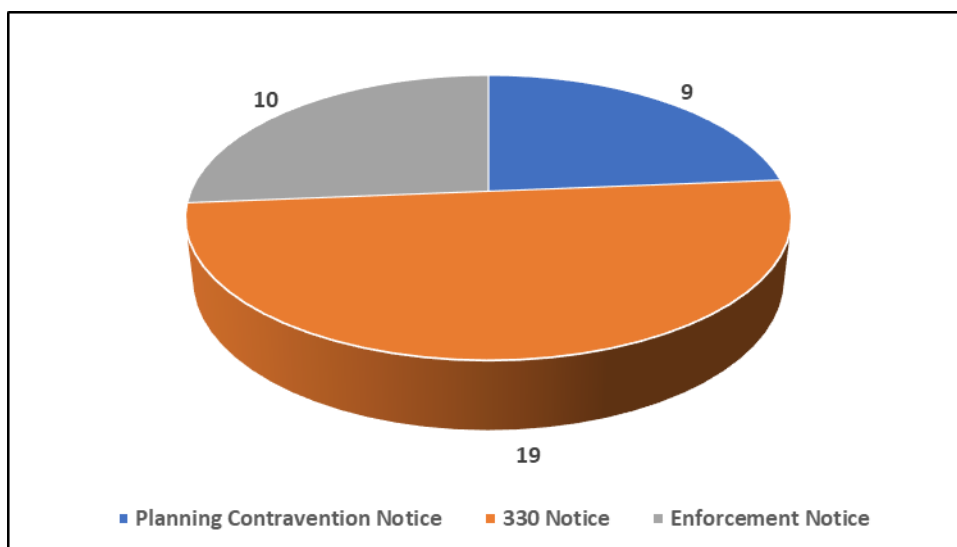
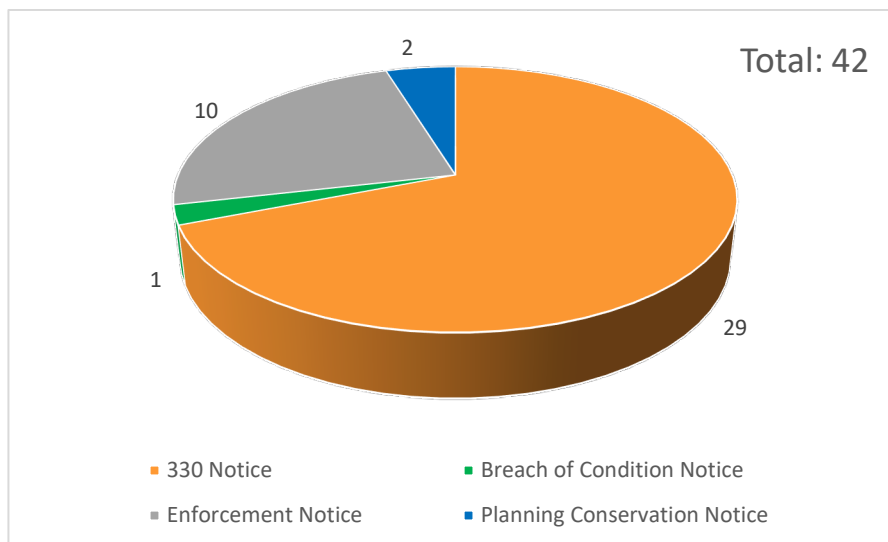


4.4.1 The blue chart below shows the categories why those cases were closed. It is pertinent to note over 60 cases were resolved by officer negotiation, without the need for formal action. Also, to note, the increase in number of cases closed that were either no breach identified or permitted development. This enforces the need for the online complaint form to be completed fully when either members of the public or councillors want to allege a breach. A significant proportion of officer time is spent in registering cases, conducting history checks and site visits only to identify no breach when this resource could be targeted at harmful breaches. This of course has an impact on team resource and financial resource. The orange chart below shows the previous figures for comparison.





4.5 The chart below displays the number of notices and type of notice issued during the period. The second chart below shows previous figures for comparison.



4.6 Since 2018 the local planning authority has referred several cases, where appropriate, to Crown Court to obtain a confiscation order under the Proceeds of Crime Act. The table below shows our success to date. A total of **£427,981.89** has been awarded to the Council. The Planning Enforcement Team receive roughly 1/6th of that figure, so over £71,000 which must be reinvested into prevention/detection of crime and separating offenders from the proceeds of their crimes.

<u>Date</u>	<u>Payment</u>	<u>Breach</u>
02/01/2018	£5,004.38	Unauthorised erection of a first-floor extension
04/01/2019	£114,000.00	Unauthorised change of use to a hot food takeaway
27/03/2019	£50,000.00	Unauthorised change of use to a hot food takeaway
02/04/2019	£5,896.00	Unauthorised change of use to a hot food takeaway
10/03/2020	£25,000.00	Unauthorised change of use to shisha cafe
11/03/2020	£25,000.00	Unauthorised change of use to shisha cafe
12/03/2020	£19,000.00	Unauthorised change of use to shisha cafe
14/04/2020	£28,000.00	Unauthorised rear extension
15/04/2020	£9,433.39	Unauthorised rear extension
05/03/2021	£15,000.00	Unauthorised first floor extension
10/03/2021	£14,648.12	Unauthorised first floor extension
01/10/2021	£50,000.00	Unauthorised change of use to a HMO
15/12/2022	£67,000.00	Unauthorised basement flat
	£427,981.89	

- 4.7 There are a number of cases being considered by our Legal team as to whether or not the Council is in a position to issue summons. One summons has recently been issued.
- 4.8 There have been 2 appeals dismissed by the Planning Inspectorate during this period (5 during last period) relating to enforcement notices issued. This continues the Team's success at the appeal stage. The matters won were:
- Removal of a shopfront on a conservation area
 - Storage of shipping containers
- 4.9 Team members have been part of a joint warrant execution at a premises in North Edgbaston and have also assisted in obtaining a closure order at a property in Lozells. Also to note, was the successful member engagement session held at the Council House and officers attending ward meetings.
- 4.10 As the Committee are aware from 4.4.1 above the Team resolve many cases through negotiation - "Negotiated Solution". This work generally goes unnoticed. Therefore, I continue to provide below, a few examples of this work for your information and to demonstrate what can be achieved through the perseverance of our officers.

Untidy site - before and after:



Gabel to Hip roof alteration and reduction of rear dormer in a conservation area:



Makeshift shop – before and after:



Front boundary fencing reduced in height:



UPVC windows to sliding sash windows in an Article 4 area:



Removal of a take-away hut:



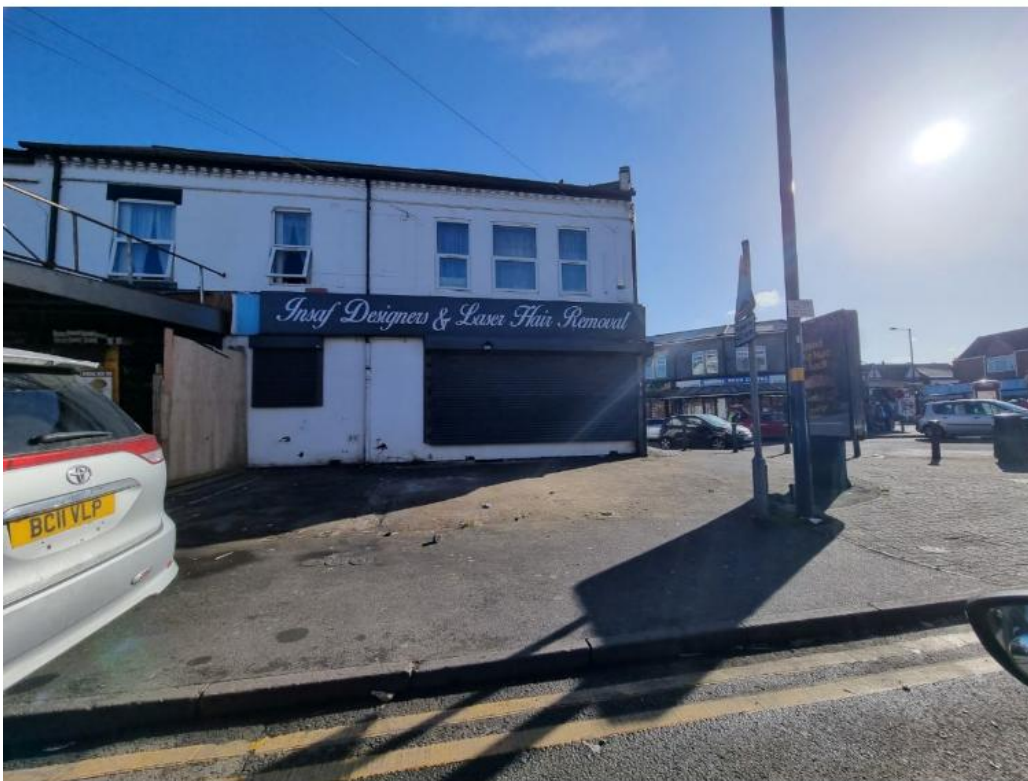
Large garden building to host parties demolished:



Bungalow reduced in size and all fixtures and fittings removed to change it to an incidental garden building:



Unauthorised business extension removed:



5.0 Recommendation

- 5.1 That the report be noted, and bi-annual reports continue to be presented to Planning Committee in accordance with the Birmingham Local Enforcement Plan.

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