

Birmingham City Council

Report to Planning Committee

7 July 2022

Subject: Enforcement Performance

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

Report author: Mark Franklin - Principal Enforcement Officer, Planning & Development.
Email Address: mark.franklin@birmingham.gov.uk

Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
---	------------------------------	--

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 2021 to 31 March 2022.

2. Recommendations:

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

3. Background:

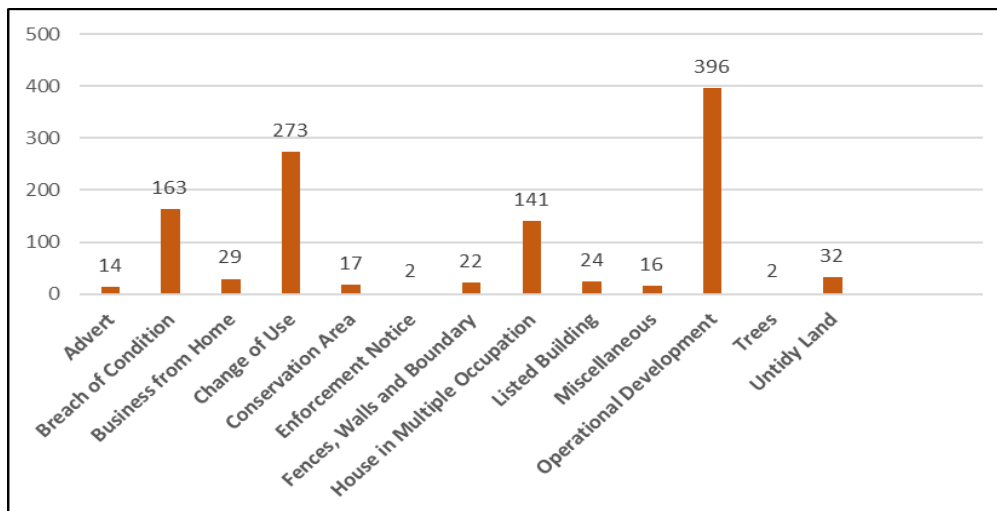
- 3.1 A review into the operation of the team was undertaken in November 2020 and it was concluded that the enforcement team would be divided into North and South teams. The North team managed by James Fox, Acting Principal Enforcement Officer and the South team managed by Mark Franklin, Principal Enforcement Officer.
- 3.2 Head of Enforcement, Householder and Technical Services is James Wagstaff. There are eight senior enforcement officers (two are part time) who investigate complaints received and one enforcement officer who registers the complaints and has a small caseload.
- 3.3 It is considered the above management structure of the team is more efficient and effective way of managing the workload.
- 3.4 Staffing levels have slightly changed since the last report. Only one Graduate remains on the team, instead of two. The senior officer who returned from long term sick leave has not returned to his substantive role and continues to register cases. This is due to the significantly high volume of new complaints in the planning breaches inbox. A senior officer has left the team on a development opportunity as part of the Commonwealth Games for six months. We have successfully offered a

development opportunity to replace this officer to our own enforcement officer for a period of six months. We have secured an agency member of staff until June 2022 using monies gained from our confiscation orders.

- 3.5 The Birmingham Local Enforcement Plan (BLEP) was reported to Cabinet in May 2021 and subsequently adopted. It is a live document on the Council's webpages and in particular is highlighted to be read by those wishing to make complaints as part of the complaint form.

4. Performance/Data:

- 4.1 The chart below outlines the total number of live cases as at 31 March 2022 (1131). This is 293 less cases than the end of the last half year. These can be categorised as the following:



- 4.2 The table below illustrates the number of live cases per ward:

WARD	Count
Acocks Green	36
Allens Cross	6
Alum Rock	49
Aston	19
Balsall Heath West	8
Bartley Green	10
Billesley	10
Birchfield	23
Bordesley & Highgate	28
Bordesley Green	32
Bournbrook & Selly Park	43
Bournville & Cotteridge	12
Brandwood & King's Heath	15
Bromford & Hodge Hill	21
Castle Vale	2
Druids Heath & Monyhull	2
Edgbaston	20
Erdington	45
Frankley Great Park	5

Garretts Green	5
Glebe Farm & Tile Cross	15
Gravelly Hill	25
Hall Green North	26
Hall Green South	15
Handsworth	22
Handsworth Wood	25
Harborne	27
Heartlands	20
Highter's Heath	3
Holyhead	11
King's Norton North	6
King's Norton South	3
Kingstanding	7
Ladywood	18
Longbridge & West Heath	3
Lozells	13
Moseley	48
Nechells	7
Newtown	12
North Edgbaston	34
Northfield	3
Oscott	13
Perry Barr	14
Perry Common	6
Pype Hayes	14
Quinton	18
Rubery & Rednal	0
Shard End	6
Sheldon	11
Small Heath	20
Soho & Jewellery Quarter	40
South Yardley	15
Sparkbrook & Balsall Heath East	53
Sparkhill	31
Stirchley	8
Stockland Green	33
Sutton Four Oaks	8
Sutton Mere Green	1
Sutton Reddicap	6
Sutton Roughley	2
Sutton Trinity	7
Sutton Vesey	16
Sutton Walmley & Minworth	10
Sutton Wylde Green	4
Tyseley & Hay Mills	7
Ward End	24
Weoley & Selly Oak	14
Yardley East	10
Yardley West & Stechford	6

Total

1131

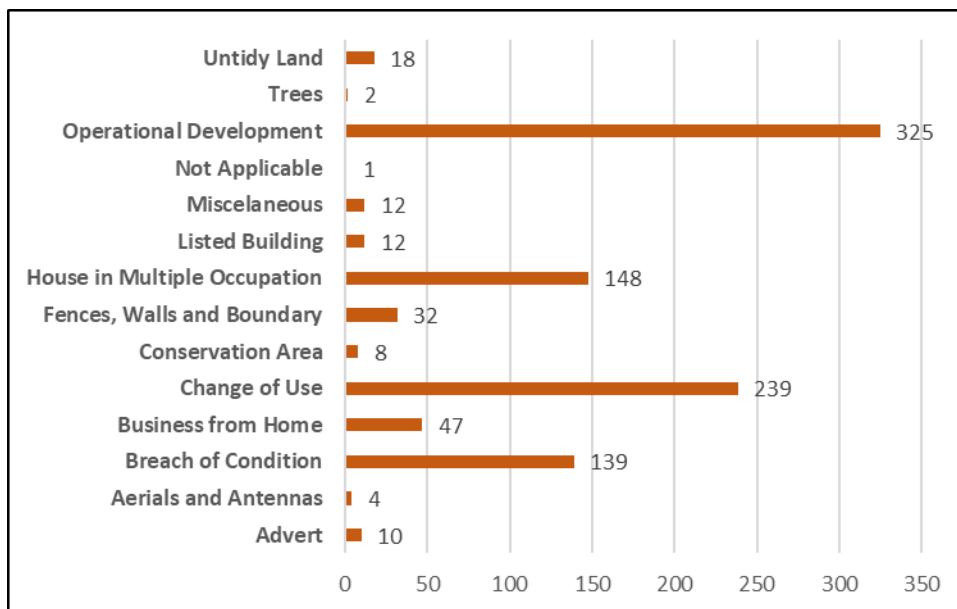
4.3 There has been a total of 997 cases closed during the final six months of the financial year. The table below shows the number of closed cases per ward:

WARD	Count
Acocks Green	24
Allens Cross	3
Alum Rock	31
Aston	27
Balsall Heath West	8
Bartley Green	4
Billesley	12
Birchfield	28
Bordesley & Highgate	10
Bordesley Green	6
Bournbrook & Selly Park	87
Bournville & Cotteridge	14
Brandwood & King's Heath	21
Bromford & Hodge Hill	17
Castle Vale	1
Druids Heath & Monyhull	6
Edgbaston	4
Erdington	41
Frankley Great Park	4
Garretts Green	4
Glebe Farm & Tile Cross	9
Gravelly Hill	11
Hall Green North	28
Hall Green South	14
Handsworth	22
Handsworth Wood	25
Harborne	22
Heartlands	9
Highter's Heath	4
Holyhead	21
King's Norton North	3
King's Norton South	2
Kingstanding	7
Ladywood	13
Longbridge & West Heath	10
Lozells	15
Moseley	30
Nechells	5
Newtown	6
North Edgbaston	28
Northfield	2
Oscott	14
Perry Barr	42
Perry Common	8
Pype Hayes	15
Quinton	11
Rubery & Rednal	1

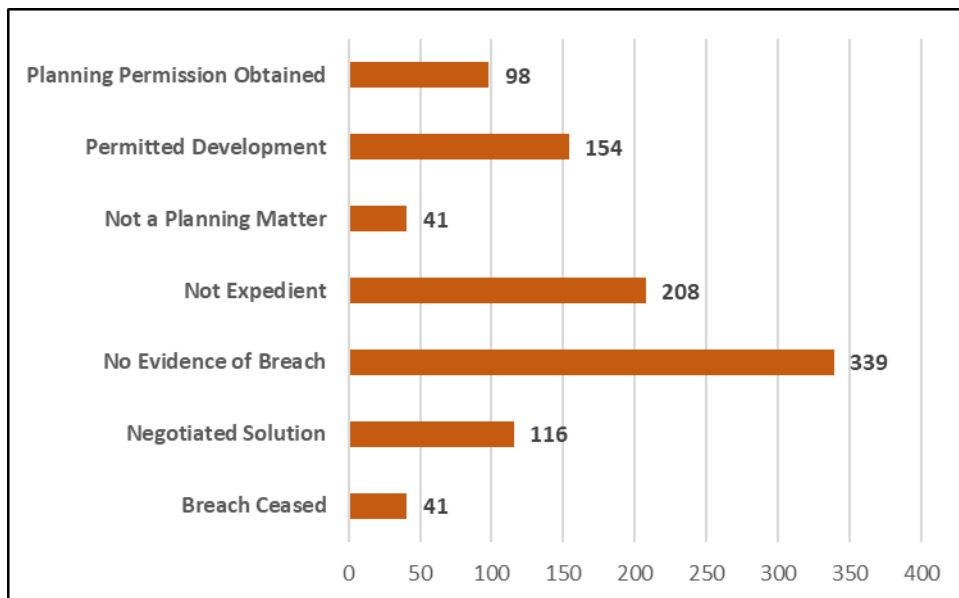
Shard End	4
Sheldon	16
Small Heath	20
Soho & Jewellery Quarter	45
South Yardley	12
Sparkbrook & Balsall Heath East	21
Sparkhill	16
Stirchley	9
Stockland Green	18
Sutton Four Oaks	9
Sutton Mere Green	14
Sutton Reddicap	2
Sutton Roughley	0
Sutton Trinity	9
Sutton Vesey	14
Sutton Walmley & Minworth	6
Sutton Wylde Green	11
Tyseley & Hay Mills	4
Ward End	17
Weoley & Selly Oak	4
Yardley East	10
Yardley West & Stechford	7

997

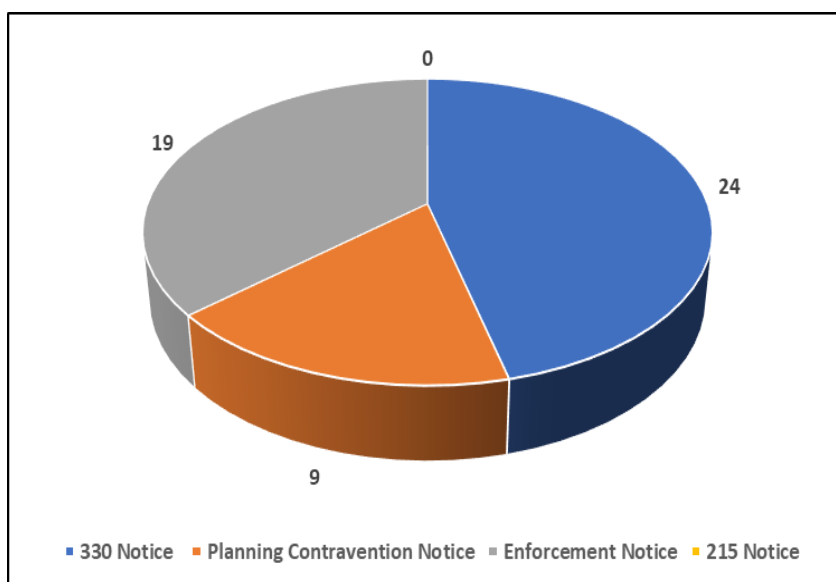
4.4 The chart below shows the categories of those cases closed:



4.4.1 The chart below shows the categories why those cases were closed:



4.5 The chart below displays the number of notices and type of notice issued during the final six months of the financial year.



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 £310,981.89 has been awarded to the Council. The Planning Enforcement Team receive roughly 1/6th of that figure, so approximately £60,000 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
	£360,981.89	

4.7 There have been no Court cases concluded during the final six months of the financial year.

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.

Ian MacLeod
Director of Planning Transport and Sustainability

Contact Officer: Mark Franklin
E-Mail: mark.franklin@birmingham.gov.uk