

Birmingham City Council

Report to Planning Committee

28 October 2021

Subject: Enforcement Performance

Report of Ian MacLeod - Acting Director, Inclusive Growth Directorate
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Does the report contain confidential or exempt information? ☐ Yes ☒ 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. This report shows performance/data for the financial year half 1, April 2021 to September 2021.

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:

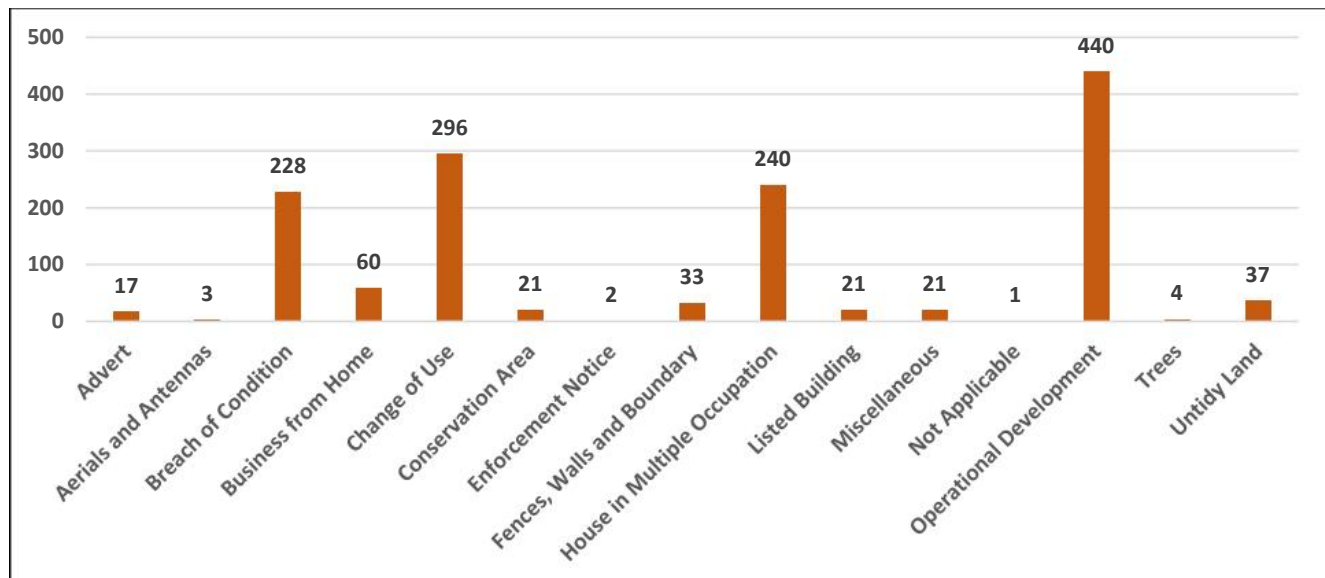
- 3.1 A review into the operation of the team was undertaken in November 2020 and it was concluded that the enforcement team would be divided into North and South teams. The North team managed by James Fox, Acting Principal Enforcement Officer and the South team managed by Mark Franklin, Principal Enforcement 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 February 2021 saw the loss of 1x Senior Enforcement Officer (SEO) to long term sick leave and the introduction of 2x Graduates onto the team. Due to the high volume of case work, 2 agency staff were appointed on a 6-month contract. As of October 2021, the officer has returned from long term sick leave, but is unable to operate in the substantive role as a SEO. For a temporary period of time this officer will be registering complaints. The officer currently registering complaints has increased his caseload. One

agency staff member left. We have secured the remaining agency member of staff until March 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 30 September 2021 (1424). These can be categorised as the following:



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

WARD	Count
Acocks Green	38
Allens Cross	4
Alum Rock	46
Aston	35
Balsall Heath West	11
Bartley Green	9
Billesley	15
Birchfield	35
Bordesley & Highgate	29
Bordesley Green	31
Bournbrook & Selly Park	69
Bournville & Cotteridge	22
Brandwood & King's Heath	23
Bromford & Hodge Hill	23
Castle Vale	2
Druids Heath & Monyhull	6
Edgbaston	14
Erdington	64
Frankley Great Park	4
Garretts Green	6

Glebe Farm & Tile Cross	15
Gravelly Hill	26
Hall Green North	35
Hall Green South	16
Handsworth	28
Handsworth Wood	38
Harborne	25
Heartlands	24
Highter's Heath	6
Holyhead	21
King's Norton North	7
King's Norton South	4
Kingstanding	11
Ladywood	16
Longbridge & West Heath	7
Lozells	15
Moseley	50
Nechells	10
Newtown	13
North Edgbaston	38
Northfield	3
Oscott	18
Perry Barr	42
Perry Common	9
Pype Hayes	20
Quinton	17
Rubery & Rednal	0
Shard End	7
Sheldon	16
Small Heath	30
Soho & Jewellery Quarter	63
South Yardley	17
Sparkbrook & Balsall Heath East	54
Sparkhill	37
Stirchley	15
Stockland Green	41
Sutton Four Oaks	11
Sutton Mere Green	4
Sutton Reddicap	6
Sutton Roughley	1
Sutton Trinity	8
Sutton Vesey	19
Sutton Walmley & Minworth	7
Sutton Wylde Green	7
Tyseley & Hay Mills	9
Ward End	31
Weoley & Selly Oak	14
Yardley East	13
Yardley West & Stechford	12

Total **1424**

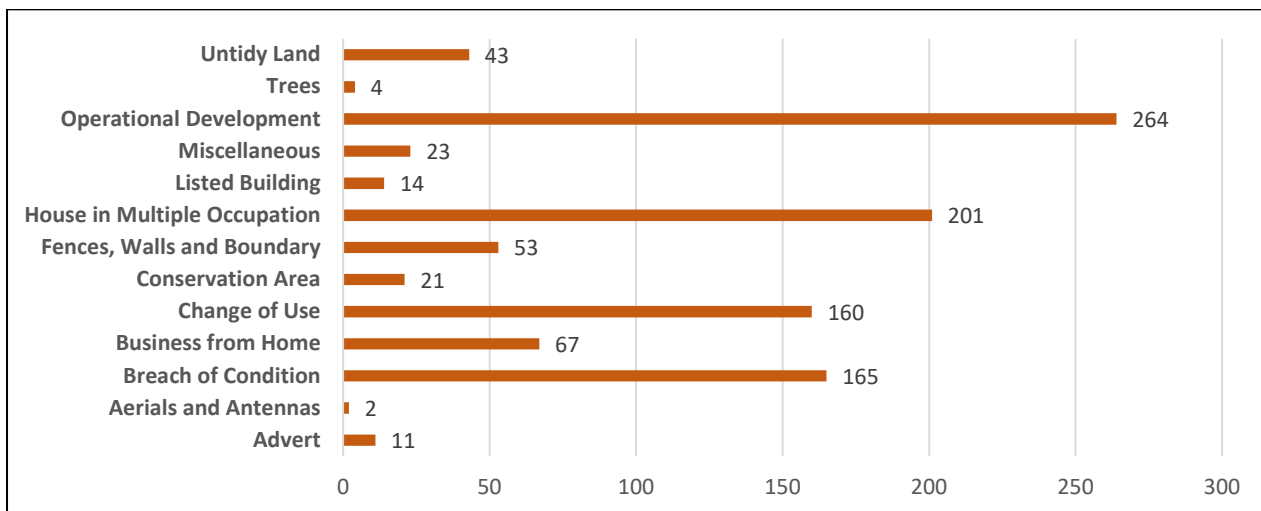
4.3 There has been a total of 1028 cases closed during the first six months of the financial year. The table below shows the number of closed cases per ward:

WARD	Count
Acocks Green	35
Allens Cross	6
Alum Rock	11
Aston	12
Balsall Heath West	14
Bartley Green	5
Billesley	17
Birchfield	19
Bordesley & Highgate	13
Bordesley Green	16
Bournbrook & Selly Park	65
Bournville & Cotteridge	6
Brandwood & King's Heath	28
Bromford & Hodge Hill	19
Castle Vale	1
Druids Heath & Monyhull	7
Edgbaston	14
Erdington	31
Frankley Great Park	7
Garretts Green	3
Glebe Farm & Tile Cross	15
Gravelly Hill	11
Hall Green North	43
Hall Green South	22
Handsworth	12
Handsworth Wood	11
Harborne	32
Heartlands	7
Highter's Heath	9
Holyhead	9
King's Norton North	5
King's Norton South	8
Kingstanding	12
Ladywood	17
Longbridge & West Heath	13
Lozells	21
Moseley	35
Nechells	8
Newtown	19
North Edgbaston	36
Northfield	17
Oscott	12
Perry Barr	12
Perry Common	3
Pype Hayes	10
Quinton	11
Rubery & Rednal	8
Shard End	3

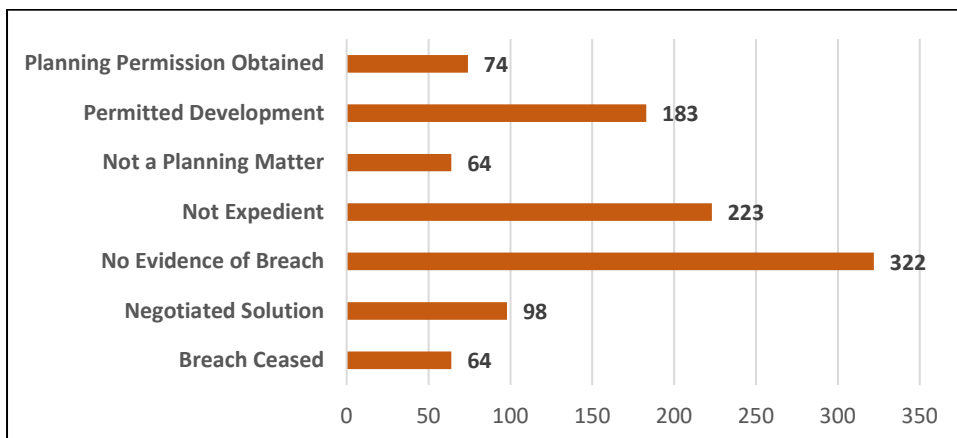
Sheldon	14
Small Heath	16
Soho & Jewellery Quarter	31
South Yardley	11
Sparkbrook & Balsall Heath East	23
Sparkhill	26
Stirchley	17
Stockland Green	33
Sutton Four Oaks	9
Sutton Mere Green	2
Sutton Reddicap	3
Sutton Roughley	5
Sutton Trinity	7
Sutton Vesey	17
Sutton Walmley & Minworth	2
Sutton Wylde Green	9
Tyseley & Hay Mills	10
Ward End	9
Weoley & Selly Oak	15
Yardley East	9
Yardley West & Stechford	10

1028

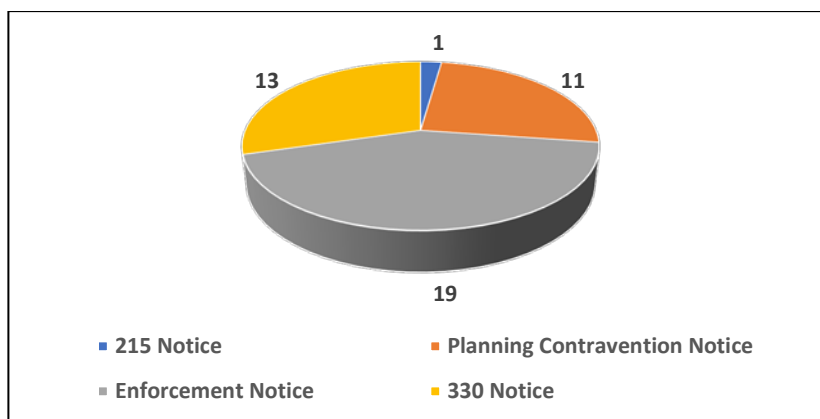
4.4 The chart below shows the categories of those cases closed:



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 first 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 Court cases concluded during the first six months of the financial year are as follows:

<u>Date</u>	<u>Fine and Costs</u>	<u>Breach</u>
01/10/2021	£16,758.30	Unauthorised change of use to a HMO
08/10/2021	£1,334.00	Unauthorised single storey building
	£18,092.30	

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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