



REGULATORY SERVICES COMMITTEE

REPORT

5 December 2013

Subject Heading:

Prosecutions update

Report Author and contact details:

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The subject matter of this report deals with the following Council Objectives

| | |
|--|-----|
| Clean, safe and green borough | [x] |
| Excellence in education and learning | [] |
| Opportunities for all through economic, social and cultural activity | [x] |
| Value and enhance the life of every individual | [x] |
| High customer satisfaction and a stable council tax | [x] |

SUMMARY

This report updates the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. Failure to comply with the requirements of an Enforcement Notice is an offence prosecutable through the Courts.
2. A Local Planning Authority is not obliged to proceed to prosecution. In practice this power tends to be sparingly used by Local Planning Authorities primarily for two reasons. Firstly, LPAs are encouraged through national guidance to seek negotiated solutions to planning breaches. Formal action should be used as a last resort and only where clearly expedient and proportionate to the circumstances of the case. Secondly, prosecutions have significant resource implications which can compete for priority against other elements of workload both for Planning and Legal Services.
3. As confirmed in the Policy for Planning Enforcement in Havering, prosecutions should only be pursued on legal advice, when it is clearly in the public interest and when the evidential threshold has been reached, ie where it is more likely than not (a greater than 50% probability) that a conviction will be secured
- 4 There have been one prosecution this quarter and one appeal against conviction of previous prosecution at Snaresbrook Crown Court, see Appendix 1

IMPLICATIONS AND RISKS

Financial implications and risks: Financial resources are required to undertake Prosecutions.

Legal implications and risks: Prosecutions requires use of legal resources.

Human Resources implications and risks: None identified.

Equalities implications and risks: The Councils planning powers are implemented with regard for equalities and diversity

Appendix 1.

| Address | Summary of Breach | Legal Action | Outcome |
|--|--|--|---|
| 5 Writtle Walk Rainham | Unauthorised Use as A5 Take-away | 7 August 2013 Snaresbrook Crown Court – Appeal against conviction of previous prosecution 13-04-12 | Found Guilty Fined reduced from £12,500 to £7,500 Cost awarded to LBH £15,000 |
| 2a Woburn Avenue Elm Park Hornchurch | Unauthorised conversion into 4 self – contained flats. | 11 October 2013 Haverling Magistrates Court | Found Guilty Fined £800.00 Cost awarded to LBH £1,545.10 |