

## Appendix A

### Review of Public Pride recommendations- report of the Planning Department

#### Action under s.215 of the Town and Country Planning Act 2010

The 2009 report of the Policy Development Scrutiny Committee contained a recommendation that:

*The Council should be more proactive in using the powers available to it under section 215 of the Town & Country Planning Act 1990 for land and buildings to be cleaned up when their condition adversely affects the amenity of an area.*

The process for enforcement is as follows:

1. The case is reported to the Council usually by councillors, members of the public or enforcement officers.
2. The case is investigated by an enforcement officer to determine whether it is a valid case, if it does not relate to an amenities issue it cannot be pursued under Section 215. The Council has powers to investigate residential dwellings, commercial properties and public land.  
An initial approach by an enforcement officer, once it has been determined that it is a suitable case for s.215 consideration, often has the desired effect of clearing up the matter satisfactorily. If not, the next step is for formal action to be authorised.
3. When the case is authorised for action, a letter is sent detailing what needs to be rectified (for example vegetation cleared, fence repaired) and a deadline is given.
4. If no action is taken within a certain amount of time (usually a matter of a few weeks, depending on the amount of work that needs doing, weather conditions etc), a formal notice under Section 215 is served.

The numbers of cases in recent years is shown below:

	2008	2009	2010 (to 8.12.10)
S.215 enforcement cases investigated	6	7	4
Cases authorised for action	1	3	1
Notices served	0	0	2

Note: Caution is required in interpreting these figures as not all the figures within one year relate to the same cases. For example, in respect of one of the cases authorised in 2009 the notice was not served until 2010.

It is generally the case that the commencement of a formal enforcement investigation is enough to secure an improvement in the condition of the land in question. Hence, the great majority of cases do not proceed beyond the investigatory stage before being satisfactorily concluded.

Moreover, if the informal approach does not work, the next stage (of authorisation for a s.215 notice to be served) usually has the desired effect.

Only in a very small number of cases is it necessary to serve a notice, and this is borne out by the above figures. The small number of cases is a positive reflection of the state of the public realm in Watford. However, Planning Enforcement Officers have a full caseload investigating sites that have been reported.

There is a right of appeal against a s.215 notice, and, consequently, a notice should not be served where there are grounds for allowing such an appeal. As a result of careful targeting of s.215 cases in Watford, there have been no appeals to the Magistrates' Court against any of the s.215 notices served by the Council in 2008, 2009 or 2010.

One of the two notices served in 2010 has been complied with. The second notice has only recently been served and the period for compliance has not yet expired (expiry date is 31 December 2010).