

Scrutiny Sub-Committee C

Wednesday March 3 2010
7.00 pm

Membership

Councillor Toby Eckersley (Chair)
Councillor Anood Al-Samerai (Vice-Chair)
Councillor Richard Livingstone
Councillor Jane Salmon
Councillor Mackie Sheik
Councillor Robert Smeath

Reserves

Councillor Columba Blango
Councillor Robin Crookshank Hilton
Councillor Helen Jardine-Brown
Councillor Alison McGovern

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Webpage:

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: February 24 2010



Scrutiny Sub-Committee C

Wednesday March 3 2010
7.00 pm

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.

4. MINUTES

1 - 6

To approve as a correct record the Minutes of the open section of the meeting held on 11 November 2009.

5. 20MPH AND SPEEDING REVIEW

7 - 14

6. PLANNING ENFORCEMENT REVIEW

15 - 89

Paper from Councillor Nardell to follow.
Discussion with Head of Planning Enforcement and Group Manager of Planning Enforcement

DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.

PART B - CLOSED BUSINESS

DISCUSSION OF ANY OTHER CLOSED ITEMS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: February 23 2010



SCRUTINY SUB-COMMITTEE C

MINUTES of the Scrutiny Sub-Committee C held on Wednesday November 11 2009 at 7.00 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Toby Eckersley (Chair)
Councillor Anood Al-Samerai
Councillor Susan Elan Jones
Councillor Richard Livingstone
Councillor Jane Salmon
Councillor Robert Smeath

OTHER MEMBERS PRESENT: Paul Kyriacou Executive Member for Environment

OFFICER SUPPORT: Wayne Chance Chief Superintendent, Southwark
Sally Masson - Scrutiny Project Manager
Barbara Selby – Planning and Transport
Glenn Higgs - MVA

1. APOLOGIES

2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

4. MINUTES

To approve as a correct record the Minutes of the open section of the meeting held on July 20 2009 – Resolved with the corrections agreed at the November 11 2009 meeting.

To approve as a correct record the Minutes of the open section of the meeting held on October 13 2009.

5. BUDGET AND POLICY REPORT SIGN OFF

The Sub-Committee agreed and signed off the report.

6. 20 MPH ZONES AND SPEEDING REVIEW

- 6.1 The Sub-Committee considered the report commissioned from the MVA.
- 6.2 The Executive Member for Environment informed the Sub-Committee that discretionary funding from LIP had amounted to £100,000 to be used for 20mph speed limits. Recently, the Executive Member met with Wayne Chance, Southwark's Chief Superintendent to discuss future plans.
- 6.3 The Sub-Committee heard that restricted speed zones were very appealing for local Councils because they are self enforcing and they have significantly reduced accidents. Most notably they provide a reduction in fatal accidents involving cyclists. However there are currently no plans to increase road safety campaigns around problem arterial routes such as the main road into Kennington. The Chief Superintendent of Southwark said that he continues to support plans to increase the number of 20mph zones and to enforce speed limits. The police are being actively vigilant to road traffic offenses in general, including dangerous driving and driving without due care and attention (bad driving also comes under this definition).
- 6.4 Officers reported that overall there has been a reduction in serious collisions in Southwark and that there should be continued support for similar speed restriction schemes. The Chief Superintendent said that they could bid for resources through a centralised tasking process but he emphasised that he supported further schemes as long as they conformed to statutory guidelines.
- 6.5 Speed restriction schemes were a pan London response and he confirmed that the police had a community safety role, which included taking an active role in promoting road safety awareness in schools and with the general public.
- 6.6 Members of the sub-committee wanted to know what other measures Southwark could finance to improve the road safety situation. For example, Members thought that the Rotherhithe new road junction was a problem spot and wondered if Southwark is

doing enough overall to improve the situation in this and similar areas. The Executive Member for the Environment said that Southwark was looking at road safety overall but that the work was always going to be limited by how much is available to spend.

- 6.7 Members were concerned that speed humps were not necessarily the best traffic calming measure, as these themselves can create problems. Speed humps had an impact on the maintenance costs to private vehicles and they also posed some significant problems to emergency vehicles. For instance there was anecdotal evidence to suggest that pregnant women had experienced discomfort in ambulances and cars which are forced to go over speed humps. The Superintendent said that he couldn't speak with any authority on the experience of those using and operating emergency vehicles apart from to say that the humps were designed to allow emergency vehicles through. In reaction, Members wanted to know if this might also mean that emergency vehicles were slower at getting to emergency calls. The Chief superintendent said that he thought that the response times were in fact getting quicker.
- 6.8 There were still issues that Members felt needed addressing regarding speed humps:
- damage to private and emergency vehicles
 - criminals smashing in to them, possibly causing other vehicles to smash into them
 - reduced chasing times and response times to emergencies in general
- 6.9 The Chief Superintendent conceded that response times might be improved without speed humps. However, on balance, taking into consideration the safety they brought about, he didn't think that this issue was something to be unduly concerned about.
- 6.10 Glenn Higgs (MVA), the superintendent and the Executive member all agreed that speed cameras were an effective deterrent. The cameras are managed by the London Safety Camera Partnership and it is they who decide where the cameras should be placed. However, there is an ongoing revenue cost to them which means that their placement is carefully considered. The Sub-Committee heard how they were not popular with the police who often set them off when responding to emergency calls and this incurred a great deal of paperwork for them as a result.
- 6.11 Members wanted to know if 20mph zones were always appropriate. Were there times when installing road calming measures can run the risk of needlessly annoying and inconveniencing responsible motorists. Members felt that more consideration should be given to this.
- 6.12 Barbara Selby head of transport planning, said that they were

aware that Southwark needed to review its Road Safety Plan after the departmental restructure. She reported that the policing of 20mph zones had its difficulties, and there was a need to look at the mechanisms that underpinned how this might work better in future. Any review undertaken needed to actively seek the views of local people by those without a vested interest in the subject. MVA were commissioned on this basis and provided the report that the Sub-Committee were now considering.

- 6.13 Glenn Higgs of the MVA reported that sinusoidal speed humps were now the usual and preferred road calming measure. This was mainly because they affected less of a jolt when vehicles went over them. They were also preferred by cyclists who were often forced into the gutter with the conventional humps and by vehicles swerving to reduce the impact of striking the hump. However, Members felt that the humps were another deterrent to people becoming cyclists and thought that more consideration should be given to how cyclists use the road and who is cycling. Although road humps were the most cost effective measures, they are not suitable for all areas. For instance it might be that chicanes might be more suitable on bus routes.
- 6.14 Southwark were now correlating data on traffic calming measures. They sought to examine the impact over a period of 3 years across 19 zones. On average collisions were down by 28% but there was little change in the types of collisions that occurred. Speed humps were seen as very cost effective way of reducing collisions, requiring little maintenance with no added costs after their implementation. The environmental costs were seen as negligible compared with the benefits of their success in improving road safety. Glenn Higgs said that these traffic calming measures had little impact on the statistics for accidents involving pedestrians, as pedestrian numbers are increasing.
- 6.15 Members drew attention to the frustration caused to pedestrians by installing 'speed tables.' Often pedestrians were left waiting a long time for larger vehicles to pass over them. Glenn Higgs said that it might be that raising pedestrian crossings might help change the dynamic of road users so that pedestrians were given more of a priority.
- 6.16 According to Transport for London figures, traffic has plateaued on major routes in recent years. Traffic calming measures are more tricky to implement on major routes, where most accidents take place.
- 6.17 There are increasing amounts of psychological traffic calming measures such as encouraging mixed street use where pedestrians and traffic share the same space. This can help to discourage traffic from roaring through densely populated areas. Southwark are starting to collect data from other boroughs over a 3

year period to measure schemes such as the mixed use schemes.

- 6.18 There is a huge gap between the cost benefit analysis across journey times in 20mph zones and this has not been addressed in this current MVA report. MVA are looking at data in 20mph zones, looking for correlations between speed, collision rates and not impact on journey times.
- 6.19 Members felt that there were negative costs associated with the introductions of such schemes to small businesses and other commercial operations and that it was the measures themselves which were frustrating motorists and lengthening the time of their overall journey. Officers said that journey times were more likely to be controlled by how traffic behaved at junctions rather than the traffic calming measures themselves. Members wanted more data on this but Officers informed the sub-committee that the data had only just started to be collected. Officers were not aware of any comparative studies elsewhere.
- 6.20 The committee went over an Officer briefing on the sustainable communities act:

'In July 2009, Southwark Council submitted eight proposals to the Local Government Association (LGA) under the Sustainable Communities Act. These proposals had been submitted by local residents and were approved by a panel of local people and by Council Assembly. The eight proposals that were submitted are as follows:

- 1. A Southwark Safety Camera partnership*
- 2. Relaxing requirements for 20mph zones to have self-enforcing calming measures*
- 3. A national plastic bag free day*
- 4. A duty on Network Rail and any other rail operators to work in partnership with local authorities and local communities*
- 5. Simplifying tax incentives that encourage businesses to promote sustainable commuting*
- 6. Incentives to budget for leaseholder repair bills*
- 7. Civil penalties for unlawful use of properties to cover enforcement costs*
- 8. Support for perma-culture design principles in national*

planning policy'

- 6.21 Officers said that more community involvement must be encouraged in all policy making, including those pertaining to traffic calming measures.
- 6.22 The Sub-Committee went through the recommendations in the MVA report.
- 6.23 The Chair requested a briefing note from .Eamon Doran (Group Manager sustainable travel and road safety) for the next meeting.
- 6.24 Officers said that they would get back to the sub-committee regarding a consultation which is currently being undertaken in North Dulwich which might help inform our review.
- 6.25 Members wondered if there was a case for closing appropriate streets to vehicles altogether.
- 6.26 The Sub-Committee agreed that they would be recommending to the Executive that they take up the recommendations set out in the MVA report. The Sub-Committee felt that proper consideration needed to be given to any road calming measures along with proper investigation into the resulting effects.
- 6.27 The Sub-Committee would also be recommending that that the Executive keeps itself fully informed and up to date on the latest research and findings in this area.

7. WORK PROGRAMME

Members discussed the next topic on the work programme; Planning Enforcement.

The Sub-Committee agreed to invite Councillor Gordon Nardell to the next meeting to help inform the scoping of the review.

The topic to include: retrospective planning applications, such as housing renovations. They also wanted to look at how Southwark monitor private developers and to receive quarterly information for each community council area.

The meeting ended at 9.00pm

20mph Averaging Speed Cameras

Background

Average speed camera systems utilise state of the art video systems with Automatic Number Plate Reading (ANPR) digital technology. Consisting of a minimum of two cameras each fitted with infra red illuminators, and fitted on gantries above the road, they can work day or night. Cameras work out the vehicle's average speed, given the time it takes to drive between the two camera positions.

Average speed cameras are fitted either at the roadside or in the central reserve a set distance apart to create a speed controlled zone, or where appropriate, groups of cameras can be linked to create a speed controlled network. As vehicles pass between the entry and exit camera points their number plates are digitally recorded, whether speeding or not. Then, by ANPR recognition, the images on the video of matching number plates are paired up, and because each image carries a date and time stamp, the computer can then work out the average speed between the cameras.

Home Office Type Approval

Effective road policing relies on the use of sophisticated traffic law enforcement devices. The Road Traffic Offenders Act 1988 requires that these devices are approved by the Secretary of State, so that evidence from them can be used in court proceedings. Type approved speedometer cameras are devices used to detect vehicles breaking the designated speed limit for an area by means of radar, light beam or distance over time speed detection devices.

Before certain new technologies can be used officially by the police in enforcement of traffic law, they have to be 'type approved' by the Home Office. Devices are tested in various conditions over and above what is required in normal day-to-day operations. This ensures that the equipment is reliable, robust and of a sufficiently high standard to be used to produce evidence.

The type approval process has two stages: one led by the Association of Chief Police Officers (ACPO) roads policing enforcement technology committee and the second by the Home Office Scientific Development Branch (HOSDB).

The ACPO committee review the technical description and health and safety information of any new device presented by a company, and if it is thought to have merit, the committee allocates three police forces to carry out tests in

accordance with guidance. The HOSDB decides whether the device should have further technical tests, and if these are satisfactorily completed it recommends type approval to the Home Office Public Order Unit.

Currently two companies, Speed Check Services and RedFusion have achieved Home Office Type Approval for their 20mph speed averaging cameras.

Southwark Council is presently working with a company called Pips Technology to try and achieve Home Office Type Approval for their SpeedSpike 20mph averaging camera system. The advantage this system will have over those currently approved will be that they can be mounted on existing lamp columns and don't require gantries.

Research

Average speed cameras have proved effective at persuading people to keep within the limits. Nearly 100 have been installed at roadworks — typically on motorways — and accident black spots, and according to data collected from five active camera sites, 99.4 per cent of drivers obey the speed limits.

The number of motorists killed and seriously injured after the cameras have been introduced falls by nearly two thirds on average.

Research carried out by the Department for Transport in London claims that cutting the speed limit to 20mph makes these areas much safer for road users. According to the research, only one in forty pedestrians dies when hit at 20mph compared with one in five hit at 30mph.

Transport for London Trial

In May 2009 Transport for London (TfL) wrote to all London Boroughs stating that they would like to trial 20mph Average Speed Camera Systems in approximately four to six Authorities and asked whether each borough would like to be considered for inclusion in the trial.

Boroughs had to submit a number of locations that met the following criteria to be considered:

- There must be a history of reported casualties within the proposed area
- There should be a recognised 'rat run' route through the proposed area
- There must be no existing physical traffic calming measures within the proposed boundaries so that we would not replace existing road humps with cameras as part of this trial.

- There would be a maximum of three entry/exit points to be covered by cameras.
- A borough must be willing to spend a proportion of its Local Implementation Plan (LIP) Road safety funding on the camera scheme.

Southwark submitted 8 separate borough locations (please see appendix 1 & 2) that met the above criteria. In July TfL informed the Council that it had been selected for participation in the trial and that Albany Road was the chosen location.

Current Position

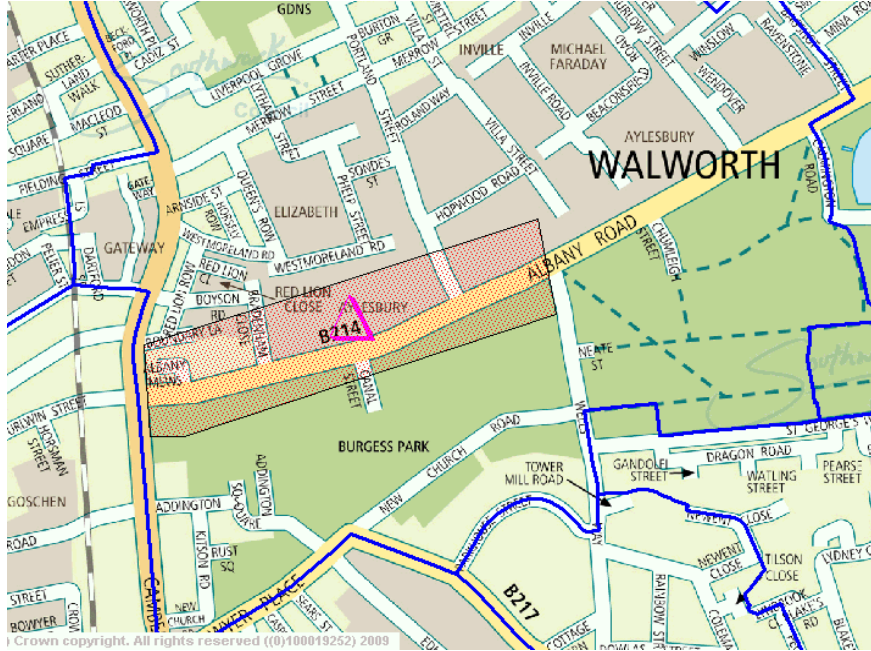
- TfL have agreed to pay for the installation of the cameras as well as maintenance for the 3 year trial period.
- TfL are currently carrying out their procurement process and are in discussions with the Department for Transport regarding signage – number and type required.
- Southwark Council will carry out the required consultation process prior to implementation which is expected to take place in late spring 2010.
- Enforcement is expected to take place in the summer 2010.

Appendix 1

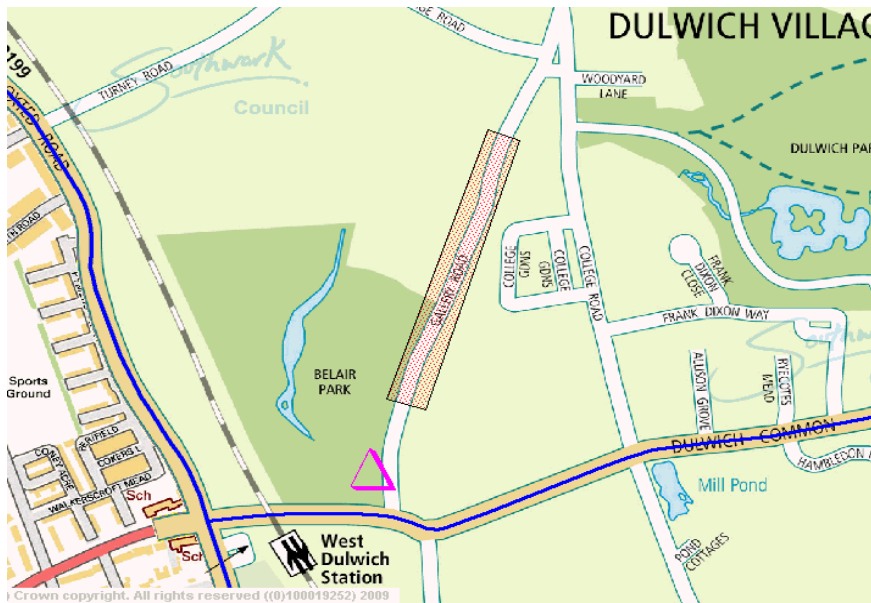
	Accidents/Collisions over a 36 month period to Dec-2008			85th %tile Speed	Average daily traffic volumes	Number of entry/exit points	Physical Traffic Calming Measures	Recognised Rat-Run	Schools in area	Emergency Service Route	Bus Route	Location points (easting and northing) for stretch of road under possible ANPR camera trial.	
	Slight	Serious	Fatal									From	To
Albany Road	11	1	0	30.9	18,213	3 (with an additional 2x parks access and 1x housing estate access)	None	Yes	Yes	yes	Yes	532427, 177651	532962, 177826
Lordship Lane	9	4	0	Data to follow	Data to follow	3	None	Partially	Yes	Yes	Yes	533915, 173988	534062, 173743
Rotherhithe New Road	4	3	0	30.8	7233	3	None	No	Yes	Yes	Yes	534575, 178158	534893, 178349
Peckham Rye (north west)	3	0	1	32.7	12,809	3	None	No	Yes	Yes	Yes	534403, 175493	534409, 175762
Peckham Rye (south east)	1	1	0	31.8	4635	3 (with an additional parks accessway)	None	Yes	Yes	Yes	Yes	534535, 175525	534794, 175296
South Croxted Road?	6	0	0	Data to follow	Data to follow	3	None	Partially	Yes	Yes	Yes	533125, 171701	532826, 172509
College Road	6	1	0	28.6	8657	3	None	Yes	Yes	Yes	No	533231, 173176	533175, 173416
Gallery Road	2	1	0	33.8	9572	2	None	Yes	Yes	Yes	No	532899, 173090	533072, 173702

Appendix 2

Albany Road



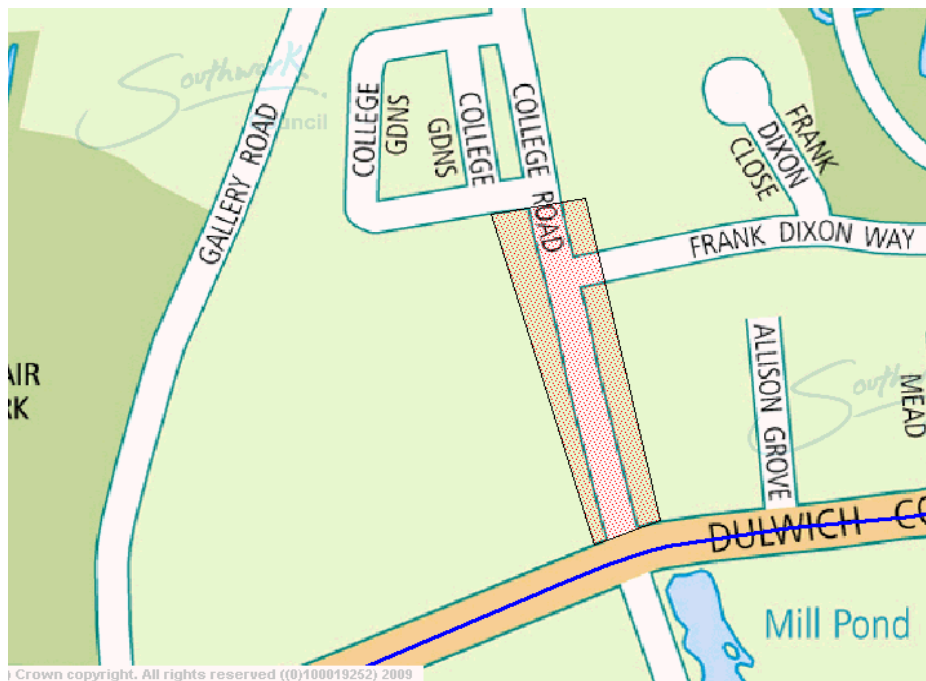
Gallery Road



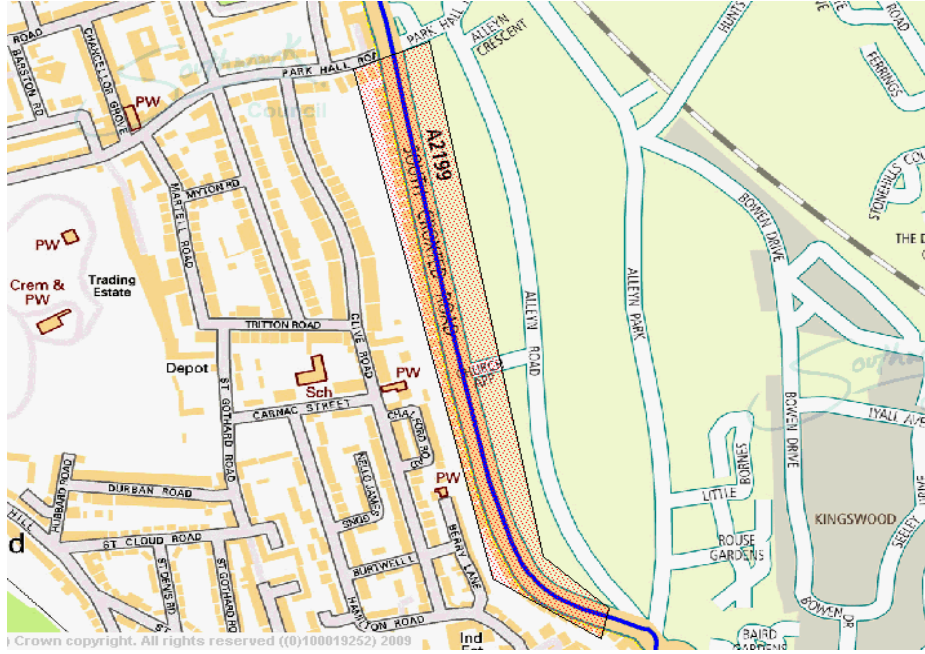
Peckham Rye (North West)



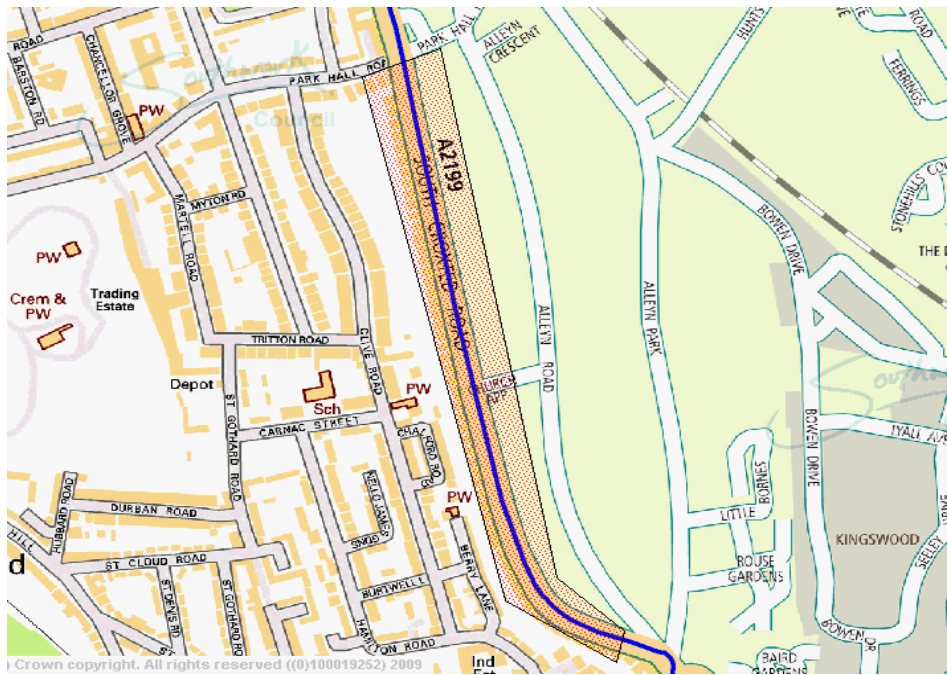
College Road



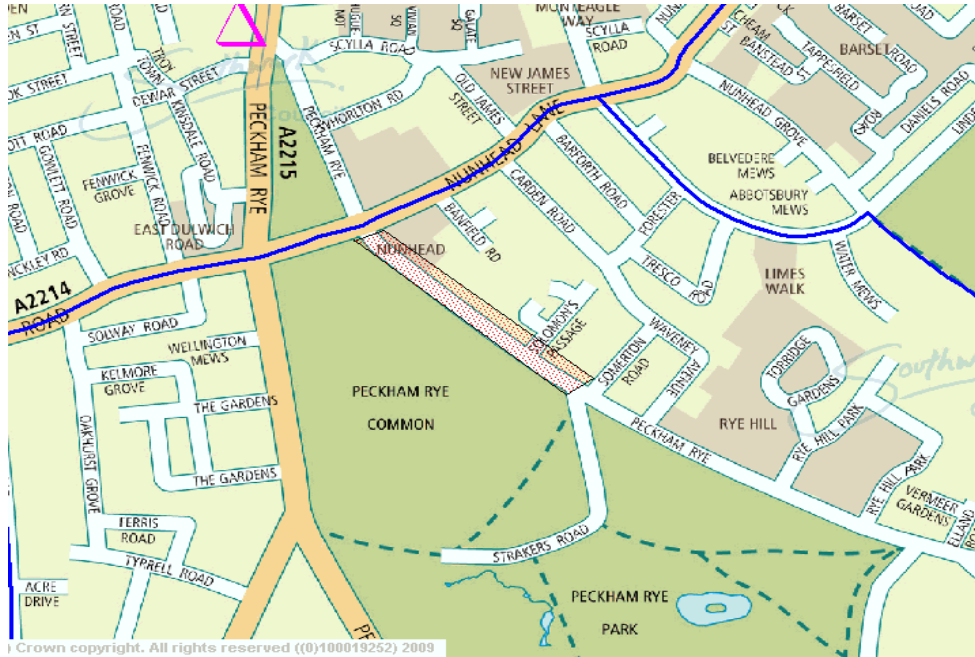
South Croxted Road



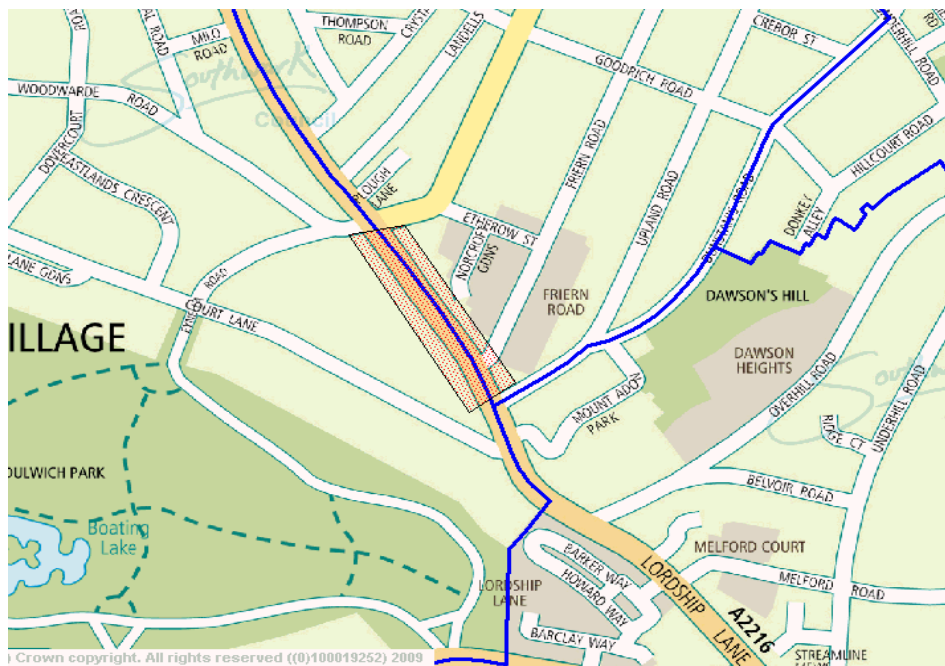
Rotherhithe New Road



Peckham Rye (South East)



Lordship Lane



Item No.	Classification: Open	Date: 18/02/2010	Meeting Name: Overview & Scrutiny Sub-Committee
Report title:		PLANNING ENFORCEMENT	
Ward(s) or groups affected:		All	
From:		Head of development management	

RECOMMENDATION

1. The purpose of this report is to enable the sub-committee to understand the work undertaken by officers in order to shape discussion on the review of planning enforcement function.

BACKGROUND INFORMATION

2. Planning enforcement in Southwark undertaken primarily by the planning enforcement team within the Development management business unit within the Planning and transport division of the Regeneration and neighbourhoods department. The team has an establishment of seven comprised of 1x group manager, 1x team leader, 1x senior enforcement officer, 2x enforcement officer, 1x special projects officer, and 1x trainee planning officer. There is presently one vacancy (enforcement officer) within the team.
3. Between 2005 and 2009 staffing levels varied due to the reliance on agency staff and a high turnover. Such variation in resourcing resulted in low levels of enforcement against certain breaches of planning control such as unauthorised places of worship, large format outdoor advertisements, unauthorised satellite dishes and fascia signs along high streets and major thoroughfares. This has resulted in a significant backlog which the team has to balance against current cases.
4. The investment made by members into the team in FY0708 was welcome and resulted in growth in the team resources to its current establishment.
5. The following changes and service improvements were made within the previous three years:
 - reduction and clearance of the enforcement backlog (including outstanding non-compliance with enforcement notices)
 - greater emphasis on pro-active initiatives to deal with breaches related to unauthorised faith premises, advertisements, satellite dishes in conservation areas and on listed buildings, and unlawful development in high streets and thoroughfares
 - improving timeliness and consistency of approach in carrying out investigations and increased use of enforcement notices, prosecution and direct action
 - adopting an area based approach to enforcement
 - immediate referral of refused or withdrawn retrospective planning applications to the enforcement team

- actively developing working relations with other Council units and agencies to share information and foster joined up working
 - quarterly reporting to community councils
 - publishing guidance on planning controls to encourage compliance with planning regulations
6. Some stability has now been achieved in the workforce through reduced staff turnover but there is still a high dependency on agency staff in the team. Given the budget constraints, the emphasis is on doing more with available resources and improving on work processes.
 7. In line with corporate policy, the team is seeking to reduce the number of agency staff through the recruitment of permanent staff.
 8. The figures in Appendix 1 shows general improvement in planning enforcement performance since 2005 in terms of the number of cases resolved and closed, enforcement notices issued, appeals, prosecutions and direct action. There has been a significant improvement in the success rate in defending enforcement notices on appeal and Southwark now has one of the best records in London. This is a reflection of both the quality of notices being served and of legal advice provided to the team. A number of the appeal decisions were selected for publication as notable results in the Planning, the weekly national magazine of the Royal Town Planning Institute (Appendix 2).

RESPONSES TO ISSUES RAISED

Prompt Response Once Apparent Breach Discovered By Officers/Notified by Members

9. Promptness in responding to alleged breaches of planning control has been a function of identified priorities, agreed targets, proportionality and expedience of taking enforcement action having first taken into account available guidance and advice.
10. The planning enforcement database (ACOLAID) is currently being updated in order for the effectiveness of the service to be measured, monitored and reported in terms of:
 - Dates of site visits
 - Completion of the first phase of investigations
 - Formal enforcement action undertaken
 - Number of appeals, prosecutions and direct action
 - Closure or resolution of cases
 - Customer care
11. The current procedure for investigations allows all development management staff to report contraventions or breaches of planning legislation by notifying the enforcement team using the Enforcement Investigation Form (Appendix 3).
12. Breaches of planning control are received mainly from:
 - (i) the public and members orally by telephone, by post or via email
 - (ii) following refusal of planning permission on retrospective applications
 - (iii) other units, e.g. building control, environmental protection, and licensing
 - (iv) pro-actively identified by officers

13. The planning enforcement team uses the group email address: planning.enforcement@southwark.gov.uk allowing enquiries to be picked up and responded to promptly.
14. The complaints are then investigated in accordance with the planning enforcement processes and procedures adopted on 3 March 2002 (Appendix 4) which are published on the Southwark website.
15. Enforcement officers are responsible for reviewing the relevant planning history; arranging an initial site visit/contact to verify the breach of planning control; serving a planning contravention notice if need be; notifying the Builder/Owner/developer of any contravention and advising on remedial action; updating complainants on progress; monitoring decisions on retrospective planning applications; evaluating the need for formal enforcement action; preparing reports recommending enforcement action to the Delegated Officer; sending instructions to legal to issue enforcement notice(s) once the delegated authority is obtained; defending enforcement notices on appeal through preparing statements of case and appearing as witnesses in informal hearings and public inquiries; preparing witness statements for prosecutions in court; preparing reports to take direct action in default; attending relevant interdepartmental/joint meetings; and preparing reports to close cases where there is no breach of planning control or where unauthorised development has been regularised.
16. Benchmarking against other London boroughs shows that unlike in Southwark some planning enforcement teams do not deal directly with enforcement appeals. In such cases a dedicated officer is responsible for these legally complex, often protracted and time consuming stages of planning enforcement.
17. However, having officers dealing with the entire process from complaint to court allows for greater control and consistency, and provides for better results. It follows that in Southwark there is a greater demand on officer time in dealing with appeals and prosecutions.
18. Planned system updates (ACOLAID) will provide better monitoring of team performance by measuring the following targets:
 - initial acknowledgement to all written complaints within 3 working days
 - target decision date (8 weeks from reception date)
 - target site visit
 - (high priority - 1st contact/visit within 24 hours)
 - (medium priority - 1st contact/visit within - 5 days)
 - (low priority - 1st contact/visit within 10 days)
 - target initial acknowledgement of complaint (within 3 days of receipt)
 - target initial update (28 days from reception date)
 - target action plan update (8 weeks from reception date): Where formal legal or enforcement action is taken, complainants will be notified simultaneously with the action, or at most within 3 working days following that action
 - target for issuing enforcement notice (within 2 weeks of instructions to legal)
 - target for issuing temporary stop notice (within 24 hours of instructions to legal)
19. Case Study: The Meat & Fish Market at 1-4 Holly Grove, Peckham, London SE15 5DF has been identified as an example of lack of pre-emptive action on the part of planning enforcement. The facts of the case are:

- **Alleged Breach:** Without the benefit of planning permission, the material change of use of the ground floor of the Premises from light industrial use (Class B1 of the Town and Country Planning (Use Classes) Order 1987) to a retail use (Class A1 of the Use Classes Order); more particularly, the use of the ground floor of the Premises as a meat and fish market.
 - **Actions Taken:** A retrospective planning application submitted soon after the breach had been reported. Enforcement action held in abeyance pending a decision on the planning application.
 - **Outcomes:** Retrospective planning permission was subsequently refused, and an enforcement notice and stop notice served resulting in the unauthorised use stopping. An appeal against both the refusal of planning permission and enforcement notice was dismissed and the notices upheld.
 - **Lessons Leant:** Issuing of a temporary stop notice or other formal action normally not pursued where an application has been submitted.
20. Members might wish to consider whether sufficient information in being publicised on how to report breaches of planning control, the procedure for investigating reported breaches, the role and responsibilities of enforcement officers and target dates. Is the information published on the web (as in appendix 4 sufficient?). Additional information has been provided to community councils on how residents can identify and report breaches of planning control (Appendix 5).

Criteria for Identifying Priorities & Who Decides?

21. The initial prioritisation of a complaint is based on the perceived effect/harm of the breach of planning control and is the responsibility of the Head of Development Control and the Enforcement Manager based on the following order of priorities:
22. **Priority One – High** (works causing serious harm) – First contact or site visit within 24 hours of receipt of complaint: Works that are irreversible or irreplaceable or constitute a serious breach of planning control; Unauthorised works to a Listed Building; Breaches of Article 4 Directions; Significant development within or on Metropolitan Open Land; Unauthorised development causing serious harm to the character and appearance of a conservation area; Unauthorised development (building operations and change of use) that seriously affect the vitality and viability of shopping parades.
23. **Priority Two – Medium** – First contact or site visit within 5 working days from receipt of complaint: activities that cause significant harm to residential amenity; change of use without any serious impacts; unauthorised development (building operations and change of use) that affect the vitality and viability of shopping parades; untidy sites – neglect of the environment with a wide impact; previously undetected, unauthorised developments where the time limit for enforcement soon expires ; any breach of planning control causing a limited degree of disturbance to local residents or the environment; breach of conditions and/or not built in accordance with approved plans; Unauthorised advertisements; and general compliance checks.
24. **Priority Three – Low** – First contact or site visit within 10 working days from receipt of complaint: sheds, means of enclosure; dropped curbs/crossovers; satellite dishes; minor operations; estate agent boards; and any low impact to residential amenity.

25. Officers believe that the prioritisation above provides for the most efficient and effective use of Council resources and would appreciate Members' views on whether the current prioritisation provides for an effective use of limited resources. It is not feasible to categorise all the potential breaches of planning control into these priority groups. The final decision on the priority given to an investigation lies on the seriousness of perceived and potential harm.

Appropriate use of Pre-emptive Powers: Is an Overcautious approach taken towards SNs & TSNs?

26. The appropriateness of any pre-emptive action the team takes depends on the seriousness of breach of planning control based on the preceding prioritisation. Careful consideration of the use of the various enforcement tools is always made:
27. **Stop Notices:** Served any time after service of an enforcement notice to require unauthorised activities to cease permanently where the local planning authority consider it expedient that any relevant activity should cease before the expiry of the period for compliance with an EN. Table 3 in appendix 1 shows that four such notices have been issued in the current financial year.
28. **Temporary Stop Notices** – TSNs came into force on 7th March 2005 and are a serious enforcement power that should only be used in emergencies, where there is very serious harm to amenity and it is considered essential for the breach to stop immediately prior to the service of an enforcement notice. The effect of this power is similar to a mini injunction as TSNs allow for up to a 28 day cessation of the activity, a time during which all relevant matters can be reflected upon before deciding whether to pursue further action. Over the past five years, the Council has served fifteen such notices. Officers value the additional powers provided by TSNs but are also aware that government guidance on this matter states that the potential for compensation set out within section 171H should not be overlooked.
29. This power should only be used as a last resort if on balance the harm to the amenity at stake is greater than the infringement upon individuals' right to use their property. The use of this power therefore requires careful consideration and the LPA is required to undertake a cost/benefit analysis in accordance with the Circular guidance when considering taking this action. Compensation can be payable, amongst other things, if the specified activity is authorised by a planning permission, development order or local development order; a certificate of lawful existing use/development is issued or if the authority withdraws the notice.
30. As a result, decisions to issue TSNs follow careful consideration of all the available information including legal advice. All of the 15 TSNs issued over the period 2006 to 2009 were complied with, with no claims for compensation made. In short, the use of temporary stop notices is carefully assessed based on the merits of each case.
31. **Injunctions:** Section 187B of the 1990 Act provides that where a local planning authority considers it necessary and expedient for any actual or apprehended breach of control to be restrained by injunction, they may apply to the court for an injunction, whether or not they are proposing to exercise any of their other powers under the part. In many cases, authorities use injunctions at the end of a long process of enforcement action. Quite often, it can be used as a final push when

ENs or BCNs have been issued but are not complied with. It must be stressed that this course of action is only used in extreme cases.

32. Case Study: Bushey Hill Road. The threat of an injunction, it appears, normally spurs contraveners to act. However, officers do not hesitate to pursue such action where there is clear justification.
- **Alleged Breach**: Breach of Condition 11 of planning permission dated 14 December 2006 Case Number 06-AP-0645. “The access from Peckham Road shall not be used at any time or for any purpose to provide a vehicular access into, through or across the site.” The access way was too narrow and its use by large construction vehicles was causing serious loss of amenity to adjoining occupiers.
 - **Actions Taken**: Temporary stop notice, enforcement notice and full stop notices issued.
 - **Outcomes**: Breach stop and latter resumed and officers considered seeking an injunction. Legal services established initial contact with contravener resulting in the unauthorised access to stop.
 - **Lessons Leant**: Injunctions are a powerful tool and often the threat of an injunction produces the desired results.
33. **Other Enforcement Action**: Table 3 in appendix 1 shows that over the period 2006-2010, 359 separate pieces of legal action were pursued in terms of enforcement notices, breach of condition notices, planning contravention notices, section 215 notices, discontinuance notices and s11 notices. A number of these resulted in criminal prosecutions when the notices were not complied with as shown in appendix 1.
34. In response to Members’ concern of a lack of pre-emptive action, officers believe that full use is being made of the available enforcement powers. Officers are able to provide to residents and members detailed reports (when requested) explaining the preferred course of action on any investigation in addition to the quarterly reports to Community Councils.
35. However, lessons drawn from past cases show that the following issues reduce the scope for timely resolution of breaches:
- i. Breaches of planning control by other Council departments and subsequent lack of cooperation in trying to resolve the breaches
 - ii. Lack of timely submission of applications as requested to regularise sites that are subject to enforcement action
 - iii. Contraveners delay in replying to letters sent to them and then delaying taking action on matters that would not always be subject to actual enforcement action i.e. not expedient to do so due to the minor nature of the complaint
 - iv. The past high turnover of staff resulted in lack of continuity in investigations on some cases
 - v. Failures to pursue minor infringements such as satellite dishes in conservation areas, unauthorised estate agents boards, etc

- vi. Limited opportunity to monitor development and conditions (especially pre-commencement). There are no national or local procedures for checking that developments take place in accordance with approved development plans. Monitoring of conditions, planning agreements and development as it progresses on site is a desirable function of the Development Management Service. There is no requirement for a developer to notify the Council as Local Planning Authority of commencement of most developments once planning permission has been granted. This can mean that comprehensive monitoring whilst desirable is not always practicable.
- vii. The need to monitor pre-commencement conditions is imperative especially where conditions are imposed to safeguard archaeological remains from development. The Queens Road cases quoted in the background papers are a good example of how arduous it is to enforce archaeological conditions once breached as any archaeological remains would have been lost. The team aims to explore the scope of:-
 - checking all Building Regulation plans to ensure that they comply with the relevant planning permission and identify any instances where planning permission is required but has not yet been sought;
 - writing to applicants on receipt of monthly notification from Building Control of all commencements of development, and write to applicants to remind them to carry out their development as approved and, where conditions are imposed requiring approval of further details, to specifically draw these to the attention of the applicant.
 - writing to applicants on receipt of monthly notification from Building Control of all completions of development, and write to applicants reminding them of the need to ensure that there are no planning requirements outstanding.
- viii. In some cases, investigations have been delayed by the fact that some of the conditions imposed on planning permissions especially in past planning decisions were unenforceable.

Information Gathering from Residents

- 36. Officers are aware that the TCPA provides for immunity from enforcement action to unauthorised development after 4 years in the case of operational development and 10 years in the case of change of use and breach of planning conditions.
- 37. It is now standard practice for officers to check when a breach of planning control commenced at the time an enquiry is logged if this is not obvious. The same information is also obtained from the contraveners at initial contact or in the form of a planning contravention notice.
- 38. However as members might appreciate, successful enforcement against unlawful uses or structures arguing immunity to enforcement action often depends on factual information provided by residents, members and others with local knowledge.
- 39. In addition to establishing when unauthorised development commenced at the start of investigations, officers request for witnesses to come forward if immunity from enforcement is alleged and argued. This is imperative at public inquiries

where first hand evidence carries more weight if it corroborates the Council's case.

40. Accordingly, the initial log sheet (in appendix 1) has been amended to require anyone reporting a breach to provide an approximate date of commencement of the alleged breach.

Suitably flexible approach where breach is unintentional and minimal policy harm

41. Advice in PPG18 'Enforcing Planning Control' states that it is Government policy that enforcement action should remain within a local planning authority's discretion, but it is pointed out that the integrity of the enforcement process depends on the local planning authority's readiness to take effective enforcement action when it is essential. Public acceptance of the development control process is quickly undermined if unauthorised development, which is unacceptable on planning merits, is allowed to proceed without any apparent attempt by the local planning authority to intervene before serious harm to amenity results from it. If local authorities fail to take enforcement action where there is clear unacceptable harm to amenity or planning interests this may be held to be maladministration by the local government ombudsman. A local authority's decision not to take enforcement action may be subject to judicial review.
42. Officers are aware that government guidance states that formal enforcement action should only be undertaken where there is an unacceptable effect on the built and natural environment and public amenity, and there is a requirement to always assess the appropriateness, proportionality and expedience of taking formal enforcement action. With this in mind the table below provides members with information on closed cases over the period of 01/05/2005 to 01/01/2010.

Table 5: Case closure summaries by Community Council from 01/01/2005 to 01/01/2010

Community Council	BC	BI	M	NB	NE	Others	Total
Bermondsey	85	10	16	125	23	24	283
Borough & BS	89	12	15	136	31	35	318
Camberwell	91	15	23	191	30	32	382
Dulwich	60	15	21	211	25	33	365
Nunhead & PR	103	27	35	190	61	30	446
Peckham	38	5	13	81	21	17	175
Rotherhithe	42	2	5	81	10	16	156
Walworth	73	9	12	101	14	28	237
Total	581	95	140	1 116	215	215	2362

NB = No breach of planning control. BC = Breach has ceased. BI = Breach immune from action. NE = Breach of control but not expedient to take action. M= Miscellaneous

43. The table above shows that only 9% of the cases were closed because it was deemed not expedient to take enforcement action. Some of these closures include the unauthorised shopfront alterations in Rye Lane. This is a decision that was

taken by the previous heads of Transport & Planning and Development Control together with the then planning enforcement manager following legal advice.

44. Approximately 25% of the actionable breaches of planning control were dealt with without resorting to formal enforcement action. This is largely attributable to the negotiating skills of the planning enforcement officers involved. Officers in the team have developed good engagement and negotiating skills to achieve agreed compliance avoiding the need of often expensive and protracted formal enforcement action.
45. Members may wish to consider whether it is desirable to be briefed where cases of broad public interest are deemed not expedient to take enforcement action. Such cases could be reported to members quarterly or at any other time upon request.

Joined Up Working

46. Officers share Members' view that joined up working is imperative for an effective planning enforcement service. The move towards area based working where an officer is responsible for specific community council areas has provided a good basis for better organised and long-term joined up working and communication. Below are some of the key relationships that required to support and improve the service:

Legal Services

- The timeliness of serving notices and the effectiveness of formal action depends on good working arrangements with the Council's legal team. Planning enforcement officers and legal offices are in contact to provide and take advice on cases, prepare instructions to issue notices, and prosecutions. There are also regular liaison meetings held between planning enforcement and legal officers. Draft legal documents including enforcement notices and letters are checked by officers before dispatch. The planned system update (ACOLAID) will include action lines allowing enforcement actions and the issuance of notices to be monitored and performance targets measured.
- At a recent legal liaison meeting it was agreed that contraveners might further be encouraged to stop unauthorised development if legal services were to issue warning letters advising contraveners that formal enforcement action will be taken if an unauthorised development does not stop. It is considered that these letters may appear to carry more weight than standard warning letters issued by planning enforcement officers.

Local Businesses & Residents

- Officers and Members share the belief that local businesses and residents are key players for joined up working in the Borough. It is a fair assumption that if local residents and businesses fully understand the law most people would choose to abide by it. Therefore by providing clear guidance about planning law and process, fewer offences may be committed and possibly result in a lighter workload for the planning enforcement team.

- Officers are aware that some London boroughs have produced helpful guides for distribution to small businesses and retailers concentrating on issues such as signs and shop fronts. As reported above, planning enforcement has coordinated the production and publication of a faith premises guide and a hoardings guide in response to the proliferation of unauthorised faith premises (appendix 6) and hoardings (appendix 7) respectively.
- Similar guidance can be prepared for areas where traditionally there have been high levels of breaches such as signage, shop fronts and changes of use. This would especially benefit the high streets improvement programme which the team recently initiated focusing on Borough High Street for its pilot scheme. The benefits and impacts of such advice would be monitored and its effectiveness evaluated.
- Alternatively residents could benefit from clear information on breaches of planning control in terms of what is a breach, how breaches are reported, what happens to complaints, what is formal action, and how long action will take. The team has already prepared such information for dissemination at community councils at the request of members (appendix 5).

Other Council Units & Agencies

- Cross departmental and multi-agency working provides planning enforcement officers with the opportunity to liaise and communicate with other groups including housing enforcement, licensing, environmental protection, highways, area management teams, building control, community wardens, empty homes, the police and to coordinate the use of various statutory powers in a complementary and better ways.
- A cross department working group has been set up to coordinate the work around unauthorised faith premises and a formal working relationship established with the film and events office around the use/misuse of public space. Planning enforcement has also participated in the Partnership Operations Group, a joint task force established to provide cross borough liaison between the various local authority enforcement units.
- Recent examples of joint working in the Peckham area include: joint monitoring with the police and community wardens of breach of hours of operation by bars and night clubs and unauthorised nightclubs; and joint patrols and attendance at community events such as the recent 'You & Your Peckham' event. Community wardens have been useful for out of office hours monitoring of breaches of planning control. The presence of other agencies, especially the police, is critical in helping to collect evidence and providing discreet backup for visits to potentially risky locations.
- There is scope for other Council departments to be provided information on how to identify breaches of planning control. Officers from building control, empty homes, area management teams, licensing and environmental protection are already reporting possible breaches of planning control to the team on a regular basis. However, there might be a need to consolidate this through a more formal exchange of information and partnership workshops to get a better understanding of the remit of other teams & partner

organisations.

- Peckham Programme provided an important forum for joined up working. The area management teams, the police, and community wardens are key partners on the ground in addition to residents and Members.
- Through the planning enforcement officer assigned to Peckham, the team are available to participate in any multiple agency, joined up working in this area.

Officers are exploring the use of local publications and forums such as the Peckham Residents Network and other forums to disseminate information on enforcement work and would welcome any suggestions from residents and members.

Scheme of Delegation

47. Officers are of the view that the current scheme of delegation as set out in the Constitution allows for effective enforcement and that there is no recommendation for it to be changed at this time.
48. Members may wish to consider the need for detailed member briefings prior to the closing cases of broad public interest and contraventions of planning caused by other Council departments. Is the report to community council's providing the desired information (see copy of such a report in appendix 8)

Desired Outcomes from the Scrutiny Process

- Review of the efficiency, responsiveness and effectiveness of the planning enforcement team;
- Establishment of a performance monitoring system for planning enforcement;
- Better use of relevant enforcement tools;
- Closer working relations with members and effective member involvement in the planning enforcement process;
- Improved joined up working with other Council units;
- Greater cooperation of other Council departments in resolving breaches of planning control caused by the Council;
- Take direct action where Council units fail to remedy breaches; and
- Publish focused guidance in planning regulations to specific target groups such as small businesses.

This will build on the measures that are underway to:

- Recruit a full complement of permanent enforcement officers within the team;
- Take quick and effective action against unauthorised development that is unlikely to be granted planning permission through increased use of temporary stop notices. This will save the Council time and resources and will stop contraveners from incurring expenses on development that would not be granted permission;
- Use injunctions to stop unauthorised development continuing in defiance of enforcement notices;
- Consolidate progress achieved in the pro-active projects to date through (i) the removal of hoardings from sites where appeals against discontinuance notices have been dismissed and other sites posing serious harm public safety and to

- amenity (ii) taking formal enforcement action against all unauthorised places of worship that remain within preferred industrial locations and other unsuitable sites and; remove unauthorised satellite dishes harming the setting of listed buildings and the appearance and character of listed buildings;
- Increase the use of section 215 powers to clear up sites whose appearance adversely affect the amenity of neighbourhoods within the borough;
 - Increase prosecution cases against people who fail to comply with the requirements of enforcement notices;
 - Increase the use of direct default action where contraveners fail to comply with enforcement notices to remove unauthorised development;
 - Pro-actively monitor archaeological conditions to reduce the potential loss of remains being lost through breaches of archaeological conditions;
 - Pro-actively monitor the major thoroughfares of Southwark to identify breaches of planning control and initiate mitigation measures;
 - Regularly update complainants on progress with investigations and clearly explain the Council's actions to both complainants and contraveners;
 - Prepare quarterly planning enforcement performance reports to Community Councils and avail an Area Officer to present the reports at CC meetings;
 - Continue to work closely with other departments to increase the effectiveness of planning enforcement action and if possible establish joined up initiatives.

Conclusion

49. There have been significant improvements in the performance of the planning enforcement team especially over the past two years and lessons can be drawn from the past.
50. There is need to consolidate good practices and to develop processes and procedures to monitor and evaluate the performance and raise the profile of this key Council function.

APPENDICES

No.	Title
Appendix 1	Performance Figures
Appendix 2	Planning Magazine Publications
Appendix 3	Enforcement Investigation Form
Appendix 4	Planning Enforcement Processes & Procedures
Appendix 5	How to report breaches of planning control
Appendix 6	Faith Premises Guide
Appendix 7	Hoardings Guide
Appendix 8	Example of report to Community Council

AUDIT TRAIL

This section must be included in all reports.

Lead Officer	Gary Rice
Report Author	Dennis Sangweme

Version	Final	
Dated	18/02/2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	No
Finance Director	No	No
List other officers here		
Executive Member	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	22 February 2010	

APPENDIX 1 - PLANNING ENFORCEMENT PERFORMANCE 2004 - 2010**Table 1. Complaints Received & Closed Between 01/01/2004 by Community Council**

Comm. Council	2004		2005		2006		2007		2008		2009	
	R'vd	Cl.	R'vd	Cl.	R'vd	Cl.	R'vd	Cl.	R'vd	Cl.	R'vd	Cl.
Bermondsey	49	21	78	18	57	72	53	18	65	64	69	111
Borough& BS	45	31	73	16	82	63	65	49	70	72	103	118
Camberwell	69	31	139	51	87	109	67	49	73	86	82	87
Dulwich	36	25	83	28	88	78	70	57	80	73	81	123
Nunhead &PR	65	33	106	31	166	130	91	113	89	63	76	108
Peckham	21	07	32	11	78	45	52	33	54	39	32	47
Rotherhithe	19	10	36	18	37	25	36	21	54	35	29	58
Walworth	30	13	56	23	43	45	61	34	97	59	52	72
Total	334	171	603	193	639	569	495	374	586	491	538	723

Source: ACOLAID Reports 15/02/2010

Table 2. Outstanding Enforcement Investigation by Community Council 01/01/2006-16/02/2010

Community Council	2006	2007	2008	2009	2010	Total
Bermondsey	5	10	4	28	5	52
Borough & Bankside	8	4	15	44	7	78
Camberwell	18	11	21	57	6	113
Dulwich	6	1	14	24	7	52
Nunhead & Peckham Rye	28	34	14	35	7	118
Peckham	19	16	13	20	6	74
Rotherhithe	5	4	9	11	4	33
Walworth	6	9	41	34	3	93
Total	95	89	131	253	45	613

Source: ACOLAID Reports 16/02/2010

Table 3: Formal Enforcement Action Taken 2006 to 2010

NOTICES SERVED & PROSECUTIONS	2006/07	2007/08	2008/09	2009/2010	Total
Enforcement Notice	8	32	42	45	127
Stop Notice	0	1	0	4	5
Temporary Stop Notice	1	6	5	3	15
Breach of Condition Notice	3	11	10	4	28
Planning Contravention Notice	26	16	72	8	122
s215 'Amenity Notice'	0	1	2	2	5
Prosecutions	2	5	3	4	14
Discontinuance Notices		10	15	0	25
s11 Notices		1	17	1	19
Total	40	83	166	71	359
Direct Action	2	1	2	1	5
Prosecutions	2	2	3	3	10

Source: ACOLAID Reports 15/02/2010

Table 4: Enforcement appeals performance between 01/01/2005 and 31/12/2009

	2005	2006	2007	2008	2009
Total number of appeals decided	2	4	12	14	16
Total number of appeals allowed	1	0	2	1	0
Appeals allowed as a percentage of those decided	50		0	17	7
Target % for appeals allowed	30	30	30	30	30
Other Appeal Statistics					
Total number of appeals dismissed	1	9	5	9	15
Appeals dismissed as % of those allowed	50	100	42	64	94
Total number of appeals part allowed/part dismissed	0	0	1	0	0
Appeals part allowed/part dismissed as % of those decided	0	0	8	0	0
Total number of appeals withdrawn	0	0	1	1	0
Appeals withdrawn as % of those decided	0	0	8	7	0
Awards of Costs					
Total number of appeals where costs were applied for against the Council	1	1	4	4	1
Total number of appeals where costs awarded against the Council	1	0	4	2	0

Source: ACOLAID Reports 15/02/2010

Prosecutions

Monday 21st August 2006 - Case of London Borough of Southwark v Sylvester Darnell – 83c Grove Lane, SE5

Defendant, Sylvester Darnell pleaded guilty to one charge: failure, between the 6th May 2004 and the 31st of August 2005, to comply with requirements of a Conservation Area Enforcement Notice, issued by the London Borough of Southwark on 8th August 2002. The notice required that the end-of-terrace house at 83c Grove Lane, SE5, which Mr Darnell, as the owner of the property at the time the notice was issued, had demolished in January 2002 without the necessary Conservation Area Consent, should be re-built and reinstated to what it was, prior to demolition.

Mr Darnell was fined £16000 and ordered to pay £1 561 in costs. £700 of fine to be paid immediately and the rest within 28 days. A Collection Order was made (A Collection Order empowers the Fines Officer to envoke legal measures to recover the fine i.e. Bailiffs action and possible imprisonment for the offence of non-payment).

The house in question has since been rebuilt to the Council's satisfaction.

Tuesday, 5th September 2006 -London Borough of Southwark -v- Uka, B Ubha & K Ubha – 29-31 Peckham High Street, SE15

The owner of land at 29 Peckham High Street, SE15 and the proprietor of Albion Hand Car Wash, who was, without the necessary planning permission, operating a car wash business on the land, both appeared at Camberwell Green Magistrates' Court on Tuesday, 5th September 2006.

They each pleaded guilty to an offence of failing to comply with the requirements of a Planning Enforcement Notice issued by Southwark Council on 19th November 2004. The Notice required that by 19th March 2005, the Car Wash business should cease and that a building, two porta-cabins and materials used in association with the unauthorized use should be dismantled and removed from the land.

The operator of the Car Wash, Mr Gjergj Uka, aged 36, of 80c New Butt Lane, Deptford, London, SE8 was fined £6 500.00. The owner of the land, Buldev David Ubha of 28 Ferrers Avenue, West Drayton, Middlesex, was fined £5 000.00. The accused were ordered to pay costs in the sum of £325, each.

14th of May 2008; London Borough of Southwark vs Aqua Plus Developments Limited; -28 Talfourd Road London SE15

Defendant complied with Enforcement Notice before summons were issued from magistrates court. As such defendant was offered a simple caution from Council. Defendant accepted caution and paid a contribution of £950.

12th of August 2008; London Borough of Southwark -v- Newservice Ltd; 14-16 UNDERHILL ROAD, LONDON, SE22 0AH

Hearing held at Camberwell Green Magistrates Court on 12th August 2008 at 2pm for the offence of failing to comply with an enforcement notice requiring the removal of unauthorised railings around a flat roof facilitating its use as a sitting out area resulting in loss of amenity to adjoining occupiers. The Defendant did not attend Court. The Judge found the matter proved in absence. A fine of £5000 with a £15 surcharge was imposed and an Order for costs amounting to £1628.00 made.

08th of December 2008; LBS-v- James and Kathleen Phillip; 328 COMMERCIAL WAY, LONDON, SE15 1QN

Defendants found guilty of the offence of failing to clear disused motor vehicles from the rear garden of the above site as required by an enforcement notice and were fined £250 each. Defendants ordered to pay £460 each in costs, together with a £15 victim surcharge. Payment of the fine and costs has been suspended for 21 days as the defendants stated that they will be lodging an appeal to the Crown Court. A collection order was made in the event that no appeal is lodged within 21 days. J & K Phillip –v London Borough of Southwark: An appeal was made to the Crown Court against the Magistrate's Court ruling. An initial hearing on the matter was held on the 23rd January 2009 at Inner London Crown Court and the conviction was upheld on on Friday 19 June 2009.

09th of February 2009; London Borough of Southwark -v- Express National Carriers Ltd (ENC) and Lee Jiggins; land at ground floor 6-18 Spurgeon Street London SE1

Hearing of the above of matter at Camberwell Green Magistrates' Court carried out on 09/02/09. The alleged offence was failure by the defendants to cease using the ground floor of 6-18 Spurgeon Street London SE1 as offices for radio controlled hiring out of vehicles with a driver, with hire vehicles visiting the premises. The Defendants did not appear but the Court was content that ENC were aware of the hearing date and they found the matter proved in their absence. A fine of £5000 was imposed, together with a Victim Surcharge of £15 and an Order for payment and costs amounting to £8043 made. The charge against Jiggins was withdrawn.

15th of May 2009; London Borough of Southwark v Ergul Salih; 11 DROVERS PLACE, LONDON, SE15 2RP

Hearing into the offence by Mr Ergul Salih of failing to comply with an enforcement notice requiring the removal of an unauthorised rear extension was held at Camberwell Green Magistrates' Court on the 15/05/09. The Defendant was found guilty. The Court imposed a fine of £2000 and awarded a contribution toward costs of £2000, all to be paid within 28 days. A collection order was imposed in cases the Defendant should default in payment.

Appendix 2 – Examples of Publications

MIXED USE DEVELOPMENT



LONDON BOROUGH OF SOUTHWARK

Work prevented by site archaeology

An enforcement notice directed against excavation and foundation works next to the River Thames in south London has been upheld because it would harm the area's archaeology.

The appellant aimed to create a coffee and tea museum together with small flats. He admitted that the works alleged in the notice had been started without planning permission, but maintained that the basement and ground-floor box needed to be sufficiently advanced to allow accurate site measurements to be obtained.

An archaeological watching brief had been set up but this had done little more than identify the presence of remains on the site. However, the evidence pointed to the area's archaeological interest, especially because the sandy islands on the river's south bank were recognised as having been the location of Roman and medieval settlement.

The inspector asserted that there could be no cogent justification to retain the works without a proper archaeological assessment of the ground below the concrete substructure. He ruled out the appellant's suggestion that holes could be punched through the concrete slab to allow archaeological investigation, finding that this would only allow limited inspection.

However, he held that complete removal of all the concrete would be excessive because it could jeopardise the stability of an adjoining listed building and other structures and disturb the occupants of nearby premises. He considered that it should be possible to devise a scheme that would allow significant areas of the site to be examined and assessed. In the absence of such a scheme, however, he ruled that the appeal must fail.

DCS Number 100-061-735

Inspector Roger Dyer; Inquiry

MIXED USE DEVELOPMENT



LONDON BOROUGH OF SOUTHWARK

Courtyard shutters permission denied

An inspector has upheld an enforcement notice against roller shutters, brackets and guides on a mixed scheme in south London, rejecting claims that they were *de minimis* because they faced an internal courtyard.

The inspector noted that section 55(2)(a) of the Town and Country Planning Act 1971 as amended excludes certain operations from the definition of development, including any works that do not materially affect the external appearance of a building. He cited *Burroughs Day v Bristol City Council [1996]*, where the High Court held that the external appearance rather than the exterior of the building must be affected and that the alteration must be one that is visible from a number of vantage points.

The inspector considered that the installations were quite prominent. Two of them could be seen in oblique views from the street and all could be seen from flats and commercial units opposite the premises. He judged that the shutters constituted operational development that harmed the outlook from nearby flats and failed to preserve or enhance the conservation area.

DCS Number 100-060-015

Inspector Stephen Brown; Hearing

Southwark Council wins planning enforcement case in Camberwell

Southwark Council recently won an enforcement case against the owner of 115 Camberwell Road (SE5 0HB) for building and refusing to take down an illegal extension on the side of his house.

The owner breached planning controls by constructing a raised timber side extension on the northern side of the building, which sat over council-owned land.

The owner repeatedly ignored notices to remove the unauthorised side extension. After receiving an enforcement notice, the owner appealed to the Planning Inspector. The Inspector found in favour of the council, which then removed the extension in late December.

Cllr Paul Noblet, Executive member for Regeneration, said:

"Most of our beautiful Victorian terraces in the borough are the source of pride for their owners, and they take every care in keeping the exterior tidy.

"We don't know why the owner of 115 Camberwell Road thought it was alright to build a flimsy timber extension on the side of the terrace. However, this structure was not only highly visible to all and a complete eyesore, but more importantly it had no planning approval and sat over land that didn't belong to the owner.

"No one should ignore the Government's planning laws. They are there for a reason and you must expect us to take action if you flout them."

The council is now pursuing the owner for payment for the work done.

DC Casebook: Housing: Conversion - Flats found to fail floor space standards

Housing conversion

Planning, 23 October 2009

An enforcement notice directed against conversion of a house in south London into five flats has been upheld after the living accommodation was judged to be inadequate.

The council had no objection in principle to the change of use. However, it argued that the development had resulted in an over-intensive use of the building and failed to comply with a supplementary planning document specifying minimum areas for bedrooms and other rooms. The appellant claimed that consents granted for additions would allow the flats to be enlarged.

The inspector predicted that the bedrooms were likely to take on the role of bed-sitting rooms, given the very small areas set aside for the kitchens and lounges. He agreed that there were too many residential units in the property and held that extensions should facilitate a more generous allocation of floor space per resident. In upholding the notice, he rejected the nine-month compliance period requested by the appellant, finding that six months would suffice to allow outstanding leases to expire.

DCS Number 100-064-729

Inspector Ian Currie; Written representations

Planning Enforcement Investigation Request

Appendix 3

This form is for internal use and therefore must only be completed by members of staff. It is not to be posted or sent electronically to members of the public. All relevant sections of the form **MUST** be completed. Full name and address details of the complainant **MUST** be provided. The site address must be as specific as possible. Including building names, flat numbers and post codes.

1. **Your name and extension number:**
2. **Site Address:**
3. **Owner/Occupier (if known):**
4. **Designation (if known):**
5. **The alleged breach of planning control:**

6. **Approximate date when breach commenced:**

7. **Can the customer describe what harm the alleged breach of planning control causing: Any additional information that might assist Officers enquiries?**

8. **Any other information?**

Customer Name	Customer Address	Tel/Mobile	E-mail Address:

Planning Enforcement/Administration use only

Case Officer:

Priority:

Community Council:

Date:

TP Number:

Acolaid EN Ref:

Acknowledgement letter required?

ENFORCEMENT TYPE CODE:

Enforcement of planning control

How the council will deal with your complaint about a possible breach of planning control

What happens after your complaint has been received?

We will send you, within 3 working days, an acknowledgement letter advising you that your complaint about a possible breach of planning control has been received and the action we will take.

If you have provided us with sufficient information, to clearly identify the site and building involved, a clear description of the possible breach and its effect on you, our letter will confirm that we have sufficient information for our investigation of your complaint to begin. Our letter will describe our interpretation of the possible breach of planning control you are complaining about and will give you the opportunity to confirm whether or not our interpretation is correct. Our letter will also give you the name and contact details of the planning enforcement officer who will deal with your complaint. The letter will also state the enforcement investigation number given to your complaint.

If we feel that you have not given us sufficient information to enable us to properly investigate your complaint our letter will explain what further information is required from you. When we receive the further information we have asked for we will write to you again to confirm that we now have sufficient information for our investigation of your complaint to begin. It will give our interpretation of what you are complaining about and will give you the opportunity to confirm whether or not our interpretation is correct. We will also give you the name and contact details of the planning enforcement officer who will deal with your complaint. The letter will also specify the enforcement investigation number given to your complaint.

Not every case can be given top priority so we will give priority to investigating those complaints relating to: [a] works to listed buildings; [b] unauthorised development in conservation areas; [c] felling or lopping of protected trees; and [d] development causing a substantial and significant injury to residential amenity.

Confidentiality of your complaint

Complaints received about a possible breach of planning control are not generally available to the public and we will not give any direct publicity to your complaint that will identify you as the complainant. However, in most cases it will be necessary at some stage for us to contact the person about whom you have complained in order to clarify facts and other information essential for our investigation. Where this happens the planning enforcement officer will not identify you by giving details of your name or address, although in most investigations it is quite clear that the complaint will have been made by a particular person or neighbour.

We cannot therefore guarantee your anonymity throughout the course of our investigation, especially if an enforcement notice is served and an appeal is made against it or where it is considered necessary for you to provide a witness statement in legal proceedings against a breach of planning control that you have brought to our attention.

Consideration of your complaint by the planning enforcement officer

The planning enforcement officer will check our files for any relevant planning history. The planning enforcement officer will then visit the site. Our target is to carry out a first site visit on all priority cases within 5 days of receipt of your valid complaint. In other cases our target is to carry out a first site visit within 3 weeks of receipt of your valid complaint.

In many cases the planning enforcement officer will be able to carry out the investigation by looking at the site from publicly accessible areas. In some cases it will be necessary for the planning enforcement officer to assess your complaint from your property. The planning enforcement officer will contact you if access to your property is required.

for the investigation. The planning enforcement officer may also seek further clarification from you about certain details of your complaint.

In most cases it will also be necessary for the planning enforcement officer to contact the person against whom you have made the complaint. This needs to be done in order to check facts and information relevant to our investigation.

The planning enforcement officer will assess your complaint against the relevant planning history, planning law, planning policies in the Council's Unitary Development Plan [UDP], other relevant planning guidance produced by the Council and Central Government and any other material planning considerations. The UDP is an important document which guides development in the Borough.

In some case the person you have complained about will chose to submit a planning application in order to retain the building works that might have taken place or to continue a use that has already started. If this happens you will be consulted on the planning application for your views. In cases such as this the enforcement investigation will be put on hold until the planning application is decided.

When and how the decision will be made

We will try to complete our investigation and reach a decision on your complaint within 8 weeks of our letter confirming that we have begun our investigation of your complaint. However, the more complex investigations are likely to take longer and where it is decided to take formal enforcement action the process can take many more months before a final end to the matter is reached.

We will make a decision when all the relevant information has been considered by the planning enforcement officer and a report has been written. This report will set out the relevant planning history, planning law, planning policy, and any comments that you have made about how the development you have complained about affects you or the area in which you live or work. The report will include the planning enforcement officer's opinion and recommendation as to whether or not there has been a breach of planning control and, if so, what action if any will be taken against it.

The planning enforcement officer's report and recommendation will then be considered and checked by a senior planning officer. If the senior officer agrees that all relevant matters have been properly considered and that the recommendation is appropriate the report and recommendation will be passed forward for a formal decision. The formal decision will usually be made by a planning manager under Delegated Powers.

Only in exceptional circumstances will the report be considered by the Council's Development Control Committee. If your complaint is one that needs to be decided by the Committee we will notify you of the date, time and venue of the meeting. You will be given the opportunity to make representations to the Committee if you wish. We will also send you a copy of the planning enforcement officer's report and recommendation. We will also notify the person[s] against whom the complaint was made and they too will be given a copy of the planning enforcement officer's report and recommendation and the opportunity to make representations to the Committee.

We will notify you in writing of our decision. Our target is to let you know the decision within 5 working days of it being made.

If we decide that there has not been a breach of planning control, or that there has been a breach but it is not considered appropriate to take formal enforcement action, we will explain the reason[s] why.

If we decide that there is a breach of planning control and that formal action to stop it should be taken we will tell you and advise you of what will then happen.

Appeal against the council's decision

You do not have any right of appeal against our decision if we decide that there has not been a breach of planning control, or where we accept that there has been a breach but consider that it is not appropriate to take formal enforcement action.

If we decide that there is a breach of planning control and take formal action to stop it by serving an enforcement notice the person or persons on whom the notice is served do have a right of appeal to The Planning Inspectorate.

Appendix 5 - How to report a possible breach of planning control

The planning enforcement team has often been requested by residents on how members of the public can report possible breaches of planning control. Below is a brief guide:

i) What is a planning breach?

A planning breach usually occurs when:

- a development that requires planning permission is undertaken without the permission being granted - either because the planning application was refused or was never applied for
- a development that has been given permission subject to conditions breaks one or more of those conditions

A planning breach in itself is not illegal and the council can permit a retrospective application where planning permission has not been sought. In considering any enforcement action, the main issue for the Council as the local planning authority is whether the breach of control would unacceptably affect public amenity

ii) How to report a possible breach of planning control

Residents can report a possible breach of planning control by:

- Calling, emailing or writing to the Planning Enforcement Team – see the contact details below.

To help officers investigate the possible breach it would help if you could give as much detail as possible, including:

- The location of the site
- The exact nature of the alleged breach
- When the breach started
- How it affects you, or what problems it is causing.

Please also include your contact details. Anonymous complaints can be difficult to fully investigate as it means we are unable to get additional information to assist our inquiries. Such anonymous or obviously malicious complaints or allegations of a breach of planning control will not normally be investigated.

- [Email Planning Enforcement Team](mailto:planning.enforcement@southwark.gov.uk) at planning.enforcement@southwark.gov.uk
- Tel: 0207 525 5403
- Planning Enforcement, Development Management, Planning & Transport, PO Box 64539, London, SE1P 5LX

iii) The Planning Enforcement Team aims to:

- Acknowledge enforcement related enquiries within three working days either by telephone or letter
- Investigate the enquiries and visit the site in all instances within 10 working days
- Provide an interim response to enquiries within five working days of the site visit
- Notify the enquirer of any decision to take formal enforcement action within three working days of the decision.

Guide for faith premises in Southwark

July 2009

www.southwark.gov.uk



Foreword

Southwark is one of the most diverse areas of London, as evidenced by the wide variety of religious beliefs held by many of its residents. The latest census figures indicate that almost three quarters of the borough's population identify with one religion or another all enjoying the fundamental human right to practice their faith freely, if they so wish.

Our faith communities clearly have their differences, in terms of practice and belief, but they are also united by a great many things. Not least of all among these is their collective desire to make a positive contribution to the wider community. Indeed they will be the first to testify that anything other than a shared tangible concern for the common good runs counter to their joint hopes and aspirations as well as their individual belief systems.

With rights come responsibilities. Some religions refer to this enterprise as "exercising stewardship". Others talk of it in terms of "communicating added value to the locality". In all cases it is about people of faith having due regard for the laws of the land and being mindful of the need to be good citizens as well as devout followers.

This publication is intended to assist faith communities in this process. It is not about unduly restricting the right to worship. Nor is it about singling out faith groups for any form of special attention. It is simply intended as a practical, informative guide, a way of helping those who gather for worship to do so in a manner that does not put their members at risk, nor impact adversely on the lives of those around them.

I heartily commend this publication to Southwark's faith leaders and their communities. As people who live, work, or worship in the borough, you are among our most valued natural assets. I urge you to see this guide as a measure of the high regard in which you and all our residents are held and to use it as a tool for promoting faith and community cohesion.

As the guide's authors point out, it is by no means an exhaustive account of how faith premises across the borough need to be established and maintained. But it will, I believe, prove to be a very valuable support to you as you seek to exercise your right to religious freedom in a manner that ultimately contributes to the good of all.

Councillor Adele Morris

Executive member for Citizenship, Equalities and Communities

Why is the council producing this guide?

There is a wide range of faith groups within Southwark. The council is responsible for regulating a number of their activities and use of premises. Some faith groups maybe unaware of the broad range of regulation and law that potentially effects their operations. By promoting better knowledge of the various legal requirements associated with faith groups the council seeks to increase compliance and assist faith groups in meeting their legal requirements.

What is a faith group?

A faith group is a group of people not belonging to the same family or household who congregate on a regular basis and at a particular place for the purpose of worshipping or the exercising of a particular faith or religious beliefs.

What are the duties of the faith groups and their leaders?

Every faith group and its leaders have a duty to ensure that they are not putting themselves their members and the public at risk. Additionally, the faith groups and leaders also have various other legal duties to ensure that they do not cause a nuisance to local communities, and that their activities do not adversely impact on the environment.

The following steps are suggested for faith groups to meet those legal duties that the council enforces

- Occupy premises suitable for use by a faith group and comply with any planning permission for the premises and planning law.
- Comply with legislation relating to the local environment, fire safety, food safety, waste disposal, licensing, public liability insurance and child protection.
- Seek advice from relevant bodies such as departments of the council, fire authority and health and safety executive

What is the purpose of this guide?

This guide is designed to assist people who are considering setting up a place of worship or who are in charge of operating an existing place of worship. It is advisory and is not a statement of council policy. It is an introductory document and is not intended to provide exhaustive advice.

The guide contains an overview of what might be required, it contains practical advice on issues that a faith group occupying a premises need to consider in order to comply with relevant laws. To ensure your faith group complies with the law you will need to obtain the relevant permissions and licences needed for the activities you intend to pursue and where appropriate discuss the matter with the appropriate council officer. Contact details are listed in the guide.

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Planning requirements

If you are looking for new premises, looking to expand your existing premises, or thinking about using your premises for more and different activities on more days of the week, there are a number of important planning checks that you need to make to ensure that what you intend to do in a particular building is lawful.

If your building was not designed as a faith premise you will need to check its permitted use and find out if planning permission is required.

Working out if you will need to get planning permission

In planning law the type of activities allowed in a building are grouped together in use classes. Premises in each use class group all tend to have similar effects on the surrounding areas, such as a steady flow of visitors, and they also have similar benefits for the people who use them. Faith premises belong to a user class group called D1. Other premises in this group include clinics, health centres, crèches, day nurseries, day centres, schools, art galleries, museums, libraries, halls, places of worship, church halls, law courts.

If a building is currently being used for a D1 class use you will still need to check that it's use is lawful. If it isn't you will need to apply for planning permission or a certificate of lawful development. You will not need planning permission to use a building for faith purposes as long as

- The current use is lawful i.e. it's use as a place of worship, or D1 use is either permitted by planning permission, or a certificate of lawful development

However, you will need to check if there are any conditions, preventing your use of the building. Examples of such conditions include

- A planning permission that is limited to a period of time, such as five years and which has expired
- A planning permission that permits one D1 use, such as a nursery, but limits the permission to that use alone, prohibiting change to other uses within the D1 class
- A planning permission that limits the hours of operation, to hours which you wish to exceed

What you will need to consider if planning permission is needed

You should see the council's website, for the information and fees that are required in order to submit a valid planning application. The factors that your application will need to consider will vary from case to case. Listed below are factors that have often been significant in determining applications for permission to use buildings as places of worship

- Some uses of buildings, in some areas of Southwark are protected by planning policies and change is often not permitted. For example there are locations where an industrial, or office use is protected, to try to preserve and create jobs and/or to allow areas in which industrial/commercial uses can operate away from residential areas. It is important to check if your intended building is within such a protected area.
- Change of use of a house or flat, to a place of worship is unlikely to be permitted due to the shortage of housing within Southwark.
- Some places of worship inevitably generate noise, due to the number of people attending and the nature of the activities being carried out. It's important to consider how noise can be contained, by insulation, as well as the proximity of your building to neighbouring uses such as housing where noise may be a nuisance.
- Travel. The volume of people using a building and their mode of transport, particularly if it is by car can be an adverse environmental impact for others in the area. It is important that an application to use a building as a place of worship demonstrates how this issue will be successfully managed. (See also the section of this guide relating to parking).
- Hours of operation. Depending upon where your building is located, it is possible that using it as a place of worship at some hours of the day may cause a nuisance. It may assist an application, if this issue is identified and proposed hours of operation intended to minimise disruption are suggested in the application.

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Southwark Council's development management team on (020) 7525 5438.

Faith premises can also get independent and free planning advice from the Willowbrook Centre, you can contact Nadia Sylvester-Paul on 020 7732 8856.

Fire prevention and safety

It is important that you have a suitably qualified person assess your building for fire risk. You are advised to contact the London fire Brigade for assistance in complying with fire safety regulations.

The Regulatory Reform (Fire Safety) Order 2005 imposes duties on the responsible person to ensure that the law is complied with. Some duties include

- To undertake a suitable and sufficient risk assessment
- Means of detection and giving warning in case of fire
- The provision of means of escape
- Means of fighting fire, maintenance of the firefighting equipment
- The training of staff in fire safety

How many fire escapes should the premises have?

There should be sufficient exits to allow all occupants to vacate the premises within two and a half-minute period at a rate of 40 people per minute. A minimum of two exits are recommended for small buildings, more for larger buildings. Each exit should be at least 750mm wide and 900mm so they can be accessed by wheelchair users.

Where should the fire exits be?

They should be spaced as wide as possible (meaning that it is unlikely for a fire to make all exits unusable) to allow people to exit in a direction away from the source of a fire. They should lead to separate distinct routes and assembly areas. All doors should open outwards.

What can you do to prevent fires in the premises?

You should carry out regular simple assessments to prevent accidental fires. This includes identifying possible hazards in your activities and/or building that could start a fire. Faulty electrical wiring and apparatus are common causes of fire. All electrical wiring should therefore be carried out by a qualified and registered electrician. Consider the use of candles and incense and ensure that they are correctly extinguished at the end of service. The same applies for any cooking or kitchen equipment, boilers etc.

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Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Yvonne Drake, Southwark Council's arson reduction officer on 020 7525 0821.



Health and safety

There are many different things that you should do in your place of worship to keep people safe. You need to take into account your particular building and your congregation when assessing health and safety risks. The people that use the premises could be very young, very old, disabled or have other needs that need to be taken into consideration.

What is health and safety?

Health and safety is about reducing the chance of someone being harmed. It is not about eliminating risk, but controlling it. Health and safety is about the way in which you manage risks in your situation.

What is a risk assessment?

Risk assessment is central to health and safety and is a requirement of the law. It is a fact finding exercise which can then be used to help you reduce the risks in your building. It will enable you to decide exactly what precautions you need to put into place to reduce the risks. Risk assessment is perhaps the most important part of health and safety because it allows you to find out about what could cause harm to people in your place of worship.

Suggestions for carrying out a risk assessment

The simplest form of risk assessment is known as the “five steps” method, which is perfectly adequate for use by places of worship.

The five steps are

Look for the hazards. Hazards are those things in and around the place of worship that could cause harm to staff, volunteers, visitors and other members of the public. They can be building structures, fitting and fixtures, equipment and tools or any other item that in on the premises.

Decide who might be harmed. Consider the people that use the building and how the hazard could affect them. While some parts of the building might be open to the public on a regular basis, other areas might only be used by one or two people on an occasional basis.

Evaluate the risks. Risk is the chance that someone could be harmed. It is useful to categorise them as "low", "medium" or "high" for convenience. As a guide, "low" risks do not need any significant attention (but do not rule out making any improvements). "Medium" risks need some attention to try to bring them to a "low" level. "High" risks should be prioritised as needing improvement to bring them down to a "low" level. Avoid the temptation of making all risks "low" as this can hide those things that need attention.

Record the findings. Risk assessment is a legal requirement and you might need to prove that you have done a risk assessment in the future. Risk assessments must be written down if you have five or more employees, and in churches and places of worship, this usually includes volunteers. In all cases, it is recommended that the risk assessment be written down.

Review and revise. Risk assessments should be reviewed occasionally to ensure that they remain valid. For most places of worship, a review every 12 months should be adequate.

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Southwark Council's health and safety team on 020 7525 5718 or visit the HSE (health and safety executive) website on www.hse.gov.uk





Parking

Inconsiderate parking can be a major problem around faith premises. Double parking of vehicles and the blocking of entrances and exits can prevent emergency vehicles from attending, thus putting the lives and safety of residents and your members at risks.

In order to minimise noise and disturbance, on-site parking should be provided for religious meeting places when possible as it helps eliminate congestion in local roads.

If the parking and transport arrangement for your premises are not adequate, you might not obtain planning permission. You may also receive complaints from local people and the emergency services. Therefore, transport considerations are essential when choosing your premises and reviewing your premises use.

How many parking spaces should a premises have?

There should be sufficient parking to accommodate worshippers without causing a nuisance to people in the area. Numbers of parking spaces per worshipper are not specified and will depend on matters such as the number of worshippers that use the site, how far they have to travelling, the location of transport links in the area and other relevant matters.

What about special events?

There should be sufficient parking to accommodate worshippers without causing a nuisance to people in the area. Numbers of parking spaces per worshipper are not specified and will depend on matters such as the number of worshippers that use the site, how far they have to travelling, the location of transport links in the area and other relevant matters.

What is a travel plan?

A travel plan is a package of measures aimed at promoting sustainable travel, with an emphasis on reducing reliance on car journeys. Consider submitting a travel plan if you are making a planning application.

Suggestions to minimise parking and congestion problems

- Consider varying the times and days of the services to reduce traffic noise and congestion and holding services at times and days where the traffic is not heavy.
- Encourage your members to use public transport, cycling or walking to the service.
- Consider using/or relocating to premises that are easily accessible by walking and cycling and benefit from good public transport links, or with ample private parking.
- Consider using 'traffic marshals', they can help deal with illegal parking issues and ensure the minimum disruption is caused by the traffic associated with the premises.
- Consider suggesting the use of hired transit vehicles that drop off and pick.



Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact the Southwark Council's parking shop on 0844 800 2736.



Noise

It is the duty of people running their premises to ensure that noise does not escape from the premise at a level that will cause a nuisance to people in the area.

The council has a duty to investigate complaints of noise nuisance and take action against the person or persons responsible for causing the noise disturbance. This can result in a notice being served, a fixed penalty notices and prosecution. The council can also seize the equipment causing the noise.

The council assess nuisance by listening to the noise from a complainant's premises and assessing whether the noise would prevent normal activities for that time of the day. In the daytime this might be assessing whether the noise interferes with watching the TV at a normal level, or prevents normal conversation, and at night preventing sleep in a bedroom.

What can you do to prevent noise escaping from the building?

Ensure that the building that you are using has thick walls (brick or concrete) a substantial roof which is "complete", double glazing with heavy curtains and lobbied doors. This will prevent sound from escaping from the building. This is something that will be assessed when you apply for planning permission. Submitting a report from an acoustician, showing how insulation and other techniques can contain noise may reduce the possibility of a planning application being refused on the ground that noise would adversely effect local amenity.

You should assess your noisiest activities from all around the perimeter of your premises, and from outside the nearest residential or business premises. If the level of noise is high then it is likely to cause people in the area a nuisance.

What happens if someone complains about noise?

Enforcement officers will visit the complainant's property and assess the noise from inside. If the noise is a nuisance then action will be taken to stop the noise from being a nuisance. This could include negotiating a reduction in volume from the people making the noise, serving an abatement notice, or prosecution and seizure of equipment.

What is an abatement notice?

An abatement notice is a legal document that can be served on a person, persons or an organisation to prevent their noisy activities from being a nuisance and to prevent the noise nuisance happening again. If noise from your premises is causing a nuisance, or is likely to cause a nuisance, enforcement officers can serve an abatement notice on you preventing noisy activities such as live or amplified music, use of instruments and other measures in order to prevent nuisance being caused.

What happens if I don't comply with the notice?

If further nuisance is witnessed after a notice has been served, you can be prosecuted in the magistrates court and if found guilty could be fined up to £20,000, have your noise making equipment seized or receive a fixed penalty notice of £400.

Suggestions for controlling noise

- Consider using non-amplified noise equipment rather than amplified, for example an acoustic guitar instead of an electric guitar.
- Make sure that if you are holding gatherings at night or early in the morning, there are no noisy activities taking place, and that no noise is escaping from the premises.
- Noise from people congregating outside and talking and laughing can also cause a nuisance to nearby residence. Remind your congregation to arrive and leave quietly and to be considerate to any people in the area.
- Converting single glazed windows to double glazed and replacing the vents with air conditioning units will help to contain the noise. Care must be taken in the positioning of the air conditioning units so that they are furthest away from residents. Also you should seek units with low noise levels as possible.
- Consult with any nearby residents. You should provide a contact number for residents to register any complaint they may have. Let them know the measures you are taking so as not to cause a nuisance.
- Regular checks and assessments of the noise levels generated from the premises should be carried out around the perimeter or premises boundary. Adjustment should be made where the level is considered to high.
- In some cases the person in charge of the church can vary the times of worship with the service likely to attract the largest congregation taking place near to midday or early afternoon or at times where the natural background noise levels are normally high.
- In cases where most of the equipment is amplified the use of sound limiters can be a way of scientifically setting the equipment to an agreed level.

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Southwark Council's environmental enforcement team on 020 7525 5777.



Licensing

The Licensing Act 2003 requires that certain activities are licensed, such as the supply of alcohol and the performance of regulated entertainment. This law might apply to some activities that take place in places of worship.

It is important for you to know whether you need to have a license as certain activities such as 'regulated entertainment' or marriage ceremonies cannot legally be carried out without a license.

Religious worship is not covered by the Licensing Act 2003, therefore a premises licence is not required for religious services. Additionally, playing music in the background does not need a licence, nor does 'incidental' music or showing broadcast television (providing it is being shown at the time of broadcast).

What is regulated entertainment?

Regulated entertainment includes (but is not limited to)

- Giving performances of, or providing facilities for live music, dance or recorded music
- Staging plays
- Showing films and
- Hosting indoor sporting events.

If this 'entertainment' is performed in front of an audience and for the sole purpose of entertaining that audience it may be considered as 'regulated entertainment' and would require a license. It does not matter if a fee is charged or if it is for charitable purposes. It does not matter if the event is big or small or aimed at a private audience. The same rules apply whether or not activities are organised by a faith community or charity, or the premises are hired to an outside group or an individual.

Do you need a premises licence?

If alcohol is regularly sold or supplied at your church premises or the premises regularly hosts any of the types of regulated entertainment as shown above a premises licence should be applied for. The licence can cover both alcohol and regulated entertainment. Premises licences stay in effect until they are surrendered; or the life of the organisation or business comes to an end; or the licence is revoked following a review requested by one of the "responsible bodies" under the Act (police, environmental health, fire brigade etc) or the local community. If you sell or supply alcohol at any event, the person who authorises the sale or supply will also require a personal licence.

Do you need a premises license for one-off special events?

If you only have occasional one-off special events at which alcohol is sold or supplied, or which feature entertainment, it may be possible to give a temporary events notice (TEN) without obtaining a premises licence. These might be used, for example, for a one-off film night or dance for less than 500 persons. A TEN is usually given to the person organising the event, for that event only. One premises can hold up to 12 TENs in one year. Ten full working days notice must be given to Southwark Council's licensing team and to the police. The police can object to the event if there are crime and disorder concerns.

What happens if I hold an event with regulated entertainment without a license or TEN?

The council and the police will consider taking appropriate enforcement action. This could result in the premises being closed or a prosecution, which can result in a fine of up to £20,000 and six months in prison.

Things to consider when applying for a premises license or temporary events notice

When you apply for a premises licence or you give a TENs you need to consider the four licensing objectives below and should carry out a risk assessment for each.

Ensuring public safety

This can be achieved by identifying those hazards and risks that exist for members of the public coming onto your premises. You should consider current practice for fire precautions, especially means of escape in the event of an emergency, and other aspects of safety. Likely precautions will include clear exits and exit routes; illuminated internal exit signs; and trained stewards.

The protection of children from harm

Protecting children from harm is an important consideration especially when alcohol is made available or the content of a show or film might not be suitable for children it is important to prevent children having access to alcohol and to restrict entry to plays, films and such like, to those who are under age (such as following the age certificate on a film). Children might also be more at risk from physical hazards, and increased supervision will be necessary.

The prevention of crime and disorder

This is an important consideration for many events, especially where alcohol is involved. While many events held by churches and places of worship may be unlikely to give rise to crime and disorder concerns, this must still be considered in every case, and particular consideration should be given to any hire of the premises to other parties.

The prevention of public nuisance

Nuisance can be in the form of noise from sound systems, light pollution, odour from refuse or anything else that could affect residents nearby. Car parking is an essential consideration for any special event to prevent any inconvenience and nuisance to those nearby. Providing that the above four objectives are met, there is no reason why a premises licence or TEN cannot be obtained.

Are you unsure of any of the above?

If you have any unanswered questions, are unsure of anything or wish to apply for licences please contact Southwark Council's licensing team on 020 7525 2000.



Food safety

Many places of worship handle food, whether that is on a routine basis preparing daily meals or an annual fund-raising event. The same basic food safety rules apply to all situations.

Do you need to register your premises?

Faith groups have a duty to register their premises under the Food Safety Act if they are to serve and or prepare any food, whether it is for sale or otherwise. This also applies if vending machines are located within the premises. You need to register with the food team in Southwark Council.

It is very important that you contact the food team and inform them of what you are doing or intend to do. It is vital that you make contact before you start any food related activities because if you are required to register as a food business, registration should be done 28 days before you actually start.

What facilities do you need if you serve and prepare food

Any room where food is handled should be large enough to ensure that food can be handled safely. There must be adequate ventilation in the room, for instance by window that can be opened or by an extractor fan.

The layout of the room should help prevent cross contamination of ready to eat products by bacteria from raw foods. It should have a separate wash hand basin with hot and cold water and soap and a separate sink used for preparation and cleaning activities.

The ceiling, walls, floor and all work surfaces must be in good condition and made of smooth non porous and hard wearing materials so that they can be easily cleaned.

What is food hazard analysis?

Hazard analysis is an assessment to ensure that you have adequate controls in place to prevent hazards from food activities. Hazards may be from bacteria, chemicals or physical problems like broken glass in food. Hazard analysis involves looking through each step of the food preparation process from buying foodstuffs through storage, cooking, serving and storing prepared foods along with any other steps in between. Controls can then be put into place to reduce any risks.

What do people handling food need to do?

- Wear suitable protective clothing, like aprons. These should only be worn in the food preparation area, and must be removed before the person leaves the room
- Remove any jewellery. They can present a contamination risk
- Securely tie back long hair
- Protected any cut to the skin with a brightly coloured plaster (blue is normally used for kitchen use)

What is temperature control?

Temperature control is important to prevent food poisoning, either by killing off harmful bacteria through cooking, or, by reducing the multiplication of those bacteria through refrigeration. Refrigerators and freezers should be regularly checked to ensure that the temperature is cold enough, and food probes can be used to check the temperature of cooked foods.

Key temperatures for food refrigeration and cooking

Refrigerators must be set so that food is kept below eight degrees celsius.

Freezers should be below -18 degrees celsius.

Foods requiring thorough cooking to the centre should reach

- 70 degrees celsius for two minutes or
- 75 degrees celsius for 30 seconds or
- 80 degrees celsius for six seconds

What should your cleaning and disinfecting regime be?

In a kitchen, only food-safe cleaning chemicals should be used otherwise they can contaminate or taint foods. As an example, bleach and products containing bleach should not be used in a kitchen because they are not food safe. Cleaning should be done regularly and all items must be cleaned as soon as possible after they have been used. Rubbish must be removed from the kitchen regularly. Only small containers must be used in a kitchen and these need to have a close-fitting lid and is must be possible to easily clean them.

Do you need food hygiene training?

All food handlers must be trained to a level that is appropriate to the work that they do (this includes volunteers in faith communities and places of worship for events like coffee mornings). A basic food hygiene course is usually recommended, Southwark Council's food team can give you details of accredited courses.

Do you need to label and price foods?

In some cases, foods might need to be labelled. Items like one-off cakes, loose buns and jars of jam are usually exempt from this requirement, however, if you regularly sell these, you might need to label the foods. Any label that appears on the item must be accurate and must display details including the name of the food, a list of ingredients, a best before or use by date, details of any special storage requirements and a metric weight indication. In addition to this, it is usually required to display a price list of the items that you have on sale in some prominent position, or each product must carry its own price tag (depending on the situation).

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Southwark Council's food team on 020 7525 5777.



Waste and litter

Disposing of your waste

You need to make sure that your premises disposes of waste in a legal way. You can either take your waste to an authorised waste facility and keep all of the waste transfer notes to show this, or you can get a trade waste agreement with a registered trade waste company.

You are required to produce your waste transfer notes or your trade waste agreement to the council on request and must keep your waste documentation for at least two years.

You will need to consider how much waste is produced from your premises, and also if extra waste is produced at certain times, for example on a Sunday, or if events are taking place. If you have a trade waste agreement, it will need to cover these times as well.

Fly tipping

It is your responsibility to contain your waste within your premises until it is collected or taken to an authorised waste facility. You must make sure that you do not allow waste to escape onto the highway as this can result in either a fixed penalty notice or a prosecution. Waste is only allowed to be placed on the highway if it is inside a trade waste bag or bin and it is placed out on collection day.

Litter

Please make sure that the area both within and outside your premises is kept free of litter, including cigarette litter. Individuals can be fined on the spot for dropping litter, and your premises could be served a notice if litter either escapes from it, or is unsightly to the local area.

How much rubbish do you produce?

This includes any waste generated from the premises, both inside the premises and any outside areas of the premises. If you have a function room, waste generated from functions needs to be considered in this. Your waste arrangement must be sufficient for the amount of rubbish that you produce.

Are there any times when a lot of rubbish is produced?

If you have a function room where people have parties, more waste will be produced on these occasions. You need to think about how this waste will be disposed of and make sure that it is done in a responsible way. If you have a trade waste agreement, you need to make sure that this is covered.

How can a premises get a trade waste agreement?

A number of different waste companies can dispose of your waste. You can find them in the telephone directory, names of companies used by some businesses in the borough include Veolia, SITA, BIFFA, PHS and Cleanaway.

Are there enough bins on your premises?

If you have an outside area as part of your premises where people congregate, you might want to put bins here to prevent people dropping litter on the floor. If the area becomes unsightly and rubbish accumulates, this may become a problem and the council may have to take measures to ensure the area is kept clean.

Suggestions for waste issues

- Consider asking anyone that hires the premises to make sure they dispose of waste responsibly and makes sure that the outside of the premises is left clean and litter free
- Reminding people to respect the environment and keep it clean on their way in and out of the building
- Consider doing a regular sweep on any area that people smoke in

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Southwark Council's environmental enforcement team on 020 7525 5777.



Signs and advertisements on the highway

The council do not permit advertising boards or signs to be attached to structures, trees or works on the highway, or for signs to be put on the streets. This is because street clutter can cause a nuisance to people using the highway, signs can obstruct the view of the road and signs attached to street furniture also attract other fly posting.

If you want to advertise your premises or your services, you must use designated notice boards. Depending on the size, location and type of board you intend to use at your premises, you may require planning permission. You are advised to check if permission is required by contacting the council's development management team. You are permitted to give fliers to people but you need to make sure that these do not cause a litter nuisance.

Checklist for signs and advertisements

Where can signs, advertisements, posters and other materials be displayed?

They can be displayed on your land or on an authorised community notice board. They cannot be displayed on the highway and cannot be attached to any surface of the highway or upon any tree, structure or works on the highway.

What should I do if we already have signs attached to something on the highway?

You need to remove these immediately.

What happens if we do not remove them?

The council will remove any sign, picture, letter or other mark attached to the highway. You could be liable for a fixed penalty notice of £75 or prosecution. The council can also remove anything from the highway that is causing a danger and charge a fee for the removal.

Can we hand out free literature for our faith premises?

You can hand out free literature for religious purposes. Please make sure that you only hand it to people that request it and that any discarded copies are picked up from the streets.

What about someone handing out fliers for an event at our premises?

If the event is not for religious purposes then the organiser should obtain permission from the council before being allowed to give out fliers.

Suggestions for signage and advertising

- Consider advertising your services and events in local publications, on community notice boards or on your own land
- Consider asking anyone that hires the premises to make sure they don't put out boards or attach any signs to the highway

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Southwark Council's environmental enforcement team on 020 7525 5777.

Child and vulnerable adult protection

It is essential that faith groups look closely at protecting children and vulnerable adults from abuse. There should be written guidelines as to how the community will manage and investigate allegations of abuse.

Safeguarding children and vulnerable adults

- Recognise and become familiar with the requirements of the Children's Act.
- Set up system to look after the welfare and safety of children under the age of 18.
- Adopt a child protection policy explaining how to respond and report if there are concerns/suspicions of abuse.
- Everyone whether paid or unpaid that is given the responsibility to look after children in your organisation should fill in an application form, stating their address, employment history. It is also important to have workers references checked with previous employers or organisations they may have volunteered for.
- Workers should have a new enhanced Criminal Records Bureau (CRB) disclosure before they start employment.
- Workers should be interviewed to demonstrate their suitability for dealing with children.

Are you unsure of any of the above?

If you have any unanswered questions or are unsure of anything please contact Southwark Council on 020 7525 5000.



@third-avenue.co.uk



Property misdescription

Faith groups appear to have increased in number in recent years. Recently established faith groups, or those looking to move to bigger premises, may be offered unsuitable premises. It is possible that some faith groups may be offered properties, which an agent, vendor or landlord describes as being suitable for use by a faith group, but which for various reasons may not be able to be used for this purpose.

Whilst renting a building maybe cheaper than buying a building, you may not be able to stop your liability to pay rent under a tenancy or lease, because you are prevented from using a building either partly or fully for the purpose you acquired it for.

If you use a solicitor or licensed conveyancer to advise you in respect of any property transaction, they will be able to advise you if you can use the building for the purpose you intend. Furthermore, if the advice is inaccurate the professional bodies regulating solicitors and licensed conveyancers will provide a means of complaint and possible redress.

If an estate agent, or property development business falsely describes a property, they may be guilty of an offence under the Property Misdescription Act 1991. If you are offered a property and discover that a statement made about it is false or misleading, you should report the matter to Southwark Council's trading standards department to investigate. They can be contacted on 0207 525 2000.

Action plan

Contacts

In view of the information provided in this guide, the council urges every faith group to make an action plan to address the main issues. The contacts for these issues are below.

Department	Contacts for advice and contact details	
Regeneration and neighbourhoods	Development management, Southwark Council PO Box 64529 London SE1P 5LX	Tel: 020 7525 5438 Fax: 020 7527 5432 planning.enquiries@southwark.gov.uk
Fire safety	London fire service 266b Queen's Road London, SE14 5JN Yvonne Drake Arson reduction Officer, Southwark Council	Tel: 020 7587 4975 Fax: 020 7587 4981 southwarkgroup@london-fire.gov.uk Tel: 020 7525 0821
Health and safety	The health and safety executive Rose Court 2 Southwark Bridge SE1 9HS Health and safety team Southwark Council	Tel: 0845 345 0055 / 020 7556 2100 Fax: 020 7556 2102 www.hse.gov.uk Tel: 020 7525 5718
Parking	Parking shop Southwark Council 364 Old Kent Road London SE1 5AA	Tel: 0844 800 2736 parking@southwark.gov.uk
Food safety, licensing, noise, waste, advertising	Community safety and enforcement Southwark Council Chaplin Centre Thurlow Street SE17 2DG	Tel: 020 7525 5777 csc@southwark.gov.uk
Child and vulnerable adult protection	Health and social care Mabel Goldwin House 49 Grange Walk London SE1 3DY	Tel: 020 7525 3838 pals@southwarkpct.nhs.uk
Community involvement and development unit (CIDU)	Multi faith forum Southwark Council East House 35 Peckham Road SE5 8UB	Tel: 020 7525 5504 cidu@southwark.gov.uk
Willowbrook Centre	48 Willowbrook Road London SE15 6BW Nadia Sylvester-Paul	Tel: 020 7732 8856 www.willowbrookcentre.org.uk nadia@willowbrookcentre.org.uk
Community Action Southwark	Lorenzer Fenton Voluntary Sector Resource Centre 8th Floor Hannibal House Elephant & Castle London SE1 6TE	Tel: 020 7703 2368 Fax: 020 7703 9393 info@casouthwark.org.uk

This brochure contains information about Southwark Council services. If you require information in your language, please call 020 7525 5000.

يحتوي هذا المنشور على معلومات عن الخدمات التي تقدمها بلدية سونرك (Southwark). إذا كنت ترغب في الحصول على معلومات بلغتك الأصلية الرجاء الإتصال بالرقم المبين.

Arabic

Este folleto contiene información sobre los servicios del ayuntamiento de Southwark. Si requiriera esta información en su propio idioma, por favor llame al número de teléfono indicado.

Spanish

Ce dépliant contient des renseignements sur les services de Southwark Council (municipalité de Southwark). Si vous avez besoin d'obtenir ces renseignements dans votre langue, veuillez appeler le numéro ici.

French

Bu broşur Southwark Belediyesi'nin servisleri ile ilgili bilgi içerir. Eğer kendi dilinizde bilgi edinmek isterseniz, lütfen gösterilen numarayı arayınız.

Turkish

"Tò ròi này chứa đựng thông tin về các dịch vụ xã hội của Hội đồng quận Southwark. Nếu quý vị muốn yêu cầu được dịch ra ngôn của mình, xin gọi số điện thoại trên đây"

Bengali

"Warqaddaan yar waxaa ku qoran macluumaad ku saabsan adeegyada Guddiga Dowladda Hoose ee Southwark. Haddii aad u baxsan tahay macluumaad ku qoran luqaddaada, faadlan wax kambaarka imuqda."

Somali

Tò ròi này chứa đựng thông tin về các dịch vụ xã hội của Hội đồng quận Southwark. Nếu quý vị muốn yêu cầu được dịch ra ngôn của mình, xin gọi số điện thoại trên đây"

Vietnamese

Outdoor hoardings for major projects

May 09

Introduction

Objectives for outdoor hoardings
Process for outdoor hoardings
Hoardings design overview
Key message

These guidelines set out what you should do when erecting outdoor hoardings at urban regeneration project sites and housing schemes in the borough. They are intended to be used by project managers, communication staff and specialist design contractors.

Style

Typefaces
Primary colour
Colourway
Using the Southwark Council logo
Illustration
Hierarchy and delivery

Partnerships

Logos
Branding

Guidance

Advert consent
Manufacture and materials
Costs

Introduction: Objectives for outdoor hoardings

Southwark Council is leading on a programme of exciting urban regeneration projects across the borough. These include large scale redevelopments at Elephant and Castle, Canada Water and Bermondsey Spa, a new £200million school buildings programme and a housing renewal programme in Peckham.

The consistent use of outdoor hoardings at these major project sites will help create a strong visual message, emphasising the high level of investment by Southwark Council and generating awareness and interest in these important projects.

Project managers should take account of these guidelines when putting together a tender for works, or entering into a site contract.

If you have any queries about the application of these guidelines, please seek advice from the communications department, see page four for contact details.

The designs are being registered to safeguard future usage.

REVITALISE¹⁶

Southwark Council investing in **regeneration**

This guide to outdoor hoardings is an appendix to Southwark Council's corporate identity design manual. They are intended to be used on outdoor hoardings at major regeneration projects and housing schemes only. They do not replace, in any way, Southwark Council's current visual brand. They are not to be used for general signage or advertising purposes.



Introduction: Process for outdoor hoardings

To ensure speed and efficiency when installing hoardings for major project works, the following approach should be taken for each project.

Please read this process before embarking on any hoardings.

Timescales within each stage are indicated where appropriate, to help you plan a final installation date.

1. Planning a hoarding

At project design stage, the project manager decides the extent of any hoardings for the project.

Some questions a project manager needs to consider are:

- where is the site?
- is it public facing?
- where are the site boundaries?
- what hoarding materials might be used? See page 17.
- who 'controls' the site. Do key partner organisations have an interest? See page 14, Partnerships, for more details.

In some council departments, the strategic director may make the decision on whether to proceed with a hoarding, based on the above information.

2. Hoarding text

The project manager contacts communications to inform them of a proposed new hoarding. A list of existing and new hoardings is kept by the communications team (includes status, timescales, lead officers etc).

Project manager and communications agree draft hoarding text.

3. Advert consent

The project manager must seek advert consent for site hoardings if appropriate. See page 16 for details. Allow up to 12 weeks if consent needs to be sought.

4. Cost

Payment for hoardings and hoarding graphics will come from the individual project budgets. Page 18 sets out a standard hoarding project and the typical costs involved (as at June 2008). For projects which are likely to differ from this model, speak to communications.

5. Materials

See page 17 for typical materials for hoarding graphics. Again, if the specification is likely to vary, speak to communications.

6. Site visit

Communications will inform a specialist design contractor, and a visit to the project site can be arranged between the specialist design contractor and the project manager. Issues to discuss at the site visit include:

- size of hoardings
- site boundaries
- number of panels and locations
- materials to be used.

7. Erecting the hoardings

The project manager is responsible for ensuring the hoarding is erected and painted on the outward facing side in the corporate colour (see page nine, Primary colour, for paint specification).

Introduction: Process for outdoor hoarding

8. Production of hoarding graphics

Brief

The project manager completes and submits a briefing sheet to communications, who checks it and sends to the specialist design contractor.

Project manager provides:

- details of key contacts
- copy, on a panel by panel basis
- size and materials (see page 17 for hoarding visuals options)
- deadline
- partner logos
- any other issues, for instance whether advert consent is being sought or if specialist access equipment is required to install the hoardings.

Estimate approval

Specialist design contractor produces an estimate for design, manufacture and installation of the site graphics. This is signed off by the project manager.

First visuals

Specialist design contractor produces a first draft of visuals which are released to the project manager and communications to review. Meanwhile, contractors are briefed and given site requirements and deadlines.

Signing off hoardings artwork

Project manager, the head of communications (or his/her representative) and, if necessary, the strategic director, sign off final art work. Allow two weeks.

9. Manufacture

Supplier produces graphics according to artwork and instructions. Allow two weeks.

10. Installation

Dates are agreed with project manager and site manager, special access arrangements are made. Supplier fixes graphics.

11. Final site visit

Project manager checks and resolves any issues. Project manager takes a photograph of the site hoardings and sends with a brief report outlining location, date of installation, any installation issues and any design differences to communications and their strategic director.

Useful contacts

Marketing

020 7525 3723/7304

Useful contacts

Planning enforcement manager

020 7525 5419

Introduction: Hoardings design overview

A purely typographic solution using the postcodes of the borough to make a powerful statement that's both simple and direct whilst lending itself to site specific applications.

The main typographic statement will always be reinforced with the key message "Southwark Council investing in..." set in the Southwark corporate typeface.

REVITALISE¹
Southwark Council investing in...

Use the appropriate postcode for your site location

SE¹

SE⁵

SE¹⁵

SE¹⁶

SE¹⁷

Introduction: Key message

The concept can be extended to promote and provide a link to specific regeneration services provided within the borough.

REVITALISE¹

Southwark Council investing in **regeneration**

REVITALISE¹

Southwark Council investing
in **education transformation**

HOUSE⁵

Southwark Council investing in **new housing**

REUSE¹⁶

Southwark Council investing in **recycling**

EXERCISE¹⁷

Southwark Council investing in **sport and fitness**

CLEANSE¹⁵

Southwark Council investing in **cleaner streets**

Style: Typefaces

The messaging has many different combinations. There is existing artwork available for all registered SE words and accompanying postcodes.

To reduce the risk of errors and inconsistencies in the design please do not recreate the key message artwork unless absolutely necessary. Below are the fonts used in the messaging.

The illustration below shows the size ratio of the elements in the key message. These proportions should remain the same on all hoardings.

Neo Tech Bold

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
0123456789@£\$%&()/?

Frutiger 45 Light

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
0123456789@£\$%&()/?



Style: Typefaces

A clear typographic tone is needed for all outdoor media.

Frutiger should be the only font used for the strapline, main body copy and sign off.

The main body copy should be used white out of a purple background for consistent and clear communication.



Frutiger 45
Light

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
0123456789@£\$%&()/?

Frutiger 55
Roman

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
0123456789@£\$%&()/?

Frutiger 65
Bold

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
0123456789@£\$%&()/?

Style: Primary colour

The principal colour for all Southwark Council's outdoor hoardings is Pantone 525. This is a purple shade.

Hoardings comprising a sterling board (or similar priced finish) will be painted on one side in this colour.

The colour code for paint is 5040-R40B. Paint specification is eggshell (gloss may be considered but creates difficulties for adhering the transfer graphics).

A vertical color swatch for Pantone 525, showing a gradient from dark purple at the top to light purple at the bottom.

**Pantone
525**

A vertical color swatch for Dulux 30RB 07/107, showing a gradient from dark purple at the top to light purple at the bottom.

**Dulux
30RB 07/107**

C75 M100 Y9 K59

Style: Colourway

The colourway recommended for use is shown here.

To maximise consistency and achieve a visual link across the borough, the purple background should be used whenever possible with the Rubine red applied to the postcode and the last part in the strapline.

In certain situations, especially when working with partners, it may be necessary to explore the use of further colourways. See page 15 for further guidance.

Primary colourway



**Pantone
525**

C75 M100 Y9 K59

**Pantone
Rubine red**

C0 M100 Y0 K4

- C75 M100 Y9 K59

Style: Using the Southwark Council logo

Southwark Council's logo is unique. For it to remain that way, and to ensure the council is recognised for its work, we have to ensure it is applied consistently.

The Southwark Council logo should be the same height as the Revitalise message.

It must be positioned equal distance from the body copy on the right side as the Revitalise message is on the left side. If no body copy is used, the logo should be positioned 3X away from the Revitalise message.

As stated in 'The logo' section of the main guidelines, the clear space around the logo should be equivalent to the height of the 'K' in Southwark.

4X is based on
Cap height



Style: Illustration

If desired, simple silhouette style illustrations can be used to add an extra dimension to hoarding designs.

Illustrations can either be used in white or a 50% tint of the background colour.



A number of illustrations have already been drawn to be used in the campaign. Please contact Marketing.



Style: Hierarchy and delivery

Information hierarchy

Headlines should relate to site usage; 'Revitalise' is a very versatile key message and therefore will often be the most appropriate.

The strapline refers to a site's location, its nature and can introduce the relevant partners. It should never run beyond two lines.

The main body copy should explain:

- what is happening at the site
- when it will be completed.

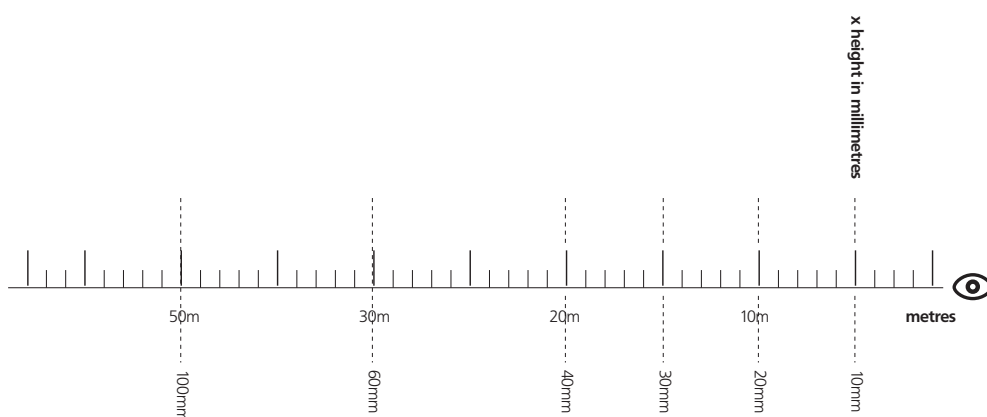
It should also be kept as brief as possible (ideally no more than one short paragraph or bullets) and provide contact details.

Reading distances

When designing an outdoor communication please consider the distance that the text needs to be visible from. Below is a chart illustrating the distances from which text is legible.



1. Legibility distances (10mm lower x height = legible at 5 metres)

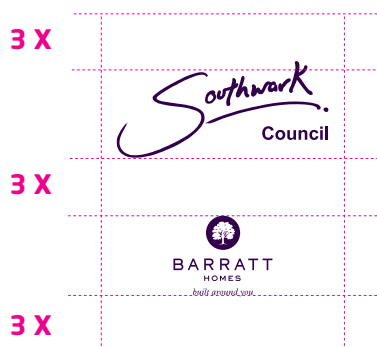


Partnerships: Logos

If key partner organisations to the council need to be credited on site hoardings, we need to ensure that their logos are used appropriately.

Partner organisations should be grouped and placed right of the message. Each partner's logo should be given equal emphasis.

Logos should be aligned next to each other horizontally or vertically. The Southwark logo should have prime position; on the left of a horizontal group or at the top of a vertical group.



Partnerships: Branding

The concept has been designed with flexibility in mind and can therefore be adapted to sit comfortably with partner colourways and logos.

On certain sites Southwark Council will need to gain approval from development partners before erecting hoardings. Facts such as who ultimately 'controls' the site therefore need to be established at the onset and will influence how each individual site is approached.

In certain situations Southwark Council may need to explain the benefits of hoardings to its development partners, perhaps by explaining how they will raise the profile of and generate interest in schemes. Partners should also be made aware of the fact that the hoardings strategy is fully supported

from the very top of the council, and has already been adopted by a host of other development partners.

Partners may need to be made to feel comfortable that their brands will be able to work alongside the hoarding graphics. This can be achieved by showing them how the graphics offer special space dedicated to partner promotion, offer additional opportunities to promote straplines, phone numbers, web addresses and showing images of partner hoardings sitting comfortably alongside Southwark Council hoardings.



Where alternative colour palettes are used there should be a good contrast between colours to ensure legibility. For pantone and colour references please contact communications.

Guidance: Advert consent

Construction site hoardings with graphics are subject to advert consent under planning law, controlled by the Town and Country Planning (Control of Advertisements) Regulations 2007.

An 'advert' is any word, letter, visual or other graphic device used for advertisement, announcement or direction. For example, REVITALISE is intended to announce regeneration or proposed regeneration, and therefore it is considered an advert.

Here is a summary of the regulations as they relate to the council's outdoor hoardings. It should not be relied on without reference to the full regulations.

Advice on advert consents

If you need advice on whether advert consent is required, or you are submitting an application for advert consent, you may wish to consider a pre application enquiry to find out if changes may be required ahead of a formal application being submitted. The team will require the following information

- Site address
- Site layout plan and where the hoardings with graphics are located on the site
- Drawings of hoardings showing dimensions
- Illustration of the graphics proposed
- Dates and duration hoardings with graphics are to be erected
- Type of development proposed at the site.

Please allow three days for an initial response to a pre application enquiry. The fee is £750 plus VAT. Contact the group manager, development control.

East 020 7525 5427
West 020 7525 5424

Advert hoardings which are permitted

For hoardings with graphics which comply with all the following criteria, an application for advert consent is not required. This is referred to as Class 8 Advert Hoardings.

- Hoardings with graphics must not be displayed for more than three years
- Hoardings with graphics can only be used to screen buildings or construction sites while the work is being carried out on the site (if operations on the site are in accordance with a planning permission for the development)
- Class 8 consent does not apply if the site is located in a national park, area of outstanding natural beauty, conservation area or in areas of special controls of advertisements
- Class 8 consent is limited to land being developed for commercial, industrial or business use
- Hoardings with graphics must not be displayed more than three months before the date on which the building or construction work starts
- No hoardings with graphics should be greater than 38m².
- Hoardings with graphics must not be more than 4.6 metres above ground level
- No illumination permitted unless static
- The project manager must send written notification to the planning enforcement team of the intention to display the hoarding with graphics at least 14 days before the display starts. A copy of planning permission for the site must be attached to the written notification
- If the development behind the hoardings is a residential development scheme, an application for advert consent is automatically required.

Occasionally, some hoardings the council may install may be able to rely on deemed consent under Class 1a, 1b and 3 of the regulations. Details of these can be found in an appendix, Advert Consent Regulations, on the Source.

The council is removing some advertisers' rights to display adverts in certain sites, so it's important our adverts go through regulatory processes. If our hoardings don't comply with the above criteria or classes 1a, 1b or 3, then advert consent is required.

Advert consent applications take up to 12 weeks to process. The fee is £335. An application form can be downloaded from www.southwark.gov.uk/YourServices/planningandbuildingcontrol/planningapplications click on forms and fees, display of advertisements.

For more details, please contact Southwark Council's planning enforcement manager on 020 7525 5419.

Guidance: Manufacture and materials

There are different types of site hoarding and different ways of applying graphics. The most common are hoarding panels measuring 2.4m x 1.2m. Two types of graphic application are suitable for this type of hoarding: vinyl and Di Bond (see below). For other types of hoardings, such as herras fencing, banners or netting, speak to communications.

Vinyls
The most cost effective approach to dressing hoardings is to apply vinyl graphics and lettering to pre-painted surfaces. However, although companies such as 3M offer 10 year guarantees on their vinyls, this approach should only ever be considered for hoardings that are out of the reach of potential vandals. Vinyls can only be applied in dry weather in temperatures above 4°C.

Di Bond
Although slightly more expensive, this method minimises the risk of vandalism. Di Bond panels are robust and can be coated in an anti-graffiti laminate.

Di Bond



Vinyls



Guidance: Costs

The costs outlined here are basic minimum fees which can be expanded on depending on size of hoarding and project requirements.

Costs as at June 2008, costs based on 12m x 2.4m.

Design consultancy costs

- Layout and artwork 6hrs £420 excluding amends
- Amends to design charged at hourly rate of £70 per hr (minimum 1hr charge)
- Client liaison, verbal contractor briefing, management 0.5 day
Project manager £280
- Materials and expenses @ 5% of fee

Manufacture costs

- 12m x 2.4m Di bond hoarding £1,528
- Installation £586



REVITALISE¹

Southwark Council investing in
Elephant and Castle

What's happening?

Behind here Southwark Council and its partners are investing in new homes as part of the Elephant and Castle regeneration programme.



www.southwark.gov.uk

Item No. Appendix 8	Classification: Information Only	Date: 03/11/09	Meeting Name: Camberwell Community Council - 17/12/09
Report title:	PLANNING ENFORCEMENT UPDATE REPORT		
From:	Head of Development Management		

Summary and purpose

1. This report is intended to provide members with a brief and informative insight into the performance of the planning enforcement service and the progress of some key cases over the period April to September 2009. It is the intention of the planning enforcement team to provide these quarterly performance reports to all community councils.
2. Please note that this report is for information purposes only. The determination of planning enforcement investigations and conduct of enforcement appeals is delegated to officers under the Southwark Constitution 2008. Part 3F Note (a). Members are advised that they do not have a decision making function in relation to Enforcement Cases. If there are any specific enforcement cases that members would like to be updated on at the community council meeting in January please contact Dennis Sangweme in the planning enforcement team.

Performance Data

- 3.1 The table below shows performance in dealing with investigations and overall performance on cases received over the period April to September 2009.

	Previous Year 08/09	1st Quarter 2009	2nd Quarter 2009	Total for 2009
Cases Received	64	19	24	43
Cases Resolved	56	14	8	22
Live cases				128
Instructions to Legal		None	5	5
Enforcement Notices Served		1	3	4
Planning Contravention Notices		2	3	5

- 3.2 There has been a slight increase in the number of enquiries over the reporting period compared to the previous 3 quarters. Cases resolved above includes: enquiries where no breach was found, where it was found not to be expedient to take enforcement action, where the breach ceased and where retrospective planning permission was received. Approximately 80% of the breaches of planning control were dealt with without resorting to formal enforcement action and this is largely attributable to the negotiating skills of the planning enforcement officers involved. Officers in the team have developed good engagement/negotiating skills to achieve agreed compliance without the need of often expensive and protracted enforcement action.

3.3 However where the breaches of planning control could not be resolved by negotiated resolution, officers considered formal planning enforcement action and **instructed legal services** accordingly as shown below:

- i. **44 Grove Park, SE5** – Instructions sent to legal services to serve a section 215 notice to secure the rebuilding of the front entrance to this house in a conservation area and clearing up the front garden. Direct action will be considered in the event of non-compliance. A claim lodged by the owner of the site is currently proceeding through the Courts. The claim is to do with alleged damage caused by a (Council owned) tree falling onto the front facade of the building resulting in the front entrance being damaged and subsequently being blocked. Unfortunately, until the outcome of the claim is known, legal advice is that it would not be in the Council's best interests to serve the s215 Notice.
- ii. **24 Valmar Road, London, SE5 9NG** – the alleged breach of planning control is without planning permission, and within the past four years, the creation of seven self-contained units of accommodation, and erection of a dormer/roof extension to the rear roof-slope.
- iii. **Flat B, 39 Grove Lane, London SE5 8SP** – the alleged breach of planning control is without planning permission, the erection of railings around roof level terrace, within the Camberwell Grove Conservation Area.
- iv. **51 Vestry Road, London, SE5 8PG** - the alleged breach of planning control is without planning permission, and within the past four years, the creation of five self-contained units of accommodation.
- v. **8a Coldharbour Lane, SE5** – Instructions sent to legal services to prosecute the proprietors of Spice & Nice for the offence of failing to comply with the requirements of a notice in force on the land. The requirements of the notice stated: "Cease the preparation and sale of hot food at the premises." A retrospective planning application 09-AP-2323 for 'change of use to mixed use A1 to A5 including works to an extractor system has now been received. The applicant seeks to overcome the Planning Inspector's reasons for refusing the deemed application under ground 'a' of the planning enforcement appeal, and reduce the impact of the use in question to adjoining occupiers. Residents and members will be consulted on this planning application for their representations. Officers are mindful that this prosecution might not necessarily achieve the desired outcome and that members and residents are looking for a long term solution to the situation at the above. The lawyers have therefore held prosecution proceedings in abeyance pending a decision on the application which it is understood is seeking to drastically reduce the hours of operation, introduce refuse/waste management measures, extractor system and other measures to reduce the environmental and other adverse impacts of the use. In the interim, Spice & Nice has been requested to post signs on the premises to stop customers from littering the streets and unauthorised parking.

Enforcement Notices & Appeals

3.4 Five enforcement notices were served over the reporting period as shown in the table below:

Address	Alleged Breach & Requirements of Notice	Date Notice expires	Appeals	Further action needed
Land at 10 Denmark Hill London SE5 8RZ	Without planning permission, the installation of (i) a roller shutter to the street facade at ground floor level (ii) a new fascia sign to the street facing facade; and (iii) UPVC windows at the first, second and third floor levels on the street facing elevation. Notice served on the 27 th of March 2009 on all interested parties of the abovementioned property. Barring an appeal, the notice would have taken effect on the 1 st of May 2009.	Requirements of notice suspended pending appeal decision	Appeal lodged on grounds a & f. Residents and members notified.	Officers waiting for an Inspector's site visit
Land at 21-22 Camberwell Green, London, SE5 7AA	Without planning permission, the installation of an illuminated fascia light box sign above the shop front within the Camberwell Green Conservation Area. Notice served on May the 18 th 2009 with a three months compliance period. The notice took effect on June the 22 nd .	22/09/2009	No appeal lodged against the notice	Notice not complied with. Officers now considering prosecution.
Land comprising residential premises on basement, ground, first, second and third (roof space) floors and rear garden known as 10 Maude Road, London, SE5 8PE	Without planning permission: (i) change of use of a dwelling house to four self contained units of accommodation located at the basement. Ground, first second and third floors and (ii) construction of a basement level extension at the rear of the property. Notice served on the 26 th of June 2009 on all interested parties of the property. Barring an appeal that has now been received the notice would have taken effect on the 29 th of July 2009.	Requirements of notice suspended pending appeal decision	Appeal lodged on grounds a, b, d, f & g. Residents and members notified.	Officers preparing Council's statement of case in defence of enforcement notice.
Flat B, 39 Grove Lane London SE5 8SP	Without planning permission, the erection of railings around roof level terrace within Camberwell Grove conservation area. Planning permission (08-AP-0799) for the retention of railings to the roof terrace, installation of first and second floor windows in north facing elevation and infilling of the flank wall (eastern elevation) up to existing parapet height was refused in 23 rd April 2009. Notice served on 14/08/09 and barring an appeal takes effect on 14/09/09 with a one month compliance period.	14/10/09	Not Lodged	Officers be monitoring site to ensure that requirements of notice are complied with.

Land at 24 Valmar Road, London SE5 9NG	Without planning permission; (i)the change of use of the Land from use as a single residential dwelling house (within use class C3) into seven self contained units of accommodation, located on the ground, first, second and third (the Unauthorised Use) and the erection of a tiled dormer extension to the rear roof-slope. The notice seeking to remedy the unauthorised use and remove the dormer extension was served on 04/09/09 and takes effect on 06/10/09.	06/04/10	Not yet	Officers to monitor if appeal is received
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3.5 As members might be aware, failure to comply with the requirements of an enforcement notice is an offence and a person guilty of the offence is liable, on conviction at the Magistrate's Court, to a fine not exceeding £20,000 or an unlimited fine if convicted at Crown Court. Members might be aware that in order to secure compliance with an enforcement notice, the Town and Country Planning Act, 1990 and the extended provisions in the Planning and Compensation Act, 1991, empowers local planning authorities to take direct action in default by the owner or occupier of the land. This means that where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice, the Council as the Local Planning Authority may carry out the works in default and recover the costs from the owners of the premises.

3.6 Officers will seek to utilise all the available enforcement powers as the effectiveness of the development management system largely depends on the willingness of the Council to take effective enforcement action.

Pro-Active Projects

3.7 Members might be aware that the planning enforcement team is running three pro-active initiatives aimed at (i) the removal of inappropriately located and unsightly advertisement hoardings in the Borough. The main area of focus for this initiative has been conservation areas, displays close to and attached to listed buildings and major thoroughfares (ii) cessation of the unauthorised use of buildings as places of worship by various faith groups and (iii) the removal of inappropriately located and unsightly satellite dishes within conservation areas, on listed buildings and along Southwark's main thoroughfares and high streets. The planning enforcement team is also coordinating with other business units to pilot an initiative to proactively identify and remediate breaches of planning control affecting Southwark's thoroughfare and high streets in order to improve the character and appearance of these highly visible main roads.

3.8 Below is the progress under each project:

the removal of inappropriately located and unsightly advertisement hoardings in the Borough. No current cases to report.

Unauthorised use of buildings as places of worship by various faith groups ceases.

- i. 272-274 & 294-304 CAMBERWELL ROAD, LONDON, SE5 0DL and 286-292 Camberwell Road. X6 planning contravention notices served and all six faith groups operating from this site responded to the PCNs. Agent representing the churches advised officers that retrospective planning applications will be submitted. However, on the other hand there are extant planning permissions for mixed use schemes to redevelop the site. Conservation area consent 06-AP-0775 was recently granted for the demolition of existing buildings associated with the approved planning permission 06-AP-0774 (Redevelopment of sites to provide two mixed-use buildings (at No's. 272-274, a 4 storey building; at No's. 294-304, a part 4 and part 7 storey building) comprising a total of 800 sq m of commercial floorspace and 60 apartments with associated car and cycle parking).

the removal of inappropriately located and unsightly satellite dishes within conservation areas, on listed buildings and major thoroughfares/high streets.

- i. 13, 13a, b & c Camberwell Church Street – x2 satellite dishes resulting in clutter detracting from the appearance of the streetscape. Officers seeking the removal or appropriate relocation of the satellite dishes giving minimum compliance periods.
- ii. 45a Camberwell Church Street – x7 satellite dishes resulting in clutter and detracting from the appearance of the streetscape. Officers seeking the removal or appropriate relocation of the satellite dishes giving minimum compliance periods.
- iii. 100 Grove Park – x1 satellite dish visible from the highway within a conservation area. Officers requested the dish to be removed by 23/09/09.

3.9 Other sites of interest to members:

- i. **3 & 4 CANNING CROSS, LONDON, SE5 8BH.** The issue here is that residents and some members are concerned about the appearance of the site. Planning permission was granted on appeal for the demolition of the pair of 2 storey mixed use terrace buildings at 3 and 4 Canning Cross comprising dwelling and business premises to provide 4 replacement mews houses. The demolition works were undertaken and appears to be uncompleted. Officers are pushing the site owners to clean up and secure the site. Redevelopment scheduled to commence in the summer but nothing is definite under the current economic climate. Officers together with Cllr Veronica Ward and local residents met the owners of the site to discuss a way forward. Although it appears some works have been carried out, the site remains untidy and of concern.

- ii. **former Bricklayers Arms at 121-123 Southampton Way SE5 7EW.** Residents and members are concerned about the erection of hoardings screening the works at this site. The hoardings have been erected on the pavement obstructing pedestrian movement. The works in question are pursuant to the implementation of an extant planning permission (Ref: 08-AP-0726) granted at this site for the demolition of the public house, and erection of a four storey building comprising 8 flats with associated amenity space to the rear and landscaping. The hoardings, as they have been erected in association with works benefiting from planning permission, are permitted development and therefore there is no breach of planning control in this respect. However, the matter has been referred to the Council's road network operations team to investigate the actual sitting of the hoardings as a priority.
- iii. The passageway at **39-43 GROVE LANE, LONDON, SE5 8DB.** The legal status of this matter is that the passageway is in joint ownership of the owner of 39-43 GROVE LANE and the adjacent public house to the rear. It appears the passageway is used informally by the public as a short cut between Grove Lane and Camberwell Grove and members of the public and members are concerned, primarily, about safety of people using passageway. Officers liaised with members and residents, and based on the information provided, arrived at a conclusion that there has, possibly, been a material change of the use of the access way 'from an access used intermittently for servicing the public house to parking associated with the office use at no. 39-45 Grove Lane'. This new use, which commenced after 2004 (around the time 39-45 Grove Lane was acquired by the new owners) is less than ten years old, and is not considered ancillary to the planning unit at 39-45 Grove Lane as the passageway is a separate planning unit in joint ownership of 39-45 Grove Lane and the Public House. An enforcement investigation has therefore been opened.
- iv. **8 BUSHEY HILL ROAD, LONDON, SE5 8QJ** – Retrospective planning application refused for variation of Condition No. 2 to allow the use of part of the flat roof as a roof terrace, and variation of Condition No. 3 to allow rooflight windows to be non semi-opaque - of permission granted under ref. 07-AP-2317 (which permitted: The retention of the conversion of the garage to living accommodation with extension to the roof space over, together with the conversion of the main roof space to living accommodation, creation of dormer extension in the rear roof slope, provision of velux windows in the front, side and rear roof slopes and erection of a single storey extension to rear incorporating railings at first floor level). Temporary obscuring film applied which then came loose. Owner finally applied what appears to be permanent obscuring to the windows in question.
- v. **227 CAMBERWELL NEW ROAD, LONDON, SE5.** The issue here is the installation of UPVc windows to a grade II listed building. Officers have successfully negotiated with the management company to remove the offending UPVc windows and replace with timber sash windows sympathetic to the setting of the listed building and the listed terrace.

- vi. **Former Ivanhoe Public house, 26-28 Ivanhoe Road, SE5 8DH** – Planning permission ref. no. 07-AP-1308 granted on 05/09/2009 for rremodelling of existing public house, manager's, chef's and landlord's flats at the first and second floor to form 4 self contained flats (2 x 2 bed and 2 x 1 bed). 1 storey extension to existing ground floor flat roof to Malfort Road elevation. Complaint received from residents and some members in relation to a parapet having been removed in the Malfort Road elevation. A site visit revealed the parapet had been reinstated and original coping stones reused and marginal reduction in height of the parapet considered de minimis. It was noted on site that a chimney had been removed from the north-west flank elevation and uPVC windows installed at first and second floors. Contact with the architect suggested the chimney had been removed on instructions of an engineer and for structural reasons. The submission of the structural report by the 18/09/09 has been requested to allow further investigation. An application for the removal or variation of condition 3 of the extant permission has been received in an attempt to rationalise the uPVC windows, however this would not apply to all altered windows. Accordingly, officers have requested a full planning application to allow full consideration of all uPVC windows.

4. Prioritisation

- 4.1 As members might appreciate, planning investigations are often lengthy and complex, and staff resources limited. Investigations, especially formal enforcement action, can take time because of the strict procedures that the council was obliged to follow. It is therefore necessary for the Council to prioritise its workload. The initial prioritisation of a complaint is based on the perceived effect of the breach of planning control. The highest priority is therefore accorded to cases that represent the greatest degree of harm to the environment/heritage/amenity. The council aims to investigate and decide within eight weeks if there has been a breach of planning control and what further action to take.

5. Conclusion

- 5.1 We hope members find this report informative and officers welcome your comments to improve the format/content of the report to meet expectations. The next report will be provided in time for the CC meeting in January.

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Community Reports	Council Camberwell Council	Community
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Appendix I - How to report a possible breach of planning control

The planning enforcement team has often been requested by residents on how members of the public can report possible breaches of planning control. Below is a brief guide:

i) What is a planning breach?

A planning breach usually occurs when:

- a development that requires planning permission is undertaken without the permission being granted - either because the planning application was refused or was never applied for
- a development that has been given permission subject to conditions breaks one or more of those conditions

A planning breach in itself is not illegal and the council can permit a retrospective application where planning permission has not been sought. In considering any enforcement action, the main issue for the Council as the local planning authority is whether the breach of control would unacceptably affect public amenity

ii) How to report a possible breach of planning control

Residents can report a possible breach of planning control by:

- Calling, emailing or writing to the Planning Enforcement Team – see the contact details below.

To help officers investigate the possible breach it would help if you could give as much detail as possible, including:

- The location of the site
- The exact nature of the alleged breach
- When the breach started
- How it affects you, or what problems it is causing.

Please also include your contact details. Anonymous complaints can be difficult to fully investigate as it means we are unable to get additional information to assist our inquiries. Such anonymous or obviously malicious complaints or allegations of a breach of planning control will not normally be investigated.

- [Email Planning Enforcement Team](mailto:planning.enforcement@southwark.gov.uk) at planning.enforcement@southwark.gov.uk
- Tel: 0207 525 5403
- Planning Enforcement, Development Management, Planning & Transport, PO Box 64539, London, SE1P 5LX

iii) The Planning Enforcement Team aims to:

- Acknowledge enforcement related enquiries within three working days either by telephone or letter
- Investigate the enquiries and visit the site in all instances within 10 working days
- Provide an interim response to enquiries within five working days of the site visit
- Notify the enquirer of any decision to take formal enforcement action within three working days of the decision.

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