

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Total number of appeals withdrawn	0	0	1	1	0
Appeals withdrawn as % of those decided	0	0	8	7	0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 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.