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1

Introduction

- 1.1** Tower Hamlets is a borough rich in history and presents a vibrant mix of old and new, a bustling community unique in culture and character. Home to over 301,000 residents with an economy supporting over 240,000 jobs, Tower Hamlets is the fourth largest employment location in London.
- 1.2** The borough's population is expected to increase to an estimated 395,000 by the end of the year 2030/31. Over the last 10 years, Tower Hamlets has experienced the fastest population growth in London and the borough has continued to transition from its industrial heritage to become a more attractive place to live.
- 1.3** The borough is experiencing incredibly high levels of growth and development activity. This is evidenced by the fact that we currently have London's highest targets for new homes and jobs in the London Plan. Tower Hamlets is expected to deliver 39,310 new homes, approximately 10% of the London Plan total London Housing target, by 2025. Three parts of Tower Hamlets are defined as Opportunity Areas where most of the future growth will happen – the City Fringe, Lower Lea Valley and Isle of Dogs.
- 1.4** The Council's planning service is at the heart of managing and supporting growth in Tower Hamlets and deals with approximately 3,000 to 3,500 individual planning applications (across all types) each year. In 2016/17 the Council granted planning permission for up to 7,900 new homes.
- 1.5** There is evidence of growing public concern over development that takes place without the appropriate planning permission or without proper reference to approved plans or attached planning conditions. The number of enforcement enquiries in Tower Hamlets has grown steadily over the years and the Council also recognises that public expectations in this area have increased.
- 1.6** The Council currently investigates in the region of 500 complaints about alleged breaches of planning control each year.
- 1.7** During the 2016/2017 business year we found that 35% of complaints received related to alleged breaches of planning condition including breaches of construction management plans. 12% of complaints related to commercial changes of use and 9% related to residential operational development. A key issue appears to be with regard to listed buildings in the borough with 9% of our cases involving works to listed buildings.
- 1.8** In the period between January 2015 and November 2017, the Council resolved 1,512 investigations. In a third of these cases there was no breach of planning control. 10% of cases were resolved through formal routes and 34% of cases were resolved without the need to resort to formal action or because planning permission was granted. Around 17% were closed because the Council determined it would not be expedient to pursue formal action.



1.9 This Planning Compliance Policy has been prepared to set out the Council's approach to planning compliance and enforcement, and to reflect the national and local guidance as set out in *Planning Practice Guidance: Ensuring Effective Enforcement* and the *Tower Hamlets Local Plan*.

1.10 The Planning Compliance Policy sets a framework for how the Council will handle reports of unauthorised development or breaches of planning control, how any subsequent investigations will be carried out and the means by which we can seek to resolve them.

1.11 This policy sets out:

- ⦿ The background to planning enforcement and the scope of enforcement powers;
- ⦿ Our service standards for customers;
- ⦿ How we will priorities investigations;
- ⦿ Our approach to resolving breaches of planning control;
- ⦿ How the Council will take decisions on whether to take formal enforcement action;
- ⦿ What happens when we can't take formal action;
- ⦿ How we work with other services across the Council and external partners to deal with the effects of unauthorised development;
- ⦿ Our approach to sharing information and keeping service users informed.

1.12 Whilst the majority of compliance work is reactive, Tower Hamlets Planning Compliance Policy explains how enforcement powers can be used **proactively** as a positive planning tool to help deliver other Council objectives and priorities. This may be through area based or topic based projects, targeting particular issues of concern for our communities. This policy document will establish the framework for making decisions on future proactive projects and initiatives.

Legislative and policy context

- 2.1** This policy has been prepared in accordance with the advice contained within the *National Planning Policy Framework (NPPF) (March 2012)* issued by the Department for Communities and Local Government which states:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”

- 2.2** Powers to enforce planning controls are given by Parts VII and VIII of The Town and Country Planning Act 1990 (as amended).
- 2.3** It is important to note that the power to take enforcement action is discretionary. In practice Tower Hamlets Council resolves many alleged breaches of planning control and secures compliance with approved plans, planning regulations and policies without needing to take formal enforcement action.





2.4 Section 55 of the Town and Country Planning Act 1990 defines development as:

"... the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use of any buildings or other land."

2.5 Tower Hamlets' current Local Plan – MDD Monitoring section, also states at paragraph M21:

"... There are some instances where development that takes place outside planning control. This can undermine the implementation of the Council's vision and policies and cause harm to the public interest. Therefore, when breaches of planning control come to the Council's notice, the Council will investigate each case and, if considered expedient, will take appropriate action to remedy the breach of control with regards to the policies within the development plan's suite of policies and any other material planning considerations."

2.6 Tower Hamlets draft replacement Local Plan has been submitted to the Secretary of State, for examination. Part 5, Monitoring and Delivery, says:

"The Council will produce an enforcement plan that will set out in more detail how our compliance and enforcement service will be delivered and how investigations will be prioritised. Further information on enforcement and compliance activity will be published in the annual monitoring report."

2.7 The Council continues to give full weight to policies in the existing Local Plan (Core Strategy (2010) and Managing Development Document (2013)). The policies in the draft replacement plan will gain weight as it progresses towards examination in public and subsequent adoption.

3

The aims and objectives of the policy

- 3.1** The Development Management service operates in connection with the Council's statutory role as a local planning authority in the regulation of the use and development of land and buildings under the Planning Acts and related legislation. Given the high levels of development activity, the Local Plan objectives to improve the quality of the environment, the need to pay special attention to conservation areas and listed buildings and to safeguard the amenity of local residents, effective planning compliance and enforcement is a priority.
- 3.2** This Planning Compliance Policy will set out how Tower Hamlets Council will use its planning compliance and enforcement powers to:
- a) Help ensure the credibility of the planning system, and to ensure fairness for those who adhere to planning controls
 - b) Protect residents from the effects of unacceptable development
 - c) Remedy the unacceptable harmful effects of unauthorised development
 - d) Ensure the adopted planning policies applicable to this borough are properly implemented.
- 3.3** The aim of this document is to clarify and set out the Local Planning Authority's procedure for enforcing breaches of planning control. The plan will therefore ensure that officers, councillors and the general public will be aware of the approach to planning compliance and enforcement.
- 3.4** This document sets out the Council's approach to handling planning related enforcement matters. It is designed to let the public know what action they can expect when a breach of planning control is reported, where resources will be targeted and the relevant timescales that we will endeavour to meet.
- 3.5** The Council considers that helping residents and those carrying out development in Tower Hamlets to understand national and local planning legislation is a key element to effectively enforcing planning controls. As residents and developers become more informed and aware of the regulations it is hoped that less unauthorised development work will take place within the borough.



4

Planning compliance in Tower Hamlets

- 4.1** The London Borough of Tower Hamlets believes in firm but fair regulation. Underlying the policy of firm but fair regulation are the principles of:
- ⦿ Proportionality in the application of the law and in securing compliance
 - ⦿ Consistency of approach
 - ⦿ Transparency about how the service operates and what those regulated may expect from the service
 - ⦿ Targeting of enforcement action and education.
- 4.2** It is a well-established principle that enforcement action should be remedial rather than punitive. If there is an obvious alternative which would overcome the planning difficulties, at less cost and disruption than total removal or cessation, the authority should feel free to consider it.
- 4.3** Additionally it may also be appropriate to consider whether any other public authority (e.g. the highway or environmental health authority) is better able to take remedial action.
- 4.4 Proportionality**
- 4.4.1** Proportionality means relating any formal or informal enforcement action to the level of harm caused. The action taken by the enforcing authority should be proportionate to the seriousness of any breach.
- 4.4.2** It is an important principle of the planning system that the use of formal planning enforcement action is a discretionary power of the Council. The planning enforcement system should not be viewed simply as a way to punish those responsible for breaches of planning control.
- 4.4.3** People who wilfully carry out unauthorised development undermine the planning system and public trust. Contraveners of this type will be dealt with in a firm and determined manner.
- 4.4.4** Others however, often carry out works genuinely without any knowledge that planning permission or other consents are required.
- 4.4.5** In considering any enforcement action, the decisive issue for the Council is whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings, and therefore merit such action in the public interest.
- 4.5 Consistency**
- 4.5.1** Consistency of approach does not mean uniformity, it means taking a similar approach in similar circumstances to achieve similar ends. The Council aims to achieve consistency in advice given, the response to incidents, the use of powers and decisions on whether to prosecute or carry out works in default.



4.5.2 When we are considering how to resolve breaches of planning control we will take account of:

- The scale of the breach and its impact
- Matters of fact and degree
- The history of previous incidents or breaches
- Whether demonstrable harm is occurring.

4.5.3 Decisions on enforcement action are a matter of professional judgement and discretion needs to be exercised. The Planning Compliance Team will continue to develop an approach that promotes consistency including effective liaison with other Council services and enforcing authorities.

4.5.4 In some cases, planning applications can be submitted retrospectively to regularise unauthorised development and are determined in the same way as applications for proposed development. However this process does not obviate the need to ensure that the correct permissions or consents have been obtained before carrying out development.

4.6 Transparency

4.6.1 Transparency is important in maintaining public confidence in the service's ability to regulate. It is about helping those regulated and others, to understand what is expected of them and what they should expect from the Council. It means making clear the Council has decided to take enforcement action or use other means to resolve a breach of planning control. It also means distinguishing between statutory requirements and advice or guidance about what is desirable or good practice but not compulsory.

4.6.2 To achieve this, the Planning Compliance Team will regularly publish figures on case compliance, notices served, appeal decisions received, prosecutions heard and direct actions undertaken on a regular basis.

4.6.3 The team will also continue to provide timely and detailed responses to customer and Members' queries adhering to the Council's given response times as stated.

5

Carrying out investigations

- 5.1** If you believe works that may constitute development have been carried out without the necessary planning permission (or similar consent) or are being carried out without complying with approved plans you can report this to the Council. This is known as a breach of planning control.
- 5.2** A breach of planning regulations is when any work is done without the necessary consent. Examples include:
- ⦿ A developer has planning permission but is not complying with the conditions attached to their permission or is not following the approved plans or failing to submit required information before starting development
 - ⦿ Displaying a sign or an advert without advertisement consent
 - ⦿ Making a material and unlawful change to the use of a property
 - ⦿ Carrying out works to a listed building without consent
 - ⦿ Demolishing a building within a conservation area without consent
 - ⦿ Felling or carrying out works to a tree in a conservation area or a tree protected by a Tree Preservation Order (TPO).
- 5.3** We will investigate all reported breaches of planning control that are brought to the Council's attention. Investigations are carried out by:
- ⦿ Discussing and canvassing the experiences of residents and complainants
 - ⦿ Visiting the site
 - ⦿ Researching the relevant planning history for the site or address
 - ⦿ Contacting the owners or occupiers of the premises concerns
 - ⦿ Checking other relevant records for the property, such as Council Tax or Business Rate records
 - ⦿ Reviewing other sources of information, such as aerial photographs.

Once we have carried out our initial investigations we will determine whether a breach of planning control has occurred.



Instances where action may be taken

5.4 Breaches of planning control which may require action could include:

- ⊙ Unauthorised change of use of a building or land
- ⊙ Development not built in accordance to approved planning permissions
- ⊙ Conditions of a planning permission not being met or discharged
- ⊙ Unauthorised works to a listed building, a property or building in a conservation area or property or building where permitted development rights have been removed (Article 4 direction)
- ⊙ Unauthorised extensions to a residential property
- ⊙ Unauthorised outbuildings
- ⊙ Unauthorised display of a sign or advertisement
- ⊙ Certain engineering operations
- ⊙ Unauthorised satellite dishes or aerials, especially in conservation areas.

Instances where we cannot take action

5.5 In some cases the Council may be unable to take formal action against unauthorised development that is reported by members of the public. For example when:

- ⊙ The works do not constitute development under section 55 of the Town and Country Planning Act 1990
- ⊙ The works or change of use fall within 'permitted development' defined by the Town and Country Planning General Permitted Development Order 2015 (as amended)
- ⊙ An advertisement benefits from 'deemed consent' under the Town and Country Planning (Control of Advertisements) Regulations 2007
- ⊙ Immunity from enforcement action has occurred by way of a use being established continuously for a period of 10 years (4 years for a self-contained dwelling) or if building works have been completed more than 4 years ago
- ⊙ A trivial or technical breach of planning causes no harm to the local environment or the amenity of people living nearby
- ⊙ The works are considered too minor to fall under the scope of planning control – this is known by the Latin term "de-minimis"
- ⊙ Issues solely relating to boundary positioning and land ownership disputes
- ⊙ Retrospective planning permission has regularised a previous breach.

5.6 Over the last three years around 7% of the cases we investigated involved development that was immune from enforcement action. For this reason, it is helpful for members of the public to report cases where unauthorised development may have taken place as soon as possible.

5.7 Where planning compliance action cannot be taken we will endeavour to help find or recommend an alternative solution to resolving the matter. This may involve forwarding the matter to any relevant Council departments or by pointing to possible external bodies or remedies if apparent.

Heritage

5.8 The Council has duties under the Conservation Areas and Listed Building Act and the NPPF to conserve and enhance the borough's historic environment.

5.9 The Council has a positive strategy to managing its duty to protect and enhance Tower Hamlets' heritage assets and historic environment to ensure that they can be appreciated and enjoyed more by both current and future generations.

5.10 The Council's positive strategy is set out in the Conservation Strategy 2012. This positive strategy primarily comprises the policies in the Local Plan, the approved Conservation Area Character Appraisals and Management Guidelines and other material considerations and a proactive strategy to reduce the number of identified assets on the Heritage at Risk register, maintained by Historic England. This is supported by policies in the NPPF and Conservation Areas and Listed Building Act.

5.11 A Conservation Strategy 2017 has been published alongside the Draft Local Plan, to ensure the Council's positive strategy is as effective as possible. It is anticipated that the new strategy will be approved by the Council by the summer of 2017.

5.12 In support of this strategy compliance cases involving significant heritage issues (e.g. full demolition in conservation areas, unauthorised works to listed buildings and structures and Heritage At Risk cases) will be prioritised for investigation, resolution and enforcement.



Options for securing planning compliance

- 6.1** The Council recognises the importance of establishing effective control over unauthorised development and will not condone wilful breaches of planning control. It must however be remembered that enforcement is a discretionary activity. Apart from some listed building and advertisements cases it is not illegal to carry out works without the relevant consent. It only becomes, illegal after the Council issues an enforcement notice and those in breach fail to comply with the requirements of the notice.

Expediency

- 6.2** In considering whether it is expedient to take enforcement action, the Council will take into account its relevant planning policies and all other material considerations including relevant appeal decisions and case law. Consideration will also be given to the reasonable time and resources available to carry out the enforcement function.
- 6.3** The Council will assess whether a breach of planning control unacceptably affects public amenity or causes harm to land and buildings. The Council considers that the objective of planning enforcement is remedial not punishment and as such will encourage its officers to work with those in breach to achieve favourable outcomes without having to issue a formal notice. In about a third of all the cases we investigate, compliance is achieved through negotiation and without the need for enforcement action.
- 6.4** In cases where those in breach are not positively engaging with officers or fail to meet agreed deadlines, formal action will be considered and notices issued where it is appropriate to do so.
- 6.5** As discussed earlier in this policy document an officer will seek to work with those in breach to voluntarily resolve contraventions whenever this is possible and appropriate thereby avoiding formal action having to be taken.
- 6.6** This may mean informal negotiation to remedy harmful aspects of the breach in advance of the submission of a retrospective planning application. This may also lead to a reasonable extension of time to comply with planning regulations.
- 6.7** When this is not possible or appropriate, to obtain a satisfactory voluntary resolution to a contravention and if it is considered expedient to take formal enforcement action to rectify or resolve the breach, the main options for action are summarised as follows:

6.8 **Enforcement Notice**

This is the usual method of remedying unauthorised development and there is a right of appeal against the notice. The use of the Enforcement Notice is an effective tool and such notices will be served fairly early on in cases that cause significant harm or where the transgressor has made clear they are unwilling to remedy the breach. The transgressor has the right to appeal against the notice to the planning inspectorate.



6.9 Section 215 Notices

Where the condition of land or a building is adversely affecting the amenity of a neighbourhood the Council may issue a Notice under Section 215 of the Town and Country Planning Act 1990, requiring the owner or occupier to remedy the condition of the land or building. Failure to comply with the Notice is a criminal offence. The Council also has powers, where a Notice has not been complied with, to enter the land and carry out the work itself and recover the cost from the owner.

6.10 Breach of Condition Notice

These can be used as an alternative to an Enforcement Notice. There is no right of appeal against this notice to enforce a planning condition.

6.11 Listed Building Notice

This is used to remedy unauthorised works to listed building and there is a right of appeal against the notice.

6.12 Advertisement Removal Notice

These can be used to remove illegal advertisements which do not have either express or deemed advertisement consent to be displayed. There is a right of appeal to the magistrates' court.

6.13 Discontinuance Notice

Where an advertisement is being displayed with the benefit of deemed consent, a planning authority may serve a discontinuance notice on the owner and occupier of the land and on the advertiser, requiring it to be removed, where it considers the removal to be necessary "to remedy a substantial injury to the amenity of the locality or a danger to members of the public".

6.14 Stop Notice

This can be used in conjunction with an enforcement notice where the breach of planning control is causing serious harm and should only be used in extreme cases. In such cases where Stop Notices are issued the Council may be liable to pay compensation if it is later decided that the Stop Notice was not appropriate.



6.15 Temporary Stop Notice

These are similar to Stop Notices (above) but take effect immediately from the moment they are displayed on a site, and last for up to 28 days. A temporary Stop Notice (e.g. unauthorised building works) would be issued only where it is appropriate that the use or activity should cease immediately because of its effect on (for example) amenity, the environment, public safety etc. It may be issued even where planning permission has been granted for development, in a case where the developer is not complying with conditions attached to the permission.

6.16 Injunction

This involves seeking an order from the court preventing an activity or operation from taking place. Failure to comply with the requirements of an injunction amounts to a criminal offence.

6.17 Prosecution

In extreme cases such as demolition in a conservation area, severe damage to a listed building, the lopping, felling or destruction of a protected tree or the illegal display of an advertisement, prosecution action can be taken against the parties deemed responsible for the works.

6.18 Default Powers

The Council may enter the land and take the necessary action to secure compliance when enforcement notices are in effect. This is only used in extreme cases and when resources allow. The Council will seek to recover all costs associated with carrying out works in default.

6.19 Proceeds of Crime Act 2002 (POCA)

Confiscation orders under the Proceeds of Crime Act 2002 (POCA) are frequently used against fraudsters and drug-dealers to deprive criminals of the financial gain they have received from their criminal conduct. With a few exceptions, breaching planning control is generally not a criminal offence, but such activities can become criminal where they continue to occur in breach of a valid, effective enforcement notice. If the notice is not complied with then the LPA has a number of statutory remedies it can rely on, including prosecutions and direct action. Under POCA not only is the offender punished by forfeiting the profits attributable to the planning breaches, but the local authority receives a share of those profits.

6.20 Appeals

6.20.1 There is a right of appeal against most statutory notices issued by the Council (exceptions are Breach of Condition Notices, Stop Notices and Temporary Stop Notices). Appeals are in most cases made to the Department for Communities and Local Government (the Planning Inspectorate) or in some cases to the magistrates' court. When a notice is issued the recipient will also be given the necessary information on how to exercise their right of appeal.

6.20.2 During an appeal enforcement action is held in abeyance and no further action can be taken until the appeal is decided.

7

Our Service Standards

Service standards if you report a breach

- 7.1** To initiate a planning compliance investigation, complaints should be made via the standard form which can be found on the Council's website (https://www.towerhamlets.gov.uk/lgnl/environment_and_planning/planning/Development_management/planning_enforcement.aspx), Council offices or can be sent out to complainants if requested.
- 7.2** Other than in exceptional circumstances, the complaint will only be investigated if the complaint is fully detailed including the identity and contact details of the complainant (including home address, online contact details and relevant telephone numbers), the address at which the alleged breach of planning control has taken place, a description of the unauthorised development/use and the harm that is considered to be caused by it. Complainants will also be encouraged to send in dated context photographs of the alleged breach, in order to assist the enforcement investigation.
- 7.3** The Council will not investigate anonymous complaints as it means we cannot verify particular aspects of the complaint at a later stage. All complaints received will be treated in the strictest confidence. However sometimes in exceptional circumstances complainants may be asked to provide evidence to assist officers in their investigation to establish whether a breach of planning control has occurred. This evidence may then, with their consent, be used at appeal or as part of a criminal prosecution.



- 7.4** In respect of complaints received about alleged breaches we endeavour to work to the following service standards:
- (i) Written acknowledgements of receipt of complaint within ten working days with contact details for the case officer who will be investigating the complaint;
 - (ii) Other than in cases where immediate or urgent action may be required initial investigation will usually be undertaken within fifteen working days of case being registered.
 - (iii) In cases of reported breaches of planning control involving serious and/or irreversible harm, the complaint will be investigated as a matter of priority, usually within 48 hours of receipt. Urgent action will be instigated to stop unlawful activity where serious harm being caused makes this appropriate. Such cases include damage or demolition of listed buildings or any other cases where there is a serious and imminent danger of harm or irreversible damage to property.
 - (iv) Upon definitive determination of the investigation the officer will contact the complainant with their findings. Additionally the complainant can contact the designated case officer by email or phone 4 – 6 weeks after receiving their acknowledgement letter. At this stage the officer is more likely to be able to inform the complainant on the progress of the investigation. Complainants can also check the Council's on-line enforcement register to see if a formal enforcement notice has been served.
 - (v) Within five days working days of the decision to close an enforcement case we will work to notify the complainant where appropriate by letter or email, advising them why the case was closed. We will inform complainants of any formal action taken in a similar manner.

Service standards if you have caused a breach of planning control

- 7.5** Under normal circumstances, prior to taking formal enforcement action the officer concerned will fully and openly discuss the circumstances of the breach and where possible attempt to resolve any points of difference. We will aim to contact a person in breach following a site visit having taken place and once the necessary remedial action is determined. We aim to advise them what they are required to do in order to remedy the breach of planning control giving a reasonable timescale for remedy of the matter.
- 7.6** Should a retrospective application for planning permission be invited, the letter or email will also advise those in breach on the expected timescales for submission or remedy. In almost all cases written notification of the breach and opportunities to rectify the situation will be given prior to any action being taken. However, this may not be possible if urgent or immediate action is required.

7.7 When breaches appear to have occurred officers will:

- ⦿ Communicate clearly to the responsible party or their planning agent identifying the problem and the measures that may need to be taken to achieve compliance.
- ⦿ In the case of formal action being authorised the contravener's rights of appeal will be explained to them.
- ⦿ Where officers consider there is no significant planning harm or that harmful effects may be satisfactorily addressed by mitigation measures, the enforcement team will allow a reasonable period for the submission of a retrospective planning application to regularise a breach of planning control.
- ⦿ Where initial attempts to persuade those in breach to voluntarily remedy the harmful effects of unauthorised development fail, negotiations will not hamper or delay whatever formal enforcement action may be required to make the development acceptable. Officers will be keen to see that persons in breach are pro-actively seeking to resolve breaches of planning control rather than attempting to delay matters.
- ⦿ Initiate formal enforcement powers given to local planning authorities when necessary, after being satisfied that there is a clear breach of planning control that would unacceptably affect public amenity of the existing use of land and building meriting protection in the public interest.

7.8 Persistent offenders and those who seek to exploit the planning process at the expense of others will be dealt with using appropriately targeted enforcement action.

Particular Customer Needs

7.9 The service will endeavour to be flexible in responding to customer needs by adapting the method of operation to suit the customer. In particular, service leaflets, letters or other documents can be translated into other languages if required. Arrangements will also be made for interpreters when this is necessary.

Keeping you informed

- 8.1** The Council is committed to educating and informing Members and the public in relation to the work carried out by its Planning Compliance Team. The Council will attempt to strike a balance between informing the public about planning legislation through articles in Council publications as well as publicising prosecutions and cases where direct action has been taken. It is important to highlight cases where prosecution and direct action was taken to discourage others from breaching planning regulations and ensure the public have confidence in the enforcement service.
- 8.2** If you have made a complaint or if you are interested in a particular property, you can check whether formal enforcement action has commenced, for example whether an enforcement notice has been served against the property, by searching the on-line enforcement register, using the following link:
<https://development.towerhamlets.gov.uk/online-applications/>
- 8.3** Please note that we do not publish details of cases where investigations are ongoing without a notice being served or which have been closed without formal action.
- 8.4** If you need planning advice on carrying out development or works to your property, you can contact the duty planning officer on 020 7364 5009, or call in at the Town Hall, Mulberry Place. The duty planning service operates Mondays to Fridays from 9.00am to 1.00pm and is free of charge. For more complex enquiries we may recommend that you use the Council's pre-application advice service, for which there are charges depending on the scale of your proposals. More details can be found on the Council's website.
- 8.5** Pro-active campaigns will be used to educate the public in relation to the targeted breaches of planning control through Council publications and press releases. Local community groups may also be encouraged to assist in targeted campaigns in their particular area.
- 8.6** As part of the Council's commitment to being open and accountable a six monthly report will be presented to the Planning Committee regarding planning enforcement.
- 8.7** The planning section of the Council's website will be updated on a regular basis with relevant compliance related new stories, before and after photographs and will identify the number of cases closed and the reasons why they were closed.

9

Joined up working

- 9.1 The Planning Compliance Team will seek to spearhead a cross-departmental enforcement forum with our Environmental Health teams, our Highways teams, our Licensing teams and our Building Control teams, as well as others, in order to calibrate enforcement issues and determine the most effective route of action needed to resolve multi-discipline issues.
- 9.2 The Planning Compliance Team will also seek to contribute fully to any general Council enforcement policy, plan or charter proposed.



Proactive enforcement and compliance

- 10.1** The main bulk of planning compliance work will be in response to complaints received. However, at times we will push forward more area or topic based proactive projects, using enforcement tools that can help to deliver wider Council objectives.
- 10.2** These projects could cover a variety of issues such as:
- ⦿ Town centre improvements
 - ⦿ Tackling the proliferation of unauthorised advertisements
 - ⦿ Ensuring compliance with construction management plans
 - ⦿ Tackling neglected buildings or heritage at risk in conservation areas
 - ⦿ Tackling the rise of short-term letting properties and other significant planning related issues.
- 10.3** The decision to undertake proactive projects will be taken as part of the work programme for the Compliance Team, taking account of the available resources. Key factors that will be taken into account include:
- ⦿ Existing or growing levels of complaints on a particular issue
 - ⦿ Elected Member, community and interest group advocacy
 - ⦿ Cross departmental collaborative issues
 - ⦿ Contributions to delivering key Tower Hamlets strategies and objectives
 - ⦿ Potential to recover the Council's costs e.g. through the Proceeds of Crime Act.
- 10.4** All proactive projects will be guided by a tailored business case and project brief detailing the extent of the project, resources required, the public benefits sought and timescales involved.
- 10.5** From 2018 – 2020, the following projects have been identified as priorities:
- ⦿ Dealing with the impacts of construction and ensuring compliance with Construction Management Plans focused initially on development underway on the Isle of Dogs
 - ⦿ Removing unauthorised signs and advertisements to improve the appearance of our town centres (a pilot project began in spring 2017 in the Brick Lane area)
 - ⦿ Investigating closures and obstructions to parts of the Thames Path
 - ⦿ Establishing a cross-departmental framework for managing the growth in short term let properties.
- 10.6** The priorities set out above will be kept under review on an annual basis and the list of projects will be updated accordingly.

11

Benchmarking, performance and review

- 11.1** The team will measure our performance against the key indicators nationally and locally.
- 11.2** The primary indicators measured will be used to assess throughput, decision making and improving the quality of life for residents.
- 11.3** The caseload of the team, including the number of cases opened against the number of cases resolved will be used to assess our throughput.
- 11.4** Our appeal success rate will be used to assess our decision making and how we work to investigate and follow through cases in an informed and responsible manner.
- 11.5** Our prosecution cases, direct actions and subsequent publicising of that action will be used to measure our efforts to take steps in order to positively improve the quality of life for our residents.
- 11.6** The Planning Compliance Team will step up its involvement and sharing of information and better practice via continued membership of the relevant local and national planning enforcement groups such as SEOG (Southern Enforcement Officers Group) and NAPE (National Association of Planning Enforcement).
- 11.7** The team will continue and enhance its close working relations with neighbouring boroughs such as Newham, Hackney, City of London, Greenwich and Lewisham in order to tackle common cross-border issues.



Equality Act 2010

- 12.1** The Equality Act 2010, which came into effect on 1st October 2010, includes a public sector Equality Duty, replacing the separate public sector equality duties relating to race, disability and sex, and also covering age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment.
- 12.2** Part 11, Section 149 provides the following 'Public sector equality duty' on authorities:

"(1) – A public authority must, in the exercise of its functions, have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

It is therefore necessary for the authority, in consideration of this report, as with the consideration of any other proposal, to ensure that the above requirements have been met. There are no equality issues arising from taking forward the measures set out in this report.

- 12.3** The procedures set out in this report as to resolving any breaches of planning control have been assessed in the context of the Human Rights Act and Equalities Act. The procedures to resolve breaches are considered proportionate and to be in the public interest in order to uphold the planning laws of the land and protect against harm caused to the amenity of the area.
- 12.4** All planning compliance investigations will be taken forward in strict accordance to the public sector equality duty as detailed under Part 11, Section 149 of the Equality Act 2010.



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Contacts and further information

13.1 Our service provides a range of supplementary planning documents, design guidelines, planning information and forms. These can be obtained by:

- ⦿ Looking on the Council website www.towerhamlets.gov.uk
- ⦿ Emailing planningenforcement@towerhamlets.gov.uk
- ⦿ Telephone **020 7364 5009**
- ⦿ By writing to us or visiting us at:

Planning Compliance Team,
London Borough of Tower Hamlets Council,
2nd Floor
Mulberry Place,
Clove Crescent,
London
E14 2BG

13.2 If you think someone may have contravened planning regulations:

- ⦿ You can fill in an enforcement form (Word) and send it by email to planningandbuilding@towerhamlets.gov.uk
- ⦿ Alternatively, call us on **020 7364 5009**.

Details you may be asked to provide:

- ⦿ Your name and contact details (email addresses are accepted) – mandatory
- ⦿ When the building works or activities started
- ⦿ Location of the site
- ⦿ Photographs and approximated measurements
- ⦿ Names, addresses and contact details of the owners or other people involved (if known)
- ⦿ What affect the work or activity is having (e.g. noise, traffic, smells, overshadowing etc).

Confidentiality

13.3 If you have reported a breach, details of your identity will be kept confidential insofar as the law will permit us to do so.

Your name and address will not be revealed to the person or organisation involved in the possible breach. In certain cases, you may be asked to assist us by providing evidence at an appeal or in court. Before this happens, we will ask for your consent. If an appeal is lodged or a case goes to court, any representations received usually become public documents that are available for public inspection.

Duty Planner

- 13.4 Additionally a duty planner service operates from 9.00am to 1.00pm Mondays to Fridays and is available on a “drop-in” basis, free of charge at Tower Hamlets Town Hall.
- 13.5 The Town Hall has full access for disabled people and induction loops in the general reception area. If you need any help getting into the building, please let us know beforehand and we will make arrangements to help you.
- 13.6 If you need this document in Braille, large print, audio tape, or another language, please contact us on **+ 44 (0) 20 8430 6291**



Appendix 1 Indicative service targets

Action	Standard Targets	Non-standard targets for urgent or exceptional cases
Register and acknowledge all written complaints	5 working days	1 working day
Carry out initial investigation	Within 15 working days of case being registered	Within 2 working days of case being registered
Customers to contact case officer either by email or on the phone	4 - 6 weeks after receiving acknowledgement letter	4 - 6 weeks after receiving acknowledgement letter
The complainant to be informed of the outcome of the case where appropriate	Within 10 working days of case being resolved, where appropriate	Within 10 working days of case being resolved, where appropriate

