

Corporate Directorate



Emailed to: request-286247-98fbc7df@whatdotheyknow.com

Please ask for: Karen Smith
Direct line: 01473 825753
Fax number: 01473 825742
Your reference:
Our reference: BF391-1516 & MF392-1516
E-mail: data.protection@babergh.gov.uk
Please reply to: The Babergh Office

Date 10th September 2015

Dear Peter

I am writing to confirm that the Authority has now completed its search for the information which you requested on 2015 – you asked:

In each of the last 5 calendar years and in the year to date (reporting each year separately):

- a) How many complaints has the Council received in respect of properties where one potential response to the complaint would be the issue of a section 215 notice or the issue of a warning letter prior to the issue of a section 215 notice
- b) How many warning letters were the Council minded to issue
- c) How many warning letters were issued
- d) How many section 215 notices has the Council issued
- e) Of those section 215 notices issued, how many have been appealed
- f) What is the current status of the section 215 notices issued (resolved/outstanding/appealed/ etc)
- g) What is the Council's budget in respect of section 215 notices for each year and what was the expenditure actually incurred for each year
- h) How many days of officer's time has been taken up considering and dealing with section 215 notices and consideration of matters where a section 215 notice may be an appropriate response
- i) Was the issue of section 215 notices subject to the Scheme of Delegation for each of those years, and if so, to whom was the power to issue section 215 notices delegated
- j) Has the Council at any time in committee or sub-committee debated or considered its policy on section 215 notices and could you provide copies of any minutes where a section 215 notice is mentioned

Please provide a copy of the Council's currently agreed policy on section 215 notices and the date and copies of the minutes of the meeting where this policy was adopted.

Please provide a copy of the Planning Enforcement register for each of the last five calendar years and the year to date.

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Strategic Director (Corporate): Andrew Hunkin
Head of Corporate Organisation: Peter Quirk **Head of Corporate Resources:** Katherine Steel
Chief Finance Officer (S151): Katherine Steel **Monitoring Officer:** Suki Binjal

Our reply:

- a) How many complaints has the Council received in respect of properties where one potential response to the complaint would be the issue of a section 215 notice or the issue of a warning letter prior to the issue of a section 215 notice
- i. 2010: 12
 - ii. 2011: 7
 - iii. 2012: 7
 - iv. 2013: 7
 - v. 2014: 16
 - vi. 2015 (to date): 20
- b) How many warning letters were the Council minded to issue
- i. 2010: data not available
 - ii. 2011: data not available
 - iii. 2012: data not available
 - iv. 2013: data not available
 - v. 2014: data not available
 - vi. 2015 (to date): data not available
- c) How many warning letters were issued
- i. 2010: 2
 - ii. 2011: 2
 - iii. 2012: 3
 - iv. 2013: 2
 - v. 2014: 2
 - vi. 2015 (to date): 3
- d) How many section 215 notices has the Council issued
- i. 2010: 0
 - ii. 2011: 0
 - iii. 2012: 0
 - iv. 2013: 0
 - v. 2014: 0
 - vi. 2015 (to date): 0
- e) Of those section 215 notices issued, how many have been appealed
- i. 2010: data not available
 - ii. 2011: data not available
 - iii. 2012: data not available
 - iv. 2013: data not available
 - v. 2014: data not available
 - vi. 2015 (to date): data not available
- f) What is the current status of the section 215 notices issued (resolved/outstanding/appealed/ etc)
- i. 2010: data not available
 - ii. 2011: data not available
 - iii. 2012: data not available
 - iv. 2013: data not available

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- v. 2014: data not available
 - vi. 2015 (to date): data not available
- g) What is the Council's budget in respect of section 215 notices for each year and what was the expenditure actually incurred for each year
- i. There is no dedicated budget for s215 Notices – any costs associated with s215 are taken from a general budget for the Planning Enforcement service.
- h) How many days of officer's time has been taken up considering and dealing with section 215 notices and consideration of matters where a section 215 notice may be an appropriate response
- i. Officer time is not recorded
- i) Was the issue of section 215 notices subject to the Scheme of Delegation for each of those years, and if so, to whom was the power to issue section 215 notices delegated
- i. Yes, power delegated to Corporate Manager – Planning Enforcement, Senior Planning Enforcement Officer, and Planning Enforcement Officers (Grade 5).
- j) Has the Council at any time in committee or sub-committee debated or considered its policy on section 215 notices and could you provide copies of any minutes where a section 215 notice is mentioned
- i. Yes. The Council doesn't have a specific policy for 215s, but it's covered under the Joint Planning Enforcement Policy. The following link provides the Minutes to the Babergh Committee which approved this.
<http://bdcdocuments.onesuffolk.net/assets/Uploads/Committees/Strategy/Minutes/150312-Minutes.pdf>

Please provide a copy of the Council's currently agreed policy on section 215 notices and the date and copies of the minutes of the meeting where this policy was adopted.

[Document attached: "Joint-Planning-Enforcement-Plan-v1.0-16.03.15.pdf"]

Please provide a copy of the Planning Enforcement register for each of the last five calendar years and the year to date.

As the Council has not served any s215 Untidy Site Notices, there are no entries to provide copies of in the Enforcement Register.

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If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a

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complaint or request a review of our decision, you should write in the first instance to the Karen Smith, Assistant Solicitor at the above address.

If you wish to request a review of our decision in respect of your request, please contact me. A review will be carried out by two Heads of Service of Babergh and Mid Suffolk District Councils.

If you are unhappy with the service you have received you may wish to use the councils' complaint procedure, details of which are on the websites. www.babergh.gov.uk and www.midsuffolk.gov.uk

If you are not content with the outcome of your review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by the Authority. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. www.ico.org.uk

Yours sincerely

Karen Smith
Information Management Specialist (Legal)
Babergh and Mid Suffolk District Councils

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