

EAST LINDSEY DISTRICT COUNCIL DECISION NOTICE

1. Decision to be taken: To engage the services of an external contractor in connection with a planning enforcement case for an untidy site at: Plot adjacent to Chaka, Grimsby Road, Binbrook, LN8 6DH, also known as Serena. Enforcement case reference EC/17/778/17.
2. This is a Portfolio Holder supported officer decision.
3. The following is the decision making body or person:

Jo Parker after consultation with Chief Executive.
4. Financial implications from this decision have been communicated to the Portfolio Holder and Chief Executive? Yes
5. The decision was taken on 9th November 2018

Note: - the above date to be completed by Democratic Services upon publication

6. Contact Officer and details: Jo Parker, Principal Enforcement Officer. Planning Enforcement. Tel 01507 613555.
7. List of documents submitted for consideration in relation to the matter in respect of which the decision is to be made : None - enforcement documents are confidential.
8. Where the documents are held and where they can be obtained from (except exempt items) when they become available: Not Applicable
9. The reason for the decision and other alternative options considered and rejected:

The Council have issued a Section 215 Notice requiring the land to be tidied as the Council consider that it is visually detrimental to the area. The Notice has not been complied with. The property is empty and the registered owner cannot be traced at the addresses known to the Council.

Failing to comply with the requirements of the Notice is an offence prosecutable in the Magistrates Court. In this case, the Council cannot trace the owner of the property to initial legal proceedings. There is also no occupier of the property either. Furthermore, the Court cannot force compliance with the requirements of the notice, as the offence is simply failing to comply. As such, even if legal proceedings were taken, and if they were successful, this would still not resolve the problem at the site itself. As such, it is the view of the Principal Enforcement Officer, that legal proceedings would not be in the public interest to take.

Decision Notice Form (ExD2)

The alternative option available for non-compliance with the Notice, is for the Council to engage the service of an external contractor to carry out the requirements of the Section 215 notice. Following that, the cost of doing so will be placed as a charge on the land. The Council can then consider whether an enforced sale process can commence, to sell the property. The money from the sale will be recovered by the Council to cover the cost of the direct action, with interest. The enforced sale process will only proceed if it costs for taking direct action exceeds £1000.

10. Declaration of any conflicts of interest of the decision making body or the individual:

None

11. Provide a note of any subsequent dispensations granted by the Head of Paid service:

Financial Implications of this Decision:-

Estimated cost:- The quotes have not all been received yet but it is estimated that the cost will be around £1000.

Funded from:- Existing planning enforcement direct action budget.

N.B. Please enter names below, signatures will be retained as a hard copy and will not be published therefore should be provided on page 3 of this form:

Date: 6/11/18

13. This decision has been signed off by:

Head of Paid Service/S151 Officer or person presiding
(insert name – signatures should be provided on page 3)

Mr. R. Barlow. S151 Officer/Acting Chief Executive

Leader/Officer **(insert name):**

Jo Parker. Principal Enforcement Officer

Portfolio Holder **(insert name):**

Cllr. T. Ashton. Built Environment Portfolio Holder
