

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: Seaholme, Sea Lane, Sandilands, Sutton on Sea. LN12 2RA. Following the direct action, if the cost exceeds £1000, to initiate the enforced sale proceedings against the property. Enforcement case reference EC/110/602/17.
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 04 January 2019

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 two Section 215 Notices on 8.2.18 and 9.11.18 requiring the land to be tidied as the Council consider that it is visually detrimental to the area. The property is empty and the registered owner is deceased. The Notice issued on 8.2.18 was not complied with. Given that the registered owner is deceased it is anticipated that the second s215 notice dated 9.11.18 will also not be complied with.
Failing to comply with the requirements of the Notice is an offence prosecutable in the Magistrates Court. In this case, there is no one to initiate legal proceedings against. There is also no occupier of the property. Furthermore, even if legal proceeding could be taken, the Court cannot force compliance with the requirements of the notice, as the offence is simply failing to comply. As such, in the event of legal proceedings being 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 are not able to be taken in this case, and even if they could be; this option would not be in the public interest to take.
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. The cost of direct action will be placed as

Decision Notice Form (ExD2)

a charge on the land. Following this, the Council can initiate an 'enforced sale' to sell the property. The cost of the direct action will be recovered by the Council via the proceeds of the sale, plus interest. The enforced sale process will only proceed if it costs for taking direct action exceeds £1000. Direct action would not be initiated on site until after 7th January 2019 when the Notice dated 9/11/18 has expired.

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 in excess of £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: 12/11/18

13. This decision has been signed off by:

(signatures should be provided on page 3)

Head of Paid Service/S151 Officer or person presiding

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

Leader/Officer:

Jo Parker. Principal Enforcement Officer

Portfolio Holder:

Cllr. T. Ashton. Built Environment Portfolio Holder
