

EAST LINDSEY DISTRICT COUNCIL DECISION NOTICE

1. Decision to be taken: To initiate enforced sale proceedings for a dwelling known as Serenity, (adjacent to Chaka), Grimsby Road, Binbrook, Market Rasen, Lincs, LN8 6DH.
2. This is a Portfolio Holder supported officer decision.
3. The following is the decision making body or person:
Jo Parker – Principal Enforcement Officer.
4. Financial implications from this decision have been communicated to the Portfolio Holder and Chief Executive? Yes
5. The decision was taken on: 08 March 2019.
6. Contact Officer and details: Jo Parker, Principal Planning 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: Confidential enforcement file, EC/17/778/17
8. Where the documents are held and where they can be obtained from (except exempt items) when they become available: Full enforcement file can be viewed in the Enforcement Office.
9. The reason for the decision and other alternative options considered and rejected:

The Council have issued a Section 215 Notice on 6.3.18 for the land being untidy. The Notice was not complied with and the Council took direct action on 21st November 2018 to carry out the requirements of the notice. This was in accordance with Section 219 of the Town and Country Planning Act 1990.

The cost of the direct action was £1182.00. This was placed as a charge on the land as it will remain so until it is paid in full. Until it is paid the charge will continue to accumulate interest at the HMRC national rate.

In this case, the property is vacant and has been for a long time. The property is registered to someone at a different address. No response has been received from the address specified on the land registry documents. Inquiries with the Council Tax Department for that location, confirmed that the person no longer resides at that address. They also have no forwarding address. ELDC Council tax department have no other contact information either. All reasonable inquiries to trace the owner have been made and were unsuccessful. As the owner cannot be traced, the direct action charge is unlikely the charge will be paid.

Decision Notice Form (ExD2)

Whilst the property was empty, the Council can commence the enforced sale proceedings to ensure that the cost for direct action is settled in full.

Alternative action would be for the Council to leave the charge placed on the land, unpaid, and accumulating interest. However as no owner can be traced, it is unlikely that the charge will be settled. Furthermore, the land will become overgrown and untidy again in the future. This will mean further enforcement action will need to be necessary and incur further direct action cost to the Council.

Given all of the above, it is proposed to initiate the enforced sale process in the interest of the Council to prevent further cost from being incurred, and in the interest of public amenity and public interest.

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 cost associated with the legal process to enforce the sale has not been provided at this stage. However, all legal costs will be settled in full from the money acquired via the sale of the property. It is therefore cost neutral. LSL will be instructed to deal with this.

Funded from:- Existing legal services 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: 25.2.19

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
