

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: 16 Fitzwilliam Street, Mablethorpe. LN12 1AA. Following the direct action, to initiate enforced sale proceedings against the property. Enforcement case reference EC/110/368/19.
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 and Portfolio Holder.
4. Financial implications from this decision have been communicated to the Portfolio Holder and Chief Executive? Yes
5. The decision was taken on: 03 July 2020

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

6. Contact Officer and details: Jo Parker, Service Manager - Enforcement. Planning Enforcement Team. 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 11th September 2019 and 17th September 2019 requiring the land to be tidied and the property to be secured. The appearance is visually detrimental to the area and as it has been vacant for several years now, it has become a target for anti-social behaviour by youths breaking in, arson attacks, associated with drug use and has had squatters, and the garden front and back has become a general dumping ground. The Police, ASB officer and Environmental Health team at the Council have all been involved with this property. The registered owner of the property cannot be traced. Both Notices have not been complied with and the amount of rubbish in the back garden has increased. Further damage to the back doors and windows have also taken place from people getting onto the property in connection with ASB issues. 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, as they cannot be traced. Furthermore, even if legal proceedings could be taken, the Court cannot force compliance with the requirements of the notice; the offence is simply failing to comply. As such legal proceedings would still not resolve the problems at the site itself, and it would not be in the public interest to take this route.
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

Decision Notice Form (ExD2)

requirements of the Section 215 notices. The cost of direct action will be placed as 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.

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 £3000.

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: 1st July 2020

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
