

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: 11 Park Lane, Conningsby. LN4 4SW. Enforcement case reference EC/35/89/19.
2. This is a Portfolio Holder supported officer decision.
3. The following is the decision making body or person:

Jo Parker after consultation with Assistant Director (Planning).
4. Financial implications from this decision have been communicated to the Portfolio Holder and Chief Executive? Yes
5. The decision was taken on 15.01.21

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

6. Contact Officer and details: Jo Parker, Service Manager – Enforcement. 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 Community Protection Notice (CPN) on 15th August 2019 in respect of the anti-social behaviour of the occupier by allowing their front garden to be untidy by reason of an excessive amount of 'Keeping, selling and storage of bicycles, bicycle equipment and accessories, rubbish metal, wooden and plastic items. A further (CPN) was issued on 11th December 2020 for the untidy condition of the back garden. Both CPNs required the land to be tidied by removing the items specified in the notices and for the anti-social activity to cease.

The owner has already been issued with a £100 Fixed Penalty Notice for failing to comply. However due to continued non-compliance it is now proposed that the Council will engage the services of an external contractor again to carry out the requirements of the CPN and tidy the land in both the front and rear garden.

An alternative option would be to prosecute the owner for non-compliance in the Magistrates Court. However the Court can only impose a financial penalty, if convicted; they cannot secure compliance with the CPN. As such, and due to the cost that would be associated with the legal proceedings; together with the length timescale for the Court timetable, it is the Council's view that it is not in the public interest to initiate legal proceedings, but instead direct action. Any cost associated with the direct action will be recouperated from the land owner in accordance with relevant legislation.

Decision Notice Form (ExD2)

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 estimated cost will be £3500.

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: 08/01/2021

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. Service Manager - Enforcement

Portfolio Holder:

Cllr. T. Ashton. Built Environment Portfolio Holder
