



DEVELOPMENT CONTROL COMMITTEE

17th of February 2009

Report of Head of Planning and Building Control

Direct Action – various sites

1.0 PURPOSE OF REPORT

To secure authority to take direct action in a number of cases where formal enforcement action has been progressing.

2.0 RECOMMENDATIONS

- 2.1 Re-affirm direct action authority for 43 Wenlock Gardens, as set out in the report.
- 2.2 Re-affirm direct action authority for Curl and Dye, Wolverhampton Road, as set out in the report.
- 2.3 Authorise direct action in relation to 50 Cemetery Road, as set out in the report.
- 2.4 Authorise officers to recover the expenditure if possible, by any relevant and proportionate means.

3.0 FINANCIAL IMPLICATIONS

The cost of the actions is intended to be met by the receipt of separate external funding as set out in the report.

4.0 POLICY IMPLICATIONS

Enforcement actions have been taken in each case for environmental reasons. Direct action supports those approaches.

5.0 LEGAL IMPLICATIONS

None arising from the report at this stage.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report. The planning enforcement function has undertaken an Equality Impact Assessment

7.0 ENVIRONMENTAL IMPACT

Intention is to improve environmental conditions as set out in the report.

8.0 **WARD(S) AFFECTED**

Blakenall

Pleck

Willenhall South

9.0 **CONSULTEES**

Legal Services, Environmental Health and Finance

10.0 **CONTACT OFFICER**

Bob Scrivens: 01922 652488

11.0 **BACKGROUND PAPERS**

Various enforcement files.

D. Elsworthy

Head of Planning and Transportation

Development Control Committee
17th of February 2009

12 BACKGROUND AND REPORT DETAIL

- 12.1 At various times your committee has agreed enforcement action, under section 215, over untidy land. In some of those cases, non-compliance with the formal notice caused officers to report back to your committee, and you have agreed that direct action should be taken (the Council has powers to enter the land, and do the work, and recover the costs of that action as a charge on the land).
- 12.2 It has not been possible, ultimately, to take direct action, as funds could not be indentified to support that action. However, the Council is a party to a working group called the Void Property Group, intended to minimise the effects of void properties on the Borough. Partners are the Police and the Fire Service, among others. The Fire Service have identified a small sum of money (£14,000) which they need to spend before the end of the financial year, and which they are prepared to use in the direct action cases you have authorised, or for new cases of the same sort. The opportunity has only recently arisen, and planning officers are working to take advantage of this chance. However, the process of getting quotes and engaging contractors may mean that all the money may not be spent, or that all of the money could be spent on only some of the cases in this report. Officers will have to make judgements on such issues as time passes, if this opportunity is not to be missed. Committee are asked to accept the fluid nature of the situation, and recognise that all possible efforts will be made by planning officers to deliver on this opportunity.
- 12.3 Set out below are the relevant cases. Two cases have been previously authorised and you are invited to re-affirm your decision. One case is brought before you for the first time, to authorise direct action, and in effect add to the list of possible actions.

13 43 Wenlock Gardens, Walsall

- 13.1 No. 43 is a house in a terrace of 5. It has been empty for a long time, and is increasingly dilapidated, with an overgrown and untidy garden. Complaints began in 2003. There have been difficulties identifying the owner
- 13.2 A section 215 notice was authorised in March 2005. It was served in March 2006, and requires:-
- Removal of tree stumps
 - Cut back vegetation
 - New / refixed boards on front windows / openings and rear door, painted
 - Replace damaged tile hanging
 - Remove rubbish from front and rear gardens
- 13.3 In July 2006 you authorised direct action (with an anticipated maximum cost of £3,000), but the budget constraints meant this did not take place. Prosecution for non-compliance with the original notice has also been difficult, as the owner is hard to identify.

- 13.4 The situation continues effectively unchanged. You are recommended to re-affirm the authority for direct action

14 Curl and Dye, Wolverhampton Road, Walsall

- 14.1 The building was originally a police station, then became a hair dresser. It has been unoccupied for some years. It is semi-derelict and the front and rear land is overgrown and untidy and the front wall has collapsed.
- 14.2 A section 215 notice was authorised in September 2004. It was served in June 2005, and requires:-
- Reinstall the front wall
 - Remove rubble and litter
 - Repair side fencing
 - Cut back vegetation
 - Painting the window frames etc. and boarding up, and tidy up
 - Repair roof, e.g. to control run-off onto public footpath adjoining
 - Repair render, paint walls
 - Remove graffiti
- 14.3 In June 2006 you authorised direct action, but the budget constraints meant this did not take place. Prosecution for non-compliance with the original notice has also been difficult, as the owner is hard to identify.
- 14.4 The situation continues effectively unchanged. You are recommended to re-affirm the authority for direct action
- 14.5 The continuing problem of finding a solution caused Cabinet to authorise a Compulsory Purchase Order, to bring the property into Council ownership so that we can promote productive use (e.g. redevelopment). Action is continuing on this, but CPO action is time consuming and direct action under the 215 notice is justified despite the CPO.

15 50 Cemetery Road, Willenhall

- 15.1 This is the new direct action case.
- 15.2 It is an empty shop / dwelling. The building is in poor condition. There are rubbish, rubble and building materials on the land. There have been complaints since early in 2006.
- 15.3 A section 215 notice was authorised in August 2006. It was served in April 2007 and requires:-
- Remove / cut back vegetations
 - Repair render / paint
 - Replace boarding on gates and paint
 - Repair roof tiles and fascia boards
 - Board and paint ground floor windows

- 15.4 The owner undertook to do work to the property by May 2007. That did not happen. A successful prosecution took place in April 2008, and the owners were fined.
- 15.5 The problems continue, though there have been some improvements. The owner has been reminded of the need to comply. You are recommended to authorise direct action. No quotes for the work are available at the time of writing and it is hoped that more information will be reported to the Committee by way of the supplementary papers.