

**Recommendation from Scrutiny Committee held on 29<sup>th</sup> April 2008**

**129. UNTIDY LAND AND BUILDING POLICY**

The Head of Community Services presented the report.

The Untidy Land and Building Policy had been developed through Patch Management and had been reviewed by PPMG2. Concerns had been raised that timescales had not been included in the policy and the Head of Community Services explained that this would be difficult to gauge due to individual cases.

Members asked questions.

Moved by Councillor T. Cook, seconded by Councillor R. Heffer

**RESOLVED** that 1) the Untidy Land and Building Policy be accepted,

2) the Untidy Land and Building Policy be forwarded to the Executive for approval.

(Head of Community Services / Head of Democratic Services)

|                              |                               |                     |      |
|------------------------------|-------------------------------|---------------------|------|
| Council/<br>Committee:       | Scrutiny                      | Agenda Item<br>No.: | 10   |
| Date:                        | 24 June 2008                  | Category            |      |
| Subject:                     | Untidy Land & Building Policy | Status              | Open |
| Report by:                   | Head of Community Services    |                     |      |
| Other Officers<br>involved:  |                               |                     |      |
| Director                     | Chief Executive Officer       |                     |      |
| Relevant<br>Portfolio Holder | <b>Community Safety</b>       |                     |      |

### **RELEVANT CORPORATE AIMS**

COMMUNITY SAFETY – Ensuring that communities are safe and secure

The policy will improve the amenity of residential neighbourhoods across the district in order to make them a cleaner, safer, greener place to live.

### **TARGETS**

There are no specific targets in the Corporate Plan for the delivery of the policy.

### **VALUE FOR MONEY**

The Council has already authorised the Rangers to issue notices under S215 of the Town & Country Planning Act 1990, thereby increasing the capacity without increasing the staffing.

## **THE REPORT**

The Untidy Land and Building Policy is attached and has been developed via the Patch management process. The policy has been reviewed by PPMG2 who had a concern that there were no timescales included.

The Head of Community Services has explained that it would be difficult to put timescales into the policy as each case has to be dealt with on its merits and within its own timeframe.

Some cases will be resolved without resort to the legal process thereby being very short in timescale and some cases will need the full force of our legal services, considerably extending the timescale.

It may also be prudent to add that the timescale for cases is a process issue not a policy issue.

## **ISSUES FOR CONSIDERATION**

Whether or not to accept the Untidy Land and Buildings Policy.

## **IMPLICATIONS**

Financial: None.

Legal May require legal input on an individual case by case basis

Human Resources: None.

## **RECOMMENDATIONS :**

- 1. That Scrutiny Committee review and accept the Untidy Land and Buildings Policy**
- 2. That the Untidy Land and Building Policy is forwarded to the Executive for approval**

ATTACHMENT: Y

FILE REFERENCE:

SOURCE DOCUMENT:

# **BOLSOVER DISTRICT COUNCIL**

## **Untidy Land & Buildings Policy**

January 2008



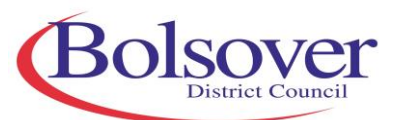
COMMUNITY  
SAFETY



CUSTOMER  
FOCUSED SERVICES



ENVIRONMENT



## **The District of Bolsover Equalities Statement**

The District of Bolsover is committed to equalities as an employer and in all the services provided to all sections of the community.

□ The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with the Equality Strategy.

□ The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing it's functions.

This document is available in large print and other formats from any of the Council Offices or by contacting the Chief Executives Directorate on 01246 242323. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

Our Equality and Diversity Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450

Fax: 01246 242423

## CONTROL SHEET

| <b>Details of Document</b>   | <b>Comments / Confirmation</b>                                |
|--|---|
| Title  | Untidy Land & Buildings Policy (S215 T&CP Act)                |
| Document type – i.e. draft or final version  | Draft   |
| Location of Policy   | L/CommunityServices/Johnr/S215/Untidy Land & Buildings Policy |
| Author of Policy   | Head of Community Services                                    |
| Member route for Approval & Cabinet Member concerned                                     | Scrutiny Committee then Council Member for Community Safety   |
| Reviewed by Patch Management Group/Director of Operations                                | 22 <sup>nd</sup> . January 2008                               |
| Date Risk Assessment completed   |   |
| Date Equality Impact Assessment approved   | March 2008  |
| Partnership Involvement (if applicable)  | Planning and Housing  |
| Policy Approved by   |   |
| Date Approved  |   |
| Policy Review Date   | January 2009  |
| Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public) |   |

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## **Definition:**

Under Section 215 of the Town & Country Planning Act 1990 as amended the Council can issue Orders to secure the tidying up of untidy gardens, vacant plots, allotments and other land that has an adverse impact on the amenity of the area.

## **Introduction:**

The Council recognises and pro actively supports the need for neighbourhoods to be clean vibrant places which residents should be proud and safe to live in.

The majority of resident's take pride in the appearance of the environment. The council will take action where necessary in order to improve the environment and neighbourhoods.

The powers contained in section 215 Town and Country Planning Act 1990 authorise a District Council to require a landowner and/or occupier to undertake work to improve the condition of land that has an adverse effect on public amenity.

## **Aim:**

The aim of the Policy is to improve the amenity of residential neighbourhoods across the district in order to make them a cleaner, safer, greener place to live.

## **The Scope of the Policy:**

Any enforcement will comply with the Council's Enforcement Policy under the Enforcement Concordat.

Any land or buildings (excluding commercial premises) that are judged to be detrimental to the public amenity of the locality the Council will take action to remedy the problem.

In respect of commercial land and property, complaints about untidy premises will be referred to the Planning Department for consideration under its Enforcement Policy, as the assessment of appropriate action in these cases will require an understanding of the lawful planning position.



## **The Principles of the Policy:**

The policy relates directly to the key corporate aims of customer focussed services, the environment and community safety. It acknowledges that the appearance of the physical environment, and the behaviour of people within the district, impacts on the quality of life of residents.

- ◆ To support this the Council will within the scope of this policy:
  - Be proactive in identifying and managing the untidy land and buildings in neighbourhoods, and communities.
  - Play a strong community leadership role by addressing any issues that are identified by and important to residents.
  - Support those people whose land /buildings have fallen into disrepair/neglect due to the owner being physically unable to keep said land/buildings in good order.(i.e. disabled or elderly)

## **The Policy Statement:**

The policy is initiated when the Council is notified and the details are logged on the Council's customer relationship management system (CRM).

The CAN ranger service will be responsible for visiting the site, gathering evidence, issue of warning letters, monitoring progress and informing the Head of Community Services when an Untidy Land and Buildings Notice is required.

The Head of Community Services has been delegated with the authority to serve S215 Notices under the Town & Country Planning Act 1990, and is responsible for the issue of the Notices.

The power delegated to the Head of Community Services shall not extend to proceeding to magistrates court for default. That is the responsibility of the Solicitor to the Council.

Any action that needs to be taken on council house property will be progressed via the contractual tenancy conditions. On other land covered by this policy an Order under Section 215 (referred to as an Amenity Order under this policy) will be issued, if the problem has not been satisfactorily resolved by negotiation.

The Council aspires to comply with best enforcement practice and will visit the landowners or occupiers to seek the evidence and, if appropriate notify them of the need to improve their, land, garden or garage structure. Where possible a discussion will also take place.

After taking legal advice the Council may undertake works in default and seek to recover costs incurred, if the land owner/occupier fails to comply with the notice. The costs are either recovered from the individual or lodged as a charge on the property.