

**RECOMMENDED ITEM FROM SUSTAINABLE COMMUNITIES SCRUTINY
COMMITTEE – 24TH FEBRUARY 2012**

**916. PATCH MANAGEMENT POLICIES – UNTIDY LAND AND BUILDINGS
(UPDATED POLICY)**

The Director of Neighbourhoods presented the report to provide an update on the review of the Untidy Land and Buildings Policy. Members were advised that there had been only minor amendment to the policy.

In response to Members' questions regarding the definition of untidy land, the Director of Neighbourhoods advised that this was largely subjective and each complaint was assessed on an individual basis, depending on the location of the offending land and its impact on local amenity. However the majority of untidy land sites were identified by Planning Enforcement with Notices served under Section 215 of the Town and Country Planning Act where necessary. These were mainly complied with and further action was rarely required.

Members were advised to report any untidy land sites by using the Council's Eyes and Ears scheme. The complaint would then be directed to the appropriate department for action.

Moved by Councillor C. Munks, seconded by Councillor J. Wilson.

RESOLVED that 1) Sustainable Communities Scrutiny Committee accept the Untidy Land and Buildings Policy.

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

(Director of Neighbourhoods/Democratic Services)

RECOMMENDED that Executive approve the Untidy Land and Buildings Policy.

REASON FOR DECISION: To update the Untidy Land and Buildings Policy.

Committee:	Sustainable Communities Scrutiny Committee	Agenda Item No.:	6.
Date:	24th February 2012	Category	
Subject:	Untidy Land & Building Policy	Status	Open
Report by:	Head of Community & Street Services		
Other Officers involved:			
Director	Director of Neighbourhoods, Bolsover & NEDDC		
Relevant Portfolio Holder	Councillor B.R. Murray-Carr Portfolio Holder for Community Safety		

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

Please describe how the proposals deliver value for money for the Council and its customer.

The Council will be able to use other officers of the Council to enforce the policy as part of the 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 the Patch Management Group. Only slight changes have been made to the Policy.

ISSUES FOR CONSIDERATION

To consider and approve the revised 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

Feb 2012



COMMUNITY
SAFETY



COUNCIL SERVICES



ENVIRONMENT



Bolsover District Council Equalities Statement

Bolsover District Council 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 its 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 Improvement Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450

Fax: 01246 242423

CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Untidy Land & Buildings Policy (S215 T&CP Act)
Document type – i.e. draft or final version	Final
Location of Policy	Intranet and internet L/Neighbourhoods/Community & Street Services/S215/Untidy Land & Buildings Policy
Author of Policy	Director of Neighbourhoods
Member route for Approval & Cabinet Member concerned	Standards then Council Portfolio holder for Community Safety
Reviewed by Patch Management Group/Director of Operations	February 2012
Date Risk Assessment completed	
Date Equality Impact Assessment approved	March 2008
Partnership Involvement (if applicable)	Planning and Housing
Policy Approved by	Executive
Date Approved	14 July 2008
Policy Review Date	May 2014
Date forwarded to CSPD (to include on Intranet)	October 2008

CONTENTS PAGE:

Title Page	Page 1
The Equality Statement	Page 2
The Control Sheet	Page 3
The Contents Page	Page 4
Definition of the Policy	Page 5
Introduction to the Policy	Page 5
Aim of the Policy	Page 5
Scope of the Policy	Page 5, 6
Principles of the Policy	Page 6
Policy Statement	Page 6, 7

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, e.g.

- West Lea area of Clowne, open wasteland.
- Land around the former Creswell Colliery.

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. those with disabilities or the 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 Director of Neighbourhoods when an Untidy Land and Buildings Notice is required.

The Director of Neighbourhoods 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 Director of Neighbourhoods 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.