

REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 21 APRIL 2008

REPORT ON: REQUEST FOR DIRECT ACTION TO REMOVE UNAUTHORISED CANOPIES FROM THREE PUBLIC HOUSES

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 112-2008

1 PURPOSE OF REPORT

- 1.1 This report seeks authority to take appropriate action to seek compliance with Advertisement Notices and Enforcement Notices at The Cask 1-5 Albert Street, Murrays 134-136 Victoria Road and 4J's 10 Dundonald Street, Dundee.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee authorise direct action under the terms of Section 135 of the Town and Country Planning (Scotland) Act 1997 to allow the Council to enter onto land and take the necessary steps to comply with the terms of the Enforcement Notices and Advertisement Notices. Thereafter any expenses reasonably incurred by the Council taking such action will be recovered from the landowners.

3 FINANCIAL IMPLICATIONS

- 3.1 An estimate for removing the unauthorised canopies is detailed below:

| | |
|----------|----------------|
| The Cask | £295.00 |
| Murrays | 295.00 |
| 4J's | <u>295.00</u> |
| Total | <u>£885.00</u> |

- 3.2 The canopies will be stored By Dundee Contract Services for three days in order for them to be reclaimed by the owners. The cost for storing the canopies is estimated at between £30.00 to £100.00. The costs can initially be met from the Planning and Transportation Revenue Budget 2007/2008 and thereafter recovered from the landowners.

4 BACKGROUND

- 4.1 All interested parties were served Enforcement Notices and Advertisement Notices giving 30 days to comply. The notices required the owner to remove the unauthorised canopies.
- 4.2 The Council has two options to pursue this matter, the Council can either report this matter to the Procurator Fiscal or take direct action. However the Procurator Fiscal will not report on any cases unless every other avenue has been explored. Therefore Direct Action is the best solution available to the Council.
- 4.3 In carrying out direct action, the Council will act in accordance with the advice and guidelines laid down within Scottish Executive Development Department Planning Advice Note PAN54, "Planning Enforcement" and The Scottish Officer circular 4/1999 "Planning Enforcement".

- 4.4 No special powers of entry will be required, as there is provision within Section 156 of the Act to allow any officer duly authorised in writing by the Planning Authority to enter land to execute the necessary steps. It is intended to undertake the works immediately and that the works will take a day to complete.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Head of Finance have been consulted and are in agreement with the content of this report.

7 BACKGROUND PAPERS

- 7.1 None

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Head of Planning

IGSM/GK/MM

31 January 2008

Dundee City Council
Tayside House
Dundee