

REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 18 MAY 2009

REPORT ON: REQUEST FOR DIRECT ACTION TO REMOVE UNAUTHORISED SHELTER FROM THE REAR OF A PUBLIC HOUSE

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 217-2009

1 PURPOSE OF REPORT

- 1.1 This report seeks authority to take appropriate action to seek compliance with Enforcement Notice at Boars Rock, 168 Arbroath Road, 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 Notice. Thereafter any expense 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 shelter is £260.00.
- 3.2 The shelter will be stored by Dundee Contract Services for three days in order for it to be reclaimed by the owner. There may be a small cost for storing the shelter. The costs can initially be met from the Planning and Transportation Revenue Budget 2009/2010 and thereafter recovered from the landowner.

4 BACKGROUND

- 4.1 All interested parties were served with an Enforcement Notice giving 28 days to comply. The notice required the owner to remove the unauthorised shelter.
- 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 case 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 Departing Planning Advice Note PAN54, "Planning Enforcement" and The Scottish Office Circular 4/1999 "Planning Enforcement".
- 4.4 No special powers of entry will be required, as there is provision within Section 135 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), Head of Finance and Assistant Chief Executive have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 None

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24 April 2009

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