

**REPORT OF: PLANNING, BUILDING CONTROL & LICENSING
MANAGER**

TO: EXECUTIVE

DATE: 28th MAY2015

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2 Albion Street, Earby

PURPOSE OF REPORT

To inform Committee of their options to seek the repair of the building.

RECOMMENDATION

That the Council pursues the prosecution to a conclusion before committing to undertaking the work in default.

REASON FOR RECOMMENDATION

In order to bring the site back to a condition that does not affect the amenity of the area.

ISSUE

1. The Council has served a Notice under Section 79 of the Building Act 1984. The work required has not been undertaken. The owner has been taken to court but the court has adjourned proceedings in order for us to meet and discuss the matter with the owner.
2. We met the owner who informs us that he has no money to undertake the work. We have no evidence if that is the case or not. However his refusal to attend court and from the interview we have undertaken with him it is more likely than not that he will not undertake the work.

3. The costs of carrying out the work in default would be £6,800. The costs would only be able to be recovered if the owner had the means to pay. We do not have any information to confirm if he has or has not any resources. Alternatively a charge would need to be made against the property.
4. The court has not yet determined what to do about the breach of the section 79 Notice. It would be prudent to await the outcome of that before deciding whether to expend the capital to undertake the work in default. An update will be provided at the meeting.

IMPLICATIONS

Policy: None

Financial: The costs of carrying out the work would be £6,800.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.





