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THURSDAY 9TH MARCH 2017

TO: THE EXECUTIVE BOARD MEMBER FOR **ENVIRONMENTAL & PUBLIC PROTECTION**

I HEREBY SUMMON YOU TO ATTEND AN **EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENTAL & PUBLIC PROTECTION** WHICH WILL BE HELD IN THE **DEMOCRATIC SERVICES COMMITTEE ROOM, COUNTY HALL, CARMARTHEN AT 10:00AM ON FRIDAY 17TH MARCH 2017**, FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Matthew Hughes
Telephone (direct line):	01267 224029
E-Mail:	mahughes@carmarthenshire.gov.uk
Ref:	AD016-001

AGENDA

1. DECLARATIONS OF PERSONAL INTERESTS

2. PRESENTATION OF PETITION – UGLY BUILDING ON PEN-Y-GROES SQUARE, PEN-Y-GROES 3 - 12

3. TO SIGN AS A CORRECT RECORD THE DECISION RECORD OF THE MEETING OF THE EXECUTIVE BOARD MEMBER FOR ENVIRONMENTAL & PUBLIC PROTECTION, HELD ON THE 19TH MAY 2016 13 - 14

EXECUTIVE BOARD MEMBER DECISION MEETING FOR ENVIRONMENTAL & PUBLIC PROTECTION

17th MARCH 2017

Executive Board Member:	Cllr. T. J. Jones
Portfolio:	Environmental & Public Protection

Presentation of Petition – Ugly building on Pen-y-Groes Square, Pen-y-Groes

Purpose: To approve the report and recommendation as a response to a petition received, that petition having been received on the 26th May 2016 following submission by County Councillor Siân Thomas on behalf of residents. The petition read as follows:

“We the undersigned call on the County Council to do something immediately to improve the look of our village, by either compulsory buying the old shop, 2 Bridge Street, Pen-y-Groes, or to take the owner to court to improve the site.”

Recommendations / key decisions required:

- That approval is given to support the proposed actions, namely, that the building is upgraded in line with the agreed schedule, and that, should the owners of the property not undertake this within a timescale to be agreed, the County Council will take ‘direct action’ to achieve the same.

Reasons:

- To enable an appropriate response to be made to the petition received.
- To ensure that appropriate works are undertaken to the ‘ugly building’ referred to, in the interests of the visual amenity of the area and street scene.

<p>Directorate: Environment</p> <p>Name of Head of Service: Llinos Quelch</p> <p>Report Author: Julian Edwards</p>	<p>Designations:</p> <p>Head of Planning</p> <p>Development Manager</p>	<p>Tel Nos. / E-Mail Addresses:</p> <p>01267 228918 lquelch@sirgar.gov.uk</p> <p>01267 228659 jdedwards@sirgar.gov.uk</p>
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Declaration of Personal Interest (if any): NONE

Dispensation granted to make decision (if any): N/A

Decision Made:

Signed: _____ Executive Board Member

Date: _____

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of officer Adopted:	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

EXECUTIVE BOARD MEMBER DECISION MEETING FOR ENVIRONMENTAL & PUBLIC PROTECTION

17th MARCH 2017

Presentation of Petition – Ugly building on Pen-y-Groes Square, Pen-y-Groes

This report relates to a building that has been the subject of scrutiny and investigation by the County Council, through its Planning function, and also through its Housing and Public Protection function.

The building in question is No. 2 Bridge Street, Pen-y-Groes, located in a prominent position on Pen-y-Groes Square and comprises a former retail property at ground floor with associated residential at the first and second floors. These uses have not been undertaken at the building for a period of time, and the lack of any productive use has, no doubt, been a factor in the decline of the physical appearance of the building.

This has led to the submission of concerns over the last couple of years, from local residents, the Community Council, and also the County Councillor, leading to the submission of the petition as referred to above.

That petition was initially referred to a meeting of the County Council on the 8th June 2016 where the minutes record that the Chair invited Councillor Siân Thomas to present the petition in the following terms, together with supporting remarks:

“We the undersigned call on the County Council to do something immediately to improve the look of our village, by either compulsory buying the old shop, 2 Bridge Street, Pen-y-Groes, or to take the owner to court to improve the site.”

RESOLVED that the petition be received and referred to the Executive Board Member for Environmental and Public Protection for consideration.

It is on that basis that this report has been prepared. The interim period has seen the Council seek to resolve the matter of the nature of the appearance of the building, and it was considered that a report should not be prepared until such time as there had been an element of resolution in this regard, and a clearly identified solution put forward.

DETAILED REPORT ATTACHED?	YES
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report.

Signed: **Llinos Quelch** **Head of Planning**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	YES	NONE	NONE	NONE	NONE

3. Finance – A quotation has been secured such that, should the Council have to undertake the improvements works by direct action, a cost of £8500 would be incurred. This would then be charged against the property for recovery upon future disposal.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: **Llinos Quelch** **Head of Planning**

1. **Scrutiny Committee** – N/A
2. **Local Member(s)** – N/A
3. **Community / Town Council** – N/A
4. **Relevant Partners** – N/A
5. **Staff Side Representatives and other Organisations** – N/A

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW:

Title of Document	File Ref No. / Locations that the papers are available for public inspection
Presentation of Petition – Ugly building on Pen-y-Groes Square – County Council (8th June 2016)	<p>Cymraeg http://democratiaeth.sirgar.llyw.cymru/ieListDocuments.aspx?CId=155&MId=471&Ver=4</p> <p>English http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=155&MId=471&Ver=4</p>

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EXECUTIVE BOARD MEMBER DECISION MEETING FOR ENVIRONMENTAL & PUBLIC PROTECTION

17th MARCH 2017

Presentation of Petition – Ugly Building on Pen-y-Groes Square, Pen-y-Groes

1. BRIEF SUMMARY OF PURPOSE OF REPORT

This report relates to a building that has been the subject of scrutiny and investigation by the County Council, through its Planning function, and also through its Housing and Public Protection function.

The building in question is No. 2 Bridge Street, Pen-y-Groes, located in a prominent position on Pen-y-Groes Square and comprises a former retail property at ground floor with associated residential at the first and second floors. These uses have not been undertaken at the building for a period of time, and the lack of any productive use has, no doubt, been a factor in the decline of the physical appearance of the building.

This has led to the submission of concerns over the last couple of years, from local residents, the Community Council, and also the County Councillor, leading to the submission of the petition as referred to above.

That petition was initially referred to a meeting of the County Council on the 8th June 2016 where the minutes record that:

Minutes:

The Chair invited Councillor Siân Thomas to present the petition in the following terms, together with supporting remarks:-

“We the undersigned call on the County Council to do something immediately to improve the look of our village, by either compulsory buying the old shop, 2 Bridge Street, Pen-y-Groes, or to take the owner to court to improve the site.”

RESOLVED that the petition be received and referred to the Executive Board Member for Environmental and Public Protection for consideration.

It is on that basis that this report has been prepared. The interim period has seen the Council seek to resolve the matter of the nature of the appearance of the building, and it was considered that a report should not be prepared until such time as there had been an element of resolution in this regard, and a clearly identified solution put forward.

As outlined, the site is one that has been the subject of investigation by the County Council on a number of angles. The Planning service has looked at what actions may be open to it, both in terms of Planning Enforcement and Building Control (Dangerous Structures), whilst Housing and Public Protection have been involved in investigating any potential public nuisance and advising what options may be open under the relevant Housing legislation.

This involved liaising with the owner (owner's representatives) with a view to seeking the following improvements:

- *Paint the whole frontage/ side of the property as indicated.*
- *Paint all the windows frames and sills.*
- *Paint the front door.*
- *Replace and paint the fascias on the front ridge of the property.*
- *Paint the fascia boards above the front door/ front windows.*
- *Replace all broken window panes with new panes.*

Additionally, given the ongoing concern on the nature of the building the Authority also undertook certain works by default in order to make the building safe by boarding up all windows, repairing roof tiles and removing any dangers to the public. This has led to a charge being placed against the property to recoup costs upon sale if not paid within a certain timeframe (circa £4,500).

These elements were considered prior to the submission of the Petition the subject of this report, and the consideration of other options e.g. the service of a Section 215 Notice were given due regard (these are outlined in Section 2 below).

The position with regard to this building has been complicated by the fact that the owner of the buildings is now deceased, and any discussions in relation to the concerns raised have been with legal representatives of the estate. This has proved to be somewhat protracted although there has been a positive move forward insomuch as agreement was reached that, subject to the Council obtaining a suitable quotation for works, such improvements and costs would be met by the estate.

Recent dialogue with the estate representatives has seen the following schedule and costs put to them:

External Inspection

Fading paint panels (Timber) in several areas shop front and side elevation size 14m x2.5m the timber boards are rotten in places and are in need of replacement

The front facing wall the paint is peeling away from the wall and is coming away in sheets
The front elevation Guttering is missing also the down pipe is in need of replacement
Also a 6m length of guttering and fascia is dangerous and loose we need to make safe
To this evaluation we also need new down pipes as 2 in number are missing

The whole property needs new guttering fascia and scaffolding also some roofing works done as the property needs slipping slates fixed back and if the property has new guttering and boards done slates will move and the roof will sustain more damage

Painting works the timber boards need replacing before any painting works are done

Roof structure all the guttering and fascia boards need replacing as the property has TOP BOARDS fixed to rotten timber the boards and guttering are coming away from the property and is a danger to the public also to this end the roof will start to break down

Scaffolding is required to undertake any work required

Estimated cost £8,500

It is agreed that the undertaking of the works outlined above provides the best option in securing an improvement to the appearance (and structure where relevant) to the building, in the interests, primarily, of the visual amenity of the area thereby meeting the concerns expressed in the petition, and also in terms of structural integrity.

These cost will be borne by the estate either in terms of immediate payment upon completion, or by the placing of a charge on the estate to meet the figure of £8500 quoted.

EBM authority is therefore sought in this regard

2. OTHER OPTIONS AVAILABLE AND THEIR PROS AND CONS

As part of its ongoing investigations, the Council has given consideration to the service of formal notice under the various legislative frameworks open to it.

This has included the service of a Section 215 Notice under the relevant Planning Act, a Dangerous Structures Notice under the Building Act, or a solution under the Housing Act.

The latter could have included, from the empty homes perspective, the scenarios of an Empty Dwelling Management Order (EDMO), or an Enforced Sale.

The EDMO, which will be restricted to the residential flats only, was explored. At the outset it became clear that any property going through probate, or where probate was obtained within the previous 6 months, will form an exemption under the Housing Act 2004, and therefore not an option.

An enforced sale could be instigated, based on the debt secured against the property through Building Control's Works in Default intervention. Naturally, by doing so, we firstly would have to issue a demand for payment, allowing an appropriate period of time for the Owners/Executors to settle the debt.

Following this, and assuming non-payment, we could then secure the charge with the Land Registry, and issue S.103 Letters under the Law of Property Act 1925, informing the Owners/Executors that we intend to sell the property to recover all debt. By doing so, this will enable the Local Authority to firstly recover its debt, manufacture a change of ownership and expedite the improvement of this property.

An alternative option would be to negotiate a voluntary enforced sale with the Owners/Executors, weighing on the fact that the property is currently un-insurable, and subsequently the estate may become liable/ at risk should any injuries result from the building fabric failures (i.e. falling slates etc). The Local Authority may then enforced the sale by agreement, holding the resultant funds pending a successful Grant of Probate.

The local authority does also have power to Compulsory Purchase properties, and there is an array of legislation which can be used. These are specific in the following circumstances:-

- acquire land for development, redevelopment or improvement which will *contribute to the promotion or improvement of economic, social or environmental well being*
- empty houses, for the improvement of housing accommodation
- listed buildings, where reasonable steps are not being taken for its preservation
- housing within renewal areas for improvement/repair
- acquisition of rights over land.

The building has been investigated in terms of being a potentially dangerous structure, and it was found that it was not of a condition that would have warranted such service. Additionally, works have already been secured on the building to improve it in this regard.

A Section 215 Notice was also considered although it was not considered expedient given the solutions that, ultimately, were being positively explored, and also the nature of the building was such that, service of a formal notice in this regard, has the potential to set a certain threshold for the service of such notices that would bring future challenges in terms of consistency and public interest.

It is on this basis that the other options were not pursued, and that the solution referred to in Section 1 is the most pragmatic, and expedient, way of progressing to an improvement of the building to meet the wider public concerns expressed.

This is the position at the time of preparation of this report and does not preclude further future consideration of certain alternatives depending on how the position evolves.

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENTAL & PUBLIC PROTECTION

THURSDAY 19th MAY 2016

PRESENT: Councillor: T.J. Jones (Executive Board Member).

The following officers were in attendance:

S.E. Watts, Public Health Services Manager
M.S. Davies, Democratic Services Officer

Venue: Room 67, County Hall, Carmarthen (9:30 – 10:00am)

1. DECLARATIONS OF PERSONAL INTERESTS

No declarations of personal interest were made at the meeting.

2. SERVICE DELIVERY PLAN - ENVIRONMENTAL HEALTH AND LICENSING

The Executive Board Member considered the Service Delivery Plan for Environmental Health and Licensing which provided the basis for the Public Health Services Section's work in 2016/17.

The Plan provided an outline of the Council's service aims and objectives including links to the corporative objectives and plans. A brief description of the Council was included, defining its infrastructure, economy and organisation structure. The Plan also detailed the scope and demands of the Public Health Services Section.

The Plan was divided into sections which provided details of specific areas of each of the services and workplans for the coming year. This provided an opportunity to highlight where there were weaknesses and strengths within the relevant teams. Specific areas were highlighted as being at risk and those which the Section was no longer able to provide because of the limited resources. A breakdown of resources was provided, including staffing costs, administration, supplies and services, training etc. with comparisons between financial years. The final section contained information and details of quality assessments and illustrated the various ways that the Section ensured consistency, efficiency and competency.

RESOLVED that the Environmental Health and Licensing Service Delivery Plan for 2016/17 be approved.

3. **DECISION RECORD – 4TH FEBRUARY 2016**

RESOLVED that the decision record of the meeting of the Executive Board Member for Environmental and Public Protection held on the 4th February 2016 be signed as a correct record.

CHAIR

DATE