



Northumberland County Council

Your Ref:
Our Ref: 16/000486/UNTIDY
Enquiries to: Mrs Claire Foster
E-mail: Claire.Foster@northumberland.gov.uk
Tel direct: (01670) 622 694

Date: 31 August 2018

Dear

Anti-social Behaviour, Crime and Policing Act 2014 Community Protection Notice

Further to the above matter and to the Written Warning previously given to
, in respect of the untidy
condition of **land on the west side of Elliott Street, Blyth** (registered under Title Nos.
ND101094 and ND22184 respectively), I have observed that matters have not been
satisfactorily resolved.

Please now find enclosed by way of service upon you a **Community Protection Notice**.

A copy of this Notice has also been served upon under separate cover.

You are both served:

- (a) in your own right as individuals owning the land registered under Title No. ND101094;
and
- (b) as the persons owning and in control of the aforementioned company and therefore
as persons in effective control of that land for the purposes of section 44 of the 2014
Act.

You should read the enclosed Notice carefully, which sets out:

- what you must do now;
- the period within which the Notice must be complied with;
- the penalties for failing to comply;
- further steps which may be taken by us; and
- your rights of appeal.

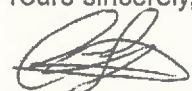
Claire Foster, Planning Enforcement Officer
Planning & Housing Services, County Hall, Morpeth, NE61 2EF
T: 01670 622694 E: Claire.Foster@northumberland.gov.uk
www.northumberland.gov.uk



Should you require any further information or have any queries regarding the enclosed Notice, please do not hesitate to contact me to discuss further.

If you are in any doubt as to what you must now do, you may wish to take your own independent legal advice.

Yours sincerely,



Mrs Claire Foster
Development Compliance Officer



Northumberland County Council

Community Protection Notice

Anti-social Behaviour, Crime and Policing Act 2014, section 43

To:

of:

TAKE NOTICE THAT:

- 1 **Northumberland County Council** ("the Council") whose principal office is at County Hall, Morpeth, Northumberland, NE61 2EF is the local authority for the purposes of section 53 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act").
- 2 You are persons owning **land located on the west side of Elliott Street, Blyth, Northumberland** (registered at HM Land Registry under **Title No. ND101094**).

You are both also the appointed company directors of your company
[redacted] ("the Company") which owns the adjoining parcel of **land located on the west side of Elliott Street, Blyth** (registered at HM Land Registry under **Title No. ND22184**) and as such have control of that land as directors of the Company.

In this Notice, both of the above registered Titles are hereafter referred to as "the Land".
- 3 In accordance with section 44 of the Act, conduct on, or affecting, premises that a particular person **owns**, leases, occupies, **controls**, operates or maintains, is treated for the purposes of section 43 **as conduct of that person**.
- 4 As such you are individuals responsible for incidents of unreasonable behaviour in that you have caused, allowed or tolerated the condition of the Land to fall into and be kept in an unacceptably untidy condition which is unsightly and out of character with the street and upon which the Land is located.
- 5 The Council is satisfied on reasonable grounds that your conduct is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality and that such conduct is unreasonable.
- 6 You were both given Written Warnings by the Council dated **13 November 2017** that a Community Protection Notice ("CPN") would be issued unless you complied with the requirements of that Warning.

You were also given Written Warnings as the directors of the Company in similar terms on the same date, as was the company itself.
- 7 The Council is satisfied that, despite you having had enough time to deal with the matter, your conduct is still having that effect.

8 This CPN is now issued against you both in accordance with section 43 of the Act and in accordance with section 44 as specified in paragraph 3 above.

YOU MUST NOW COMPLY WITH THE FOLLOWING:

9 Arrange for any overgrown vegetation on the Land to be cut back and thereafter arrange for any vegetation to be kept under control and keep the Land free from weeds so far as is reasonably practicable.

Compliance period: **within 21 days** from the date of service of this CPN upon you.

10 Arrange for the removal of all waste materials left, deposited or strewn about the Land and arrange for their proper disposal at an authorised waste disposal site.

Compliance period: **within 21 days** from the date of service of this CPN upon you.

NOTE:

Details of authorised waste disposal sites operated by the Council may be found at the following link:

www.northumberland.gov.uk/Waste/Tip.aspx

NB: If you employ a contractor to remove the waste on your behalf, or if it is removed in pursuance of any of your business activities, the person removing the waste may need to be a registered waste carrier and may require a permit to dispose of waste at the above sites. Further information may be found here:

<http://www.northumberland.gov.uk/Waste/Business.aspx#wasterecyclingadviceforbusinesses>

11 Following the end of the compliance period specified in paragraph 10 above, maintain the Land in a good and orderly condition by preventing further accumulations of waste materials or by storing any such waste in suitable waste receptacles designed for that purpose pending collection and disposal of the same and ensure that any such waste is properly disposed of.

Compliance period: **within 21 days** of such waste being left or deposited on the Land.

12 Arrange for the Land to be inspected at intervals of not less than once each calendar month and keep a record of any such inspection which shall specify the date and time of the inspection and record the condition of the Land at that time.

Compliance period: **within 42 days** from the date of service of this CPN upon you.

13 If any waste materials are found at any such inspection as described in paragraph 12 above, arrange for the same to be removed and disposed of as described in paragraph 10.

Compliance period: **within 42 days** from the date of service of this CPN upon you.

14 If you become aware of any future accumulations of waste, whether by your own observations or by being informed of such by the Council or by any other person, arrange for the same to be removed and disposed of as described in paragraph 10 above.

Compliance period: **within 21 days** from the date that you become aware of, or are duly notified of, any such accumulations.

RIGHT OF APPEAL

- 15 You have the right to appeal against the making of this Notice on any of the grounds set out in section 46 of the Act.
- 16 Any such appeal must be made to the Magistrates' Court **within 21 days** from the date upon which this Notice is issued.
- 17 Whilst an appeal against this Notice is in progress –
 - (a) a requirement imposed by the Notice to stop doing specified things remains in effect, unless the court orders otherwise, but
 - (b) any other requirement imposed by the Notice is of no effect.
- 18 The provisions of section 46 of the Act, including the grounds for appeal and the address of the Magistrates' Court to which an appeal may be made, are set out in the Annex to this Notice.

FAILURE TO COMPLY WITH THIS NOTICE

Remedial action by local authority:

- 19 If you fail to comply with this Notice, the Council may take remedial action itself to ensure that the Notice is complied with in accordance with the provisions of **section 47** of the Act and may recover its costs in that regard, subject to any appeal made.

Offences:

- 20 In accordance with the provisions of **section 48** of the Act, failure to comply with this Notice is an offence.
- 21 A person guilty of an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale (£2,500) in the case of an individual or to a fine in the case of a body.
- 22 A person does not commit an offence if the person took all reasonable steps to comply with the Notice or there is some other reasonable excuse for the failure to comply with it.

Fixed penalty notices:

- 23 An authorised person may issue a fixed penalty notice in accordance with **section 52** of the Act to anyone who that person has reason to believe has committed an offence under section 48.
- 24 A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

Remedial Orders:

- 25 A court before which a person is convicted of an offence under section 48 may make whatever remedial order that the court thinks appropriate for ensuring that the steps

required under the Community Protection Notice are carried out in accordance with the provisions of **section 49** of the Act. Where any such Order is made allowing works to be carried out by or on behalf of the Council, the Council may recover its costs in that regard subject to any appeal made.

Forfeiture of item used in commission of offence

- 26 In accordance with **section 50** of the Act, a court before which a person is convicted of an offence under section 48 may order the forfeiture of any item that was used in the commission of the offence and any such order may require a person in possession of the item to hand it over to the police or to the Council.
- 27 Any such Order may require the item to be destroyed or disposed of.


Seizure of item used in commission of offence

- 28 In accordance with **section 51** of the Act, if a justice of the peace is satisfied on information on oath that there are reasonable grounds for suspecting that an offence under section 48 has been committed and that there is an item used in the commission of the offence on premises specified in the information, the justice may issue a warrant authorising any constable or designated person to enter the premises within 14 days from the date of issue of the warrant to seize the item subject to the provisions set out in section 51.

Criminal Behaviour Orders

- 29 The Council may also, depending upon the circumstances of the case, consider an application for a Criminal Behaviour Order under the provisions of **section 22** of the Act in circumstances where a person is convicted of an offence and the two following conditions have been met:
- (a) the court is satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person; and
 - (b) the court considers that making the order will help in preventing the offender from engaging in such behaviour.
- 30 A person who fails to comply with a Criminal Behaviour Order commits an offence and is liable:
- (a) on summary conviction, to imprisonment for a period not exceeding 6 months or to a fine, or to both;
 - (b) on conviction on indictment, to imprisonment for a period not exceeding 5 years or to a fine, or to both.

Signed on behalf of the Council:


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Elizabeth Sinnamon
Head of Planning Services
Northumberland County Council

Dated: 31 August 2018

Annex:

Any appeal in respect of this Notice should be made to:

North Northumbria Magistrates

sitting at Mid and South East Northumberland Law Courts

Correspondence address:

Centralised Listing Unit
Gateshead County Court and Family Court Hearing Centre
Gateshead Law Courts
Warwick Street
Gateshead
Tyne & Wear
NE8 1DT

E-mail: NO-Listings@Justice.gov.uk

Anti-social Behaviour, Crime and Policing Act 2014

46 Appeals against notices

- (1) A person issued with a community protection notice may appeal to a magistrates' court against the notice on any of the following grounds.
- 1 That the conduct specified in the community protection notice--
 - (a) did not take place,
 - (b) has not had a detrimental effect on the quality of life of those in the locality,
 - (c) has not been of a persistent or continuing nature,
 - (d) is not unreasonable, or
 - (e) is conduct that the person cannot reasonably be expected to control or affect.
 - 2 That any of the requirements in the notice, or any of the periods within which or times by which they are to be complied with, are unreasonable.
 - 3 That there is a material defect or error in, or in connection with, the notice.
 - 4 That the notice was issued to the wrong person.
- (2) An appeal must be made within the period of 21 days beginning with the day on which the person is issued with the notice.
- (3) While an appeal against a community protection notice is in progress--
 - (a) a requirement imposed by the notice to stop doing specified things remains in effect, unless the court orders otherwise, but
 - (b) any other requirement imposed by the notice is of no effect.
- For this purpose an appeal is "in progress" until it is finally determined or is withdrawn.
- (4) A magistrates' court hearing an appeal against a community protection notice must--

- (a) quash the notice,
- (b) modify the notice (for example by extending a period specified in it), or
- (c) dismiss the appeal.