

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 5 APRIL 2017

REPORT BY LEGAL SERVICES MANAGER

ESBIES ENFORCEMENT UPDATE, SAWBRIDGEWORTH

WARD(S) AFFECTED:      SAWBRIDGEWORTH

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Purpose/Summary of Report

- To update Members on the current situation regarding enforcement matters at the Esbies Site and to seek authorisation that the Head of Planning and Building Control can consider the additional matters which counsel has raised following this committee's resolution to seek an injunction in December 2016.

**RECOMMENDATION FOR DEVELOPMENT MANAGEMENT COMMITTEE : That:**

<b>(A)</b>	<b>The Head of Planning and Building Control be authorised to determine whether to proceed with seeking an injunction in relation to the Esbies Estate after having regard to the circumstances of any occupants, any material changes in circumstances, human rights issues, issues relating to the best interests of children and matters under the Equality Act.</b>
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1.0 Background

1.1 On 7 December 2016 members authorised Officers to seek an injunction under section n187B of the Town and Country Planning Act 1990. Members were advised that further advice would be obtained should they approve the recommendation.

2.0 Report

2.1 Further advice has been received and this points out that it is appropriate when deciding to pursue an injunction to have regard to the circumstances of any occupants, any material change in circumstances and human rights issues. It is also correct to consider issues relating to the best interests of any children and any issues under the Equality Act. In the circumstances it is

recommended that Members resolve that these matters are considered by the Head of Planning and Building Control who should then be authorised to determine whether to seek an injunction in relation to the Esbies Estate. In ordinary circumstances the Head of Planning and Building Control has authorisation in any event pursuant to the Constitution but as the matter was considered previously by Members it is considered appropriate to seek this authorisation.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None.

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