

Agenda Item 7

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Date	12 th June 2018
Ward (s) affected	Leatherhead North
Subject	Demolition of the Royal Oak public house, Leatherhead - Update
Recommendations <p>Scrutiny Committee is asked to note the actions that have been taken in relation to the unauthorised demolition of the Royal Oak Public House since its last meeting on 13th March when consideration was given to the recommendations of the independent review of the demolition.</p>	
Executive Summary <p>An independent review was carried out in February 2018 into the actions that were taken before, during and after the unauthorised demolition of the Royal Oak Public House in Leatherhead which had taken place in November 2017.</p> <p>The findings of the review were considered and noted by the Scrutiny Committee at its last meeting on 13th March 2018. The Committee also agreed to receive an update at its June 2018 meeting.</p> <p>Since the Scrutiny Committee's last meeting, the following has happened</p> <ul style="list-style-type: none">• Counsel has advised that enforcement action would not be appropriate unless an application for retrospective permission for the demolition is not forthcoming.• The owner has been given until 4th June to submit an application and local residents have been advised accordingly.• The owners of the site have had the fly tipped material on the site removed.• The owners' architects held a drop-in event for local residents to explain their ideas for the future of the site.	
Corporate Priority Outcomes. <p>The independent review that was carried out into the circumstances around the unauthorised demolition of the Royal Oak Public House was in line with MVDC's "Values" and Guiding Principles" of "Openness".</p> <p>This report provides an update on what has happened since the Scrutiny Committee's consideration of the independent review at the meeting held on 13th March 2018 in the interests of transparency.</p>	

The Committee has the authority to determine the recommendations

1.0 **Background/Introduction**

- 1.1 On 23rd November local residents contacted the planning service expressing concern that the Royal Oak public house on Kingston Road Leatherhead was being demolished. Enforcement Officers were sent to the site where they tried unsuccessfully to persuade the contractor to stop work. Planning and legal officers considered whether it would be possible to serve a Temporary Stop Notice, but concluded that it would not be expedient to do so.
- 1.2 In communicating this decision to residents and Councilors, officers did not refer to a change in the legislation which had taken effect in May 2017 and had introduced a requirement for planning permission to be obtained prior to the demolition of drinking establishments. In later correspondence and statements officers stated that they had become aware of the change subsequent to their initial consideration of the matter and the communications that had followed.
- 1.3 It subsequently transpired that contrary to the correspondence sent out by MVDC, an officer had known about the change to the legislation at the time the decision not to serve a Temporary Stop Notice was taken. Having established this was the case, the Chief Executive commissioned an independent review of the events that had taken place.
- 1.4 The findings of the independent review were reported to the Scrutiny Committee at its meeting on 13th March. The Committee noted the findings and recommendations of the review and the actions to be implemented in response to the recommendations. It was agreed to receive an update at the June meeting of the Scrutiny Committee.

2.0 **Update**

- 2.1 The attached table sets out the recommendations of the independent review and the proposed actions in response to the recommendations that were reported to the Scrutiny Committee at its last meeting on 13th March. The final column of the table provides an update on the actions which had been proposed.
- 2.2 In addition to the actions set out in the attached table, other measures have been taken. The owner of the site engaged contractors to remove the fly tipped waste that had been left on the site following the establishment of an unauthorised encampment by a group of travellers. The waste was removed by 14th March 2018.
- 2.3 Following the receipt of Counsel's advice, the owners of the site have been invited to submit a planning application for retrospective permission for the demolition of the Royal Oak. This will allow the public to be consulted and for MVDC to debate the matter with the full information available. Counsel advised that inviting a planning application ensures consistency with MVDC's Local Enforcement Plan and that failing to follow MVDC's published policy and issuing an enforcement notice prior to allowing the owner to submit a planning application to regularise the situation would not be appropriate and could risk a legal challenge. The owner has been given until 4th June to submit an application. Counsel advised that if a planning application is not received then issuing an enforcement notice would be justified.
- 2.4 Architects acting for the owner of the site held an evening drop-in event at the North Leatherhead Community Association on 22nd March when they shared their ideas for the redevelopment of the site to inform their proposals for which planning permission will be sought

Financial Implications

There are no financial implications as a direct result of the contents of this report.

Legal Implications

There are no legal implications as a direct result of the contents of the report.

2.0 Corporate Implications

Monitoring Officer commentary

The Monitoring Officer confirms that all relevant legal implications have been taken into account.

S151 Officer commentary

The S151 Officer confirms that all relevant financial implications have been taken into account.

Risk Implications

Implementation of the recommendations of the independent review will minimise the risk of a similar issues arising in the future.

Equalities Implications

There are no equalities implications arising from this report.

Employment Issues

The recommendations of the independent review have given weight to the case for reshaping the Development Management Service to provide more capacity within the Planning Enforcement Team.

Sustainability Issues

The recommendations of this report help MVDC to ensure that it will continue to meet the needs of the present without compromising future generations. The recommendations promote responsible and appropriate decision making.

Consultation

The Chief Executive who commissioned the independent review has been consulted in the preparation of this report.

Background Papers

None.

