

WLBC Planning Services Town Green Inn closing statement 27th May 2014

I have already made the point I am here to support the Police review. I provided information about how Planning Services have had to deal with the breach of planning control falling within the planning enforcement responsibility. I was not, as was alleged by the company's legal representative, putting forward planning issues for the hearing to resolve. The support of the review by three other services indicates the large amount of officer time and resources that have had to be expended in dealing with the problems arising from the management of the site, which have come within are their responsibility to investigate. The aim is always to try and resolve issues without the need for formal action and the lack of the latter dose not signify there was no basis for the complaint.

In view of the evidence of outside drinking and depending on the outcome of the review, Planning Services will then need to assess what further action is required and putting a case to Legal Services to consider if it is in the public interest to prosecute. Due to the breaches of planning control since 2011 three BCNs and one EN have had to be issued related to the same matter. This is a very unusual, I could even say unique, occurrence regarding the number of notices and I am unaware of this happening for any other site. After the first day of the hearing Punch Taverns e-mailed the enforcement officer as no response had been received about their July 2013 request to have the BCN withdrawn. (One wonders why they did not ask for a response months ago.) This had been passed to Legal Services for advice, but in any event, Punch Taverns would have had, and has now been advised, notices are never withdrawn without very good reason. The latter is hardly ever the case, except for example, to withdraw and re-issue a notice often due to technical reasons. A BCN can be served on a person "having control of the land". Punch Taverns is the presumably the landowner, so it would be difficult for the company to argue it does not have control of the land. This type of request is not a challenge to the BCN and I as I said in my statement the only way to challenge a BCN is via a judicial review in the High Court – this information is attached to the BCN notice.