

Statement of Witness

(CJ Act 1967, s.9; MC Act 1980,ss 5A(3) AND 5B; MC Rules 1981, r.70)

STATEMENT OF Paul Johnson

Age of Witness: Over 21
Occupation of Witness: Planning Enforcement Officer
Address: North Norfolk District Council
Development Management
Council Offices
Holt Road
Cromer
Norfolk NR27 9EN

This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

Dated the 27 March 2015

Signed:



I am employed by the Development Management Section of North Norfolk District Council as a Planning Enforcement Officer. My duties include the investigation and prosecution of breaches of planning control, contrary to the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).

Unless stated otherwise, my knowledge of the facts set out in this statement come from the planning enforcement file held by the Council, which relates to the former Shannoeks Hotel, High Street, Sheringham.

Previously, in 2012, a planning enforcement officer was investigating a complaint made to the Council regarding the untidy and neglected appearance of the former Shannoeks Hotel, 1 High Street Sheringham Norfolk.

I have now taken responsibility for this case and this statement relates to the issue of non-compliance with an Enforcement Notice, served under Section 215 of the above Act.

Section 215 of the act provides the Local Council with powers to take steps to require land or buildings to be cleaned up when its condition adversely affects the amenity of the local area. The serving of an Enforcement Notice requires the situation to be remedied. In Section 336 of the above Act, the definition of "land includes a building"

Signature:



The Former Shannoeks Hotel, High Street Sheringham Norfolk.

In 2012 the Council's attention was drawn to the increasingly neglected appearance of the former Shannoeks Hotel, 1 High Street Sheringham, which is located in a popular sea-side resort in Norfolk. An Enforcement file was created (ENQ/12/0080 refers) and all the evidence and facts presented in this statement are taken from this file.

Having personally visited the site, I can confirm that the former Shannoeks Hotel occupies a large corner plot on the north end of the High Street; the former Hotel is a substantial building with three frontages and is a prominent feature within the designated Sheringham Conservation area and the sea front. The site is identified on the attached plan, which also shows the Conservation area boundary. This plan is produced as my exhibit **PJ1**.

On 3 February 2014 a land registry search on the former Shannoeks Hotel, 1 High Street, Sheringham was conducted and the result of the search showed that "Huddies Limited" of address Lone Pine, Sheringwood, Sheringham Norfolk NR26 8TS as the owner of the land. This land registry search is produced as my exhibit **PJ2**.

On the same day a search was made on the "Company's House" register. The result of the search showed that "Huddies Limited" registered office was given as, Lone Pine, Sheringwood, Sheringham Norfolk. The Company's House search is produced as my exhibit **PJ3**.


Also on the same day a search on the "Duedil" website for Company's House information revealed that "Huddies Limited" was set up on 17 June 2010 and was listed as "Live". The Company had one director, a Mr Andrew Roper and the trading and registered address office was Lone Pine, Sheringwood, Sheringham Norfolk NR26 8TS. There were no subsidiary Companies listed. The result of this search is produced as my exhibit **PJ4**.

On 17 February 2014 a site inspection was carried out at the former Shannoeks Hotel, 1 High Street, Sheringham and as a result of this visit, it was reported that the external appearance of the property was extremely run down. The render on the property was cracked and broken and the whole of the exterior of the building needed re-painting. In addition there was rusting metal work attached to the building and several decaying adverts. The photographs of the exterior of the building taken at the time of the visit are produced as my exhibits **PJ5-12**.

On 4 March 2014 a previous Enforcement Notice served under Section 215 was withdrawn by the Council due to the fact that after receiving Legal advice, it was deemed to have been served incorrectly. The Notice was initially served on a Ms Chapman, as a shareholder of "Huddies Limited". Secondly, the Notice was served on Mr Roper, personally and not in his capacity as a Director of "Huddies Limited"

On the same day a further land registry search was conducted on the former Shannoeks Hotel, 1 High Street Sheringham. The result showed that "Huddies Limited" of Lone Pine, Sheringwood, Sheringham Norfolk was still shown as the owner of the land. The second land registry search is produced as my exhibit **PJ13**.

Signature:



On 7 March 2014 an Enforcement Officer, served by hand a Section 215 Notice under a new Enforcement number (14/033 refers) delivering it to the registered office of "Huddies Limited" Lone Pine, Sheringwood, Sheringham Norfolk NR26 8TS. A copy of the Notice is produced as my exhibit **PJ14**.

On the same day a copy of the Notice was also hand delivered to Mr A Roper at the same address for his information as a Director of "Huddies Limited" This copy is produced as my exhibit **PJ15**

The certificates of service of the Notices are produced as my exhibits **PJ16-17**.

Photographs showing the time and date of the service of the Notices are produced as my exhibits **PJ18-21**.

A copy of the Notice was placed on the Land Charges Register, produced as my Exhibit **PJ22**.

The Section 215 Notice required; damaged, un-keyed render/stucco to be replaced using a suitable material and then re-painted. Loose or damaged bricks or cobbles to be secured or re-placed and then re-pointed. Damaged external metal work or joinery to be repaired or replaced and then re-painted. And any rusty/damaged advertisement boards should be removed. The compliance date for the required action was 7 October 2014. The Enforcement Notice was not appealed during this period.

On 23 and 24 September 2014 separate letters were sent to "Huddies Limited" at Lone Pine, Sheringwood Sheringham Norfolk and to Mr A Roper, as his capacity as a Director of "Huddies Limited" Their letters advised that the Section 215 Notice served on 7 March 2014 required the schedule of works to be completed by 7 October 2014. The letters are produced as my exhibits **PJ23-24**.


The Council received no response to the letters sent; neither was there any appeal received from either "Huddies Limited" or Mr A Roper before the end of the effective date of the Notice or at any other time.

Following the period of expiry for compliance with the Notice, the former Shannoeks Hotel, 1 High Street Sheringham was visited on 10 October 2014 by Simon Hawes, an Environmental Health Officer at North Norfolk District Council. Mr Hawes took photographs to show the untidy condition of the exterior of the building.

The site visit by Mr Hawes and subsequent photographs revealed that the works undertaken in compliance with the Section 215 Notice at the time were; removal of rusty external metal work, the removal of the damaged advertisements, the removal of some of the perished , cracked and un-keyed stucco/render.

On 20 January 2015 a further visit to the former Shannoeks Hotel, 1 High Street Sheringham was made. The appearance of the building at this time had not materially changed since the visit by Mr Hawes on 10 October 2014. The requirements of the Section 215 Notice relating to repair and re-painting have not been fully complied with and the appearance of the building continues to severely affect the amenity of the local area. The photographs taken of the building at this time are produced as my

Signature:

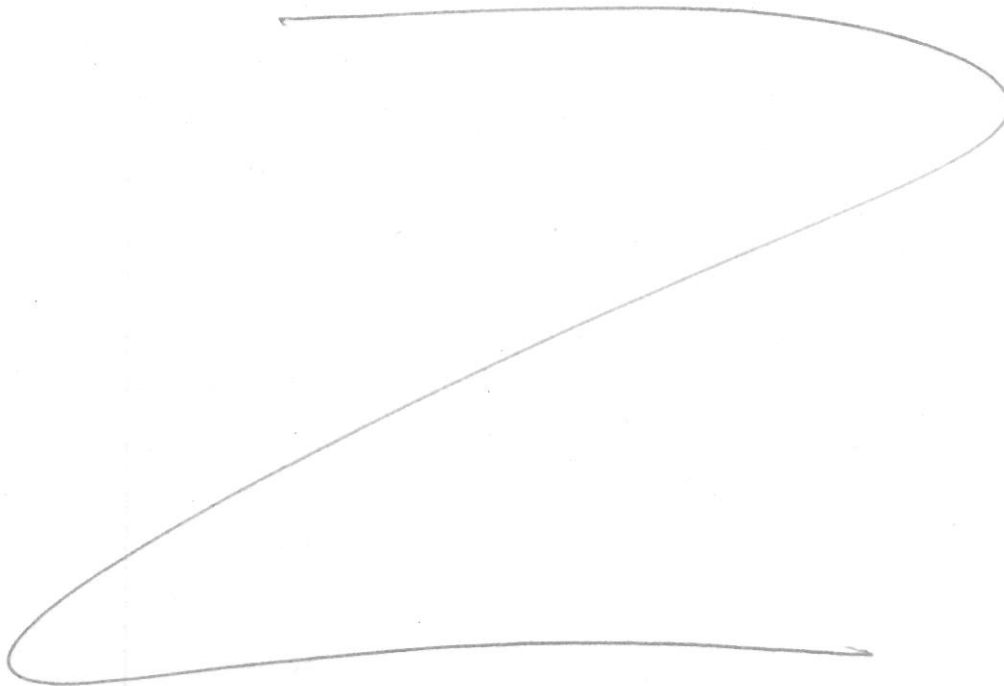


exhibits **PJ25-42**.

On 9 February 2015, A further Land Registry search was conducted on the former Shannoeks Hotel, 1 High Street Sheringham, which confirmed "Huddies Limited" as the owner of the land. I produce this as my exhibit **PJ43**

On 27 March 2015 an enhanced Companies Register search was conducted on "Huddies Limited" I produce this search as my exhibit **PJ44**

There is now a requirement to deal with this matter and for prosecution action to be considered against "Huddies Limited" and the Director Mr A Roper, as the Notice has only been partially complied with.



Signature:



STATEMENT OF WITNESS

**(Criminal Justice Act 1967, Section 9
Magistrates Court Act 1980, Sections 5A(3)(a) and 5B,
Criminal Procedure Rules 2013, Rule (27.1)**


STATEMENT OF ANDREW MITCHELL

Age of Witness: Over 21

Occupation of Witness: DEVELOPMENT MANAGER

Address: Planning Division
North Norfolk District Council
Council Offices
Holt Road
Cromer NR27 9PZ

This Statement (consisting of ..2.. pages each signed by me) is true to the best of my knowledge and belief and I make it knowing, that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

Signature of Witness: 

Dated the 27th **day of** MARCH **20** 15

I am a Planning Officer, employed by the Planning Division of North Norfolk District Council as the Development Manager. My duties include the day to day management of the Council's Development Management Team which includes Planning Enforcement.

WITNESS STATEMENT

FORMER SHANNOCKS HOTEL, HIGH STREET, SHERINGHAM

I was aware that a notice under Section 215 of the Town & Country Planning Act 1990 (as amended) had been served on Huddies Ltd., Lone Pine, Sheringwood and on Mr A Roper in his capacity as Director of Huddies Ltd, on 7 March 2014.

Following the expiry of the period of compliance for the works to be undertaken in respect of the Section 215 Notice (i.e. 7 October 2014), I was aware that, whilst some of the required works had been carried out, a significant amount of works remained to be undertaken to fully comply with the notice. Although the period for compliance had expired, the Council's principal objective was to seek full compliance in the interests of the visual amenities of the area and I wrote on 28 October 2014 to Huddies Ltd., Lone Pine, Sheringwood, Sheringham and to Mr A Roper in his capacity as Director of Huddies Ltd., seeking a timescale for completion of the works required by the Section 215 Notice. I exhibit a copy of my letters as my exhibits AM/1 & 2. Subsequent to that correspondence, I had a telephone conversation with Mr Roper on 30 October 2014. My record of that telephone conversation I exhibit as my exhibit AM/3.

On 25 November 2014 I wrote again to Huddies Ltd., Lone Pine, Sheringwood, Sheringham and to Mr A Roper in his capacity as Director of Huddies Ltd. Those letters referred to the telephone conversation with Mr Roper following the previous correspondence of 28 October 2014, and raised concerns that there had been no further correspondence from Mr Roper following that telephone conversation. A further period of 10 days was given to provide a response.

I exhibit a copy of my letters as my exhibits AM/4 & AM/5.

On 27 November 2014 I had a telephone conversation with Mr Roper. A record of that telephone conversation I exhibit as my exhibit AM/6.

On 5 December 2014 I returned a telephone call from a contractor with whom I had a conversation. That contractor was Mr Field of Wall Coating Solutions. A record of that telephone conversation I exhibit as my exhibit AM/7. No email details were received.

I have had no further contact either with Huddies Ltd. or Mr A Roper acting as a Director of Huddies Ltd. in respect of these premises after the telephone conversation on 5 December 2014.

Signature *A. Mitchell* Date *27th March 2015*

Statement of Witness**(CJ Act 1967, s.9; MC Act 1980,ss 5A(3) AND 5B; MC Rules 1981, r.70)****STATEMENT OF SIMON HAWES**

Age of Witness:

Over 21

Occupation of Witness:

Environmental Health Officer

This statement (consisting of 2 sides) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

Dated the 25th day of March 2015

Signed:



- 1) I am an Environmental Health Officer working within Environmental Health and have been employed by the Respondent since 2002.
- 2) I have a BSc (Hons) in Environmental Health and received my Environmental Health Registration Board Certificate of Registration in 2003. I am a voting member of the Chartered Institute of Environmental Health and have completed the CIEH Housing Health & Safety Rating System (HHSRS) Practitioners Course twice – firstly in 2005 and again in 2012.
- 3) On 1st October 2014 I served a Notice of Entry on Mr Andrew Roper, Company Director of Huddies Limited. The Notice of Entry required access to the former Shannoeks Hotel, 1 High Street, Sheringham to establish the condition of the premises (i.e. defective and/or dangerous and/or ruinous and dilapidated condition) and to determine whether any functions under the Building Act 1984 should be exercised in relation to the premises. The Notice was served by hand delivery to Lone Pine, Sheringwood, Beeston Regis NR26 8TS. A copy of to Notice of Entry is attached marked **SH1**.
- 4) On 10th October 2014 I was in Sheringham on an unrelated matter and observed that the paint to the front and side elevations of the former Shannoeks Hotel had been removed. I was aware that enforcement action was being taken by my colleagues in the Planning Department and as such took photographs of the works that had been undertaken. On my return to the office, I forwarded the photographs to the Planning Department. Photographs of the exterior of the building attached marked **SH2** and **SH3**.
- 5) On 17th October 2014 I conducted an internal survey of the building with Mr Paul Purslow (Building Surveyor) of Purslows Building Surveyors Ltd., to establish the condition of the premises (i.e. defective and/or dangerous and/or ruinous and

Signed:



dilapidated condition) and to determine whether any functions under the Building Act 1984 should be exercised in relation to the premises.

6) On 11th November 2014 I attended the exterior of the building with Mr Paul Purslow (Building Surveyor) and a cherry picker to complete the external survey of the building (including the roof structure). Photographs of the exterior of the building attached marked **SH4, SH5, SH6** and **SH7**.

STATEMENT OF TRUTH

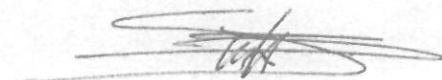
I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE

Signed:



Date: 25th March 2015

Signed:



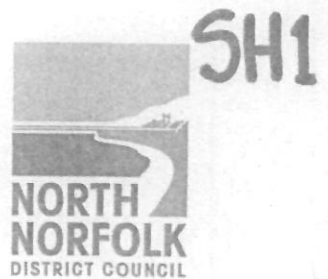
NORTH NORFOLK DISTRICT COUNCIL
HOLT ROAD CROMER NORFOLK NR27 9EN

Telephone 01263 513811
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Our ref: WK/140012734

COPY



1st October 2014

Mr Andrew Roper
Company Director
Huddies Limited
Lone Pine
Sheringwood
Beeston Regis NR26 8TS

Dear Mr Roper

BUILDING ACT 1984; SECTIONS 76, 77, 78, 79 AND 95
NOTICE OF ENTRY

Further to our telephone conversation on Monday, 29th September 2014, I write to you as the person responsible for the premises known as

1 HIGH STREET, SHERINGHAM, NORFOLK NR26 8JP (the premises")

The North Norfolk District Council ("the Council") considers that a survey is necessary to establish the condition of the premises (i.e. defective and/or dangerous and/or ruinous and dilapidated condition) and to determine whether any functions under the Act should be exercised in relation to the premises.

I being a person authorised in writing by the Council require access to the premises for the purpose of survey and examination at 10:00am on Friday, 17th October 2014.

As discussed, I would be grateful if you (or a representative) would meet me at the premises at this time to ensure access to all parts of the building. Please also note that the survey will take several hours to complete – if you wish to leave the keys with me for the duration of the visit, I am happy to return them to your home address on completion of the survey.

If you have any questions about this Notice of Entry please contact Simon Hawes at the above address (notes attached).

Signed under delegated authority on behalf of the Corporate Director

Simon Hawes
Environmental Health Officer
For the Environmental Protection Team
Tel 01263 516085
Email ep@north-norfolk.gov.uk