

## ENFORCEMENT UPDATE – JUNE 2022

**Summary:** This report provides the update for Members on a range of enforcement related issues arising from the work of the Enforcement Board and Combined Enforcement Team (CET).

**Conclusions:** The Enforcement Board continues to make progress towards its objectives of dealing with difficult and long-standing enforcement cases and bringing long term empty properties (LTE) back into use, across all areas of the district.

The Combined Enforcement Team continues working to reduce the backlog on the planning enforcement cases and ensuring that property level Council Tax enforcement is taken forward at the earliest opportunity.

**Recommendations:** **1. That Cabinet notes the continued progress of the Enforcement Board and the Combined Enforcement Team**

**Reasons for Recommendations:**

1. To ensure appropriate governance of the Board's activities
2. To show the progress of Combined Enforcement Team cases and contribution to the work of the Enforcement Board

Cabinet Members  
Cllr John Toye (Planning)  
Cllr Nigel Lloyd (Environmental Health)  
Cllr Eric Seward (Revenues and Benefits)

Ward(s) affected  
All Wards

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## **1. Introduction**

- 1.1. The Enforcement Board was set up in 2013 to tackle difficult and longstanding enforcement issues. At that time, there was an additional focus on Long Term Empty (LTE) homes due to the financial issues arising. The initiative ran alongside actions to secure New Homes Bonus payments. In addition, Corporate Plan seeks to promote local homes for local need, LTE initiatives can support this aim.
- 1.2. The Board is designed to provide cross service working on more complex multi-agency cases which are often complex in nature. Senior management level attendees from Environmental Health, Planning, Revenues Housing Strategy and Legal Services enable the most appropriate course of action to be brought to bear on the issues at hand and to be implemented promptly and effectively. The Board is now chaired by the Director for Place and Climate Change.
- 1.3. Dealing with difficult cases in this way has delivered more direct formulation of strategies and encouraged innovative approaches to the use of the Council's legislative powers. The Board has helped to ensure enhanced governance, with significant support from officers across both legal and finance teams.
- 1.4. A monthly update on the work of the Board is provided through a confidential case update report stored on the Members' area of the Intranet. These are listed by ward to make access easier for Members.
- 1.5. The Planning Enforcement backlog continues to reduce, with faster responses to new cases and an expedition of significant cases. The CET provides the Revenue Service with property level investigation work on Non-Domestic Rates and Council Tax cases, including the Long-Term Empty properties.

## **2. Case Progress update**

- 2.1. This section of the report provides an update on selected enforcement cases being managed by the Board. Full details of all cases can be found in the confidential updates on the Members' Intranet area.
- 2.2. The Board continues to meet regularly (monthly) to ensure good progress is maintained across the full range of cases under consideration. Currently, the caseload of the Board is 18 ongoing matters across all areas of the district.
- 2.3. Since the report in December 2021, a number of long-standing cases have been progressed, some moved to final monitoring stages before closure and two cases completed, namely.
  - Lynden, Thursford: untidy site
  - Little Harbord House, Cromer: untidy site
- 2.4. In terms of longer-term monitoring, prior to closure, the developer of the former Shannoeks Hotel had previously complied with the Compulsory Purchase Order Agreement and commenced demolition in June 2021, with the site now cleared and hoarding erected around the site. A revised layout planning application has been approved and therefore there is no process impediment to commencement of development no later than 1 June 2022; and completion of development no later than 1 June 2023. Unfortunately, there has been little engagement from the developer so a meeting with legal services to discuss the implications of progressing the compulsory purchase order, whilst making further attempts to engage with the developer.

Authority (BA) are in advanced pre-application discussions with a developer to secure redevelopment of the site. The BA served a S215 notice to promote a tidy up of the site and ongoing discussions with the developer continue around the submission of a planning application. Closure expected on receipt of application.

The enforcement notice requiring restoration of Grade II listed building Sutton Mill remains in place. The owner has constructed a replacement mill cap which will complete restoration required under the notice, works to reinstate the cap are ongoing. A final and binding timeline for the reinstatement of the stock's cap (to be installed voluntarily) has been put in place for end of July 2022. This is being monitored and when complete will enable final compliance and case closure.

2.5. On-going actions remain over the remainder of cases. This report highlights the following actions being undertaken:

- Tattersett Business Park - high level meetings across local agencies (Environment Agency, NCC, NNDC) and Jerome Mayhew MP have led to a number of resultant actions. A planning consultant has now been appointed to progress matters leading to a prosecution in respect of the tyres. An evidence gathering process is expected to lead to formal action in the Autumn 2022. Legal action to reclaim outstanding Business Rates is also underway.
- Grade II listed building 9 Norwich Street, Fakenham - the Council have served an urgent repairs notice following completion of the building survey. Works commenced mid-May and having been declined permission for any internal access by the freeholder, a court warrant was subsequently applied for and awarded so that the internal elements of the works could be commenced. The front façade is now supported, and the urgent works are underway. Legal action undertaken for reclamation of costs for existing building propping is continuing.

2.6. Revenue Services are progressing enforcement against a number of outstanding properties both residential and commercial properties. These actions are primarily on the basis of arrears of council tax and/or Non-Domestic (Business) Rates. These also bring potential resolutions of LTE properties.

2.7. Cases for charging orders/insolvency are being brought forward at:

- Pine Heath Care Home, High Kelling
- The North Wing, Melton Constable Park, Melton Constable,
- 15 Pitt Street, Southrepps
- 15 Cleaves Drive, Walsingham

2.8. Of the remaining properties on the Board's agenda, all are progressing with actions being promoted and followed up to bring them back into habitable condition or deliver compliance with required enforcement actions.

### 3. **Long Term Empty Homes (LTEs)**

3.1. In terms of LTEs, there remains a number of good reasons to act. It is essential that we enable occupation of as much of the district's housing stock as possible, thereby maximising housing provision.

A number of LTEs become the target of anti-social behaviour and the Board has had a number of successes in acting to prevent this and bring homes back into use.

In addition, many LTEs attract New Homes Bonus to the Council when brought back into use, although this is decreasing over time, we are still waiting details of the replacement scheme.

The percentage of LTEs in our housing stock remains lower than the national average with less than 1% (around 550 properties) in this category at any time. Given the many reasons for properties becoming and/or remaining empty, and the length of time taken for owners to complete issues such as complex probate cases, it is unlikely that the numbers of LTE's will drop below 400 and much of our effort is therefore targeted at preventing these numbers from increasing.

- 3.2. The overall picture with LTE is one that needs to sit within the wider district Housing Strategy, officers from the Board are working together to inform the development of specific policy within the new Housing Strategy that will enable a more effective strategy for the management of the LTE issues facing North Norfolk. We will continue to update on development of the strategy and report to O&S before consideration by Cabinet.

#### **4. Combined Enforcement Team Update**

- 4.1. As noted above, the Combined Enforcement Team was set up to bring consistency of approach and efficiencies in the way the Council deals with Empty Homes, Council Tax and Non-Domestic (Business) Rates Completions, avoidance, tax base work and Planning Enforcement, as these are mainly property level inspection-based cases.
- 4.2. Empty Homes work is important to maximise New Homes Bonus but the introduction of new build properties and larger developments into Council Tax banding also helps to maximise the collection of Council Tax. The team conduct regular inspections of known developments to ensure properties are brought into banding at the earliest opportunity.
- 4.3. The work of the Combined Enforcement Team underpins much of the work of the Enforcement Board, both in terms of finding new cases to be worked on but also in moving forward many of the current caseload.
- 4.4. The teamwork with Council tax colleagues to ensure owners of long-term empty properties receive chasing emails & letters promoting the need to for all types of accommodation. The team actively target properties where owners have failed to respond to these letters, specifically trying to identify properties most likely to have a damaging effect on neighbourhoods and communities. These properties ensure a regular throughput of properties for the Enforcement Board.
- 4.5. The team's planning enforcement caseloads is reducing but remains high, with 245 current cases (down from 305 from the previous quarter). To date, 144 new cases have been recorded during this calendar year with 164 cases closed down.
- 4.6. The team remain involved with a number of challenging cases, which consumes substantial amounts of officer time with a number of potential criminal prosecutions that may be taken forward. Alternatively, carefully negotiated investigations are also delivering submission of appropriate planning applications which may then achieve regularisation of development and activities. The ongoing demands on staff are significant.
- 4.7. Service transformation – a revised web service was introduced late last year, and this has proved successful, as has the recently introduced interactive complaint reporting form. A new harm assessment process has been

introduced which has enabled officers to assess and close cases more quickly where it is now demonstrated that it would not be expedient to pursue matters further.

- 4.8. There has been continued support from Colleagues in the Planning Process Unit who are logging new cases into the case management system. This is liberating more resource for investigation of complaints by dedicated enforcement officers, which has proved to be vital given staffing absences during the last quarter.
- 4.9. Kevin Peacock is now in place as the Enforcement Manager and is providing energy and impetus in closing cases and encouraging and developing his team.
- 4.10. Consultancy support is in place until July to assist Kevin and his team in investigating and concluding cases.
- 4.11. The Team Plan and Zero-Base Budgeting exercises identified opportunities for additional resource for an Enforcement trainee and Conditions Monitoring officer. These opportunities are now being advanced with a job description and person specification for the Conditions Monitoring role currently under review from colleague in Human Resources.
- 4.12. Finally, the Council's Enforcement Plan has now been refreshed and is now available to view on the Council's website.

## **5. Performance Management**

- 5.1. Members continue to be kept informed of enforcement board cases being taken forward in their wards and Group Leaders are also being kept informed of all cases.
- 5.2. Where appropriate, Town and Parish Councils are also kept informed of progress and where there is an obvious legal risk or implication, the relevant Portfolio holder is also informed, as well as the local member.
- 5.3. The Overview and Scrutiny Committee will continue to consider the Enforcement Board update report to provide additional oversight.

## **6. Financial Implications and Risks**

- 6.1. The work of the Enforcement Board is partly driven by the need to maximise revenue from both Council Tax and, for Long Term Empty Properties, the New Homes Bonus scheme. Significant contributions have already been made by bringing properties back into use and/or back into Council Tax banding.
- 6.2. There is also a reputational risk involved if we lose legal action. Whilst this can be mitigated by good process and evidence gathering etc., we are seeking to be innovative in our use of Multi agency working and use of legal powers. Consideration of risk and use of cost benefit analysis when considering significant actions is promoted.
- 6.3. The Enforcement Board Reserve covers the costs of dealing with these cases and in general, most of the costs concerned are recovered. However, formal action takes place in a number of cases, where some costs are simply not recoverable.
- 6.4. As the engagement of the enforcement team has accelerated there has been the need for significant additional legal input to the cases and although much of

the cost is recovered, this has been underwritten by the Reserve.

**7. Sustainability**

The actions promote better use of existing housing stock and other buildings and updating of buildings with contemporary sustainable building techniques. Promotion of an effective Housing (LTE) strategy will reduce the need for new build development in the district.

**8. Equality and Diversity**

There are no equality and diversity implications directly resulting from the recommendations or options considered in this report.

**9. Section 17 Crime and Disorder considerations**

Some of the work being undertaken by the Board has a direct link to criminal activity, around deliberate Council Tax and Non-Domestic (Business) Rates avoidance. In addition, a number of empty properties have been associated with anti-social behaviour, which of course will be removed when properties are brought back into use.

**10. Conclusions**

The Enforcement Board ensures that progress is made on significant enforcement cases and in meeting the objectives of dealing with difficult and long-standing enforcement cases and bringing long term empty properties back into use, across all areas of the district, with both social and economic benefits to the community, and financial benefits to the Council.

- 10.1 As well as the above, the Combined Enforcement Team continues to achieve success in closing cases and ensuring that property level Council Tax enforcement is taken forward at the earliest opportunity.