

## ENFORCEMENT UPDATE – DECEMBER 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.

**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 Andrew Brown (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 by their nature complex 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 quickly and effectively. The board is 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 in 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 for ease of access. The Board Chair is reviewing how information is provided to Members, given the large amount of historical data currently included, and will update on this at a future meeting.
- 1.5. The Combined Enforcement Team 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 meets on a monthly basis to ensure good progress is maintained across the full range of cases under consideration. Currently, the caseload of the Board is 16 ongoing matters across all areas of the district.
- 2.3. Since the report in June 2022, work has continued on long-standing cases, with some moving to final monitoring stages before closure. Two cases have been completed, namely:
  - 36 Beck Close, Weybourne (untidy site)
  - Buddies/Buffers, Holt Road, Cromer (untidy site)
- 2.4. In terms of longer-term monitoring:
  - The Shannoeks Hotel – the site developer had previously complied with the Compulsory Purchase Order (CPO) Agreement by commencing demolition in June 2021, meaning the site was cleared, and hoarding erected around the site. Unfortunately, the owner has since failed to commence works (deadline 23 November 2022), so the decision has been taken to pursue the CPO process by serving a General Vesting Document to take ownership of the site.

- 'Buddies/Buffers, Holt Road, Cromer' - works previously detailed within the Untidy Land (s.215) Notice was completed on site to the point that no further action is merited. Officers will continue to monitor this site and liaise with the site owner in seeking occupation of this building.
- Kings Head Hotel (Waterfront Rooms) Station Road, Hoveton - the developer has withdrawn from a potential scheme to redevelop the site due to complexities regarding Broads Authority and NNDC ownership of the tourist information centre and the toilet facilities. The Broads authority are working with Greene King for a comprehensive redevelopment of the site. Matters relating to S215 notice are resolved and otherwise under control of BA. This matter can be returned to if a redevelopment project is not delivered and the situation deteriorates, as potential CPO under NNDC powers, as The Broads Authority has no planning CPO powers).
- Sutton Mill - 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. Officers have issued a final and binding timeline for the purchase and delivery of the stocks by the end of the year before considering further action.

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

- Tattersett Business Park – an external Planning Consultant report has been received. Officers now liaising with Eastlaw, with an expectation of making a submission to Court December 2022. The Council will undertake further legal action to reclaim outstanding Business Rates.
- 9 Norwich Street, Fakenham - quotations for a building 'wrap' have been received. The aim is to wrap the building using an appropriately designed building wrap shortly after the Christmas break. The Council is to engage with the Town Council and building owners prior to commission. Legal action continues around reclamation of costs for existing building propping.

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

- 15 Cleaves Drive – Payment has been made, clearing the outstanding Council tax and legal costs, meaning the charging order has now been removed from the property.

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

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.
- 3.2. 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.
- 3.3. 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 carry out 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 demanding, however, concerted efforts have resulted in a reduction to the current caseload down to 176 current cases (a drop from the 245 reported in June 2022). At the time of writing, 322 new cases have been recorded during this calendar year and 400 cases closed.
- 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. In terms of service transformation, some internal officer changes allow the opportunity to review the function. Whilst the Enforcement Board take a holistic view on Council enforcement around planning and empty homes, the vast majority of day to day work is centred on alleged breaches of planning control. As such, a review will be carried out and any recommendations included within the impending Planning Service Improvement Action Plan.
- 4.8. The recently adopted harm assessment process 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. This process has aided the reduction of cases referred at paragraph 4.5 above, whilst providing a documented reasoning. Such an approach provides consistency of decision making.
- 4.9. Following on from the Team Plan and Zero-Base Budgeting exercises that identified opportunities for additional resources, the team have successfully recruited into two new posts. Firstly, a new Enforcement Trainee Officer, and secondly, a new Conditions Monitoring Officer. Both these posts will provide increased resilience over time and the ability to intervene on potential enforcement cases earlier in the process.
- 4.10. The service Enforcement Plan is up to date having been refreshed in March 2022, and with a three yearly review cycle in place.

## **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 significant 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(s).
- 5.3. The Overview and Scrutiny Committee 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 continues to make significant progress towards its 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.