

ENFORCEMENT UPDATE – SEPTEMBER 2023

Summary: This report provides the update for Members on a range of enforcement related issues arising from the work of the Enforcement Board.

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 the Committee 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	Ward(s) affected
Cllr Andrew Brown (Planning and Enforcement)	All Wards
Cllr Callum Ringer (IT, Environmental & Waste)	
Cllr Lucy Shires (Finance, Estates & Property)	

Contact Officer, telephone number and email:
Martyn Fulcher, Director for Place and Climate Change 01263 516144
martyn.fulcher@north-norfolk.gov.uk

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.
- 1.5. Enforcement work is carried out by a combination of Planning Enforcement, Environmental Protection, Housing Team and 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 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 2022, work has continued on long-standing cases. Some cases currently remain on the Board's agenda solely for longer term monitoring purposes, these being:
 - Arcady, Cley
 - Kings Head Hotel, Hoveton
- 2.4. On-going actions remain over the remainder of cases. This report highlights the following actions being undertaken on the following key cases:
 - 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. No work has commenced since then and discussions continue with the site owner, with the next anticipated step in the process being a mediation meeting.

- Sutton Mill - the enforcement notice requiring restoration of Grade II listed building Sutton Mill remains extant. The owner has put in place the correct conditions for the stocks to dry and season for the next 11 months, following on from previous works to reinstate the cap. The next milestone to be achieved will be the final dimensioning of the timbers and the application of preservative, before refitting. This work is expected to be completed by April 2024.
 - Tattersett Business Park – tyres continue to be removed from the site with active monitoring by the Council's enforcement team. Potential prosecution preparation continues; however, this remains pending whilst tyres continue to be removed from the site and further investment in new machinery and staff to expedite timescales is observed. Circa 500 tonnes of tyres have been removed over recent months. Legal action to reclaim the outstanding Business Rates is continuing.
 - 9 Norwich Street, Fakenham – the building wrap is in place however treatment of the street level façade is being further considered so to improve aesthetics. The Council is engaging with the building owners regarding the condition of the building and officers are currently preparing a report to Cabinet regarding the feasibility of serving a Repairs Notice. Legal action continues around reclamation of costs for existing building propping.
- 2.5. Revenue Services are progressing enforcement against several 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.
- 2.6. 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
- 2.7. 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. The Board 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 carried out by the combined teams 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. Planning Enforcement officer caseloads have reduced recently, although the complexity of work means this remains a demanding and challenging area of planning, with significant public interest. There is a reduction in the current overall caseload, down to 206 current cases (a drop from the 164 reported in December 2022). At the time of writing, 274 new cases have been recorded during this calendar year and 242 cases closed.
- 4.6. The team focus is rightfully on negotiating cases to deliver the submission of appropriate planning applications, which may then achieve regularisation of development and activities and allow for public consultation etc.
- 4.7. In terms of service transformation, this is being progressed in accordance with the Planning Service Improvement Action Plan. Training opportunities are also being evaluated to ensure that enforcement officers are well equipped for the increasing demands of the role.
- 4.8. The previously 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 provides a documented reasoning for any action or decision to not to and offers consistency of decision making.

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 on occasion, 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

- 7.1 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

- 8.1 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

- 9.1 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 few empty properties have been associated with anti-social behaviour, which of course will be removed when properties are brought back into use.

10. Conclusions

- 10.1 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.
- 10.2 Officers continue to achieve success in closing cases and ensuring that property level Council Tax enforcement is taken forward at the earliest opportunity.