

ENFORCEMENT UPDATE – DECEMBER 2021

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 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 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.
- 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 to make access easier for Members.
- 1.5. The Planning Enforcement backlog has been reduced, faster responses to new cases has been delivered and significant cases have been moved forward. 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 the report gives an update on some specific enforcement cases being handled by the Board. Whilst some cases are covered below, the 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 to ensure good progress is maintained across the full range of cases under consideration. Currently, the caseload of the Board is 21 ongoing matters across all areas of the district.
- 2.3. Since the reporting in June, a number of long standing cases have been progressed, some moved to final monitoring stages before closure and three cases completed.
- 2.4. Action by the Board has brought about a closure of:
 - Michaels House, Bale: Council tax dispute
 - Kelling Archery. Holt: appeal determined conditions discharged
 - Moorlands, Sutton: Owners addressed outstanding Environmental Protection issues
- 2.5. In terms of longer term monitoring, prior to closure. At the Shannoeks Hotel the developer has complied with the Compulsory Purchase Order Agreement to commence demolition in June 2021, the site is cleared and hoarding is erected around the site. A revised layout planning application is currently under

consideration, and will not be an impediment to commencement of development no later than 1 June 2022; and completion of development no later than 1 June 2023. Every expectation is for delivery of this important site on or before June 2023.

At Little Harbord House, Cromer, a live planning application is received which if approved will enable the enforcement notice for demolition of the unauthorised development to be withdrawn.

For Kings Head Hotel (Waterfront Rooms) Station Road, Hoveton the Broads Authority (BA) are in advanced pre application discussions with a developer to secure redevelopment of the site. BA confirm no requirement for S215 notice and updating on receipt of 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. Officers have issued a final and binding timeline for the reinstatement of the stock's cap (to be installed voluntarily). This is being monitored and when complete will enable final compliance and case closure

- 2.6. 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 been undertaken. The Council will undertake further enforcement action under the live planning enforcement notice for site clearance, legal action to reclaim outstanding Business Rates.

Grade II listed building 9 Norwich Street, Fakenham the Council have served an urgent repairs notice following completion of the building survey. The Council will review further actions following receipt of response to the notice. Legal action undertaken for reclamation of costs for existing building propping.

- 2.7. 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.

- 2.8. 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

- 2.9. 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 LTE's 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, taxbase 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 team work 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 remains high, with 540 cases received since 1 January 2021, we have 305 cases are currently live.

The team have delivered success on several key cases:

- M.R. Scaffolding at Catfield has ceased trading and relocated away from the site. The enforcement notice has been complied with.
- Beeches farm Tunstead, all commercial uses have ceased in accordance with the enforcement notice and planning inquiry appeal.

As advised in June we have a number of involved and challenging cases which are taking up large 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.

- 4.6. Service transformation – a revised web service was introduced in October. The service includes an interactive complaint reporting form. Officers will be flagging this preferred means of reporting to members and Parish Council's. the revised reporting process should enable greater consistency of evidence at the early stage of complaint assessment and enable efficiencies in drawing together the initial triage of cases.

Additional support has been made available 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.

A full time Enforcement Manager will be in place from 10 December, we thank Bob Wade for his significant impact as Interim Manager and welcome Kevin Peacock to this role. Consultancy support has been made available in October to facilitate this transition and resource case closure of historic investigations. Our recruitment campaign to back fill Kevin's role is nearing completion.

Our team plan and Zero Base Budgeting exercises have identified opportunities for additional resource for an Enforcement trainee and Conditions Monitoring officer.

Finally, work will be completed in January for the refresh of the Council's Enforcement plan.

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 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.

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.