

## Agenda

## Scrutiny Committee

### *Members of the Scrutiny Committee:*

Mr G Minshull (Chairman)  
Ms V Clifford-Jackson (Vice Chairman)  
Mr B Bernard  
Mr B Duffin  
Mr J Rowe  
Mr R Savage  
Mr T Spruce  
Mrs J Wilby  
Mr J Worley

**This meeting may be filmed, recorded or photographed by the public; however, anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner. Please review the Council's guidance on filming and recording meetings available in the meeting room.**

### **Date**

---

Friday 28 June 2019  
**(Please note change of day)**

### **Time**

---

9.30 am

### **Place**

---

**Colman and Cavell Rooms**  
South Norfolk House  
Cygnets Court  
Long Stratton  
Norwich  
NR15 2XE

### **Contact**

---

Sue Elliott tel (01508) 533869

South Norfolk District Council  
Cygnets Court  
Long Stratton Norwich  
NR15 2XE

Email: [democracy@s-norfolk.gov.uk](mailto:democracy@s-norfolk.gov.uk)  
Website: [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)

If you have any special requirements in order to attend this meeting,  
please let us know in advance

**Large print version can be made available**

# **AGENDA**

- 1. To report apologies for absence and to identify substitute members;**
- 2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;**
- 3. To Receive Declarations of Interest from Members;**  
(Please see guidance form and flow chart attached – page 4)
- 4. Minutes from the meeting of the Scrutiny Committee held 6 February 2019;**  
(attached – page 6)
- 5. Long-Term Empty Homes – Approach and Powers;** (report attached – page 10)
- 6. Scrutiny Work Programme, Tracker and Cabinet Core Agenda;**  
(attached – page 21)

## **Working style of the Scrutiny Committee and a protocol for those attending**

### **Independence**

Members of the Scrutiny Committee will not be subject to whipping arrangements by party groups.

### **Member leadership**

Members of the Committee will take the lead in selecting topics for and in questioning witnesses. The Committee will expect members of Cabinet, rather than officers, to take the main responsibility for answering the Committee's questions about topics, which relate mainly to the Council's activities.

### **A constructive atmosphere**

Meetings of the Committee will be constructive, and not judgmental, accepting that effective overview and scrutiny is best achieved through challenging and constructive enquiry. People giving evidence at the Committee should not feel under attack.

### **Respect and trust**

Meetings will be conducted in a spirit of mutual respect and trust.

### **Openness and transparency**

The Committee's business will be open and transparent, except where there are sound reasons for protecting confidentiality. In particular, the minutes of the Committee's meetings will explain the discussion and debate, so that it could be understood by those who were not present.

### **Consensus**

Members of the Committee will work together and, while recognising political allegiances, will attempt to achieve consensus and agreed recommendations.

### **Impartial and independent officer advice**

Officers who advise and support the Committee will give impartial and independent advice, recognising the importance of the Scrutiny Committee in the Council's arrangements for governance, as set out in the Constitution.

### **Regular review**

There will be regular reviews of how the overview and scrutiny process is working, and a willingness to change if it is not working well.

### **Programming and planning**

The Scrutiny Committee will have a programme of work. Members will agree the topics to be included in the work programme, the extent of the investigation to be undertaken in relation to resources, and the witnesses to be invited to give evidence.

### **Managing time**

The Committee will attempt to conclude the business of each meeting in reasonable time. The order of business will be arranged as far as possible to minimise the demands on the time of witnesses.

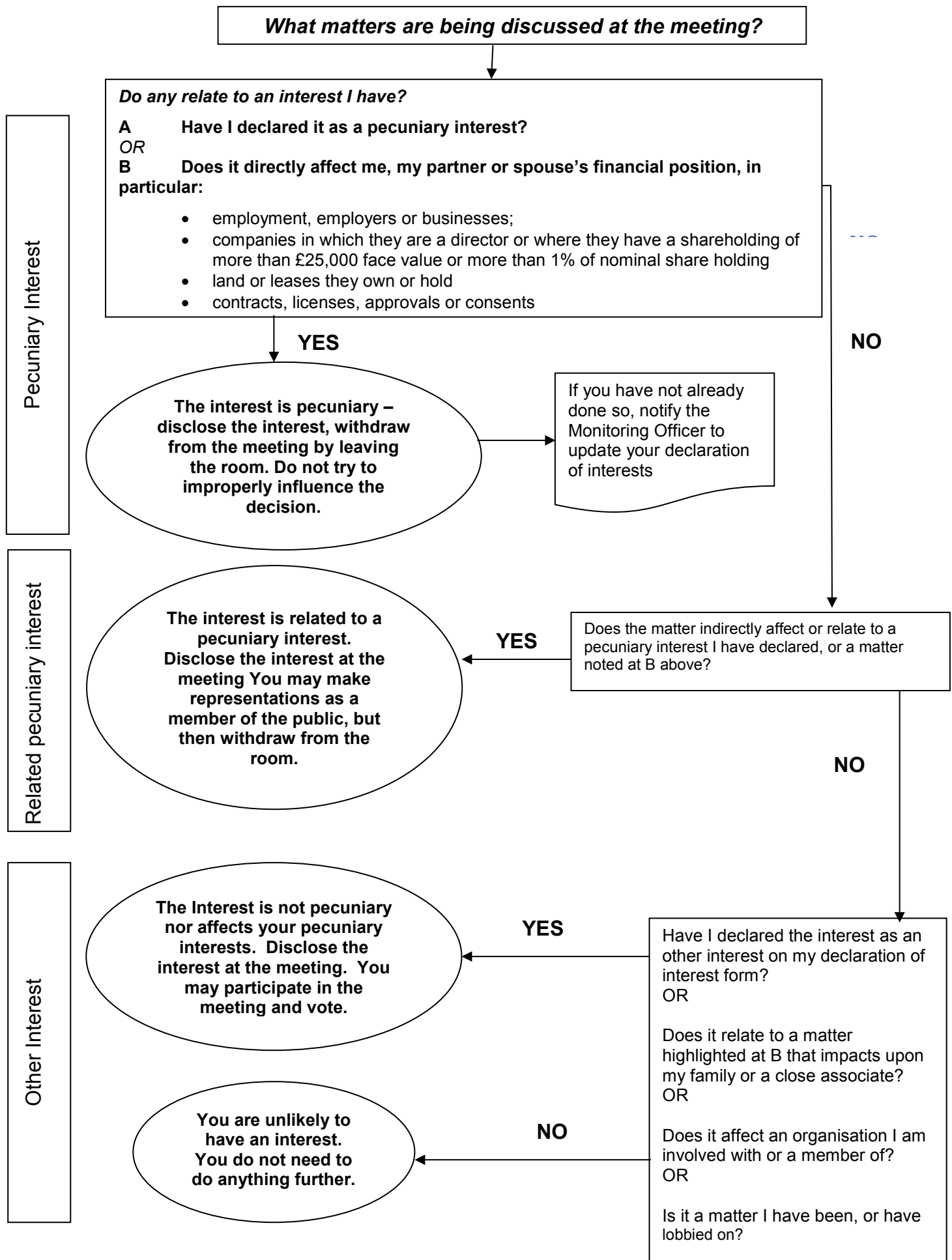
## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> <li>1. affect yours, or your spouse / partner's financial position?</li> <li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li> <li>3. Relate to a contract you, or your spouse / partner have with the Council</li> <li>4. Affect land you or your spouse / partner own</li> <li>5. Affect a company that you or your partner own, or have a shareholding in</li> </ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.  
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST  
INSTANCE**

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





## SCRUTINY COMMITTEE

**Minutes of a meeting of the Scrutiny Committee of South Norfolk District Council held at South Norfolk House, Long Stratton on 6 February 2019 at 9.30am.**

**Committee Members Present:** Councillors: G Minshull, B Bernard, B Duffin, C Gould, T Lewis, T Palmer, R Savage and J Wilby

**Apologies for Absence:** Councillor: L Hornby

**Substitute Members in Attendance:** Councillor: V Thomson

**Cabinet Members in Attendance:** Councillor: M Edney

**Other Members in Attendance:** Councillor: D Bills

**Officers in Attendance:** The Director of Growth and Business Development (D Lorimer), the Director of Communities and Wellbeing (J Sutterby), the Assistant Director of Resources (P Catchpole), the Head of Business Transformation (H Ralph), the Accountancy Manager (M Fernandez-Graham), the Group Accountant (J Brown) and the Senior Governance Officer (E Goddard)

### **1245. 2018/19 BUDGET CAPITAL STRATEGY 2019/20 to 2023/24**

Cllr Edney introduced the report which sought to provide members with details of the Council's proposed five-year Capital Strategy and outlined the steps required to develop a 20-year strategy, as now required by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Ministry of Housing, Communities and Local Government (MHCLG).

The Accountancy Manager provided members with a presentation and explained the key issues, as detailed in the report, advising the Committee of the assets and investments held by the Council and the level of external borrowing required to fund the capital programme. Members considered the Strategy and officers responded to a number of questions on points of detail.

In response to a member's question regarding whether the Council's collaboration with Broadland District Council would have any impact on the figures, officers confirmed that, as both Councils had agreed to keep their own assets, there would

be no effect in the foreseeable future. Cllr Edney confirmed that there was no appetite for a merger of the two Councils and that, although the collaboration of the workforce would strengthen the Councils' positions in the event of any future Local Government structural changes, there were no plans to merge the Councils.

Members noted that further work was required across the Council to lengthen the time horizon for the Strategy to at least 20 years and requested that members were kept up to date on the progress of the longer-term Strategy and that this should be reported back to the Scrutiny Committee within the next 12 months.

The Committee discussed the Council's intention to borrow over the next five years and members' attention was drawn to the table at Section 4.4 of the report which highlighted the capital expenditure already planned or which could be undertaken to meet the Council's priorities. The Assistant Director of Resources advised members that it was the Council's practice to only borrow for investments which would generate a return to cover the interest incurred and Cllr Edney reminded the Committee that the income and savings generated by the Council were for the benefit of the District's residents and businesses.

In response to a member's question regarding whether SNC was permitted to invest in properties outside of Norfolk, officers explained that there was no fixed policy but advised that, as there were currently plenty of investment opportunities within Norfolk, the Council had not looked outside of the County and had no plans to do so in the near future. The Accountancy Manager drew members' attention to the Prudential Code, as detailed in Section 3.2 of the report, advising that councils were not permitted to borrow more than required, purely in order to profit from the investment of excess sums. Members were reassured that all the Council's commercial investments were within South Norfolk and were intended to deliver economic growth and housing regeneration in addition to financial return. The Director of Growth and Business Development reminded members that only commercial properties were owned by South Norfolk Council and that all residential properties were owned by Big Sky Developments, whose focus was to create good properties at market rates for the benefit of local residents.

During discussion, officers clarified the different classifications of investments, advising members that assets such as car parks and the SNC offices were classed as operational assets rather than investments. It was then:

**RESOLVED:**

1. To endorse the recommendations of Cabinet for the Capital Strategy 2019/20 to 2023/24;  
  
and
2. To recommend that members are kept up to date on the progress of the Longer-Term Strategy which should be reported back to the Scrutiny Committee within the next 12 months.

**1246. REVENUE BUDGET, CAPITAL PROGRAMME AND COUNCIL TAX 2019/20**

The Committee considered the report which detailed the Revenue and Capital Budgets from which Council Tax levels would be determined by Full Council.

The Accountancy Manager provided members with a presentation and summarised the salient points in the report, advising of the changes likely to affect the Council's financial position such as the expected reset of business rates, the introduction of a new funding formula, and a review of New Homes Bonus. Members were pleased to note that the revenue budget was in a sustainable position and that, due to strong performance, the Council had achieved an increase in New Homes Bonus of £103K compared to 2017/18. It was also noted that the savings from the collaboration with Broadland District Council had not been factored into the budget and that the Council would continue to investigate other ways to make savings.

In response to a suggestion that charges should reflect the Consumer Price Index (CPI) rather than the Retail Price Index (RPI) to assist those on low incomes, the Director of Growth and Business Development cautioned members that this would reduce the income so would widen the gap. She reminded the Committee that there were other sources of assistance for residents with low incomes, such as the Council Tax Support scheme.

Members briefly discussed the need to ensure the Council did not increase prices for services, such as garden waste collection, as this might discourage customers from using these services. Officers reassured the Committee that they had compared SNC's prices to those of other providers and were satisfied that they remained competitive.

In response to a question regarding whether the Council intended to fill recruitment gaps, officers clarified that posts would be filled where needed but that as SNC was constantly striving to find better, more efficient ways of working, some posts had been removed without any resulting reduction in service levels.

In response to a member's question regarding the Council's borrowing plans and whether these were secured on fixed or variable interest rates, officers advised that the majority of its borrowing would be on fixed, short-term rates rolled forward on a year-by-year basis.

After a brief discussion where officers responded to various points, the general consensus of the meeting was to endorse the recommendations of Cabinet, however, Cllrs Lewis and Bernard reserved their positions on this matter until the meeting of Council on 18 February 2019. The Chairman commended officers on their work and it was then:

**RESOLVED:**

To endorse the recommendations of Cabinet for the Revenue Budget, Capital Programme and Council Tax 2019/20.



**1247. TREASURY MANAGEMENT STRATEGY STATEMENT 2019/20**

After a brief introduction by the Cabinet Member, the Accountancy Manager presented his report which sought to outline the Council's approach to the management of its finances and the effective control of the associated risks and performance.

Members had no questions relating to the Statement and it was then:

**RESOLVED:**

To endorse the recommendations of Cabinet for the Treasury Management Strategy Statement 2019/20.

**1248. COLLABORATIVE WORKING**

The Chairman provided members with a verbal update on the progress of the Council's collaboration with Broadland District Council, summarising the current position on the recruitment of the joint senior management structure and the changes implemented across the two Councils to signify the one team approach. The Committee was also advised of the changes to IT and digital working which were currently underway to assist with the joint working.

**1249. SCRUTINY WORK PROGRAMME, TRACKER AND CABINET CORE AGENDA**

The Committee noted the Work Programme, Tracker and Cabinet Core Agenda.

The Chairman advised the Committee that two items were likely to be added to the agenda after the meeting of Council on 18 February 2019.

The Cabinet Member thanked Peter Catchpole and Matthew Fernandez-Graham, on behalf of the Committee, for their hard work and dedication, wishing them both well in their future careers.

(The meeting concluded at 11:00am)

---

Chairman

## **LONG TERM EMPTY HOMES – APPROACH AND POWERS**

**Report Author(s):** Tony Cooke  
Housing Standards & Community Protection Manager  
01508 533754  
[tcooke@s-norfolk.gov.uk](mailto:tcooke@s-norfolk.gov.uk)

Simon Bessey  
Finance Manager  
01508 533652  
[sbessey@s-norfolk.gov.uk](mailto:sbessey@s-norfolk.gov.uk)

**Portfolio:** Housing, Wellbeing, Leisure & Early Intervention

**Ward(s) Affected:** List Wards affected - All

### **Purpose of the Report:**

Cabinet on the 4<sup>th</sup> February requested the Scrutiny Committee to consider the Council's approach to dealing with empty homes. The report provides details on the number of long-term empty homes in South Norfolk, the approach the Council takes in respect of issues arising from empty homes and a summary of the powers and assistance available to the Council to tackle the issues arising from them.

### **Recommendation:**

- 1.1 Committee is asked to consider the Council's approach to dealing with empty homes and to identify any changes, improvements or recommendations for Cabinet to consider.

## 2 SUMMARY

- 1.1. On the 4<sup>th</sup> February Cabinet considered a report by the Finance Manager seeking approval to increase the premiums to the Council Tax charge levied on long term empty dwellings as allowed by the Local Government Finance Act 1992 and in line with other Norfolk Councils. Cabinet agreed the proposal, subject to a future Scrutiny Committee considering the Council's approach to empty homes and any recommendations arising.
- 2.1 This report provides detail of the number of long-term empty homes, the reasons for them being empty, the approach the Council takes in responding to empty homes and a summary of the powers available to the Council.

## 3 BACKGROUND

- 3.1 A key role for South Norfolk as a Strategic Housing Authority is making best use of the existing housing stock. Long term empty homes are not only a wasted asset that could be contributing to meeting South Norfolk's housing need, they are also an overall loss to the local economy.
- 3.2 In 2017 the Council adopted a responsive approach to dealing with empty homes. The Housing Support and Regulation Strategy 2017 sets out to reduce the adverse impact of empty and poorly maintained dwellings on neighbourhoods with the provision of advice and assistance. The strategy makes provision for the use of statutory enforcement powers if necessary and proportionate.

## 4 CURRENT POSITION/FINDINGS

- 4.1 Table One gives a breakdown of the number of empty homes in South Norfolk reported to the government over the years 2014 to 2018.

Table One		
Year	Empty Homes Total	Empty over 6 months
2018	1418	356
2017	1341	285
2016	1227	279
2015	1252	310
2014	1408	337

- 4.2 The column two "Empty Homes Total" comprises all empty homes, including those classified as empty for legitimately agreed reasons. The column three "Empty over 6 months" comprises dwellings registered for Council Tax and empty for none of the agreed exempt purposes. It is dwellings in this category that are referred to as long term empty homes, the focus of government attention and considered for New Homes Bonus purposes.

4.3 The Council Tax levied charged on empty homes is shown in Table Two below.

<b>Table Two</b>	
<b>Months Empty</b>	<b>Council Tax Levied (%)</b>
0 – 1	0
1 – 24	100
25 - 60	200 (Effective from 01/04/2019)
60 – 120	300 (Effective from 01/04/2020)
120+	400 (Effective from 01/04/2021)

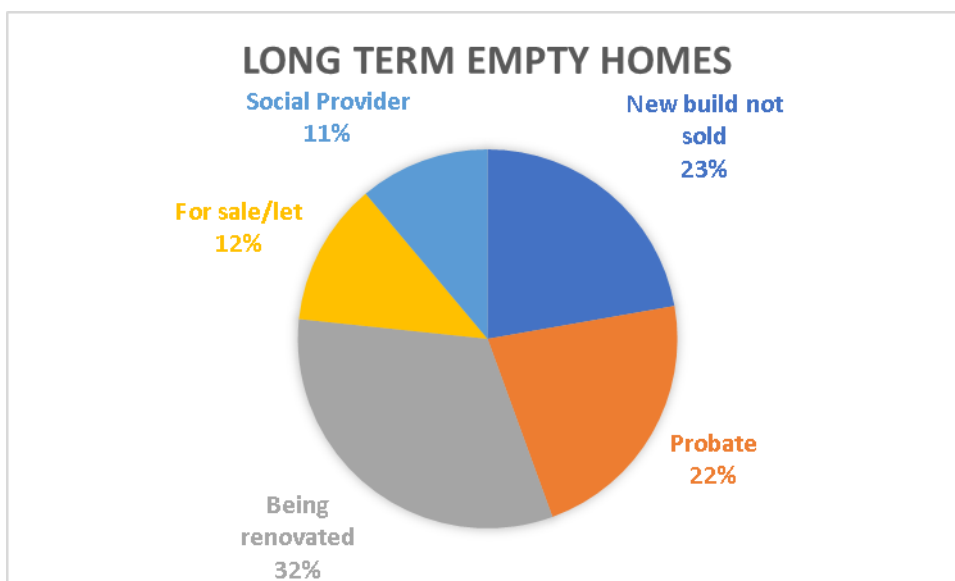
4.4 On the 13<sup>th</sup> May 2019 there were 380 long term empty homes in South Norfolk. Unlike some other parts of the country, South Norfolk does not have large clusters of empty homes or the associated anti-social behaviour that often goes with empty homes.

4.5 Since April 2018 the Housing Standards Team has responded to eleven complaints from the public about empty homes, all of which have been dealt with through advice to the owners.

4.6 The homes were distributed across the Council Tax Bands as shown in Table Three below

<b>Table Three</b>	
<b>Council Tax Band</b>	<b>Number of Empty Homes</b>
A	55
B	110
C	77
D	84
E	26
F	7
G	18
H	3

4.7 The reasons given for those homes being empty are



- 4.8 The breakdown of these reasons suggests there is limited scope for the Council to “encourage” an owner to bring their property into use before the six-month empty home threshold is passed. Work with Social Rented providers to streamline their end of tenancy procedures to minimise the number of “voids” exceeding six months before re-let is a potential area for improvement. The high proportion of new build not sold, whilst reflecting the current buoyant state of house building is an area for further investigation.
- 4.9 Of the 380, 71 have been empty for more than two years, 20 more than five years, 9 more than ten years and 2 more than 20 years. Being renovated is the usual reason given, the homes are “pepper potted” throughout the district and each has its own “story”. In most of these cases the owners have continued to both pay the appropriate Council Tax and undertake basic property and garden maintenance.
- 4.10 The Council Tax Bands of the 71 homes empty for greater than 24 months are shown in Table Four below.

Table Four	
Council Tax Band	Number of Empty Homes
A	13
B	27
C	18
D	8
E	2
F	1
G	1
H	1

- 4.11 The reasons given in September 2018 when questioned why the properties were empty are given in Table Five. Only two owners have failed to pay the increased Council Tax levied.

<b>Table Five</b>	
Owners Choice	28
Probate	17
Renovation by owners	13
Awaiting redevelopment	12
Abandoned	1

- 4.12 The Council has a portfolio of formal measures available in the cases where advice and assistance has been unsuccessful. Appendix One shows a list of the provisions available to the Council to deal with empty properties. They generally fall into two types of action.
- 4.13 The first action seeks to remedy the consequences of the property being empty, manifesting itself as nuisance to neighbours and blight on the street scene. Experience shows that this type of action often needs to be repeated, as the situation that gives rise to property being empty remains unchanged.
- 4.14 The second type of action seeks to remedy the cause and can range from removal (demolition) of a property to a temporary or permanent forced change of ownership. The effect of this is to change the ownership to an owner who will bring the property back into use.
- 4.15 Temporary change of ownership can be achieved through the imposition of an Empty Dwelling Management Order (EDMO) which authorises the Council to take control of the property and let. Under this type of action, the freehold remains with the owner, but the Council takes over responsibility for the maintenance and management of the property. This course of action can be costly, and although the Council can recover our costs, this can be over a long period of time as they are recovered through the rental income. Conversely, whilst subject to an EDMO, the property can be used to provide temporary accommodation, generating a saving to the Council's temporary accommodation budget.
- 4.16 Compulsory Purchase and Forced Market Sale provisions differ from EDMO's in so far that the freehold is either acquired through a public enquiry, or the property is forcibly sold on the open market. In either case the aim is to secure a change in ownership. This type of action can be cost effective, enabling the Council to recover its costs at an early stage from the sale of the property.

## **5 OTHER OPTIONS**

- 5.1 The Council could move to a proactive approach to reducing the number of empty homes by actively targeting properties and pursuing owners. This would require a process to assess the properties against criteria for action and a change to the current policy. There would be resource implications to such an approach.

- 5.2 Several local authorities offer a grant or loan to encourage and assist people to bring empty homes back into use. There would be a resource implication to such an approach.

## **6 ISSUES AND RISKS**

- 6.1 **Resource Implications** – In most cases the Council can recover the costs arising from a formal action. The exception is in the case of a Compulsory Purchase; non-recoverable legal disbursement costs, fees, stamp-duty and Public Enquiry costs are estimated to cost in the region of £10 - £14K. In addition, the Council could be exposed to a Home Loss Compensation payment to the owner.
- 6.2 **Legal Implications** – none - the legal implications were considered at the time the Housing Support and Regulation Strategy was approved.
- 6.3 **Equality Implications** – none - the strategy does not impact upon any one individual group to which the Council has an Equality Act public sector duty.
- 6.4 **Environmental Impact** – empty neglected buildings can be a blight on their immediate neighbourhood.
- 6.5 **Crime and Disorder** – empty neglected buildings are a potential focus for anti-social behaviour and crime.
- 6.6 **Risks** – a change to a pro-active targeted approach may give rise to complaint of the Council being authoritarian.

## **7 CONCLUSION**

- 7.1 The report outlines the number of long-term empty homes in South Norfolk, our current charging policy for levying Council Tax and the reasons given by the owners for the homes being empty.
- 7.2 Under the current approved levy policy, the longer the property is empty the more Council Tax is generated.
- 7.3 The approach of the Council is to engage with the owners of these properties when they begin to have a negative impact on the community around them, and the report summarises the wide range of the powers available to the Council should advice and support fail to resolve the issues.
- 7.4 Compared to other parts of the country, there are not large numbers of empty homes. Since April 2018, the Housing Standards team has responded to eleven enquiries from the public about empty homes. All have been resolved with advice and cooperation of the owner.

## **8 RECOMMENDATIONS**

- 8.1 Committee is asked to consider the Council's approach to dealing with empty homes and to identify any changes, improvements or recommendations for Cabinet to consider.

### **Background Papers**

[The South Norfolk Housing Support and Regulation Strategy 2017](#)



## **Appendix One**

### **Empty Homes Enforcement Action – the options**

Prior to commencing any formal action an assessment is undertaken in every case to determine the most appropriate and proportionate course of action for the circumstances. This process enables officers to consider all the possible options that are available to satisfactorily resolve the situation.

There are two main enforcement options are

1. To reduce the negative effect of an empty property on the neighbourhood
2. To effect a change of ownership that will bring the empty property back into use.

### **Enforcement to reduce the negative effect of a property on the neighbourhood.**

Typically, this would be used in the case where the primary concern was the detrimental effect the empty property was having on the surrounding environment. Works include action to improve or make safe the building itself or to clear the garden or site that was overgrown or was collecting rubbish. Such actions will not necessarily lead to the property becoming occupied and, unless the owner is cooperative, further similar actions will be needed in the future as the property is again neglected.

If the owner has been uncooperative the usual outcome is that the Council will need to undertake works in default of the owner and pay for the costs of the clearance/remedial works. The cost of undertaking these works, which are registered as a charge on the property, cannot be reclaimed until the property is sold.

Such enforcement action could be carried out under the following legislation

### **Town and Country Planning Act 1990 Section 215**

This power allows the Council to serve a notice on either land or buildings to improve the outside look of the property concerned. If the owner fails to comply the works can be carried out in default.

### **Building Act 1984 Section 79**

This power allows the Council to serve a notice on a building that is in a ruinous or dilapidated state and can require works of repair or restoration (or steps for demolition of any part of the building) to improve the outside look of the property. If the owner fails to comply the works can be carried out in default.

### **Housing Act 2004 Part 1**

This Act gives the Council the duty to act when a Category 1 hazard is established through a Housing Health and Safety Rating System (HHSRS) assessment. Whilst mainly used for occupied property, the powers also apply to unoccupied accommodation as the assessment of risk is based on the most vulnerable potential occupant, whether or not the property is occupied at the time of inspection.

An improvement notice can be served on the owner for works to be carried out to remove the Category 1 hazards. If the owner does not carry out the works (and does not successfully appeal to the Residential Property Tribunal against the notice) the works can be carried out in default by the Council. The costs of the works can be recorded as a charge against the property.

### **Other legislation**

The Council has a portfolio of other powers it may choose depending on the exact circumstances of the case. These include the Environmental Protection Act 1990, the Building Act 1984, the Prevention of Damage by Pests Act 1949, the Public Health Act 1961, the Local Government Miscellaneous Provisions Act 1982, and the Anti-social Behaviour, Crime and Policing Act 2014.

These have a similar effect of either reducing the negative impact of the building or removing a nuisance occurring at the property. They do not of themselves bring a property back into use or make it suitable for occupation.

### **Enforcement to effect a change of ownership that will bring the empty property back into use.**

There are three main enforcement routes to achieve this; all could be contested.

#### **1. Compulsory Purchase Orders**

Councils have powers to provide housing, and one of the ways they can do this is by buying land for building houses or by altering, adapting and improving existing buildings for housing. Specific powers in Section 17 of the Housing Act 1985 allow Councils to compulsorily purchase individual empty homes to enable them to be used for housing or sold on for housing.

Councils also have wide ranging power to improve local well-being. This power is sometimes called the “well-being power” or “the power of first resort”. It gives Councils the power to do anything that they think is likely to improve the social, environmental or economic well-being of the area. This may include dealing with empty properties which are unsightly or damage the local environment. Specific compulsory purchase powers are contained in section 226 of the Town and Country Planning Act 1990; these allow Councils to compulsorily purchase land or property for the purpose of improving social, environmental or economic well-being.

Compulsory Purchase Orders (CPO's) must be formally approved by the Council and then follow a statutory process. There is a potential to incur capital costs if the owner objects and a public enquiry is held. The value can change between valuation, purchase and resale and there will always be legal costs to the procedure. These can range from £9,000 to £14,000. However, a CPO will bring the property back into use by either a back to back arrangement with a Registered Housing Provider to purchase the property for letting or by the Council ensuring the property is renovated and occupied.

#### **2. Enforced sales**

There is a mechanism by which Councils are able to force the sale of empty homes. They can achieve this through strategic use of legal powers designed to recover debt. Where homes have been abandoned it is not unusual for debts to accumulate through unpaid bills. Some debts may be charged against the property with a charging order. Where the Council has debts charged in this way they can recover them through legal action. The outcome is that either the owner repays the debt, or the property is sold in order to recover the debt.

Where, after payment is demanded by the Council the debt remains unpaid, the Council can serve a notice under section 103 of the Law of Property Act 1925 of their intention to make an application to sell the empty property. If payment has still not been made three months after service of the notice the Council can apply to the Local Land Registry to register the local land charges - in priority to any other charges - and to make a formal application for registration under the Law of Property Act. This gives the Council the right to sell the property, and for the Council's charge to take precedence over other charges on the property.

The property is then put on the market and sold to the new owner with a clean title, although the local authority may choose to sell the property with a specific condition that it will be renovated and brought into use within a specified time. There is a right of appeal by the owner to the Court of Appeal. If the debt is due to unpaid Council Tax the Council must follow a different procedure, but the result is usually the same.

The starting point for an enforced sale is registering a land charge debt on the property. This debt would usually be caused by works in default being carried out by the Council under an enforcement measure to reduce the negative effect of the property on the neighbourhood. It is therefore important to be clear whether the Council is prepared to use the enforce sale procedure at an early stage when dealing with an empty property so that the correct charge can be placed on the property when the owner subsequently does not cooperate.

The disadvantage from the point of view of bringing a property back into use is that the debt can be paid at any time prior to the sale completion. If the debt is paid in full then the owner remains as an uncooperative owner of an empty home and other action would need to be started from the beginning.

### **3. Empty Dwelling Management Orders**

Empty Dwelling Management Orders (EDMO's) are a legal power that enables Councils to put an unoccupied privately-owned home back into use. The provisions are contained in the Housing Act 2004 Part 4. The powers ultimately allow Councils to take over the management of a home for a period of up to seven years - the Council can renovate the property, let it and collect the rent. The rent is paid to the Council, who can recover any costs they may have incurred by taking possession of the property and making it habitable, as well as the routine costs of maintenance and letting. However, any money over and above these costs is to be paid to the owner of the property.

EDMO's are not practical where the property is in a poor condition or difficult to let. The Council has to pay for the works up front and the amount spent would not necessarily be able to be recouped over the seven-year term of the EDMO. It is usually the properties that are in the worst condition that have been causing most nuisances to the neighbourhood and for these properties EDMO's may be too expensive.

The Council has one EDMO in place and was one of the first authorities to use this power. We are confident that we can use this power in the future where it is the most appropriate course of action. For future EDMO's we would need to secure a partner managing agent. Our intention would be to enter discussions with a Registered Provider operating in the area.

## Scrutiny Committee – Work Programme

In setting future Scrutiny **TOPICS**, members are asked to consider the following: **T**imely – **O**bjective – **P**erformance – **I**nterest – **C**orporate Priority

- T** Is this the right **time** to review this issue and is there sufficient **Officer time** and resource to conduct the review? What is the **timescale**?
- O** What is the reason for review; do officers have a clear **objective**?
- P** Can **performance** in this area be improved by input from Scrutiny?
- I** Is there sufficient **interest** (particularly from the public)? The concerns of local people should influence the issues chosen for scrutiny.
- C** Will the review assist the Council to achieve its **Corporate Priorities**?

Date of meeting	Topic	Organisation / Officer / Responsible member	Objectives
8 July 2019 (Monday) at 18:00, <u>The Lodge</u>	Member training – Scrutiny	Centre for Public Scrutiny	For members (particularly those new to the Committee or Council) to gain a full understanding of the role of Scrutiny Committee, how to conduct effective scrutiny and carry out scrutiny reviews.
7 Aug 2019	To be held in the event of a call-in only		
25 Sept 2019	Review of commercialisation Strategy Priority Opportunities	Director of Business Development and Portfolio Holder for External Affairs & Policy	The Committee to review progress on the Priority Opportunities outlined in the Council's Commercialisation Strategy 2017-2021 and what the outcome of this work has been. Committee members to also consider this in relation to the objectives set out in the "How we will measure success" section of the strategy. Members should also consider the work planned in relation to medium/longer-term activities.  Members to make comments and any recommendations regarding the future direction of the Strategy in light of this.
30 Oct 2019	No items scheduled		
27 Nov 2019	No items scheduled		
Feb 2020	2020/21 Budget & Longer-Term Financial Strategy	S151 Officer and Portfolio Holder for Finance & Resources	Scrutiny Committee to consider the Council's 2020/21 budget and the recommendations of Cabinet. Members to also The Committee should formulate a recommendation to Council regarding the budget for consideration at its meeting at the end of February 2020.

## Scrutiny Recommendation Tracker 2018/19

Date	Topic	Responsible Officer	Resolution and Recommendations	Progress	Outcome
27 June 2018	COLLABORATIVE WORKING – THE FEASIBILITY REPORT	Head of Business Transformation	<ol style="list-style-type: none"> <li>1. The Scrutiny Committee recommends that Cabinet approve recommendations 1 and 2 as outlined in paragraphs 8.3.1 and 8.3.2 of the report; and</li> <li>2. The Committee records its thanks to officers for their considerable work in putting together the Feasibility Report.</li> </ol>	Cabinet resolved to approve the recommendations 1 and 2 set out in the report	<p>Consideration of this report gave Scrutiny Committee the opportunity to pre-scrutinise the future of collaborative working, before a final decision by Cabinet.</p> <p>Members raised questions regarding various aspects of the feasibility report and were satisfied that progressing the collaboration with Broadland District Council was advantageous and in the best interests of South Norfolk Council.</p>
27 June 2018	LEISURE SERVICE PERFORMANCE	Head of Leisure and Health Services	To note the report and commend officers on the successes achieved.	No action required	Members were able to consider the performance across the Council's Leisure Centres and also comment on the future delivery of the in-house service. This is in light of major investments over the last few years.
26 Sept 2018	REVIEW OF COMMERCIALISATION STRATEGY PRIORITY OPPORTUNITIES	Director of Growth & Business Development	<ol style="list-style-type: none"> <li>1. To note the progress made on the priority opportunities as set out in the Commercialisation Strategy;</li> <li>2. That a further review, containing more financial information and data relating to the income generated, and greater detail on Big Sky Developments,</li> </ol>	<p>Further item has been added to the work programme.</p> <p>Officers supported the proposal regarding cabinet</p>	Members were able to consider progress made on the priority opportunities as set out in the Commercialisation Strategy.

Date	Topic	Responsible Officer	Resolution and Recommendations	Progress	Outcome
			<p>should take place in 12 months; and</p> <p>3. To recommend that Cabinet members are involved in service reviews relating to their portfolio.</p>	members being involved in service reviews.	The Committee made comments on various aspects of the Strategy, however felt that they needed more financial information to consider the outcomes and a further update in 12 months' time will enable further consideration
21 Nov 2018	MEMBER-LED FUNDING	Head of Early Help	<p>To <b>Recommend to Cabinet</b> that:</p> <ol style="list-style-type: none"> <li>1. Proposals relating to the ground rules review, introduction of restrictions to funding to town and parish councils, ensuring the proper utilisation of funding, and increased support to members from the Communities Team be agreed;</li> <li>2. The proposal to reduce the member ward fund allocation from £1,000 per member to £500 be rejected and that Cabinet agree to retain the current allocation of £1,000; and</li> <li>3. All underspend of the Member Ward Fund budget is transferred to the Community Action Fund budget. If the underspend is less than £10,000 the underspend should be rolled over to the next financial year to avoid the need for the CAF Panel to meet to allocate small amounts of money.</li> </ol>	<p>This was further approved by Cabinet</p> <p>The proposal was approved by officers and Cabinet</p> <p>Cabinet agreed to Continue with the current policy, that any underspend is transferred to the Community Action Fund budget, but if less than £10,000, this is absorbed as a saving at the end of the year.</p>	The Scrutiny Committee was able to review proposed changes to the Member-led funding ahead of consideration by Cabinet and make further recommendations. The recommendations were largely based on members' experience of the grants.

Date	Topic	Responsible Officer	Resolution and Recommendations	Progress	Outcome
23 Jan 2019	DRAFT BUSINESS PLAN 2019 - 2020	Business Improvement Lead	Scrutiny Committee noted the Business Plan and recommends that Cabinet approve the Plan	No action required	Members reviewed the Business Plans and were happy with the planned direction of the Council in 2019/20. The Committee was pleased to commend the Plans to Cabinet.
23 Jan 2019	A REVIEW OF NORWICH CITY COUNCIL'S DECISION TO ADOPT A COMMUNITY INFRASTRUCTURE LEVY (CIL) EXCEPTIONAL CIRCUMSTANCES RELIEF POLICY	Head of Planning	Scrutiny Committee recommended that: <ol style="list-style-type: none"> <li>1. representations are made to Norwich City Council to amend the Exceptional Circumstances Policy to enable the Greater Norwich partners to consider and contribute to the assessment of the wider regeneration benefits and exceptional circumstances associated with any claim for CIL relief received by Norwich City Council.</li> <li>2. the Scrutiny Chairman liaises with the Broadland District Council's Scrutiny Committee Chairman and Norfolk County Council's Committee Chairman for Environment, Development and Transport.</li> </ol>	The scrutiny Chairman is currently liaising with the Leader and others as per the Committee's recommendation	The Committee was able to review the situation regarding Norwich City Council's decision to adopt a Community Infrastructure Levy (CIL) exceptional circumstances relief policy and make recommendations to secure involvement of SNC and other partners when considering claims for CIL relief received by NCC.
6 Feb 2019	2019/20 BUDGET  A) CAPITAL STRATEGY 2019/20 TO 2023/24;  B) REVENUE BUDGET, CAPITAL PROGRAMME AND COUNCIL TAX 2019/20;	Assistant Director – Corporate Resources	<b>RESOLVED:</b> <ol style="list-style-type: none"> <li>1. To endorse the recommendations of Cabinet for the Capital Strategy 2019/20 to 2023/24;</li> <li>2. To endorse the recommendations of Cabinet for the Revenue Budget, Capital Programme and Council Tax 2019/20.</li> <li>3. To endorse the recommendations of Cabinet for the Treasury Management Strategy Statement 2019/20.</li> </ol>	Budget approved by Council, in line with recommendations	Members were satisfied with the budget that was recommended to Council by Cabinet.



Date	Topic	Responsible Officer	Resolution and Recommendations	Progress	Outcome
	C) TREASURY MANAGEMENT STRATEGY STATEMENT 2019/20				

# CABINET CORE AGENDA 2019

	<b>Decisions: Key, Policy, Operational</b>	<b>Key Decision/Item</b>	<b>Lead Officer</b>	<b>Cabinet Member</b>	<b>Exempt Y/N</b>
<b>Council 15 July 2019</b>					
<b>22 Jul</b>	O	Performance, Risks, Revenue and Capital Budget Position Report for the Financial Year 2018/19 Q4	E Pepper / J Brown/ E Goddard	A Thomas/ K Mason Billig	N
	O	Inclusive Growth Strategy	Jamie Sutterby	J Fuller	N
	K	Greater Norwich LP Regulation 18 Consultation	Phil Courtier	J Fuller	N
	O	Treasury Management Annual Report	Julie Brown	A Thomas	N
	K	Council Tax Support/Reduction	Richard Dunsire	Y Bendle	N
	K	Future Direction of BI Companies	Debbie Lorimer	J Fuller	Y
	P	Safeguarding Policy	Mike Pursehouse	Y Bendle	N
	O	House in Multiple Occupation Amenity Standard	Tony Cooke	Y Bendle	N
	K	Alignment of Pre-Application Advice	Helen Mellors	L Neal	N
	K	Eligibility for Affordable Home Ownership	Keith Mitchell	L Neal	N
	P	Housing Policy Changes	Richard Dunsire	Y Bendle	N
<b>9 Sept</b>	O	Performance, Risks, Revenue and Capital Budget Position Report for Quarter One 2019/20	E Pepper / J Brown/ E Goddard	A Thomas	N
	K	Diss OPE	Mark Heazle	Y Bendle	Y
<b>Council 16 September 2019</b>					
<b>14 Oct</b>	O	Offender Protocol	Mike Pursehouse	Y Bendle	N
<b>11 Nov</b>	O	Performance, Risks, Revenue and Capital Budget Position Report for Quarter Two 2019/20	E Pepper /J Brown/ E Goddard	A Thomas /K Mason Billig	N
	K	Diss OPE	Mark Heazle	Y Bendle	Y
	O	Essential Worker Housing	Keith Mitchell/ Kay Oglieve- Chan	Y Bendle	N
		Review of Discretionary Rate Reliefs	Paul Chapman/ Simon Quilter	A Thomas	N
<b>9 Dec</b>	O	Consultation followed by adoption of CA Appraisals and Boundary Amendments	Chris Bennett	L Neal	N

	<b>Decisions: Key, Policy, Operational</b>	<b>Key Decision/Item</b>	<b>Lead Officer</b>	<b>Cabinet Member</b>	<b>Exempt Y/N</b>
	O	Early Help Model Across Authorities	Mike Pursehouse	Y Bendle	N
<b>Council 16 December 2019</b>					
<b>Jan 2020</b>	K	Greater Norwich 5-Year Investment Plan and Annual Business Plan	Phil Courtier	J Fuller	N

Key decisions are those which result in income, expenditure or savings with a gross full year effect of £100,000 or 10% of the Council's net portfolio budget whichever is the greater which has not been included in the relevant portfolio budget, or are significant (e.g. in environmental, physical, social or economic) in terms of its effect on the communities living or working in an area comprising two or more electoral divisions in the area of the local authority.