

Bolsover District Council
Growth Scrutiny Committee
4th April 2018

Enforced Sale Procedure – Private Empty Properties

Report of the Portfolio Holder for Strategic Planning and Regeneration

This report is public

Purpose of the Report

- To implement a procedure for the current legislation of Enforced Sale, for the Council to use when carrying out this function on long term empty properties.

1 Report Details

- 1.1 There are approximately 600 long term empty properties across the District and the Council has set out its plan to deal with this problem in its Empty Property Strategy 2015 – 2020.
- 1.2 The Empty Property Officer is working with empty property owners and encouraging them to work with the Council and partners to bring the properties back into use.
- 1.3 Engagement with empty property owners has been through a number of routes including writing out to them and holding engagement events jointly with North East Derbyshire District Council and expanding it to include Chesterfield Borough Council at the next event in May.
- 1.4 There are however a number of Empty property owners who have not responded or have responded but not taken the action they had promised.
- 1.5 Where owners refuse to bring properties back into use and the property is causing a nuisance, the Council can take enforcement action. This can only be done where there are outstanding charges due to the Council, for example, where the Council has carried out necessary improvement works to the property and the owner has failed to pay.
- 1.6 Enforced Sale will be used as a last resort and only when all other avenues to encourage the owner to voluntarily bring the property back into use have been exhausted.

2 Conclusions and Reasons for Recommendation

- 2.1 In conclusion, having an approved Enforced Sale Procedure will be a valuable tool for the Empty Property Officer and other Council officers to use when identifying suitable cases to take action against.

- 2.2 The procedure will ensure that officers adhere to the guidance and that cases are dealt with appropriately and successfully resulting in a reduction of empty properties and protecting the Council's reputation.
- 2.3 Having a clear procedure will help empty property owners know the procedure we will be undertaking and may encourage them to engage with the Council to take appropriate action with their property.
- 2.4 The wider general public will understand that the Council is taking seriously nuisance empty properties and have an agreed procedure that we will follow.

3 Consultation and Equality Impact

- 3.1 Consultation has been carried out with the following people:
- Allison Westray-Chapman - Joint Head of Economic Development
 - Kevin Shillitto - Principal Solicitor
 - Gill Halliwell - Senior Environmental Health Officer
 - Karl Apps - Housing Strategy and Growth Manager

4 Alternative Options and Reasons for Rejection

- 4.1 To follow Enforced Sale guidance from other councils and government legislation. This has been rejected in favour of having our own procedure that is clear to officers, Members, empty property owners and the public.
- 4.2 To use external legal firms to manage cases for Enforced Sale. This would involve the Council paying them a fee which would be recoverable from the proceeds of the sale of the empty property. The skills however are available in-house and the Council can keep control of the process.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 The procedure will help the Council to successfully carry out enforced sales, which will help to increase its revenue in terms of New Homes Bonus and recovering charges against properties.
- 5.1.2 Using the procedure will minimise the risk of errors when carrying out enforced sales as it will instruct officers within each stage of the process.

5.2 Legal Implications including Data Protection

- 5.2.1 The legal implications are contained within this report.
- 5.2.2 If procedures are not put in place, this would leave the Council open to challenge if the process is carried out incorrectly.

5.3 Human Resources Implications

5.3.1 The procedure will help officers when dealing with enforced sale which should reduce time spent on cases, therefore, at this stage it is expected that no extra resource should be required in terms of staff.

6 Recommendations

6.1 That Growth Scrutiny Committee review and provide any feedback on the attached Enforced Sale Procedure for Private Empty Properties for consideration by the Executive.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	Unlocking Our Growth Potential

8 Document Information

Appendix No	Title
1	Enforced Sale Procedure – Private Empty Properties
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
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