

NORTH LINCOLNSHIRE COUNCIL

**ASSET MANAGEMENT, CULTURE AND
HOUSING CABINET MEMBER**

**DELEGATION OF AUTHORITY UNDER THE TOWN AND COUNTRY PLANNING
ACT 1990**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To ask the Cabinet Member to authorise the Operational Housing and Environmental Health teams the authority to use Section 215 of the Town and Country Planning Act 1990.

2. BACKGROUND INFORMATION

- 2.1 Section 215 of the Town and Country Planning Act 1990 (the Act) provides a local planning authority with the power to require the clean up of land and property when its condition adversely affects the amenity of the area.
- 2.2 The procedure is relatively straightforward to use. It can have a real and tangible impact on an area. Research shows that the threat of taking action is often sufficient to secure improvements. This power is an important part of any initiative to deal with an empty home.
- 2.3 Empty Homes are a wasted resource. They have a negative impact on the surrounding community, attract anti-social behaviour and reduce neighbouring house prices. The Royal Institute of Chartered Surveyors estimates that properties adjoining poorly maintained homes can be devalued by as much as 18%.
- 2.4 Many councils authorise officers to use Section 215 powers to tackle land and buildings in poor condition.
- 2.5 Currently only the Development Management team has the delegated authority to take action. They have used these powers to successfully secure improvements using informal and formal approaches, mainly against occupied homes and land.

- 2.6 Complaints relating to the condition of long-term empty homes are often made to the Operational Housing and Environmental Health teams. There are a number of options available to tackle long-term empties. Section 215 powers are particularly useful and commonly used in such situations.
- 2.7 The owners of long-term empty homes are often absent or unco-operative. Consequently, it is likely that formal action, including works in default, will be required. The cost of works in default are typically recovered as a local land charge against the property.
- 2.8 The use of Section 215 powers cannot directly ensure the home is brought back in to use. However, in the longer term they can enable further action to secure a change of ownership.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option one - Allow the use of Section 215 of the Town and Country Planning Act 1990 by officers in the Operational Housing and Environmental Health teams to tackle empty homes and land when appropriate.
- 3.2 Option two - Continue to allow only officers in the Development Management team to use Section 215 powers.

4. ANALYSIS OF OPTIONS

- 4.1 Option One is the preferred option. Giving the Operational Housing and Environmental Health teams the authority to use Section 215, alongside other formal and informal powers ensures a more holistic and sustainable approach to dealing with long term empty homes.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 Empty homes in particular attract anti-social behaviour and environmental crime. Having an approach to tackling empty homes that centres around one team able to use all of the available powers to address the problems created is a more efficient approach and use of staff resources.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICT OF INTEREST DECLARED

- 7.1 This report was circulated to officers in the Development Management and Legal and Democratic Services teams as well as to finance colleagues.
- 7.2 The comments received from both Democratic Services and Development Management were incorporated into the report. Both service areas support the extension of Section 215 delegation to Operational Housing and Environmental Health.
- 7.3 To ensure consistency of approach across the council, the same procedures already established and shown to operate successfully, by Development Management, will be used.

8. RECOMMENDATIONS

- 8.1 That the Cabinet Member approves the delegation of authority to officers in the Operational Housing and Environmental Health teams to use Section 215 of the Town and Country Planning Act 1990.
- 8.2 That a quarterly report be submitted to the Cabinet Member in order to update on the use of the delegated powers.

DIRECTOR OF PLACES

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Date: 2 September 2014

Background Papers used in the preparation of this report: None