

19 January 2024

Our Ref Overview and Scrutiny Committee 29
January 2024
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To: Members of the Committee: Councillors Adam Compton (Chair), Val Bryant (Vice-Chair),
Matt Barnes, Clare Billing, Mick Debenham, Dominic Griffiths, David Levett, Nigel Mason,
Ian Moody, Ralph Muncer and Daniel Wright-Mason

Substitutes: Councillors Daniel Allen, David Barnard, Raj Bhakar, Sam Collins,
James Denselow, Lisa Nash, Sean Nolan and Mandi Tandi

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON
ROAD, LETCHWORTH, SG6 3JF**

On

MONDAY, 29TH JANUARY, 2024 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda

Part I

Item		Page
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
3.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
4.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5.	URGENT AND GENERAL EXCEPTION ITEMS The Chair to report on any urgent or general exception items which required their agreement. At the time of printing the agenda, the Chair had not agreed any urgent or general exception items.	
6.	CALLED-IN ITEMS To consider any matters referred to the Committee for a decision in relation to a call-in of decision. At the time of printing the agenda, no items of business had been called-in.	

- 7. MEMBERS' QUESTIONS**
To receive and respond to any questions from Members either set out in the agenda or tabled at the meeting.
- 8. PRESENTATION FROM SETTLE**
To receive an update from settle on their work in North Herts.
- 9. CRIME AND DISORDER MATTERS**
To receive an update from the Herts Police on Hate Crime in North Herts.
- 10. RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE** (Pages 5
REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER - 6)

To consider the outcome of Overview and Scrutiny Committee resolutions.
- 11. CALL TO ACCOUNT - LORD LISTER HOTEL - CHAIR'S REPORT** (Pages 7
REPORT OF THE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE - 12)
FOR THE CIVIC YEAR 2022/23

To consider the report of the Chair of Overview and Scrutiny for Civic Year 2022-2023 following the Call to Account on the Lord Lister Hotel Urgency Proceedings on 28 September 2022.
- 12. EMPTY HOMES STRATEGY** (Pages
REPORT OF THE SERVICE DIRECTOR – HOUSING AND ENVIRONMENTAL HEALTH 13 - 72)

This strategy states the objectives North Herts Council (the Council) has set itself so as to endeavour to bring as many long-term vacant homes back into occupation as is practicable.
- 13. COUNCIL TAX PREMIUMS FOR EMPTY AND SECOND HOMES** (Pages
REPORT OF THE SERVICE DIRECTOR – CUSTOMERS 73 - 80)

To consider whether to increase the level of Council Tax Premiums payable and include a Council Tax Premium charge for properties determined as second homes.
- 14. REGULATION OF INVESTIGATORY POWERS ACT ('RIPA') ANNUAL REVIEW** (Pages
REPORT OF: SERVICE DIRECTOR – LEGAL & MONITORING OFFICER 81 - 88)

This report provides an update on the Council's current use of RIPA and reports on the annual policy review.
- 15. OVERVIEW AND SCRUTINY WORK PROGRAMME** (Pages
REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER 89 - 106)

To consider the issues that the Overview and Scrutiny Committee plans to review at future meetings and the activities of its sub-groups.

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RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

COMMITTEE RESOLUTIONS

REFERENCE	RESOLUTION	RESPONSE/OUTCOME	STATUS
	LOCAL PLAN IMPLEMENTATION		
MARCH 21 Agenda for Overview and Scrutiny Committee on Tuesday, 9th March 2021	Recommended to Cabinet: That a Member working group be arranged to discuss the Design and Sustainability SPDs prior to consideration of these by Cabinet.	The Draft Sustainability SPD item was considered at the meeting of O&S on 5 December 2023 and referred onto Cabinet for approval. The Draft Sustainability SPD item was approved at Cabinet on 5 December 2023.	In progress
	IDEAGEN (FORMELY PENTANA) TRAINING		
SEPT 23 Agenda for Overview and Scrutiny Committee on Tuesday 12th September 2023	Following discussion on the Council Delivery Plan Report, the Vice-Chair requested training on the risk monitoring software, Ideagen (formerly Pentana).	Following discussion with the Chair, a refresher video will be made by Risk/IT on how to use the Ideagen software, which Councillors will have access to when made. A guide has been circulated to Members on how to access and use Ideagen.	In progress

PREVIOUS REFERRALS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

REFERENCE	RESOLUTION	RESPONSE/OUTCOME	
<p>JAN 2024</p> <p>Agenda for Overview and Scrutiny Committee on Monday, 29th January, 2024, 7.30 pm North Herts Council (north-herts.gov.uk)</p>	<p>Four referrals were made to Cabinet from the Committee on 9 January 2024:</p> <ol style="list-style-type: none"> 1. Council Delivery Plan 2023-24 (Quarter 2 Update) 2. Local Plan Review 3. 2024-2028 Marketing and Communications Strategy 4. Community Survey Results (March – June 2023) 	<p>Referrals were considered at Cabinet on 16 January 2024.</p> <p>The Vice Chair attended the Cabinet meeting and provided comments from the Overview and Scrutiny Committee on each of the four referrals.</p> <p>All four referrals were approved by Cabinet.</p> <p>Three were approved as recommended.</p> <p>The Community Survey Results (March-June 2023) item was updated, following comments from Overview and Scrutiny, and future results would be reported to Cabinet.</p> <p>Agenda for Cabinet on Tuesday, 16th January, 2024, 7.30 pm North Herts Council (north-herts.gov.uk)</p>	

**OVERVIEW & SCRUTINY COMMITTEE
29 JANUARY 2024**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: Lord Lister Hotel – Call To Account – Chair’s Report

REPORT OF: CLLR DAVID LEVETT, CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE
2022-2023

EXECUTIVE MEMBER: N/A

COUNCIL PRIORITY: N/A

1. EXECUTIVE SUMMARY

- 1.1 To consider the report of Councillor David Levett (Appendix A), the Chair of Overview and Scrutiny for Civic Year 2022-2023, following the Call to Account on the Lord Lister Hotel Urgency Proceedings on 28 September 2022.

2. RECOMMENDATIONS

- 2.1 That the Overview and Scrutiny Committee refers the report, attached as Appendix A, to Council, together with the copy of the lessons learnt and the appropriate section of the minutes of the meeting of 28 September 2022.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The recommendations are being made following the Call to Account on 28 September 2022.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. No alternative options.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. This report has been brought to the Overview and Scrutiny Committee prior to consideration by Full Council.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. This call to account was formally proposed at the Overview and Scrutiny Committee meeting of 13 June 2022, following a proposal at Annual Council of 26 May 2022. At this time, Cllr Levett confirmed that Anthony Roche, Martin Lawrence and Cllr Elizabeth Dennis would be subject to questioning on this item.

7.2. The written report was brought to an Extraordinary meeting of the Committee on 28 September 2022. The Chair advised at the meeting that a report would be written and brought to Overview and Scrutiny before referral to Full Council.

8. RELEVANT CONSIDERATIONS

8.1 See the attached report (Appendix A) of former Chair of Overview and Scrutiny Committee, Cllr David Levett.

9. LEGAL IMPLICATIONS

9.1. Paragraph 6.3.9 (a) of the Council's Constitution enables the Overview and Scrutiny Committee to: Scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions (as set out in the Terms of Reference). As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any appropriate Officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance

and it is the duty of those persons to attend if so required.

10. FINANCIAL IMPLICATIONS

10.1 None apparent from the cover report or the Call to Account report at Appendix A from Cllr Levett.

11. RISK IMPLICATIONS

11.1. Effective overview and scrutiny of policy, administrative, service delivery, and expenditure decisions helps reduce risk of an inappropriate decision being made. The cope and timeframe for scrutiny interventions should be considered in light of the potential impact of inappropriate scrutiny leading to decisions not being made, inappropriately made or not made at right time.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. There are no direct equality implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 None relating the report.

16. APPENDICES

16.1. Appendix A – Call to Account on Lord Lister – Chair’s Report.

17. CONTACT OFFICERS

17.1 N/A.

18. BACKGROUND PAPERS

18.1 [Call to account of delegated decision taken on 13 August 2021 in accordance with ‘Special Urgency’ provisions contained within the Council’s Constitution.](#)

18.2 [Agenda for Overview and Scrutiny Committee on Wednesday, 28 September 2022, 7.30pm, including minutes and recording of the Call to Account.](#)

18.3 [Lessons Identified and Next Steps – included at section 4 of the Call to Account report of the Managing Director, Strategic Housing Manager and Leader of the Council.](#)

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Call to Account – Lord Lister Hotel ‘Special Urgency’ Delegated Decision

Report of the former Chairman of Overview & Scrutiny – Councillor David Levett

Introduction

A delegated decision was taken on 13th August 2022 by the Managing Director and the Leader of the Council in relation to the provision of funding to Keystage Housing for homeless accommodation under the ‘Special Urgency’ provisions within the Council Constitution.

Subsequently a number of complaints were received, and articles appeared in the press relating to anti-social behaviour and alleged discrepancies relating to planning provision, thereby calling into question the decision to provide this accommodation at the former Lord Lister Hotel in Hitchin.

Planning matters are not an area in which O&S can be involved, however the process and consequences of the delegated decision to provide funding to Keystage is a matter that O&S can examine.

Under Section 6 of the Council Constitution the Overview & Scrutiny has a number of ways of scrutinising decisions including a ‘Call to Account’ which is specified as:

9. 6.3.9 Members and Officers Giving Account

1. (a) The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions (as set out in the Terms of Reference). As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any appropriate Officer to attend before it to explain in relation to matters within their remit:

1. (i) any particular decision or series of decisions;
2. (ii) the extent to which the actions taken implement Council policy;
and/or
3. (iii) their performance,

and it is the duty of those persons to attend if so required.

Although this option had not previously been used by this Council, following a question raised at Full Council on this issue I agreed as Chair of O&S to review the matter and report back to Council. The method I chose as being the most appropriate in this case with the amount of concern raised and being the most transparent to the public was to use the above provision for a ‘Call to Account’.

Due to constraints placed on the timing of this report by the planning process and subsequent developments it is only now that I am able to submit this report for consideration by the Overview & Scrutiny Committee.

Call To Account Process

At this point in the report, I wish to make a number of comments relating to the process of bringing the Call to Account to Committee.

1. I wanted the process to be somewhat similar to a Parliamentary Select Committee in that the surroundings were less formal and more of a round table style discussion than the formal layout of the Council Chamber. This was following up on advice from the Peer Review that it is a more conducive way for the Overview and Scrutiny to operate. Unfortunately, I was advised that it would not be possible to do so as there was no provision to be able to record and remote view the meeting other than in the formal surroundings of the Council chamber.
2. My preference was for all of the proceedings to be held in public, given the amount of public interest that prompted the Call to Account in the first place. However many of the documents I had requested be presented to the committee had to be considered in Part 2 to which the public do not have access.
3. “The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. A Scrutiny Committee can contribute to the development of Council policies and also hold the Cabinet to account for its decisions”

Bearing the above in mind the Call to Account did however answer most of the questions raised and a number of lessons were learned by reviewing the process which have been acknowledged and are well documented in the relevant section of the minutes – a copy of which is attached to this report.

Conclusions

The correct process for a delegated ‘Special Urgency’ was followed. However it was acknowledged that in hindsight it could have followed the normal process, albeit this may have resulted in an ‘In Principle’ recommendation to Cabinet rather than a fully detailed recommendation.

The arrangement was known to have been one likely to lead to controversy and should have been flagged earlier in the process, particularly to the Managing Director and Leader of the Council.

A number of contractual requirements of the grant to Keystage set out in the ‘Special Urgency’ had not been met at the time of the ‘Call to Account’ and had not been followed up, at the time of the call to account for example the requirement for a charge in the Councils interest on the Land Registry entry for the property and this still had not been completed some months later. Subsequently this was found not to be a requirement but a restriction, which had in fact been registered in June 2022.

Recommendations

- (1) That the Overview and Scrutiny Committee refers this report to Council together with the copy of the lessons learnt and the appropriate section of the minutes of the meeting of 28th September 2022.

Councillor David Levett

**CABINET
6 FEBRUARY 2024**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: Empty Homes Strategy 2024-29

REPORT OF: Frank Harrison,
Environmental Health Manager

EXECUTIVE MEMBER: Cllr Sean Prendergast,
Executive Member for Housing and Environmental Health

COUNCIL PRIORITY: PEOPLE FIRST / A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

This strategy states the objectives North Herts Council (the Council) has set itself so as to endeavour to bring as many long-term vacant homes back into occupation as is practicable. Whilst short-term empty homes are inevitable when linked to house sales, or where the occupier may need to be care elsewhere, these homes pose little or no concern to the local communities, and quickly return to occupation. However, a small but significant number of houses remain vacant for protracted period, and it is these that tend to have a negative impact on their area, and are also the target of this strategy. The Council intends to work with the owners of these premises to initially understand their reasons for keeping them vacant, but to then work with as many owners as possible, to allow this unused resource to better serve the communities, mitigate the negative impact they have, and provide an increased opportunity to meet the Councils housing needs, without the need to build so additional new homes. This strategy sets out the intention and the outline processes to allow the Council to achieve this objective.

2. RECOMMENDATIONS

- 2.1. That Cabinet adopt the Empty Homes Strategy 2024-29.
- 2.2. The Cabinet should note that although there is no legal requirement for the Council to have an Empty Homes Strategy, there have been several significant Government-focussed documents and papers highlighting their importance, including a House of Commons Briefing Paper stating that each local authority should have such a strategy to help reduce the number of long-term empty homes in their districts.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The recommendation and considerations are being made to allow the Council to formerly adopt the 5-year Empty Homes Strategy 2024-29 to allow the Environmental Health service to work directly or with others to identify and deliver the most appropriate intervention programme to allow the Council to aim to bring as many long-term empty homes back into occupation as practicable.

- 3.2. The strategy allows the Council to state its intention to consider every aspect linked to the housing sector to bring into use as many opportunities as it can to meet the district's housing needs , without having to rely solely on new build. Whilst the number of long-term empty homes is small, and the number likely to be brought back into occupation will be smaller still, this strategy does address this sector which would otherwise be omitted from the overall resource potentially available to form our housing stock.
- 3.3. By adopting the strategy, and allowing for the development of a culture of greater awareness of vacant homes, allows for homes which become vacant to be highlighted sooner, and so they can be monitored and their owners challenged at an earlier point, thus also contributing to hopefully having more homes available for the residents of the district.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. This strategy is the first such for the Council, and sets the basis upon which any future empty-homes interventions will be based. In this capacity, there are no alternative strategies to consider, although within the strategy, it does identify a number of different options potentially available to bring an empty home back into occupation.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Following initial consultation with the Executive Members it was recommended that this strategy be made aware to all Members to allow them to contribute to its development and acceptance into the framework for addressing the issues caused by empty homes and to bring as many as practicable back into occupation.
- 5.2. Empty homes can pose challenges for all wards, so Member consultation is not limited.
- 5.3. It is recognised that this strategy is to declare the intentions of the Council to work with owners to reduce the number of long-term empty homes as much as it is to clarify the options that may be used. As such, this strategy does not set procedure or a requirement to address all empty homes and so the scope of consultation has thus far been limited.
- 5.4. All of the Council's services that have, or may have an input into this strategy have been consulted with, and have commented as they have seen fit. Their considered views, where appropriate, have been included in the final version.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 15th September 2023.

7. BACKGROUND

- 7.1. Empty homes have been recognised for a long time as being both a loss to the local housing stock thus reducing the options available to people living or wishing to live in an area, and potentially posing a nuisance and eyesore to the local community. As such, there are many reasons to seek to bring empty homes back into occupation.

- 7.2. It is also recognised, that there are very many reasons why homes are allowed to be vacant for a period of time, and in most cases, they do not pose any local concern, for example, as part of a house sale, or when the owner is away, for example, on a long holiday or receiving medical treatment. These homes tend to fall into the category of short-term empty homes, only rarely pose any local concern, and are not the target of this strategy.
- 7.3. The empty homes that this strategy does focus on, are those considered to be long-term vacant, that is those having been empty for more than 6 months, and which pose an actual concern to the local community.
- 7.4. Long-term empty homes are known to have a negative influence on a community, both in relation to the removal of a potential housing opportunity, but also in that they tend to attract an element of anti-social behaviour, even if this is only in the poorer condition they tend to be left in. However, in some cases, the empty home is neglected further such that they become a local nuisance, sometimes becoming a local eyesore or needing the intervention of the local Council to mitigate a nuisance, all of which contributes to the negative impact they can have on the local community. It is this latter group that tends to lead to the greatest number of complaints to the Council services, usually in relation to complaints about over-grown gardens, the presence of household waste or pests, or that they have become insecure and a venue attracting crime.
- 7.5. Although it is difficult to state exactly how many empty homes there are at any one time, either nationally or locally, Council Tax data tends to be the most effective means of keeping track of their number. According to the Council's Council Tax figures, in 2022 there were 1586 vacant homes of which 466 had been vacant for more than 6 months, with over 150 believed to have been vacant for more than 2 years, which is a significant increase from pre-Covid times and before the latest cost of living crisis.
- 7.6. Whilst there are enforcement powers available and used by the Council to deal with certain matters associated with long-term empty homes, the most effective way of bringing them into reoccupation does tend to be through working with the owners, and trying to first understand why the home is vacant, and then trying to reduce the barriers so that the home can be reoccupied. This is the approach that this strategy focusses on, and outlines the preferred options that will be considered over time.
- 7.7. The House of Commons Briefing Paper also goes on to say that local authorities should seek funding and allocate resources to help address the issue, including potentially buying and refurbishing these homes, and although this is not a proposal in this strategy, it does highlight the recognition by Parliament of the challenges long-term empty homes do post, and the benefit bringing them back into occupancy can offer.

8. RELEVANT CONSIDERATIONS

- 8.1. The full draft of the strategy is provided in appendix 1 with this report for due consideration.
- 8.2. The strategy outlines the how the Council will target the long-term empty homes with the intention of bringing as many homes as possible back into use. The Environmental Health service already has a staffing resource (0.5 FTE) specific for this work, and the strategy will enable to service to target this resource and the work better towards this objective.

- 8.3. This report requests Members consider the strategy it refers to, and if in agreement, adopt it.

9. LEGAL IMPLICATIONS

- 9.1. Whilst there is no statutory provision requiring the Council to have or adopt an Empty Homes Strategy, the Government has set out the principles encouraging Councils to identify and then reduce the number of long-term empty homes in their district. Provisions in the Council's financial powers allow us to vary the amount of Council Tax payable for empty homes, resulting in a discount for short-term vacant homes covering those pending the completion of house sales and a premium for long-term empty homes in an attempt to encourage the owner to reoccupy them. Identifying the role played by long-term empty homes has also been identified in the draft Housing Strategy 2024-29 and this too highlights the need to reduce their number by returning more back to habitation.
- 9.2. A number of the long-term empty homes also pose a financial draw on the Council's resources, whether through the non-payment of Council Tax or via the accrual of costs incurred mitigating any negative impact they may have. The Council does have a statutory role in reducing the negative impact caused by empty homes, section 12 and appendix C of the strategy details this, and all of these provisions impose some degree of legal implications on the Council.
- 9.3. As the likelihood of empty homes to be present in all wards of the Council is high, and initially outside the knowledge and control of the Council, it has been considered appropriate that all Members be able to consider and contribute to this strategy. As such, it is appropriate that this is presented to Members at Council level. Funding for the administration of this strategy is already in place, but due to the potential financial options available to deliver it, knowledge by Members of these would be beneficial. As such, the strategy is to be presented to Council in due course.
- 9.4. The strategy has been considered widely by those services within the Council and amendments have been made to accommodate the appropriate recommendations forwarded by those services, including legal implications that may arise.
- 9.5. The Terms of Reference of Cabinet at 5.7.1 of the Constitution provides that Cabinet will exercise the following function: "To prepare and agree to implement policies and strategies other than those reserved to Council."

10. FINANCIAL IMPLICATIONS

- 10.1. This strategy outlines the intentions of the Council to work to reduce the number of long-term empty homes in the district, and although it refers to legal obligations under specific legislation, it does not directly identify or impose any additional financial obligations on the Council.
- 10.2. The Council has already approved 0.5 FTE of an officer to facilitate the work required to fulfil the objectives of this strategy, and it is intended that this post will be filled during the year 2024-25.

- 10.3. Due to the recognised negative impact some long-term empty homes have on their communities, regulatory services of the Council may be required to intervene to mitigate the worst of these effects. This intervention costs the Council so any reduction in the number of long-term empty homes is likely to reduce this demand thus reducing the costs to those regulatory services. This would be an indirect benefit of implementing this strategy, although one which would be difficult to financially quantify.
- 10.4. The Council may see a reduction in Council Tax income as long-term empty properties which are currently charged a Council Tax premium, and upon reoccupation this would be lost, but as a number of long-term empty homes also carry a charge owed to the Council of various reasons, this charge is likely to be either repaid, or written off as part of the sale if it is deemed non-recoverable.
- 10.5. Currently, for every house brought into occupancy, the Council receives a New Homes Bonus, which although restricted in what this can be committed to, does allow the Council offset some of its costs. This bonus is likely to be removed entirely, although it is rumoured that an alternative new home incentive may replace this, but that may exclude long-term empty homes being brought back into occupancy from the provision.

11. RISK IMPLICATIONS

- 11.1. This strategy seeks to define how the Council will meet the challenges posed locally by long-term empty homes, especially with respect to trying to bring as many as practicable back into occupancy. Although this has been highlighted as a desirable obligation Councils should strive for, producing and adopting a strategy is not a requirement in itself.
- 11.2. Whether a long-term empty home causes a local nuisance or not is not influenced by this strategy, and similarly, when such a home does pose a potential breach of a statute, e.g., provide harbourage to rats, or allows for the accumulation of household waste even if dumped by someone else, these breaches remain actionable by the regulatory service authorised to act. The presence of an adopted strategy does not influence these interventions.
- 11.3. Long-term empty homes, even where there is no statutory detriment to the area, i.e., they are still well maintained, are known to have a negative impact on a neighbourhood. Whilst this is unlikely to pose a direct impact on the Council, can be a source of dissatisfaction and complaint by local residents, and risk lowering the acceptable standards otherwise present in the community.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duties, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. Given that this policy targets empty homes, and seeks to bring them back into occupation, the status of the owners of these is not taken into consideration, and as such, in regard to this aspect, there are no negative equalities implications.

- 12.3. It is however, recognised that some owners of empty homes keep their homes vacant for personal, psychological or emotional reasons, and where this may be the reason, this strategy highlights the intention to work with current owners to understand their reasoning and for them to bring the property back into occupation willingly.
- 12.4. The benefit of having a greater number of homes available for occupation, including via a reduction in the number of empty homes, is that more people, including those currently homeless will have a greater opportunity for their own home. This strategy therefore has positive implications for this aspect of equalities.
- 12.5. To highlight the equalities impact of this strategy, an equalities assessment is included as an appendix.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report, although where officers of the Council are able to work with the owners of empty homes, they will take into consideration the foreseeable benefits of using local businesses and advocate these accordingly.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. Empty homes are recognised as posing, or being able to pose a negative environmental impact, both directly as potentially being a source of local pollution including due to the home deteriorating or offering a dumping site, but also indirectly, in being an unused commodity requiring an alternative home to offer the housing amenities. This strategy seeks to mitigate this impact by bringing as many empty homes back into occupation as practicable.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The Council already has in place the funding for a part-time officer to implement this strategy, and by adopting this strategy, this will allow the employment of that officer to deliver the stated aims of this Council to reduce as much as practicable, the number of empty homes. Given that the funding is already in place, the strategy will not pose any initial human resource implications, in its delivery.
- 15.2 As the deleterious impact of empty homes in an area is recognised as placing additional burdens of local regulators, by adopting this strategy, it is foreseeable that the demands posed on the Council by empty homes should decrease, thereby freeing this resource to focus on other matters affecting the respective communities.

16. APPENDICES

- 16.1 Appendix 1 – The North Herts Strategy for Empty Homes
- 16.2 Appendix 2 – The Equalities Impact Assessment

17. CONTACT OFFICERS

17.1 Policy author – Sheila Winterburn, Housing Projects Officer (Regulatory), Sheila.Winterburn@north-herts.gov.uk

Policy sponsor – Frank Harrison, Environmental Health Manager, Frank.Harrison@north-herts.gov.uk; ext. 4861

18. BACKGROUND PAPERS

18.1 None presented.

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North Hertfordshire District Council

Empty Homes Strategy

2024 – 2029

A Strategy for Bringing Empty Homes Back into Use

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EXECUTIVE SUMMARY

PART 1. INTRODUCTION & CONTEXT

1 Introduction

- 1.1 This is North Herts Council's (the Council) first Empty Homes Strategy. The main objective of the strategy is to bring empty homes in the district back into use.
- 1.2 This document aims to explain the issues associated with empty homes, the reasons homes become empty, and the help and powers available to bring homes back into use.

2 The National Context

- 2.1 The Government classes properties that have been empty for longer than 6 months as long-term empty. It is recommended that local authorities have an empty homes strategy for their area, with the aspiration to reduce the number of long-term empty homes through various interventions.
- 2.2 Government policy to incentivise the reoccupation of long-term empty homes allows local authorities to vary the amount of council tax payable on some empty homes, with the option of imposing an 'empty homes premium'.
- 2.3 Despite this, long-term empties are now at their highest level since 2011 (excepting 2020's pandemic-related data). There are nearly 250,000 long-term empty homes in England, and over 250,000 people in urgent housing need.

3 The Local and Corporate Context

- 3.1 Any empty property can pose local problems, and therefore all owners of long-term empty properties will be contacted to encourage the return of the homes to use. Many long-term empty homes are likely to be returned to use without continued council intervention. Therefore, the focus of more significant work will generally be on those properties that have been empty for more than two years or have caused specific complaints to be reported to the Council. These longer-term empty homes cause most concern as they are more likely to remain empty for longer without intervention and are also more likely to be an increasing source of blight and complaint.
- 3.2 The Council Tax database is the most reliable central record of empty homes, and this will be used to determine the number in the district.
- 3.3 This strategy aims to verify data, build an accurate database of empty homes, and to encourage and facilitate our residents, officers and Councillors to report suspected empty homes. This facility and a new dedicated web page will be promoted, encouraging residents to report potential empty homes, anonymously if they wish.

3.4 Although some empty homes casework can prove lengthy and time-consuming, returning empty homes to use can be the quickest and most cost-effective way to increase the supply of housing, and play an important part in maximising existing housing stock for the benefit of the people of North Hertfordshire.

4.0 Contributing to the Council Plan and Housing Strategy

4.1 This Empty Homes Strategy supports the current Council Plan and Housing Strategy; reducing the numbers of empty homes being one of the main priorities in the Housing Strategy linked to maximising the supply of affordable housing.

4.2 Whilst, in pursuance of the Housing Strategy, the Empty Homes strategy sets a target and outlines the Council's overall process for tackling empty homes, the number of empty homes that can be tackled, and of those, the numbers that can be brought back into use each year, will depend on available resources, but also on the intentions of the owners. As resources become available, the strategy will support the Council to tackle empty homes in a fair, consistent, and effective way.

5.0 Resourcing the Strategy

5.1 Thus, co-ordination and achievement of the action plan at Appendix A are dependent upon resources becoming available within the Council's Environmental Health and other services linked to the delivery of this strategy.

PART 2. BACKGROUND

6 Background to Empty Homes

6.1 Empty homes can present many problems for the owner and community, and their re-occupation offers many benefits, including for local housing need.

6.2 There are many reasons why a home may be left empty. When dealing with a long-term empty property, the Council will seek to understand the owner's reasons in order to work with them to best effect.

PART 3. AIMS, OBJECTIVES AND APPROACH TO TACKLING EMPTY HOMES

7. Aims and Objectives

7.1 The over-riding strategic aim is to bring empty homes back into use.

7.2 The three key objectives within the Action Plan are to:

1. *gather relevant, accurate and current information about empty homes in the District;*
 - Develop a database of long-term empty homes and their priority for investigation and action. This database is for empty homes work only and due to the potential sensitivity of the data, is not for publication or release.
 - Initial investigation into homes empty for more than six months.
 - Further investigation into those empty for two or more years, or posing local complaints.
 - Focused action based on an annual prioritisation process.
2. *raise awareness of empty homes in the District and promote the strategy;*
 - Including publicity and information, and facilitating on-line and telephone reporting.
3. *reduce the number of empty homes and return empty homes back into use, through all available and appropriate means in the District.* Specific measures will include:
 - Support, and the provision of advice to owners,
 - A transparent, graduated approach from advice to enforcement,
 - Targeted appropriate action – to write to owners of all empty homes in the district, offering support, and seeking information to help determine appropriate action and prioritisation for intervention,
 - Consideration of funding initiatives,
 - Council Tax Premiums on Empty Homes,
 - Enforcement, to tackle specific problems, and where voluntary re-occupation is not achieved. Options appraisal for range of available powers including compulsory purchase, empty dwelling management orders, and enforced sale, including to recover incurred Council costs. Potential to defer action if the owner progresses with suitable voluntary action, as this is always preferred.

8. Performance Monitoring and Review

8.1 The Service Director – Housing and Environmental Health will be responsible for managing delivery of the Strategy, including inputs from other Council services, and every six months, reporting to relevant Executive Members the progress against the action plan. Performance management will in particular:

- Reporting on the number of each type of empty homes,
- Monitor numbers of homes brought back into use,
- Develop knowledge of best practice, and
- Review actions within the strategy's Action Plan.

9. Financial Implications

9.1 The purpose of the Strategy is to bring empty homes back into use, and social benefits often outweigh direct financial income. However, potential income streams include New Homes Bonus or other government initiatives, debt recovery, and unclaimed sales income from Compulsory Purchase Orders or Enforced Sales. The Council may see a reduction in Council Tax income as long-term empty properties that are brought back in to use, would see their Council Tax liability reduce from 200% back down to 100%.

9.2 New Homes Bonus has been in place since 2011. It has provided a reward for new homes, which has included long-term empty homes that have been brought back in to use. The level of reward has decreased in recent years, and the intention is that it will be removed completely. It may be replaced by a new funding stream to reward property growth, but that may not include anything for long-term properties brought back in to use.

10. Equalities Implications

10.1 The strategy has potential for a positive impact across a number of community groups through the increase in availability of accommodation.

10.2 No disadvantages have been identified as arising from this strategy.

11. Environmental Implications

11.1 The strategy provides an environmentally sustainable way to help meet housing demand.

PART 1. INTRODUCTION & CONTEXT

1 Introduction

1.1 This is North Herts Council's (the Council) first Empty Homes Strategy. The main objective of the strategy is for empty homes to be brought back into use. This document aims to give an understanding of the issues empty homes can cause and how they impact the local community. It looks at why homes become empty, what advice and assistance are available to the owners of empty homes, and how the Council will use the range of powers available to it to return empty homes to use; the objectives of the Strategy are detailed in section 7.1. Tackling empty homes and bringing them back into use will impact positively on our residents, including people in housing need, the wider community for whom empty homes often cause problems, and also for the owners, as the property will re-acquire its intrinsic value to the community as a whole.

1.2 In North Hertfordshire, according to the Council's and Government's Council Tax records, in October 2019 there were 1223 empty homes, of which 349 had been empty for at least six months¹, and around 109 which had been vacant for 2 years or more². By October 2022, the number of empty homes had increased to 1586, of which 466 had been empty for at least six months. However, this information is limited as it is recognised that there are a number of empty homes where full Council Tax is being paid and the property has not been registered as being empty, and several exemptions apply, for example derelict or second homes are not classed as empty. These figures will not include any that are receiving an exemption whilst awaiting probate. Once probate is granted and the property remains empty it will then be included within these figures. The definitions of what an empty home is, are given in section 6 of this strategy.

1.3 Empty homes can be detrimental to the lives of local residents and communities, particularly so if not maintained. Even a single empty home can blight a whole street or community, reducing the values of surrounding properties and causing nuisance to local residents. Empty homes can also attract vandalism, fly-tipping and other criminal activity, ranging from the minor to the extremely serious, but all risk increasing crime and the fear of crime. They may also represent a risk for the emergency services and add pressure on various council teams such as Environmental Health and Building Control. Empty homes can be a drain on their owners' resources too, through their maintenance, insurance and council tax costs.

¹ MHCLG Table 615: vacant dwellings by local authority district: England, from 2004.

Available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> Accessed 14th Apr 2023

² NHDC Cabinet report. Council Tax Premiums and Discounts on empty properties; 28 Jan 2020

Available at: <https://democracy.north-herts.gov.uk/documents/s9775/Council%20Tax%20Premiums%20Discounts%20on%20Empty%20Properties.pdf> Accessed 14th April 2023

1.4 The benefits of a strategy to deal with empty homes have been identified in a House of Commons briefing paper as social, regenerative, financial and strategic.³ A strategy can:

- Assist in meeting housing need,
- Improve housing conditions,
- Assist with a reduction in crime and the fear of crime and antisocial behaviour,
- Regenerate and improve the appearance of blighted areas,
- Increase Council Tax collection rates and empty home premiums,
- Generate additional income, through funding, such as the New Homes Bonus (NHB) while available, or through other government grants or rent.

1.5 The case for dealing with empty homes is therefore compelling from a community and housing perspective, but (as well as the financial benefits to the owner) there also could be some financial incentives to not only return existing empty homes to use, but to try to ensure that the number of empty homes does not then increase.

1.6 Whilst acknowledging that there are many reasons why homes are left empty, including some of a more personal and emotional nature, bringing more long-term empty homes back into use is a sustainable way to help meet local housing demand, and as well as the community and strategic benefits, provides capital or income for the owner.

³ Wilson W, Cromarty H, Barton C. Empty Housing (England). Briefing Paper Number 3012. House of Commons Library; 21 Oct 2020. Available at <https://researchbriefings.files.parliament.uk/documents/SN03012/SN03012.pdf>
Accessed 14th April 2023

2 The National Context

2.1 In any effective housing market, there will be properties unoccupied for a short period (of up to 6 months), e.g., during the transfer of ownership or between lettings. Therefore, the Government only considers properties that have been empty for longer than 6 months as long-term empty.

2.2 Since 2010 the Government has placed considerable emphasis on the importance of returning empty homes to use. Statistics published by the Ministry of Housing, Communities and Local Government (MHCLG) put the number of empty homes in England in October 2019 at 648,114.⁴ Of these, 225,845 were classed as long-term empty homes (i.e., empty (and substantially unfurnished – see later) for longer than six months). By October 2022 this had increased to 676,304 and 248,149 respectively. Unlike the figures used commonly until 2010/11, which were based on the Housing Strategy Statistical Appendix (HSSA) returns, these figures do not include empty properties where there is an applicable Council Tax exemption, nor do they include empty homes which are substantially unfurnished, which notionally differentiates them from second homes.⁵ The figures are based on the Council Tax system which provides specific statutory exemptions from Council Tax for properties left empty for specific reasons, such as when a person goes into care.

2.3 In 2018 'Empty Homes' a national campaigning charity published a report entitled 'Empty Homes in England'.⁶ This report identified an upward trend nationally for empty homes in 2018 after 10 years of a downward trend. It made several recommendations that have also been published in the House of Commons Briefing Paper No. 3012 May 2019 (and revised October 2020), Empty Housing (England)⁷:

- Local authorities should have an empty homes strategy for their area, with the aspiration to reduce the number of long-term empty homes.
- Local authorities and social housing providers should seek funding and allocate resources to buy and refurbish empty properties for people in housing need.

⁴ MHCLG Table 615: vacant dwellings by local authority district: England, from 2004.

Available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> Accessed 14th April 2023

⁵ Department for Communities and Local Government. Council tax information letter: Council tax-definitions of empty homes and second homes. 23 September 2014. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/357791/140923-CTIL_on_EHP.pdf Accessed 14th April 2023

⁶ Empty Homes. Empty Homes in England. 2018. Available at:

<https://www.actiononemptyhomes.org/Handlers/Download.ashx?IDMF=997e1feb-0e93-4805-b505-c655a9105e80> Accessed 14th April 2023

⁷ Wilson W, Cromarty H, Barton C. Empty Housing (England). Briefing Paper Number 3012. House of Commons Library; 29 May 2019. Available at

<https://researchbriefings.files.parliament.uk/documents/SN03012/SN03012.pdf> Accessed 14th April 2023

- Local authorities should take a casework approach with owners of long-term empty properties to encourage, advise and support them to bring homes back into housing use. Employing dedicated empty homes staff can ensure that the council is able to act on information about homes, and build up expertise in working with owners, including taking enforcement action where necessary.
- Local authorities with concentrations of long-term empty homes should look at how they can support community-based neighbourhood regeneration approaches.
- Local authorities, particularly in high value areas, should conduct studies to understand the extent and impact of 'buy-to-leave' empty or hardly ever used. Where it is an issue, they should review the measures they could adopt to incentivise people to sell or rent those properties, or not to buy properties in the first place with the intention of leaving them empty or hardly ever used.

2.4 In 2011, the Government confirmed that councils could attract additional funding under the New Homes Bonus scheme for bringing empty homes back into use. Under the scheme, the Government matched the Council Tax raised for each property brought back into use for a period of six years. The number of years over which payments are made was reduced from six to five in 2017/18 and further reduced to four years from 2018/19. In February 2023, the government published the New Homes Bonus allocations for 2023-24,⁸ including an element for empty homes brought back into use. However the scheme is now largely phased out (and Government has stated that it will be fully phased out), and it is currently unclear how any replacement will apply to empty homes.

2.5 Since April 2013, powers previously held by central government to vary the amount of council tax paid on some empty homes has been devolved to local level. The aim of the government's policy is to further incentivise the reoccupation of long-term empty homes by increasing council tax payable or by removing reductions or exemptions that were previously in place. Local authorities are now able to decide whether to apply a discount for properties empty for up to six months and those properties empty and in need of considerable renovation. There is also the option of imposing an 'empty homes premium'. Point 3.5, below gives the Council current response to this option.

2.6 Government Statistics, collated from the Council Tax base returns submitted by each billing authority in England, reveal that nationally there were 483,000 empty dwellings as of September 2019 and of these 63,000 dwellings were being charged a premium because the dwelling had been empty for 2 years or more.⁹ The leviable premium was increased from 50% to 100% from April 2019, and 76.2% empty dwellings were charged at this higher premium.

⁸ Department for Levelling Up, Housing and Communities. New Homes Bonus final allocations 2023 to 2024. Available at <https://www.gov.uk/government/publications/new-homes-bonus-final-allocations-2023-to-2024> Accessed 30th March 2023

⁹ Ministry of Housing, Communities and Local Government. Local Authority Council Tax base - 2019 England (Revised), Statistical Release: 20 February 2020. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/867232/Local_Authority_Council_Tax_Base_England_2019_Statistical_Release.pdf.. Accessed 2nd Mar 2020

2.7 Action on Empty Homes reports that long-term empty homes are now at their highest level since 2011 (excepting 2020's pandemic-related data), and notes there are nearly 250,000 long-term empty homes in England, and over 250,000 people in urgent housing need.¹⁰

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¹⁰ Action on Empty Homes. Empty Homes Data. Available at: <https://www.actiononemptyhomes.org/facts-and-figures>. Accessed 27th April 2023

3 The Local and Corporate Context

3.1 This strategy highlights how resources can best be targeted to address empty homes in North Hertfordshire, and to tap into the rewards and positive outcomes, both financial and community based, that this approach brings.

3.2 Experience in Hertfordshire has shown that a significant number of properties identified as long-term empty (i.e., that have been empty for at least 6 months) will be back in use within two years.¹¹ Whilst it is recognised that any empty property can be a problem and therefore all owners of long-term empty properties will be contacted to encourage the return to use in a short timescale, to continue to try to contact unresponsive owners at this stage is resource intensive and probably ineffective. The focus of more significant work will therefore generally be on those properties that have been empty for more than two years or have received specific complaints.

3.3 Combining the Council's 2020 Cabinet report with the government's published statistics at that time, reveals that in North Hertfordshire, as of October 2019, around 349 homes had been empty for more than six months¹², while 109 of these had been empty for more than two years¹³. It is these longer-term empty homes which tends to cause most concern as they are more likely to remain empty for even longer without intervention and are also more likely to be an increasing source of blight and complaint. Whilst it appears that 4 longer term (i.e., more than 2 years) empty homes were brought into use between October 2019 and May 2021, actual numbers of empty homes and the length of time vacant are useful for comparison, but naturally fluctuate over time.

3.4 The following table shows the distribution of known longer term empty homes as of May 2021.

Table 1. Empty Properties over 2 years by Parish as at 18.5.2021

(date for which last complete figures are available)
(continued overleaf)

PARISH	NUMBER EMPTY OVER 2 YEARS
Ashwell	1
Barkway	2
Barley	2
Clothall	3
Codicote	2

¹¹ East Herts Council. Empty Homes Strategy 2016-2020. Available at: <http://democracy.eastherts.gov.uk/documents/s31904/Empty%20Homes%20Strategy%20-%20ERP%20C%20Draft%20Strategy.pdf> Accessed 15th May 2023

¹² MHCLG Table 615: vacant dwellings by local authority district: England, from 2004. Available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> Accessed 30th Apr 2020

¹³ NHDC Cabinet report. Council Tax Premiums and Discounts on empty properties; 28 Jan 2020

Hinxworth	1
Holwell	1
Ickleford	2
St Ippolyts	4
Kimpton	3
Knebworth	2
Offley	2
Pirton	1
Radwell	1
Rusden	1
Sandon	3
Therfield	1
Weston	1
Great Ashby	1
Baldock	11
Hitchin	27
Letchworth	21
Royston	12
TOTAL	105

3.5 Since 2013, the Council has charged a Council Tax Premium of an additional 50% in respect of properties that have been unoccupied for more than two years. From April 2020 the Premium was increased to 100%. The properties in question do change from time-to-time as some return to occupation and others exceed the two-year period, therefore any comparisons can only be made from a snapshot in time. The Council receives around 13% of the income from the Premium, (the rest going to the precepting Authorities, i.e., councils from other levels of local government, such as Hertfordshire County Council). The income goes into the Collection Fund and cannot directly fund empty homes work. The additional revenue does eventually flow through to the Council.

3.6 Table 2 below shows the number of properties in North Hertfordshire that were empty, those empty for over six months, and those empty for over two years when the Tax Base Return was submitted to the Ministry of Housing, Communities & Local Government (MHCLG) in October of each year since the measure was introduced.^{14, 15}

Table 2. Empty homes over 6 months and 2 years by year to 2022

(date for which last complete figures are available)

Year	All vacant dwellings	Number empty for 6 months or more	Number empty for 2 years or more
2013	1249	422	70
2014	1116	301	87
2015	1157	299	92
2016	1099	343	89
2017	1219	368	99
2018	1289	398	107
2019	1223	349	109
2020	1277	400	118
2021	1481	798	103
2022	1586	466	158

3.7 The table shows the number of longer term (i.e., 2 years or more) empty homes has increased in most years, despite the introduction of the Council Tax Premium.

3.8 Table 3 below shows for how long those longer term vacant properties in 2019 had been vacant.¹⁶ (as reflected in the 2020 Cabinet report) and updated to show the position in 2022.

¹⁴ NHDC Cabinet report. Council Tax Premiums and Discounts on empty properties; 28 Jan 2020

¹⁵ MHCLG Table 615: vacant dwellings by local authority district: England, from 2004.
Available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> Accessed 15th May 2023

¹⁶ NHDC Cabinet report. Council Tax Premiums and Discounts on empty properties; 28 Jan 2020

Table 3 Length of time vacant

Empty Period	Number of Properties in 2019	Number of properties in 2020	Number of Properties in 2022
2 – 5 years	70	83	124
5 – 10 years	25	35	23
Over 10 years	14	Not recorded	11
Total	109	118	158

3.09 To date the Council Tax database is the most reliable method to determine the number of empty homes in North Hertfordshire. It is however accepted that this method does not provide a full and accurate account of the number of empty homes in the district. Therefore, this strategy aims to verify data, build a database of empty homes, and to encourage and facilitate our residents, officers, and Councillors to report suspected empty homes. This will be publicised and will highlight a dedicated web page, with an electronic form for residents to report potential empty homes, anonymously if they wish.

3.10 In 2019, Council Tax staff wrote to the 103 owners of the 109 homes which at that time had been empty for more than 2 years, seeking to establish the reasons they had remained empty for so long. Responses were received relating to just 43 of these properties, citing a range of reasons, the most common being that it was undergoing renovation. The responses informed the Council in setting its Council Tax discounts and premiums, and in creating its empty homes database with priorities for action¹⁷. Council Tax staff currently commission an annual external canvass of Empty Homes (though this is at risk if the financial incentive of New Homes Bonus is removed), and if there is a change the Revenues system is updated accordingly.

3.11 Although some empty homes casework can prove lengthy and time-consuming, returning empty homes to use can still be the quickest and most cost-effective way to increase the supply of housing. While it will not solve the housing problem, it can nevertheless play an important part in maximising existing housing stock for the benefit of the people of North Hertfordshire.

¹⁷ NHDC Cabinet report. Council Tax Premiums and Discounts on empty properties; 28 Jan 2020

4.0 Contributing to the Council Plan and Housing Strategy

4.1 This Empty Homes Strategy supports the following objectives (which are in bold) of the Council Plan for 2020-2025:¹⁸

- **Be a welcoming and inclusive council:** the aim to work collaboratively with owners of empty homes fits well with this approach.
- **Respond to challenges to the environment:** bringing empty homes back into occupation helps to protect the built environment and improve community safety.
- **Enable an enterprising and co-operative economy:** empty homes are a wasted resource, for owners and the community. We will seek commercial and investment opportunities where appropriate to invest in empty homes and restore them to use, through proactive engagement.
- **Support the delivery of good quality and affordable homes:** this objective includes the commitment to 'develop and implement a cohesive Empty Homes strategy' (action 55 of the Council Plan). Through bringing empty homes back into use, via all available means, we will enable and support the delivery of good quality and affordable housing in the district, ensuring existing housing is fit for purpose. Purchasing or taking over management of empty homes provides an opportunity to support the Council's aim to build more effective relationships with local housing associations and recognise our role in the fight against homelessness.

4.2 This Empty Homes Strategy was developed in support of the Council's current Housing Strategy 2019-24, which in turn supported the above Council priorities for 2020-25, most notably action 55 of the Council Plan. This strategy will also factor in the 2024-29 Housing Strategy.

4.3 The Council Plan priorities were reviewed in 2022, to cover the period 2022-2027, with the vision to 'put people first, and deliver sustainable services, to enable a brighter future together'.¹⁹

4.4 Action to bring empty homes back into use supports the Council's sustainability priority. These are often long-term actions, which fit well with the Council's priority for a brighter future together, by aiming to secure the best outcomes for people, towns, and villages. The aim to develop the Council's website to enable residents to conveniently report concerns about empty homes further contributes to the priority to put people first, and to the theme of 'our services'.

4.5 The Housing Strategy will be renewed for the period 2024-2029. The Council's current Housing Strategy for the period 2019-2024 notes that 'there is a constant level of high demand for affordable housing in the district'.²⁰

¹⁸ NH Council Plan 2020-2025. Available at: <https://democracy.north-herts.gov.uk/documents/s11754/Appendix%20B%20-%20Proposed%20Actions%202020.pdf> Accessed 17th Oct 2023

¹⁹ NH Council Plan 2022-2027. Available at: [Council Plan 2022-2027.pdf \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/sites/northherts-cms/files/Council%20Plan%202022-2027.pdf) Accessed 17th Oct 2023

²⁰ NHDC. Housing Strategy 2019-2024. Para 2.24. Available at: <https://www.north-herts.gov.uk/sites/northherts-cms/files/Housing%20Strategy%202019%202024%20FINAL.pdf> Accessed 15th May 2023

4.6 Bringing empty homes back into use could help meet some of that demand. The Housing Strategy observes that ‘those properties which are left vacant for no obvious good reason are an unacceptable waste of resource when demand for homes is so high’. One of the priorities in the Housing Strategy for maximising the supply of affordable housing is to reduce numbers of empty homes.

4.7 To achieve this, the Housing Strategy makes the following commitment:

‘We will develop a process for tackling empty residential properties and set a target for bringing properties back into use as part of the annual service planning process’.²¹

4.8 This, the Council’s first Empty Homes Strategy, has therefore been developed and adopted in order to meet that commitment. This strategy sets a target and outlines the Council’s overall process for tackling empty homes, as promised in the Housing Strategy. The numbers of empty homes that can be tackled, and of those, the numbers that can be brought back into use each year, will depend on available resources for this new (to the Council) area of work. The target in the action plan reflects this.

4.9 Indeed, achievement of any of the actions, and the success of this strategy, are dependent on resources. This strategy has been developed to fulfil the Council’s strategic aim to tackle empty homes, so that as soon as resources become available, the Council is ready to tackle empty homes in a fair, well-considered, consistent, and effective way.

²¹ North Hertfordshire District Council. Housing Strategy 2019-2024. Para 3.28.

5.0 Resourcing the Strategy

5.1 There is currently no dedicated resource to carry out or coordinate the tasks in support of the commitment the Council has made in its Housing Strategy in relation to Empty Homes. This severely limits the amount that can be achieved. However, whilst funding for a new dedicated part time post has been approved, appointing to this vacancy has yet to be achieved, but due to new employment provisions now available, it is hoped this strategy can start to be delivered before 2024-25.

5.2 This new post also fits well into the Environmental Protection and Housing team of the Council's Environmental Health Service, but the strategy extends beyond that service, contributing to corporate aims, ranging from homelessness prevention and community protection to protecting the built environment and income generation. (It may also reduce Council Tax income where 100% premiums are being paid, offset by reduced costs to those services charged with tackling the negative impacts posed by empty homes). The appointment of a dedicated officer to help deliver the requirements of this strategy, ultimately, the successful delivery of the objectives will also require input and support from other Council services.

5.3 The action plan at Appendix A is dependent upon that capacity being available.

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PART 2. BACKGROUND

6 Background to Empty Homes

6.1 What is an Empty Home?

6.1.1 A dwelling is considered to be a long term empty home if it has been unoccupied for 6 months or longer. Privately owned long term empty homes are the focus of this strategy, but concerns will be highlighted to Public Bodies and Housing Associations (Registered Providers) where an empty home they own requires attention or falls into the scope of this strategy.

6.1.2 Not all empty homes are located in what might be described as run-down areas, nor are they necessarily semi-derelict, boarded up or causing a problem. There are a large number of homes which naturally become empty for periods of time, perhaps due to the buying and selling process, being between tenants or when an owner passes away and the probate process delays the re-occupation of the property.

6.1.3 When a dwelling remains empty for a significant period of time, or is attracting unwanted attention, then it would be considered a high priority case, guided by a yet-to-be adopted scoring system.

6.2 Why are homes empty?

6.2.1 There are several reasons why properties become or remain empty, including:

- The property is difficult to sell or let due to its physical state or the price sought,
- It is being renovated,
- The owner does not have the capacity/finances/time/skills to manage the property,
- The property has been or is being repossessed,
- Probate issues – Where there is an issue of unresolved ownership, often as a result of the previous owner's death,
- Resolving ownership can be a lengthy legal process, during which time the property may remain empty,
- The owner is being cared for elsewhere/is in hospital,
- The property has been abandoned by the owner and the owner is untraceable,
- Property holding, when a property is left empty due to speculative investment, through acquiring a property via inheritance or where partners co-habit leaving the second property empty, or where the property is adjoined to a business and the owner does not wish to let or sell it,
- Due to an ageing population, older property owners may move into alternative older persons accommodation for care or support needs, but choosing not to sell the property, causing it to remain empty.

6.2.2 It is important that the Council understands why individual properties become and/or remain empty so we can work with the owners in the most appropriate way.

6.3 Challenges Presented by Empty Homes

6.3.1 Dealing with an empty home is not always straightforward. A property may be used as a second home, and so not occupied on a permanent basis, but is in use. It may be that non-residential space such as that often found above shops is being used for storage or other business-related matters and although not immediately obvious it is in use.

6.3.2 There may be properties awaiting planning permissions and work is unable to commence whilst this is being sought. A number of these may include specialist permissions if they are a Listed Building or located in a Conservation Area.

6.3.3 Ownership Issues: A property may be owned by a number of different people or companies. The property may be subject to legal proceedings such as probate, divorce settlements, proceeds of crime restrictions or other legal restrictions.

6.3.4 Land Registry Issues: Although it is now compulsory in England to register any property which changes ownership or has a mortgage taken out against it for the first time, properties which have not changed ownership since before this requirement may not be registered with the Land Registry and information regarding the property will not be available from this source.

6.3.5 Absentee Owner: It may not be immediately evident who the owner of a property is or where they are, as they may have moved away with little information available to trace them.

6.3.6 Intentionally Vacant: Some properties are deliberately kept empty by the owner for specific reasons such as for their children when they leave home or elderly relatives who are in care. Some are kept empty until the owner feels the housing market is suitable to sell the property at the price they want. Others feel unwilling to sell due to emotional/ past family connections with the property. Some owners are reluctant to engage with the Council and believe that as the property is privately owned the Council does not have the right to require action to return it to use. They may be unaware, or have no concern for, the effect the property has on the local area and surrounding properties. These are properties which are likely to be left empty for many years and fall into disrepair.

6.4 Why do Empty Homes Matter?

6.4.1 The Council receives complaints about empty homes, including those that have been neglected or fallen into disrepair, from local people who rightly object to unsightly disused properties. For properties in this state, there are implications for the Council's Environmental Health and Planning Enforcement teams that have to use staff time and other resources to intervene to deal with pests, dilapidation, overgrown gardens, damage to neighbouring properties and other issues.

6.4.2 For owners, leaving a property empty can become costly and be a source of unnecessary anxiety.

6.4.3 There is an increased risk of vandalism and crime, and the property can be difficult to insure, which could result in high repair costs or even mean a complete loss of asset.

6.4.4 Even the general deterioration of an unoccupied property will result in costs, including those due to works necessary to maintain it even in its vacant state, as well as to enable the property to be brought back up to suitable living standards.

6.4.5 For the local community empty homes can have a direct impact on adjoining properties through issues such as damp and structural problems. Alongside this, unsightly empty homes can have a detrimental effect on the neighbourhood, affecting neighbouring house prices and pose an attraction for local crime, including vandalism, breaking into the property for various reasons, and can contribute to a lack of pride in the area.

6.4.6 There is an environmental impact of leaving homes empty and constructing new homes. To help address the need for new homes, rather than build on greenfield sites of open land that local people value, it would be much more efficient and sustainable to make best use of the homes that we already have. Maximising current housing stock will be the first port of call before new development of housing. Houses that neighbour empty homes may be harder to heat as shared walls may be colder when joined to an empty home. By putting these empty homes back into use, neighbours can also heat their homes less.

6.4.7 The emergency services, the police and fire service also have to deal with complaints and call outs to empty homes, wasting the finite time and money of these vital services.

6.5 Opportunities from Empty Homes

6.5.1 By renting or selling the property to allow occupation not only are the above issues resolved but, whilst not necessarily problem-free, there is the added advantage for the owner of gaining regular rental income or the capital from the sale of the property, as well as a beneficial impact on local housing needs.

6.5.2 Returning empty homes into occupation can help eliminate many of these issues and ensure that house prices in the immediate vicinity are protected from preventable reductions. Improving an area can also encourage investment in the local economy and a return of any lost pride in the community created by empty homes.

6.5.3 Empty homes returned to residential use increase the availability of homes, including potentially affordable homes. Instead of being a source of concern these homes can be transformed from a wasted resource into a home for an individual or family in housing need. There are currently around 2500 households on the waiting list for social housing, and typically in the region of 100 homeless households in temporary accommodation in the district. The utilisation of empty homes could prevent some of these people from facing issues such as homelessness or overcrowding or provide a first home for a local person.

PART 3. AIMS, OBJECTIVES & APPROACH TO TACKLING EMPTY HOMES

7 Aims and Objectives Including our Approach to Tackle Empty Homes

7.1 Aims and Objectives

7.1.1 The over-riding aim of this strategy is to bring empty homes back into use and tackle the issues posed by those that are long term vacant, are problematic or could help to meet some of the local housing need.

7.1.2 The starting point for any intervention will be to work with the property owner where possible. Each empty home is different and there are many reasons why they become empty. However, despite these, it is also important to recognise that an empty home is a potential blight on the community and a wasted resource.

7.1.3 The Action Plan for working towards the overall aim is included at Appendix A, but the 3 key objectives are:

1. To gather relevant, accurate and current information about empty homes in the District,
2. To raise awareness of empty homes in the District and promote the strategy,
3. To reduce the number of empty homes and return empty homes back into use, through all available and appropriate means in the District.

7.2 Objective 1: Gathering relevant, accurate and current information

7.2.1 The Council holds records of properties considered 'vacant' through Council Tax information. The Environmental Health service will develop a database showing key information on all known long term empty homes in the District including its 'risk rating' and prioritisation for action (7.2.3 gives more detail on the local operational guidelines followed by officers).

7.2.2 The current Council Tax database will assist in identifying most empty homes in the District. Legislation allows the use of information gathered as part of the Council Tax billing process to identify empty properties within an authority's area.²² As well as these properties, those empty homes that are a source of complaint to the Council will be added to the empty homes database. Other homes may also come to light when identified by other departments, key partners or other Council officers as being of concern or pose an imminent risk, and these too will be added to the database.

²² Local Government Act 2003, section 85

7.2.3 The empty property database will include relevant information about the property, owners, contacts, how long it has been empty, etc., and the prioritisation category for further investigation and action, based on a scoring matrix taking into account such factors as:

Length of time empty;

- Number/spread of complaints received,
- Property condition and its visual and physical impact on the neighbourhood,
- Property location,
- Level of debt owed on the property to the council,
- Level of formal action previous undertaken,
- Likelihood of return to use without our intervention,
- Strategic value, e.g., meeting local housing need.

Although the matrix score will be the principal guide to the order in which properties are dealt with, there may be exceptions based on local circumstances. For example, although there are some rural parishes in North Herts with identified housing need, there are other small parishes where additional affordable housing may not be needed. Sources of information which may be considered when corporately prioritising properties for action include rural housing needs/ parish surveys where available, the Strategic Housing Market Assessment and the common housing register for housing needs information.

7.2.4 Council Tax departments provide Central Government with local empty homes statistics, in early October each year. Since 2011, any reduction in empty homes at the time of the snapshot improves the Councils' New Homes Bonus (NHB) award, although this initiative is being reviewed, and it is currently unclear how/whether its replacement (if there is one) will apply to empty homes. Whilst it is common practice to commission an agency to verify empty homes data just prior to the annual October report to government, Council Tax Inspectors no longer routinely visit empty homes at other times in the year. Subject to resources, Council officers including the Empty Homes resource, as appropriate, will carry out 'empty homes' verification and information gathering visits throughout the year to ensure data accuracy, with more focussed assessments also used to consider the longer term/problematic empty homes. An aim of this strategy is for closer working between Council services to share information, enhance data accuracy and assist with identifying and bringing empty homes back into use.

7.2.5 Properties that have been empty for more than 6 months will be subject to an initial investigation. Where properties are empty for two years or more, or are problematic, the earlier investigations will be followed up. We will risk assess those properties and produce a target list of properties for focused action based on an annual process of prioritisation.

7.3 Objective 2: Raising Awareness of Empty Homes

7.3.1 Empty homes have been identified as posing a substantive issue for some while now; television programmes highlighting the waste and blight associated with empty homes have proven popular, and have often triggered debate, even if they have not necessarily been able to address all of the associated issues or causes. In a time of high housing demand, the issue is even more relevant.

7.3.2 The Council will also raise the profile of the issue by participating in the National Empty Homes week of action each year (usually October) and using this as a platform to increase awareness both within the Council and with residents of the district. Social media and local press releases may be used to highlight the key issues, good news stories and successful enforcement action when available.

7.3.3 The public and our partners will be encouraged to report all empty homes and will be given advice on the tell-tale signs to look out for.

7.3.4 An on-line reporting form will be developed and included on the Council's website for our residents, partners, officers, and Councillors to easily report key information about empty properties. In addition, telephone reporting will also be available, where the same information will be collected.

7.3.5 The Empty Homes pages of the Council's website will be updated as and when it is felt appropriate, e.g., change in Council Tax rates.

7.4 Objective 3: Specific measures for bringing empty homes back into use

7.4.1 Support:

7.4.1.1 Provision of Advice

7.4.1.1.1 We hope that owners will bring properties back into use voluntarily, so a strong emphasis will be placed on encouragement at all stages of engagement with the owners of empty homes.

7.4.1.1.2 Whatever the situation, the Council will attempt to contact the owner, talking to them directly where possible, and outlining the options for their empty home, providing information that may assist them in deciding what to do, but to also confirm the implications if the property is not brought back into occupation.

7.4.1.1.3 The options for the future use of the property will be discussed with the owners, including to rent the property out, sell the property or to live in it themselves. How quickly they are able to do any of this will generally depend on the condition of the property, the owners' ability to determine and then carry out the best course of action, as well as the desire on their part to address the empty home issue. The Council will advise and forward relevant information to assist with bringing the empty home back into use.

7.4.1.1.4 In the first instance, we aim to provide help and advice to the owners of empty homes. Advice may be given about refurbishment, sales, legal and other aspects of lettings, finding tenants, health and safety, energy efficiency, accessing other Council services, and help identifying the most appropriate options available for their situation.

7.4.1.1.5 Where an owner agrees to bring their property back into use, we will continue to support them as appropriate and will monitor progress.

7.4.1.2 Transparent and graduated approach from assistance to enforcement

7.4.1.2 Template letters are being developed to encourage owners of empty homes to return their properties to use and to inform them of the benefits in doing so. Where the owner fails to productively engage with the Council, these communications will potentially escalate in seriousness from the first informal advice letter to a final warning, and in cases where offences may have been committed, actively presenting the possibility of enforcement action being undertaken, which could lead to the property being returned to occupation.

7.4.1.3 Targeted appropriate action

7.4.1.3.1 NHC aims to write to the owners of all empty homes in the district, offering advice and encouraging them to contact the Council with information about their reasons for leaving the property empty and as to their intentions for the property. We aim to use this information and the prioritisation list to target appropriate action.

7.4.1.3.2 For properties recently identified as having been empty for more than six months, initial letters will be sent to the owners. At this stage we are seeking to:

- Make contact with the owner,
- Confirm that the property is empty,
- Understand any plans the owner has for the property,
- Offer help to bring the property back into occupation in partnership with the owner,
- Advise the owner that enforcement action is a possibility if properties are left empty over a long term.

7.4.1.3.3 Subsequent questions may need to be answered at this stage:

- Does the property require any building work to make it habitable? If so, does the owner intend to fund it directly or are they seeking finance privately? Does this work need to be referred to the Planning Control service?
- If the owner wants to rent the property out, do they intend to do so privately or through a Leasing Scheme? Consider what schemes are available. (e.g., through a registered provider or Homes England.)
- Are they aware of the current VAT rates for developing an empty home? The Council will send a VAT information sheet outlining reduced VAT rates for certain works to empty homes and provide a (chargeable) statement as evidence that the property has been empty to HM Revenue and Customs if needed.
- Do they want to sell the property? The Council can offer guidance on looking for housing associations, estate and letting agents locally, details of auctions and dealing with any legal matters.
- Has the property been the subject of any complaints? It may be necessary to take action against an owner if there are issues including, nuisance, damage to adjoining properties or if the condition of the property is affecting local amenity.
- Is the owner an established landlord?

7.4.1.3.4 Further investigation will be initiated once a property has been empty for more than 2 years or where a complaint has been received. In these cases, further contact will be attempted, planning and other available information will be searched, and the properties will be visited to assess their condition and impact on their neighbourhood in preparation for prioritisation.

7.4.1.3.5 On an annual basis those properties scoring highly through this prioritisation will be discussed with other departments and key external organisations as appropriate and a specific target list of properties for further action will be developed.

7.4.1.4 Financial Assistance

7.4.1.4.1 The Council does not currently have budgets specifically for Empty Homes work (e.g., to cover costs of Empty Dwelling Management Orders, Compulsory Purchase Orders, Works in Default, or for loans or grants). The Council's Housing Renewal Assistance offer is limited to discretionary Home Repair Assistance Grants of up to £5000 to help owner/occupiers with limited financial means to remedy serious hazards,²³ but eligibility is limited, and is unlikely to apply to works to bring empty homes back into use.

7.4.1.4.2 The Council may be able to consider viability of specific funding initiatives, such as loans, (as part of the Council's Investment Strategy) with possible involvement of a housing association and/or government investment. It is expected that effective corporate liaison arrangements, including for example, involving the Council's Enterprise Team, will be developed for empty homes work as opportunities arise during the life of this Strategy.

7.4.1.5 Restrictions on sharing data: supporting contact with other agencies

7.4.1.5.1 Legislation allows Council Tax data to be shared within the Council for empty homes work,²⁴ but does not permit disclosure to third parties outside of the authority, such as commercial organisations. Therefore, we will not publish nor disclose addresses or ownership details of empty homes. However, if contacted by a prospective purchaser interested in a specific property, we may offer to pass on the interested party's contact details to the owner.

²³ North Herts District Council. Housing Grants Policy 2019-2024. March 2019. Available at: <https://www.north-herts.gov.uk/home/housing/advice-homeowners/housing-grants> Accessed 26th July 2023

²⁴ Local Government Act 2003, section 85

7.4.2 Council Tax Premiums on Empty Homes

7.4.2.1 Since April 2013, the Council has implemented a 100% discount for the first 28 days after a property becomes empty. Also, since April 2013, the Council has charged a Council Tax Empty Homes Premium of an additional 50% in respect of properties that have been unoccupied and substantially unfurnished for more than two years. From April 2020 the discounted period increased to 56 days, and the Premium increased to 100%.

7.4.2.2 By virtue of the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, from 1st April 2020, Council Tax payable can increase as follows:

- By 100% for dwellings left empty for more than 2 years, but less than 5 years,
- By 200% for dwellings left empty for more than 5 years,
- From 1st April 2021, by 300% for dwellings left empty for 10 years or more.

7.4.2.3 The Council considered these discretions at its Cabinet meeting in January 2020, and decided:

- (1) That from 1 April 2020 a 100% Premium is levied on all properties empty for more than two years; and,
- (2) That the Council creates a locally defined Council Tax Discount of 100% for the first fifty-six days that a property is unoccupied and substantially unfurnished and does not fall into any Council Tax Exemption Class, and zero % for any period after fifty-six days.

7.4.2.4 The reasons for the decisions were:

- (1) To support the principle of getting unoccupied properties back into occupation whilst also considering the implications of collection; and,
- (2) To provide more time to turn around empty properties and reduce the number of small value Council Tax bills produced.

7.4.2.5 In determining the premium, the Council will consider the health of the housing market. The premium will automatically be charged once the property has been empty for two years. When administering the premium, the Council can take into account reasons why properties are unoccupied and unfurnished, including whether they are available for sale or rent and appropriately priced, and decide whether they want such properties to be included in their determination.²⁵ Where representations are received, we will also take account of individuals who are struggling to complete or to afford renovations that are necessary before the property can be occupied or sold on, and where progress or hardship can be demonstrated.²⁶

²⁵ DCLG. Council Tax empty homes premium: guidance for properties for sale and letting, 2013 p3

²⁶ Sandford M. Briefing paper Number 08273 16 October 2018. House of Commons Library. Available at: <https://researchbriefings.files.parliament.uk/documents/CBP-8273/CBP-8273.pdf>. Accessed 18th Jan 2020

7.4.2.6 Clearly, these premiums are intended to encourage owners to take steps to bring empty homes back into use. It is recognised that it may however discourage owners from notifying the Council that their dwelling has become vacant. Therefore, empty homes discount of 100% will be available for the first 56 days that a property becomes vacant (to encourage reporting and swift action by the owner to bring the property back into use), and the charging policy, including the period of discounting, will be subject to review having regard to this strategy. This charging review will include an analysis of the effects of increasing the Levy rates by 200% and 300% as permitted for very long-term empty homes.

7.4.3 Enforcement

7.4.3.1 A voluntary way forward to renovation and re-occupation is the preferred option, and officers will endeavour to encourage and persuade such progress. However, for properties identified on the target list from the prioritisation stage, where owners cannot be traced, where informal approaches fail, or there is a detrimental effect on the community, the Council will consider proceeding with formal action.

7.4.3.2 This demonstrates the Council's determination to bring empty properties back into use, and therefore we aim to initiate enforcement action where appropriate. The Council has significant powers and, subject to available resources, will consider all options including compulsory purchase, empty dwelling management orders and enforced sale where appropriate and as a last resort.

7.4.3.3 Upon the adoption of this strategy, policies and procedures will be developed and written for empty homes enforcement as the need arises.

7.4.3.4 Prior to initiating specific enforcement action an exercise will be undertaken to determine the most appropriate method of enforcement for that particular property. An options appraisal will be undertaken for those properties identified for enforcement.

7.4.3.5 The use of enforcement powers alone may not result in the re-occupation of the property but may help to address any immediate risks or nuisance posed by the property, and may lead to the opportunity to consider Enforced Sale should any incurred costs not be repaid, and the Council is prepared to consider this measure.

7.4.3.6 Due regard will be given to the Council's Enforcement Policy and to the Regulators' Code before any action is taken.²⁷ The Regulators' Code provides a clear, principles-based framework for regulators to achieve their objectives in a way that minimises the burdens on those they regulate. The purpose of the Code is to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement.

7.4.3.7 Where enforcement action (other than improvement works) is deemed appropriate the relevant Executive Members and Deputies will be made aware.

²⁷ Department for Business, Innovation and Skills. Regulators Code. April 2014. Available at: <https://www.gov.uk/government/publications/regulators-code> Accessed 26th July 2023

7.4.3.8 Always preferring a voluntary solution, if, whilst preparing for and undertaking enforcement action, the owner requests to take suitable voluntary action this will be considered. Enforcement action may be deferred if appropriate but the progress towards re-occupation will be closely monitored, and if does not occur in a reasonable fashion, enforcement will recommence, and consideration given to recovery of incurred costs where appropriate.

7.4.3.9 Where an empty home is causing a specific problem to a neighbourhood or is dangerous or ruinous for example, a range of enforcement powers are available. The timing and extent of the action taken will be dependent upon the individual circumstances encountered at the property.

8.0 Performance Monitoring and Review

8.1 The purpose of this strategy is to explain the current situation with regard to empty homes both on a national and local basis and to set out the Council's future plans.

8.2 The Service Director – Housing and Environmental Health will be responsible for managing the delivery of the Strategy, but, subject to the necessary intervention in each case, effective delivery will require coordinated support from officers in almost every service within the Council.

8.3 Councillors will be encouraged to support the Empty Homes Strategy, not least by reporting empty properties within their wards and discussing the problems associated with them.

8.4 It is essential that the effectiveness of action delivered by the implementation of this strategy is closely monitored and reviewed. In order to develop a good system of performance management it is proposed in particular to:

- Report on the number of identified empty homes,
- Monitor numbers of homes brought back into use,
- Develop knowledge of best practice, and,
- Review actions within the strategy's Action Plan.

8.5 This Empty Homes Strategy is supported by a five-year action plan to deliver the strategy's objectives. Progress against the action plan will be monitored internally at least quarterly. Every 6 months the Service Director – Housing and Environmental Health will be responsible for providing a progress update to the relevant Executive Members.

8.6 The target for empty homes brought back into use will depend on staffing resources available. Even with no current specialist empty homes staff the aspirational target, once all of the recognised procedural factors are in place is 1 property each year. The service does, however, have an allocated staffing resource for this work of 0.5 Full Time Equivalent (FTE) Resource, and once this is filled, the target for bringing empty homes back into occupation will be reviewed, but could be increased to 3 in year 1, 6 in year 2, and 8 thereafter, recognising that there is both the need for a long lead-in time for this work, and will require all of the services in the Council potentially involved in this work to operate with this same goal. From year 2 of the implementation of this strategy, the aim is that at least 2 of these vacant homes that have been vacant for more than 2 years, or posed local issues and led to complaints should also have been brought into occupation.

8.7 Within 6 months of becoming aware that a home has been empty for more than 6 months, subject to the adoption of this strategy and the availability of resources, we aim to make at least initial contact in 95% of cases. Also, every year we aim to contact at least 95% of known owners of homes which have been empty for more than 2 years.

9. Financial Implications

9.1 The purpose of this Empty Homes Strategy is to bring empty homes back into use. However, there are associated corporate and potentially financial benefits.

9.2 Empty Homes that are brought back in to use can have varying impacts on the amount of Council Tax is collected. The owner of a long-term empty home may be paying a 100% premium. A derelict property may not be habitable and therefore not liable for Council Tax. It may not be possible to collect Council Tax (see paragraph 9.7 below). If properties are brought back into use and can be used to help meet our homelessness duty, it could produce savings on temporary accommodation expenditure.²⁸ However note that this is not a guaranteed set of consequences.

9.3 It may also reduce ongoing costs to those services tasked with reducing the negative impacts posed by empty homes.

9.4 There are three potential income streams associated with bringing empty homes back into use: New Homes Bonus or other government initiatives, debt recovery, and unclaimed sales income from Compulsory Purchase Orders (CPOs) or Enforced Sales; these are summarised below. It may therefore be possible to recover certain costs in delivering this strategy to provide financial as well as community and housing benefits and ensure finance is available to invest to bring additional homes back into use.

9.5 New Homes Bonus (NHB)

9.5.1 New Homes Bonus has been in place since 2011. It has provided a reward for new homes, which has included long-term empty homes that have been brought back in to use. The level of reward has decreased in recent years, and the intention is that it will be removed completely. It may be replaced by a new funding stream to reward property growth, but that may not include anything for long-term properties brought back in to use. This strategy cannot rely on New Homes Bonus as a source of funding.

9.5.2 However, other funding sources, such as Council held commuted sums and government schemes, including the Affordable Homes Programme 2021-26, provide potential options to bring empty homes into use as affordable housing.²⁹ The Government prefers a purchase and repair model, but there are also lease and repair options.

²⁸ Wilson W, Cromarty H, Barton C. Empty housing (England). House of Commons Briefing Paper number 3012; 21 October 2020. Available at: <https://commonslibrary.parliament.uk/research-briefings/sn03012/> Accessed 27 July 2023

²⁹ Wilson W, Cromarty H, Barton C. Empty housing (England). House of Commons Briefing Paper number 3012; 21 October 2020. Available at: <https://commonslibrary.parliament.uk/research-briefings/sn03012/> Accessed 27 July 2023

9.6. Debt Recovery

9.6.1 All efforts to resolve debts associated with empty homes should be taken to recover public money from this wasted resource and redirect it to the services that the Council provides for the people of North Hertfordshire.

9.6.2 There are several types of debt that can be associated with empty homes, the most common being unpaid council tax (including the empty homes premiums), works in default costs and care charges relating to previous occupiers. The pressures on local government finances continue and we should therefore seek to maximise all debt recovery opportunities. The Council will consider utilising the powers of enforced sale to recover unpaid debts and its costs in dealing with empty homes.

9.6.3 All Council Tax debts follow the statutory recovery cycle contained within legislation. There is provision within this legislation, once a liability order has been awarded by the Magistrates Court, that a Charging Order application can be made. The Council generally follows other courses of action first, but some older debts could be considered for this route, subject to available staffing resources to do so.

9.6.4 If forced sale is to be considered as a realistic option, then this measure should be confirmed at as early a stage as possible, so that any measures originating from the Council can be recorded and considered. Currently, the Council does not have such a system readily in place, so due process would have to be undertaken to introduce, develop and then implement such a means to recover outstanding debt.

9.7. Unclaimed CPO / Enforced Sale Money

9.7.1 Where a property has been sold using the enforced sale process the following can be deducted from the sale proceeds:

- The original works in default costs and associated on-costs,
- The legal costs in undertaking the enforced sale procedure,
- Conveyancing costs in connection with the sale,
- Auctioneer's or other marketing costs,
- Officer time in relation to the enforced sale process,
- Any other debts owed to the council.

9.7.2 The balance would then be paid to the former owner of the property subject to any other charges or mortgages on the property. If the identity of the owner is not known, the money will be retained by the Council until the owner or next of kin can be identified.

9.7.3 Where the CPO process is used, the former owners will be entitled to compensation once the Council becomes the owner of the property. If a claim is not settled, nor a reference made to the Upper Tribunal (Lands Chamber), within six years, any claim for compensation will be statute barred.

10. Equalities Implications

10.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

10.2 Empty homes can often blight local neighbourhoods. In some cases, homes that are vacant for an extended period can sometimes lead or contribute to a rise in anti-social behaviour and related crime associated with vacant properties. This strategy aims to reduce the negative impacts on local communities and minimise the number of properties left empty. The strategy has the potential to create a more positive impact across a number of community groups, including, but not particular to those that have a protected characteristic, through the general increase in availability of accommodation within the district.

10.3 The completed equality analysis assessment notes the potential impact on those who have those protected characteristics.

11 Environmental Implications

11.1 Even a single empty home can blight a whole street or community, reducing the values of surrounding properties and causing nuisance to local residents. Empty homes can attract vandalism and other anti-social activity.

11.2 The case for dealing with empty homes is compelling from a community and housing perspective. While action to bring them back into use can sometimes prove lengthy and sensitive, the strategy provides an environmentally sustainable way to help meet housing demand.

11.3 While bringing an empty home into use again may bring an increase of carbon emissions for the district, the social aspect of providing homes for those in need is of greater benefit. People being in homes is better than not, and therefore considerations of this kind should be weighed up.

11.4 There is a greater environmental impact of leaving homes empty and constructing new homes. To help address the need for new homes, rather than build on greenfield sites of open land that local people value, it would be much more efficient and sustainable to make best use of the homes that we already have. Maximising current housing stock will be the first port of call before new development of housing. Houses that neighbour empty homes may be harder to heat as shared walls may be colder when joined to an empty home. By putting these empty homes into use, neighbours can heat their homes less.

12 Legal Implications

12.1 The Council has several powers and duties which can be used to assist with the empty homes strategy and bring properties back into use.

12.2 The Council's powers and duties in relation to enforcement are contained within statutes which includes the Law of Property Act 1925, Acquisition of Land Act 1981, Housing Act 1985, and the Housing Act 2004. A non-exhaustive list which includes further legislation is attached as Appendix C.

12.3 The Empty Dwelling Management Order (EDMO) was introduced in the Housing Act 2004 and is pursued through the First-tier Tribunal (Property Chamber) Residential Property, which must be satisfied that there is no reasonable prospect of the dwelling being returned to use in a reasonable timescale without an EDMO. If approved the Local Authority takes management control, initially for one year under an interim EDMO and then for seven years under a final EDMO.

12.4 The choice of legislation will be dependent on the specifics of each case.

12.5 Section 4, paragraph 4.4.1(w) of the Council's Constitution notes that the function to make, amend or withdraw Compulsory purchase orders is a Full Council decision.

12.6 Section 8, Appendix 3 of the Council's Constitution – Members planning code of Good Practice notes that within decision making, Members must comply with s38 of the Planning and Compulsory Purchase Act 2004, which refers to consideration of the development plan.

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Appendix A

Empty Homes Strategy- Action Plan

Objective 1 – To collect and record relevant, accurate and current information about Empty Homes in the District						
Reference	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Start Date	Finish Date	Resource implications
1.1	Update and maintain an empty homes database containing information provided by Council Tax and collected through investigations, complaints and surveys.	Information provided by Council Tax, at least 4 times per year. Significant changes identified are reported back to Council Tax A managed list of all known long-term empty homes.	H	Information provided by Council Tax within 4 months of the strategy being adopted.	Database created within 12 months of the strategy being adopted, with ongoing updates.	Council Tax to provide info, Env Health to investigate and integrate database.
1.2	Council Tax Team, in partnership with an external company, will carry out an empty homes canvass on an annual basis. This is part of a county-wide procurement.	Reduction in recorded empty homes within the district and to maintain Council Tax records.	M	Canvass commences in June of each year	Canvass is completed by the end of September of each year, prior to setting the Tax Base.	Council Tax works with the external company to provide data in order to carry out the canvass process.

Objective 2 – To raise awareness of Empty Homes in the District and promote the Strategy						
Reference	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Start Date	Finish Date	Resource implications
2.1	Create a dedicated web page and electronic form, for empty homes information and reporting	<ol style="list-style-type: none"> 1. Strategy and information provided on Council website 2. On-line form enables reporting of problematic empty homes 	L	Strategy published on website within 3 months of its adoption.	E-form and current information on website within 2 years of strategy adoption	Availability of Web team and Env Health to create and update, and needs ongoing resource to respond to reports
2.2	Promote the Strategy within the Council	<ol style="list-style-type: none"> 1. Presentation/distribution of information to Councillors and managers. 2. Empty Homes Strategy implications considered when Council Tax charging policy is reviewed. 3. Corporate prioritisation/working group established and priority properties list agreed. 	M	Within 6 months of strategy adoption	Within Year 1 of strategy	<ol style="list-style-type: none"> 1. Councillor consultation during adoption process. Staff Briefing session. 2. Consultation for any Council Tax charging review. 3. Corporate participation in working group.

2.3	Promote the Strategy within the community	One publicity event or local press article publicising action on empty homes each year (to coincide with the national Empty Homes Action Week)	L	Annual target	Annual target	Liaise with Communications Team
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Objective 3 – Return empty homes back into use through a range of measures

Reference	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Start Date	Finish Date	Resource implications
3.1	Design and produce an empty homes procedure with standard template letters	Properties identified on the list can be investigated and actioned	H	Within 6 months of strategy adoption	Created within Year 1.	Procedure to evolve as Env Health experience gained
3.2	Focused action based on annual prioritisation process	<ol style="list-style-type: none"> 1. Initial contact and investigation into 95% of homes empty for more than six months 2. Further investigation into those empty for two or more years, or problematic – annual contact with 95% of known owners 	M	<ol style="list-style-type: none"> 1. Initial contact within 6 months of becoming aware of long-term empty home 2. Annual 	Annual target	Target is dependent upon adoption of strategy and available resource

3.3	Implement this strategy to tackle individual empty homes	<ol style="list-style-type: none"> 1. At least 1 empty home brought back into use each year as a result of Council intervention 2. In addition, from Year 3 of the strategy, at least 1 long term or problematic empty brought back into use 	M	Upon approval	Annual targets	Action and targets are dependent upon level of available resource
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Appendix B

Empty Homes Strategy- Equality Analysis

Equality Analysis Template

1. Name of activity:	Empty Homes Strategy				
2. Main purpose of activity:	The Empty Homes Strategy supports the Council’s Housing Strategy, and sets out the Council’s plans for bringing empty homes in the District back into use over the next 5 years. By understanding the reasons why homes remain empty within North Herts, we will work with owners to encourage and assist them to bring empty homes back into use, to help support the housing needs of the District.				
3. List the information, data or evidence used in this assessment:	Council Tax data on long-term empty homes in the District, included in the Strategy focused on the property rather than the owner. Analysis of enquiries and complaints about empty homes in the District. 25 requests for service were recorded from 5/2017 to 5/2023: most were from near neighbors, and mostly recorded as concerning vermin/pests or accumulations, and 4 recorded merely as Empty Homes. Whilst there was no data as to protected characteristics of those affected, it would seem likely that these reflect the profiles of the District at large, and hence action to alleviate those concerns is likely to be beneficial to residents.				
4. Assessment					
Characteristics	Neutral (x)	Negative (x)	Positive (x)	Describe the person you are assessing the impact on, including identifying: community member or employee, details of the characteristic if relevant, e.g. mobility problems/particular religion and why and how they might be negatively or positively affected. Negative: What are the risks? Positive: What are the benefits?	

Community considerations (i.e. applying across communities or associated with rural living or Human Rights)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Negative
				Positive Although owners are the focus, implementation of the Strategy will benefit the wider community as a sustainable way of increasing the overall supply of housing, and reducing the negative impact that neglected empty homes can have on communities such as crime and antisocial behaviour. Occupying empty homes will benefit neighbouring homes as demonstrated in the environmental implications sections due to the reduced need to heat homes next to an occupied home. Increasing the availability of homes will allow a reduction in homeless residents and benefit those in need of permanent accommodation and may increase the social mobility of vulnerable individuals. As this strategy is rolled out, consideration will need to be made as the process in which this is advanced. Processes are in place to assist those who need additional support in communicating with the council. Alternative methods of communication methods (such as translator services, braille transcription and large print facilities), will assist those who require it.
A person living with a disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Negative
				Positive The Strategy is inclusive to people with protected characteristics but is not specific to them. Returning accessible homes, such as bungalows, or homes suitable to alteration into use will be beneficial to those with a physical disability, or those with potential mobility issues due to increased availability in this type of home.
A person of a particular race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive

A person of a gay, lesbian or bisexual sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive
A person of a particular sex, male or female, including issues around pregnancy and maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive
A person of a particular religion or belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive
A person of a particular age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Negative
				Positive
				Returning accessible homes, such as bungalows/homes suitable for adaptations, into use will be beneficial to those with age related mobility issues due to increased availability in this type of home.
Transgender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive

5 Results			
	Yes	No	
Were positive impacts identified?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The strategy aims to increase the supply of housing in a sustainable way and tackle the negative impacts of empty homes on communities.
Are some people benefiting more than others? If so explain who and why.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy is inclusive of people with protected characteristics but is not specific to them.
Were negative impacts identified (what actions were taken)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Consultation, decisions and actions			
If High or very high range results were identified who was consulted and what recommendations were given?			
N/A			
Describe the decision on this activity			
N/A			
List all actions identified to address/mitigate negative impact or promote positively			
Action	Responsible person		Completion due date
As highlighted in section 8.6 of the strategy, success in numbers of houses brought back into use will be dependent on the staffing resources available. The greater the resource, the greater number of homes brought into use. For example the possibility of bringing a bungalow or adaptable house into use may be lower than a normal house without the necessary accessibility for someone with a need as identified in the above analysis. Consideration will be made to each of the addressed protected characteristics. Mitigations will be put in place to demonstrate that the council has shown due regard through the process of putting empty homes into use.	Frank Harrison		5 years after implementation of the Strategy.

When, how and by whom will these actions be monitored?

N/A

7. Signatures

Assessor

Name: **Sheila Winterburn**

Signature** Sheila Winterburn

Validated by

Name: **Frank Harrison**

Signature** Frank Harrison

Forward to the Policy & Strategy Team

Signature** E A Hollingsworth

Assessment date: **30/10/2023**

Review date: 30/10/2024

A copy of this form should be forwarded to the corporate policy team and duplicate filed on the council's report system alongside any report proposing a decision on policy or service change.

Appendix C

Empty Homes Strategy- Summary of Relevant Legislation

RELEVANT LEGISLATION	PURPOSE
Law of Property Act 1925, Section 103	Regulation of exercise of power of sale (Enforced Sales provisions) A local authority can force the sale of a property to retrieve a debt which is registered as a charge on the property.
Public Health Act 1936, Section 83	Cleansing of filthy or verminous premises.
Prevention of Damage by Pests Act 1949, Section 4	Where property is providing or likely to provide harbourage to rodents.
Public Health Act 1961, Section 17	Power to repair or un-block drains etc and recover expenses.
Public Health Act 1961, Section 34	Property or land with rubbish which is seriously detrimental to the amenities of the neighbourhood. Local authority can require owner to remove nuisance and may do works in their default.
Local Land Charges Act 1975	Where an owner fails to comply with certain Statutory Notices. Local Authority may undertake works in default of a Notice and recharge the cost of the works to the owner. This debt may be registered as a Local Land Charge.

Local Government Miscellaneous Provisions Act 1976, Section 16	Requiring information from anyone who has a legal interest in an empty home. Allows local authorities to require information e.g., ownership details from a person with an interest in an empty home.
Acquisition of Land Act 1981	Compulsory purchase Orders Provides for the local authority to purchase an empty home.
Local Government (Miscellaneous Provisions) Act 1982, Section 29	Where an unoccupied building is not effectively secured against unauthorised entry or is likely to become a danger to public health. Local authority can serve notice and undertake works, and recover expenses.
Building Act 1984, Section 59	Land or property with drainage which is insufficient, defective, or prejudicial to health or a nuisance. Requires the owner to make satisfactory provision for the drainage of a property.
Building Act 1984, Section 77-79	Unsightly or dangerous land and property affecting the amenity of an area. Requires the owner to renovate/demolish a property that is adversely affecting the amenity of an area through its disrepair.
Housing Act 1985, Section 17	Compulsory Purchase Orders Provides for the local authority to purchase an empty home, for housing purposes.
Housing Act 1985, Section 265	Demolition Orders Issuing a demolition order on an empty home where a category 1 hazard exists.

<p>Town and Country Planning Act 1990, Sections 215-219</p>	<p>Unightly land and property detrimental to the amenity of an area. Requires the owner to address unightly land or the external appearance of an empty home. Where the owner fails to comply, the local authority can do the works in default and place a charge on the property.</p>
<p>Town and Country Planning Act 1990, Section 226</p>	<p>Compulsory Purchase Orders The local authority can compulsorily purchase an empty home with the authority of the Secretary of State, for development and other planning purposes.</p>
<p>Town and Country Planning Act 1990, Section 330</p>	<p>Local authority may serve notice requiring information regarding property ownership or interests in land.</p>
<p>Environmental Protection Act 1990, Section 80</p>	<p>Where a statutory nuisance exists or is likely to occur or recur at the property. Local authority must serve an abatement notice if the property is a statutory nuisance.</p>
<p>European Convention on Human Rights – Articles 1, 6, 8 and 14 Human Rights Act 1998</p>	<p>These rights are qualified rights and may be interfered with provided such interference is prescribed by law and is in respect of a legitimate aim, is necessary in a democratic society and is proportionate. Note that any person/s whose human rights are affected by any Order to acquire land has the opportunity to object to it.</p>
<p>Anti-Social Behaviour Act 2003, Sections 43-52</p>	<p>Requires the owner to remove graffiti and flyposting.</p>

<p>Local Government Act 2003, Section 85</p> <p>Housing Act 2004, Section 237</p>	<p>Information sharing between local authority departments.</p> <p>Allows the Council Tax department to share the names of owners and addresses of the empty properties for the purpose of identifying vacant dwellings or taking steps to bring vacant dwellings back into use.</p>
<p>Housing Act 2004, Part 1</p>	<p>Housing conditions, improvements and enforcement.</p> <p>Local Authority has powers to deal with empty properties with health and safety hazards. If serious (category 1) hazards are assessed, the Council must take appropriate action. The assessment however relates to risks to occupants.</p>
<p>Housing Act 2004, Sections 132- 138</p> <p>(as amended by The Housing (Empty Dwelling Management Orders) (Prescribed Period of Time & Additional Prescribed Requirements) (England) (Amendment) Order 2012</p>	<p>Empty homes that have been vacant for 2 years or more which are causing nuisance and where negotiations have failed to return the empty home back into use.</p> <p>To grant the local authority the necessary powers to take over the management of an empty home initially under an Interim Empty Dwelling Management Order (EDMO) (for up to 1 year) and then the final EDMO (for up to 7 years).</p>
<p>Housing Act 2004, Section 235</p>	<p>Requiring information from anyone who has a legal interest in an empty home.</p> <p>Power to require viewing documents from anyone with a legal interest in a property, for example a mortgage provider.</p>
<p>Housing Act 2004, Section 239</p>	<p>Powers of entry</p> <p>Local authority staff can use their power of entry to enter unoccupied premises or land to carry out inspections in relation to statutory functions.</p>

Equality Act 2010	<p>Must always be considered.</p> <p>The Act provides protection from discrimination in respect of certain protected characteristics.</p>
Local Government Finance Act 2012, Section 12	<p>Changes to Council Tax charges on empty homes.</p> <p>Local Authorities have been given discretionary powers to raise the amount of Council Tax charged on empty homes.</p>
Anti-Social Behaviour, Crime and Policing Act 2014	<p>For unreasonable, ongoing problems or nuisances which are detrimental to the quality of life in the locality.</p> <p>Allows the local authority to serve Community Protection Notices where a person (aged 16 and over), business or organisation is committing anti-social behaviour. Can also be used for Dispersal powers, Criminal behaviour Orders, Injunctions, Public Spaces Protection Orders and Recovery of possession of dwelling-houses due to anti-social behaviour.</p>
Housing and Planning Act 2016, Part 7	<p>Allows authorisation of officers to enter land in connection with a proposal to acquire buildings and land through compulsory purchase with the aim of providing additional accommodation.</p>

Equality Analysis Template

1. Name of activity:	Empty Homes Strategy							
2. Main purpose of activity:	The Empty Homes Strategy supports the Council's Housing Strategy, and sets out the Council's plans for bringing empty homes in the District back into use over the next 5 years. By understanding the reasons why homes remain empty within North Herts, we will work with owners to encourage and assist them to bring empty homes back into use, to help support the housing needs of the District.							
3. List the information, data or evidence used in this assessment:	Council Tax data on long-term empty homes in the District, included in the Strategy focused on the property rather than the owner. Analysis of enquiries and complaints about empty homes in the District. 25 requests for service were recorded from 5/2017 to 5/2023: most were from near neighbours, and mostly recorded as concerning vermin/pests or accumulations, and 4 recorded merely as Empty Homes. Whilst there was no data as to protected characteristics of those affected, it would seem likely that these reflect the profiles of the District at large, and hence action to alleviate those concerns is likely to be beneficial to residents.							
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Community considerations (i.e. applying across communities or associated with rural living or Human Rights)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Negative</td> </tr> <tr> <td style="height: 40px;"></td> </tr> <tr> <td style="padding: 5px;">Positive</td> </tr> <tr> <td style="padding: 5px;">Although owners are the focus, implementation of the Strategy will benefit the wider community as a sustainable way of increasing the overall supply of housing, and reducing the negative impact that neglected empty homes can have on communities such as crime and antisocial behaviour. Occupying empty homes will benefit neighbouring homes as demonstrated in the environmental implications sections due to the reduced need to heat homes next to an occupied home. Increasing the availability of homes will allow a reduction in homeless residents and benefit those in need of permanent accommodation and may increase the social mobility of vulnerable individuals. As this strategy is rolled out, consideration will need to be made as the process in which this is advanced. Processes are in place to assist those who need additional support in communicating with the council. Alternative methods of communication methods (such as translator services, braille transcription and large print facilities), will assist those who require it.</td> </tr> </table>	Negative		Positive	Although owners are the focus, implementation of the Strategy will benefit the wider community as a sustainable way of increasing the overall supply of housing, and reducing the negative impact that neglected empty homes can have on communities such as crime and antisocial behaviour. Occupying empty homes will benefit neighbouring homes as demonstrated in the environmental implications sections due to the reduced need to heat homes next to an occupied home. Increasing the availability of homes will allow a reduction in homeless residents and benefit those in need of permanent accommodation and may increase the social mobility of vulnerable individuals. As this strategy is rolled out, consideration will need to be made as the process in which this is advanced. Processes are in place to assist those who need additional support in communicating with the council. Alternative methods of communication methods (such as translator services, braille transcription and large print facilities), will assist those who require it.
Negative								
Positive								
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A person living with a disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Negative
				Positive
				The Strategy is inclusive to people with protected characteristics but is not specific to them. Returning accessible homes, such as bungalows, or homes suitable to alteration into use will be beneficial to those with a physical disability, or those with potential mobility issues due to increased availability in this type of home.
A person of a particular race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive
A person of a gay, lesbian or bisexual sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive
A person of a particular sex, male or female, including issues around pregnancy and maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive
A person of a particular religion or belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive
A person of a particular age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Negative
				Positive
				Returning accessible homes, such as bungalows/homes suitable for adaptations, into use will be beneficial to those with age related mobility issues due to increased availability in this type of home.
Transgender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
				Positive
5 Results				
	Yes	No		
Were positive impacts identified?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		The strategy aims to increase the supply of housing in a sustainable way and tackle the negative impacts of empty homes on communities.

Are some people benefiting more than others? If so explain who and why.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Strategy is inclusive to people with protected characteristics but is not specific to them.
Were negative impacts identified (what actions were taken)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Consultation, decisions and actions			
If High or very high range results were identified who was consulted and what recommendations were given?			
N/A			
Describe the decision on this activity			
N/A			
List all actions identified to address/mitigate negative impact or promote positively			
Action	Responsible person		Completion due date
As highlighted in section 8.6 of the strategy, success in numbers of houses brought back into use will be dependent on the staffing resources available. The greater the resource, the greater number of homes brought into use. For example the possibility of bringing a bungalow or adaptable house into use may be lower than a normal house without the necessary accessibility for someone with a need as identified in the above analysis. Consideration will be made to each of the addressed protected characteristics. Mitigations will be put in place to demonstrate that the council has shown due regard through the process of putting empty homes into use.	Frank Harrison		5 years after implementation of the Strategy.
When, how and by whom will these actions be monitored?			
N/A			
7. Signatures			
Assessor			
Name: Sheila Winterburn	Signature** Sheila Winterburn		
Validated by			
Name: Frank Harrison	Signature** Frank Harrison		
Forward to the Policy & Strategy Team			
Signature** E A Hollingsworth			
Assessment date: 30/10/2023	Review date: 30/10/2024		

**** Please type your name to allow forms to be sent electronically.**

A copy of this form should be forwarded to the corporate policy team and duplicate filed on the council's report system alongside any report proposing a decision on policy or service change.

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**OVERVIEW & SCRUTINY
29 JANUARY 2024**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: COUNCIL TAX PREMIUMS ON EMPTY PROPERTIES AND SECOND HOMES PREMIUMS

REPORT OF: SERVICE DIRECTOR - CUSTOMERS

EXECUTIVE MEMBER: COUNCILLOR IAN ALBERT

COUNCIL PRIORITY: SUSTAINABILITY

1. EXECUTIVE SUMMARY

1.1 To consider whether to increase the level of Council Tax Premiums payable and include a Council Tax Premium charge for properties determined as second homes.

2. RECOMMENDATIONS

2.1. That in accordance with Section 11B and 11C of the Local Government Finance Act 1992 as amended by Section 2 of the Rating (Properties in Common Occupation) & Council Tax (Empty Dwellings) Act 2018 and the Levelling Up and Regeneration Act 2023, Cabinet considers increasing the council tax premiums on empty homes and introducing a new premium on second homes in a phased approach as follows:

2.1.1 That from 1 April **2025** the Council adopts the following full Premium levy rates:

- Properties empty for one year but less than five will receive a 100% Premium.
- Properties empty for five years but less than ten years a 200% Premium.
- Properties empty for more than ten years a 300% Premium.

2.1.2 That from 1 April **2024** until 31 March 2025 the following interim premiums are introduced:

- Properties empty for one year but less than two will not receive a Premium
- Properties empty for more than two years, but less than five years will receive a 100% Premium.
- Properties empty for five years but less than ten years a 150% Premium.
- Properties empty for more than ten years a 200% Premium.

2.2. That from 1 April **2025** a 100% Premium is levied on all properties that are determined as a second home, subject to any exceptions once these have been confirmed by Regulations and that the Service Director – Customers in consultation with the Executive Member for Finance and IT is delegated authority to make any amendments following further confirmation of the Regulations.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To support the principle of bringing unoccupied properties back into occupation in line with the proposed empty homes strategy. At the time of writing there are 43 properties that have been unoccupied for over five years.
- 3.2. The introduction of a phased approach of increasing the premiums enables us to advertise the changes. As the introduction of premiums for properties unoccupied for between one and two years is new there will be no expectation on the owners of these properties of an additional premium and therefore it is recommended that this aspect is deferred until 2025 to allow time to advertise the change.
- 3.3. In respect of a premium on Second Homes the Council is required to give one year's notice as this is the Council's first determination in this regard and therefore a resolution must be made before the end of the 2023/24 financial year in order to bring in the premium from 01 April 2025.
- 3.4. The Council does have the ability to revoke the decision in relation to Second Homes premium, during the year should any consultation that is carried out provide evidence that this would not be effective.

4. ALTERNATIVE OPTIONS CONSIDERED

Empty Homes:

- 4.1. As this is a discretionary area, rather than taking the stepped approach outlined at 2.1.1 and 2.1.2 the Council could opt to continue with the current position that all properties empty for more than two years receive a 100% Premium.
- 4.2. The Council could seek to use the legislation to the maximum, which would result in properties empty between five and ten years receiving the 200% additional premium and properties empty for more than ten years receive the 300% additional premium.

Second Homes:

- 4.3. Currently all properties deemed as a second home receive a 10% discount, this is purely to identify them in the tax base for reporting purposes. As this is a discretionary area the Council could opt to continue with the current position of a 10% discount and not introduce a premium.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive & Deputy Executive Members for Finance & IT have been consulted on the proposals and are in favour of increasing the premiums as set out in 2.1.1 and 2.1.2.
- 5.2 The Executive and Deputy Executive Members for Housing and Environmental Health have been consulted due to the alignment with the Empty Homes Strategy being developed and support the approach being recommended.
- 5.3 There is no requirement to consult with the public in relation to the premium levied on empty homes, any change can be implemented from 1 April 2024.
- 5.3 There is no requirement to consult with the public in relation to the premium levied on properties classed as second homes. However, as this is the Council's first determination it must be made at least one year before the beginning of the financial year to which it relates, so this cannot come into effect until 1 April 2025.

- 5.4 Whilst there is no requirement to consult the Council will publicise these changes in the local press and via or website and social media channels and will proactively try to contact the owners of the empty properties, initially prioritising those that will be impacted by the changes in 2024, to give as much notice as possible of the changes.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 22 December 2023.

7. BACKGROUND

- 7.1 In October 2011 the then Department for Communities and Local Government (DCLG) consulted on proposals for a number of technical changes to Council Tax, primarily aimed at giving more discretion to Billing Authorities on how they may treat empty properties in terms of Discounts that can be awarded. The Government's policy intention was to encourage owners to bring more empty homes back into occupation.

- 7.2 As a result of this consultation Sections 11A and 11B of the Local Government Finance Act 1992, were amended by the Local Government Finance Act 2012, giving billing authorities new powers to determine further discounts for prescribed dwellings and set higher amounts for long term empty properties.

- 7.3 Following these amendments, the Council implemented the following from 01 April 2013

- continue to award a 10% Discount for Council Tax liability for second homes.
- to increase the amount of Council Tax payable by 50% for properties that previously fell under Exemption Classes A & C and which have been unoccupied for more than two years. Similarly, the intention was to encourage owners of longer-term empty properties to bring these into occupation.

- 7.4 From 01 April 2021 the Council increased the empty homes levy from 50% to 100% for all properties empty for more than two years. As detailed below at 8.9 Table 1, there were 118 properties empty over two years.

- 7.5 The legislation in 7.2 above gives the Councils the power to charge a Council Tax premium and the Council has exercised that power since 1 April 2013.

8. RELEVANT CONSIDERATIONS

- 8.1. **EMPTY HOMES** - In 2018 the Rating of Property in Common Occupation and Council Tax (Empty Dwellings) Act Legislation introduced allows Councils the ability to charge higher premiums for longer term empty properties as follows:

- From 1 April 2019 up to 100% for properties empty more than two years
- From 1 April 2020 up to 200% for properties empty more than five years
- From 1 April 2021 up to 300% for properties empty more than ten years

- 8.2 Section 79(1)(b) of the Levelling Up and Regeneration Act 2023 allows the Council to impose a premium after one year instead of two years. Section 80 provides that from 1 April 2024 a property can be charged an empty homes premium of 100% after one year, even if the property became empty before 1 April 2024. Therefore, the Council Tax payable would be as follows:

- 100% for properties empty more than one year, but less than five years
- 200% for properties empty more than five years, but less than 10 years

- 300% for properties empty more than ten years
- 8.3 The policy intention is to give further powers to Councils to encourage owners of long-term empty properties to bring these back into occupation.
- 8.4 The Council currently awards a 100% discount (no Council Tax is payable) for a period of fifty-six days when a property becomes empty to allow time for changes in occupation. From the fifty-seventh day, 100% of the Council Tax becomes due.
- 8.5 When a property has remained empty for two years or more a 100% premium is levied.
- 8.6 **SECOND HOMES** – Section 80 (2) of the Levelling Up and Regeneration Act 2023 inserts a new section into the Local Government Finance act 1992. This allows the Council to apply a premium to be levied on second homes of up to 100%.
- 8.7 The Council currently applies a 10% discount to properties that have been determined as a second home.

Council Tax Premiums for Empty Homes

- 8.8 The Council currently charges an additional 100% in respect of properties that have been unoccupied for more than two years. The properties in question do change from time-to-time as some may go back into occupation and others exceed the two-year period, therefore any comparisons can only be made from a snapshot in time.
- 8.9 Table 1 shows the number of properties empty for over two years when the Tax Base Return is submitted in October of each year, since the measure was introduced.

Table 1

Year	Number of Properties
2013	70
2014	87
2015	92
2016	89
2017	99
2018	107
2019	109
2020	118
2021	103
2022	158
2023	157

- 8.10 The table shows that the number of empty homes in the district has continued to rise, with it being more than double the number in 2023 than in 2013. It should be noted that these numbers are a snapshot at the beginning of October each year and the figures do change on a day-to-day basis.
- 8.11 Table 2 below shows the breakdown of properties by the number of years the property has been empty, and the overall current revenue raised. All properties have the 100% levy applied to the account, so liability is 200% Council Tax. The table shows 7 properties where the Council has used its discretion and has not applied the premium.

Table 2

Empty Period	Number of Properties	Current Income £,000
2 to 5 years (100%)	107	209
5 to 10 years (100%)	27	54
Over 10 years (100%)	16	29
Discretionary cases (ignored)	7	-
Total	150	292

- 8.12 Table 3 below shows the additional income that would be generated per annum based on the maximum level of premium that can be charged for each period of non-occupation, including the properties that can be charged after one year of being empty.

Table 3

Empty Period	Number of Properties	Additional Income £,000
1 to 2 years (100%)	109	433
2 to 5 years (100%)	107	418
5 to 10 years (200%)	27	161
Over 10 years (300%)	16	117
Total	259	1,129

- 8.14 It should be noted that whilst this could potentially raise an additional £1.1M extra Council Tax, the District Council's share of this is around 12% or £135K. If a stepped approach is adopted this would equate to an extra 63.9K with the districts share being 76.6K in 2024/2025. These figures assume full collection. However, as previously stated the aim of the premiums is not financially driven but is to encourage the bringing of empty homes back into occupation.
- 8.15 The existing premium of 100%, is currently being paid by 121 of the 150 cases where discretion has not been applied. There are currently 29 that are not paying regularly, in these cases the Council will consider the use of charging orders to secure payment where appropriate.
- 8.16 If the Council were to impose the additional premiums detailed at 8.13 in Table 3, it may cause considerable collection difficulties in some instances. For example, one property in Band G who is currently paying, would see its Council Tax rise from £6,986.98 to £13,973.96 per annum. However, the stepped approach proposed for 2024/2025 would be an increase to £10,480.47 rising to the maximum £13,973.96 in 2025/2026.
- 8.17 Table 4 below shows the breakdown by liable party, which shows that the majority of the accounts that would be affected by this are individuals, who may be hindered by extra Council Tax if they are undertaking renovations themselves and there may be a risk that the increase in council tax could impact on their ability to complete the renovation in a timely manner. The deferred introduction of the premium for those properties in the 1 to 2 year bracket would allow time for us to advertise the forthcoming changes and give a 12 month notice period to those property owners.

Table 4

Empty Period	Social Landlords	Companies	Individuals	Executors
1 to 2 years	15	13	65	16
2 to 5 years	39	13	45	10

5 to 10 years	5	3	15	4
Over 10 years	5 (4 Settle 1 NHC)	4	6	1
Total	64	33	131	31

Second Homes

- 8.20 The Council currently applies a 10% discount to properties deemed a second home. This means that these accounts receive a 90% Council Tax Bill. The property must be furnished in order to receive this 10% discount.
- 8.21 Table 5 below shows the number of properties that are currently deemed as a second home. It shows the revenue currently raised, after the 10% discount and the potential revenue that would be raised if the Council adopts the 100% premium for second homes, with effect from 1 April 2025.

Table 5

Number of properties	Current revenue raised, after 10% discount £,000	Potential Revenue Raised £,000
281	424	943

- 8.23 As this is the Council's first determination in relation to a premium for second homes, it must be made at least one year before the beginning of the financial year to which it relates, so it should be noted that this cannot come into effect until 1 April 2025.
- 8.24 At the point of writing this report we are still awaiting regulations which will outline exceptions to the premium being applied. Once these have been determined, they will form part of the Council's overarching Policy in relation to this.
- 8.25 The Council may from time to time use its discretion in exceptional cases, to choose not to apply the premium, in relation to both empty homes and second home discounts. Criteria for this will form part of the Council's overarching Policy in relation to this.

9. LEGAL IMPLICATIONS

- 9.1. Overview and Scrutiny's terms of reference in the Constitution include at .2.7 c) To make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive.
- 9.2. **Empty Properties** - Section 2 of the Rating (Properties in Common Occupation) & Council Tax (Empty Dwellings) Act 2018 amends Section 11B of the Local Government Finance Act 1992 with the provisions detailed in 8.1 and 8.2. This gives a Council the discretion to increase the Premiums payable on Empty Properties if it so wishes.
- 9.3. Section 79(1)(b) of the Levelling Up and Regeneration Act 2023 allows the Council to impose a premium after one year instead of two years.
- 9.4. **Second Homes** - Section 80 (1) of the Levelling Up and Regeneration Act 2023 inserts a new section into the Local Government Finance act 1992. Section 80 (2) of the Act allows the Council to apply a premium to be levied on second homes of up to 100%.

- 9.5. As this is the Council's first determination in relation to a premium for second homes, it must be made at least one year before the beginning of the financial year to which it relates, so this cannot come into effect until 1 April 2025.

10. FINANCIAL IMPLICATIONS

- 10.1 The Government's policy intention of increasing premiums on empty and second homes is to encourage owners to bring more homes back into occupation. The Council's Empty Homes Strategy also seeks to achieve this. Therefore, the Council's consideration of increasing premiums is not driven by raising income through this approach.
- 10.2 Paragraph 8.14 of this report sets out the potential increase in revenue from increasing premiums, the figures are based on an assumption of full collection, which it must be noted may not be possible.
- 10.3 If the policy intention of bringing homes back into occupation is realised then additional premiums currently being paid will cease, reducing income to the Council.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 With a few exceptions, the existing Premium of 100% is proving to be fairly easy to collect, having only 29 accounts not being paid. Increasing the Premiums to the maximum allowable will result in some owners having significantly higher Council Tax bills. This may lead to difficulties in securing collection of the increased amounts, but the Council would need to consider exercising the use of Charging Orders to secure payment of unpaid amounts.
- 11.3 The Council maintains a bad debt provision to provide for uncollectable debt. Any shortfall in the collection fund would have to be made up by the major precepting authorities in proportion to the level of precept. At current estimates, 12% of any bad debt would need to be borne by the Council.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. Owners of long-term empty properties come from a wide range of backgrounds and are not restricted to property owning landlords, the table at 8.17 shows the liability parties for current long-term empty properties. Properties may have been inherited in poor condition and the owners are making efforts to bring these up to an acceptable standard to bring them back into occupation with limited resources. The Equality assessment for the Council's Empty Home strategy set out the positive impacts that the wider community might benefit from (Enhanced community inclusion, potential increase of social mobility and potential reduction in homelessness).

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to the decision as set out in this report. The bringing back of empty homes into use is a more sustainable way of increasing the supply of homes than building new dwellings.

15. HUMAN RESOURCES IMPLICATIONS

15.1 There are no Human Resource implications in this report.

16. APPENDICES

16.1 Appendix 1 - Draft Policy Document (to be updated once decision taken)

17. CONTACT OFFICERS

17.1 Johanne Dufficy, Service Director - Customers
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17.2 Geraldine Goodwin, Revenues Manager
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17.3 Ian Couper, Service Director - Resources
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17.4 Rachel Cooper, Controls, Risk and Performance Manager
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17.5 Jo Doggett, Service Director Housing and Environmental Health
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17.6 Isabelle Alajooz, Legal Commercial Team Manager and Deputy Monitoring Officer
Isabelle.alajooz@north-herts.gov.uk ext.4346

17.7 Reuben Ayavoo, Policy and Communities Manager
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18. BACKGROUND PAPERS

18.1 None

**OVERVIEW AND SCRUTINY
DATE 29 January 2024**

***PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: REGULATION OF INVESTIGATORY POWERS ACT ('RIPA')
ANNUAL REVIEW**

REPORT OF: SERVICE DIRECTOR: LEGAL & MONITORING OFFICER [**SENIOR RESPONSIBLE OFFICER FOR RIPA**]

EXECUTIVE MEMBER: COUNCILLOR ELIZABETH DENNIS

COUNCIL PRIORITY: PEOPLE FIRST / SUSTAINABILITY

1. EXECUTIVE SUMMARY

This Report provides an update on the Council's current use of RIPA and reports on the annual policy review. It also highlights the outcome of the Investigatory Powers Commissioner's Office (IPCOs) inspection and assurance. No Policy changes are recommended as part of this review.

2. RECOMMENDATIONS

- 2.1. That the content of the report, and the IPCO's assurance letter Appendix A, be noted by Committee.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To comply with best practice guidance and the Committee's terms of reference.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Leader of Council as the relevant Executive Member, was consulted on the report. Whilst there has been no other consultation, the Council underwent a paper/ Policy questions based Inspection by the Investigatory Powers Commissioner's Office (IPCO) in August 2023. As part of that inspection/ audit response, the Council's Policies and procedures were considered and no issues or action raised.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. RIPA regulates the use of certain surveillance powers by public authorities, including: –
- Directed Surveillance (*covert* surveillance conducted as part of a specific investigation likely to result in obtaining private information about an individual);
 - Use of Covert Human Intelligence Sources (CHIS), and
 - Access to Communications Data (e.g. details of subscribers to telephone numbers or email accounts)
- 7.2 The Council is inspected generally every 3 years by the IPCO. This inspection was due in 2023, and was to be carried out either as a physical or paper based inspection, dependent on assessed risk and response to questions raised. The Inspector sought information and evidence regarding the annual review of the RIPA policy, compliance, audits, training, record keeping, monitoring, CCTV system and communications data applications. Based on that assessment, the IPCO provided an outcome letter of assurance of compliance and following that no further inspection was required. The assurance letter is appended at A.
- 7.3 Members should note that the internal Officers of the Council have not applied to use surveillance powers (directed surveillance or CHIS) since 2011 (which was prior to legislative changes/ restrictions being introduced). All applications for Directed Surveillance must be authorised by the Magistrates Court, which would follow internal consideration of the application forms.
- 7.4 The Shared Anti-Fraud Service ('SAFs') does, however, utilise such powers and these are regulated through Herts County Council's processes. SAFs officers do attend North Herts Council's internal quarterly officer Corporate Enforcement meetings, and they also promote the use of and apply for Communications Data (see below).
- 7.5 In terms of Communications Data, the legislation (Investigatory Powers Act) was updated in 2021 and there is a framework for lawful acquisition of Communications Data, to include the who, where, what, when and how a Local Authority can obtain communications and Communications Data (Entity and Events Data). All such applications must be processed through the National Anti-fraud Network (NAFN), as the Single Point of Contact (SPoC), who will consider the application prior to submitting this for approval to the Office for Communications Data Authorisations (OCDA). All applications must be approved before Communications Data is acquired. The Investigatory Powers Commissioner oversees the use of the powers. All applications submitted to NAFN are completed via their online portal. The form is available for completion within that workflow system and reflects the current Home Office application form. NAFN does not accept application forms outside of the workflow system and any application queries go via them and the RIPA SPoC. This means that if the Council chooses to make an application for Communications Data, there is an experienced person who quality controls and checks any applications considered / made by North Herts Council, prior to the application being made. *Members should note that SAFS have*

made two applications as part of their investigations, for Communications Data this year on behalf of North Herts Council. One enquiry related to an allegation of housing application fraud and the second to an allegation about council tax fraud.

- 7.6 Regardless of whether the internal officers use these powers regularly or not, it is important that it has sufficient oversight of its activities to ensure that any considered use is compliant with the subject's human rights. The Council is required to have arrangements and a RIPA Policy in place. The current one was last approved by Cabinet in March 2023, following the review by Overview & Scrutiny that same month. It was also slightly updated to include the new Service Director: Housing & Environmental Health's details in August 2023.
- 7.7 This Overview & Scrutiny review follows external training in June 2023 and the IPCO inspection, as indicated, in August 2023. External training was offered to all enforcement officers/ relevant Service Directors, through external experts – ActNow; Internal officer training was also provided by the report author, as SRO, to the new Service Director: Housing & Environmental Health (who is an Authorising Officer as part of that role) in October 2023.
- 7.8 In terms of other monitoring, Members will also note that in accordance with good practice guidelines Members receive quarterly updates on the use of any powers via the Member Information Service.
- 7.9 Member should note that the Home Office publishes national Codes of Practice on the use of RIPA powers by public authorities. These help public authorities assess and understand whether and in what circumstances it is appropriate to use covert techniques. The codes also provide guidance on what procedures need to be followed in each case. The Council must have regard to the relevant Code of Practice whenever exercising powers covered by RIPA. The Investigatory Powers Commissioner (IPC) conducts regular inspections of all public authorities to ensure compliance with RIPA, and the Codes of Practice.

8. RELEVANT CONSIDERATIONS

- 8.1. There are no ongoing authorisations.
- 8.2. Since the last report in March 2023, the Council has been inspected by the IPCO, and no recommendations, other than to effectively continue with current practice. Therefore no recommendations have been included in this report to amend the Policy or procedures further at this stage.

9. LEGAL IMPLICATIONS

- 9.1. The Regulation of Investigatory Powers Act 2000 ("RIPA") enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with. The Investigatory Powers Act 2016 ("IPA") is the main legislation governing the acquisition of Communications Data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with. Full details of the RIPA

requirements and compliance are set out in the Policy, with relevant documents and guidance document available to relevant officers via the intranet should they consider it necessary to use these powers.

- 9.2. There are anticipated amendments to legislation during 2024, with the introduction of the Investigatory Powers (Amendment) Bill in November 2023 ([CLICK HERE](#)). It had its second reading in the House of Lords on 20 November and was discussed at committee stage on 11 and 13 December. The proposed amendments relate to obtaining communications data, use of internet connection records, less regulatory requirements for retention and examination of bulk personal datasets and new notification requirements on certain telecommunications operators. A number of objections were aired by various groups and tech companies following the announcement that a bill would be introduced (in the Kings Speech) and therefore it remains to be seen what powers will be extended following the debates (and any impact on Local Authorities).
- 9.3. The Overview and Scrutiny Committee's Terms of Reference in the Council's Constitution at paragraph 6.2.7(r) states that it shall be entitled to consider reports relating to the authority's use of the Regulation of Investigatory Powers Act (2000) (RIPA).

10. FINANCIAL IMPLICATIONS

- 10.1. There are no financial implications arising from this Report.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. It is important that the Council continues to operate in accordance with RIPA to ensure that it is able to effectively manage its reputational risk whilst also exercising its legitimate evidence gathering powers in connection with enforcement activity.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. The contents of this report do not directly impact on equality, in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 The officer involvement required to comply with these statutory obligations are factored into service plans and work plans.

16. APPENDICES

16.1 Appendix A Letter from IPCO.

17. CONTACT OFFICERS

Author
Jeanette Thompson, Service Director Legal and Community.
jeanette.thompson@north-herts.gov.uk; ext. 4370

18. BACKGROUND PAPERS

18.1 RIPA Policy March 2023 (minor Service Director change 14.8.23).

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IPCO

Investigatory Powers Commissioner's Office

PO Box 29105, London
SW1V 1ZU

Anthony Roche
Managing Director
North Hertfordshire District Council
By email to Anthony.roche@north-herts.gov.uk

16 August 2023

Dear Mr Roche,

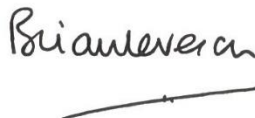
Thank you to your colleagues for providing IPCO with your council's response to the matters identified at points 1 to 10 of my Inspector's letter dated 6 July 2023.

I am satisfied that your reply provides your assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained. As such, your Council will not require further inspection this year.

I would ask that you ensure that the key compliance issues continue to receive the necessary internal governance and oversight through yourself and your Senior Responsible Officer: policy refreshes; annual updates to your Elected Members; ongoing training and awareness raising; internal compliance monitoring by lead managers within their business areas; and the retention, review and destruction (RRD) of any product obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice).

Your Council will be due its next inspection in 2026, but please do not hesitate to contact my Office if IPCO can be of assistance in the intervening period.

Yours sincerely,



The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner

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**OVERVIEW AND SCRUTINY COMMITTEE
29 JANUARY 2024**

***PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME
2023-24**

REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER

EXECUTIVE MEMBER: NOT APPLICABLE

COUNCIL PRIORITY: PEOPLE FIRST / SUSTAINABILITY / A BRIGHTER FUTURE
TOGETHER

1. EXECUTIVE SUMMARY

This report highlights items scheduled in the work programme of the Overview and Scrutiny Committee for the 2023-24 civic year. It also includes items that have not yet been assigned to a specific meeting of the Committee.

2. RECOMMENDATIONS

- 2.1. That the Committee prioritises topics for inclusion in the work programme attached as Appendix A and, where appropriate, determines the high-level form and timing of scrutiny input.
- 2.2. That the Committee, having considered the most recent iteration of the Forward Plan, as attached at Appendix B, suggests a list of items to be considered at its meetings in the coming civic year.
- 2.3. That the Corporate Peer Challenge Action Plan as attached at Appendix C be considered.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To allow the Committee to set a work programme which provides focused Member oversight, encourages open debate and seeks to achieve service improvement through effective policy development and meaningful policy and service change.
- 3.2. The need to observe Constitutional requirements and monitor the Forward Plan for appropriate items to scrutinise remains a key aspect of work programming.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Committee has varied its approach to overview and scrutiny activity over recent years. Currently it seeks to enter the process of policy development at an early stage and consequently may consider items associated with service action plans.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Each Committee meeting includes the opportunity for Members to comment on and input to the Committee's work programme.

6. FORWARD PLAN

- 6.1. This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.
- 6.2. The Chair and Vice-Chair of the Committee are sent the latest Forward Plan upon publication.
- 6.3. The Committee is asked to review the Forward Plan at each regular meeting to identify potential issues for inclusion in the work programme. Identification of a focus for the Committee's future activity should be identified at this stage wherever possible.

7. BACKGROUND

- 7.1. The LGA Peer Committee Support was undertaken in 2022 and finalised in January 2023, which focused on the Overview and Scrutiny and Finance, Audit and Risk Committees. Recommendations for Overview & Scrutiny were made and are set out in the Action Plan at Appendix C.
- 7.2. In line with the recommendation of the Corporate Peer Challenge 2023 Executive Members were invited to present reports that fall under their remit and to make presentations on specific issues that the Committee wish to consider.
- 7.3. The Committee now considers a wide range of issues, where appropriate, commencing its reviews early in the policy development process. By doing this it seeks to ensure assumptions are challenged at an early stage, mistakes are avoided, and eventual outcomes provide optimal benefit to the community.
- 7.4. The Committee seeks to ensure that consideration of agenda items minimises the additional burdens on staff resources. Wherever possible, requests are made for the presentation of documents already in existence rather than the production of new documents specifically for the Committee.

8. RELEVANT CONSIDERATIONS

Work Programme

- 8.1. The Committee's work programme for the year requires reviewing at each meeting and direction is sought from the Committee on items they wish adding. Appendix A contains the work programme for 2023-24.
- 8.2. When considering additional topics their risk assessment and prioritisation will ensure that the most appropriate items taking forward to the work programme.

Forward Plan

- 8.3. The Forward Plan for January at Appendix B. Members can view currently published forward plans here: [Browse plans - Cabinet, 2023 | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk)
- 8.4. Members are reminded that the Forward Plan acts as public notification of key executive decisions during the next four months and beyond that it is a working document subject to regular amendments.

Corporate Peer Challenge Action Plan

- 8.5. The Committee agreed at the meeting held on 20 June 2023 that the actions regarding the Overview and Scrutiny Committee included in the Corporate Peer Challenge Action Plan be appended to all future reports in order to:
 - Act as an aide memoire when considering the work programme.
 - Consider any actions that need further work.
 - Assess the effectiveness of changes made.
- 8.6. The Committee is asked to consider the Action Plan and any update updates provided at Appendix C.

9. LEGAL IMPLICATIONS

- 9.1. Under section 6.2.5 the Constitution, the Committee is responsible for setting its own work programme however it must ensure it retains sufficient capacity within the programme to meets its statutory obligations.
- 9.2. Section 6.2.7 (u) of the constitution allows the Committee “to appoint time limited task and finish topic groups to undertake detailed scrutiny work and report back to the overview and scrutiny committee to make recommendations to the Cabinet.”
- 9.3. In accordance with the Council’s Constitution, the approval of the future scrutiny work programme falls within the remit of the Overview and Scrutiny Committee.

10. FINANCIAL IMPLICATIONS

- 10.1. Depending on how they are applied in practice, the scope of the options presented in Sections 7 and 8 have the potential to be wide reaching. As detailed in Section 14: Human Resource Implications, the wider the reach, the more significant the impact on Officer time in terms of report writing, data analysis, and committee meeting attendance. Given recent funding pressures and the consequent reduction in Officer numbers, significant requests for scrutiny work will limit officer time available to spend on activities such as identifying and delivering cost reductions, income generation and project management.
- 10.2. Although not significant, a committee attendance allowance of £25.17 per Officer per evening meeting is payable to officers in attendance. This is in addition to providing time off in lieu or overtime as an alternative.

11. RISK IMPLICATIONS

- 11.1. Effective overview and scrutiny of policy, administrative, service delivery, and expenditure decisions helps reduce the risk of an inappropriate decision being made. The scope and timeframe for scrutiny interventions should be considered in light of the potential impact of inappropriate scrutiny leading to decisions not being made, inappropriately made or not made at the right time.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are no direct equality implications arising from this report. Effective scrutiny is an essential part of ensuring the local government remains transparent, accountable and open which ensures that the delivery of public services benefits all aspects of the community, where practical.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The widening of the reach of scrutiny reviews has the potential to significantly impact on officer time in terms of the reprioritisation of already agreed projects, their scope or timetabling or resources. There is also the potential for additional resource requirements in relation to report writing, information collection and analysis and committee attendance. Delivery of service plans to achieve the Council’s agreed Corporate Plan objectives might, therefore, be potentially negatively impacted.

16. APPENDICES

- 16.1. Appendix A – Work Programme of the Overview and Scrutiny Committee 2023-2024
- 16.2. Appendix B – Forward Plan – 5 January 2024
- 16.3. Appendix C – Corporate Peer Committee Support Action Plan in regard to the Overview and Scrutiny Committee

17. CONTACT OFFICERS

- 17.1. James Lovegrove, Committee, Member and Scrutiny Manager, James.Lovegrove@north-herts.gov.uk , ext 4204

- 17.2. Isabelle Alajooz, Legal Commercial Team Manager and Deputy Monitoring Officer, Isabelle.Alajooz@north-herts.gov.uk , ext 4346
- 17.3. Tim Everitt, Performance and Risk Officer, Tim.Everitt@north-herts.gov.uk , ext 4646
- 17.4. Maggie Williams, Senior HR and Contracts Manager, Maggie.Williams@north-herts.gov.uk , ext. 4506

18. BACKGROUND PAPERS

- 18.1. Previous Reports to the [Overview and Scrutiny Committee](#) and [Forward Plans](#).

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PROGRAMME FOR FUTURE COMMITTEE MEETINGS 2023-24

MEETING DATE	ITEMS AT MEETING	REPORT AUTHOR	PORTFOLIO HOLDER
29 January 2023	Crime and Disorder Matters Invitation to: settle Resolutions Report Work Programme Q3 Update on the Council Delivery Plan 2023-24 Update to Common Housing Allocation Scheme Empty Homes Strategy Council Tax Premiums for Empty and Second Homes Call To Account – Chair’s Report – Lord Lister Hotel (Sept 2022) Call To Account – Chair’s Report – Harkness Court Project (Nov 2023)	- - James Lovegrove James Lovegrove Rachel Cooper Martin Lawrence Frank Harrison Jo Dufficy Cllr David Levett Cllr Adam Compton	Alistair Willoughby - - - Ian Albert Sean Prendergast Sean Prendergast Ian Albert
12 March 2024	Resolutions Report Work Programme Draft Annual Report of the Overview and Scrutiny Committee 2023-2024 Council Delivery Plan 2024-25 Q3 Council Delivery Plan 2023-24 Update Strategic Housing Policy Update Implementation of the Leisure Contract	James Lovegrove James Lovegrove Chair of Overview & Scrutiny Rachel Cooper Rachel Cooper Martin Lawrence Louise Randall	- - - Ian Albert Ian Albert Sean Prendergast Steve Jarvis
	To be scheduled: Greenspaces Enterprise Service Area Updates	Andrew Mills Enterprise Team	Steve Jarvis Keith Hoskins

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Forward Plan of Key Decisions - 5 January 2024

The Forward Plan contains brief details of Key Decisions that the Council is likely to take over the next four month period and beyond. You will also find details of contacts who can provide further information and hear your views. **Please note that the dates of some of the decisions may change from month to month, please check with Committee, Member and Scrutiny Services on (01462) 474655 before deciding to attend a meeting.**

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
Stray Dogs Policy		Executive Member for Housing and Environmental Health	16 Jan 2024		Frank Harrison, Environmental Health Manager frank.harrison@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Council Tax Reduction Scheme		Cabinet	16 Jan 2024		Jo Dufficy, Service Director - Customers johanne.dufficy@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Public Health Burials Policy		Cabinet	16 Jan 2024		Frank Harrison, Environmental Health Manager frank.harrison@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Half Yearly report on Risk Management Governance 2023-24		Cabinet	16 Jan 2024		Rachel Cooper, Controls, Risk and Performance Manager rachel.cooper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Q2 2023-24 Progress against the Council Delivery Plan		Cabinet	16 Jan 2024		Rachel Cooper, Controls, Risk and Performance Manager rachel.cooper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
Communications Strategy		Cabinet	16 Jan 2024		Christine Crofts, Communications Manager christine.crofts@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Local Plan Review		Cabinet	16 Jan 2024		Deborah Coates, Principal Strategic Planning Officer deborah.coates@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
SECOND QUARTER REVENUE BUDGET MONITORING 2023/24		Cabinet	16 Jan 2024		Ian Couper, Service Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
INVESTMENT STRATEGY (CAPITAL AND TREASURY) MID-YEAR REVIEW 2023/24		Cabinet	16 Jan 2024		Ian Couper, Service Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Empty Homes Strategy		Cabinet	6 Feb 2024		Frank Harrison, Environmental Health Manager frank.harrison@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
LEISURE INVESTMENT OPTIONS		Cabinet	6 Feb 2024		Louise Randall, Leisure Manager louise.randall@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
Metropolitan Thames Valley Housing scheme		Cabinet	6 Feb 2024		Martin Lawrence, Strategic Housing Manager martin.lawrence@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Update to Common Housing Allocation Scheme		Cabinet	6 Feb 2024		Martin Lawrence, Strategic Housing Manager martin.lawrence@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
REVENUE BUDGET 2024/25		Cabinet	6 Feb 2024		Ian Couper, Service Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Council Tax premiums for Empty and Second Homes		Cabinet	6 Feb 2024		Jo Dufficy, Service Director - Customers johanne.dufficy@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
North Herts Digital Strategy		Cabinet	6 Feb 2024		Jo Dufficy, Service Director - Customers johanne.dufficy@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Permit Review		Cabinet	19 Mar 2024		Louise Symes, Strategic Planning and Projects Manager louise.symes@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
24-25 Council Delivery Plan		Cabinet	19 Mar 2024		Rachel Cooper, Controls, Risk and Performance Manager rachel.cooper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
Q3 update on Progress against the Council Delivery Plan		Cabinet	19 Mar 2024		Rachel Cooper, Controls, Risk and Performance Manager rachel.cooper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
2024/2025 Performance Management Measures		Cabinet	19 Mar 2024		Rachel Cooper, Controls, Risk and Performance Manager rachel.cooper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Adoption of a new Housing Strategy (2024-2029)		Cabinet	19 Mar 2024		Martin Lawrence, Strategic Housing Manager martin.lawrence@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
THIRD QUARTER INVESTMENT STRATEGY (CAPITAL AND TREASURY) REVIEW 2023/24		Cabinet	19 Mar 2024		Ian Couper, Service Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
THIRD QUARTER REVENUE BUDGET MONITORING 2023/24		Cabinet	19 Mar 2024		Ian Couper, Service Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Baldock Strategic Masterplan		Cabinet	19 Mar 2024		Nigel Smith, Strategic Planning Manager nigel.smith@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6

EXTRACT OF ITEMS FROM THE CORPORATE PEER CHALLENGE ACTION PLAN THAT RELATE TO THE OVERVIEW AND SCRUTINY COMMITTEE

	Recommendation	Action	Led By	Timescale	Update
1	Define what you want your scrutiny panels to achieve.	<p>To be discussed with the scrutiny committee but approach based on the 4 principles of good scrutiny would make sense: -</p> <ul style="list-style-type: none"> • Provides critical friend challenge to policymakers and decision makers • Enables the voice and concerns to the public • Is carried out by independent-minded people who lead and own the scrutiny role • Drives improvement in public services 	Scrutiny Committee	May 2024	
2	Put into place scrutiny training for the whole council (members and officers) and experiment with how training could be more effective for the 2024 new intake. Ensure all members understand the benefits and role of scrutiny.	<p>Will be incorporated within the Member training programme being developed.</p> <p>Group Leaders need to reinforce the importance of attending training with their groups.</p>	Democratic Services Member Champions Learning + Development	May 2024	<p>Training to be part of May 2024 induction.</p> <p>Session provided in 2023 is available to watch via GrowZone</p>

3	Consider how the provision of training can be improved to increase knowledge transfer and support members with ongoing training needs e.g., use of one-to-one coaching the provisional feedback from live meetings, further training to fill any gaps in knowledge and skills.	Will be incorporated within the Member training programme being developed.	Democratic Services Member Champions Learning + Development	May 2024	Training to be part of May 2024 induction
4	Urgently fund and recruit a dedicated scrutiny officer.	Budget has been identified for a part-time Scrutiny Officer subject to successful recruitment.	Democratic Services Manager/Committee, Member and Scrutiny Manager	In progress	Scrutiny Officer role vacant from 03/11/23. Role being advertised.
5	Members to actively review the Forward Plan and invitation of cabinet members to attend O&S. This could be overcome with a dedicated scrutiny officer in place.	This is already on every agenda and is done every meeting it will be for members to take forward with the Scrutiny Officer.	Scrutiny Committee Scrutiny Officer	Ongoing action	Forward Plan included in every Work programme report and Executive have been made aware of meeting dates.
6	Proper and effective reporting onwards to council and cabinet by O&S as required.	Chair and Scrutiny Officer will need to take this forward and consider the best way to report O&S discussion to cabinet and council. This can be done verbally. A report from a Task & Finish Group would be a written report.	Chair of Scrutiny Scrutiny Officer	Ongoing action	Chair and Vice Chair have been sent meeting dates for Cabinet and advised of need to attend where referrals have been made

7	Establish clear meeting protocols and associated processes for questioning cabinet members.	For Scrutiny Officer to work through with the Chair	Chair of Scrutiny Scrutiny Officer	Not started	Scrutiny Officer to discuss with Chair and Vice-Chair
8	Officers to always facilitate the bringing forward of future agenda items requested by O&S in a timely manner	This is accepted but felt to have been a one-off example. It would be for the Scrutiny Officer to ensure this happens.	Scrutiny Officer	Ongoing action	Scrutiny Officer actively follows up on item requests at meetings.
9	Training in scrutiny questioning skills (KLOE).	Has been and will continue to be incorporated within the Member training programme being developed.	Democratic Services Member Champions Learning + Development	May 2024	Training to be part of May 2024 induction.
10	Specific O&S training for the opposition to encourage effective opposition role. There is specific scrutiny training for groups in opposition to assist with scrutiny work and assist them in being more effective throughout the council.	Will be incorporated within the Member training programme being developed.	Democratic Services Member Champions Learning + Development	May 2024	Training to be part of May 2024 induction. Other options of scrutiny training for the opposition will be explored.
11	Scrutiny needs to actively seek to implement the use of Task and Finish Groups.	This is for the Chair and Committee to consider with the support of the Scrutiny Officer.	Chair of Scrutiny Scrutiny Committee Scrutiny Officer	Not started	No requests for Task and Finish Groups have been made by the Committee, previous requests cancelled due to lack of interest from Members

12	It was observed by some members that the preparation for the special scrutiny meeting on the 'call to account' was beneficial and lessons learnt on how this preparation helped scrutiny should be considered in taking forward scrutiny in the future.	For Scrutiny Officer to work through with the Chair.	Chair of Scrutiny Scrutiny Officer	Complete	Briefings will become standard before 'call to account' to best prepare Members for the item.
13	Establish proactive annual programme of work and agenda setting.	This is for the Chair and Committee to consider, with the support of Scrutiny Officer.	Chair of Scrutiny Scrutiny Committee Scrutiny Officer	May 2024	Ensure meetings take place with Chair and Vice Chair to set a provisional work programme for the Civic Year (subject to change)
14	Provide O&S training in Charing Skills.	Will be incorporated within the Member training programme being developed.	Democratic Services Member Champions Learning + Development	May 2024	Training to be part of May 2024 induction.
16	Ensure the scrutiny committee actively follow up on all recommendations.	This is already on every agenda. For Scrutiny Officer to work with the Chair and Committee to ensure it is actively looked at.	Chair of Scrutiny Scrutiny Committee Scrutiny Officer	Ongoing action	Referrals will be included in the Committee's Resolutions report so the Committee can follow up on recommendations.

17	Consideration should be given by the cabinet and portfolio holders on how they can carry out their role in a way that supports scrutiny being able to act as effectively as possible.	This links to the vision for scrutiny in recommendation one this should be a two-way critical friend relationship to be included as part of training and potentially part of work planning. Cabinet to consider how to better engage with Scrutiny.	Cabinet Scrutiny Committee Chair of Scrutiny	Ongoing action	Exec Members expected to present their relevant reports to O&S and have been advised of the dates of the committee
18	Ensure minutes reflect the decisions of the meeting – e.g., requests for agenda items to be recorded in the minutes and added to the forward plan.	Committee Services and the Scrutiny Officer will make sure everything is accurately captured.	Scrutiny Officer	Complete	Resolutions report captures specific requests, supported by minutes produced and access to the YouTube recording of the meeting
19	Cabinet members should consistently and without exception be expected to attend O&S committee meetings where decisions from their area of responsibilities are being scrutinised.	Agreed. This is the current approach unless there is an emergency. Cabinet to consider as part of how to better engage with scrutiny.	Cabinet	Ongoing action	Scrutiny Officer has advised the Executive of Committee dates for 2023-24 and will provide notice when required to attend meetings.

20	The scrutiny chair or their representative should attend all cabinet meetings to present scrutiny findings particularly to enable the thinking and debate around the recommendations to be clearly communicated with the cabinet to maximise the impact scrutiny can have on decisions.	Agreed.	Chair of Scrutiny	Ongoing action	Will ensure both Chair and Vice-Chair are included to attend so at least one is able to present referrals
21	Where Cabinet do not accept an O&S recommendation, reasons should be given.	Agreed. Cabinet to consider as part of how to better engage with scrutiny	Cabinet	Complete	Reasons for a recommendation not being accepted by Cabinet will be included in the Committee's Resolutions report.