

BRECKLAND COUNCIL

Report of Paul Claussen the Executive Member – Economic and Housing Portfolio to the CABINET- 9th September 2008

Private Empty Dwellings Policy

1. Purpose of Report

- 1.1 To bring forward a replacement for the existing Empty Dwellings Policy reflecting changes in legislation

2. Recommendations

- It is recommended that the Cabinet:
- 2.1 Adopt this replacement policy.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

- 3.1.1 The legislation surrounding the powers available to a Local Authority changed with the enactment of the provisions in the Housing Act 2004.
- 3.1.2 Whilst Cabinet has already adopted the new powers it is necessary to reflect that in policy documents aligned with the new Private Sector Housing Strategy

3.2 Issues

- 3.2.1 The current policy reflects the legislation extant at the time of writing (2002) since when new powers have been introduced by the Housing Act 2004
- 3.2.2 The new policy includes the new provisions.

3.3 Options

- 3.3.1 To adopt the new policy which reflects current legislative provision and the powers already adopted by Cabinet
- 3.3.2 To not adopt the new policy and to continue with the old policy which does not reflect the new powers already adopted by Cabinet. Such a conflict could result in the Council being unable to justify it's actions to a Residential Property tribunal.

3.4 Reasons for Recommendation(s)

- 3.4.1 To enable the Council to exercise the powers already adopted by Cabinet
- 3.4.2 To be able to justify it's actions to a Residential Property Tribunal.

4. Risk and Financial Implications

4.1 Risk

- 4.1.1 The risk assessment indicates that if the recommendations are not implemented the

following risks may occur :

A Residential Property Tribunal may consider that the Council is operating outside of policy in that the current policy does not reflect the adoption, by the Council, of powers contained in the Housing Act 2004.

4.2 Financial

4.2.1 None

5. Legal Implications

5.1 The new policy incorporates all new legislative provisions and to rely on the existing policy could result in the Council being subject to unfavourable decisions at a Residential Property Tribunal.

6. Other Implications [*Insert statement or confirm 'none' as appropriate at each sub-paragraph*]

- a) Equalities: No differential impact.
- b) Section 17, Crime & Disorder Act 1998: Yes, empty dwellings can be a focus for anti social behaviour and their removal aids crime reduction.
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: None
- e) Human Rights: None
- f) Other: None

7. Alignment to Council Priorities

7.1 Building safer and stronger communities

8. Ward/Community Affected

8.1 All

Background Papers

*Cabinet report January 2007 – Empty Dwelling Management Orders
(Adoption of new powers in Housing Act 2004)*

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Key Decision Status (Executive Decisions only):

Not key decision – on forward plan

Appendices attached to this report:

Empty Dwelling Policy