

BRECKLAND DISTRICT COUNCIL

Report of: Paul Claussen, Executive Member for Place and Rob Walker, Executive Director of Place

To: Cabinet, 21 March 2017

Author: Rob Walker, Executive Director of Place

Subject: Unightly and derelict sites and land

Purpose: To consider future actions regarding unightly and derelict sites and land in the district.

Recommendation(s):

- 1) That Cabinet agree to undertake a programme of work to address unightly and derelict sites and land in the district.

1.0 BACKGROUND

- 1.1 Ensuring our District is clean, safe and well-kept is one of the Council's key priorities. It is important that we do all we can to ensure this priority is met. As a Council we have limited direct control over privately owned land. However, we take seriously our role as custodian of standards and we have a range of powers and measures at our disposal to enforce such standards when the need arises.
- 1.2 Cabinet are asked to consider whether they want to instigate a programme of work to identify and tackle those sites that they deem to be significantly and adversely impacting upon the character and appearance of their immediate and wider environment or the general well-being of the communities within which they were located.
- 1.3 Officers from a range of professional disciplines would be involved in delivering this programme of work should it be instigated and would consider the detail and background of each site before proposing what action should be taken in each instance.
- 1.4 This report does not detail the specific powers and measures that the Council has at its disposal [although some legislative examples are provided below]. The specific measures used would be dependent on the circumstances affecting particular sites and would be considered / highlighted at that juncture.

Legislative examples

- Sections 79 and 80 of the Environmental Protection Act 1990
- Sections 76, 77 or 79 of the Building Act 1984
- Section 29 Local Government Miscellaneous Provisions Act 1982
- Sections 215 or 225-225K of the Town and Country Planning Act 1990
- Empty Dwelling Management Orders under Part 4 Housing Act 2004

- 1.5 Should Cabinet approve this programme of work the first task would be to identify and agree a series of sites where intervention is appropriate.
- 1.6 Members would be invited, either through their own local knowledge or as a consequence of engagement with their Wards, to put forward sites for consideration and action. In doing so, Members would be advised that the over-riding objective of the exercise would be to take concerted actions against sites that, as a consequence of a variety of factors, have a significant deleterious impact on the locations, or places, within which they are set.
- 1.7 Members would need to be mindful that as a matter of operational routine a wide variety of other - generally smaller sites - are routinely monitored through, for example, the planning process or are dealt with regularly by, in combination, environmental health, environmental services and/or building control.
- 1.8 The parameters for the inclusion of sites within the unsightly and derelict sites and land initiative need, therefore, to be based on an agreed understanding that individual sites are in such a state of unsightliness or dereliction, generally through long-term neglect, that they are adversely impacting on their surroundings by reasons of either their overall appearance or unmaintained status and are likely to become, or have become, unsafe or are attracting anti-social behaviour.
- 1.9 The Overview and Scrutiny Commission considered this matter at its meeting on 16 February 2017 and resolved to recommend to Cabinet that a programme of work is undertaken to address unsightly and derelict sites and land in the district.

2.0 OPTIONS

- 2.1 **Do nothing** - This option would result in no, or limited and uncoordinated, action being taken on unsightly and derelict sites and land, with these sites therefore remaining in a state that continues to significantly and adversely impact on the communities within which they are set. This option is not recommended.
- 2.2 **Agree the recommendation** – This option would enable officers to focus their efforts in securing, through a variety of negotiated and punitive measures, significant improvements to sites that currently adversely affect the communities within which they are set.
- 2.3 In endorsing the recommendation set out at 2.2 Cabinet would need to recognise that each site is different and that the actions required have differing consequences, both financially and in terms of the timescales within which results are likely to be achieved. It would also be required that Members through their own local knowledge or as a consequence of engagement with their Wards put forward sites for consideration.

3.0 REASONS FOR RECOMMENDATIONS

- 3.1 To promote a co-ordinated approach to positive intervention on those sites which have a major detrimental effect upon the character, appearance and well-being of the communities within which they are set.

4.0 EXPECTED BENEFITS

- 4.1 A number of tangible and immediate benefits are expected. These will range from significant environmental improvements to the immediate and wider area to reducing the likelihood of continuing and ongoing anti-social behaviour. In some circumstances the benefits will range across this spectrum and in others there may be an opportunity to actively promote redevelopment in the medium or longer-term to the overall benefit of those communities currently adversely impacted upon.

5.0 IMPLICATIONS

5.1 Carbon Footprint / Environmental Issues

- 5.1.1 It is the opinion of the Report Author that there are no direct implications on Carbon Footprint but that there are likely to be wide-ranging benefits to the environment of both the communities within which these sites are located and the wider district.

5.2 Constitution & Legal

- 5.2.1 It is the opinion of the Report Author that there are no Constitutional implications arising from these actions other than a limited extension to officer delegations but that, on an individual case-by-case basis, the Legal Implications will need to be understood and regularly reviewed and reported upon.

5.3 Contracts

- 5.3.1 No Contractual implications are anticipated.

5.4 Corporate Priorities

- 5.4.1 The Council's Corporate Priorities: Supporting Breckland to develop and thrive

5.5 Crime and Disorder

- 5.5.1 It is the opinion of the Report Author that, in some instances, positive intervention is likely to reduce the likelihood of Crime and Disorder.

5.6 Equality and Diversity / Human Rights

- 5.6.1 It is the opinion of the Report Author that there are no direct implications on either Equality and Diversity or Human Rights. However, equality and human rights issues will be considered on an individual case-by-case basis before action is taken.

5.7 Financial

- 5.7.1 In some instances there are likely to be financial implications as a consequence of the actions taken by the Council. These will be reported on a site-by-site basis as and when necessary.

5.8 Risk Management

- 5.8.1 Risk Management is implicit in the team approach.

5.9 Staffing

5.9.1 There are no immediate staffing implications but there are likely to be future resource implications arising from continued actions. These will be reported when they arise.

5.10 Stakeholders / Consultation / Timescales

5.10.1 Stakeholder Engagement is perhaps key to this initiative and consultation will be undertaken, on a site-by-site basis, when either necessary or statutorily required. This will include positive engagement with both site owners and, where necessary, affected wards.

5.11 Health & Wellbeing

5.11.1 There are likely to be benefits arising from this initiative which will have a positive effect upon the health and well-being of affected communities. These will be reported on a site-by-site basis.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 All

7.0 ACRONYMS

7.1 Not applicable.

Lead Contact Officer Name and Post: Rob Walker, Executive Director of Place

Telephone Number: 01362 656256

Email: Robert.walker@breckland-sholland.gov.uk

Director / Officer who will be attending the Meeting: Rob Walker, Executive Director of Place

Key Decision: No

Exempt Decision: No

This report refers to a Discretionary Service