

Date: Wednesday 17 August 2020
Ask For: Charles Hungwe
Direct Dial: (01843) 577186
Email: charles.hungwe@officer.thanet.gov.uk

OVERVIEW & SCRUTINY PANEL

27 AUGUST 2020

A meeting of the Overview & Scrutiny Panel will be held at **5.30 pm on Thursday, 27 August 2020** in the Online Viewing Only.

Membership:

Councillor R Bayford (Chairman); Councillors: Campbell (Vice-Chairman), Boyd, Coleman-Cooke, Hopkinson, Huxley, Keen, Moore, Paul Moore, L Piper, Rattigan, Roper, Rusiecki and Scott

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATION OF INTERESTS** (Pages 1 - 2)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 8)

To approve the Minutes of the Overview and Scrutiny Panel meeting held on 21 July 2020, copy attached.

Pre Decision Scrutiny

4. **DRAFT EMPTY HOMES PLAN 2020-23** (Pages 9 - 42)

5. **TENANT AND LEASEHOLDER SERVICE TRANSITION UPDATE** (Pages 43 - 48)

Post Decision Scrutiny

There are no reports for consideration under this item.

Work Programming

6. **REVIEW THE OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME FOR 2020/21**

Report to follow.

Item
No

Subject

7. **FORWARD PLAN & EXEMPT CABINET REPORT LIST** (Pages 49 - 60)



Please scan this barcode for an electronic copy of this agenda.

Draft Agenda Item 2



Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

Draft Agenda Item 2

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

Draft Agenda Item 3

OVERVIEW & SCRUTINY PANEL

Minutes of the meeting held on 21 July 2020 at 5.30 pm in Online Viewing Only.

Present: Councillor Robert W Bayford (Chairman); Councillors Campbell, Boyd, Coleman-Cooke, Hopkinson, Huxley, Keen, Moore, Paul Moore, L Piper, Rattigan, Scott and Wing

In Attendance: Councillors Bailey, Dexter, Cllr Everitt, Game, Cllr Rev. S Piper, Rogers and Whitehead

240. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Rusiecki;
Councillor Roper, substituted by Councillor Wing.

241. DECLARATION OF INTERESTS

There were no declarations of interest made at the meeting.

242. MINUTES OF PREVIOUS MEETING

Councillor Campbell proposed, Councillor Coleman-Cooke seconded and Members agreed the minutes as a correct record of the Panel meeting held on 26 May 2020.

243. CABINET MEMBER PRESENTATION - BEACH MANAGEMENT PLAN

Councillor Everitt, the Leader of Council made a presentation and made the following points:

- The Beach Manage Plan was developed and shared with the public via the council website;
- Alongside the Plan was the Beach Safety Booklet which would be useful for the public and Council's partners that include the RNLI and Your Leisure;
- Council was taking action on issues that the public had raised as concerns. This included issues like anti social behaviour;
- Bye laws were now in the safety booklet which would be circulated to the public. In the booklet were bye laws for managing the beach. These required updating. The updated version would be in place hopefully by next summer;
- Council was taking action against irresponsible and inconsiderate parking
- Council had reacted to the request for more public toilets to be opened for extended hours. Extra cleaning staff were now on duty for the busy beaches;
- Seafront lifts were currently closed because of the current social distancing regulations and council was trying to find ways to re-opening the use of this facility;
- Council was ensuring that all businesses using the beaches and foreshores had sufficient licenses and insurances for trading;
- Council was also enforcing appropriate behaviour for launching of boats;
- Although there were some challenges, beach huts were now in place. Council had worked with Your Leisure on this issue;

- Council staff had worked hard to deal with the large amount of litter left on beaches and foreshores; Another 50 large bins were going to be provided at designated points along the beaches. This was a continuing challenge for the council, but the council was working hard to resolve these issues;
- This summer a number of agencies were working together much more than before to resolve the issue;
- There was a communications plan to deal with the messaging of information relating to the beaches.

In response Members made comments and asked questions as follows:

- What enforcement did the council take in connection with barbeques at beaches?
- There would be more notification of bye laws on signage? Can we put more layman's terms on those bye laws for greater clarity for the public, particularly regarding access to the beaches?
- The enforcement policy of use of laughing gas canisters?
- Was there a list for the seaweed removal? There was a problem at points in Westgate and Birchington (Apple Bay, West Bay and Saint Mildreds). Can there be a review of how this can be removed?
- Weekend Beach Supervisor. Could councilors contact the supervisors? What was the process for turning bye laws into PSPOs?
- Can there be district wide PSPOs?
- Foreness Bay is not indicated as a PWC user. However it should as they have two jet ski clubs and they have strict boat and jet ski users codes of conduct. They should be reflected as that in the safety booklet;
- Are there any measures to target dogs' mess?

Responding to Member queries and questions, Councillor Everitt said the following:

- Barbeques were not permitted before 6.00pm;
- Yes council was working on new bye laws and it was hoped that the language used would provide clarity for the public;
- The canisters were legally obtained and the district commanders were aware of this challenge;
- The council had requested Kent Police to make a presentation at a Members briefing in relation to issues relating to beaches;
- Access to smaller beaches was a problem. Material is taken to a farm on a special licence. Quantity removal would be linked to what the council could lawfully dispose of on landfill available;
- Signage for cycling on the promenades;
- Signage will be put up on pinch points;
- The role for members would be to highlight issues for officers to consider, but not to ask officers to come and collect bins?
- Council would continue to look at the possibilities of having beach huts in Ramsgate;
- Turning Bye Laws into PASPOs is a complicated exercise. Council would be going through some of the bye laws and review whether there can be turned into PSPOs;
- Having district wide PSPO would be problematic in terms of enforcement because the council would need to enforce that. Officers were could consider that option;
- It is quite a large area but we do have enforcement officers. Most of the offending takes place in the mornings.

Thereafter Members thanked the Leader and noted the presentation.

244. PROCUREMENT OF LIFT REFURBISHMENT PROGRAMME AND EXTERNAL REPAIRS AND DECORATIONS PROGRAMME

Bob Porter, Director of Housing and Planning Services introduced the report and requested comments from the Panel. He made the following comments:

- Council would like to let two contracts for refurbishment of passenger lifts and external works and decorations;
- This was a key decision which Cabinet would like to get comments from the Panel before making a decision;
- Funding for the projects was within the Housing Account (the revenue budget);
- The lifts contract was a capital works contract funded from the major repairs reserves;
- A separate report was going to the 30 July Cabinet to vary the HRA budget in order to accommodate these two contracts.

Members asked questions and made comments as follows:

- Could Cabinet consider community wealth building principles when awarding contracts under procurement procedures;
- Would CCTVs be refurbished as well in those buildings (the Tower Blocks)?

In response, the Leader of Council and Bob Porter responded as follows:

- Cabinet will consider the community wealth building principles when awarding the contracts under the procurement procedures;
- The contract to install upgraded CCTVs in the six tower blocks owned by the council was currently underway.

The Panel noted the report.

245. CRITERIA FOR ANY REVIEW OF STREET AND BUILDING NAMES AND OTHER MONUMENTS

Tim Howes, Corporate Director Governance introduced the report and sought comments from the Panel and made the following points:

- This follows from the topical discussions going on regarding the Black Lives Matter campaign;
- It would be better to the council to engage to have a policy for assessing the suitability of monuments and street names in the district, using some criteria developed locally;
- Officers would then go away with comments from the Panel and develop a draft policy and bring it back to the Panel for further comments;
- The policy would have to take into consideration the public sector equality duty.

Members responded as follows:

- This was a significant issue;
- It was important to consider as a community and as a society what the priorities are and how the community recognized and respected its members;
- How society viewed its history is important, particularly if that involved recognising those communities who have been affected by racism;
- The equality legislation should guide the work of the council in addressing this issue, particularly the aims contained in Section 149 of the Equality Act 2010;

- One of the criteria to consider was the time in which people lived, what they did the effect on society at that time;
- Society should not hide their history. Instead the plaques should be left where they were and inform people what this was about and let people make up their own minds;
- This discussion could not be determined through peripheral discussion at one meeting. The best option would be for the Panel to set up a working party to address this issue more comprehensively and come forward with cogent ideas;
- Public involvement in the decision making for addressing this issue is important;
- Displaying in a museum is not necessarily an endorsement. However displaying something out in the community appears to be an endorsement;
- It was important to speak to those groups of society that are affected by this issue.

Councillor Campbell proposed, Councillor Coleman-Cooke seconded and Members agreed to set up a working party to consider the issues relating to the establishment of the council policy on criteria for reviewing street and building names and other monuments in the district. Members also agreed that the make up of the working group would be established outside the Panel meeting.

246. CALL-IN OF AN INDIVIDUAL CABINET MEMBER DECISION - MEMORIAL PLAQUE IN BROADSTAIRS

The Chairman introduced the item and started by reminding the Panel that the purpose of this item on the agenda was for Members to consider whether the Leader of Council could have used a different process for arriving at the decision.

Ms Michelle Thomas, a member of the public addressed the Panel, under the public speaking provision of the Overview & Scrutiny Panel.

Contributing to the discussion Members made the following submissions and observations:

- Uncle Mark performed in tribute to very much appreciated and very much skillful musicians from a different part of the world at a time when very few local people if any would ever get to see the real thing;
- His entertainment was not considered racist then. The emphasis should be that there should be no racism now in our time;
- Society learns from its history;
- The council had a responsibility to all residents not to act with haste on this matter. The recommendation instead was for the plaque to remain where it was until the criteria for reviewing any street and building names and other monuments was established;
- The music that Uncle Mark played was extremely popular and was a legitimate form of entertainment. When in character, he entertained residents and visitors in Broadstairs for over 50 years (1895-1945). As a measure of his popularity, a plaque was unveiled in Broadstairs Town;
- Broadstairs Town Council considered this issue on 24 June 2020 and agreed that the plaque should remain in situ and only be removed if a petition from Broadstairs petitioned the Council to remove it. However to date no such request by residents has been made;
- The decision by Broadstairs was passed by a very small margin;
- The Leader was thanked for his proactive decision to cover the plaque from possible vandalism;
- Could future decisions include liaising between the Leader of Council and the Town Council

- Uncle Mark was emulating black music that was popular at that time and Broadstairs Town Council gave him a platform on which to perform;
- The Panel ought to be aware of labelling those individuals who are remembering Uncle Mark as if they were racists. The Panel ought to be aware of different residents' perceptions of what that plaque means when using the criteria that would be put in place;
- Council put this issue up to a public consultation before making a final decision on the plaque;
- This part of Thanet history can be preserved in context. This plaque can be removed from the street and put in a Museum;
- Some Members fully supported the decision made by the Leader of Council.

Responding to Panel comments, Councillor Everitt said the following:

- An operational decision was made by officers to cover the plaque in anticipation of possible vandalism in view of what was happening in the country;
- Decisions are made by individual cabinet members and officers. This is part of the governance arrangements;
- The decision talks about the public sector equality duty;
- The Leader of Council had comments from other individuals from ethnic minority groups who have thanked the Leader for covering the plaque;
- This was the right decision to make;
- The Leader and decision maker had checked the history of Uncle Mark and it had publicity material around him. It doesn't support some of the earlier comments made during this discussion about respect being shown. It contains language which is wholly inappropriate;
- The decision had to be made against the council's public sector equality duty and not just on the basis of public opinion. The council had to follow the law.

Councillor Bayford proposed, Councillor Campbell seconded and Members agreed that the Leader takes no further action in respect of this matter, until the policy discussed in agenda item 6 (Criteria for any Review of Street and Building Names and other Monuments) is implemented.

247. REVIEW THE OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME FOR 2020/21

The Chairman sought Members' views on whether there were any other topics they wanted added to the scrutiny topics that were suggested at the workshop on 24 June.

The Panel agreed to add the setting up of a working party to consider some ideas for developing a policy on the Criteria for any Review of Street and Building Names and other Monuments to the scrutiny projects list.

Thereafter, Members noted the report.

248. FORWARD PLAN & EXEMPT CABINET REPORT LIST

Members noted the report.

Meeting concluded: 7.05 pm

This page is intentionally left blank

Draft Agenda Item 4

Draft Empty Homes Plan 2020-23

Overview and Scrutiny Panel **27 August 2020**

Report Author	Richard Hopkins, Private Sector Housing Manager
Portfolio Holder	Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing and Community Services
Status	For Recommendation
Classification:	Unrestricted
Key Decision	No
Reasons for Key	Not applicable
Previously Considered by	Not applicable
Ward:	All wards

Executive Summary:

Long term empty homes can have a detrimental effect on neighbourhoods and are a wasted resource in a time of ever growing housing need. The council is proactive in its attempts to help bring empty homes back into use and has drafted an Empty Homes Plan to help inform the work of the Empty Property Team.

Recommendation(s):

The Overview and Scrutiny Panel are asked to:

1. Consider and comment on the draft Empty Homes Plan, attached at annex 1.

CORPORATE IMPLICATIONS

Financial and Value for Money	<p>The draft Empty Homes Plan 2020-23 does not propose any additional council spending, other than that which would be spent within agreed and approved budgets.</p> <p>The Plan does propose to increase the operational priority of empty homes that are either subject to a Council Tax debt of more than £4,000 or have been delisted by the Valuation Office Agency ("VOA"). As these empty homes represent a loss of Council Tax income, such prioritisation should provide for a positive financial gain in the longer term, which will help fund essential public services.</p>
Legal	<p>The draft Empty Homes Plan 2020-23 does not seek to introduce any new legal powers not already in place or adopted, but it does highlight those which are available. Where the council's legislative powers could</p>

Draft Agenda Item 4

	be used in respect of an empty home, the Empty Property Team will consider using them when it is appropriate to do so and it is in the wider public interest.								
Corporate	The work undertaken by the Empty Property Team helps support two of the council's three Core Business Objectives 2019 - 2023. Primarily, the Communities objective in <i>"Delivering high-quality housing, safer communities and enhancing the health and wellbeing of our residents"</i> but also the Environment objective in <i>"Having a clean and well-maintained environment"</i> .								
Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td></tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td><td></td></tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td><td>✓</td></tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td><td></td></tr> </table> <p>No significant positive or negative impacts have been identified in respect of the protected characteristics. However, some minor positive and negative impacts have been identified in respect of disability, age and social-economic background. An Equality Impact Assessment has been undertaken and is annexed to this report.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓	Foster good relations between people who share a protected characteristic and people who do not share it.	
Please indicate which aim is relevant to the report.									
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,									
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓								
Foster good relations between people who share a protected characteristic and people who do not share it.									

CORPORATE PRIORITIES	
Growth	
Environment	✓
Communities	✓

1.0 Introduction and Background

- 1.1 Empty and derelict properties have an adverse effect on neighbourhoods. They are often unsightly and can attract crime and anti-social behaviour such as squatting, arson, graffiti and fly-tipping. They may also affect the value of neighbouring properties by creating an impression of neglect and decline within a community. Such properties are not only eyesores and a source of neighbourhood distress, they are a

Draft Agenda Item 4

wasted resource in a time of ever growing housing demand. Many people cannot access good housing, yet many homes stand vacant.

- 1.2 Homes that have been empty for more than six months are of concern, and these are known as long term empty homes. The council's Empty Property Team ("the Team") is committed to taking action whenever possible to help bring them back into use. Council intervention helps increase overall housing supply and reduces the negative environmental and economic effects that empty properties have on neighbourhoods.
- 1.3 The Team has drafted an operational Empty Homes Plan. The plan sets out the background to empty homes in Thanet, highlights the main ways in which the council can intervene, and explores the opportunities that could be employed to help reduce the number of long empty homes in Thanet.

2.0 The Current Situation

- 2.1 The Team, which consists of one Empty Property Officer and one Empty Property Support Officer, is engaged in a range of interventions aimed at bringing long term empty homes back into use. It responds to complaints from members of the public and uses Council Tax data to identify empty homes.
- 2.2 In the first instance, the Team attempts to offer advice and assistance to property owners. This can often lead to successful outcomes. This advice will include raising awareness of the interest free loans available to help renovate homes which have been empty for more than six months. Loans are offered in partnership with Kent County Council through its No Use Empty initiative. Since 2007, over £10m in loans have been approved in Thanet, which has assisted with the renovation of some 364 homes.
- 2.3 When the informal approach is unsuccessful, the team has a range of legislative powers at its disposal which may, depending on the circumstances of each case, be used to help bring empty homes back into use. However, it should be noted that owning an empty home is not unlawful and formal intervention may not be possible or appropriate in every case.
- 2.4 The Team helps bring more empty properties back into use than any other council in Kent. In 2020/21, the Empty Homes Team helped bring 159 homes back into use.
- 2.5 As a deterrent to owning a long term empty home, the council also charges additional Council Tax premiums on homes that have been empty for more than two years.

3.0 Empty Homes Plan 2020-23

- 3.1 The Empty Homes Plan 2020-23 has been drafted to help inform the work of the Team for the next three years. It is primarily an operational document; however, the final version will be published for reasons of transparency and openness.

4.0 Next Steps

- 4.1 The Empty Homes Plan 2020-23 will be completed shortly. Any observations or suggestions that the Overview and Scrutiny Panel would like to make will be taken into account before the document is finalised.

Draft Agenda Item 4

Contact Officer:	Richard Hopkins, Private Sector Housing Manager, 01843 577402
Reporting to:	Bob Porter, Director of Housing and Planning

Annex List

Annex 1	Draft Empty Homes Plan 2020-23
Annex 2	Draft Equalities Impact Assessment

Background Papers

Title	Details of where to access copy
None	Not applicable.

Corporate Consultation

Finance	Matthew Sanham, Financial Services Manager
Legal	TBC

Thanet District Council

Housing and Planning

Empty Homes Plan 2020-23

(August 2020 - Draft)



Draft Agenda Item 4

Annex 1

This page is intentionally blank

Contents

Introduction	5
Why are empty homes a problem?	5
Empty Property Team	5
Background information	5
How we bring empty homes back into use	8
Empty property referrals	8
Interest free loans (Developers and private landlords)	8
Interest free loans (Owner-occupiers)	9
Reduced auction fees	9
Prioritising enforcement action	9
Legislation supporting enforcement action	10
Housing Act 2004	10
Housing Act 1985	11
Town and Country Planning Act 1990	11
Planning (Listed Buildings and Conservation Areas) Act 1990	11
Building Act 1984	12
Environmental Protection Act 1990	12
Law of Property Act 1925	12
Anti-social Behaviour, Crime and Policing Act 2014	12
The significant enforcement interventions	13
Council Tax	14
Council Tax records	14
Council Tax debts	14
Properties removed from the Valuation List	14
Current position and opportunities	16
Interest free loans (Developers and private landlords)	16
Interest free loans (Owner-occupiers)	16
Increase performance target	16
Improve the priority rating system for empty homes	17
Enlarge empty property database	17
Council Tax premiums	17
Council Tax debts	18
Grant and other funding	18
Empty Dwelling Management Orders	19
Compulsory Purchase Orders	19
Enforced sales	20
Action Plan	21
Help and advice	23

Draft Agenda Item 4

Annex 1

Making a complaint	23
Document history	23
Annex	24
Council Tax: Exemption Classes (No charge)	24
Council Tax: Discount Classes (Local Authority discretion on discount amount)	25
Council Tax: Annexe Discount (No Local Authority discretion)	25
Council Tax: Premium Classes (Additional charge)	25

Draft Agenda Item 4

Annex 1

Introduction

Why are empty homes a problem?

1. Empty and derelict properties have an adverse effect on neighbourhoods. They are often unsightly and can attract crime and anti-social behaviour such as squatting, arson, graffiti and fly-tipping. They may also affect the value of neighbouring properties by creating an impression of neglect and decline within a community. Communities are less likely to flourish and prosper in areas where multiple empty properties are in close proximity.
2. Such properties are not only eyesores and a source of neighbourhood distress, they are a wasted resource in a time of ever growing housing demand. Many people cannot access good housing, yet many homes stand vacant.
3. Properties can remain empty for a number of reasons, including inheritance complications, high repair costs combined with low values, limited or negative equity, adverse lending policies, and owners going into residential care. A lack of awareness of available options and sentimentality are also common reasons.
4. There are many genuine reasons why a property can remain unoccupied for a short period of time; however, homes that have been empty for more than six months are of concern, and these are known as long term empty homes.
5. With a high number of long term empty homes in Thanet, the council is committed to taking action whenever possible to bring them back into use. Council intervention helps increase overall housing supply and reduces the negative environmental and economic effects that empty properties have on neighbourhoods.

Empty Property Team

6. Two full time officers, an Empty Property Officer and an Empty Property Support Officer, make up the council's Empty Property Team. The team is responsible for leading and coordinating the council's efforts to bring long term empty homes back into use using a range of informal and enforcement interventions.
7. A multi-disciplinary meeting is chaired by the Empty Property Team every quarter. The other council teams regularly represented at the meeting include the Planning Department, Building Control, Street Scene Enforcement, and Council Tax. The aim of the meeting is to ensure that council intervention is joined up and effective.

Background information

8. The reasons for fluctuations in the number of empty homes in any district are complex and are linked to housing demand in the locality and wider national influences, such as the state of the general economy and availability of finance. However, the number of long term homes in England has fallen over the last decade.
9. Areas with higher levels of long term empty homes tend to be characterised by lower household incomes, lower house prices, deprivation and a higher prevalence of pre-1919 terraces. Thanet is therefore more likely to suffer with higher levels of long term empty homes when compared to the more affluent districts in Kent.
10. Based on Council Tax records as at October each year, the Government publishes empty property data on GOV.UK. Table 615 highlights the number of long term empty homes in each district and unitary authority since 2004. Table 1 below is an extract that puts Thanet in context with the rest of Kent.

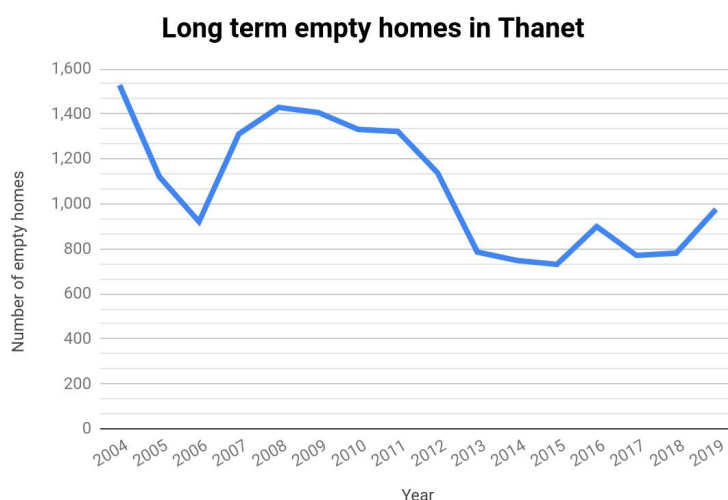
Table 1: Long term empty homes in Kent since 2004

	2004	2005	2006	2007	2008	2009	2010	2011
Ashford	416	559	498	567	617	533	484	504
Canterbury	577	735	678	635	722	642	679	640
Dartford	386	306	339	296	389	353	294	336
Dover	733	750	743	748	808	952	908	878
Folkestone & Hythe	635	675	678	721	806	740	771	767
Gravesham	603	603	671	443	258	311	318	282
Maidstone	515	480	515	544	602	525	533	530
Medway	1,649	1,361	1,359	1,607	1,606	1,332	1,478	1,455
Sevenoaks	382	474	386	418	460	465	455	483
Swale	805	889	688	671	742	712	639	619
Thanet	1,528	1,121	921	1,311	1,429	1,406	1,331	1,322
Tonbridge & Malling	255	325	309	269	317	308	252	247
Tunbridge Wells	337	432	488	489	489	531	430	449
	2012	2013	2014	2015	2016	2017	2018	2019
Ashford	449	307	250	247	240	283	322	426
Canterbury	733	489	403	396	599	443	511	581
Dartford	250	179	169	176	188	220	253	274
Dover	725	510	436	478	624	523	471	460
Folkestone & Hythe	766	766	608	641	547	470	468	489
Gravesham	212	175	145	193	204	255	250	204
Maidstone	422	414	323	273	306	342	485	433
Medway	1,417	938	1,004	879	817	986	1,144	1,398
Sevenoaks	444	362	330	291	379	315	367	431
Swale	617	491	405	439	291	348	356	388
Thanet	1,138	786	748	731	899	771	781	976
Tonbridge & Malling	246	272	307	355	346	360	359	331
Tunbridge Wells	426	396	334	276	376	448	405	377

Source: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

11. Despite a spike in 2019, Figure 1 below shows that the long term trend in the number of long term empty homes in Thanet is downward. The global financial crisis of 2007-08 appears to have had an impact.

Figure 1: Long term empty homes in Thanet since 2004



Empty Homes Plan 2020-23

Draft Agenda Item 4

Annex 1

12. The council has been proactive in attempting to reduce the number of long term empty homes in Thanet since 2004, when it first appointed an Empty Property Officer. Since 2005, the council has been working in close partnership with Kent County Council's No Use Empty initiative to help bring more empty homes back into use.
13. Table 2 below shows how many empty homes Kent local authorities have helped bring back into use since 2005-06. The council was the highest performing Kent authority in 12 of the past 15 years and as of 31 March 2020 had helped bring 1,685 homes back into use.

Table 2: Empty homes brought back into use in Kent by means of council intervention

	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13
Ashford	0	0	0	0	0	5	7	0
Canterbury	0	0	0	14	0	0	0	0
Dartford	0	0	0	57	113	98	123	104
Dover	16	39	17	27	33	36	33	44
Folkestone & Hythe	52	34	50	26	47	32	34	45
Gravesham	0	0	0	75	56	31	50	54
Maidstone	0	0	0	18	24	29	12	106
Sevenoaks	0	0	0	4	20	20	17	15
Swale	12	14	12	3	33	37	33	63
Thanet	68	83	90	92	90	108	117	113
Tonbridge & Malling	0	0	0	5	9	5	9	12
Tunbridge Wells	0	0	0	20	13	10	14	27
TOTAL	148	170	169	341	438	411	449	583
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	TOTAL
Ashford	0	1	2	2	11	1	6	35
Canterbury	4	0	11	0	40	6	10	85
Dartford	104	96	100	97	56	96	86	1,130
Dover	41	32	48	40	30	24	34	494
Folkestone & Hythe	36	29	55	81	84	70	48	723
Gravesham	58	45	34	30	19	13	10	475
Maidstone	99	132	59	39	21	15	53	607
Sevenoaks	27	12	7	16	17	8	17	180
Swale	84	86	71	79	2	45	116	690
Thanet	120	119	122	169* (126)	138	140	159	1,728 (1,685)
Tonbridge & Malling	18	18	7	14	12	0	0	109
Tunbridge Wells	20	17	22	14	9	28	12	206
TOTAL	611	587	538	581	439	446	551	6,462

*Includes 43 claimed directly by KCC following redevelopment of a school. TDC performance: 126.

Source: Kent County Council (No Use Empty Initiative).

How we bring empty homes back into use

Empty property referrals

14. The council receives referrals (including complaints) about empty homes from various sources, such as local residents, other council departments, external agencies, councillors and MPs. The Empty Property Team also generates referrals when they become aware of a long term empty home through other means. Every referral is recorded by the council.
15. Upon receipt of an empty property referral, an officer will make preliminary enquiries. Existing council records will be reviewed and an initial visit will usually take place within 28 days. A visit may not be necessary if a previous complaint is already being investigated. If, following inspection, a property is confirmed to be vacant, it is entered onto the council's proprietary empty property database.
16. The council will normally attempt to engage with the owner of an empty property on an informal basis. Usually, this will involve sending a letter with an offer of help and advice. If a response is made, the council will attempt to help in whatever way it can. If no response is made, a further attempt to contact the owner will be made. Again, this will usually be by way of an informal letter.
17. In some cases, the owner may not be easily located and the Empty Property Team will use a range of investigative tools to identify legal ownership and responsibility.
18. The council achieves most success on an informal basis. Encouragement, help and advice is often all that is needed to ensure an owner takes action. A gentle reminder as to the council's available enforcement options may also prompt a response from those who are more reluctant to engage.
19. Where an owner undertakes to either sell or renovate the property, the council will continue to visit and monitor the situation to make sure the promised actions are taken in a timely manner.
20. While the council will always endeavour to bring an empty property back into use by informal means, this is not always possible. Enforcement action may be an available option. However, this is not always possible, as it is not unlawful to own an empty property.

Interest free loans (Developers and private landlords)

21. Kent County Council (KCC) launched its No Use Empty initiative in 2005 in collaboration with Kent's district councils. The primary aim of the initiative is to improve the physical urban environment in Kent by bringing empty properties back into use as good quality homes and to raise awareness of the problems empty properties can cause to local communities. The initiative provides guidance and financial support to all of Kent's district councils.
22. The initiative operates with a £5m recyclable fund to deliver interest free loans of up to £25,000 per unit of accommodation. The loans are aimed at the owners of long term empty homes who need financial assistance to help them carry out the works required to bring their properties back into use. The maximum loan amount per applicant is £175,000.
23. Applicants may apply for a loan to let, which must be repaid within three years. Alternatively, loans to sell are available, which must be repaid within two years or upon the sale of renovated property, whichever comes first. Loans are usually provided as a 100% upfront payment, but larger loans may be awarded on a phased basis.

Draft Agenda Item 4

Annex 1

Interest free loans (Owner-occupiers)

24. Working collaboratively with KCC's No Use initiative, the council was the first in Kent to offer interest free loans to potential owner-occupiers. Secured loans of up to £20,000 are available to applicants who propose to move into a long term empty property they own, once it has been renovated. Applicants must agree to live in the renovated property for at least five years.
25. The owner-occupier loan initiative forms part of the Live Margate programme, which aims to promote housing regeneration in the two wards of Cliftonville West and Margate Central. As such, the owner-occupier loans are limited to properties within these two wards.
26. Smaller loans are made as a 100% upfront payment; whereas larger loans will be made in two staged payments. Loans must be repaid within a maximum time period of 10 years. An initial budget of £150,000 has been set aside to fund this initiative, which is intended to be recyclable.

Reduced auction fees

27. Sometimes, the council may advise an owner that their best option is to sell their property by auction. The council has an agreement with a reputable auction house, which will reduce the auction fees payable in respect of a long term empty home, when the referral has been made by the council's Empty Property Team.

Prioritising enforcement action

28. As empty property enforcement action is onerous and time-consuming, the council uses a priority rating system to direct its limited resources in a transparent way.
29. At the time an empty property is initially visited, the officer will make a priority assessment based on a number of factors. These include:
 - Crime and anti-social behaviour (historic and future risk; including arson, trespass, squatting, fly-tipping and graffiti);
 - Appearance (the degree to which the premises are unsightly and detrimental to the area, including matters such as decorative repair, rubbish accumulations and overgrown vegetation);
 - Prominence (property size and location; for example, whether the property is in a high profile location seen by many, or down a side street only ever seen by very few if any people);
 - General condition (physical condition of the premises, both internal and external; for example, whether the building is in an uninhabitable condition);
 - Physical effect (whether the condition of the property is causing damage to other residential buildings; for example, whether the roof is leaking to such an extent that water penetration has begun to affect neighbouring homes);
 - Time vacant (the length of time the property has been empty).
30. For each category, the property will be assessed as having a Minimal, Low, Medium or High rating. Based on the assessment, points are awarded for each category. The scores given for each assessment are set out in the following table:

Draft Agenda Item 4

Annex 1

Table 3: Empty homes priority matrix

	Minimal	Low	Medium	High
Crime and anti-social behaviour	0	5	10	15
Appearance	0	10	15	25
Prominence	0	5	10	15
General condition	0	5	10	15
Physical effect	0	10	20	30
Time vacant	0	5	10	15

31. The points awarded are totalled and each property is given an overall score, with the maximum score being 115. The overall score is then placed into one of four bandings, namely:
- A = 90 and over (HIGH);
 - B = 75-89 (MEDIUM);
 - C = 40-74 (LOW);
 - D = 39 and below (MINIMAL).
32. Any empty residential property given a C rating (High) will usually be recommended for enforcement action should informal intervention be unsuccessful. Properties given a B rating (Medium) are also likely to be recommended for such action. While C (Low) and D (Minimal) rated properties are less of a priority, the council will endeavour to take enforcement action when it is in the public interest to do so and available resources permit such intervention to take place.
33. Irrespective of the rating given, the council will always attempt to assist and advise any empty property owner should they ask for help.

Legislation supporting enforcement action

34. A range of statutory powers can be used to help bring empty homes back into use. However, the legislative tools that are reasonably available are very much dependent on the individual circumstances of each case. The main statutory provisions available to the council are outlined below.

Housing Act 2004

35. Part 1 of the Housing Act 2004 is concerned with housing conditions in the private sector. It introduced the concept of Category 1 and Category 2 hazards, and regulations made thereunder prescribed the Housing Health and Safety Rating System (HHSRS) as the method for assessing the severity of hazards in the home environment. The enforcement options available for dealing with Category 1 and Category 2 hazards are:
- Improvement Notice;
 - Prohibition Order;
 - Hazard Awareness Notice;
 - Emergency Remedial Action (Category 1 hazards only);
 - Emergency Prohibition Order (Category 1 hazards only);
 - Demolition Order (Category 1 hazards only);
 - Clearance Area (Category 1 hazards only).
36. The HHSRS can be used to assess conditions in empty homes. While there are no occupiers in an empty home, and thus less risk to health and safety, there are

Draft Agenda Item 4

Annex 1

circumstances in which it may be appropriate to use the enforcement options mentioned above.

37. Chapter 2 of Part 4 of the Housing Act 2004 is concerned with Interim and Final Empty Dwelling Management Orders (EDMOs). In respect of a dwelling that has been empty for at least two years, the council has the power to apply to a First-tier Tribunal for an Interim EDMO, which would allow it to take over the management of the property with a view to ensuring it is reoccupied. An Interim EDMO has effect for up to 12 months and while the council would not have a legal interest in the property, it would be able to carry out renovations and collect rent from new tenants to offset the costs. However, the owner must agree to any new tenancy.
38. Interim EDMOs are considered a statutory power of last resort. As such, before a First-tier Tribunal can approve an Interim EDMO, the council must be able to demonstrate that it has tried to work with the owner on an informal basis to get the property reoccupied, and that it has given at least three-months' notice of its intention to apply for an Interim EDMO. The council must also prove that the empty property is causing a nuisance for the community, and that there is evidence to suggest that the community supports the making of an Interim EDMO. There are also prescribed exemptions set out in secondary legislation.
39. A council can make a Final EDMO to replace an Interim EDMO, if it is of the opinion that unless it does so the property will become or remain unoccupied. A Final EDMO can take effect for up to seven years and the owner's permission is not required to grant any new tenancies.
40. While all reasonable expenses incurred by a council in making an EDMO are recoverable through rents, all surpluses must be paid to the owner. If the rental income does not cover its expenses, the council would be liable for any deficit.

Housing Act 1985

41. Section 17 of the Housing Act 1985 concerns the compulsory acquisition of land or property for housing purposes. This power may be used to acquire under-used or ineffectively used land or property by means of a Compulsory Purchase Order (CPO). Before taking such action, the council must show that there is a general housing need in the area and that a quantitative or qualitative housing gain will be made by making the order. CPOs must be approved by the Secretary of State.

Town and Country Planning Act 1990

42. Section 215 of the Town and Country Planning Act 1990 provides the council with the power to deal with land which adversely affects the amenity of an area. "Land" includes buildings. A notice may be served under this section requiring the owner or occupier of the land to take steps as is necessary to remedy the condition of the land. Such notices set out the steps that need to be taken, and the time within which they must be carried out. The council also has the power to undertake the works themselves and to recover the costs from the landowner.
43. Section 226 concerns the compulsory acquisition of land or property to allow development, redevelopment or improvement to take place. If compulsory acquisition will contribute to the promotion or improvement of economic and/or social and/or environmental wellbeing, the council may, in the public interest, make a CPO. CPOs must be approved by the Secretary of State.

Planning (Listed Buildings and Conservation Areas) Act 1990

44. Section 47 provides for the compulsory purchase of listed buildings in disrepair. CPOs under this section are made to ensure that listed buildings (buildings deemed to be of

Draft Agenda Item 4

Annex 1

special architectural and historical interest) are properly preserved. CPOs must be approved by the Secretary of State. However, before the council can compulsorily purchase a listed building in disrepair it must first give the owner an opportunity to carry out the required works by serving a repairs notice. If an owner demolishes a listed building following receipt of a repairs notice, the site may still be compulsorily purchased by the council.

Building Act 1984

45. Under section 77 of the Building Act 1984, the council can apply to the Magistrates' Court for an order requiring the owner of a dangerous building to either make the building safe or (if the owner chooses) demolish it. If the owner fails to comply with the order, the council can carry out the works-in-default and recover the reasonable expenses incurred in doing so from the owner. In emergency situations, the council can (without obtaining a court order) take immediate steps to make safe a dangerous building under section 78. In such circumstances, the council must, if possible, attempt to give prior notice to the owner and occupier. Again, any expenses reasonably incurred can be recovered from the owner.
46. Section 79 of the Building Act 1984 concerns ruinous and dilapidated buildings and neglected sites. If a building is, by reason of its ruinous or dilapidated condition, seriously detrimental to the amenities of the neighbourhood, the council may serve a notice requiring the owner to carry out remedial works or (if the owner chooses) demolish the building. If the owner fails to comply with the notice, the council can carry out the works-in-default and recover the reasonable expenses incurred in doing so from the owner. This section also makes provision for dealing with any debris resulting from the collapse or demolition of a building, which by its nature is seriously detrimental to the amenities of the neighbourhood. If this condition is met, the council may serve a notice on the owner requiring the clearance of the site. As above, if the owner fails to comply with the notice, the council can carry out the works-in-default and recover the reasonable expenses incurred in doing so from the owner.

Environmental Protection Act 1990

47. Matters which may amount to a statutory nuisance are set out in section 79(1) of the Environmental Protection Act 1990. Statutory nuisances must be either "prejudicial to health or a nuisance". Prejudicial to health is defined as meaning "injurious, or likely to cause injury, to health". Nuisance is not defined by statute. If the council is satisfied that a statutory nuisance exists or is likely to occur or recur, it must serve an Abatement Notice.

Law of Property Act 1925

48. In cases where the council is owed monies, as a result of the council undertaking works-in-default under relevant legislation, section 103 of the Law of Property Act 1925 may be used as a means by which to recover the debt. Under this legislation, the debt may, under certain circumstances, be registered as a first charge with HM Land Registry. Such a charge would normally take precedence over any mortgage. The council may then, should the owner fail to pay the debt within a specified timescale, enforce the sale of the property to recover the monies owed.

Anti-social Behaviour, Crime and Policing Act 2014

49. The conduct of an owner of an empty property can be deemed to be unreasonable and detrimental to the quality of life of people living in the locality. As such, in certain circumstances, the council can serve a Community Protection Notice requiring the owner to take such action as is deemed appropriate to deal with the problems caused by the empty property.

Draft Agenda Item 4

Annex 1

The significant enforcement interventions

50. Ultimately, there is no statutory notice that can demand an owner to bring an empty home back into use. Using the above-mentioned legislation, the most significant forms of intervention are:

- CPO: The compulsory purchase of the land or building concerned to help ensure it is brought back into use;
- Works-in-default: If an owner fails to comply with a statutory notice requiring remedial works, the council can carry out the works-in-default and place a charge on the property to secure the repair costs as a debt;
- Enforced sale: As a means of recovering a debt owed to the council (such as a debt resulting from works-in-default) the council can enforce the sale of the property. This will promote a change of ownership and is likely to lead to the property being brought back into use;
- EDMO: When the council steps in and takes over the property to secure essential repairs and reoccupation.

Council Tax records

51. Council Tax records are an important source of information. The Empty Property Team receives a report every three months from the Council Tax Team which highlights the properties that have been empty for a period of six months or more.
52. The Council Tax classes of most concern are:
- Class C Discount: Unoccupied and unfurnished (100% charge);
 - Empty Premium Class L: Unoccupied and unfurnished for two years or more but less than five years (100% additional premium);
 - Empty Premium Class L5: Unoccupied and unfurnished for five years or more (200% additional premium);
 - Class D Discount: Unoccupied and requires or is undergoing structural alterations/major repair (0% charge for a maximum period of 12 months).
53. Homes that have been unoccupied and unfurnished for less than two years fall under the category of a Class C discount. The term “Class C Discount” remains in use because Council Tax regulations continue to allow councils to grant a discount for Class C properties if they so wish. However, the council has opted to charge at the full 100% charging rate, so there is no actual discount for such properties in Thanet.
54. As of 04 August 2020, there were 1,895 empty homes in Thanet under the above-mentioned classes. Of these, 1,273 had been empty for more than six months:
- | | <u>Empty more than 6 months</u> | <u>Total in class</u> |
|---------------------------|---------------------------------|-----------------------|
| • Class C Discount: | 861 | 1,398 |
| • Empty Premium Class L: | 177 | 177 |
| • Empty Premium Class L5: | 86 | 86 |
| • Class D Discount: | 149 | 234 |
55. A list of exemption, discount and premium classes used for Council Tax purposes has been included in the annex to this plan.
56. It is worth noting that the Government only reports the number of unoccupied and unfurnished properties (the total number of Cs, Ls and L5s) when it publishes Table 615 on GOV.UK each year.

Council Tax debts

57. There are some owners of empty properties that do not keep up with their Council Tax payments. As of May 2020, there were 116 long term empty homes with an outstanding debt of more than £4,000.

Properties removed from the Valuation List

58. Not all empty properties are subject to Council Tax. An owner can apply to the Valuation Office Agency (“VOA”) to have a property removed from the Council Tax Valuation List if it is uninhabitable. The property must be derelict and have deteriorated to such an extent that it cannot be repaired without very significant reconstruction. Properties are rarely removed from the Valuation List for this reason.
59. Once a property is removed from the Valuation List, Council Tax records are updated, but no long term record of the addresses removed from the Valuation List is maintained.

Draft Agenda Item 4

Annex 1

However, the VOA has started providing the Empty Property Team with details of the added and removed addresses. As of May 2020, the council were aware of 119 addresses that had been removed from the Valuation List and may be of interest. Of these, 114 had been removed for a period of six months or more. While some may be long term empty properties in an uninhabitable condition, others may have been removed for another reason; for example, a property will be removed from the Valuation List if it changes use to a holiday home, when it will become subject to business rates instead.

60. The Empty Property Team takes action in respect of all empty properties, irrespective of whether they are on the Valuation List or not.

Current position and opportunities

Interest free loans (Developers and private landlords)

61. The KCC funded loans to sell and loans to rent are well used in Thanet. The funding allocation is usually exhausted each year and Thanet has historically benefitted more than any other local authority in Kent. As of August 2020, some £10.15m, which is around 29% of all funds made available in Kent so far, has been used to fund loans in Thanet. These loans have generated a further injection of £11.99m in public and private leverage, thereby ensuring that £22.14m has been spent on bringing empty homes back into use since the scheme started.
62. Apart from continuing to promote these loans locally, there appears to be limited scope to enhance the use of this funding stream. However, some other Kent local authorities provide top-up loans when the KCC element does not provide sufficient capital to fund difficult projects. This is an option, but it would require additional resources from the council or from grant funding opportunities. At present, additional funding is not available.

Interest free loans (Owner-occupiers)

63. The council introduced its interest-free owner-occupier loan offer for properties in Cliftonville West and Margate Central in 2017. The original £150,000 budget has substantially been committed and a waiting list is now being maintained. As funds are returned through loan repayments, the council will be able to offer more loans. However, while the fund is recyclable, the turnaround is slow owing to the ten-year payback period.
64. Ideally, the loan scheme would be available for use in other wards or district-wide. However, as this initiative is funded by the council and not KCC, it would require additional resources from the council or from grant funding opportunities. Such additional funding is not currently available.

Increase performance target

65. The first step towards improving performance took place in May 2017 with the appointment of a new Empty Property Officer. The post had not been occupied since 2012. The key aim of this post is to lead on the enforcement of the most difficult and challenging properties; the empty properties that are often of most concern to the public. Owing to the complex and time-consuming nature of such work, the appointment will not dramatically increase performance, but will bring about significant improvements for affected communities.
66. The Empty Property Team's performance target for 2018/19 was to help bring 137 empty homes back into use. The team achieved this target with 140 homes. To maximise performance, the target was increased to 150 for 2019/20. The team exceeded the target by helping to bring 159 empty homes back into use.
67. However, as more interventions are now taking place, there is further scope to increase the performance targets. The proposed performance targets for the next three years are:
 - 2020-21: 160
 - 2021-22: 170
 - 2022-23: 180

Draft Agenda Item 4

Annex 1

Improve the priority rating system for empty homes

68. While the current priority rating system did work well in the past, the number of empty homes with a priority rating of A or B has fallen over the past few years to very few. This has largely been associated with the Empty Property Officer appointment in 2017 and the subsequent direction to target As and Bs in the first instance. With so few As and Bs at present, the Empty Property Team have been focussing their efforts on empty homes with a priority rating of C, which represents a large pool of cases for potential intervention. It is therefore proposed that the priority rating system is reviewed and revised to ensure that the number of empty homes rated as an A or B is increased to better direct the limited resources available to the Empty Property Team.

Enlarge empty property database

69. There is insufficient capacity within the Empty Property Team to tackle every long term empty home on the Valuation List. Prior to the appointment of the new Empty Property Officer, the team was monitoring and attempting to deal with around 500 empty properties, some of which were not on the Valuation List. The council is now endeavouring to add more long term empty homes onto its empty property database. While there are too many to achieve full alignment with the Valuation List, those that are not known to the Empty Property Team and have been empty for more than two years will be targeted for investigation and inclusion on the empty property database.
70. It is therefore proposed that all empty homes that have been empty for more than two years will be inspected and prioritised for intervention by the end of 2020, if not already subject to investigation by the Empty Property Team. After the database is so populated, the intention is to keep it aligned with the quarterly Council Tax report on long term empty homes as much as possible.
71. Properties removed from the Valuation List which still exist are likely to be in very poor condition, and as no Council Tax is payable in respect of such properties, there is also a loss of income that could be used for essential public services, such as social care, Kent Police and Kent Fire & Rescue. Therefore, properties removed from the Valuation List by the VOA will be inspected and prioritised as soon as possible once they have been removed for a period of six months.
72. It is worth noting that there is not normally a difference in Council Tax charge between an occupied home and an unoccupied property that has been empty for less than two years. As such, some new residents are slow to notify the Council Tax Team of reoccupation. The Empty Property Team notifies the Council Tax Team of any changes in occupation it identifies during its inspections to help keep Council Tax records up to date.
73. As of August 2019, the empty property database included 838 entries. By August 2020, the figure had increased to 1,249. Some entries relate to buildings containing more than one dwelling.

Council Tax premiums

74. Since 01 April 2013, councils have been able to charge an additional Council Tax premium for homes that have been empty and unfurnished for two years or more. The council adopted the maximum permitted additional premium of 50% in 2015.
75. The Government amended the relevant legislation in 2018 to further increase the maximum permitted additional premiums for empty homes. The council has adopted or proposes to adopt the new additional premiums and they are being charged or are proposed to be

Draft Agenda Item 4

Annex 1

charged as soon as they become available. The current and future charges are shown below:

- From 01 April 2019: 100% additional premium for homes that have been empty for two years or more;
- From 01 April 2020: 100% additional premium for homes that have been empty for two years or more but less than five years; 200% additional premium for homes that have been empty for five years or more;
- From 01 April 2021: 100% additional premium for homes that have been empty for two years or more but less than five years; 200% additional premium for homes that have been empty for five years or more but less than ten years; 300% additional premium for homes that have been empty for ten years or more.

76. As the council decided to charge the maximum additional premiums as soon as they became available, there is no further scope for increasing the Council Tax charges for empty homes.

77. While these additional premiums will not have an impact in every situation, it will certainly be a significant deterrent for owners who have no good reason to keep a property empty. For example, from 01 April 2021, a property that has been empty for over 10 years will be subject to a charge four times the normal rate (assuming the 300% additional premium is adopted as proposed). If the normal Council Tax charge is, for example £1,883.45 (current charge for a Band D property in Margate), the new charge will be £7,533.80.

Council Tax debts

78. The long term empty homes that are subject to a Council Tax debt of more than £4,000 are a concern for the council. Monies owed and needed for essential public services are not being collected and the empty homes represent a loss to the local housing stock.

79. However, the circumstances leading to a home becoming empty and subject to Council Tax debt are often complex and challenging. Nevertheless, such properties will be targeted for intervention by the Empty Property Team.

80. The Empty Property Team will attempt to assist the Council Tax Team in respect of some of the most difficult cases. Formal intervention can eventually lead to a charging order being placed on the empty property, which could then lead to an order of sale from a court. While enforcing the sale of such a property is a significant step to take, in some cases it may be an appropriate course of action to take in the circumstances. Such action would lead to the recovery of the debt owed to the council and should ultimately lead to its reoccupation.

Grant and other funding

81. The Government's national housing body, Homes England, has historically funded programmes to bring empty homes back into use, and the council has previously completed the acquisition of 29 homes as part of this in 2015/16. These programmes are generally for the purchase and repair or lease and repair of properties in the private sector. This can support empty homes being brought back into use for affordable housing purposes. As such, the council will explore further opportunities to access additional Homes England funding.

82. Currently, the council is using unspent Right to Buy 141 monies to acquire properties. The objective of the funding is to replace properties which have been lost through Right to Buy purchases. The use of retained Right to Buy receipts is restricted to up to 30% of the cost

Draft Agenda Item 4

Annex 1

of a replacement property or scheme cost, with the balance currently coming from the council's Housing Revenue Account.

83. The council has also attracted funding from the South East LEP to support its Live Margate Housing Intervention Programme. There is also potential for contributions gained through the planning process to be used for purchase and repair for use as affordable rented homes. These programmes could be used for both private sector dwellings and ex-right-to-buy leasehold properties.
84. Other than the grant funding opportunities mentioned above, the council will continue to make bids to any relevant fund that arises in the future, whether at Government or County level, which is aimed at bringing empty homes back into use.

Empty Dwelling Management Orders

85. An EDMO can only be obtained by application to a First-tier Tribunal and it will want to be fully persuaded that it is fair and reasonable. A good proportion of EDMO applications are rejected by the tribunal. In general, councils have found them notoriously difficult to obtain.
86. Once obtained there is much procedural work to do and most likely the organisation of major repairs, the upfront costs of which must initially be met by the council. Managing the property thereafter will also consume a significant amount of time and resources. In reality, few EDMOs are sought by councils in England.
87. At present, there are approximately 263 empty homes in Thanet that might be considered for an EDMO. A good percentage of these are likely to be subject to a statutory exemption.
88. If the council were to only focus on pursuing EDMOs, the number of homes brought back into use would fall dramatically. Nonetheless, the council is attempting to step up action and are actively considering properties which may be suitable for an EDMO. However, great care must be taken, as any deficit at the end of an EDMO must be borne by the council and not the owner. Therefore, EDMOs are not without financial risk to the council, and as the owner must receive all surpluses should there be any, there is no scope for financial gain.
89. While successfully obtaining some EDMOs will not greatly increase the number of homes brought back into use, it would serve as a deterrent to owners and therefore be in the wider public interest.

Compulsory Purchase Orders

90. CPOs are an action of last resort and must be approved by the Secretary of State. The council must show that it has exhausted all other alternatives before it can realistically make an application.
91. Occasionally there are empty homes that are unlikely to be brought back into use without the council taking the bold step of making a CPO. The council has been successful in making a number of CPOs in the last decade and experience has shown that there is an approximate cost of £10,000 for each intervention.
92. It is vitally important that an exit strategy is prepared before a CPO is pursued. Failing to do so could lead to the property remaining empty, thereby rendering the whole process of little value. An option is to sell the property quickly to a developer who agrees to be subject to conditions requiring the property to be renovated within a prescribed timescale.
93. Compensation is payable to the owners of any property subject to a CPO. However, applications for compensation must be made within six years of the order being made, after which time the council is not required to make a compensation payment.

Draft Agenda Item 4

Annex 1

94. The council will continue to consider making applications for CPOs when the circumstances render it the only viable option. However, the number of applications is not going to be high.

Enforced sales

95. The enforced sale procedure is a good option for dealing with council debt secured against an empty property.
96. For example, if an empty property falls into disrepair and becomes a danger to the public, the council can serve various types of statutory notice on the owner to make it safe. If the owner fails to take action, the council may decide to carry out the remedial works itself to safeguard the public. If after three months' notice the costs incurred are not repaid, the council may sell the property without being in possession. The council must obtain best value, and not allow the property to be sold under market value.
97. The enforced sale procedure is not intended to be used to tackle empty properties specifically; it is intended to secure monies owed. However, a change of ownership usually brings the empty property back into use. Compensation claims from owners, who are entitled to the proceeds of the sale, less the monies owed to debtors, are not limited by time. As such, the monies must be kept by the council in perpetuity.
98. Compared to both EDMOs and CPOs, the enforced sale procedure is more straightforward and generally presents less risk to the council. In 2017, a property that had been empty for around 30 years was subject to an enforced sale by the council. It was sold at auction and redeveloped into seven good quality self-contained flats.
99. The council will continue to use the enforced sale procedure wherever it is appropriate to do so.

100. The number of long term empty homes in Thanet has reduced since 2004. However, the number remains too high. In some cases, the council has no power to take enforcement action and must rely on informal offers of help and financial assistance. Nevertheless, the council is in a good position to continue taking a robust approach to bringing empty homes back into use.

101. The following Action Plan sets out the council's general approach to reducing the number of long term empty homes in Thanet over the next three years.

Table 4: Thanet Empty Homes Action Plan 2020-23

No.	Action	Timescale
1	Continue to actively promote the use of interest free loans in partnership with KCC's No Use Empty Initiative.	As long as funding is available.
2	Explore external funding opportunities that could enhance the current No Use Empty interest free loan offers, as and when they become available.	2020-23
3	Increase the Empty Property Team's annual performance targets for the number of long term empty homes brought back into use.	2020/21 - 160 2021/22 - 170 2022/23 - 180
4	Increase the number of empty homes being investigated using Council Tax information. Targeted properties will be those that are not known to the Empty Property Team and have not been subject to any complaint, but have been empty for more than two years.	31 December 2020
5	Review the priority rating system currently in use for prioritising empty homes interventions and implement a revised system capable of providing for a reasonable distribution among the four priority ratings of A, B, C and D.	31 December 2020
6	As part of the priority rating review, introduce an additional priority score for empty homes that have been removed from the Council Tax Valuation List and have been so removed for a period of six months or more.	31 December 2020
7	As part of the priority rating review, introduce an additional priority score for empty homes that are subject to a Council Tax debt of £4,000 or more.	31 December 2020
8	Charge an additional 300% Council Tax premium for homes that have been empty and unfurnished for more than ten years.	01 April 2021
9	Explore opportunities for further funding to bring long term empty properties back into use as affordable housing, ensuring that appropriate bids are submitted as opportunities arise.	2020-23
10	Make bids to any relevant fund that arises in the future, whether at Government or County level, which is aimed at bringing long empty homes back into use.	2020-23
11	Seek out opportunities for making applications for EDMOs when empowered to do so.	2020-23

Draft Agenda Item 4

Annex 1

12	Give serious consideration to making CPOs when in the public interest to do so.	2020-23
13	When in the public interest, actively pursue the enforced sale procedure when council debt is secured against long term empty homes.	2020-23

102. This three-year plan will be reviewed from time to time to ensure it keeps up to date with relevant legislation and takes into account any significant changes in circumstances.

Draft Agenda Item 4

Annex 1

Help and advice

103. If you would like further help or advice, the Private Sector Housing Team can help. Please ring us on 01843 577437 or contact us by email on empty.homes@thanet.gov.uk.
104. Alternatively, you can write to us at:
- Empty Homes
Private Sector Housing
Thanet District Council
PO Box 9
Cecil Street
Margate
Kent CT9 1XZ

Making a complaint

105. The Private Sector Housing Team aims to provide the best possible service. However, if you are not happy with the service you receive you can make a formal complaint.
106. More information about how to make a formal complaint can be found on the council's website at: www.thanet.gov.uk. Alternatively, you can call, email or write to us:
- Telephone: 01843 577000 | Email: customer.feedback@thanet.gov.uk
- Address: Customer Feedback, Thanet District Council, PO Box 9, Cecil Street, Margate, Kent, CT9 1XZ.
107. If, after having gone through the council's formal complaints process, you believe that the council has not handled your complaint properly, you have the right to request an independent investigation by the Local Government and Social Care Ombudsman. The Ombudsman Service will review your complaint and decide if it is appropriate to carry out an investigation. The service is free of charge.
108. You can make a complaint by phone or online at:
- The Local Government and Social Care Ombudsman**
Telephone: 0300 061 0614 | Website: www.lgo.org.uk.

Document history

Version	Date	Agreed by	Minute reference
1	TBC	TBC	TBC

Annex

Council Tax: Exemption Classes (No charge)

Class	Description
B	Vacant for up to six months and owned by a charity (providing use for the purpose of that charity)
D	Property left empty by someone who has been detained (except for those in prison for non payment of Council Tax or a fine)
E	Property left empty by someone who is permanently in care or hospital
FNP	Property left empty by a deceased person, waiting for probate or letters of administration to be granted
FF	Property left empty by a deceased person, probate has been granted, and property furnished: exempt for a further 6 months from the date of probate. Then full charge.
FN	Property left empty by a deceased person, probate has been granted, and property unfurnished: exempt for a further 6 months from the date of probate. Then full charge.
G	Occupation prohibited by law
H	Vacant and being held available for a minister of religion
I	Property left empty by someone who has moved elsewhere to receive personal care
J	Property left empty by someone who has moved elsewhere to provide personal care
K	Vacant but previously occupied by students
L	Vacant where mortgagee is in possession
M	Student Halls of Residence
N	Properties only occupied by students
O	Properties owned by Secretary of State for Defence – armed forces accommodations
P	Properties occupied by members of visiting forces
Q	Vacant property where liable person is bankrupt
R	Vacant pitch or mooring
S	Property occupied by under 18's
T	Vacant annexe that cannot be let separately
U	Occupied only by people severely mentally impaired
V	Occupied by a diplomat
W	Annexe occupied by a dependent relative of the residents of the main building

Council Tax: Discount Classes (Local Authority discretion on discount amount)

Class	Description	% Discount
A	Unoccupied and furnished property, the occupation of which is restricted by a planning condition preventing occupancy for a continuous period of at least 28 days a year	0
B	Unoccupied and furnished property	0
C	Unoccupied and unfurnished property	0
D	Property undergoing structural alterations and repairs, maximum 1 year	100
D6	Property undergoing structural alterations and repairs, once works complete, maximum 6 months within the year of D discount	100
	There are a number of situations in which a 25% discount can be applicable, including when only a single adult is in occupation. There are 22 such situations, and as they all relate to occupied premises, they are not fully listed here.	25

Council Tax: Annexe Discount (No Local Authority discretion)

Class	Description	% Discount
Reductions for Annexes	The annexe forms part of a single property which includes at least one other property; and the person living in it is a relative (under the age of 65) of the person who is responsible for paying the Council Tax on the main property; or the annexe is being used as part of the main home by the person liable to pay Council Tax.	50

Council Tax: Premium Classes (Additional charge)

Class	Description	% Premium
L	Property unoccupied and unfurnished for two years or more but less than five years.	100
L5	Property unoccupied and unfurnished for five years or more.	200

Draft Agenda Item 4 Annex 1

Private Sector Housing

Thanet District Council

PO Box 9

Cecil Street


Margate

Kent CT9 1XZ

Phone: 01843 577437

Email: empty.homes@thanet.gov.uk

Web: thanet.gov.uk



Equality Impact Assessment

Topic	Empty Homes Plan 2020-23
For information	Overview and Scrutiny Panel - 27 August 2020
Date of assessment	30 July 2020
Author	Richard Hopkins, Private Sector Housing Manager

Introduction to the proposal and background		<p>Empty and derelict properties have an adverse effect on neighbourhoods. They are often unsightly and can attract crime and anti-social behaviour such as squatting, arson, graffiti and fly-tipping. They may also affect the value of neighbouring properties by creating an impression of neglect and decline within a community. Such properties are not only eyesores and a source of neighbourhood distress, they are a wasted resource in a time of ever growing housing demand. Many people cannot access good housing, yet many homes stand vacant.</p> <p>Homes that have been empty for more than six months are of concern, and these are known as long term empty homes. The council's Empty Homes Team is committed to taking action whenever possible to help bring them back into use. Council intervention helps increase overall housing supply and reduces the negative environmental and economic effects that empty properties have on neighbourhoods.</p> <p>This Equality Impact Assessment concerns the proposed implementation of an Empty Homes Plan 2020-23.</p>					
PSED Engaged by this topic	Yes	<input checked="" type="checkbox"/>	No		If no, please explain your reasoning and provide evidence where possible.		
					N/A.		
Protected Characteristic	Definitions	Positive Impact			Negative Impact	No specific impact	What will the impact(s) be?
		PSED Aim 1	PSED Aim 2	PSED Aim 3			
Gender	Men/Boys					✓	No positive or negative impacts have been identified in respect of this characteristic. The application of the proposed plan shall apply equally to everyone. Any person with a protected characteristic who believes they have been discriminated against can make a formal complaint to the council. A person not satisfied after following the council's complaint process may make a further complaint to the independent Local Government and Social Care Ombudsman.
	Women/Girls					✓	As notes for "Gender - Men/Boys" above.
Gender Reassignment						✓	As notes for "Gender - Men/Boys" above.

Disability	Physical					✓	As notes for “Gender - Men/Boys” above. However, see also “Age - Older adults (60+)” below.
	Mental ill health/disability				✓		Long term empty homes are sometimes owned by persons with mental health conditions. In such cases, the interests and health of the individual will be taken into account before any enforcement action takes place. Where appropriate, the Empty Homes Team will make relevant safeguarding referrals. Such cases will be tackled as sensitively as possible; however, the wider detriment of the empty property of concern might outweigh the interests of the owner. If this is the case, any intervention would be taken in consultation with relevant healthcare professionals whenever possible.
	Learning difficulty/disability					✓	As notes for “Gender - Men/Boys” above.
	Sensory impairment					✓	As notes for “Gender - Men/Boys” above.
Age	Babies and children (0-16)					✓	As notes for “Gender - Men/Boys” above.
	Young adults (16-25)		✓				Owing to house price increases in recent times, younger adults have found it more difficult to access the housing market. By bringing empty homes back into use, more homes will become available. This should, in a small way, improve market conditions and opportunities for younger adults.
	Mid-age adults (26-59)		✓				As notes for “Age - Young adults (16-25)” above.
	Older adults (60+)				✓		Long term empty homes are often owned by older persons who may have moved into a care home or the home of a family member. The interests and health of the individual will be taken into account before any enforcement action takes place. Where appropriate, the Empty Homes Team will make relevant safeguarding referrals. Such cases will be tackled as sensitively as possible; however, the wider detriment of the empty property of concern might outweigh the interests of the owner. If this is the case, any intervention would be taken in consultation with relevant healthcare professionals whenever possible.
Race	White British/white other					✓	As notes for “Gender - Men/Boys” above.
	Mixed race					✓	As notes for “Gender - Men/Boys” above.
	Asian/Asian British					✓	As notes for “Gender - Men/Boys” above.
	Black/Black British					✓	As notes for “Gender - Men/Boys” above.
	Arab/Arab British					✓	As notes for “Gender - Men/Boys” above.
	Gypsies/travellers					✓	As notes for “Gender - Men/Boys” above.

	Other ethnic group					✓	As notes for “Gender - Men/Boys” above.
Sexual Orientation	Heterosexual					✓	As notes for “Gender - Men/Boys” above.
	Gay man					✓	As notes for “Gender - Men/Boys” above.
	Lesbian					✓	As notes for “Gender - Men/Boys” above.
	Bisexual					✓	As notes for “Gender - Men/Boys” above.
Religion or Belief	Faith Groups					✓	As notes for “Gender - Men/Boys” above.
Pregnancy & Maternity						✓	As notes for “Gender - Men/Boys” above.
Marriage & Civil Partnership	<i>(Aim 1 of the PSED only)</i>					✓	As notes for “Gender - Men/Boys” above.
Socio-Economic Background	<i>(N.B not a protected characteristic but relevant to Thanet)</i>		✓				Long term empty homes are often associated with areas suffering with acute deprivation. The negative environmental impacts of such properties may therefore impact on lower income households disproportionately. As such, empty homes interventions are likely to have a positive environmental effect in deprived neighbourhoods.

Consultation with Information Governance & Equality Team					
Date advice given	TBC				
Summary of Advice – Key Points					
Advice accepted by responsible officer?	Yes		No		If no, please explain your reasoning.

Approval and sign off from Line Manager			
Name	Bob Porter	Job Title	Director of Housing and Planning
Date	4 August 2020		

This page is intentionally left blank

Draft Agenda Item 5

Tenant and Leaseholder Services Transition Update

OSP	27 August 2020
Report Author	Sally O'Sullivan, Tenant and Leaseholder Services Manager
Portfolio Holder	Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing & Community Services
Status	For Information
Classification:	Unrestricted
Key Decision	No
Reasons for Key	N/A
Previously Considered by	N/A
Ward:	N/A

Executive Summary:

This report provides members of the Overview and Scrutiny Panel about the progress made towards bringing the housing management and maintenance service, currently provided by East Kent Housing, back in house.

Recommendation(s):

Members are asked to:

1. Consider and scrutinise the contents of the report.

CORPORATE IMPLICATIONS

Financial and Value for Money	The financial implications of the decision to bring Housing Management and Maintenance services back in house were set out in a detailed report to Cabinet on 30 July 2020, and revised operational budgets will be considered by full council at its meeting on 10 September 2020. There are no direct financial implications arising from this report.
Legal	The legal implications of bringing the housing management and maintenance service back in house were considered in the report presented to Cabinet on 17 February 2020. There are no direct legal implications arising from this report.
Corporate	The decision to bring housing management and maintenance services back in house will provide an opportunity to improve services provided to the council's tenants and leaseholders and to ensure that the service is more accountable to members and open to scrutiny from tenants and leaseholders. This specifically supports the council's service ambitions, as set out in its published Corporate Statement.

Draft Agenda Item 5

Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" data-bbox="427 696 1377 958"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td></tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td><td></td></tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td><td></td></tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td><td></td></tr> </table> <p>The council's tenants and leaseholders include residents that have protected characteristics as set out in the Public Sector Equality Duty.</p> <p>An Equalities Impact Assessment was completed and published when the decision was taken to bring housing management and maintenance services back in house. The assessment identified positive impacts for tenants and leaseholders with physical disabilities. No negative impacts were identified.</p> <p>Any changes or improvements considered to the service, following go live on 1 october 2020 will be subject to further Equalities Impact assessments.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
Please indicate which aim is relevant to the report.									
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,									
Advance equality of opportunity between people who share a protected characteristic and people who do not share it									
Foster good relations between people who share a protected characteristic and people who do not share it.									

CORPORATE PRIORITIES (tick those relevant)	
Growth	
Environment	
Communities	✓

1. Introduction and Background

- 1.1 The council's Cabinet decided to bring Housing Management and Maintenance Services back in house at its meeting on 17 February 2020, and agreed to delegate authority to the Deputy Chief Executive to terminate the agreement with East Kent Housing (EKH) and establish a new in house service. Delegated authority was further agreed for initial transition costs of up to £250k in 2020/21.

Draft Agenda Item 5

- 1.2 A further report to Cabinet on 18 June 2020 set out further specific costs in relation to the ICT needs of the new service, particularly in relation to the Northgate system. Cabinet approved specific capital and revenue funding, totalling £187k in 2020/21 and on-going revenue funding of £82k for these costs.
- 1.3 A detailed HRA budget review was presented to Cabinet on 30 July 2020. Cabinet agreed to recommend a revised budget to council, including the one-off transition funding required to terminate the arrangement with EKH and set up the new in-house service, as set out in 1.1 and 1.2 above, and a revised service budget for the on-going costs of the new service.
- 1.4 Working with the other owner councils of Canterbury City Council, Dover District Council and Folkestone and Hythe District Council, notice has been served on East Kent Housing to terminate the current arrangement on 30 September 2020. The new in-house service will be launched on 1 October 2020. This report set out the progress that has been made in establishing the new service.

2. Staff Recruitment

- 2.1 Detailed work has been completed on the staffing arrangements for the new service and the costs of this are included within the budget papers presented to Cabinet. The new service will employ around 58 officers, providing a range of functions across the service. The new service will be led by a new post of Tenant and Leaseholder Services Manager, reporting to the Director of Housing and Planning and an appointment has been made to this role.
- 2.2 Existing staff at EKH were invited to express a preference about the council that they would transfer to, and this process has seen offers made to 28 people in the new Thanet service. This number may change if people successfully apply for alternative roles or leave EKH before the transition date of 1 October 2020. The officers will transfer to the council to continue with the same role that they currently perform. It has been agreed with EKH and the other councils that any redundancies would be kept to an absolute minimum, and only a small number of officers at EKH have not been able to secure a new role so far. These are officers that currently undertake duties that will not be required by any of the new council services.
- 2.3 Recruitment to the remaining vacancies is progressing well, with 9 appointments confirmed and 19 posts progressing through the recruitment process. The remaining roles are ones that can be recruited following the launch of the new service.
- 2.4 Out of a total of 16 managers, team leaders and supervisors only 2 posts remain to be filled.

3. Induction and Go Live

- 3.1 The go live date of the new service is set for 1 October 2020, and extensive induction plans are in place for all new and transferring staff. This includes the issuing of new ICT equipment, TDC email accounts and telephone numbers, briefing and handover sessions prior to go-live with EKH and a series of training events planned for the first weeks.

Draft Agenda Item 5

- 3.2 Proposals for service cover during the first two weeks have been discussed and agreed with representatives of the Thanet Tenants and Leaseholders board, so that essential services are maintained throughout and arrangements with the council's principal repairs contractors are being developed.
- 3.3 Officers are holding weekly contact sessions with transferring EKH staff and where newly recruited officers start prior to 1 October 2020 there will be opportunity for them to meet with their new teams and colleagues.
- 3.4 The four councils and EKH have agreed the principle that services would not change on day 1. But after this, each council can develop and implement its own service improvement plans with its own tenant and leaseholders, staff and elected members.

4. Resident Involvement

- 4.1 Regular briefing meetings have been held with representatives of the Thanet Tenants and Leaseholder Board so that they are aware of progress and can input into issues as they arise. Discussions have been held on issues such as:
 - Service provision during the first two weeks.
 - Functionality of the council's website for tenants and leaseholders.
 - Consulting with tenants and leaseholders about priorities for a service improvement programme.
 - Information to be provided to tenants and leaseholders in advance of go-live.
- 4.2 The new staff structure will include a Resident Involvement Manager, supported by a Customer Engagement Officer and a Customer Insight Officer. The aim of this service is to develop a much greater understanding of the needs and priorities of tenants and leaseholders and to identify a wider range of opportunities for people to become involved in the service.
- 4.3 There will be an on-going role for the Thanet Tenants and Leaseholders Group, with direct elected member involvement in regular meetings. However this does need to be supplemented with new opportunities for a broader mix of people to contribute.

5. ICT Support

- 5.1 The ICT requirements, particularly in relation to the Northgate Housing Management System were set out in a separate report to Cabinet, so that costs could be agreed.
- 5.2 The agreed approach to the Northgate system used by EKH is for it to be a system hosted by Northgate, on their cloud and then subsequently separated into four individual systems for each council. Detailed plans are in place with Northgate and the other councils for this transition, which will be completed during the 6 months following transition. Interim arrangements are in place to ensure that the system and data remain available to staff over the transition period.
- 5.3 The councils and EKH have set up an ICT workstream to help coordinate the transition of the Northgate system, but also to review other systems currently used by EKH and ensure suitable arrangements are in place for these as well.
- 5.4 For EKH staff transferring to the new Thanet service, they will be required to move from Microsoft Office 365 to Google for their main office systems including email

Draft Agenda Item 5

functions. Arrangements are in place with the council's digital team to support transferring staff through this transition.

6. Communications

6.1 The council's Communications and Digital Service have fully integrated into the work to manage the transition and are providing support in planning communications with new and transferring staff, with tenants and leaseholders and with other stakeholders.

6.2 This support includes:

- Developing new public web pages for the new service, including advice, guidance and self-service for tenants and leaseholders.
- A Google site with induction information for transferring and new staff.
- Weekly briefing sessions with transferring staff.
- Designing appropriate and timely mail outs and communications with tenants and leaseholders about the new service arrangements.

6.3 Following transition the council's Resident Involvement Manager will be available to work with representatives of the councils tenants and leaseholders to design and distribute regular communications about the service.

7. Finance and Governance

7.1 The four councils and EKH have established a finance and governance officer group to coordinate work in these areas. This work has included the service of formal notices on EKH to terminate the existing management agreement on 30 September 2020. It has also included reviewing data protection and data sharing arrangements so that the council will have access to the information required during and after the transition for the service and that disruption to key programmes of work and projects is kept to a minimum. The partners are also drafting a transfer agreement between the partners, so that issues relating to the winding up of EKH as a legal entity can be managed and coordinated, including arrangements for the distribution of any remaining EKH assets to four councils after 30 September 2020 .

7.2 The partners have maintained a transition risk register to ensure that key risks are identified and mitigated. Key risk areas identified relate to:

- Staffing arrangements and recruitment.
- ICT
- Statutory compliance.

Mitigating actions are identified in each of these areas and progress is regularly monitored and reviewed.

7.3 The financial implications of the transition to an in-house service for Thanet were set out in the report to Cabinet on 30 July 2020, when it was agreed to recommend revised service budgets to the full council. The council and its partners also need to ensure that EKH remains financially stable and viable throughout the transition period and able to provide effective services to tenants and leaseholders up until 30 September 2020.

8. Post Go Live

Draft Agenda Item 5

- 8.1 Section 3, above indicates that the services provided by EKH will remain largely unchanged on 1 October, when the new in-house service launches. However the rationale for the decision to bring the service back in house and terminate the arrangement with EKH was the widespread dissatisfaction with services provided by EKH and in particular reported failures in relation to tenants and leaseholder health and safety.
- 8.2 The original options report on the future of EKH, presented to Cabinet on 17 October 2019 concluded that bringing the service back in house provided the council with the best opportunity to improve service quality and tackle identified service failures.
- 8.3 As well as including additional resources to support enhanced service delivery, the new service structure will include dedicated service improvement officers, who will support the development and implementation of an service improvement plan, including working with the Resident Involvement Manager to ensure that tenants and leaseholders are involved in work to identify the priority areas for improvement and to develop detailed action plans. This will include the development of a new performance management framework for the service, focused on the key performance issues agreed with tenants, leaseholders and elected members.

Contact Officer:	Bob Porter, Director of Housing and Planning
Reporting to:	Tim Willis, Deputy Chief Executive and Section 151 Officer

Annex List

None	N/A
------	-----

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Tim Willis, Deputy Chief Executive
Legal	Tim Howes Corporate Director - Governance

Draft Agenda Item 7

FORWARD PLAN AND EXEMPT CABINET REPORTS LIST

Overview & Scrutiny Panel	27 August 2020
Report Author	Committee Services Manager
Status	For Information
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

To update Panel Members on the revised Forward Plan and Exempt Cabinet Reports List (hereby referred to as the Forward Plan) of key decisions and allow the Panel to consider whether it wishes to be consulted upon any of the items.

Recommendation(s):

Members' instructions are invited.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications arising directly from this report.	
Legal	There are no legal implications arising directly from this report.	
Corporate	The Forward Plan is a publication of key decisions, policy framework.	
Equalities Act 2010 & Public Sector Equality Duty	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.	
	Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	✓

Draft Agenda Item 7

	There no equity and equalities issues arising directly from this report but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure that policy decisions being made and service delivery to residents match these.
--	--

CORPORATE PRIORITIES (tick those relevant)✓	
Growth	
Environment	
Communities	✓

1.0 Introduction and Background

- 1.1 The law requires that the Council regularly publish a Forward Plan of Key Decisions. Thanet's Forward Plan and Exempt Cabinet Report List is updated monthly and published on the Council's internet site www.thanet.gov.uk
- 1.2 The aim of the Forward Plan is to allow the general public and Council Members to see what decisions are coming up over the next few months and how they will be handled i.e. whether a decision will be taken by Cabinet or Council, and whether there will be input from Overview & Scrutiny during the process.
- 1.3 Overview & Scrutiny receives an updated copy of the Forward Plan at each Panel meeting. The Panel can identify any item on the Forward Plan to be added to the Overview and Scrutiny work programme in order to be scrutinised further. A copy of the latest version of the Forward Plan is attached at Annex 1 to the report.
- 1.4 Members may wish to note that the new The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the Council gives 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 57186
Reporting to:	Nick Hughes, Committee Services Manager, Ext 57208

Annex List

Annex 1	Forward Plan & Exempt Cabinet Reports List
---------	--

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Matt Sanham, Financial Services Manager
Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer



FORWARD PLAN AND EXEMPT CABINET REPORT LIST

12 AUGUST 2020 TO 31 JANUARY 2021

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires the Council to give 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Key decisions

A key decision is an executive decision (taken by cabinet or by an individual Cabinet member on cabinet's behalf):

- 1) Which involves the incurring of expenditure, or the making of savings, by the Council, which are anticipated to be £250,000 or above. The exception to this rule being where approval has previously been received to incur that expenditure by the Executive, notwithstanding criterion 3; or
- 2) Where the Council is entering into a contractual obligation with a value of £750,000 or above; or
- 3) For the acquisition or disposal of land or property with a value of £750,000 or above; or
- 4) Where the effect would be on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as "key" if the impact is likely to be very significant.

If an executive decision does not fall into any of the above categories, it is included as non-key. Thanet District Council also includes in its published Forward Plan decisions affecting Policy Framework and Budget Setting. Other Council decisions may also be included if they have a significant impact on communities. In such cases, the decision type will be denoted as "other".

Reports to be considered in private session

The second last column of the Plan indicates where a report is likely to contain exempt information and result in the public and press being asked to leave the meeting for the consideration of the whole or part of the item.

If you wish to make any representations relating to a proposal to hold part of a meeting in private due to the potential disclosure of exempt information, please contact Nicholas Hughes, Committee Services Manager, PO Box 9, Cecil Street, Margate, Kent CT9 1XZ, nicholas.hughes@thanet.gov.uk, telephone number 01843 577208, at least 14 calendar days before the date of that meeting.

Draft Agenda Item 7

Annex 1

At least 5 clear (working) days before the meeting, the Council will publish on its website a notice giving details of representations received about why the meeting should be open to the public and a statement of its response.

The Plan represents a snapshot of decisions in the system as at the date of publication. It is updated 28 clear days before each meeting of Cabinet. The Plan is available for inspection at all reasonable hours free of charge at Thanet Gateway Plus, Cecil Street, Margate, Kent CT9 1RE.

Availability of documents

Subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Plan will be available from Thanet Gateway Plus, Cecil Street, Margate, Kent CT 9 1RE. Other documents relevant to those matters may be submitted to the decision makers; if that is the case, details of the documents as they become available can be requested by telephoning Democratic Services on 01843 577500 or by emailing committee@thanet.gov.uk.

The documents listed in the Plan will be published on the Council's website at least five clear (working) days before the decision date. Other documents will be published at the same time or as soon as they become available.

The Cabinet comprises the following Members who have responsibility for the portfolio areas shown:

Councillor Rick Everitt	Leader of the Council
Councillor Helen Whitehead	Deputy Leader of the Council and Cabinet Member for Housing and Community Services
Councillor Steve Albion	Cabinet Member for Operational Services
Councillor Ruth Duckworth	Cabinet Member for Estates and Economic Development
Councillor Rob Yates	Cabinet Member for Finance, Administration and Community Wealth Building

12 August 2020 to 31 January 2021

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Procurement of fire safety works	Approval for the letting of contracts for fire safety works to council owned residential buildings, covering: a) Passive fire works, and b) Fire alarms	1.Cabinet 2.Bob Porter, Director of Housing and Planning	Councillor Helen Whitehead, Deputy Leader of the Council and Cabinet Member for Housing and Community Services	17 Sep 20	Key	None	Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Procurement of capital works to council residential buildings	Approval for the letting of contracts for works to: a) Royal Crescent, Ramsgate, and b) Churchfields, Margate	1.Cabinet 2.Bob Porter, Director of Housing and Planning	Councillor Helen Whitehead, Deputy Leader of the Council and Cabinet Member for Housing and Community Services	22 Oct 20	Key	None	Cabinet report
MTFS 2021-25	Approve the high level financial strategy for the next four years	1.Cabinet 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	22 Oct 20	Non-Key	None	Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
2020-21 Budget monitoring no.2	Update budget position and make any decisions on reallocations	1.Cabinet 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	19 Nov 20	Non-Key	None	Cabinet report
Draft final accounts 2019-20	Near-final accounts for noting	1.Cabinet 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	19 Nov 20	Non-Key	None	Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Fees and charges 2021-22	Cabinet to recommend fees and charges to Council	1.Cabinet Overview & Scrutiny Panel Council 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	19 Nov 20 24 Nov 20 10 Dec 20	Budget setting	None	Cabinet report OSP report Council report
TM Mid year review 2020-21	Half-yearly noting of treasury management position	1.Cabinet Governance & Audit Committee Council 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	19 Nov 20 25 Nov 20 10 Dec 20	Non-Key	None	Cabinet report G&A Committee report Council report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
TM Strategy 2021-22	Overall treasury management strategy	1.Governance & Audit Committee Cabinet Council 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	25 Nov 20 14 Jan 21 11 Feb 21	Non-Key	None	G&A Committee report Cabinet report Council report
Policy for imposing financial penalties under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.	To allow the council to impose financial penalties of up to £30,000 on private landlords of residential premises who fail to meet the minimum standards for electrical safety.	1.Cabinet 2.Richard Hopkins, Housing Regeneration Team Leader Tel: 01843 577402	Councillor Helen Whitehead, Deputy Leader of the Council and Cabinet Member for Housing and Community Services	19 Nov 20	Non-Key	None	Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Policy for imposing financial and publication penalties under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.	To allow the council to impose publication penalties and financial penalties of up to £5,000 on landlords of domestic private rented property who fail to meet the minimum standards for energy efficiency	1.Cabinet 2.Richard Hopkins, Housing Regeneration Team Leader Tel: 01843 577402	Councillor Helen Whitehead, Deputy Leader of the Council and Cabinet Member for Housing and Community Services	19 Nov 20	Non-Key	None	Cabinet report
Final Accounts 2019-20	Final accounts for sign-off	1.Governance & Audit Committee 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	25 Nov 20	Non-Key	None	G&A Committee report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Council Tax Base	Sets out the base upon which Council Tax is calculated	1.Cabinet 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	14 Jan 21	Key	None	Cabinet report
2021-22 Budget	Cabinet to approve recommendations to Council	1.Cabinet Overview & Scrutiny Panel Cabinet Council 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	14 Jan 21 19 Jan 21 28 Jan 21 11 Feb 21	Budget setting	None	Cabinet report OSP report 2nd Cabinet report Council report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
2020-21 Budget monitoring no.3	Update budget position and make any decisions on reallocations	1.Cabinet 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	14 Jan 21	Non-Key	None	Cabinet report
2021-22 Council tax resolution	To approve the Council Tax effective from 1 April 2021	1.Council 2.Tim Willis, Deputy Chief Executive (S151 Officer)	Councillor Rob Yates, Cabinet Member for Finance, Administration and Community Wealth Building	25 Feb 21	Non-Key	None	Council report