



REPORT TO:	Policy Development Panel /Cabinet
DATE:	12 th July 2022 (Policy Development Panel) 13 th September 2022 (Cabinet)
SUBJECT:	South Holland District Council Draft Derelict and Untidy Sites Policy
PURPOSE:	Policy Development Panel to consider the Draft South Holland District Council Derelict and Untidy Sites Policy
KEY DECISION:	N/A
PORTFOLIO HOLDER:	Cllr Rodney Grocock - Portfolio Holder – Assets & Planning
REPORT OF:	Richard Hodgson – Assistant Director – Strategic Projects
REPORT AUTHOR:	Marc Whelan – Strategic and Operational Property Manager
WARD(S) AFFECTED:	All
EXEMPT REPORT?	N/A

SUMMARY

This report contains, in **Appendix 1**, a draft Derelict & Untidy Sites Policy, the first of its kind for South Holland District Council for consideration by the Policy Development Panel (PDP).

The draft policy covers the background to the issues derelict and untidy sites can cause in local communities and what steps the Council has and can continue to take when notified of a site. It also provides useful guidance for local residents, ward councillors and businesses, who report sites, about process for doing so together with officer contact details.

The draft policy also provides examples of legislative powers available to officers and how addressing issues relating to sites becoming derelict or untidy, through a range of means, can help support a range of Corporate Plan objectives.

RECOMMENDATIONS

For Policy Development Panel (PDP) to consider and provide feedback on the draft policy in advance of the draft policy being considered by Cabinet.

REASONS FOR RECOMMENDATIONS

Feedback on the Policy by Panel forms part of the governance process for the development and ultimately adoption of a new policy.

OTHER OPTIONS CONSIDERED

1. ***Do nothing*** – the Council could decide not to adopt a policy and manage issues on a site by site basis based on good practice. Whilst it will continue to do this, having a wide ranging policy with actions set out will provide a clear and concise reference point for officers, ward councillors, residents and business owners when seeking to address matters relating to derelict and untidy sites – A do nothing option is therefore **not recommended**
2. ***To adopt an enforcement only based policy*** rather than a policy document that covers wider issues. A more comprehensive policy setting out a wide range of matters in addition to enforcement was considered by officers as a good way of setting out, in a single document, a broad range of options for dealing with derelict and untidy sites. This includes process for reviewing assets, monitoring sites, liaison with landowners and also how officers could approach the acquisition of certain assets if there is a viable business case to do so. For the reasons above and set out in this report this option is also **not recommended**

1. BACKGROUND

- 1.1 South Holland as a District, like elsewhere throughout the country, has sites and buildings that are either derelict, untidy or have the potential to rapidly become derelict. Officers have been working with Members in particular Councillors Redgate and Booth to develop a policy covering a wide range of matters. This is now ready to be taken through the formal Council decision making process once considered by the Policy Development Panel.
- 1.2 By comparison to pre-pandemic times (specifically in September 2017 when Council received a full report on untidy sites) there are now less sites that are classified as derelict or untidy. However, that can change on a regular basis. Those that continue to fall to be defined as such, tend to be those where it has been difficult for council officers to engage with owners or where market failure has impacted on the ability to bring forward for redevelopment/ refurbishment notwithstanding in some cases planning consent for alternative use has been granted.
- 1.3 This policy is the first of its kind for South Holland District Council. It sets out what measures are open to it to seek to deal with predominantly commercial sites where the actions or inactions of landowners lead to sites becoming derelict or untidy. The policy also covers areas for potential intervention by the Council. These range from engagement with landowners and local residents/ businesses where advice and support is available, right through to enforcement and considerations for potential acquisition, through negotiation or other means where powers are available to do so.

- 1.4** The Council acquiring sites which are derelict or persistently untidy and requiring intervention in whatever form is likely to be the last resort when all other options have failed unless there is a sound reason to do so linked to Corporate Plan objectives.
- 1.5** On adoption, this policy will sit alongside the Empty Homes Policy which was updated in 2020 and the recently adopted Graffiti & Street Art Management Policy. The Council will then have three policy documents covering a wide range of site and building matters linked to a number of Corporate Plan priorities in particular, “Your Home” and “Your Place”.

2. REPORT

- 2.1** This report is intended to introduce the draft policy, in Appendix 1, to members of the Policy Development Panel for consideration and feedback in advance of progressing the policy through the Council’s formal decision-making process as set out in the Council’s Constitution. In this case the final decision will be made by Cabinet.

3. CONCLUSION

- 3.1** The outcome of this Panel review will be for officers to consider feedback and how this may be incorporated into / addressed in the draft policy.

4. EXPECTED BENEFITS TO THE PARTNERSHIP

- 4.1** This is the first of its kind policy for any of the 3 Council partners, Boston Borough, East Lindsey and South Holland District Councils. Once adopted by South Holland it could then be used as a basis for a new policy covering derelict and untidy sites across the Boston and East Lindsey council areas, subject to approvals through both councils. There may be opportunities to have a composite policy and standard approach across all three councils together with opportunities to look at how actions may be jointly resourced.

5. IMPLICATIONS

5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

- 5.1.1** The planned adoption of a new policy which could form the basis of a policy document that can be adapted and used across the partnership and potentially wider outside of the partnership. Nationally there is a dearth of such policies, most tending to concentrate on enforcement.

5.2 CORPORATE PRIORITIES

- 5.2.1** The implementation of the policy crosses across all four Corporate Plan priorities, Your Home, Your Place, Your Opportunity, Your Council. These are covered specifically in Section 4 of the draft policy – “Corporate Plan Context”.

5.3 STAFFING

- 5.3.1** No direct staffing implications through adopting the draft policy however if numbers of sites were to significantly increase then resourcing would need to be reviewed. With the current number of sites information is being managed and actions followed up utilising existing staffing resource.

Panel should note that whether we have an adopted policy or not there will be a need for officers to address issues arising from sites that become derelict or are persistently untidy.

5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS

5.4.1 The approval of a policy will be taken through the council's governance process before adoption. There are a variety of references in the policy to legislation. The policy will be regularly updated when legislation referenced in the policy changes or new legislation pertinent to it comes into force.

5.5 DATA PROTECTION

5.5.1 Officers are aware of how data is to be managed and this will be reviewed on a regular basis with the Council's Data Protection Officer (DPO).

5.6 FINANCIAL

5.6.1 No financial implications associated with the policy other than if there were a significant number of new sites coming forward policy priorities and resourcing of these would have to be reviewed. This would indeed be the case, with or without this new policy, as many of the activities set out in it are already undertaken by officers.

When enforcement action is taken and where permissible, costs associated with addressing the issue of dereliction and untidiness will be sought to be recovered from owners. Whether the Council adopts this policy or not enforcement work would continue with the principle of associated cost recovery, where permissible.

5.7 RISK MANAGEMENT

5.7.1 None

5.8 STAKEHOLDER / CONSULTATION / TIMESCALES

5.8.1 The draft policy has already been considered by the S&ELCP Senior Leadership Team, Leader and Deputy Leaders of South Holland District Council and the Portfolio Holder for Assets and Planning. Councillors Redgate and Councillor Booth had oversight and contributed to the drafting of the policy

5.9 REPUTATION

5.9.1 No reputational issues from the report itself but the policy itself will represent a step forward in helping deal with derelict and untidy sites by setting out clearly how the Council can and will deal with sites and buildings that fall under this definition. Consequently, this can only be a positive thing for the reputation of the Council.

5.10 CONTRACTS

5.10 None

5.11 CRIME AND DISORDER

5.11.1 No specific issues from this report but the policy covers matters that have the potential to link to crime and disorder with derelict and untidy sites having the potential to encourage anti-social behaviour, rough sleeping, trespass, vandalism and other related matters.

5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

5.12.1 No specific issues from the report itself but the policy covers a wide range of measures to address site dereliction which can lead to a wide range of impacts. Having derelict sites can lead to a range of crime and disorder which could have links to safeguarding.

5.13 HEALTH AND WELL BEING

5.13.1 The policy sets out lots of examples of how reducing the numbers of sites that fall into dereliction or have the potential to do so can have a positive impact on the Health and Wellbeing of local communities.

5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.14.1 The policy references matters where untidy sites have the potential to attract vermin and present difficulties in controlling invasive species. Helping with the redevelopment or repurposing of these sites can only be a positive thing. In some cases there will be the potential to improve energy ratings particularly where a future redevelopment and letting takes place as minimum EPC levels would need to be met.

5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

(Use this section to highlight any links to the 12 missions contained in the Levelling Up White Paper set out below. Delete any which are not applicable. If none, insert the word 'none'.)

MISSIONS	
This paper contributes to the follow Missions outlined in the Government’s Levelling Up White paper.	
Health	By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by 5 years.
Wellbeing	By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
Pride in Place	By 2030, pride in place, such as people’s satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
Housing	By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government’s ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas.
Crime	By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.

6. ACRONYMS

6.1 Panel – means Policy Development Panel

EPC – means Energy Performance Certificate

S&ELCP – means South and East Lincolnshire Councils Partnership

APPENDICES

Appendices are listed below and attached to the back of the report: -

APPENDIX A	<i>Draft Derelict and Untidy Sites Policy (with its own 2 Appendices)</i>
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BACKGROUND PAPERS
None

CHRONOLOGICAL HISTORY OF THIS REPORT
<i>A report on this item has not been previously considered by a Council body.</i>

REPORT APPROVAL	
Report author:	Marc Whelan – Strategic & Operational Property Manager
Signed off by:	Richard Hodgson – Assistant Director – Strategic Projects
Approved for publication:	Name of Councillor (if required) Not Required