

South Holland District Council

Derelict and Untidy Sites Policy

Working Draft



June 2022

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South Holland District Council

Corporate Plan - A Place of Prosperity, Wellbeing and Opportunity for All

We will...

- Work together with partners, businesses, and local communities to re-establish the Pride in South Holland programme to improve the quality of public spaces to be cleaner, greener, and safer.
- Support Spalding and Holbeach to be attractive places that people want to visit, live, and work while supporting all other towns and villages in the district to meet the needs of their communities.

Disclaimer

This report is provided for information, and it does not purport to be complete. While care has been taken to ensure the content in the report is accurate, we cannot guarantee it is without flaw of any kind. There may be errors and omissions, or it may not be wholly appropriate for your particular purpose. In addition, the publication is a snapshot in time based on historic information which is liable to change. South Holland District Council accepts no responsibility and disclaims all liability for any error, loss or other consequence which may arise from you relying on any information contained in this report.

Note for Readers – The pictures included for assets within the district, some of these have been previously referred to as untidy sites but may no longer be the case.



The Water Tower Spalding During refurbishment



The Water Tower Spalding after refurbishment

Introduction

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 derelict commercial sites where the actions or inactions of landowners lead to sites becoming derelict or untidy. It covers areas for potential intervention by the Council ranging 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. 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.

The monitoring of untidy sites, the maintaining of accurate timely information in particular the steps taken for dealing with complaints and how the council approaches engagement with landowners are key elements of this policy and the work officers do. The policy is based on an appropriate and proportional approach including a range of powers the Council can use to seek to address areas of local concern including where buildings are assessed as Dangerous Structures. The Local Government Act 1972 provides Councils with a range of powers and broad objectives and therefore officers will consider a wide range of matters when seeking to address the local issues raised by derelict and untidy sites.

This Policy seeks to be a key reference document detailing what action can and will be taken to reduce the impact of such sites on the surrounding communities. Buildings are much more problematic to tackle when they are empty and falling into disrepair. This is further exacerbated when owners are remote, there are site related disputes and other matters such as protracted probate impacting on the ability and preparedness for these to be properly maintained and brought back into use. Vacant derelict land and buildings can

easily become a nuisance encouraging vandalism and a hazard or danger to those around them. Councils have a range of enforcement powers they can draw on when sites have become an eyesore or that may pose a risk of danger to the public. These powers and other measures are covered in more detail in later sections.

It should be noted as context to this policy that since the start of the Covid pandemic the numbers of assets across the district falling under this definition has reduced (from approximately ten sites in 2018 to less than five today).

There has also been an improvement in market conditions for residential schemes in particular alongside investor confidence to make some of the schemes that have been in the pipeline for which planning consent has previously been granted, now coming forward.

Notable successes have been seen in Holbeach with the former Chequers hotel re-opening as a mixed use scheme with bar and residential uses and in Donnington, the repurposing of the Red Cow public house site for residential use, well underway. In both cases the District Council has worked closely with the new owners across a range of areas to help support delivery. Another, the former New Bridge Inn at Glenside South West, Pinchbeck has now been demolished and redeveloped for new homes.

Whilst the small number of sites falling under this classification reduced, those that are, continue to create concerns for officers and officers therefore remain vigilant and ask the public to continue to report sites of concern in a variety of ways as set out in this policy.

Useful points of contact are set out in the policy and how the Council receive, record, and then deal with reports of derelict and untidy sites are also covered.

Through the life of this policy, officers will work closely to see where there are opportunities to better align the policy objectives, processes, and resource allocations for dealing with matters such as bringing back into use empty homes and the management and reduction in graffiti for which policies are in place. Officers will also look at where resources, available through the funding of the Pride Programme, may be utilised to address untidy sites. In these cases, the Council will always seek to recover the costs of taking such action from landowners, with a variety of remedies then in the event of non-payment, forced sale to recover debt being one of them. The Council do not fund the tidying up of sites and the making safe of buildings which are in 3rd party ownership without pursuing recovery of the costs of doing so. Legislation supports the recovery of such expenditure albeit it can be a long-drawn-out process requiring reference to the courts in the event of non-payment.

The scope for wider collaboration and the sharing of resource and expertise now exists

Background and Definition

The use of land and buildings as well as our communities develop and change over time. Commercial buildings may no longer be fit for purpose; businesses close and land and buildings change ownership or ownership becomes the subject of dispute. This can mean that land and buildings fall into disrepair and plans for the better utilisation are stalled or never come to fruition. This can cause issues for local communities and Councils who have a vested interest in maintaining pride in the place. There is no “one size fits all” approach to dealing with this and each site therefore has to be considered against a range of factors and options that may be open to best address this. The importance therefore of keeping accurate records and up to date information is paramount. It is often an incremental approach to addressing issues of dereliction and untidiness.

Understanding as much of the context on why sites may be falling into disrepair and remain

through the formation in 2021 of the South & East Lincolnshire Councils Partnership (S&ELCP), a partnership between South Holland, Boston Borough and East Lindsey District Council. Through the Council’s shared senior management arrangements there is the option to examine how resources can best be deployed across the 3 sovereign Councils to maximise opportunities to work closer together to help tackle untidy and derelict sites.

It should be noted that the policy covers both policy and procedures. Where the procedures are to be updated such as the process for and frequency of site review set out in the later section (the 3 steps approach – pages 15/16) a change in procedure through the life of this policy would not require the matter to be referenced back to Cabinet for amendment. Where there are fundamental policy changes such as our approach to dealing with complaints or material legislative changes then changes to this policy would be likely to be referenced back to Cabinet for final approval.

unused for protracted period or do not come forward for development is important. Matters such as the following will play a part. The better we understand these factors the better we may be able to address the causes of: -

- How assets are held
- Any site related encumbrances impacting on use such as neighbour disputes, access issues, cost effective utility provision, encroachments, and rights claims
- current land values vs prices paid for assets
- rental values
- material costs & availability of labour
- risk and profit margins likely to be needed to secure funding
- availability of funding
- planning context

How assets are held can be a factor in for example asset book values, taxation implications and appetite of landowners to

take risk or quite simply portfolio size. In large portfolios some assets are simply not priority for the landowner. It is difficult in some cases for those impacted by these sites to understand why businesses continue to hold assets that do not generate an income and over time have a cost impact through allowing to fall in disrepair where they have latent value to be achieved through disposal.

Much may be explained by landowners finding they cannot realise the price they want for sites or are otherwise unable to sell redevelop or economically convert existing buildings. Problems obtaining development finance, escalating remediation costs and access to even small sums of funding to keep in repair can also have an impact.



The Bridge Inn before refurbishment



The Bridge Inn site during development

As a first step always try to engage with owners or their representatives however history has taught us that the ability to effectively engage with owners where enforcement action has had to be taken in the past or planning consent has been refused can pose a challenge. Where owners or their representatives are difficult to reach, which can often be the case with “offshore” registered companies, this can lead to additional complexity. We do have occurrences of this across the District.

Through the Government’s Levelling Up agenda opportunities to simplify the Compulsory Purchase process are being considered. Progress with reforms of legislation and practice will be monitored carefully and where necessary representations made. It is a myth that Councils can just go out and seek a Compulsory Purchase order when it chooses to secure a quick win when sites are causing persistent local issues.

It is clear from looking at the current sites across South Holland that fall under our classification of derelict or untidy that there is no “one size fits all” reason why these remain problematic sites for owners and neighbourhoods. Working closely with landowners the public sector may be able to help address some of these matters to help unlock development or work with landowners with less of an appetite for risk or ability to secure funding to dispose of sites and let the wider market deliver solutions. In turn, this could lead to sites and buildings being better utilised and issues of dereliction being addressed through investment and creative thinking.

The fact that commercial land or property falls out of use and into a state of disrepair does not mean that all aspects of this policy will apply as each case will be assessed on its own merits.

The **Portfolio Holder for Assets & Planning** will be the Member Champion for the implementation of this policy. Where assets are to be acquired the Council’s Constitution sets out the decision-making arrangements for doing so.

Ordinarily assets that in a very poor condition because of disuse and neglect for over 1 year will be considered as priorities for action/intervention of some means. Clearly where there are dangers to the public there

will be much greater priority. Officers are developing a matrix for where priorities lie in terms of dealing with derelict and untidy sites dependent on numbers. By comparison to the position referred to later in this document in comparison to the numbers of sites classed as derelict or untidy in 2017 when the Pride Programme started numbers are now much lower. This is testimony to the good work in particular the Communities team have done with support of the Pride team to address problem sites

Community Impact

Vacant and derelict land and buildings, whatever size, can have a significant impact on our communities. They can blight an area resulting in social, economic, and environmental issues.

Sites which become a nuisance to communities can attract vermin, fly tipping/litter, contamination, invasive species. These coupled with antisocial behaviour can create a significant amount of extra and unnecessary work for both public sector bodies and local communities.

Sites and buildings falling into disrepair and providing a haven for anti-social behaviour will create an impression of under investment and negative perception of an area for residents, businesses, and potential inward investors. For those seeking to invest in a local area having these sites within the local community can be extremely off putting. Where these assets are of historic significance the potential emotional impacts are even greater.

Diverting scarce resources from public and voluntary sector organisations to seek to address issues of dereliction is costly. None of the actions set out in this policy are without cost. There are areas where recovery of costs

Sites tend not to rapidly fall into disrepair and become derelict when they are no longer are in use or occupied it is often external factors that play the biggest part. Vandalism and other anti-social behaviour can significantly quicken this process. The stripping of materials from unoccupied buildings is a good example of how vacant buildings can attract unnecessary attention once empty and rapidly deteriorate. This is covered in more detail in the section below.

can be set against the owner however these tend to be for very specific items such as site clearance, making good boundary fences and making safe where there are dangerous structures. The full cost of officer time spent dealing with the wide range of issues that these sites bring is rarely factored in and only certain costs can be recovered where enforcement is needed.

The Council can and does serve notice on owners of land or buildings that are in an unreasonably untidy condition particularly where it is considered as having an adverse effect on the amenity of the area and public safety.

The extent and nature of the intervention will depend on the history of involvement, the level of positive engagement possible with the owners/ occupiers and the extent to which the site is derelict and raising local concerns.

Councils have certain powers to intervene and acquire assets by way of forced sale or through Compulsory Purchase Orders, but these routes are fraught with difficulties and can be time consuming so should always favour engagement where possible. These matters are covered in more detail later in the policy.



The Red Cow, Donnington front elevation before redevelopment



The Red Cow, Donnington elevation during development

Corporate Plan Context - How Addressing Derelict and Untidy Sites can Support Delivery of the Corporate Plan

South Holland District Council has adopted a Corporate Plan 2019-2023. The plan sets out 4 key priority areas focussed around improving outcomes for residents in terms of housing, health and wellbeing, employment and enhancing the place where you live and work.

Your Home

Having an effective, robust but also flexible approach to dealing with untidy and derelict sites can impact positively on each of these plan objectives. This policy therefore supports the priorities of the Council as set out in the Corporate Plan 2019-2023. The Council as landlord of choice, for our council housing tenants, work to prevent, and mitigate homelessness, including continuing to work with partners across Lincolnshire to deliver countywide solutions to rough sleeping. Derelict buildings can become a magnet for rough sleeping, but they can also in certain circumstances be converted or following demolition of buildings be used for housing development.

Your Place

South Holland is a district with a unique history and an exciting future. We work together with partners, businesses, and local communities to ensure the Pride in South Holland programme to improve the quality of public spaces to be cleaner, greener, and safer. Derelict and untidy sites detract from the good work that is underway. In some instances, derelict sites have buildings that are either listed or of local historical interest. Through dereliction these assets can become at even greater risk and therefore require careful monitoring.

Supporting our towns and villages to be attractive places that people want to visit, live and work is important to the Council and the partners we work closely with. Having untidy and derelict sites detracts from that sense of pride, encourages anti-social behaviour and can impact on a person's wellbeing



Examples of South Holland's rich history and Spalding town centre

Your Health & Wellbeing

By ensuring that our Public Protection services continue to be effective we enable our communities to remain healthy and safe through our regulatory activities, including food safety, environmental protection, and licensing. The implementation of an effective derelict and untidy sites policy aligns with this work and offers another opportunity to help maintain the health and wellbeing of South Holland residents.

Your Opportunity

Working with landowners through initiatives such as the “Open for Business” approach across all Council services can help promote and support the repurposing of derelict commercial sites where owners are willing and able to engage. This policy explores this workstream later.

Your Council

Ensuring that our staff have the skills needed to deal with untidy and derelict sites in a proactive way will be key to implementing this policy. In addition, through effective communication of the opportunities that are open to the Council to address the blight caused by derelict sites will be key in managing expectations.

Continuing to strengthen our commercial approach and engagement with a range of external bodies in particular grant funders, developers and investors could provide opportunities for us to signpost or proactively support landowners who are prepared to engage to identify opportunities which they may not immediately be aware of. Officers can also help support owners addressing first the items that are causing sites to become untidy, in particular antisocial behaviour.

Through widespread collaboration across Lincolnshire between the public, voluntary and private sectors options exist to help address matters leading to sites impacting on local communities through a multi-agency approach. By involving partners such as Health, DWP, Police alongside our own officers this can have a significant impact on helping to address impacts of these sites.



South Holland's Pride Programme

At its meeting on, 20 September 2017, South Holland District Council considered a report setting out a series of recommendations relating to the funding of a "Pride in South Holland" programme. The programme of activities set out in that report were funded and have continued to be through the Council's budget setting process approved annually by Council.

The September 2017 report also referred to work having taken place since October 2014, in tandem with the above initiative namely the Council embarking on a programme of works aimed at tackling sites that were significantly and adversely impacting upon the character and appearance of their immediate and wider environment.

The onus, from the outset, was to seek to promote a co-ordinated approach to positive intervention on those sites which were having a major detrimental effect upon the character, appearance, and well-being of the communities within which they were located. This has ranged from active engagement with owners, signposting to grant funding opportunities, providing access to key officers such as planning and building control colleagues through to targeted enforcement. In some cases, the Council has entered onto sites, carried out clean up works and charged the cost back to owners where it has had to do so. In the event owners fail to reimburse the Council the threat of forced sale to recover the costs incurred has been used. The Council has not had the need to follow this action through

though but, it is certainly one where necessary it would have no qualms in doing so.

An initial list of untidy and derelict sites and land was selected for the 2017 meeting by Members and comprised of eight sites. These were as follows:

1. The Former Bull & Monkie Ph, Spalding
2. The New Bridge Inn, Glenside South, West Pinchbeck
3. The Red Cow, Donington
4. The Bell Ph, Church Street, Pinchbeck
5. 17 & 17a High Street, Holbeach (Former Chequers Hotel)
6. The Former John Neal Farm Site, Bridge Road, Long Sutton
7. The Former Butchers Shop, Bull Lane, Long Sutton
8. The Former Royal Mail Sorting Office, Spalding

The list of selected sites was not considered exhaustive, and Members were later invited, either through their own local knowledge or because of engagement with their Wards, to put forward other sites for consideration and future actions. Consequently, two further prominent sites were added to the list in January 2015.

These were:

- Chatterton Water Tower, Spalding
- The Former Bridge Hotel, Sutton Bridge

Considerable progress has been made since 2014 with some notable successes include improvements to the Chatterton Tower in Spalding, the former Red Cow in Donnington and Chequers Hotel in Holbeach.

In each case the owners or private investors have intervened and committed funding to improve or change use of. In the case of the Red Cow this is in the process of being converted into residential accommodation. The Chequers Hotel has recently reopened as a public house with part converted to residential accommodation. Chatterton Tower has been repaired and redecorated and offices brought back into use.

Other sites have been more problematic to see progress such as the former Bull and Monkie and former Johnson Hospital site in central Spalding. Officers continue to seek dialogue to see these eventually brought back into use through proactive engagement with owners or their representatives, repurposed or merely

kept secure and in a tidy condition whilst future use options and timeframes are determined.

Dialogue between Members and Officers is frequent on derelict sites and will continue throughout the life of this policy where sites continue to be or become derelict. The policy is therefore founded on having an informative, meaningful, consistent, and flexible approach to seek to deal with derelict and untidy sites via a policy document as part of the Councils overall Policy Framework. Along with an enforcement toolkit this document provides a clear reference point for Officers, Members, owners, and South Holland residents about how the Council will seek to deal with derelict and untidy sites with a consistent approach set out in a single policy document.

South Holland District Council in 2020 refreshed its Empty Homes Policy which will sit alongside this new policy document and the recently approved Graffiti & Street Art Management Policy ([add link](#)) The Council now has three policy documents dealing with similar issues, empty homes land and property requiring some level of intervention.

Below The Bull and Monkie site near Ayscoughfee Hall in Spalding with the "Cleaned up by South Holland District Council" sign. This shows what can be achieved at least to an intermediate phase while control, management, and opportunities for future development, remains with the owner.



The Importance of Effective Information Management

Maintaining a Register of derelict commercial properties:

The number of empty derelict commercial properties varies over time

Following the setting up a small officer/member working group with a member representative from the Performance Monitoring Panel and Policy Development Panel (Councillor Redgate and Councillor Booth) the list of sites considered to fall under the definition of untidy/ derelict sites has been updated.

Information is recorded on a standard information template and regularly updated by officers to record real time information on each individual site included on the register. Information to include at least

- *Site Address*
- *Ownership Status*
- *Site Description*
- *Planning History*
- *Complaints Received and Date Received*
- *Record Of Actions Taken By Assets Team*
- *What Legal Action Has Been Taken Under Legislation*

- *Next Steps*

Officers will utilise data publicly held for example on planning portals, Companies House, and Land Registry where appropriate to ensure data held is up to date although the preference always will be to do so via direct engagement with landowners and/or their representatives. A detailed process for officers dealing with reports relating to derelict land and untidy sites can be seen in **Appendix 1**. Regard is always had when collating and recording information to Data Protection.

Types of reports that officers and members can receive on these sites range from those relating to rough sleepers, drug/alcohol use; people entering buildings; dangerous structure; overgrown vegetation; litter; fire and rodent infestations to name a few.

Key personnel across several Council departments are involved in receiving and acting on reports about derelict and untidy sites. These include Community Safety and Enforcement; Planning; Building Control; Environmental Protection; and Assets.

Information Management - Shared Officers Database

It is important to hold up to date, accurate and informative information, Having such data available will help officers not only have a sound and quick reference point such as who owns the asset, whether there has been recent engagement for example with planning colleagues, whether there are live or extant planning consents or sites are being marketed. This will also help measure the likelihood of the owner/ decision maker being traced and the likelihood of proactive engagement.

The base principles are:

- A single database will be used to record all contact in relation to a derelict building or a piece of disused and derelict land.
- All reports received will be entered onto the database to ensure a co-ordinated response and to enable officers to update the complainants on progress with the case.
- The information held can be used to alert and or task external partners such as Lincolnshire Police and Lincolnshire Fire and Rescue.
- The database owner will be the Strategic and Operational Property Manager although designated officers across the Council will have shared author rights.

Communication – Internal and External

Internal communication will be assisted using a shared database with all contact being logged in a central location. This will allow all designated officers to access quickly ‘real time’ information along with the ability to provide an update to Ward members upon request.

In relation to external communications the following will continue to be used:

- The ‘Report It’ tool on the website enabling residents and a range of stakeholders to

report problems relating to derelict buildings and unused land. The availability and effective use of this will be a regular feature of the Councils social media and forms a key part of the Council’s approach to digital engagement.

- Publicising any legal enforcement action that has been taken (where this wouldn’t prejudice the outcome of a case)
- Publicising owner responsibilities under legislation relating to Occupier Liability.

Seeking to Address Impacts of Derelict and Untidy Sites

It is not unusual for Council officers and partner agencies to adopt a range of measures to seek to address the broad range of impacts derelict land and buildings can bring. Seeking to address the causes and impacts of sites falling into disrepair and then seeking to prevent this in the future, can take skill and perseverance. Where enforcement may be necessary in some cases, signposting to a range of services, grant sourcing and even introducing alternative investors/ developers may succeed elsewhere.

Officers dealing with derelict land and buildings and those rapidly having the potential to become such should be well versed in what enforcement options are open to public bodies. **Appendix 2** contains an Enforcement Toolkit. The toolkit details appropriate legislation that should be considered by the Council when presented with reports relating to the presence of or impacts derelict and untidy sites bring. In most cases enforcement action may not be necessary where owners are actively engaging with officers.

Financial Considerations

Whilst the primary objective is to address the matter of tidiness and/or dereliction there are added benefits of trying to get to the root of

this with the objective in some way of seeing problematic sites and buildings being invested in and repurposed.

The need to employ creative thinking, engage the right skills and expertise to see if there is a viable scheme to emerge and a willingness of the owners to engage has the potential to pay dividends of getting these assets out of dereliction and back into use. This is of course where the owners and other stakeholders should work together with the Council. Where this isn’t achievable then there could be a case for the Council seeking to intervene and acquire the site through negotiation or other means if there was good reason to do so and this represents sound and effective use of scarce public funds.

When investing public money in build projects officers are often looking for an acceptable return on their investment but that is not always the case. The creation of jobs, the promotion of health and wellbeing and the drive to make town centres thriving places to live and work can all play a part sitting alongside the normal financial considerations when looking at options to acquire land and buildings. The Local Government Act 1972 provides Councils with a range of powers those that relate to wellbeing which officers can have

regard to when considering which strategy fits best with the issue they are seeking to resolve.

Seeking to have as much relevant information available to officers will be key. It is important for officers to try and understand why these stalled sites are not coming forward for development and whether there is anything officers can help with the address this. There is a lot of knowledge within the Council owners can explore if they are prepared to or in a position to engage.

Signposting landowners where appropriate to Council officers who have planning, building control, heritage, asset, or funding specialisms can play dividends. Officers also have long and established links with organisations like Heritage England, Lincolnshire Highways, the Environment Agency, and the various local Drainage Boards. Owners should look to use these linkages to full effect.

It is the expectation that owners keep their own sites tidy, take appropriate measures to keep sites and buildings on them secure, prevent anti-social behaviour, and address things like tree and litter management and remove graffiti.

However, it is likely that some won't come forward quickly for redevelopment by the private sector because of market conditions or simply owners do not have the expertise, want too much for the asset making it unattractive to developers/ investors or funding not readily available at rates that make redevelopment viable.

Sometimes sites are blighted by previous uses requiring significant remediation or simply are not in the right location for higher value and then viable in the eyes of the private sector for redevelopment. It is possible but rarer to see sites stalled because of ownership dispute or boundary issues.

The Council's **Strategic & Operational Property Manager** working closely with a range of professionals across the Council will lead on a review of derelict and untidy sites where there may be good reason and merit in

intervening. This review will take place on a 6 monthly cycle.

South Holland District Council does have a portfolio of its own assets. This includes assets held for operational purposes such as the South Holland Centre, the Priory Road headquarters and Ayschoughfee Hall and Gardens. In addition, there are Assets held for investment purposes known as General Fund assets as well as a Housing Revenue Account, approaching 4000 properties.

Through a systematic **asset challenge** process, we can look at whether assets can be better utilised to either increase income or provide better facilities for residents on a regular basis.

Area based review forms part of this asset challenge process and involves a consistent and systematic look at council owned assets at local level. Factored into this can be the inclusion of other public and voluntary sector assets in the locality to ensure that opportunities are not missed. **It is possible to include in this review those sites that we class as untidy or derelict.**

There may be opportunities for a derelict site with limited commercial development to be reprovisioned for open space, a new community facility or affordable housing. By linking these sites to a wider review of public sector assets we can look at opportunities to look at wider options for the sites causing us issues than just that site in isolation.

The ability to look creatively at assets is why maintaining up to date information on these sites is important.

The numbers and extent of review possible will need to be balanced with other Council priorities.

Council officers also work closely with developers, contractors, and investors. Where we can secure agreement from landowners, we would be prepared to raise these sites with those parties.

Whether alternative development or conversion is achieved will be a matter for the landowner, but the Council could and will in certain cases look to see whether it could intervene and help unblock a stalled site matter such as a boundary dispute or indeed acquire the site itself.

Officers have enquired previously about acquiring specific assets across the District but either the level of engagement from the owners or their representatives has been low, the price owners have sought have been extortionate by comparison to market value or the options for the site to be brought back into effective use, cost prohibitive.

The Council can acquire assets which do not require a return on investment for example as

a community facility for residents to use. Key considerations when doing so will be how this supports the delivery of the Corporate Plan, can it be cost effectively achieved hence the prospect of a successful outcome factored in and whether this impacts on other Council priorities. To be expected to acquire an asset significantly above market value simply because the owner wants an inflated price **will not** find favour.

It should be stressed that any review processes should not and will not stop the Council taking enforcement action where this is warranted and necessary to address the issues that are occurring on that site. The implementation of this policy is based on a range of options being open to the Council to seek to address the issue of derelict and untidy sites and a number of these will run in tandem.

The Use of Compulsory Purchase Powers

Whilst developing this policy officers have spoken to fellow officers across a range of departments and elected members. A recurring theme during these discussions has been that of Compulsory Purchase powers.

The bar is set quite high in terms of making an order for compulsory purchase in terms of having in place planning approvals, decisions, and finances to not only acquire the asset but to develop out. Even with this there is no certainty that an order will be made.

Compulsory purchase can be both expensive processes and very time consuming.

Consequently, officers would much prefer to work with landowners to see whether collectively a solution can be found to securing reuse or redevelopment of a site which may involve the council or one of the partners it works with acquiring the asset through negotiation. Set out below is a **3-step process** officers will work to.

The Council's **Strategic & Operational Property Manager** working closely with a range of professionals across the Council will lead on the 3-step process.



Step 1: Survey of vacant and derelict sites and the production of a database highlighting priorities.

This is a simple typically roadside inspection to understand the site. Matters for consideration include current/ previous use, the potential for future use (existing & alternative), any constraints to development, any enabling works which could be undertaken, encroachments apparent and neighbourhood context. Officers will make an assessment of

what intervention may be needed now to prevent the asset falling into further disrepair. This information will be recorded on the database. Information previously collected on this case particularly around previous engagement with owners will be a good indicator of potential next steps

Step 2: Identification of potential Quick Wins – Signposting and Advisory

This step is very much a take stock and time to reflect including approaching owners to establish the extent of likely engagement. Here officers can signpost owners and investors, enabling access to planners, building control,

land use, tree, business grant and other specialists, in addition where appropriate to those with heritage expertise as well as potential alternative investors/ developers active in the locality

Step 3: Prioritisation of investment in sites with clear development opportunities.

Officers will seek to identify through a systematic site assessment process where they may seek to intervene. The level of intervention necessary will be assessed on a site-by-site basis. The Council may for example have its own assets in close proximity or it may have a specific requirement to be met for example to deliver a range of housing options in a specific area or sees opportunities to

create open space for example through initiatives like land swap. This work may enable the sites to be sold on, a development constraint unblocked or a proposition to be recommended to Council for greater intervention. This could include the option to begin a process for acquisition by utilising compulsory purchase powers or other powers that may be open to the Council at that point.

Our Commitment

We Will: Engage proactively with landowners of derelict and untidy sites where they are prepared to positively engage.

We Will: Provide advice and guidance to landowners relating to derelict and untidy sites.

We Will: Use our own resource and powers available to us to seek to address untidiness and dereliction including powers to enter onto sites and carry out works and acquire assets.

We Will : put in place systems and resource to maintain up to date records relating to derelict and untidy sites.

We Will : seek to recover all costs and expenditure that we incur that we are permitted by legislation to do in addressing matters of dereliction and untidiness

We Will : maintain systems to make it easy for our residents to report incidences of dereliction and untidiness.

We Will : in doing one or more of the above act proportionate to the issues that the Council and our residents are facing as a consequence of sites that fall to be covered by this policy

Appendix 1 - Process for Dealing with Sites Notified to us As Derelict and Untidy

A) Report received about a commercial derelict/disused building or a piece of disused/derelict land

1. Details of report are entered onto database (E-CINs)

If the property is already on database, details to be added to existing case.

If property not on database – a case needs to be created with the following key details if known.

- a) Details of person that has made the report (complainant/customer)
 - b) Building/Land name and address
 - c) Pinpoint location on map
 - d) Owner's details and contact details to include address, telephone numbers and email
2. Allocate most appropriate case lead. Where reports have been received into one department, that department will be the case lead. If several departments are involved, a discussion will need to take place to determine who the most appropriate case lead should be.

B) Contact with complainant:

1. Confirm contact details with complainant.
 - a) Additional details to be taken.
 - b) Factual Information:
 - What have they seen?
 - Types of behaviour or condition of building? Is it a dangerous structure?
 - Times and dates if possible or information around whether a problem in the evenings, morning etc
 - Any individuals identified or descriptions
 - c) Impact information:
 - Note how this has made them feel, unsafe? etc
 - Have they had to change their usual routine to avoid the area?
 - Concerns for anyone's safety?
 - Do they live near the building – are they likely to have ongoing complaints or have they simply visited the area? (Useful to know when considering enforcement action and using them as a witness)
 - d) Ensure all details are logged on the case.

C) Contact with owner:

1. Contact to be made with owner within 5 working days of receiving report.
2. If owner is not known, details can be found through:
 - a) Land Registry Search
 - b) Business Rates – email requesting the details of the owner along with the reason for the request to be sent to business.rates@pspsl.co.uk

3. Contact to be made with the owner as soon as the Council are made aware that a commercial property is empty to ensure that the owner understands their legal responsibilities under the Occupiers Liability Act 1984, <http://www.legislation.gov.uk/ukpga/1984/3> to prevent problems arising. This does not necessarily need to be related to a complaint but forms part of early intervention/prevention.
4. Contact also needs to detail the reports that have been received and what the council are requesting them to do with agreed timescales.
5. Any contact made verbally with the owner must be followed up with a letter.
6. Contact needs to remain with both complainant and owner until the matter is either resolved or no further action can be taken (for example, if there is insufficient evidence, not in the public interest – please see enforcement policy for further guidance).
7. Any action taken or decision to not act must be documented on the case with reasons for this.

D) Agency notification

1. The following agencies need to be notified of the commercial derelict/disused building or a piece of disused/derelict land through E-CIN's. This should be carried out when first notified or if additional complaints are received.
 - a) Community Fire Safety Team - Lincolnshire (Lincolnshire)
 - b) South Holland Police Team (Lincolnshire)

E) Repeat reports:

1. Where reports are consistently being received over a prolonged period of time about one location the Assets team's involvement will be ramped up and the 3 step process followed
2. The Delivery Unit will look at possibilities for acquisition as well providing general advice around next steps.
3. Referral to be made via database – sending a task to lead officer within Assets (Strategic & Operational Property Manager)

F) Enforcement:

1. Where either the Council receives repeated reports or where the owners are not complying with requests made, consideration must be given to enforcement. The Enforcement Toolkit is detailed in Appendix 2.

G) Member notifications

1. If a Member is a complainant, they should be kept updated throughout the process. Ward Members that are not a complainant will be notified if there are ongoing complaints in relation to a site and there is an impact on their local community.

H) Case resolution

1. In cases where works have been carried out or no further action is required the case should be closed on the system and all relevant parties notified.

Appendix 2 Enforcement Toolkit

Legislation	Section (with link)	Lead Team	Action	Additional notes
Anti-Social Behaviour, Crime and Policing Act 2014	Section 43 https://www.legislation.gov.uk/ukpga/2014/12/section/43	Community Safety and Enforcement	Community Protection Notices can be issued by local authorities to require the owner to carry out works to a building or site	<p>The following criteria must be met (and evidenced);</p> <ul style="list-style-type: none"> (a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and (b) the conduct is unreasonable.

Legislation	Section (with link)	Lead Team	Action	Additional notes
Anti-Social Behaviour, Crime and Policing Act 2014	Section 47 https://www.legislation.gov.uk/ukpga/2014/12/section/47	Community Safety and Enforcement	Where the owner issued with the Community Protection Notice fails to comply with its requirements the local authority can respond in three ways: Take remedial action under section 47 (2) where land is open to air or section 47 (3) for premises not open to air. To issue a fixed penalty notice for breach of a Notice Prosecute for breach of Notice. The Magistrates Court has the power to make an order to force works to be carried out.	The response will be on a case by case basis determined by risk to the community.

Legislation	Section (with link)	Lead Team	Action	Additional notes
Building Act 1984	Section 77 https://www.legislation.gov.uk/ukpga/1984/55/section/77	Building Control	Where a building is a danger from elements of the building having the potential to cause harm, an application to the magistrate's court can be made to request the structure is made safe.	This is not the same as a person gaining access to a building and being harmed. Costs can be recovered but may need to be approved by magistrate's court.
Legislation	Section (with link)	Lead Team	Action	Additional notes
Building Act 1984	Section 78 https://www.legislation.gov.uk/ukpga/1984/55/section/78	Building Control	Where a building is thought to be an immediate danger from elements of the building having the potential to cause harm (not gaining access to a building and being harmed), action can be taken by the local authority to remove the danger.	This is not the same as a person gaining access to a building and being harmed. If practicable we should give the owner notice of our intention. Costs can be recovered but may need to be approved by magistrate's court and evidence is required that Section 77 could not have been used.

Legislation	Section (with link)	Lead Team	Action	Additional notes
Town and Country Planning Act 1990	Section 215 https://www.legislation.gov.uk/ukpga/1990/8/section/215	Planning Enforcement	Where it appears to the Council that the amenity of any part of their area is being adversely affected by the condition of land (including buildings), it is able to serve a notice on the owner to take specified steps to remedy the situation within a given time period.	

Legislation	Section (with link)	Lead Team	Action	Additional notes
Planning (Listed Buildings and Conservation Areas) Act 1990	Section 54 https://www.legislation.gov.uk/ukpga/1990/9/section/54	Planning Enforcement (in conjunction with the Conservation Officer)	Allows the Council to take action where a Listed Building has deteriorated to the extent where its preservation may be at risk. This can include a Repairs Notice requiring the owner to undertake repairs, where the building is currently, wholly or partially occupied, or an Urgent Works Notice which requires the owner to undertake repairs to a property which is unoccupied and in a poor condition, which it considers is urgently necessary.	

Legislation	Section (with link)	Lead Team	Action	Additional notes
Local Government (Miscellaneous Provisions) Act 1982	Section 29 https://www.legislation.gov.uk/ukpga/1982/30/section/29	Housing	The local authority may undertake works in connection with the building for the purpose of preventing unauthorised entry to it, or, as the case may be, for the purpose of preventing it becoming a danger to public health	Before starting any works a local authority shall serve a notice that they propose to undertake works in connection with the building on each owner or occupier of the building. A local authority need not give any such notice where they consider that it is necessary to undertake works immediately in order to secure the building against unauthorised entry or to prevent it from becoming a danger to public health; or that it is not reasonably practicable to ascertain the name and address of an owner or to trace the whereabouts of an occupier who is absent from the building.

Legislation	Section (with link)	Lead Team	Action	Additional notes
Prevention of Damage by Pests Act 1949.	Section 4 https://www.legislation.gov.uk/ukpga/Geo6/12-13-14/55/section/4	Environmental Protection	Allows the Local Authority to serve a notice on the owner/occupier to take the necessary steps for the destruction of rats and mice on their land or otherwise for keeping their land free from rats and mice, (including structural repairs or other specified works).	Failure to comply with the Notice – The local authority can carry out works in default of the Notice and recover reasonable costs incurred. Non-compliance is also an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.