

Report of	Meeting	Date
Chief Executive (Introduced by the Executive Leader)	Executive Cabinet	21 February 2013

NEIGHBOURHOOD WORKING – PRIVATE PROPERTY IMPROVEMENT SCHEME

PURPOSE OF REPORT

1. To obtain approval to recommend to Council the adoption of a scheme and supporting policy to address issues of privately owned accommodation in a poor state of repair but where the threshold for statutory nuisance enforcement or planning enforcement is not met.

RECOMMENDATION(S)

2. That Executive Cabinet recommend to Full Council the adoption of a trial scheme and supporting policy, based on the principles outlined in this report, to address amenity issues that arise as a result of privately owned properties that are in poor repair.

EXECUTIVE SUMMARY OF REPORT

3. Many members have received or are aware of complaints about privately owned properties in the Borough that are considered by neighbours to be a nuisance to neighbours as a result of their condition.
4. The Council have statutory powers within Environmental Health, Building Control, Planning and Housing legislation which can be used to address some of these issues when they constitute a statutory nuisance; are a danger to the public or other residents; or are sufficiently detrimental to the amenity of the neighbourhood.
5. There is a gap however where the condition of the property is not sufficiently poor to trigger the Council's statutory responsibilities, but is poor enough to cause issues to the neighbours.
6. It is proposed that a scheme be introduced to provide a process for considering these properties and in appropriate cases, and with the property owners consent to undertake works to address the issues raised. It is further proposed that the property owner should fund the works or provide security for the cost of the works.
7. This would be a pilot scheme with a budget provided for 1 year of operation with its operation subject to review. If this recommendation is approved budget provision will be brought within the papers before Special Council on 28 February next.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

8. The proposed scheme ties into the Neighbourhood Working agenda. It has some links to ensuring that properties remain in occupation to provide continuation of housing provision in the borough.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. Do nothing to address this issue. For the reasons within this report it is felt appropriate to take this action.

CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

11. Members will be aware, either by direct reporting to them or anecdotal evidence from colleagues, of privately owned properties within the borough that are the cause of concern to their neighbours. The properties may be of poor visual appearance with overgrown or poorly maintained gardens, boarded up windows, or more serious problems.
12. It is proposed to set up a scheme to address these issues.
13. The Council have statutory powers to take action on statutory nuisances and dangerous buildings. There are also powers to take action in relation to tenanted and empty buildings. It is not intended to cover these issues within the scope of this scheme although it will be part of the proposed process to ensure a co-ordinated response across the Council teams that have responsibility for statutory action. to ensure that statutory action is not appropriate.
14. The scheme will be the "last resort" it is not to be used to deal with minor issues or civil disputes between neighbours.
15. The scheme will not be used to undertake maintenance or improvement that should properly have been done by the registered owner of the property and has been left undone through indolence or neglect.
16. The scheme is to provide support to those who are unable to undertake the works themselves due to disability, infirmity or severe financial hardship. Owners will have to engage with the Council to trigger the scheme and will have to co-operate with the Council at all times.

PRINCIPLES OF THE SCHEME

17. Principle 1
The scheme will provide for the co-ordination of the Council's approach to complaints concerning privately owned owner/occupier properties. It will not address rented properties nor vacant properties. What constitutes occupation will be defined in the policy.
18. Principle 2
The priority of the scheme will be enabling the owner/occupier to self help by signposting to different agencies (both in the Council and external) who can provide assistance.

19. Principle 3
The subject property must be adversely affecting the quality of life of residents in excess of the immediate neighbours (ie not just those whose properties share a boundary).
20. Principle 4
The scheme will not address issues of anti-social behaviour.
21. Principle 5
The scheme will assist those who wish for an improvement to their property but are not in a position to help themselves due to disability, infirmity or severe financial hardship.

OPERATION OF THE SCHEME

22. Step 1 – Signposting
The first stage of the proposed scheme is to signpost the resident who is the subject of the complaint to bodies which can assist. These will include but not be limited to:-
 - a. Adult Services at LCC
 - b. Voluntary Sector Organisations
 - c. The Spice Scheme
 - d. Credit Union
 - e. Internal Council Teams

The first stage will be about the resident “self-helping”. Should they fail to demonstrate that they have properly engaged with these services they will not be permitted to progress to step 2.

Running along side this process the Council will also consider their statutory responsibilities and whether they should be undertaking works under statutory powers.
23. Step 2 – Assessment of Need of Work
If the Council are satisfied that the resident has properly taken all the steps they can to resolve the issue through engagement with other support agencies they will assess the need for the work.
The scheme is not to resolve neighbour disputes or to simply improve someone’s home but to provide support to neighbourhoods as a whole. The subject issue must have an impact on not just the bounding properties but the street scene as a whole. A recommendation will be made by a Council Officer on the appropriateness of intervention but ultimately will the decision will lie with the Council Executive.
The Council will also consider using planning powers under the Town and Country Planning Act 1990 where there is a clear impact on amenity that is not a statutory nuisance but the owner has the means to undertake the work.
24. Step 3 – Eligibility Criteria
In order to be eligible to access the Scheme the resident must engage fully with the Council and have discharged their obligations under step 1. In addition the resident must be unable to do the works (or arrange for them to be done) themselves due to
 - a. Disability;or
 - b. Infirmity; or
 - c. Severe Financial Hardship.

This scheme should not simply be seen as a cure for wilfull neglect. It is to assist those whose inability to maintain their home is impacting on their neighbourhood. What constitutes Severe Financial Hardship will be defined by the Policy.

In order to benefit from the Scheme the resident must own the property and have done so for a period of at least 3 years.

Residents will only be able to use the scheme once.

25. Step 4 – Service Provision

Wherever possible, the Council will undertake works themselves using existing resources. However, when this is not possible or appropriate, works will be undertaken by an appropriate contractor. The Council will prepare and maintain a list of approved / appropriate contractors.

26. Step 5 – Limit on Financial Assistance

This Scheme should not be perceived as supplementing substantial works. As a result, the value of any works undertaken under the scheme will be capped at £7,500.00. Works undertaken by the Council within existing resources will be charged at cost and hourly rates will be defined in the policy for clarity.

27. Step 6 – Repayment

The Scheme recognises that its purpose is not simply to provide an avenue for residents to improve their home. They will be expected to repay to the Council the financial value of the works undertaken. Repayment scheme will be arranged with the Council. In exceptional cases, the debt can be secured as a charge against the property, to be discharged on any sale or transfer.

IMPLICATIONS OF REPORT

28. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	X
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

29. The report sets out that the scheme will be for a trial period. Resources have been allocated on a non-recurrent basis in the budget of 2013/14 totally £50,000.

COMMENTS OF THE MONITORING OFFICER

30. The scheme itself will be contract based between the Council and home owner. Care must be taken to ensure that the scheme is compliant with financial industry standards and requirements.

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	11 February 2013	***