
Raising the Profile and Awareness of Scrutiny and Increasing its Influence and Impact

To: **Overview and Scrutiny Committee – 27th September 2016**

By: **Corporate Scrutiny and Overview Officer**

Summary: **This report summarises research into Scrutiny practices and procedures employed by authorities around the four focal topics listed in the scoping report previously presented to the Committee.**

Background Papers: Scoping Report – Review of Raising the Profile and Awareness of Scrutiny – Overview and Scrutiny Committee, 28 June 2016

1. Background

- 1.1 The inclusion of an Overview and Scrutiny function within the Council's structure is a legal requirement of the Local Government Act 2000 (as amended by the Localism Act 2011). The Cabinet is the primary decision making body of the Borough Council, however the Overview and Scrutiny function can play a role in supporting the Cabinet's work.
- 1.2 Powers afforded to the committee include reviewing or scrutinising decisions made by the Cabinet and reporting or making recommendations to the Cabinet or the authority on any aspect of Council business or any matters affecting the borough or its population.
- 1.3 To date, the Overview and Scrutiny Committee has examined a diverse range of topics and issues, including water supply, healthcare provision, roads infrastructure, public transport and various areas of Council policy. The committee also assesses annual reports from the Community Safety Partnership and provides scrutiny of the Council's budget setting process.
- 1.4 It was agreed at the committee's meeting of 20 October 2015 that the Overview and Scrutiny committee would undertake a more strategic approach to add value to the authority, including increasing engagement with external partners. The need for Overview and Scrutiny to undertake a more fulfilling role in relation to the work of the Cabinet and Council has been noted by members and it is on this principle that research has been focused.
- 1.5 At its meeting of 28 June 2016 the Committee agreed that a review should be undertaken to raise the profile and awareness of the Borough Council's Scrutiny function. Members were asked to forward ideas to the Chairman or the Senior Policy, Performance and Scrutiny Officer.

- 1.6 Officers have collated the ideas received and sought examples of notable scrutiny practice from many different types of authorities of varying sizes from across the country as well as examples cited by the Centre for Public Scrutiny (CfPS). These are summarised below for the Committee's consideration, however the findings below are presented not in terms of what Overview and Scrutiny at Ashford should do, but in terms of practices it may wish to consider.

2. Exerting influence and building positive relationships

- 2.1 In informing this review, Committee members noted that Cabinet are under no obligation to act on recommendations made through Overview and Scrutiny if they do not wish to. Taking this point into account, Officers have explored how other authorities have built greater cabinet accountability into their scrutiny procedures and these findings are outlined below.

Robust and realistic recommendations

- 2.2 Positive working relationships with the Cabinet, senior officers and partners are of vital importance if the scrutiny function is to be carried out effectively. Overview and Scrutiny should act as a 'critical friend' to the Cabinet, and developing robust and realistic recommendations as part of the scrutiny process in partnership with Cabinet members, senior officers and partners may aid in building trust and developing a closer working relationship between the participant bodies.
- 2.3 Within Winchester City Council the Overview and Scrutiny committee receive an annual report summarising progress made on key projects that contribute to achieving the Council's Community Strategy. Each Portfolio Holder outlines (in brief) progress made on projects and corporate objectives within their remit over the previous year, and the committee are invited to raise any issues arising with the Leader or Portfolio Holder or refer items of significance to the Cabinet.
- 2.4 Northampton Borough Council employ a rigorous monitoring regime for committee recommendations is in place, with Cabinet Members reporting back to the Overview and Scrutiny Committee twice a year on action taken in respect of recommendations made through reviews. Cabinet and Senior Management Team also attend an annual Work Programming event for the committee, and Cabinet members are given the opportunity to inform the Overview and Scrutiny committee of their priorities for the year.

Possible recommendation 1: *The Committee could recommend the agreement of an annual work programme informed by and in response to the Cabinet's forward plans.*

Scrutiny procedure

- 2.5 The relationship with Cabinet prior to the submission of recommendations can take various forms. The committee could choose to undertake informal liaison with relevant cabinet members over recommendations prior to their

submission; or it could adopt a more regulated arrangement similar to Leeds City Council, where formalised procedure rules exist governing consultation with senior officers and Executive Members. Within Leeds agreement has been made detailing actions to be undertaken in response to scrutiny recommendations, including publication of the Executive's responses.

- 2.6 The effective involvement of external partners in all aspects of the scrutiny process is of vital importance in achieving a successful 'outward' scrutiny role. Noting the concerns raised at the committee's meeting of 20th October 2015, external bodies may show greater willingness to engage with being scrutinised if they are more closely involved in the scrutiny process for reviews of other areas. For example, representatives of the South East Coast Ambulance Service may wish to be involved in a review focused on strategic road infrastructure as it will affect their service delivery.

Possible recommendation 2: A possible recommendation in respect of engaging external partners could be that the Committee's work programme is circulated to external partner organisations in advance, either as a way to increase public engagement or as a means to gather evidence.

Collaboration protocols

- 2.7 Some councils have clearly defined processes and outlined protocols for collaborative scrutiny with key partners on strategic issues, whilst a few authorities co-opt external partners onto Scrutiny panels for specified purposes.
- 2.8 In other authorities protocols exist for the co-option of external partners onto Overview and Scrutiny in a non-voting capacity for a period of two years through a formal application process. Co-optees may re-apply at the end of the two year period, however the limit allows for co-optees to stand down if they wish and enables the committee to pursue representatives with different experience and skills.
- 2.9 Under such protocols, co-optee positions are listed on the Council's website and circulated to Area Action Partnerships (local forums which enable public participation in the delivery of key services), with applicants required to submit a short statement explaining why they wish to be involved in scrutiny and what they can contribute. Suitable candidates are then shortlisted by the Overview and Scrutiny Chair, Vice-Chair and a (minority) committee member for informal interviews. Successful applicants are appointed and given an induction into the scrutiny process prior to their first meeting.
- 2.10 It has been noted that in the aftermath of the EU referendum result there has been a marked increase in incidents of hate crimes and race related crime across the country, and members have expressed concern over the potential isolating and marginalising effects of recent events may have on the varied ethnic communities within the Borough's population.

- 2.11 The appointment of external partners to Overview and Scrutiny focus groups and panels has been successfully used by authorities such as Brighton and Hove City Council to bolster reviews into community integration, and the adoption of similar procedures for certain reviews in Ashford could be beneficial, particularly for reviews with an outward focus.
- 2.12 Less formal arrangements can also be of use in engaging external partners, particularly when specific reviews are undertaken. For example Birmingham City Council, as part of its enquiry into dementia services, utilised the expertise of partner organisations (including an NHS commissioning manager) to identify a cross-section of service users including dementia sufferers and carers through involvement in NHS focus and participation groups.
- 2.13 Some service users then sat alongside committee members during two days of evidence gathering sessions to hear evidence from various sources. Whilst the service users were not co-optees to the committee, their equivalent position within the committee allowed them to respond immediately (from a service user perspective) to the evidence presented before them. This enabled the committee to react more rapidly to the evidence presented and work towards more suitable recommendations ahead of the final report being generated.

Possible recommendation 3: *The Committee could review the existing processes for co-option within point 3 of the procedure rules for Overview and Scrutiny to allow for the incorporation of external partners as members of task groups for specific scrutiny reviews.*

Working with the public

- 2.14 Members have expressed the view that direct gathering of evidence by the committee rather than only receiving Officer written reports may be beneficial to the Scrutiny process, and the Overview and Scrutiny committee may wish to consider how it could incorporate different techniques to enhance engagement and improve outcomes as they relate to specific reviews.
- 2.15 In a review to address issues associated with rising number of young people not in employment, education or training (NEET) in its area, Braintree District Council's Scrutiny Committee adapted its working practices to be more open and help stakeholders feel at ease. Committee members met with local employers at their place of work and talked to young people at a local hostel over pizza - this resulted in a representative group of young people attending the final committee meeting on the review.
- 2.16 Members also suggested that greater public engagement may be achieved if committee meetings could take place in locations other than the Civic Centre for specific one-off issues to try and encourage local attendance – for example where logistical issues exist which may preclude interested members of the public (such as elderly or young residents) from attending an evening meeting at the Civic Centre the committee could meet at an

alternative location more suited to attendance by the group(s) concerned with the issue at hand. Hackney Council undertook face-to-face engagement with residents outside of a committee meeting setting to inform a review into improving access to services for young disabled people.

Possible recommendation 4: *A potential recommendation in this area could be to take Overview and Scrutiny to the public for evidence gathering by members or for meetings where the committee deems it would be beneficial.*

3. Making a difference...Demonstrating impact

Review methodology

- 3.1 Some councils have a formalised, multi-stage process for scrutiny reviews clearly identifying the path of the review from topic selection to post-implementation monitoring. Charnwood Borough Council utilises a specific pro-forma for scrutiny briefings, designed to direct the information presented towards areas where review may be beneficial and indicate whether a further review is required.
- 3.2 The adoption of such formal scrutiny review methodology may be of benefit in enabling the committee to demonstrate the impact of its work throughout the scrutiny process and could serve to align the scrutiny process more closely with the corporate approach to project management.
- 3.3 The majority of internally generated reports currently presented to the committee are in cabinet format with recommendations (typically to note the contents of the report) ready prepared. Having reports framed in this manner can result in a high incidence of 'passive' recommendations to receive and note reports.
- 3.4 The Cabinet report template supports and accord with the decision making powers of Cabinet. Noting the difference in function and powers between Cabinet and Overview and Scrutiny, the need for a different type of report template with a greater emphasis on information gathering can be seen.
- 3.5 Therefore the adoption of a briefing note format similar to Charnwood which highlights in a clear and concise format the key aims and required outcomes of the activity, policy or service being reported on may prove beneficial to the committee's work whilst complementing longer, regular reports. Examples of this format are attached as appendix 1 (blank) and appendix 2 (populated).

Responses and monitoring

- 3.6 The complementary element to robust recommendations and key to demonstrating the impact of scrutiny will be tracking what responses are made to the committee's recommendations, and monitoring the implementation of change where recommendations are accepted. How this monitoring takes place, and who is responsible for it can vary dependent on circumstance and the level of influence the committee can exert.

- 3.7 Certain authorities place all responsibility for implementation with the relevant service officers, with monitoring undertaken by the relevant Executive member. By comparison some other councils undertake reviews of agreed recommendations six or twelve months after adoption, requesting updates at this time from the responsible party on implementation progress. Monitoring can be carried out through use of a tracker summarising the pre- and post-meeting actions with deadlines for recommendations to be actioned or updates to be reported back to committee.
- 3.8 The incorporation of monitoring into the existing Overview and Scrutiny tracker already provided alongside the agenda papers may be beneficial in demonstrating the impact of the committee's work, particularly where the implementation (and consequential effects) of agreed recommendations can be recorded and made publicly accessible.

Possible recommendation 5: *The committee could recommend the adoption of specific document formats for scrutiny briefings and modification of the existing tracker to include progress on scrutiny recommendations.*

Robust recommendations

- 3.9 To ensure the Overview and Scrutiny committee is adding value at every stage, greater emphasis should be placed on making constructive, evidence-based 'active' recommendations for consideration by Cabinet and external partners where appropriate. The agreement of specific mechanisms for Overview and Scrutiny to review the responses to and (where accepted) the implementation of recommendations it has made may also prove beneficial in this regard to all concerned parties.
- 3.10 Since partner organisations need only "have regard to" recommendations (rather than being under a legal obligation to respond to them as Cabinet are) it may be prudent for the form and broad content of a response from an external partner to be agreed in the early stages of the scrutiny process.
- 3.11 An absence of 'active' recommendations may raise questions over the value of the scrutiny process, particularly in situations where improvements cannot feasibly be made. This may be avoidable to some degree through the committee still providing a response in situations where no recommendations for improvement are made, as in Leeds where an obligation is placed on the Scrutiny Board to formally 'close' a scrutiny review and provide its reasons for not making recommendations.

Return on investment

- 3.12 A checklist of agreed and completed actions may be a helpful mechanism to manage implementation, but this may not ultimately demonstrate whether putting scrutiny recommendations into effect has resulted in an improvement to a service or better outcomes for local residents.

- 3.13 Mapping the return on investment of any recommended change can be a very useful tool to demonstrate the benefits (in terms of the value that can be added) of implementing the recommendations arising from a scrutiny review - Peterborough City Council utilised this approach in a welfare review to show that continuing investment into a Community Assistance Scheme would prevent significant costs to the Council and its partners.
- 3.14 Revising the existing tracker as suggested in 3.7 to enable more resilient monitoring of progress made in acting on recommendations may also suggest (dependent on the review in question) effective measures or outputs for establishing added value if coupled with reports back to the committee on changes that have arisen from the implementation of Scrutiny recommendations.
- 3.15 In some instances establishing a return on investment in financial terms will be difficult. In these cases, it may be more appropriate to work on the basis of measuring the social return on investment. Feedback could be sought directly from service users or stakeholders (where appropriate) to establish what impact scrutiny has had 'on the ground'; either in the form of direct reporting to the committee or through surveys and open calls for submissions. If sufficient evidence is gathered prior to the scrutiny review from stakeholders it may be possible to build a 'before and after' picture to demonstrate the impact of scrutiny.

Possible recommendation 6: *The committee could include forecasting of the potential return on investment in the pre-assessment of a scrutiny review to focus the committee's work.*

4. Raising the Profile

- 4.1 The importance of the committee's role as a means of enabling accountability should be highlighted, both internally and externally. Member feedback on the theme of raising the profile of Overview and Scrutiny highlighted the need to be proactive in selling any success stories of the committee's work as well as informing the press of upcoming reviews and scrutiny topics to build public interest.
- 4.2 The benefits of good scrutiny as a tool to shape new policies and practices are significant and if the authority can 'buy in' to the idea of scrutiny as a positive means to review then it can form a key step in the formative stages of project development. Potential methods of engaging the public in a strategic focus for scrutiny are discussed in section 5 below, however increased engagement in Overview and Scrutiny across the authority may be achievable through various means.
- 4.3 Highlighting the experience and background of committee members may demonstrate that the committee can bring a fresh 'outside eye' perspective to exploratory project work – this may be readily achievable through working with the Council's communications team to profile Overview and Scrutiny

through the Staff newsletter (Root and Branch), Ashford Voice or the authority's social media channels.

- 4.4 The committee could reinforce to the rest of the authority how it can help to be a means of engaging external stakeholders at an early stage in the development of projects and policy initiatives. Documenting a short review and internally circulating a summary of the process and outcomes may serve as a useful case study to inform and engage staff throughout the authority in the work of Scrutiny.

Possible recommendation 7: *The committee could recommend profiling its work and membership in internal and external publications to build public interest in the scrutiny process.*

Social media and external liaison

- 4.5 Committee Members noted that identifying the most appropriate ways to improve communication with the public may be most readily achieved through asking for opinions from members of the public who already communicate with the public on matters such as planning consultations; and inviting residents to identify areas where they feel scrutiny may add benefit.
- 4.6 Northampton Borough Council involves the public in setting the agenda for its annual Overview and Scrutiny work programme. A press release is sent from the Chairman each year to invite public input into the work programme. Requests can be made through the authority's website or directly to the Scrutiny Officer and are considered at an annual work programming event (see paragraph 2.2 above).
- 4.7 The Authority also retains details of requesting parties, consultees and members of the public involved in the scrutiny process and regularly contacts them regarding suggestions for future scrutiny reviews. Subject to compliance with the requirements of the Data Protection Act, collation of contact details for responders on various Council consultations could provide a potential source of resident engagement with the scrutiny process.
- 4.8 Enabling the submission of views by social media significantly aided Stoke-on-Trent City Council in increasing public participation in the 18-24 age bracket through its review of the night-time economy. Ashford Borough Council's twitter account (as of September) has over 6000 followers who may be a receptive audience for gathering input into scrutiny reviews and generating interest in the committee's work.
- 4.9 Utilising social media proactively may provide a means to enable greater public participation for specific scrutiny reviews both in terms of publicising the review and calling for evidence from the borough's population.

Possible recommendation 8: *The committee could utilise social media as a means to enable public participation in the scrutiny process for specific scrutiny topics.*

Possible recommendation 9: *Calls for evidence for future scrutiny reviews, or for public submission of topics for review could be used to build a contact database for Overview and Scrutiny to publicise its work.*

Strategic scrutiny

- 4.10 The move towards a standardised Project Management model within the authority may be a good opportunity to align the committee more closely with strategic projects at a formative stage. Such approaches have been used by Brighton and Hove City Council and South Cambridgeshire District Council.
- 4.11 A revision of the presentation of scrutiny through the Council's website to highlight its role and the benefits of public participation may prove beneficial. Highlighting scrutiny and opportunities for participation through social media, Council publications (such as Ashford Voice) and the local press may prove useful tools to raise awareness of scrutiny within the borough and encourage participation.
- 4.12 Successful and effective involvement of scrutiny in key projects, particularly at a formative stage, may provide useful case studies to demonstrate to the wider authority and external partners not only the work that the committee undertakes but also the benefits of a robust scrutiny process. Increasing the role of scrutiny at an early stage in strategic projects may also benefit the public perception of the authority and the committee's role through public and external partner participation in the development of key initiatives. This has been the case in Bradford Metropolitan District Council where scrutiny involvement enabled greater public participation in the review of Bradford's food strategy.

5. Engaging the Public

- 5.1 Committee Members noted that outside the confines of the Borough Council the majority of the borough's population will likely be unaware of the existence of the Overview and Scrutiny function. Publicising the committee's role and building public engagement through the scrutiny process was repeatedly noted as being integral to raising the profile of the committee.

Clear communication

- 5.2 Increasing public engagement in all stages of local government can be challenging, and authorities have attempted various means of engaging the public in scrutiny process. Vale of Glamorgan Council produces specific 'plain English' guides to scrutiny functions and public participation at scrutiny meetings.

Web presentation

- 5.3 The management of public participation on the Council's website can also be impacting - Cardiff Council's website uses a layout and style which places scrutiny as an individual element of its 'Your Council' section, rather than

covering it under the same heading as other committees. This serves to highlight to the public the key role that scrutiny plays within the wider work of the authority.

5.4 Merton Council utilises a concise but clear web page covering its four Overview and Scrutiny panels, providing a summary of their aims, publications and relevant documents and contact details for the scrutiny team. Other councils feature a 'get involved' or similar tab on their websites covering participation in various areas of the Council's work, from local democracy to volunteering.

5.5 Live web streaming of committee meetings has also been suggested as a way to open up meetings to the public and this is already in place in a number of authorities such as Woking Borough Council.

Possible recommendation 10: *The committee could recommend that the web presentation of all Council Committees is reviewed by Overview and Scrutiny to aid public participation across the authority.*

Next steps

There are significant opportunities to highlight and heighten the profile of scrutiny both within the authority and in its external relationships to the benefit of as evidenced by the work undertaken within other authorities. The above examples outline potential methods which the committee could recommend pursuit or adaptation of as means to raise its profile both internally and externally. This work would complement moves towards developing a strategic work programme for the committee.

The Committee is asked:

- **To indicate which of the following proposed recommendations it would like to endorse:**

Possible recommendation 1: *The Committee could recommend the agreement of an annual work programme informed by and in response to the Cabinet's forward plans.*

Possible recommendation 2: *A possible recommendation in respect of engaging external partners could be that the Committee's work programme is circulated to external partner organisations in advance, either as a way to increase public engagement or as a means to gather evidence.*

Possible recommendation 3: *The Committee could review the existing processes for co-option within point 3 of the procedure rules for Overview and Scrutiny to allow for the incorporation of external partners as members of task groups for specific scrutiny reviews.*

Possible recommendation 4: *A potential recommendation in this area could be to take Overview and Scrutiny to the public for evidence gathering by members or for meetings where the committee deems it would be beneficial.*

Possible recommendation 5: *The committee could recommend the adoption of specific document formats for scrutiny briefings and modification of the existing tracker to include progress on scrutiny recommendations.*

Possible recommendation 6: *The committee could include forecasting of the potential return on investment in the pre-assessment of a scrutiny review to focus the committee's work.*

Possible recommendation 7: *The committee could recommend profiling its work and membership in internal and external publications to build public interest in the scrutiny process.*

Possible recommendation 8: *The committee could utilise social media as a means to enable public participation in the scrutiny process for specific scrutiny topics.*

Possible recommendation 9: *Calls for evidence for future scrutiny reviews, or for public submission of topics for review could be used to build a contact database for Overview and Scrutiny to publicise its work.*

Possible recommendation 10: *The committee could recommend that the web presentation of all Council Committees is reviewed by Overview and Scrutiny to aid public participation across the authority.*

- **To delegate 2 members of the Committee to work closely with Officers, the Chair and Vice-Chair to bring forward the agreed changes.**

Appendix 1

Template for presenting background information to Overview and Scrutiny Committee to determine what future action to programme

Report of the Director/Head of

ITEM SCRUTINY BRIEFING: [TITLE]

Purpose of the Report

To provide background information on to enable the Committee to determine whether further scrutiny is required.

Briefing Summary

Title	<i>Name of service area, activity or policy that is the subject of the briefing paper</i>
Aims/Objectives	<i>No more than three bullet points Include origin e.g. mandatory, corporate plan, identified need, government initiative</i>
Background	<i>No more than six bullet points setting out the current position and approach to meeting the aims/objectives</i>
Required outcomes	<i>Outline the expected outcomes in bullet point format</i>
Measures to evaluate outcomes	<i>List in bullet point format with source of any evidence to be used and providing benchmarking and comparative information where possible</i>
Implications for customers	<i>No more than four bullet points This should include a statement on consultation with customers</i>
Alternative options	<i>Are there alternatives, if so list</i>
Emerging issues	<i>No more than four bullet points This should set out the opportunities and threats etc. affecting the service/activity</i>
Timetable/Future events	<i>Are there any significant future events, e.g. new legislation, public consultation, new policies? Identify any opportunities for scrutiny</i>
Cost and staff requirements	<i>Current budget (income and expenditure) and staffing required by service/activity plus any known changes to be implemented</i>
Risks	<i>Identify in bullet points any significant risks associated with the issue and, where appropriate, mitigations that have been identified</i>

Additional information (Delete if not required)

[Provide a brief summary of any additional information that is necessary or has been specifically requested by scrutiny.]

Background Papers: None/list (*as appropriate*)

Officer(s) to contact: Name, tel (including code) and email

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SAMPLE

Appendix 2

POLICY SCRUTINY GROUP – 21ST JULY 2015

Report of Head of Strategic and Private Sector Housing

ITEM 6 EMPTY HOMES - SCRUTINY BRIEFING

Purpose of the Report

To provide background information on Empty Homes, to enable the Policy Scrutiny Group to determine whether further scrutiny is required.

Briefing Summary

Title	Empty Homes
Aims/Objectives	<p>To consider how empty homes can be brought back into use.</p> <p>Specific reference to houses in multiple occupation not wanting to lose their C4 Use Class designation</p> <p>Additional Information requested by the Chair and Vice-Chair of the Policy Scrutiny Group:</p> <p>Statistics – how many empty properties the Council is aware of, how many have been brought back into use and those that have not.</p> <p>Options around Council Tax Rebates – to encourage bringing back into use (Is it possible to charge more than 100% for empty properties?).</p> <p>Exemptions for not paying Council Tax on empty properties – are empty student HMOs charged? What checks are undertaken that they were student HMOs?</p>
Background	<p>The number of empty properties in Charnwood is relatively small compared with some areas in the North (Burnley for example) where there are whole streets of boarded up properties. In Charnwood, empties are mostly single properties in streets and are pepper-potted around the Borough.</p> <p>In May 2015, Council Tax records showed 654 empty properties (empty for six months or more) within the Borough. Figures for previous years are detailed below:</p> <ul style="list-style-type: none">• 2010-2011 - 747 empty properties• 2011-2012 - 738 empty properties• 2012-2013 - 641 empty properties• 2013-2014 - 629 empty properties• 2014-2015 - 611 empty properties

In 2013 when Council Tax benefit was replaced by Council Tax Support the Government allowed Councils to make some changes to empty property discounts and Charnwood, in line with most of the Leicestershire Boroughs, reduced the six month empty property discount down to just one month free. Any property empty for more than one month has to pay the full charge unless it is subject to significant building alterations.

Hinckley and Bosworth have applied a 150% charge on empty properties – Charnwood could seek to do the same as part of its 2016-2017 Council Tax setting but this would have to apply to all empty properties irrespective of why they are empty. Therefore if a property becomes empty due to the resident being deceased the charge would have to apply to the next of kin even if they are making every effort to try and sell it – this was the reason for the reduction to one month in 2013.

The status of student properties and if they are Houses in Multiple Occupation is part of the bigger piece of work being undertaken with the University. At present for Council Tax purposes those properties attract the one month empty property discount and a full charge applies after that.

We do not undertake retrospective visits to check if a property was a student HIMO.

Twenty seven complaints relating to empty properties were received by the Private Sector Housing Team in 2014-2015. Thirteen of the twenty seven were in respect of properties in Loughborough including Dishley/Hathern, Hastings and Lemyngton wards.

There are two strands of work related to empty properties:

- minimising the impact of empty properties that have been neglected and are impacting on surrounding properties/neighbourhoods
- encouraging them back into use.

We do not have a dedicated Empty Property Officer; however, Private Sector Housing officers can investigate and take action in respect of service requests from neighbours of empty properties where the property is affecting those living close by – e.g. nuisance from leaking pipe work or health implications from harbourage of vermin.

In 2010-2012 when we had a Homelessness Resources Officer in post, working proactively with landlords (including owners of empty properties) to source private sector accommodation for people in housing need, four Partnership Grants were completed. Since this post was made redundant in 2011/12, no further Partnership Grants have been completed. Details of the Partnership Grants can be found in the Additional Information

	<p>Section of this report,</p> <p>Our current activity in respect of encouraging empty properties back into use focuses our existing but limited human and financial resources on empty two bedroomed properties with a view to encouraging owners to take up Partnership Grants to bring their properties up to the decent homes standard in exchange for nomination rights. Partnership Grants are available to owners of properties that have been empty for six months or more. The grants fund remedial works required to make the property habitable.</p> <p>A review of our approach to empty properties work, in conjunction with other regional authorities via the East Midlands Empty Homes Forum, is proposed, however, the priority for existing resources must remain with enforcement work in situations where category one hazards are identified within occupied properties.</p> <p>The retirement of a Private Sector Housing team member in November 2014 provided an opportunity to review the job description and refocus resources on housing standards, which includes empty properties.</p> <p>Planning Enforcement can investigate empty properties that are having a detrimental effect on the amenity of the neighbourhood and take action to improve conditions. In the last financial year Planning Enforcement received three complaints in relation to untidy student accommodation.</p> <p>A press release promoting the availability of Partnership Grants was issued earlier this year; this resulted in one valid enquiry which is currently at the quotation stage.</p>
Required Outcomes	<p>The Private Sector Housing Team has a target to bring four long term empty properties back into use in 2015/16. This target is challenging as it is based on previous performance when a dedicated post (the Homelessness Resources Officer) was in place.</p> <p>Reactive work will continue in respect of empty properties that are causing nuisance or providing harbourage for vermin.</p>
Measures to Evaluate Outcomes	<p>The Strategic and Private Sector Housing Key Performance Indicator Framework:</p> <ul style="list-style-type: none"> • Number of Partnership Grants received • Number of Partnership Grants completed • Number of private homes that have been empty for six months or more (Council Tax records) • Number of private homes that have been empty for six months or more where action has been taken to improve the condition of the property for surrounding residents (either reactively or proactively)

<p>Implications for Customers</p>	<p>The provision of four additional properties in the private rented sector for families in need of accommodation.</p> <p>The minimisation of the impact of remaining empty properties on surrounding neighbourhoods</p>
<p>Alternative Options</p>	<p>The Council can use the following options to bring empty properties back into use:</p> <p>Compulsory Purchase Orders (CPOs)</p> <p>Where all other means of encouragement and enforcement measures have failed, or where a property owner cannot be traced, the Council may use its Compulsory Purchase powers to restore an empty property.</p> <p>A Compulsory Purchase Order (CPO) is not effective until it has been confirmed by the Secretary of State (SoS) (except for cases where there are no objections, in which case the SoS will write to the authority to advise it can confirm the CPO itself).</p> <p>CPO is perhaps the strongest power available to tackle empty properties in situations where there is a compelling case in the public interest.</p> <p>However a compensation payment may be payable to the ex-owner in some circumstances.</p> <p>Empty Dwellings Management Orders (EDMOs)</p> <p>An Empty Dwelling Management Order (EDMO) allows the authority to take over management of an empty property - effectively enabling a local authority to step into the shoes of the owner and manage the property. EDMOs should be considered as tools to be used as a last resort, where all other interventions have been considered and rejected.</p> <p>For EDMO provisions to apply, the property must have been empty for at least two years and must be causing a nuisance and blighting the local community.</p> <p>There are two types of EDMO - an Interim Measure (IMO) designed to provide time for a longer term solution to be found. An IMO may last up to twelve months. Where an IMO is ending and a solution cannot be found, the authority may then seek a Final Management Order (FMO). A FMO can last up to seven, fourteen or twenty one years.</p> <p>If an EDMO is granted by a Residential Property Tribunal, the Council will renovate the property to bring it back into use but the owner will still own it. The authority will recoup any costs from the</p>

	<p>rents received when the property is let. Once the authority's expenses have been recouped the owner will receive any incoming rent from the tenant.</p> <p>Enforced Sale Procedures</p> <p>The Enforced Sale Procedure is a power given under the Law of Property Act 1925 (section 103). It can be used in conjunction with 'Works in Default' where notices have been served on owners insisting that works be done. If these are ignored, then the Council has the right to carry out the work in default of the notice served.</p> <p>However, Enforced Sale can only be utilised to recover the 'debt' where there is an outstanding 'priority' debt charge in favour of the Council.</p>
Emerging Issues	<p>From a recent walk around of the Houses in Multiple Occupation in the student areas of the Borough sixteen properties have been identified as empty. The Private Sector Team will be making contact with the landlords to establish why the properties are now empty and what their intention is for the future use of the properties.</p> <p>Anecdotally, an increase in empty student properties has not been recorded by Planning Services, however an increase in the number of larger student houses being under-occupied, by smaller student groups, has.</p> <p>There is no provision at the present time for a C4 use class order to be suspended to allow a different use for a period of time, without the need for a new application upon reverting to C4 use.</p>
Timetable/Future Events	<p>It is proposed that we continue with existing Private Sector Housing staffing resources and a reviewed approach to returning empty properties back into use, incorporating the use of CPOs.</p> <p>We would need to make capital provision on a case by case basis for the selective use of CPOs, which would include external support from specialist organisations e.g. NPLaw.</p>
Cost and Staff Requirements	<p>Using existing resources, and where a third party is prepared to enter into an indemnity or <i>back to back</i> agreement, it is estimated that a budget of £20,000 - £30,000 should be sufficient to cover the non-recoverable CPO costs (administrative and legal costs, basic loss and disturbance payment (compensation) and surveyors fees), per property. In some cases only a small part of this budget will be used (e.g. if there are no objections and the basic loss payment is avoided because of service of a statutory notice).</p>
Risks	<p>If the SoS does not confirm the CPO following an objection, the</p>

	Council must pay the objector's costs.																
Additional Information	<p>Partnership Grants</p> <p>The Partnership Grant is intended to assist owners of empty properties to bring them back into use.</p> <p>The Housing Act 2004 contains provisions for local authorities to deal with long term empty properties in the private sector. EDMO can be issued by the Council to take control of empty properties with a view to securing their occupation. The preferred view of the Government and Charnwood Borough Council is that the re-use of a property wherever possible should be voluntary. This grant will enable owners to bring empty properties to the decent home standard and back in to use.</p> <p>All applicants must be over eighteen. The grant is subject to detailed conditions and definitions and is awarded on a discretionary basis. Please refer to the full policy or contact us on the number below.</p> <p>Qualifying Criteria:</p> <p>To qualify for grant assistance, the property must have been empty for six months or more. The applicant may be required to enter in to a nomination rights agreement for up to five years with the Council.</p> <p>Conditions and Grant Amount:</p> <p>The applicant will provide estimates for all work required. The grant awarded will be for 50% of the eligible costs up to a maximum of £15,000. The full grant must be repaid if the property is not let or available for letting in accordance with the table below after the completion of works.</p> <table border="1" data-bbox="528 1458 1385 1854"> <thead> <tr> <th>Value of Partnership Grant Awarded</th> <th>Nomination Rights period</th> <th>Available for private renting (years)</th> <th>Total number of years property available for letting</th> </tr> </thead> <tbody> <tr> <td>Up to £5,000</td> <td>0</td> <td>2*</td> <td>2</td> </tr> <tr> <td>£5,001 - £10,000</td> <td>2</td> <td>1*</td> <td>3</td> </tr> <tr> <td>£10,001 - £15,000</td> <td>3</td> <td>2*</td> <td>5</td> </tr> </tbody> </table> <p>*If the property is not let for a period of 6 months during this time, then the nomination rights agreement would recommence.</p>	Value of Partnership Grant Awarded	Nomination Rights period	Available for private renting (years)	Total number of years property available for letting	Up to £5,000	0	2*	2	£5,001 - £10,000	2	1*	3	£10,001 - £15,000	3	2*	5
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