

**Authorisation of Staff in the Housing Standards Team to Enforce Section 215 of the Town and Country Planning Act 1990****RECOMMENDATION**

1. To amend the Appendix to Part 3 of the Constitution as below in order to delegate the power to require proper maintenance of land to the Assistant Director – Regeneration, or Assistant Director – Housing and Advice Services, in consultation with Assistant Director - Legal Services.

Planning and Development Control Functions

Function	Responsible Body	Responsible Officer
19. Power to require proper maintenance of land		Assistant Director – Regeneration, or Assistant Director – Housing and Advice Services, in consultation with Assistant Director – Legal Services

SUPPORTING INFORMATION**What does the use of the power entail?**

- 2.1 Section 215 allows the local authority to impose a positive duty on a land owner or occupier to ensure the proper maintenance of land. A notice may be served where it appears to the authority that the amenity of a part of their area or an adjoining area is adversely affected by the condition of land in their area. The notice may require steps for remedying the condition of land within a period of not less than 28 days.

This power could be used for example, to clear up empty and untidy properties thereby improving the appearance of an area. Rubbish strewn, dilapidated houses with overgrown gardens and hedges could be tackled in a relatively cheap and effective way. Default action to clean up land and tidy up buildings can be taken and the cost then charged to the owner.

What are the current problems?

- 2.2 Although section 215 powers can be used for any land that is affecting the amenity of an area, the Housing Standards Team would in the main use the provision to tackle problems associated with empty dwellings. There is a growing number of empty dwellings in the City and although there are powers available to the Council to take over the management of, or compulsorily purchase these, it can often be a long and protracted process. During that time many empty dwellings are neglected by their owners and fall into dereliction.

Although there is legislation available to deal with public health problems such as putrescible accumulations and pest infestation in buildings these provisions are not appropriate in the case of empty dwellings that have become an eyesore.

The benefits of authorising Housing Standards Staff

- 2.3 Only planning enforcement officers are currently authorised to enforce section 215 of the Town and Country Planning Act. Dealing with neglected empty dwellings however is not likely to be one of their priorities. A parallel authorisation for Housing Standards Officers and the Empty Homes Manager in the Housing Grants and Renewal Section of Corporate and Adult Services would increase the number of officers in the Council who are able to use this power. In the near future one of the Housing Standards Officers is likely to be dedicated full time to dealing with empty properties and the increased use of this power to deal with neglected and untidy housing could significantly contribute to the regeneration of deprived areas in the City.
- 2.4 The informal delegation will be to the Assistant Director – Housing and Advice Services, with further delegation to more junior officers as appropriate. This is standard practice with many delegated powers.

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Background papers:	None
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial

- 1.1 None.

Legal

- 2.1 Under Article 15, the Monitoring Officer must monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Changes to the Constitution can only be approved by the full Council after consideration of a report by the Monitoring Officer.

Personnel

- 3.1 None.

Equalities impact

- 4.1 None.

Corporate priorities

- 5.1 The Constitution underpins and facilitates many of the Council's Corporate Values and Priorities.