



EMPTY PROPERTY STRATEGY

September 2015

1 INTRODUCTION

In 2014 the Empty Homes Agency estimate that across the UK there are approximately 600,100 empty properties, 200,000 of which are long term empties. Whilst there has been a decrease in the overall number of empty properties across the country keeping a property empty is a wasted resource which could be providing a valuable home and a useful income to the owner.

1.1 What is an empty home?

There is no recognised definition of an empty property and it is not always as straightforward to identify an empty property as it may seem. Generally though an empty home is a property which is void of people and furniture/possessions for at least 6 months. When considering more formal action the Council identifies properties that have been empty for more than 12 months or more.

1.2 Why does a property become an empty home?

There are many reasons why a property becomes empty and is not brought back into use:

- Owner is in residential care and would wish to return (but often is unable to do so)
- Reluctance to let or sell the property
- Unclear ownership or probate issues
- Being marketed for sale or rent at unrealistic asking price
- Property needs repair, improvement, refurbishment or complete redevelopment
- Property has been abandoned

1.3 Why does a property remain empty?

In addition to the reason why a property becomes empty in the first place there are a number of reason why they remain emptying, including:

- Lack of knowledge/skills to refurbish or manage a vacant property.
- Lethargy or indifference – maximisation of wealth from assets is not a priority for an individual or company.
- Business disputes.
- Inheritance disputes.
- DIY owner – a property is acquired as a renovation project, but expense or unforeseen problems escalate.
- Owner inertia – owners who do not wish to sell or rent due to previous bad experiences or sentimental reasons.
- Property owner has died and there are no traceable descendants.
- Land-banking – owners waiting for values to increase and not wanting to offer the property for rent in the meantime.

- Obstruction – owners who simply refuse to bring the property back in to use.

1.4 Why does it matter if a property is empty?

There is a large need and demand for housing in Harborough district and empty properties which could otherwise be made available for sale or rent are a wasted resource. In many cases, the longer a property is left empty the more money it will cost to bring it back into use as the condition of the property deteriorates, making it increasingly difficult for some owners to be able to afford to bring a property back into use and so the property remains empty and continues to deteriorate.

2 BENEFITS OF BRINGING AN EMPTY PROPERTY BACK INTO USE

Taking targeted action to bring empty homes back into use helps tackle a number of social, economic and public health issues in line with the methodology set out in the strategy.

The following benefits flow from bringing empty homes back into use:

2.1 For the Owner

By bringing an empty home back into use an owner can benefit in a number of ways. If an empty home is sold the owner will receive capital income. If the property is let on the rented market, the owner would receive a regular monthly income. Leaving a home empty increases the risk of vandalism and crime, making the property costly or difficult to insure and leaving the owner vulnerable to losing their asset completely if it is destroyed by fire. Leaving a property vacant is often associated with a lack of maintenance. The fabric of the building will deteriorate without regular maintenance which will reduce the value of the property.

Empty properties can attract squatters. Squatting is when somebody enters and lives in a property or on land without the permission of the owner or the person legally entitled to occupy it (for example a tenant). Squatting in a residential property is now a criminal offence. Squatters can be arrested by the police and if convicted by a court can be sent to prison, fined or both.

2.2 For people who need a home

Bringing empty homes back into use helps meet the District's housing need. Long term empty homes are a wasted resource, especially as in the adopted Core Strategy the Council has set a target of developing 90 affordable houses each year. Bringing empty homes back into use increases the amount of decent housing which is required to help reduce homelessness and reduce the requirement for temporary accommodation.

2.3 For Local Residents

Bringing an empty home back into use will significantly reduce the opportunities for vandalism, fly tipping and anti-social behaviour. Unsightly homes can have a depressive

effect on neighbouring house prices and also reduce pride in the community, as well as having a direct impact on adjoining homes through dampness and structural problems. The built environment will be improved helping to maintain safe, attractive neighbourhoods.

2.4 For The Local Economy

Bringing an empty home back into use encourages economic vitality and can increase spending in the local economy. Unsightly homes deter investment in an area and can lead to decline or area blight.

2.5 For The Wider Community

Removing the negative impact of empty properties helps to boost the well-being of communities. Reduced demand on services such as the Fire and Rescue Service, the Police and Council Services such as Environmental Health means that resources can be used more effectively elsewhere

3. WHY HAVE AN EMPTY PROPERTY STRATEGY?

The Council can take action or provide advice and assistance which in turn can make a positive contribution to the overall health and well being of local residents and the community. Whilst the Council has the legal powers to bring empty homes back into use, it is neither practical nor desirable for them to be involved in every case. The vast majority of empty homes are returned to use by the owners without any need for assistance. However where the owner is either unable or unwilling to return a problematic empty property back in to use the Council can get involved and the strategy sets out the framework for tackling the various issues associated with empty properties

By producing an Empty Homes Strategy the Council can show that it has a targeted, effective and coordinated approach to tackling the problem of empty homes and that it has researched and identified the most effective solutions to meet local housing need.

3.1 The National Picture

In 'Laying the Foundations', a Housing Strategy for England, the Government has set out its commitment to bringing empty homes back into use as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities. It has put in place a number of practical and financial incentives and levers to support local housing authorities, housing providers and community and voluntary groups including:

- The award of the New Homes Bonus to empty properties brought back into use;
- Providing information and practical advice to local authorities and communities to help them address empty homes;
- Changes to Council Tax exemptions for empty homes; and

- Proposing changes to Empty Dwelling Management Orders to target their use on the very worst long-term empty homes causing a nuisance to the community.

The Government believes that bringing empty homes back into use contributes to wider Government objectives such as:

- creating sustainable communities;
- tackling low demand and housing market failure;
- tackling anti-social behaviour;
- providing affordable, good quality homes; and supporting local economies.

In 2014 it is estimated that 610,000 empty homes are currently empty in England, according to the statistics from Empty Homes Agency. Of these, 200,000 have been empty for more than 6 months. Empty homes account for approximately 3% of the total housing stock in England.

Bringing empty homes back into use is a priority for the Coalition Government. The Government published its Housing Strategy in November 2011 of which an important part is its strategy for tackling empty properties. The Government has made tackling empty homes a priority within the Affordable Housing Programme with specific allocations targeted at bringing empty homes back into use

The National Planning Policy Framework encourages Councils to use their CPO powers to bring empty properties back into use. It says (paragraph 51):

"Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers".

3.2 Government's Empty Homes Strategy

The Government's Strategy for empty homes is set out in 'Laying the Foundations: A Housing Strategy' published in 2011. It states that the Government is committed to bringing empty homes back into use as a means of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities.

Actions set out in the strategy are:

- Awarding the New Homes Bonus for empty homes brought back into use. New Homes Bonus is paid to Local Authorities to match fund the Council Tax receipts for a period of six years (the level of funding is based on the national average for each Council Tax band).
- Providing an 'Empty Homes Toolkit' available on the Homes and Communities Agency website.

- Providing practical advice to local authorities and local community groups to help them to address empty homes.
- The Government has given Council Tax billing authorities the discretion to levy an ‘empty homes premium’ of up to 50% in addition to the normal Council Tax payable from 1 April 2013. The premium may be imposed once a property has remained vacant, that is unoccupied and substantially unfurnished, for two years.
- Proposed changes to Empty Dwelling Management Orders limit their use to properties which have been empty for over two years. Their use will be restricted to properties that can be shown to have caused a nuisance. Local Authorities will have to demonstrate that there is community support for the proposal.

3.3 The Local Perspective

As of October 2014 there were approximately 995 empty properties in Harborough district. Many of these properties are “transitional vacancies” and are part of the normal housing market operations. However of this number 365 have been empty for more than 6 months. Generally the long term empty properties cause the most concern.

4 THE COUNCIL’S APPROACH

A targeted approach will be used to bring properties back into use using a range of potential solutions appropriate to the property. This will ensure that action is taken based on consistent and transparent policy criteria and will combine an approach based on incentives and enforcement.

The Council wishes to prevent properties being left vacant in the long-term and will take preventative action wherever necessary to intervene. Understanding the reasons why a home has been empty for more than 12 months is the key issue in tackling empty homes. Reasons for vacancy may vary according to owner and property circumstances and the local authority has a key enabling role here. The following components make up the preventative toolkit, which will be the first step in addressing empty properties before any legal action is considered.

4.1 Identifying empty properties

Access to accurate information on empty properties is a vital part of effective prevention. The Council will use primary data such as council tax information and local intelligence to build up a register of empty properties. In 2013 the Council worked in partnership with Capacity Grid to review the Council Tax database. Capacity Grid was provided with a list of all empty properties to then verify the status and report back where they identified that they were now occupied. It is important that this baseline information is as accurate as possible and updated as necessary. Resulting from the report provided Council Tax records

are updated to reflect the change in status. In some cases occupiers failed to let the Council know that they were now residing there.

4.2 Advice and Assistance

One of the most important measures in ensuring properties do not remain empty is providing good quality advice and assistance. The Council's Environment Team has responsibility for providing advice for owners and residents. There is advice available on the Council's Web Site including how to report an empty property and information for home owners and landlords on bringing empty properties back into use.

The Council will put owners of empty properties wishing to sell in contact with potential developers or individuals who are interested in purchasing an empty property. Any potential sale would be a private matter between both parties and the Council will take no part and accept no responsibility for any voluntary negotiation for sale.

In some cases, the Council may be able, subject to available resources, to support owners to bring empty properties back into use through the provision of an Empty Properties Grant. The grant will provide a contribution towards some or all of the costs required to bring the property back into a state of good repair. The grant will be discretionary and be subject to an inspection of the property to identify the works which must be carried out before the property can be reoccupied.

4.3 Publicity

Effective publicity of successful interventions raises the profile of empty homes prevention work and sends out a clear signal that the Council will take action when necessary. The Council will continue to investigate a variety of publicity mechanisms and aims to maximise opportunities as they arise.

4.4 Partnership Working

The Council recognises that third party organisations and individuals have an increasingly important role in assisting in the reoccupation of empty properties. In particular, provision of empty property information to Registered Providers and private developers can reduce potential long-term vacancy whilst requiring minimal involvement from Council Officers. This, in turn, releases the Environment Team to deal with the most problematic vacant properties. The Council therefore will seek to maximise and further develop existing partnership working with third parties, providing information on vacant properties to Registered Providers and encouraging them to seek additional funding by way of bids from external sources and encouraging them to take an active part in the acquisition, refurbishment and re-occupation of empty properties.

When the Council is approached by private developers who have expressed an interest in purchasing and refurbishing empty properties, the Council will contact the owner of the empty property and try and bring both parties together through the Council's enabling role.

4.5 Housing Options – Choice Based Lettings

The Council operates a choice based letting scheme known as Harborough Home Search which advertises the availability of social rented properties in the District. In addition through the Homefinder Service scheme private landlords and agents can access advice and support and advertise private accommodation currently free of charge. This scheme should give encouragement for inexperienced / first time landlords by providing practical information.

4.6 Private Landlord Support – Accreditation

The Council have been working in partnership with DASH (Decent and Safe Home) since 2010. The region-wide scheme which promotes quality management and property standards, and provides a mechanism for landlords to access support and services. Supporting owners of empty properties to become private landlords is an important component in the reduction of empty homes in the District.

4.7 Strategic Planning

The Strategic Planning process has a key role to play in preventing an increase in empty homes. Planning policy needs to take account of changes in the housing market and housing demand in the District. Planning policy should ensure that the new housing type and locations brought forward are in demand. Ensuring adequate demand should ensure that properties do not remain vacant for long periods of time and that local housing markets are balanced. The important role of empty properties in the wider strategic provision of housing is acknowledged by Government and has led to the inclusion of empty property performance within the New Homes Bonus grant calculation.

4.8 Council Tax

In accordance with Local Government Act 2003, the Council has exercised its discretion with regard to Council Tax discounts, with no discount available for long term empty properties. This measure is preventative as it removes any financial incentive which allows properties to remain vacant and sends a clear message to owners that empty properties are a liability.

4.9 Enforcement - Use of Legislative Powers

There are various pieces of legislation, which the Council can use to deal with some of the more urgent problems, associated with empty properties, for example, the removal of hazards and security works. The ongoing need to take legal action in cases where owners are not fulfilling their responsibilities also builds up a case for enforcement action such as

Compulsory Purchase Order, Enforced Sale and Empty Dwelling Management Orders, in order to secure a change in ownership or management.

In all cases, it is the Council's policy to make use of informal engagement to encourage owners to bring empty homes back into use voluntarily before moving on to enforcement and it will be important to make sure that any enforcement action taken is in line with the Council's General Enforcement Policy so as to ensure consistency and proportionality.

There is a range of enforcement powers available to the Council and these are set out in Table 1

Table 1: Enforcement Powers Available to the Council to Tackle Long-Term Empty Homes

| Problem | Legislation | Power Granted |
|---|---|--|
| Dangerous or dilapidated buildings or structures | Building Act 1984 Sections 77 and 78 | To require the owner to make the property safe (Section 77) or enable the Local Authority to take emergency action to make the building safe (Section 78). |
| | Housing Act 2004 Part 1 | Under the Housing Health and Safety Rating System local authorities can evaluate the potential risks to health and safety arising from deficiencies within properties and take appropriate enforcement action. |
| | Environmental Protection Act 1990 Sec 80 | To determine whether any premises is in such a state as to be prejudicial to health or a nuisance. |
| Unsecured properties (where it poses a risk that it may be entered or suffer vandalism, arson or similar) | Building Act 1984 Section 78 | To allow the Local Authority to secure the property. |
| | Local Government (Miscellaneous Provisions) Act 1976 Section 29 | To require the owner to take steps to secure a property or allow to board it up in an Emergency. |
| Blocked or defective drains or private sewers. | Local Government (Miscellaneous Provisions) Act 1976 Section 35 | To require the owner to address obstructed private drains. |

| | | |
|---|--|--|
| | Building Act 1984 Section 59 | To require the owner to address blocked or defective drainage. |
| | Public Health Act 1961 Section 17 | To require the owner to address blocked or defective drainage. |
| Vermin (where it is either present or there is a risk of attracting vermin) that may detrimentally affect peoples health. | Public Health Act 1961 Section 34 | To require an owner to remove waste so that vermin is not attracted to the site. |
| | Prevention of Damage by Pests Act 1949 Section 4 | |
| | Public Health Act 1936 Section 83 | |
| | Environmental Protection Act 1990 Section 80 | |
| | Building Act 1984 Section 79 | |
| Unightly land and property affecting the amenity of an area | Public Health Act 1961 Section 34 | To require the owner to remove waste from the property (see above). |
| | Building Act 1984 Section 79 | To require the owner to address unsightly land or the external appearance of a property. |
| | Town and Country Planning Act 1990 Section 215 | To require the owner to take steps to address a property adversely affecting the amenity of an area through its disrepair. |

5. PRIORITISED USE OF ENFORCEMENT POWERS

By far the majority of empty homes in the District are returned into occupation without recourse to the most onerous enforcement powers that the Council has at its disposal. However, in cases where preventative measures do not result in effective engagement with the owner or clear plans to reoccupy a property, the Council will consider enforcement to secure a change in ownership or management if necessary. Such action is extremely time-

consuming, and may not always be an appropriate course of action for all problematic long-term vacant properties.

This Strategy introduces a system of prioritisation to ensure that the most serious and problematic cases receive the most urgent attention.

The following table of criteria will be used to determine the properties to be prioritised for action. Individual cases will be reassessed in the case of changing circumstances.

Table 2: Assessment Framework for Prioritising Empty Homes

| Issue | 0 points | 1 point | 2 points | 3 points |
|--|------------------------|-----------------|------------------------------|--------------------------|
| Length of time property has been left empty | | Per Year Vacant | | |
| Area of high housing demand | No demand | Low | Moderate | High demand |
| Number of complaints received about the property | No complaints | 1 - 2 | 3 - 4 | 5 + |
| Level of impact on the Surrounding neighbourhood | No Impact | Low | Moderate | High impact |
| Property state of repair | No disrepair | Low | Moderate (e.g. Cat 2 hazard) | High (e.g. Cat 1 hazard) |
| Attracting secondary problems i.e. fly tipping/anti social behaviour | No associated problems | Low | Moderate | High |

The development of a prioritised list will enable the Council to target the most problematic properties first where there is the greatest housing need and to develop a delivery plan for individual properties including timeframes for bringing the property back into use.

Information affecting the prioritisation of empty property action will be reviewed on an annual basis to ensure that intervention remains responsive to changing needs in line with the Action Plan set out in Appendix 2 of the strategy.

5.1 Enforced Sale Procedure

Local authorities have the statutory power to force the sale of a property through the Law of Property Act 1925 s103. Where local authorities have carried out work in default under some of the above legislation and are unable to recover the debt, it is possible under this legislation to register a charge on the property. This recharge can then be recovered by way of an enforced sale. The property then passes onto a new owner who would hopefully complete any necessary refurbishment and thereby bring the property back into use.

5.2 Empty Dwellings Management Orders (EDMO)

Introduced by the Housing Act 2004 and enacted in 2006, Empty Dwelling Management Orders (EDMO) provides a relatively new tool for local authorities to tackle empty homes. The EDMO is a mechanism by which local authorities can secure occupation of a long-term empty property and take over management control of the dwelling. Two forms of EDMO exist, an interim EDMO and a final EDMO. An Interim EDMO Order should be considered as the final opportunity to find a voluntary solution with the owners to bring the property back into use. In order to obtain an Interim EDMO, an application must be made to the Residential Property Tribunal Service (RPTS). To obtain an Interim EDMO the Residential Property Tribunal Service must be satisfied that:

- a) the property is not exempt according to the Housing Strategy Statistical Appendix (HSSA);
- b) that the owner has been notified that the Council is going to apply for an EDMO;
- c) that the Council attempted to ascertain what steps the owner is taking to bring the property back into use (and the details of the action taken);
- d) the property must have been empty for at least 6 months;
- e) that by generating the Order, there is a reasonable prospect of the property being brought back into use.

If these matters are satisfied, the Residential Property Tribunal Service will then balance the rights of the owner against those of the wider community in making their decision.

This device provides an alternative enforcement action and is subject to approval of a Residential Property Tribunal. The resource implications for the making of an EDMO are quite considerable and very recent Government proposals will attach more stringent conditions as to the suitability of a property for EDMO. However the Council will look to include this measure as a part of the enforcement toolkit and would propose to develop a partnership with a local Registered Provider to act as managing agent. It is likely that properties which only require relatively low levels of refurbishment work would be suitable for this procedure so as to enable the monies to be recovered from the rental income.

5.3 Compulsory Purchase Orders

Compulsory Purchase Order is the mechanism by which a property can be purchased without the voluntary agreement of the owner if the circumstances meet set criteria through s17 of the Housing Act 1985. Applications for CPO of individual properties can be made if the property is required to meet local housing needs, if it has a detrimental effect on the neighbourhood or if it is part of a wider clearance/redevelopment programme. The onus is on the local authority to show that all other available methods of redress have been exhausted before an application can be made to the Secretary of State. The timescales involved in administering a CPO can be extensive and it is therefore seen as a measure of last resort. Under the CPO process the Council will seek to dispose of the property to a third party (e.g. Housing Association or private developer) subject to a legally binding agreement for the completion of any required refurbishment together with an undertaking to ensure that the property is used to meet local housing needs where possible.

6 MONITORING AND REVIEW

This strategy is operational from 2015 to 2020 but will be reviewed annually and updated as necessary to ensure it remains responsive to local and national issues, changes in legislation/ guidance and operational requirements. The prioritisation criteria will be subject to ongoing review during 2016 to ensure transparency and consistency of application.

The any case requiring intervention in the form of Compulsory Purchase, Enforced Sale or Empty Dwelling Management Order, will be subject to the Executive Decision of the Director of Community Services in consultation with the Portfolio Holder.

7 EQUALITY ASSESSMENT

The equality assessment recognised that bringing empty properties back into use would have a positive impact on the local community by reducing the issue of blight and the risk of anti-social behaviour in the area

The strategy recognises that enforcement action will only be considered as a last resort and in the event of such action due consideration will be given to human rights and equality legislation throughout the process.

8. CONTACT INFORMATION

Should you have any comments about this strategy or require any further information on empty property issues, please contact the Environment Team at:

Harborough District Council

The Symington Building

Adam & Eve Street

Market Harborough

Leicestershire

LE16 7AG

Email: environmentteam@harborough.gov.uk

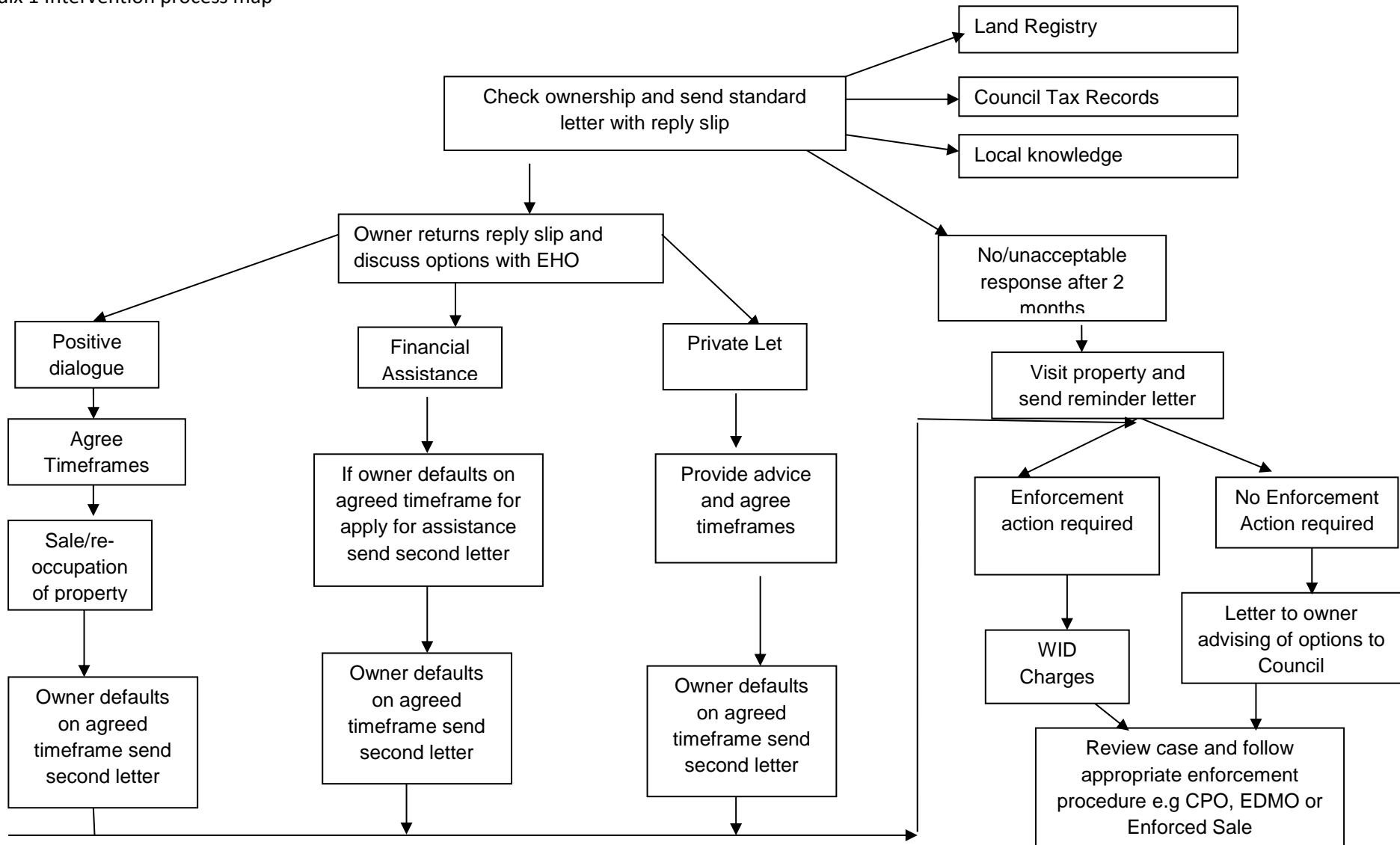
Empty properties can also be reported via the Council website at www.harborough.gov.uk

Appendices

1. Intervention Process Map

2. Action Plan

Appendix 1 Intervention process map



Appendix 2 – Harborough District Council Empty Property Strategy 2015-2020 Action Plan

| Actions | Justifications | Milestones | Responsible Officer/Team | Funding/Resources | Timescales | Expected outcomes |
|--|---|---|---|--------------------------|---|--|
| Update/further develop procedures to establish accurate baseline of empty properties in the District | Informed use of strategic information in support of further service development. | Audit of Council Tax Information To meet deadline for Government returns | Council Tax Team Leader. Partnership Manager (Revenues and Benefits) | Operational budget | On going | Reduce discrepancies in Council Tax data. |
| Evaluate the cost/benefits of introducing the Council Tax levy on long term empty properties | The increased cost to owners of long term empty properties will encourage them to bring them back into use without enforcement intervention | Review and evaluate the impact of the introduction of the levy in other local authorities | Partnership Manager (Revenues and Benefits) | Operational budget | Within 6 months of the adoption of the strategy | Voluntary Reduction in the number long term empty properties |
| Remain responsive to issues affecting owners/landlords which impact on vacancy rates. | Support for landlords and the local economy through increased sustainability of occupation | Development and promotion of information for landlords | Environment Team Leader Business Support Manager | Operational budget | On going | Increased number of accredited landlords |
| To reduce the | Further develop | Awareness | Environment | Operational budget | On going | Increased |

| | | | | | | |
|--|---|---|---|--|--|--|
| number of vacant properties through access to community knowledge and resources | links with local sources of intelligence, e.g Parish Councils and voluntary organisations. | campaign developed | Team Leader Parish Liaison Officer | | | referrals and outputs via third party organisations. |
| Review and update publicity material, including launch of new strategy. | Reduction in number of vacant properties through education and service awareness. | Update website Content and other information available | Environment Team Leader | Operational Budget | Within 3 months of adoption of strategy. | Awareness campaign developed and implemented |
| To develop links with Registered Providers in relation to empty property works and partnership working | To help reduce the number of empty homes through the involvement of Registered Providers. Support for Registered Providers to access HCA grant funding | Establishment of partnerships to undertake management of properties through the EDMO process Partnership bid for external funding when available | Regulatory Services Manager | Operational budget External funding | Within 6 months of the adoption of the strategy | Re-occupation of vacant properties through management intervention. Increased investment in empty property interventions. |
| Review existing legal/enforcement procedures. | Ensure procedures are delivered within legal framework to minimise risk of challenge | All procedures reviewed and updated as necessary. | Environment Team Leader | Operational budget | Subject to Government review of statutory duties/proposed changes to | Reduced risk of legal challenge |

| | | | | | | |
|---|--|---|--|--------------------|---|--|
| | | | | | EDMO. | |
| Introduce prioritisation criteria for enforcement action | To provide a transparent criteria for the prioritisation of empty homes action | Criteria introduced and publicises Working procedures reviewed | Regulatory Services Manager Environment Team Leader | Operational budget | Within 6 months of adoption of strategy | Initial screening of empty property database to determine prioritisation list. |
| To identify list of properties for enforcement action based on prioritisation criteria. | To ensure that the most problematic issues are addressed first | Development of prioritised list of properties Development of project plan for top priority properties including timeframes for interventions | Environment Team Leader | Operational budget | Within 12 months of the adoption of the strategy with an annual review thereafter | Properties for enforcement action identified and reviewed on an annual basis |