

**PAPER NO. 3**

**REPORT TO THE EXECUTIVE MEETING OF 19<sup>th</sup> October 2015**

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**Meeting:** Executive  
**Date:** 19<sup>th</sup> October 2015  
**Subject:** Empty Property Strategy  
**Report of:** Elaine Bird – Regulatory Services Manager  
**Portfolio Holder:** Cllr Mrs R Page. Portfolio Holder for Communities  
**Status:** Decision  
**Relevant Ward(s):** All

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1 Purpose of the Report

1.1 To consider and approve the Council's Empty Property Strategy

2 Recommendations:

2.1 It is recommended that members approve:

a) The Empty Property Strategy attached at Appendix A

b) Delegate authority to the Corporate Director – Community Services in consultation with the Portfolio Holder for Communities to make minor amendments to the approved strategy to reflect legislative or best practice guidelines

3 Summary of Reasons for the Recommendations

3.1 Whilst there is no statutory duty to bring empty properties back into use long term empty properties can have a detrimental impact on the local community and when brought back into use can provide much needed accommodation.

3.2 The strategy highlights the Council's approach to tackling empty properties and sets out the methodology to be used to prioritise action based on a number of contributing factors including length of time the property is empty or the impact on the surrounding neighbourhood etc.

3.3 Generally the Council does not receive many complaints regarding empty properties and since 2012 approximately 10 requests for service have been received by the Environmental Health Officers to deal with empty properties.

However there are a few long term empty properties in the district that do cause concern for both members and officers. A reduction in the number of long term empty properties in the district will also have a positive financial impact on the Council through the allocation of the New Homes Bonus.

#### 4 Key Facts

- 4.1 Properties become empty for a number of reasons and most are reoccupied within a short period of time. However on occasions properties remain empty for a long period of time. There can be a number of reasons why a property remains vacant and on occasion it may become necessary for the Council to undertake interventions to bring them back into use.
- 4.2 Nationally, the latest Government data on vacant dwellings shows that there are over 610,000 empty homes in England with over 200,000 long term vacant (this is a home that has been unoccupied for over six months).
- 4.3 Since 2012 there has been a reduction in the number of empty properties in the district. In 2012, 1122 empty properties were recorded, of which 514 were long term empties. In 2014 these numbers had reduced to 995 empty properties with 365 being empty for more than six months.
- 4.4 Generally where a property has been left empty for more than 12 months it can often be more difficult to bring them back into use as the property can be more neglected and the costs of refurbishment increase etc. Consequently the focus of the strategy is to target interventions at the most problematic properties that have been left empty for the longest period and are causing the greatest impact on the local community.
- 4.5 The Strategy consolidates all the powers/initiatives currently available to the Council in relation bringing empty properties back into use into a single document and introduces a tool for officers to use to prioritise their work on empty properties. This enables resources to be targeted to properties where there is the greatest impact.
- 4.6 The draft strategy has been reviewed by the Scrutiny Panel for Resource and Performance and their comments have been included in the assessment criteria for prioritising properties. Consultation on the document was carried out during May and June 2015. No responses were received during the consultation.

#### 5 Legal Issues

- 5.1 There is no statutory requirement to have an empty property strategy however if the Council decide to undertake formal action, the provision of a strategy document setting out the Council's priorities for dealing with empty homes, will reduce the risk of legal challenge against any action taken.
- 5.2 Before any enforcement action is considered, due regard will be made to the Council's General Enforcement Policy.

5.3 The strategy sets out a range of interventions the Council can use to encourage owners of empty properties to bring them back into use. If the Council can not bring a property back into use through informal and formal interventions and the impact on the local community is such that it is deemed appropriate to consider formal action such as compulsory purchase, significant legal resource will be required. In considering a compulsory purchase order (CPO) the Council will have to demonstrate that the reasons for making a CPO justify interfering with the human rights of anyone with an interest in the property and will have to demonstrate that that a CPO will contribute to the promotion or improvement of the economic, social and environmental well being of the local area.

## 6 Resource Issues

6.1 A number of the interventions identified in the strategy will be carried out within existing resources however some formal action such as compulsory purchase will require financial commitment on a case by case basis to cover costs associated with the process including advertising costs, Stamp Duty Land Tax on acquisition (if applicable), surveyors fees or the cost of a Public Enquiry etc. The Capital Programme has identified £200,000 in 2017/18 for action to bring empty properties back into use.

6.2 Under current financial rules, provided a property is acquired under compulsory purchase order is resold within 3 years, 100% of the sale proceeds can be returned to the Council's capital programme. However the disposed owner of the property can make a claim for compensation against the Council.

6.3 The Council's existing Private Sector Housing Renewal Policy does include financial assistance to accredited landlords to bring empty properties back into use. The assistance available to accredited landlords is 50% of the cost of the works up to a maximum of £10,000. The grant is repayable when the property is sold or no longer available for letting. There is no direct budget for this work but there is a capacity to draw down on the contingency fund as required. Table 1 highlights the grant expenditure for empty properties since 2010-11.

Table 1

<b>Financial Year</b>	<b>Number of empty property grants completed</b>	<b>Total expenditure on empty properties assistance</b>
2010-11	1	£10K
2011-12	1	£10K
2012-13	2	£20K
2013-14	0	£0K
2014-15	0	£0K

6.4 Formal action such as compulsory purchase can be very lengthy and costly and will only be considered as a last resort and subject to the availability of sufficient resource. However a reduction in the number of empty properties in the district has a positive impact on the amount of New Homes Bonus the Council receives.

## 7 Equality Analysis Implications/Outcomes

7.1 The equality assessment (Appendix B) 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.

7.2 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. Risk Management Implications

8.1 If formal action is considered appropriate action to bring empty properties back into use, having a robust strategy which clearly demonstrates that the Council is undertaking targeted enforcement to deal with the worst cases first it would reduce the risk of legal challenge against the process.

8.2 As there are limited staffing resources available within the Environmental Health Team to deal with empty properties it is important to tackle the worst cases first. Having a targeted approach reduces the risk of complaint for non-action against an empty property.

## 9 Consultation

9.1 Public consultation on the Strategy was carried out during May and June 2015. No responses were received as a result of the consultation.

## 10. Options

10.1 Options considered as part of the development of the strategy:

- Do nothing and not publish a strategy and continue to deal with empty properties in a non-structured ad-hoc manner as requests for service are received by the Council.
- Publish an approved strategy which sets out a targeted approach for the Council to tackle long term empty properties. This option is the recommended option.

## 11 Background Papers

11.1 [Report to the Scrutiny Panel Resource and Performance meeting on 6 March 2014](#)

11.2 [Report to the Scrutiny Panel Resource and Performance meeting on 6 November 2014](#)

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**Information Issued Under Sensitive Issue Procedure: N**

**Ward Members Notified: N**

**Appendices:**

**A. Empty Property Strategy**

**B. Equality Assessment**