

<b>Key Decision Required:</b>	<b>Yes</b>	<b>In the Forward Plan:</b>	<b>Yes</b>
-------------------------------	------------	-----------------------------	------------

## CABINET

20 NOVEMBER 2015

### REPORT OF THE HOUSING PORTFOLIO HOLDER

#### **A.9 ADOPTION OF AN UPDATED EMPTY HOMES STRATEGY**

(Report prepared by Tim Clarke)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To inform Cabinet about the current position in relation to empty homes in the District and seek agreement for an updated Empty Homes Strategy.

##### **EXECUTIVE SUMMARY**

The Council first adopted an Empty Homes Strategy in 2009, with the three year strategy running until 2012.

The strategy was not updated in 2012 but it is now felt that the strategic importance of privately owned empty homes in meeting housing need should be highlighted and strengthened by implementing a revised and updated strategy.

##### **RECOMMENDATION(S)**

**It is recommended that:**

- a) The revised Empty Homes Strategy 2016 – 2019, as appended to this report, be agreed.**

#### **PART 2 – IMPLICATIONS OF THE DECISION**

##### **DELIVERING PRIORITIES**

This decision and revised policy will contribute to the following priorities in the Corporate Plan 2010-2016:

**Promote sustainable economic growth** – by bringing empty homes back into use the value of neighbouring homes can increase. There is an opportunity for local builders to undertake renovation works to a derelict property, thereby supporting the local economy.

**Reduce health inequalities and disadvantage** – by increasing the supply of homes on the market we can reduce the disadvantage and health inequalities created by homelessness

**Remain a low crime area and reduce the fear of crime** – empty homes attract crimes such as vandalism, arson, squatting and fly tipping. Bringing an empty home back into use reduces these crimes.

**Ensuring all our residents live in high quality housing which meets local needs** – returning empty homes to use will increase the provision of housing in the District and may provide some affordable homes to meet the housing needs identified by the Strategic Market Assessment and set out in the emerging Local Plan.

**Regenerate the District and improve deprived areas** – returning empty homes to use has an overall regeneration affect on the surrounding neighbourhood.

## **FINANCE, OTHER RESOURCES AND RISK**

### **Finance and other resources**

At the time of introducing the original strategy in 2009 an Empty Homes Initiatives Officer post was created. This officer is now in a Technical Officer role within the Private Sector Housing Service but retains the lead role for empty homes. The strategy will therefore be delivered from within existing resources and does not require any additional funding.

The Financial Assistance Policy for Private Sector Housing adopted in March this year does provide for loans to be offered to owners of empty homes to help them return the property to use as affordable housing. The loans are repayable and a capital budget is in place to fund them.

### **Risk**

There are few risks associated with the strategy. An approach from the Council can cause upset and distress for some empty property owners as there are often very complex and personal reasons why a property has been left vacant for a long period of time. Officers will be sensitive to these issues whilst dealing with property owners in order to minimise any damage to the reputation of the Council.

## **LEGAL**

There are a number of enforcement powers available to the Council when dealing with empty homes and government guidance encourages the appropriate use of these powers. Officers will have regard to the Private Sector Housing Enforcement Policy, the Enforcement Concordat and Better Regulation Code when undertaking enforcement.

When using the more powerful enforcement options such as Compulsory Purchase, Enforced Sale or Empty Dwelling Management Orders, approval is required either from the Courts or the Secretary of State.

## **OTHER IMPLICATIONS**

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

### **Crime and Disorder**

Returning empty homes to use undoubtedly contributes to reducing the incidences of crime and disorder in the immediate neighbourhood.

### **Equality and Diversity**

No equalities issues have been identified.

### **Health Inequalities**

The policy will help to tackle health inequalities through the provision of additional and, in some cases, affordable housing.

## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

The Council adopted an Empty Homes Strategy in 2009, aimed at reducing the number of privately owned empty homes in the District. The strategy ran from 2009 until 2012.

A report to the Service Development and Delivery Committee on 3<sup>rd</sup> September 2012 set out the work undertaken through the strategy. Notably, the number of long term empty homes (empty over 6 months) in the District reduced by 33% over the three years to 850. The figure has now reduced further to around 760. The Council has only 43 properties from its own stock that are empty, most of which are sheltered housing units that are no longer popular.

The report also highlighted that there was evidence of an under supply of housing across all tenures and this is something that we continue to see today.

Recent work on a joint Strategic Housing Market Assessment for the Braintree, Colchester, Chelmsford and Tendring housing market areas has identified an objectively assessed housing need for Tendring of 597 properties a year of which 243 (41%) must be affordable homes. This is the number of additional housing units required each year.

Planning Policy Guidance (PPG) defines affordable housing need as :

*'number of households and projected households who lack their own housing or live in unsuitable housing and who cannot afford to meet their housing needs in the market'*

Affordable housing is that that is let below the market rent level, with Government defining that an affordable rent is 80% of the open market rent in an area.

Clearly the supply of new homes needed in the coming years is very large meaning there is a now need to refocus our efforts on bring empty home back into use, ideally as affordable units but failing that as open market units.

Bringing an empty home back into use attracts the New Homes Bonus. The Government matches the council tax raised from each home for six years after it is constructed or brought back into use, this subsidy creates a valuable income stream for the Council.

The revised policy aims to bring 60 units back into use each year but the most challenging long term empty properties may require several years of effort before they are back in use.

For some properties a straightforward approach to the owner or some basic investigations in conjunction with Revenues and Benefits officers may result in the property being sold or brought back into use. We do, however, have a number of properties that have been empty for many years and may even have been taken out of tax and be more difficult to identify, let alone track down the owners.

The officer who has the lead for empty homes becomes a valuable resource in investigating the history of a property and tracking down the owners. In the last few years lengthy investigations and years of inaction by the owners have resulted in the Council compulsorily purchasing two houses. One in Clacton has now been renovated and is part of the Council's housing stock, the other, in Walton, has just been sold on to a developer for extensive renovation. In both cases the compulsory purchase has so far been at nil cost to the Council.

### **The current position**

There are currently around 760 long term vacant properties in the district. Long term vacants are those that have been empty for over six months. The number is continually fluctuating as some come back into use and others hit the six month trigger.

As shown in the appended strategy we have 200 or so properties that have been empty longer than three years and nearly 300 that have been empty for less than a year.

The revised strategy introduces a system of prioritising our approach with a scoring system guiding officers over which properties to tackle. This means that a property empty for 6 months but which is very dilapidated and causing problems to the neighbourhood will be targeted before a property that has been empty for 5 years but is actually being maintained and causes no problems.

Our approach will be incremental, fair and transparent so owners will receive an informal approach initially with suggestions about how they could make use of their property. Depending the response received this could escalate to formal action such as compulsory purchase or the offer of financial assistance to renovate the house.

The strategy also includes a basic action plan that includes work around improving the data we hold and increasing public awareness. Officers are already working on these.

**BACKGROUND PAPERS FOR THE DECISION**

None

**APPENDICES**

Appendix A – Empty Homes Strategy 2016 - 2019

# EMPTY HOMES STRATEGY

## 2016-2019

*The Council's approach to long term empty homes*



## **CONTENTS**

### **1. Key aim of the Strategy**

### **2. Introduction**

- 2.1 Background
- 2.2 Why do properties remain vacant for so long?
- 2.3 What problems do empty properties cause?

### **3. Strategic Context**

- 3.1 Housing Need
- 3.2 The Sustainable Community Strategy for Tendring
- 3.3 Tendring's Corporate Plan

### **4. The National and Local Context**

- 4.1 The National Picture
- 4.2 The Regional Picture
- 4.3 The Local Picture

### **5. Delivering the Strategy**

- 5.1 Information and data
- 5.2 Identifying empty homes
- 5.3 Prioritisation
- 5.4 Informal Action
- 5.5 Options available to owners
- 5.6 Enforcement Action

- 5.7 Empty Dwelling Management Orders (EDMO)
- 5.8 Compulsory Purchase Orders (CPO)
- 5.9 Enforced Sale

## **6. Outcomes from the Strategy**

- 6.1 Increase the supply of used housing within the District
- 6.2 Reduce the number of people on the homelessness and housing registers
- 6.3 New Homes Bonus to help fund the Council's services provided

**Appendix A** – Action Plan

**Appendix B** – Priority Scoring

## 1. Key aim of the strategy

***The key aim of this Strategy is to bring as many long term vacant properties in the private sector back into occupation in the most appropriate way, in the shortest possible timescale.***

## 2. Introduction

### 2.1 Background

There are estimated to be 610,000 empty homes in England, with over 200,000 of these being long term vacant dwellings [figures from [www.gov.uk](http://www.gov.uk)]. Long term vacant dwellings are those that have been empty for over 6 months and in the Tendring district there are around 760 long term vacant dwellings (Figures from June 2015).

With a rising demand for housing due to population growth there is a need for local housing authorities to develop effective empty homes strategies to make best use of the existing housing stock. Bringing empty homes back into use also brings financial benefits to the District in the form of New Homes Bonus and the spending and contribution to the local economy that the occupants will make. There is often an improvement in the immediate neighbourhood when a long term vacant is brought back into use, particularly when it has fallen into disrepair.

The Council introduced an empty homes strategy in 2009 when there were in the region of 3,900 households on the Housing Register seeking social housing. Due to a three year residency criteria the number of applicants for housing has now reduced to 1138 but this figure still demonstrates a need for additional affordable housing in the district that this revised strategy seeks to provide.

As is the case in most areas, there is a general under supply of housing within the District to meet the demand for property across all housing tenures and price brackets. Whilst it is recognised that empty homes are not the sole answer to the housing supply



problems in the District, their potential cannot be ignored and it is the role of the Council to take action to unlock this wasted resource.

It is accepted that there will always be a certain number of properties that are unoccupied, this may be due to people moving home, waiting for a sale or a let, or for probate, etc.. These properties are not a primary concern as they are in a transactional process. It is the properties which have been vacant for periods in excess of six months which are of concern, with those empty over two years or causing problems in the neighbourhood being a priority for action.

Figures taken from the 2010 Census show there are around 62,100 homes in the Tendring District, and in March 2013 the number of long-term empty properties numbered 900. Prior to the previous empty homes strategy (2009-2012), there were around 1125 long-term empty properties in the District.

For this Strategy, empty homes are residential dwellings that have remained vacant for a period of six months or longer. These include dwellings where a council tax exemption is applied or the property has been taken out of tax by the Valuation Office Agency (VOA). Property owned by the Council and housing associations is included in figures but this Strategy is mainly concerned with housing in private sector. At the time of writing this strategy the Council had 43, long term vacant dwellings, all of them being sheltered housing related units that are now unpopular. It is mainly council tax data that is used to estimate the number of long term empty dwellings but officer knowledge and other relevant data is used to build up a database of empty properties.

It is not considered necessary for this strategy to be addressing long term vacant Registered Provider owned properties as the void times for such properties are controlled by the Registered Provider. However, if individual cases warranted action then this could be considered on the individual merits of the case.

## 2.1 Why do properties remain vacant for so long?

There are many reasons why properties may remain empty for prolonged periods of time.

In some areas of the country low demand is the main causal factor but Tendring does not suffer from such a large scale problem. Reasons in Tendring vary and some of the more commonly encountered reasons for long term empty homes are:

- The property has been on the market for sale or to let for a long time, but has remained unsold or un-let.
- The property has been inherited following the death of the previous owner and the new owner is reluctant to sell or rent it out.
- The property is in the process of probate.
- The owner cannot afford the repairs required to bring it up to a habitable condition.
- The owner has a lack of knowledge regarding the options open to them.
- The owner has had to move into care.
- The owner may have multiple properties and so it is not on the top of their agenda
- The owner may have bought the property to retire to.
- The property may have been bought as an investment, with property prices expected to increase
- The owner may have an underlying personal issue that prevents them doing anything with the property.

## 2.2 What problems do empty properties cause?

These are best considered from two angles; the impact on the neighbourhood and the consequences for the owners:

### Neighbourhood

- An unused dwelling is one that is not being used and **prevents** a family living in the area

- Vacant and unmaintained properties can become an **eyesore** in the local neighbourhood. Not only will the value of the property reduce, but the presence of a vacant or derelict property in an area can **devalue** neighbouring properties and reduce the likelihood of property sales and investment.
- **Crime** and anti-social behaviour. Empty properties can attract unwanted attention in the area, can encourage arson, criminal damage and other forms of anti-social behaviour, including fly-tipping. This can cause great **distress** for neighbours. By bringing a long term vacant property back into use, this effect will be removed.
- A neglected property will deteriorate in condition and can reach such a condition of **disrepair** that it could become unsafe or a danger to the public or to neighbouring occupiers. Bringing a long term vacant property back into use will remove this potential risk to public safety.
- Loss of a potentially affordable home for those in housing need. Bringing a long term vacant property back into use, as a potentially affordable home, in a decent condition, can provide a home for a household in need on the Housing Register, so reducing the housing shortage in the area and the reliance on the Council or other social housing providers.
- A vacant property is a **wasted resource**. Renovation of an existing property reduces the need for new build and renovating a property will create less carbon waste compared to building a new property. Undertaking renovations also provides employment opportunities.

## Owners

- **Loss** of potential revenue to which could have been obtained through rent.
- Loss of revenue as Council Tax is liable (no exemption periods for being empty, statutory exemptions still apply)
- **Cost** of insuring the empty property
- **Devaluing** property.
- Costs of boarding up, clearance of **rubbish** or graffiti and dealing with the other anti social behaviour.
- Risk of **squatters**
- Loss of the **opportunity** to undertake renovation works at a reduced VAT rate of 5% for long term empty properties empty over 2 years, 0% VAT on those empty 10 years or more.

### 3. The Strategic Context

#### 3.1 Housing Need

The global economic crisis brought about some significant changes in the housing market across the country:

- The number of new homes built dropped as a consequence of developers losing confidence in the market
- As the number of new developments reduced so did the number of affordable housing units being built. The majority of new affordable housing delivery comes from the requirements of Section 106 agreements that can require that a percentage of property on a new development must be affordable. The level of affordable housing required on new developments is set out in the Council's Local Plan, but can be subject to viability assessments.
- Whilst the demand for shared ownership properties (where a percentage is owned by a registered social provider) increased, the lending market for such products decreased.
- The private rental sector in the district has increased substantially over the last few years from 12% in 2009 to 18% in 2013.

Analysis of the population and housing market undertaken through a Strategic Housing Market Assessment (SHMA) provides an indication of the number of new homes needed to keep up with population growth each year. A SHMA carried out in 2013 and work currently being carried on updating the analysis shows a significant need for additional homes each year, over 40% of which needs to be affordable and therefore let at a rent lower than the market rate.

Aside from using the emerging Local Plan to set new housing build rates, the Council needs to work to bring empty homes back into use to help increase the supply of housing in the district.

### 3.1 The Sustainable Community Strategy for Tendring

The Sustainable Community Strategy for Tendring was set to address the key strategic issues likely to affect the future of the District over the 10 years up to 2016, by looking ahead to what the district could look like through the actions of the key organisations represented within the Local Strategic Partnership. The Sustainable Community Strategy is still in place and as such the empty homes strategy 2016-2019 takes this into consideration. In addition to this, the strategic themes are likely to be relevant in improving the local community if it is replaced with another strategy at a later date.

Six strategic themes were identified in the Sustainable Community Strategy:

**Health** – The population of the district is able to live longer, healthier lives less limited by long term illness

**Economic Development** – Tendring has a stronger and more dynamic local economy together with a skilled work force

**Children and Young People** – Have an equal opportunity for a good start in life

**Crime and Disorder** – Keeping the district one of the safest parts of the country

**Deprivation** - Narrowing the gap between the most disadvantaged areas and elsewhere

**Environment** – The attractive environment of the district is safeguarded for future generations.

The Empty Homes Strategy will contribute both directly and indirectly to a number of these themes.

**Health** – The impact of housing on health is well documented and highlighted in the Joint Strategic Needs Assessment. By bringing long term empty properties back into use and providing decent homes for vulnerable persons, this will make a positive impact upon their mental and physical health. There is also the potential to reduce the risk of mental health problems being suffered by neighbouring occupiers, who may be affected by stress linked to living near to a derelict property, with the increased risk of arson, criminal damage and other anti social behaviour and the stress of the blight on property values.

**Economic Development** – Encouraging the renovation of a dilapidated house can provide opportunities for local building firms. Once occupied the residents will use local shops and businesses and therefore contribute to the local economy.

**Children and Young People** – By prioritising action on properties which would be suitable as family homes in areas of greatest housing need and suitable for vulnerable families nominated from the Council's Housing Register, the Strategy will ensure that

children and young people in poor housing or in other housing need are able to live in decent homes which will have a positive impact upon their general welfare. This in turn could contribute to reduced incidences of sickness and absences from school and give them equal opportunities for a good start in life.

**Crime and Disorder** - Vacant and unmaintained properties can become an eyesore for the local community. Empty properties can attract unwanted attention in the area and can encourage arson, criminal damage and other forms of anti-social behaviour, including fly-tipping. Bringing such a property back into use will reduce the chances of such crime and disorder.

**Deprivation** – Bringing long term empty properties back in to occupation in deprived areas of high housing demand will help to contribute to the Council's aims of reducing the health inequalities which exist in the District.

**Environment** – Through their often shabby appearance and by attracting anti-social behaviour such as fly tipping, a vacant house can soon have a very negative impact on the surrounding environment.

In addition to the six themes above, the Empty Homes Strategy will also contribute towards the economy, with works being required to bring these properties back into use possibly provided work for local tradespersons, as well as some properties now being charged Council Tax and will provide Tendring District Council with another property qualifying for the New Homes Bonus.

### 3.2 Tendring's Corporate Plan

The Council's Corporate Plan 2010-2016 (in place at the time of writing this strategy) sets out 3 main priorities – Our Prosperity, Our People and Our Place.

The Empty Homes Strategy will contribute to these priorities in a number of ways:

**Promote Sustainable Economic Growth** - bringing long-term empty properties back into use will help the local economy due to works being carried out to bring them back up to standard, and will contribute to a larger supply of housing.

**Regenerate the District and improve deprived areas** – bringing long-term empty properties back into use will help towards regenerating the district.

**Ensure all our residents live in high quality housing which meets local needs** – by refurbishing and re-occupying long-term empty properties, it is thought that housing standards will be improved in the District.

## 4. The National and Local Context

### 4.1 The National Picture

The Government has highlighted empty homes as an issue for action.

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.

The National Planning Policy Framework encourages Councils to use their Compulsory Purchase Powers (CPO) to bring empty properties back into use.

The Empty Homes Agency was set up as an independent organisation with charitable status in 1992. It was set up in response to the high levels of empty homes in the UK, and also to help tackle the high levels of homelessness. Its work includes campaigning, research, idea development and collaboration.

It looks to work with Local Authorities and the Government to highlight the issue of empty homes. It has played a key role in introducing and advising Local Authorities on how to help return these properties into use; introducing Empty Dwelling Management Orders (EDMO's) and campaigning to reduce the VAT Charge on the costs of bringing long-term empty properties back into use.

The Empty Homes Agency reports that there are currently over 200,000 long term empty homes in England.

#### **4.2 The Regional Picture**

Tendring has one of the largest numbers of long-term empty properties in Essex but has seen a significant reduction since 2008 (1196 in 2008 compared with 626 in 2014), which is the largest reduction from a Local Authority within Essex over that period.

The overall trend within Tendring is also in line with other Local/Unitary Authorities in the Eastern Region, where the total numbers of long-term empty properties are reducing. Table 1 below demonstrates the trends over the last 12 years.



**Table 1** - Extract from www.gov.uk Table 615: All long-term vacant dwellings by local authority district, England, from 2004

Local Authority Name	<i>Date to which figures relate</i>										
	01-Nov	10-Oct	09-Oct	08-Oct	06-Oct	05-Oct	04-Oct	03-Oct	01-Oct	07-Oct	06-Oct
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Southend-on-Sea UA	877	950	1,069	903	845	829	927	1,012	809	634	824
Thurrock UA	319	696	747	679	657	683	664	618	638	350	192
Basildon	482	582	545	452	462	581	579	471	564	470	339
Braintree	700	757	768	841	755	805	827	747	622	535	601
Brentwood	248	270	295	257	275	255	238	241	185	119	119
Castle Point	252	258	305	323	311	321	327	364	358	291	258
Chelmsford	452	480	530	507	629	550	517	420	444	276	412
Colchester	653	655	543	612	742	636	569	591	506	627	518
Epping Forest	821	934	753	558	611	607	680	708	647	451	431
Harlow	163	180	163	141	138	98	123	189	218	144	125
Maldon	210	298	311	328	338	252	235	231	202	177	247
Rochford	338	366	430	432	437	452	395	338	271	257	174
Tendring	834	989	1,225	1,256	1,196	961	950	859	900	703	626
Uttlesford	413	461	301	338	329	370	340	355	295	221	246
<b>Essex Totals</b>	<b>5,566</b>	<b>6,230</b>	<b>6,169</b>	<b>6,045</b>	<b>6,223</b>	<b>5,888</b>	<b>5,780</b>	<b>5,514</b>	<b>5,212</b>	<b>4,271</b>	<b>4,096</b>
Babergh	343	325	395	421	414	387	377	343	370	308	299

Empty Homes Strategy 2016-2019

Forest Heath	247	259	268	312	331	393	384	398	374	287	293
Ipswich	462	619	740	780	941	844	757	635	592	461	421
Mid Suffolk	327	366	412	400	433	409	442	387	470	382	330
St Edmundsbury	436	136	171	233	278	227	234	244	249	278	278
Suffolk Coastal	799	664	701	597	644	648	750	649	750	621	690
Waveney	761	785	927	822	888	1,034	1,045	983	883	624	525
<b>Suffolk Totals</b>	<b>3,375</b>	<b>3,154</b>	<b>3,614</b>	<b>3,565</b>	<b>3,929</b>	<b>3,942</b>	<b>3,989</b>	<b>3,639</b>	<b>3,688</b>	<b>2,961</b>	<b>2,836</b>
Cambridge	681	566	495	463	507	527	364	366	358	279	268
East Cambridgeshire	440	255	338	303	410	409	328	346	348	262	244
Fenland	617	494	469	470	582	572	517	472	463	390	407
Huntingdonshire	491	612	530	546	565	561	588	641	530	607	307
South Cambridgeshire	968	613	650	665	714	602	561	543	559	576	545
<b>Cambridgeshire Total</b>	<b>3,197</b>	<b>2,540</b>	<b>2,482</b>	<b>2,447</b>	<b>2,778</b>	<b>2,671</b>	<b>2,358</b>	<b>2,368</b>	<b>2,258</b>	<b>2,114</b>	<b>1,771</b>
Breckland	599	640	614	626	720	595	627	610	707	491	480
Broadland	361	422	380	442	532	439	452	421	401	348	317
Great Yarmouth	350	500	540	475	496	600	556	565	521	478	512
King's Lynn and West Norfolk	920	1,033	1,055	971	997	1,021	1,051	1,115	1,181	817	699
North Norfolk	415	533	572	800	897	973	828	786	886	561	456
Norwich	720	624	467	545	563	584	517	467	332	366	405
South Norfolk	424	432	421	413	543	504	501	438	431	360	337
<b>Norfolk Totals</b>	<b>3,789</b>	<b>4,184</b>	<b>4,049</b>	<b>4,272</b>	<b>4,748</b>	<b>4,716</b>	<b>4,532</b>	<b>4,402</b>	<b>4,459</b>	<b>3,421</b>	<b>3,206</b>

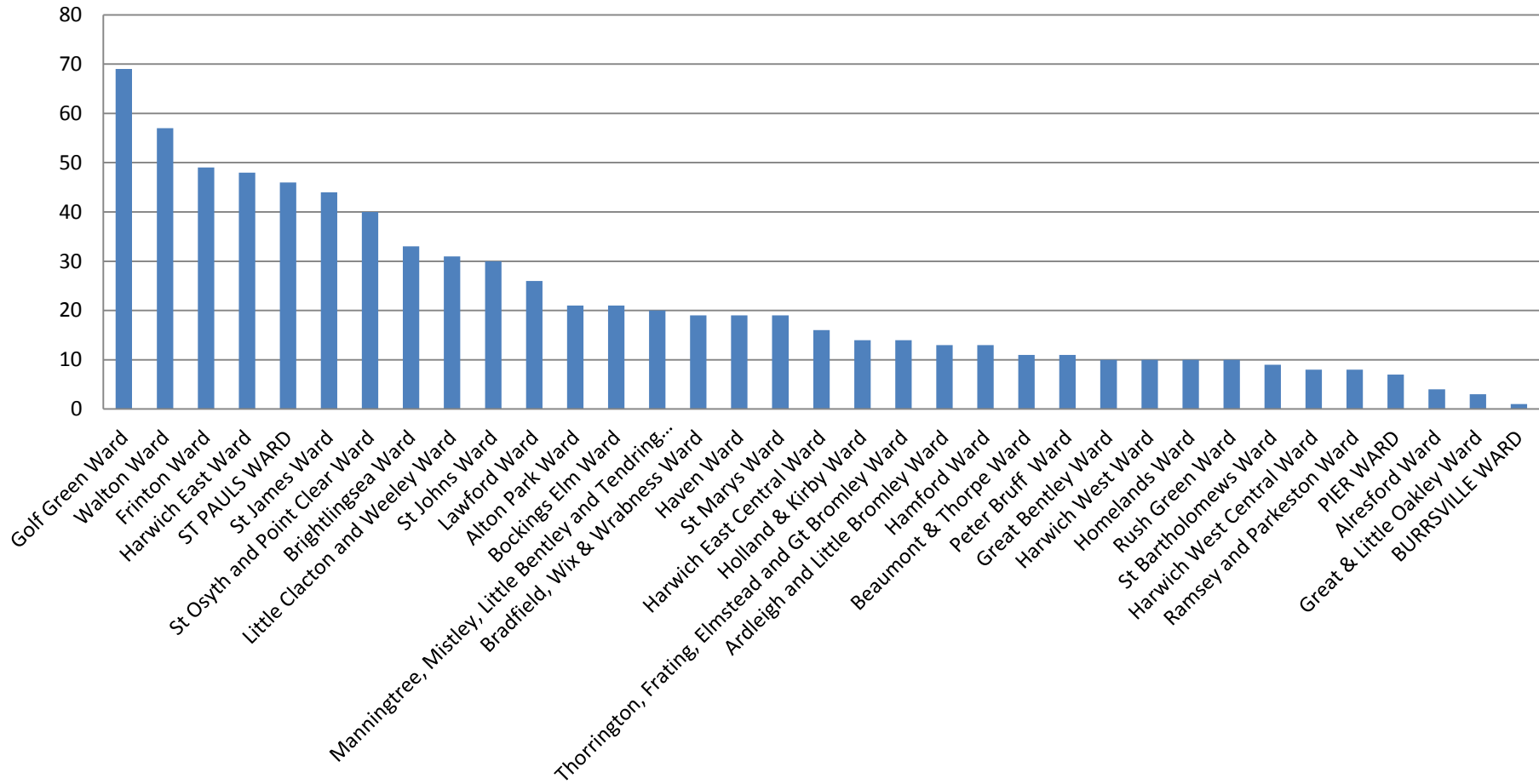
### 4.3 The Local Picture

Based on council tax data from June 2015 there are around 760 long term vacant dwellings in the district. We know that 43 are council owned houses

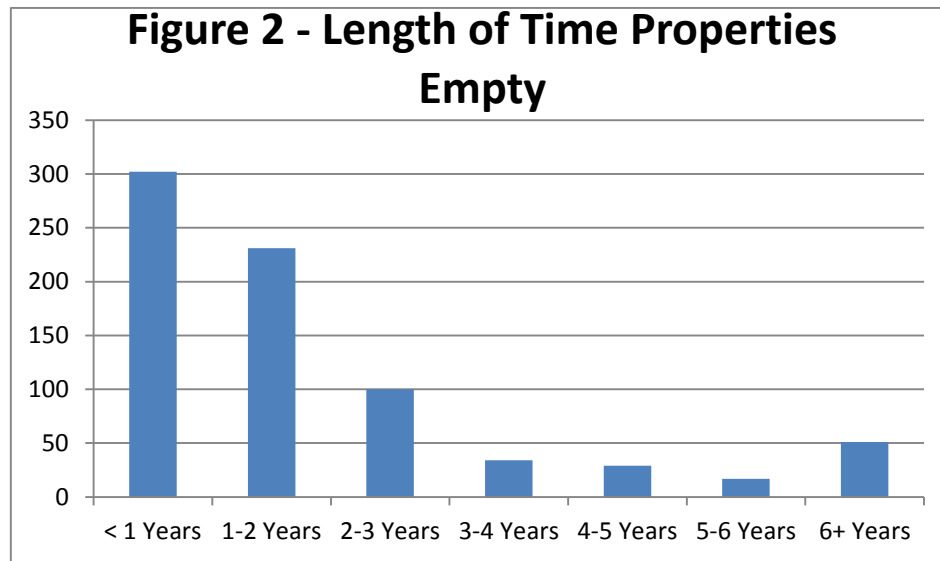
Long term empty properties are distributed throughout the district and Figure 1 below shows the distribution by Ward.

As part of their work delivering the strategy officers will investigate any reasons for a higher distribution in some wards than others. In part this will be down to dwelling numbers in the area but also other factors, such as the deprivation and transient property market found in the Golf Green ward for example.

### Number of Long-Term Empty Properties by Ward



The length of time dwellings have been vacant is demonstrated in Figure 2 below. It is clear that more than half of the dwellings have been vacant for more than a year with 50 having been empty for longer than 6 years.



This strategy is predominantly aimed at those long-term vacant properties in private ownership, not those owned by TDC or other social landlords. This strategy will address and aim to reduce the level of vacancy in this sector in the District over the three year period.

It is not considered necessary for this Strategy to be addressing long term vacant RSL owned properties as the Homes and Communities Agency regulate the void times for such properties. However, if individual cases warranted action then this could be considered on the individual merits of the case.

It should be recognised that being a seaside District there will be a prevalence of second or holiday homes which this Strategy will not be addressing, if the properties are genuinely in use as such. When property owners claim their properties to be holiday homes/second homes, this will be investigated further. In the absence of any definitive legislation on this, it will be a matter for a common sense approach to what does constitute a holiday or second home, for example, how often the property is used as such, when it was last used, the utility usage, whether the property is furnished etc.

## **5. Delivering the Strategy**

There is no single solution that will solve the problems associated with empty properties.

From 1 April 2013, there are no Council Tax discounts for empty properties (previously had been 6 months exemption) and also no discounts for registered second homes (previously 10% discount). Council Tax exemptions will still apply e.g. if property is in Probate; the owner is in full-term care elsewhere; property is undergoing major structural repairs, etc.. This is expected to encourage owners to take steps to bring their properties back into use but may also lead to some not registering their property as empty or registering themselves as single occupants in order to obtain a 25% discount. This could lead to some under reporting.

Some of the worst vacant housing may have been taken out of tax by the Valuation Office Agency. Unless already known to the Council these are the most difficult properties to find as they will not appear on council tax lists.

There are a wide range of interventions and statutory powers available to the Local Authority. The use of a range of approaches and powers is considered to achieve a greater degree of success than attempting to use the same solution for every property and every owner.

In compliance with the spirit of the Government’s Enforcement Concordat, Better Regulation Code and the Private Sector Housing enforcement policy, our approach will be fair, equitable and incremental.

The Strategy is in place for a three year period (2016-2019). Whilst it is recognised that this is not long, given the property market’s volatility and how this could impact on the nature of this subject, it seems prudent for the Strategy to run for a shorter period than the other longer-term corporate plans and documents. If external factors such as legislation changes significantly, which affects the Council’s powers for dealing with empty properties, or if the Council’s priorities change substantially, the Strategy may be reviewed before 2019.

### Identifying Empty Homes

The Council will use all available data to identify empty homes. This will usually be Council Tax related but information from other Council services will be used and some houses will be discussed at the regular meetings of the Corporate Enforcement Group.

Data will be regularly updated and reviewed.

Residents will be able to report an empty property to the Council via the website [www.tendringdc.gov.uk/emptyhomes](http://www.tendringdc.gov.uk/emptyhomes)

### Prioritisation

Officers will use a simple scoring system to determine a priority band for each empty property as set out in Appendix A. Resources will be targeted accordingly to deal with those in high, medium and low bandings.

Band	Score	Action
High	More than 45 points	Taking informal action as for Medium but moving on to formal enforcement actions using a range of legislation including statutory nuisance provisions, unsecured properties, compulsory purchase, enforced sale and empty dwelling management orders.
Medium	30 – 45 points	Regular written communication with the owners setting out advice to encourage them to bring the property back into use and indicating the range of formal options the Council will take.
Low	16 – 30 points	Emphasis will be on advice and information to support and encourage the owner to take

		voluntary action to bring the property back into use.
Second/holiday homes	Less than 15 points	

### Informal Action

An informal approach will always be the first option. This will include -

- Advice with identifying the options available to the owner e.g. selling, letting, refurbishment, financial assistance, etc..
- Signposting to other Council services such as Planning and Building Control and Housing Services.
- Assistance with identifying external agencies/companies such as Home Improvement Agencies, local letting and estate agents, auctioneers, property developers and registered social landlords.
- Discretionary financial assistance – as detailed below.

### Options available to owners

The options below will be suggested to owners as part of the informal contact made in respect of low and medium

- **The owner may chose to sell the property on the open market** – explaining to owners the current trends in the local housing market as identified through the Council's Strategic Housing Market Assessment may help them to realise that there is a risk to hoping that the value will always be increasing. When coupled with the likelihood that an unoccupied, empty home is often likely to attract lower rather than higher offers and be perceived as a higher risk for purchasers, as well as increasing the risk to the owner of damage through vandalism and higher insurance premiums, some may see that this is a realistic option. The Council could also signpost owners to advice regarding tax liabilities which may have been swaying their thoughts on selling the property.



- **The owner may chose to rent the property through a letting agent** – as above, using the information we have from the current housing market assessment, it can be seen that there is at present a growing demand for privately rented accommodation. Renting through a letting agent would bring in an income to the owner ensuring that there are funds for maintenance and ensure the day-to-day management of the property. In addition, an inspection of the property would be undertaken to advise on any improvements or repairs required before the property could be let.
- **Renting directly** – some owners may decide to maximise the income they receive through renting out their homes by acting as the landlord rather than using a letting agent. The Council could provide information as to their responsibilities to tenants and signpost them to other organisations that can provide more specialist guidance and support, including the Council's own Landlord's Forum. In addition, an inspection of the property would be undertaken to advise on any improvements or repairs required before the property could be let.
- **Council's Guaranteed Deposit Scheme** – property owners who are willing to let their property and where an inspection has been undertaken and the property found to be to the required standard, may chose to accept persons on this scheme administered by Housing Services. Property owners could be signposted to this scheme.
- **Private Sector Leasing Scheme** – Owners of suitable properties may be signposted to follow this route with the scheme administered by Housing Services. The owner grants a lease to a Registered Social Landlord, who is working in partnership with the Council. The Council is able to nominate a family to live in the property.
- **Direct Leasing Arrangements** – some RSLs and on occasions Essex County Council may consider leasing properties either to provide accommodation for people they have a responsibility to accommodate either as part of their statutory duty or through partnerships with other organisations. Where the Council is aware of these schemes, we can promote these as another option for owners of empty homes.
- **Purchase and Repair** – Periodically, RSLs have sought to increase their housing stock through acquiring existing buildings as well as through new-build schemes. This is a particularly useful way to increase the supply of affordable housing in an area where there may be very little opportunity for new developments, or during times when there is a slow-down with the

development programme nationally. There may be opportunities to explore this in the future and use of this as another option for some empty homes.

- **Financial assistance from the Council** – through the Financial Assistance Policy for Private Sector Housing the Council may be able to offer a discretionary loan to bring a long term empty property back in to use either as rented accommodation or for first time buyers.

### **Enforcement Action**

If necessary and appropriate, enforcement action will be taken.

There are a raft of powers which the Council can use, the choice of which will be dependent on the circumstances of the case.

Possible enforcement actions to require an owner to undertake works of repair or demolition to a vacant property include:

- Housing Act 2004 – Improvement Notices to remove Category 1 or 2 hazards as assessed using the Housing Health and Safety Rating System.
- Building Act 1984, (Sections 77 and 78) - Owner to make a ruinous or dilapidated property safe or enable Local Authority to take emergency action to make the property safe.
- Building Act 1984 – Section 79 – A notice to require the renovation or demolition of a ruinous or dilapidated building .
- Housing Act 1985 – Demolition Orders.

Possible enforcement action to require an owner to secure an unsecured property against unauthorised entry or likely to suffer vandalism, arson or similar:

- The Local Government (Miscellaneous Provisions) Act 1982, section 29 allows a Local Authority to undertake any works necessary to prevent unauthorised entry or to prevent the building from becoming a danger to public health.

- The Environmental Protection Act 1990 section 80; Building Act 1984 sections 78 allow the Local Authority to serve a notice requiring the owner to take steps to secure the property or allow the Local Authority to board it up in an emergency

Possible enforcement action if the property is attracting vermin or there is a high risk of attracting vermin that may detrimentally affect people's health:

- Prevention of Damage by Pests Act 1949, sections 2-7 allows the Local Authority to serve notice to require an owner to take steps to clear the land of vermin and/or requires the owner to remove waste likely to attract vermin or gives the local authority the power to do so in the default of the owner.

If a property is causing a statutory nuisance:

- The Environmental Protection Act 1990 sections 79-81; Public Health Act 1961 section 34; Building Act 1984 section 79; Public Health Act 1961 section 34 all allow the Local Authority to serve notice on an owner to remove the nuisance or gives the local authority the power to do so in the default of the owner.

If a property/plot is unsightly and affecting the amenity of the area:

- The Town and Country Planning Act 1990 section 215 allows the Local Authority to serve notice to require an owner to take steps to remedy the unsightly land or external appearance of the property within a specified time period. Where the owner fails to comply with such a notice, the Local Authority can undertake the works in their default and place a charge on the property. For many Local Authorities this is their main tool in bringing empty properties back into occupation.

### **Empty Dwelling Management Orders (EDMO)**

Empty Dwelling Management Orders were introduced in the Housing Act 2004. This empowers a local authority to take control of the management of an empty property in order to secure its occupation.

These take effect in two stages. An interim EDMO is agreed by the empty property owner and lasts for twelve months. A final EDMO does not have to be agreed by the empty property owner and passes control of the property to the local authority for up to seven years. At no point does the local authority control ownership of the property, and so cannot sell the property but is required to insure the property and arrange for its letting and maintenance and management etc. These costs would be met from the rents received and the balance passed to the owner.

An agreement will have to be sought with an RSL in the area or possibly with TDC Housing Services to manage and let such properties. This has yet to be explored.

### **Compulsory Purchase Orders (CPO)**

CPOs are a lengthy legal process and perhaps the strongest power available to the Local Authority that will not be undertaken lightly. They will be used in appropriate circumstances, where despite following the informal process, the Council has been unable to engage with the landlord to bring the property back into occupation.

An application would have to be made to the Secretary of State for an order to be made and it would have to be demonstrated that there is a compelling case in the public interest for the property to be compulsorily purchased and that other methods of returning the property to use have been tried and failed.

Compulsory purchase proceedings are often not completed as the owner is prompted into action by the process being commenced. Though a useful tool, this type of action tends to shift the burden of responsibility to resolve the unused property. Therefore, a quicker alternative is to pursue the Enforced Sale Order route.

The Council has previously used CPO powers to good effect. In 2002 a derelict property in Clacton was purchased and is now back in use as part of the Council Housing stock. In 2015 a further derelict Grade 2 listed property in Walton was purchased and sold on to a developer for renovation.

## **Enforced Sale**

The Enforced Sale is actually a procedure to recover debt, but can also serve as a way of bringing an empty property back into use.

The procedure allows the Local Authority to sell properties to release money tied up in the value of the property to recover any debt.

This may occur when a property has had a charge raised against it, for example, for works in default completed by the Council in the absence of the owner. This could include for example, works required by a number of the statutory notices detailed above such as boarding up, rubbish clearance, drainage work or even non payment of Council Tax.

This entails the service of a Law of Property Act section 103 notice on the owner. The property is then sold at auction and the cost of statutory works undertaken, the administration costs and the Land Registry fees can be recovered from this sale. Council Tax debts can be recovered in this way if necessary, following an interim charging order once a final charging order has been approved.

## Information

To contact the Private Sector Housing Service for more information about empty homes:

Phone: 01255 686617

e-mail: [emptyhomes@tendringdc.gov.uk](mailto:emptyhomes@tendringdc.gov.uk)

Visit: Town Hall  
Station Road  
Clacton on Sea  
CO15 1SE

Additional information can be found on the Council's website: [www.tendringdc.gov.uk/emptyhomes](http://www.tendringdc.gov.uk/emptyhomes)

For further information about empty homes:

[www.emptyhomes.com](http://www.emptyhomes.com)

[www.gov.uk/government/organisations/homes-and-communities-agency](http://www.gov.uk/government/organisations/homes-and-communities-agency)

## Appendix A

### Priority Scoring

Length of time vacant	6 months – 2 yrs	1
	2yrs – 5 yrs	2
	More than 5 yrs	3
Appearance	Minor detriment to amenity	3
	Major detriment to amenity	5
Dangerous structure	Likely with further detriortion	2
	Yes	5
Nuisance	None	0
	Minor	3
	Significant	5
Overgrown Garden	Yes	3
Appearance of surrounding properties	Good	5
	Fair	3
	Poor	2
Deleted property?		5
Marketability / Habitability	Saleable in present condition	0
	Needs some improvement/repair	1
	Needs substantial renovation before occupation	3
	Not repairable at reasonable cost	5

Cat 1 hazards / decent homes standard	Meets decent home standard	0
	One cat 1 hazard	3
	Two cat 1 hazards	5
	Three plus cat 1 hazards	7
Ownership	Contactable and responsive	1
	Contactable but not responsive	3
	Not contactable / unable to trace	5
Owners attitude	Non complaint / uncooperative	5
	Some cooperation or compliance	3
	Willing and complaint	1
Enforcement history	Some informal action	3
	Statutory notice and /or work in default	5
Social impact	Incidents of arson or fire	5
	Incidents of fly tipping	3
	Infestations of vermin	3
	Associated with ASB	5
	Incidents of squatters	3
Housing Need	High Housing need	5
	Average housing need	3
	Low housing need	0
Need in relation to size of property	1 bed	5
	2 bed	5
	3 bed	2



	4 bed	2
Discretionary points	If the project will contribute towards the creation of more than one unit of accommodation or provide and identified housing needs i.e. for a disabled client	Up to 10

## Appendix B

### Action Plan

- Improve the data we hold about empty homes
- Take a more proactive approach to contacting empty home owners
- Make better use of our enforcement options
- Secure, where possible, additional funding to offer incentives to empty home owners to bring property back into use

Action	Outcome	Target date	Responsible Officer
Improve the data we hold about empty homes	More accurate and up to date data will enable officers to target the most problematic properties	February 2016	Technical Officer lead for empty homes
Review empty homes based on length of time empty and generate priority scores	Ongoing targeting of the worst properties	March 2016	Technical Officer lead for empty homes
Priority score and write to owners of 10 properties each month	Better targeting of resources and a proactive approach	Ongoing	
Bring 60 properties back into use each year	An ongoing target, improving the supply of homes available	March 2016	Technical Officer lead for empty homes
Take a more proactive stance in relation to using enforcement powers	Will lead to more homes brought back into use	Ongoing	Environmental Health Team Leader – Private Sector Housing
Promote the topic of empty	Improved public awareness of	March 2016	Technical Officer lead for

homes through local press and media	our strategy		empty homes
Investigate alternative funding opportunities to support renovation projects	More incentives for property owners	Ongoing	Strategic Housing and Needs Manager
Investigate opportunities for additional private sector leasing schemes	These schemes make it easier for owners to lease their property	Ongoing	Strategic Housing and Needs Manager
Promote the financial assistance available to renovate empty properties	Incentivises owners to renovate their property and offers an opportunity for first time buyers	Ongoing	Technical Officer lead for empty homes