



Broxtowe
Borough
COUNCIL

Empty Homes Strategy 2020 – 2024

Housing Committee 29th January 2020

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Introduction

Empty homes can be a source of many problems. They can lead to increased fly-tipping, vandalism and other anti-social behaviour, potential squatting, as well as having a negative impact on property values and amenity in the immediate neighbourhood. They are also a wasted resource, not only in terms of the living accommodation which is lost, but in terms of the financial loss to the owner.

Broxtowe Borough Council recognises the importance of bringing empty homes back into use and this document sets out the practical way the authority intends to do this, set in the strategic context.

The strategy aims to build on the work done and progress made as a result of the implementation of the original Empty Homes Strategy in 2010 and future revisions. Some of the achievements are summarised in Chapter 1.

1. Achievements

Since the introduction of the Empty Homes Strategy in 2010, Broxtowe Borough Council has achieved the following:

Brought 411 long term empty dwellings back into use

Established ownership details of all known long term empty dwellings

Produced a database of known long-term empty dwellings, including ownership details, matrix score, etc

Produced a procedural guide for dealing with empty dwellings

Applied a matrix scoring system to all long-term empty dwellings to provide information for a “worst first” approach to dealing with them

Produced a list of contacts and agencies to assist in tracing owners

Produced a web-based empty dwelling referral form for use by the public

Organised Private Sector Landlords’ Forums each year

Organised displays in the reception area of the Beeston Council Offices, highlighting the issue of empty homes

Regularly updated the Council’s website to provide up to date information on empty dwellings

2. Aims and Objectives

2.1 Overall aim

The overall aim of this strategy is to return long-term empty dwellings in the private sector back into use in the most appropriate way and in the shortest possible time.

2.2 Key objectives

The four key objectives are:

1. Maintain accurate and timely information on the number, type and location of empty dwellings within the borough.
2. Prioritise all long-term empty dwellings for action.
3. Work in partnership with others to achieve the overall aim.
4. Raise awareness of the issues of empty dwellings.

2.3 Key tasks

In working towards the overall aim, a series of key tasks have been formulated to meet the key objectives. These are as follows:

2.3.1 Objective 1

Maintain accurate and timely information on the number, type, and location of empty dwellings within the district.

Tasks

- (i) Maintain the database of long-term empty dwellings, including ownership details and score via a matrix score system (see Appendix 1).
- (ii) Analyse estate agents' and auctioneers' data to find long term empty dwellings.
- (iii) Access Council Tax data to identify long term empty dwellings.

2.3.2 Objective 2

Prioritise all long-term empty dwellings for action.

Tasks

- (i) Continue to use the scoring matrix (Appendix 1) to rate all long-term empty dwellings to provide information for action predominantly on a “worst first” basis.
- (ii) Engage in concentrated activity to target the 5 properties with the highest matrix scores

2.3.3 Objective 3

Work in partnership with others to achieve the overall aim.

Tasks

- (i) Co-organise the South Nottinghamshire private sector landlords’ forum each year.
- (ii) Liaise with the Housing Division to identify properties which may be eligible for purchase using the “Acquisitions Policy”.
- (iii) Liaise with Council Tax section to check and update records on properties known as empty to ensure the correct rate of Council Tax is being charged.
- (iii) Maintain empty homes reporting tool on the Council’s website
- (iv) Provide advice and assistance to those wishing to purchase or dispose of empty dwellings
- (v) Prepare bespoke action plans in respect of individual properties
- (vi) Explore opportunities to bring empty flats over shops back into use
- (vii) Advise owners of empty dwellings of the potential for the Council to manage them on their behalf.

2.3.4 Objective 4

Raise awareness of the issues of empty dwellings.

Tasks

- (i) Run at least one awareness raising campaign each year to coincide, where possible, with National Empty Homes week
- (ii) Provide, and regularly update, relevant information on the Council’s website.

3. Strategic Context

3.1 Nationally

3.1.1 Empty dwellings in England

The problems posed by the number of empty dwellings are a national issue. Government figures (Ministry of Housing Communities and Local Government Live Tables) show that in 2018, the total number of empty dwellings across England was 634,453. This figure includes empty dwellings in the private sector as well as the public sector (housing association, local authority, or properties owned by the government.) In the East Midlands, the total number stood at 55,755. In Broxtowe, there were 1,258 empty dwellings.

In 2018 the level of long-term empty dwellings (empty for over six months) in England was 216,186. In Broxtowe that year, there were 479 such properties.

The overall level of empty dwellings fluctuates year on year, but there has been a gradual increase in recent years. However, there has been an overall decreasing trend in the period 2004-2018.

3.1.2 Other central government action

The government has given local authorities, owners and developers many tools to help bring empty dwellings back into use. In recent years:

- All local authorities have been encouraged to publish an empty homes strategy;
- VAT has been reduced to 5% for work on properties empty for two years or more and 0% for work on properties empty for over ten years;
- Streamlining of Compulsory Purchase Order (CPO) procedures has been introduced.
- Empty homes brought back into use qualify the host local authority for the New Homes Bonus which was introduced in April 2011. The Government is match funding the Council Tax on long-term empty properties brought back into use for the following six years, using the national average in each band, with an additional amount being provided for those brought back into use as new affordable homes.

3.1.3 Housing Act 2004

This introduced Empty Dwelling Management Orders, the first power specifically targeting privately owned, empty property. Local authorities are now, in effect, empowered to take over most of the rights and responsibilities of the owner of an empty dwelling and to refurbish and rent the property without becoming the titled owner.

3.2 Locally

3.2.1 Broxtowe Borough Council Corporate Plan 2020-2024

A consistent priority in Broxtowe Borough Council's previous Corporate Plans has been a commitment to the provision of good quality housing. This is set to continue with the draft Corporate Plan 2020-2024 having as one of its priorities "Housing – A good quality home for everyone".

3.2.2 Broxtowe Borough Council Housing Strategy 2015-2020

This strategy has five key themes:

- Developing people to provide the best possible service
- Developing homes to meet the needs of our residents
- Developing communities to achieve their potential
- Developing partnerships to deliver improvements
- Developing services to an excellent standard

Bringing empty dwellings back into use clearly impacts on three of the five key themes.

3.2.4 Other local initiatives

Broxtowe Borough Council has introduced a practice of charging 150% council tax on domestic properties which have been empty for longer than two years. This is another incentive to owners of empty dwellings to bring them back into use in a timely manner.

The Council has also introduced an Acquisitions Policy with the aim of increasing Council owned social housing in Broxtowe. This can include consideration of empty dwellings that meet the criteria.

4. Statistics

Figures produced by the Ministry of Housing Communities and Local Government show a recent increase in the number of empty dwellings.

Table 1 - Empty dwellings in England (all sectors)

Year	2015	2016	2017	2018
Total empty	600,179	589,766	605,891	634,453
Long term empty	203,596	200,145	205,293	216,186

Locally, the picture in Broxtowe is very similar.

Table 2 – Empty dwellings in Broxtowe (all sectors)

Year	2015	2016	2017	2018
Total empty	1,245	1,209	1,250	1,258
Long term empty	496	439	452	479

(“Long term empty” is a term applied to dwellings which have been unoccupied and substantially unfurnished for over 6 months)

5. Approach

5.1 Starting point

The starting point of the action on an empty dwelling will be to work with the property owner where possible. Each empty property is different and there are many reasons why they become empty. These reasons can be sensitive and it is important to be understanding of all different situations. However, it is also important to be committed to the principles of the strategy and recognise that an empty property is a blight on a neighbourhood and a wasted resource. Owners should know that whilst the Council would prefer to work with them, enforcement action is always an option. By owning a property, they have a responsibility for it and must act accordingly.

5.2 Resources and action plan

The implementation of this strategy will be undertaken by a designated officer within the Private Sector Housing Section, in the Directorate of the Chief Executive Officer. Management will rest with the Senior Private Sector Housing Officer.

Implementation will take place within existing resources.

The Action Plan for working towards the overall aim is included at Appendix 2.

5.3 Three step strategy

The strategy follows three simple steps:

1. Identify

Identify empty dwellings for action, based on a scoring matrix (Appendix 1) taking into account such factors as length of time empty, nuisance caused, condition of the building and land. (Although the matrix score will be the principal guide to the order in which properties are dealt with, there may be exceptions based on local circumstances). Establish ownership, make contact and decide on further action.

2. Encourage

Work with the owner offering advice and assistance, including funding options if available, with the intention of bringing the property back into use through voluntary action on the owner's part.

3. Enforce

Where all other negotiation has failed, the Council will seek to take the appropriate enforcement action to ensure the dwelling is in a decent condition and is brought back into occupation.

Further details on these three steps are given below.

5.3.1 Identify

The first step is identifying where the empty dwelling is and who owns it. This is not always as straightforward as it sounds – a rundown property may appear empty, but is actually someone's home, whereas a tidy house with curtains up may have been empty for years. The most useful way the Council has of gathering information about empty dwellings is through council tax records. Permission to use this information was introduced in the Local Government Act 2003 which allowed local authorities, for the first time, to use council tax information for: 'identifying vacant dwellings and taking steps to bring vacant dwellings back into use.' The Council is also contacted by members of the public who report individual properties which they are aware of. This provides valuable information and helps to build up a detailed picture of the situation in Broxtowe.

Other than council tax records, officers also liaise with Environmental Health, Planning, and Building Control, talk to neighbours, carry out Land Registry searches and check with the Probate Office. Once the owner is identified, the Council will contact them and try to work with them in bringing the dwelling back into use. The reasons why people leave property empty can vary enormously. Sometimes there are sensitive issues, for example a property where the owner has gone into residential care and has expectations of returning, or where a property is the subject of probate or a legal dispute.

With other properties the reasons are less sensitive and less understandable, such as a property just left empty as the owner, who lives elsewhere, sees it as a long-term investment and does not want the perceived problems of renting it out.

5.3.2 Encourage

Whatever the situation, the Council will contact the owner, talking to them directly where possible, and outline the options for their empty dwelling, providing information that may assist them in deciding what to do.

The options for owners are to rent the dwelling out, sell the dwelling or to live in it themselves. How quickly they are able to do any of this will generally depend on the condition of the dwelling, as well as the desire on their part. The Council will advise and forward relevant information.

Certain questions will need to be answered at this stage:

- Does the dwelling require any building work to make it habitable? If so, does the owner intend to fund it direct or are they seeking finance privately?
- If the owner wants to rent the dwelling out, do they intend to do so privately or through a Leasing Scheme? What schemes are available?
- Would they be interested in letting to students?
- Are they aware of the current VAT rates for developing empty dwellings? The Council will send a VAT information sheet outlining reduced VAT rates for works to empty dwellings and provide a statement that the property has been empty to Customs & Excise if needed.
- Do they want to sell the dwelling? The Council can offer guidance on looking for estate and letting agents locally.
- Have the dwelling and / or associated property been the subject of any complaints? It may be necessary to take action against an owner if there are issues such as build up of rubbish, vermin, 'nuisance' to adjoining properties or if the condition of the property is affecting local amenity.
- Is the owner an established landlord? Are they interested in joining any local landlord accreditation scheme?

5.3.3 Enforce

Enforcement action will be considered where a dwelling has been empty for at least one year and where it is considered that the dwelling is unlikely to be brought back into use unless such action is taken. This will be taken forward by the Private Sector Housing Section in consultation with officers from Environmental Health, Planning, Legal and other sections as needed. Enforcement action through the Empty Homes Strategy is designed to ensure the re-occupation and/or refurbishment of an empty dwelling. This could be on top of other

action taken for issues like rubbish, vermin or other nuisance, or action taken through Planning or other sections.

Enforcement action will be considered against individual property and group properties (i.e. those with more than one unit of accommodation in them).

The Lead Officer will carry out an enforcement feasibility study designed to show which enforcement option is most suitable for that particular case. Weighting will be given to each case based on whether there is a history of nuisance or anti-social activity and the potential housing that could be provided from the empty property. Once the type of action is agreed, it will be pursued. When enforcement action is successfully taken against the owner of a property, the aim will be to ensure that the dwelling is brought back into use as quickly as possible, through whatever means the form of enforcement dictates.

Enforcement policy

There is a need to carry out enforcement functions in a consistent, practical and equitable manner. In compliance with the corporate Enforcement Policy, the Council's approach will aim to be open, helpful, proportional, and consistent.

Before progressing with formal action, the Council will ensure that owners are fully advised and given an opportunity and sufficient time to take measures of their own to bring properties back into use.

Various available enforcement options are outlined below:

Compulsory Purchase Order (CPO)

Compulsory Purchase of a dwelling carried out under Section 17 of the 1985 Housing Act (as amended). This allows local authorities to acquire property for either 'quantitative or qualitative gain'. A CPO is the final solution to a problem empty property as it removes ownership from the current owner. Once the CPO is approved, the Council would arrange the sale of the property, preferably to a Housing Association partner, to develop as affordable housing. If this is not financially viable, the property will be sold on the open market subject to covenants ensuring the refurbishment and reoccupation of the property.

Empty Dwelling Management Order (EDMO)

This is a power which was introduced as part of the Housing Act 2004. It involves the local authority taking over management of a dwelling, carrying out works if applicable and then renting the dwelling out. Management costs and any refurbishment costs can be reclaimed from the rental income – with any balance going to the owner.

Enforced Sale

Enforced Sale can be used for those properties that have charges raised against them following statutory improvement works where the property remains empty and is causing a significant nuisance to the surrounding area. The debt is marked as a caution on the land registry certificate at HM Land Registry and the local authority serves a Law of Property Act 1925 section 103 notice on the owner. The property is sold at auction and the cost of statutory works undertaken in default by the local authority, administration costs, and Land Registry fees for the Enforced Sale can be recovered from the sale. Enforced Sale can also be used to recover personal debts, such as council tax, by the local authority applying to the County Court to award an interim charging order. If the Court gives a favourable judgement, the local authority can apply for a final charging order and order the sale of the property.

Town and Country Planning Act 1990, Section 215

Where a property is having a detrimental impact on the amenity of an area, a notice under Section 215 of the Town and Country Planning Act 1990 may be served requiring the owner to address the unsightly external appearance. Where an owner fails to comply with such a notice, the Council may undertake the works in default and make a charge against the property.

Not only can the use of Section 215 notices improve the amenity of an area, but they can also be used for the basis of an enforced sale.

Local Government (Miscellaneous Provisions) Act 1982, Section 29

This allows the local authority to secure an empty property against unauthorised access or to prevent it from becoming a danger to public health. While not a long term solution to empty properties, it is a useful short term measure to deal with immediate issues.

Building Act 1984, Ss.77 and 78

This applies to dangerous or dilapidated buildings and requires the owner to make the property safe or enable the local authority to take emergency action to make it safe.

Prevention of Damage by Pests Act 1949 Ss 2-7

Requires the 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.

Environmental Protection Act 1990 Ss 79-81

Requires the owner to abate the nuisance or prevent its recurrence or gives the local authority the power to do so.

Building Act 1984 S.79

Requires the owner to address the property adversely affecting the amenity of the area through its disrepair.

Housing Act 2004

Under the provisions of the Housing Act 2004, where a dwelling has category 1 hazards present, the local authority must take action. One of the options is to serve notice to carry out works to remediate the hazards. Failure on the part of the owner to comply with the notice allows the authority to undertake the works in default and recover the expenses. While this may not be the first choice of action, it is an option which is available.

Housing Act 1985

The Housing Act 1985 gives the local authority the power to place a demolition order on a dwelling where category 1 hazards exist, under the provisions of the Housing Health and Safety Rating System, and demolition is considered to be the most satisfactory course of action. The owner of the dwelling is responsible for its demolition and then retains ownership of the land.

Where a number of dwellings within the same area are considered suitable for demolition, the local authority can declare a Clearance Area. This results in purchase and demolition of the properties by the local authority which then owns the land.

6. Raising awareness within the community

6.1 The role of councillors

Councillors are a link with the community and their ability to publicise the issue of empty homes is invaluable. With their political and civic links, councillors can promote partnerships within the community, and thus play a major role in maintaining a high profile for the Empty Homes Strategy.

6.2 Landlords' forum

Professional and private landlords are key players in ensuring private sector properties are reoccupied. They are also likely to provide a major part of the market in the purchase of empty dwellings returned for sale, while also providing information regarding market conditions. Their active engagement will therefore be encouraged through the Council's private rented sector services.

6.3 Links with other local authorities and national bodies

The sharing of information and ideas regarding the problems associated with empty dwellings is beneficial to the country as a whole. It is essential that Broxtowe be kept informed and updated regarding the development of any successful empty property initiatives that are put into effect by other local authorities and national bodies. To this end Broxtowe's Private Sector Housing Officers will continue their association with agencies and groups such as the Nottinghamshire Housing Working Group, and DASH Services (Decent and Safe Homes)

Appendix 1 – Priority scoring matrix

Empty dwelling rating system

(Maximum score 18)

		Score
Are any openings boarded up?	None	0
	Up to 33% of openings	1
	Up to 66% of openings	2
	Over 66% of openings	3
Is dwelling in disrepair?	No	0
	Slight	1
	Serious	2
	Severe	3
Is land overgrown?	No	0
	Slight	1
	Serious	2
	Severe	3
Is there fly-tipping?	No	0
	Small amount	1
	Large amount	2
	Statutory nuisance	3
Evidence of statutory nuisance (premises) or anti-social behaviour?	No nuisance	0
	Anti-social behaviour	1
	Nuisance to adjacent property	2
	Both statutory nuisance and anti-social behaviour	3
Length of time empty	Less than 1 year	0
	1 – 3 years	1
	3 – 5 years	2
	5+ years	3

Appendix 2 - Action Plan

Overall aim - The overall aim of this strategy is to return long-term empty dwellings in the private sector back into use in the most appropriate way and in the shortest possible time.

Tasks	Section Responsible	Target Date
Bring 35 long term empty dwellings back into use.	Private Sector Housing	Annually

Objective 1 - Maintain accurate and timely information on the number, type and location of empty dwellings within the district.

Tasks	Section Responsible	Target Date
Maintain a database of known long-term empty dwellings, including ownership details, matrix score, etc.	Private Sector Housing	Ongoing
Analyse estate agents' and auctioneers' data to find long term empty dwellings	Private Sector Housing	Ongoing
Access Council Tax data to identify long term empty dwellings	Private Sector Housing	Ongoing

Objective 2 - Prioritise all long-term empty dwellings for action.

Tasks	Section Responsible	Target Date
Continue to apply the scoring matrix to all long term empty dwellings in order to prioritise action	Private Sector Housing	Ongoing
Engage in concentrated activity to target the 5 properties with the highest matrix scores	Private Sector Housing	April 2021

Objective 3 – Work in partnership with others to achieve the overall aim

Tasks	Section Responsible	Target Date
Contribute to the South Notts Private Sector Landlords' Forum each year	Private Sector Housing	Ongoing
Liaise with the Housing Division to identify properties which may be eligible for purchase using the "Acquisitions Policy".	Private Sector Housing	Ongoing
Liaise with Council Tax section to check and update records on properties known as empty to ensure the correct rate of Council Tax is being charged.	Private Sector Housing	Ongoing
Maintain empty homes reporting tool on the Council's website	Private Sector Housing	Ongoing
Provide advice and assistance to those wishing to purchase or dispose of empty dwellings	Private Sector Housing	Ongoing
Prepare bespoke action plans in respect of individual properties	Private Sector Housing	Ongoing
Explore opportunities to bring empty flats over shops back into use	Private Sector Housing	Ongoing
Advise owners of empty dwellings of the potential for the Council to manage them on their behalf	Private Sector Housing	Ongoing

Objective 4 – Raise awareness of the issues of empty homes.

Tasks	Section Responsible	Target Date
Run at least one awareness raising campaign each year to coincide, where possible, with National Empty Homes week	Private Sector Housing	National Empty Homes Week each year
Provide, and regularly update, relevant information on the Council's website	Private Sector Housing	Quarterly

Contacts

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