

High Peak Borough Council

and

Staffordshire Moorlands District Council

EMPTY PROPERTY STRATEGY 2017

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SECTION A: BACKGROUND AND CONTEXT

1 Defining an Empty Property

1.1 Empty homes occur for a variety of reasons. Some are empty for short periods of time and tend to come back into use relatively quickly; others may be empty for a significant period of time and are not likely to come back into use until the underlying reason for the vacancy is addressed.

1.2 Research indicates that there are two main types of empty property:

Transitional Vacancies: Properties that are re-occupied relatively quickly and are necessary for the mobility of the housing market are classed as transitional vacant dwellings. These properties seldom require intervention in order to ensure that they are brought back into the housing stock within 6 months of being vacated. Transitional vacancies include properties which are for sale on the open market or under offer, or properties that are being renovated with the intention to sell, rent or occupy on completion.

Problematic Vacancies: Properties that are inactive in the housing market and have remained empty for over six months are classed as problematic vacancies and are targeted for action within this strategy. Also targeted are properties that have been highlighted through complaints, these properties may not have been empty for over six months.

2 National Context

2.1 As of October 2016, there were 589,766 empty homes in England. The number is a slight (1.7%) decrease on the previous year's total and a 21% decrease on the total for 2006 (744,931 empty homes). 200,145 homes had been empty for six months or more in 2016. This was a 1.1% decrease on the previous year's total and a 36% decrease on the 2006 total (326,954 empty homes).

<i>Region</i>	<i>Empty properties</i>		<i>Long term vacant</i>	
	<i>Number</i>	<i>As % of total stock</i>	<i>Number</i>	<i>As % of total stock</i>
<i>Nort West</i>	<i>103,397</i>	<i>3.2</i>	<i>38,969</i>	<i>1.2</i>
<i>North East</i>	<i>40,579</i>	<i>3.4</i>	<i>16,328</i>	<i>1.4</i>
<i>Yorkshire & The Humber</i>	<i>72,453</i>	<i>3.0</i>	<i>26,082</i>	<i>1.1</i>
<i>East Midlands</i>	<i>52,609</i>	<i>2.6</i>	<i>19,044</i>	<i>0.9</i>
<i>West Midlands</i>	<i>60,559</i>	<i>2.5</i>	<i>21,186</i>	<i>0.9</i>
<i>East of England</i>	<i>57,139</i>	<i>2.2</i>	<i>16,639</i>	<i>0.6</i>
<i>London</i>	<i>58,096</i>	<i>1.7</i>	<i>19,845</i>	<i>0.6</i>
<i>South West</i>	<i>60,838</i>	<i>2.4</i>	<i>18,117</i>	<i>0.7</i>
<i>South East</i>	<i>84,096</i>	<i>2.2</i>	<i>23,935</i>	<i>0.6</i>
<i>Total</i>	<i>589,766</i>	<i>2.5</i>	<i>200,145</i>	<i>0.8</i>

Source: DCLG, *Live Tables on dwellings stock Table 615 & 100*

2.2 There are a many reasons why these properties may become empty. Reasons include:

- Lack of interest - the owner may not fully appreciate the business case for bringing their empty property back into use.
- The property may have been acquired solely for speculative investment purposes and the owner is not concerned that the property is empty.
- Lack of finances – ill health, redundancy etc, resulting in delay in renovations.
- Owner in hospital/ institutional care.
- Inheritance- awaiting completion of Probate.
- Planning consent – waiting for or lack of.
- The owner may not be aware of the property's existence, for example where property records are not kept.
- Prohibition orders – Made under the Housing Act 2004.
- Repossessions – Empty whilst finance company place property on market.
- Lack of information and advice.
- Family disputes/Divorce settlements – awaiting completion before decision to reoccupy or place on market.

2.3 In addition to those properties that are recognised as 'empty', there is also a significant body of commercial space that is under utilised. This includes office accommodation and space above shops. It is estimated that UK businesses could save up to £18 billion a year through improved use of their property.

2.4 The negative effects of empty property are now relatively well recognised. These effects include:

- Wasted financial resources for the Local Authority and owners.
- Increased dereliction, boarded up windows, overgrown gardens and rubbish dumping.
- Squatting.
- Petty crime and anti-social behaviour ranging from grafitti, vandalism to, in extreme cases, serious criminal activity including arson.
- Reduced marketability and value in neighbouring properties and the wider area, encouraging homeowners to move away from the area before their equity is eroded and thereby contributing to a spiral of decline.
- An empty property may pose a direct risk to adjoining properties through structural defects, damp etc.
- Wider multiplier effects, such as impacts on local businesses through reduced demand for their goods and services and, in areas of low demand, knock on effects on the viability of public services, such as schools.

- 2.5 Whilst individual properties may not manifest all of these characteristics, if a small group or cluster of properties becomes empty in an area, they can quickly begin to establish a culture of under-investment and a spiral of decline as confidence is lost.
- 2.6 At the same time as these properties lie empty, there is a pressing need for new residential accommodation to address housing and homelessness need. The most recent official projections estimate the need to accommodate 5,244,000 new households by 2037. Alongside this there are 77,240 families housed in temporary accommodation (as at 31/3/2017) who also need a permanent home, and the Homelessness Reduction Act 2016 will increase local authority statutory homelessness duties further.
- 2.7 Regardless of the reasons why properties are empty, in all cases there is an opportunity cost for the owner. Potential financial returns (i.e. rental income, reduced Council Tax and VAT renovation rate) from bringing the property into use, or disposing of it to others who would bring it back into use, are not realised. There are holding costs incurred for empty property. Some of the costs are real, such as Council Tax (up to 150%), maintenance, insurance and security. Other costs are less visible and include a poor image and reputation. Owning an empty property is not a no-cost option.
- 2.8 Under the Local Government Finance Act 2012, since 1 April 2013 local authorities in England took on additional powers over certain council tax discounts, exemptions and premiums. Council Tax is usually payable on an empty home - the amount is determined at an authority's discretion. "Unoccupied and substantially unfurnished" properties may receive a discount of anything between 0% and 100% of their Council Tax. Vacant properties undergoing "major repair work" or "structural alteration" may receive a discount of between 0% and 100% for a maximum of 12 months. The amount of discount to be offered to properties falling into these categories is entirely at the discretion of the billing authority. Many authorities offer no discount for properties falling into these categories. Others offer a short period of exemption (for instance, one month) followed by full liability; or a short period of exemption, followed by a longer period of discount, followed by full liability.
- 2.9 Local authorities have also been able to set an 'empty homes premium' for long-term empty properties. Properties which have been unoccupied and substantially unfurnished for over two years may be charged up to 150% of the normal Council Tax (unless it is an annex or the owner is in the Armed Forces).
- 2.10 Renovation and refurbishment work on existing homes is generally subject to VAT while new-build housing is zero-rated. If work is carried out to an existing building it will normally be subject to VAT at the standard rate. However, VAT may be charged at a reduced rate of 5% if renovations or alterations are taking place where:
- an eligible dwelling that has not been lived in during the 2 years immediately before work starts; or

- premises intended for use solely for a 'relevant residential purpose' that have not been lived in during the 2 years immediately before work is commenced. Qualify for zero rated VAT a property must have been empty for at least 10 years immediately before renovation work is started and it must be used for residential purposes afterwards by the owner or their family.
- 2.11 Local Authorities will also benefit from the reuse of empty property in their area. This includes the provision of an improved quality and choice of housing, increased income from Council Tax, Business Rates and New Home Bonus and reduced expenditure, for example on environmental health measures and homelessness temporary accommodation. Local Authorities now have clearly defined duties to maintain and enhance the health of the housing market across all tenures and can provide a range of guidance and support to owners.
- 2.12 From a local authority perspective, a key government policy in regard to empty homes is the New Homes Bonus introduced in 2011. This policy recognises the fact that empty homes returned to use provide additional accommodation in the same way that new build properties do. An empty home returned to use and occupied is rewarded in the same way as a new home delivered, via a payment of the equivalent Council Tax income to the local authority for six financial years following its return to use. This can generate an average of £9020 within the Staffordshire Moorlands and £9875 within High Peak. New Homes Bonus not only encourages local authorities to invest in empty property work to reduce the number of empty homes, it also ensures that this investment remains and that the problem of empty properties is contained. In the same way as a reduction in the number of empty homes attracts a bonus and rewards local authorities, an increase in the number of empty homes imposes a financial penalty, eating into any New Homes Bonus that may be payable on new build properties.
- 2.13 Following consultation the following changes to NHB were announced. From 2017 a national baseline for housing growth will apply of 0.4%. Below this, the NHB will not be paid. The aim of this change is to ensure that "the money is used to reward additional housing rather than just normal growth". The number of years for which payments are made will be reduced from six to five years in 2017-18 and reduced further to four years from 2018-19. Despite these changes it is very much in the interests of local authorities to not only reduce the number of properties left empty but also to ensure the number remains as low as possible.
- 2.14 The Coalition Government's "Programme for Government" included a commitment to "explore a range of measures to bring empty homes into use." Funding was allocated between 2012 and 2015 under two rounds of the Empty Homes Programme (part of the Affordable Homes Programme). Additional funding was also allocated as part of the Clusters of Empty Homes Programme, which aimed to tackle concentrations of poor quality empty homes in areas of low housing demand.

The 2016 -2021 Shared Ownership Affordable Homes Programme can provide funding to bring empty property back into use as affordable homes. The Housing and Planning Minister (October 2015) made clear there are no plans to

introduce separate or additional funding, previous funding was 'intended to provide a push in the right direction, we have no plans to provide more. The Government has achieved a year on year reduction in long-term empty homes and the number of homes that stand empty for more than six months is now at its lowest level since records began.'

- 2.15 The Housing White Paper 'Fixing our Broken Housing Market' sets out how the current government seeks to help people now and tackle some of the impacts of the housing shortage. This is through encouraging local authorities to make efficient use of existing stock and best use of homes that are long-term empty through existing powers and incentives.
- 2.16 Where owners cannot be identified or are unwilling to bring a property back into use, Local Authorities have a range of statutory enforcement powers (as outlined in Section 9). There are clearly a range of benefits to be derived by Local Authorities and owners from bringing empty property back into use. However, little success can be yielded where Local Authorities and owners work in isolation and close partnership working is essential. Empty homes have a negative impact on the community and local authority. They represent a wasted resource when left vacant, but if tackled can represent considerable opportunity.

3 Reasons for Empty Properties

- 3.1 If a constructive approach to securing the reuse of empty property is to be successful, it is important to understand why property is left empty for long periods of time and the associated effects this can have on a community. The reasons are numerous, some regional, others more area specific.
- 3.2 The factors that are driven by the national and sub-regional housing market are as follows: -
- low demand;
 - housing market collapse/repossession/abandonment - so severe that households become trapped in negative equity or unable to manage mortgage debt therefore repossession takes place and the lender is unable to dispose of the asset;
 - over-supply of certain property types;
 - area regeneration - a property may be empty pending renovation or demolition or a property could be awaiting planning consent.
- 3.3 There are certain general property related factors that contribute towards properties remaining unused: -
- A purchase may be purely a speculative option and capital appreciation the only aim 'buy to leave'.
 - Fear of letting the property – i.e. some owners may be fearful of the perceived difficulties associated with managing a rented property and prefer to leave the property empty until the market improves and selling becomes a more attractive option.

- Property condition (owners are unable to afford the works necessary to bring a property back into a habitable condition or due to ill health or await or lack planning consent).
- Repossession (empty whilst finance company place on the market).
- Prohibition Orders made under the Housing Act 2004.
- Awaiting demolition.

3.4 There are cases where individual circumstances force properties to remain empty for long periods of time: -

- Unresolved ownership: following death protracted delays may occur as the property is going through probate or if the owner died intestate and the legal title is in dispute.
- Family disputes/divorce settlements – awaiting completion before decision to reoccupy or place on market. Bankruptcy of owner.
- Owner hospitalised or in institutional care.

4 Local Context

4.1 The aims which the Councils' Corporate Plans seek to address are: -

- Help to create a safer and healthier environment for or residents to live and work.
- Meet financial challenges and provide value for money.
- Support economic development and regeneration.
- Protect and improve the environment.

The Councils' Housing Strategies recognise the authorities' strategic and enabling role in balancing the housing market and priorities including to:

- Provide access to a range of housing options for those most in housing need and make best use of stock.
- Plan and develop new affordable housing that meets the needs of local people.
- Support people to access and stay in good quality housing.

The Councils recognise that effective and proactive management of empty properties throughout their areas will contribute to addressing many of these issues.

4.2 It must be recognised that the numbers of empty properties are continually fluctuating as properties become empty and are re-occupied on a daily basis and therefore data can only be identified at a snapshot in time. As at 31.7.2017, 2.5% of domestic properties are empty within each of the Councils' housing market areas. A low proportion of properties are empty for a short, transitional period of time (under 3 months), with the majority empty for six months or more (53% in Staffordshire Moorlands and 64% in High Peak). A significant proportion (25% Staffordshire Moorlands and 17% High Peak) are empty for over 2 years and incur 150% Council Tax charge.

	0-3m Empty and unfurnished 100% Discount	3-6m Empty and unfurnished 100% Charge	6-24m Empty & unfurnished 100% Charge	Over 2yrs Empty & unfurnished. 150% Charge	Uninhabitable. 50% discount up to 12m	Total properties banded for Council Tax purposes
SMDC	182	210	325	272	100	43,899
HPBC	248	238	281	180	95	41,552

Source: 31.7.2017 Alliance data

4.3 Within the Alliance areas empty properties are found within the private sector. As at 1/4/2017 High Peak Borough Council owns 3989 properties, 39 properties were vacant, representing less than 1% total stock. There is significant demand for affordable housing with 1835 registered households seeking housing in High Peak and 1101 seeking housing in the Staffordshire Moorlands. During 2016/17 103 households in High Peak and 61 households in Staffordshire Moorlands were statutorily homeless.

4.4 National consultation has been undertaken in relation to the government commitment to allow local authorities to retain 100% of business rates raised locally. Within Staffordshire Moorlands 9.8% and in High Peak 7.6% of business premises are empty for longer than six months.

	0-3m	3-6m	Over 6m	Total Business Premises for business rate purposes
SMDC	23	19	295	3012
HPBC	20	25	270	3552

Source: 31.7.2017 Alliance data

4.5 It is recognised that further improvement can always be made and the Council has always sought to deal with empty properties pro-actively in proportion to available resources and funding. In the current absence of targeted capital funding, the Council will seek to undertake an assessment of empty properties on a case by case basis following a complaint, to determine the immediate and longer term impact of the property on its immediate neighbours and the wider community in which it sits. The property is scored against a number of criteria and assigned to a low, medium or high priority banding which determines the action to be taken in each case. The Alliance Empty Homes webpages give the public the opportunity to report an empty home and a review of available information and assistance forms part of the Action Plan.

SECTION B: OBJECTIVES AND BENEFITS OF STRATEGY

5 Strategic Objectives

5.1 The aims and objectives of the strategy are as follows: -

- To bring empty private sector properties back into use to maximise housing stock.
- To raise awareness of empty property issues.
- To minimise the number of properties that become long-term empties at an early stage.
- To create accurate information in relation to empty properties.
- To promote the availability of information and services to empty property owners and private landlords.
- To provide sustainable development by reducing the need to build new properties, therefore reducing the pressure to build in greenfield sites in the open countryside.
- To discourage anti-social behaviour, crime or fear of crime which can occur when a building is empty.
- To improve housing conditions, the vitality of the built environment and prevent the deterioration of the buildings.

6 Benefits of the Strategy

6.1 The potential benefits to the Councils are as follows: -

- Supports the Corporate Plans, corporate policies, objectives and strategies.
- Identifies and maximises funding streams and income opportunities, including New Homes Bonus.
- Provides additional good quality housing to meet housing and homelessness need and reduces temporary accommodation expenditure.
- Prevents empty properties becoming the focus of anti-social behaviour, fear of crime and attracting adverse comment from the wider community.
- Good for public relations as it gives greater visible evidence of the Councils' strategic policy and promotes the authority enabling role.

6.2 The potential benefits to empty property owners, including landlords (housing associations and private landlords) are as follows: -

- Effective advice and assistance to bring empty properties back into use.
- Financial assistance in refurbishing the property preventing property dilapidation.
- Turn costly and expensive empty property into a valuable asset.
- Possible access of a managing agent providing a comprehensive housing management service for the period of a lease.

- Provision of support and legal advice on all aspects of letting in the private rented sector.

SECTION C: OPTIONS TO DEAL WITH EMPTY PROPERTIES

7 Encouraging Owners to Reuse Empty Properties

7.1 Once the Local Authority has identified that a project is a priority for its investment, the starting point should be to encourage the owner to bring it back into use.

7.2 The first priority is to identify the owner of the property. Techniques to assist in identifying the owner include the following: -

- Working with other local authority colleagues - other services and Councils may have previously attempted to contact the owner and may therefore be able to provide contact details, subject to the legal restrictions regarding the sharing of information by local authorities.
- Writing to the property or attaching a leaflet or poster to it. The owner may have mail redirected or they might call to the property on an intermittent basis and make contact.
- Contacting people or organisations in the local area, which may provide alternative contact details to try. This can include a variety of people, such as neighbours, neighbourhood watch coordinators, local community groups, local shopkeepers, local councillors, and places of worship. Contacting other public service organisations, such as local healthcare providers.
- Property ownership searches can be undertaken including search of the electoral roll, land title searches or a Companies House search. Serving a notice on people that are suspected to have details of the owner either under Section 330 of the Town and Country Planning Act 1990 or under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

7.3 If the owner can be identified, they need to be made them aware of the following: -

- The problems being caused by the property, the basis on which the Council is taking action and the minimum steps that the owner needs to take. The costs that the owner may currently be incurring by holding an empty property and the risks to them of doing nothing.
- The assistance that the Council can provide in helping to bring empty properties back into use. This can take a number of forms, including advice and financial assistance.
- The powers available to the Council if the owner does not take voluntary steps to bring the property back into use. It is important to explain to the owner the implication of legal action, including both losing their ownership of the property and losing entitlement to any grants for which they may have been eligible.

- 7.4 Some owners may not wish to be tied to the conditions attached to financial grant assistance e.g. rent obligations and may seek their own financial sources.
- 7.5 Once initial support has been provided, it is important to remain in touch with the owner, or any third party to which the property has been sold. This helps ensure that the property is successfully brought back into use and enables it to be counted towards the Council's targets as part of this strategy.

8 Funding to Bring Empty Properties Back Into Use

8.1 A variety of funding sources are used to secure the return of empty properties back into use. Different options are available including:

- The *Housing Renewals Assistance Policy* radically changes the way in which funding may be provided by the local authorities enabling them to bring a more strategic approach to private housing renewal. It gives local authorities the power to offer grants and loans to owners to renovate empty properties.
- *Commuted sums paid through Section 106 Agreements* under the Town and Country Planning Act 1990, although rarely used in this way, can also be used to fund empty property work as long as they are in line with policy. This generally means that the agreement must clearly provide a benefit to the immediate locality.

8.2 Other more targeted funding also exists to encourage the re-use of empty properties. Sources of funding include: -

- The *Homes and Communities Agency* will provide funding through the 2016 to 2021 Shared Ownership Affordable Homes Programme to support the purchase or lease of empty properties to bring them back into use as affordable housing.
- *Architectural Heritage Fund* will provide monies to help community members set up Building Preservation Trusts aimed at restoring and re-using empty properties of architectural value.
- Historic England run *Partnership Schemes in Conservation Areas*. If an empty property is in a conservation area this scheme will match-fund a local authority contribution for restoration projects. They do not normally grant aid internal works however.
- Historic England would also consider to repair and restore Grade I and II* listed buildings. This could include internal works as well as external.

The *Heritage Lottery Fund* (HLF) has a range of schemes:

- *Townscape Heritage* – this is similar to the Historic England Partnership Schemes in Conservation Areas programme but can involve far larger budgets and specifically includes internal works to bring empty buildings or empty upper floors to buildings back into use (must be in a Conservation Area).

- Heritage Grants – HLF’s equivalent of Historic England’s listed building grants but can also include Grade II listed buildings or key building at risk in a Conservation Area.
- Heritage Enterprise grants – similar to Heritage Grants but focuses on industrial/commercial buildings. HLF would enter into partnership with a not-for-profit organisation taking a lease (minimum 10 years) on a vacant building to restore it and bring it back into use.
- *Reduced VAT rates* are applicable for refurbishment of properties empty for a certain length of time; those empty for more than two years attract a reduced rate of 5% while those empty for more than ten years do not attract any VAT at all on refurbishment costs.
- Alliance wide *Landlord Accreditation Scheme* offers grant assistance of up to £2,000 to improve property standards, energy efficiency, security and fire safety.
- The business funding pages on the [Staffordshire Moorlands](#) and [High Peak](#) websites contain a dynamic list of *business funding opportunities*.

9 Taking Action against Owners of Empty Property

9.1 In some cases, it may not be straightforward to bring empty properties back into use. Examples of the circumstances where bringing the property back into use is difficult include the following: -

- It may not be possible to identify the owner.
- The owner may not be willing to bring the property back into use. For example, if they are holding on to the property for speculative gain.
- There may be several parties with an interest in the property and it is not possible to reach agreement with all of them.
- The owner may say that they will take steps to bring the property back into use but may do nothing in practice.

9.2 In these cases there are a number of enforcement actions that the Council could take. Initially, however, the owner should be warned if contact details are available for them. Even if they have not previously made contact it is essential to issue warnings to demonstrate that reasonable efforts have been made before resorting to legal action.

9.3 If these warnings are not acted on, there are two main enforcement routes available to the Council: -

- The Council may be able to use its legal powers to secure improvements to the property or to undertake the works in default where the owner does not respond. This is a good course of action where urgent works are needed to the property.
- If the property is targeted for being brought back into use for other reasons, such as bringing a number of properties into a single ownership or to address an acute local housing need, then the Council could use its Compulsory Purchase powers.

9.4 There are numerous general legal powers that the Council can resort to in relation to improving the condition of a property in order to broker its reuse. The general enforcement powers are set out in the following table: -

Problem	Legislation	Power granted
Dangerous or dilapidated buildings or structures	Building Act 1984, Sections 77 and 78	To need 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 1985, Sections 189 and 190	To need the owner to make the property safe. Section 189 applies if the property is Unfit for Human Habitation. Section 190 applies in other cases of serious disrepair
Unsecured properties (if it poses the risk that it may be entered or suffer vandalism, arson or similar)	Building Act 1984, Section 78	To allow the Local Authority to fence off the property
	Local Government (Miscellaneous Provisions) Act 1982, Section 29	To need the owner to take steps to secure a property or allow the Local Authority to board it up in an emergency
Blocked or defective drainage or private sewers	Local Government (Miscellaneous Provisions) Act 1976, Section 35	To need the owner to address obstructed private sewers
	Building Act 1984, Section 59	To need the owner to address blocked or defective drainage
	Public Health Act 1961, Section 17	To need the owner to address defective drainage or private sewers
Vermin (if it is either present or there is a risk of attracting vermin that may detrimentally affect people's health)	Public Health Act 1961, Section 34	To need the owner to remove waste so that vermin is not attracted to the site
	Prevention of Damage by Pests Act, Section 4	
	Public Health Act 1936, Section 83	
	Environmental Protection Act 1990, Section 80	
	Building Act 1984, Section 76	
Unightly land and property affecting the amenity of an area	Public Health Act 1961, Section 34 (see above)	To need the owner to remove waste from the property
	Town and Country Planning Act 1990, Section 215	To need the owner to address unsightly land or the external appearance of a property
	Building Act 1984, Section 79	To need the owner to take steps to address a property adversely affecting the amenity of an area through its disrepair

9.5 The following additional powers are designed to secure occupation of empty properties. However, these can be time consuming and costly, particularly if opposed. The Council's approach must be fair, equitable and incremental. Both before and during progressing one of the following procedures, owners will be fully advised and given an opportunity and sufficient time to take measures of their own to bring properties back into use. If whilst preparing for enforcement action the owner decides to take voluntary action to bring the property back into use this will be the preferred route providing significant costs have not been incurred. In some cases it may be decided that even though the owner is unwilling to consider bringing their property back into use voluntarily, there is insufficient reason to pursue enforcement action.

Enforced Sale: - Law of Property Act 1925

Where works are completed in default by the Council the owner will be liable to pay the Council for the work and for any additional relevant costs incurred by the Council. The Council will ensure that the money is recovered and as part of the recovery procedure may place a Charge on the property to ensure that the money is recovered when the property is sold. Where monies remain unpaid, the Council may force the sale of the property. This may also apply where there is unpaid Council tax charges in respect of the property.

Empty Dwelling Management Orders (EDMOs): - Housing Act 2004

Empty Dwelling Management Orders are a discretionary power introduced in the Housing Act 2004 that came into force in April 2006. They allow Local Authorities to take management control of certain empty properties for initially up to 1 year (under an interim EDMO) and then for 7 years (under a final EDMO). Under an interim EDMO the authority can only grant tenancies with the permission of the owner but under a final EDMO the owner's consent is not required. The local authority must apply to the Residential Property Tribunal (RPT) for an EDMO. The Tribunal must be satisfied that there is no reasonable prospect the dwelling will be reoccupied in the near future without the imposition of the EDMO. The RPT will take into account the interests of the community, and the effect that the order will have on the rights of the relevant proprietor and may have on the rights of third parties. The local authority may be required to pay compensation.

Certain dwellings are exempt from EDMOs, these include dwellings undergoing repair or where planning permission is awaited, where the owner is temporarily resident elsewhere, holiday homes, dwellings occupied by the owner or their guests on a temporary basis and dwellings for sale or where the owner has died.

The Housing (Empty Dwelling Management Orders) (Prescribed Period of Time and Additional Prescribed Requirements) (England) (Amendment) Order 2012 (SI 2012/2625), which came into force on 15 November 2012, increased the period for which a property needs to have been empty before an EDMO can be applied for from six months to two years. The Order also provides that an authority must give the owner at least three months' notice of the intention to apply for an order.

Compulsory Purchase: - Housing Act 1985 Section 17

Local Authorities have the power to acquire land and property compulsorily where the owner is not willing to sell by agreement. This applies to underused or ineffectively used property/land for housing purposes if there is housing need in the area. Compulsory purchase can be approved where the acquisition will allow improvements or redevelopment to take place, providing that the improvement/redevelopment contributes to the promotion of economic, social or environmental well being. These Orders have to be approved by the Government Office and may be subject to public enquiry. Compulsory purchase is a potentially costly and time-consuming process and should only be used as a last resort where attempts at encouragement have failed and where other enforcement actions are not seen to be viable.

Compulsory Purchase has the added benefit that it generally guarantees that the property is brought back into use, where the use of the Local Authority's legal powers may only result in urgent problems being addressed. The disadvantage of Compulsory Purchase is the time involved, which, even if an appeal is not involved, compulsory purchase of a property could take between 20-24 months.

SECTION D: PROPOSED ACTION

10 Empty Property Strategy Action Plan

10.1 In developing the actions necessary to implement the strategy and achieve the objectives set out in Section B above, it is important to recognise that a number of actions have to be undertaken to gain a more comprehensive understanding of the current situation with regard to empty properties within the Councils' areas.

10.2 The actions that are proposed to provide this improved knowledge base are as follows: -

- Continue with a cross service working group to co-ordinate implementation of the strategy and action plan.
- Maintain a detailed database of empty properties containing details of the reasons for vacancy. Establishment of business processes to keep database up to date.
- Undertake surveys to evaluate reasons for properties remaining empty
- Establishment of a reporting system that quantifies the number of empty properties and action taken to deal with them.
- Evaluate funding models available to bring empty property into use.

10.3 Although more specific actions relating to targeting specific properties or groups of properties will have to wait until the actions proposed in section 10.2 above are complete, there are a number of direct actions that can be completed. These are as follows: -

- Review of Council Tax Discounts and Exemptions Policy and information provision in the context of empty properties.
- Evaluate current measures and enforcement measures within the Housing Renewal Assistance policy for dealing with empty properties.

SECTION E: MONITORING AND REVIEW

11 Consultation

11.1 Communication of the planned actions in relation to the Empty Property Strategy is essential. Partners of the Councils will need to be engaged in delivery solutions. The consultation actions that are proposed are as follows: -

- Undertake initial publicity of the strategy and share with key stakeholders and highlight the importance of bringing empty properties back into use.
- Share empty property information with private landlords.
- Redevelop webpage advice and develop an information toolkit.

11.2 These actions are included in the Implementation Plan detailed at Annex 1.

12 Performance Monitoring and Review

12.1 The purpose of this strategy is to explain the current situation with regard to empty homes both on a national and local basis and to set out the Council's future plans. It is essential that the effectiveness of action delivered by the implementation of the strategy is closely monitored and reviewed. In order to develop a good system of performance management it is proposed to undertake the following actions: -

- Monitor the number of empty homes back into use.
- Develop up to date knowledge of best practice through research and liaison.
- Monitor and review delivery of actions within the Implementation Plan.

12.2 It is proposed to review and update the Implementation Plan on a quarterly basis.

EmptyPropertyStrategy

ImplementationPlan

**Section A
Understanding the Current Position**

Action	Outcome	Timescale	Responsibility
Refresh cross service working group to co-ordinate implementation of the strategy.	Corporate ownership of empty property issue.	Complete	Mark Trillo Executive Director (People) and Monitoring Officer
Complete collation of empty homes information from sources including Council Tax.	Comprehensive data base of long term empty properties established.	Dec 2017	Joanne Wheeldon - Principal Income Officer Mike Towers - Senior Officer (Housing, Public Health and Licensing)
Map empty property and complaints information on Geographical Information System.	Identification of any 'hot-spots' of empty properties.	Dec 2017	Joanne Wheeldon - Principal Income Officer Michelle Costello - Housing Strategy Technical
Maintain register of problem properties categorised as requiring action.	Identification of reasons for vacancy and actions to mitigate effect of difficult properties.	Jan 2018	Mike Towers - Senior Officer (Housing, Public Health and Licensing)

Action	Outcome	Timescale	Responsibility
Undertake an assessment of the number of 'Right to Buy' vacancies.	Assessment of the sustainability of 'right to buy' tenure.	Dec 2017	Michelle Costello - Housing Strategy Technical Officer
Undertake a questionnaire survey of all owners of empty properties within Staffordshire Moorlands and High Peak.	Analysis of responses will identify why properties remain empty and understand what action/advice each owner requires to bring the property back into use.	Jan 2018	Mike Towers - Senior Officer (Housing, Public Health and Licensing) Michelle Costello - Housing Strategy Technical Officer
Review funding models available to bring empty property into use. To include renovation grant aid, private sector leasing scheme partner, and a Tenancy Management Service using High Peak repairs team to survey/repair.	Identification of funding models to develop scheme/s that will bring empty properties into use, generate NHB income and address housing need and statutory homelessness duties.	Feb 2018	Michelle Costello - Housing Strategy Technical Officer

Section B Communication

Action	Outcomes	Timescale	Responsibility
Undertake initial publicity of the strategy and share with key stakeholders. Undertake a publicity campaign to highlight the importance of bringing empty properties back into use and available funding.	Members of the public and property owners will be informed about the consequences of leaving properties empty and what options are available to help bring them back into use	Nov2017	Carolyn Robinson - Communication Business Partner

Redevelop Empty Homes pages on the web-site offering advice and information toolkit.	Provide an increase in access channels to deal with empty property queries and vulnerable owners better able to address empty properties.	Feb 2018 & ongoing basis	Mike Towers - Senior Officer (Housing, Public Health and Licensing) Emma Thurlby - Website Development and Social Media Officer
Share empty property information with private landlords through the Landlord Accreditation Scheme, Landlords Association and with individual landlords.	Information provided about the consequences of leaving properties empty and what options are available to help bring them back into use Increase in the number of properties available for households in housing needs.	Ongoing basis	Mike Towers - Senior Officer (Housing, Public Health and Licensing)

Section C Targeted Action

Action	Outcomes	Timescale	Responsibility
Evaluate current enforcement options and further develop enforcement protocol for dealing with empty properties.	Increased focus on effective enforcement. Priority homes brought into use through use of enforcement action.	Mar 2018	Mike Towers - Senior Officer (Housing, Public Health and Licensing)
Identify funding and business proposal for dealing with empty properties.	Identification of funding programme for empty properties. Increased certainty of investment for stakeholders.	Mar 2018	Michelle Costello - Housing Strategy Technical Officer

Run forecasting review tool to analyse data to identify homes that are occupied prior to October to inform NHB allocation.	Identification of occupied properties and increased NHB income generation.	By Oct each year, annually	Joanne Wheeldon - Principal Income Officer
Review of information provided at time of Council Tax Discounts and Exemptions Policy in context of empty properties.	Owners (including vulnerable owners) made aware of advice and support on offer as early as possible and fewer empty properties.	Feb 2018 & ongoing basis	Joanne Wheeldon - Principal Income Officer
Review of Council Tax Discounts and Exemptions Policy in context of empty properties.	Identification of Alliance income generation and encourage use of empty properties.	March 2018	Joanne Wheeldon - Principal Income Officer
Development of a plan that identifies specific properties that can be targeted for action.	Local community issues can be addressed and successful outcomes advertised.	March 2018	Cross service working group

Section D Reporting and Monitoring

Action	Outcomes	Timescale	Responsibility
Monitor the number of empty homes brought back into use.	Monitoring and strategic direction is maintained across strategy.	Jan 2018	Cross service working group

Develop up-to-date knowledge of best practice through ongoing research and liaison.	Strategic direction is maintained across strategy.	Ongoing basis	Michelle Costello - Housing Strategy Technical Officer
Monitor and review delivery of actions within the Impementation Plan on a quarterly basis.	Monitoring and strategic direction is maintained across strategy.	Quarterly	Cross service working group

