

Empty Homes Good Practice Guidance



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Foreword

Ministerial Statement by Jocelyn Davies AM, Deputy Minister for Housing and Regeneration

It has always been frustrating to see usable houses lying empty when there is an evident housing need and when there are some people who do not enjoy the dignity and benefit of having a home.

The proportion of empty homes in the public sector has decreased during the last few years. Local Authorities and Registered Social Landlords have been encouraged to ensure that their dwellings are occupied as soon as possible after they become vacant.

However, there are still homes in the private sector that remain empty. In some cases, they may be empty for good reasons or only a relatively short period of time. In other cases, properties are empty for more prolonged periods of time and may be causing a nuisance in locations where there is also housing need. Such properties could be brought back into use to provide much needed homes for people in urban and rural areas in Wales.

Several Welsh Local Authorities have adopted a planned and innovative approach to dealing with these issues. I want to ensure that the available enforcement measures, incentives and penalties are more widely known and used effectively. In this way we can ensure, valuable resources are not wasted.

I am pleased to launch this Good Practice Guide which has been produced in partnership with Shelter Cymru. I am very grateful to individual Local Authorities, the Welsh Local Government Association and other representative bodies for their assistance in compiling the guidance. Their contributions ensure that this is a practical guide that reflects their experience and the strategies that Local Authorities have developed.

The guidance should prove to be a valuable reference source. It will enable Local Authorities to develop empty homes strategies that fit in with the aims and objectives contained in *Sustainable Homes – A National Housing Strategy for Wales*, the *Essex Review* and our *One Wales* policy document. More importantly, it will provide opportunities for Local Authorities to bring empty properties back into use and thereby address housing need for local people.

Contents

	Page
Part 1 – The Guidance and Its Objectives	1
Introduction	1
Purpose of the Guidance	2
Empty Homes Strategies	2
Elements of a Strategy	5
Policy Objectives	6
Part 2 – Policy Tools	8
Information	8
Publicity	9
Analysis and targeting	11
Action	13
Persuasion and Agreement	14
Assistance	14
Part 3 - Action and Enforcement	16
Role of Registered Social Landlords	16
Nomination Rights	16
Short-Term Leasing	17
Local Authority Bond – Tenancy Deposit Scheme	17
Revised Homebuy Arrangements	17
Redevelopment and Clearance	18
Enforcement	18
Area Renewal	18
Part 4 – Strategies in Place	20
Timetable	20
Monitoring	20
Summary	21

Annexes

A – Possible Decision Path	22
B – Empty Dwelling Management Orders	23
C – Enforced Sale	27
D – Compulsory Purchase Orders	31
E – Summary of Approaches to Empty Homes adopted by Local Authorities in Wales	35
F – Further Good Practice	39
G – Empty/Void Unsecured Buildings	46
H – Extracts from Empty Homes Strategies	50

Part 1 – The Guidance and Its Objectives

Introduction

1. Empty homes are not just a wasted resource. They can also cause nuisance and environmental problems. Empty homes can be a focus for increased levels of crime, vandalism, anti-social behaviour and drug-abuse. They can also represent a potential housing resource that may be currently underutilised.
2. Bringing empty homes back into use can help address a number of housing and social issues by increasing supply in areas where there are housing shortages and pressures and where this is an opportunity to link suitable empty homes with housing need.
3. It is essential that all Local Authorities in Wales have effective measures in place to deal with these issues and comprehensive empty homes strategies which contribute towards local strategic planning. Many Local Authorities already have such strategies in place but it is important that they are reviewed regularly.
4. The importance of having an empty homes strategy cannot be overstressed. It is crucial that any strategy considers the broad spectrum of empty homes issues and identifies the problems and opportunities that exist in a Local Authority's area, including a clear view of where suitable empty properties may help address housing need. The development of a strategy will require careful analysis of the extent of the empty homes problems in an area, the opportunities they present and the need to address that problem. In some areas the problems can be relatively small and the costs of taking action disproportionate. There may be no housing gain and an authority may decide to adopt a more pro-active approach.
5. The strategy should explain how the council intends to tackle those problems using not only its own financial resources but also the contribution that others in both the public and private sectors can make. The less prescriptive private sector renewal arrangements may prove to be useful in this respect¹.

Empty Homes: The Key Points

Negative	Positive
<ul style="list-style-type: none">• Wasted resources• Nuisance• Environmental problems• Crime• Lost revenue	<ul style="list-style-type: none">• Opportunities• Useful resource• Address housing need• Part of a local strategic approach• Affordability issues

¹ See National Assembly for Wales Circular 20/02 – Housing Renewal Guidance – August 2002.

Purpose of the Guidance

6. This guidance has been prepared to assist Local Authorities with the preparation of empty homes strategies and developing effective approaches to tackling empty homes. It also provides examples of good practice to draw on and includes examples of effective strategies that are currently in place. The guidance also identifies the powers and measures available to Local Authorities to deal with these issues.

7. This information is not exhaustive and as authorities gain experience, there will be opportunities to develop their own initiatives that work locally.

8. There is also scope for Local Authorities to work together on a regional basis to link their local strategies to a comprehensive regional approach. The Welsh Assembly Government encourages Local Authorities in liaison with the WLGA and the Welsh Heads of Environmental Health Technical Panel to develop this approach.

9. The guidance concentrates on empty homes in the private sector. Void rates in the social housing sector are relatively low and both Local Authorities and RSLs are encouraged to reduce these further.

10. The intention is to assist Local Authorities in identifying those empty properties which should be the main focus of their attention outlining the opportunities available that act as an incentive to bring their properties back into use and the enforcement tools at authorities' disposal where other action has not been successful.

11. The guidance also identifies other organisations, which may be able to offer opportunities for working in partnership to deal with empty homes issues.

The Guidance: Key Points

- Helps Councils prepare strategies
- Not exhaustive
- Concentrates on homes in the private sector
- Develop and expand over time
- Help Councils identify/target empty properties
- Focuses attention on opportunities, incentives and working with others

Empty Homes Strategies

12. Empty homes strategies should be an integral part and an essential element of an overall strategic approach to local housing issues. Resources will always need to be prioritised and it is essential that Local Authorities look at methods that attempt to maximise all assets and opportunities that are available to tackle local priorities.

Resources provided for housing renewal by the Assembly Government are unhypothecated and Local Authorities can allocate as much funding as they see fit towards empty homes issues in line with their local priorities. Indeed it is important that Local Authorities allocate sufficient resources out of their General Capital Funding to support the aims and ambitions for their area which feature in their housing renewal policies and empty homes strategies. In addition, within renewal areas, Local Authorities are able to use Specific Capital Grant (SCG) to bring empty properties back into use.

13. Dealing with empty homes can help address other housing problems through the provision of additional accommodation, thereby reducing pressures on waiting lists and providing homes on both a short and long-term basis. Sue Essex also linked Empty Homes to wider issues around affordability in the report on *Affordable Housing* published in June 2008. Increased action on empty homes is also a theme of the new National Housing Strategy *Sustainable Homes*. Local Authority members in particular will want to consider how their empty homes strategy fits into wider housing and other strategies for their area and the priority they attach to tackling these issues, taking account of the benefits that may be accrued in terms of addressing housing need and tackling deprivation.

14. The social and environmental problems which may be tackled include:

- the restoration of confidence in an area where there may be a number of run-down houses;
- problems of rodent infestation, fly tipping and a general poor impression of an area;
- crime, which can include vandalism, anti-social behaviour and drug abuse; and
- visible improvements in the physical appearance of areas.

15. Problems with empty homes can have a high political profile and may attract adverse media attention in the community. There may be accusations that Councils are adopting a complacent attitude and are wasting an important resource, thereby damaging corporate credibility. An effective empty homes strategy will, however, demonstrate that the council is adopting a credible approach and is not simply ignoring a downward spiral of decline and missing the opportunity to enhance the amount of suitable accommodation that is available.

16. The changes to private sector renewal arrangements introduced in July 2002 mean that Local Authorities now have private sector housing renewal policies and strategies that are tailored to meet local needs. These will identify pressures and priorities in an area and reflect the approach the authority has decided to adopt in targeting home renovation grants, loans, including equity release packages, re-location and clearance. Examples of priorities that authorities could adopt when targeting assistance might include:

- adaptations for disabled people;
- works for elderly homeowners involving Care and Repair;

- poor quality housing;
- area based renewal;
- Houses in Multiple Occupation (HMO); and
- empty homes.

17. An empty homes strategy should reflect clear strategic thinking within authorities, should involve a corporate approach which ranges across departments and involves members. **This is crucial.** It is also essential that the public is aware of the strategy and there should be appropriate publicity to ensure that owners and landlords know how the authority is able to help and what enforcement action they are likely to take and the timescales involved.

18. The deregulated private sector renewal arrangements, together with the unhypothecation of resources provide opportunities for developing the private rented sector. Authorities now have wider scope both in the nature and amount of assistance to landlords through their private sector renewal policies². There are also important links to be made between problems with empty homes and wider strategic renewal. This can include renewal areas where there may be significant opportunities for Local Authorities to pilot innovative approaches to empty homes that if successful can be rolled-out to other parts of their areas.

19. There are other approaches for addressing empty homes problems, which include:

- voluntary agreement with owners to bring empty properties back into use;
- partnership working with Registered Social Landlords (RSL);
- Empty Dwelling Management Orders (EDMO);
- enforced sale; and
- Compulsory Purchase Orders (CPO).

20. The approaches are covered in more depth in the Annexes and Part 3 of the guidance.

² See National Assembly for Wales Circular 20/02 – Housing Renewal Guidance – August 2002.

Empty Homes Strategies: Key Points

- Integral part of a strategic approach to local housing issues
- Looks corporately at all aspects of housing
- Tackles social/environmental/crime problems
- Restores confidence
- Enhances a council's credibility
- Builds on opportunities presented by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- Links to strategic area renewal

Elements of a Strategy

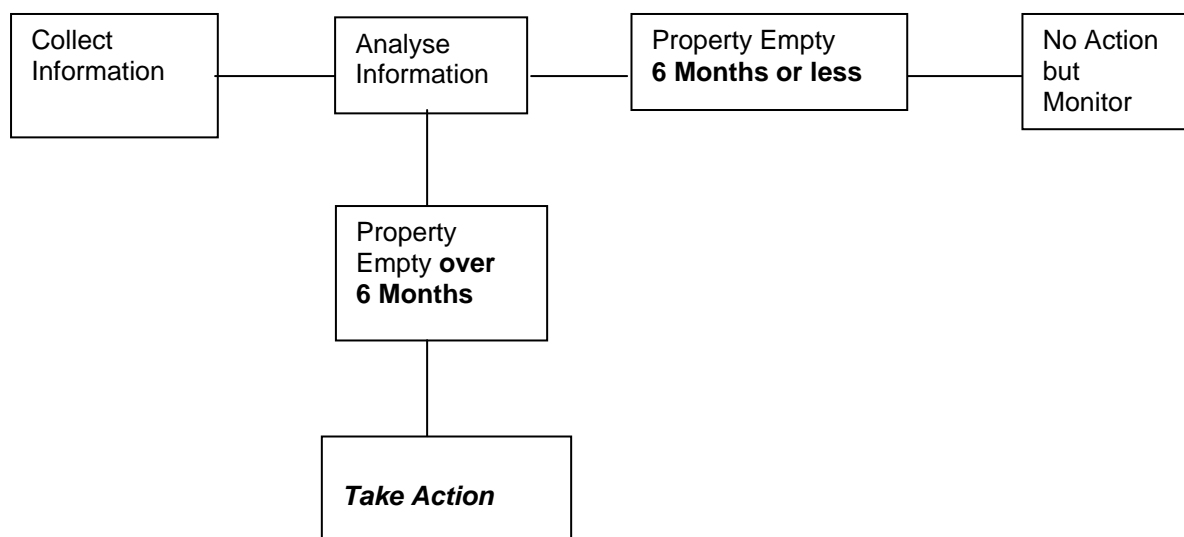
21. Not all empty homes need action. It is essential that authorities decide where they should target their main activities through careful analysis, sifting the information they collect to develop systems which identify priorities. For example, there would be little point in targeting transactional empty properties which are empty for good reason. This would also apply to properties that are not causing a nuisance, are in good repair and would not be suitable to address local housing need. An authority will also need to set realistic timescales as part of any action plan to tackle the problems. Consideration will need to be given to the way in which action should be approached i.e. **persuasion** and **agreement** before **enforcement**. It is also extremely important to keep in mind the human rights issues associated with forcing owners to release empty homes and the statutory provisions that must be met when contemplating enforcement measures like EDMOs and CPOs.

22. The preparation of a strategy falls into a number of distinct areas which may include:

- Analysis of the problem
- Policy objectives/aims
- Information
- Publicity
- Targeting
- Action
- Monitoring and Evaluation

23. Some aspects of the strategy within these headings will overlap, but for the sake of clarity, these are dealt with separately within this guidance.

24. In preparing a strategy authorities may wish to consider a decision path which can be followed as information is collected and decisions on appropriate action need to be taken. A suggested outline of a decision path to be considered might be:



25. This suggested decision path is given in more detail at Annex A.

Policy Objectives

26. At the outset **it is essential that authorities decide what their policy objectives are in a strategy. Members will clearly need to be involved in this exercise. These objectives should be agreed corporately by the Local Authority and, where appropriate, Registered Social Landlords, to ensure that there is no conflict across authority departments.** For example, schemes such as the conversion of non-residential buildings involving a change of use could be frustrated if planning permission is not forthcoming. The aims and objectives will vary between authorities depending on the extent of the empty homes problems they face, the demand for housing in an area, local circumstances and the opportunities available to them to tackle the problems. Examples could include:

- a. to bring back into residential use a significant number of empty properties through a corporate and strategic approach;
- b. to tackle poor quality empty properties with a view to:
 - partnership working with registered social landlords;
 - removing them from the housing stock (closure clearance);
 - bringing them back into owner-occupation (low cost home ownership schemes);
 - bring them back into privately rented use (persuasion of landlords through grants or loans).
- c. to bring the empty accommodation into social housing through:
 - use of RSLs through partnership working involving management arrangements or purchase and rehabilitation;

- nomination rights from private sector landlords as a grant or loan condition;
 - the use of EDMOs.
- d. to bring life back to towns/village centres by bringing back into use empty properties above shops;
 - e. to bring back into use/deal with poor condition empty properties in specified areas e.g. renewal areas or regeneration target areas in cities or towns;
 - f. to explore options in consultation with owners, other public authorities, RSLs and private sector landlords for reducing numbers of empty homes; and
 - g. a strategy to deal with empty homes could be linked with training initiatives to use local labour/skills through local recruitment.

Policy Objectives: Key Points

- | |
|---|
| <ul style="list-style-type: none"> • Set policy aims and objectives • Local pressures and priorities • Bring properties back into use by a wide variety of means • Wider community issues • Widespread consultation • Local skills/training |
|---|

Part 2 – Policy Tools

Information

27. It is essential that Local Authorities have good information on the extent of empty homes problems in their areas. From this information, councils can analyse the problems and the options for tackling the issues and the type of empty homes which should be targeted in the strategy. The information would also enable the council to maintain a database of empty homes and/or vacant property register which can then be used to inform other elements of the strategy. That information can be acquired in a number of ways:

- surveys of empty homes (including Council Tax records);
- a Local Authority hotline with appropriate publicity asking people to contact the number if they become aware of empty homes;
- questionnaires to landlords – known landlords in the area could be targeted with questionnaires, with the involvement of the National Landlords Association (NLA) asking about the extent of their portfolios of properties and whether they are currently occupied or not;
- information from financial institutions/building societies/estate agents/banks on properties in which they have an interest and which may be empty;
- a corporate Local Authority in-house forum involving a range of departments who may have information on empty homes. This could include Housing, Environmental Health, Planning, Social Services, Council Tax etc;
- Community Councils;
- information from RSLs who may have a good knowledge of areas where they themselves have properties;
- local chambers of trade/shop owners who will have information about empty premises which may or may not be houses, and flats above shops;
- local entrepreneurs, commercial interests, religious organisations may have information about empty buildings which might offer opportunities for conversion into living accommodation;
- a dedicated empty homes unit specifically charged with both identifying and tackling empty homes problems. Such a unit could carry out surveys and exploit public records to trace owners records e.g. Land Registry or Companies House etc;
- Police – who may have complaints about crime related incidents within empty homes;
- Fire Authorities – who may have specific information through their Arson Reduction officers;
- Neighbourhood Watch organisations;

- local Assembly Members, Members of Parliament and Councillors may have information about “problem” empty properties in their constituencies or wards;
- Neighbourhood Renewal Assessments (NRA) surveys in connection with renewal areas or other regeneration schemes may have identified empty properties; and
- surveys of properties for group repair schemes and block repair may also identify empty homes.

Information: Key Points

- Good information essential
- Surveys of empty properties
- Questionnaires
- Corporate LA in-house forum
- Contacts with private sector
- Contact with RSLs
- LA empty homes units
- Other housing schemes
- Advertisements

Publicity

28. Publicity is important both to acquire the information referred to in Section 6 and to ensure that landlords/owners/estate agents etc are aware of both the opportunities and incentives for bringing properties back into use and the penalties for not doing so.

29. Publicity should explain that there are significant disadvantages to properties remaining empty and that there are opportunities and advantages to bringing them back into use.

30. Publicity could include mail shots, information packs, seminars, meetings with landlords, owners and other interested organisations such as financial institutions, chambers of commerce, etc.

31. Organisations targeted could include local estate agents. They may not only have knowledge of empty properties but may also be able to assist with these problems by acting as lettings agents. Some estate agents already do this, particularly where properties are proving difficult to sell but where there is a demand for rented accommodation.

32. Local Authorities may launch campaigns to identify properties through local newsagents including the free press and local authority newsletters. Poster campaigns backed up with literature in libraries, sports centres health centres, DIY centres, builders' merchants etc can also prove useful in getting the message over that empty homes are a wasted resource and that there are benefits in bringing them back into use.

33. Companies/shops with empty flats above them could be targeted with an offer of discussion about the opportunities that exist through home renovation grant, loans and working with the local authority who could appoint partners such as RSLs to act as managing agents.

34. A similar approach is often useful for other organisations who may own other empty buildings which may be suitable for conversion into living accommodation. However, authorities would need to be satisfied about the economic and practical viability and the evidence of housing need associated with any scheme involving this type of property.

35. Authorities could publicise their approach to landlords by producing a good practice guide for landlords highlighting the role of the NLA and the All-Wales Landlord Accreditation Scheme which could point out good management methods, the incentives for bringing empty properties back into use and the penalties where that is not done.

36. A problem empty homes unit and/or Local Authority hotline with an **Empty Homes Officer** would be helpful and encourage the public to report empty homes problems. Although that officer may have other responsibilities, they will be the main contact on empty homes issues. This would avoid much of the frustration that the public can face when attempting to identify officers with specific responsibility for subjects within authorities. The officer's telephone number (the empty home hotline) would be widely available and publicised through the advertisement/literature mentioned above.

37. An in-house local authority forum could be extended into a wider private sector housing forum. That forum might include the local authority, landlords, landlord's forum, estate agents, surveyors, mortgage lenders, chambers of commerce, RSLs and other interested organisations. It could meet periodically to discuss particular issues affecting empty homes and exchange good practice. It could also act as a sounding board for initiatives/action the authority proposes to develop in the context of the empty homes strategy or a wider strategic approach to housing issues.

Publicity: Key Points

- Essential to ensure widespread knowledge of the Council's strategy
- Explain advantages of bringing empty properties back into use
- Explain disadvantages of leaving property empty
- Mail shots/seminars/information packs/summary of strategy
- Target local interests
- Local campaigns
- Conversion of empty buildings (if appropriate)
- Clear contact in the Local Authority
- Local good practice guides
- Empty homes unit and in-house forum

Analysis and Targeting

38. An analysis of the information collected should involve sifting out those properties where no action is needed, where it would not be cost effective or where there is no opportunity to address recognised housing need. For example, transactional empty properties or houses that are empty because service personnel are on an extended tour of duty overseas. To help with these exercises authorities may consider developing a form of cost benefit analysis. The analysis could be wide-ranging and costs could include staff time, lost revenue (Council Tax) and the costs of providing assistance and legal/enforcement action. Benefits could include the provision of affordable housing for local people, addition to the housing stock and reducing the problems exemplified in Paragraph 14 above, including reducing crime. These suggestions are not exhaustive and authorities themselves will wish to consider what to include. Monitoring and evaluation of a Council's policy in relation to empty properties will need to take account of the practicality of intervention as well as cost benefit considerations.

39. Once authorities have good information on the extent of empty homes they will need to decide where to target activities and action within the area as part of their strategy and to allocate sufficient revenue and capital resources to support their local priorities. It is important not to ignore problem empty properties that may not be required to address housing need but still may involve enforcement action.

40. Some authorities may consider that they should give priority to tackling the worst empty homes that are causing problems or nuisance. Others may consider that it would be more productive to look at those properties, which can easily be brought back into use first and may help to address housing need. The analysis may show that there would be little or no benefit in taking action on some properties. Much will depend on local priorities and pressures. Whatever approaches are taken it is essential that authorities fulfil their statutory obligations to deal with disrepair or

nuisance whilst taking advantage of all the opportunities that may be available through bringing properties back into use.

41. For example, some authorities may not decide to include properties which:

- include any vacant part where there is a closing or prohibition order;
- have been temporarily vacated e.g. transactional empty properties, student properties between terms, properties undergoing renovation or temporary overseas residence by the occupants such as armed forces personnel;
- are second or holiday homes;
- dwellings that are unoccupied due to sole resident being permanently resident in hospital, residential care home or because the occupier is caring for someone elsewhere; or
- have not been vacant for more than 6 months unless they are the subject of complaints.

42. Authorities may however decide to include the following categories:

- derelict, severely neglected properties in need of substantial repairs – subject to complaints about fly tipping, vandalism, squatting, rodent infestation etc;
- property subject to a closing order or statutory repair notice – again subject to complaints where some remedial work is necessary; or
- properties in some disrepair which may require improvements but which are the subject of limited complaints.

43. Although the above may not be suitable to be brought back into use Local Authorities will nevertheless need to take action to deal with nuisance etc.

44. There are a variety of ways that these properties can be identified and these are discussed in Section 6. These can include looking at empty properties on a ward-by-ward basis and narrowing down those areas where the greatest concentrations of problematic properties exist. Similarly, authorities can identify these properties through other records the council may hold e.g. information on Housing Benefit or Council Tax and from reports from feedback from Environmental Health Officers and Grant Officers dealing with private sector renewal.

45. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002³ presents opportunities for authorities to develop innovative approaches to housing renewal which could target activity in specific areas or wards where there are concentrations of a particular type of empty home, which can best be tackled through private sector renewal.

³ This Order came into force in July 2002. See also National Assembly for Wales Circular 20/02 – Housing Renewal Guidance – August 2002.

46. If an authority decides to target the properties in a particular category it is important that they continue to monitor properties in other categories. That will ensure that as properties begin to deteriorate, action (including enforcement) can be taken quickly before the situation becomes too bad.

47. In addition to identifying vacant houses etc on an area basis authorities may find opportunities for providing additional housing accommodation through the conversion of other empty buildings, which may fortuitously be available in areas where there is a particular housing need. Any targeting arrangements in the strategy should therefore be sufficiently wide and flexible to encompass both houses and other buildings where it is cost effective and appropriate to the locality.

48. Annex A suggests a decision path, which could be used to analyse the information collected.

Analysing and Targeting: Key Points

- Targeting priorities
- Local pressures and opportunities
- Worst first or most suitable
- Some properties would be considered to be exempt
- List of priorities
- Do not ignore non-priority properties
- Techniques to identify categories
- Opportunities through conversion of non-housing buildings where appropriate

Action

49. Having collected good information on the extent of the empty homes problems in an area and secured appropriate publicity to ensure that all those concerned are aware of the opportunities for bringing properties back into use and penalties for inactivity, authorities will need to carry out a careful analysis and consider the types of action they can take to secure their policy objectives.

50. The nature and extent of action will vary depending on the size of the empty homes problem in the area, practical considerations, the aims and objectives of the authority, the need for a particular type of housing and the opportunities which present themselves.

51. Action will range from voluntary agreement or persuasion to enforcement using statutory powers, although this will usually be a **“last resort”**. The starting point must therefore be to try to persuade owners or landlords that there are advantages to them in bringing their properties back into use. Authorities will need to consider the incentives which can be offered whilst not losing sight of the enforcement powers available to them if persuasion does not work (including the

“intention to serve” notices). In considering the most suitable approach for a particular empty property it is important that authorities carry out a thorough option appraisal which could be part of wider a neighbourhood renewal assessment. The following paragraphs outline the type of action, which could be taken.

Persuasion and Agreement

52. The section on Publicity (above) suggested that authorities should secure appropriate publicity and have good contact with owners, landlords and other organisations with interests in the private rented sector. That contact, through meetings etc. should provide the basis for ensuring that landlords or owners can be persuaded that it is in their best interests **not** to keep properties empty.

53. Some landlords and owners may not be aware of the opportunities that exist, e.g. for grant or loan assistance, short-term leasing or using RSLs as managing agents, and the first step should be to ensure that information on these approaches is widely available and specifically targeted at the owners of empty houses.

54. No further action may be necessary providing:

- a house is in good condition;
- is not causing a nuisance; and
- the landlord has been made aware of all the opportunities which may be available and enforcement action is not appropriate.

Assistance

55. One of the opportunities authorities will wish to draw to landlords' attention under the “persuasion” heading will be the availability of assistance under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Assistance could be in the form of:

- grants for repair or improvement;
- grants for landlords linked to accreditation;
- loans or equity release packages;
- grants for HMOs or conversions;
- locally determined forms of assistance;
- help with materials and labour; or
- advice.

56. The nature and amount of assistance will be provided at the discretion of the Local Authority. Grants for landlords could be linked to membership of the All-Wales landlord accreditation scheme or nomination rights being made available to the Local Authority or an RSL. Exact details will be contained in the authority's Housing Renewal Policy.

57. Assistance will be particularly useful where accommodation already exists but is in poor condition. Assistance may be targeted at common parts of buildings – accessways, stairways, etc – which need attention and assistance may be appropriate where non-residential accommodation is being converted into dwellings e.g. flats above shops. It will be for authorities to decide what type and level of assistance would be appropriate to act as a pump primer to persuade landlords and others to invest in bringing empty accommodation back into use through this mechanism.

58. Detailed information on the scope authorities have to provide assistance is contained in National Assembly for Wales Circular 20/02. Changes to private sector renewal arrangements introduced by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 offer far less prescription for Local Authorities and significant advantages over the previous arrangements.

Part 3 – Action and Enforcement

Role of Registered Social Landlords (RSL)

59. Registered Social Landlords can be involved in a range of activities to help bring properties back into use. This can involve:

- acquiring empty properties for inclusion in their own stock;
- acquiring empty properties for rehabilitation and sale under low cost home ownership schemes e.g. Homebuy;
- leasing; or
- acting as managing agents.

60. Registered Social landlords can have a significant role in tackling empty property as part of a renewal programme where this is linked to needs and priorities identified in an authority's housing strategy. Authorities can assist RSLs in dealing with problems with empty property through General Capital Funding (GCF) or Specific Capital Grant (SCG) for renewal areas and more specific activity can be funded through Social Housing Grant (SHG) via an authority's development programme.

61. Where landlords wish to retain ownership of their properties but do not want to become involved in management then RSLs can act as managing agents should they agree to do so.

62. Authorities should liaise closely with RSLs and landlords on the issue of housing need in areas where it is suitable for RSLs to become involved. One of the objectives will be to match the availability of empty properties to housing need/demand.

Nomination Rights

63. Many Local Authorities have informal arrangements with landlords for providing nomination rights where they give support through the provision of assistance. The Regulatory Reform Order enables Local Authorities to impose conditions on the assistance they give and the details will be included in their published housing renewal policies.

64. In seeking suitable landlords for nomination rights authorities should consider their past performance and the conditions to which they would be prepared to agree, e.g. standards of accommodation, letting arrangements, accreditation etc. It is important that housing departments along with environmental health departments and others within Local Authorities liaise closely if nomination rights are a feature of an empty homes strategy.

Short-Term Leasing

65. Local Authorities may be able to offer short-term leasing arrangements to landlords whose properties are only available for a limited time. This will offer significant advantages to landlords who are reluctant to let because of what they perceive as difficulties in getting their properties back. Short-term leasing is cost-effective and Local Authorities may find this approach useful.

Local Authority Bond Schemes – Tenancy Deposit Schemes

66. Some owners will be prepared to let their properties if they can be sure of appropriate bonds. Local Authorities may be able to help the potential tenants to move into the private rented sector through this mechanism.

67. Some properties might also be suitable for use as supported move-on accommodation for homeless people who need some support in resettling, in partnership with the voluntary sector.

68. The Housing Act 2004 introduced new tenancy deposit arrangements to safeguard the deposits and resolve disputes in the private rented sector. There is now a joint scheme covering England and Wales with three distinct elements to it.

69. The Deposit Protection Scheme (DPS) is a custodial scheme where landlords must hand over the deposit in full. Free to use and open to all Landlords and Letting Agents the DPS service is funded entirely from the interest earned from deposits held. If a dispute arises between the landlord and the tenant at the end of the tenancy the scheme will hold the amount until the dispute resolution service or courts decide what is fair.

70. Tenancy Deposit Solutions Ltd (TDSL) is a partnership between the National Landlords Association and Hamilton Fraser Insurance. This insurance-based tenancy deposit protection scheme enables landlords, either directly or through agents, to hold deposits.

71. The Tenancy Deposit Scheme (TDS) is an insurance-backed deposit protection and dispute resolution scheme run by the Dispute Service that builds on a scheme established in 2003 to provide dispute resolution and complaints handling for the lettings industry. The new scheme enables letting agents and landlords to hold deposits.

Revised Homebuy Arrangements

72. Low cost home ownership schemes can help Local Authorities deal with empty properties. In the most general sense home ownership schemes such as the revised Homebuy package can help to stimulate the local housing market by giving people who could otherwise not afford the finance the opportunity to enter the housing market. The additional demand created means that some properties that might otherwise lie empty find a buyer. Homebuy schemes will also help to promote and maintain a good mix of tenure.

73. Homebuy schemes can be used to tackle empty property directly and may be particularly useful in specific areas (e.g. Renewal Areas). Where an RSL is involved (see Paragraph 60 above) some renovated properties could be sold under the Homebuy Option as an alternative to renting. Authorities will need to consider the balance and the issue of using this approach to help take applicants from the waiting list for social housing.

Redevelopment and Clearance

74. In some cases an option appraisal will show that the most suitable approach for dealing with an empty home is its clearance and the redevelopment of the site. This option may be particularly helpful where a number of empty or run-down properties are in the same block and are causing significant problems in a community, or are alongside land which may be suitable for redevelopment.

75. In cases where empty properties are scattered amongst other run-down properties in the same block there still may be opportunities for clearance and redevelopment by persuading the owners of the occupied properties to take advantage of assistance to relocate to another suitable home under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. An outline of this arrangement and how it could be a feature of an authority's housing renewal strategy is contained within National Assembly for Wales Circular 20/02.

Enforcement

76. It has to be pointed out that if all efforts to persuade owners/landlords to bring their properties back into use fail, and such properties continue to prove to be a nuisance or be in poor condition, authorities will need to consider their enforcement powers. The appropriate enforcement powers will vary and authorities will need to consider each case on its merits. **However, authorities should not be reluctant to use these powers where other options have failed**, although they will clearly need good justification if EDMOs or CPO are involved. More detailed information on enforcement is contained in the Annexes to this guidance.

77. The final resort in respect of enforcement when all other options have failed may be the use of compulsory purchase powers. Before embarking on this approach councils should be clear about the intention for the use of the property after acquisition and any financial implications, e.g. will there be costs to the authority in providing assistance or is there likely to be a buyer who will fund the cost of refurbishment after the property is sold on by the council.

Area Renewal

78. Where Local Authorities' private sector renewal strategies target particular areas, e.g. renewal areas they will need to look carefully at the extent of any empty homes problems in those areas. These approaches would all be relevant in these areas along with more traditionally recognised area based renewal techniques such as group repair and block repair etc. For example, owners or landlords may be persuaded to bring properties back into use with the benefit of assistance under a

group or block repair scheme. Local Authorities may also wish to consider using renewal areas to pilot innovative approaches to tackling issues relating to empty homes.

Action: Key Points

- Persuasion and agreement
- Ensure Owners/Landlords aware of opportunities
- Availability of grants or loans
- Ability to set grant conditions or nomination rights
- Role of RSLs
- Agency letting
- Short-term leasing
- Bondschemes/Tenancy Deposit scheme
- Homebuy schemes
- Opportunities for development/clearance
- Ensure Owners/Landlords aware of consequences of inaction
- Enforcement
- Area Renewal

Part 4 – Strategies in Place

Timetable

79. Authorities' Empty Homes Strategies will need to include clear timetables. For example, they will need to reflect how long Local Authorities should allow for persuasion or agreement before moving to enforcement. It should also give an indication of the lengths of leases that would generally be acceptable and the liaison arrangements, which exist between the authority, RSLs, Private Sector Landlords and others in developing the most appropriate course of action.

Monitoring

80. For any strategy to be effective it is essential that there is careful and clear monitoring on the extent to which objectives are being achieved and the effectiveness of the various actions the authority is taking.

81. Initial strategies will need to be developed, enhanced, extended and changed in the light of experience. Some aspects of the information and publicity elements of the strategy may need to be changed if they are not found to be effective. Similarly, other aspects that have proved to be particularly useful may be further developed, e.g. authorities may find a more helpful way of collecting data or communicating their strategy to landlords/agents etc. Many Local Authorities already have empty homes strategies but these will need regular reviews and refinement in order to reflect changing local circumstances.

82. It is essential that monitoring reflect authorities' success in identifying empty units and the extent to which those are brought back into use. It would also be useful to have an indication of those where persuasion and agreement has not proved successful but where no further action has been necessary.

83. The effect on homelessness of bringing properties back into use in an area and on social housing waiting lists are useful measures to take account of. The effect on the community could also be monitored. This could include the number of complaints that are made about empty properties and the balance of owner-occupiers/rented property in an area.

84. Monitoring should also look at the cost to the public sector of bringing properties back into use and the proportion of public to private sector investment. Monitoring is already an important feature of area renewal schemes and empty homes in those areas should also be included within that monitoring. Ultimately the monitoring should show the overall effect of the authorities' Empty Homes Strategies on the empty homes position in their areas. Monitoring will also give information which is important in the development of the Empty Homes Strategy and how that strategy fits into a wider strategic approach to empty properties within a locality.

Monitoring: Key Points

- Clear monitoring essential
- Changes to strategy
- Success in identifying empty homes
- Success in bringing homes back into use
- Complaints
- Cost to public sector
- Private levered finance
- Impact on wider strategic approach

Summary

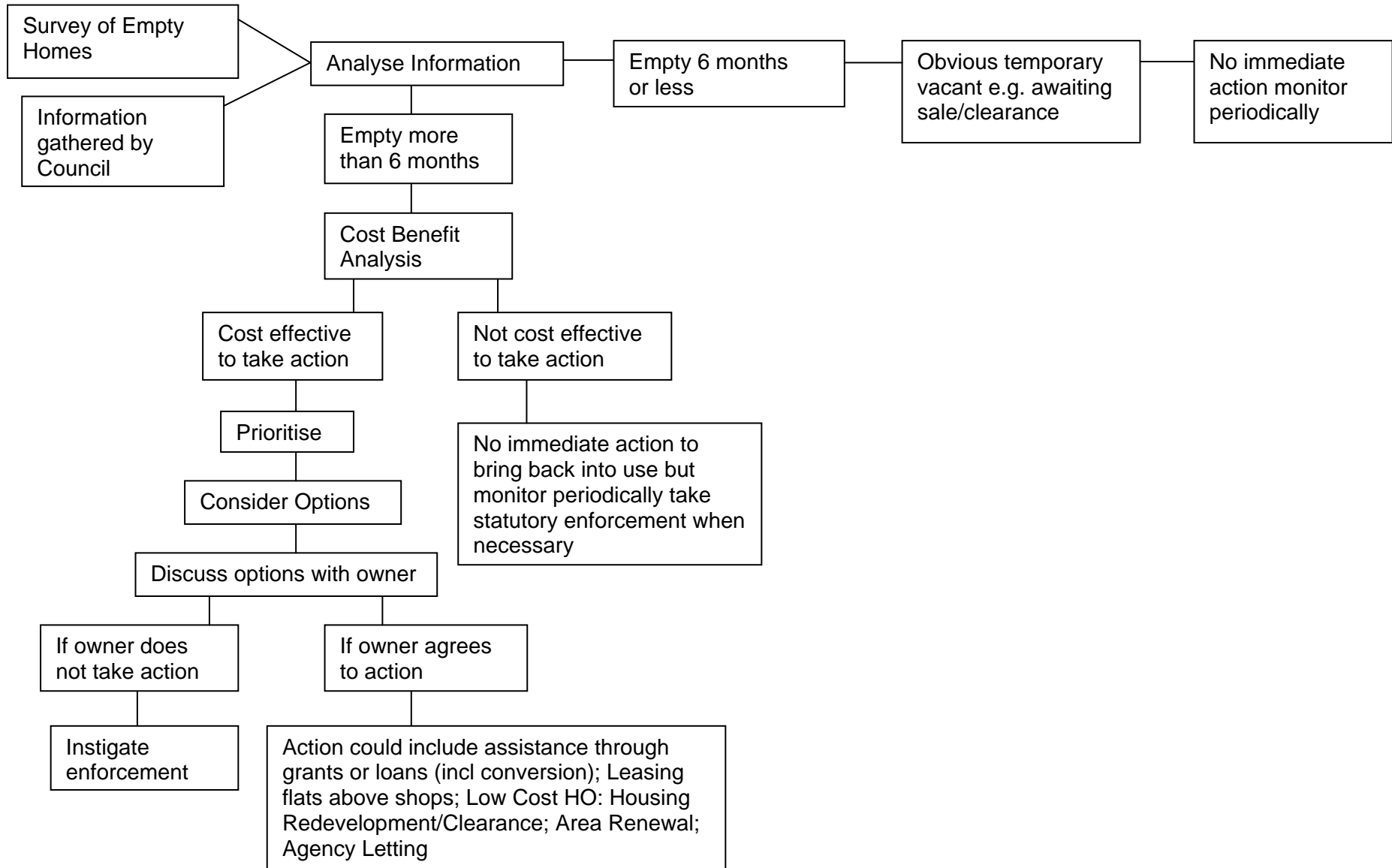
85. **Good practice is an on-going issue.** Further good practice will develop as more authorities introduce empty home strategies and it is essential that good information be exchanged between authorities and the recently launched Empty Homes Forum should prove useful in this respect. In the meantime authorities will wish to consider how best to broker further good practice as and when it develops.

86. Shelter Cymru, the WLGA, the Welsh Heads of Environmental Health Technical Panel, Grants Officers and Chief Housing Officers groups may be able to act as facilitators to help develop and disseminate good practice.

AN EFFECTIVE EMPTY HOMES STRATEGY CAN HELP TURN A WASTED RESOURCE INTO A HOUSING OPPORTUNITY

Annex A

Empty Homes – Suggested Decision Path



Annex B

Empty Dwelling Management Orders (EDMO)

1. Empty Dwelling Management Orders (EDMOs) enable a local authority to take management control of a dwelling so that it can secure occupation of it. The legislation is intended to operate alongside existing procedures for securing occupation of empty homes.
2. Part 4 of the Housing Act 2004 outlines powers for Local Authorities to introduce Empty Dwelling Management Orders. These were finally introduced through regulations in Wales in October 2006.
3. A property does not have to be run down or uninhabitable for an EDMO to be placed on it. The fact that it has not been lived in for more than 6 months may be enough to allow an EDMO to be made.
4. There are two types of EDMO. An interim EDMO lasts for an initial period of 12 months, during which time the council must work with the owner to agree a way of getting the property back into use. For example, the council might seek the owner's agreement to let the property out. If no agreement is reached an authority may seek to make a final EDMO, which can last for up to seven years. The owner has fewer rights over how a property is brought back into use under a final EDMO. If an authority fails to reach agreement with the owner and decides not to make a final EDMO then the property reverts to the owner.
5. An EDMO cannot be made on a building that is not a dwelling, i.e. a building or part of a building used for non-residential purposes; if a building is not *wholly* occupied e.g. only part of a house or flat is unoccupied or there are spare rooms not in use; it has been lived in at any time within the previous 6 months.
6. The six-month exception applies to all empty dwellings regardless of the reason they are unoccupied. However, some unoccupied properties will continue to be exempt if:
 - ✓ the owner is temporarily resident elsewhere;
 - ✓ the owner is absent because they are being cared for elsewhere;
 - ✓ the owner is absent because they are caring for someone elsewhere;
 - ✓ the owner is in the armed forces and is away on service;
 - ✓ the property is occupied occasionally by the owner or guests as a second or holiday home;
 - ✓ the property is on the market for sale or letting; or
 - ✓ someone is expecting to inherit the property but does not have probate following the death of the owner.

7. An authority **cannot** make an interim EDMO without getting approval from the Residential Property Tribunal (RPT). The RPT will decide whether the order should be allowed and in doing so will make sure that the authority has followed to correct procedures. The RPT does not have to approve an order if it considers that there are good reasons for not doing so. The tribunal has to be satisfied that:

- ✓ the property has been unoccupied for at least six months and is unlikely to be occupied in the near future;
- ✓ the council would be able to find someone to occupy it;
- ✓ the property is not covered by one of the exceptions; and
- ✓ that the council has made every effort to contact the owner to come to some form of agreement.

8. The RPT will also consider the effect an order might have on the rights of the owner. Ultimately it is up to the tribunal to decide whether the order should be made. It will not be under any obligation to make an order and will have regard to all the relevant facts in making a decision.

9. An authority may incur costs in managing a property e.g. by having to pay an agent such as an RSL or a private company to manage the property on its behalf. It may also be the case that the property needs some work done to it due to the existence of Category 1 or 2 hazards under the Housing Health and Safety Rating System (HHSRS) before it can be rented out.

10. The owner would not be expected to pay the additional costs but the authority could recover its expenditure out of the rental income received whilst the order is in force. The authority must pay the owner any surplus income that is left over after it has recovered its expenses.

11. If an authority decides to make an EDMO then it must be certain that it meets the requirements relating to the orders contained in the Housing Act 2004 and the accompanying regulations. This includes ensuring that it has made every effort to contact the owner or that the property is not exempted for the reasons given previously. What needs to be avoided at all costs is any risk that the application is rejected by the RPT.

Case Study

The City & County of Swansea Council has operated an Empty Property Strategy since 2005. This strategy acknowledges that empty properties can blight an area, create areas of dereliction and decay, and attract crime and anti social behaviour. It sets out a range of measures that are designed to bring empty dwellings back into occupation.

On 11 May 2009 the City & County of Swansea became the first authority in Wales to make a final EDMO. Here's how they did it.

The property selected to 'trial out' the process was an end of link house which was approximately 20 years old. It had been empty since December 1996 and although in need of some maintenance was generally in a fairly good state of repair.

Attempts were made to locate the owner through HM Land Registry, Council Tax and the mortgage company. Both the HM Land Registry and Council Tax had the owner registered at the property itself; however the mortgage company were able to provide the council with a more recent correspondence address which was based in Hong Kong. All letters throughout the process were sent to this last known correspondence address and the premises, with all formal notices also being affixed to the front door of the property.

As work had been carried out in default at the property a few years previously and the owner had failed to pay for this work, initial letters asked them to contact the authority to pay the outstanding bills. When no response was received, the formal EDMO process was triggered and a questionnaire was sent to the owner which aimed to confirm if the property fell into any of the prescribed exceptions (as detailed in the legislation).

The owner also failed to respond to this letter and so formal steps were taken to gain access to the house using the rights of entry listed in the 2004 Housing Act Sections 239 and 240. It was felt that a full inspection of the dwelling was necessary in order to determine if it was suitable for an EDMO and whether it was appropriate to move forward with an application for an Interim EDMO to the Residential Property Tribunal (RPT).

Entry under a warrant allowed the officer to complete a full schedule of works and confirm that renovation and maintained costs would be such that it would be possible to recoup them all within the 7 year notice period. In addition the council's nominated letting agent was able to confirm that they were confident that they would be able to let the property relatively easily.

An application was then made to the RPT who preferred to determine the case through a formal hearing. At the hearing the council were asked to present their case and after taking this and the written information submitted as part of the application into account the RPT granted an Interim Empty Dwelling Management Order (IEDMO) for the property. The council immediately served the IEDMO which was registered as a land charge and an improvement notice to deal with all Category 1 hazards present within the dwelling.

Insuring the property proved to be a little bit more difficult as initially every insurance company contacted refused insurance on the grounds that the property was not owned by the council. As a result temporary cover was set up under the councils own group insurance scheme until a company called Parkman's Insurance based in Blackwood stepped in and provided full cover at a suitable rate.

No response was received from the owner regarding the IEDMO and also they failed to confirm what steps were being taken, if any, to bring the property back to occupation of their own accord. As a result renovation work designed to bring the property up to a safe and lettable standard was put out to tender and the council

officer started to put together the management scheme plan which is required as part of a Final Empty Dwelling Management Order (Final EDMO).

On 14 April 2009 an Intention to Serve a Final EDMO notice was served on the owner. This gave them prior notice that the council intended to serve a Final EDMO, provided details of the order, management scheme plan and allowed them 14 days to come back to the council with any representations. Once again, no contact was received from the owner and so the Final EDMO was served. This was immediately registered as a land charge and a contractor was appointed to carry out all necessary renovation work.

Annex C

Enforced Sale

1. The Enforced Sales Procedure (ESP) is a process by which a council brings about the sale of a privately owned house. It is used as a means to sell-on a long term vacant property to a new owner, in circumstances where the present owner is either unwilling or unable to deal with the house and its associated problems.
2. By bringing about a change in ownership, it is hoped that a new owner will be more willing and able to invest in the property and ensure its likely re-occupation, upkeep and proper use.
3. The process for ESP is actually a method of debt recovery, but the main principle for its operation by a local authority could be for purposes of regeneration. It is a relatively draconian measure and might only be used in the last resort in particular circumstances when all other methods to deal with a problem empty property have failed.
4. In order for a property to be considered suitable for ESP it must satisfy the following criteria. It must be:
 - a dwelling;
 - vacant;
 - registered with HM Land Registry;
 - a property where debt is owed to the council and the debt is registered in Part 2 of the Local Land Register; or
 - of sufficient priority within the context of an authority's overall regeneration strategy.
5. The legislative basis for using ESP is where there is a financial charge registered in Part 2 of the Local Land Charges Register. This gives a Local Authority the power to enforce that charge. Consequently the authority has all the powers and remedies available to a mortgagee under the Law of Property Act 1925.
6. Section 7 of the Local Land Charges Act 1975 provides that a Local Land Charge takes effect as if it had been created by a Deed of Charge within the meaning of the Law of Property Act 1925.
7. Section 101(i) of the Law of Property Act 1925 confers on a mortgagee a power of sale and an Order of the Court is not necessary as the legislation itself provides that power. Section 87(1) of the Law of Property Act 1925 confers a right of possession. In addition, many of the statutes used by a council, which result in carrying out Works by Default, give the council the power of sale and a right to priority over other charges.

8. The first step in pursuing the legal process of ESP is to serve a notice under Section 103(i) of the Law of Property Act 1925. The council may not exercise the power of sale unless and until this notice (requiring payment of the mortgage) has been given and a default of payment has been made for 3 months after the service of the notice.

9. The council must also write to the owner and any other chargees stating that it intends to carry out an enforced sale. If another charge should pay the outstanding money, this prevents the council taking priority over their charge.

Case Study

An Enforced Sale in Caerphilly using the Law of Property Act 1925

A three bedroom traditional terraced property, typical of the area was brought to the attention of the empty property officer following complaints of an overgrown garden at the rear and alleged sightings of vermin. The owner's identity had been found through the land registry but as with many searches, the address of the owner was recorded as that of the empty property.

A Housing Act 1985 Section 197 notice was served in March 2005 and the property accessed and inspected. It was apparent that there was serious disrepair and the property was clearly unfit for human habitation. A Housing Act 1985, Section 189 Repair Notice was served in May 2005 with a compliance date of July 2005.

The complainant neighbour was more concerned about the overgrown garden so the Environmental Health team were asked to attend and a Prevention of Damage by Pests Act 1949 Section 4 notice was served in July 2005. Works in default to clear the overgrown garden resulted and a local land charge placed on the property. The cost of the garden clearance was £1,325.00.

The decision was made not to proceed to undertake the work in default for the repairs to the property because of the uncertainty of recovering the costs, which were potentially very high.

The enforced sale procedure developed by Manchester City Council was obtained and proved to be an invaluable guide to the process. Firstly the original PDPA notice was re-served on the property. As with all legal notices, certificates of service were completed and photographs taken at the time of the notice being attached to the property. A property file was compiled with copies of all notices served, evidence of works in default, invoices and records of charges on the property and the enforced sale notice prepared. The Law of property Act 1925 notice, signed by the Chief Housing Officer, was served in February 2006 and provided notice to the owner of the authority's intention to recover the debt relating to the work in default either through the court or through the sale of the property.

Following the expiry of the three months period required to proceed to an enforced sale, the property file was submitted to the legal team and all actions to recover the land charges were suspended.

There was an unavoidable delay in the process due to the time taken to apply and register the land charge with HM Land Registry, but once this was confirmed, the process got underway. A local auction house was approached to advertise the property and the auctioneer was advised to inform prospective purchasers that the onus would be on the buyer to comply with the Repair Notice.

The property was sold at auction for £42,000 in February 2007. The final sum received by the authority was £40,237.50, from which the legal team's costs, financial charge plus interest and £3,156 of outstanding Council Tax debt were recovered.

In February 2007 £37,800 was placed in an interest bearing account for the former owner, or a personal representative if deceased, to claim.

The purchaser of the property at auction was a local builder, who completely renovated the property and advertised it for sale with a local agent in July 2007. The property has been occupied since November 2007. The former owner has never come forward to claim the proceeds of the enforced sale.

176 High Street, Blackwood, NP12 1AH
Telephone: 01495 223757

Estate and Letting Agents

JW Homes

Reference - JW432



£94,950

**Queens Road
New Tredegar**

JW Homes have pleasure in offering FOR SALE this recently re-furbished End Terraced Property which has been upgraded and modernized by the current Vendor. Accommodation briefly comprising to the Ground floor, Entrance Hallway, living room, dining room, fitted kitchen and ground floor bathroom. To the first floor are three bedrooms. The property also benefits from UPVC double glazing and gas central heating.

ENTRANCE
Enter via a upvc double glazed front door.

ENTRANCE HALLWAY
Coved and plastered finish to the ceiling, smooth plastered finish to the walls, central heating radiator, Stairs to the first floor. Doors through to:

LIVING ROOM 10' 0" x 11' 9"
Coved and plastered finish to the ceiling, ceiling rose, smooth plastered finish to the walls, upvc double glazed window to the front aspect, central heating radiator, double doors through to:

DINING ROOM 12' 4" x 12' 0"
Smooth plastered finish to the walls and ceiling, spot lighting, upvc double glazed windows to





Caerphilly County Borough Council

05/07/2007

Please note that housing enforcement action was taken prior to the enactment of the Housing Act 2004 and the requirement for Home Information Packs at the time of sale.

Annex D

Compulsory Purchase Orders

1. Many bodies with statutory powers have compulsory purchase powers. Such powers are conferred and prescribed by Acts of Parliament, and require the approval of the Government Minister specified in the particular Act or Welsh Ministers (or the National Assembly in Wales). In practice, the greatest users of compulsory purchase powers are Local Authorities. Other statutory bodies who may make CPOs include Government Departments and major utilities such as water or electricity companies. Those seeking to provide infrastructure (such as railways) will normally apply for an order under the Transport and Works Act 1992 which will give compulsory purchase powers.
2. The two most commonly used powers of compulsory purchase are:
 - a Compulsory Purchase Order (CPO), based on a specific Act of Parliament; or
 - an Order under the Transport and Works Act 1992.
3. The compulsory purchase process is made up of a number of stages. It is important to note that the acquiring authority does not have the powers to compulsorily acquire land until the appropriate Assembly Government Minister confirms the CPO. However, they can acquire by agreement at any time and they should attempt to do so before acquiring by compulsion.
4. If the acquiring authority is unable to purchase by agreement because they are unable to agree or it is impractical to do so they will go down the compulsory purchase route. Various stages need to be completed before the powers are confirmed. The first stage is for the acquiring authority to decide that land is required for some particular purpose or scheme and that they are prepared to use compulsory purchase powers to assist in achieving this.
5. The acquiring authority may choose to make direct contact with owners and occupiers at this stage, and may seek to enter into negotiations to acquire land by agreement. They may use statutory powers to obtain information from landowners and occupiers or to enter land for survey purposes.
6. Once the acquiring authority has completed their initial investigations and established the proposed CPO boundary, they can proceed to the next stage. This is the formal resolution to use compulsory purchase powers. If the CPO is to be made by a local Council, the Council Executive or the appropriate Executive Committee will consider a report prepared by officers recommending the use of compulsory purchase powers and make a decision. The resolution will define the land to be acquired (usually by reference to a plan) and state the purpose for which the land is required.

Case Study

Cardiff - The Making of a Compulsory Purchase Order (CPO)

This was a two storey end of terrace property comprising of two living rooms and kitchen to the ground floor, three double bedrooms, bathroom and separate w.c. to the first floor. It was situated approximately five miles from the city centre in an estate comprising Local Authority stock and privately owned properties, purchased under the Right to Buy.

The Council first became aware of the property following a complaint from a neighbour regarding its condition, overgrown gardens and accumulations of rubbish. The owner had moved out in September 2002 for personal reasons and advised he had no intention of returning to the property because of the problems he had encountered whilst at the property. In November 2002 the property was the subject of an arson attack and extensively fire damaged.

The property was inspected and assessed against criteria contained in the Council's Wasted Homes Strategy (revised by the Empty Property Strategy) and registered as a Category A vacant property. This category represents Empty properties that are unsightly, causing nuisance and in a poor condition.

The Council always try to work with an owner and during the following twelve months tried to encourage the owner to improve the property or offer it up for sale to return it to beneficial occupation. However, despite correspondence and several meetings, the owner failed to accomplish this.

Works were carried out by Council appointed contractors in the owner's default to secure the property against unauthorised access and clear vegetation overhanging the public highway. Because of the fire damage the owner was awarded a full exemption from Council Tax.

Because of the lack of any progress, in September 2003 the owner was advised of the Council's intention to commence its CPO process under Section 17 of the Housing Act 1985. The person was requested to contact the Council immediately.

In 2004 the property became the focus of local media coverage and newspaper articles appeared highlighting its condition and showing that rubbish had been fly-tipped at the property.

Following further correspondence, to which the owner failed to respond, a CPO was submitted to the Welsh Assembly Government on the 23 July 2004. The owner objected on the grounds that they had not received the CPO, had not been contacted about the CPO and had not been able to afford the repairs on the property.

The Council responded to the objection by confirming that several meetings had been held with the owner when they were advised of the Council's intentions. The person had been advised that the Council could purchase the property by agreement, or the owner could approach a list of developers interested in buying the

property which had been provided by the Council, sell the property or the Council could assist them in listing the property for sale at auction.

In order to avoid the cost of a Public Inquiry to both parties and to provide the owner with every opportunity to either arrange the sale of the property or undertake the renovation works, the Council agreed in March 2005 to accept an undertaking from the owner to carry out the necessary repairs and return the property to occupation by the end of October 2005. In September 2005 the owner was informed that an inspection revealed works had not yet commenced and that the Council would continue with the CPO process. In October 2005 the owner wrote to advise that he was now in receipt of funds and the work would commence at the beginning of November 2005.

The Council confirmed that it would continue with the CPO. However, if the owner had agreed not to object and the Order was confirmed, the Council would have agreed to a written undertaking from them to return the property to occupation within a reasonable timescale. No response was received from the owner and a Public Inquiry was held on the 23 May 2006.

An Inquiry bundle consisting of the Council's Statement of Reasons, Statement of Case, Statement of Evidence by the officer and relevant documents were circulated to the owner and the Welsh Assembly Government prior to the Inquiry. The Council was represented by Counsel and a Council Solicitor. The case Officer gave evidence and the owner presented his own case to the Assembly Government Planning Inspector.

An inspection of the property was carried out by the Inspector after the Inquiry closed and the fire damage and extensive works required were assessed by the Inspector.

On the 28 July 2006 the CPO was confirmed without modification and following the service of a General Vesting Declaration the property was vested into the Council's ownership and sold at auction.

The property was returned to beneficial occupation in 2008 after undergoing refurbishment by the new owner. The whole process took six years, but the Council gave the owner every opportunity to renovate and sell or occupy the property.

The council has since streamlined its CPO process. However, there are still statutory timescales that have to be adhered to. The new framework includes:

- writing in the first instance to owners requesting details of intentions for properties within 28 days;
- Issuing a second letter If no response is received allowing a further 28 days;
- If the owner fails to provide an adequate response the case is passed to the Council's Solicitors who will write to the owner giving 21 days to respond;

- an internal report is drafted requesting delegated authority to commence the CPO procedure and a Statement of Reasons (SoR) passed to the Solicitors to support the making of the Order;
- the CPO is advertised in a local newspaper for 2 consecutive weeks and notice is served on all interested parties allowing 28 days for representations;
- the CPO is submitted to the Welsh Assembly Government and should an objection be received a Statement of Case (SoC) is drawn up in response to objector's comments;
- prior to a Public Inquiry a Statement of Evidence is drafted and circulated to all parties in a bundle of documents including the SoR and SoC; and
- if successful and the CPO is confirmed, the council serves a General Vesting Declaration (GVD) and after three months the title of the property is vested in the council's ownership and the property is submitted for sale at auction.

Annex E

Shelter Cymru - Summary of Approaches to Empty Homes adopted by Local Authorities in Wales

1. Rhonda Cynon Taff - Flats Over Commercial Buildings

The aim of the scheme is to bring empty space back into use above commercial premises.

The scheme is primarily targeted at town centres where there is identified housing need. The amount of grant available varies depending on the property.

- 60% grant (up to a maximum of £15,000) is available for the conversion of empty space to provide residential accommodation for the first time; and
- 80% grant (up to a maximum of £15,000) is available to upgrade an existing property to bring it back into use as residential accommodation (it must have been empty for at least 12 consecutive months).

In addition to conversion work and repair costs, the grant may help with the funding towards improvement works such as new central heating systems, provision of kitchens and bathroom facilities, including upgrading any existing facilities, installation of fire detector systems if required and the upgrading of property insulation.

2. Flintshire County Council

A former Guinness bottling plant in Shotton has been converted into a showpiece housing complex for the disabled and a drop-in resource centre for people with dementia. Flintshire County Council has transformed 24 Ryeland Street into three self-contained flats for young disabled people and a drop-in resource centre for people with dementia. The project, which included major renovation work and improvements, was carried out under the authority's Empty Homes Scheme.

The building has been fully refurbished to provide adapted affordable housing for people who have a physical disability and a resource centre for younger people with dementia, carers and professionals. The centre utilises the latest telecare technology and is the first in Wales. It will also include an Alzheimer's Café where families and carers can call in for ongoing advice and support.

The council's services for younger people with dementia team will be based at the resource centre. The team delivers community support and services to young people with dementia and their families and carers.

Clwyd Alyn Housing Association, part of the Pennaf Housing Group, has assisted in the development of the Old Brewery site by working in partnership with the site owners and Flintshire County Council to manage residential units on the site.

3. Torfaen County Borough Council

Torfaen County Borough Council has been dealing with a long-term mid-terrace empty which had been causing a variety of problems. The property is without any owner as the owner died several years ago. There was a severe dry rot problem in the property and the Senior Environmental Health Officer has worked with their renovation grant team to treat the problem and also to use grant aid to leave the property in a sound and weather-tight condition.

Basically tying-in works have been carried out to ensure that the adjoining properties are no longer affected by its condition. Works have recently completed and include new roof, windows, re-pointing etc.

An enforced sale procedure will be used to recover the debt for the dry rot work and also the grant money will be recouped at this time.

4. Caerphilly County Borough Council - Private Sector Leasing Scheme

In October 2007 Caerphilly CBC leased its first privately owned property to a homeless family. The property had been empty and in an uninhabitable condition for over 10 years. With the aid of a Landlord Grant from the private sector housing team, the property was completely renovated then redecorated by the owner, who was also asked to provide floor coverings, a new cooker, curtains and lampshades. Since its return to beneficial use the property has provided interim housing accommodation for three unintentionally homeless families whilst they waited for permanent housing with either the authority or housing association partners. Since that first lease became operational, the council now has 19 former long-term empty properties and flats in use. Only long-term empty properties are selected for the scheme and once renovated, are solely used for interim housing of the authority's homeless service users.

The empty property leasing scheme has housed 10 unintentionally homeless families ('families' include single people, couples and lone parents) in the first year (October 2007 to March 2008) and a further 34 families from April 2008 to the present. On average, each tenancy lasts for between 3 and 6 months, which prior to the scheme would have meant that the majority of these families would have been accommodated in bed and breakfast accommodation.

5. Cyngor Ynys Mon – Empty Home Grant and Private Sector Leasing Scheme

The Council offers grant assistance providing certain criteria is met:

- the applicant must own the property to be leased and provide proof of ownership to the council;
- there must be proven housing need in the area;
- the owner must agree to participate in the council's Private Sector Leasing Scheme;

- the owner must agree to give the council tenant nomination rights in the event that the Private Sector Leasing Scheme is not renewed (within the terms of the Nomination Rights Agreement); and
- the owner must seek Planning Permission and Building Regulations approval where necessary.

To qualify the owner must enter into a Private Sector Leasing Scheme agreement with the Homelessness Section. The landlord should note that in the event of the Private Sector leasing Scheme ending, either after the first 12 month agreement or thereafter, he/she agrees to take tenant/s nominated by the Council from its Housing Register for a minimum period of 5 or up to 10 years under a separate agreement known as the Nomination Right Agreement.

The percentage of grant that can be awarded will depend on the number of year's nomination right the owner is prepared to provide.

6. Cyngor Gwynedd – Private Sector Leasing Scheme

Cyngor Gwynedd has a dedicated Empty Homes officer and has around 60 units in the Private Sector Leasing scheme thus saving on Bed & Breakfast accommodation costs.

7. Conwy County Borough Council And Denbighshire County Council – *Partnership with North Wales Housing Association*

- North Wales Housing Association (NWAHA) has formed an innovative partnership with Denbighshire County Council and Conwy County Borough Council in order to make more effective use of empty homes. The Association provides revenue funding for:
 1. a full-time Empty Homes Officer for Denbighshire (the officer is employed by NWAHA); and
 2. the empty homes work of an Officer in Conwy (the officer is employed by Conwy CBC).
- Both partnerships clearly make the link between empty homes and increasing the supply of affordable housing. Properties, which are brought back into use through an empty homes grant are being made available for between 5 and 10 years for affordable housing and the lettings are filled from the waiting list of each local authority.
- Both projects revolve around sharing expertise. North Wales Housing Association provides revenue funding for the Empty Homes Officers and the expertise of their development team whilst Conwy County Borough Council and Denbighshire County Council provide and secure capital funding for grants and purchase of properties, the expertise for housing renewal and the work of their Strategy Teams.

- Each project is steered by a group of representatives from both NWHHA and the individual councils. Although separate, both projects have a key role to play in increasing the supply of affordable housing and contributing to regeneration initiatives such as the North Wales Coast Regeneration Area. The projects have close links with the strategies and business plans of both Local Authorities and NWHHA.

Annex F

Further Good Practice

N.B. The information contained in this Annex is not meant to represent a definitive list of current approaches to dealing with problem empty properties that are or have been successful. The examples are included as suggestions that Local Authorities may wish to consider and explore further when formulating or revising empty homes strategies.

Kent County Council – No Use Empty: Kent Empty Property Initiative

Overview

1. Kent County Council launched its 'No Use Empty' campaign in 2005 to examine better ways of delivering services, and particularly at working more effectively with district councils. The primary aim of the Initiative is to improve the physical urban environment in Kent by bringing empty properties back into use as quality housing accommodation.
2. The initiative was originally focused on the towns of the four districts of Thanet, Dover, Shepway and Swale, as research has found that the majority of empty properties (over 3,000) are located within these four districts. Additionally 19 of the 20 most deprived wards are also located within these same areas. In January 2008 Kent County Council expanded the initiative to include all 12 district councils in the county.

Objectives

3. Overall the aim of the initiative has been to substantially increase the number of long-term empty homes returned to use as good quality housing accommodation. A specific numerical target to return 372 empty properties to use over three years was set, which represented a doubling of previous rates. This was to be achieved through the development of new and innovative practice and improved partnership working. The total of 487 properties was achieved in the three-year period, which was a 262% increase on previous performance prior to the Initiative commencing.

Setting up the Scheme

4. Prior to the launch of the Initiative a large amount of research was undertaken to: 1) identify the location of the empty properties; 2) establish their condition and likely costs for refurbishment; 3) the full range of options available (in conjunction with the Empty Homes Agency) to help bring these properties back into use; and 4) to establish what help and assistance would encourage owners to return their properties back into use.

5. Using this research the Initiative developed a project plan that would focus on the following to secure its aim and objectives:

- an awareness campaign to highlight the issue of empty homes to be targeted at owners;
- the development of an information resource for owners, residents, and anyone else with an interest in empty properties. This led to the creation of the No Use Empty web site www.no-use-empty.org, and the production of regular newsletters;
- financial support to encourage owners to refurbish and bring their properties back into use;
- training for empty property officers and other local authority personnel involved in this work e.g. solicitors, planners, environmental health officers, building control on the enforcement options; and
- practical one-to-one on the ground guidance for empty property officers provided by the project consultant, utilising the range of legislative options and wider mechanisms.

6. Additionally a residents' and business survey was undertaken to gauge the impact of empty properties on resident and business confidence in their locality. A follow-up survey was undertaken in Summer 2008, which demonstrated an increase in business and resident confidence in their locality as a result of bringing empty properties back into use. In December 2006 the Initiative undertook a series of events, to which owners were invited, to launch the Initiative and outline the assistance available.

7. The Initiative has now developed three strands of financial assistance to use its capital funding (£5 million) to encourage the re-use of empty properties. These are as follows:

- *Loan Scheme* – loans are available to help owners/developers for the refurbish/conversion of empty homes or redundant commercial buildings to provide good quality residential accommodation. On completion properties must be made available for sale or rent. The loan fund is operated as a revolving fund, so that as loans are repaid, the money is then re-lent to support new schemes. £25K per unit, max £175K per applicant, secured as a charge based on a max 90% LTV.
- *Partnership Fund* – funding available to help the Districts undertake enforcement where deemed necessary e.g. Compulsory Purchase Orders, works in default or direct purchase. District Councils have extensive powers to deal with run down empty properties but often lack both financial resources and personnel or knowledge to effectively utilise these powers.
- *Direct Purchase Scheme* – involving the acquisition of empty properties by KCC for redevelopment into good quality housing accommodation.

Evaluation

8. The success of the project has been measured by the tangible results achieved through the number of empty homes brought back into use, which amounted to 487 properties in the first three-year period. A revised target of 650 properties being returned to use was set for April 2008-March 2010, which was achieved by April 2009 with 728 being brought back into use. Consequently, a new target of 850 properties was set to be achieved by April 2010.

9. The recently completed business and resident survey demonstrated an increase in confidence in localities as a result of bringing empty properties back into use. *No Use Empty* is now widely regarded as one of the most effective initiatives to deal with empty properties in the UK. The scheme and their partners have been nominated for awards such as the British Urban Regeneration Association and Margate Civic Society Award for the impact on the local environment and quality of the product.

10. The Empty Property Initiative has been incorporated into KCC's second Local Area Agreement as a target to support its joint wider regeneration projects within the four partner districts and increase housing provision and quality. Specifically the Initiative has linked with these regeneration projects to identify key properties to target for action. All districts had an empty property strategy in place prior to the commencement of the project. The Initiative has contributed to the aims and objectives of these strategies and increased the numbers of empty properties that have been brought back into use.

Lessons Learnt

11. The main lessons learnt from establishing the project were firstly, an awareness of the time taken to develop this type of Initiative. Although not overly complex bringing together the resources, information and personnel required took much longer than originally anticipated and there was a large time lag between the launch in December 2006 and the availability of the main financial funding. Good customer care was essential to keep clients informed of progress (or lack at times) in order to keep them on board.

12. Secondly, the importance of training both for personnel directly involved in empty property work and for departments that can make an input to this area of work e.g. legal, building control, environmental health and planning. For departments that contribute a "supporting" role an increased awareness and knowledge has brought about an increased level of support for empty property work, which is helping to tackle particularly difficult cases.

13. Thirdly, initially there was a lack of a corporate approach to the problem of empty properties, which resulted in Councils dealing with the problem in a piecemeal fashion. There was also a lack of understanding of the overall picture and the methods available to deal with empty properties. Creating a change in this culture has facilitated a more positive approach to the problem and a new willingness to embrace all the available tools to bring empty properties back into use.

14. Finally, shared learning – this has brought about an increasingly improved level of skills and knowledge, which are being effectively utilised in empty property work. Low cost training has been provided to over 600 officers, through the initiative. One aspect that has proved invaluable has been the services of the project consultant, who has provided ground support and practical training on the use of the wide ranging legislation.

Ceredigion County Council: Empty Homes Strategy - A Rural Renewal Area Perspective

1. Ceredigion County Councils Empty Properties Strategy was first published in 2006 and has resolved to tackle the issues surrounding problematic empty dwellings. Also of significance was the publishing of Ceredigion County Councils House Condition Survey (D Adamson, Edinburgh 2007) which highlighted key features of the housing stock within the county. The survey found that 10.5% of the total housing stock is vacant with a large number relating to transactional and short-term vacancies of 9.1% leaving 1.4% long term empty dwellings, latest figures utilised for 2008/2009 show 765 long term empty dwellings (over 6 months).

2. Since then work has been ongoing to address key objectives identified by the Empty Properties Strategy (Ceredigion County Council, 2006), these being:

Establishment of an empty properties register

- The Empty Properties Database is now fully operational and a working database that is updated quarterly with the aid of:
 - i. Council Tax information;
 - ii. identification of empty dwellings by council officers, councillors and other public sector representatives; and
 - iii. complaints from members of the public, as examples.
- Following the updates, questionnaires are sent to all newly identified empty property owners requesting information on 'current and proposed uses' of the properties. This acts as an important tool in engaging with the owners. On the return of the questionnaires council officers work with owners to identify suitable ways of bringing their properties back into use. A response rate of 47% is currently being achieved which greatly assists in ensuring our information is up-to-date and accurate.
- It also gives an initial perspective on what difficulties owners encounter with the empty dwellings and the reasons for their apparent neglect. The council is also engaging with external partners and organisations to assess what options may be available to owners in occupying their dwellings.
- By ensuring that the information held on the register is as up-to-date and as accurate as possible housing inspectors within the department can carry out field surveys of those properties where questionnaires have not

been returned in order to prioritise actions and assess occupation status. This is highlighted as essential in ensuring an up-to-date register as a result of the high percentage of short-term or transitional vacant dwellings.

Promotion of Regeneration Initiatives to Tackle Wasted Homes in Cardigan Renewal Area

- There is ongoing work within the Cardigan Renewal Area to provide funding towards the conversion of empty spaces into self contained units of accommodation. The council provides a 50% capped funding contribution, to a maximum of £15,000 per unit of accommodation, on the proviso that the flats are let to local people, students, key workers or council/ housing association waiting list tenants, at an affordable rent level under the council's nomination rights scheme.
- Since the Cardigan Renewal Area was declared in April 2004 up to June 2009, funding has assisted in bringing back into use 15 empty spaces or units of accommodation. This has resulted in the provision of 34 new units of accommodation. There is currently work underway to complete a further 9 units of accommodation in 3 identified empty properties.
- This has proven to be very successful within the town of Cardigan in providing a mix of tenure opportunities for members of the public. Affordability has also been a key objective within the nomination scheme. As an example Ceredigion Care Society now administer the letting management of a previously empty space above a shop that has been converted into 4 self contained flats of mixed tenure:

"This nomination scheme has provided a good standard of accommodation at an affordable rate for 3 of tenants who are in receipt of local housing allowance and also for a young couple who are in part time employment in Cardigan. They are hoping that now they are closer to work they can either pick up more hours or gain other part-time employment to add to the hours they already work".

Rachel Nicholas: *Ceredigion Care Society.*

Developing New Initiatives and a Range of Mechanisms and Options to Reduce the Number of Empty Homes

- A co-ordinated empty homes team has been established and meet regularly to discuss matters relating to achieving the objectives of the empty homes strategy. This will include representatives of the Council Tax department and officers are looking to invite key Council Members and other Local Authority departments to expand the membership.
- The Private Sector Housing Enforcement Strategy is currently being updated to further detail an enforcement options toolkit for tackling empty dwellings. Due to the range of difficulties encountered with empty

dwelling and the effects these have on local communities, with for instance, nuisance, vandalism, pest control and effects on local land values. The toolkit aims to focus intervention options available to enforcement officers. Problems associated with empty dwellings are wide ranging with each property presenting their own issues and difficulties, the toolkit aims to respond to this agenda and assist in determining the most appropriate courses of action. This work is being done in partnership with RH Environmental Ltd and involves the production of procedures and policy guidance for tackling empty dwellings.

- Work is currently underway to produce a mapping-based system for the plotting of empty properties that will in the first instance be available to local authority officers. Should the provision of both freedom of information and data protection legislation be satisfied there is the potential to extend this to a publicly accessible mapping system.

Newport City Council - Partnership Working

- Empty private sector properties are a major issue in Newport. There is considerable pressure placed on the housing stock in the city, across all tenures, particularly on the availability of affordable housing for local people. This, along with the number of homeless households, means that there is greater need to bring empty properties back into use. Empty properties, quite simply, are a wasted resource.
- Long-term empty properties attract crime, vandalism and anti-social behaviour thus tying up the resources of the Environmental Health, Building Control, Housing and Planning departments of the Local Authority along with the Police and Fire Services. Empty homes are detrimental to adjoining properties through damp and infestations. Unsightly boarded-up windows, doors and overgrown gardens also affect the value of neighbouring properties.
- Properties can remain empty for a variety of reasons and can therefore come to the attention of the authority in a number of ways. Numerous complaints about the poor condition of some properties bring them to the attention of the Strategic Housing Team at Newport City Council. Further investigation can show that they may have been empty for some time and have to be made secure by the Local Authority on numerous occasions as they can become targets for squatters. With stay away owners, private properties become public problems when the Local Authority has to intervene. Council Tax receipts are lost as a result of the property being unoccupied, while costs are being incurred through the involvement of Environmental Health and the Emergency Services.
- The procedure set out in the Newport City Council Empty Homes Strategy to engage with empty home owners is via a series of letters. Sometimes owners start to liaise with the Council and show an interest in selling the property but no action is taken. Further work carried out on the empty dwelling by Local Authority departments can then result in a charge being

made against the property enabling an Enforced Sale to be carried out. The owner of the property is then advised of every step of the process and given the opportunity to pay the charges on the property stopping the Enforced Sale.

- The charges are registered with the Land Charges Department and after the owner had been provided ample opportunity to repay the debt the charges are registered on the title of the property at HM Land Registry. If the owner of the property does not respond to any of the correspondence sent by the Local Authority and the charge remains unpaid. It can then be decided that the best course of action is to continue with the Enforced Sale procedure and the owner is informed that the Council will use its powers under the registered charge to enforce the sale of the dwelling to a management company, who could be a local Housing Association, who will work in partnership with Newport City Council to bring the property back into use.
- Such properties can be a great cause of much concern for the Strategic Housing Team at Newport City Council. Once Enforced Sales are completed, sometimes with grant funding provided by Newport City Council, properties can then be renovated to change them from long-term empty eyesores into quality family homes. This can then result in Newport City Council receiving 5 years nomination rights on the property once refurbishment is completed.
- Some housing associations are happy to assist Newport City Council in their objective of tackling long-term empty properties which attract anti-social behaviour. Enforced Sale is sometimes essential as negotiations between Newport City Council and owners can fail. Although such cases can be difficult and the process of returning an empty property back into use is challenging, it can work effectively and previously abandoned properties can be transformed into new homes for people who are in housing need.

Annex G

Empty/Void Unsecured Buildings

- The Wales Arson Reduction Strategy 2009 www.wales.gov.uk/fire recognises the risks which are posed to our communities and the emergency services by unsecured void buildings and sites.

- It states that:

Deliberate fire setting continues to have a negative impact on the environment and our communities.

The impact of deliberate fire setting undermines social and economic confidence and draws on resources which could be utilised more effectively elsewhere.

The maintenance and improvement of both the quality and appearance of the environment in which we live should influence and inform stakeholders in their work to build safer communities, reduce the fear of crime and promote community confidence.

- The strategy identifies that we need to reduce the opportunities for deliberate fire setting at vacant sites and buildings. The rationale which supports our action is that unsecured empty properties and sites are a focal point for anti-social behaviour including deliberate fire setting and present a high level of risk to our communities and the emergency services. They are frequently poorly maintained and vandalised resulting in an adverse impact upon the environment.
- Empty buildings are at risk from various forms of criminal activity and deterioration, the risks increase if the building is left empty for any length of time. Precautions taken at the time a building becomes empty and subsequent follow-up action will minimise the risk of loss or damage. The problems surrounding these premises can blight the lives of the local community and impact heavily on key partners' resources.
- Our goals are to ensure owners of vacant sites and buildings within our communities take responsibility to secure, maintain and monitor their assets and to ensure unsecured sites and buildings are secured as soon as possible following their discovery, thus mitigating the risk and removing the potential for deliberate fire setting and anti-social behaviour.
- Should these goals be achieved our communities will see an improvement in their environment and a reduction in deliberate fire setting and anti-social behaviour. The resulting reduction in incidents relating to these sites and premises will enable key partners to direct resources into other areas.

Risk and consequence

- A poorly maintained empty property will affect the owner the community and the emergency services in many ways.
- It may attract:
 - squatters;
 - persons wishing to steal the contents such as central heating systems, fireplaces wiring etc;
 - young people using the site as a playground;
 - persons engaged in drug taking activities and the resulting abandoned paraphernalia such as needles and syringes;
 - persons consuming alcohol;
 - persons intent on damaging the property through vandalism and graffiti;
 - arson/deliberate fire setting.
- Should there be a fire at this address adjacent properties may be damaged and their occupants placed at risk. In the event that the Police Service is responding to the report of a missing person in that area , any unsecured property will be searched. A run down and unmanaged property will present additional risks to search teams.
- A run down and unmanaged property may attract crime. Increased levels of anti-social behaviour and its associated crimes will reduce community confidence. Incidents at a badly managed property can place a strain on the resources of the emergency services. Multiple calls to increased levels of activity at a property can be prevented by good management.
- Emergency services may encounter a high degree of risk at an empty property where the contents have been left in situ, the services are live, and the building may have been vandalised. The environment within a community can be degraded by a property which is run down and uncared for. The appearance of a property can adversely affect community spirit and reduce the possibility of inward investment. Local property prices may also be affected.
- Injuries to members of the community or the Emergency Services incurred at the site or property may expose the owner to litigation should it be shown that the site or property had not been managed in a responsible fashion.

Management of an Empty Property

- There are many measures which owners should consider in order to protect their assets the community and the Emergency Services, these should include: ensuring the property or site is secured in an appropriate and robust manner and monitoring the property regularly in order to identify any emerging problems and to repair any damage which may have occurred. Small amounts of damage can escalate into larger incidents and give an impression that the property is uncared for.
- Talking to neighbours may provide you with additional protection for your property. Offer them your telephone number and consider leaving a key for emergencies. Ensure your local Police are aware of the location of any key holders.
- Report any criminal activity to the Police Service and any signs of fire (even if it has been extinguished) to the Fire and Rescue Service. In order to keep your property and the local community safe the Police and Fire Services need to monitor any activity which may indicate an emerging problem in order to develop crime reduction strategies.
- Isolate the mains electricity and gas supplies where appropriate. Emergency personnel who have to gain access in order to carry out operations or members of the community who have gained unauthorised access are at increased risk of injury or death from gas and electricity supplies which remain live.
- Remove any sources of ignition and any potential fuel. Items which are available externally can be used to damage the property. Items stored internally such as furniture or other high risk items such as compressed gas cylinders will provide fuel for any potential arsonist and increase the risk to the emergency services that may have to attend an incident at that property/site.
- Suspend or stop any postal or newspaper deliveries to that address. These items can build up behind the front door and provide fuel should an arsonist wish to push a source of ignition through a letter box or has gained entry and needs fuel to start a fire. A build up of mail behind a door can also indicate that the property is empty encouraging those who may wish to enter the property illegally.
- Maintain the external aspects of the property such as hedges and lawns. Such maintenance will prevent the property giving an impression of being derelict or vulnerable. Such management will also ensure that natural surveillance is possible for nearby residents or any other members of the public passing your property.
- Inform the Police Service that the property is empty and seek crime prevention advice should you feel it is necessary. Inform your insurance company. They will have specific measures which they wish you to employ

in order to protect your property and reduce their exposure to claims against a policy. Failure to inform your insurer may result in the benefits of your policy being reduced or lost completely.

- Consideration may be given to the employment of security services who can provide regular surveillance. Consider maintaining any existing intruder alarm systems.
- Ensure that smoke detection is fitted or maintained (even if the property is empty the alarm may be heard by others who can alert the Fire and Rescue Service to a fire at your property).

Annex H

Extracts from Empty Homes Strategies

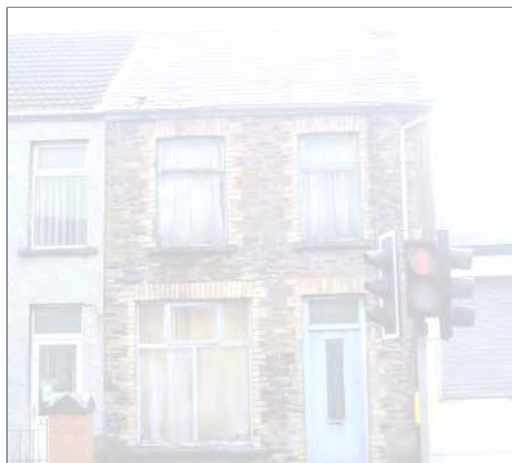
We are very grateful to the following Local Authorities for allowing us to reproduce section of their Empty Homes strategies as possible examples for others to follow:

1. Caerphilly County Borough Council – Empty Homes Strategy

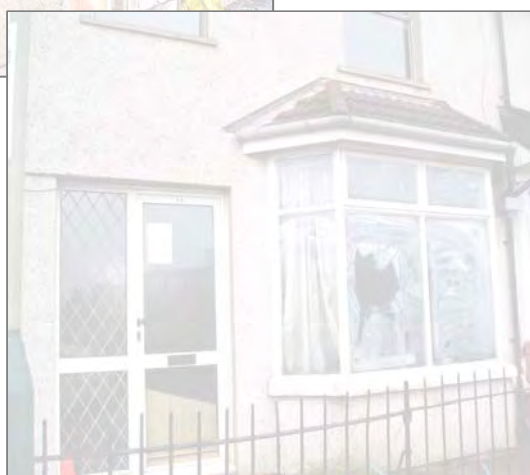
(N.B. This is the empty homes strategy which Caerphilly County Borough Council produced in 2006. This has since been revised in 2008).

2. Denbighshire County Council – Empty Homes Strategy

PRIVATE SECTOR HOUSING



Empty Property Strategy



CAERPHILLY COUNTY BOROUGH COUNCIL
DIRECTORATE OF THE ENVIRONMENT

Contents

	Page
1.0 Introduction	4
The reasons why dwellings become vacant	
The National Situation	
The Caerphilly Picture	
The Cost of keeping properties empty	
2.0 Assessing the scale of the Empty property problem in Caerphilly	9
How do we identify problematic empty properties?	
How do we record our empty property information?	
How do we prioritise our actions on empty properties?	
3.0 What the authority can do?	12
What the authority has done	
What the authority will do	
4.0 Staffing and Resources	15
Monitoring and Review	
How will we publicise the strategy?	
5.0 Strategic Aim and Objectives	16
6.0 Consultation response	17
References and bibliography	18
Chart 1. Number of exempt dwellings in Wales by class of exemption 2004-05	7
Chart 2. Chargeable dwellings in Wales by percentage in each band 2004-05	8
Figure 1. Privately owned empty property numbers by area	10
Appendix A: Strategy Action plan	19
Appendix B: Range of enforcement powers available	23

1.0 Introduction

At any given time there will be a number of private sector vacant dwellings within an area, allowing for residential mobility and the improvement or redevelopment of the housing stock. This is accepted as both an inevitable and essential feature of an effective housing system. Empty properties within the private sector fall into two groups: *transitional vacants* and *long-term problematic empty properties*. The transitional vacant dwellings are re-occupied relatively quickly and are necessary for mobility within the local housing market. Problematic empty dwellings however, have become the focus of attention both nationally and locally, to such an extent that the Government and the Assembly have determined that a strategic approach must be taken at a local level to respond to this wasted resource.

This strategy represents an integral part of the council's overall housing policies to meet both the individual need for housing and the community, and the need for regeneration and renewal, and to sustain communities within the borough. The ultimate aim of this strategy is to identify homes that are empty and bring them back into use.



The council will use a range of existing measures, including advice and enforcement tools where necessary, to obtain the overall aim of the strategy. The council will also use new research and will actively seek out examples of good practice in order to pursue its aim to bring problematic empty dwellings back into beneficial use.

The reasons why dwellings become vacant

Privately owned empty dwellings exist within any community as a result of the local housing market function. When dwellings stand empty and unused for any length of time, gardens become overgrown; they can become a target for antisocial behaviour activities and vandalism and detract from the visual amenity of any residential area. Research conducted for the Government in 1996 (HMSO 1996) found that a range of processes were responsible for the creation of long-term vacant dwellings:

- The dwelling is in a **dilapidated**, uninhabitable condition and requires repair, alteration, renovation or improvement prior to habitation.
- Dwellings were found to be **abandoned** due to their construction type or location and therefore difficult to market.

- **Unresolved ownership** issues such as an owner dying intestate, requiring a lengthy legal process to take place before marketing the dwelling.
- The dwelling is retained as an **investment holding**, where the owner prefers to 'test' the housing market.
- The dwelling is kept empty as an **inheritance holding**, where the owner may wish to reside at the property in the future, at short notice, and not wishing to let in the meantime.
- As a **mobility holding**, where an owner may live abroad or outside the district but intends to occupy in the future.
- As a **co-habitation holding**, where one of the joint owners doesn't wish to sell or let the property.

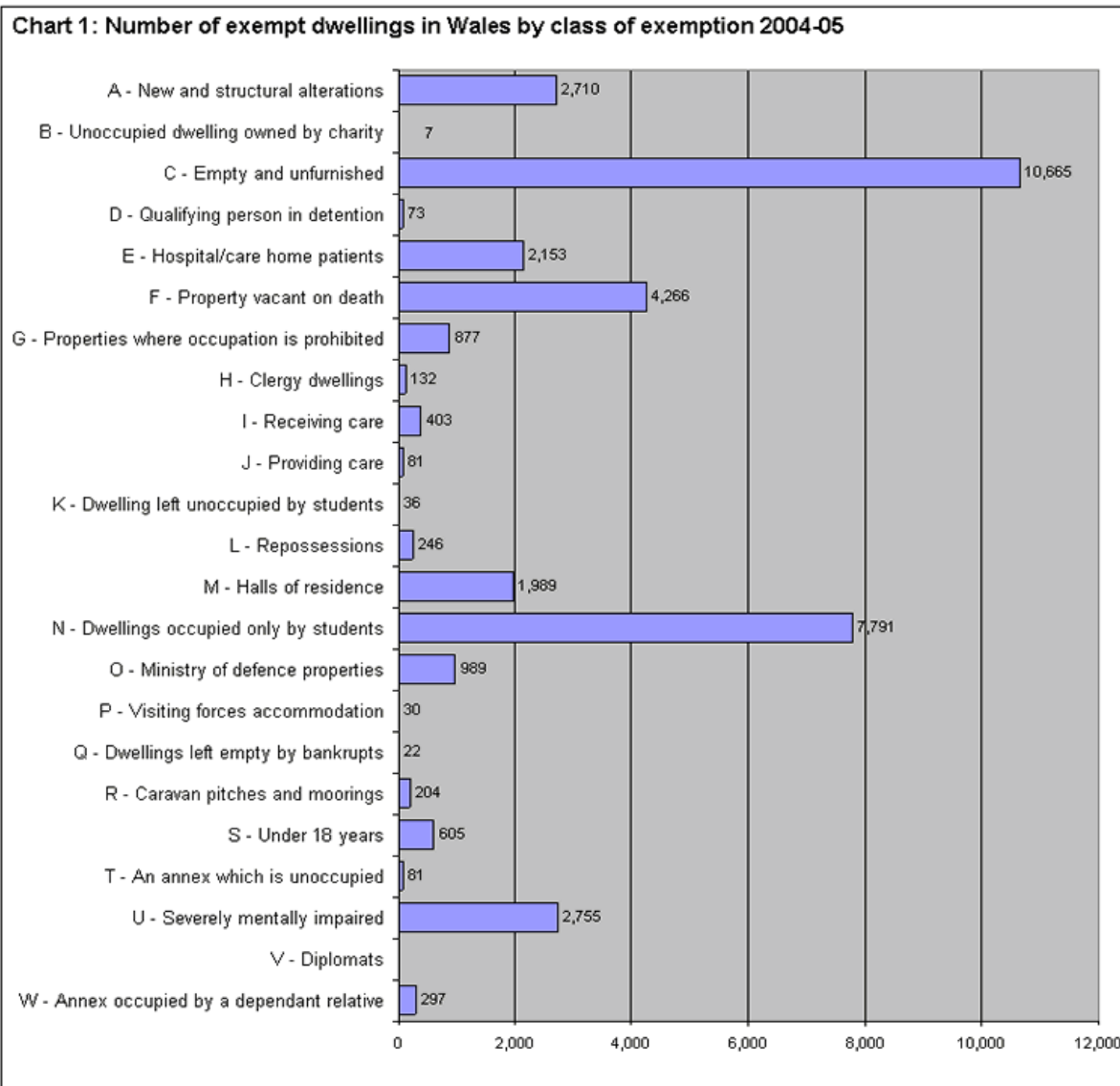
Additional reasons suggested for dwellings being left empty were that owners were unsure of how to let a property, or were not inclined to go to the trouble of doing so, or were unwilling to sell because of capital gains tax (CIH 2003). Other suggested reasons are bankruptcy of the owner, long-term hospitalisation of the owner and repossession of the property.

The National Situation

2001 census returns provide estimates of the number of empty dwellings across all tenures as around 51,000. However, private sector dwellings account for the greater majority of these properties and there is evidence that there has been a steady decline in the number of vacant dwellings since 1999, when the housing market became buoyant and house sales steadily increased. Reasons suggested by the CIH (2003) for the decline in empty dwellings are that Local Authorities have targeted the improvement of these properties through grant assistance, and also that the housing market has become dynamic, reducing the timescale that dwellings have remained empty.

In addition to census returns, Council Tax data sources, published by the National Assembly, provide statistics for the number of properties liable for Council Tax in Welsh Local Authorities for the financial year 2004-05. The data is taken from the Council Tax dwellings returns supplied by the Welsh County and County Borough Councils.

Overall, the total number of properties liable for Council Tax in Wales for 2004-05 is 1,275,017, a rise of 1% over the previous year. This total is equivalent to 1,075,697 Band D properties. The authority with the highest rise is Denbighshire 3.9%. Torfaen is the only authority to show a fall in tax base (-0.1%).



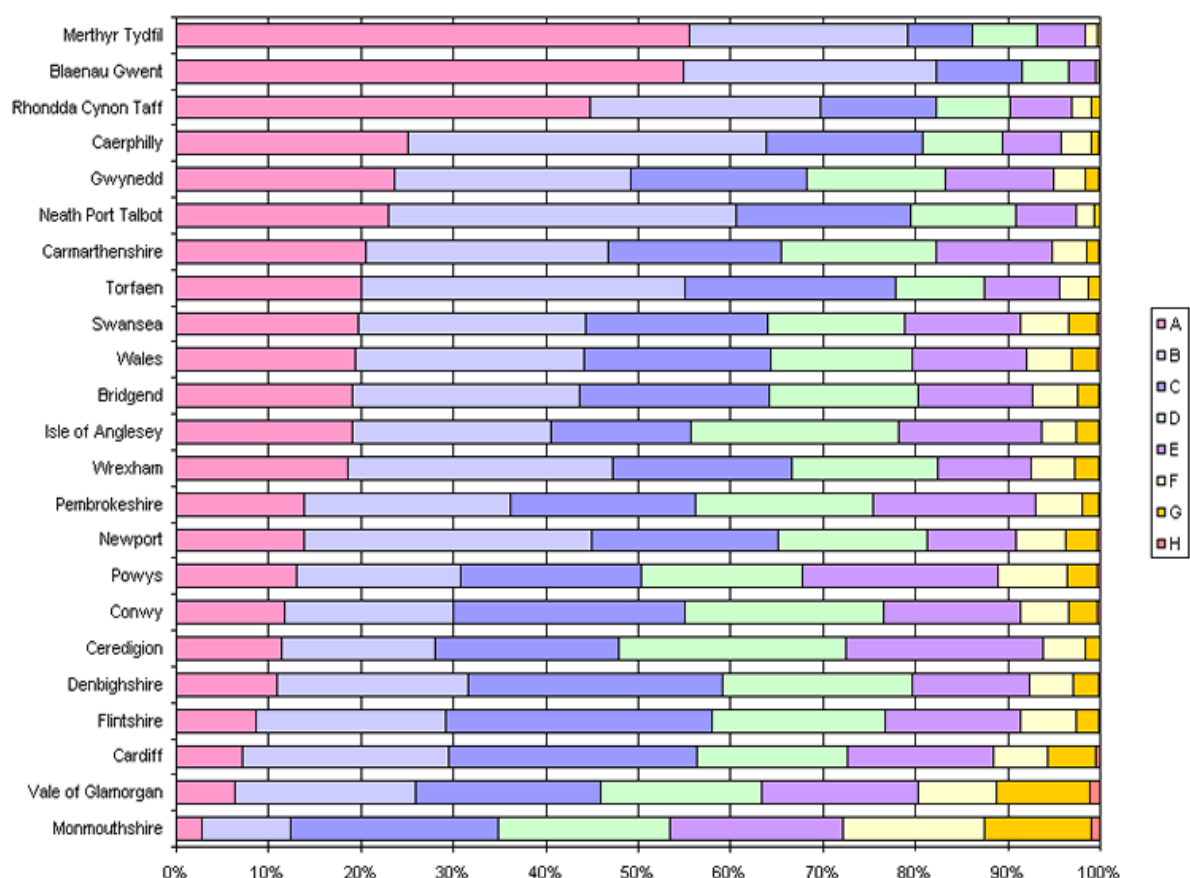
There are 36,418 dwellings in Wales that are exempt from Council Tax, the largest exempt category being empty and unfurnished (29%), followed by student properties (21%), with an additional 5% for halls of residence (see Chart 1).

The Caerphilly Picture

The private housing stock figure as reported by the Caerphilly CBC Council Tax section is 61,700 for the financial year 2004/05, of which 910 are long-term empty properties (defined as being vacant for 6 months or longer). The empty properties that make up the total are properties that are exempt from Council Tax payment for reasons as indicated in the exemption classes shown in Chart 1 above.

Chart 2 shows the percentage of dwellings in each of the 8 Council Tax bands for all the Local Authorities in Wales. Properties are placed into the appropriate Council Tax band depending on the value of each property (Band A being the lowest value). It can be seen that Caerphilly CBC has 62% of its chargeable housing stock in Bands A and B, which when compared to the other Local Authorities in Wales demonstrate the lower value of Caerphilly CBC housing stock.

Chart 2: Chargeable dwellings in Wales by percentage in each band 2004-05



The Cost of keeping properties empty

When a dwelling stands empty, it is only a matter of time before Local Authority staff such as environmental health officers, community wardens, pest control officers and housing technical officers become immersed in the problems created by the property. Dealing with complaints relating to the dwelling costs Authorities dearly in officer time and resources. In some cases, Police and Fire Authority Services are also required. The Royal Institute of Chartered Surveyors (2004) has estimated that the average costs of keeping a property empty are in excess of £6000 per year. This figure includes costs for Council Tax, insurance, repair costs (both by the owner and the Local Authority) and loss of possible rental income. The longer a property stands empty, the higher the repair costs are likely to be. From experience with the renovation of empty dwellings through the Authority's grant system, the costs of the work required to render the property fit for human habitation have ranged from £10,000 to £45,000.

2.0 Assessing the scale of the Empty property problem in Caerphilly

The starting point in tackling the problem of empty property in Caerphilly is the Council Tax database. As noted in the previous section, 910 privately owned empty properties currently stand empty. Whilst the Council Tax database provides a list of properties exempt from payment, no information is held on the physical condition of each of these properties. Furthermore, the exemption Category 'A' refers to those properties that are uninhabitable due to refurbishment or renovation and does not distinguish these properties from those that are 'abandoned' by the owner. Having the Council Tax exemption data does provide a means to undertake statistical work for empty properties as a whole, but it does not allow for the determination of the number of *problematic* empty properties within the borough.

Figure 1 shows the number of empty properties on an area basis, using data obtained from the Council Tax database. It is worthy of note that the spread and distribution of the number of empty properties cannot be predicted i.e. we cannot apply stereotypes or assume that a given area will have fewer empty properties due to its affluence. Current Council Tax information informs that the Caerphilly and Penyrheol wards (combined) have the highest number of private empty properties, which accounts for approximately 10% of the total.

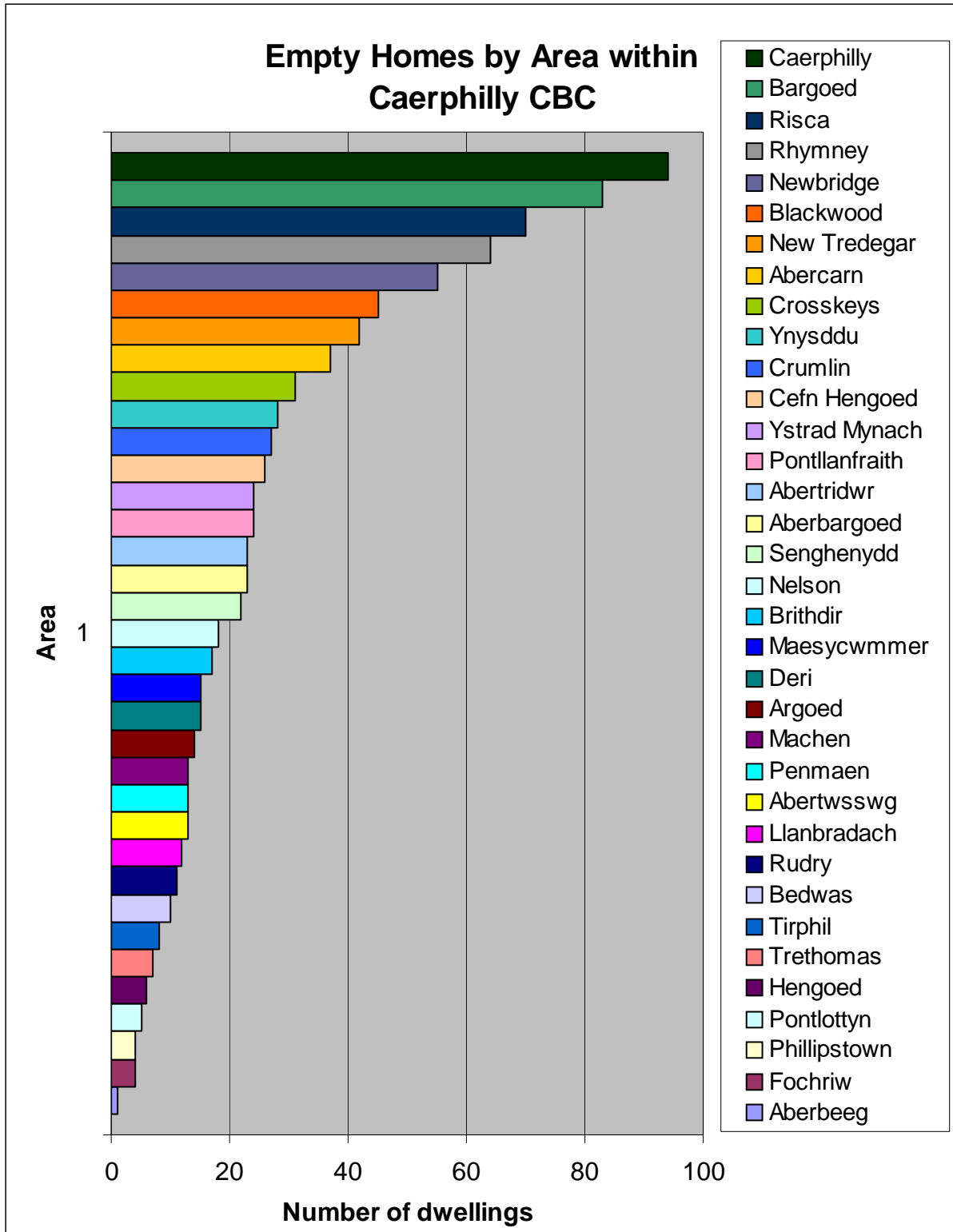


Figure 1. Privately owned empty property numbers by area

How do we identify problematic empty properties?

Our awareness of problematic empty properties arises through a variety of routes:

- Through applications for Home Improvement Grants.
- Through complaints from the occupants of neighbouring properties.
- Through referrals from local ward members.
- Via officers dealing with associated issues such as vermin sightings and accumulations of litter.
- Through area housing initiatives such as group repair schemes and renewal areas.
- Via estate agents and prospective purchasers.

How do we record our empty property information?

All complaints relating to privately owned empty properties are held on the authority's FLARE computer database. Whether relating to sightings of rats, dangerous structures or empty properties open to trespass; the specific complaint information is recorded against each premises. Additional codes have been added to the FLARE database in order to differentiate the property type as an *empty* property as opposed to an *occupied* one. As detailed information builds up for each property, case files are necessary which are held within the private sector housing office. As with all details and information regarding property and ownership, the requirements of the Data Protection Act apply to all records held by the authority.

How do we prioritise our actions on empty properties?

A priority rating system has been developed to ensure that the worst empty properties are dealt with first and, that resources are targeted towards properties where there is the greatest need. The priority rating system examines four main criteria relating to the property:

- ❑ Has the property been vacant for more than 12 months?
- ❑ Is there a history of complaint relating to the appearance or condition of the property on the authority's FLARE system?
- ❑ Does the external appearance of the property detract from the visual amenity of the surrounding properties?
- ❑ Are there registered charges held against the property as a result of previous works being undertaken by the Authority in default of a notice?

The answers to these questions along with an assessment of the property by an officer allows us to differentiate between the most urgent and less urgent cases. It should be noted however, that regardless of the priority rating system outcome, enforcement action is taken whenever necessary to protect the public or neighbouring properties. Examples of the range of enforcement powers available to the authority are given in Appendix B.

3.0 What the authority can do?

- ➡ Grant assistance.
- ➡ Renewal area-group repair.
- ➡ Fast track first time buyers through the grant process.
- ➡ Landlord grants.

Grant assistance

Is available to any empty property where the following criteria are met:

- ➡ The property is unfit for habitation.
- ➡ The property has been in the ownership of the applicant for 3 years or longer.
- ➡ The property was built before 1964.
- ➡ The property is in Council Tax band A to D.

The applicant will be means tested in accordance with the Caerphilly CBC Private Sector Housing Renewal Policy to establish whether they can be reasonably expected to contribute towards a Home Improvement Grant to return the property to a fit and habitable condition. Post grant conditions are that the property is occupied in accordance with the appropriate signed Future Occupation Certificate for a minimum of 5 years.

Renewal Areas

Empty properties in the renewal areas of Llanbradach and Rhymney will attract priority status in terms of grant assistance. In short, empty property owners will not be subject to the usual waiting list, but will fast track the grant system to enable property improvement in these key areas. Group and Block repair schemes within the Renewal Areas will also be of benefit to property owners who would be encouraged to improve their properties with the benefit of such schemes.

Fast tracking 'Home improvers'

The authority is aware that the spiralling cost of property has created difficulties for first time buyers attempting to get on to the property ladder. Empty properties on the open market often attract investment buyers and builders who have the means to improve these properties. However it is often the case that first time buyers are priced out of the market and it is this group of potential property owners that the authority would most like to assist with grant aid in line with Key Priority 3 of the Authority's Private Sector Housing Renewal Strategy.

Landlord grants

These grants are available where the property is unfit for habitation and is let to a tenant for a minimum of 5 years following completion of the grant works. The landlord grant will assist financially on a 50:50 basis up to a maximum of £15,000. Whilst these grants are available in any area of the borough, applicants for landlord grants in the two Renewal Areas will receive priority status where the property of concern is a long-term or problematic empty property. However, care must be exercised when considering assistance that will increase the number of houses moving from what was originally owner occupation to the private rented sector. In offering assistance in this manner, the housing conditions and needs of the area will always be a major consideration.

What the authority has done

The authority has to date made several steps towards tackling the problem of empty properties within the county borough:

- Dedicating a housing environmental health officer to take forward this initiative.
- Developing a list of priority problematic empty properties.
- Employing a mixture of advice, grant aid and enforcement powers to return properties to a fit and habitable condition and return them to beneficial use.

What the authority will do

The authority will:

- Actively seek examples of good housing practice and innovation to return long-term problematic empty properties back to beneficial use.
- Use enforcement powers and enforced sales procedures where cooperation with property owners cannot be achieved to return properties to beneficial use.
- Take advantage of forthcoming housing legislation to adopt suitable empty property schemes e.g. nominated rights powers.
- Seek new housing policy initiatives to assist first time buyers.
- Develop a 'landlord pack' to provide owners of empty properties with information where they are considering becoming a landlord.

Monitoring and Review

For any strategy to be effective it is essential that there is clear and careful monitoring on the extent to which the strategic objectives are being met, and the effectiveness of the various actions the authority is taking. The authority has a target number of private empty properties to return to beneficial use within the first year of the strategy, which is also a Welsh Assembly Government Performance Indicator

(NAWPI 4.1(b)). The primary monitoring exercise will focus on the effectiveness of the strategy in achieving this target.

How the empty properties were returned to beneficial use will be an important feature of the monitoring process; whether achieved through advice, grant assistance or enforcement, this information will be used to inform future strategic direction at the strategy review stage.

How much is spent in achieving the strategic objectives will require careful monitoring, not only to inform future strategic options but also to ensure that the authority can demonstrate a viable and accountable service.

Implementation of the strategy will also be monitored to give a measure of the success of the different approaches to empty property returns have been. For example, will taking an 'advisory approach' with a property owner be sufficient to return a property to use, or will the authority need to resort to enforcement action in every case?

The Authority will monitor the effectiveness of our publicity with regard to empty properties by measuring the number of complaints received about properties, the numbers of grant enquiries received and the impact of the strategy within the Authority's two Renewal Areas.

4.0 Staffing and Resources

The financial implications of the empty property strategy relates to capital funding where grant aid is considered. In implementing the strategy the Private Sector Housing grant budget will be sufficient to accommodate any demand generated by the strategy implementation and associated grant assistance. The existing resources of the Private Sector Housing team are sufficient to drive the strategy.

How will we publicise the strategy?

Several means of providing information to the public are available to the Private Sector Housing team that will be valuable tools to share information across the borough. Firstly, the empty property strategy will be included on the authority's web site, which will also provide contact details for the empty property officer. The Caerphilly News line newspaper will [http:// intranet/ccbc@www/newsandviews/news/newsline/currentissue.htm](http://intranet/ccbc@www/newsandviews/news/newsline/currentissue.htm) also be used to feature the strategy initiatives and provide contact details for the empty property officer. Information on becoming a landlord will also be developed by the housing team to assist and advise potential buyers of empty property who are considering 'buying to let'.



5.0 Strategic Aim and Objectives

The strategy objectives support the overall aim to return the long-term private empty properties within the County Borough to beneficial use. The strategic objectives will be achieved through a programme of activities and actions in the short, medium and long term. Some work towards tackling empty properties within the county borough has already taken place, but many of the tasks necessary to achieve the strategy objectives are still in the planning stages. As discussed in the 'Monitoring and Review' section of this document, it is essential to monitor the progress through the action plan and give careful consideration of the effectiveness of the strategy during the review period.

Strategy Aim

To return the long-term private empty properties within the County Borough to beneficial use.

Objectives

1. To raise awareness of empty property issues with property owners, the local community, local members and community councillors.
2. To work closely with internal and external partners to sustain and develop initiatives to turn empty properties to beneficial use.
3. To maximise all resources (funding, advice, planning powers and enforcement action) to turn empty properties into homes.
4. To identify through research why properties become and remain empty and utilise that information to inform the strategy review process.

The 4 key strategic objectives will be achieved through a program of actions and tasks that support the overall strategic aim. The Action Plan is contained in Appendix A.

6.0 Consultation

No adverse comments were received from the consultation process.

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- ☐ *Housing Division Service Improvement Plan 2003-2004* Housing Services and Building Maintenance. Caerphilly CBC
- ☐ *Private Sector Housing Renewal Policy 2003-2006*. Caerphilly CBC

Appendix A: Strategy Action Plan

1. To raise awareness of empty property issues with property owners, the local community, local members and community councillors.			
Action	Task	Target	Partners
1.1 To encourage involvement of the whole community through the sharing of information and an effective communication strategy.	Regular press releases of empty property related items in the Authority's News line publication. Publicise the empty property strategy on the Authority's web page and on the intranet.	Quarterly news features. Ongoing.	Communications Unit and Media Officer Corporate IT
1.2 Promote the empty property strategy by maximising media coverage and raise the profile of the authorities work on problematic empty homes.	Produce an empty property awareness leaflet to be included in Council Tax demands.	On adoption of the strategy and ongoing thereafter.	Council Tax Department
1.3 Increase awareness of empty properties amongst those officers in direct contact with the public.	Publicise the empty property strategy on the intranet facility. Use the intranet to share information, report empty properties and assist in tracing property owners.	On adoption of the strategy and ongoing thereafter.	All Local Authority staff

2. To work closely with internal and external partners to sustain and develop initiatives to turn empty properties to beneficial use.			
Action	Task	Target	Partners
2.1 Promote the availability of grants and other services of private landlords and property owners in relation to prioritised empty properties.	Produce an empty property grant information pack for owners.	January 2006	Home owners Letting Agents Empty property owners Private landlords Registered social landlords
	Produce an advice and information pack for prospective landlords.	January 2006	
2.2 Create an information database reflecting the number and location of long-term private sector empty properties.	Liaise with Council Tax Department to update members of private properties empty for more than 6 months.	Annually	IT Department Council Tax Department
2.3 Raise the profile of the Authority's Landlords Forum.	Utilise the Landlords Forum to promote the empty property strategy, provide advice and share information.	On adoption of the strategy and ongoing thereafter.	Caerphilly Landlords Forum Communications Unit

3. To maximise all resources (funding, advice, planning powers and enforcement action) to turn empty properties into homes.			
Action	Task	Target	Partners
3.1 Develop an enforcement approach to deal with owners of empty property who do not voluntarily return the property to beneficial use.	<p>Develop procedures for the use of enforced sales, compulsory purchase and empty dwelling management orders.</p> <p>Review the existing Private Sector Housing Renewal Policy in relation to enforcement options.</p>	Ongoing and subject to the enactment of relevant legislation.	<p>Legal Services</p> <p>Manchester City Council</p> <p>Housing Scrutiny Committee</p>

4. To identify through research why properties become and remain empty and utilise that information to inform the strategy process.			
Action	Task	Target	Partners
4.1 To monitor the empty property agenda including legislation and research.	Participate in relevant conferences and training events where good practice can be shared.	To provide examples of good practice – ongoing.	Council Tax Department Empty Homes Agency IT Department Environmental Health Department
	Liaise with the Council Tax Department to keep up to date with numbers of empty properties.	To provide feedback for the empty property strategy and to inform the review process – annually.	
4.2 Develop a system of investigating ownership of empty properties.	Establish a database on which all prioritised empty property investigations and actions can be recorded.	To enable the calculation of return for NAW BVPI – annually.	

Appendix B: Range of enforcement powers available

Situation	Statute	Purpose
Dangerous or dilapidated buildings or structures	Building Act 1984 Sections 77 and 78	To require the owner to make the property safe or to enable the authority to take emergency action to make the property safe
	Housing Act 1985 Section 189 and 190	To require the owner to make the property fit for habitation or require repairs
Unsecured properties (if they pose a risk that they may be entered or suffer vandalism, arson or similar)	Building Act 1984 Section 78	To allow the local authority to secure the property
	Local Government Miscellaneous Provisions Act 1982 Section 29	To require the owner to take steps to secure the property or the local authority to board up the property
	Environmental protection Act 1990 Section 80	
The presence or likely presence of vermin	Public Health Act 1961 Section 34	To require the owner to remove waste so that vermin are not attracted to the site
	Prevention of Damage by Pests Act 1949 Section 4	
	Environmental Protection Act 1990 Section 80	
Unightly land and property affecting the amenity of the area	Town and Country Planning Act 1990 Section 215	To require the owner to take steps to address unsightly land or the external appearance of a property

Denbighshire Empty Homes Strategy



2009 - 2012



2. Introduction

Welcome to Denbighshire's first Empty Homes Strategy. This document sets out our plans for bringing the County's empty homes back into use over the next 3 years. It outlines our proactive, co-ordinated approach to tackling the problem of empty homes with our partners. Tackling Denbighshire's 800 long-term private sector empty homes is very much a positive project for all:

- **For those in housing need** – there's an empty home for every four households on the Council Housing Waiting List and seven for every homeless household who the Council had a duty to re-house in the last 12 months. There are real opportunities to use these homes to increase the supply of housing available to these households.
- **For those living nearby** – deteriorating empty homes can blight a street and undermine the community's confidence in an area. It is estimated that adjoining homes may be devalued by up to 18% (Royal Institute of Chartered Surveyors).
- **For the owner** – it costs money to leave a home empty.
£5,700 in lost rent (2 bedroom average rent)
£1,150 on Council Tax (Band D – full charge payable after 6 months)
£1,500 through dilapidation, management, security and insurance
That's £8,350 per year – it just doesn't make sense to leave it empty.
- **For the Council and emergency services** – Dealing with complaints and being called out to empty homes costs the Council, Police and Fire Service thousands of pounds each year which could be used on other services.
- **For the environment** – it would take 12 football pitches (probably of greenfield land) to rebuild the 800 homes that lie empty. It's far more sustainable to use up what we've got first.



Deteriorating empty homes can blight a street and undermine a community's confidence in an area.

3. Objectives

With all this in mind our objectives for this strategy are to:

- **return as many empty homes as possible back into residential use**
- **improve the physical condition of the existing built environment by targeting the most prominent empty homes**
- **utilise empty homes for affordable housing thus reducing the demand for greenfield development by maximising the use of the existing housing stock**
- **recover debts owed to the Council by empty home owners**

We also want to explore the wider benefits of bringing empty homes back into use, such as opportunities for training and skills development and developing specialist housing schemes (see 10.).



There are real opportunities to use these homes to increase the supply of housing available to these households.

4. Background

The Empty Homes Agency predicts that there will be 1 million empty homes in the UK by the end of 2009. Over 60,000 of these will be in Wales representing 5% of the total number of homes.



The Empty Homes Agency is an independent campaigning charity, which exists to highlight the waste of empty property in England and works with others to devise and promote sustainable solutions to bring empty homes back into use.

Changes to the housing market and demand for affordable accommodation have obliged us to look at these empty homes. When house prices soared affordability became a major issue. With the market slowing developers have stopped building and one of our main sources of affordable housing through the planning system has dried up. Without intervention the number of empty homes is likely to rise as owners struggle to sell and re-possession will increase.

4.1 Definition

This strategy focuses upon "long-term empty homes" which have been unoccupied for more than 6 months and have previously been used as a residential dwelling.

We want to target properties where there is no viable plan to bring them back into use. In the current housing market this includes properties that are for sale and we will advise and assist owners who have actively marketed their property for 6 months or more.

It is not within the scope of this strategy to provide assistance in the following circumstances:

- new build empty homes – there is a separate Welsh Assembly Government initiative to assist developers who have unsold, newly completed units
- partly empty houses in multiple occupation (HMOs) and non-self contained flats – the Local Authority Housing Enforcement Team regulate HMOs. This is done using the Housing, Health & Safety Rating System, mandatory licensing and the proposed additional licensing scheme.
- agricultural homes and business premises

We will review this definition annually to ensure that it continues to meet current priorities and conditions.

4.2 The National Context

The need to tackle empty homes has become more widely recognised in Wales in recent years. Both the Joseph Rowntree Foundation (JRF) Commission report into Rural Housing in Wales (June 2008) and the "Essex Review" into Affordable Housing (September 2008) recognised the role that empty homes had in increasing housing supply.

"It is likely that actions on empty homes can potentially make an important contribution to meeting rural housing needs" JRF Commission

"Local authorities should develop an ongoing programme of tackling empty private housing in their area, working with landlords, housing associations and developers where appropriate." Essex Review



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

In response the Welsh Assembly Government (WAG) is clearly promoting increased action on empty homes in the draft National Housing Strategy, Sustainable Homes (January 2009).

"...any unnecessarily empty home is one less available for someone in need. Action plans to quantify and address empty homes need to be part of the armoury of affordable housing delivery." WAG

Local Authorities are now required by the WAG to produce an Affordable Housing Delivery Statement setting out how they will improve delivery of affordable housing, including the use of long-term empty homes.

To assist Local Authorities, WAG are re-writing their guidance on bringing empty homes into use and have provided funding to Shelter Cymru to support and build up the capacity of Empty Homes Officers.

Shelter
Cymru

4.3 The Regional Context

**8,000
HOMES
LIE
EMPTY**
... while 35,000 people are
linguishing on North Wales
council waiting lists — P4

In North Wales the empty homes issue is gaining momentum. In August 2008 a Daily Post headline announced that there were 8,000 empty homes across the region whilst 35,000 people waited for accommodation.

All North Wales Council's have recognised the need to tackle empty homes and are at various stages of bringing them back into use. Talks have begun to set up a network of the regions Empty Homes Officers to share experiences and good practice.

4.4 The Local Context

A concerted effort to bring Denbighshire's 800 empty homes back into use began in July 2008 with the launch of the Denbighshire Empty Homes Project and appointment of a dedicated Empty Homes Officer.

An innovative partnership with North Wales Housing Association has been formed to employ the officer and clearly make the link between empty homes and increasing the supply of affordable housing.



**The Denbighshire
Empty Homes Project**

Key milestones have been set for the 3-year project to:

- **develop an Empty Homes Strategy for the County**
- **create a database of empty homes**
- **source funding opportunities**
- **develop options for bringing empty homes back into use**

The project is steered by a group of representatives from both organisations including the Council's Lead Member for Regeneration and a Board Member of North Wales Housing Association.

The project has a key role to play in increasing the supply of affordable housing and contributing to regeneration initiatives such as the North Wales Coast Regeneration Area. It also has close links with the strategies and business plans of both Denbighshire County Council and North Wales Housing Association.

Relevant Denbighshire County Council Strategies include:

- **Community safety**
- **Health Social Care & Well-being**
- **Local Development Plan**
- **Community strategy**
- **Local Housing Strategy**
- **Affordable Housing Delivery Statement**

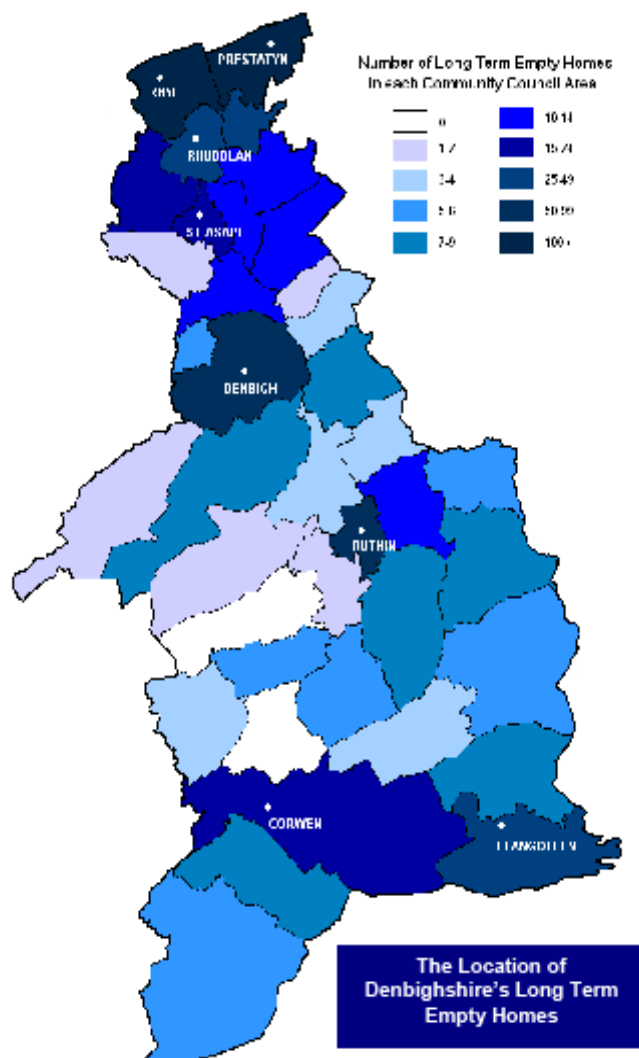
Whilst North Wales Housing Association's main aim is to *"ensure that the homes and services we provide make a positive contribution to the quality of life in the communities where we work."*

5. Understanding the Problem

A survey of Denbighshire's private housing stock completed in 2008 estimated that there were a total of 1,890 empty homes in the County, 5.1% of the housing stock.

Further research by the Empty Homes Officer has provided more detail and located around 800 (as at 1st April 2009) which have been empty for 6 months or more.

As figure 1 illustrates, these properties can be found throughout the County. Whilst there are concentrations in the larger communities, when added together, a significant number of empty homes are located in rural areas.



5.1 The Empty Homes Database

A key milestone of the Empty Homes Project was to develop a database of long term empty homes and an understanding of which homes are empty within the County and the reasons why.

A survey form ([Appendix 1](#)) was sent to the property owners initially identified from the Council Tax Register and Electoral Role, to gather more information about the property and to introduce the empty homes project.

In this survey we took the opportunity to ask owners if they'd be willing to work with us to bring their property back into use. 20% responded positively giving us over 160 empty homes to potentially work with without the need for enforcement. Further details of these properties can be found in [Appendix 2](#).

The Empty Homes Officer is also continually adding to the database when new reports of empty homes are received by owners, concerned neighbours and Council Officers.

It is our intention to review the database annually against the Council Tax Register and Electoral Role to determine the number of long term empty properties in the County and the number brought back into use.

5.2 The Llangollen Pilot

We believe that the best way to know if our plans would work was to test them out.

Whilst we've been developing this strategy we've been running a small pilot scheme in Llangollen. This has given us the opportunity to work with owners and understand the issues and opportunities that empty homes present.

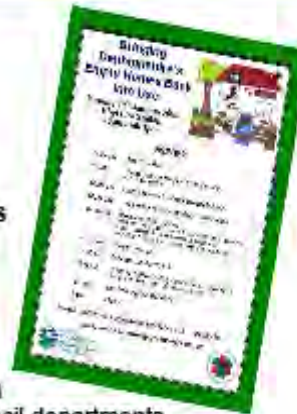
Further information on the homes we have worked with can be found in [Appendix 3](#).



6. Identifying Solutions

6.1 Working in Partnership

The existence of the Empty Homes Project itself is the result of close partnership working between Denbighshire County Council and North Wales Housing Association. The partnership sitting behind this strategy is, however, far wider.



Empty homes and the problems associated with them are dealt with on a daily basis by many different Council departments (Environmental Health, Building Control, Planning, Council Tax etc.) as well as the Police and Fire Service. Empty homes may attract anti-social behaviour or vermin, they may be dangerous structures or be listed and they may owe debts for unpaid taxes or works completed in default.

Estate agents, lettings agents and private sector landlords also have some involvement with empty homes and understand their role in the market place, whilst housing associations, renewal officers and legal advisors are key to finding solutions for bringing empty homes back into use.

We've sought the views of all of these partners when developing this strategy. A consultation event was held on the 19th January 2009 which brought together 40 professionals who work with empty homes. The views expressed at this event have helped to shape this strategy and ensure that it encompasses the whole range of work associated with empty homes. An annual event will be held to review the success of the strategy and ensure on-going engagement with our partners.

6.2 Involving the Local Community

From an early stage in the project we have taken every opportunity to raise awareness of the empty homes issue within the local community:



Jessica, the winner of our drawing competition

- We've talked to many of Denbighshire's Town and Community Councils, interested Community Groups and the Private Sector Landlord's Forum about the need to bring empty homes back into use.
- We've received coverage in the local press and displayed posters asking people to report empty homes.
- We've asked local children attending summer holiday clubs to design our logo.

The community have also been given the opportunity to comment on our draft strategy by making it available for public consultation on www.denbighshire.gov.uk

7. Engaging with Owners

It is essential that a good working relationship is developed between the Empty Homes Officer and property owners to encourage voluntary re-use of long term empty homes. Only where voluntary approaches have been declined or ignored will we consider the use of the Council's statutory enforcement powers.

We are keen to ensure that we do not discriminate either directly or indirectly, against any person on the grounds of gender, sexual orientation, race, ethnic or national origin, nationality, religion, age, disability or illness. Both Denbighshire County Council and North Wales Housing Association Ltd. will comply with all relevant equalities legislation and monitor any action taken in relation to this strategy to ensure that discrimination against any person or group of persons does not occur.



7.1 Prioritisation

We recognise that one Empty Homes Officer cannot tackle all 800 long term empty homes at once and that our funding is limited. For these reasons we will prioritise the empty homes that we work with.

Our Empty Homes Officer will focus upon our top 20 empty homes. This is a rolling list and as homes are brought back into use new ones will be added.

The top 20 will be those homes which receive the highest score when assessed against the Empty Homes Scoring Matrix ([Appendix 4](#)).

8. The Range of Options

Each empty home has a different story to tell and therefore different solutions need to be found to bring them back into use.

There are a wide variety of reasons why a property may be left empty such as lack of funds, fear of renting, inability to sell, bereavement, care needs, imprisonment etc. To be truly successful in bringing them back into use we must have a wide range of options available for owners from supportive advice and assistance to proactive enforcement.



8.1 Advice and information

For those looking to sell...

- Information about estate agents and auctions
- Access to the interested purchasers database providing interface between empty home owners and interested purchasers and developers.
- Liaison with Registered Social Landlords and Local Authority Officers to explore opportunities to purchase the property for affordable housing. This would be dependent upon a specific need being identified and the property meeting Welsh Assembly Development Quality Requirements.

For those looking to rent...

- Information about being a private landlord and accreditation schemes
- Invitation to Denbighshire's Private Sector Landlords' Forum

For those renovating for their own occupation...

- Information about undertaking repairs and renovations
- Details of Denbighshire County Council's approved contractors
- Signposting to available grants

8.2 Management & Leasing Schemes

For those nervous or inexperienced about renting ...

- Free no obligation internal inspection, options appraisal and liaison with appropriate organisations
- Signposting to Landlord Accreditation Scheme
- Opportunities to lease the property or have it managed on their behalf by a Registered Social Landlord where there is a housing need for the property. Lettings will be made from the Local Authority's Housing Waiting List and rent levels set at Local Housing Allowance levels.



8.3 Empty Homes Grant

For those with insufficient funds to refurbish their empty home....

- Free no obligation internal inspection, options appraisal and liaison with appropriate organisations
- A grant of £10,000 maximum (or 50% of eligible works) where the property is in an area of housing need for applicants who have owned the property for 3 years (except where recently inherited).
- "Business plan" detailing the amount of grant available and the rental income they will receive.

The owner must:

- Work with a Registered Social Landlord to provide affordable housing through a management or leasing scheme (see 8.2) for 5 years
- Re-pay the grant in full if the property is sold or removed from the affordable housing scheme within 5 years
- Become an accredited landlord

This grant is also available to first time buyers who have a local connection with the community in which the property is located and who would otherwise be unable to fund the work or buy an alternative property on the open market.

Details of the eligible works and the application process are outlined in Appendix 6



8.4 Enforcement

For owners of problematic empties who are unwilling to work with us ...

- Enforcement action to improve the condition of the property
- Enforced sale to recover land charges placed on the property by the Council. The owner is forced to sell to a 3rd party through auction or to a preferred developer of the Council
- Compulsory purchase by the Council where there is a wider strategic agenda e.g. regeneration.
- Empty Dwelling Management Orders where the property is in an area of housing need and there is no prospect of the property becoming occupied in any other way.

9. Funding

Capital funding for the empty homes project is sourced from a variety of existing funds.

9.1 For empty homes grants

- Denbighshire County Council private sector renewal funding
- Area based renewal scheme funding

9.2 For property purchase by a Registered Social Landlord

- Welsh Assembly Government Social Housing Grant
- Strategic Regeneration Area funding made available by the Welsh Assembly Government
- Denbighshire County Council Commuted Sums for Affordable Housing
- Privately sourced finance from the RSL

Other services offered, such as leasing and management schemes, are already operational and would be self-funding.

We will seek to harness any new funding sources and investigate the funding that is available from other organisations e.g. CADW, Town Heritage Initiative.



Uywodraeth Cynulliad Cymru
Welsh Assembly Government



10. Maximising the Benefits

As well as creating more affordable housing and improving the built environment, we believe that there can be many added benefits to bringing empty homes back into use.

10.1 Specialist Housing Schemes

The private housing sector has great potential to assist the local authority in meeting specialist housing needs. Some families require types of properties that simply do not exist within the existing social housing stock, e.g. larger family homes or adaptable bungalows.

We are working with Denbighshire's Housing Services, Homelessness Team, Social Services, Occupational Therapists and Supporting People officers to find uses for our empty homes. This may include supported housing, "move-on" accommodation or alternatives to disabled facilities grants.

Wherever possible we hope to utilise the County's empty homes to fulfil specific housing need and will look at purchasing, managing or leasing suitable homes on the Empty Homes Database before building new or buying occupied ones.



The private housing sector has great potential to assist the local authority in meeting specialist housing needs.

10.2 Wider Regeneration Initiatives

Since beginning our project we have learnt that the northern edge of the County has been included in the Welsh Assembly Government's new North Wales Coast Strategic Regeneration Area. This brings a multi-million pound plan to transform the seaside towns, aiming to boost tourism, improve the environment and raise skill levels and job opportunities.

Bringing empty homes back into use is a key element of the plan. It has been recognised that our work will not only improve the physical appearance of this area but also offer opportunities to address tenure and house type imbalances in areas where the private rented sector and houses in multiple occupation dominate.

10.3 Training Opportunities

We plan to work with the Department of Work and Pensions Programme, the Rhyl City Strategy, to provide construction skills training when refurbishing empty homes.



There are many good practice models where future residents are involved in the works on their new homes. We hope to learn from these and adopt a similar approach.

We also recognise the potential to provide work opportunities for the Probation Service and community groups.

10.4 Fire Safety



Working with the North Wales Fire & Rescue Service, we will promote their work and ensure that every empty home we directly bring back into use has a free Fire Safety check.

11. The Way Forward

We have a lot of work to do to achieve our aims but we know that the rewards will be great. Our efforts will be monitored by the Empty Homes Project Steering Group to ensure that targets are met.

11.1 Targets

Denbighshire County Council is required to report their success in bringing long term empty homes back into use through a National Strategic Indicator ([Appendix 7](#)).

We have set targets against this indicator for us to strive to bring 50 long term empty homes back into use over the duration of the Empty Homes Project. Through our Empty Homes Grant and purchasing arrangements we would hope to make 30 of these homes available for affordable housing.

Number of long term empty homes (over 6 months) brought back into use over period

2008/09	2009/10	2010/11	During 3-year project
5	15	30	50

Number for affordable housing

2008/09	2009/10	2010/11	During 3-year project
0	10	20	30

11.2 Action Plan

We have also set ourselves a detailed action plan ([Appendix 8](#)) to guide our future development of the Empty Homes Project. This will ensure that we develop the capacity and skills to tackle the most problematic empty homes and not lose sight of the additional benefits we can achieve.