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# Empty Properties Enforcement Review

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A report for: the  
Welsh Government

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## Glossary

Acronym	Definition
CPO	Compulsory Purchase Order
EDMO	Empty Dwelling Management Order
EIE	Enforcement Industry Expert
HMO	House in Multiple Occupation
KPI	Key Performance Indicators
LA	Local Authority
PAM	Public Accountability Measure
RSL	Registered Social Landlord
SRS	Shared Resource Service
VAT	Value Added Tax
WLGA	Welsh Local Government Association
WG	Welsh Government

## 1. Introduction

- 1.1 OB3 Research was appointed by the Welsh Government to undertake a review of the Empty Properties Enforcement scheme.
- 1.2 The aim of the review was to understand the success and impact to date of the Empty Properties Enforcement support, identify barriers to progress and lessons to date, consider whether the funding demonstrates value for money and ascertain its future potential.
- 1.3 The review was expected to consider whether:
  - the package of support is delivering as intended
  - the support provided by the Enforcement Industry Expert (EIE) to local authorities to tackle empty properties in their area has been helpful/impactful
  - the Empty Property Enforcement fund is useful and accessible for local authorities to tackle empty properties in their area.
- 1.4 The review was undertaken between August and October 2023 and the findings are set out within this report. The remaining sections of the report are structured as follows:
  - chapter 2 sets out the methodology for undertaking the review
  - chapter 3 provides a brief overview of the Empty Properties Enforcement Scheme, including the policy context and an analysis of scheme documentation
  - chapter 4 provides an overview of how local authorities approach Empty Properties Enforcement, drawing upon the fieldwork and an analysis of local authority documentation relating to the scheme
  - chapter 5 presents the findings of the fieldwork in terms of how local authorities have made use of the support and training provided by the EIE and the value of this to them
  - chapter 6 considers the findings of the fieldwork in relation to local authority applications made to the Empty Property Enforcement Fund

- chapter 7 considers any lessons learned, and local authority needs for the future
- chapter 8 presents our conclusions and recommendations.

## 2. Methodology

2.1 This chapter sets out the methodology deployed for undertaking the review, the profile of those interviewed, and discusses some of the key methodological considerations.

### **Review activities**

2.2 The review involved the following elements of work:

- an inception phase, which included attending a meeting with Welsh Government officials and preparing a refined methodological approach outlined in an inception report. This also involved attending a meeting of the local authority Loans Network and observing an Empty Properties Enforcement training session
- a desk review of relevant Welsh Government policy documents including the Welsh Government Town Centres Position Statement and the Senedd Committee's Empty Properties report. This also involved a review of scheme guidance and application forms associated with the Fund, as well as local authority documentation including action plans, action plan updates and questionnaire returns shared with the Welsh Government which set out progress as of 2022
- drafting discussion guides for interviewing Welsh Government and Welsh Local Government Association (WLGA) officials, as well as local authority officers
- approaching all local authorities in Wales and undertaking interviews with 38 officers from 19 local authorities (of which 12 were from housing departments and 12 were from regeneration departments. In eight local authorities we spoke with individuals from more than one department)
- interviewing three Welsh Government officials, one WLGA representative and the EIE
- synthesising the findings of the desk-review and fieldwork; and drafting this report.



### **Methodological considerations**

- 2.3 A key issue which needs to be considered for this study is that no direct feedback was gained from elected members, planning, building regulations, finance, or legal teams as this was not part of the methodology agreed. As such, the review is reliant on those interviewed to report back upon any feedback received from elected members at the time of the training and on the perceived impacts of the various enforcement support provision upon these individuals.

### 3. Overview of the Empty Properties Enforcement Scheme

#### Introduction

- 3.1 This chapter considers relevant Welsh Government policy documents including the Welsh Government Town Centres Position Statement and the Senedd Committee's Empty Properties report. It also considers scheme guidance and application forms associated with the Empty Properties Enforcement Fund.

#### Policy Context

##### *Senedd Committee's Empty Properties report<sup>1</sup>*

- 3.2 In 2019 the Senedd's Equality, Local Government and Communities committee set up an inquiry to better understand the scale and impact of empty properties in Wales. It included consideration of the extent to which local authorities were using their legislative powers, and broad suite of statutory and non-statutory tools at their disposal, to deal with the problems associated with these empty properties.
- 3.3 Evidence reported in the committee report stated that as a minimum, each local authority should have a dedicated empty property officer operating behind an empty property strategy but that this was not always the case. The inquiry also heard that there was not always a corporate approach to tackling the issue holistically and cross-service, with different departments dealing with specific problems rather than working strategically. Empty properties also had to compete against other strategic priorities that tended to absorb resources such as social care, education, and regeneration.
- 3.4 The inquiry received evidence which suggested that local authority officers dealing with empty properties were not always able to access the legal expertise to progress cases. It also reported that current statutory powers were often underused by local authorities as they were complicated,

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<sup>1</sup> [Empty properties in Wales: turning houses into homes \(senedd.wales\)](https://www.senedd.wales/empty-properties)

protracted mechanisms with a financial risk attached. Local authorities highlighted the resources required to undertake enforcement action with substantial work often required with no guarantee of a positive outcome and also raised issues around lack of resources, knowledge, and confidence.

3.5 The report makes a series of recommendations to Welsh Government of relevance to this review including:

- that the Welsh Government should work with local authorities to develop a national action plan for tackling empty properties that sets priorities and targets
- that the Welsh Government works with local authorities to understand the impact that having a specific officer with responsibility for empty properties can make. Furthermore it suggests that Welsh Government should work with local authorities to enable this specific role or function to be available to each authority across Wales, and should consider providing resources to support its implementation if necessary
- that the Welsh Government, the WLGA and local authorities explore and identify the most effective way of establishing a regional or national source of legal expertise for empty property teams to access and including this in the national action plan on empty properties
- that the Welsh Government works with the WLGA to review the current statutory enforcement powers available to local authorities to tackle empty properties and assess how these could be used more effectively, consolidated, simplified, or extended. The review should also include how the Welsh Government can indemnify the costs of enforcement action taken by local authorities
- that the Welsh Government presses ahead with its proposed training for local authority officers and members on the enforcement options available to them in tackling empty properties
- that the Welsh Government explores the possibility of ring-fencing revenue collected by local authorities through the council tax

premium on empty homes, to be used specifically for housing purposes.

*Welsh Government Town Centres Position Statement<sup>2</sup>*

- 3.6 This document, published in May 2023, sets out how the Welsh Government intends to deal with town centre challenges and help reinvigorate them. It acknowledges that the challenges of reduced footfall and spend, exacerbated since the coronavirus pandemic, means that many units are now left empty due to relocation or the closure of retail chains.
- 3.7 The position statement recognises that turning things around for town centre locations cannot be via a top-down approach. While the Welsh Government can enable through a clear and consistent policy direction, there are also a diverse range of stakeholders including property owners and occupiers, and local authorities, who need to help deliver the changes needed to sustain town centres. It recognises that there ‘significant variability across Wales in the capacity and capability’ of local authorities and other key partners, to deliver the change that is needed.
- 3.8 The position statement outlines the role and actions of Welsh Government within three specific policy areas to support the revitalisation of town centres in Wales:
- Town centre first – implementing policies where town centres are considered first for the location of all significant new commercial, retail, education, health, leisure, and public service facilities
  - Out of town and connectivity to town centre - ensuring planning policy considers the adaptive reuse of existing developments over building new out of town sites, and a focus on reducing carbon emissions by increasing green infrastructure and sustainable transport
  - Joined up delivery – utilising existing support such as the Transforming Towns funding programme to support local

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<sup>2</sup> [Written Statement: Town Centres Position Statement \(2 May 2023\) | GOV.WALES](#)

authorities in the development and delivery of strategic regeneration projects and smaller-scale place-making activity. It acknowledges the vital role of local authorities in using their scale and services to deliver on this priority yet recognises the resource pressures faced by them. It states that Welsh Government has allocated revenue funding over three-years under the Transforming Towns programme as a result and will ‘consider options on how it could be used to bolster the capacity of local authorities in the production of placemaking plans and provide them with access to specialists and experts to support delivery.’ It also highlights the need to deliver integrated green infrastructure and nature-based solutions in town centres and adopt circular economy principles as standard.

## **Definitions and Key Performance Indicators**

### *Defining Empty Properties and Public Accountability Measures (PAMs)*

- 3.9 In a consultation on national performance measures for local government in Wales conducted in 2020-21, local authorities were expected to report against ‘Percentage of empty private properties brought back into use’ during the year through direct action by the local authority<sup>3</sup>. Properties can be reported against this PAM if they have been unoccupied for a period of six months or more.
- 3.10 However, since then, the PAMs, as a set of national performance measures, no longer exist. Upon the introduction of the new Local Government and Elections Bill, local authorities are now required to monitor their performance via a corporate, organisational self-assessment.
- 3.11 There is recognition, however, that having access to comparable data to inform this self-assessment process will be useful and Data Cymru are working with local authorities to establish a corporate performance dataset. In the meantime, the Welsh Government suggested, in response to the Senedd Cymru report, that a bespoke data collection exercise be

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<sup>3</sup> [download.aspx \(data.cymru\)](#)

undertaken, to collect the data that local authorities used to report for their PAM, but to do so using a 12-month threshold (as recommended), as well as the previous six-month measure<sup>4</sup>.

### *Empty Homes Council Tax Premium*

- 3.12 Since 2017, local authorities have been given discretionary powers to charge a premium of up to 100% of the standard rate of council tax on long-term empty properties and second homes in their area.
- 3.13 As of 1 April 2023, the maximum level that local authorities could set their council tax premiums was increased to 300%.
- 3.14 The discretion is given to local authorities to charge a premium as ‘a tool to help bring long-term empty properties back into use to provide safe, secure and affordable homes.’<sup>5</sup>
- 3.15 The Welsh Government’s published guidance for local authorities on council tax premiums on long-term empty properties and second homes assists local authorities in their decision-making process to charge or amend the premium for their local area, the administration and enforcement of the premiums, the application of the exceptions and the monitoring and reporting on the use of premiums.
- 3.16 Factors such as the numbers and percentages of long-term empty properties, their distribution across the authority, potential impact on the local economy and community and on the availability of affordable homes should all be considered in deciding whether to charge a premium.
- 3.17 The guidance states that local authorities can retain any additional funds generated by the implementation of these premiums and use them for any purpose, although they are encouraged to use it to help meet local housing needs, in line with the policy intentions for the premiums.<sup>6</sup>

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<sup>4</sup> [Paper 6.pdf \(senedd.wales\)](#)

<sup>5</sup> Welsh Government (2023), Council tax for empty and second homes guidance, p.7 [Council Tax on empty and second homes | GOV.WALES](#)

<sup>6</sup> Ibid., p.19

3.18 In 2023/24 15 local authorities were charging premiums on long-term empty properties as shown in Table 3.1 below.

**Table 3.1 Long-term empty property premium charged by local authorities, 2023-24**

Local authority	Long-term empty property premium charged (2023/24)
Bridgend	100%
Cardiff	100%
Ceredigion	25%
Conwy	50%
Denbighshire	50%
Flintshire	75%
Gwynedd	100%
Isle of Anglesey	100%
Merthyr Tydfil	100%
Pembrokeshire	25/50/100%
Powys	100%
Rhondda Cynon Taff	50/100%
Swansea	100%
Vale of Glamorgan	100%
Wrexham	50%

Source: Evidence paper from Minister for Climate Change on Housing for Local Government and Housing Committee scrutiny on 9 November 2023

### **Other funding sources**

3.19 A range of grant and loan funding options are available to bring empty properties back into use. Empty Homes grant and Empty Homes loans are available for empty residential properties whilst Transforming Towns grants and the Loan Fund are available for commercial empty properties.

### *National Empty Homes grant<sup>7</sup>*

- 3.20 This is a grant scheme which provides up to £25,000 to renovate empty properties to make them safe to live in. Energy efficiency improvements are a requirement as part of the works undertaken on any property. A minimum 15 per cent contribution is required from the applicant and the grant can only be used for eligible work identified by the local authority's surveyor. Local authorities, Registered Social Landlords (RSLs) and Community Housing Groups are also eligible to apply.
- 3.21 In all, 16 local authorities participate in the scheme, which is administered by Rhondda Cynon Taff County Borough Council on behalf of the Welsh Government.
- 3.22 In terms of eligibility for the grant:
- the property must have been registered with the local authority as empty for a minimum of 12 months
  - the property must be owned, or in the process of being purchased, by the applicant at the time of application
  - if successful, the applicant must live in the property for a minimum of 5 years post completion of the works as their main and only residence
  - some local authorities may have additional eligibility criteria.

### *Empty Homes loan (Houses into Homes)<sup>8</sup>*

- 3.23 The scheme, launched in April 2012, makes available 'recyclable' loans to bring privately owned, empty residential properties or commercial buildings back into use as homes for rent or sale. A £10 million fund was created by the Welsh Government to support the scheme in 2022/23 with a further £10 million committed the following year.

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<sup>7</sup> [Apply for an empty homes grant | GOV.WALES About | National Empty Homes Grant Wales](#)

<sup>8</sup> [Apply for an empty homes loan | GOV.WALES](#)



- 3.24 These interest free loans are made available to owners to renovate empty properties and to make them safe to live in. The loan scheme provides up to £35,000 for each property and up to £250,000 per application up to 80% of the property's value. Loans can only be made available for properties that have been empty for at least six months or more or the conversion of properties into multiple self-contained units. When the work is complete, the property must be sold or rented out.

*Transforming Towns grant programme*

- 3.25 The Transforming Towns programme is a £100 million fund available to local authorities over a three-year period from 2022 to 2025 to develop projects which redevelop and improve town centres and nearby areas. The programme encourages mixed use towns as places to live, work, visit and stay.
- 3.26 Projects that develop underused, empty, or run down properties, improve the appearance of properties and/or reshape them to become more viable and improve existing premises by introducing innovative services and connectivity will all be considered for support.
- 3.27 The funding is split indicatively across four regions of Wales as follows:
- £22 million for the six north Wales local authorities
  - £7 million for the two mid Wales local authorities
  - £44 million for the ten local authorities in south east Wales and
  - £27 million for the four local authorities in south west Wales.
- 3.28 As part of the Transforming Towns programme a further £25m has been allocated to provide interest free loans to support projects which reduce the number of empty or underused sites and properties in town centres<sup>9</sup>. It is available to Social Housing Associations, property developers, private landlords and businesses. It is administered by participating local authorities, who cannot use it for their own projects. Loans must be repaid,

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<sup>9</sup> [Transforming Towns: support to improve town centres: Transforming Towns Loan Fund | GOV.WALES](#)

usually within a period of five years. Local authorities are expected to re-invest the funding two to three times over a 15-year period.

### **The Empty Properties Enforcement Scheme**

3.29 Since 2019, the Welsh Government has made available a package of support to local authorities.

3.30 This has included two elements.

#### *A bespoke Enforcement Industry Expert (EIE) resource*

3.31 To date, the EIE has:

- provided training to over 850 Cabinet members and local authority officers on issues relating to empty properties, and how best to support their return to use
- supported local authority officers through enforcement procedures to equip them with the knowledge and skills for the future, and to remedy immediate empty properties
- supported local authorities to draft individual Empty Property Enforcement Action Plans for dealing with long-term empty properties
- provided direct hands-on support to local authority officers to help deal with over 180 empty properties to date.

#### *A £15.2m Empty Property Management/Enforcement Fund*

3.32 The Fund has been made available to local authorities as a rolling loan fund over a 15-year period for costs associated with enforcement action. The EIE provides help and support to local authorities to access the Fund, which can be used to cover the costs associated with:

- legal services and costs of works in relation to enforcement
- acquisition by local authorities on a voluntary basis or through compulsory purchase, with the intention of packaging and selling a proposal on the open market within an agreed timeframe
- acquisition costs by local authorities to acquire and refurbish sites and premises within an agreed timeframe.

- 3.33 The Fund is administered by a managing authority, Rhondda Cynon Taf County Borough Council.
- 3.34 To date, the Fund has received six applications from five local authorities, with a further three in the pipeline.

*Guidance for the Empty Property Management/Enforcement Fund*

- 3.35 The Welsh Government published guidance for local authorities to access the 'Transforming Towns Empty Property Enforcement Fund'. The guidance stipulates that the Fund is available to local authorities:
- to deal with long-term empty properties, be they town centre empty properties or residential properties in any location
  - on the condition that officers and cabinet members attend an Empty Property Enforcement course
  - on the condition that they have produced an Enforcement Action Plan to deal with long-term empty properties, which has been approved by senior local authority management. Action Plans were expected to be shared with the Welsh Government by September 2021 and that the EIE reviewed and approved each one.
- 3.36 Local authorities are invited to submit a specific business plan for each property for which it requires funding, by completing a short Application Form. This form is reviewed by the Welsh Government to ensure that the property will be able to recoup the level of funding spent. Local authorities have the option of submitting a business plan for approval in principle, which is appropriate in cases where the authority requires this approval to support a cabinet decision on compulsory purchase but is unlikely to require the funds for a period of time.
- 3.37 A recent amendment to the guidance was made to permit local authorities to make a single application for funding to support multiple properties in their authorities. Additional conditions were attached to multi-project applications, namely that the maximum allocation would be £100,000; the maximum expenditure on any one project would be £30,000 and that the maximum payback period would be five years.

## 4. Local authorities' approach to empty properties enforcement

- 4.1 This section provides an overview of how local authorities approach empty properties enforcement across Wales, drawing upon the fieldwork and an analysis of local authority documentation relating to the scheme.

### **Overall approach**

- 4.2 Feedback from the fieldwork reveals that whilst most of the 19 local authorities interviewed shared responsibility for empty property enforcement between departments with varying powers, the main departments driving empty property enforcement tended to be housing and regeneration.
- 4.3 The approach varied greatly in terms of priority, experience, and capacity and it is difficult to categorise local authorities into any particular type of approach, but three broad patterns emerged:
- Firstly, there was a group of local authorities that tended to be smaller and more rural in nature where empty property enforcement tended not to be prioritised greatly at a political or corporate level, and capacity to deal with enforcement was severely limited. In most of these cases housing and regeneration departments lacked knowledge and previous experience of utilising enforcement powers
  - A second group of local authorities tended to be larger in size, with a city or large town(s) within its geographical area and often located in South Wales. Within these local authorities there were knowledgeable officers with experience of undertaking empty property enforcement action, who were largely self-sufficient in their approach. These local authorities often had a ringfenced fund to fund works in default or a loan scheme of their own that worked as a recyclable pot. These local authorities tended to deal with a large volume of empty properties and made greater use of tools at their disposal, such as regular mailouts or promotion of a package of

financial and other incentives on offer or working intensively with a few landlords and owners, to encourage action prior to reaching enforcement. The political or corporate drive for enforcement was relatively low for most local authorities in this group too

- The third category of local authorities who contributed to this review were those who had started from a very low base but had made progress on their enforcement approach during the last two to three years. This progress was usually attributed to a greater priority being afforded to enforcement at a political level which resulted in additional capacity, or a more proactive approach being taken of late.

- 4.4 Some of the issues raised during the fieldwork that impacted, positively or negatively, on local authorities' ability to focus upon enforcement action are highlighted below.

*Level of corporate priority*

- 4.5 Seven local authorities described to us how they had a high volume of empty properties to deal with that needed enforcement action, but there was often a lack of appetite at a corporate level to deal with the issues.
- 4.6 The action taken was often reactive, and tended to focus on complaints or specific properties that were being consistently raised by a specific councillor. One local authority mentioned that they had not historically been involved in enforcement action and therefore there was a lack of knowledge and understanding throughout the corporate structure as to how to approach it. Several local authorities also mentioned how enforcement action is often a thankless task – it is timely, costly, and complex. As such, starting a more complex enforcement action such as a compulsory purchase order needs stamina and perseverance. Larger, buildings such as chapels, workingmen's halls, hotels, and severely dilapidated mid-terrace houses were all cited as difficult properties where the cost to deal with them would often outweigh the benefit – often they have low residual land value, or cannot easily be adapted to other uses,

and thus local authorities find it hard to find a solution that is acceptable corporately.

*Renewed policy focus generating change*

- 4.7 Five local authorities mentioned how the greater focus at a Welsh Government level, particularly since the Senedd's 2019 Empty Property report, had been a 'game changer' that had resulted in more capacity and/or a more proactive approach being taken. An increase in negative press stories locally regarding specific properties, or more generally relating to the housing shortage, had also pushed the enforcement agenda up the priority list in some areas. These local authorities described how they had often started from a very low base and had obtained agreement from cabinet to increase capacity within teams to focus on enforcement action:

*'the strategic national push from Welsh Government has helped push the agenda'*

- 4.8 However, this process had taken time – a strategy needed to be developed, data brought together from various departments to understand the current situation in more detail and a structure and team set up. This had taken one to two years to achieve in most cases or remained underway. These councils described how they were now on the cusp of seeing more progress and action. They had often undertaken their first enforcement actions, had learnt from the process, and were now actively seeking future properties to take enforcement action upon.
- 4.9 Our research suggests that eight of the 19 local authorities in this review had recruited or were in the process of adding capacity to their enforcement, over the last two years. These were often funded via the additional funds collected from the council tax premium on empty homes implemented recently.

### *Lack of capacity*

- 4.10 Across the board, local authorities cited limited action due to a lack of capacity and resources to deal with the volume of empty property enforcement required in their locality: *'We are working on a shoestring.'*
- 4.11 Within housing departments, staff often had other priorities relating to occupied properties, such as dealing with day-to-day complaints and enquiries around statutory nuisance cases, filthy and verminous premises, or issues with houses in multiple occupation (HMOs).
- 4.12 Six local authorities interviewed as part of this review suggested that their regeneration department was often less mature than their housing counterparts in dealing with enforcement issues. Feedback from those with a regeneration background highlighted the general split in the approach between dealing with commercial and residential properties with housing department counterparts more advanced, resulting in more concentrated enforcement action on residential properties. In contrast, one local authority reported that commercial property enforcement action was increasingly being prioritised now.
- 4.13 Interviewees from these regeneration teams also stated that their teams tended to be very small departments within the authority, and lacked the statutory powers to undertake action, thus dependent on other departments to take action on their behalf or it was 'the first thing to go under financial pressures'. Regeneration officers highlighted how their focus and time was spent on the regeneration of town centres predominantly, and whilst they were often responsible for identifying empty commercial or town centre properties suitable for enforcement activity, they were not sighted on the council's empty properties enforcement work more broadly.
- 4.14 Four local authorities described how their time was taken up using the softer powers provided to them in the form of administering various grants and loans. Indeed, in these cases, staff reported that since Covid and the introduction of grant and loan funding schemes for empty homes, their resources had been dedicated increasingly to the administration of those

schemes. With some of these funds now coming to an end, there was an expected shift in focus, with more capacity again to deal with enforcement.)

### *Challenges of cross-departmental working*

- 4.15 Eleven of the local authorities interviewed in this review highlighted the challenges of coordinating enforcement activity across numerous departments. With resources limited and staff time at a premium, navigating a complex enforcement approach through planning, legal, finance, housing, building control and council tax departments was a huge barrier to progress, with a lack of clarity on who was responsible for leading on various aspects. These local authorities were not joined up to utilise the range of enforcement powers available to them across different departments to full effect as a result. Indeed it was suggested that planning departments were the least likely to get involved in the enforcement agenda even though they often had the most appropriate legislation at their disposal.
- 4.16 A few local authorities also described the difficulties in dealing with legal or finance teams who often did not have the knowledge of enforcement action and did not always see the big picture. Often, individuals in these departments were duty-bound to advise on the difficulties or the financial risk associated with action.

*‘Enforcement slips between stools because it’s everybody’s business, and it’s in the too hard pile’*

- 4.17 Whilst six local authorities spoke of existing cross-departmental working groups, these often did not meet regularly, were described as becoming ‘a talking shop’ with a lack of progress being made, or in some cases had been recently disbanded.

*‘We were having three-hour meetings, and nothing was being done from one meeting to the next because our planning department are not willing to commit to notices.’*



- 4.18 One local authority described the protracted process they had to undertake recently for their one enforced sale. It had required a policy to be written to be agreed through internal protocols before any implementation could take place. Following this, debt from works carried out in default across four departments and council tax debt had to be coordinated before the enforced sale was achieved.

*Empty Homes Council Tax Premium*

- 4.19 Whilst there was no specific question in relation to the empty homes' council tax premium in the discussion guide, feedback received during this review suggests that at least seven of the local authorities interviewed were now implementing an empty homes council tax premium, often at a higher rate than 100% in certain circumstances. At least three local authorities were utilising the additional funds generated by the premium to employ additional staff capacity within their empty property teams.

**Understanding of the support offer**

- 4.20 Local authorities generally reported that they had a good understanding of the enforcement action support on offer from the Welsh Government and frequently referenced the availability of the training, guidance, and support from the Enforcement Industry Expert (EIE) though slightly less clarity about the financial fund and what it could and could not support.
- 4.21 A couple of local authorities described how the focus of the support and fund had initially been on regeneration and commercial properties in town centres, having been launched at the same time as the Transforming Towns initiative, but that it had now extended into residential too. This widening of focus was widely welcomed. In one local authority interviewed, they remained of the view that the support was town centre focused.
- 4.22 The support offer was described as having been established to kick start local authorities into action. Enforcement had fallen off the agenda, and the support was able to address some of the key findings of the Senedd inquiry. The support's purpose was therefore to raise awareness of the issues and the potential solutions and raise the profile of the range of

enforcement tools at local authorities' disposal. In this respect, getting cabinet members on board had been crucial too.

- 4.23 The purpose of the support was often described as a suite of options to help local authorities to crucially focus and tackle their most difficult empty properties, with the aim of getting them back into use. To achieve this, the support was there to upskill local authorities and also develop their confidence. Three interviewees described how the support was there to help local authorities to overcome some of their capacity issues too – to help those with a lack of previous experience of enforcement, offering hand-holding support through their first-time experience of an enforced sale action and providing legal advice to local authorities who only have small teams to undertake the work. It was suggested that the support package thus took away any excuses for inaction. One such contributor argued that access to the support package meant that local authorities could no longer say they didn't know how to undertake enforcement action and access to the fund meant that they could no longer say they didn't have the funds to do so.
- 4.24 Two local authority interviewees stated that they did not know much about the fund. One was new in their role, while the other was an experienced empty property officer but stated they were not senior enough to attend network meetings to find out first hand from Welsh Government, and that the information did not always filter through the organisation to them.
- 4.25 Generally, local authority interviewees were positive about the role of the existing networks such as the all-Wales Loans Network run by Welsh Government and the regional empty property officer groups already in place. These seemed to be well attended and useful for officers to learn about developments and could be used more widely as a conduit for dissemination.

#### **Need for the support offer**

- 4.26 The feedback suggests that there is a definite need for the expert advice and support provided. The need can be described as two-fold: to make

sure local authorities have confidence they are compliant with legislation, and secondly to access advice and guidance on more complex cases.

- 4.27 Local authorities who were relatively proactive in their enforcement activity particularly needed access to legal advice and guidance provided for their priority properties. Teams who were experienced in dealing with empty properties and enforcement valued having the EIE's support available to them for advice when things did not go to plan or where they were dealing with particularly complex cases. Local authorities needed the support to do the due diligence to prove in-house as well as externally, that they had chosen the right options.
- 4.28 These local authorities also had a need for the vital role of the EIE in working with housing, planning, building regulations and regeneration departments to both mobilise and bridge the void between these departments.
- 4.29 Those who had little or no prior experience of taking enforced action described a need for the support in terms of being able to check with an expert as to what needed to happen next or to guide them through an unfamiliar process. These local authorities often noted how they were trying to soak up all the knowledge and expertise available through the enforcement support package so that their dependency on it could lessen over time, as processes became more regularly used and familiar. Others noted that they had not used the support to the full extent they needed to yet but were likely to make greater use over the coming years if it was available, whilst three local authorities felt that they had all or most of the necessary expertise at their disposal in-house.
- 4.30 There was less perceived need for the loan support. Whilst two local authorities described how it was really filling a gap as a useful financial tool, others felt that there were better grant and loan options available, or they did not need loan support. Rather than a loan that worked as a form of indemnity for local authorities, some suggested that they would prefer to access the funding to employ external legal expertise or to fund additional enforcement administration roles in-house.

- 4.31 One local authority felt that the enforcement support was a flawed premise that lacked appreciation of how difficult it is for local authorities on the ground. The support offer was described as ‘treating the symptom not the cause’, and that the focus should be on recognising the changing demand for property, particularly in commercial town centres, and focusing more on reconstructing these areas where there was a lack of market demand for the properties.

### **Production of Enforcement Action Plans**

- 4.32 To access enforcement support, local authorities were required to develop an action plan to include eight priority properties in total – four town centre properties and four other properties using a template developed by Welsh Government. The document should be a ‘live’ document, so that a new property was added to the list as others were resolved. The action plan required political sign off.
- 4.33 A mixed response was received during the fieldwork, with around half of local authorities attributing improvements to their local authority approach to enforcement as a result of the development of action plans, and another half of the view that the production of action plans had not made much difference at their local authority, or progress as a result of its production had been slow.
- 4.34 Nine local authorities felt that the production of action plans had helped them prioritise the enforcement agenda, identify their priority properties and keep track of progress. These local authorities described how the action plan had been useful in highlighting the scale of what needed to be achieved and helped to justify the focus of resources on these properties as a result. The action plan was described by one authority as being better than one they had previously because it focused on a small number of priority properties and enabled them to access the EIE’s support with these. Another local authority stated that the action plan process had helped them to identify priority commercial properties in particular.
- 4.35 Another perceived benefit mentioned by six local authorities, as a result of producing action plans was that it had helped them gain political buy-in

locally. As senior staff, cabinet members and council had ratified the plan it had thus raised the profile, and in some cases the expectation, of enforcement work and helped them make the case internally for more resources. One local authority stated that continued monitoring and reporting to cabinet on progress had kept the focus on progress.

*‘Members became more switched on about empties’*

4.36 Prior to the development of the action plan, one local authority stated that their elected members tended to only know about issues within their own ward, but the action plan had helped them see the wider picture across the authority. In another local authority, interviewees described how they had deliberately picked properties that would ‘shame’ the authority which had managed to add pressure, raise the profile, and eventually led to securing an additional enforcement property officer post.

4.37 Six local authorities believed that the requirement to produce an action plan had resulted in improved working across departments. They described how the action plans had generated discussions and improved corporate and cross-organisation working by bringing departments together to work towards a joint objective and holding regular meetings to discuss progress.

*‘The action plan has given us a tool to engage colleagues in other departments’*

*‘Strategically, the action plan forced housing and regeneration to work more closely. It’s formalised their relationship because of the requirement’*

*‘The action plan forms the backbone of the cross departmental group work. It now meets quarterly to try and resolve complex properties via a collective approach’*

4.38 One local authority described how the action plan had pushed a new approach to town centre properties in particular. In this case, a number of grant schemes had been the focus historically to encourage progress on empty properties, but these did not work for owners who were not interested in bringing properties back to life. As such, the action plan had

been really helpful for the regeneration department to focus on a small number of commercial properties that needed to be targeted in a different way.

- 4.39 In terms of the impact of the action plans, eleven local authorities either described how they had not made much difference, or that progress had been slow. Some of these local authorities already had an action plan in place, thus this requirement had largely been a tick box exercise, or that the action plan had remained on the shelf after its preparation. Others stated how, whilst it had been a useful discipline to prepare the action plan, there had been a lack of progress within their local authority and that it had not made much difference to their approach.

*‘It’s made no difference whatsoever. We’ve developed and approved the plan but there is no progress and no intention to collaborate internally to discuss action’*

*‘It’s meant to be a corporate priority, but no one looks at it’*

- 4.40 One local authority mentioned how the requirement to produce the action plan had landed at a time when they were focussed on Covid recovery, whilst another reflected upon how they had previously listed the ‘low hanging fruit’ and ‘easy wins’ in their action plan and that they should now revisit and select a smaller number of eyesore properties to prioritise.
- 4.41 In the future, a few interviewees suggested that a more formal requirement for proactive follow-up, monitoring or reporting internally and from the Welsh Government might be useful to ensure the focus and the pressure remained high.

### **Progress one year on**

- 4.42 In autumn 2022, the Welsh Government asked local authorities to complete a questionnaire setting out what work had been undertaken by the authority around empty properties and enforcement. All 22 local authorities responded, and a synopsis of the responses received is provided below:

### *Staffing resources and sufficiency*

- 4.43 Local authorities were asked where responsibility for empty properties sits, and the vast majority provided responses that showed that it crossed multiple departments:

**Table 4.1 Responsibility for empty properties within the local authority**

Responsibility for empty properties	No. of LAs
Across housing, regeneration, environmental and planning teams	19
Housing team	2
Regeneration team	1

Source: WG empty property enforcement questionnaire returns, Dec 2022

- 4.44 The questionnaire returns also showed that in the majority of local authorities there was no specific, named lead for empty property enforcement. Instead it was seen as a shared responsibility across multiple officers.

**Table 4.2 Approach to empty property enforcement staffing resources**

Approach to staffing resource	No. of LAs
Shared responsibility – no specific lead	13
Shared responsibility – named lead	7
Specific/ring fenced resource or team	1
Other	1

Source: WG empty property enforcement questionnaire returns, Dec 2022

- 4.45 Whilst some local authorities had empty home/property officers, a large variation was reported in terms of how proactive these individuals were able to be, with most largely tied up with reactive work, such as responding to complaints.
- 4.46 At the end of December 2022, only two local authorities thought that their current staffing resource was sufficient, with the remaining local authorities either stating that resources were insufficient (15) or did not respond to this question (5). 19 out of 22 local authorities highlighted staffing

resources as the main factor that was preventing or limiting their use of enforcement powers.

**Table 4.3 Factors preventing or limiting the use of enforcement powers**

Factor	No. of LAs
Staffing resources	19
Priority of other work	17
Financial resources	14
Expertise within the authority	5
Other reasons	2
None	0

Source: WG empty property enforcement questionnaire returns, Dec 2022. Multiple response question.

#### *Empty property enforcement activity*

- 4.47 Questionnaire returns showed that all 22 local authorities had used the services of the EIE by autumn 2022 and 20 local authorities had used some form of enforcement during the year.
- 4.48 Table 4.4 below outlines the legislation used by local authorities between September 2021 and December 2022. The most utilised legislation were the Statutory Nuisance and Prevention of Damage by Pests legislation, utilised by environmental health. Section 215 and improvement notices were also used by half of all local authorities.



**Table 4.4 Empty property enforcement legislation used between September 2021 and December 2022**

Legislation used	No. of LAs
Statutory Nuisance – Environmental Protection Act 1990	13
Prevention of Damage by Pests Act 1949	12
Section 215 notices – Town & Country Planning Act 1990	11
Improvement notices – Housing Act 2004	11
Enforced Sales Procedure	9
Section 79 – Building Act 1984	8
Section 77 / 78 Building Act 1984	7
Direct purchase	6
Compulsory Purchase Orders	1
Listed Buildings Legislation	1
Empty Dwelling Management Orders	0
Community Protection Notice	0
Other powers:	
<ul style="list-style-type: none"> <li>Local Gov. Misc. Provisions Act 1982 (Section 29)</li> </ul>	2
<ul style="list-style-type: none"> <li>Section 59 – Building Act 1984</li> </ul>	2
<ul style="list-style-type: none"> <li>Section 16 notice</li> </ul>	1
<ul style="list-style-type: none"> <li>Compulsory Sales Procedure</li> </ul>	1

Source: WG empty property enforcement questionnaire returns, Dec 2022

**4.49 Other success reported via the questionnaire returns include:**

- 14 of the 22 undertake regular audits of vacant properties in town centres, and this varied from ad-hoc basis, 6 months to annual.
- 10 of the 22 had a register of commercial empty properties, and updated this on a varied basis from daily, quarterly to annually.
- 15 of the 22 had an empty homes strategy at the time of completing the questionnaire.

## 5. Use and value of the training and support accessed

- 5.2 This chapter presents the findings of the fieldwork in terms of how local authorities have made use of the support and training provided by the Enforcement Industry Expert (EIE) and the value of the training and support accessed.

### Training accessed

- 5.3 The fieldwork revealed that there was extensive take up of the training provided via the scheme amongst a cross-section of local authority officers and members. The requirement to participate in the training as a condition of accessing the scheme's support had been an effective method of securing good attendance. For instance, one local authority representative reported that some 25 operational staff and 15 senior officers and members had attended the two sessions held at their organisation. In another setting, a representative recalled that:

'we were all there: building control, planning, SRS<sup>10</sup> for public health and two cabinet members, legal and housing and public sector housing. We invited everybody and they turned up. The politicians were happy to attend – as they needed to endorse an action plan.'

- 5.4 There was widespread recollection amongst those interviewed of having attended the training. The feedback provided was exceptionally positive and contributors regularly referred to the training has having been 'excellent'. The content was regarded as having been very relevant and of high quality. Interviewees also valued the fact that the training included a focus on local area empty property case study examples. One such contributor commented:

'There were a lot of councillors and people from planning, housing, legal, environmental health and building consent. They were all impressed. It was stuff we didn't know and didn't know we had the powers to do. That was so useful.'

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<sup>10</sup> Shared Resource Services

- 5.5 Despite the training covering what could potentially be a heavy subject, contributors thought that it had been well delivered by a knowledgeable and experienced trainer. One such local authority representative commented:

'The training was very interactive. The presentation was entertaining - due to [name of EIE's] expertise and knowledge. It caught our attention. All the content was relevant. It was quite heavy in terms of content. It's a heavy subject - but [name of EIE] brought it to life. There is a fine balance between being superficial and having the content that is needed. It was pitched well.'

- 5.6 The fieldwork also revealed that many local authority officers continue to make regular use of the slides and information shared during the training , and value having the option to follow up any queries with the EIE.

- 5.7 Some questioned whether training sessions had included too much detail for members and possibly senior officers who might not deal with enforcement on a day-to-day basis and suggested that a shorter, less detailed session for members might have been more appropriate.

### **Difference made by training**

- 5.8 Two local authority representatives observed that the training had been useful to better understand which legislation could be taken forward by each department, and several local authority officers suggested that the training had helped them to adopt an 'empty properties lens' on existing legislation:

'it gave all officers an understanding of who could do what. In the past we've been looking at things in silos rather than in the round ... it helped to bring things together a bit more for us.'

- 5.9 Feedback from local authority officers suggests that the members' training had helped to raise awareness of the empty properties' agenda , which did in some cases lead to an increased level of priority being afforded to it across some of the settings where empty properties did not fare particularly important. In one case for instance, it was argued that in

the absence of the training to members, it would have been highly unlikely for the authority to have committed to establishing an Empty Homes team and in another it was thought that the training had helped persuade the authority to allocate additional staffing resource to this area of work. In a third case increased awareness and understanding amongst members was thought by officers to have made it easier to secure agreement that income from the empty property premium could be used to fund an empty properties post.

- 5.10 Training for members was also thought to have helped improve members' understanding about the complexity of dealing with challenging empty properties and the length of time it can take to bring them back into use. One such official observed that the training had helped members to understand 'it's not an easy task ... [it was] a reality check why we can't just do a CPO'. An interviewee from another local authority echoed this and argued that the training had helped their members to better understand that enforcement work is difficult and complex.
- 5.11 Some interviewed officials had concerns about training their members, as they anticipated doing so might lead to increased demands upon their time and resources. In some cases, interviewees reflected that the training had indeed raised expectations amongst members who then became frustrated at the slow pace of progress. In two different settings it was noted that:

'members started to get a little against us – come on, where are you, why is nothing happening?'

'You've had training now why hasn't it been done? They saw the start and then the sale at auction. They didn't get it – they didn't fully appreciate that it can't be done overnight.'

- 5.12 However, in another setting it followed that the members who had undertaken the training had a much better grasp of the issues and its complexities when discussing an enforced sale of an empty property at a cabinet meeting.

- 5.13 There was some suggestion that members' training had perhaps been less valuable across those local authorities where enforcement action was already a priority and being deployed.
- 5.14 Across some three settings, less value was attached to the training and officers took the view that it hadn't made much difference. In one of these cases, where enforcement was considered a fairly low priority, the training for members was not perceived to have made much difference as one officer explained 'we didn't hear anything from members after the training'. Another local authority representative argued that the training 'hasn't helped to deliver anything', in that not much had changed since the training was delivered. In the third setting, the empty property officer argued that they already had the necessary knowledge about enforcement, and the training hadn't made much difference.
- 5.15 Some argued that the support is the most valued element.

### **Future training needs**

- 5.16 When asked about their anticipated future training needs, three key points were raised by local authority officials:
- first, there has been a turnover in elected members following the 2022 local elections which means that a cohort of existing members have not participated in the training
  - second, there appears to have been some turnover of staff across several of the local authorities which, coupled with the appointment of additional empty property officers in some cases, would suggest that there is a need for the in-depth training to be repeated. Four interviewed local authorities identified that they had between them 11 new appointees who were actively undertaking empty property officer roles and who would benefit from being trained.
  - third, a number of interviewed officers did not consider themselves to have comprehensive enforcement knowledge or experience and would benefit from developing their knowledge about specific

processes such as Empty Dwelling Management Orders or Compulsory Purchase Orders.

- 5.17 Feedback from those interviewed would suggest that local authority officers would be happy to attend mixed training sessions with other authorities and do so either virtually or on a regional basis in order to achieve better value for money.
- 5.18 As such we would suggest that a future programme of training is required, and could be structured to meet these three needs:
- a detailed enforcement training programme for new officers appointed over the previous two-three years. This could be a two-day virtual training session to accommodate up to 20 officers who are new to their roles and not previously participated in any enforcement training and could be repeated on a regular basis (e.g., every two to three years) if the need continues
  - a series of short webinars covering specific enforcement subjects such as Empty Dwelling Management Orders, Compulsory Purchase Orders, the enforced sale process, dealing with empty properties with a deceased owner, or new legislation. These could be delivered as virtual sessions and if recorded, could also be accessed at any point in the future
  - a small number of brief awareness raising sessions for elected members (and other senior authority officials) not previously trained. Again, these could be delivered virtually and made available to members from across Wales. We would add however that based upon the feedback gathered, this training is probably the least important to prioritise if funding is limited.
- 5.19 Whilst we did not ask about local authorities' readiness and ability to contribute financially towards these training sessions, there may be a case for the Welsh Government to consider asking for a contribution towards in-depth training provision in the future.

## **Support and advice accessed**

- 5.20 The EIE has been contracted by the Welsh Government to provide advice and support to all local authorities across Wales, with the resource available amounting to three days per week on average.
- 5.21 Of the 19 local authorities interviewed, we would say that 11 have been highly engaged with the EIE and the remaining seven have been marginally engaged. Some three of the authorities had previously drawn upon the EIE's support in advance of the Welsh Government making the provision available having either employed or commissioned the postholder directly.
- 5.22 The type of support accessed by interviewed LAs included:
- an initial meeting to discuss the empty properties included in their action plan, accompanied by a site visit: most interviewed authorities reported that they had received a site visit and discussed the best possible course of action for the priorities listed in their action plan
  - helpline support: most interviewees recalled that either they, or their colleagues had sought advice and guidance from the EIE about a specific property they were struggling with
  - practical, hands-on support: around half of the authorities interviewed had staff who recalled that they had accessed more practical, hands-on support from the EIE such as help to draft emails or prepare notices
  - legal advice: around half of the authorities interviewed had staff who reported that they had received legal advice to help take complex empty property cases forward. These included cases of empty properties which were now in Crown ownership or were owned by a deceased person.
- 5.23 The feedback from those interviewed, particularly from those who have been highly engaged, suggests that the support has been very well received. Regular reference was made to the following strengths of the

support accessed, and it is notable that no negative feedback was conveyed about the work of the EIE:

- responsiveness and availability: ‘He is always available and always gets back to you’ and ‘always responsive’
- expertise and knowledge: ‘I’ve yet to meet anyone so knowledgeable’
- positive, can-do attitude: ‘[name] is Mr Motivator. He’s so passionate and enthusiastic ... it rubs off’.

5.24 Three local authorities described how the EIE had visited them for the day, spending time visiting each property and discussing the best approach for each. This had been incredibly helpful and in one local authority, had resulted in significant progress being made as a result.

5.25 The most valued elements of the support received appear to be around:

- providing reassurances to LA officers that they’re taking action, which is legally compliant, so as to avoid any legal challenges on the enforcement action at a later date
- guidance for how to deal with very complex cases where there are complex ownership issues in place, or no clear resolution and way forward to address the issues
- access to advice on how to respond and deal with queries and issues raised by colleagues from other departments, such as the legal team, or from challenging members. For instance, one interviewee commented:

‘Our legal team is always on the side of caution. This is uncharted waters for them. Having [name of EIE] on a call did help us to navigate some really tricky moments’

- having a trusted mediator who can act in an independent capacity to advise several different local authority departments. In one such case, the EIE had attended cross-departmental meetings



and liaised with staff from several different departments to find an acceptable way forward for one empty property.

### **Difference made – support and advice**

- 5.26 In terms of difference made, it follows that those authorities who have been most engaged were the most likely to report that it had made a real difference to their approach. Several of these authorities reported that the EIE support had been critical in bringing some residential properties back into use.
- 5.27 Several examples were identified whereby the support provided by the EIE had helped the local authority to take enforcement action, often for the first time, including the following four cases:
- the EIE played a pivotal role in supporting one authority through their first Enforced Sale. The interviewee reported that as the authority had not taken such action previously the EIE guided them through it all, from start to finish. The legal team were hesitant about getting involved initially, so the EIE played a key role in providing them with the necessary information and advice. The authority now feels better equipped to follow an Enforced Sale procedure themselves in the future
  - with the support of the EIE, one authority reported to have taken enforcement action on three properties which resulted in enforced sales. These properties are being brought back into use. An indirect benefit for this authority was reported to be the impact upon other empty property owners across the county, who have since been spurred into taking action on a voluntary basis in light of the potential threat of enforced action by the local authority
  - the support of the EIE was considered critical for one authority to tackle a challenging long term empty property. The EIE supported the authority with the steps to place a charge on a property for works undertaken in default, and subsequently take the property to auction

- the EIE played a key role in supporting one authority with their first commercial property Enforced Sale. Despite this authority having a well-established enforced sale procedure for residential properties, they had not previously applied it to a commercial property
- another authority reported that they had taken advice from the EIE to proceed with an enforced sale on a property, as well as broader advice around deceased ownership of an empty property and advice on VAT issues relating to work on empty properties

5.28 A further two local authorities reported that they had made good progress in their approach to tackling empty properties as a result of the support accessed, despite not having taken any direct enforced action (mostly due to restricted staffing resources to carry out such action). In these cases, local authorities reported that they had taken a more proactive approach to addressing empty properties in their county. For instance, one authority issued an initial letter to empty property owners and found that this resulted in a good response with many cases of owners taking voluntary steps to bring the property back into use. In the other case, the legal advice sought by the authority from the EIE had been helpful in making progress with two challenging empty properties, albeit that these continued to be vacant. Several examples were also provided where the input of the EIE had been used to convince lawyers and accountants that the issue had been explored in detail by an expert.

5.29 A common message from local authorities who had either made progress or taken enforcement action, was that their involvement with the EIE had helped them to better understand how they could use legislation more effectively to tackle empty properties. Several examples were identified over the course of the fieldwork of local authority officers becoming better informed of legislation which they had not previously utilised. For instance, one such authority officer reported that '[name of EIE] taught us the importance of incurring debt on a property by undertaking works as a key to getting an enforced sale'.

- 5.30 Another three local authorities reported that their engagement with the EIE had been more limited, in that it focused on receiving advice for one to two empty properties. In one of these cases the EIE was asked to support the authority with a search for the property owner, as it appeared that the empty property was owned by a 'ghost' company. In another case, the EIE was approached to help deal with a very challenging empty property which had been subjected to an arson attack by the owner, and where the EIE provided advice to try and recover the cost of work involved. In this case the owner lost mental capacity which made it more difficult to recover the monies. In the third authority, whilst advice from the EIE was sought for specific properties, limited progress was made due to a number of factors including changes to property circumstances.
- 5.31 Two local authorities reported that they did not utilise the EIE support to the extent that they would have liked due to a lack of staffing resources which has restricted them from engaging. In one of these cases their circumstances are changing as they are in the process of appointing additional capacity.

### **Measuring the difference made**

- 5.32 Several interviewees were mindful that their authority's performance in the past had been assessed against national indicators, which defined an empty property as a property which has been vacant for six months or more: the total number of empty properties within their county (as determined via their council tax information) and the number of empty properties which the authority takes action about which are brought back into use. A key issue raised was that the impact of their work on tackling the most challenging empty properties by taking enforced action, which takes time and absorbs a significant amount of resource, has little bearing upon these high level KPIs as the work only impacts a small number of properties. It was suggested that authorities could be better incentivised to focus on properties which have been empty for a longer period of time and/or which require enforced action as otherwise, they

will always be driven by the need to make the most efficient use of their resources.

### **Likely future support needs**

- 5.33 Local authorities, particularly those who were already very engaged and those who anticipated that they would become more engaged, were very keen to see the EIE support and advice continue in the future. They thought that the nature of the current offer would continue to be appropriate for their future requirements. Local authorities stressed the importance of being able to tap into continued legal advice; having a point of contact or helpline to address ad-hoc queries or issues; as well as accessing hands-on support to take their first step with a particular enforcement action e.g., one local authority envisaged that they might need support to enforce an Empty Dwelling Management Order (EDMO).
- 5.34 A small number of local authorities (3-4) anticipated that they would make greater use of the EIE over the coming few years, largely due to them having just appointed, or were in the process of appointing, additional resources to tackle empty properties. This suggests that the demand upon the EIE role in the future could increase, making it challenging to meet the requirements of all local authorities within the current level of resource.
- 5.35 Three local authorities also stated that they would benefit from being able to access an empty property toolkit or a library of standard paperwork which could be used in enforcement. For instance, one commented:
- ‘the training has been good, and we’ve got the slides, but we could really do with a comprehensive toolkit, a flowchart, and copies of draft notices...a step-by-step guide from cradle to grave.’
- 5.36 A couple of local authorities mentioned that they would like to hear about case studies from other authorities across Wales, with these possibly built into any refresher training made available in the future.

- 5.37 A few of the remaining local authorities who did not anticipate making much use of the EIE support and advice in the future noted that they would be restricted from doing so due to capacity issues. There may be a case for exploring how the role of the EIE could be made more proactive and hands-on in these cases, for instance by leading on a particular empty property case for the local authority from start to finish, in order to demonstrate how effective enforcement action can be. We understand that as the current contractual arrangement is limited to some three days per week, the current postholder is largely reactive to requests from local authorities and does not therefore have the capacity for such a proactive role.

## 6. The Empty Property Enforcement Fund

6.1 In this chapter, we consider the findings of the fieldwork in relation to local authority applications made to the Empty Property Enforcement Fund.

### **Applications to the Fund**

6.2 Of the 19 local authorities interviewed, four reported that they had or were making an application/multiple applications for the Fund. Feedback from the EIE also confirms that a fifth authority (who did not contribute to the fieldwork) applied:

- one authority has applied twice to support residential properties (CPO and enforced sale)
- one authority has applied once to support a part retail/part accommodation property (enforced sale)
- one authority has applied once to support a residential property (enforced sale)
- one authority has applied to support a large-scale commercial property (enforced sale)
- one authority (who did not contribute to the fieldwork) has applied for a multi property bid covering in excess of nine residential properties (enforced sale)

### **Views on the application process**

6.3 Feedback from four interviewed authorities who had applied for the Fund suggested that the process had been straightforward and relatively easy, not least because the EIE had helped to draft much of the application content. One authority considered the application to have been ‘very detailed’ whereas three had found the requirements to be reasonable. The guidance provided was considered helpful, and the examples of mock applications made available to authorities was regarded as very useful.

- 6.4 The timescales for receiving a decision from the Welsh Government was considered to be quick (at around two to three weeks) albeit that one authority highlighted the delay in receiving the loan confirmation paperwork (from Rhondda Cynon Taf County Council as the managing authority). In this case the authority was still waiting for the confirmation at the time of fieldwork (mid-October) despite having received Welsh Government approval at the end of July.

### **Strengths of the Enforcement Fund**

- 6.5 The main strengths of the Enforcement Fund identified by those who had applied, included it's:
- remit, in that local authorities welcomed the change in criteria to include non-town centre properties as well as the inclusion of multiple property applications
  - flexibility as it allows local authorities to fund legal resources and project management resources, which internal authority funding allocated for undertaking works in default on properties doesn't usually allow for
  - helpfulness for local authorities with limited or no funds available at its disposal for undertaking works in default. One authority reported that their application for funding was for a larger amount than what their works in default budget would be prepared to cover
  - usefulness in reducing the risk for local authorities to undertake works in default, as each case has a clear exit strategy such as an enforced sale to recover the funds deployed.

### **Likely future use of the Fund**

- 6.6 Table 6.1 summarises the position of interviewed local authorities (and opinions provided on those not interviewed) about their likelihood of using the Fund in the future. It shows that those who have already used it are likely to use it again and a small number are open to the idea of using it in the future. Over half of those interviewed however either do

not anticipate that they'll use the Fund in the future or are unlikely to do so.

**Table 6.1: Likely future use of the Enforcement Fund amongst those interviewed**

Likelihood	Number of local authorities	Further comments
Very likely to use the Fund	4	<ul style="list-style-type: none"> <li>3 LAs have already prepared/submitted bids</li> <li>1 LA considering / preparing bid</li> </ul>
Will possibly use the Fund	3	<ul style="list-style-type: none"> <li>1 LA intends to use the fund but does not have properties in the pipeline yet</li> <li>1 LA stated that they would use the fund if they found the right property and had the right guarantees</li> <li>1 LA is open to the idea, and would have used it previously but at the time the fund was only for town centre premises</li> </ul>
Not likely to use the Fund	12	<ul style="list-style-type: none"> <li>See barriers section below for reasons provided by LAs</li> </ul>

### Barriers to using the Fund

6.7 The key barriers identified by interviewed local authorities (set out in order of most cited) were:

- **risk averse and nervousness about loan funding:** particularly within the current financial climate, as local authorities don't wish to borrow money (even if there is a guaranteed pay back attached to it). A couple of authorities spoke of the difficulties getting their legal colleagues on board and one found it difficult to get their finance department on board. One commented:



'We are fairly careful as a Council and do not get involved if the bottom line is not there. Financial risk is a strong factor that prevents the Council from using it.'

Several local authorities did not appreciate (or in some cases trust) the guarantee offered by the Welsh Government for any potential losses incurred by the local authority e.g., should a property be sold at a loss. One such authority questioned what might happen should the Welsh Government and local authority disagree about which party was liable for any financial loss. It was also suggested that one local authority could not take on any further debt as they had reached their current borrowing limit. Four local authorities expressed a preference for either grant funding or a more direct financial award process (thereby doing away with the application process). Some of these authorities suggested that if they might be able to complete their first pilot case with the support of a grant, they would then be more prepared to take the loan funding route thereafter

- **not prepared or geared up for it and a lack of resources to get properties to the point of being of ready to apply for the Fund:** local authorities reported that it can take several years' of work to get one empty property to the point of being ready to apply to the Fund, and many reported that they didn't have the funds in place to commit this level of resource to individual empty properties. In many of these cases staff resources are prioritised for other tasks, such as administering other funding schemes. Some authorities were also eager to point out that they are simply not geared up for enforcement work e.g., one authority doesn't have an Enforced Sale procedure as yet whilst others question the potential return on investment from getting involved with enforcement action e.g. one authority was not prepared to consider CPOs due to its potential low level of return

- **local authorities already have access to internal funds to undertake works in default:** Five of the interviewed authorities argued that one of the main reasons why they had not yet applied to the Fund was that they already had access to an adequate amount of internal funds to pay for works in default on empty properties, which could then be reclaimed by placing a charge on that property. Some of these observed that accessing the same type of funding via the Enforcement Fund didn't make sense, as it involved more work on their part to complete the application
- **lack of understanding and misconceptions about the Fund:** the fieldwork revealed that some local authorities don't know much about the Enforcement Fund e.g., one asked for the guidance to be shared with them following our discussion, and several of those who have not applied were ill-informed about its funding criteria. There continues to be a lack of understanding about some of the Fund's basic elements such as the amount of loan which can be applied for and whether or not non-town properties are eligible. The main misconception however related to the loan guarantee, and whilst a few authorities appreciated that the messaging about this had been strengthened of late, there was still a strong sense of nervousness about it. One authority had concerns about the payback period of five years being too short and another perceived the application process to be too long
- **other funding schemes are available to property owners, and their administration are prioritised by local authorities over empty property enforcement:** several of the local authorities interviewed explained that the administration of incentivisation schemes such as the Empty Homes Grant and Empty Homes Loan Scheme (Housing to Home) have absorbed much of their empty property officers' time. Similarly, officers based in Regeneration Departments have focused on utilising Transforming Town grants (including Placemaking grants) to

tackle empty properties. One local authority also administers its own interest free loan fund for property owners

- **a perception that the Enforcement Fund only covers capital costs:** a few local authorities, particularly those who lacked the staffing resources to undertake enforcement action, were not aware that the Fund could be used for non-capital costs. Some of these might use the Fund if they were better informed that it could be used for revenue costs, such as staff costs (particularly the costs of legal staff within the authority) or for preparatory costs such as consultancy or valuations. One such authority commented:

‘I wonder if they break the fund down slightly – some fees and consultancy pre works or surveys or valuations that could be covered by it – that would take some of the nervousness out. In accountancy terms that can be considered as revenue only and then can only be capitalised if it goes ahead.’

### Implications for the future

- 6.8 The findings of the fieldwork suggests that demand and use of the Enforcement Fund over the next few years is likely to be modest and that the £15m allocation may be too much. Given that most funding applications made to date are in the region of £100k (although we are aware that one application for circa £1m was being considered by one authority), fewer than half of all authorities are likely to make use of it over the next few years and that those authorities are fairly limited in terms of the number of complex cases which they can take on board at any one point, a budget allocation of circa £5-6 million would seem adequate<sup>11</sup>. There would be merit in revisiting the need and demand for this Fund at a future point in time, say three years, particularly should a change in the amount of funding being requested be observed.

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<sup>11</sup> Calculated on the basis of 10 LAs using the fund in all, each making a single application on an annual basis to the Fund, and each application being repaid at the 5-year point.

- 6.9 There is also a case for considering whether some of the loan funding could be repurposed and used to support the work involved in actively taking forward enforcement action on a specific empty property. The resources could be used to cover staffing resources as well as other inputs such as from legal resources.

## 7. Lessons learned

- 7.1 This section covers any further lessons learned and suggestions for further support that could be useful. It also covers other issues raised during the fieldwork that is beyond the scope of this review but might have bearing on the Welsh Government's empty property enforcement approach more broadly in future.

### *Maintaining policy focus*

- 7.2 Four local authorities reiterated at the end of the interview that it was imperative that the Welsh Government continued its policy steer and focus on empty properties nationally to sustain the pressure on local authorities. It was also suggested that more could be done to ensure the Welsh Government's regeneration and housing teams adopted a more integrated approach to their empty properties policy.
- 7.3 Two authorities queried whether there was any opportunity for the Welsh Government to produce an overarching national plan, to cover empty properties more broadly (rather than enforcement alone), in line with the recommendation of the Senedd's 2019 report. They strongly felt that this was a gap in the current set-up, and that a national plan or state of the nation annual report would help to push things forward within their authority, provide best practice examples to enable teams in other local authorities to know where to go for specific experience and advice, and highlight any missing elements in their current provision.

'We will struggle to keep the team if there isn't a national plan – it would give more weight to the work we do, and councillors will take it more seriously.'

- 7.4 A couple of interviewees also raised the issue about statistics in relation to performance and improvement, and the challenge of ‘selling’ enforcement activity when success is difficult to quantify:

‘For some properties you can spend two and a half years to get an outcome and solve another in five minutes!’

#### *Sharing best practice*

- 7.5 Five local authorities mentioned that they were keen to see greater sharing of best practice, examples of how the role of the EIE had been used by a local authority, or how other local authorities were utilising their council tax premium funds. The Loan Network was described as a well-run and useful outlet to share best practice and ‘bounce ideas off each other’. The various regional empty property networks were also suggested as a mechanism for sharing these examples.
- 7.6 It was also noted that many workstream processes, paperwork, templates, and training courses had already been developed by some local authorities, and these officers were happy to share resources in an attempt to lessen duplication of effort.

‘There is no point hiding what we are doing – we need to share’

#### *Recruitment and staffing capacity*

- 7.7 Throughout this review the issue of staffing capacity has been raised. Local authorities mentioned how it can be difficult to source the relevant expertise for empty property enforcement posts. The short-term, non-permanent nature of the roles also amplifies the issue, and results in greater turnover of staff. This then means that new staff members have to be trained in this complex area of work.
- 7.8 Local authorities also raised the dire need for additional staff to undertake dedicated roles relating to empty property enforcement activities. Suggestions to combat this issue included:

- a more intensive, ‘embedded’ support provision e.g. a regional advisor embedded into a local authority team for a period of time to drive forward two or three key properties
- a dedicated additional resource or advisory capacity available regionally
- access to shared legal resources and advice
- some revenue funding to pay for external expertise that could be accessed annually e.g. an individual to undertake the initial assessment of a property to outline what is possible and steps to be taken.

7.9 It was suggested that the Enforcement Fund could be reduced in scale to fund this type of support and that the Unnos<sup>12</sup> concept as part of the Welsh Government’s co-operation agreement could be explored as a possible vehicle to deliver such services regionally.

#### *Class F properties<sup>13</sup>*

7.10 Three local authorities suggested that support in relation to Class F properties would be useful. At the most basic level, they were keen to discover how some local authorities had navigated the procurement processes and worked successfully with tracing agencies to trace Class F next of kin. It was suggested that an all-Wales provision could be funded, or a procurement exercise undertaken at a Wales-wide level to access an agreed tracing service.

#### *Driving behaviour change*

7.11 Four local authorities described how RSLs were reluctant to get involved with empty properties due to the level of investment required to bring them up to standard. Instead, they preferred to spend money on new

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<sup>12</sup> The Cooperation Agreement states a number of policy agreements that the Welsh Government and Plaid Cymru will work on for three years from 2021. It includes a commitment to ‘establish a National Construction Company, Unnos, to support our councils and social landlords to improve the supply of social and affordable housing. We will take advice together on its remit, parameters, and location.’ Further information is available here: [Unnos – Land and Housing Wales - The Party of Wales](#)

<sup>13</sup> Class F - Unoccupied because the person who would normally have to pay the council tax has died, and neither probate nor letters of administration have been granted.

developments. Whilst there are funding options available for RSL, there is no legislation in place to drive their behaviour. A similar issue is encountered when dealing with heritage and listed properties with high costs attached, even where the local authority is prepared to do the work.

- 7.12 Some of these authorities also suggested that a wider conversation was needed between Welsh Government and local authorities on this matter. The location of empty properties was often deemed to be ‘in the wrong place’, where people didn’t want to live or there was no commercial demand for the property, particularly with the contraction of retail estate an issue for many town and city centres. As such there needed to be a greater appreciation of the fundamental issues of lack of demand for and financial viability of some commercial town centre properties in particular:
- ‘It’s not about serving notices – we are chasing properties you’ll never fill’

- 7.14 There were some suggestions of ‘softer’ approaches to full enforcement action to deal with some of these issues including small grants to provide technical advice from builders and architects for owners who wanted to simply tidy up their empty properties and financial incentives to get ground floor retail spaces in town centres back into use (such as business rate relief removed for vacant commercial properties, or a premium added).

#### *Strengthening legislation*

- 7.13 Finally, a number of local authorities commented on the need for a quicker and easier process to undertake enforcement, that was less resource intense, and called for simplification or strengthening of the legislative powers available to them. Suggestions included:
- passing legislation that would automatically pass ownership of a property to the council if probate was not applied for after e.g. 10 or 15 years

- strengthening the legislation – currently the focus enables owners to improve the external façade of a building and/or make it safe but not bring it back to use
- strengthening legislation to make it an offence to leave a property empty under certain circumstances (rather than rely solely on financial penalties as is the situation currently) – it was stated that some owners can afford to pay the financial penalty for works undertaken in default as having the property on their portfolio helps them to raise a mortgage on another property development. Thus there is no incentive to deal with the empty one
- providing more flexibility in terms of the individuals or departments who can issue notices under some legislation or develop a new process whereby an enforcement panel of the five key departments has the power to serve notices rather than the departments themselves, to enable faster roll-out of notices
- creating new legislative powers to allow enforcement action to be taken on empty properties which have overgrown gardens that are not infringing negatively upon a neighbour's property but is unsightly.



## 8. Conclusions and Recommendations

- 8.1 The Empty Properties Enforcement support and fund is well-aligned to the policy priorities outlined by the Welsh Government in its Town Centres Position Statement. It is important that the policy prioritisation at a national level continues, in order to maintain pressure and focus on a local authority level.
- 8.2 The support and funding package for Empty Properties Enforcement has clearly been set up as a measured and suitable response to the many issues raised and recommendations made in the Senedd Committee's 2019 report. Several of the issues raised in the 2019 Senedd report have been reiterated during the fieldwork for this review which suggests that many of the barriers remain unsolved. It is also questionable whether some of the recommendations made in the report have been addressed as fully as they could be, particularly in terms of the level of support that can be provided at a regional or national level.
- 8.3 The success and impact of the support provided, and indeed of empty property enforcement activity in general, is difficult to measure in a meaningful way, with local authority KPIs unable to generate a very accurate picture. It is extremely challenging to capture the effort that goes into solving some of the most complex and long-term empty properties, and there is always a risk that over-simplified monitoring of progress can result in unintended consequences, such as focusing on 'quick win' properties to hit targets.
- 8.4 The recent changes to the guidance and discretionary powers to charge a council tax premium on long-term empty properties provides a real opportunity for local authorities to utilise this tool effectively and they should be strongly encouraged to use the additional funds generated on increasing their capacity to address empty property enforcement action locally.
- 8.5 There is a range of funding sources at local authorities' disposal, although not consistently utilised, to address empty homes and properties in their localities and these can often be highly effective in

generating improvements and bringing some properties back into use. In those local authorities where these funding sources are being used, there is some evidence to suggest that these grants and funds have had a negative unintended consequence on the capacity of local authorities to deal with enforcement issues. Regeneration and housing officers, often in small teams within their authority, reported that most of their time was being spent on the administrative duties associated with these various funds and grants, or on reactive tasks such as dealing with complaints.

- 8.6 Our fieldwork clearly showed that there is wide variance in terms of corporate priority, capacity, expertise, and experience within Wales's local authorities to deal with empty properties. Small, rural local authorities in particular are struggling to undertake the necessary enforcement actions in their localities. Where empty property enforcement has been prioritised politically, and additional capacity and support put in place to tackle the issues, there is progress being made.
- 8.7 Furthermore, it remains clear that the cross-departmental working that is required due to the nature of the legislative powers available makes it an even more challenging and arduous undertaking to reach the desired outcome of an increase of empty properties back in use.
- 8.8 Feedback on the use of Action Plans has been somewhat mixed but they have undoubtedly been helpful to some local authorities who wanted to progress with their enforcement work and wanted to engage with the EIE. In some cases, the process was also successful in leveraging additional resources to this work.
- 8.9 The training element of the Empty Property Enforcement support has clearly been widely attended by elected members and relevant officials, with incredibly positive feedback received. It has successfully increased understanding of the legislative powers available, and the complexity and time needed to deal with challenging empty properties. There is a possible case to simplify, or shorten the training for members somewhat, whilst those on the coal face would welcome access more detailed

training on specific aspects in future. There is a clear need to repeat the training in future when turnover of elected members and staff raises demand again.

- 8.10 The on-going support provided by the EIE has been outstanding, with local authority officers in awe of the level of knowledge and expertise that the individual has provided, and their responsive, proactive approach to move local authorities along the enforcement journey, especially those who were not particularly experienced in or confident of the process beforehand. Over half of the local authorities we interviewed had made good use of the EIE's support and there is strong evidence that accessing the support has played a pivotal role in enabling some of these local authorities to undertake enforcement action and secure a positive outcome.
- 8.11 Whilst some local authorities have sufficiently large and experienced teams to require minimal interaction with the EIE support, there is also a substantial cohort who would like to make better use of the support but lack the in-house capacity and expertise (across departments) to follow the necessary process to achieve the desired outcome. As a result, there could be an increase in demand for the service that could reach an unsustainable level. Conversely, local authorities might also see a reduction in their in-house capacity to deal with empty properties if financial pressures hit discretionary services within local authorities over the coming years. Being able to access an adequate level of enforcement support will become increasingly important to enable momentum to be sustained at some local authorities and to allow others to step up their enforcement game.
- 8.12 Whilst the small number of local authorities who have accessed the enforcement fund recently found the application process to be straightforward, and have welcomed the widening of the fund's parameters, feedback suggests that the likely future use of the enforcement fund is going to be limited.

- 8.13 Local authorities are generally risk averse and nervous about loan funding in the current financial climate and find it difficult to obtain commitment to apply at a corporate level. Whilst there are some misconceptions about the Enforcement Fund, solving these is unlikely to drive a huge uplift in applications. The current allocation of funding within the Fund is much higher than the likely use which will be made of it.
- 8.14 Local authorities would find access to a replenishable works in default pot within their own authority more useful and accessible. A revised approach to funding that would allow local authorities to utilise part of the funding towards revenue costs such as additional staffing or external consultants could be beneficial.

### **Summary of recommendations**

#### **Recommendation 1**

We recommend that the Welsh Government commissions the provision of an EIE training and support package for local authorities for a further three years.

#### **Recommendation 2**

We recommend that Empty Property Enforcement training provision should continue. However, it is unlikely that the same level of training intensity or a repeat of the training for each of the 22 local authorities will be required.

We recommend that there is merit in arranging:

- a virtual two-day training session annually that is open to newly appointed officers across the local authorities
- a series of focused one-day virtual training sessions after each local authority election cycle aimed at raising awareness and understanding for newly elected members or those responsible for the empty property brief for the first time (and senior officials)
- short online webinars on 'high demand' or 'complex' specific subjects associated with enforcement.

**Recommendation 3**

We recommend that the budget allocation to the Enforcement Fund is reduced to circa £5-6 million as this will be sufficient to respond to the current demand. We recommend that the demand level is assessed every three years and amended accordingly.

**Recommendation 4**

We propose that the Welsh Government consider repurposing some of the loan funding for more revenue-based support and seek to address the recommendation of the Senedd report to increase resources to fund a dedicated enforcement role/function at local authorities or fund additional regional support to allow local authorities to raise their capacity and access to expertise.

**Recommendation 5**

If a regional support service is a viable option for the Welsh Government to provide this additional capacity and expertise, we suggest that it should look to provide:

- access to specialist enforcement legal advice and expertise
- procurement of and access to an all-Wales tracing service for class F properties
- a toolkit of materials, templates, and guides
- administrative staffing support to support with the drafting of notices and standard forms and processes
- (in some cases) intensive hand-holding intervention to support local authorities through the full enforcement process.

We recommend that the Welsh Government consider whether the Unnos government-owned subsidiary might be a suitable vehicle for delivery of this support provision.

**Recommendation 6**

We recommend that the Welsh Government and local authorities make greater use of existing networks, including the Loans Network and regional

empty property networks to share good practice and to seek troubleshooting support.

### **Recommendation 7**

The Welsh Government should increase its communicating of the success stories and progress made at a national level via

- ongoing dialogue with the WLGA and with elected members to strongly encourage local authorities to reinvest the empty homes council tax premium windfall into increasing their in-house staffing capacity and/or to establish self-replenishing works in default fund
- publishing an annual state of the nation report that includes case study examples of achievements at specific local authorities to continue to drive interest and focus on this policy priority.

### **Recommendation 8**

The Senedd report raised a number of issues regarding the complexity of the current statutory enforcement legislative system and the need to fill gaps, consolidate, simplify, and extend legislative capabilities in this area of work. Comments received during this evaluation suggests that these issues remain. As such, we recommend that the Welsh Government revisit this issue and consider how it can support local authorities to deliver this work under a simplified and fit-for-purpose legislative system.

### **Recommendation 9**

We also recommend that the Welsh Government and the WLGA review the current set of KPIs and measures for empty properties and seek to develop a more suitable measurement that does not inadvertently push local authorities towards the easier-to-fix properties in their locality.

We suggest that one solution would be a more consistent monitoring of the progress made by local authorities against their agreed enforcement action plans by WG, ideally on an annual basis.

We also recommend that local authorities should be required to evidence continued progress and regular updating of these action plans as a condition of being able to access further WG funded support.

## Annex A: Discussion guides

### Topic guide: Local authority representatives

#### Background

1. Tell me about:
  - Your role
  - Your local authority's approach to empty property enforcement to date, including which departments lead on this work
  - Your involvement with the Empty Properties Enforcement support package, including the training and support provided by the industry expert.

#### Understanding of the support offer

2. What do you understand to be the aims and objectives of the Empty Properties support package (the Enforcement Fund and associated support and training via the Enforcement Industry Expert)?
  - Where did you hear about it?
  - Are you clear about what it can and cannot support/fund?
3. How much need is there from your local authority for the support provided by Welsh Government to deal with long-term empty properties and enforcement?
  - *(If there is a need) Where is the greatest need for support? (Prompt: understanding of enforcement options and legislation, support or advice with particular interventions, or other knowledge gaps)*
  - *(If there is not much need) Why do you not have much need for this support? (Prompt: e.g., sufficient internal resources, not a priority, already have things in place themselves to support etc)*
4. To what extent has the requirement to produce an Enforcement Action Plan helped your local authority to deal with commercial and residential properties more effectively?
5. To what extent has the requirement to attend the Empty Property Enforcement training course helped your local authority to deal with commercial and residential properties more effectively?



## Training and support provided by the Enforcement Industry Expert (EIE)

6. How has your authority engaged with the training provided by the EIE?
  - What was most useful and why?
  - What elements did you not consider useful and why?
  - Which departments or staff/elected members participated in the training?
  - Are there any gaps in terms of individuals who need the training?
  - What feedback was received from staff and elected members about the training?
  - What would you identify as the strengths and weaknesses of any training accessed?
7. How has your authority made use of any additional support and advice available from the EIE?
  - What has been most useful and why?
  - Which departments required additional support and advice?
  - What difference did any support or advice received have?
  - (*where relevant*) Why have you not taken up any support or advice?
  - Is the EIE your sole source of support and advice or have you accessed other support and advice on empty property enforcement from elsewhere? (If so, what type of support, from who, and why?)
8. To what extent has the support and training offered by the EIE provided your LA with the knowledge and expertise to enable you to bring empty properties back into use?
9. How could the package of training and support provided by the Enforcement Industry Expert be amended to better support your local authority?

## Applications to the Empty Property Enforcement Fund

10. Have you applied to the Empty Property Enforcement Fund to date or are you in the process of applying?
  - What type of application have you made? (*Prompt: Approval in Principle, Request for Funds, Multi-property bid*)
  - What type of intervention(s) are you looking to make? (*Probe for: Statutory notice, Compulsory Purchase Order, Empty Dwelling Management Order, Direct Purchase/Development, Other*)

11. (if LA has applied) What are your views on the application process? Ask about:

- Suitability and clarity of the guidance
- The terms and conditions of the fund
- The appraisal process
- Ease of completing application form
- Timeliness of decision making in regard to application?
- Usefulness of any support provided to date? (Probe from WG or other source, when was support provided, and for what purpose)
- What are the strengths of the process?
- How could the process be improved?

12. (if LA has applied) How likely is the Fund to be of benefit to you again going forward?

- Are you likely to apply again in the foreseeable future?
- If so, why is that?
- What type of support would you likely apply for in future?
  - (Probe for: Statutory notice, Compulsory Purchase Order, Empty Dwelling Management Order, Direct Purchase/Development, Other)
  - How likely are you to apply for the same support as already applied for? If so, why?

13. (if LA has not applied) Why have you not applied to date?

- Are there any aspects of the application process that preclude you from applying (probe re: terms and conditions of the fund, resource?)
- Do you intend to apply in the foreseeable future?
- If so, why is that?
- What type of support would you likely apply for? (Probe for: Statutory notice, Compulsory Purchase Order, Empty Dwelling Management Order, Direct Purchase/Development, Other)

14. What, if any, are the current barriers to applying and using the Fund?

- What would help to overcome those barriers?
- How helpful are the recent changes to the Fund (making it accessible for residential properties, allowing single applications for multi small-scale actions) to you?
- What further changes could be done to the Fund to facilitate access to it?

## Lessons learned

15. What continued support, if any, is required by your local authority to enable empty properties to be bought back into use?
- *(Prompt: by the EIE, via the fund, or any other type of support not currently offered.)*
  - To what extent would you require refresher training now (e.g. with new staff or elected members following elections/cabinet reshuffles)

## Topic guide for Welsh Government staff, WLAG representatives and the EIE

### Background

1. Tell me about:
  - your role
  - your involvement with the Empty Properties Enforcement Fund, including the training and support provided by the industry expert.

### Understanding of the support offer

2. What do you understand to be the aims and objectives of the Empty Properties support package (the enforcement fund and associated support and training via the Enforcement Industry Expert)?
3. How much need is there from local authorities for the support provided by Welsh Government to deal with long-term empty properties and enforcement in your opinion?
  - Where is the greatest need for support? (*Prompt: understanding of enforcement options and legislation, support or advice with particular interventions, or other knowledge gaps*)
  - Where local authorities do not need the support, why is that?
4. To what extent has the requirement to produce an Enforcement Action Plan helped local authorities to deal with commercial and residential properties more effectively?
5. To what extent has the requirement to attend the Empty Property Enforcement course helped local authorities to deal with commercial and residential properties more effectively?

### Support provided by the Enforcement Industry Expert (EIE)

6. What are the main strengths of the training and support provided by the Enforcement Industry Expert?
  - What has been most useful to LAs in your opinion, and why?
  - What has been least useful in your opinion and why?
  - (*WG/EIE only*) what use has been made of the support provided by the EIE?

7. To what extent has the training and support provided by the EIE provided local authorities with the knowledge and expertise to enable them to bring empty properties back into use?
  - What gaps are there in the support provided by the Enforcement Industry Expert?
  - What could be improved?
8. How could the package of training and support provided by the Enforcement Industry Expert be amended to better support local authorities?
- 9.

### Applications to the Empty Property Enforcement Fund

10. (*WG/EIE only*) What are your views on the application process? Ask about:
  - Suitability and clarity of the guidance
  - The terms and conditions of the fund
  - The appraisal process
  - Ease of completing application form
  - Timeliness of decision making
  - What are the strengths of the process?
  - How could the process be improved?
11. Applications to the Empty Property Enforcement Fund to date have been low. Why is that in your opinion?
12. (*WG only*) What is your opinion of the small number of applications that have been received so far?
  - What type of support has been requested?
  - How well has the guidance been followed?
  - What is the quality of the applications?
13. How much latent demand is there for the Empty Property Enforcement Fund amongst LAs in your opinion?
  - Probe for level and type of demand in future
  - How likely are LAs to start to make more benefit of the Fund in the future in your opinion? Why is that?
14. What are the current barriers to applying and using the Fund?
  - What would help to overcome those barriers?
  - How helpful are the recent changes to the Fund (making it accessible for residential properties, allowing single applications for multi small-scale actions) to local authorities, in your opinion?

- What further changes could be done to the Fund to facilitate access to it?

## Lessons learned

15. What continued support and/or training, if any, do you think will be required by local authorities?

- *Prompt: by the EIE, via the fund, or any other type of support not currently offered*
- To what extent would you require refresher training now (e.g. with new staff or elected members following elections/cabinet reshuffles)