



Llywodraeth Cymru  
Welsh Government



Welsh Government

# Handbook on Empty Properties in Wales

Part 2      December 2025

Resources document

Photo Credit: Ceri Breeze

## Overview

This document forms Part 2 of the handbook. It is to be used in conjunction with the Guide.

The Resources outlined here are a set of template documents, examples of best practice, and exemplar documents that can be used in empty property work.

## How to use this document

Most of the resources in this document are intended to be used as template documents – this means that you can extract them from this text to use as a standalone document and / or fill in the boxes (where appropriate) electronically. The documents have been designed to be a useful addition to the day to day working practices of those addressing empty properties.

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## Resource 1: List of contributors to the handbook

### Overview

This resource outlines the individuals who contributed to the creation of the handbook. This was through interviews, world cafe workshops, sharing best practice or being critical friends during the drafting process.

Thank you to everyone who took the time to participate in the research. Their contribution enabled the handbook to be developed based on best practice and professional insight.

This resource outlines the individuals who contributed to the creation of the handbook:

- Wrexham County Borough Council
- Conwy County Borough Council
- Caerphilly County Borough Council
- Newport City Council
- Vale of Glamorgan Council
- Vale of Glamorgan, Shared Regulatory Services
- Flintshire County Council
- Carmarthenshire County Council
- Rhondda Cynon Taf Borough Council
- Swansea Council
- Tai Tarian
- Mike Sosner, Private landlord
- Newport City Homes
- Cwmpas
- Crisis Cymru
- Trivallis
- Cardiff Community Housing Association
- National Residential Landlords Association
- United Welsh
- Housing Justice Cymru
- Cardiff University
- EYST (Ethnic Minorities and Youth Support Team Wales)
- North Wales Housing Association
- Denbighshire County Council
- Ynys Mon County Council
- The Community Impact Initiative
- Property Mark
- Shelter Cymru
- Welsh Local Government Association
- Bevan Foundation

The following individuals provided extra support by acting as critical friends or contributing case studies and exemplar documents throughout the drafting process.

- Andrew Lavendar
- Rhian Brown (Newport City Council)
- Stacey Bowen (Carmarthenshire County Council)
- Claire Davies (Caerphilly County Borough Council)
- Rhian Evans-McLean (Caerphilly County Borough Council)
- Jamie Wagenaar (Caerphilly County Borough Council)
- Oliver Denton (Caerphilly County Borough Council)
- Eleri Nicholas (Vale of Glamorgan Council)
- Tamanna Akhter (Vale of Glamorgan Council)
- James Bolton (Flintshire County Council)
- Andrea Fisher (Denbighshire County Council)

## Resource 2: Empty Property Inspection Form

### Overview

The resource provides an exemplar empty property inspection checklist for reviewing empty properties.

This can be used to support the investigative work that forms part of the 'intelligence' element of empty properties work.

### Empty Property Inspection Form

**Date of inspection**

**Inspecting officer**

**Address of empty property**

**Owner's name and address**

**Property type**

House	Bungalow	Flat	HMO	End Terrace
Mid-Terrace	Detached	Semi-Detached		

**Construction**

Brick	Stone	Concrete	Metal	Timber
Other (if non-traditional, please specify type of construction)				

**Date of construction**

Pre 1919	1920 – 1945	1946 – 1979	Post 1980
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**Property condition: (please specify construction material)**

Score:	Satisfactory 0	Minor Repairs 5	Major Repairs 10	Renew 15
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	Front Elevation	Left Elevation	Right Elevation	Rear Elevation
<b>Main Roof</b>				
<b>Addition Roof</b>				
<b>Lean to Roof</b>				
<b>Bay Roof</b>				
<b>Walls</b>				
<b>Addition Walls</b>				
<b>Lean to Walls</b>				
<b>Doors</b>				
<b>Windows (specify number)</b>				
<b>RWG</b>				
<b>Fascia/Barge</b>				
<b>Boundary Wall/Path</b>				
<b>Retaining Wall/Yard</b>				

**Total Score**

Conditions of outbuildings (if any)

Garden condition	Score
Satisfactory	
Some overgrowth	
Very overgrown	

Rubbish present	Score
No	
Yes	

Length of time vacant	Score
Less than 1 year	
1-3 years	
3-6 years	
Over 6 years	

Structural conditions	Score
Good	
Average with minor defects	
Poor with several defects	
Very poor with major defects	
Dangerous and potentially unstable	

Property appearance/visual impact on area	Score
Good, no impact	
Average, no major impact	
Poor, some impact	
Very poor, detrimental to area	
Extremely poor, eyesore and blight on area	

Security and anti-social impact	Score
Secure, no anti-social behaviour	
Secure with evidence of some anti-social behaviour	
Insecure, no anti-social behaviour	
Insecure with evidence of some anti-social behaviour	
Evidence of criminal and serious anti-social behaviour	

Enforcement history	Score
None	
Complaints received	
Numerous complaints received	
LA action but no WID	
LA action and WID/prosecution	

Property type	Score
Detached	
Semi-detached	
End terrace	
Mid terrace	
Flat	

**Total Score**

(Low 0-50, Medium 55-75, High 80+)

## Reference notes for Empty Property Inspection Form

### Structural Condition

- 1 **Good**  
Property in good condition
- 2 **Average with minor defects**  
Minor issues such as rotten windows/doors etc
- 3 **Poor with several notable defects**  
Defects such as leaking/damaged rain water goods, cracked and damaged render etc
- 4 **Very poor with major defects**  
Defects such as broken windows, damaged roof, falling elements etc
- 5 **Dangerous and potentially structurally unstable**  
Collapsing elements; signs of movement etc

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### Property Appearance / Visual Impact on Area

- 1 **Good, no impact**  
Property looks acceptable, struggling to identify it as empty
- 2 **Average, no major impact**  
Property can be identified as empty upon close inspection
- 3 **Poor, some impact**  
Property is clearly empty with issues such as severely overgrown gardens etc
- 4 **Very poor, detrimental to area**  
Property is having a visual impact on the area as a whole due to a number of severe issues
- 5 **Extremely poor**  
Property is derelict and is in such poor condition it is a focal point for the area

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### Security and Anti-social impact

- 1 **Secure, no anti-social behaviour**  
Not open to access, no signs of anti-social behaviour
- 2 **Secure with evidence of some anti-social behaviour**  
Not open to access but evidence of some minor anti-social activity e.g. some graffiti, empty bottles, cans etc around
- 3 **Insecure, no anti-social behaviour**  
Open to access but no evidence of anti-social behaviour
- 4 **Insecure with evidence of some anti-social behaviour**  
Open to access. Evidence of some minor anti-social activity e.g. graffiti, empty bottles and cans
- 5 **Evidence of criminal and serious anti-social behaviour**  
Including arson, break-ins, theft, large groups congregating in and around property

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### Enforcement History

- 1 **None**  
No complaints received
- 2 **Complaints Received**  
The occasional complaint received. Usually non-specific and only relating to the fact it is empty
- 3 **Numerous complaints**  
Regular complaints about conditions of the property
- 4 **LA action but no WID**  
Either informal or formal action taken in response to complaint with owner carrying out required works
- 5 **LA action and Works in Default (WID)/prosecution**

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## Resource 3: Exemplar Letter to Send to Empty Property Owners

### Overview

Below is an exemplar letter that is used to contact empty property owners to encourage engagement with the local authority.

The letter outlines specific schemes that are running within the local authority – amend to include the schemes that are running within your relevant local authority.

Dear Sir/Madam,

**Re: Empty Homes Project**  
«addr1», «addr2», «addr3», «addr4», «postcode»

We'd like to take the opportunity to introduce the empty homes team. Our role is to co-ordinate the empty homes project in the local area and help the owners of long term empty homes to bring them back into use.

We are writing to you as records held by XX County Council suggest that you are either the owner or the person responsible for the above empty property and we would like to understand why this property is empty and how we can assist you in bringing it back into use. To this end, please find enclosed a booklet which briefly outlines the assistance XX County Council can offer, what could happen if this property remains empty and what to do if the information we hold about your property is incorrect.

You may be interested to know that XX, in conjunction with the Welsh Government, have a private sector leasing scheme, whereby, along with grant funding to get the property up to standard, the council will enter into a lease with you, guaranteeing a monthly rent and undertaking all management and most of the repairs during this period.

If you just want to dispose of your empty home then the local authority has also set up an empty homes matching service whereby owners seeking to dispose of their empty home can be matched with a potential buyer.

If you are interested in bringing your empty property back into use, please get in touch with us via phone, email or the short survey contained in the attached booklet. We look forward to hearing from you.

Yours faithfully,  
**Empty Homes Team**

## Resource 4: Tracing Owner Checklist

### Overview

This resource is a template document to support the process of tracing the owner of an empty property.

Not all of the actions will be relevant to each empty property. Different actions or combinations of actions can be used for different scenarios.

Action	Completed?	Notes
Not all of the actions will be relevant to each empty property.	<ul style="list-style-type: none"><li>Yes/no</li><li>If no, why not?</li><li>Include date of action</li></ul>	<ul style="list-style-type: none"><li>What happened following the action?</li><li>What needs to happen next?</li><li>Is there another action that needs to be added to the list?</li></ul>
Undertake a land registry search		
Request current and previous council tax/ business rates records and uploaded documents (if GDPR requirements are met within the local authority)		
Make enquiries with neighbours or business networks		
Search for probate records on the .gov website and purchase wills/ Grant of Probate / letters of administration		

Purchase or enquire about death certificates from registrar's office			Take out an advert in the newspaper requesting contact		
Serve requisition for information notices under Local Government Miscellaneous Provisions Act (1976)			Write to charge holders and establish contact (e.g. ask if the property is subject to repossession)		
Undertake local land charge searches			Enquire with genealogist/heir hunters e.g. ask if they have involvement with a deceased estate		
Examine previous council involvement			Check register of public health funerals for same names		
Conduct internet searches including business and local history and news			Consider entry to the property via warrant if justified		
Affix a poster to the door of the property requesting contact			Search electoral roll		
			Search Rent Smart Wales website to see if the property was ever rented		

## Resource 5: Template Letter For Contacting Mortgage Providers

### Overview

This resource provides a template letter for contacting banks/building societies requesting information on owners of properties that are empty.

Eich Cyf/Your Ref:  
Ein Cyf/Our Ref:  
Cyslltwch/Contact:  
Ffon/Telephone:  
E Bost/E Mail:  
Dyddiad/Date:

Dear Sir/Madam,

**RE: xxx [insert address]**

XXX Council [insert name of local authority] are investigating complaints regarding the property mentioned above and are considering legal action to address the problems this property is causing. The property has been empty for a number of years and is falling into disrepair with an overgrown garden. We note that you have an interest in the property by reason of a registered charge.

Please can you share with the council any contact details you may have for the owner please as we are struggling to establish contact. Additionally, if relevant, please can you disclose if the property is subject to any repossession or bankruptcy action or under stewardship.

Please respond within the next 14 days should you have any information to help this authority.

If you have any queries or wish to discuss this matter further, please do not hesitate in contacting me at the details above.

Yours faithfully,

**XX**

**District Environmental Health Officer [or other responsible officer]**

## Resource 6: The Process for Tackling Empty Residential Properties

### Overview

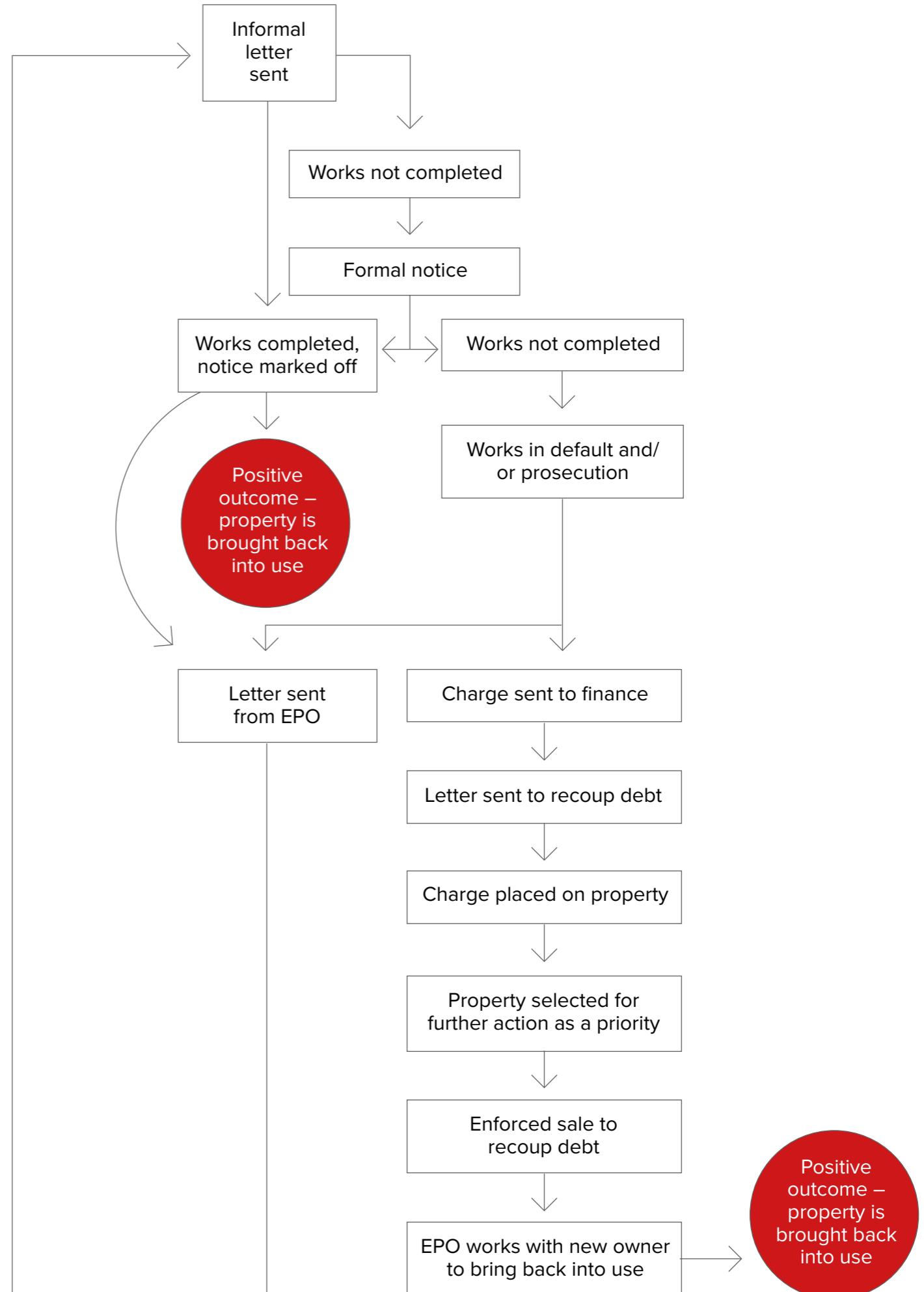
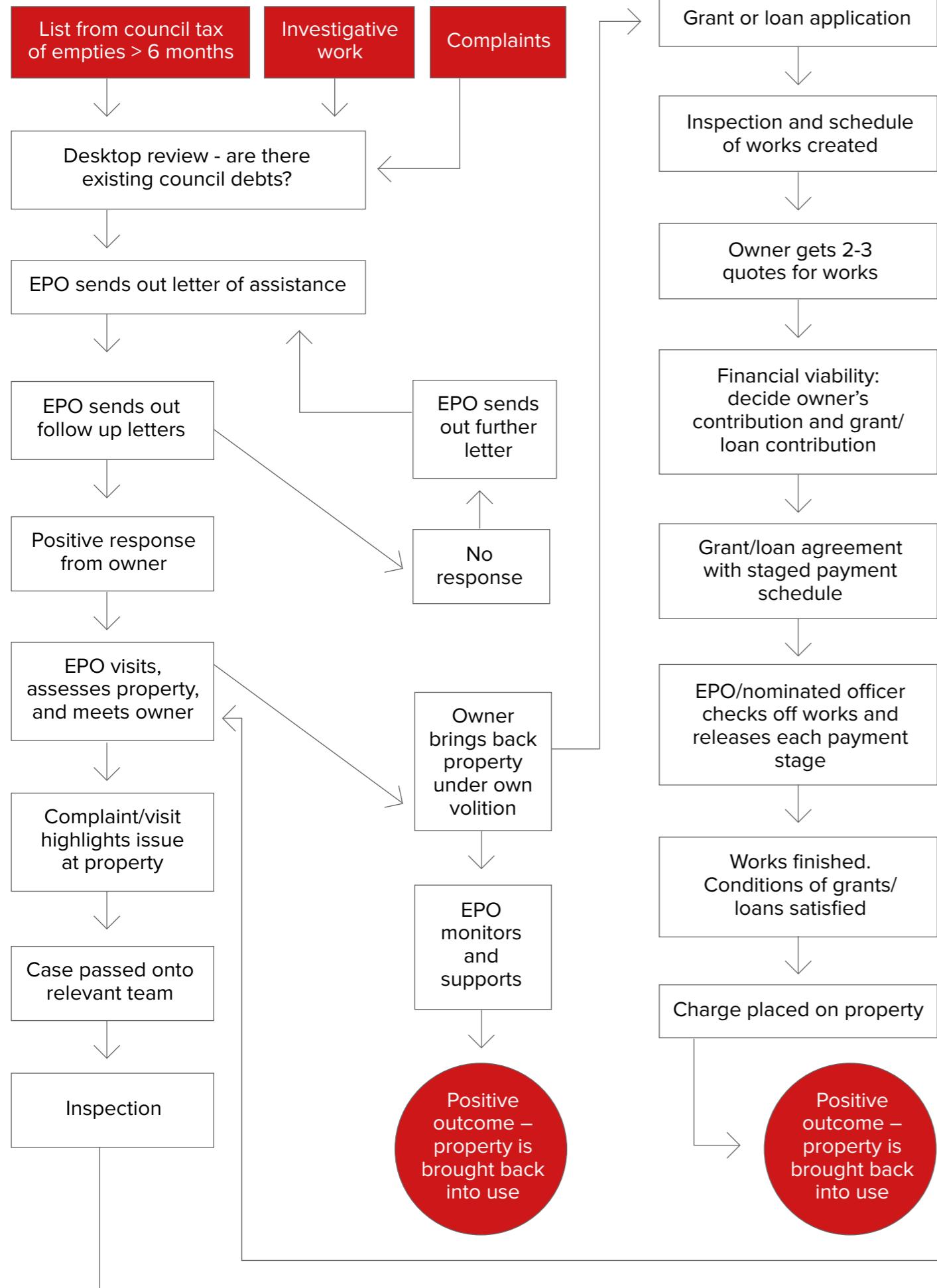
This resource provides a more detailed process outlining how empty residential properties are tackled.

It is important to note that the process provided is an exemplar – empty property work is very complex and each case is different, therefore the processes of tackling different properties will vary significantly depending on the context.

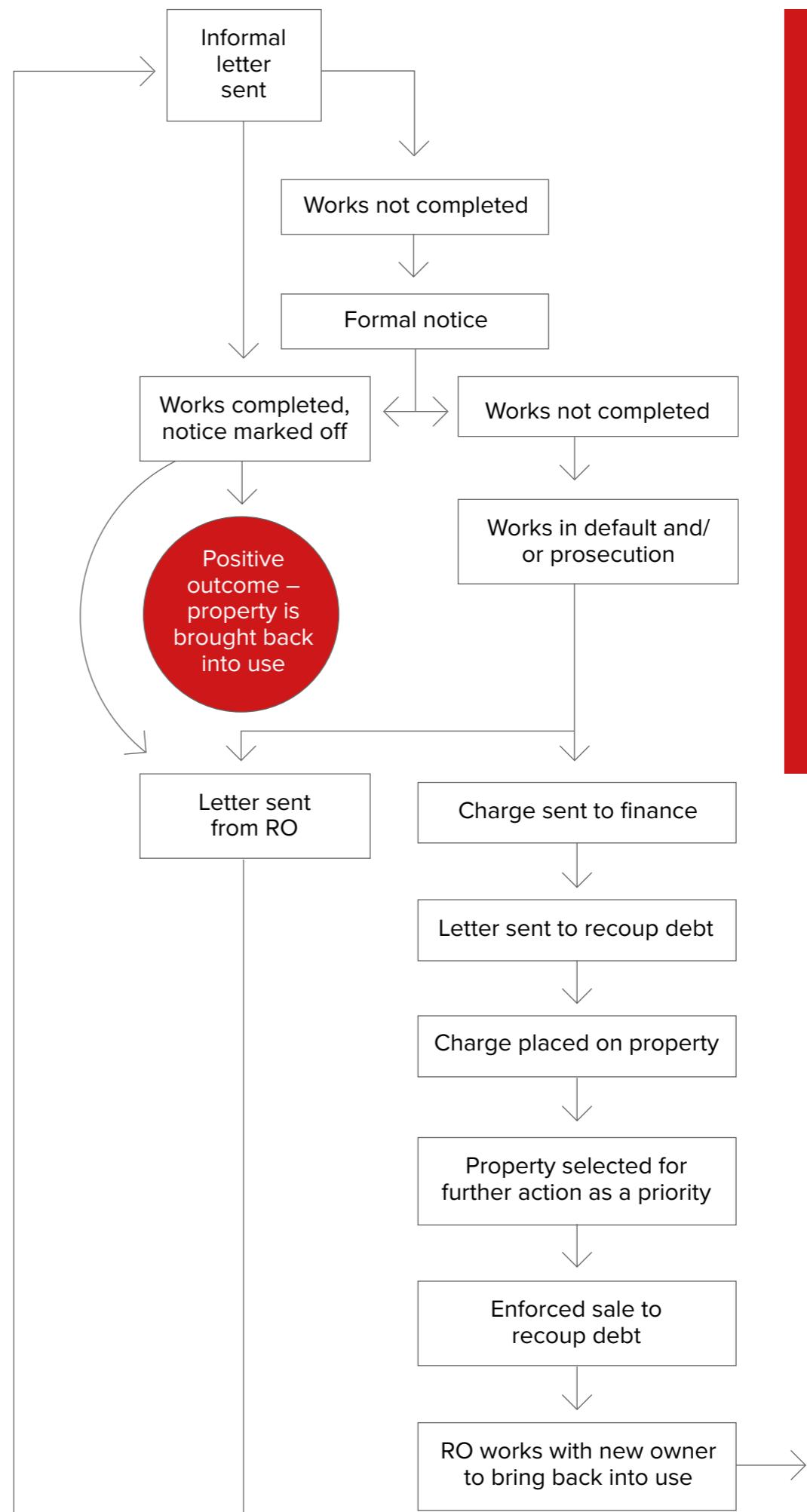
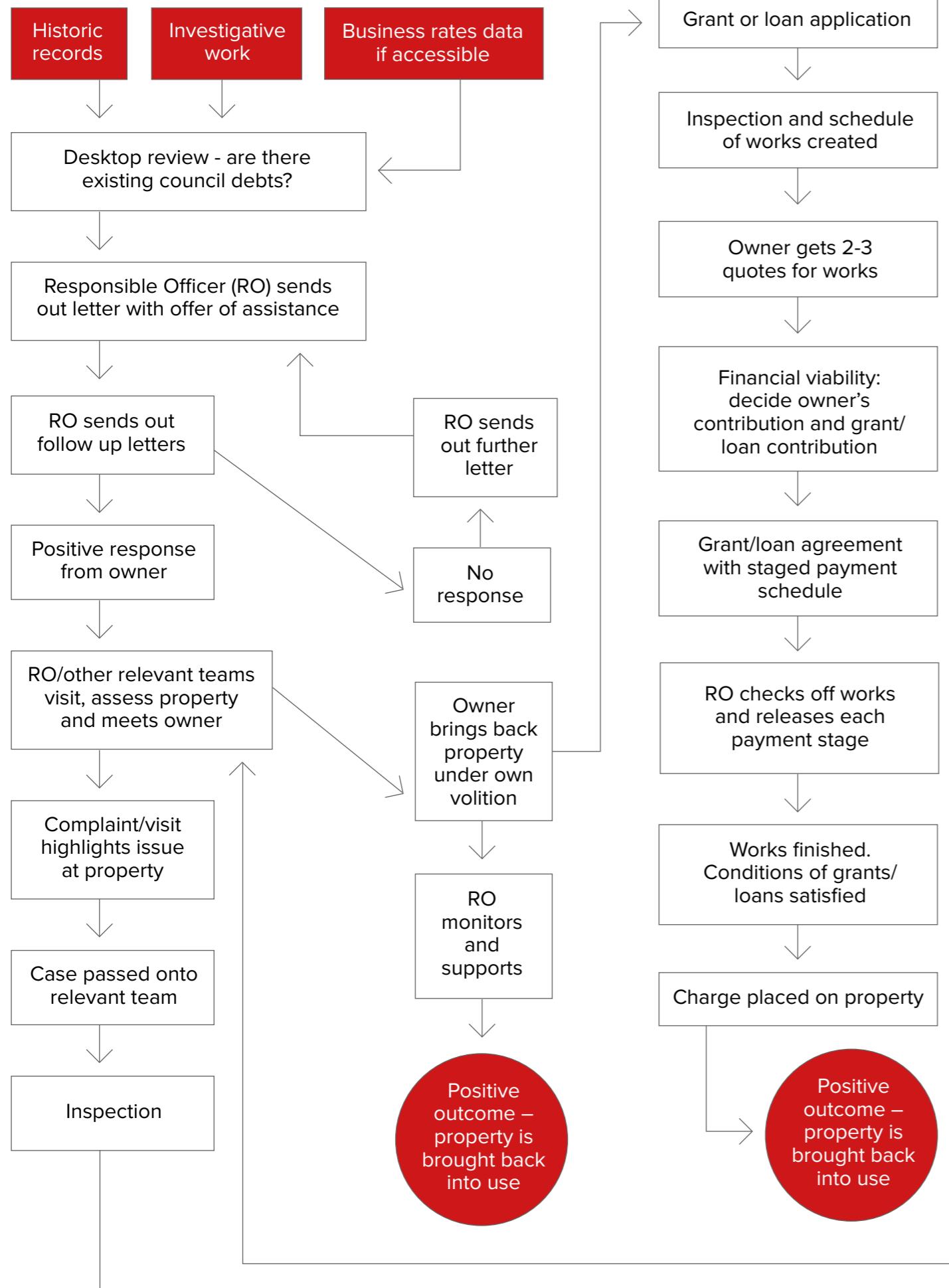
If an Empty Dwelling Management Order (EDMO – where the local authority can enter the property to complete works to make it habitable again ) or a Compulsory Purchase Order (CPO – where the local authority acquires the property with or without the consent of the owner) were being pursued the processes around these could start at different stages, depending on the context.

More information on the processes for EDMOs and CPOs can be found in the legislative handbook which is [Resource 11](#).

## 1. Residential process



## Resource 7: The Process for Tackling Empty Commercial Properties



## Overview

This resource provides a more detailed process outlining how empty commercial properties are tackled. It is important to note that the process provided is an exemplar – empty property work is very complex and each case is different, therefore the processes of tackling different properties will vary significantly depending on the context.

## Resource 8: Checklist for Good Practice Notice Serving

### Overview

This resource provides a checklist to be used to ensure good practice in serving notices as part of empty property work.

#### Serving Notices - Peer Review Checklist

Property Address: xxx

No.	Action	Yes/No/N/A	Comment
1.	Is the case officer properly authorised under the relevant legislation		
2.	Was the required amount of notice given of intended entry		
3.	Were the powers of entry properly observed in all respects		
4.	Is the legislation quoted the correct one including the correct section		
5.	Is the notice being served on the correct person		
6.	Is the notice being served on all relevant persons/entities		
7.	Do the details of the notice match those on the local government miscellaneous provisions 1976		
8.	Do the details of the notice match those on the land registry title		
9.	Is the notice clear, reasonable [including remedy/timescale], necessary		

10.	Does the notice give all the information required for compliance		
11.	Are the appeal provisions enclosed with the notice		
12.	Is the notice properly signed and dated		
13.	Is the notice to be served by legally recognised method		
14.	Is the full name of the person or entity shown on the notice		
15.	Is the notice in the required format		
16.	Have the irrelevant parts of notice format been struck out		
17.	Have arrangements been made for proving service		
18.	Has a copy of the notice been certified and placed in the register/file		
19.	Has relevant Land Charges action been taken		
20.	If complied with, will the notice solve the problem		
21.	Has the correct action been taken to suspend or not suspend the notice, pending appeal		

## Resource 9: Template Letters

### Overview

This resource contains a set of template letters that can be used in the process of empty property work. There are five templates included in the resource that can be used to contact owners, and these follow a particular order leading up to enforcement action.

Depending on the response from the owner, some of the letters might not need to be used. The purpose of the letters is outlined below.

Resource	Purpose
<b>Letter 1</b> Intention to complete Works in Default (WID)	This letter outlines the intention of the local authority to complete WID following a lack of response from the owner to a notice served.
<b>Letter 2</b> WID completed	This letter outlines that WID have been completed at the property following a notice being served.  The local authority issues the first invoice for the cost of the WID.
<b>Letter 3</b> Invoice for WID	The local authority reissues the invoice alongside a record of the notice that was served.  The local authority note that legal action will be pursued if the debt is not settled.
<b>Letter 4</b> Outline of consideration of enforcement action	The local authority reissues the invoice alongside the record of the notice.  The local authority informs the owner that they have visited the property and it appears to still remain empty.  They outline that the local authority is considering enforcement action.
<b>Letter 5</b> Intention of pursuing enforcement action	Following no response from the owner, the local authority notifies the owner that they are starting to pursue enforcement action.

### Letter 1

This letter outlines the intention of the local authority to complete Works in Default (WID) following a lack of response from the owner to a notice served.

Eich Cyf/Your Ref:  
Ein Cyf/Our Ref:  
Cyslltwch/Contact:  
Ffon/Telephone:  
E Bost/E Mail:  
Dyddiad/Date:

Dear Sir/Madam,

**RE: xxx [insert address]**

I refer to the above property and the Notice which was served in XX XX [insert month and year].

A recent site visit has confirmed that the works detailed within the notice remain outstanding.

Therefore, the work specified within the notice will now be arranged in default of the notice and the cost of work charged against the estate/recovered from the owner responsible.

Please contact me urgently if you want to discuss the proposed works. I presume you have no objections to the works.

Yours sincerely,

XX

**District Environmental Health Officer [or other responsible officer]**

## Letter 2

This letter outlines that WID have been completed at a property following a notice being served.

The local authority issues the first invoice for the cost of the WID.

Dear Sir/Madam,

**RE: xxx [insert address]**

The council have recently undertaken clearance works in the garden of the above property. This was taken as works in default of the legal notice that was served upon you previously.

As a result of this, a debt of xxx is now due to the council.

Please find the attached invoice and terms for payment, which is required immediately.

If you have any questions please do not hesitate to contact me.

Yours faithfully,

**XX**

**District Environmental Health Officer [or other responsible officer]**

**Eich Cyf/Your Ref:**  
**Ein Cyf/Our Ref:**  
**Cyslltwch/Contact:**  
**Ffon/Telephone:**  
**E Bost/E Mail:**  
**Dyddiad/Date:**

## Letter 3

The local authority reissues the invoice alongside a record of the notice that was served.

The local authority note that legal action will be pursued if the debt is not settled.

**Eich Cyf/Your Ref:**  
**Ein Cyf/Our Ref:**  
**Cyslltwch/Contact:**  
**Ffon/Telephone:**  
**E Bost/E Mail:**  
**Dyddiad/Date:**

Dear Sir/Madam,

**RE: xxx [insert address]**

Please find attached to this letter a copy of the notice which has been served upon you previously in relation to the overgrown garden. This notice was not complied with resulting in the council conducting the works ourselves. A cost was incurred for this which has been requested from you previously. This debt still remains outstanding as per the attached invoice.

Please can this invoice be paid as soon as possible. If this invoice remains unpaid the council will seek to take legal action to recover the costs.

If you have any queries, please do not hesitate to contact me on the details provided.

Yours faithfully

**XX**

**District Environmental Health Officer [or other responsible officer]**

## Letter 4

The local authority reissues the invoice alongside the record of the notice. They inform the owner that the team have visited the property and it appears to still remain empty. They outline that the local authority is considering enforcement action.

Dear Sir/Madam,

**RE: xxx [insert address]**

XX Council [insert name of local authority] have now undertaken works to your property on your behalf following the expiry of the legal notice that was served, and your failure to comply with the terms therein.

As a result of this you have now incurred a debt to the authority of xxx for the works we have undertaken in default.

Please find attached an invoice for these works containing terms for payment.

In addition, after visiting the premises it appears that the property is still empty, and no regular upkeep has taken place to maintain it to an acceptable condition.

In addition to this I advise you that due to lack of maintenance this Authority is now considering utilising one of the following enforcement actions to bring the property back into use within a reasonable timeframe:

- a) Enforced sale of the property. This will allow the Authority to sell the property and re-coup any outstanding costs owed to this Council as a result of works carried out in default.
- b) Applying for an Empty Dwelling Management Order (EDMO). This will allow the house to be rented out by the local authority.

Please contact me within the next 10 days to confirm what action you intend taking to maintain the property and bring it back into occupation in the near future.

I look forward to hearing from you shortly.

Yours faithfully,

**XX**

**District Environmental Health Officer [or other responsible officer]**

## Letter 5

Following no response from the owner, the local authority notify the owner that they are starting to pursue enforcement action.

**Eich Cyf/Your Ref:**  
**Ein Cyf/Our Ref:**  
**Cyslltwch/Contact:**  
**Ffon/Telephone:**  
**E Bost/E Mail:**  
**Dyddiad/Date:**

Dear Sir/Madam,

**RE: xxx [insert address]**

I refer to my letter to you dated [insert date], which asked you to contact the finance department to arrange payment of the outstanding invoice relating to the empty property above.

I also requested that you contact me to discuss your plans for the future of the property. However, no contact has been made with me or any other officer in the Private Housing team [change to appropriate responsible team] and the Resources Department confirm that the invoice remains outstanding.

As a result, it is my intention to pursue the enforce sale of this property to actively recoup these outstanding costs and secure the improvement and re-occupation of the property. I am in the process of putting together the paperwork to initiate this process. Therefore, you must contact the authority on [insert date] to pay the invoice reference XX immediately and contact me to confirm your plans for the property and its maintenance.

I fully appreciate that the contents of this letter may be alarming to you. However, I need to make it clear that this Authority has the powers of Enforced Sale under the Law of Property Act 1925 and it fully intends to use these powers. It is therefore imperative that you act on this letter. I look forward to hearing from you shortly within the next 5 days.

Yours faithfully

**XX**

**District Environmental Health Officer [or other responsible officer]**

## Resource 10: Enforced Sale Checklist

Private Sector Housing Team

### Overview

This resource provides a checklist and associated timescales to support the process of enforced sale.

The responsible team for each stage of the process is listed – this might differ depending on how empty properties work is distributed within a local authority.

### Acronyms:

- EHO ----- Empty Homes Officer
- L2 ----- Letter 2
- EPA/EPA90 ----- Environmental Protection Act (1990)
- JT ----- Journal Transfers
- ESP ----- Enforced Sale Procedure

Address: xxx

Notice Type: xxxx

Preliminaries: Private Sector Housing Teaming

### Preparation of legal documentation

Date	Check
	Check debt is older than 1 month and has not been paid with Revenue Amendments.
	Prepare a summary of enforcement action and copy all relevant notices.
	Confirm date and service method of notices including proof of service.
	Obtain copy of all invoices from Revenue Amendments and confirm method sent to debtor.
	Obtain record of debts registered with local land charges and confirm date registered (>28 days from invoice).
	Confirm searches undertaken to trace owner (s16, Land registry, C Tax, electoral register).
	Prepare statement of reasons report for Head of Housing to get authorisation to proceed.
	Send ESP/L1 to owner and interested parties.
<b>WAIT 10 DAYS</b>	
	Check debt has still not been paid.
	Send ESP/L2 to owner and interest parties.
	Check debt has still not been paid.

Preparation of legal documentation

Private Sector Housing Team

Date	Check
	<p><b>Prepare legal file to include:</b></p> <ul style="list-style-type: none"> <li>• Summary sheet listing file contents.</li> <li>• Statement of reasons.</li> <li>• Location plan.</li> <li>• Summary of enforcement action - and s16, land reg searches, council tax searches, other attempts to engage owner.</li> <li>• Summary of outstanding debts (excluding interest) – copies of invoices, Works In Default sheets, tender documents, contractor quotes.</li> <li>• Email confirming any outstanding council tax debt.</li> <li>• Notices relating to the debt including record of service.</li> <li>• All letters relating to the primary notice.</li> <li>• Draft section 103 notice.</li> </ul>

Send photocopies of all notices to owner and all interested parties – 1st class post and to be served on property and photos taken to confirm service. Complete record of service.

If EPA90 is used then serve section 81A notice on owner and interested parties.

**WAIT 28 DAYS**

Authorisation to proceed from Head of Housing and Environmental Health.

Serve section 103 notice on owner and all interested parties by first class post. (IF EPA applies use specific EPA section 103 notice) Notice also served on property and photos taken to prove service. Complete record of service notice.

Email Revenue Amendments to check the debt is still outstanding.

**WAIT 3 MONTHS**

**Selling the property**

Estates Team

Date	Check
	Obtain energy performance certificate.
	Enter into Auction.
	Prepare information pack for sale including plans, photos, land registry documents for legal.

**Selling the property**

Legal Division

Date	Check
	Prepare contract for sale and prepare letter containing certification by the Council that it has all the necessary rights and powers to dispose of the property in accordance with the relevant statute.
	Letter sent to owner asking for deeds and advising owner to remove any furniture etc.
	Check with Revenue Amendments that debts are still outstanding.

**After Sale**

Private Sector Housing and Finance Team

Date	Check
	Sale deposit to be paid into Property Specific Code.
	Legal to email estate and EHO confirming sale completed and request details of all up-to-date outstanding expenditures/cost.
	EHO to double check with council tax and land register and Revenue Amendments of all outstanding debts. Email legal with details.
	EHO to email a cancellation request in relation to the original invoices (include specific property cost centre code).
	Legal to complete a completion statement detailing expenditure codes and cost for all service.
	Legal to notify services of change of ownership including Environmental Health and Council Tax.
	Legal to request that Land Charges remove all local land charges from the property.
	EHO to complete spread sheet confirming JT details and cost code from detailed completion statement. Ensure all debt and cost are accounted.
	EHO to email Finance the completed spread sheet and request the JT to be made.
	Finance to arrange the balance of proceeds of sale to be placed in an interest-bearing bank account for 12 years.

## Resource 11: Legislative handbook: legal powers available to local authorities when dealing with empty properties

### Overview

This resource provides more information on the legislative tools for empty property work as outlined in section 4.2 of the Guide. The intention of this section is to provide a summary of the powers available and some detail on each of those powers. It is technical in nature and intended as a guide for those working in local authorities or as a professional in this area. It is not intended to be used as a resource for laypersons.

This section does not constitute legal advice. When using each piece of legislation referred to in this section the relevant legislation and guidance should be referred to directly and legal advice should be sought where appropriate.

### 1. Information notices

#### Town and Country Planning Act 1990 – section 330 notice – information provision

Under section 330 of the 1990 Act the local authority can provide a copy of a site plan for the area taken from ArcGIS or the land registry maps with the site in question highlighted and require a relevant person to provide details of their interests and the interests of any freeholder, mortgage lender, lessee and other relevant persons in the land, along with any details about the use of that land, and how long it has been used for that purpose. Notice recipients are given 21 days to respond. If they fail to respond they may be subject to prosecution and a fine.

**Appeal provisions** – None

**Works in default available** – NA

**Maximum fine** – Level 3 fine (£1,000) on the standard scale for failure to respond to the notice  
Maximum fine (£ infinite) and/or two years imprisonment for knowingly making a misstatement.

**Defences** – Reasonable excuse defence

#### Local Government (Miscellaneous Provisions) Act 1976 – section 16 notice – information provision

This can be used by a local authority performing any of its functions in relation to land where it considers it ought to have information connected with that land. The notice is served on the owner/occupier or anyone with a legal interest in the land. It requires them to provide details of their interest in the land, all occupiers of the land, and anyone with a legal interest in the land, within a period of not less than 14 days.

**Appeal provisions** – None

**Works in default available** – NA

**Maximum fine** – Level 5 (£ infinite) fine on the standard scale for failing to comply or recklessly/knowingly making a false statement in response to the notice.

### 2. Dealing with the symptoms of a property being empty

#### Town and Country Planning Act 1990 – section 215 notice

Section 215 of the 1990 Act allows local authorities to address land and properties whose appearance is so poor that it is detracting from the local area. It may have a poor appearance through overgrowth or because a building has deteriorated to a point where it is conspicuous and unsightly and is affecting the amenity of the local area. In 2005, the UK government produced [guidance to support local authorities to use this tool](#) more often.

When served with a notice, the owner must improve the appearance of their land or building(s) as set out in the notice, within a specified time frame (not less than 28 days following service of the notice). If they fail to do so, the local authority can gather evidence and progress a prosecution against the recipient of the notice, potentially resulting in a fine. The local authority can carry out the works in default. Section 219 of the 1990 Act, allows the local authority to recover any reasonably incurred costs for doing so and any additional administrative fees from the person who is current owner of the land. Costs for default works can be placed as a charge against the property.

**Appeal provisions** – Yes (notice is of no effect until the appeal is determined). An appellant can argue that the site does not adversely affect the amenity of the area, the condition of the site is a part of operations being undertaken on that land, the notice required unnecessary work, or the period provided to do the works is unreasonably short.

**Works in default available** – Yes, along with powers of entry to undertake works in default.

**Maximum fine** – A Level 3 fine (£1,000) on the standard scale, where the land is in Wales. Continued non-compliance after the prosecution will result in a fine for every day following the initial conviction of 1/10th of £5,000 or a level 4 fine on the standard scale, or 1/10th of a level 3 fine (£1,000) where the land is in Wales.

**Defences** – Where an owner/occupier has sold the land they may lay information before the court to show this and confirm that the lack of compliance was at least partly due to the default of that person (giving the prosecution three days of notice they are doing so).

### 3. Dealing with poor housing conditions

#### Housing Act 2004

The Housing Act 2004 includes a variety of legislative tools for tackling empty properties. A number of these are listed below. A larger section on Empty Dwelling Management Orders can be found further on in the appendix.

##### Power to require documents to be produced – section 235 notice

The local authority can serve a notice requiring documents to be produced in relation to actions under Parts 1-4 of the Housing Act 2004. This includes action under the Housing Health and Safety Rating System, licensing of HMO and non-HMO rental properties, use of interim and final management orders on rented properties, interim and final EDMOs, and overcrowding notices in HMOs.

The notice can be served on someone with a legal interest in the property, a licence holder, manager, or occupier of the premises. It requires them to provide any documents specified in the notice which they have under their custody/control at a particular place and time specified in the notice. The recipient of the documents can take copies of those documents. It should be noted that documents subject to legal professional privilege cannot be required.

**Appeal provisions** – NA

**Works in default available** – NA

**Maximum fine** – Level 5 fine on the standard scale for failing to comply with the notice. A fine for intentionally altering, suppressing or destroying any document mentioned in the notice.

**Defences** – Reasonable excuse.

##### Improvement notice - section 11 and section 12

This notice can be issued by a local authority to a landlord or property manager to carry out action or works which are considered necessary to minimise or remove the risk of hazard in a dwelling. This is issued in respect of Category 1 and Category 2 hazards (as defined under the Housing Health and Safety Rating System inspection process) such as damp and mould, excess cold, and asbestos.

The local authority must outline the category of hazard the notice is made against, the nature of the hazard, the deficiencies in the property giving rise to the hazard, the nature of the remedial action needed, and the dates by which this remedial action needs to be started and finished.

**Appeal provisions** – The notice can be appealed to the Residential Property Tribunal within 21 days of the date specified on the notice.

**Works in default available** – Yes – local authorities can carry out the works and then seek reimbursement from landlord

**Maximum fine** – Level 5 fine on the standard scale for failing to comply with the notice.

**Defences** – Reasonable excuse.

##### Emergency Remedial Action - section 40 - Category 1 Hazard

The local authority can take emergency remedial action if there is a category 1 hazard within a property which causes an imminent risk of harm to the occupants and there is no management order in place.

The notice of this action needs to include the nature of the hazards, any deficiencies contributing to them, the nature of the remedial work that needs to be undertaken by the local authority, and the date by which this work starts.

A notice of emergency remedial action should be served within 7 days of the action starting.

**Appeal provisions** – The notice can be appealed to the Residential Property Tribunal within 28 days of the date specified on the notice. The appeal does not halt the work.

**Maximum fine** – NA

**Defences** – NA

##### Emergency Prohibition Order – section 43

This requires an immediate prohibition to the use of the property. The local authority can serve this order if there is a category 1 hazard within a property which causes an imminent risk of harm to the occupants and there is no management order in place.

Copies of the Order must be served on the day the Order is made, or as soon as is possible following that.

**Appeal provisions** – The order can be appealed to the Residential Property Tribunal within 28 days of the date specified on the order by a 'relevant person'.

**Works in default available** – NA

**Maximum fine** – Level 5 fine on the standard scale for failing to comply with the order plus a further fine of up to £20 for every day the premises are permitted to be used following conviction.

**Defences** – Reasonable excuse.

##### Prohibition Order – section 20

This order prohibits properties from being used for all purposes or any particular purpose. This can include all of a residential premises or parts of a premises. This can be served to owners or occupiers, persons authorised to permit occupation, or a mortgagee of the whole or part of the property. The order becomes operative 28 days after it has been made.

The local authority must outline the category of hazard the order is made against, the nature of the

hazard, the deficiencies in the property giving rise to the hazard, and the works needed to be made for the order to be revoked.

**Appeal provisions** – The order can be appealed to the Residential Property Tribunal within 28 days of the date specified on the order.

**Works in default available** – NA

**Maximum fine** – Level 5 fine on the standard scale for failing to comply with the order plus a further fine of up to £20 for every day the premises are permitted to be used following conviction.

**Defences** – Reasonable excuse.

Hazard Awareness Notice – section 28

This notice advises the person on which it was served that Category 1 or 2 hazards exist in the property. The notice must include information on:

- Why the local authority has served the notice
- The nature of the hazards.
- Any deficiencies that contribute to these
- Details of any appropriate remedial action that needs to be taken

Copies of the notice must be served on the occupier of the premises and anyone who to the knowledge of the local authority has a relevant interest in it.

No offence is attached to a Hazard Awareness Notice.

Local Government (Miscellaneous Provisions) Act 1982 – section 29 notice – Securing buildings

This notice is to be used where building is temporarily or permanently unoccupied, and the building is not effectively secured against unauthorised entry, or it is likely to become a danger to public health. The notice is served on the owner(s) or occupier(s) giving details of proposed works to address these issues.

Where works need to be completed immediately, if there is no reasonably practicable way of ascertaining the name and address of an owner, or it is not practicable to trace the whereabouts of an absent occupier then the local authority do not have to serve the notice.

Once the notice is served, the local authority must wait 48 hours, then a person authorised in writing can enter the building and any associated land and undertake works to rectify the problem. They can recover all expenses incurred in doing the works from the notice recipient or the owner/ occupier of the property. The process used in section 293 of the Public Health Act 1936 is used to recover the costs. This says the debt is recovered as a simple contract debt through the relevant court. Where a court is involved in the proceedings to recover the costs the court can apportion costs between multiple parties as it sees fit.

**Appeal provisions** – The recipient of the notice has 21 days from the date on which the notice was served to appeal under section 31 of the Act.

**Maximum fine - NA**

**Defences - NA**

Building Act 1984 – section 76 – Defective premises

This notice can be used where it appears to a local authority that any premises are in such a defective state as to be prejudicial to health or a nuisance, and unreasonable delay in rectifying the defective state would be caused by following the process to serve a notice for statutory nuisance under the Environmental Protection Act 1990. The notice must be served on the person responsible for the premises and state that the local authority intends to remedy the defects at the premises, and detail what those defects are. After the expiry of 9 days after service of the notice, the local authority can undertake the necessary works itself and recover the reasonably incurred costs from the person on whom the notice was served.

Within 7 days of service of the notice, the notice recipient can serve a counter-notice on the local authority to confirm that they intend to remedy the defects identified by the local authority. If the notice recipient fails to undertake the works, in a reasonable time, or having begun to execute the works fails to complete them, the local authority can continue with the works itself.

If a local authority commences proceedings to recover the costs it has incurred, the court must consider whether the local authority were correct in determining that the premises were in a defective state, or that unreasonable delay would have been caused by using the statutory nuisance process under the Environmental Protection Act 1990, and if the defendant used a counter-notice whether the defendant started and completed the required works within a reasonable timeframe. If any of these items are established, then the defendant is not required to pay the local authority's costs. The court may also consider if someone else ought to pay some or all of the costs incurred by the local authority.

**Appeal provisions – None**

**Works in default available – Yes**

**Maximum fine - NA**

**Defences – NA**

Building Act 1984 – section 77 – Dangerous buildings

Where there is a dangerous building or structure (or part thereof) local authorities may apply to the appropriate court or tribunal and that court or tribunal may then order the owner to carry out works to remove the danger, or if the owner elects to do so, to demolish the building and remove any rubbish resulting from the demolition. The court or tribunal can also make an order restricting the use of the building or structure where the danger arises from overloading of the structure.

**Works in default available** – If the person on whom the order is served fails to comply with the order the local authority can carry out works in default and recover expenses.

**Maximum fine – Level 1 fine on the standard scale.**

## Defences – NA

### Building Act 1984 – section 78 – Emergency measures for dangerous buildings.

Where it appears to a local authority that a building or structure is dangerous and immediate action should be taken to remove the danger they may take action to do so. Before doing this they must give notice of their intention to the owner and occupier of the premises where reasonably practicable to do so. The local authority may recover expenses from the owner with some caveats (set out in section 78). The owner or occupier may apply to the appropriate court or tribunal to determine if the local authority were justified in exercising this power if they have sustained some damage as a result of the local authority's actions. They may be entitled to compensation.

## Maximum fine – NA

### Building Act 1984 – section 79 notice – Ruinous and dilapidated premises

Where a property has become seriously detrimental to the amenity of the neighbourhood the local authority may serve a notice requiring the owner to carry out works to repair and restore the property, or to demolish it (with appropriate notice to Building Control) and remove the waste produced. Where the owner has already demolished the building but has failed to deal with the waste and the associated waste is detrimental to the amenity of the neighbourhood, the local authority may serve a notice under this section requiring the owner to take steps to remove the waste in the interests of amenity. Both notices must state the works that are required and the timescales for the works to be completed. Activity must consider additional restrictions relating to listed buildings, building preservation notices, and building conservation areas.

- **Appeal provisions** – Yes. Detailed in section 102 of the Act, the recipient of the notice has 21 days to appeal on a range of grounds. These include the notice not being justified, errors in connection with the notice, alternative works have been unreasonably refused, timescales are unreasonable, the notice should have been served on the owner/occupier, or that some other person ought to have contributed to the works.
- **Works in default available** – Yes. Detailed in section 99, the local authority can carry out works in default and recover all reasonable expenses incurred in doing so.
- **Maximum fine** – Level 4 (£2,500) on the standard scale plus £2 for each day on which default continues after the conviction.
- **Defences** – None.

## 4. Historic buildings

### Historic Environment (Wales) Act 2023 – section 137 and 138

Section 137 of this Act provides powers for Welsh Ministers to compulsorily acquire a listed building where they consider that reasonable steps are not being taken to preserve the listed building and they are satisfied that there is a compelling case in the public interest for the building

to be acquired compulsorily for the purpose of preserving it. Ministers may acquire the building themselves or authorise the local planning authority to acquire the building.

Before the acquiring authority can pursue this, they must have served a repairs notice under section 138 of the Act on every owner in the building and have allowed at least two months to elapse without the notice being withdrawn. The repairs notice must specify works reasonably necessary for the proper preservation of the listed building. If the owner(s) fail to make adequate progress then compulsory acquisition of the building can be progressed.

## Appeal provisions – NA

### Works in default available – NA

## Maximum fine – NA

## Defences – NA

### Historic Environment (Wales) Act 2023 – sections 144 and 145

Section 144 enables local authorities and the Welsh ministers to carry out works that they consider urgently necessary for the preservation of listed buildings. These may include works to a building that is in residential use as long as it does not interfere unreasonably with that use. Such urgent works might include works to provide temporary shelter or support for a building to keep it weatherproof or safe from collapse.

Section 145 enables the local authority or the Welsh Ministers to serve a notice on any owner of the listed building requiring them to meet the cost of the works in cases where the local authority or Welsh Ministers have undertaken the urgent works. Subsection (2) makes specific provision for the recovery of costs for continuing expenditure involved in ongoing works to provide temporary support or shelter.

There is no right of appeal to the notice itself, but an owner, within 28 days after the notice is served, may complain in writing to the Welsh Ministers. Subsection (3) sets out what the owner can complain about. The Ministers must serve a notice of their decision regarding the complaint. The owner (or local authority) on whom that notice is served may, within 28 days, appeal to the county court against the Ministers' decision.

## 5. Tackling nuisances and anti-social behaviour

### Anti-social Behaviour, Crime and Policing Act 2014 - Part 4 Chapter 1

This legislation enables local authority officers to issue Community Protection Notices to address anti-social behaviour arising from empty properties. These notices can be used to prohibit individuals from undertaking behaviour or compelling individuals to take action on a certain matter. The basis of this is that this action or lack of action is having a persistent detrimental affect on the locality.

Section 43 outlines the provisions for issuing Community Protection Notices (which can be used to address the behaviour of an individual or body). Section 47 enables remedial actions to be taken by the local authority if the notice has not been complied with.

**Appeal provisions** – Appeals need to be made within 21 days of the issue of the notice and will be heard by a Magistrates Court.

**Works in default available** –

**Maximum fine** – The fine will not exceed level 4 (£2,500) for individuals, unlimited for companies. A fixed penalty notice (up to £100) is also available.

**Defences** – The person took all reasonable steps to comply with the notice or there is some other reasonable excuse.

#### Environmental Protection Act 1990 – section 80 notice for statutory nuisance

Under section 79 of this Act, local authorities have a duty to inspect from time to time, to detect any statutory nuisances which ought to be dealt with under section 80 or section 80A of the Act. Statutory nuisances provided under section 79 include a premises in such a state to be prejudicial to health or a nuisance. Other things which may be prejudicial to health or a nuisance include emissions of smoke, fumes, gases, dust, steam, odours or other effluvia, accumulations or deposits of substances, artificial light emissions, noise, insects emanating from a premises, or any animal kept in such a place or manner as to be prejudicial to health or a nuisance. Contaminated land cannot be considered to be a statutory nuisance and must be dealt with through other means. There are a range of other specific exceptions in section 79 of the Act.

Local authorities also have a duty, where a complaint of a statutory nuisance is made to it by a person living within its area, to take such steps as are reasonably practicable to investigate the complaint. Where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the authority, the local authority must serve an abatement notice under section 80 of the Act to require the person responsible for the nuisance (or in some cases the owner of the premises) to take measures to remedy the problem within a specified timescale. If the statutory nuisance is in relation to noise emitted from premises so as to be prejudicial to health or a nuisance, the local authority may not serve an abatement notice in the first instance, and may instead take other steps it thinks appropriate for the purpose of persuading the appropriate person to abate the nuisance or prohibit or restrict its occurrence or recurrence. If the steps are not complied with after 7 days the local authority must serve an abatement notice.

**Appeal provisions** – 21 days to appeal to a magistrate's court for the abatement notice and 21 days to appeal to a county court for a notice to recover costs for works in default.

**Works in default available** – Yes. The local authority may do what is required to abate the nuisance and recover the costs from the person who caused the nuisance. If the local authority serve notice on the owner of the premises to reclaim the costs they can charge interest on the debt and place a charge on the property. When enforcing the charge the local authority has the same powers as a mortgagee under the Law and Property Act 1925, including powers of sale, lease, accepting surrenders of leases, and appointing a receiver. A court may apportion costs as is fair and reasonable if multiple parties are responsible. The local authority can also go to the High Court to secure the abatement/prohibition/restriction of the nuisance.

**Maximum fine** Level 5 fine (£infinite), plus the greater or 1/10th of £5,000 or level 4 (£2,500) on the standard scale for each day that the offence continues following conviction.

**Defences** – The defendant may make a case that the best practical means were used to prevent or counteract the effects of the nuisance. There are a number of caveats to where this can be used. These are detailed in section 80 of the Act.

**Additional note** - An individual aggrieved by a statutory nuisance can give someone they believe is responsible for a nuisance written notice then complain about that nuisance to a magistrate's court. If the court is satisfied that a nuisance exists, or is likely to occur they can make an order requiring the defendant to abate the nuisance/prevent its occurrence within a specified time period. They can also impose a fine up to Level 5 on the standard scale (£infinite) plus the greater or 1/10th of £5,000 or level 4 (£2,500) on the standard scale for each day that the offence continues following conviction.

This area also has exceptions from what can constitute a statutory nuisance. It permits the magistrate's court to direct the local authority to do works in default and allows the court to direct the person responsible to pay costs incurred in bringing the complaint, to the complainant (with certain caveats). It also provides a defence of having used the best practicable means to prevent the nuisance/counteract its effects for this offence.

A magistrate's court can also determine where a nuisance makes a premises unfit for human habitation and prohibit the use of the premises for human habitation until the premises are rendered fit once more.

## 6. Drainage

#### Public Health Act 1961 - section 17 – Powers to repair drains etc and to remedy stopped-up drains etc.

Where a local authority finds that a drain, WC, waste pipe, soil pipe, or private sewer is in disrepair and it can be repaired for less than £250 the local authority can give at least 7 days notice, then carry out the works and recover their costs from the owners/occupiers. It can also serve notice where a drain, WC, waste pipe, soil pipe, or private sewer is blocked giving those served by the facility 48 hours to clear the blockage, then carry out any works in default to clear the blockage and recoup the costs from whom they see fit. Section 17 provides some considerations a court may take into account in determining payment of costs.

**Maximum fine** - NA

**Defences** - NA

#### Building Act 1984 – section 59 – Unsatisfactory provision for drainage

Where a local authority considers that satisfactory provision for drainage has not been made, a private sewer, drain, drainage pipework (fresh or foul) is defective, a cesspool is in such a condition as to be prejudicial to health or a nuisance, or a cesspool, private sewer or drain is no longer used

and has become prejudicial to health or a nuisance they must serve a notice on the owner of the building to remedy the problem, detailing the works required and the time within which they must be completed.

**Appeal provisions** – Detailed in section 102 of the Act, the recipient of the notice has 21 days to appeal on a range of grounds. These include the notice not being justified, errors in connection with the notice, alternative works have been unreasonably refused, timescales are unreasonable, the notice should have been served on the owner/occupier, or that some other person ought to have contributed to the works.

**Works in default available** – Yes. Detailed in section 99 of the Act, the local authority can carry out works in default and recover all reasonable expenses incurred in doing so.

**Maximum fine** – Level 4 (£2,500) on the standard scale plus £2 for each day on which the default continues after the person is convicted.

**Defences** – None.

## 7. Infestations

### Prevention of Damage by Pests Act 1949 – section 4 notice

This notice can be used by a local authority to require the owner/occupier of land to destroy rats or mice on that land or keep that land free from rats and mice. Treatments can be required to the land or structural repairs over timescales provided in the notice. Where an occupier is obstructing works an owner can get a court order requiring the occupier to permit works.

If measures to destroy rats and mice are required across a site containing premises owned by different people, they can give seven days notice then undertake measures to destroy the rats and mice themselves under s6 as long as they don't undertake any structural works on the sites. The local authority can recover the costs incurred in doing this from the occupiers of the land.

**Appeal provisions** – Section 290 and section 300-302 of the Public Health Act 1936 give the appeal provisions. The notice recipient has 21 days to appeal.

**Works in default available** – Yes, via section 5 of the Prevention of Damage by Pests Act 1949.

**Maximum fine** – Not exceeding level 3 on the standard scale.

**Defences** – None specified.

## 8. Disposing of buildings

### Housing Act 1985 – Part 9 as amended by the Housing Act 2004 – section 46 - Demolition orders

Where a local authority is satisfied that a dwelling or HMO has at least one category one hazard under the Housing Health and Safety Rating System, or at least one flat in a building has at least

one category one hazard they may make a demolition order for that building. These cannot be used where the dwelling/building is subject to a management order under Part 4 of the Housing Act 2004 or is a listed building.

Once served the notice requires that the property be vacated within a minimum of 28 days, then demolished within 6 weeks (or longer if the local authority wishes to give more time). Copies of the notice have to be served within 7 days of making the order on the owner/occupier of the premises to which the order relates, the person having control of the premises, and any mortgagee. The notice can be said to have been served on the occupiers if it is affixed to a conspicuous part of the property.

Once the order becomes operative the local authority must serve a separate notice on the occupier(s) telling them the effect of the order and requiring them to leave the premises within 28 days, or a later time set out by the local authority.

If a local authority becomes aware that vermin are present on the premises after the order has been made, it can serve a notice of intention to clear the premises of the infestation. This causes a delay of 6 weeks to the demolition to allow for treatment. Once completed the local authority must serve notice on the owners of its intent to continue with the demolition.

The owner of the property is responsible for its demolition. They also have the option to submit proposals to the local authority for the reconstruction/redevelopment of the premises. As long as the local authority are content that this will result in the category one hazards being addressed and works are progressing adequately, the local authority can extend the period for demolition indefinitely, then revoke the order once the works are complete.

Another alternative for a local authority using a demolition order is to replace it with a prohibition order. The owner or any other person with an interest in the premises can submit proposals to use the building for uses other than human habitation.

**Appeal provisions** – Applications for appeals must be made within 28 days and are heard through the tribunal service. Anyone aggrieved by the order may appeal, however those with a lease of less than 3 years are excluded from appealing. The order is suspended until the appeal is decided or withdrawn. Grounds for appeal are that another course of action (use of a prohibition order, improvement notice, declaration of a clearance area, or service of a hazard awareness notice) is more appropriate.

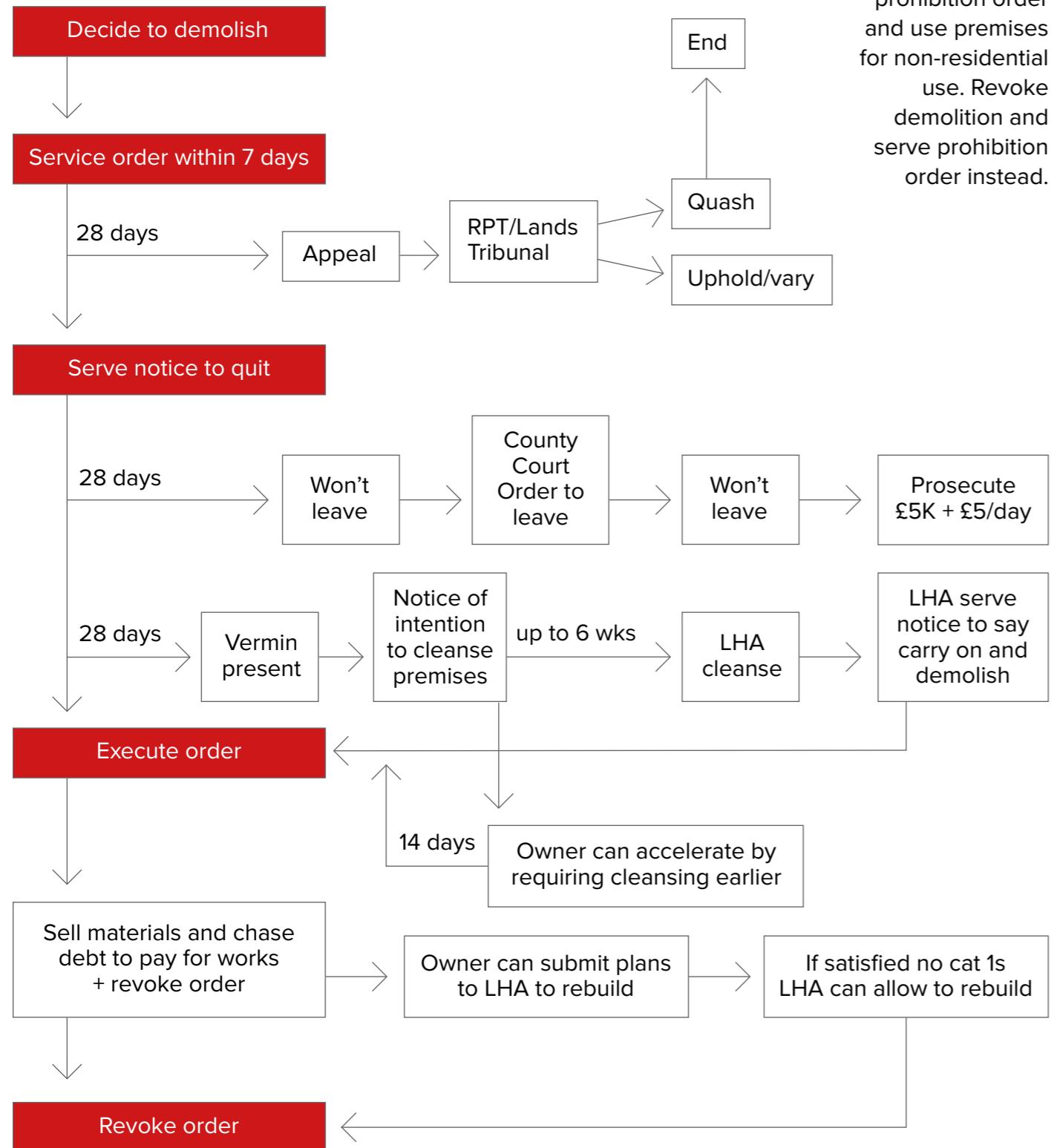
**Works in default available** – If tenants refuse to vacate the property the local authority can make an application to the County Court for an order of vacant possession. They can also charge the costs of eviction to the owner(s) of the property.

The local authority can carry out the demolition works in default or by agreement with the owner. They can recover some of the costs by selling materials reclaimed from the site.

**Maximum fine** – Once occupiers have received the notice to vacate the property, occupying the property or permitting its occupation after the deadline for vacating the property can be tried as a summary offence subject to a maximum penalty of a level 5 fine on the standard scale plus £5 per day the property remains occupied.

**Defences** – None.

## Demolition Orders



NB. Can request substitution for a prohibition order and use premises for non-residential use. Revoke demolition and serve prohibition order instead.

Housing Act 1985 – section 17 or Town and Country Planning Act 1990 – Part IX - Acquisition and appropriation of land for planning purposes, etc.

Note – See Historic Environment (Wales) Act 2023 – section 138 above

Most compulsory purchases are carried out for major infrastructure projects. For more localised development activity a compulsory purchase is more likely to be carried out by a local authority, using the power to compulsorily purchase land under section 226 of the Town and Country Planning Act 1990. This power allows a local authority to compulsorily acquire land in their area, subject to the approval of the Welsh Ministers to facilitate development, re-development or improvement of the area, or for the proper planning of an area in which the land is situated. A local authority must not exercise the power unless they think that the development/improvement of the site is likely to promote or improve the economic, social or environmental wellbeing of the area.

Section 17 of the Housing Act 1985 permits compulsory purchase for improving housing or providing more housing. This can be used in very limited circumstances and is all about housing need.

The Welsh Government has provided detailed guidance and best practice for those responsible for the preparation and application of compulsory purchase orders [available through their website](#). The following passage will provide a brief overview of the process but does not detail through application to a court. The individual pieces of legislation or differences in the process depending on the route taken. The Welsh Government guidance must be used if a more detailed description is required.

The local authority can acquire land and any buildings thereon. The process will usually start with an offer to purchase the land by agreement. If agreement is not reached, then the local authority must serve a notice of intent to compulsorily purchase the land on the site and publicise the purchase. If they receive any objection to the compulsory purchase order, they may hold a public enquiry or receive written representations. The enquiry is presided over by an inspector employed by the Welsh ministers. The hearing is usually held in a public building such as the local authority's offices and any member of the public may attend. The length of the hearing would be dictated by the scope of the purchase.

The local authority makes the compulsory purchase order, but it has no effect until it is confirmed by the Welsh minister/their inspector. The order will usually have an accompanying Statement of Reasons setting out why the local authority is seeking to acquire the land/property. If the local authority is successful and the Welsh ministers or their inspector approves the compulsory purchase they may take possession of the site. This may be done by the local authority serving a 'notice to treat' followed by a notice of entry. The first notice states the local authority's willingness to treat (negotiate) for the purchase of the land and to pay compensation. The notice asks for the addressee's claim in respect of the land. The recipient will submit a notice of claim for compensation and evidence of their interest in the land. The notice of entry allows the local authority to enter and take possession of the land. However, they still have to acquire the title of the land. Usually, the date of entry is the date for valuing the land. Once compensation has been settled by agreement or an upper tribunal hearing the title can be conveyed to the local authority and they will then have possession of the site.

An alternative to the notice to treat and notice of possession is making a general vesting declaration to acquire the land. This gives the authority the right to enter and take possession of the land and vests (transfers) the title to the land, to the acquiring authority after three months. A

general vesting declaration may relate to multiple properties, or more than one may be used for a single property.

There are a series of specifics and timescales associated with either approach which are explained in the guidance accessible through the link above.

Most of the delays in this process are due to disputes over the price of the site. The District Valuer or a commercial agent can provide a valuation for the site, but the owner of the site will usually provide their own valuation(s) of the site. Economic loss from a compulsory purchase must be compensated so value lost through the process can be recompensed through the compensation process. The whole compulsory purchase and compensation process is expensive for local authorities in terms of officer time, fees for the inspector, legal fees, and the requirement to pay compensation.

Once the local authority has the land it has a lot of latitude for how it disposes of it. If the purchase is through the Housing Act 1985 the site may be used for their own residential property, but in most cases to recoup the outstanding cost of the site it will usually be sold to a developer with a condition that its use results in the provision of residential accommodation. If the purchase is under the Town and Country Planning Act 1990 the local authority may secure the best use of that land which may include construction works required for the proper planning of the area. Section 236 of the 1990 Act permits the extinguishment of rights over the purchased land. Those affected may be entitled to compensation if their right of way has been interfered with. If land purchased under the 1990 Act is to be sold on, there are certain conditions on the sale of the site set out in section 223 of the 1990 Act.

**Appeal provisions** – The appeal process is provided through submission of an objection to the compulsory purchase and holding of a public enquiry. Following service of notice(s) on the owner(s) and publication of the intended purchase the local authority must allow at least 21 days for objections. Once this is completed and a General Vesting Order is served the compulsory purchase order can be appealed via the High Court. The compensation can also be challenged via the Upper Tribunal.

**Works in default available** – NA

**Maximum fine** - NA

**Defences** - NA

Law of Property Act 1925 and the Local Land Charges Act 1975 – Charges against the property and repayment on sale.

Section 6 of the Local Land Charges Act 1975 states that where a local authority has incurred any expenditure for activities like works in default it may be placed as a charge against the property. These charges can include interest to be paid whilst the charge is outstanding, meaning that the size of the charge increases over time, usually at a fixed rate of interest (e.g. 2% above base rate for up to six years). The charge creates an encumbrance on existing and future owners of the land. Section 7 of the Local Land Charges Act 1975 states that once registered the local land charge takes effect as if it had been created by a deed of charge by way of a legal mortgage under the Law and Property Act 1925. The charge has no priority over prior charges.

When the property is sold the charge which the local authority has placed on the property may become the responsibility of the new owner or it may be recouped from the existing owner. This may occur voluntarily or through application to a court.

The debt is first placed as a charge on the local land registry. The local authority may then register the charge with the district land registry. It should be noted that charges made under different pieces of legislation may or may not have priority over charges from a mortgage lender when it comes to recouping the money at point of sale. Once the charge is registered with the district land registry, under the Law and Property Act 1925 the local authority may give notice to the owner that they want the charge repaid within three months and if the money is not repaid the charge is treated in the same way as a mortgage charge on the property. The local authority has the opportunity to pursue the debt by selling the property to recover the money owed to them.

**Appeal provisions** – None.

**Works in default available** – NA

**Maximum fine** - NA

**Defences** – Payment of the outstanding debt enables the charge to be removed from the property.

Housing Act 2004 – Part 4 and Schedule 7 – Empty Dwelling Management Orders (EDMOs)

This is intended to be a power used as a last resort. The UK government has produced guidance about EDMOs for [local authorities](#) and [property owners](#). When reading guidance on the use of EDMOs it is worth noting that in January 2011 their use in England was restricted by legislative amendments, the original provisions remain in force in Wales.

There are two forms of EDMOs orders, an interim EDMO and a final EDMO. The purpose of each is to ensure the property becomes occupied.

An interim EDMO lasts up to a year and allows a local authority to take steps for the purpose of continuing occupation/ensuring reoccupation of the property, but the housing authority must obtain the consent of the owner before it can grant anyone a right to occupy the property. A final EDMO lasts up to seven years and enables the local authority to take steps to ensure that a dwelling is occupied, but the crucial difference here is that a final order allows the local authority to let the property without the consent of the freeholder or lessee of the property.

Before an initial interim EDMO can be made the local authority must apply to the Residential Property Tribunal for permission to make the order. They must demonstrate that nobody is in occupation of the dwelling (either lawfully or unlawfully), it must have been empty for at least six months with no reasonable prospect of it becoming occupied, and that using an interim EDMO would give a reasonable prospect of it being reoccupied. They must also show the tribunal that they have made reasonable efforts to find out if any of the exemptions apply, provide details of the enquiries they have made with the proprietor about what they are doing to reoccupy the dwelling, what assistance they have provided in this respect, and details of the council tax classification of the property. The local authority must make reasonable efforts to notify the freeholder/lessee that they are considering making this order.

**There is a series of exemptions which prevent EDMOs being used. These are:**

- Where the dwelling is occupied solely or principally by the relevant proprietor and is wholly unoccupied because they are temporarily resident elsewhere, absent to provide or receive care for certain reasons, or absent as they are a serving member of the armed forces and are absent for that service
- Where the dwelling is used as a holiday home or is occupied by the relevant proprietor/their guests on a temporary basis, from time to time
- Dwellings which are genuinely on the market for sale or letting
- A dwelling where the relevant proprietor has died and less than six months have elapsed since the grant of representation was obtained
- The dwelling is an agricultural holding or farm business tenancy
- The dwelling is usually occupied by an employee of the proprietor in performance with their contracted duties
- The dwelling is available for occupation by a minister of religion as a residence from which to perform the duties of the minister of religion's office
- A dwelling subject to a court order freezing the property of the proprietor or was prevented from being occupied due to criminal investigation/proceedings
- The dwelling was mortgaged and the mortgagee is in possession of the dwelling.

The Residential Property Tribunal may make an order requiring the local authority to pay compensation to any third party affected by the EDMO being made, due to interference with their rights.

Once the interim EDMO is in force the local authority must take steps to ensure it is occupied, obtain insurance for the dwelling, keep full accounts of income and expenditure in relation to the dwelling, making these available to the proprietor on request, and manage it pending the making of a final EDMO. They may also register the interim EDMO (or a final EDMO) as a land charge. The local authority will have the right to possession of the dwelling (including its furniture) and to do anything the proprietor would do, they can enter the property at all reasonable times to carry out works, but they don't have an estate or interest in the dwelling as a full owner would, so they can't sell it. Under an interim EDMO they can grant tenancies with permission of the proprietor. The proprietor cannot receive rents, exercise their rights to the management of the dwelling or create tenancies. They can't receive rents directly but may receive any money remaining from rental income (including any interest) after the local authority and/or its designated property manager have deducted all reasonable costs incurred in managing the dwelling. The proprietor must still pay any mortgage associated with the property.

If the local authority thinks that there are no steps which could appropriately be taken to ensure that the dwelling is reoccupied, the local authority must either revoke the interim EDMO or make a final EDMO.

A local authority can make a final EDMO themselves, but only if they consider that the dwelling would otherwise become/remain unoccupied. The local authority must consider the making of a final EDMO to be the most appropriate course of action taking account of the interests of the community and the effects the order will have on the rights of the relevant freeholder/lessee. They must also consider whether any compensation must be paid due to the interference with the rights of a third party.

A final EDMO is only made after an interim EDMO has been made, or on the expiration of a previous final EDMO. The local authority must review the operation of the order from time to time and terminate it if it looks like the proprietor would continue its occupation or sell it. If neither is likely,

then the local authority can theoretically continue making sequential final EDMOs on the property indefinitely.

When making the final EDMO the local authority must provide a management scheme detailing how they will manage the property. This will usually be assembled during the interim EDMO. Details of what must be included in the management scheme are provided in paragraph 13 of Schedule 7 in the Housing Act 2004. Where there is a surplus from rental income, after any deductions for relevant expenditure have been made the management scheme must allow for that to be paid to the proprietor with any interest accrued.

Once they have taken control of the property, the local authority must obtain insurance and keep financial records for the relevant proprietor to view. The local authority must take steps required to ensure that the dwelling is occupied and manage it in accordance with their scheme. The local authority and the proprietor have the same rights as they had for the interim EDMO, but the local authority now has the ability to grant new tenancies without the permission of the owner, up to the date at which the EDMO comes to an end. From time to time they must review the operation of the order, management scheme, whether the final EDMO is still needed to ensure the dwelling becomes occupied.

EDMOs can be varied or revoked by the local authority at their own discretion or on request by an interested party. They may refuse to vary or revoke the request. If the dwelling is unoccupied and there are no steps which they could take to ensure it is occupied and the local authority conclude that keeping the order in force is not necessary, then they must revoke the order. The same applies if the dwelling is to be sold, if it will be occupied/continued to be occupied if the order is revoked, where another final EDMO has been made, where the local authority want to stop interference with the rights of a third party, or if any other relevant circumstance occurs. Variation, revocation, and decisions to refuse to vary or revoke a management order all involve service of legal notices of intent on each person with an estate or interest in the property, allowing at least 14 days for representations, consideration of any representations, then service of the final notice.

Where an EDMO is to be revoked, the local authority may agree to the revocation on condition that the proprietor agrees to pay any outstanding debt incurred by the local authority. On revocation the local authority must pay all outstanding amounts after their own costs have been covered (unless they are intending to make another final EDMO). Where the local authority has spent more than it has earned during the EDMO, under certain conditions outstanding sums can be secured as a charge against the property. This may be enforced using the same powers and remedies as a mortgagee under the Law and Property Act 1925. This gives provision for enforcing appointing a receiver, etc.

**Appeal provisions** – The proprietor or a relevant person may go to the Residential Property Tribunal for a number of reasons. Where the appeal is to do with the operation of the EDMO the tribunal may require the EDMO to be varied. Appeals to do with making a final EDMO would result in the notice being upheld, varied where relevant, or quashed.

- A person with an interest in the property may appeal the making of a final EDMO. There is a 28-day window for this appeal.
- A relevant person may appeal regarding the terms of an interim or final EDMO (including the management scheme).
- A relevant proprietor may apply for an order declaring that expenditure in the accounts is not relevant to the running of the property and the local authority must make financial adjustments to

reflect this.

- An affected person may apply to the tribunal for an order requiring the local authority to manage the dwelling in accordance with its own management scheme. The tribunal may award damages where it decides that such an order must be made.
- A third party can apply to the Residential Property Tribunal for an order requiring the local authority to pay compensation due to interference with their rights. They can also request this directly to the local authority, who then have a duty to decide this as soon as practicable and vary the management scheme to specify the compensation amount and payment if it agrees compensation is owed. If the third party disagrees with the decision they may appeal (within 28 days) about the amount of that compensation or appeal against a decision not to pay compensation.
- A proprietor may submit an application to vary or revoke the EDMO. This is submitted to the local authority. If the local authority chooses not to vary or revoke the EDMO then the applicant may appeal that decision. The local authority may also choose to vary/revoke an EDMO. This decision may be appealed. There is a 28-day window for these appeals.
- At any time the terms of the order (including the management scheme in a final EDMO) may be appealed to request a variation in those terms.

#### Works in default available – NA

**Maximum fine** – Where reasonable notice has been provided, and an occupier prevents the local authority's representatives from carrying out work the local authority may seek an order from a magistrate's court requiring the occupier to permit the works to be done. If they fail to comply with that order, they may be liable on conviction to a fine at level 5 on the standard scale.

**Defences** – There are a number of exemptions which prevent an EDMO from being used and numerous opportunities to request changes to EDMO activity or appeal notices concerning the EDMO.

There is no defence to the fine for an occupier preventing the local authority from carrying out actions detailed in that order.

## Resource 12: Template for an Empty Property Strategy

### Overview

This appendix provides a template for an empty property strategy to be completed within a local authority. This is supported by section 3.4.1 of the Guide which provides areas of consideration in completing a strategy.

Each section of this template provides prompts for information that might need to be included.

### Example Empty Property Strategies:

The below links are for a number of empty property strategies across local authorities in Wales:

- [Caerphilly County Borough Council](#)
- [Carmarthenshire County Council](#)
- [Conwy County Borough Council - Conwy Empty Homes Strategy September 2019](#)
- [Newport County Council - Empty Homes Strategy 2019](#)
- [Rhondda Cynon Taf County Borough Council](#)

#### 1. Overview

##### Prompts:

- What is the purpose of the strategy?
- How does it link to other strategies within the local authority?
- How does it link to broader values/purpose of the local authority?

#### 2. Definition of an 'Empty Property'

Prompts (Section 1.2 of handbook can be used to support this section)

Empty properties can be defined in these ways:

- A long term empty residential property is defined as a residential property that is liable for council tax and has been unoccupied for 6 months or more on the 1st of April in a given year.
- For council tax purposes, a chargeable empty property has been empty for at least 6 months, is substantially unfurnished, and is listed as a domestic property.
- Empty commercial properties in the context of this handbook are defined as empty town centre commercial properties (excluding purpose-built office blocks, and other complex properties requiring change of use such as pubs and restaurants).

- Some empty properties are 'de-listed' – this means that they have been taken off the council tax list through an application to the Valuation Office Agency. These properties are still empty but not counted in council tax empty property data.
- Properties may also be empty if they are going through the probate process. Where the resident has died (and for up to 6 months after the grant of probate or letters of administration), these properties are exempt from the empty homes council tax premium.

### 3. Why do properties become empty?

Prompts:

- There is generic information available in section 1.3 of the handbook (and other sources) about why properties become empty.
- Are there any particular trends in properties becoming empty in the local authority area? (E.g. issues with second homes)

### 4. Why is an empty properties strategy needed?

Prompts:

How does the empty homes strategy fit with:

- The national policy context – including its relationship with broader housing and homelessness priorities
- Broader economic, social and community benefits
- Broad strategic plans for the local authority

### 5. The local context

Prompts:

Include information on:

- Population data
- Housing market
- Housing need data
- Empty homes in [local authority area]
- Challenges to tackling empty homes

### 6. Tackling the problem: [Local Authority's] Approach

Prompts:

- Outline the approach taken by the local authority to empty homes – what is the corporate vision?
- Consider outlining the below in the context of the specific local authority:
- Ways of working: reactive and proactive/engagement and enforcement [sections 3.1 and 3.3

in Guide]

- Who is involved in tackling empty homes in the local authority [section 2.2 in guide]
- Council Tax Exemptions and Premiums
- Enforcement options
- Legislative framework

### 7. Reporting on previous plan

Prompts:

See [Resource 13](#) for methods for evaluating and reporting on previous plan.

### 8. Action plan

Prompts:

- Create an action plan with clearly defined timescales and lines of accountability

### Appendices

Prompts:

Consider including:

- Appendix 1 (Section 2.2 of Guide – amend for own local authority): List of local authority departments which are involved with empty homes
- Appendix 2 (Section 3.4 of Guide – amend for own local authority): Visual outlining relationship between different strategies

## Resource 13: Empty Property Strategy Evaluation Checklist

### Overview

This evaluation checklist is a guide to help evaluate the effectiveness of an empty property strategy. This checklist has been designed with generic principles in mind, and so there may be some items that do not relate to the specific local authority's strategy. Local authorities should adapt the checklist as required.

### Evaluation checklist

#### Defining Objectives and Standards

1. Have you established what you want to achieve with the strategy?
2. Have you defined how success will be measured?
3. Have you identified key performance indicators (KPIs) that can track progress towards success?
4. Have you collected baseline data to determine the current position?
5. Have you aligned the strategy to other related strategies and to broader local authority plans?

#### Collect and Analyse data

6. Have you designed a way to collect relevant data on various aspects of the strategy's performance? (financial metrics, commercial repurposes, residential acquisitions etc)
7. Have you considered external factors that might impact the strategy? (e.g. Government changes in policy). A PEST analysis can aid this (see appendix A for a template)

#### Compare performance and adjust

8. Have you evaluated how the strategy is performing against relevant performance indicators?
9. Can you identify where the strategy is both under and over performing?
10. Have you conducted regular SWOT analyses (see Appendix B for a template) to ensure the strategy remains current and effective?
11. Do you meet regularly as a team to review the strategy?
12. Do you involve stakeholders in the review process? (e.g. registered social landlords, residents, landlords).
13. Can you evidence continuous learning and adapt the strategy to changing circumstances?

## Appendix A: PEST analysis Template

Political	Economic
<ul style="list-style-type: none"><li>• Welsh Government funding</li><li>• UK Government funding</li><li>• Taxation</li><li>• Legislation</li><li>• Public perception</li><li>• Housing need</li></ul>	<ul style="list-style-type: none"><li>• Welsh Government funding</li><li>• UK Government funding</li><li>• Investment in housing</li><li>• Inflation</li><li>• Cost of living</li><li>• Cost of labour and materials</li></ul>

Social	Technological
<ul style="list-style-type: none"><li>• Demographic variables</li><li>• Lifestyle patterns</li><li>• Cultural sensitivities</li><li>• Housing need</li></ul>	<ul style="list-style-type: none"><li>• Access and infrastructure</li><li>• Research and innovation</li><li>• Technology trends</li><li>• Developments in the built environment</li></ul>

## Appendix B: SWOT Analysis Template

Strengths	Weaknesses
<ul style="list-style-type: none"><li>• Things you are doing well</li><li>• Internal resources (skilled and knowledgeable staff).</li><li>• Tangible assets (property ownership and acquisition)</li></ul>	<ul style="list-style-type: none"><li>• Things you can improve on</li><li>• Things other local authorities are doing better than you</li><li>• Resource limitations</li></ul>

Opportunities	Threats
<ul style="list-style-type: none"><li>• Stronger collaborative working</li><li>• Greater need for services</li><li>• Funding opportunities</li><li>• Growth in supply</li></ul>	<ul style="list-style-type: none"><li>• Emerging competitors</li><li>• Changing regulatory environment</li><li>• Negative media coverage</li><li>• Changing public perception</li></ul>

## Resource 14: Examples of Communications Plan and Activities for Empty Property Officers

### Overview

This resource provides an example communications plan for an Empty Property Officer. It includes ideas for communication activities as well as a template to be used to create an empty properties communications plan in other local authorities.

This relates to [section 3.5.1](#) of the Guide as well as [Resource 15](#) (examples of Empty Property Officer communications).

### Example communications plan - Empty residential properties

**Background:** Across the city, there are privately-owned properties that have been empty for many years with little, or no, action taken by owners to return them to use. This can have a detrimental effect on neighbourhoods while returning them to use could provide much needed housing for those in need.

#### Campaign objectives:

- To raise awareness that the council has a team and strategy dedicated to tackling this issue
- To make owners and landlords aware of the various schemes available to help with renovation costs
- Raise awareness of incentives as the council would rather work with owners but there are also measures that can be taken if necessary

**Budget:** TBA

#### Target audience:

- Owners of empty properties
- Landlords

#### Strategy/Idea:

- Develop a design concept to be used for assets etc
- Paid for advertising (to be discussed with team, possible options below)
- Paid for social media (to be discussed with team, possible options below)
- Social media
- Article/advertorial in local newsletter and residents' enewsletter
- Ad on digital library screen
- Flyers for events

Activity	Target Audience	Details	Timescale (if appropriate)	Status	Comments

## Options for paid advertising

Activity	Target Audience	Details	Timescale (if appropriate)	Status	Comments

## Monitoring/evaluation

To evaluate the success of the campaign, it is important to put established performance indicators to be reviewed mid-way through the campaign - so that adjustments to the activity can be made if required - and at the end of the campaign. The following indicators are suggested:

- An increase in enquiries about the schemes
- An increase in the take-up of assistance
- If possible, if people contact the team, perhaps they could be asked what had prompted them to get in touch.

## Resource 15: Examples of External Communications Drafted by Empty Property Teams.

### Overview

This resource provides examples of external communications around empty property work published by empty property teams. These examples have been anonymised.

This relates to [section 3.5](#) of the Guide.

#### Example 1: press release or website article [example of empty property work]

##### Action taken over empty home

A privately-owned flat that was empty for nine years will once again become a home for a local resident.

The former council property in [name of local area] was bought in 2003 before becoming vacant in December 2013.

A sale order was granted at the local County Court after the council took action relating to council tax arrears.

It will now become part of the city's social housing stock after being sold to a housing association which owns the freehold and neighbouring properties. The housing association refurbished it ahead of being relet to someone in priority need.

Three independent valuations were undertaken to ensure the best possible price for the property and any profits from the same were repaid to the owner following deductions for items such as council tax debt.

The purchase and necessary work were funded by social housing grant which comes from Welsh Government for the provision of affordable housing.

Find out more about the work being done by the council to tackle vacant dwellings, including financial assistance for owners and developers to turn empty houses back into homes, at: [insert local authority empty homes webpage]

#### Example 2: news article or press release [impact of empty homes/local authority support]

##### Action to tackle empty homes

Across the city, there are privately-owned properties that have been empty for many years with little, or no, action taken by owners to return them to use. This can have a detrimental effect on neighbourhoods and the city's housing situation.

The local authority has a dedicated empty homes strategy and team aimed at tackling the issue using a mix of incentives and statutory measures and is keen to work with owners.

Options for homeowners and landlords include a Welsh Government loan scheme, VAT reduction letters for the renovation of properties empty at least two years and financial assistance.

The council also operates schemes which are used to house families and individuals who may be classed as homeless as they are living with friends, families or unsuitable accommodation, or those in need.

Leasing Scheme Wales allows owners to receive a steady income from their property, regardless of any void periods, without the hassle of managing it themselves.

The council can also employ preventative and enforcement measures. It has a duty to investigate complaints and can require owners to remedy problems.

When owners fail to take responsibility, the council can undertake works to deal with nuisance or disrepair and recover the costs from the owner, sometimes through the enforced sale of the house.

### Example 3: Social media posts

#### Action to tackle empty homes

- Empty dwellings can be a problem for neighbours and communities. Did you know there is help available for owners to bring them back into beneficial use? Our team can be contacted by email [local authority email] or calling [local authority phone number]. Visit [www.\[local authority\].gov.uk/emptyhomes](http://www.[local authority].gov.uk/emptyhomes) for more information.
- If you live next door to a long-term empty property, let us know. We want to work with owners to bring vacant dwellings back into use but will also take action if they fail to take responsibility. Email [local authority email] or by calling [local authority phone number]. Visit [www.\[local authority\].gov.uk/emptyhomes](http://www.[local authority].gov.uk/emptyhomes) for more information.
- Did you know there is help available for owners of long-term empty dwellings to bring them back into beneficial use? Visit [www.\[local authority\].gov.uk/emptyhomes](http://www.[local authority].gov.uk/emptyhomes) for more information.
- We have a dedicated empty homes strategy and team keen to work with owners to help turn vacant properties back into homes. Email [www.\[local authority\].gov.uk/emptyhomes](http://www.[local authority].gov.uk/emptyhomes) today for more information.
- Did you know there are schemes to assist owners and landlords renovate homes that have been empty for at least two years? Visit [www.\[local authority\].gov.uk/emptyhomes](http://www.[local authority].gov.uk/emptyhomes) for more information.

### Resource 16: Empty Properties Officer recruitment documents

#### Overview

This resource provides a template for:

- A. An Empty Properties Officer job description
- B. An Empty Properties Officer person specification

These can be used in drafting recruitment documentation for local authority empty property roles.

#### A. Empty Properties Officer Job Description

This job description is provided as an indicative template. It should be considered and adapted in the context of the organisation and specific role – taking into account relevant wider context, grading, team structures, reporting lines, etc.

##### Job title

Empty Properties Officer – Private Sector Housing

##### Department

Private Sector Housing

##### Grade

##### Salary

£ - £ FTE

##### Manager

Private Sector Housing Manager

##### Job summary

To play an active role in the investigation of empty and other problematic properties, assisting with bringing empty properties back into use, identifying support and/or enforcement actions available, and taking appropriate enforcement action when necessary.

##### Main responsibilities and activities

###### 1. Identification and Assessment of Empty Properties

- Investigate reports of empty properties affecting the area. Identify problem properties and prioritise cases for intervention.

###### 2. Advice, Support, and Grants for Property Owners

- Provide guidance on regulations, loans, grants, and other initiatives to bring properties back

into use.

- Administer empty property grants/loans, including inspections and contractor assessments.

### 3. Enforcement and Legal Actions

- Determine appropriate enforcement actions, including statutory notices, compulsory purchase, and prosecutions.
- Prepare and present evidence for legal cases, court proceedings, tribunals, and public inquiries.
- Maintain compliance with legislation, codes of practice, and corporate policies.

### 4. Collaboration and Public Engagement

- Develop working relationships with internal and external partners to bring empty properties back into use. Promote and publicise initiatives, participate in training, and engage with landlords and residents.

### 5. Operational Management and Performance Monitoring

- Meet service delivery targets, maintain accurate records, and provide reports to management.
- Source funding opportunities and manage budgets for empty homes work.
- Ensure health and safety compliance, including risk assessments.

#### General requirements

1. Excellent communications and investigatory skills.
2. GCSE Maths and English grade C or above, or equivalent qualifications.
3. All employees have a responsibility to ensure they take a vigilant approach at all times to safeguard members of the public, colleagues, and themselves and that they follow adopted procedures and good practice to aid in the identification and effective reporting of any safeguarding concerns.
4. The successful candidate must be able to travel to various locations, including areas not accessible by public transport.
5. Work flexibly, including working outside normal office hours where necessary. Work from home or the local authority's office premises as required.
6. Display a good level of IT skills and the ability to understand and develop the use of IT to achieve objectives including competence with Microsoft Office products or equivalent software.
7. Good time management skills, able to work efficiently to maximise output and proactively seek to improve the use of resources.

## B. Empty Properties Officer Person Specification

This is intended as a comprehensive list of requirements which can be altered to suit a particular role. In places items are repeated as knowledge, skills, or experience.

### Job title: Empty Properties Officer – Local Authority

Post Title: Empty Properties Officer	Director/Service/Sector:
Essential	Desirable
<b>Knowledge and Qualifications</b>	
<ul style="list-style-type: none"><li>• GCSE Maths and English grade C or above, or equivalent qualifications</li><li>• Good standard of education to degree level or equivalent.</li><li>• Working knowledge of legislation, policy, and guidance relating to empty properties.</li><li>• Understanding of the diverse functions of a large complex public organisation.</li><li>• An active appreciation of the procedural and practical issues facing the service.</li><li>• Understanding of the relationship between costs, quality, customer care and performance.</li><li>• A sound knowledge of the private rented sector, legislation and topical issues.</li><li>• Strong IT skills including competence with Microsoft Office products or equivalent software.</li><li>• Ability to travel for work.</li><li>• Understanding of health and safety risk assessment.</li></ul>	<ul style="list-style-type: none"><li>• Housing related qualification.</li><li>• Qualified Environmental Health Officer with the Chartered Institute of Environmental Health or a qualified housing surveyor with a recognised relevant qualification in that field.</li><li>• Certified as competent to conduct Housing, Health and Safety Rating System assessments.</li><li>• Knowledge of grant and loan processes associated with empty properties.</li><li>• Knowledge of legislation, policy, and guidance relating to empty properties required to conduct investigations including the use of PACE, assembly of prosecution files and the court process.</li><li>• Understanding of the principles and application of safeguarding processes.</li><li>• Understanding of current UK data protection requirements.</li><li>• Understanding of the court process.</li></ul>

<ul style="list-style-type: none"> <li>• Demonstrates a sound understanding of equal opportunities and diversity issues in relation to employment and service delivery.</li> <li>• Commitment to professional and personal development.</li> </ul>		
<ul style="list-style-type: none"> <li>• Experience of writing reports, letters, briefings and handling data using Microsoft Office products or their equivalents.</li> <li>• Experience of property inspections.</li> <li>• Experience of delivering private sector housing interventions.</li> <li>• Experience of implementing empty home policies.</li> <li>• Ability to effectively plan and manage a high-volume workload, working effectively under pressure and to deadlines.</li> <li>• Experience of providing consistently effective customer centred services.</li> <li>• Experience of undertaking health and safety risk assessments.</li> <li>• Experience working with complex cases, partnership working and problem solving.</li> <li>• Experience of working in a local authority or large organisation, forming effective working relationships, co-ordinating and collaborating with other departments and entities.</li> <li>• Recent experience in working with empty properties in practice or as part of a relevant qualification.</li> </ul>	<ul style="list-style-type: none"> <li>• Housing enforcement/environmental health experience.</li> <li>• Experience undertaking inspections, surveys and other investigations of properties under the Housing Act 2004 or other related legislation associated with managing the condition of empty properties and bringing them back into use.</li> <li>• Knowledge of completing schedules of work.</li> <li>• Knowledge of building costs, estimating and invoicing (repairs and improvements).</li> <li>• Experience of compulsory purchase, empty dwelling management orders, enforced sale, or prosecution activity.</li> <li>• A track record of dealing with cases, taking appropriate enforcement action with the skills to be able to advise and support less experienced officers.</li> <li>• Experience of applying for funding to support organisational activities relevant to the public sector.</li> <li>• Experience of working with grant/loan based interventions.</li> </ul>	<ul style="list-style-type: none"> <li>• Effective IT skills and ability to understand and develop the use of IT to achieve work objectives and carry out work with due regard to cyber security requirements.</li> <li>• Numerate and skilled at analysing/reasoning with business-related statistics.</li> <li>• Confident and competent in expressing own views and an active participant in internal and external meetings.</li> <li>• Effective negotiation skills.</li> <li>• Able to carry out investigations.</li> <li>• A high level of both written and verbal communication skills.</li> <li>• Ability to organise own workload.</li> <li>• Ability to work creatively and independently to achieve better outcomes.</li> <li>• Ability to work as part of a multi-agency team and promote partnership working.</li> <li>• Customer focused and able to deliver within set timescales.</li> <li>• Models and encourages high standards of honesty, integrity, openness and respect for others.</li> <li>• Proactive and achievement oriented.</li> <li>• Adopts a collaborative approach to work.</li> <li>• Can evaluate risk and adjust remedial actions based on the level of risk and impact on the public.</li> </ul>

<ul style="list-style-type: none"> <li>• Dealing with complex clients and their needs, whilst working to bring empty properties back into use</li> <li>• Working from an office/home.</li> <li>• Working outdoors across the district inspecting private rented properties, problematic empty homes. Travel is an essential part of this job.</li> <li>• Meeting with residents, community groups, or councillors where they are based.</li> <li>• Regular contact with public/clients.</li> <li>• Be able to work under pressure.</li> <li>• Models and encourages high standards of honesty, integrity, openness and respect for others.</li> </ul>	<ul style="list-style-type: none"> <li>• Able to deal with conflict and stressful situations.</li> <li>• Ability to travel for work purposes.</li> </ul>
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## Resource 17: Loans and grants available

### Overview

This resource provides information and links to relevant sources of funding for empty property work. The broad outline of each source is included in the table, with links to the source's website for more detailed information.

### Important:

Funding sources may change over time. Contact your local authority empty property team to see which grants and loans are currently available, how much is available in your local area, and what the criteria are to access this.

Name of Support	Grant or Loan	Broad eligibility criteria	Maximum amount of funding available
<a href="#">National Empty Homes Grant Scheme</a> <p>This provides grant funding for the renovation of empty properties if owners intend to use the house as their main residence in the future.</p>	Grant	<p>Empty property must have been empty for 12 months</p> <p>Property must be within a participating local authority</p> <p>Applicants need to be owners or prospective owners who intend to use the property as their main/only residence for 5 years</p>	<p>Grant limit is set at £25,000 cost of works</p> <p>Homeowner applicants are required to make a mandatory contribution of 15% of the total cost of eligible works up to £25,000</p>
<a href="#">Houses into Homes</a> <p>This provides a loan for the refurbishment of properties which are to be sold or rented out by the owners.</p>	Interest free loan	<p>Property must have been empty for 6 months</p> <p>Property must be intended for sale or letting</p>	<p>Maximum loan £25,000 per unit of accommodation</p>

<a href="#"><u>Home Improvement Loans</u></a>  This provides a loan to support the renovation of properties or conversion from commercial to residential.	Interest free loan	Owner occupiers, landlords, developers, charities/ third sector organisations are all eligible parties  Can be used for residential properties or conversion of commercial into residential	Maximum loan of £35,000	<a href="#"><u>Transitional Accommodation Capital Funding Programme (TACP)</u></a>  - Funding scheme available for local authorities and registered social landlords to enable the creation of more units of affordable housing to move individuals on from temporary accommodation.		Available for local authorities and registered social landlords	Funding will rely on local area, type of property, and allocation of funds by local authority.
1st time buyer home repair grant  [not applicable in all local authorities]  Small-scale grant to support home repairs for owners intending to live in the property	Grant	Means-tested - eligibility is based on the owner's other financial resources  For properties more than 10 years old  Properties must be in council tax bands A-D	Maximum grant of £10,000 (based on eligibility)	<a href="#"><u>Social housing grant</u></a>  Funding for registered social landlords to deliver affordable housing.		Available for registered social landlords	Funding will rely on local area, type of property, and allocation of funds by Welsh Government.
<a href="#"><u>Leasing Scheme Wales</u></a>  Scheme to support owners to lease property to local authority, which in turn rents out at Local Housing Allowance rates	Grant and ongoing support	Small grants are available to bring the property up to standard  Local authority will guarantee rental income for the length of the lease (5-20 years)	Maximum grant of up to £25,000 may be available to bring empty properties back into beneficial use and to be leased to local authority.  Ongoing rental income will depend on local area and type of property.	<a href="#"><u>Transforming Towns – loan</u></a>  Funding available to address empty or underused properties in town centres.	Loan	Applicants can be registered social landlords, property developers, private landlords or businesses  Aim of the loan is to support underutilised space in town and city centres	Funding will rely on local area, type of property, and allocation of funds by local authority.
Local authority buy back schemes	Some local authorities have schemes where they buy back ex-local authority housing stock to be used as housing provision by the LA			<a href="#"><u>Transforming Towns – placemaking grant</u></a>  Funding available to address empty or underused properties in town centres.	Grant	Applicants can be registered social landlords, property developers, private landlords or businesses  Aim of the grant is to support underutilised space in town and city centres  This needs to contribute to the local authority's placemaking plan	Funding will rely on local area, type of property, and allocation of funds by local authority.

<a href="#">Historic Buildings Grant</a>  Grant funding for refurbishment of historical buildings.	Grant	Administered by Cadw  Used to help owners to protect historical buildings	Up to £250,000, funding 50% of eligible works.
<a href="#">Architectural Heritage Fund</a>  Grant and loan funding for refurbishment of historical buildings.	Grants and loans are available	Charitable and community groups are eligible	Project viability grant - maximum £10,000  Project development grant – maximum £20,000
<a href="#">Land and Buildings Development Fund</a>  Funding to support development projects which have stalled or where intervention is needed to get project started	Grant	Local authorities, registered social landlords, and third sector organisations are eligible	Funding will rely on local area, type of property, and mixture of funding streams for project.

Indirect financial support		
Name of support	Grant or loan	Details
<a href="#">VAT Relief Scheme</a>		A reduction in VAT to 5% on the cost of renovating single house dwellings that have been empty for 2 years or more
<a href="#">NEST funding</a>	Grant	Small-scale grants to enable energy efficiency improvements

## Resource 18: Financial scenarios

### Overview

This resource provides an overview of three fictional scenarios where empty property owners have had to consider the financial viability of refurbishing their properties.

The purpose of the resource is to provide some examples of how people have undertaken broad financial considerations, the financial support they have been able to access, and the outcomes of the empty property work they have undertaken.

This resource links to section 4.3 of the Guide.

### Scenario 1

#### [Ellis Kahn – refurbishing a property for affordable rent](#)

Ellis inherited an empty home when their grandfather passed away. The probate process took 2 years and then Ellis didn't know what to do with the house after that. The property had then been standing empty for 3 years. The house was a 3 bedroom property in Band D of council tax, meaning that Ellis was paying 200% council tax on the property.

#### **1. How much does the property cost to keep empty?**

It was costing Ellis £5860.32 a year in council tax to keep the property empty. This is without the cost of insurance, maintenance, security, and standing charges (amongst other things).

#### **2. How much would the property cost to refurbish?**

The house wasn't in a poor state, it just needed modernisation including a new kitchen and bathroom. Ellis's grandfather had been a gardener, and the family had maintained the garden so not much work was needed outside the property. The refurbishment therefore cost Ellis £45k. This included the Building Notice Application at around £500 and Energy Performance Certification at £100.

#### **3. How much income or financial benefit would you receive if the property was put back into beneficial use?**

Ellis decided to rent the property out for affordable rent at Local Housing Allowance levels. For a 3 bedroom house, the LHA rate was £506.32 a month meaning that Ellis could make £6075.84 a year from the rent.

#### **4. What financial support is there to contribute to the refurbishment?**

Ellis was able to access a Landlord Loan via the council to support the refurbishment. They had an interest free loan of £25k and paid the remaining £20k of the refurbishment through their own savings. Ellis decided to rent out the property at LHA rents. This meant that they were able to access a maximum loan period of 10 years for the Landlord Loan. Finally, in order to sustainably secure tenants, Ellis also entered into a leasing scheme with the local authority. This meant that the authority was responsible for the maintenance of the property.

and the management of the tenancy. This enabled Ellis to rent out the property and secure additional income without the burden of finding and managing tenants or being responsible for maintenance issues.

## Scenario 2

### Ceri Griffiths – refurbishing a property to live in

Ceri was looking to relocate from England back to their hometown in north Wales. They were currently renting a property, but were looking to buy a property to establish a long term home. They purchased a 2 bedroom apartment that had been empty for 5 years. It was in council tax Band D and had a council tax premium of 200%.

#### **1. How much does the property cost to keep empty?**

After purchasing, it would have cost Ceri £6960 a year on council tax with the empty property premium. This is without the costs for security, insurance, standing charges and maintenance amongst other costs.

#### **2. How much would the property cost to refurbish?**

The property was going to cost Ceri £25k to refurbish into a liveable standard. This included painting and decorating, new flooring, and implementing energy efficiency measures. This includes the Building Notice Application at around £500 and Energy Performance Certification at £100.

#### **3. How much income or financial benefit would you receive if the property was put back into beneficial use?**

As Ceri was not renting the property out or selling it, there would be no direct income. However, the purchase of an empty property at a lower price enabled them to get on the housing ladder in their hometown. They were also able to contribute to their local area by bringing an empty property back into use.

#### **4. What financial support is there to contribute to the refurbishment?**

Ceri was able to access £21,250 via the National Empty Homes Grant with a 15% contribution of £3750 from their savings. This covered the cost of the refurbishment. As this was a grant, not a loan, none of the contribution from the local authority needed to be repaid.

## Scenario 3

### Gem Jones – creating a flat above a shop

Gem owns a commercial property in the centre of a city. They run a successful shop on the ground floor of the property, but the first floor is largely vacant and just used for storage. The first floor has a separate access to the ground floor and Gem wants to maximise the income potential for the property by converting the first floor into a one bedroom flat.

#### **1. How much does the property cost to keep empty?**

There is no direct cost to the first floor being vacant other than some minor costs around maintenance for an underused space. However, the commercial scope of the property is not being fully utilised and Gem could generate significantly more income if this was used as a residential property.

#### **2. How much would the property cost to refurbish?**

The first floor has all the relevant utility connections so the costs around making it a habitable residential property were mainly from installing a bathroom and kitchen, new flooring and painting and decorating. Planning fees would cost £300 with £600 for feasibility discussions. The Building Notice Application would cost around £500. In total, the refurbishment will cost Gem around £20k.

#### **3. How much income or financial benefit would you receive if the property was put back into beneficial use?**

The average market rent for a one bedroom property in Gem's area is £725pcm. This would mean an annual income of £8700.

#### **4. What financial support is there to contribute to the refurbishment?**

Gem was able to access a Transforming Towns loan as the proposed project fitted with the local authority's Placemaking Plan. This meant that the local authority were interested in supporting the creation of one bedroom properties in the local area as they had identified this as a particular housing need. Gem got an interest free loan of £20k which covered the full cost of the refurbishment. This was to be paid back over five years.

## Resource 19: Case Study of Renovation of Station Hotel, Cogan

A recent example of a transformation for a disused/redundant hotel now converted into 7 residential units during 2024-2025.

This site is located approximately 7km South-West of Cardiff City Centre and approximately 1.1km North-West of Penarth Town Centre, within the Vale of Glamorgan.

[The case study can also be found here.](#)

"The Empty Property Landlord Loan from the Vale of Glamorgan Council is an extremely low-cost finance option which left more budget for the conversion and renovation work."

Before



After



The parcel of land extends to approximately 0.05 Hectares and originally comprised of the Station Hotel, which is a detached three-storey building considered to date back to the Victorian era and had been operating as a pub and hotel.

The main lounge and bar areas were offered at ground floor with ancillary and residential accommodation situated on the first and second floor levels. To the rear was an enclosed courtyard/beer garden. Having been vacant for some time, the property was in disrepair and in need of modernisation.

The corner plot presented an opportunity to re-design for a residential conversion along with parking and associated works.

A loan of £245,000 was approved by The Vale of Glamorgan Council to create a mixture of 1 bed studios and 2 bedroom units finished to a high quality standard which have now been successfully let soon after the completion of works. The characteristics of the original Station Hotel still remain and strongly feature within the property now with a modern and sustainable approach.

### The schedule of works included:

- Rear buildings demolition and site clear
- Excavation and drainage
- Roof repairs, PV strategy and insulation
- Internal floor structure and internal walls - adjustments Electronics
- Plumbing (Kitchen and bathrooms)
- Replacement of all windows and doors
- External and internal decoration - render/paint
- Landscaping

Eleri Nicholas - Empty Property Development Officer Vale of Glamorgan Council

The initial planning submission proposed the demolition of the entirety of the existing building and erection of a four-storey building comprising of up to 20 residential flats along with a food and drink unit on the ground floor. However, due to design concerns and overdevelopment of the site, the proposal has been amended to its current form comprising the conversion of the existing building (1 unit) to provide an additional 6 units - 7 total.

Once planning had been approved, the loan application was submitted and payments paid in 3 instalments following evidencing progress of works through site inspections, photo evidence and proof of expenditure at various stages. Subject to planning approval, a further 2 additional units will be created.

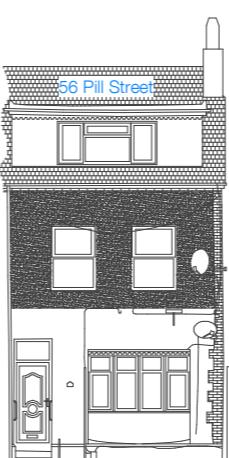
"We believe this has allowed us to deliver an enhanced and thoughtful finish to the newly created homes"

Existing front elevations



Existing elevation along Windsor Road

1 : 100



Existing elevation along Pill Street

1 : 100

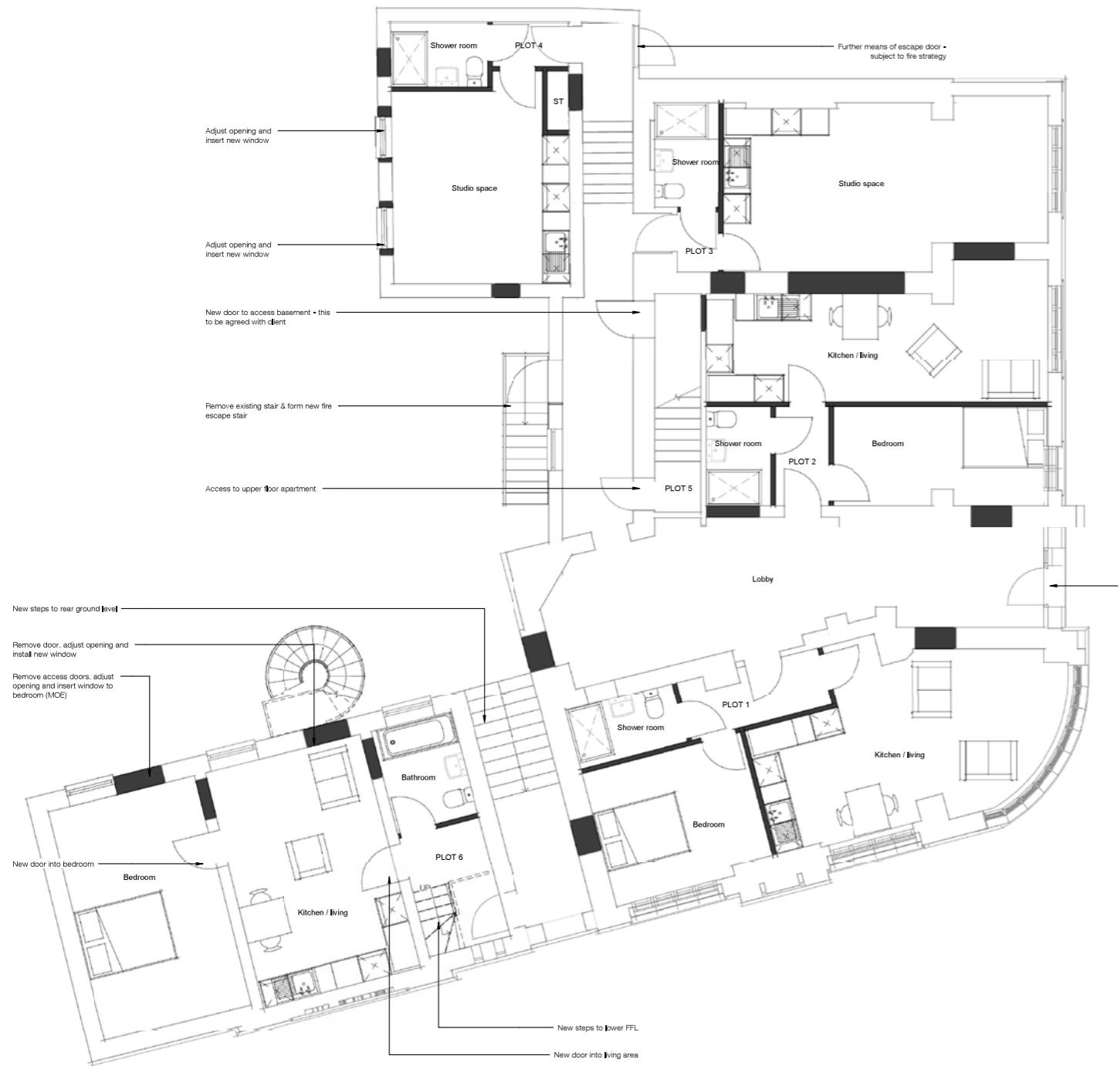
## Approved front elevations



## Existing ground floor plans



## Approved ground floor plans



## Resource 20: Case Studies of Best Practice

### Overview

This resource provides short case studies of empty property work. These can be used as examples of what can be done with empty properties and how the process of refurbishment can happen.

#### Case study 1

##### Flintshire: Using an Open House Day to support the sale of an empty property

**Outcome:** An individual who was in charge of an empty property on behalf of their family member sold the property through support from the Empty Homes Department.

**Context:** The owner of the property was in a nursing home and his sister was in the process of obtaining Deputyship to be available to make decisions on his behalf. Council Tax data flagged the empty property to the Empty Homes Department but there were no contact details available for the owner's sister.

#### What did the Empty Homes team do?

The Empty Homes Department utilised a genealogist who was able to track down the owner's sister so that they could offer support around the empty property.

The team contacted the owner's sister and explained that the empty property was causing issues with harbouring rats due to rubbish and an overgrown garden, as well as being insecure which was allowing children to access the property. The Empty Homes Department explained to the owner's sister that the Department could undertake works which were needed on the property, which would be repaid upon sale of the property.

The team also highlighted that they could assist them with selling the property and arrange an Open House Day for known developers to view the property. Developers were then invited to individually email the owner's sister to negotiate/agree a sale. As the owner's sister lived remotely, the team's involvement saved her a lot of travel time, stress, and effort in terms of making the sale of the property as easy as possible.

#### Who was involved?

This was achieved through collaborative working between Flintshire County Council Empty Homes Department, the relatives of the property owner, and at least 7 property developers.

#### What was the result?

It was a very successful outcome with the owner's sister having several offers from the developers who viewed the property and agreed a sale price.

#### How did it work?

- What legislative tools were used? A Section 80 Abatement Notice was used to complete the Works in Default.
- What financial mechanisms were used? Works in Default and the team registered the charge to make sure funds were secure in terms of repayment.

#### Case study 2

Plas Alltran: Historic building conversion

**Outcome:** A Grade II listed Victorian building was converted into four affordable apartments for local young people.

**Context:** The property had been built as a doctor's surgery but had had a number of different commercial uses over its history. It had become vacant in the 1970s and was in a state of disrepair with holes in the roof, further structural damage, and fire damage. It was identified on a list of Cadw's Buildings at Risk in 2001. A £1.5m project, including grant funding from Welsh Government and Cadw, enable the conversion of this empty commercial property into four 1 and 2 bedroom properties. These are specifically being used to provide housing for local young people.

#### How did it work?

The Isle of Anglesey County Council worked in partnership with an architect to facilitate the project. Listed Building Consent was granted to enable the conversion of the building, with a non-material amendment added to safeguard the historical features of the building. Due to the listed building status, Cadw and conservation officers had to oversee the restoration including the methods and materials used.

## Resource 21: Enforced sale case study (Caerphilly)

### Overview

This resource provides a case study of an enforced sale from Caerphilly. It is also an interesting example of working with social services and addressing a delisted property.

A further example of empty property work in Caerphilly is available here:  
[Caerphilly - Caerphilly County Borough](#)

#### Case study 3: Enforced Sale

The Empty Property Team Tackles the Most Problematic Empties

Empty property work is often discreet and can take time to show tangible results. However, the value of a 'slow and steady' approach in transforming communities should not be underestimated. It took over 12 months to bring the first batch of enforced sales to market—but the outcome has been well worth the wait.

The Caerphilly Empty Property Team recently completed the enforced sale of two long-term problematic properties that had been vacant for over seven years.

#### Case study 4: 133 Pontygwindy Road

The first property subject to enforced sale was 133 Pontygwindy Road, which had been empty since at least February 2015.



Following the death of the occupier in 2012, the property was left to deteriorate with no identifiable person to take responsibility. While the occupier had been under the care of Social Services, that support ended upon their death. Initial investigations suggested the property was owned by three siblings, all of whom had since passed away. Despite extensive efforts, the authority was unable to identify any next of kin willing to take on probate.

The property was unregistered with the Land Registry, exempt from council tax, and had no will or deeds from the suspected previous owners. Even if a next of kin had come forward, proving legal ownership would have been extremely difficult.

Over the years, the property became increasingly dilapidated, attracting pests and complaints from neighbours. Without intervention, it would have continued to deteriorate.

#### **The Empty Property Team Steps In**

Social Services, who still held the keys, contacted the Empty Property Team to address pest complaints and explore long-term solutions. The team agreed to make another attempt to trace the owner and served legal notices regarding the overgrown, waste-filled garden. Despite placing an advert in the local paper, no interested parties came forward. The authority then served a Prevention of Damage by Pests Act (1949) notice and carried out works in default to clear the garden, creating a debt that enabled the team to initiate an enforced sale. A Section 103 notice under the Law of Property Act 1925 was served, and the legal department was instructed to register the debt and proceed with the sale via auction.

The sale was successfully completed on 27 July 2023. A new owner took possession, and the authority recovered its legal costs and debts from the sale proceedings. These funds will be held indefinitely in case an heir comes forward in the future. The Empty Property team's preference is always to support owners in informally resolving issues and bringing properties back into use.





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Llywodraeth Cymru  
Welsh Government