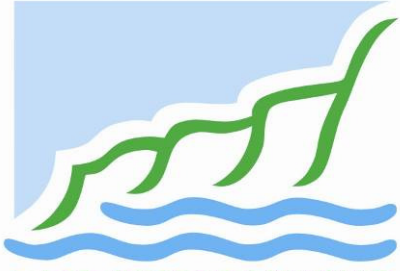


VALE of GLAMORGAN



BRO MORGANNWG

# EMPTY HOMES STRATEGY 2012- 2017



### **Version Control**

<b>1</b>	<b>Approved by Cabinet 18.04.2012</b>
<b>2</b>	<b>Action Plan updated to reflect the Houses to Homes Loan Scheme 03.07.2012</b>
<b>3</b>	<b>Incorrect figure on page 7 corrected 20.05.2014</b>

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## EXECUTIVE SUMMARY

This is the Vale of Glamorgan Councils first Empty Homes Strategy. This document sets out the Councils plans to bring empty homes back into use over the next five years. It outlines a coordinated, proactive approach to tackling empty homes in partnership with relevant council departments and stakeholders.

Empty homes represent a wasted resource and a lost opportunity. The Vale of Glamorgan has a significant need for additional market and affordable housing; the councils Local Housing Market Assessment Update 2010 calculates a need for an additional of 915<sup>1</sup> affordable homes year and yet there are 739 empty homes across the county that could be brought back into use.

Empty homes pose problems for the council, the owner, neighbours, the emergency services and the environment. They are often a blemish on an area and can be subject to vandalism and unsightly graffiti. The council receives service requests and complaints about these properties and has to deal with pests, dilapidation, damage to neighbouring properties and hazards to the public.

The process of dealing with empty homes was reviewed prior to the development of the Local Housing Strategy (2007-12) in 2006; in conclusion, the approach was deemed insufficient mainly because the service was reactive, not proactive, and because there was no specific budget allocated for dealing with empty homes<sup>2</sup>. It concluded that a review of the approach to empty homes was needed and that a more effective and strategic approach should be developed within the current resource constraints.

Through this strategy the council will target problematic empty homes that are inactive in the housing market; those which are unlikely to return to use without intervention from the council and those which are the subject of valid complaints from the public, partners and councillors.

The aims of this strategy are to:

- monitor empty homes,
- provide advice, assistance and guidance to landlords and property owners,
- reduce the negative effect of empty homes on our communities,
- reduce the number of empty homes, return empty homes to use and
- promote the empty homes initiative.

The process for dealing with empty homes has been developed in partnership by the councils Environmental Health, Private Sector Housing, Public Sector Housing, Council Tax, Planning and Legal departments and Registered Social Landlords.

<sup>1</sup> The Vale of Glamorgan Local Housing Market Assessment Update Report (2010), page 43, table 6.11

<sup>2</sup> The Vale of Glamorgan Council Local housing Strategy 2007-2012, Page 50 & 51

# 1. INTRODUCTION

## 1.0 INTRODUCTION

This is the Vale of Glamorgan Councils first Empty Homes Strategy. This document sets out the Councils plans to bring empty homes back into use over the next five years. It outlines the Councils coordinated, proactive approach to tackling empty homes with our partners and stakeholders.

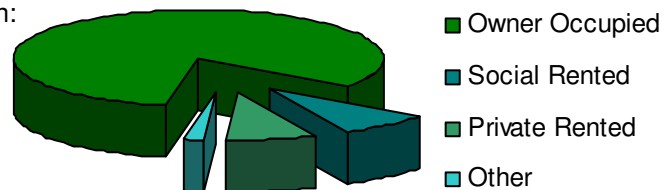
Tackling empty homes and bringing them back into use will impact positively on Vale residents, including people in housing need and the wider community for whom empty homes often cause problems.

## 1.1 HOUSING NEED IN THE VALE

There is an acute shortage of housing both locally and nationally; migration of people into the Vale, homelessness and affordability issues have driven up the demand for housing in recent years. The Council works in partnership with house builders and registered social landlords to increase the supply of both market and affordable housing; however demand continues to outstrip supply, especially for affordable housing<sup>3</sup>.

The Vale of Glamorgan has 55'319<sup>4</sup> homes, of which:

- 77.9% are owner occupied,
- 12.9% are social rented and
- 7.7% private rented
- (1.6% Other)<sup>5</sup>.



There is significant need for additional housing in the Vale; the Council's Local Housing Market Assessment (2008) identifies the annual need for 5517<sup>6</sup> additional dwellings of all tenures across the County.

Following the steps of the needs assessment model specified by the Welsh Assembly Government; the Local Housing Market Assessment Guide, results in an annual net shortfall of affordable housing (defined in TAN2) of 915<sup>7</sup> dwellings per year. This represents a notable increase from the equivalent figure of 652 calculated in the 2007 Local Housing Market Assessment.

The Assessment identifies that:

- 3'897<sup>8</sup> households are living in unsuitable housing of which 2'129<sup>8</sup> do not have an 'in-situ' solution and therefore require a move to alternative accommodation.

<sup>3</sup> Affordable housing includes the provision of social and intermediate rented and LCHO or 'Homebuy' shared equity properties.

<sup>4</sup> Number from Council Tax data

<sup>5</sup> Hometrack, Housing Intelligence System –Office of National Statistics, % split in 2001

<sup>6</sup> The Vale of Glamorgan Local Housing Market Assessment (2008), page 107, 12.31

<sup>7</sup> The Vale of Glamorgan Local Housing Market Assessment Update Report (2010), page 43, table 6.11

<sup>8</sup> Vale of Glamorgan Council Local Housing Market Assessment Update Report (2010), page 32

- During the last quarter (Jan – March) of 2009 – 2010 the Council had a statutory duty to home 97<sup>9</sup> homeless families (i.e. households who were eligible, unintentionally homeless and in priority need; the Council must find them a home by law).

In addition:

- The Councils Homes4U waiting list for social rented properties (Council and RSL) has 1866<sup>10</sup> individuals and families registered in housing need.
- The Councils Accessible Homes Register incorporates 146<sup>11</sup> individuals on the Homes4U waiting list with a 'gold' status, i.e. those who need to move to a more appropriate or adapted property, and an additional 377 Council tenants whose existing property is not suitable to be adapted and therefore need to move to a more appropriate / adapted property (identified via the 'Incentive to Move' scheme).

## 1.2 THE PROBLEMS ASSOCIATED WITH EMPTY HOMES

Empty homes represent a wasted resource and lost opportunity. Despite the significant housing need, there are significant numbers of empty homes across the county which could be brought back into use and provide a home to an individual or family in need.

Commercial properties also provide a missed opportunity; residential properties above commercial and retail premises are particularly underused and offer an opportunity that could be exploited to improve the availability of housing, especially for single persons.

Both unused residential and commercial properties are difficult to bring back into use and although empty homes are not the answer to the housing need in the Vale, there are real opportunities to use these homes to increase the supply of housing and offer greater choice to households in need.

Empty homes pose problems for the council, the owner, neighbours and members of the public, the emergency services and the environment:



### EMPTY COMMERCIAL PROPERTIES

<sup>9</sup> WHO12 Homeless Statistics 2009/2010

<sup>10</sup> Number of people registered with Homes4U (08.07.2010)

<sup>11</sup> Number of people registered with 'Gold' Homes4U status and the 'Incentive to Move' scheme (08.07.2010)

**Council** - The council has to deal with complaints about empty homes from local people who rightly object to unsightly disused properties. There are implications for the Councils Environmental Health (Housing) team that have to use staff time and resources to intervene to deal with pests, dilapidation, damage to neighbouring properties and other issues:



**EMPTY RESIDENTIAL PROPERTY**

**Property Owner** - The property owner has to bear the cost of leaving the property empty, which when compared to taking responsibility for the property may actually costs the owner more, see **Figure 1**.

Properties deteriorate at a quicker rate when left empty, meaning a temporarily empty property can quickly become an unsightly burden the owner is reluctant to tackle.

**Figure 1 - Annual Cost to the Owner of Leaving a Home Empty:**

Lost Rent	£6292.00 <sup>11</sup>
Council Tax	£1'095.26 <sup>12</sup>
Dilapidation	£500.00 <sup>13</sup>
Security	£280.00 <sup>13</sup>
Insurance (if obtainable)	£280.00 <sup>13</sup>
<b>Total</b>	<b><u>£8'447.26</u></b>

<sup>12</sup> Hometrack (extracted Nov 2010) - Median weekly rent of a 2-bed property in the CF63 postcode area based on advertised properties Oct 09-Sept 10

<sup>13</sup> Based on a band D property in Barry using valuation bands 2010/11

<sup>14</sup> [www.everyhomecounts.info/owning/cost](http://www.everyhomecounts.info/owning/cost) accessed 02.12.2010

**Neighbours** - The Neighbours and those people living nearby find empty properties unsightly; deteriorating empty homes can be a real blight on a street or area. They undermine the communities' confidence in the area; they attract crime, vandalism and anti social behaviour. For neighbouring properties they can cause damp and structural problems. Empty properties may also be vandalised and broken into, resulting in problems for neighbouring properties. Empty properties deter investment and adjoining homes can be devalued by up to 18%<sup>15</sup>.



#### EMPTY RESIDENTIAL PROPERTY

**Environment** - There is an environmental impact of leaving homes empty: It has been estimated that it would take the equivalent of 12 football pitches of land to build 800 homes. This could be greenfield sites of open land that local people value. It would be much more efficient and sustainable to make best use of the homes that we already have.

The report 'New Tricks with Old Bricks – how reusing old buildings can cut carbon emissions'<sup>16</sup> looked at how much of the carbon emitted over a building's lifetime is produced during its initial construction: "Initial construction accounts for nearly three times as much of the building's lifetime emissions as has been generally supposed (28% rather than 10%) Moreover, new construction emitted more than four-and-a-half times as much CO<sub>2</sub> per square metre (475 kgCO<sub>2</sub>/m<sup>2</sup>) as comprehensive refurbishment of an existing home (104 kgCO<sub>2</sub>/m<sup>2</sup>). This highlights the 'development peak' in emissions from construction"<sup>17</sup>. The research results suggest that the advantages of older, existing housing are being seriously overlooked in the fight against climate change.

<sup>15</sup> Royal Institute of Chartered Surveyors

<sup>16</sup> [http://www.emptyhomes.com/resources/papers\\_publications/ehapublications.html#newtricks](http://www.emptyhomes.com/resources/papers_publications/ehapublications.html#newtricks) accessed 04.05.2011

<sup>17</sup> <http://www.emptyhomes.com/documents/publications/briefings/EAC%20Greener%20homes%20inquiry%2017-04-08.doc> accessed 04.05.2011



**Emergency Services and Safer Vale Partnership** - The emergency services, the police and fire service deal with complaints and call outs to empty homes, wasting the finite time and money of these vital services.

Properties with smashed and open windows and doors are easy to access by people; they can become targets for anti social and criminal activity.

Calls to the Safer Vale Partnership regarding empty homes include<sup>18</sup>:

- People breaking into property
- Overgrown gardens
- Mice infestation
- Theft`
- Blocked drains
- Rubbish



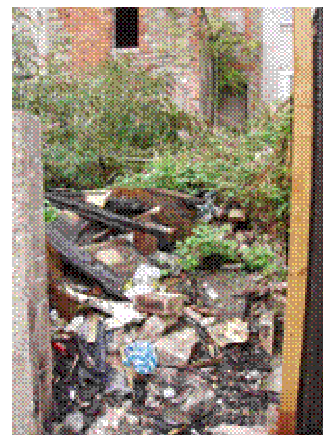
#### EMPTY RESIDENTIAL PROPERTY

<sup>18</sup> April 2009 to June 2010

### 1.3 WHY DO PROPERTIES BECOME EMPTY?

Properties can become empty for a number of reasons, including but not limited to the following examples:

- A property that is unsuitable to rent or sell due to its physical state and that would require renovation.
- A property that is difficult to rent or sell due to location; poor facilities, infrastructure etc.
- When the property has been abandoned by the owner and the owner is untraceable.
- Where there is an issue of unresolved ownership, often as a result of the previous owners' death. Resolving ownership can be a lengthy legal process, during which time the property may remain empty.
- Property holding, when a property is left empty due to speculative investment, through acquiring a property through inheritance or where partners co-habit leaving the second property empty. Or where the property is adjoined to a business and the owner does not wish to let or sell it.
- Due to an ageing population, older property owners may move into alternative older persons accommodation for care or support needs. They may choose not to sell the property which result in it remaining empty for the short or long term.



**EMPTY RESIDENTIAL PROPERTY**

### 1.4 WHICH PROPERTIES WILL THE STRATEGY TACKLE?

Through this strategy the council will target problematic empty homes that are:

- Inactive in the housing market.
- Unlikely to return to use without intervention from the council
- The subject of valid complaints from the public, partners and councillors

The council may also intervene in circumstances whereby providing assistance and advice to owners that would contribute to the council meeting its corporate and strategic objectives.

The strategy will not cover short term empty properties, such as:

- Transitional vacancies, due to the property being advertised for sale or rent
- Properties undergoing renovation prior to sale or rent
- Infrequently used properties such as holiday or second homes
- Student accommodation

This strategy sets out the role of the council and its partners will play in ensuring that where possible long term empty properties are brought back into use, together with the resources, powers and processes the council can use to achieve this.



## EMPTY RESIDENTIAL PROPERTY

## 2. BACKGROUND

### 2.0 BACKGROUND

The council have extensive powers to intervene where they consider there to be unsafe or unacceptable housing conditions. The powers were significantly changed by the implementation of the Housing Act 2004 in July 2006, but are also contained in the Housing Act 1985 (as amended), the Housing Act 1996 and the Housing Grants, Construction and Regeneration Act 1996 (as amended).

These interventions include:

- Enforcement activity, for example;
  - Serving improvement or prohibition notices on owners
  - Demolition Orders
  - Management Orders
- Slum clearance
- Compulsory Purchase Orders (CPO)
- Empty Dwelling Management Orders (EDMO)
- Renewal areas
- Licensing of House in Multiple Occupation (HMO)
- Selective licensing of the private rented housing

Part 1 of the Housing Act 2004 replaced the existing housing fitness standard with the evidence based Housing Health and Safety Rating System (HHSRS) as a more effective basis for targeting enforcement against housing conditions that affect the health and safety of residents.

The new enforcement framework and options available to local authorities apply to all types of dwellings including vacant properties.

The courses of action available to the authority where they have either a duty or a power to act will be:

- to serve an Improvement Notice, where works are required to address or reduce a hazard
- to make a Prohibition Order, which closes the whole or part of a dwelling or restricts the number of permitted occupants
- to suspend these types of action, for example where the current occupant is not identified as vulnerable to the hazard in question
- to serve a Hazard Awareness Notice
- to make a Demolition Order – available for Category 1 hazards only (unless subject to Order)
- To declare a Clearance Area - available for Category 1 hazards only.

The Act retains the powers available to authorities to act in default and prosecute for lack of compliance with the addition of provisions to carry out emergency remedial works or prohibit occupation. The council adopted an Enforcement Policy based on the Cabinet Office's Enforcement Concordat in 2001. This policy sets out to ensure the Council undertakes its enforcement role in a fair, open and transparent manner.

## 2.1 STRATEGIC DIRECTION

**Community Strategy (2010-2020)** - The councils priorities for action are identified and informed by the Community Strategy (2010-2020) which considers how the Vale should look in the future. It seeks to ensure that the aims and targets of all the organisations active in the Vale are geared towards providing a focused and consistent quality of services to residents, visitors and businesses.

The Community Strategy (2010-2020) states that: “Our vision for the Vale is a place that is: safe, clean and attractive, where individuals and communities have sustainable opportunities to improve their health, learning, skills, prosperity and well-being, and where there is a strong sense of community in which local groups and individuals have the capacity and incentive to make an effective contribution to the future sustainability of the area”<sup>19</sup>

The strategy also identifies that although “the Vale of Glamorgan is comparatively wealthy and many of its residents enjoy a high standard of living in a good quality environment, there are also areas within the Vale which suffer from significant economic, environmental and social difficulties such as high unemployment, sub-standard housing, low educational achievement, poor health and high levels of crime”<sup>19</sup>.

Therefore all strategies, policies and plans developed by the Council should contribute to achieving the overall strategic objectives above.

The Councils housing function is located in the Legal, Public Protection and Housing department; the department’s role in tackling sub-standard housing is addressed in the following documents:

1. Private Sector Housing Renewal Policy 2011-13
2. Local Housing Strategy 2007- 2012

**Private Sector Housing Renewal Policy 2011-13** - This policy encouraged the co-operation of individuals in keeping their homes in good repair. It also recognised that circumstances exist where financial assistance is required, particularly for those on low incomes.

The Private Sector Housing Policy compliments this strategy and within Policy Statement 5 states that enforcement action within the private sector will include action against empty properties to include “the appropriate use of interventions and incentives to bring the properties back into use”<sup>20</sup>.

In addition to the enforcement commitment, the policy includes a Regeneration Assistance which is available to owners of vacant property within the Castleland Renewal Area. This form of assistance provides partial funding to an owner to help them undertake work to make a property habitable for themselves or to rent.

Similar assistance was available for empty homes in the Penarth Central Renewal Area but was not taken up by owners because of concerns about the grant conditions that would be imposed. However, with a more proactive approach to dealing with empty properties through this strategy it is envisaged this assistance will have a greater take up rate in Castleland Renewal Area

<sup>19</sup> Vale of Glamorgan Council Community Strategy 2010-2020 page 6

<sup>20</sup> Vale of Glamorgan Council, Private Sector Renewal Policy 2005-2008, page 69

**Local Housing Strategy 2007-12** - This strategy states that the council aims to:

- Develop good quality, affordable and appropriate accommodation to meet identified housing need,
- ensure existing housing is maintained and fit for purpose and neighbourhoods benefit from renewal schemes,
- eradicate homelessness and ensure the public have accessible, high quality advice and information on housing matters,
- develop appropriate housing and support solutions to meet specific needs within the community and
- to work in partnership to make the Vale a safe and healthy place for residents of all ages<sup>21</sup>

The strategy also addresses empty homes specifically; in 2007 there were 816 properties identified as long term vacant<sup>22</sup>. It was recognised that empty properties were a wasted resource and often had a detrimental impact on the neighbourhoods in which they were located<sup>23</sup> and therefore needed to be addressed strategically.

Consultation, as part of the Local Housing Strategy development in 2007 also identified empty homes as a concern for the council's strategic partners and stakeholders: "Concern was expressed about the high levels of vacant homes in the study area. The authorities (Vale of Glamorgan Council and Cardiff City Council) are taking steps to address this issue, but highlighted problems in trying to ensure that for example empty apartments are used for affordable housing purposes. Many investors are purchasing properties with no intentions of letting as the increase in property prices is providing the investment return without the need to rent the property out"<sup>24</sup>

## **2.2 WHO DEALS WITH EMPTY PROPERTIES?**

The responsibility for enforcement in relation to empty properties traditionally falls within the service objectives of the Public Protection Service within the Legal, Public Protection and Housing directorate. The department service plans are an important part of the corporate planning process, they explain the actions that each service area will undertake in order to help realise the council's corporate aims and objectives (see **Figure 2**), Empty homes and private rented sector landlords are primarily dealt with by the councils Environmental Health (Housing) Enforcement Team in partnership with the housing department.

### **Figure 2: Service Plan and Links to the Corporate Objectives:**

**Corporate Priority:** Community Well-being. **Corporate Aim:** Good quality local housing

**Service Objective:** Enforce Housing legislation in relation to Houses in Multiple Occupancy and single dwellings, caravan licenses, empty properties etc.

<sup>21</sup> Vale of Glamorgan Council Local Housing Strategy 2007-2012 page 6

<sup>22</sup> Those empty for 6 months or longer as at 1st April 2007

<sup>23</sup> The Vale of Glamorgan Council Local housing Strategy 2007-2012, Page 50

<sup>24</sup> The Vale of Glamorgan Council Local housing Strategy 2007-2012, Page 22 and 23

## 2.3 SERVICES FOR LANDLORDS AND PROPERTY OWNERS

The services and support currently available to private sector landlords and property owners include:

**Advice and Support** - Advice and support is offered to landlords through the Private Sector Landlords Forum and information and advice available on the council's website. The forum brings together council officers, landlords and partner agencies to discuss issues and problems, emerging legislation and its application in the Vale. It provides an informal opportunity for landlords to speak to council officers and gain advice and sign posting.

It is acknowledged that this is an area where improvement can be made; there needs to be more information made available to landlords, on the council's website, leaflets and face-to-face advice.

**Can Do Lettings** – CanDo Lettings was established in the Vale in 2011; it is a social lettings agency, run as a social enterprise with a team of dedicated full time staff. The council, in partnership with CanDo Lettings values the role that private sector landlords play in meeting the housing needs of local people. But also recognises that some landlords are reluctant to take people on low incomes or housing benefit. This makes it difficult for people on low incomes to access suitable and affordable accommodation. CanDo Lettings was established by Cadwyn Housing Association (HA) who have over 30 years experience of successfully managing homes<sup>25</sup>.

### Figure 3 – CanDo Letting; Benefits to Landlords

Successfully managing a rented property can be very demanding. CanDo are looking for all types of properties and offer a hassle free full management and repairs reporting service at competitive prices.

- High standard of management
- No worries about rent arrears – CanDo handle it
- Charges consist of initial setup fee plus commission
- Fees and Commission deducted monthly from rents
- Routine repairs up to the value of £200 per annum covered within the charges



**Rent** - Landlords must be prepared to accept Housing Benefit payments to cover the rent. HB will be paid directly to CanDo Lettings and forwarded to the Landlord via BACS on a monthly basis.

**Tenancy Agreement** – The tenancy agreement will be between CanDo Lettings and the tenant.

**Bonds** - CanDo will provide tenants with bond assistance and help them in obtaining a Bond Certificate; which acts in the same way as a cash deposit and can be claimed against for rent arrears and damages.

**Inventory** - CanDo Lettings will inspect the property before the tenancy commences and provide a full inventory. A closing inspection, checking the property against the original inventory and handling the disposal of the Bond is also included in the service.

<sup>25</sup> <http://www.candolettings.co.uk/index.aspx> accessed 25.05.2011

**Landlord Accreditation Wales** - The councils Environmental Health (Housing) Enforcement Team collaborated with the Welsh Assembly Government and other local authorities in Wales to develop the all Wales Accredited Landlord Training scheme. The scheme ensures that landlords rental properties run smoothly and within the confines of the law. It shows a commitment to potential tenants to provide good quality, well managed accommodation.

**Property Guardian Schemes** - Property Guardian Schemes have been in operation in mainland Europe for many years. In the UK, property guardian schemes have started to be recognized as a useful tool to address empty properties and there has been a noticeable increase in their popularity due to the recession. The schemes are based on the principle of 'guarding' vacant properties, that range from large houses to former office blocks. The scheme benefits both the building owner and the guardian;

- the guardian gets a property to live in, often a interesting or historic building, for a low rent. There are some downsides; the facilities are often basic, the arrangement is only offered on a temporary basis and there is no security of tenure.
- the property owner gets the assurance that their building is being occupied which is likely to deter crime and potential squatters. Using a property guardian is also much cheaper than hiring a 24/7 security guard or installing CCTV.

## **Financial Assistance**

**Problem Vacant Property Grants** - Under the existing Housing Renewal Policy financial assistance is available in the Castleland Renewal Area for refurbishment and/or conversion to bring empty property back into use. The properties eligible will be those that have a detrimental affect on a street or neighbourhood or where there has been enforcement activity in relation to matters such as fly-tipping, forced entry or nuisance to adjoining properties.

These grants will be limited to a maximum of £15,000 per single dwelling or £8,000 per unit of accommodation in multiple occupied properties. Grant conditions also require the property to be occupied for the first 5 years on completion of the work or the grant is repayable. In addition, on sale of the property, regardless of time, the grant is repayable. See **Appendix 2** for qualifying criteria and conditions.

In general, empty homes are only dealt with if there is a complaint is received; following a complaint, the Environmental Health (Housing) Team would undertake work to address the nature of the complaint and then continue to monitor the properties subject to enforcement under the Housing Act 2004, through 6-monthly visits.

**Lower Rate of VAT<sup>26</sup>** – There are now lower VAT rates for developing empty properties; 5% as opposed to 20%, if the property has been empty for over two years, is the conversion of a non-residential building to residential or is providing more or less units. The VAT rate is 0% if empty for over ten years and is for sale after completion.

<sup>26</sup> <http://www.hmrc.gov.uk/vat/sectors/builders/construction.htm#1> accessed 03.08.2011



**Flat Conversion Allowance<sup>27</sup>** - The Flat conversion allowance (FCA), from HM Revenue and Customs, encourages the conversion of empty or underused space above shops and other commercial premises to residential use. The qualifying criteria include the following:

- The flats created must not be high value.
- The flats must be available for short-term letting in order to qualify for FCA.
- The property in which the flats are situated must have been built before 1980.
- The property must not have more than 4 storeys above the ground floor.
- It must appear that, when the property was constructed, the floors above the ground floor were intended for residential use.
- These upper floors must have been either unoccupied, or used only for storage, for at least one year before the conversion work starts.

The scheme is very generous in that the allowance is 100% of the qualifying expenditure. Qualifying expenditure is capital expenditure incurred in connection with the conversion of a qualifying building.

## **2.4 REVIEW OF THE CURRENT ARRANGEMENTS FOR DEALING WITH EMPTY HOMES**

The process of dealing with empty homes was reviewed prior to the development of the Local Housing Strategy (2007-12) in 2006; in conclusion, the approach was deemed insufficient for the following reasons:

- the service was reactive not proactive,
- the service provided was in response to complaints received and
- there was no specific budget allocated for dealing with empty homes<sup>28</sup>

It was concluded that a review of the approach to empty homes was needed and that a more effective and strategic approach should be developed within the current resource constraints. The scope of the review was to include:

- the need for a revised Empty Homes Strategy,
- new procedural guidance on dealing with empty homes and
- guidance on the use and application of Empty Dwelling Management Orders<sup>28</sup>

## **2.5 PERFORMANCE AND OUTCOMES**

**National Performance Indicators** - The Councils performance in relation to empty homes is monitored via the following national performance indicators: PSR/004 – Vacant Dwellings Returned to Occupation; “the percentage of private sector dwellings that had been vacant for more than 6 months at 1st April that were

<sup>27</sup> <http://www.hmrc.gov.uk/manuals/camanual/CA43100.htm> accessed 03.08.2011

<sup>28</sup> The Vale of Glamorgan Council Local housing Strategy 2007-2012, Page 50 & 51

returned to occupation during the year through direct action by the local authority". The Councils performance in relation to this PI is shown below<sup>29</sup>:

**Figure 4 - Performance Indicator PSR / 004**

	06/07	07/08	08/09	09/10	10/11
A. The percentage of private sector dwellings that had been vacant for more than 6 months at 1 April that were returned to occupation during the year through direct action by the local authority	0.43%	0.37%	2.05%	0.38%	0.67%
B. The number of private sector dwellings that had been vacant for more than 6 months at 1 April which were returned to occupation during the year through direct action by the local authority	3	3	15	3	5
C. The total number of private sector dwellings that had been vacant for more than 6 months at 1 April	697	816	732	790	749

The PI is also collected by the Data Unit Wales for all Welsh local authorities. This enables the Vale of Glamorgan Council to compare itself to other council areas and Wales as a whole.

**Outcome Agreement** - In addition to the performance indicator, the council has an agreed an 'outcome agreement' with the Welsh Assembly Government. Outcome agreements address particular strategic themes, objectives and improvement targets, including a number in relation to empty homes.

Under the councils strategic theme of 'communities are vibrant and safe, with access to good housing and sustainable transport' there is an objective to improve the quality of the existing housing stock. The specific actions are to:

1. Publish the multi-agency Empty Homes Strategy
2. Bring properties back into residential use with RSLs by March 2012

Targets have been set for the number of empty homes to be brought back into use have been set and agreed by the council for the next 3 years.

There is clearly room for improvement in this area of the councils performance. This will require a joined-up approach between a number of departments and directorates and a clear approach to tackling empty homes and their owners.

<sup>29</sup> PI figure of 749 empty homes is at 01.04.2011

## 3. CURRENT ISSUES

### 3.0 STRATEGIC CONTEXT

There is no statutory duty for councils in Wales to produce empty homes strategies, however councils are under increasing pressure to tackle issues relating to empty properties and the increasing demand for housing only serves to shine a light on the wasted resource that empty homes present. Tackling the problem of empty homes requires a strategic, joined up approach. Councils are receiving clear strategic direction to develop their approach to empty homes:

In 1992 the **Empty Homes Agency**, an independent campaigning organisation, was created to: “encourage local authorities not only to deal with their own empty properties but also to adopt measures to bring privately owned empty properties back into use as part of their strategic housing approach”<sup>30</sup>. The EHA continues to highlight the waste of empty homes and works to promote sustainable solutions for bringing homes back into use.

In 2003 the **Welsh Assembly Government** published ‘Empty Homes: A Strategic Approach’ which approximated that in 2001 10’000 homes in Wales were unoccupied and dilapidated. In response, the Welsh Assembly Government and the National Assembly for Wales introduced a series of measures aimed at encouraging the reuse of empty homes. However, the publication also recognised that: “despite these measures, there remains concern about the impact of empty homes on local communities and the waste they entail in terms of housing supply. It is therefore important from a social justice standpoint that local authorities adopt a strategic approach using a range of powers to tackle this issue”<sup>31</sup>

Following a pilot programme of local authority compulsory leasing schemes sponsored by the UK government in 2002, the Housing Act 2004 gave councils the power to obtain Management Orders on both occupied and empty homes.

In 2010 the Welsh Assembly’s housing strategy ‘Improving Lives and Communities – Homes in Wales’ outlined the substantial challenges ahead: “The demand for housing continues to outstrip supply, which needs to be met by new houses and by bringing back into use empty properties”. It highlights the importance of bringing empty homes back into housing supply: “Empty homes continue to be a problem in some communities. Some are empty only for short periods, perhaps waiting for repair or for sale. But some are empty for much longer periods. They can be a magnet for anti-social behaviour, vandalism and crime. More importantly, an empty home is one less home for someone who needs it”<sup>32</sup>

The strategy also strengthens the Welsh Assembly’s intention to encourage councils to tackle empty homes; “Building on good practice guidance issued by the Welsh Assembly Government, demonstration projects will be established to help local organisations to bring empty homes back into use”<sup>32</sup>.

<sup>30</sup> <http://www.emptyhomes.com/>

<sup>31</sup> Empty Homes: A Strategic Approach, Welsh Assembly Government, 2002, page 3

<sup>32</sup> ‘Improving Lives and Communities – Homes in Wales’ 2010, pg 2, 12 & 13

The [Welsh Local Government Association \(WLGA\)](#) has drawn attention to the fact that Welsh councils are operating in times of “well documented severe economic and political turbulence”, stating that “for local government in Wales these are demanding and difficult times”<sup>33</sup>. Therefore councils need to work smarter; strategically and in partnership. This is reinforced by the Welsh Assembly, who state that the capacity of local government to achieve the objectives of the national housing strategy (‘Improving Lives and Communities – Homes in Wales’ 2010) and of the Essex Review of Affordable Housing (2008) depends upon “the ability of local government and other stakeholders to grasp this opportunity and work strategically and innovatively . . . . to make a real impact on housing in Wales”<sup>33</sup>.

The WLGA want the Welsh Assembly to support councils to do this, they encourage the Welsh Assembly to: “Build on the success of existing Housing Renewal Areas by developing and supporting innovative approaches to the renewal of existing privately owned homes and to bring more empty homes back into use”<sup>33</sup>.

On the run up to the Welsh Assembly Government elections in 2011 the housing election promises of the four main political parties in Wales highlighted the importance of housing in Wales. One issue which received a degree of party consensus was the need to bring empty homes back into use. The [Chartered Institute of Housing](#) said this was strongly welcomed by the sector as a policy priority. The CIH would also like to see the creation of a national sustainable empty property fund to help bring empty homes back into use<sup>34</sup>.

### **3.1 EMPTY HOMES IN WALES**

The scale of the problem in Wales is considerable; in 2001 there were 51’000 vacant dwellings which equates to 4% of the total housing supply. In England 3.4% and in Scotland 3.8% of housing stock was vacant, making the problem in Wales the highest in the UK at the time<sup>35</sup>.

More recently, on 1st April 2009, nearly 22,000 homes in Wales had been empty for over 6 months. Of these, more than nine out of ten were private sector dwellings<sup>36</sup>.

These statistics, along with policy developments have strengthened the need for the Vale of Glamorgan Council to have a strategy and action plan in place to tackle the empty homes issue.

<sup>33</sup> WLGA, In the Eye of the Storm, 2009 page 5, 20 & 21

<sup>34</sup> Chartered Institute of Housing, Housing, Housing magazine, 2010 page 5, Issue 45

<sup>35</sup> Census 2001

<sup>36</sup> Improving Lives and Communities – Homes in Wales’ 2010, pg 8

## 4. EMPTY HOMES IN THE VALE OF GLAMORGAN

### 4.0 EMPTY HOMES IN THE VALE

Of the 55'319<sup>37</sup> residential properties in the Vale, there are currently 739<sup>38</sup> standing empty; 1.3% of the housing stock available.

### 4.1 EMPTY HOMES BY AREA

A breakdown of where the empty homes are located is provided in the table below:

**Figure 6 – Number of Empty Homes by Area**

Area	Total No. Homes in the Area	No. Empty Homes in the Area	Percentage of TOTAL(739) Empty Homes	Percentage of Empty Homes as a Total No. Homes in the Area
Barry	22514	249	33.7%	1.1%
Cowbridge	3170	53	7.2%	1.7%
Dinas Powys	3384	1	0.1%	0.0%
Llandow Ewenny	887	12	1.6%	1.4%
Llantwit Major	4505	50	6.8%	1.1%
Penarth (Leckwith & Llandough)	11089	174	23.5%	1.6%
Peterston Super Ely	570	21	2.8%	3.7%
Rhose	2877	33	4.5%	1.1%
St Athan	1529	26	3.5%	1.7%
St Brides Major	1391	24	3.2%	1.7%
Sully	2248	82	11.1%	3.6%
Wenvoe	1154	14	1.9%	1.2%

### 4.2 RENEWAL AND REGENERATION

**Barry Regeneration Area:** The Welsh Assembly Government has created seven Regeneration Areas, one of which is Barry; Barry is a town of over 47,000 people and has many strengths and opportunities. These include a scenic coastal setting, an extensive dockland area situated between the town centre and its seaside resort and beaches, a railway running through the heart of the town, close proximity to the capital city in the east and Wales' only International Airport to the west.

<sup>37</sup> Number from Council Tax data

<sup>38</sup> Council Tax data (May 2011)

In the past few years, the town has undergone a number of regeneration projects. The Barry Regeneration Area funding will be used to fully capitalise on the towns strengths and to raise its status within the South East Wales economy. In order to do this the council need to overcome a number of challenges, including:

- Greatest concentration of socio-economic need in the Vale
- Demise of traditional shopping areas due to out of town developments
- General poor image – deters personal and corporate investment

**Castleland (Barry) Renewal Area:** The Castleland area of Barry was officially declared a Renewal Area in April 2010 and will last for 12 years. The aims of a Renewal Area are to reverse the decline of the area by improving housing, improving general amenities and their local environment, developing partnerships, increasing community and market confidence and maximising external investment in to the area.

Year two commencing April 2011 will see the start of work on some of the 1,200 houses in the area. Measures will include works to improve the fronts of houses to restore and enhance the street scene and some internal works to tackle issues such as energy efficiency and Health and Safety. As well as Housing schemes there will also be works to the town centre and community and environmental schemes.



**BEFORE AND AFTER THE FACE-LIFTING SCHEME IN THE PREVIOUS RENEWAL AREA IN PENARTH**

The Empty Homes Strategy will contribute to the aims and objectives of the regeneration and renewal areas by prioritising empty homes in Barry and working in partnership with the councils Regeneration and Planning departments to tackle empty commercial and residential properties on the Holton Rd shopping area.

Council tax data<sup>39</sup> indicates that there are at 43 residential properties that are currently empty within the Castleland Renewal Area. Of these 40% are located in the main shopping area on Holton Road and consist mainly of self contained units situated above commercial premises.

The figures show that 70% of properties in the Castleland area recorded with council tax as being vacant have been empty since 2006. 21% of properties in this area have been empty since 2001 and 7% have been vacant for a period of more than 10 years. Information relating to the remaining 2% of empty properties within the Castleland Renewal area is not held by the Local Authority.

<sup>39</sup> Council Tax data (May 2011)

## 5. DEALING WITH THE PROBLEM

### 5.0 AIMS AND OBJECTIVES

**Aim 1: Monitor empty homes** - The Council will develop a corporate system to keep detailed records of every empty home in the Vale of Glamorgan and ensure that it is regularly updated to provide accurate information. We will also make sure we keep records of empty homes which are brought back into use.

We will do the following:

- Develop and maintain a database of empty properties. Update the database with up to date information from the Council Tax database every 12 months.
- Develop and implement a system to prioritise empty properties to be addressed, using criteria such as level of risk / hazard, physical condition and / or disrepair, geographical location and using the councils strategic objectives.
- Monitor the progress and outcome of voluntary measures, statutory notices and enforcement action.
- Develop and agree inter department protocols and procedures for information sharing and monitoring of empty homes

**Aim 2: Provide advice, assistance and guidance to landlords and property owners** - The council will improve the advice, assistance and guidance provided to landlords and property owners. We will develop services to assist landlords and property owners return empty properties to use and promote the provision of affordable, good quality and well managed accommodation through the private rented sector.

We will do the following:

- To offer advice, assistance and support to the owners of empty homes to develop and improve properties with the intention of making them part of the available housing supply.
- Carry out targeted publicity campaigns to make property owners aware of the support and assistance available.
- Offer a range of financial assistance to improve the empty property for reoccupation:
  - be able to sign post property owners to independent financial assistance and advice,
  - develop options for the Council to assist financial, either through grants or loans as detailed in the Housing Renewal Policy and
  - publicise the options for assistance through renewal and regeneration areas.
- Publish information in relation to:
  - the potential pitfalls of purchasing property which is in poor repair or uninhabitable,
  - the potential cost of leaving a property empty,
  - how to access assistance to sell or let the property and
  - how to access independent financial advice, technical support such as architects or planning advisors and trades people such as builders.



**Aim 3: Reduce the negative effect of empty homes on our communities** - The Housing and Environmental Health (Housing) teams will liaise with its partners and stakeholders, including the councils Council Tax, Planning and Legal departments, Registered Social Landlords and the Safer Vale Partnership. We will operate a proactive and reactive service to identify and address empty properties, identify and address the risks and hazards associated with empty properties and make full use of the councils enforcement role.

We will do the following:

- Improve the physical condition and appearance of the empty properties in the poorest state of repair.
- Reduces the risks and hazards associated with empty properties.
- Offer advice, assistance and support to members of the public who are experiencing problems living in the vicinity of an empty property.

**Aim 4: Reduce the number of empty homes and Return empty homes to use** - The council will create a range of options to encourage landlords and owners to return empty properties to use. We will also develop and implement a firm enforcement approach for owners who do not cooperate, whose engagement is not forthcoming, whose improvement is not evidenced or where the owner cannot be traced.

We will do the following:

- Support the councils regeneration programme/s, including ensuring the economic stability of rural areas and the economic development of the Vales urban centres.
- Support and contribute to the creation of additional market and affordable housing.
- Formalise joint working arrangements between council directorates, departments and teams.
- Develop an approach to dealing with empty properties which follows a clear step-by-step process where all partners are clear on and committed to their individual responsibilities and roles.
- For those empty properties where all reasonable voluntary action has failed, develop and implement a firm enforcement approach for owners who do not cooperate, whose engagement is not forthcoming, whose improvement is not evidenced or where the owner cannot be traced.
- Develop procedures for enforcement action not currently undertaken; EDMOs and CPOs.

**Aim 5: Promote the empty homes initiative** - The Housing and Environmental Health (Housing) teams will raise council and public awareness of the Empty Homes Strategy and the councils powers to tackle empty homes. We will promote and publicise successful projects and use them as a springboard to encourage the public to report empty properties in the Vale of Glamorgan.

We will do the following:

- Raise awareness of the issues surrounding empty homes to the public, partners and corporately.
- Obtain corporate and inter-department agreement on implementation of Strategy
- Report progress against the action plan to the relevant Scrutiny Committee every 12 months.

## 5.1 THE PROCESS FOR DEALING WITH EMPTY PROPERTIES

Below is an outline of the steps that will be taken to deal with empty properties. A flowchart of the process is provided in **Appendix 3**:

- 1. Identifying empty properties and adding them to the database** – An empty property can be identified by a council officer, partner agency (Police, Safer Vale etc), councillor, neighbour, local resident or the owner themselves. The report will be checked against the database and Council Tax records.

The Environmental Health (Housing) team will respond to enquiries and complaints made by members of the public, councillors and other organisations in relation to empty properties within the Vale of Glamorgan. At this stage officers will obtain background information available from all relevant departments on the council on the property and ownership details if possible.

- 2. Making contact with the property owner/s** – Attempts will be made to identify the owner of the empty property, should this be successful or the owner be known already then an initial letter and empty homes survey will be sent to them.

Proactive investigations will be carried out by officers of the Environmental Health (Housing) team to target long term empty properties. Details of the identity of these properties and ownership will be supplied by Council Tax.

In cases where the property owner cannot be traced the council has a number of options as to how they will try to identify the owner, these are included in **Appendix 4**.

- 3. Inspection and scoring of the property** – Properties will be surveyed externally using a standard risk assessment form that takes into consideration factors such as the length of time the property has been vacant, the location of the property and its condition and impact on the surrounding area. Taking into consideration the level of risk associated with these factors, a score will be generated for each property. This score will reflect the overall effect that the property is having on nearby residents, members of the public and the community as a whole. The Environmental Health (Housing) Team will target their resources to bringing those properties with the highest score back into use. Emphasis will also be placed on bringing those properties located within the Castleland Renewal Area back into use. The number of properties to be targeted will be influenced by the National Performance Indicators and the resources available within the team. The empty property risk assessment form is contained within **Appendix 5**.

- 4. Working with willing owners** – If the owner contacts the council or the survey is returned then the council will proactively look to address the issue through advice, support and assistance.

In the first instance the council will aim to work closely with empty property owners encouraging and supporting them. It will often be necessary to trace the owner of the property and there are a number of options available to officers to achieve this. **Appendix 6** contains a list of options and **Appendix 7** contains a summary of enforcement powers.

Owners will be sent a series of letters detailing the work of the council in relation to empty properties. The letters will highlight the options available for bringing the property back into use. It is hoped that this type of intervention will gain the cooperation of the owner so that the property can successfully be brought back into use.

- 5. Dealing with unwilling owners** – If the owner fails to contact the council or return the survey then the level of involvement pursued by the council will depend on the external inspection score.

The initial involvement will follow the steps as above, beginning with a series of letters requesting the property owner contact and cooperate with the council.

- 6. Options appraisal** – Evidence will be gathered in cases where the owner is unwilling to cooperate and the external inspection score is sufficient, e.g. enforcement history, land charges, unpaid debts, complaints etc.
- 7. Enforcement** – Proactive enforcement will be pursued when all reasonable means of persuasion to return the property to occupation have been exhausted.

## **5.2 ENFORCEMENT**

Enforcement action is always seen as a last resort. However, where owners have refused offers of help and can give no good reason why the property should remain empty, the council will not hesitate to use enforcement action wherever necessary.

There are a range of enforcement options available to council officers to deal with minor issues arising as a result of the property being vacant, e.g. accumulations of rubbish, overgrown gardens, disrepair affecting neighbouring properties etc. The Local Authority can serve an enforcement Notice requiring the owner to undertake certain works. If the owner then fails to comply with the requirements of the Notice, the Local Authority can undertake work in default and subsequently recover all reasonable expenses incurred in doing so. Many of the statutory provisions available to the Local Authority allow for the debt to be registered as a local land charge and in some instances the debt will also accrue interest. Details of these statutory provisions can be seen in **Appendix 11**.

In addition to this there are several options available to the council to deal more comprehensively with problematic long term empty properties. This can involve a change in ownership of a property which will allow a new owner to do what is necessary to bring the property back into use. Details of these powers can be seen in **Appendices 6 & 7**.

When considering whether to take enforcement action officers will have regard to the Enforcement Concordat. A copy of the Enforcement Concordat can be found in **Appendix 8**. The outcome of the external survey will also be considered when determining if enforcement action is necessary.

### 5.3 ASSISTANCE FROM REGISTERED SOCIAL LANDLORDS

In order to effectively and efficiently deal with problem empty properties and make full use of the councils strategic and enforcement role, additional involvement will be sought from the councils partner Registered Social Landlords (RSLs).

Initial discussions have been held with the councils partner RSLs; Hafod Housing Association, Newydd Housing Association, United Welsh Housing Association and Wales and West Housing Association; and they have agreed to provide the council with assistance to implement the Empty Homes Strategy.

The RSLs will be involved in the initial discussions, along with council officers, to prioritise empty properties; this will assist the council in understanding which properties the RSLs could assist with, the financial costs involved in returning a property to use and property valuations. The RSLs will also assist with stages 6 and 7 (options appraisal and enforcement) of the process for dealing with empty homes (section 5.1).

The process for RSL involvement will be informed by the council's capacity to implement the process for dealing with empty homes. The RSL involvement will therefore be developed and formalised after the strategy has been adopted.

### 5.4 ROLES AND RESPONSIBILITIES

The role of each of the council teams involved in tackling empty homes and returning them to use are listed below:

**Private Sector Housing / Environmental Health (Housing)** – The Environmental Health (Housing) team will take responsibility for the day-to-day process of dealing with the empty homes, they will; maintain the empty property database, write and send the series of letters sent to property owners, coordinate the risk assessment of the property, contact property owners, offer assistance and identify un-willing property owners.

**Public Sector Housing** – Public sector housing will assist with developing website information, leaflets and advice for property owners. The Housing Strategy Team will assist in liaison between the RSLs and council partners via the Strategic Housing Forum and Overarching Housing Forum. Public Sector Housing will also provide ongoing housing need information in order to assist in prioritising empty properties to tackle.

**Council Tax** – The Council Tax Department have agreed to provide information on a 6 monthly basis (April and September) to Environmental Health (Housing); on the following:

- Breakdown of all properties included in the 'standard empty' category, to include; the property addresses and contact details of the owner. The list will be ordered by length of time spent empty, so those empty for 18 months and longer can be prioritised.

In addition, information on the following will be requested from Council Tax:

- Information (excluding contact information) about properties included in the 'void account' category; where the property is empty, has been on the list for 18 months or longer and the owner is unknown. Efforts will then be made by Private Sector Housing to identify the owner of the property and bring it back into use.

- Information (excluding contact information) about category E properties; where the property owner has moved into permanent residential or nursing care and the property is empty. If the property has remained empty for a significant period of time, information will be sent to the property address advising of the assistance available to bring the property back into use.
- Information (excluding contact information) on category F properties; where the property is part of an estate in probate. If the property has remained empty for a significant period of time, information will be sent to the property address advising of the assistance available to bring the property back into use.

Council Tax and Private Sector Housing will share information from the Land Registry in relation to identifying owners and Solicitors in relation to properties in probate. This will avoid duplication, minimise administration and ensure the most efficient use of resources.

Council Tax use a contractor to conduct annual visits to empty properties; there is an opportunity for this contract to be extended to include the empty property risk assessment (**Appendix 5**). This could be a cost effective way of adding capacity to manage the empty property process.

**Legal** - Legal Services can provide assistance with general advice on the appropriateness of serving a CPO, the drafting and making of serving an advertising of CPOs, the drafting of requisite statement of reasons, liaising with Welsh Government in connection with confirmation of particular CPOs and post order work including the transfer of properties the subject of CPOs to the Council. In cases where objections are received Legal Services can also advice and assist with dealing with the steps up to and including Public Inquires.

**Planning** - The Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 (UDP) provides the most up to date planning policy framework for the authority. However, the Council is currently in the process of preparing a new Local Development Plan (LDP) which will cover the period 2011 to 2026 and replace the UDP when adopted. As part of the LDP pre-deposit stage, the Council prepared and consulted on a Draft Preferred Strategy. This document identified the need for 7500 new dwellings over the LDP period and strategic policy 4 sets out how this provision will be met. The policy recognises that there are a significant number of vacant dwellings in the authority and supports bringing them back into beneficial use as they play an important role in addressing housing need including affordable housing.

**Development Control** - The main role of the Council's Development Control service is to consider proposals for new development through both the planning and building regulation process. As such, the service would facilitate empty homes coming back into beneficial use, but this is only as a reaction to developers proposing such works.

Notwithstanding this, both Planning and Building control have enforcement roles to enforce both the planning and building control legislation. This is, however, primarily in respect of complaints made to the council.

As for planning enforcement, the most relevant action pursued would be in respect of a complaint of an untidy property, either vacant or occupied. If it is considered that the condition of land or a building is having an adverse impact upon the appearance of the surrounding area, action would be considered under

section 215 of the Town and Country Planning Act 1990 (as amended). Such action would secure, for example, the repair and replacement of broken or damaged windows and rainwater goods, repairs to the roof of a property and the clearance of vegetation and waste from the front and rear garden.

With regard to building control enforcement, action against properties in general, not only empty properties, would be in respect of section 77, 78 and 79 of the Building Act 1984. This action is primarily undertaken to resolve dangerous structure issues where the public would be at risk from the premature collapse of any parts of the structure. This legislation is only enforceable where the owner of the property defaults on any action given under a court order or where the owner is not present and emergency measures have to take place.

With regard to section 79 of the Building Act 1984, these powers are quite limited and restrictive. Where the use of this section of the act is considered necessary, it is usually more expedient to pursue action under section 215 of the 1990 Act, as mentioned above, to address the site condition.

If an enforcement case is pursued in respect of an empty home under the legislation mentioned above, the Development Control Service will notify the Empty Homes Officer. The Development Control Service will also advise the property owner of the Council's Empty Homes Strategy and encourage the owner to consider bringing the property back into beneficial use in line with the Strategy.

## 6. RESOURCES, CORPORATE COMMITMENT AND ONGOING MONITORING

### 6.0 RESOURCES

Resources have been identified to move forward with a proactive service that addresses empty properties:

**Staff Resources** – The Public Protection Department have identified funding to appoint a temporary Empty Property Coordinator for a period of two years. This post will provide the day-to day monitoring of empty properties in the Vale, act as the public point of contact for empty properties and develop and manage public information on empty properties in our area. This post will be supported by Environmental Health Officers and officers from the Public Sector Housing Department. The council will also seek the support of partner RSL's operating in the Vale of Glamorgan to operate a proactive service.

**Financial Resources** – Financial resources are required to implement this strategy and bring empty properties back into use. Funding is being identified in the following ways:

- By working in partnership with Registered Social Landlords operating in the Vale of Glamorgan, including; Newydd Housing Association, Hafod Housing Association, United Welsh Housing Association and Wales and West Housing Association.

Working in partnership with the RSLs may provide opportunities to raise funding from enforced sales of properties where an element of profit can be made. This approach would utilise an RSL to purchase and then re-sell the property. The profit would then be utilised to reinvest in less profitable properties.

There are also opportunities for the council to match fund investment in an empty property, in partnership with an RSL, in order for the property to be brought back into use.

- From capital receipts following the disposal of council properties that cannot be improved to the level required to meet the requirements of the Welsh Housing Quality Standard.
- Recycled capital investment; where funding is recyclable, e.g. a loan scheme, it will be reinvested back into initiatives aimed at bringing properties back into use.
- In April 2012 the Welsh Government is introducing the 'Houses to Homes' initiative which will provide local authorities with funding to bring empty properties back into use. To qualify for funding, local authorities will have to work collaboratively utilising the six regions model. £5 million is being made available across Wales, of which Cardiff and the Vale of Glamorgan Council's have been allocated approximately £750'000. Loans will be available to owners to bring empty properties back into use for sale or rent that are repayable after 2 or 3 years respectively. The Vale of Glamorgan Council is working collaboratively in order to appropriately deliver the loan scheme and work is underway to ensure the scheme is available to empty property owners in the Vale of Glamorgan.

### 6.2 CORPORATE COMMITMENT

A key aim of the strategy is to develop a corporate awareness of the problems of empty homes and the contribution they can make to meeting housing need across the Vale. This objective is addressed in the action plan under aim 4.

### **6.3 ONGOING MONITORING AND EVALUATION**

The following arrangements will be put in place to ensure the strategy and action plan are monitored and progressed:

- A nominated representative from each of the teams involved (Public Sector Housing, Environmental Health (Housing), Public Sector Housing, Council Tax, Planning, and Legal) will form a monitoring group, chaired by Public Sector Housing to monitor this strategy and action plan.
- The monitoring group will work in partnership to monitor evidence and record the successes and limitations of the strategy and continue to work towards the aims of the strategy.
- To ensure corporate ownership of strategy an annual review of the action plan will be reported to the relevant Scrutiny Committee.



## APPENDIX 1 – ACTION PLAN

**Objective: 1. Monitor Empty Homes – The Council will develop a corporate system to keep detailed records of every empty home in the Vale of Glamorgan and ensure that it is regularly updated to provide accurate information.**

Sub Ref	Ref to Other Action Plans	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Officer Responsible	Start Date	Finish Date	Resources Implications	Progress
1.1		Develop and maintain an empty property database containing information provided by Council tax, and collected through investigations and surveys.	Council Tax database on empty home provided twice per year.	H	PR / JL	April 2012	Sept 2012	Existing Resources	
	Database of all empty home activities record on flare system								
1.2		Develop and agree inter department protocols and procedures for information sharing and monitoring of empty homes	Information and action on identified empty home shared between departments	H	JL	Sept 2012	April 2013	£25k for Coordinator post	
1.3		To risk assess empty properties and identify properties for proactive enforcement	Empty property risk assessment pro-forma devised and survey of all identified empty homes completed	H	JL / GW	March 2012	April 2013	Existing Resource	
1.4		To promote the strategy within the Authority to other departments and elected members	Presentation to elected member and Head of Service on empty homes strategy	M	EP / JL	Sept 2012	March 2013	£25k for Coordinator post	
	Empty home information section available on Council's intranet		JL						

<b>Objective: 2 - The Council will improve the advice, assistance and guidance provided to landlords and property owners</b>									
<b>Sub Ref</b>	<b>Ref to Other Action Plans</b>	<b>Action</b>	<b>Success Criteria &amp; Outcomes</b>	<b>High, Medium or Low Priority</b>	<b>Officer Responsible</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Resources Implications</b>	<b>Progress</b>
2.1		To produce an empty property information leaflet for owners of empty properties and members of the public	Empty Home leaflet sent to owners of empty homes	H	JL/GW	Sept 2012	April 2013	£25k for Coordinator post	
2.2		To develop specific web pages for owners of empty properties and assistance available	Full information for the owners/landlords on options for addressing empty homes on the Council's website	H	JL	Sept 2012	April 2013	£25k for Coordinator post	
2.3		Undertake a survey of owners of empty properties within the Vale of Glamorgan	Survey of owners completed and analysed to establish reason or barriers to re-occupation	H	JL/ GW	March 2012	Jan 2013	Existing Resources	
2.4		To promote the availability of "House to homes" loans to property owners and property developers	Occupation of empty properties within the renewal area as a result of regeneration financial assistance	H	EP	April 2012	March 2015	WG funded scheme	
2.5		To develop a protocol for linking the owner of empty properties with local builders, developers and RSL's	Information on empty home in the Vale of Glamorgan made available to the public and organisation	M	JL	Sept 2012	April 2013	£25k for Coordinator post	

**Objective: 3- Reduce the negative effect of empty homes on our communities**

<b>Sub Ref</b>	<b>Ref to Other Action Plans</b>	<b>Action</b>	<b>Success Criteria &amp; Outcomes</b>	<b>High, Medium or Low Priority</b>	<b>Officer Responsible</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Resources Implications</b>	<b>Progress</b>
3.1		To develop a inter-departmental standard procedure and documentation for action in relation to identified problem empty homes	Problem empty homes Procedure implemented and used by all Council Departments	H	JL/ GW	Sept 2012	April 2013	£25k for Coordinator post	
3.2		To develop a working partnership with all Council departments involved with enforcement of empty properties to maximise resources available	Full enforcement action, including works in default, taken by all relevant Service areas within the Council in relation to problem empty homes	H	EP/ AB	April 2012	March 2013	Budget to be identified for works in default	
3.3		To develop the availability of in house agency service for carry out works in default	Work in default arranged and supervised by in house Council's Private Sector Housing Agency Service	H	EP	April 2012	April 2013	Existing Resource, agency fee recovered as part of recharge for works in default	

**Objective: 4 - Reduce the number of empty homes and return empty homes to use**

Sub Ref	Ref to Other Action Plans	Action	Success Criteria & Outcomes	High, Medium or Low Priority	Officer Responsible	Start Date	Finish Date	Resources Implications	Progress
4.1		Investigate the use of and agreed procedure for Enforced Sale for empty homes	Enforce sales action taken in relation to problem empty home.	H	EP/ Legal	April 2012	March 2014	£5k -£10k Budget required for costs	
4.2		Investigate the use of and agreed procedure for Compulsory Purchase Orders and Empty Dwelling Management Orders	Use or threat of use of CPO or management order returns problem empty property to occupation	H	EP/ Legal	April 2012	March 2014	Budget required for costs CPO/ EDMO	
4.3		Develop agreements with local housing associations with a view to them leasing/ purchasing empty properties for use a social housing	Agreement in place with at least one RSL to lease or purchase empty houses	M	PT/EP	Sept 2012	Sept 2013	£25k for Coordinator post	
4.4		To develop a shared services agreement with neighbouring local authorities to share expertise and resources for CPO action.	Agreement in place to allow to shared expertise and resources for CPO action	M	PT/EP	Dec 2012	March 2014	£25k for Coordinator post	

**Objective: 5- Promote the empty homes initiative**

<b>Sub Ref</b>	<b>Ref to Other Action Plans</b>	<b>Action</b>	<b>Success Criteria &amp; Outcomes</b>	<b>High, Medium or Low Priority</b>	<b>Officer Responsible</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Resources Implications</b>	<b>Progress</b>
5.1		To promote the strategy within the Authority to other departments and elected members	Presentation to elected member and Head of Service on empty homes strategy Empty Homes information section available on Council's intranet	M	EP/JL	Sept 2012	Jan 2013	£25k for Coordinator post	
5.2		To promote the strategy within the community by advertising in the local press and at public events	One publicity event or local press article publicising action on empty homes each year	M	JL	Sept 2012	March 2015	£25k for Coordinator post	
5.3		To develop a web page specific to empty properties and the empty property strategy	Member of the public able to obtain information empty homes strategy and report problem empty homes.	M	JL	Sept 2012	Jan 2013	£25k for Coordinator post	

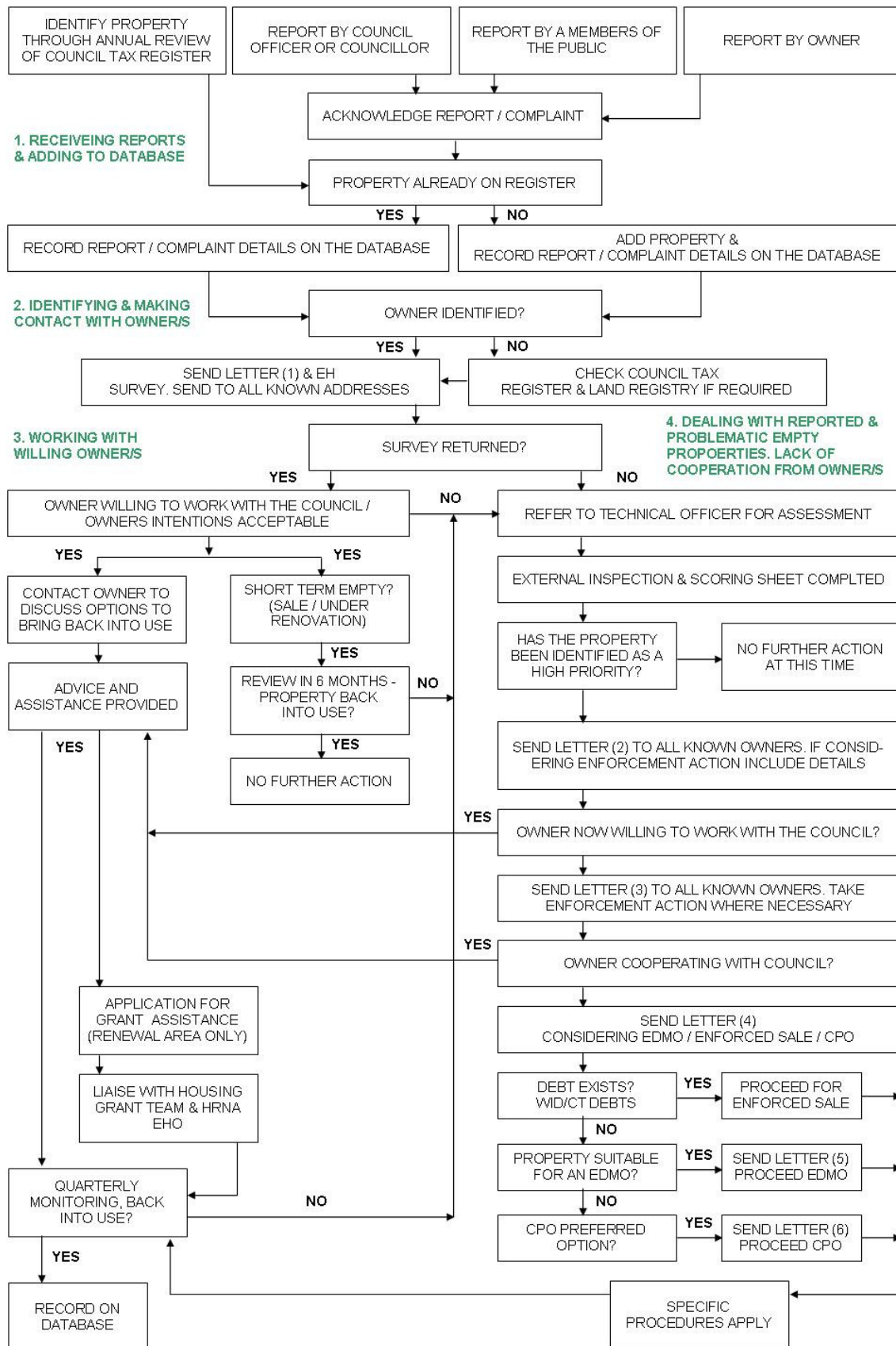
## APPENDIX 2 – PROBLEM VACANT GRANT

### Regeneration Assistance Qualifying Criteria and Conditions:

Aim	To assist owners within the Renewal Area to bring property back into beneficial residential use.
Applicant Eligibility	Applicants must own the property and will be required to prove title to the property.
Property Eligibility	<p>Must be within the Renewal Area and be capable of meeting identified housing need on completion of the works, and</p> <ul style="list-style-type: none"> <li>a) If the property is in commercial use on application it must be capable of being converted into residential use with the appropriate permissions, or</li> <li>b) If the property is residential on application it must be capable of being converted into additional units with the appropriate permissions, or</li> <li>c) If the property is a residential and vacant it must be an identified priority vacant property through the Council's Empty Property Strategy or having a detrimental affect on the street or neighbourhood as assessed by the Council.</li> </ul>
Works funded	<p>Works to make the external property weather tight. Works to remove Category 1 and significant Category 2 hazards, as defined by the Housing, Health and Safety Rating System, to the whole of the property.</p> <p>Works to facilitate the conversion of a property in to additional units, for example additional bathroom and kitchen facilities, upgrading fire and sound insulation between the new units.</p>
Applicant contribution	<p>Owner-occupiers – this will be based on a means test</p> <p>Landlords 25% contribution of the cost of the works up to the grant limit.</p> <p>Works of the grant limit will be the liability of the applicant.</p>
Maximum assistance	<p>Owner occupiers - subject to the means test £15,000 including fees and VAT</p> <p>Landlords - a maximum of 75% of the cost of works up to a maximum of £15,000 for a single dwelling, or where the dwelling is split into several units £8,000 per unit of accommodation provided.</p>
Agency and fees	Fees associated with the completion of the works or application will be payable through the assistance. This can include fees for the employment of an agent. Maximum fees for the employment of Agents are set by the Council annually.

<p>Terms and conditions of assistance</p>	<p>Applicant must remain the owner of the property throughout the processing of the assistance and condition period, and</p> <p>If an owner occupation certificate is signed on application, the applicant must remain in occupation as his/ her main residence for the first 5 years. After this period the applicant may live or rent the property on the condition that the Council is informed of the change in occupation circumstances.</p> <p>If the applicant is a landlord he/ she must be a member of the Landlord Accreditation Wales Scheme.</p> <p>If the applicant is a landlord the property must be made available for let through any leasing schemes or will be subject to nomination rights as agreed on application.</p> <p>The property, or unit provided must not become long term vacant, If the property or unit becomes vacant for more than 6 months the grant proportioned to that property/ unit is repayable in full.</p> <p>The property must be kept in good repair and where rented free from Category 1 hazards. If the property falls in to serious disrepair or a Category 1 hazards is created that the landlord does not remedy in a timely manner the grant will be repayable in full on for that property/ unit.</p>
<p>Length of conditions</p>	<p>There is no expiry on the conditions of ownership – grant is repayable in full on sale.</p> <p>For owner occupiers the condition on them to occupy the property will expiry 5 years following completion of the works.</p>
<p>Repayment conditions</p>	<p>Repayment in full if the terms and conditions of the assistance is breached. For owner occupiers only, in deciding whether to recover the assistance the Council will consider whether repayment will cause the grant recipient financial hardship. If the owner is able to prove evidence in writing of the above the Council may reduce the amount repayable or waiver the conditions. The application must be made in writing and the Council's decision is final.</p>

# APPENDIX 3 - EMPTY HOMES ACTION FLOWCHART





### Owners of Empty Properties

#### **Tracing an Owner**

One of the main problems that will be encountered when dealing with empty properties is establishing the ownership of the property. The following options are some of the available to an officer wishing to trace an owner:

1. Speak with people in the community, i.e. neighbours
2. Council Tax Register - A written request for data can be sent to the relevant person.
3. Land Registry Search
4. Electoral Register
5. Requisition for Information – Section 16 Local Government (Miscellaneous Provisions) Act 1982. This enables Local Authority to request ownership details from all those with an interest in the property.
6. Speak with utility companies
7. Websites – There are a number of websites that can be used to assist in tracing people.
8. Hire a private detector – This is a last resort and may only be used where all options have been exhausted permission from the Private Sector Housing Team Leader has been sought.

## APPENDIX 5 - EMPTY PROPERTY RISK ASSESSMENT PROFORMA



### Empty Property Risk Assessment

#### External Inspection Proforma



Property: .....

Date of Inspection: ..... Officer: .....

	NA	L	M	H	Factor	Score	Comments
Is the front and/ or rear garden overgrown?		1	2	3	1		
Is there evidence of rodent activity or is the property a likely source of vermin?		1	2	3	1		
Is there a problem with accumulations of rubbish or fly tipping?		1	2	3	1		
How many times has the Council undertaken work in default?		1	2	3	2		
How much debt has been incurred in relation to the property?		1	2	3	2		
How many complaints have been received about the property?		1	2	3	3		
How many statutory Notices have been served in relation to the property?		1	2	3	3		
Is the property in disrepair?		1	2	3	4		
How long has the property been vacant?		1	2	3	4		
Does the property have a negative impact on the general area?		1	2	3	5		
Is the condition of the property affecting the fabric/ structure of neighbouring properties, members of public or resulting in a Statutory Nuisance?		1	2	3	5		
Is the property located within the Castleland Renewal Area?	If <b>yes</b> add <b>20</b> points to the final score						
<b>Total Score:</b>							

### Options for Enforcement Action

The Local Authority will take every opportunity to work closely with the owners of empty properties by providing encouragement, advice and support. However, where owners refuse to cooperate or cannot be traced the Local Authority will not hesitate in using the full range of enforcement powers available to them, as detailed below. This where appropriate should include use of the powers to undertake works in default.

#### **Environmental Protection Act 1990**

Abatement Notices can be served under Section 80 of the Environmental Protection Act 1990 in respect of statutory nuisances caused by a property's structure or its associated land. Notices must be served on the owner of the property and can require certain works to be undertaken within a specified timescale. Failure to comply with the requirement of the notices, if a formal appeal has not been made within 21 days, will allow the Council to pursue the matter in a Magistrates Court and/or carry out works in default to abate the nuisance. This is enforced by Environmental Health Officers of the Private Sector Housing Team.

#### **Prevention of Damage by Pests Act 1949**

Section 4 of the Prevention of Damage by Pests Act 1949 enables the Council to serve Notices on the owner or occupier of the land to ensure the premises are free from rodents. The Notice can request the owner to implement a baiting programme and can require structural repairs and other works to be carried out to secure the premises against rodent infestation. If a notice served under this section is not complied with, the Council may carry out the work in default and recover any expenses by placing a charge on the property. This is enforced by Environmental Health Officers of the Private Sector Housing Team.

#### **Building Act 1984**

The Building Act 1984 can be used to deal with a number of different situations.

Section 76 is a shorter procedure for premises which are in such a state as to be Prejudicial to health or a nuisance and where the use of notices under section 80 of the Environmental Protection Act 1990 would cause undue delay. A Notice served on the owner specifies work that the Local Authority intends to carry out to remedy the situation. The owner has seven days to make an appeal, and nine days from the date of serving the Notice the Local Authority can commence work in default and recover reasonable costs from the owner.

If a building or part of a building is in such a condition as to be considered dangerous the Local Authority can take action under section 77 or 78 of this Act.

Section 77 enables the Local Authority to apply to the Magistrates Court to make an order to require the owner to take steps to obviate the danger, or to demolish the building. If the owner fails to comply with the Order the Local Authority can undertake the work in default and recover any expenses reasonable incurred.

Section 78 allows for the Local Authority to take action where a building or part of a building is dangerous and immediate action should be taken to remove the danger. This can only be used in emergency situations and the Local Authority should seek to notify the owner of their intentions prior to undertaking the emergency measures.

Where a building is ruinous or dilapidated and the conditions are seriously detrimental to the amenities of the neighbourhood, the Local Authority can serve a Notice under Section 79 of the Act requiring the owner to repair or restore the building or alternatively demolish it.

This legislation would mainly be enforced by Building Control Officers however the Private Sector Housing Team may also use this occasionally.

### **Local Government (Miscellaneous Provisions) Act 1982**

Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to undertake works on an unoccupied property to secure it against unauthorised entry. Normally a period of 48 hours notice of the Council's intention to carry out works would be given to the owner or if the owner is absent or the works are needed urgently, the notice period can be waived. Reasonable costs incurred by the Council may be recovered from the owner of the property via the County Court.

This is enforced by Environmental Health Officers of the Private Sector Housing Team and also Building Control Officers.

### **Town and Country Planning Act 1990**

Where an owner fails to maintain their property and its condition is considered to be detrimental to the amenities of the neighbourhood, the Local Planning Authority can serve a Notice on the owner requiring work to be carried out to improve its appearance. This power is available under Part VIII, Chapter II Land Adversely Affecting Amenity of Neighbourhood, Section 215(1).

Although this option does not culminate in a final use for the property, it is a tool that will be considered as an interim measure to make the situation more tolerable for neighbouring property owners.

This legislation is currently enforced by Planning Enforcement Officers.

### **The Law of Property Act 1925 – Enforced Sale**

Where there is a financial charge recorded on the Local Land Charges Register the Local Authority can enforce that charge and subsequently has all of the powers and remedies available to a mortgagee. The Local Authority, once it has secured a debt of £1000 against an empty property can enforce the sale of the property and recovered the debt from the proceeds of the sale of the property. Generally, the debt will be the result of enforcement action that has been taken to remedy problem caused by the property being empty, however any debts owed to the Local Authority as a whole will be considered.

**PTO**

## **Housing Act 1985 - Compulsory Purchase Orders**

Section 17 of the Housing Act 1985 enables Local Authorities to compulsorily purchase a property for the provision of housing accommodation. This can be used as a last resort to deal with empty properties in the area. The property may be used to house public sector tenants or may be disposed of on the open market to an owner who will agree to bring the property back into use within a set period of time. A compulsory purchase order will need to be approved by the National Assembly for Wales.

## **Housing Act 1985 - Demolition Orders**

Section 265 of the Housing Act 1985 allows the Local Authority to make a demolition order where a category 1 hazard exists. A demolition order will not be made lightly and will only be considered where the property is beyond repair or will require significant financial input to remedy the hazards to bring the property up to a suitable standard.

This option cannot be used if the property is a listed building and alternative enforcement options should be considered.

## **Housing Act 2004 - Empty Dwelling Management Orders**

Part 4, Chapter 2 of the Housing Act 2004 allows the Local Authority, on approval by an Independent Residential Property Tribunal, to take over the day to day management of a property with the view of taking steps to ensure the property becomes and continues to be occupied. An empty Dwelling Management Order (EDMO) gives the Local Authority possession of the property without taking ownership of it and subsequently it does not affect the rights of the owner.

There are two types of EDMO's:

An interim EDMO (section 134) lasts for an initial period of no more than 12 months. The Local Authority must work with the owner to decide how to get the property back into use and the owner must give consent to let the property.

A final EDMO (section 136) can be made where no agreement is reached and this can last up to 7 years. The owner will have fewer rights to decide how the property will be brought back into use.

## **Housing Act 2004, Part 1 – The Housing Health and Safety Rating System**

The Housing Health and Safety Rating System (HHSRS) is a risk assessment of 29 defined hazards that may be found in a property. Housing practitioners are required to assess the likelihood of a hazard causing harm over a 12 month period and the levels of harm that would occur should such an incident take place, taking into consideration the vulnerable age group for each hazard. The risk assessment generates a score for a particular hazard and the score is then put into a series of bands ranging from A-J. Bands A-C are termed Category 1 hazards whilst bands D-J are termed Category 2 hazards. A Local Authority has a duty to take action to address Category 1 hazards whilst any action taken to address category 2 hazards is discretionary.

Whilst predominantly applicable to occupied houses to protect the health and safety of residents the HHSRS allows vacant properties to be assessed as to their impact upon health and safety and places a duty on Local Authorities to take action where Category 1 hazards exist.

## APPENDIX 7 – SUMMARY CHART OF ENFORCEMENT POWERS

Accumulation of waste/ Premises in such a state as to be prejudicial to health or a nuisance/ Vermin	Prevention of Damage by Pests Act 1949 – Section 4	To require the owner to take such steps as necessary to remedy the problem, i.e. arrange removal of waste; structural work and baiting to eradicate vermin; improvements to defective premises.
	Environmental Protection Act 1990 – Section 80	
	The Building Act 1984 – Section 76	
Vacant property open to unauthorised access	Local Government (Miscellaneous Provisions) Act 1982 – Section 29	To require the owner to take steps to secure the property.  Emergency provision also available to the Local Authority where premises need to be secured immediately, this waives the need for a Notice to be served on the owner.
Condition and appearance of property adversely affecting the amenity of the neighbourhood	Town and Country Planning Act 1990 – Section 215	To require the owner to carry out work to improve the appearance of the land or property.
	The Building Act 1984 – Section 79	To require the owner to carry out work to repair, restore or demolish the building.
	The Law of Property Act 1925: Enforced Sale	Where the Local Authority have placed a charge on a property, in order to secure payment i.e. work in default, council tax debts; and the money is not paid by the owner the Local Authority can enforce the sale of the property in order to recover the debt.
	Housing Act 1985 – Section 17 : Compulsory Purchase	The Local Authority can compulsory purchase a property as a last resort to bring it back into use. An order must be submitted to the Welsh Assembly Government for approval and which can then be placed on the owner. Once the Local Authority has secured ownership the property can be used to house private sector tenants or can be sold at auction.
	Housing Act 2004 : Empty Dwelling	Where a property has been unoccupied for a period of at least 6 months the Local Authority can

	management Orders	issue an interim or final empty dwelling management order which will enable them to take over the day to day management of the property with a view of making sure that the property becomes and remains occupied. The order must be approved by an independent residential tribunal.
	Housing Act 1985 -Section 265: Demolition Orders	In certain circumstances it will not be feasible to bring the property back into use due it being in very poor condition. Therefore it may be necessary to serve a demolition order.
Dangerous or dilapidated building and structures	The Building Act – Sections 77, 78, 79	To require the owner to make the property safe (section 77) or to enable the Local Authority to take emergency action to make the building safe (section 88)
	Housing Act 2004 – Section 5 and 7	To require the owner to carry out works where the Local Authority consider the housing conditions to be unacceptable, on the basis of the impact of hazards on the health and safety of the most vulnerable group.
	Housing Act 2004 – section 46	In certain circumstances it may not be feasible to bring the property back into use due to its poor condition and therefore if a category 1 hazard exists on the property, the most appropriate course of action may be to demolish the building.
Blocked or defective drains or sewers	Local Government (Miscellaneous Provisions) Act 1976 – Section 35	To require the owner to remove obstructions from private sewers.  Local Authority can undertake work in default and recover reasonable expenses.
	Public Health Act 1961 – Section 17	To require the owner to unblock and repair drains and private sewers.
	The Building Act 1984 – Section 59	To require the owner to address blocked or defective drains or private sewers.

**N.B. Many of the above powers allow the Local Authority to undertake works in default and to recover reasonable costs incurred. The Local Authority also has the option to prosecute the owners of empty properties for non-compliance. All Notices/ Orders are subject to appeal.**



CABINET OFFICE

# Enforcement CONCORDAT



## The Principles of Good Enforcement: Policy and Procedures

This document sets out what business and others being regulated can expect from enforcement officers. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy.

The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.

The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice and safety.

We have therefore adopted the central and local government Concordat on Good Enforcement. Included in the term 'enforcement' are advisory visits and assisting with compliance as well as licensing and formal enforcement action. By adopting the concordat we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

## Principles of Good Enforcement: Risky

### STANDARDS

In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance

the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

### OPENNESS

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary organisations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

### HELPPFULNESS

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage business to seek advice/information from us. Applications for approval of establishments, licenses, registrations, etc, will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

### COMPLAINTS ABOUT SERVICE

We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

### PROPORTIONALITY

We will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

### CONSISTENCY

We will carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgment in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACTIS) and the Local Authority National Type Approval Confederation (LANTAG).

## Principles of Good Enforcement: Procedures

Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what time-scale, and making sure that legal requirements are clearly distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection or to prevent evidence being destroyed).

Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).



## APPENDIX 9 – COUNCIL TAX POLICY AND INFORMATION

### COUNCIL TAX CLASS DESCRIPTIONS FOR UNOCCUPIED DWELLINGS

- A.** A1 - Unoccupied newly built dwellings (exempt up to 6 months) and A2 - Dwellings where structural alterations or major repairs have taken place (exempt for up to 12 months)
- B.** Unoccupied dwellings owned and last used by a charity (exempt for up to 6 months)
- C.** Unoccupied and substantially unfurnished dwellings (exempt for up to 6 months) \*
- D.** Dwellings left unoccupied by people in prison
- E.** Dwellings left unoccupied by long-stay hospital patients and also by people who move permanently into a nursing home or residential home \*
- F.** Dwellings left unoccupied by deceased persons where Grant of Probate / Letters of Administration has not been obtained, and for a period of 6 months after such grant has been obtained \*
- G.** Dwellings where occupation is prohibited by law
- H.** Dwellings held vacant for a minister of religion
- I.** Dwellings left unoccupied by people receiving care
- J.** Dwellings left unoccupied by people providing care
- K.** Dwellings left unoccupied by students
- L.** Unoccupied dwellings where the mortgage has repossessed
- M.** Unoccupied dwellings in the possession of a trustee in bankruptcy
- N.** A dwelling consisting of a Pitch or a Mooring which is not occupied by a caravan, or a boat
- O.** Dwellings forming part of another dwelling which cannot be let separately

\* Classes relevant to the Empty homes Strategy

### COUNCIL TAX CHARGING POLICY FOR UNOCCUPIED DWELLINGS

The council is required to determine its policy on discounted council tax for unoccupied dwellings. The most recent policy, agreed by the council was adopted in 2007.

Billing authorities have discretion about the discounts to be allowed for unoccupied, furnished dwellings. A billing authority may decide to give a discount of 50%, 25% or no discount at all, so that the tax payer has to pay 50%, 75% or 100% of the normal charge. The Welsh regulations prescribe three dwellings for which Welsh local authorities will have discretion to consider the discounts allowable. The council's policy is as follows:

**Unoccupied furnished dwellings** - The regulations prescribe two classes of unoccupied and furnished dwellings for which Welsh Local Authorities will have discretion to consider the discounts allowable;

- A.** Class A relates to dwellings with a restriction on occupancy by law which prohibits their use for a period of at least 28 consecutive days in any 12 month period;

**B.** Class B relates to dwellings which have no such restriction on occupancy.

**Unoccupied unfurnished dwellings** – The regulations prescribe a third class and allow authorities to reduce or discontinue the 50% discount on dwellings which are unoccupied and substantially unfurnished and have been for more than six months.

**C.** Class C relates to long term unoccupied and substantially unfurnished dwellings.

### **Current Policy**

A 50% discount on unoccupied furnished dwellings (classes A, B and C).

## **PROPERTIES RELEVANT TO THE EMPTY HOMES STRATEGY**

The classes of property most relevant to the Empty Homes Strategy are as follows:

**Class C** – These properties are unoccupied and substantially unfurnished (exempt for up to 6 months); these are short term empty properties; after 6 months they move into the ‘Standard Empty’ category.

**Class E** – These properties left unoccupied by long-stay hospital patients and also by people who move permanently into a nursing home or residential home. Due to limited resources, both in terms of finance and staff time these properties will not be prioritised.

**Class F** – These properties left unoccupied by deceased persons where Grant of Probate / Letters of Administration has not been obtained, and for a period of 6 months after such grant has been obtained. Properties can remain in this category for some time, due to people; slowing / not progressing the process to avoid paying full Council Tax and / or inheritance tax.

**Void Accounts** – properties in this category are of a transient status; they require or are awaiting additional information. This category could include empty properties where the owner is unknown.

## **STANDARD EMPTY PROPERTIES**

This category has historically included between 800 and 1200 properties. The properties in this category are reviewed annually and are visited once a year by a contractor of the council. This list also contains council owned empty properties; specifically the list currently includes properties at Penarth Heights / the Billy Banks in Penarth which contribute a significant number.

## DISCLOSURE OF PROPERTY OWNER CONTACT DETAILS

Below is a section of the Local Government Act 2003 which details when and how contact details of empty property owners can be disclosed for the purposes of bringing empty properties back into use. In Schedule 2 to the Local Government Finance Act 1992 (c. 14) (council tax: administration), after paragraph 18 there is inserted -

- 18 A (1) A billing authority may use information it has obtained for the purpose of carrying out its functions under Part 1 of this Act for the purpose of —
- (a) identifying vacant dwellings, or
  - (b) taking steps to bring vacant dwellings back into use.
- (2) The power under sub-paragraph (1) above, so far as relating to personal information, extends only to information which consists of an individual's name or an address or number for communicating with him.
- (3) In this paragraph - "personal information" means information which relates to an individual (living or dead) who can be identified -
- (a) from that information, or
  - (b) from that information and other information of the authority,
- and includes any expression of opinion about the individual and any indication of the intentions of any person in respect of the individual;
- "vacant dwelling" means a dwelling in which no one lives and which is substantially unfurnished."

The piece of legislation above allows the Council Tax Department to disclose the contact information of owners of empty properties as long as they are unfurnished / substantially unfurnished.<sup>40</sup>

<sup>40</sup> Advice received from Council Tax 24.05.2011

### LEGAL DEPARTMENT AND THE USE OF COMPULSORY PURCHASE ORDERS

The Legal Department are situated in the same directorate as Housing and Environmental Health (Housing) and were consulted on the development of the Empty Homes Strategy.

All reasonable means of persuasion should be exhausted before seeking a CPO; the lead up to considering a compulsory purchase would include:

- trying to identify the owner,
- working with the owner through voluntary measures to bring the property back into use and
- providing financial advice.

If the owner has no intention of bring the property back into beneficial use then consideration should be given to the various enforcement measures available.

The view of the Legal Department is that a CPO of an empty property may be considered if:

- a particular property is causing a significant nuisance and the owner cannot be traced
- or the property is in a very severe state of disrepair that cannot be rectified through the use of statutory improvement notices.

The decision as to the appropriateness of serving a CPO on a property will be assessed on public merit in terms of the type of property, location and potential cost. A CPO should only be considered when all reasonable means of persuasion have been exhausted<sup>41</sup>.

<sup>41</sup> Legal advice received 23.12.2010

## APPENDIX 11 – STATUTORY PROVISIONS THAT ALLOW FOR DEBTS INCURRED TO BE REGISTERED AS A LOCAL LAND CHARGE

Statutory Provision	Can the debt be registered as a Local Land Charge?	Will the debt accrue interest?
Prevention of Damage by Pests Act 1949 Section 4 (Destruction of rats & mice)	YES	YES
Public Health Act 1961 Section 17 (Repairs to drains and sewers)	NO	NO
Local Government (Miscellaneous Provisions) Act 1976 Section 35 (Blocked private sewers)	NO	NO
Local Government (Miscellaneous Provisions) Act 1982 Section 29 (Prevention of unauthorised entry)	NO	NO
Building Act 1984 Section 59 (Defective drainage) Section 76 (Defective premises) Section 77 & 78 (Dangerous Buildings) Section 79 (Ruinous & dilapidated buildings)	YES	YES
Environmental Protection Act 1990 Section 80 (Abatement of statutory nuisances)	YES	YES
Town and Country Planning Act 1990 Section 215 (Land adversely affecting the amenity of an area)	YES	YES
Housing Act 2004 Section 5 (Duty to take enforcement action in relation to category 1 hazards) Section 7 (Powers to take enforcement action in relation to category 2 hazards)	YES	YES