



# Empty Homes Strategy

## 2019-2024

*'Unlocking the potential of  
empty private sector homes'*



**The document is available in Welsh.**

Mae'r ddogfen hon ar gael yn Gymraeg.



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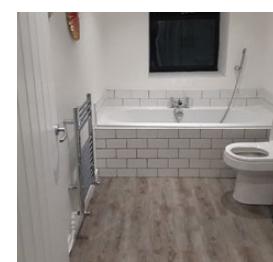
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**Example of a long-term empty home that has been returned to use through housing loans facilitated by the Vale of Glamorgan Council:**





# Executive Summary

**This is the Vale of Glamorgan Council's revised Empty Homes Strategy 2019-2024, which follows on from the previous 2012-2017 Strategy.**

Over that period, over 500 empty private sector homes have been returned to use, however, the waste of good housing and blight associated with empty homes remains. Building on the progress already made, the 2019-2024 Strategy sets out the Council's continued commitment to bring empty homes back into use over the next five years. It outlines a coordinated, proactive approach to tackling empty homes by strengthening existing and developing new internal and external partnerships.

Empty homes represent a wasted resource and a lost opportunity. In the Vale of Glamorgan there are currently (as at 1st April 2019) 846 empty private sector homes which have been empty for six months or more. These empty properties are the main focus of this strategy. 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, and damage to neighbouring properties and hazards to the public.

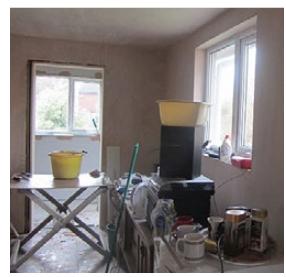
Against this background, the number of people without suitable housing, and housing demand in general, continues to increase. The headline annual need for affordable housing in the Vale of Glamorgan Local Housing Market Assessment from 2017 to 2022 is 576 units per annum. Re-occupying empty homes is not the whole answer to the current situation, but Welsh Government and local authorities in general cannot ignore their potential, both as units of accommodation and a source of income to the Council in times of continued budgetary pressures.

The empty homes issue requires a joined-up whole Council approach to make the best possible use of our existing housing stock. Through the 2019-2024 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.

## **Moving forward the aims of this strategy are to:**

- Assemble, maintain and improve the accuracy of empty homes data;
- Provide advice, assistance and financial incentives to reduce the number of long-term empty properties;
- Promote the whole Council approach to tackling empty homes;
- Prioritise empty homes for enforcement action; and
- Raise awareness of the empty homes issue.

**Example of a long-term empty home that has been returned to use through housing loans facilitated by the Vale of Glamorgan Council:**





# 1

# Introduction and overview of empty homes

## 1.1 Introduction

This is the Vale of Glamorgan Council's revised Empty Homes Strategy which sets out the Council's plans to bring empty homes back into use over the next five years. It outlines the Council's 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.

The Council has loan funds available and a dedicated Empty Homes and Loans Officer (EHLO) to ensure we are proactively engaging with empty home owners to bring properties back into use. Positive steps are being taken by removing Council Tax discounts for long-term empty properties with effect from 1st April 2019.

## 1.2 Housing need in the Vale

The Council works in partnership with house builders and registered social landlords (RSLs) to increase the supply of both market and affordable housing. However, demand continues to outstrip supply, especially for affordable housing.

The headline annual need for affordable housing in the Vale of Glamorgan Local Housing Market Assessment from 2017 to 2022 is 576 units per annum, comprising 479 units of social rented accommodation, and 97 units of intermediate rented housing. The number of empty properties is consistently around 750, which could help to contribute to meeting the need for affordable housing in the Vale of Glamorgan.

## 1.3 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.

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 often difficult to bring back into use and although returning empty homes to use does not solve the housing need issues in the Vale, it can have a considerable impact. There are real opportunities to use these homes to increase the supply of housing and offer greater choice to households in need.

A long-term empty property is usually easy to identify as it may be neglected or in a state of disrepair. Some tell-tale signs may include:

- Large amounts of uncollected post building up inside the front door
- Garden not being maintained or rubbish remaining or building up at the property
- Signs of disrepair and external damage e.g. broken windows, damaged roof and property is boarded up etc.

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

**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 cost the owner more. 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.

**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.

## Council -

The Council deals with complaints about empty homes from local people who rightly object to unsightly disused properties. There are implications for the Council's Environmental Health team within Shared Regulatory Service (SRS) that have to use staff time and resources to intervene to deal with pests, dilapidation, damage to neighbouring properties and other issues.

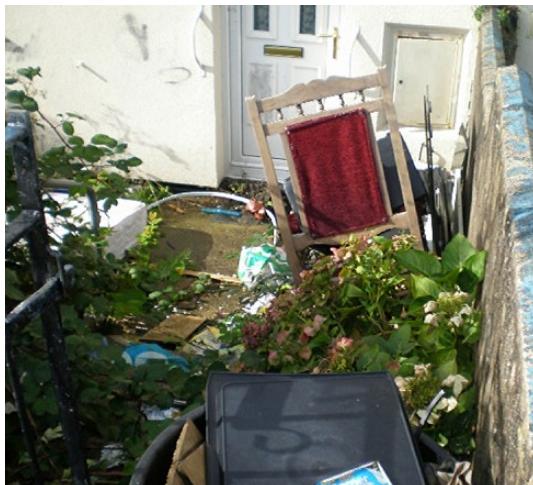
## Environment -

It is more efficient and sustainable to make the best possible use of our existing housing stock and to encourage the reuse of underutilised or vacant properties for residential uses.

## Emergency Services and Safer Vale Partnership -

The police and fire service deal with complaints and call outs to empty homes e.g. arson, vandalism, squatting, trespass and theft, increasing the burden on these vital services.

### Examples of issues associated with empty homes:



## **1.4 Why do properties become empty?**

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

- The normal processes of buying, selling and letting properties.
- A property that is unsuitable to rent or sell due to its physical state and that would require renovation beyond the budget of the owner.
- 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 person's accommodation for care or support needs. They may choose not to sell the property which result in a property remaining empty for the short or long-term.

## **1.5 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.
- Empty properties that have been empty for over 6 months.

The main focus of this strategy is to bring back into use empty private sector residential properties. Empty properties are defined as private sector residential properties which are liable for Council Tax and have been unoccupied for a period of six months or more. This definition is taken from the Welsh Local Government Association revised set of national performance measures known as Public

Accountability Measures (PAM). The Council's performance in relation to empty homes is measured using PAM 13 which is defined as the Percentage of empty private sector properties brought back into use during the year through direct action by the local authority (see Appendix 1 for the full guidance on PAM 13). PAM 13 enables local authorities to give account of their performance to the public including comparing their performance with that of other authorities. The data for PAM 13 includes all properties which are liable for Council Tax, in the following exemption classes that have been empty for more than 6 months:

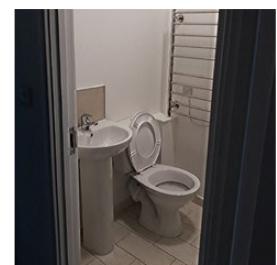
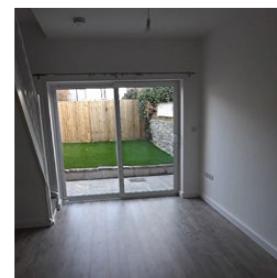
- A. Unoccupied and unfurnished property undergoing repairs/renovation.**
- C. Unoccupied and unfurnished property.**
- F. Unoccupied property which is awaiting probate.**
- G. Unoccupied property which is unoccupied because occupation is prohibited by law.**
- L. Unoccupied property where a mortgagee is in possession.**
- Q. Unoccupied property where the person who would normally pay the Council Tax is bankrupt or an insolvent trustee.**

The following properties are excluded from this definition:

- A second or holiday home
- A property owned by any of the following:
  - Registered Social Landlords (RSLs);
  - Police and Armed forces;
  - National Health Service;
  - Universities and colleges;
  - Local authorities and government;
  - Crown estate; and,
  - Churches and other religious bodies
- A property that is in use but for non-residential purposes
- Properties that have been un-banded by the Valuation Office Agency

This strategy sets out the role that the Council and its partners will play in returning empty properties back into use, together with the resources, powers and processes the Council can use to achieve this.

**Example of a long-term empty home that has been returned to use through housing loans facilitated by the Vale of Glamorgan Council:**





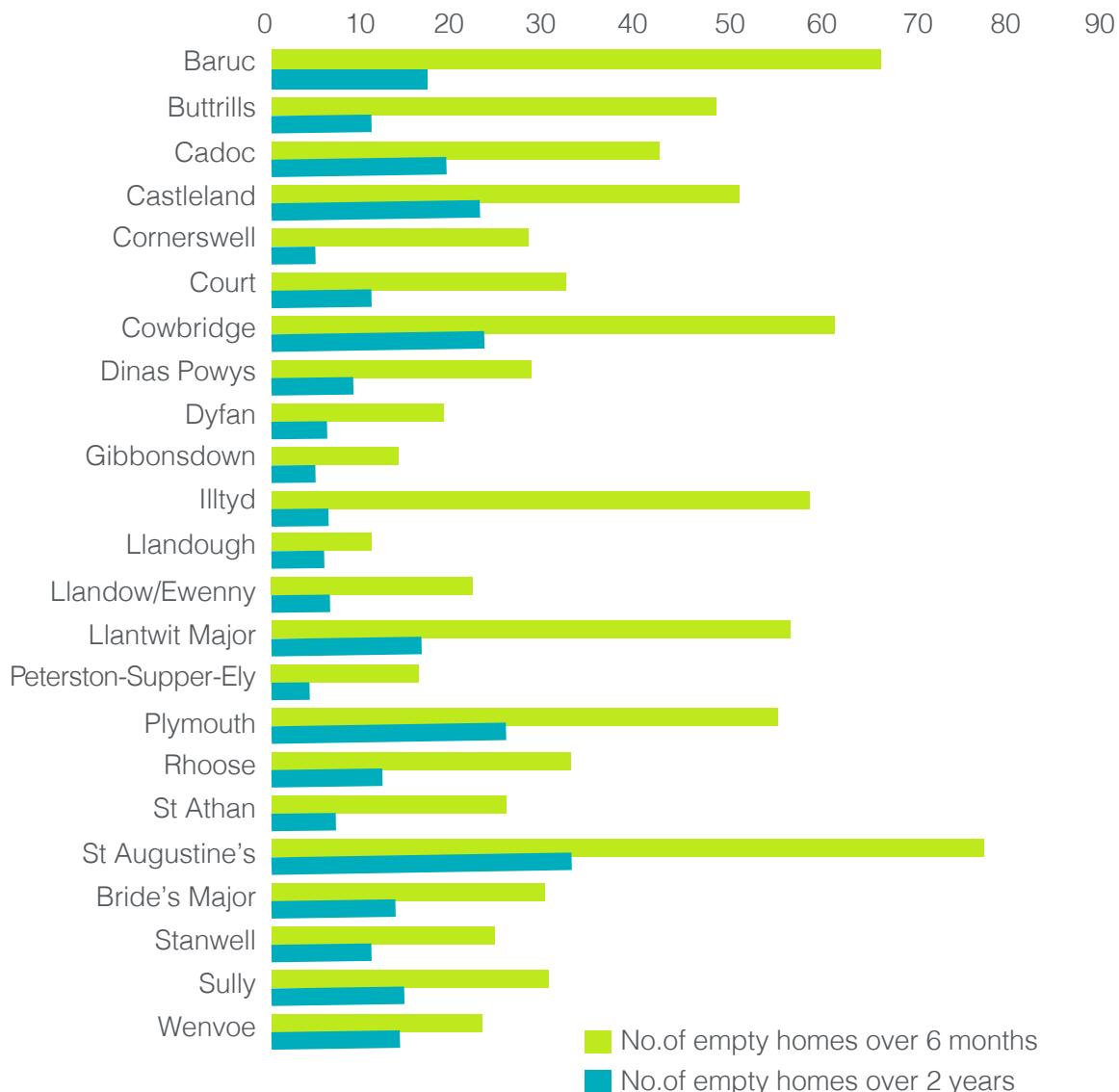
## 2 Empty homes data, Local Authority powers and performance

As at 1st April 2019, of the 58,909 residential properties liable for Council Tax in the Vale of Glamorgan, 846 private properties were standing empty; this represents 1.4% of the housing stock available.

### 2.1 Empty homes by ward

The number of empty homes by ward is provided in the graph and table below:

**Figure 1:** The number of empty homes by ward, April 2019



**Figure 2:** Table showing the number of empty homes by ward

| Ward                | No. of Empty Homes:<br>Empty over 6 months | No. of Empty Homes:<br>Empty over 2 years |
|---------------------|--|---|
| Baruc               | 66   | 17  |
| Buttrills           | 48   | 11  |
| Cadoc               | 42   | 19  |
| Castleland          | 50   | 23  |
| Cornerswell         | 28   | 5   |
| Court               | 32   | 11  |
| Cowbridge           | 61   | 23  |
| Dinas Powys         | 28   | 9   |
| Dyfan               | 19   | 6   |
| Gibbonsdown         | 14   | 5   |
| Illyd               | 58   | 23  |
| Llandough           | 11   | 6   |
| Llandow / Ewenny    | 22   | 6   |
| Llantwit Major      | 56   | 16  |
| Peterston-super-Ely | 16   | 4   |
| Plymouth            | 54   | 25  |
| Rhoose              | 32   | 12  |
| St. Athan           | 25   | 7   |
| St. Augustine's     | 77   | 32  |
| St Bride's Major    | 30   | 13  |
| Stanwell            | 24   | 11  |
| Sully               | 30   | 14  |
| Wenvoe              | 23   | 13  |
| Total               | 846  | 311                                       |

## 2.2 Local Authority powers

The Council has extensive powers to intervene where it considers there to be unsafe or unacceptable housing conditions. The Council allocates resource to deal with empty properties in a proactive and positive manner through offers of assistance and guidance to deter owners of empty properties leaving their properties empty for a significant time. Although this work helps to manage the number of empty properties and deal with issues before they become problematic, in some instances enforcement action is required.

The Council has extensive powers to intervene further and to take enforcement action where they consider there to be unsafe or unacceptable housing conditions. This is viewed as a last resort, when previous efforts to address an empty property have failed.

The powers were significantly changed by the implementation of the Housing Act 2004, but are also contained in the Housing Act 1985 (as amended) and other legislation. Please see Appendix 2 for further details.

## **These interventions include:**

- **Enforcement activity, for example serving improvement or prohibition notices on owners, Demolition Orders or Management Orders**
- **Slum clearance**
- **Compulsory Purchase Orders (CPO)**
- **Empty Dwelling Management Orders (EDMO)**
- **Renewal areas**
- **Licensing of House in Multiple Occupation (HMO)**
- **Town and Country Planning Act (Section 215 Notice)**

Part 1 of the Housing Act 2004 replaced the 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 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 under the Housing Act 2004, where they have either a duty or a power to act, are as follows:

- 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 Housing Act 2004 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 will exercise its regulatory activities in the following ways:

- **Proportionate** – activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence;
- **Accountable** – activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures;
- **Consistent** – advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities;
- **Transparent** – ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return; and,
- **Targeted** – focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

## 2.3 Performance and outcomes

In 2016, Welsh Government revoked the Local Government (Performance Indicators) (Wales) Order 2012, removing the duty on local authorities to submit National Strategic Indicator data. Following discussions with professional bodies and local government in Wales, the Welsh Local Government Association ratified a revised set of national performance measures (known as Public Accountability Measures (PAM)) on 31st March 2017. The revised set of national performance measures are aligned with the national well-being goals of the Well-being of Future Generations (Wales) Act 2015. As explained in Section 1.5 of this strategy the Council's performance in relation to empty homes is measured using PAM 13 (refer to Figure 3 shown below):

**Figure 3** – National Performance Measure PAM 13

|  | 14/15 | 15/16 | 16/17 | 17/18 | 18/19  |
|--|-------|-------|-------|-------|--------|
| 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 | 17.6% | 39%   | 13.8% | 7.56% | 14.06% |
| 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    | 175   | 268   | 95    | 47    | 111    |
| C. The total number of private sector dwellings that had been vacant for more than 6 months at 1 April   | 994   | 686   | 689   | 622   | 789    |

The results are collected by Data Cymru (formerly Data Unit Wales) for all Welsh local authorities. This enables the Vale of Glamorgan Council to compare itself to other local

authorities and Wales as a whole. The Vale of Glamorgan Council has consistently been amongst the top performing local authorities for this outcome.

## 2.4 Progress since the previous strategy

The following points summarise the progress during the lifetime of the previous strategy. For a full assessment of progress against the previous aims and objectives, please see Appendix 3.

- Change in status of the Empty Homes and Loans Officer (EHLO) post from temporary to permanent in 2019/20 financial year.
- An empty property database has been developed and maintained which includes information provided by Council Tax, and collected through investigations and surveys.
- A Data Sharing Agreement is in place between Council Tax, Regeneration and Planning and SRS to enable empty homes to be recorded and targeted for offers of assistance.
- Collaborative working between the relevant Council teams and service areas whose work is pertinent to the issue i.e. Regeneration, SRS, Housing, Council Tax and Planning; and, periodic meetings of the Empty Homes Working Group chaired by the Head of Regeneration and Planning.
- The Group has influenced the decision on how Council Tax is charged on Empty Properties (removal of 50% empty property discount with effect from 1st April 2019) so that there is an additional financial deterrent to empty properties being empty long-term.
- The following Empty Homes and Housing Loans web pages have been developed and updated: [www.valeofglamorgan.gov.uk/emptyhomes](http://www.valeofglamorgan.gov.uk/emptyhomes) [www.valeofglamorgan.gov.uk/housingloans](http://www.valeofglamorgan.gov.uk/housingloans)
- A comprehensive Empty Homes Booklet was produced which offers written help, advice and information for all owners of empty properties (the booklet can be accessed from the Empty Homes webpage referred to above). A Housing Loans leaflet was also created and is updated and periodically sent to relevant property owners and relevant organisations who are likely to be in a position to signpost empty property owners e.g. estate agents, charities etc.
- Periodic Surveys are undertaken which serve as an information collation exercise (reasons for being empty and condition of property etc.) as well as a tool to encourage property owners to engage so that assistance can be offered.
- Properties that have been empty for over 6 months are periodically sent relevant information on assistance available and problem properties are further targeted.
  - Empty for over 3 years and where there is housing need (properties identified by the Council's Housing Strategy Team).
  - Empty over 10 years.
  - Property in poor condition

- The EHLO informs the partner Registered Social Landlords (RSLs) of properties that may be available to be leased or purchased for social housing purposes. The EHLO attends quarterly Strategic Housing Forum meetings which are hosted and attended by the partner RSLs.
- The Welsh Government's revised Housing Loans terms have been applied to a number of schemes administered by the Council offering financial support to owners of empty properties to return them to use. Revised terms were approved by Cabinet 26th March 2018 (refer to Appendix 4). To date, the Council have been able to administer 23 empty property loans which have supported the renovation/conversion/creation of 56 residential units.
- To improve cross-boundary working and the sharing of best practice the EHLO represents the Council at a Regional Empty Property Group and a National Housing Loans Steering Group.
- In the event of an empty property complaint, a referral/service request is made to the relevant Council team or service area where a site inspection is normally undertaken, and relevant action is taken which could result in enforcement action if cooperation to address issues is not achieved.

## **2.5 Review of the current arrangements for dealing with empty homes**

The Council consistently has around 750 properties empty for periods longer than 6 months. Over the past 5 years the Council has developed a positive and personal approach to engaging with the owners of long-term empty homes to bring properties back into use without the need for enforcement action. At a time of housing need and reduced local authority budgets the following factors have been used to prioritise the approach to returning empty homes to use:

### **Prioritising Empty Homes by Demand**

The Vale of Glamorgan, Local Housing Market Assessment (2017) estimates that there is the housing demand for generally affordable and accessible properties which are 1 and 2 bedroomed in urban areas which have a low council tax banding.

If such properties have been empty over 3 years, the owners of such properties are informed that there is a housing need for their property and they are reminded of the length of time the property has been empty. The content of the letter is designed to facilitate the desired voluntary renovation and reoccupation of the empty home. Letters may reference when previous communications have been sent and it reminds owners of the assistance available. If no response is received, an external inspection visit may be arranged to determine whether alternative action can be taken, and a possible referral will be made to the relevant enforcement team.

## Prioritising Empty Homes by the length of time Empty

A small number of properties have been empty for excessively long periods and greater than 10 years. The owners of these properties are reminded of the negative aspects of leaving a property empty for a significant time, they are reminded of the length of time a property has been empty. Letters may reference when previous communications have been sent and it reminds owners of the assistance available. If no response is received an external inspection visit will be arranged to determine whether alternative action can be taken and a possible referral will be made to the relevant enforcement team.

Due to its nature, this work is detailed and time consuming, but its successes reduce the need for enforcement action. If this approach fails to produce the desired outcome, it provides the groundwork and justification for the enforcement options outlined in Appendix 2 and Appendix 5.

**Figure 4** – Table showing the number of empty homes by length of time empty

| Length of time empty | No. of Empty Homes as at April 2019 | %     |
|----------------------|-------------------------------------|-------|
| 10 years +           | 47                                  | 5.56  |
| 5-10 years           | 56                                  | 6.62  |
| 3-5 years            | 90                                  | 10.64 |
| 2-3 years            | 118                                 | 13.95 |
| 1-2 years            | 273                                 | 32.27 |
| 6 months to 1 year   | 262                                 | 30.97 |
| Total                | 846                                 | 100   |



**Example of a long-term empty home that has been returned to use through housing loans facilitated by the Vale of Glamorgan Council:**





# 3 Strategic direction, resources, services and aims

## 3.1 Strategic direction and corporate commitment

Understanding the empty homes situation and housing need in the Vale of Glamorgan is vital if we are to recognise the contribution returning empty homes can make towards regenerating communities and increasing housing options. The empty homes issue requires a joined-up whole Council approach to make the best possible use of our existing housing stock. This strategy therefore links with several key Council documents, strategies and plans, as outlined below:

- Vale of Glamorgan Council Corporate Plan 2016-2020
- Vale of Glamorgan Local Development Plan 2011-2026
- Vale of Glamorgan Local Housing Strategy 2015-20
- Vale of Glamorgan Housing Regeneration Policy 2018
- Vale of Glamorgan Local Housing Market Assessment 2017
- Vale of Glamorgan Council Tax Policy 2019

### Vale of Glamorgan Council Corporate Plan 2016-2020

The Corporate Plan sets out how the Council will achieve its vision for the Vale of Glamorgan ‘strong communities with a bright future’ and will help guide the Council in how it plans, delivers and reviews services.

The Corporate Plan also shows how the Council contributes to the Well-being Goals for Wales, introduced by The Well-being of Future Generations Act 2015. The Plan describes the four well-being outcomes the Council wants to deliver for its citizens, which are:

- An Inclusive and Safe Vale
- An Environmentally Responsible and Prosperous Vale
- An Aspirational and Culturally Vibrant Vale
- An Active and Healthy Vale

The Corporate Plan has been developed alongside other plans such as the Council’s Medium-Term Financial Plan and takes account of likely future trends and a wide range of information regarding the needs of the local population and demand for services.

The following well-being objectives have been chosen because they reflect what the Council is working to achieve:

- Reducing poverty and social exclusion
- Providing decent homes and safe communities
- Promoting regeneration, economic growth and employment
- Promoting sustainable development and protecting our environment
- Raising overall standards of achievement
- Valuing culture and diversity
- Encouraging and promoting active and healthy lifestyles
- Safeguarding those who are vulnerable and promoting independent living

In delivering these objectives the Council will contribute to the national well-being goals and ensure that the needs of people of all ages and future generations are at the forefront of service delivery. The Empty Homes Strategy 2019-2024 will play an important role in assisting in the delivery of many of these well-being objectives.

## **Vale of Glamorgan Local Development Plan 2011-2026**

The Local Development Plan was formally adopted on 28th June 2017 and will be used for consistent and rational decision-making during the Plan period to ensure the most efficient use of land and other limited resources, whilst at the same time promoting the regeneration and stimulation of the local economy for the benefit of the present and future population. The Plan recognises the importance of improving the existing housing stock through continued investment.

## **Vale of Glamorgan Local Housing Strategy 2015-2020**

The Local Housing Strategy sets out the long-term strategic vision for housing in the Vale of Glamorgan, which is that 'All residents in the Vale of Glamorgan have access to good quality, suitable housing and are able to live happily and independently in vibrant, sustainable communities.'

The four key aims of the Local Housing Strategy are:

- To provide more homes and more choice; ensuring that all residents have access to suitable and affordable accommodation.
- To improve homes and communities; by ensuring housing is maintained and fit for purpose, increasing the supply of good quality, energy efficient homes in vibrant and sustainable communities.
- To provide better housing advice and support; ensuring that residents have access to the housing and services they need to live independently and plan their housing futures.
- To provide equal access to housing and housing services; to recognise and respond to the diversity of housing needs of people in the Vale of Glamorgan.



## Vale of Glamorgan Housing Regeneration Policy 2018

The Housing Regeneration Policy complements this strategy by encouraging the co-operation of individuals in keeping their homes in good repair and by including initiatives that support property maintenance and regeneration. It recognises that circumstances exist where financial assistance is required, particularly for those on low incomes.

## Vale of Glamorgan Local Housing Market Assessment 2017

The Local Housing Market Assessment (LHMA) informs the Local Development Plan and provides evidence for the need for affordable housing in the Vale of Glamorgan. The LHMA assesses the housing market in the Vale of Glamorgan County; considering all geographical areas, at ward level and/or by major settlements. A range of information sources are used to feed into the assessment, including household projections, homelessness data, house prices, rental prices, household incomes, the Homes4U social housing register, Aspire2Own low cost home ownership database, social housing stock turnover and projected housing supply data.

In assessing the housing market as a whole, the LHMA calculates the net need for affordable housing, including social rented housing, intermediate rented housing and low cost home ownership housing products, over the coming years.

## Vale of Glamorgan Council Tax Policy 2019

With effect from 1st April 2019, the Council Tax discount of 50% for properties empty for over 6 months was removed. The Council now charges the standard rate of Council Tax on long-term empty homes in the Vale of Glamorgan (refer to Appendix 6 of the strategy). Through the next phase of this strategy the Council will monitor the impact this increase will have in reducing the number of empty homes. The Housing (Wales) Act 2014 gives Local Authorities discretionary powers to charge a premium of up to 100% of the standard rate of Council Tax on long-term empty homes. The benefits of specific measures will be considered during the lifetime of this strategy.

A key aim of the strategy is to continue to raise awareness of the empty homes issue by developing a whole Council approach through strengthening existing and developing new internal partnership.

## 3.2 Resources

The following resources have been identified to promote the whole Council approach to tackling empty homes:

**Staff Resources –** The EHLO post will provide the day-to-day monitoring of empty properties in the Vale, act as the public point of contact for general empty property enquiries and develop and manage public information on empty properties in the Vale of Glamorgan. This post will help to strengthen existing and develop new internal and external partnerships, adopting a whole Council approach to tackling empty homes.

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

- Housing Loans (refer to Section 3.4 and Appendix 4): Since 2012 Welsh Government has provided local authorities with funding to bring empty properties back into use. This funding is recyclable and on completion of the loan term is reinvested back into initiatives aimed at bringing empty properties back into use. The Council offer loans for Landlords who wish to renovate or convert an empty property to be let or sold (Empty Property Landlord Loan). The loan funding terms changed in February 2018, and loans are repayable within a 2-year period if a loan to sell or a 5-year period if a loan to let. Loans are also available for property owners who wish to occupy an empty property which is deemed to be uninhabitable (Empty Property Owner-Occupier Loan). Further information is available on the Council's Housing Loans webpage: [www.valeofglamorgan.gov.uk/housingloans](http://www.valeofglamorgan.gov.uk/housingloans).
- Working with Registered Social Landlords (RSLs): Close working relationships exist between the Council and the RSLs zoned by Welsh Government to develop in the Vale of Glamorgan namely Newydd Housing Association, Hafod Housing Association, United Welsh Housing Association and Wales and West Housing Association.

Opportunities to work together to align investment strategies with priority areas will be explored over the life of this strategy. For example, RSLs can target empty properties to develop additional housing, work with property owners, enter into lease agreements with empty property owners and in some instances, purchase empty properties. Furthermore, RSLs may 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.



**Wales and West Housing Association**  
[www.wwha.co.uk](http://www.wwha.co.uk)



**Newydd Housing Association**  
[www.newydd.co.uk](http://www.newydd.co.uk)



**United Welsh Housing Association**  
<http://emptyhomeswales.co.uk>



**Hafod Housing Association (Cartrefi Hafod Leasing & Lettings)**  
[www.hafod.org.uk](http://www.hafod.org.uk)

### 3.3 Roles and responsibilities

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

#### Regeneration

The EHLO undertakes proactive work with empty property owners to bring properties back into use. The EHLO maintains a database of empty properties (identified from Council Tax data) which is shared with SRS and offers relevant assistance and guidance (including housing loans, links to potential buyers, lessors, tenants and advice on cost savings) to help a property owner bring their property into use and to monitor progress. The EHLO will coordinate proactive work regarding empty properties and undertake external risk assessments of higher risk properties. If it is recognised that enforcement action may be required where the condition of a property is not being maintained (insecure, causing a nuisance or left derelict), the case may be referred to the relevant Council service area who can take on responsibility for determining the necessary action and enforcement options.

In the event of a property being identified as an empty property but not registered as such with Council Tax, the EHLO may investigate the issue and request that the Council Tax status be amended if required and arrange for the relevant actions to be undertaken.

#### Council Tax

The Council Tax team provides information on a 6 monthly basis (April and September) to the EHLO. The information is a breakdown of all properties included in the long-term empty home category, and includes the property addresses and contact details of the owner or their representatives. The EHLO orders the list by length of time spent empty, so those empty for 2 years and longer can be prioritised.

In addition, information on the following categories is provided by the Council Tax team:

- A. Unoccupied and unfurnished property undergoing repairs/renovation.
- C. Unoccupied and unfurnished property
- F. Unoccupied property which is awaiting probate.
- G. Unoccupied property which is unoccupied because occupation is prohibited by law.
- L. Unoccupied property where a mortgagee is in possession.
- Q. Unoccupied property where the person who would normally pay the Council Tax is bankrupt or insolvent trustee.

Council Tax and Regeneration 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.

## **Shared Regulatory Service (SRS) Neighbourhood Services**

Environmental Health Officers within SRS investigate complaints in connection with empty properties concerning matters such as properties which are open to unauthorised access, accumulations of refuse, and properties which are in a state of disrepair causing dampness to adjacent properties. Where necessary enforcement notices will be served and if they are not complied with then the owners may be prosecuted and/or work in default can be undertaken, the costs of which are recharged back to the owner.

## **Development Management**

The main role of the Council's Development Management 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.

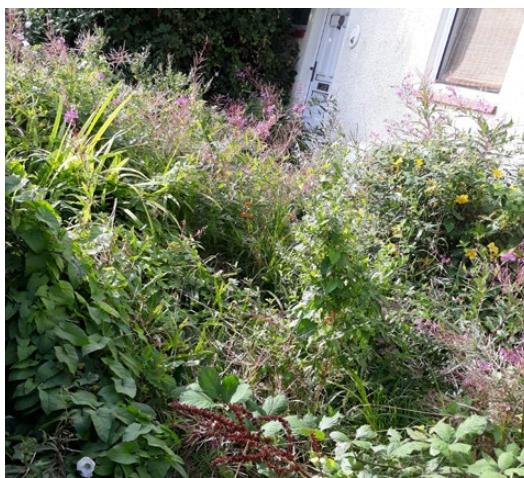


With regard to building control enforcement, action against properties in general, not only empty properties, would be in respect of section 77, 78 and 79 of the Building Act 1984. This action is primarily undertaken to resolve dangerous structure issues where the public would be at risk from the premature 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 Management Service will notify the EHLO. The Development Management 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.

#### **Examples of issues associated with empty homes:**



## **Housing Strategy Team**

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. The team will also support the ‘property matching’ function by maintaining a database of private landlords/investors who may be interested in purchasing or leasing an empty property. The EHLO liaises with the Private Sector Procurement Officer in this regard.

## **Legal Services Team**

The Legal Services Team provide advice and assistance on all legal aspects, please see Appendix 7. This includes Options for Enforcement Action (Appendix 2) of empty properties work undertaken by the Council. This includes general advice on the appropriateness of serving a CPO, the making, serving notice and advertising, 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 advise and assist with dealing with the steps up to and including Public Inquiries. The Legal Services Team also assist with the processing of Housing Loan Agreements which enable property owners to obtain funding to undertake repairs/renovations to their empty properties.

## **3.4 Services for landlords and property owners**

The Council will always seek to work with owners of empty properties in the first instance, offering advice, assistance and options designed to help owners with the process of returning empty properties back to use. The services and support currently available to private sector landlords and property owners include:

### **Coordinated Advice and Support**

Empty property owners are reminded of the benefits of bringing their properties into use which includes reminding owners that their property is more likely to hold its capital value if it is occupied and maintained. Information is provided on renting, leasing or selling options. In some instances, subject to the owner’s consent, a property can be matched up to a potential buyer or lessor. Examples of this include a lease agreement to an RSL or the sale of a property to a private investor/landlord or an RSL.

In addition, the benefits to the wider community are outlined:

- Contributing to strong balanced housing markets and community sustainability;

- Increasing the supply of good quality affordable housing;
- Enhancing the viability and vitality of the area;
- Reducing the risk of vandalism, arson or squatting and the fear of crime.

Advice and support is offered to landlords and property owners. Annually, the EHLO sends postal communications to all owners of empty properties (empty over 6 months). A property owner who is responsible for property that has been empty a significant time (i.e. over 3 years), where there is great housing need for the type of property or where there is a concern regarding the condition of a property, may receive a higher volume of communication. This postal information provides information relating to advice and loan products available to bring empty properties back into use and surveys to encourage engagement. The EHLO may follow up on an external property inspection where the property is deemed to be in poor condition by writing to a property owner to highlight the issue with a property. The owner is given the opportunity to respond and address the issues identified prior to referring the property to the relevant team for potential enforcement.

Hardcopies of the Empty Homes Booklet 'A Property Owner's Guide to Empty Homes' are posted to property owners who request it and the document can also be downloaded from the Empty Homes webpage: [www.valeofglamorgan.gov.uk/emptyhomes](http://www.valeofglamorgan.gov.uk/emptyhomes)

Council Tax also references the assistance available to bring empty homes into use in their communication. In addition, we engage with landlords, through a database of local landlords and investors maintained by the Housing Strategy Team, ensuring information and advice is available on the Council's website and at the Private Sector Landlord Forum. The Forums bring together Council officers, landlords and partner agencies to discuss issues and problems, emerging legislation and its application in the Vale of Glamorgan. It provides an informal opportunity for landlords to speak to Council officers and gain advice and sign posting.

Information is made available to landlords, on the Council's website, leaflets and face-to-face advice includes information and letting options and on selling options. In addition, information on financial assistance is made available which is outlined below.

## Financial Incentives and Assistance

This is available in the form of an interest free housing loan which helps fund the renovation and improvement of single properties or the conversion of empty properties into a number of units so that they are suitable for use as residential accommodation. There are two types of empty property loans:

- **Empty Property Landlord Loan:** Applicants can apply for a loan up to £35,000 per unit, with a maximum of £250,000 per applicant. Loans are repayable over

2 years if the property is sold, or 5 years if the property is let. The loan period can be set to 10 years if a property is renovated or converted to be used for social housing via the Vale Assisted Tenancy Scheme or equivalent.

- **Empty Property Owner-Occupier Loan:** Applicants can apply for a loan of up to £35,000 to help renovate a property they own and are planning on occupying. Similar to a mortgage, the loan is repaid on a monthly basis over a period of time (normally over 5 years).

The Council's Housing Loans terms are outlined in Appendix 4. Further information, including a Frequently Asked Questions document is available on the Council's Housing Loans webpage: [www.valeofglamorgan.gov.uk/housingloans](http://www.valeofglamorgan.gov.uk/housingloans)

Under certain circumstances, empty property owners are eligible for VAT discounts on the renovation of empty homes. To assist, the EHLO will provide a letter confirming the length of time empty which is required by HMRC if VAT discounts are to be applied.

## 3.5 The process for dealing with empty properties

Below is an outline of the steps that will be taken to deal with empty properties.

### 1. Identifying empty properties and updating the Council Tax System.

An empty property can be identified by the EHLO and other Council officers, 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 EHLO has access to the Council Tax system and can provide information to the relevant officers under the Data Sharing Agreement.

### 2. Adding a property and relevant contact details to the Empty Homes Database (Tascomi) and updating the database with relevant actions and progress.

A property that is registered as being empty for over 6 months as at 1st April each year will be added to the Tascomi Database which is shared by the EHLO and the SRS and relevant communication will be issued.

SRS 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 service areas of the Council on the property and ownership details if possible.

A complaint may also be made directly to the Planning or Building Control teams (depending on the issue) on a property which happens to be empty and the teams will respond to the complaint accordingly, normally following a site inspection.

### **3. 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 is known already then an initial letter and empty homes survey will be sent to them by the EHLO.

Proactive investigations targeting long-term empty properties will be carried out by the EHLO and officers from the SRS. In most cases, details of the identity of these properties and ownership can be accessed by the EHLO via the Council Tax System.

One of the main problems that will be encountered when dealing with empty properties is establishing the property ownership. In cases where the property owner cannot be traced, the following options are available to try to trace an owner:

- 1.** Council Tax Register - A written request for data can be sent to the relevant person.
- 2.** Land Registry Search.
- 3.** Electoral Register.
- 4.** Planning applications.
- 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.** Companies House.
- 7.** Housing Benefit Records - Section 237 Housing Act 2004.
- 8.** Speak with people in the community, i.e. neighbours.
- 9.** Speak with utility companies.
- 10.** Websites - There are several websites that can be used to assist in tracing people.
- 11.** Advert in paper.
- 12.** Citizen View (Experian, Call Credit and Equifax) Sec1(b) 2018 National Anti-Fraud Network [www.nafn.gov.uk](http://www.nafn.gov.uk)
- 13.** Hire a tracing agent - This is a last resort and may only be used where all options have been exhausted and requires permission from the Head of Regeneration and Planning.

### **4. Working with willing owners**

If the owner contacts the Council or has returned the annual Empty Homes Survey, the EHLO 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.

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 condition of the property, length of time empty and the housing need for the property.

The initial involvement will follow the steps as above, beginning with a letter requesting the property owner to contact and cooperate with the Council. For problem empty properties and properties that remain empty for a considerable time, external inspection visits are undertaken, and possible enforcement options are explored.

#### **6. Options appraisal**

Evidence will be gathered in cases where the owner is unwilling to cooperate and there is an issue with the external condition of the property, 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.

### **3.6 Enforcement**

A voluntary way forward to renovation and re-occupation is always the preferred option, and officers make all available endeavours to encourage and persuade such progress. However, in instances where owners cannot be traced or where exhaustive attempts to encourage and promote progress from known owners prove unproductive, or if there is an imminent risk to health and safety, there is little option but to proceed with a statutory solution. By closely following the approaches above and recording all actions taken a detailed record and evidence base is available at the time of enforcement that demonstrates all reasonable attempts have been made to return the property to use voluntarily. This increases the chance of success of the enforcement process if the owner was to appeal.

The empty property is evaluated for potential action using appropriate risk assessment criteria.

There are a range of enforcement options available to Council officers to deal with minor issues arising as a result of the property being empty e.g. accumulations of rubbish, overgrown gardens, disrepair affecting neighbouring properties etc. The Council 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 Council can undertake work in default and subsequently recover all reasonable expenses incurred in doing so. Many of the statutory provisions available to the Council 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 5.

In addition to this, there are several options available to the Council to deal more comprehensively with problematic 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 Appendix 2.

## **3.7 Aims and objectives 2019-2024**

The following strategic aims and objectives have been set to be completed during the course of the 2019-2024 strategy (please see Appendix 8: Strategic Partnership Action Plan).

### **Aim 1: Assemble, maintain and improve the accuracy of empty homes data -**

The Council will continue to develop a corporate system to keep detailed records of every empty home (as at 1st April each year) in the Vale of Glamorgan and ensure that it is regularly updated to provide accurate information. This information will be shared with SRS so that proactive and reactive actions can be coordinated. The Council will also make sure that it keeps records of empty homes which are brought back into use.

#### **The Council will do the following:**

- Maintain a database of empty properties. Update the database with up to date information from the Council Tax database every 12 months.
- Monitor the progress and outcome of voluntary measures, statutory notices and enforcement action and update the database accordingly.
- Monitor the number of Empty Properties that are brought back into use following the changes to Council Tax charging from 1st April 2019. Undertake a sample review of properties that are brought back into use and verify that they are in fact occupied.

## **Aim 2: Provide advice, assistance and financial incentives to reduce the number of long-term empty properties -**

The Council will continue to provide advice, assistance and guidance to landlords and property owners. The Council 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.

### **The Council will do the following:**

- 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 by:
  - sign posting property owners to independent financial assistance and advice; and,
  - assisting home owners to apply for a Housing Loan from the Council to bring the property back into use.
- Publish information in relation to:
  - the negative impact of leaving a property empty and remind property owners of the increasing housing need;
  - the financial assistance available; and,
  - how to access assistance to sell or let the property.

## **Aim 3: Promote the whole Council approach to tackling empty homes -**

The EHLO will liaise with Council teams and service areas whose work is pertinent to the issue and key partner organisations. The Council 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 where appropriate make full use of the Council's enforcement role.

### **The Council will do the following:**

- Continue to support information sharing and monitoring of empty homes. This is supported by the established Empty Homes Working Group who meet periodically to review progress and to agree solutions to issues encountered.
- Review the external visual appearance of problem empty properties in the poorest state of repair.
- Reduce the risks and hazards associated with empty properties.

- Consider the need for an in-house agency service for carrying out works in default.
- Work in partnership with RSLs with a view to them leasing/ purchasing empty properties for use as social housing.
- Collaborate with neighbouring local authorities to share expertise and resources for CPO action.
- Work to achieve consistently high-performance outcomes in comparison with other Welsh Local Authorities.

#### **Aim 4: Prioritise empty homes for enforcement action -**

The Council will review the powers available to deal with problem properties in the poorest state of repair.

**The Council will do the following:**

- Investigate the use of Section 215 Notices when the external condition of a property has a negative effect on the amenity of the area.
- Investigate the use of and agreed procedure for Enforced Sale for empty homes.
- Investigate the use of and agreed procedure for Compulsory Purchase Orders and Empty Dwelling Management Orders.

#### **Aim 5: Raise awareness of the empty homes issue -**

The Council will raise the profile of the empty homes issue by promoting and publicising successful projects and use them as a springboard to encourage the public to report empty properties in the Vale of Glamorgan.

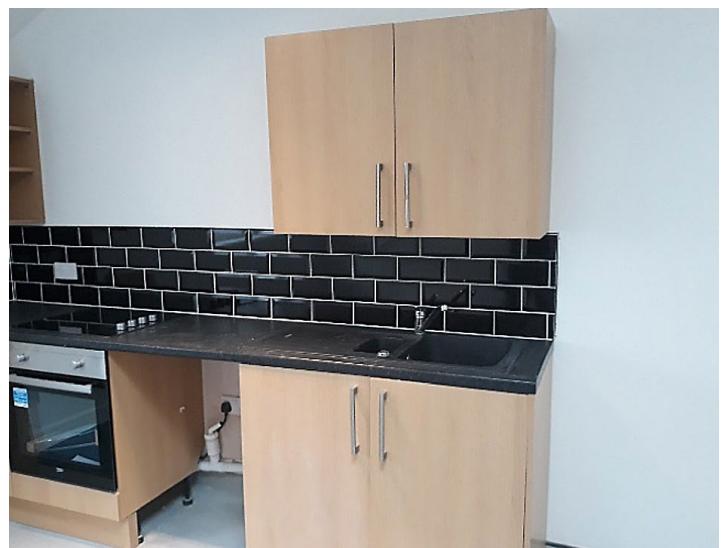
**The Council will do the following:**

- Raise awareness of the issues surrounding empty homes to the public, partners and corporately.
- Maintain a corporate approach to the implementation of Strategy.
- Report progress against the action plan to the relevant Scrutiny Committee every 12 months.

### **3.8 Ongoing monitoring and evaluation**

The Empty Homes Working Group, chaired by the Head of Regeneration and Planning will monitor this strategy and action plan. To ensure corporate ownership of this strategy an annual review of the action plan will be reported to the relevant Scrutiny Committee.

**Example of a long-term empty property that has been returned to use through housing loans facilitated by the Vale of Glamorgan Council:**





Vale of Glamorgan Council  
Empty Homes Strategy

# APPENDIX E



## Appendix 1: Guidance on PAM 13

Public Accountability Measures 2019-20: Guidance for local authorities

|                        |   |
|------------------------|---|
| <b>Theme</b>           | Housing: Empty properties   |
| <b>Measure</b>         | Percentage of empty private properties brought back into use  |
| <b>Technical title</b> | Percentage of empty private sector properties brought back into use during the year through direct action by the local authority  |
| <b>ID</b>              | PAM/013   |
| <b>Other IDs</b>       | -   |
| <b>Definition</b>      | <p>An empty property is a property liable for Council Tax, which has been unoccupied for a period of 6 months or more.</p> <p>This excludes:</p> <ul style="list-style-type: none"><li>• A second or holiday home.</li><li>• A property owned by any of the following:<ul style="list-style-type: none"><li>◦ registered social landlords (RSLs);</li><li>◦ Police and Armed forces;</li><li>◦ National Health Service;</li><li>◦ universities and colleges;</li><li>◦ local authorities and government;</li><li>◦ Crown estate; or</li><li>◦ churches and other religious bodies.</li></ul></li><li>• A property that is in use but for non-residential purposes.</li><li>• Properties that have been un-banded by the Valuation Office Agency (VOA).</li></ul> <p>The following are categories of direct action that local authorities can take to bring a property back into use:</p> <ul style="list-style-type: none"><li>• grants, loans or other financial assistance either provided or facilitated by the local authority;</li><li>• working with Registered Social Landlords (RSLs) or other intermediary with relevant expertise in order to seek a suitable tenant for the property;</li><li>• enforcement action including statutory notices;</li><li>• tax concession letters (on request from owner);</li><li>• direct third-party purchases enabled by the local authority; or</li><li>• dialogue with the owner where the owner has engaged with and responded to the local authority.</li></ul> |
| <b>Calculation</b>     | Numerator/Denominator x 100   |

|   |  |
|---|--|
| <b>Numerator</b>  | Number of empty private properties brought back into use   |
| <b>Technical title</b>  | Number of empty private sector properties brought back into use during the year through direct action by the local authority |
| <b>Sourced from</b>   | Local authorities  |
| <b>Denominator</b>  | Number of empty private sector properties  |
| <b>Technical title</b>  | Number of private sector properties that had been vacant for more than 6 months at 1 April                                   |
| <b>Sourced from</b>   | Local authorities  |
| <b>Guidance for local authorities</b>   |  |
| <p>An empty property is a property liable for Council Tax, which has been unoccupied for a period of 6 months or more.</p> <p>The data for this measure can be obtained from the revenue section of the local authority, who should have information relating to whether Council Tax is being paid on the property. Include all properties which are liable to Council Tax, in the following exemption classes, regardless of whether a discount is applied or not and that have been empty for more than 6 months:</p> <ul style="list-style-type: none"> <li>A. Unoccupied and unfurnished property undergoing repairs /renovation.</li> <li>C. Unoccupied and unfurnished property.</li> <li>F. Unoccupied property which is awaiting probate.</li> <li>G. Unoccupied property which is unoccupied because occupation is prohibited by law.</li> <li>L. Unoccupied property where a mortgagee is in possession.</li> <li>Q. Unoccupied property where the person who would normally pay the Council Tax is a bankrupt or insolvent trustee.</li> </ul> <p>Properties which have been classed under exemption C and then re-banded as '0' or 'zero' should also be included.</p> <p>This excludes:</p> <ul style="list-style-type: none"> <li>• A second or holiday home.</li> <li>• A property owned by any of the following: <ul style="list-style-type: none"> <li>◦ registered social landlords (RSLs);</li> <li>◦ Police and Armed forces;</li> <li>◦ National Health Service;</li> <li>◦ universities and colleges;</li> <li>◦ local authorities and government;</li> <li>◦ Crown estate; or</li> <li>◦ churches and other religious bodies.</li> </ul> </li> <li>• A property that is in use but for non-residential purposes.</li> <li>• Properties that have been un-banded by the Valuation Office Agency (VOA).</li> </ul> |  |

The number of properties that have been empty for at least 6 months should be counted at the 1 April. This figure should not be adjusted to include any properties that reach the 6-month mark during the year.

The following are categories of direct action that local authorities can take to bring a property back into use:

- grants, loans or other financial assistance either provided or facilitated by the local authority;
- working with registered social landlords (RSLs) or other intermediary with relevant expertise in order to seek a suitable tenant for the property;
- enforcement action including statutory notices;
- tax concession letters (on request from owner);
- direct third-party purchases enabled by the local authority; or
- dialogue with the owner where the owner has engaged with and responded to the local authority.

A detailed record of the above direct action should be kept by local authorities for audit purposes.

A property should only be counted once, regardless of whether it has been subject to more than one action/intervention that led to it being brought back into use. A property should also only be counted once, regardless of whether it has been subject to both direct and indirect interventions.

The action by the local authority must have taken place during the current or previous financial year and prior to the property being brought back into use for it to be counted.

Properties which were un-banded on the 1 April tax list, but were brought back into use and re-banded during the reporting period should be counted as additional dwellings created.

Where properties are sub-divided into additional units in an effort to bring them back into use, only the original number of empty properties should be included. For example, a house that has been converted into three flats and brought back into use would count as one property having been brought back into use.



## **Appendix 2: 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 SRS 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 that the owner implements 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 SRS 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 SRS 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 SRS 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 recover 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 problems caused by the property being empty; however, any debts owed to the Local Authority as a whole will be considered.

#### **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 3: Progress against the action plan of the previous strategy 2012 - 2017

| Aim 1: Monitor Empty Homes |  |  |                              |   |   |
|----------------------------|--|--|------------------------------|---|---|
| Sub Ref                    | Action   | Success Criteria & Outcomes  | High, Medium or low priority | Officer/Team Responsible                                    | 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.<br><br>Database of all empty home activities record on system.                         | H                            | EHLO  | A new database is in use (Tascomi) which includes the recording of Empty Properties with the relevant actions and communications. The database is used by the EHLO within Regeneration and Planning and used by Environmental Health Officers within SRS who may need to take Enforcement Action. Information on Empty Properties is generally provided by Council Tax to the EHLO twice a year - at the beginning of each recording year and subsequently during September/October. Empty Properties as at 1st April each year are added to the system and periodic letters and surveys are issued to the owners to encourage engagement, responses are analysed and relevant assistance is offered.   |
| 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                            | EHLO  | A Data Sharing Agreement is in place between Council Tax, Regeneration and Planning and SRS to enable empty homes to be recorded and targeted for offer of assistance. The main point of contact for Empty Properties is the EHLO and the officer will liaise with relevant teams with enforcement powers (Planning, Shared Regulatory Service and Building Control) as required. Information and updates are presented in Empty Property Working Group meetings.   |
| 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                            | Team Leader Economy and Neighbourhood Renewal (E&NR) / EHLO | An investigation was undertaken into how risk assessments could be undertaken on Empty Properties as part of the Council Tax empty property check but it was not financially viable. In the event of a complaint regarding an empty property, SRS and Planning assess the condition of empty properties. The EHLO relies on property owners to provide information on the internal condition of their own properties and whether habitable or not and the reason for being empty: <ul style="list-style-type: none"><li>• No. of Bedrooms</li><li>• Condition (Good, Average, Poor) and whether habitable</li><li>• Reason for being empty</li><li>• Proposed use</li></ul> This information is added to the database within the Risk Assessment section which also records the date from which the property has been empty. During 2019-2020 it is planned that risk assessments will be undertaken by the EHLO on the visual external appearance of long-term empty properties (and corresponding land) where no prior engagement/progress has been achieved. |
| 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.<br><br>Empty home information section available on Council's intranet. | M                            | Team Leader (E&NR) / EHLO                                   | The Empty Homes Working Group brings the relevant parties together to develop the renewed Strategy. The Group has influenced the decision on how Council Tax is charged on Empty Properties (removal of 50% empty property discount) so that there is an additional financial deterrent to empty properties being empty long-term. A revised Strategy for 2019-2024 is in progress.   |

## Aim 2: Provide advice, assistance and guidance to landlords and property owners

| Sub Ref | Action   | Success Criteria & Outcomes   | High, Medium or low priority | Officer/Team Responsible | Progress  |
|---------|--|---|------------------------------|--------------------------|---|
| 2.1     | To produce an empty property information leaflet for owners of empty properties and members of the public. | Empty Homes leaflet sent to owners of empty homes.  | H                            | EHLO                     | A comprehensive Empty Homes Booklet was produced in 2018 (A Property Owner's Guide to Empty Property) and empty home owners have been contacted with the link/web address to an electronic version of the booklet and an offer of a paper copy to be sent. A Housing Loans leaflet was updated in 2018 and is sent to relevant property owners in the large mailing undertaken during April / May. A supply of the leaflet has been distributed to estate agents, auction houses, relevant Council teams and service areas, relevant charities and Council reception areas.   |
| 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                            | EHLO                     | Web pages have been developed and updated. The design used for the Empty Homes page and the Housing Loans page are consistent with the Empty Homes Booklet 'A Property Owner's Guide to Empty Homes' and are easy to follow.  |
| 2.3     | Undertake a survey of owners of empty properties within the Vale of Glamorgan.                             | Survey of owners completed and analysed to establish reasons or barriers to re-occupation.                | H                            | EHLO                     | Periodic Surveys are undertaken which were undertaken in October 2017 and April 2018. They serve as an information collation exercise (reasons for being empty and condition of property etc.) as well as a tool to encourage engagement from property owners so that assistance can be offered and owners are supported to resolve issues sooner rather than later.  |
| 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                            | EHLO                     | Welsh Government issued revised housing loans terms in February 2018. The Council used this as a catalyst to re-launch the loans scheme and the revised terms were approved by Cabinet 26th March 2018. Successful developments through Housing Loan funding have been completed within the renewal areas e.g. Upper Holton Road where new/renovated units have become occupied. As well as periodic mailings, reminding empty home owners of the scheme, Facebook posts have been used to promote the scheme. The EHLO has contacted local estate agents and auction houses to encourage signposting and along with communications via the Private Rented Procurement Officer (Housing) with known landlords/investors to raise awareness. |
| 2.5     | To develop a protocol for linking the owners of empty properties with local builders, developers and RSLs. | Information on empty homes in the Vale of Glamorgan made available to the public and organisation.        | M                            | EHLO                     | Following a survey, the EHLO will know whether the property owner would consider working with an RSL to potentially lease or sell their property. A list of properties is circulated to RSLs who are invited to make expressions of interest in such properties. The EHLO obtains information from RSLs and provides periodic updates in the Strategic Housing Forum which is held quarterly. Due to liability issues, the EHLO cannot recommend particular builders and tradespeople to undertake works at a property but the Officer highlights the importance of obtaining at least 2 itemised quotes and informs owners how to check that the contractors are competent to undertake the works.   |

### Aim 3: Reduce the negative effect of empty homes on our communities

| Sub Ref | Action   | Success Criteria & Outcomes   | High, Medium or low priority | Officer/Team Responsible  | Progress  |
|---------|--|---|------------------------------|---------------------------|---|
| 3.1     | To develop an 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                            | Team Leader (E&NR) / EHLO | <p>Properties that have been empty for over 6 months are periodically sent relevant information on assistance available. The Empty Homes Working Group agreed that a prioritised letter/communication is sent to owners whose property meet the following criteria:</p> <ul style="list-style-type: none"> <li>• Empty for over 3 years and where there is housing need (properties identified by housing).</li> <li>• Empty over 10 years.</li> </ul> <p>The EHLO documents actions and communications on the Tascomi database which is shared with SRS. Where known the following information is entered:</p> <ul style="list-style-type: none"> <li>• Date Empty</li> <li>• No. of Bedrooms</li> <li>• Condition (Good, Average, Poor) and whether habitable</li> <li>• Reason for being empty</li> <li>• Proposed use</li> </ul> <p>Where there is a complaint with regards to an empty property, the relevant service area or team is required to assess the condition and its impact on others. The EHLO passes on the concern/complaint if they are not made directly to the relevant service area or team.</p> <p>From 2019/2020, it is proposed that the EHLO undertakes a visual inspection (basic Risk Assessment) of long term properties where no engagement/progress has been achieved to date and to flag to the relevant service area or team with enforcement powers.</p> <p>A risk assessment document to reflect the condition of the property (external) has been created 'Empty Property Condition Form' which, once completed will be recorded in the Tascomi system along with relevant photographs and referred to the relevant service area or team as required.</p> |
| 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                            | Team Leader (E&NR) / EHLO | See progress notes above.   |
| 3.3     | To develop the availability of in-house agency service for carrying out works in default.  | Works in default arranged and supervised by in-house Council's Private Sector Housing Agency Service.   | H                            | Team Leader (E&NR) / EHLO | Over the life of this strategy no action was taken requiring works in default.  |

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

| Sub Ref | Action  | Success Criteria & Outcomes   | High, Medium or low priority | Officer/Team Responsible   | Progress   |
|---------|---|---|------------------------------|--|--|
| 4.1     | Investigate the use of and agreed procedure for Enforced Sale for empty homes.  | Enforced sales action taken in relation to problem empty home.                                | H                            | Team Leader (E&NR) / Principal Lawyer                                    | Over the life of this strategy no action was taken requiring the use of Enforced Sale procedures.  |
| 4.2     | Investigate the use of and agreed procedure for Compulsory Purchase Orders (CPO) and Empty Dwelling Management Orders (EDMO).         | Use or threat of use of CPO or management order returns problem empty property to occupation. | H                            | Team Leader (E&NR) / Principal Lawyer                                    | Over the life of this strategy no action was taken requiring the use of CPO or EDMO.   |
| 4.3     | Develop agreements with local housing associations with a view to them leasing/purchasing empty properties for use as social housing. | Agreement in place with at least one RSL to lease or purchase empty houses.                   | M                            | EHLO   | <p>The EHLO informs the partner RSLs of properties that may be available to be leased or purchased for social housing purposes.</p> <p>As a result of periodic surveys, some empty property owners agree for their property details to be circulated for this purpose.</p> <p>Additionally, the EHLO attends the Strategic Housing Forum where RSLs provide updates on property development and information is exchanged.</p> <p>The housing loan terms for empty properties have recently changed and the loan period has been extended for borrowers that are renovating/creating property to be used for social housing (via an RSL or through the Vale Assisted Tenancy Scheme).</p> |
| 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 shared expertise and resources for CPO action.                    | M                            | EHLO / Team Leader (E&NR) / Team Manager Neighbourhood Services (NS) SRS | The EHLO attends and contributes to the South East Wales Empty Property Group to discuss empty homes work and the Welsh Government's Housing Loans Steering Group to discuss housing loans. Each meeting is held quarterly and each Local Authority presents information on progress and useful information is exchanged. The EHLO liaises with relevant officers in neighbouring authorities as required to exchange information/best practice. Over the life of this strategy no action was taken requiring the use of CPO.  |

## Aim 5: Promote the empty homes initiative

| Sub Ref | Action   | Success Criteria & Outcomes  | High, Medium or low priority | Officer/Team Responsible                       | Progress   |
|---------|--|--|------------------------------|--|--|
| 5.1     | To promote the strategy within the Authority to other departments and elected members.               | Presentation to elected members and Head of Service on empty homes strategy.<br><br>Empty Homes information section available on Council's intranet. | M                            | Head of R&P/<br>EHLO/<br>Team Leader<br>(E&NR) | The existing 2012-2017 strategy is available on the Council's website within the Empty Homes webpage and is referred to in communication with empty property owners.<br><br>The consultation process with regards to the revised strategy (2019-2024), followed by Cabinet approval will help promote the continuation of the strategy and raise awareness of the empty homes issue.   |
| 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                            | Team Leader<br>(E&NR)/<br>EHLO                 | The existing 2012-2017 strategy is available on the Council's website within the Empty Homes webpage.<br><br>The revised strategy 2019-2024 will be referred to in letters to empty property owners, in the Empty Homes booklet and relevant meetings/events e.g. Landlord Forum & Strategic Housing Forum. The strategy will be available on the Empty Homes webpage.<br><br>In advance of the recent change to Council Tax policy (with effect from 1st April 2019) property owners received letters referring to the assistance the Council is able to offer.   |
| 5.3     | To develop a web page specific to empty properties and the empty property strategy.                  | Member of the public able to obtain information about the empty homes strategy and report problem empty homes.                                       | M                            | EHLO   | A web page has been developed with regards to empty properties. An empty property is defined and the page has been designed to engage with empty property owners by outlining the assistance on offer. Additionally, a booklet is available to download 'A Property Owner's Guide to Empty Homes'.<br><br>For members of the public who are concerned about an empty property, there is an Enforcement section which is linked to the SRS website whereby the public can make a complaint. The Empty Property Strategy 2012-2017 is available to view/download (an updated version is in the process of being prepared). |



## Appendix 4: Empty property housing loans terms and conditions

### Empty Property Landlord Loans

|                                       |  |
|---------------------------------------|--|
| <b>Aim</b>                            | To renovate a dwelling to a reasonable standard, free from any serious hazards (as a minimum), so that it is suitable for immediate occupation, whether by sale (loan to sell) or to let (loan to let).<br>or<br>To convert an empty property or commercial building into one or more units so that it is suitable for immediate occupation, whether by for sale (loan to sell) or to let (loan to let).   |
| <b>Applicant Eligibility</b>          | <p>The applicant must be over 18 years of age.</p> <p>The applicant must be the property owner on completion of the loan approval.</p> <p>The applicant must pass the affordability checks.</p> <p>Person(s) applying for the loan may either be the existing or prospective owner(s), but must in either case be able to supply security for the loan as detailed below. The property must be in the applicant(s) name before the loan can be approved.</p> <p>The applicant must not have any debt owing to the Council.</p> <p>The applicant must not have been prosecuted by the Council for housing related offences.</p> |
| <b>Property Eligibility</b>           | <p>The property must have been vacant for a minimum of 6 months where it is empty at the time of application.</p> <p>A dwelling assessment indicates that the works for which the loan application relates is required.</p>  |
| <b>Works funded</b>                   | <p>To be eligible, the works must:</p> <p>On completion, result in the property/units being suitable for immediate residential occupation and comply with all relevant Building Regulations and Planning.</p> <p>Enable the property to meet the current statutory minimum standard for housing, is in a reasonable state of repair, has reasonably modern facilities and services, and provides a reasonable degree of thermal comfort, i.e. efficient heating and insulation.</p> <p>Be completed within the agreed timeframe.</p>   |
| <b>Minimum and maximum assistance</b> | £1,000 up to £35,000 per unit of accommodation, up to a maximum of £250,000 per application.   |
| <b>Interest</b>                       | <p>Interest Free.</p> <p>The loan is interest free. However, in the event of a breach of the loan conditions, the Vale of Glamorgan Council may charge interest at the Standard National Rate in force at the time of the loan.</p>  |
| <b>Fees</b>                           | <p>An administration fee of £590 is payable by the applicant to the Council on submission of the application of one unit.</p> <p>For multiple units, an additional application fee of £50 per additional unit will be payable.</p> <p>The administration fee will include Land Registry Fees. However, it will not cover the cost of RICS Valuation Reports which may be required and will need to be provided by the applicant.</p> <p>Applications received without payment of the associated fees will not be processed.</p>  |
| <b>Maximum loan period</b>            | <p>A maximum of 2 years if the intention is to sell the property following works.</p> <p>A maximum of 5 years if the intention is to let the property following works.</p> <p>A maximum of 10 years if the intention is to let via the Council's Vale Assisted Tenancy Scheme or equivalent.</p>   |

|                                   |   |
|-----------------------------------|---|
| <b>Payment terms</b>              | Loans can be drawn down in advance, in stages or on completion of works which is at the discretion of the EHLO. This detail will be set out in the loan legal agreement.  |
| <b>Repayment terms</b>            | Full repayment to be made by the end of the term or on the transfer/sale of the property if earlier. This detail will be set out in the loan legal agreement.   |
| <b>Risk mitigation measures</b>   | <p>The overall loan to value ratio (taking into account the first/second property charges) will not exceed 80%.</p> <p>Property valuations (RICS) to be undertaken on all properties where 1st or 2nd Land Registry charges exist.</p> <p>Staged payments may be applied.</p>   |
| <b>Other terms and conditions</b> | <p>All loans paid under this scheme will be repayable.</p> <p>All loan applicants will be required to enter into a legal agreement with the Council regarding the repayment of the loan.</p> <p>The applicant must complete the works to the property within the stated timescales. Failure to do so will be a breach of the loan agreement and will trigger a repayment request.</p> <p>Where any sum is required to be paid, but is not repaid in accordance with the loan conditions, a breach of conditions will have occurred and Vale of Glamorgan Council may demand immediate repayment of the loan and any interest.</p> <p>Failure to repay the loan at the end of the term or on demand where there is a breach will result in the Council taking legal action to recover the loan.</p> <p>All legal charges must be either first or (where Vale of Glamorgan Council receives confirmation from the first charge holder that it consents to a second charge) second charges. Third or subsequent charges will not be accepted.</p> <p>The applicant is responsible for obtaining own financial and legal advice prior to committing to the loan application.</p> <p>If after the completion of works, the relevant property contains a category 1 hazard (as defined by the Housing Health and Safety Rating System (HHSRS) the property cannot be rented out, this will breach the loan terms.</p> <p>If the property is to be let, the applicant must adhere to The Housing (Wales) Act 2014 regulation as administered by Rent Smart Wales.</p> <p>If letting a House in Multiple Occupancy, licensing requirements must be adhered to.</p> <p>Valid buildings insurance must be in place for the duration of the loan term.</p> |

## Empty Property Owner Occupier Loans

|                                       |  |
|---------------------------------------|--|
| <b>Aim</b>                            | To improve the standard of a residential property in which the owner(s) will reside in by providing funding for essential repairs to be undertaken or to make a property safe/warm and/or secure.  |
| <b>Applicant Eligibility</b>          | <p>The applicant must be over 18 years of age.</p> <p>The applicant must own the property</p> <p>The applicant must pass the affordability checks.</p> <p>The applicant must not have any debt owing to the Council.</p> <p>The applicant must not have been prosecuted by the Council for housing related offences.</p>   |
| <b>Property Eligibility</b>           | <p>The property must be residential.</p> <p>The property requires essential maintenance or works to make it safe/warm and/or secure.</p> <p>For Empty Property Owner Occupier Loans the property must have been vacant for a minimum of 6 months where it is empty at the time of application.</p> <p>A dwelling assessment indicates that the works for which the loan application relates is required.</p>   |
| <b>Works funded</b>                   | <p>To be eligible, the works must:</p> <p>On completion, result in the property being suitable for immediate residential occupation and comply with all relevant Building Regulations and Planning.</p> <p>Enable the property to meet the current statutory minimum standard for housing, is in a reasonable state of repair, has reasonably modern facilities and services, and provides a reasonable degree of thermal comfort, i.e. efficient heating and insulation.</p> <p>Be completed within the agreed timeframe.</p> |
| <b>Minimum and maximum assistance</b> | £1,000 up to £35,000   |
| <b>Interest</b>                       | <p>Interest Free.</p> <p>The loan is interest free. However, in the event of a breach of the loan conditions, the Vale of Glamorgan Council may charge interest at the Standard National Rate in force at the time of the loan.</p>  |
| <b>Fees</b>                           | <p>An administration fee of £590 is payable on submission of the application. The applicant will pay 50% (£295) of the application fee, the Council will fund the remaining 50% (£295) of the fee subject to funding availability.</p> <p>The administration fee will include Land Registry Fees.</p> <p>Applications received without payment of the associated fees will not be processed.</p>   |
| <b>Maximum loan period</b>            | Up to 5 years.   |
| <b>Payment terms</b>                  | Loans can be drawn down in advance, in stages or on completion of works which is at the discretion of the EHLO. This will be set out in detail in the loan legal agreement.  |
| <b>Repayment terms</b>                | Monthly payments or other staged payments to be agreed with the EHLO. This will be set out in detail in the loan legal agreement.  |

|   |  |
|---|--|
| <b>Risk mitigation measures</b>           | <p>The overall loan to value ratio (taking into account the first/second property charges) will not exceed 80%.</p> <p>Valuations (RICS) to be undertaken on all properties where 1st or 2nd Land Registry charges exist.</p> <p>Staged payments may be applied.</p>   |
| <b>Other terms and conditions of loan</b> | <p>All loans paid under this scheme will be repayable.</p> <p>All loan applicants will be required to enter into a legal agreement with the Council regarding the repayment of the loan.</p> <p>The applicant must complete the works to the property within the stated timescales. Failure to do so will be a breach of the loan agreement and will trigger a repayment request and interest to be added on the loan.</p> <p>Where any sum is required to be paid, but is not repaid in accordance with the loan conditions, a breach of conditions will have occurred and Vale of Glamorgan Council may demand immediate repayment of the loan and any interest.</p> <p>Failure to repay the loan at the end of the term or on demand where there is a breach will result in the Council taking legal action to recover the loan.</p> <p>All legal charges must be either first or (where Vale of Glamorgan Council receives confirmation from the first charge holder that it consents to a second charge) second charges. Third or subsequent charges will not be accepted.</p> <p>The applicant is responsible for obtaining own financial and legal advice prior to committing to the loan application.</p> <p>If the loan recipient sells the property during the term of the loan, it must be immediately repaid in full.</p> <p>Valid buildings insurance must be in place for the duration of the loan term.</p> |

## Appendix 5: 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<br>Section 4 (Destruction of rats & mice)   | YES  | YES                            |
| Public Health Act 1961<br>Section 17 (Repairs to drains and sewers)  | NO   | NO                             |
| Local Government (Miscellaneous Provisions) Act 1976<br>Section 35 (Blocked private sewers)  | NO   | NO                             |
| Local Government (Miscellaneous Provisions) Act 1982<br>Section 29 (Prevention of unauthorised entry)  | NO   | NO                             |
| Building Act 1984<br>Section 59 (Defective drainage)<br>Section 76 (Defective premises)<br>Section 77 & 78 (Dangerous Buildings)<br>Section 79 (Ruinous & dilapidated buildings)     | YES  | YES                            |
| Environmental Protection Act 1990<br>Section 80 (Abatement of statutory nuisances)   | YES  | YES                            |
| Town and Country Planning Act 1990<br>Section 215 (Land adversely affecting the amenity of an area)  | YES  | YES                            |
| Housing Act 2004<br>Section 5 (Duty to take enforcement action in relation to category 1 hazards)<br>Section 7 (Powers to take enforcement action in relation to category 2 hazards) | YES  | YES                            |



## Appendix 6: 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 that require or are undergoing major repair works or are undergoing structural alterations (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 detention
- 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 \*
- Q. Unoccupied dwellings in the possession of a trustee in bankruptcy \*
- R. A dwelling consisting of a Pitch or a Mooring which is not occupied by a caravan, or a boat
- T. Dwellings forming part of another dwelling which cannot be let separately

**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.

\* *Classes relevant to the Empty Homes Strategy and PAM 13*

### **Disclosure of property owner contact details**

Section 85 of the Local Government Act 2003 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 -

18A (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.

14. 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.

15. 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;

"*Long-term empty property*" 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.

## **Appendix 7: Legal Direction**

### **Legal Department and the use of Compulsory Purchase Orders (CPO)**

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 bringing 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.



## Appendix 8: Strategic Partnership Action Plan 2019-2024

| Aim 1: Assemble, maintain and improve the accuracy of empty homes data |  |   |                              |   |          |
|--|--|---|------------------------------|---|----------|
| Sub Ref  | Action   | Success Criteria & Outcomes   | High, Medium or Low priority | Officer/Team Responsible                      | Progress |
| 1.1  | Maintain an empty property database containing information provided by Council Tax (April each year) and ongoing monitoring of actions and communications. | Council Tax database on empty home provided twice per year.<br><br>Database of all empty home activities recorded on system to support evidence for PAM 13.   | H                            | EHLO  |          |
| 1.2  | Surveys distributed to empty property owners to establish the reasons for being empty and to inform strategic direction.                                   | Annual Surveys regarding empty properties as at 1st April each year.<br><br>Targeted Surveys sent regarding high priority properties.<br><br>Survey of owners completed and analysed to establish reasons or barriers to re-occupation.                       | H                            | EHLO  |          |
| 1.3  | Review the impact of Council Tax changes to empty properties.  | Monitor the number of Empty Properties that are brought back into use following the changes to Council Tax charging from 1st April 2019.<br><br>Undertake an analysis of properties that are brought back into use and verify that they are in fact occupied. | M                            | EHLO Operational Manager (Exchequer Services) |          |

Aim 2: Provide advice, assistance and financial incentives to reduce the number of long-term empty properties

| Sub Ref | Action   | Success Criteria & Outcomes   | High, Medium or Low priority | Officer/Team Responsible | Progress |
|---------|--|---|------------------------------|--------------------------|----------|
| 2.1     | Letters issued to Empty Property owners with links to relevant assistance and support.                                 | A letter issued annually as a minimum.  | H                            | EHLO                     |          |
| 2.2     | Make full use of the Council's social media platforms to promote and share information about the assistance available. | Full information for the owners/landlords on options for addressing empty homes on the Council's website.   | H                            | EHLO                     |          |
| 2.3     | To inform property owners of the options available.  | Referrals regarding selling or leasing properties.<br><br>Circulate lists of relevant properties to interested parties.<br><br>Issue letters to enable property owners to pay reduced VAT on renovation work. | H                            | EHLO                     |          |
| 2.4     | To promote the availability of the Housing Loans Scheme to property owners and property developers.                    | Occupation of empty properties as a result of regeneration financial assistance.<br><br>To support the results of PAM 13 and PAM 45.  | H                            | EHLO                     |          |

| Aim 3: Promote the whole Council approach to tackling empty homes |  |  |                              |  |          |
|---|--|--|------------------------------|--|----------|
| Sub Ref   | Action   | Success Criteria & Outcomes  | High, Medium or Low priority | Officer/Team Responsible   | Progress |
| 3.1   | Continue to support cross service information sharing and monitoring of empty homes. This is supported by the established Empty Homes Working Group who meet periodically to review progress and to agree solutions to issues encountered. | Regular Empty Homes Working Group Meetings.<br><br>Information and action on identified empty homes shared between teams.                                  | H                            | EHLO   |          |
| 3.2   | To review the external visual appearance of long-term problem properties and refer for relevant enforcement action if required.  | External Condition Risk assessments on properties that have been empty over 5 years.<br><br>Reduce the risks and hazards associated with empty properties. | H                            | EHLO   |          |
| 3.3   | Consider the need for an in-house agency service for carrying out works in default.  | Works in default arranged and supervised by the Council.   | H                            | Team Leader Economy & Neighbourhood Renewal (E&NR)                       |          |
| 3.4   | Develop a 'matching service' in partnership with RSLs and property owners with a view to lease or purchase of empty properties for social housing.   | Completion of lease or purchase of empty properties.   | H                            | EHLO   |          |
| 3.5   | Collaborate with neighbouring local authorities to share expertise and resources for CPO actions.  | Periodic meetings with neighbouring local authorities including attendance and information exchange at the South East Wales Empty Property Group meetings. | M                            | Team Leader (E&NR) / Team Manager Neighbourhood Services (NS) SRS / EHLO |          |
| 3.6   | Work to achieve consistently high-performance outcomes in comparison with other Welsh Local Authorities.   | To achieve consistently high results for PAM 13: Percentage of empty properties brought back into use.   | H                            | EHLO   |          |

#### Aim 4. Prioritise empty homes for enforcement action

| Sub Ref | Action   | Success Criteria & Outcomes   | High, Medium or Low priority | Officer/Team Responsible                               | Progress |
|---------|--|---|------------------------------|--|----------|
| 4.1     | In response to investigations undertaken by the EHLO (as well as public complaints), issue Section 215 Notices when the external condition of a property has a negative effect on the amenity of the area. | Increased use/ threat to use Section 215 notices when required.           | M                            | Principal Officer Appeals and Enforcement (A&E) / EHLO |          |
| 4.2     | Investigate the use of and agreed procedure for Enforced Sale for empty homes.   | Review additional resources required and consider options moving forward. | M                            | Team Manager (NS) SRS / Principal Lawyer               |          |
| 4.3     | Investigate the use of and agreed procedure for Compulsory Purchase Orders and Empty Dwelling Management Orders.   | Review additional resources required and consider options moving forward. | M                            | Team Manager (NS) SRS/ Principal Lawyer                |          |

#### Aim 5: Raise awareness of the empty homes issue

| Sub Ref | Action  | Success Criteria & Outcomes   | High, Medium or low priority | Officer/Team Responsible  | Progress |
|---------|---|---|------------------------------|---------------------------|----------|
| 5.1     | To promote the strategy within the Council to other teams, service areas and elected members. | Presentation to relevant teams and service areas on the Empty Homes Strategy.<br><br>Empty Homes information section available on Council's intranet. | H                            | Team Leader (E&NR) / EHLO |          |
| 5.2     | To promote the strategy within the community via social media and other communications.       | Circulate information with links to the Strategy and assistance available.<br><br>Present information in Landlord Forums and other relevant groups.   | H                            | EHLO                      |          |
| 5.3     | To monitor and evaluate the strategy and action plan.   | Annual review of action plan reported to relevant scrutiny committee.   | H                            | Team Leader (E&NR)        |          |

# Empty Homes



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