

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 23 March 2020</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Empty Homes Strategy 2019-2024
Purpose of Report:	To advise Cabinet of the results of the public consultation on the Draft Empty Homes Strategy 2019-2024 and seek approval to adopt the amended Empty Homes Strategy 2019-2024.
Report Owner:	Deputy Leader and Cabinet Member for Education and Regeneration
Responsible Officer:	Rob Thomas, Managing Director
Elected Member and Officer Consultation:	<p>Individual Ward Members have not been consulted on this report as this is a strategic issue and its impact is Vale wide.</p> <p>Committee Reports Inbox - Legal Services</p> <p>Operational Manager (Accountancy)</p> <p>Operational Manager (Exchequer Services)</p> <p>Finance Support Manager (Regeneration and Planning)</p> <p>Operational Manager (Planning and Building Control)</p> <p>Head of Shared Regulatory Services</p> <p>Operational Manager (Neighbourhood Services) - Shared Regulatory Services</p> <p>Operational Manager (Regeneration)</p> <p>Head of Housing and Building Services</p> <p>Operational Manager, Public Housing Services</p> <p>Equality Co-ordinator</p>
Policy Framework:	This is a matter for Executive decision by Cabinet.

#### Executive Summary:

- This report outlines the consultation responses received on the Council's Draft Empty Homes Strategy 2019-2024. The 2019-2024 strategy follows on from the previous 2012-2017 strategy and sets out the Council's continued commitment to bring empty private sector homes back into use.
- The 4-week public consultation period took place between 25th October and 22nd November 2019 and a total of 14 responses were received to the online questionnaire on the Council's website. A summary of the responses is attached at Appendix 1.
- The report seeks Cabinet's endorsement of the Equality Impact Assessment attached at Appendix 5 and the responses to the comments received on the Draft Empty Homes Strategy 2019-2024 attached at Appendix 2.
- The report also seeks Cabinet's approval of the amended Empty Homes Strategy 2019-24 attached at Appendix 4 for adoption.

### **Recommendations**

1. That Cabinet notes the contents of the report and endorses the Equality Impact Assessment attached at Appendix 5 and the responses to the comments received on the Draft Empty Homes Strategy 2019-2024 attached at Appendix 2.
2. That subject to the provisions of Recommendation 1, Cabinet approves the amended Empty Homes Strategy 2019-24 attached at Appendix 4 for adoption.
3. That the Head of Regeneration and Planning be authorised to agree the final format of and any necessary typographical changes and minor amendments to the Empty Homes Strategy 2019-24 prior to its publication, and thereafter update it with any factual updates in response to policy or legislative changes as appropriate.

### **Reasons for Recommendations**

1. To provide a summary of the public consultation undertaken on the Draft Empty Homes Strategy 2019-2024 and to seek Cabinet's endorsement of the Equality Impact Assessment and of the responses and changes to the finalised Empty Homes Strategy 2019-2024.
2. To ensure the effective consideration of the issue of empty private sector homes in the Vale of Glamorgan.
3. To accommodate any necessary changes and/or amendments resulting from revised national policy and guidance and to enable the correction of any typographical or minor errors found within the Empty Homes Strategy 2019-2024.

## 1. Background

- 1.1 The previous strategy covered the period 2012-2017. The 2019-2024 strategy provides an update on action undertaken to date and sets out the role that the Council and its partners will play in returning empty private sector homes back into use, together with the resources, powers and processes the Council can use to achieve this.
- 1.2 Cabinet will recall a previous report of the 15th July 2019 (minute C42 refers), which provided an update on the empty private sector homes issue in the Vale of Glamorgan and sought approval to conduct public consultation on the Draft Empty Homes Strategy 2019-2024. Cabinet resolved that a further report should be presented following public consultation to present the findings of the public consultation exercise and consider any changes to the Draft Empty Homes Strategy 2019-2024 prior to finalising for adoption. The Draft Empty Homes Strategy 2019-2024 was also referred to Homes and Safe Communities Scrutiny Committee on 16th July 2019 (minute 162 refers). Cabinet considered the recommendations of Homes and Safe Communities Scrutiny Committee on 29th July 2019 (minute C57 refers).

## 2. Key Issues for Consideration

- 2.1 Since the reports to Cabinet and Homes and Safe Communities Scrutiny Committee referred to in paragraph 1.2 of this report, the following information is to be noted.
  - **Performance Accountability Measures (PAMs)**
- 2.2 The Council follows the Performance Accountability Measures (PAMs) guidance which has been developed by a Welsh Local Government Association led Task and Finish Group in consultation with local authorities. The PAM dataset enables local authorities to give account of their performance to the public, including comparing their performance with that of other authorities. The Council's performance in relation to empty private sector homes is measured using PAM/013 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*. In financial year 2018/19 the Council was ranked 1st overall for the PAM/013 dataset.
  - **National Assembly for Wales: Equality, Local Government and Communities Committee - inquiry into the issue of empty properties**
- 2.3 During 2019 the National Assembly for Wales (Equality, Local Government and Communities Committee) undertook an inquiry into the issue of empty properties. The aim of the inquiry was to better understand the scale and impact of the empty homes issue and to assess the effectiveness of the measures to deal with the situation. Links to the Final Empty Properties Report (published in October 2019) and the Welsh Government response (published in November 2019) can be found in Section 5 (Background Papers) of this report. Moving forward it is anticipated that policy changes will follow, for example in relation to the definition of and methodology for gathering data in respect of PAM/013.

Recommendation 3 has therefore been included in this report so that any changes to PAM/013 can be incorporated.

- **Welsh Government: Empty Property Management Support Programme**

2.4 The Welsh Government recognises that the solutions to dealing with empty properties are as varied as the reasons why they are empty. In November 2019 the Minister for Housing and Local Government announced that Welsh Government will be rolling out a support programme of training for all local authorities to participate in. It is understood that the key themes of this support programme will be empty properties, town centres, housing and enforcement powers. Using local case studies, the emphasis will be on finding solutions to what are often challenging situations. The training event for this Council (officers and members) will be held in the Spring and it is expected that this will generate an action plan (based on examples of where such approaches have been successful) involving the use of enforcement powers.

- **Welsh Government: Transforming Towns Package**

2.5 In January 2020 the Deputy Minister for Housing and Local Government announced a range of measures including an investment of £13.6 million to tackle empty and dilapidated buildings and land. It is understood that this will enable local authorities to take enforcement action to bring empty buildings and land back into use.

- **Consultation Responses**

2.6 The 4-week public consultation period took place between 25th October and 22nd November 2019. The consultation documents were available to view on the Council's website and the Council's social media platforms were used to publicise the consultation exercise. A total of 14 responses were received to the online questionnaire. A summary of the responses is attached at Appendix 1.

2.7 Officers have considered the representations received in response to the consultation and have amended the Empty Homes Strategy 2019-2024 where it was considered necessary or relevant. The comments received, the Council's responses and the proposed changes to the 2019-2024 strategy, are set out in the table at Appendix 2 to this report. It is recommended (Recommendation 1) that Cabinet endorses the proposed changes and consequently approve (Recommendation 2) the amended Empty Homes Strategy 2019-24 attached at Appendix 4.

2.8 Respondent 13 raised several issues regarding Council Tax policy and the removal of the 50% empty property discount, which go beyond the scope of the 2019-2024 strategy. This consultation specifically relates to empty private sector homes as defined by PAM/013. Consequently, it is considered a consultation on the Draft Empty Homes Strategy is not the appropriate avenue to voice these concerns, issues and objections. However, valid comments were made regarding the use of the words *private sector* and *long-term*. Due to the size of the submitted representation only comments relating directly to the Draft Empty Homes Strategy 2019-2024 have been included within Appendix 2. For the purposes of clarity, the full representation has been included at Appendix 3. Appropriate amendments have been included in the Empty Homes Strategy 2019-2024 document at Appendix 4.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

**3.1** The 2019-2024 strategy provides the framework which will enable the Council to tackle the issue of empty private sector homes and unlock the potential contribution those properties can make to increasing available housing stock and furthering wider community regeneration. The 2019-2024 strategy has been developed (and will be delivered) through the five ways of working, as follows:

- **Long Term** - 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.
- **Prevention** - To prevent issues from escalating, a voluntary way forward to renovation and re-occupation is always the preferred option. The Council will seek to work with owners of empty homes in the first instance, offering advice, assistance and options designed to help owners with the process of returning properties back to use.
- **Integration** - The 2019-2024 strategy builds on the work of the previous 2012-2017 strategy and links with several key Council documents, strategies and plans. Furthermore, the Empty Homes Working Group (comprised of the relevant Council teams and service areas whose work is pertinent to the issue) meets periodically to support information sharing; to review progress; and, to agree solutions to issues encountered.
- **Collaboration** - The 2019-2024 strategy outlines a coordinated, proactive approach to tackling empty homes by strengthening existing and developing new internal and external partnerships. Close working relationships exist between the Council and the Registered Social Landlords zoned by Welsh Government to develop in the Vale of Glamorgan. Opportunities to work together to align investment strategies with priority areas will be explored over the life of this strategy.
- **Involvement** - The 2019-2024 strategy affects the owners of empty private sector homes in the Vale of Glamorgan; and, Vale of Glamorgan residents where the condition of the property is detrimental to the amenities of a neighbourhood. A public consultation exercise has been undertaken and is outlined in paragraphs 2.6 - 2.8 (inclusive) of this report. An Equality Impact Assessment has also been undertaken and is outlined in paragraphs 4.8 - 4.11 (inclusive) of this report.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1** The preparation, consultation and adoption of the Empty Homes Strategy 2019-2024 has been undertaken by officers within the Regeneration and Planning service area within existing budgets.
- 4.2** Staffing resources are in place to provide pro-active help, advice and information for all owners of empty private sector homes.

- 4.3** All Council costs associated with possible enforcement action will have to be met from the existing budget of the service area whose work is pertinent to the issue.

### **Employment**

- 4.4** There are no employment implications arising from this report.

### **Legal (Including Equalities)**

- 4.5** There is no statutory duty on the local authority to produce an Empty Homes Strategy. Welsh Government published Empty Homes Good Practice: Guidance in 2010, which informed the preparation of 2012-2017 strategy and likewise the 2019-2024 strategy. In the same way, the Council has followed the current PAMs guidance in the preparation of the 2019-24 strategy.
- 4.6** The Council has a statutory duty as set out in Section 78 of the Local Government Act 2003 to understand local housing need and plan for how this need will be met. Returning empty private sector homes to use is an opportunity to offer greater choice to households in need, which will contribute to the local authority meeting this statutory duty.
- 4.7** When dealing with empty property owners, a voluntary way forward is always preferred. Advice, assistance and incentives reduce demand on Council resources and the need for enforcement action at a later date.
- 4.8** An Equality Impact Assessment has been undertaken and is attached at Appendix 5. As a result of the assessment it is concluded that there is no indication that there is a protected characteristic issue. It is considered that the 2019-2024 strategy will have a positive impact in terms of unlocking the potential contribution empty private sector homes can make to increasing available housing stock and furthering wider community regeneration. It is therefore recommended (Recommendation 1) that the Equality Impact Assessment is endorsed. However, as a guiding principle an equality monitoring section will be included in the Empty Homes Survey documents that are issued periodically every 6 months to 1 year. The equality monitoring section will enquire whether empty home owners feel that their protected characteristic are impacted (positive, negative or neutral) by the 2019-2024 strategy; and, respondents will be able to elaborate, as required. Responses will be analysed and if an impact is identified on a protected characteristic, then measures will be considered to reduce any negative impacts and to promote positive impacts.
- 4.9** The finalised Empty Homes Strategy 2019-24 and Equality Impact Assessment will be published on the Vale of Glamorgan Council website *Empty Homes* pages.
- 4.10** An annual review of the Strategic Partnership Action Plan (appended to the 2019-2024 strategy) will be reported to the relevant Scrutiny Committee. The annual review will be published on the Vale of Glamorgan Council website Council Committee Meetings pages.
- 4.11** In accordance with the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure 2011, the finalised Empty Homes Strategy

2019-2024 will be translated into Welsh prior to being published on the Council's website.

## **5. Background Papers**

Appendix 1: Summary of comments received during the public consultation exercise.

Appendix 2: The Council's responses to the comments received on the Draft Empty Homes Strategy 2019-2024.

Appendix 3: Full representation from Respondent 13.

Appendix 4: Amended Empty Homes Strategy 2019-2024.

Appendix 5: Equality Impact Assessment.

Report of the Deputy Leader and Cabinet Member for Education and Regeneration (Cabinet, 15th July 2029), Draft Empty Homes Strategy 2019-2024

<https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2019/19-07-15/Draft-Empty-Homes-Strategy.pdf>

Homes and Safe Communities Scrutiny Committee, 16th July 2019, Minute 162:

<https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Scrutiny-HSC/2019/19-07-16/Minutes.pdf>

Homes and Safe Communities Scrutiny Committee, Reference to Cabinet 29th July 2019, Minute C57:

<https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2019/19-07-29/Minutes.pdf>

National Assembly for Wales: Equality, Local Government and Communities Committee (October 2019), Empty Properties Report

<https://www.assembly.wales/laid%20documents/cr-ld12797/cr-ld12797%20-e.pdf>

Welsh Government (November 2019), Written Response

<https://www.assembly.wales/laid%20documents/gen-ld12892/gen-ld12892%20-e.pdf>

Welsh Government (September 2010), Empty Homes Good Practice: Guidance

<https://gov.wales/empty-homes-good-practice-guidance>

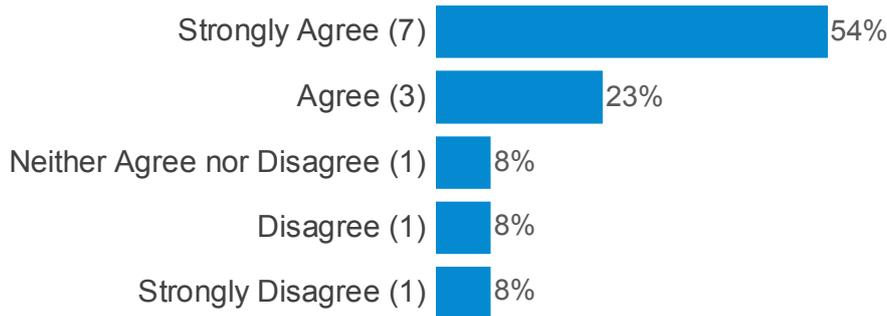
## V1 Draft Empty Homes Strategy 2019-2024 Questionnaire

## V1 Draft Empty Homes Strategy 2019-2024 Questionnaire

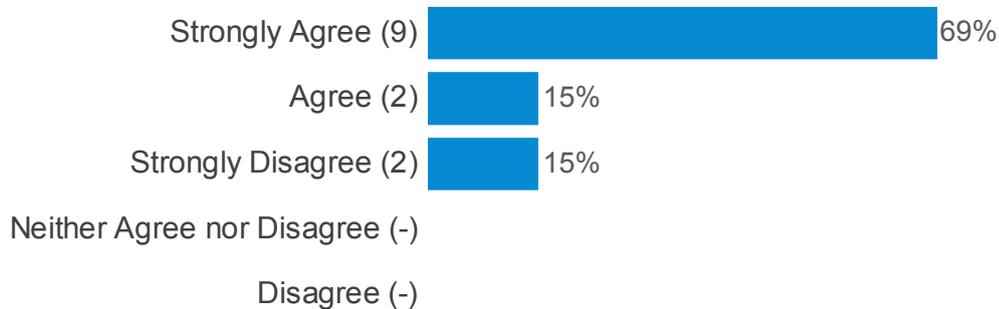
This report was generated on 25/11/19. Overall 14 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

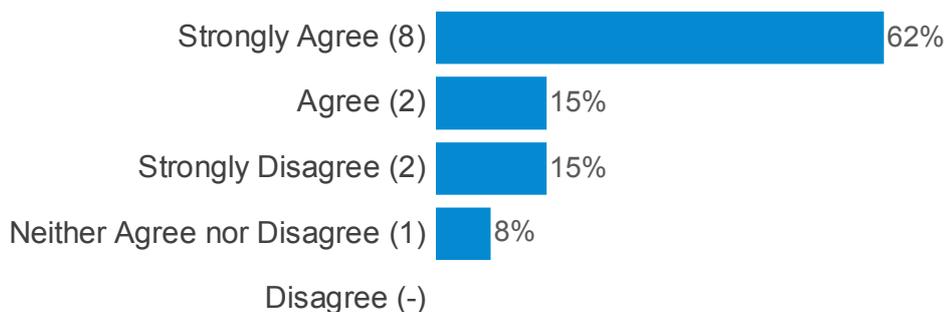
**For each Strategic Aim, please select from one of the five following categories: (Assemble, maintain and improve the accuracy of empty homes data.)**



**For each Strategic Aim, please select from one of the five following categories: (Provide advice, assistance and financial incentives to reduce the number of long-term empty properties.)**

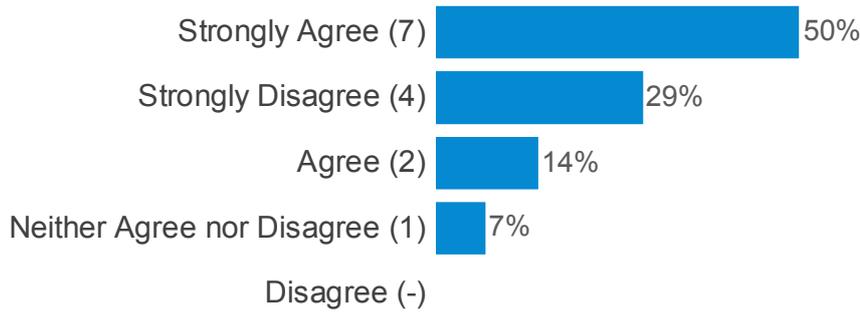


**For each Strategic Aim, please select from one of the five following categories: (Promote the whole Council approach to tackling empty homes.)**

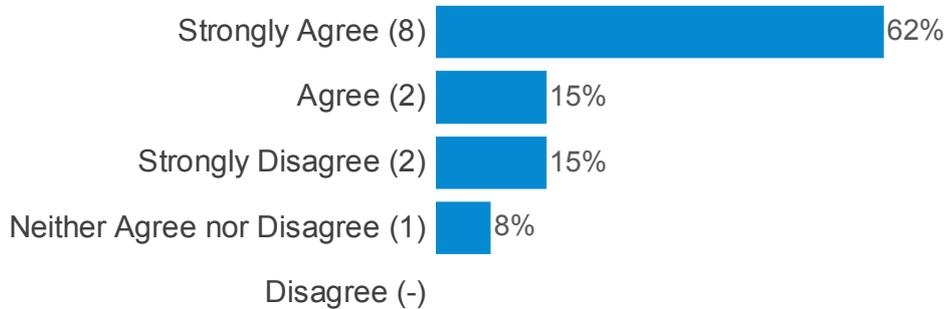


V1 Draft Empty Homes Strategy 2019-2024 Questionnaire

**For each Strategic Aim, please select from one of the five following categories: (Prioritise empty homes for enforcement action. )**



**For each Strategic Aim, please select from one of the five following categories: (Raise awareness of the empty homes issue.)**



**If you either disagree or strongly disagree with any of the Strategic Aims outlined above, then please explain why:**

- Private property is exactly that. None of your business, particularly when you're also corrupting yourselves with property developers on green field sites to build homes - based on expected population increase in the S.E. England! Then you wonder why some new homes are not sold eg Darren Farm outside Cowbridge. Idiots! Will you also be monitoring these?

---
- Property owners should not be forced to sell if it is against their wishes. They should not have to explain their reasons for retaining the property. These are Marxist measures and enforcement action should not be considered.

---
- Keep your noses out!

---
- I think they can become a health hazard over time, especially if terraced. There is already a problem in my area with mould spreading to neighbouring houses.

---
- I have prepared a detailed response to the draft 'Empty Homes Strategy 2019 - 2024' but this survey does not enable me to attach it so I will email it to the appropriate officers and members.

V1 Draft Empty Homes Strategy 2019-2024 Questionnaire

**If you have any other comments to be considered when finalising the Draft Empty Homes Strategy, please include below:**

Yes, how many VOG council leaders have second homes?

Property owners should be offered a realistic market price if purchase is compulsory. Where the owner is not known a decent amount of time and effort should be put into finding them.

I wonder if any of these strategies will address the empty houses in Penarth that have been left to rot

This is an important issue, and I think that the Strategy strikes the right balance between assistance and enforcement.

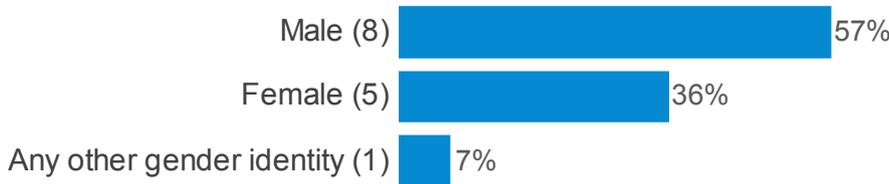
Idiots!

Welsh Government should consider increasing the threshold from 6mths to 2years. This would enable local authorities to managing their resources and powers more effectively.

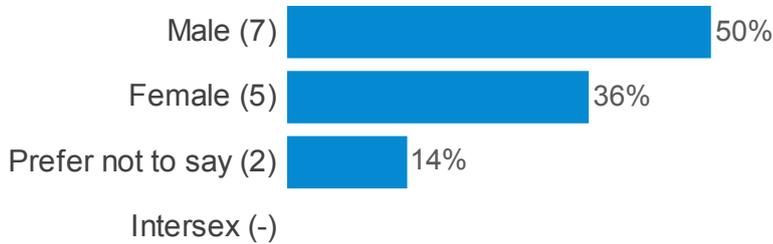
I think the intentions are about right and the most efficient way of deal with the issue.

Please see above

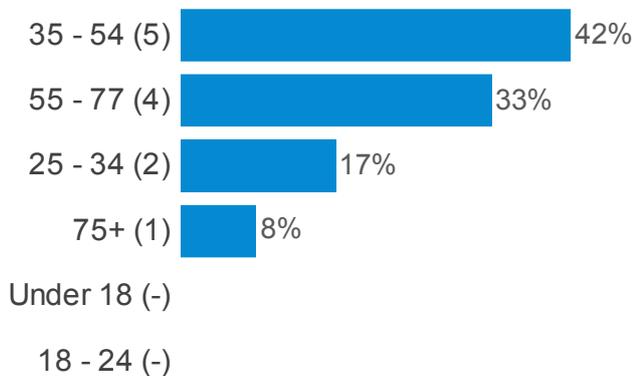
**What is your gender?**



**At birth were you described as?**

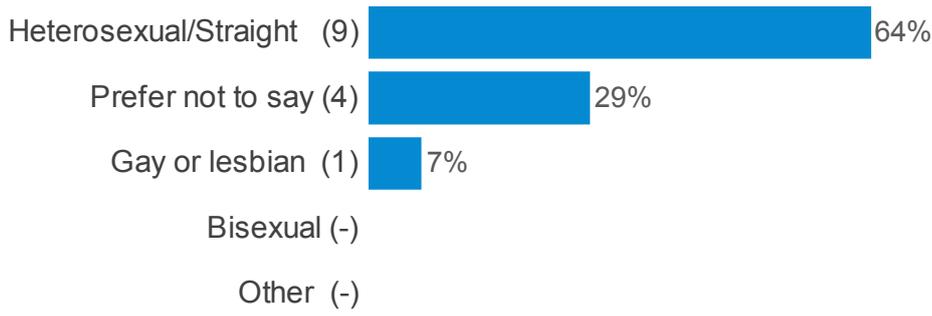


**How old are you?**

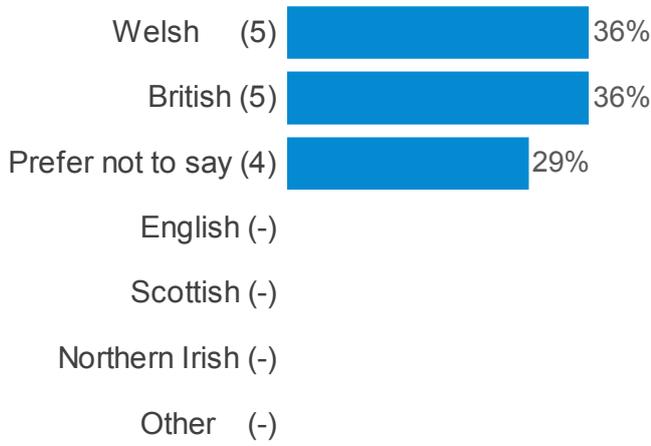


V1 Draft Empty Homes Strategy 2019-2024 Questionnaire

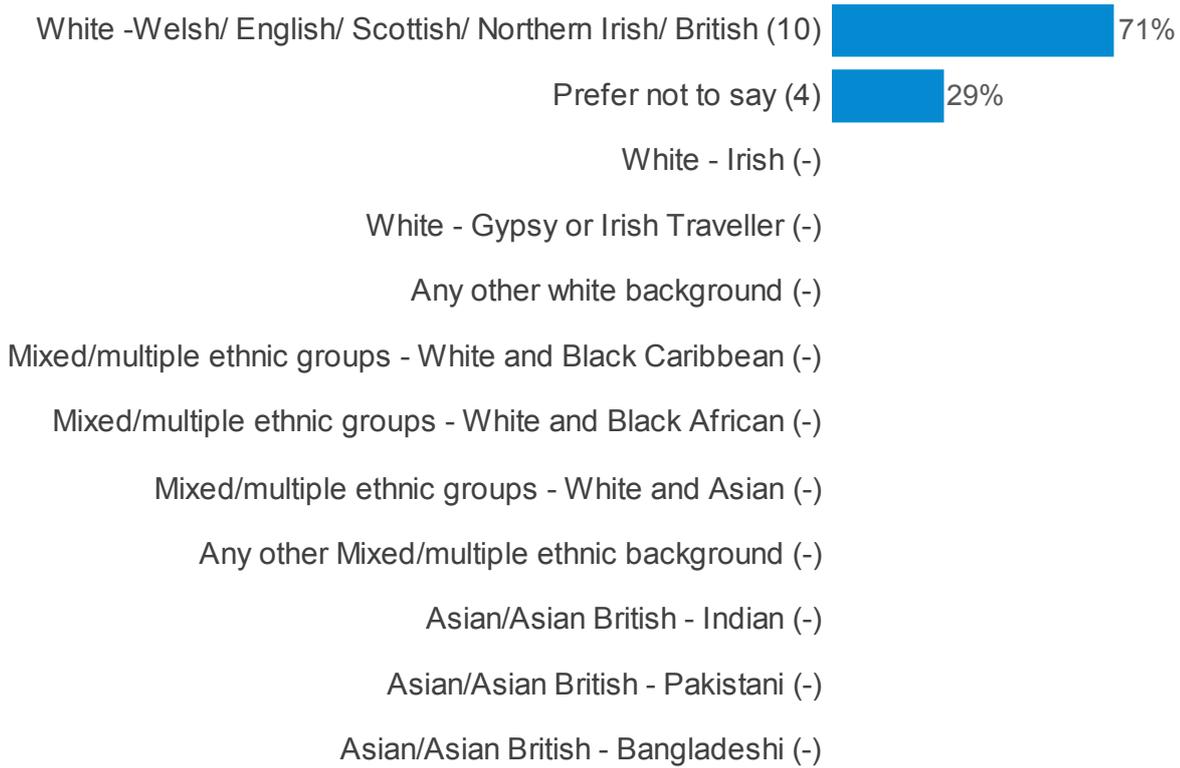
**Which of the following options best describes how you think of yourself?**



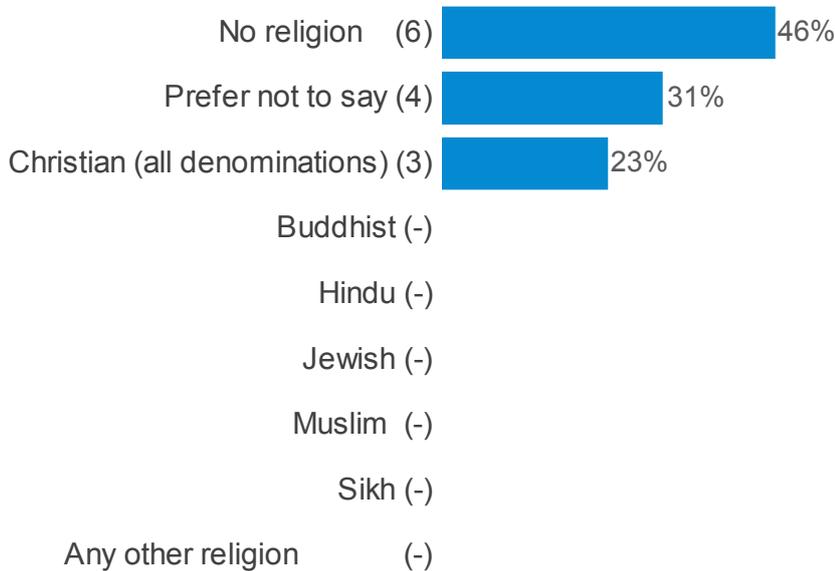
**How would you describe your national identity?**



### How would you describe your ethnic group?

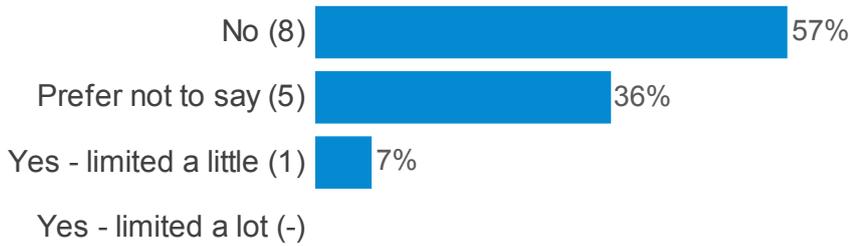


### What is your religion?



V1 Draft Empty Homes Strategy 2019-2024 Questionnaire

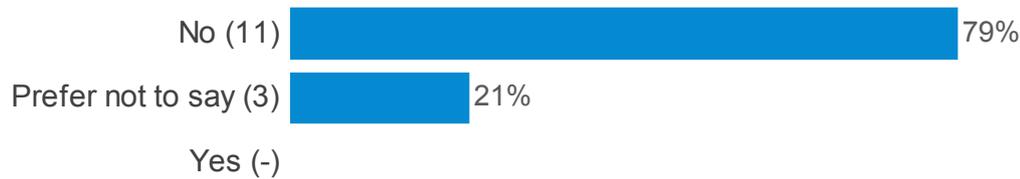
**Are your day-to-day activities limited because of a physical or mental health condition, illness or disability which has lasted, or is expected to last 12 months or more?**



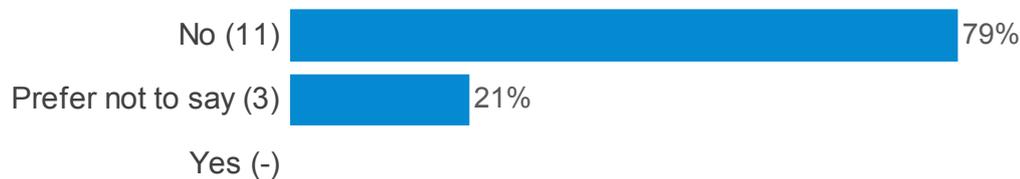
**What is your legal marital status?**



**Are you currently pregnant or have you been pregnant within the last year?**



**Have you taken maternity leave within the past year?**



**Appendix 2:** Responses to comments received on the Draft Empty Homes Strategy 2019-2024 Public Consultation (25<sup>th</sup> October - 22<sup>nd</sup> November 2019)

<b>Draft Empty Homes Strategy 2019-2024</b>			
<b>Respondent ref.</b>	<b>Question</b>	<b>Comment Received</b>	<b>Council Response</b>
<b>2</b>	<b>If you either disagree or strongly disagree with any of the Strategic Aims outlined above, then please explain why:</b>	<i>Private property is exactly that. None of your business, particularly when you're also corrupting yourselves with property developers on green field sites to build homes - based on expected population increase in the S.E. England! Then you wonder why some new homes are not sold eg Darren Farm outside Cowbridge. Idiots! Will you also be monitoring these?</i>	Comments noted but are not considered to be relevant to the strategy.
	<b>If you have any other comments to be considered when finalising the Draft Empty Homes Strategy, please include below:</b>	<i>Yes, how many VOG council leaders have second homes?</i>	Comments noted but are not considered to be relevant to the strategy.
<b>5</b>	<b>If you either disagree or strongly disagree with any of the Strategic Aims outlined above, then please explain why:</b>	<i>Property owners should not be forced to sell if it is against their wishes. They should not have to explain their reasons for retaining the property. These are Marxist measures and enforcement action should not be considered.</i>	Comments noted. No change required.

	<b>If you have any other comments to be considered when finalising the Draft Empty Homes Strategy, please include below:</b>	<i>Property owners should be offered a realistic market price if purchase is compulsory. Where the owner is not known a decent amount of time and effort should be put into finding them.</i>	Comments noted. No change required.
6	<b>If you have any other comments to be considered when finalising the Draft Empty Homes Strategy, please include below:</b>	<i>I wonder if any of these strategies will address the empty houses in Penarth that have been left to rot</i>	Comments noted. No change required.
8	<b>If you have any other comments to be considered when finalising the Draft Empty Homes Strategy, please include below:</b>	<i>This is an important issue, and I think that the Strategy strikes the right balance between assistance and enforcement.</i>	Noted. Support is welcome.
9	<b>If you either disagree or strongly disagree with any of the Strategic Aims outlined above, then please explain why:</b>	<i>Keep your noses out!</i>	Comments noted but are not considered to be relevant to the strategy.
	<b>If you have any other comments to be considered when finalising the Draft Empty Homes Strategy, please include below:</b>	<i>Idiots!</i>	Comments noted but are not considered to be relevant to the strategy.

10	<b>If you have any other comments to be considered when finalising the Draft Empty Homes Strategy, please include below:</b>	<i>Welsh Government should consider increasing the threshold from 6mths to 2years. This would enable local authorities to managing their resources and powers more effectively.</i>	Comments noted. No change required.
11	<b>If you either disagree or strongly disagree with any of the Strategic Aims outlined above, then please explain why:</b>	<i>I think they can become a health hazard over time, especially if terraced. There is already a problem in my area with mould spreading to neighbouring houses.</i>	Comments noted. No change required.
12	<b>If you have any other comments to be considered when finalising the Draft Empty Homes Strategy, please include below:</b>	<i>I think the intentions are about right and the most efficient way of deal with the issue.</i>	Noted. Support is welcome.
13	<b>If you either disagree or strongly disagree with any of the Strategic Aims outlined above, then please explain why:</b>	<i>I have prepared a detailed response to the draft 'Empty Homes Strategy 2019 - 2024' but this survey does not enable me to attach it so I will email it to the appropriate officers and members.</i>	<p>The comments made by Respondent 13 are noted. The full representation can be viewed at Appendix 3 of the Cabinet Report.</p> <p>Sections 7-11 (inclusive) and 14 (paragraphs iii, iv, v, vi and viii) of the representation relate to Council Tax policy and go beyond the scope of the draft strategy. This consultation specifically relates to empty private sector homes as defined by PAM/013. Consequently, it is considered a consultation on the Draft Empty Homes Strategy is not the appropriate avenue to voice these concerns, issues and objections. As a result, these sections have not been responded to as part of this consultation exercise.</p> <p>Regarding Section 1, Respondent 13 commented that the title of the document 'Empty Homes Strategy' does not make clear that the focus of the work is targeted at private residential properties and the use of the</p>
	<b>If you have any other comments to be considered when finalising the Draft Empty Homes Strategy, please include below:</b>	<i>Please see above</i>	

			<p>word 'home' when a property is unoccupied is misleading. The comments have been considered and it is decided that the title name will remain as 'Empty Homes Strategy'. This is in line with how other local authorities refer to such strategies and is consistent with the Welsh Government's Empty Homes Good Practice: Guidance published in 2010. However, for clarity from the outset, the wording on the strapline included on the cover page 'Unlocking the potential' will be amended (see below) and in addition, the words 'private sector' will be added to the 'empty home' references where appropriate (see below).</p> <p>In Sections 2, 3 and 4 Respondent 13 queried the scope of the strategy as it does not include properties owned by local authorities, Registered Social Landlords and Crown Estate etc. The strategy exists to tackle the issue of private empty properties standing empty in line with the definition of PAM/013. In most cases, the excluded categories are closely monitored at a local level by the relevant organisations. Furthermore, Council officers have not identified any unusually high trends in non-private properties remaining empty. Therefore, it is correct to exclude the categories within the Draft Empty Homes Strategy as they are non-private properties and are outside of scope.</p> <p>In Section 5, Respondent 13 queried the Equality Impact Assessment. This point is covered in paragraphs 4.8 - 4.11 (inclusive) of the Cabinet report.</p> <p>In Section 12 paragraphs (ii) and (iii) Respondent 13 queried the use of the words 'long term'. The words 'long term' are widely used by organisations and their representatives whose work is pertinent to the issue, to describe private sector residential properties which are liable for Council Tax and have been unoccupied for a period of six months or more.</p> <p>Furthermore, there are circumstances where it is reasonable to use the words 'long term' in the 2019-2024 strategy, for example in relation to the prioritisation work described in section 2.5 of the document. However, it</p>
--	--	--	---

		<p>is acknowledged that the words 'long term' are not included in the definition of PAM/013. Therefore, for clarity the words 'long term' will be removed where appropriate (see below).</p> <p>In Section 12 paragraph (ii), Respondent 13 queried the number of empty homes referred to in the strategy during 2018 and 2019. The correct data has been used. The discrepancy referred to by Respondent 13 is due to the data being compiled at different points: 789 and 846 being the position at 1<sup>st</sup> April 2018 and 1<sup>st</sup> April 2019 respectively.</p> <p>The following amendments are therefore proposed:</p> <p>Cover page: Add the words 'of empty private sector homes' to the strapline. Therefore, the full strapline will read 'Unlocking the potential of empty private sector homes'</p> <p>Page 1: Executive Summary, paragraph 1, line 1 Add the words 'private sector' following the word 'empty'</p> <p>Page 1: Executive Summary, paragraph 2, line 2 Add the words 'empty private sector' following the number '846'</p> <p>Page 1: Executive Summary, paragraph 2, line 3 Remove 'long-term'</p> <p>Page 3: paragraph 5, line 4 Remove 'long term'</p> <p>Page 6: section 1.5 bullet point 4: Remove 'Long-term'. Bullet point to read 'Empty Properties'</p> <p>Page 6: section 1.5 para below bullet points, line 1 Remove 'long-term'</p>
--	--	---

			<p>Add 'private sector' after the word 'empty'</p> <p>Page 6: section 1.5 para below bullet points, line 2 Replace 'These' with 'Empty properties'</p> <p>Page 7: paragraph at bottom of page, line 2 Remove 'long-term'</p> <p>Page 21: Regeneration section, paragraph 1, line 2 Remove 'long-term'</p> <p>Page 21: Regeneration section, paragraph 2, line 1 Remove 'a long-term' replace with 'an'</p> <p>Page 25: paragraph 1 following bullet points, line 2 Remove 'long-term'</p> <p>Page 29: paragraph 2, line 2 Remove 'long-term'</p> <p>Appendix 8: Success Criteria box re 1.2 Remove 'long-term'</p>
--	--	--	--

**Empty Homes Strategy 2019 – 2024 – Consultation Response from [REDACTED] -**

**Introduction:**

1. The very title of the draft document '*Empty Homes Strategy 2019 – 2024*' is misleading in its purpose. Firstly it fails to raise public and stakeholder awareness that the draft '*Empty Homes Strategy 2019 - 2024*' is targeted solely at the owners of private residential properties. Secondly there is an unacceptable tension between the words '*Empty*' and '*Homes*' because if a dwelling is '*Empty*' or '*Long Term Empty*' then under the legislation it is both '*unoccupied*' and '*unfurnished*' so how can it be anyone's '*Home*'? The title should properly be a draft document entitled '*Private Sector 'Empty 'Dwellings' or 'Property' Strategy*'. It is therefore reasonably arguable that the online consultation on this draft document is seriously flawed. See link:  
[https://www.valeofglamorgan.gov.uk/en/our\\_council/consultation/Empty-Homes-Strategy-2019-2024-Consultation.aspx](https://www.valeofglamorgan.gov.uk/en/our_council/consultation/Empty-Homes-Strategy-2019-2024-Consultation.aspx)
  
2. The detrimental effects referred to in the draft '*Empty Homes Strategy 2019 - 2024*' and associated Report by the Deputy Leader that may arise from privately owned residential dwellings standing '*Empty*' would also apply to properties owned by:
  - Local Authorities and Government
  - Registered Social Landlords
  - Police and Armed Forces
  - National Health Service
  - Colleges and Universities
  - Crown Estate
  - Churches and other religious bodies
  
3. In the absence of the above properties being included in the '*Empty Homes Strategy 2019 - 2024*' then clearly it does not truly reflect the extent of '*Empty Homes*' within the Vale of Glamorgan and the associated problems and detrimental effects on the wider community so the question arises what is the point of this document in its current form?

4. A major element of the draft *'Empty Homes Strategy 2019 -20124'* is the use of enforcement powers but these legal powers will only be used by the VOG Council against owners of *'Long Term Empty Homes'* in the private sector whereas the owners of properties in the list in paragraph 2 - that would include the VOG Council - will apparently be able to allow properties in their ownership to remain *'Long Term Empty'* and blight the community with impunity. Is this fair? Of course not.
5. An Equality Impact Assessment ('EIA') is to be conducted prior to formal approval of the *'Empty Homes Strategy 2019 - 2024'* and the fact that only the owners of private residential properties are targeted must be highlighted in the EIA. The EIA must also establish if these owners have their main residence in a Wales; in other parts of the UK; or overseas and any resultant negative impacts on matters such as race, religion and belief.
6. To understand why in my opinion the draft *'Empty Homes Strategy 2019 - 2024'* is not fit for purpose it is necessary to explain in simple terms ***The Legal Framework*** and comment on ***Council Reports*** relevant to the draft *'Empty Homes Strategy 2019 – 2024'*.

***The Legal Framework:***

7. There are statutory definitions in law for the following:

- (i) 'Unoccupied Dwelling':-

There are two statutory definitions. The first is defined in the Council Tax (Exempt Dwellings) Order 1992 ('the 1992 Order');

*'An **unoccupied dwelling** means, subject to paragraph (3) below, a dwelling in which no one lives and 'occupied' shall be construed accordingly.'* (My emphasis)

The second is defined in the Council Tax (Prescribed Classes of Dwellings (Wales) Regulations 1998 ('the 1998 Regulations') :

*'An unoccupied dwelling means a dwelling in which no one lives.'* (My emphasis)

Whereas the definitions are very similar there are important legislative differences. Under the 1992 Order Class A and C properties are non-chargeable 'Vacant' dwellings so are exempt from council tax – Class A1 and Class C for up to 6 months and Class A2 for up to 12 months. Under the 1998 Regulations Classes A, B and C prescribed dwellings are chargeable dwellings for council tax purposes with discretion given to Billing Authorities across Wales whether or not to award a discretionary discount of a maximum of 50%. Up until 01/04/2019 the Vale of Glamorgan awarded the maximum 50% discount against all 3 Classes.

(ii) An 'Empty Dwelling': –

Section 139 of the Housing (Wales) Act 2014 inserted sections 12A and 12B into the LFGA 1992. The clear intention of the Welsh Ministers' draftsmen in drafting section 12A was that the day after the Class C exemption entitlement ends under the 1992 Order the dwelling becomes an 'Empty Dwelling' under Class C of the Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998 Regulation - so long as it remained both *'unoccupied and substantially unfurnished'*. Therefore as a matter of statutory interpretation only Class C properties under the 1998 Regulations can be described as 'Empty Dwellings'. Class A and B dwellings under the 1998 Regulations are *'substantially furnished'* dwellings so cannot be classed as 'Empty'. They are defined in section 12B as properties where *'there is no resident in the dwelling and are substantially furnished'*. They are *'occupied periodically'* and are commonly termed *'Second Homes'* - a term not defined in law. Under the legislation such properties are deemed *'unoccupied'* because no-one lives in them in the sense their main residence is elsewhere. The Welsh Government accepts that the term *'Second Home'* is not confined to dwellings being used as private holiday or weekend homes but includes furnished properties being marketed for sale or let, and properties owned by people whose job requires them to work elsewhere. Indeed the list is non-exhaustive and anyone aggrieved

by a Billing Authority's determination can appeal to the Valuation Tribunal for Wales under section 16 of the LGFA 1992.

(iii) 'Long Term Empty Dwellings'

A 'Long Term Empty Dwelling' is defined under section 12A LGFA 1992 if for a continuous period of at least one year ending with that day the property has been both 'unoccupied' and 'substantially unfurnished'. In the likely event the Vale of Glamorgan Council determines to impose council tax premiums the one year clock under section 12A of the LGFA 1992, starts ticking the day after the 6 month exemption period ends for Class C dwellings under the 1992 Order when the dwelling transitions from being a non-chargeable 'Vacant Dwelling' to a chargeable 'Empty Dwelling'. The significant and material point being the exemption period when the dwelling is 'Vacant' does not count in the calculation in assessing whether or not a property has become a 'Long Term Empty Dwelling'.

**Council Reports:**

8. *Managing Director's Report to Cabinet of 03/12/2018 – 'Council Tax Unoccupied Dwellings: 2019- 2020':*

- (i) The Report fails to identify whether or not it relates only to private sector residential dwellings. I suspect that the statistics in paragraph 8 derive from private sector residential dwellings only. There were no declarations of interest on this agenda item and the Report was not subject to scrutiny by Corporate Performance and Resources.
  
- (ii) The Managing Director's Report proposed amending the current policy in regard to Class A, B and C prescribed dwellings by removing the 50% discount. In paragraphs 5 and 6 Cabinet was misled in regard to the definition of 'Long Term Empty' properties - under section 12A of the LGFA 1992 a dwelling must remain 'Empty' for one year before being designated 'Long Term Empty'. The

misinterpretation of the law skewed the results in paragraph 8 the figure of 779 for Class C prescribed dwellings being the number of – I strongly suspect – of private residential properties that became ‘*Empty*’ on the day immediately after the exemption period had expired rather than a figure for properties ‘*Empty*’ one year or more from when the exemption period ended when they then became as a matter of law ‘*Long Term Empty*’ dwellings.

(iii) Further confusion within the body of the Report is that Class A and B prescribed dwellings as a matter of law are not ‘*Empty*’ properties but ‘*Unoccupied*’.

(iv) Following the Managing Director’s Report a consultation exercise was carried out in December 2018 where obsolete definitions for the Class A and B dwellings under the 1998 Regulations were referenced in the consultee letter sent out to those impacted by the proposal and on the website so the consultation itself was materially flawed. As with the Report the consultee letter and website consultation both imply that Class A and Class B properties are ‘*Empty*’ properties when as a matter of law only Class C properties under the 1998 Regulations can be defined as ‘*Empty*’. These errors of law were compounded by an incorrect website link in the consulted letter being provided ([www.valeofglamorgan.gov.uk/CTRS](http://www.valeofglamorgan.gov.uk/CTRS)) to respond to the questions posed. It follows that recipients of the letter who were benefiting from the 50% discount would have been totally confused. See correct link to consultation:

[https://www.valeofglamorgan.gov.uk/en/our\\_council/consultation/previous-consultations/Council-Tax-Empty-Properties.aspx](https://www.valeofglamorgan.gov.uk/en/our_council/consultation/previous-consultations/Council-Tax-Empty-Properties.aspx)

9. *Report of the Executive Leader and Cabinet Member for Performance and Resources 18<sup>th</sup> February 2019 – ‘Council Tax Unoccupied Properties’:*

(i) Again there is no indication in the Report that it relates only to private sector residential dwellings – but again I suspect it does. There were no declarations of interest on this agenda item and the Report was not subject to scrutiny by Corporate Performance and Resources.

- (ii) Reference to an *'Empty Property Discount'* is incorrectly attributed to Class A and B properties under the 1998 Regulations rendering the Report misleading. Notably reference is made to the non-statutory term *'Second Home'* when the Report of 03/12/2018 was silent on this terminology. Class A and B prescribed dwellings are *'occupied periodically'* so it was not a case of bringing these properties back *'into use'* because they are used. Of concern is that since Class A and B properties were incorrectly designated as *'Empty'* that they were portrayed in the Leader's Report as properties that could potentially blight the community when I have seen no factual or anecdotal evidence that owners of dwellings that are *'occupied periodically'* allow them to fall into disrepair or that they attract the types of problems and anti- social behaviour as identified in the Report.
- (iii) In paragraph 3.3 a Class C exempt property incorrectly defined as an *'Empty'* property rather than a *'Vacant'* dwelling where there is no liability to council tax and throughout the Report the improper definition of a *'Long Term Empty'* dwelling is relied on. This meant that the Class C figure of 780 in paragraph 3.6 was again skewed and did not reflect an accurate result had the law been properly applied and ALL categories of *'Empty Dwellings'* as listed in paragraph 2 above counted rather than just those properties in private sector ownership.
- (iv) The results of the *'Consultation'* are reported on. As stated above incorrect statutory definitions were relied on in the 1395 letters sent out and on the online consultation. The response rate was low – just over 10%. This was indisputably because the *'Methodology'* used to gather any response was fatally flawed. Of the 1395 letters sent out only 780 *'beneficiaries'* – about 56% - were allegedly sent to owners of Class C *'Empty'* properties under the 1998 Regulations. I say allegedly because were these 780 letters delivered to the addresses of the *'Empty'* properties or directed to the actual owners who resided elsewhere? What efforts were made to establish ownership of what as a matter of law were *'Empty Properties'*? For those who did receive a letter - be they owners of Class A, B or C properties - the link provided in the letter signed by the Exchequer Manager [www.valeofglamorgan.gov.uk/CTRS](http://www.valeofglamorgan.gov.uk/CTRS) did not take them to the online consultation.

Indeed CTRS – Council Tax Reduction Scheme – albeit a council tax regime is a regime that replaced Council Tax Benefit and nothing whatever to do with discretionary discounts under the 1998 Regulations. So how many recipients were prevented from responding because of being confused and/or because an incorrect link was provided? Of note is that 92% of those who responded were in favour of maintaining the current 50% discount. However the ‘results’ do not breakdown the 92% to differentiate the composition of those awarded a 50% discount as owners of Class A, B or C properties. I would be willing to bet that they would in the main be owners of Class A and B dwellings. As to the ‘Conclusion’ that there was a clear understanding on the impact of the removal of the 50% discount this was clearly false when ‘beneficiaries’ were misled. Also the ‘Conclusion’ that since the response rate to the letters was only just over 10% that this would suggest there was little opposition to removing the 50% discount was disingenuous in the extreme – the reality being that letters either gathered dust on the door mats of Class C dwellings or the owners of Class A and B dwellings could not respond due to being confused and/or the incorrect link being provided in the consultee letter. Regardless of this who in their right mind - that the Council acknowledged were ‘benefitting’ from a 50% council tax discount - would not oppose a 50% hike in their council tax bill? Whereas the response rate on the consultation was low I imagine that when the 2019/2020 council tax demands were issued and served in March 2019 those recipients whose bills had literally doubled would have had a lot to say - but of course the consultation ended on 18/01/2019 so their words likely fell on deaf ears. Notably whereas discretion to reduce council tax under section 13A (1) (c) LGFA 1992 is referenced in the Report the consultee letter and online consultation are silent on the statutory right for council tax payers to apply for this discount.

10. *Reference from Cabinet minute C586 to Full Council Meeting 27<sup>th</sup> February 2019:*

- (i) There were no declarations of interest on this agenda item.

- (ii) In presenting the Report to Full Council the Leader continues to mislead by referring to Class A and B prescribed dwellings under the 1998 Regulations as 'Empty' and the merits of bringing them back into use when as argued above such properties are used 'periodically' and more than likely maintained to an acceptable standard and do not attract the problems and anti- social behaviour identified in the Report
  
- (iii) The Leader 'alluded' to the low response rate and the concerns expressed about the impact on removing the 50% discount but glossed this over by referring to the ability for those affected to apply for a reduction should mitigating or exceptional circumstances prevail. The Leader avoids citing section 13A (1) (c) LGFA 1992 ; avoids declaring that officers had for some time been dealing with such applications in defiance of the existing policy laid down in the Report to Cabinet of 02/06/2010 - approved in minute C908; and avoids declaring a new policy was being drafted to regularise the current unconstitutional/unauthorised practises of the Billing Authority that had yet to be approved by Cabinet and adopted as the Council's Policy on 'Council Tax Discretionary Relief'.

11. *Report of the Leader and Cabinet Member for Performance and Resources to Cabinet 15<sup>th</sup> April 2019 – 'Council Tax Discretionary Relief':*

- (i) The Recommendation in paragraph 1 and the Reasons for Recommendation in the Report are in affect an admission that the current process for awarding discretionary relief from council tax – or not as the case may be - was unconstitutional/unauthorised because it had not been approved by Cabinet and adopted by the Council.
  
- (ii) According to the Report – paragraphs 1.4 -1.6 - Billing Authority Officers without following due process but at their own volition changed the policy adopted on 02/06/2010 consequent to an English Valuation Tribunal Decision made by the Valuation Tribunal for England's President Professor Graham Zellick QC on

27/04/2014 - known as the Yorkshire decision. The '*Discretionary Council Tax Reduction Policy*' was formally adopted on 15/04/2019 five years after the Yorkshire decision so if the Billing Authority genuinely had knowledge of the decision of President Professor Graham Zellick QC at the time then it is submitted the policy approved on 02/06/2010 would have been updated years ago to meet the requirements of amended legislation and the judgement. Indeed in his judgement the President highlighted the benefits of having a policy in place to determine section 13A (1) (c) LGFA 1992 applications and that it first be scrutinised by an authority's lawyers before being promulgated.

- (iii) It matters not a jot that applications made under section 13A (1) (c) LGFA 1992 are expected to be few in number the fact is the '*Discretionary Council Tax Relief*' policy is still not on the Council's website. Any reference to the policy in place since 01/04/2019 in Council Tax Bills will not be made until Bills are issued for 2020/21 because the timing of the Report post-dated Bills being issued for 2019/2020. Furthermore now that the 50% discount under the 1998 Regulations has been removed the number of applications will more likely than not increase – the problem being that council tax payers who own Class A and B properties '*occupied periodically*' and Class C '*Empty*' dwellings in the Vale of Glamorgan that may be eligible to discretionary discount under section 13A (1) (c) LGFA 1992 are unlikely to know anything about the Policy when there was no mention of it in the consultee letters sent out in December 2018; the Council's website is yet to publish it; and no reference to it in their current year's council tax bills.
- (iv) In the likely event the Council determines to apply a premium to Class B and Class C prescribed dwellings under sections 12A and 12B of the LGFA 1992 then those who may be eligible to discretionary reduction will likely increase even more. Of concern is that the private owners of Class B dwellings that are '*occupied periodically*' are those that will feel the premium the most. This is because such owners likely take the responsibility of maintaining their properties and the Council will have their contact details. There is very real danger that before they know it enforcement action will be initiated to recover council tax in the absence

of any knowledge about the *'Council Tax Discretionary Relief'* policy. As for the owners of *'Empty'* Class C properties – especially those that are *'Long Term Empty'* – such properties are more likely to have fallen into disrepair or have become derelict and abandoned and it is accepted have become a blight on the community – but enforcement will be more problematical because ownership and contacting the owners will be more difficult therefore leaving owners of Class B private residential properties 'easy targets' for council tax collection and enforcement by the Billing Authority.

12. *Deputy Leader and Cabinet Member for Education and Regeneration Report to Cabinet 15<sup>th</sup> July 2019 – 'Draft Empty Homes Strategy 2019 – 2024'*

- (i) The Report and *'Draft Empty Homes Strategy 2019 - 2024'* need to be read whilst having full regard to definitions explained above to realise just how misleading the Report and the draft *'Empty Homes Strategy 2019 - 2024'* are.
- (ii) The Report is fundamentally flawed because it hinges on an incorrect definition of a *'Long Term Empty Property'* being a private sector residential property standing *'empty'* for 6 months or more when as a matter of law a dwelling is defined *'Long Term Empty'* when standing empty for a year or more regardless of whether or not it is private owned or otherwise the start date for calculating the one year timeframe being from the day after the period of exemption ends. Setting this aside the Report and draft *'Empty Homes Strategy 2019 – 2014'* state that as at 01/04/2019 846 private properties had stood *'empty'* for 6 months or more. Confusingly in paragraph 2.3 of the draft *'Empty Homes Strategy 2019 - 2014'* the figure in the PAM 13 table on page 13 is 789. So where does the figure of 846 derive from? If it derives from data held on Class C prescribed dwellings under the 1998 Regulations then this is quite a leap from the 780 Class C properties 'as at 17/01/2019' referred to in the Leader's Report to Cabinet on 18/02/2019. Either way the gathering of, interpretation and accuracy of the data must be called into question.

- (iii) A major concern is that the incorrect definition of a *'Long Term Empty'* being a *private sector residential properties which are liable for Council Tax and have been unoccupied for a period of six months or more'* is taken from the WLGA national performance measure PAM 13 rather than with reference to the statutory definition in section 139 of the Housing (Wales) Act 2014 inserted in the LGFA 1992 as section 12A. As far as I can ascertain the WLGA has no judicial authority; is not a Devolved Welsh Authority under the Wales Act 2017; is not a WGSB; is not a body that comes within the ambit of the Well-being of Future Generations (Wales) Act 2015; and does not fall within the jurisdiction of the PSOW so why does the Vale of Glamorgan Council rely on PAM 13 *'Guidance to Local Authorities'* rather than the law?
  
- (iv) Further misleading information in the Background section of the Report is where in paragraph 1.5 reference is made to the council tax discount for properties empty for over 6 months was removed from Class A, B and C properties with effect from 01/04/2019 when as argued above under the 1998 Regulations Class A and B dwellings are dwellings that are *'occupied periodically'* so deemed as a matter of law *'unoccupied'* and are not *'empty'* because they are *'substantially furnished'*.

13. *Homes and Safe Communities Scrutiny Committee 16<sup>th</sup> July 2019 – presented by Principal Regeneration Officer:*

- (i) The misuse of the word *'Empty'* and *'Long Term Empty'* continues as is the implication that properties classed as Class A and B dwellings under the 1998 Regulations are *'detrimental to the lives of local residents as they were a magnet for crime and antisocial behaviour, could drive down property values locally and contribute to neighbourhood decline and blight. They also represented a risk for the emergency services and put added pressure on various council teams and service areas'*. This is a baseless assertion and indeed an insult to *'Second Home'* owners who keep their privately owned properties in good repair and whose properties do not attract the problems quoted above.

#### 14. Conclusions:

- (i) Senior Officers responsible for preparing the draft '*Empty Homes Strategy 2019 - 2014*' and Officers and Members responsible for associated Reports must be held to account for their conduct.
- (ii) The draft '*Empty Homes Strategy 2019 – 2014*' needs to be re- titled and re-written to make its purpose clear and to be compliant with statutory definitions as embodied in law. The errors in law cannot be deemed typographical errors capable of being corrected by the Head of Regeneration and Planning in consultation with the Deputy Leader. Once re-titled and re-written and the democratic process adhered to there must be a fresh consultation on a draft document entitled '*Private Sector Empty Dwellings or Property Strategy*' that is open and transparent.
- (iii) It is fact that the Vale of Glamorgan Billing Authority has taken upon itself to define '*Unoccupied*' as being interchangeable with '*Empty*' – a serious misconstruction of the law that has resulted in Class A and B dwellings under the 1998 Regulations being incorrectly deemed '*Empty*' dwellings when as a matter of law they are not. See link:  
[https://www.valeofglamorgan.gov.uk/en/our\\_council/council\\_tax/Empty-and-Exempt-Properties.aspx](https://www.valeofglamorgan.gov.uk/en/our_council/council_tax/Empty-and-Exempt-Properties.aspx)
- (iv) It is fact the Vale of Glamorgan Billing Authority does not understand the statutory differences between a Class C '*Vacant*' property under the 1992 Order and a Class C '*Empty*' property under the 1998 Regulations.
- (v) For the purposes of council tax the descriptor on a council tax demand notice for a Class A and B property under the 1998 Regulations is '*Empty and Furnished*'. This descriptor is nonsensical and leads to confusion. The lawful descriptor on such demand notices should be '*unoccupied and substantially furnished*'.

- (vi) The Vale of Glamorgan Billing Authority issues council tax demand notices for properties entitled to a Class C exemption with the descriptor '*An Empty, unfurnished dwelling*' when under the 1992 Order the dwelling should lawfully be described as a '*Vacant*' dwelling.
  
- (vii) Setting aside the WLGA produced 'guidance' has no legal force or lawful standing it is fact that by adhering to PAM 13 the figures for '*Long Term Empty Properties*' are skewed and is restricted to the '*private sector*'. PAM 13 is not fit for the purpose for ALL Welsh local authorities to show the true extent of '*Long Term Empty*' residential dwellings in their areas be they privately owned or otherwise – see list in paragraph 2.
  
- (viii) It is fact the '*Council Tax Discretionary Relief*' policy approved on 15/04/2019 is yet to be promulgated so persons affected by the 50% hike in council tax due to the withdrawal of the 50% discount on Class A, B and C prescribed dwellings under the 1998 Regulations are being denied access to and knowledge of a policy that has been in force since 15/04/2019 that may assist them. The information must be made immediately available on the website and individual letters sent out to those affected - with an assurance that back dated applications will be given due consideration.

[REDACTED]

21<sup>st</sup> November 2019

[REDACTED]



# 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.**



# Contents...

## Executive Summary

### **1 Introduction and overview of empty homes**

- 1.1 Introduction
- 1.2 Housing need in the Vale
- 1.3 The problems associated with empty homes
- 1.4 Why do properties become empty?
- 1.5 Which properties will the strategy tackle?

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

- 2.1 Empty homes in the Vale
- 2.2 Local Authority powers
- 2.3 Performance and outcomes
- 2.4 Progress since the previous strategy
- 2.5 Review of the current arrangements

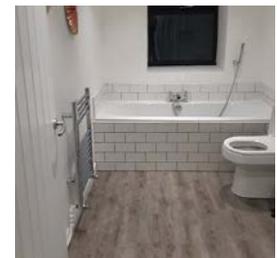
### **3 Strategic direction, resources, services and objectives**

- 3.1 Strategic direction and corporate commitment
- 3.2 Resources
- 3.3 Roles and responsibilities
- 3.4 Services for landlords and property owners
- 3.5 The process for dealing with empty properties
- 3.6 Enforcement
- 3.7 Aims and objectives
- 3.8 Ongoing monitoring and evaluation

## Appendices

- 1 Guidance on PAM13**
- 2 Options for enforcement action**
- 3 Progress against the action plan of the previous strategy 2012-2017**
- 4 Empty property housing loans terms and conditions**
- 5 Statutory provisions that allow for debts incurred to be registered as a local land charge**
- 6 Council Tax policy and information**
- 7 Legal direction**
- 8 Strategic Partnership Action Plan 2019-2024**

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 **long-term** 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.

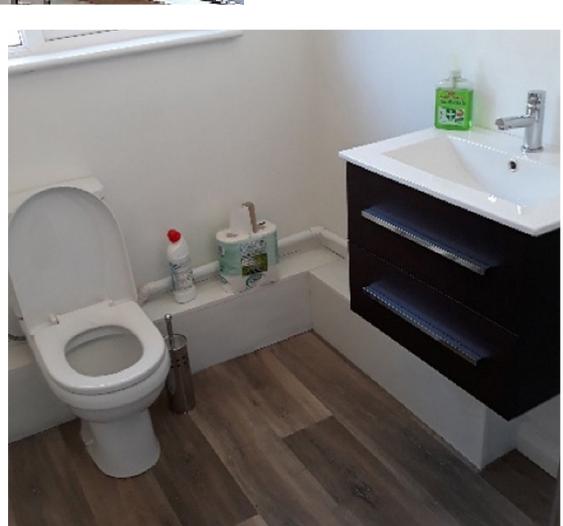
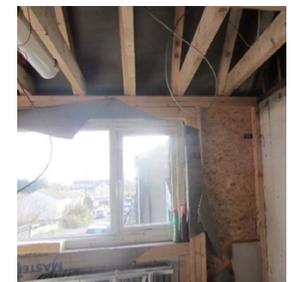
Against this background, the number of people without suitable housing, and housing demand in general, continues to increase. The headline annual need for affordable housing in the Vale of Glamorgan Local Housing Market Assessment from 2017 to 2022 is 576 units per annum. Re-occupying empty homes is 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 ~~long-term~~ 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.
- ~~Long term~~ Empty properties that have been empty for over 6 months.

The main focus of this strategy is to bring back into use ~~long term~~ empty **private sector** residential properties. ~~These 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:

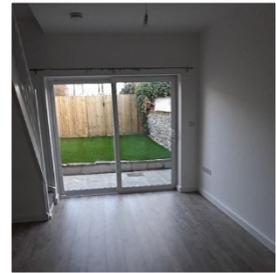
- A. Unoccupied and unfurnished property undergoing repairs/renovation.**
- C. Unoccupied and unfurnished property.**
- F. Unoccupied property which is awaiting probate.**
- G. Unoccupied property which is unoccupied because occupation is prohibited by law.**
- L. Unoccupied property where a mortgagee 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 ~~long-term~~ 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

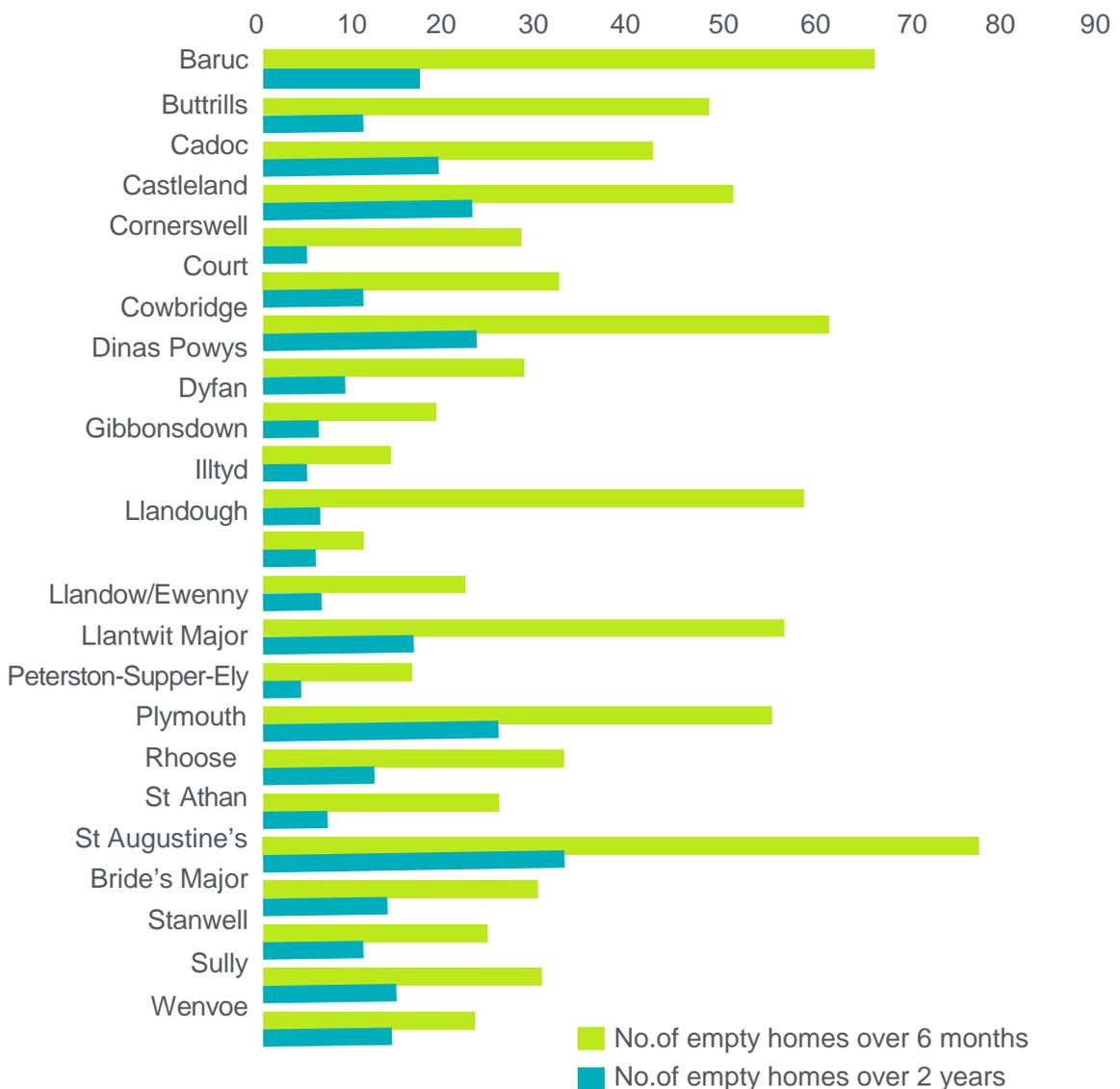
## Empty homes data, Local Authority powers and performance

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: Empty over 6 months	No. of Empty Homes: 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
Illtyd	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
<b>A.</b> 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>B.</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
<b>C.</b> 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.

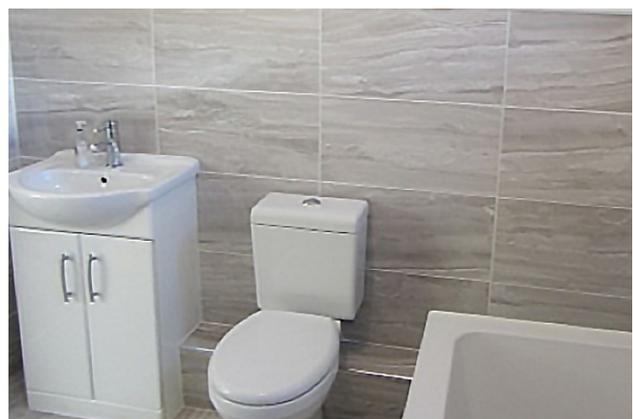
Due to its nature, this work is detailed and time consuming, but its successes reduce the need for enforcement action. If this approach fails to produce the desired outcome, it provides the groundwork and justification for the enforcement options outlined in Appendix 2 and Appendix 5.

**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 ~~long-term~~ 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 ~~a long-term 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 Inquires. 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 ~~long-term~~ 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 £25,000 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 £25,000 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 ~~long-term~~ empty properties. This can involve a change in ownership of a property which will allow a new owner to do what is necessary to bring the property back into use. Details of these powers can be seen in 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  
Empty Homes

# APPENDICES



## 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>	
<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 compulsory 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.	<p>Council Tax database on empty home provided twice per year.</p> <p>Database of all empty home activities record on system.</p>	H	EHLO	<p>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.</p>
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	<p>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.</p>
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	<p>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:</p> <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> <p>This information is added to the database within the Risk Assessment section which also records the date from which the property has been empty.</p> <p>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.</p>
1.4	To promote the strategy within the Authority to other departments and elected members.	<p>Presentation to elected member and Head of Service on empty homes strategy.</p> <p>Empty home information section available on Council's intranet.</p>	M	Team Leader (E&NR) / EHLO	<p>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.</p>

## 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.	<p>Presentation to elected members and Head of Service on empty homes strategy.</p> <p>Empty Homes information section available on Council's intranet.</p>	M	Head of R&P/ EHLO/ Team Leader (E&NR)	<p>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.</p> <p>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.</p>
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 (E&NR)/ EHLO	<p>The existing 2012-2017 strategy is available on the Council's website within the Empty Homes webpage.</p> <p>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 &amp; Strategic Housing Forum. The strategy will be available on the Empty Homes webpage.</p> <p>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.</p>
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	<p>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'.</p> <p>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).</p>



# Appendix 4: Empty property housing loans terms and conditions

## Empty Property Landlord Loans

<b>Aim</b>	<p>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).</p> <p>or</p> <p>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).</p>
<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>	<p>£1,000 up to £25,000 per unit of accommodation, up to a maximum of £250,000 per application.</p>
<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 £25,000
<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.

---

**Risk mitigation measures**

The overall loan to value ratio (taking into account the first/second property charges) will not exceed 80%.

Valuations (RICS) to be undertaken on all properties where 1st or 2nd Land Registry charges exist.

Staged payments may be applied.

---

**Other terms and conditions of loan**

All loans paid under this scheme will be repayable.

All loan applicants will be required to enter into a legal agreement with the Council regarding the repayment of the loan.

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.

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.

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.

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.

The applicant is responsible for obtaining own financial and legal advice prior to committing to the loan application.

If the loan recipient sells the property during the term of the loan, it must be immediately repaid in full.

Valid buildings insurance must be in place for the duration of the loan term.

---

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



## 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.  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 <del>long-term</del> empty properties as at 1st April each year. Targeted Surveys sent regarding high priority properties.  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.  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.	<p>Referrals regarding selling or leasing properties.</p> <p>Circulate lists of relevant properties to interested parties.</p> <p>Issue letters to enable property owners to pay reduced VAT on renovation work.</p>	H	EHLO	
2.4	To promote the availability of the Housing Loans Scheme to property owners and property developers.	<p>Occupation of empty properties as a result of regeneration financial assistance.</p> <p>To support the results of PAM 13 and PAM 45.</p>	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. 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. 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.  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.  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



Regeneration & Planning  
Vale of Glamorgan Council



# Equality Impact Assessment

Please click on headings to find [general guidance](#) or section guidance with an example. You will find supporting information in appendices at the end of the guidance.

When you start to assess your proposal, arrange to meet Tim Greaves, Equality Co-ordinator, for specific guidance. Send the completed form to him for a final check and so that he can publish it on our Vale of Glamorgan equality web pages.

Please also contact Tim Greaves if you need this equality impact assessment form in a different format.

## 1. [What are you assessing?](#)

Draft Empty Homes Strategy 2019-2024

## 2. [Who is responsible?](#)

<b>Name</b>	David Williams	<b>Job Title</b>	Principal Regeneration Officer
<b>Team</b>	Regeneration and Planning	<b>Directorate</b>	Managing Director and Resources

## 3. [When is the assessment being carried out?](#)

<b>Date of start of assessment</b>	19 <sup>th</sup> June 2019
------------------------------------	----------------------------

## 4. [Describe the proposal?](#)

### What is the purpose of the proposal?

The purpose of the proposal is to update the Empty Homes Strategy. The purpose of the strategy is to address issues relating to empty private sector homes as defined in Appendix 1 of the Draft Empty Homes Strategy 2019-2024 (attached). The aims of the 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;

# Equality Impact Assessment

- Prioritise empty homes for enforcement action; and
- Raise awareness of the empty homes issue.

## Why do you need to put it in place?

There is widespread agreement that empty private sector homes are a wasted resource and have a detrimental impact on communities. A strategic approach is required to tackle the issue of empty private sector homes and unlock the potential contribution those properties can make to increasing available housing stock and furthering wider community regeneration.

The previous strategy covered the period 2012-2017. The proposed version (Draft Empty Homes Strategy 2019-2024) provides an update on action undertaken to date and sets out the role that the Council and its partners will play in returning empty private sector homes back into use, together with the resources, powers and processes the Council can use to achieve this.

## Do we need to commit significant resources to it (such as money or staff time)?

The resources required to deliver the Draft Empty Homes Strategy 2019-2024 (Draft EH Strategy) are outlined in the Section 3.2 (Resources) of the draft strategy.

## What are the intended outcomes of the proposal?

A revised Empty Homes Strategy will be in place to reflect current practices and updated aims. Please refer to Appendix 8 (Strategic Partnership Action Plan) of the Draft EH Strategy where the Aims and Objectives are outlined along with the success criteria and outcomes.

## Who does the proposal affect?

The proposal affects the owners of empty private sector homes in the Vale of Glamorgan; and, Vale of Glamorgan residents where the condition of the property is detrimental to the amenities of a neighbourhood.

Due to its nature, this work is detailed and requires thought about the needs of people with protected characteristics on a case by case basis.

**Note:** If the proposal affects lesbian, gay, homosexual, or transgender people, ensure you explicitly include same-sex couples and use gender neutral language

## Will the proposal affect how other organisations work?

Yes, it will affect the work undertaken by Registered Social Landlords (please refer to Section 3.2 of the Draft EH Strategy). It will also impact on the use of the Housing Loans funding provided by the Welsh Government (please refer Sections 2.4 and 3.4 of the Draft EH Strategy). It will also contribute to Welsh Government set targets for the numbers of homes brought back into use.

# Equality Impact Assessment

## Will the proposal affect how you deliver services?

Yes, it will affect how the Council provide services for landlords and property owners (please refer to Section 3.4 of the Draft EH Strategy) and the services for residents with a housing need as it is hoped that an increased number of properties will be available for occupation.

## Will the proposal impact on other policies or practices?

Yes, the empty homes issue requires a joined-up whole Council approach to make the best possible use of our existing housing stock. The Draft EH Strategy therefore links with several key Council documents, strategies and plans, as outlined below (as referred to in Section 3.1 of the Draft EH Strategy):

- 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

## Can you change the proposal so that it further promotes equality of opportunity and fosters good relations?

Yes, Cabinet (15<sup>th</sup> July 2019, minute C42 refers) resolved to approve the Draft EH Strategy as a consultative document. Furthermore, it was also resolved that a further report is presented to Cabinet following public consultation to present the findings of the public consultation exercise and consider any changes to the Draft EH Strategy prior to finalising for adoption. The Draft EH Strategy was also referred to Scrutiny Committee (Homes and Safe Communities) on 16<sup>th</sup> July 2019 (minute 162 refers). Cabinet considered the recommendations of Scrutiny Committee (Homes and Safe Communities) on 29<sup>th</sup> July 2019 (minute C57 refers).

In accordance with Welsh Language Standards the Draft EH Strategy was translated into Welsh prior to being published for public consultation in October 2019. The public consultation period ended on 22<sup>nd</sup> November 2019.

The findings of the public consultation exercise and any changes to the Draft EH Strategy will be reported to Cabinet on 23<sup>rd</sup> March 2020. The Equality Impact Assessment will also be included in the Cabinet report.

## How will you achieve the proposed changes?

Cabinet will receive a further report as described above.

## Who will deliver the proposal?

The Council has a dedicated Empty Homes and Loans Officer who operates behind the strategy.

# Equality Impact Assessment

## How will you know whether you have achieved the proposal's purpose?

The Empty Homes Working Group chaired by the Head of Regeneration and Planning will monitor the implementation of this strategy. To ensure corporate ownership of this strategy an annual review of the Strategic Partnership Action Plan (refer to Appendix 8 of the Draft EH Strategy) will be reported to the relevant Scrutiny Committee.

## 5. What evidence are you using?

### Engagement (with internal and external stakeholders)

Examples of engagement include:

- Engagement with empty home owners through proactive work being undertaken, such as the Empty Homes surveys.
- Representation at Strategic Housing Forums which are led by colleagues in the Housing Department and partner Registered Social Landlords.
- Attendance at Landlord Forums to offer advice and assistance to bring properties back into use.
- Attendance at the Welsh Government's Property Loans Group to contribute to the development of empty homes work and to support performance reporting (Housing Loans funding etc).
- Regular social media posts on the Council's accounts reminding of the consultation taking place and of the advice/assistance available.

### Consultation (with internal and external stakeholders)

Public consultation on the Draft EH Strategy included an Equalities Questionnaire for respondents to complete. Key organisations whose work is pertinent to the issue e.g. Registered Social Landlords, Shelter Cymru etc. were given advanced notice of the public consultation exercise. Networks of key stakeholders e.g. landlords were also used to disseminate information during the consultation period. The Council also used its social media platforms to disseminate information during the consultation period.

From 14 respondents to the public consultation exercise, it has been identified that the Draft EH Strategy has no impacts on any group with protected characteristics.

### National data and research

As at 1<sup>st</sup> April 2018 there were around 27,000 private sector homes in Wales that have been empty for more than six months (Source: InfoBase Cymru). During 2019 the National Assembly for Wales (Equality, Local Government and Communities Committee) undertook an inquiry into the issue of empty homes. The aim of the inquiry was to better understand the scale and impact of the empty homes issue and to assess the effectiveness of the measures to deal with the situation. Links to the Final Report (published in October 2019) and the Welsh Government response can be found below:

<https://www.assembly.wales/laid%20documents/cr-ld12797/cr-ld12797%20-e.pdf>

# Equality Impact Assessment

<https://www.assembly.wales/laid%20documents/gen-ld12892/gen-ld12892%20-e.pdf>

Council officers regularly attend national and regional groups to share best practice and to help tackle the empty homes issue.

## Local data and research

Affordable housing provision is an issue at a local level in the Vale of Glamorgan. 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. Based on Council Tax data there are at present over 800 empty private sector homes across the Vale of Glamorgan (empty over 6 months). Actions to address empty homes within the Draft EH Strategy have a positive impact on the supply of available housing.

The Council follows the Performance Accountability Measures (PAMs) guidance which has been developed by a Welsh Local Government Association led Task and Finish Group in consultation with local authorities. The PAM dataset enables local authorities to give account of their performance to the public, including comparing their performance with that of other authorities.

The guidance included in the published document Public Accountability Measures 2019-20: Guidance for Local Authorities includes detailed definitions for each measure. The Draft EH Strategy (refer to Appendix 1) will help to work deliver results in respect of:

PAM/013 Percentage of empty properties brought back into use.

In financial year 2018/19 the Council was ranked 1<sup>st</sup> overall for the PAM/013 dataset.

The owners of empty homes are provided with a range of assistance options which include interest free Housing Loans and referrals to the Housing Department so that their properties can be linked to potential tenants and buyers.

## 6. How robust is the evidence?

### Does it show what the impact will be (positive and negative)?

The consultation questionnaire included an equality monitoring section and a section for other comments. From 14 respondents to the public consultation exercise, it has been identified that the Draft EH Strategy has no impacts on any group with protected characteristics (refer to attached summary document).

Most of the respondents either agreed or strongly agreed with the proposed Strategic Aims (refer to Section 3.7 of the Draft EH Strategy).

### What are the gaps?

No equalities impact was identified where action is required and no gaps were found.

# Equality Impact Assessment

## What will you do about this?

As a guiding principle (based on a process of monitoring) an equality monitoring section will be included in the Empty Homes Survey documents that are issued periodically every 6 months to 1 year. The results will be analysed and if an impact is identified on a protected characteristic, then measures will be determined to reduce any negative impacts and to promote positive impacts.

## What monitoring data will you collect?

Future Empty Homes Surveys will include a section to enquire whether empty home owners feel that their protected characteristic are impacted (positive, negative or neutral) by empty homes work covered in the Draft EH Strategy (wording to be confirmed) and to be able to elaborate, as required.

The team will consider issuing an equality questionnaire to representatives or samples of groups that could be affected by the Draft EH Strategy e.g. Shelter Cymru, landlords etc.

## How often will you analyse and report on this?

Empty Homes Surveys are conducted periodically every 6 months to 1 year. An annual review of the Strategic Partnership Action Plan (refer to Appendix 8 of the Draft EH Strategy) will be reported to the relevant Scrutiny Committee.

## Where will you publish monitoring data and reports?

The annual review will be published on the Vale of Glamorgan Council website *Council Committee Meetings* pages.

## 7. [Impact](#)

### Is there an impact?

Given the scope of the Draft EH Strategy, there is no indication that there is a protected characteristic issue. It is considered that the Draft EH Strategy will have a positive impact in terms of unlocking the potential contribution empty private sector homes can make to increasing available housing stock and furthering wider community regeneration.

### If there is no impact, what is the justification for thinking this? Provide evidence.

No equalities impact was identified during the consultation on the Draft EH Strategy and through on-going empty homes work. No gaps were found.

# Equality Impact Assessment

## If there is likely to be an impact, what is it?

There is no indication that the adoption of the Draft EH Strategy will have a negative impact on people that will identify themselves as having any of the protected characteristics.

**Age:** Neutral impact.

**Disability:** Neutral impact.

**Gender reassignment, including gender identity** (ensure policies explicitly include same-sex couples and use gender neutral language): Neutral impact.

**Marriage and civil partnership (discrimination only):** Neutral impact.

**Pregnancy and Maternity:** Neutral impact.

**Race:** Neutral impact.

**Religion and belief:** Neutral impact.

**Sex:** Neutral impact.

**Sexual orientation** (ensure policies explicitly include same-sex couples and use gender neutral language): Neutral impact.

**Welsh language:** Neutral impact.

**Human rights:** Neutral impact.

## How do you know?

**Explain this for each of the relevant protected characteristics as identified above.**

Given the scope of the Draft EH Strategy, there is no indication that there is a protected characteristic issue. No equalities impact was identified during the consultation on the Draft EH Strategy or through on-going empty homes work.

## What can be done to promote a positive impact?

**Explain this for each of the relevant protected characteristics as identified above.**

### Age

It is recognised that not all property owners have access to computers and are comfortable to communicate electronically. This can be the case across all age groups but there is the potential for a proportion of persons in an older age group to be more greatly affected. The Empty Homes Surveys and the outline of assistance on offer is distributed periodically by sending hard copies through the post with freepost return envelopes. The option to communicate via online survey

# Equality Impact Assessment

and via email is also available. The continuation of the offer of different communication methods will continue as this helps ensure that the information and dialogue is encouraged with all property owners, regardless of their communication preference.

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## **Disability**

If it is recognised that a property is empty due to the owner's disability or due to caring for a disabled relative, this will be noted and the Empty Homes and Loans Officer who will provide the relevant assistance, communicate via a text service (if relevant) or meet the home owner in person and assist with the completion of forms including the housing loans form and access to other services. If a disabled person is to occupy an empty home which required adaptations, the adaptations can be funded by interest free housing loans. A Disabled Facilities Grant would only be accessible to current owner-occupiers and therefore not relevant to the Draft EH Strategy.

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## **Gender reassignment, including gender identity** (ensure policies explicitly include same-sex couples and use gender neutral language)

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## **Marriage and civil partnership (discrimination only)**

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## **Pregnancy and Maternity**

# Equality Impact Assessment

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## **Race**

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## **Religion and belief**

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## **Sex**

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## **Sexual orientation** (ensure policies explicitly include same-sex couples and use gender neutral language)

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## **Welsh language**

# Equality Impact Assessment

Bilingual correspondence is issued in accordance with Welsh Language Standards. The Draft EH Strategy is available and all relevant information is available both in Welsh and English. Communication in Welsh and English are welcome.

The Empty Homes surveys are issued (bilingual) and the online form allows for the language preference for future correspondence. Moving forward the hard copy form will be amended so that the language option for future correspondence can be selected rather than rely on the language used for completed surveys.

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## Human rights

The Draft EH Strategy drives a corporate commitment to finding solutions to the empty private sector homes problem. Article 1 of the First Protocol of the Human Rights Act 1998, which protects the right of the individual to enjoy their property peacefully, has been a fundamental guiding principle throughout the formation of the Strategy.

The Empty Homes surveys and other such documents to be distributed going forward will include an equality monitoring section to see whether the property owner/responsible person identifies themselves as being one or more of the protected characteristics (to note which one/s); whether they feel that Empty Homes work/ Strategy has had a positive, negative or neutral affect; and, a comments box to provide detail. The responses will be periodically monitored by the Empty Homes and Loans Officer to determine if any additional measures are required to support those with protected characteristics and to promote a positive impact.

## What can be done to lessen the risk of a negative impact?

**Explain this for each of the relevant protected characteristics as identified above.**

Given the scope of the Draft EH Strategy, there is no indication that there is a protected characteristic issue. No equalities impact was identified during the consultation on the Draft EH Strategy or through on-going empty homes work.

However, refer to Section 6 (What monitoring data will you collect?) of this document, if the owner of an empty property is in a group with a protected characteristic and a negative impact has been identified, then practical changes/actions will be taken to remove or mitigate the impact.

## Is there a need for more favourable treatment to achieve equal outcomes? (Disability only)

# Equality Impact Assessment

None identified. However, if the owner of an empty property is in a group with a protected characteristic and a negative impact has been identified, then practical changes/actions will be taken to remove or mitigate the impact.

## Will the impact be positive, negative or neutral?

Explain this for each of the relevant protected characteristics as identified above.

### If there is likely to be an impact, what is it?

**Age:** Neutral impact.

**Disability:** Neutral impact.

**Gender reassignment, including gender identity** (ensure policies explicitly include same-sex couples and use gender neutral language): Neutral impact.

**Marriage and civil partnership (discrimination only):** Neutral impact.

**Pregnancy and Maternity:** Neutral impact.

**Race:** Neutral impact.

**Religion and belief:** Neutral impact.

**Sex:** Neutral impact.

**Sexual orientation** (ensure policies explicitly include same-sex couples and use gender neutral language): Neutral impact.

**Welsh language:** Neutral impact.

**Human rights:** Neutral impact.

## 8. [Monitoring ongoing impact](#)

### Date you will monitor progress

July - August 2020 to tie-in with the Empty Homes surveys.

### Measures that you will monitor

Refer to Section 6 (What monitoring data will you collect?) of this document.

If the owner of an empty property is in a group with a protected characteristic and a negative impact has been identified, then practical changes/actions will be taken to remove or mitigate the impact.

# Equality Impact Assessment

## Date you will review implemented proposal and its impact

An annual review of the Strategic Partnership Action Plan (refer to Appendix 8 of the Draft EH Strategy) will be reported to the relevant Scrutiny Committee.

## 9. [Further action as a result of this equality impact assessment](#)

Possible Outcomes	Say which applies
No major change	No impacts on protected characteristics groups have been identified.
Adjust the policy	
Continue the policy	.
Stop and remove the policy	

## 10. [Outcomes and Actions](#)

### Recommend actions to senior management team

None. It has been identified that the Draft EH Strategy has no impacts on any group with protected characteristics.

### Outcome following formal consideration of proposal by senior management team

Agreed, that no major change is necessary.

## 11. [Important Note](#)

**Where you have identified impacts, you must detail this in your Cabinet report when seeking approval for your proposal.**

It has been identified that the Draft EH Strategy has no impacts on any group with protected characteristics.

# Equality Impact Assessment

## 12. [Publication](#)

**Where will you publish your approved proposal and equality impact assessment?**

The approved proposal will be published on the Vale of Glamorgan Council website *Empty Homes* pages.

**In addition to anywhere you intend to publish your approved proposal and equality impact assessment, you must send a copy to Tim Greaves, Equality Co-ordinator, to publish on the equality pages of the Vale of Glamorgan website.**

## 13. [Authorisation](#)

<b>Approved by (name)</b>	Marcus Goldsworthy
<b>Job Title (senior manager)</b>	Head of Regeneration and Planning
<b>Date of approval</b>	3 <sup>rd</sup> March 2020
<b>Date of review</b>	March 2021