NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP – 9 JULY 2012

Title of report	RETURNING HOUSES TO HOMES POLICY
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Purpose of report	To consult Policy Development Group on the Returning Houses to Homes Policy (see Appendix 1)
Council Priorities	Safer and Healthier District
Implications:	
Financial/Staff	A cross service team has been established to focus on this work Financial implications are covered within the policy for each potential intervention.
Link to relevant CAT	N/A
Risk Management	Risks have been considered and are covered within the policy document.
Equalities Impact Assessment	An Equality Impact Assessment has been undertaken and is included at Appendix 2
Human Rights	N/A
Transformational Government	This relates to the new ways in which council's are being asked to deliver their services.
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	Corporate Leadership Team Ashby, Coalville and Northern Parishes Community Forums Consultation evening for stakeholders ie Registered Social Landlords, Private Sector Landlords etc

Background papers	Existing Empty Homes Policy Minutes of consultation events CLT report Cornwall Council – Empty Homes documentation
Recommendations	THAT POLICY DEVELOPMENT GROUP CONSIDER AND COMMENT ON THE RETURNING HOUSES TO HOMES POLICY

1.0 BACKGROUND

- 1.1 Making the best use of existing housing is an objective of the Council's 2011 housing strategy, contributing particularly to the outcome of "homes for all".
- 1.2 Returning Houses to Homes Policy, supplemented by an action plan, will describe how the Council will direct action towards bringing empty houses in the private sector back into use.
- 1.3 The government's priority to reduce the national deficit has had a significant impact on local government capacity to tackle housing issues in the private sector (private rented and owner occupied) funding was removed. However, with less public and private investment in new supply, the government still expects local authorities, the private sector and the voluntary and community sector to collectively do more to meet housing demand through existing homes, including empty houses.
- 1.4 In November 2011 there were 1,069 privately owned empty houses in North West Leicestershire, of which 615 had been empty for six months or more. The proportion of long term empty houses in North West leicstershire (58%) is higher than the English average of 39%.
- 1.5 Houses are empty for many different reasons. This makes the process of bringing them back into use more of a challenge. A 'one size fits all' approach is unlikely to work, based on evidence of the approach taken by other local authorities and consultation feedback.

2.0 POLICY UPDATE

- 2.1 It was agreed to update the policy as North West Leicestershire has a significant number of Empty Homes in the Private Sector and by proactively working with the owners it may contribute to the additional housing growth identified through the Local Development Framework for the District.
- 2.1 A review of the existing Empty Homes policy also found it to need refreshing in light of legislative and funding regime changes. It was also felt that a wider range of enforcement powers should be available for consideration by officers.

3.0 MAIN CHANGES

3.1 Due to the current financial climate there is limited funding available to offer incentives for returning properties back into use and therefore the new policy incorporates new methods of assisting as well as further promotion of existing methods.

In summary these methods are as follows;

- The promotion of our services through the Landlords forum and the Council's website

- Utilising/promoting the available properties website
- A bid to the HCA's Empty Homes 2012-15 programme to target long term empty properties

4.0 NEXT STEPS

- 4.1 A virtual team of Council officers has been created to use the policy framework and apply it through an action plan into dealing with empty homes on a case by case basis. The team led by the Street Action Team Manager has developed and is progressing an action plan which will include using available resources / incentives to encourage owners of properties to return them to homes.
 - Strategic Housing will lead on houses that have been vacant up to 1 year
 - Street Action will lead on houses that have been vacant over 1 year

Appendix 1

Returning Houses to Homes Policy and Procedures (Private Sector)



May 2012

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1. Introduction

We want North West Leicestershire *"to be a place where people and businesses feel they belong and are proud to call home".*

The housing strategy (<u>www.nwleics.gov.uk/pages/housing_strategy</u>) describes a wide range of action to achieve this vision, including turning empty houses into homes.

This policy and procedures document describes in more detail how we will direct action towards bringing empty houses in the private sector back into use so that we have:

- 1. Homes for all, and there is fair and equal access to housing
- 2. Healthy homes
- 3. Content and confident communities
- 4. The best use of available resources

Since the Council's last empty property policy there has been a new government with a top priority to reduce the national deficit. To achieve this there is less public investment in new homes. The recession has also meant there is less private investment in new homes. In light of this the government expects local authorities, the private sector and the voluntary and community sector to collectively do more to meet housing demand through existing homes, including empty houses.

This policy and procedures document will be supported by an empty homes (private sector) action plan.

2. Background

2.1 How many empty houses are there in North West Leicestershire, and why?

In November 2011 there were 1,069 privately owned empty houses in North West Leicestershire. The table below indicates how long they have been empty for:

Empty for?	Number
Less than 6 months	454
6 months – 1 year	285
1 – 2 years	162
2 years plus	168
Total	1,069

Source: North West Leicestershire Council Tax Records November 2011

The number of empty houses reported by the government includes privately owned houses¹ and empty houses owned by councils and housing associations². There are some empty houses that are not recorded by the government:

- Homes still being built
- Homes that are deemed uninhabitable, including those due for demolition

¹Recorded for council tax charging purposes 2Recorded separately by these organisations

 Rooms in houses in multiple occupation and some types of homes provided for older people

There are several types of houses which are not classed as empty. These include those where:

- The owner is receiving or giving care or treatment in hospital or care home
- The owner lives elsewhere for long periods of time due to work commitments (e.g. Armed Forces Service Personnel)
- Second homes

The government reports that there are 720,000 privately owned empty houses in England, with 280,000 empty for six months or more (November 2011). Regional information is not available yet.

The proportion of long term empty houses in North West leicstershire (58%) is higher than the English average of 39%.

2.2 Why are houses empty?

Houses are empty for different reasons:

- The house may be for sale or for rent, being refurbished or adapted. These houses are usually re-occupied within a few months. However, there can be delays, for example where the occupier has died there can be problems over inheritance, and the owner may run out of money to refurbish the house or may expect more money for a house than the current housing market will pay.
- **The house may be in poor repair.** The condition of the house may have deteriorated whilst it has been empty, or it may have been left in this condition when the previous occupier moved out.
- The house may be empty because it will be replaced as part of a regeneration scheme. North West Leicestershire does not have any of these schemes.

Consultation on this policy also suggested that:

- Owners may choose to keep a home empty if they own more than one in the same 'block' and they would like to do something when a number of homes become available
- Owners may wish to keep a home empty because they have had a bad experience of tenants. It may be preferable in the current housing market to leave a house empty until it can be sold.
- The time taken to renovate homes can take some time, and often longer than expected
- It is easier to sell a vacant property and the home will be empty for at least 3 to 4 months to do this, bearing in mind how long it takes to market the property

3. What have we already done about empty houses?

In 2008 the Council published an empty property policy³. This described how the Council would assist in bringing empty properties back into use and it was successful in bringing empty homes back into use. This was mainly because the council was able to offer grants to property owners. The government ended funding to councils for this purpose in 2010/11, as part of plans to reduce the national deficit. Despite this, between April and November 2011, with direct intervention from the Council's landlord liaison officer, 27 properties empty for less than six months were brought back into use⁴.

There is a shortage of housing in North West Leicestershire (and across the country). Despite limited funding the Council has been pro-actively seeking to understand where empty homes are in the district, having analysed a recent list of homes using Council Tax records. This has been supplemented by visits to empty houses as part of empty property surveys. This is to ascertain the condition of the property, target interventions and prioritise resources. Further work is planned to develop our knowledge base of houses and the reasons why they are empty.

The Council also offers a number of benefits for owners and landlords working with them, including the Available Property initiative⁵ which aims to match available homes with people who are seeking a home⁶. This service seeks to ensure homes are of a good standard, and support is offered to the landlord and tenant if any problems develop. The Council has held a Landlord Forum twice yearly for the last 3 years.

The Council operates a 'virtual team' of existing staff who work to bring empty houses back into use as well as a Council working group looking at the Green Deal – a government initiative to improve energy efficiency and affordable warmth and to reduce fuel poverty. There is a potential link here as houses may be empty because they need improvements to their energy efficiency and heating.

The Council has also worked with Housing Association partners to bid for funds from the Homes and Communities Agency to bring empty houses back into use. 15 homes will be brought back into use by 2015.

The Council's current approach to seeking council tax on empty houses (full council tax is charged after six months empty) acts as a disincentive to owning an empty house in the district and ensures that income is maximised.

In summary, the Council is already doing a number of things to bring empty houses back into use but we think we must, and can, do more. We want to work with owners and the community to decide what we can do.

For more information about what the Council, working with others, has done in the past to bring empty houses back into use and to provide updates on the Council's progress we will be regularly updating the Empty Property web page. We understand that it is important that we communicate what we have done, as well as what we plan to do.

4. What does this policy and procedure document aim to achieve?

In more detail this policy and procedure document aims to contribute towards:

Homes for all, and there is fair and equal access to housing

• Demand for all types of housing and tenure is greater than the supply of new housing. There is very little money available to build new homes. Empty houses present a unique

³ Empty property policy see

www.nwleics.gov.uk/files/documents/empty_property_policy_approved_010708/Empty%20Property%20Policy%20Approved%20010708.pdf

⁴ In the same period 246 empty properties, of more than six months, were returned to use.

⁵ Available properties initiative <u>http://www.nwleics.gov.uk/pages/available_property</u>

⁶ Tenants are not necessarily on the council's waiting list for social housing or will need housing benefit

opportunity to meet housing need without the need for new development. They also reduce the demand for building on Greenfield sites.

- Empty houses can be located in areas where many people would like to live but no new homes can be built, for example in rural areas. They can increase choice for people.
- There are people living in temporary and insecure accommodation, or staying with family and friends. These households tend to have a poorer quality of life than people living in settled homes.

Healthy homes

- Empty houses, particularly those in disrepair, have a negative impact on the neighbourhood environment.
- Bringing empty houses back into use will often mean making it warm and safe. This will be a better place for someone to live in the future.

Content and confident communities

- Empty houses can often cause problems for local neighbourhoods; they can be a target for squatters, vandals and arsonists. They often require the Council and other public services eg, the fire service, to take action.
- People want to take pride in their community and neighbourhood. Empty houses can be an eyesore which blights communities and spoils the environment.
- Bringing empty homes back into use encourages economic vitality, for example people will be needed to carry out repairs and improvements. Many landlords and other property investors are also residents; enabling them to operate sustainable businesses is also likely to benefit the local economy.

Making the best use of available resources

- Empty houses receive a Council Tax discount. Although North West Leicestershire already seeks to end this discount in quite a short period of time, bringing empty houses back into use may further increase Council Tax income for the local area
- Re-using or recycling an empty house is making better use of existing assets and may cost less than developing a new house
- Bringing empty properties back into use can minimise the loss of New Homes Bonus
- Working with local landlords and property investors, registered providers and the wider community to being empty properties back into use may be more cost effective, for example they can bring experience, expertise and their own resources to the task.
- The Council has a statutory duty to find accommodation for people who are homeless through no fault of their own. There is a cost to the tax payer; more housing could reduce this cost⁷

5. How will the policy and procedure achieve our objectives?

⁷ 'The 2009 Audit Commission report 'Building better lives' concluded that 'if only five per cent of empty homes could be brought back into use councils could cut their annual homelessness costs by \pounds ¹/₂ billion.'

Our overall approach

Empty houses are potentially a long-term challenge, particularly in the current housing market. Whilst some will be brought back into use within a few months, many have already been empty for much longer and will be more difficult to address. We also have limited available resources. It is important that the action we take is guided by our vision for North West Leicestershire and the housing outcomes we want to achieve as outlined in the Housing Strategy 2011-2015.

We have also learned lessons from the approach in other local authority areas to tackling empty houses, and we have consulted on this. Based on this knowledge our approach aims to be:

- **Targeted but flexible.** We are particularly interested in focusing on empty houses back into use that:
 - Can meet an identified housing need⁸
 - Will visibly improve the local neighbourhood, enabling pride in the community and raising awareness of the need for homes
 - Are in close proximity to local amenities eg, shops, schools, doctors surgery and employment
 - Require relatively little input

However, we realise we will need to balance these objectives with:

- The willingness of owners to work with us and to take action
- The input required compared to the output eg, rental income, income from the New Homes Bonus, and/or cost savings that will be achieved (value for money)
- Informed. We realise that houses are empty for many different reasons, and that some of those empty for more than 12 months may be for a very valid reason. It is critical that we focus our resources where we feel we can make the most difference to achieving our objectives.
- **Enabling and supportive.** Enforcement is an action of last resort. Our approach will be offer a range of practical and supportive assistance to owners, recognising that a 'one size fits all' approach is not appropriate, and that many people may simply need a small amount of the right input eg, information or advice, to enable them to take action. We're also conscious that we need to be able to respond in a timely manner.
- Value for money. With little public funding available, our approach is to work with people and organisations in the private, community and voluntary sectors to maximise the contribution they can make. This could mean working with private landlords or developers, housing associations, charities or parish councils, for example. They may have experience and expertise, or have access to other sources of funding. We will also work with the County Council and neighbouring local authorities; they have similar housing objectives.
- **Transparent and accountable.** It is critical that the public can hold us to account for the use of public money to bring empty houses back into use. It is also important to understand how many empty houses are being brought back into use through interventions as the overall numbers may be mis-represented by figures calculated for the purpose of New Homes Bonus⁹.

⁸ Housing needs are identified in a number of ways including by the Strategic Housing Market Assessment (this considers the need for home ownership, market renting and social renting), the housing register for social housing, and other local intelligence eg, from housing services, registered providers or the county council

⁹ New Homes Bonus is calculated based on the number of dwellings on the valuation list minus the number of long term empty dwellings that are not exempt from council tax. Even if the council enables 100 houses to be brought back into use in 2012/13, if the number of empty houses increases by 150 because of the housing market, the number of empty houses brought back into use will be -50.

• We have clear procedures (see Appendix 1) in place for those involved in the process to enable this. We also have a clear and pro-active action plan, against which we regularly monitor and report progress.

6. Reporting on progress

Progress in turning empty houses into homes to achieve the objectives described in this policy will be monitored on a quarterly basis by Council officers and reported to the North West Leicestershire Strategic Housing Partnership on a twice-yearly basis. The action plan will be revised to reflect progress and Portfolio Holders will be briefed during the regular Portfolio liaison meetings with the relevant Heads of Service.

Returning Houses to Homes Procedures

Informed and accountable

Given the importance of understanding more about why a house is empty, and not just how long it has been empty, more intelligence about the property owner is needed. This can be from data held elsewhere in the council, but other investigative work may be needed. A starting point will to be ask owners to 'tell us more' about their plans for the house when writing to them, this has been incorporated into the first stage letter that we send out following our survey visit.

We have generally raised awareness with other departments of the Council whose staff are regularly out on the District and can spot empty properties and asked them to report back to the team.

As part of the consultation process we have raised awareness amongst the local community by attending Community Forums and presenting information and how to contact us about empty properties.

Initiative	In detail
Landlords' forum	Regular forums are an opportunity to inform and engage with local landlords. Some of these may own empty houses and/or have an interest in bringing empty houses back into use. The forum is a useful opportunity to bring landlords up-to-speed with changes in housing benefits, legislation and regulation, amongst other things, and for the council and partners to glean local intelligence (for example what action can be taken to address empty houses.
Communication Website Media Letters	Communication through the website aims to raise awareness of empty houses and provides a wealth of useful information for empty property owners and those looking to report, buy and renovate an empty property.
	A empty homes information book will provide advice and support to empty property owners e.g. if the owner is renovating/converting an empty flat above a shop they may be able to claim tax relief on 100% of their capital spending. This will be hosted on the Council website.
	The process of revising the empty houses policy was accompanied by press releases and public consultation eg, at the Community Forums to generate feedback.
	Letters useful to opening up a dialogue with the owner. Regular contact with owners of high priority properties will be made following a protocol that has been established to target our resources.

Information and education

Offering incentives

Initiative	In detail
Bids for funding from	£100m capital funding is available from April 2012 through the HCA's
the Affordable Homes	Empty Homes 2012-15 programme to target long term empty
Programme	properties. The Council has supported bids from three Housing Association partners; 15 homes will be brought into use by 2015
	Association partners, 15 nomes will be brought into use by 2015

Initiative	In detail
Encourage home owners to access the Green Deal	A government initiative to increase the energy efficiency of UK homes. There is a potential link between the Green Deal and empty homes if the barrier is heating/energy related
Empty Property Grants/Loan scheme	From the capital set aside for returning empty houses into homes within the action plan feasibility for offering small grants/loans to help over come the barriers associated with an empty property will be considered.
Rent Deposit & Home Bond Scheme	The Council offers a free introductory service through its 'Available Properties' website, a loan of up to one month's rent in advance and a bond guarantee of up to one month's rent.

Enforcement action

In compliance with the spirit of the Enforcement Concordat, the Regulators Compliance Code and the Environmental Enforcement Policy our approach will be fair, equitable and incremental. The primary function of central and local government enforcement work is to protect the public, the environment and various other groups such as consumers. There is a need to carry out enforcement functions in a consistent, practical and equitable manner, which in turn will help to promote a thriving local and national economy.

Before progressing from one of the following procedures to another, we will ensure that owners are fully advised and given an opportunity and sufficient time to take measures of their own to bring properties back into use.

Initiative	In detail
Empty Dwelling Management Order (EDMO) and Final Management Order (FDO)	The Council has an existing Returning Houses to Homes Policy and Procedures, approved by Cabinet for use of EDMO powers. An EDMO allows a local housing authority to effectively 'step into the shoes' of the owner of an unoccupied dwelling.
	Legislated for in the Housing Act 2004 the Residential Property Tribunal can authorise local authorities to take over the management of an empty property on a temporary basis to have it renovated and reoccupied, where the owner has no plans to bring that property back into use. The cost of the works is then recovered via rent.
Delegated officer powers to serve notices	Several pieces of legislation allow Local Authorities to require repairs to a property to improve its appearance and condition. These include the Building Act 1984, Town and Country Planning Act 1990 and Environmental Protection Act 1990.
	Where a property is having a detrimental impact on the amenity of an area, a notice under s.215 of the Town and Country Planning Act 1990 may be served requiring the owner to address the unsightly external appearance. Where an owner fails to comply with such a notice the Council may undertake the works in default, and make a charge against the property. The use of s.215 notices improves the amenity of an area, but can also be used for the basis of an enforced sale. In North West Leicestershire Planning Enforcement Officers are authorised to serve notice under this Act.
Compulsory Purchase	The Council has an existing Returning Houses to Homes Policy and

Initiative	In detail	
Order (CPO)	Procedures, approved by Cabinet for the use of CPO powers.	
	CPOs are a lengthy legal process that the Council does not undertake lightly. They are only used in appropriate cases, where despite the council's best endeavours; an owner has consistently failed to bring an empty property back into use.	
	An alternative and quicker option is to ensure is to pursue enforced sale orders in cases where owners are reluctant to address the problem that their empty property is causing the neighbourhood.	
Enforced Sale	Enforced sale is a procedure that allows local authorities to recover debt, but can also serve as a way of bringing empty properties back into use. The procedure enables the local authority to force the sale of the property in order to recover a debt, where the owner has failed to repay the debt secured on their property.	
	There are many ways in which such debts may be incurred. A authority may incur a debt against a property when it has secured against unlawful entry or undertaken works in default following th service of a statutory repair notice.	
Demolition Orders	Demolition Orders are for extreme cases and as such are not common practice. They can only be used when other properties will not be affected (e.g. a detached property or end of terrace).	
	Legislation allows Local Authorities to issue an order where the owner i required to demolish a property that is beyond repair at their own expense	

NORTH WEST LEICESTERSHIRE EQUALITY ANALYSIS FORM

Title of the policy/procedure	Empty Homes Policy
Date	8.5.12
Lead Officer	Minna Haines
Who else is involved in	Clare Proudfoot – Street Action Team Manager
undertaking this assessment?	Ruth Robinson – Affordable Housing Enabling Officer
(names and details of	
organisation)	

Step 1 – Overview of policy/ procedure being assessed

A. Outline: What is the purpose of this policy? (specify aims and objectives)

The Policy details the arrangements for turning empty houses into homes to provide accommodation to meet the housing need and improve the local amenity through a range of interventions.

B. What specific group(s) is the policy designed to affect/impact?

The policy affects those persons who own, or have a financial involvement within a property which is empty.

C. Which group(s) have been consulted as part of the creation or review of the policy? (List)

- Landlords with property in the North West Leicestershire District
- Members who attended the Community Forums
- The Public through the Council's website and local press
- Consultation event 26 April 2012

Step 2 – What we already know and where there are gaps

A. List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to ethnicity, religion, sexual orientation, disability, age, gender, transgender etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence
- Returning empty houses into use is high on the Government agenda.
- Powers to return empty properties back into use are given under the Housing Act 2004.
- Awareness of the Council's policy has been raised via community forums and through the Council's website.
- A consultation event was held and advertised via the website as well as letters sent to known landlords and agents.
- Data received from Council Tax with a list of empty properties in the District and any

owner's details.

- In November 2011, there were 1,069 private empty properties in North West Leicestershire.
- There is at least one empty property in every settlement in the District except Chilcote.
- Most of the empty properties are situated around Coalville & the Market Towns but around 30% are in rural settlements.
- B. What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (please list)
 - Empty properties are located in the whole of the District.
 - Not all owners of empty properties live in the District.
 - Empty properties are concentrated in Coalville and the Market Towns

Step 3 – Do we need to seek the views of others? If so, who?

A. In light of the answers you have given in step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.

• N/A – Consultation has already been conducted with all members of community forums and known landlords. Press releases have been published in local papers and the vision magazine. Also, the Council's website has been updated and included a survey monkey.

Step 4 – Assessing the impacts

	own knowledge and the policy has a pos specified and provi	consultation/inform d awareness, please sitive or negative or de an explanation fo general duties on th	e identify whether the groups or your decision.
	Positive	Neutral	Negative
Age		Х	
Disability (physical, visual,			
hearing, learning disabilities,		Х	
mental health)			
Gender / Sex		Х	
Religious Belief		Х	
Racial Group		Х	
Sexual Orientation		Х	
Transgender		Х	
Carers		Х	
Priority neighbourhoods		Х	
Other protected groups			
(pregnancy & maternity,		Х	
marriage & civil partnership)			
Other socially excluded groups			
(low literacy, socio-economic,		Х	
rural communities, etc)			
All		Х	

Step 5 – Action Plan

Plan			
Question Number (i.e Step 2B)	Key improvement activity	Responsible Officer	Target Completion Date
Step 4	Capture equality data at time of sending empty property questionnaire	Minna Haines Ruth Robinson	Ongoing

Add additional lines as required

Step 6 – Who needs to know about the outcomes of this assessment, the progress made and how will they be informed

	Who needs to know (Please tick)	How they will be informed (we have a legal duty to publish EIA's)
Employees	x	Team meetings
Customers	x	Web site, landlords forum, press releases and community forums
Partners and stakeholders	x	Web site, landlords forum and press releases
Others	x	Web site and press releases
To ensure ease of access, what other communication needs/concerns are there?		

Step 7 – Conclusion (to be completed and signed by the Head of Service)

Please delete as appropriate

I agree / disagree with this assessment / action plan

If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:

Signed (Head of Service):

Date:

Once you have completed your EIA and it has been approved by your Head of Service please send to the Policy and Performance Officer