

Title of Report	EMPTY HOMES POLICY	
Presented by	Paul Sanders Head of Community Services	
Background Papers	Returning houses to homes policy Microsoft Word - Returning Houses to Homes Policy and Procedures.doc (nwleics.gov.uk) Housing Strategy Housing Strategy 9 March 2016 with glossary.pdf (nwleics.gov.uk)	Public Report: Yes
Financial Implications	All costs will be reviewed prior to action being instigated to ensure that costs are recovered via an appropriate legal process.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	External advice has been sought from NPLaw in the preparation of this report and they have worked in conjunction with the in house legal team.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None	
	Signed off by the Head of Paid Service: Yes	
Reason Agenda Item Submitted to Scrutiny Committee	To continue the work to bring empty properties back into use.	
Recommendations	COMMUNITY SCRUTINY ARE REQUESTED TO COMMENT ON THE DRAFT EMPTY HOMES POLICY AHEAD OF CONSIDERATION BY CABINET ON 28 MARCH.	

1.0 BACKGROUND

- 1.1 Empty properties are considered a waste of housing resource at both national and local levels. The government’s National Planning Policy Framework (2021) confirms that local authorities should *‘identify and bring back into residential use empty homes and buildings, supported by the use the powers contained within the Policy’*.
- 1.2 The council has a Returning Houses to Homes Policy to tackle empty properties and bring them back into use. However this was approved in 2012 and now requires a

refresh. The revised policy is attached at **Appendix 1** and a new title: “Empty Homes Policy”. is proposed

- 1.3 The council’s proposed revised Empty Homes Policy firmly aligns with the council’s Housing Strategy and aims to unlock the potential of vacant sites and empty homes; thereby contributing towards meeting local housing supply needs. Empty homes can have a negative impact on the local community and in some circumstances may be the subject of multiple concerns such as anti-social behaviour and dilapidation including structural repair, nuisance, as well as unauthorised entry. Bringing these properties back into use can not only deal with the issues outlined above but can also bring assistance to the owner who may not have known what to do with the property.
- 1.4 Where possible the council will always engage with a private owner to encourage a voluntary solution for bringing a property back into use. However, there are some instances where this is not possible, for example where the council is unable to identify owners; there might be issues in relation to probate, where known owners refuse to engage with the council or planning restrictions and issues.
- 1.5 The private residential empty property figures for the district as at 1st January 2022 are:

Total over 6 months	458
6-12 months	196
1-2 years	124
2 years plus	138

- 1.6 The council’s Empty Homes Officer risk rates all empty properties based on their appearance, location and impact on the neighbourhood as well as the number of complaints received. This then helps to prioritise the list of empty properties and enables the council to engage and assist property owners to bring back into use or sell their property which is a wasted asset within the community.
- 1.7 In order for these more complex and contentious cases to be progressed a robust policy is required so that there is a graduated approach towards more formal action. The policy clearly sets out the formal action the council can take in order to obtain a resolution to ongoing issues as a result of the property being a long term empty property.

2.0 LEGAL IMPLICATIONS

- 2.1 Before any formal action is taken against a long term empty property owner, the council ensures they have made every effort to contact the owner and requested that they improve the property to the benefit of the neighbours and locality generally, particularly given the continued deteriorating state of the premises. It is important that the council can evidence the graduated approach to these cases as this will be required as part of the legal process. The Empty Homes Officer keeps a record of all actions on the council’s back office database.
- 2.2 Where owners cannot be traced or where a response from known owners is non-committal or otherwise unsatisfactory, there is scope to consider whether there is a compelling case, in the public interest for enforcement action to be taken by the council, to ensure that the council’s strategic aims are achieved. In these cases, consideration is given to the length of time the property has been empty and the previous failed attempts to secure the renovation/co-operation from the owners, along with complaints and the adverse effects on the amenity of the neighbourhood.

- 2.3 There is no statutory requirement for the council to produce an Empty Homes Policy, however it is complementary to the council's Housing Strategy and sets out the council's approach for bring empty homes back into use for the benefit of local people and their communities.

3.0 WORK TO DATE

- 3.1 Over the last 5 years, the Empty Homes Officer has had a number of communications and successes with empty homes owners. Set out below is some of the data and two case studies highlighting the work of the officer:

Notices issued	30
Fines issued	4 court fines 1 Fixed penalty notice 1 Penalty charge notice
Letter sent	Over 750
Risk assessments completed	Over 1700
Update sent to council tax for their records	Over 1290

- 3.2 Case study A – A long term empty mid terrace house in Kegworth with a title deed that showed the owner was not the same as the one listed on council tax. An investigation highlighted that the correct owner had passed away, leaving the property to three executors. The property was untidy so the initial informal enforcement letters were sent, and council tax were advised of the changes so that they could send council tax bills. This intervention led to the property being sold which further led to renovation and subsequent occupation.
- 3.3 Case study B – A long term empty semi-detached house in Battram that was overgrown and dilapidated. Numerous attempts to engage with the owner were made including serving legal notices requiring information regarding legal ownership of the property. Two community proportion notices were served to try and get the land tidied up but these were not complied with which later led to a successful prosecution at Magistrates Court. Following this the owner cleared the grounds and put the property up for auction. The new owners renovated the property and moved into it once complete. The sale also led to the recovery of £9,976.00 council tax debt.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Developing a clean and green district - Local people live in high quality, affordable homes
Policy Considerations:	
Safeguarding:	If any safeguarding matters were raised during the Empty Homes Officer's visits the relevant referrals would be made.
Equalities/Diversity:	Equalities and Human Rights Impact Assessment has been completed on 10 January 2022 as this is a new policy.
Customer Impact:	N/A.
Economic and Social Impact:	Empty homes work improves the local area and neighbours lives by not having a blighted property

	in the area.
Environment and Climate Change:	N/A
Consultation/Community Engagement:	N/A
Risks:	None identified
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