

Reason for Decision	To continue to work on private sector empty homes.
Recommendations	THAT CABINET APPROVES THE REVISED EMPTY HOMES POLICY.

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 bringing empty homes back into use for the benefit of local people and their communities.

3.0 WORK TO DATE

- 3.1 Over the last five years, the Empty Homes Officer has had a number of communications and successes with empty home 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.

4.0 Community Scrutiny Feedback

4.1 The draft policy was presented to Community Scrutiny Committee on 9 February 2022. Feedback from the committee in relation to the empty homes work completed to date was positive and the continuation of the work encouraged.

4.2 The questions raised are below along with the relevant responses:

- Amount of New Homes Bonus income received last year
 - In 21/22, £2,452,094 was received in new homes bonus income
- Does the council hold any data on whether the charging council tax extra on empties made them come back into use?
 - The council does not hold specific data on the impact the additional council tax has had on empty properties. However, the Empty Homes Officer made the following comments “since the introduction of the additional council tax charge for properties empty longer than two years, there has been a noticeable reduction in the number remaining empty”
- Is there any benchmarked data with other similar districts on new homes bonus and number of empties returned back into use?
 - Harborough charge 50% premium when empty for more than two years
 - Hinckley & Bosworth BC – From 1 April 2020 charged 100% council tax premium on properties that have been empty for longer than two years. Effectively this will mean the owner of any property that has been empty for two years or longer will be charged double council tax on that property. From April 2021, the premium will increase to 200% on properties that have been empty for longer than five years; and from April 2022 the premium will be increased to 300% on properties that have been empty for longer than ten years.
- Is this additional percentage added to council tax when the property has been empty for so long set by Government or the council?
 - The government has set legislation that allows councils to decide if they would like to charge additional council tax on long term empty properties. NWL Revenue’s and Benefits team currently charge:
 - Property empty for up to one month – no charge irrespective of who is liable and between occupations etc. If previous person has whole month the new person cannot have it.
 - Property empty and unfurnished for up to two years when it became empty 100% council tax is charged.
 - After two years property remains empty and unfurnished 50% empty premium is charged so in essence they pay 150% in council tax.
 - After three years property status remains as is, then they are charged 100% premium which means two lots of council tax.

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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