



# **Empty Homes Strategy**

**2010 – 2015**

30<sup>th</sup> June 2010

Social Care, Health and Housing Directorate (Housing Services)

**Draft (version 3)**

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## **Foreword**

The Government has increasingly encouraged local authorities to search for innovative ways to address the problem of empty homes, as an empty home is a wasted asset for both the owner and the community. Empty homes may lead to anti social behaviour or crime, and, particularly where they are clustered, can have a far reaching negative impact on the local community.

In Central Bedfordshire Council the Empty Homes Strategy is an important step to ensure that a strong focus on empty homes is maintained and that there is a balanced approach to bringing empty homes back into use.

We intend to deliver a strategy that focuses on partnership working, effective tools and taking appropriate action, having regard to the wider agenda – improving the quality of life of all in Central Bedfordshire.



**Cllr Mrs Rita Drinkwater**  
**Portfolio Holder for Housing**

## **1. Executive Summary**

The overall aim of the Empty Homes Strategy is to bring long-term empty homes back into use. Together with our partners we will seek innovative solutions to the problem and hence contribute towards creating a sustainable environment. This strategy provides a framework for tackling the various issues associated with long-term empty homes in the private sector, in a cost-effective manner.

The Council's empty homes strategy will be applicable to residential properties that have been unoccupied for six months or more, or where they are causing significant problems to the local community. However, actions will be targeted at those properties that have been empty for 5 years or more or are blighting neighborhoods.

The Government recognises that empty homes could contribute significantly to meeting projections of housing need. Central Bedfordshire Council has recognised the need to tackle empty homes. Executive has agreed to test Empty Dwelling Management Orders, and has signed an important framework agreement with Pathmeads Housing Association.

There was a welcome decrease of approximately 300 empty homes from the 1<sup>st</sup> April 2009 to 1<sup>st</sup> April 2010, with most of these being homes that had been empty for 6 months or more. There is much work still to do though, with 1,161 homes empty for 6 months or more in April 2010, amongst a total of 2313.

The Council has identified five key delivery actions to help achieve the overall aim of the Empty Homes Strategy:

- 1. To raise awareness of empty home issues in Central Bedfordshire,**
- 2. To improve understanding of the local empty homes problems, which will help determine appropriate policy tools,**
- 3. To establish better partnership working both within and outside the Council but particularly with owners of empty homes**
- 4. To take appropriate actions to return empty homes into occupation**
- 5. To monitor and review the effectiveness of those actions, and consequently the success of this strategy**

The Strategy contains an action plan that sets out the milestones for the delivery of these key actions.

If you have any queries please contact Private Sector Housing Services on 0300 300 8007 or at [psh@centralbedfordshire.gov.uk](mailto:psh@centralbedfordshire.gov.uk)

## **2. Introduction**

### **2.1 Geography of Central Bedfordshire**

Central Bedfordshire is home to approximately 255,000 people living in a number of large and small towns and villages set within attractive countryside. It is a successful and prosperous area where people want to live and work. It includes the towns of Dunstable, Leighton Buzzard, Houghton Regis, Biggleswade, Flitwick, Sandy, and Ampthill, and 71 rural parishes.

There are approximately 107,000 households in the area, 76% of which are owner occupied, and approx 14% socially rented.

### **2.2 The Housing Market**

Central Bedfordshire is influenced by the Milton Keynes – South Midlands growth area, as well as the London – Stansted - Cambridge growth area. The average house price in Central Bedfordshire at April 2009 was £208,465, which is slightly higher than the regional average of £205,035<sup>1</sup>. Between 2000 and 2008, average property prices in Central Bedfordshire rose 111% in the North and 94% in the South. The ratio of earnings to house prices is an indicator of affordability, in particular the lower quartile averages. In 2008, a person earning lower quartile average wage of £19,600 would need to borrow at least 7 times their salary as a mortgage (if no deposit). The recognised affordable ratio is 3.5.

An analysis of average earnings and average private sector rent levels in Central Bedfordshire indicates that private sector rents are approximately 21% of average earnings, making much of this sector unaffordable to those on lower incomes. The 2008 report by Julie Rugg and David Rhodes; *The Private Rented Sector: its contribution and potential*, make recommendations as to how this sector could grow to become a more realistic choice to low income households.

Consequently, considerable pressure is placed on the availability of affordable and accessible housing for local people.

Bedfordshire and Luton Strategic Housing Market Assessment 2009 estimates a growth of an additional 46,200 households over the 15 year period from 2006 – 2021. Trend based projections also suggest that there will be a requirement of the social rented stock to increase by 12,000 units during the 20 year period 2001 – 2021, a growth of 35% (These figures are based on the whole of Bedfordshire and Luton). This equates to 643 affordable homes being needed per year to meet housing need that cannot be met by the open market in Central Bedfordshire. In this context, empty homes could represent an opportunity to help meet overall needs.

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<sup>1</sup> Bedfordshire Housing Monitor 2009

### **2.3 Short term empty homes**

In order to function effectively, the housing market needs vacant homes to allow for residential mobility and redevelopment. Therefore, transactional or short-term vacant homes not the focus of this Strategy. Similarly, holiday and second homes are excluded. This Strategy is focused on private sector homes that have been vacant for over 6 months, with an emphasis on those that have been empty for 5 years or where they are blighting neighborhoods.

### **2.4 Problems associated with empty homes**

Homes empty for a long time are a wasted resource and can have a negative impact on the local community. They may:

1. attract crime such as vandalism, arson, squatting and dumping of rubbish
2. cause damage to neighbouring properties
3. be an eyesore
4. mean loss of Council Tax revenue
5. be costly to the Council and other agencies (e.g. The Police)
6. reduce the value of surrounding properties
7. be a waste of a scarce resource – land.

### **2.5 Benefits of bringing Empty Homes back into occupation**

The benefits of returning empty homes to occupation are many and varied. They include:

1. enhancing the local residential environment,
2. reducing the risk of crime and anti-social behaviour,
3. increasing the provision of housing,
4. contributing towards a balanced housing market
5. reducing the need for new build properties,
6. modernisation of older properties,
7. regenerating run down areas,
8. enhancing the vitality of town centres,
9. improving housing stock,
10. helping to tackle homelessness.

### **2.6 Key Aim of the Strategy**

The Empty Homes Strategy forms a key part of the private sector housing activity in Central Bedfordshire. The key aim is to reduce the number of long-term empty homes in the area. We plan to achieve this through the approach outlined in section 5

### **3. Strategic Framework**

#### **3.1 National Context and new Government**

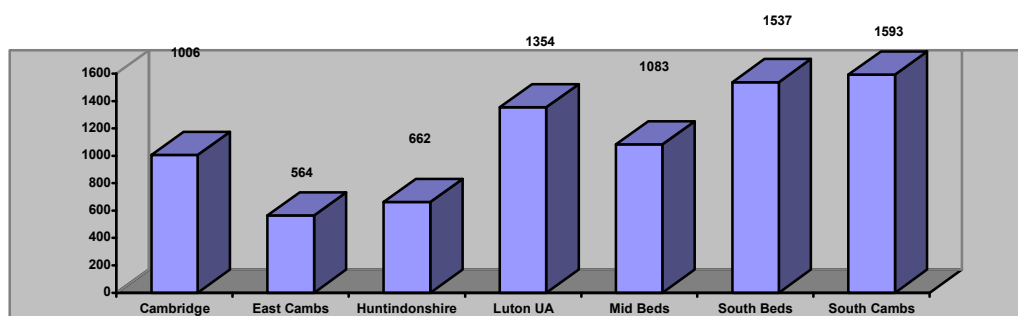
The issue of empty homes has been at the forefront of national, regional and local government agenda for the last few years. Government statistics have indicated that on the 1st April 2009 the total number of vacant dwellings in England was 651,993. This shows a decrease of just over 3% on the previous year and marks a slow downward trend<sup>2</sup>.

However, the still high number of vacant homes signifies the need for a change in approach and seeking more innovative and longer lasting solutions. The coalition Government makes specific reference to empty homes in *The Coalition: our programme for Government* published in May 2010. The Government's proposal is "to explore a range of measures to bring empty homes back into use".

#### **3.2 Regional Context**

The scale of empty homes in the eastern region is not as major as in the other parts of the country – however, the Regional Housing Strategy (2005-2010) recommends that local authorities should do more to bring empty homes into residential use, and links the problem of empty homes to neighbourhood decline, anti-social behaviour and the fear of crime.

The graph below indicates empty homes numbers in various eastern local authorities as at April 2009.



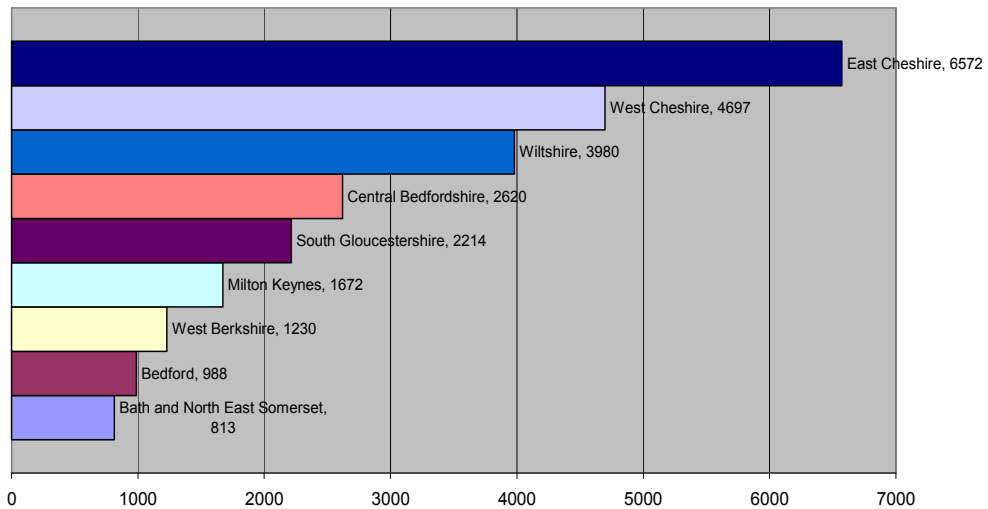
#### **3.3 Local Context and comparison to CIPFA comparator group**

On 1<sup>st</sup> April 2009 the total number of empty homes in Central Bedfordshire was 2,620. This can be compared to a number of CIPFA comparator group

<sup>2</sup> Data from The Empty Homes Agency, [www.emptyhomes.co.uk](http://www.emptyhomes.co.uk)

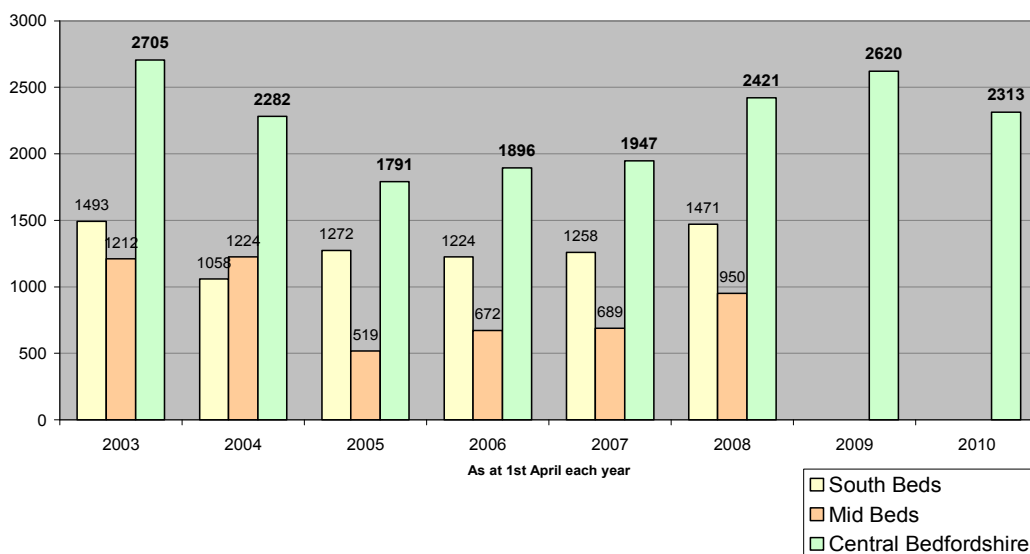
authorities to Central Bedfordshire Council. The graph below provides some indication.

**CIPFA Comparator Group Authorities to Central Bedfordshire  
Number of Empty Homes as at 1st April 2009**



At 1<sup>st</sup> April 2010 the number of empty homes had dropped to 2,313. The number of long-term empty homes in Central Bedfordshire had also decreased, to 1,161. Of these, 158 have been empty for over 5 years, 225 for over 2 years, and 778 for less than 2 years, but more than six months. The decrease in numbers over the 12 months from April 2009 to April 2010 is welcome but the April 2009 numbers were the highest since 2003.

**Total Empty Homes 2003 - 2010**



The figures quoted are extracted from the Council Tax records annually. Owners of houses that are empty are entitled to a 50 % reduction in their



Council Tax charges in former Mid Beds area and 10% discount in former South Beds area. Certain cases are eligible for 100% exemption, and therefore categorised specifically as empty homes. Officers in Housing work closely with colleagues in the Revenues and Benefits service to ensure the data provided is accurate and timely. This is supplemented through routine inspection of Officers during their normal work activities.

### **3.4 Breakdown by Parish**

Long term empty homes are spread across Central Bedfordshire with the largest number being in Biggleswade (123), followed by Stotfold (95), and Dunstable (83). A breakdown of all of the figures, by parish, can be seen in Appendix A.

### **3.5 Legislative Framework**

Appendix B outlines the legal framework and the statutes relating to empty homes. These are also referred to in section 6.

## **4. Corporate and Local Strategic Partnership Context**

### **4.1 Council's Vision**

*The Council's vision is to improve the quality of life of all in Central Bedfordshire, and enhance the unique character of our communities and our environment*

The Empty Homes Strategy will contribute towards the successful achievement of the Council's vision. Bringing empty homes back into use will enhance the immediate residential environment and contribute to meeting the housing growth agenda.

The Local Strategic partnership vision is one of greater economic prosperity based on sustainable growth. The aim for Central Bedfordshire is to be *Globally connected, delivering sustainable growth to ensure a green, prosperous and ambitious place for the benefit of all*. Bringing empty homes back into use contributes towards sustainable growth. As the area is developed to become an economic powerhouse, homes will be required for new households looking to work in Central Bedfordshire.

### **4.2 Contribution to other strategies and priorities**

The Council's draft Housing Strategy 2010 includes the issue of empty homes within the proposed Key Priority "Delivering Regeneration alongside growth". Empty homes were a key issue raised by stakeholders at the Housing Strategy Consultation event held in January 2010, and the strategy has reflected the desire to address the issues.

The Empty Homes Strategy is directly linked to the Private Sector Housing Renewal Policy, adopted by Executive in March 2010. This policy sets the private sector housing priorities that impact upon the health of vulnerable households and includes tackling empty homes. The policy sets out how empty homes could be tackled through targeting of financial resources, primarily loan assistance, for owners of long term empty homes, where certain conditions are met. The issue of resources is mentioned below.

The development of an Empty Homes Strategy is a key priority within the Social Care, Health and Housing Directorate Plan and the Housing Service Plan.

### **4.3 Legacy Council approaches**

The creation of Central Bedfordshire Council brought together the Private Sector Housing functions of the legacy authorities and the approach to Empty Homes was significantly different.

The former Mid Beds District Council had an Empty Homes Officer (part time) resource, and a capital programme, which was used to offer assistance to

owners of long term empty homes. During 2008/09, two empty homes grants were completed, with a value of £25,500. During 2009/10, a total of four (legacy) grants were completed, with a value of £37,200.

The former South Beds District Council took a more “enforcement” orientated approach from 2007 to 2009. This resulted in reports taken to the former South Beds District Council Executive that recommended the use of Empty Dwelling Management Orders or Compulsory Purchase Orders.

Within Central Bedfordshire Council, the Private Sector Housing team has generic Officers covering a range of private sector housing activity, including empty homes. This approach offers service flexibility.

An independent Activity Based Costing survey undertaken in October 2009 indicated that the North team’s Officers spent approximately 6% of total time on empty homes issues (with about half of this on grant related work). The South team spent about 8% of total time on empty homes work but this is all enforcement related. This equates to approximately £32,400.

Council Tax relief in legacy Council areas differed also, with former Mid beds offering a 50% discount for empty homes, and former South Beds offering a 10% discount.

Appendix C contains two case studies of empty homes brought back into use.

#### **4.4 Current Empty Homes Policy and Protocol**

In September 2009, the Council’s Executive approved the use of Empty Dwelling Management Orders in respect of 5 specific long term empty homes. An Empty Homes Policy and Protocol was also approved.

This policy contains issues for consideration when thinking of enforcement options for empty homes. It does not itself form a strategy but its content is taken account of in development of this Empty Homes Strategy and revised enforcement protocol guidelines are attached as Appendix E.

## **5. Delivering the Strategy**

The overall aim of the Empty Homes Strategy is to bring long-term empty homes back into use. The Council has identified five key delivery actions to help achieve this:

- **To raise awareness of empty home issues in Central Bedfordshire,**
- **To improve understanding of the local empty homes problems, which will help determine appropriate policy tools**
- **To establish better partnership working both within and outside the Council**
- **To take appropriate actions to return empty homes into occupation**
- **To monitor and review the effectiveness of those actions, and consequently the success of this strategy**

### **5.1 Raising awareness and identifying empty homes**

The majority of empty homes enter the Council Tax discount or exemption list. However, it is possible that not all owners of empty homes claim a discounted rate of Council Tax. Empty homes are often identified following complaints from the public, through contact with Town and Parish Councils and other external agencies, and are identified by Officers undertaking other work in the area.

The Council will review how residents can find out about Council intervention on empty homes, and how residents can contact the Council. As a starting point, the Council website will provide service contact information and a summary of options and advice. Details are included in the action plan, Appendix D.

### **5.2 Improving our understanding of empty homes issues**

The Council does not currently have detailed knowledge of why owners of empty homes keep them empty. Research by South Gloucestershire Council in 2008 found that the most common theme from owners was that the property requires renovation and owners lack funds or were in the process of renovating, which was often slowed by lack of funds. A significant number of owners (approx 13%) stated that they simply prefer the houses to remain empty.

In addition, there are nearly 700 Ministry of Defence (MOD) properties in Central Bedfordshire, and although MOD properties are exempt from Council Tax, it is known that 65 properties have been empty for 6 months or more.

More detailed information is not currently known to Central Bedfordshire Council. It is proposed that during the course of the first year of the strategy's

implementation, the Council undertakes a survey of owners of long term empty homes, to try and identify the main reasons why they are empty.

The impact of the Buy to Let boom of a few years ago locally is not clear and needs to be part of further research. The Council needs to understand housing market information that might be provided to strategic housing colleagues.

### 5.3 Developing a Partnership approach

To make the Strategy work and raise the profile of the empty homes issue in Central Bedfordshire we need to continue to build on the existing working relationships within the Council. We also need to build upon external partnerships. Partnership working is essential in times of resource constraint.

#### 5.3.1 A Corporate Approach - Our Internal Partners:

The following table summarises the potential contribution of our internal partners

Partner/service area	Contribution towards empty homes activity
<b>Customer Services</b>	Take initial customer enquiries and reports of empty homes Can provide generic empty homes advice to clients
<b>Revenues and Benefits</b>	Provision of essential empty homes data from Council Tax records Provision of advice to owners of empty homes regarding the services of the Council, in particular Private Sector Housing
<b>Public Protection</b>	Can identify empty homes and report to Private Sector Housing colleagues
<b>Development Control</b>	Planning Officers identify empty residential buildings that may be blighted by redevelopment or transport proposals
<b>Building Control</b>	Can enforce Building Act powers where empty home is deemed to be a dangerous structure.
<b>Legal and Democratic Services</b>	Can help trace the owners of land and properties Solicitors take the lead on high level enforcement action
<b>Community Safety</b>	Can enforce action in relation to anti-social behaviour and report empty homes to Private Sector Housing

<b>Members of the Council</b>	Members can make their constituents aware of the role of the Council in returning empty homes into occupation Members will report empty homes brought to their attention
<b>Housing Options team</b>	Working with Private Sector Housing to implement the Let's Rent scheme, which works with local lettings agents to make empty rental properties attractive to tenants not able to access social housing. Operates the Mortgage Rescue scheme, which aims to help certain people at risk of losing their homes through the inability to pay their mortgage.

### 5.3.2. External Partners

A summary of external partners and their potential contribution towards empty homes activity is shown below.

<b>Partner</b>	<b>Contribution towards empty homes activity</b>
<b>Owners of empty homes</b>	Owners have the ultimate ability and responsibility in decision making. Owners will have responsibility to fund renovation works to bring the property to a habitable standard and how/if the property is to become re-occupied.
<b>Herts, Beds and Bucks Empty Homes Forum</b>	Provide best practice and procedures for dealing with empty homes, and Reviews new legislation and Government policy. Encourages consistency and benchmarking across the counties.
<b>Private Estate Agents</b>	Provide valuable information on the trends of the private rented market Can manage properties on the owner's behalf Can help find an acceptable solution for owners.
<b>Private Landlords' Forum</b>	Local landlords are owners/purchasers of empty homes. The forum provides opportunity for landlords to comment on and

	potentially shape Council policies.
<b>Housing Associations (HA's)</b>	HA's manage a significant number of properties in Central Bedfordshire, some of which may become empty and reported to the Council. Some HA's have in the past provided capital funding and offered management of private empty homes, schemes such as "Living Over the Shop". In the present climate there are no such schemes available but in a fast changing Government agenda, such schemes may again be seen as helping to meet the national housing need for affordable homes.
<b>Town &amp; Parish Councils</b>	T & P Councils are a pool of local knowledge and can provide valuable information relating to the reasons why homes become and stay empty, Will report obvious additional empty homes in their parishes to the Council.
<b>Fire and Rescue Service</b>	Empty homes have been subject to being broken into and set alight. Fire and Rescue Service will bring these properties to the attention of the Council where there has been a fire.
<b>Empty Homes Agency</b>	Provide practical advice and training to Officers Provides national statistical evidence Work with and lobby Central Government, offering advice on all aspects relating to empty homes.

## 5.4 Taking Action – Policy Tools

### 5.4.1 Prioritising Action

Empty homes activity is casework intensive. Due to the number of long term empty homes in Central Bedfordshire, and potentially significant staff and financial resource implications, all of our actions will need to be prioritised:

- Homes which have been empty for more than five years, OR
- Homes where a statutory nuisance or anti social activities exist, OR which are in a state of significant disrepair, i.e. blighting their immediate neighbourhoods.

Priority pro-active action will be targeted at those homes on the Council's own Empty Homes "Register". During 2009/10 this register contained

approximately 60 long term empty homes that have been the cause of complaints by residents and neighbours.

The Empty Homes Register will be provided by Council Tax colleagues and will include properties empty for 6 months or more. A Priority Action Register will be expanded to include all properties that have been empty for 5 years or more, as well as those that we are aware of from complaints or notification from partners. This will take the total number of “priority” empty homes, which are subject to the local performance indicator, from 60 to approximately 190 (at 1<sup>st</sup> May 2010).

The revised Empty Homes Policy and Protocol, which includes the criteria to be applied when prioritising which empty homes should be tackled first is included in Appendix E. The criteria include issues such as the length of time empty, the impact that the dwelling has on surrounding neighbourhood, and cost of bringing the property back into use.

Each property on the new Empty Homes Register will be scored against these criteria, using a simple scoring matrix. This will result in the properties concerned being placed into a priority order. This will help identify which properties should be subject to the highest level of enforcement action. The top 20 properties will have an individual “property plan”, which will identify the likely or possible options open to the Council in respect of that particular property.

#### **5.4.2 Current Policy Tools**

The Council’s approach to tackling the issue of empty homes is one of positive intervention and involves, in the first instance, finding and contacting owners to understand the reasons why the property is empty. Initially owners are offered information and advice on all the options available to them, including determining whether the owner would be eligible to financial assistance to bring a property up to a reasonable standard. Resorting to enforcement action only occurs where absolutely necessary.

The current policy tools that help to achieve the Strategy’s aims and objectives are listed below:

##### **Information and Advice**

Once the owner of an empty home has been identified, we encourage them to bring the property back into use voluntarily. Central Bedfordshire Council has developed a range of tools that can be used to assist those willing to bring their homes back into use. Assistance is offered such as advice and information on the range of options available to the owner of an empty home. Once the initial support has been provided we will remain in touch with the owner and ensure that the property is successfully brought back into use.



## **Inspections**

All empty homes targeted for action are inspected to establish what condition they are in and whether they cause a nuisance to adjoining properties and neighbours. Further action is considered based upon the outcome of the inspection.

## **Loan Assistance**

The Council's Private Sector Housing Renewal Policy was adopted by Executive in March 2010 for implementation from 1<sup>st</sup> April 2010. This policy sets out the details of the Empty Homes Loan Assistance, a discretionary form of assistance, available subject to funding. It is a loan of up to £15,000 for owners of long-term empty homes that require works to be made habitable. The loan assistance is 75% of the cost of the works, up to a maximum assistance of £15,000. (Note - At the time of producing this draft, there is uncertainty as to the capital programme budget, so this particular option is not available).

## **Housing Association Leasing Scheme**

Central Bedfordshire Council has recently signed a partnership agreement with Pathmeads Housing Association, part of the Genesis Group, primarily to use their management services where required. One of the benefits of this partnership agreement is the opportunity to develop a leasing scheme. We will be able to identify properties that may be suitable for letting out via this scheme, and put the owners in touch with Pathmeads. The Council would have an enabling role and the details/terms of individual leasing agreements are between Pathmeads and the property owner.

Such a scheme will be a more viable option for properties in better condition, not needing comprehensive repairs to bring the property up to a lettable standard.

At the time of drafting this Strategy, the Leasing scheme is in development.

## **Let's Rent**

This is a new initiative led by the Housing Options Service. The Council works with external letting agents, and instead of paying a 'damage deposit', the Council pays for an Insurance Policy, which will cover damage to the property and rental arrears. This is more cost effective to fund than a deposit. This scheme will also be linked with the developing Property Accreditation Scheme. This will be an attractive option for some empty property owners, where the benefits of the scheme will encourage letting through one of the partner letting agents.

## **Mortgage Rescue scheme**

Whilst this scheme is aimed at keeping certain households, struggling with mortgage payments, in their homes, the added benefit is that it also helps prevent a home becoming repossessed and consequently empty.

### **5.4.3 Enforcement Options**

Where owners of empty homes decline all offers of help and advice on how to bring their property back into effective use, the Council will consider the use of enforcement powers to remedy the situation. It should be noted that the use of enforcement powers alone may not result in the re-occupation of the property, but may help to address any immediate risks posed by the property (for the schedule of legal powers please see Appendix D).

### **Environmental Protection Act 1990**

If the property is a “nuisance” as defined under statute, abatement notices can be served. A statutory nuisance must affect another party, for example leaking drainage from an empty property causing dampness to an adjoining occupied property. Where a statutory nuisance is proved, the Council can serve a notice and where this is ignored; the Council can do the works, in default, and remedy the nuisance.

### **Housing Act 2004**

The Council has powers to deal with properties where health and safety hazards have been identified. If serious hazards are assessed, the Council has a duty to take appropriate action. In most circumstances, the assessment is directly related to risks to the occupants, so may not be applicable where the property is empty. In some instances, hazards in the property may be so serious that the Council could serve a Prohibition Order, which will require the property to remain empty until the serious hazards are remedied.

More minor hazards will be brought to the attention of owners, who may be required to remedy them before the property is occupied again. This helps the owner understand what works are required for the property to be occupied safely.

### **Planning or Building Control powers**

Building Control enforcement officers can take action under the Building Acts where the property is structurally unsound and dangerous.

Planning Enforcement Officers have a role where a property is subject to compulsory purchase for clearance, road widening etc, or where it is obstructive to development within the area development plan. In these cases, the empty property may not be brought back into use but be part of a regeneration or re-development scheme.

## **Compulsory Purchase Order (CPO)**

This is the strongest power available to tackle empty homes. The Council may apply to the Secretary of State for an order to be made to acquire buildings and land through compulsory purchase with the aim of providing additional accommodation. The Council is committed to the use of its compulsory purchase powers as the last resort only. However, in order to use them there must be strong evidence concerning the circumstances of an unoccupied house, including the length of time it has been empty and the reluctance of the owner to take any steps to bring the property back into use.

This can be a very expensive option and takes an average of 18 months from initiation to completion, subject to appeals, public enquiries and dependant upon the final approval of the Secretary of State should the owner be reluctant to sell or recalcitrant.

Proposals around the use of CPO action will firstly be reported to the Council's Executive Committee.

## **Empty Dwelling Management Orders (EDMOs)**

This is a relatively new power, under the Housing Act 2004 and is designed specifically for bringing empty homes back into use. This power enables local authorities to take management control of the empty property, taking away the management (not ownership) rights of the owner. Where a Final EDMO has to be progressed, the property could be let for a period of up to 7 years.

This power will only be exercised when/if the owner rejects all voluntary options available to return the property to occupation, and there are lots of exemptions. It is important for the local authority to identify that these exemptions don't exist and to ensure that rental income for the maximum 7 year period will be sufficient to cover all associated costs.

Central Bedfordshire Council has an agreement with Pathmeads Housing Association to manage properties subject to an EDMO. In September 2009, Executive Committee agreed to pilot EDMO's on 5 long term problem empty homes. The EDMO applications are in final phases of development.

## **Enforced Sale**

Where an empty home has a legal charge against it, in the Councils favour, the sale of the property can be forced so that the charges can be recovered. Legal charges are placed on a property where 'works in default' have been carried out when a legal notice has not been complied with. This is an option available as a last resort for bringing an empty home back into use and will be carefully considered by the Council when appropriate.

## **5.5 Monitoring and Reviewing the Empty Homes Strategy**

The monitoring process centers specifically on two local performance indicators monitoring the Empty Homes Register. One indicator aims to show the level of service activity on long term empty homes by assessing the percentage of empty homes on the Register that have been subject to some intervention by Council officers within a three month period. The second indicator is the number of empty homes on the Register that are brought back into use. These indicators are monitored on a three monthly basis.

Monitoring of these indicators and the wider examination of Council activity contributes to our understanding of the empty homes problem in Central Bedfordshire. The Strategy's Action Plan will be reviewed annually as part of the Council's Performance Framework and reported to the Strategic Housing Delivery Partnership.

## **6. Resources and Business case for tackling empty homes**

### **6.1 Budget and revenue implications**

The Council has a proposed capital budget of £200,000 for implementation of Empty Dwelling Management Orders, which is subject to review. The partnership agreement with Pathmeads could bring in capital of up to £20,000 per dwelling for renovation costs.

The Council's Private Sector Renewal Policy includes scope for Empty Homes Loan Assistance. This would be funded from a General Fund Renewal Policy programme when the Council has reviewed its capital programme commitments.

Empty homes have an impact upon Council Tax revenue income. The Council Tax charge assumes that there are two adults living in the home. If only one adult lives there (as their main home), the tax is reduced by a quarter (25%). If a property is no one's main home and is unfurnished, Council Tax is reduced by half (50%) in former Mid Beds area and 10% in former South Beds area. If a property is no one's main home and it is furnished, it is classed as a second home and tax will reduce by 10%.

This Empty Homes Strategy assumes that a harmonised approach for the level of discount for owners of empty homes will be adopted during the lifetime of this strategy.

In some cases, owners can apply for a 100% Council Tax exemption, for example where the owner has moved to receive care in a hospital or residential care home. The full list of exemptions is included in appendix F

## **7. Conclusion**

This Empty Homes Strategy will ensure that a balanced approach to dealing with empty homes is maintained. There will be a co-ordinated incentive and enforcement approach, where advice, information and assistance is offered before using enforcement as a last resort. Some enforcement tools will be used to remedy a statutory nuisance, dangerous structure or hazard and may not themselves directly bring the property back into use but will be required for public protection or for the benefit of community.

The Empty Homes Strategy is part of the Council's strategic approach towards sustainable communities. It will be essential to develop strong working relationships with our internal and external partners, and forge new partnerships where appropriate.

The Empty Homes Strategy and the Private Sector Housing Renewal Policy give Central Bedfordshire Council a strong foundation for positive action for bringing empty homes back into use and improving the unique character of our communities.

## **Appendix A**

Central Bedfordshire Council  
Empty Homes Data as of 1<sup>st</sup> April 2010

<b>Parish</b>	<b>TOTAL No of empty homes (empty from one day onwards)</b>	<b>No of homes empty for more than 6 months but less than 5 years</b>	<b>No of empty homes (more than 5 years)</b>
Ampthill	101	44	15
Arlesey	79	37	2
Woburn Sands / Aspley Guise	25	13	5
Aspley Heath	16	18	3
Biggleswade	250	109	14
Blunham	8	2	0
Brogborough	3	3	0
Campton	4	2	0
Clifton	41	30	4
Clophill	11	10	0
Cranfield	59	26	10
Dunton	2	2	0
Eversholt	10	5	2
Everton	8	5	1
Eyeworth	2	2	0
Flitton	5	2	1
Flitwick	114	51	5
Gravenhurst	7	3	0
Harlington	14	7	1
Haynes	13	5	5
Henlow	34	12	2
Houghton Conquest	11	5	1
Hulcote and Salford	7	2	3
Husbourne Crawley	3	2	0
Langford	26	15	4
Lidlington	7	4	0
Marston Moretaine	44	20	5
Maulden	40	22	4
Meppershall	11	6	1
Millbrook	2	1	0
Moggerhanger	13	6	2
Upper Caldecote	5	3	0
Northill / Ickwell / L Caldecote	19	12	4
Old Walden	3	1	1

Potsgrove	1	1	0
Potton	67	35	6
Pulloxhill	8	7	0
Ridgemont	5	3	1
Sandy	119	64	3
Shefford	96	54	8
Shillington	30	16	1
Silsoe	30	11	5
Broom / Ireland / Southill	6	3	1
Steppingley	5	3	1
Lower Stondon	16	7	7
Stotfold	162	78	17
Sutton	3	2	1
Tempsford	6	3	1
Tingrith	3	1	1
Westoning	13	5	1
Woburn	24	10	4
Wrestlingworth and Cockayne Hatley	12	7	1
Barton-le-Clay	13	6	0
Caddington	12	4	0
Wingfield	4	3	0
Dunstable	222	82	1
Eaton Bray	8	5	0
Eggington	4	2	0
Heath and Reach	8	4	0
Hockliffe	6	1	0
Houghton Regis	97	25	1
Luton Hoo	1	1	0
Kensworth	5	2	0
Leighton Buzzard	251	54	2
Stanbridge	5	3	0
Streatley	10	1	0
Studham	9	6	0
Sundon	4	0	0
Tilsworth	2	0	0
Toddington	26	11	0
Totternhoe	10	4	0
Whipsnade	2	0	0
Chalton	2	0	0
Slip End	7	2	0
<b>TOTAL</b>	<b>2313</b>	<b>1003</b>	<b>158</b>



## **Appendix B Legislative framework**

The following is a range of legislative tools available to local authorities in certain circumstances. These could be added to by the new Coalition Government, who have already mentioned empty homes as a priority.

### **The Housing Act 1985**

This Act empowers local authorities to acquire land, houses or other properties from private individuals, for the provision of housing accommodation. The acquisition must be shown to have a quantitative or qualitative housing gain. This power can be used to compulsory purchase empty homes.

### **Data Protection Act 1989**

The Data Protection Act 1989 seeks to strike a balance between the rights of the individual and the competing interests of others with legitimate reasons for using personal data.

### **The Local Government Act 2003**

The Local Government Act 2003 has introduced the ability for local authorities to limit the reduction of Council Tax on holiday / second homes to 10%, reduce other empty property discounts and vary the discount exemption classes. The Act also enables councils to share Council Tax data between departments to make empty homes strategies more effective.

Prior to April 2004 Council Tax departments were able to share the information they had on the whereabouts of empty homes with the Council's Empty Homes "Officer", but not share details about who the owner of that property was or indeed where they lived. From April 2004, this Act enabled the sharing of this information so that the Empty Homes Officer can be provided with the name and address of the owner of an empty home. This information is not, however, available to the public.

### **The Housing Act 2004**

The Act has granted local authorities a very powerful tool for returning empty homes into occupation - Empty Dwelling Management Orders (EDMOs). EDMOs can enable local authorities to let out empty homes for up to 7 years, without the consent of the owner. The local authority will be able to carry out repair works on the property and recover their costs from the rental income. If however, the repair works are significant, the costs may not be able to be recovered during the maximum 7 year rental period. In this case, an EDMO would not be feasible. Consequently, analysis of all costs has to be undertaken before an EDMO should be applied for.

### **The Communities Plan**

"Sustainable Communities: Homes for All" - is the Government's Communities Plan published in 2003. The Plan encourages local authorities to make better

use of long-term empty homes and re-affirms the Government's commitment to tackling this problem:

### **Planning Policy Statement 3**

Government advice in Planning Policy Statement 3 sets out the Government's policy on how to provide affordable housing through the planning system. Paragraph 41 indicates that local planning authorities should:

*Develop proactive policies to identify and bring into residential use empty housing... in line with empty homes strategies and where appropriate acquire properties under compulsory purchase powers.*

## **Appendix C – case studies of empty homes brought back into use through Council Intervention**

Long term empty homes have been successfully brought back into use where the Council can use resources to work with owners. Below are two examples, one where the Empty Homes Officer provided a good level of support and advice, and the other where direct financial assistance helped the owner renovate the property and subsequently give the former South Beds DC nomination rights for 10 years.

### **138 High Street, Cranfield**

The Empty Homes Officer at Mid Beds District Council first contacted the owner of this empty home in 2005, discussed the options available to the owner and established that the owner had put in Planning Permission to redevelop the site. The Empty Homes Officer kept in touch with the owner to monitor the progression of the plans for re-development.

Finally in 2009 the redevelopment plans fell through and the owner expressed an interest in a grant to assist in bringing the property back in to use. An Officer visited the property and carried out a full house inspection, and then prepared a detailed Schedule of Works required to bring the property back into use.

The owner decided not to take up the grant, but carry out the works independently, the property finally became occupied again in June 2009.

### **1 Gilpin Close, Houghton Regis**

A complaint was received from a neighbour near the above property in February 2006 by South Beds District Council. It was found the property was in a poor state of repair, the rear garden was heavily overgrown and causing a nuisance to the neighbours. The property had been empty for 10 years. SBDC contacted the owner of the property requesting their intentions for the property and offered the owner the current options available. In November 2006 the owner showed interest in a landlord grant and requested further information.

A full empty property survey was carried out in December 2006 to determine the extent of works necessary to bring the empty property back into use. After consultation with the owner, the Schedule of Works was sent to builders to gain quotes.

A meeting was arranged with the owner to discuss nomination agreements and finalise the works to be carried out. The owner received a full empty homes grant of £10,000 and SBDC gained 10 years nomination rights to the property.

The property became occupied in November 2007, and currently occupying its second family.

## Appendix D

### Empty Homes Strategy Action Plan

Key actions	Lead	To be started by	To be completed by	Resources needed	Measurable outcome
<b>Objective 1: To raise awareness of empty home issues in Central Bedfordshire</b>					
Develop and deliver a marketing plan to promote the service available from the Private Sector Housing team to empty home owners and neighbours of the empty homes	Policy and Performance Officers and Service Officer(s) with lead on Empty Homes	1 <sup>st</sup> November 2010	31 <sup>st</sup> December 2010	Officer time	Increase in the number of approaches by empty home owners and neighbours year on year.  Set a baseline in year 1.
<b>Objective 2: To improve understanding of the local empty homes problems, which will help determine appropriate policy tools</b>					
Update the "Empty Homes register" so that officers can accurately monitor the number of empty homes in the area.	North Team Manager		14 <sup>th</sup> May 2010		Empty Homes register is updated by 14 <sup>th</sup> May 2010.
Record, monitor and report the level of activity on long term Empty Homes.	All Service Officers, and co-ordinated by Area Team	1 <sup>st</sup> January 2010	Quarterly review ongoing		Maintain workload so that at least 6% of Housing Service's resources are dedicated to empty homes.

	Managers				
Monitor long term empty homes on PSH register that are returned to use	All Service Officers, and co-ordinated by Area Team Managers	1 <sup>st</sup> April 2010	Quarterly		Report quarterly the number of empty homes on PSH register so that trends can be monitored.  Set baseline in year 1.
Carry out benchmarking of best practice with similar authorities to identify any new ways of working	Service Officer(s) with lead on Empty Homes		Ongoing – Attending Herts Beds and Bucks Forum and NAEPP	Expenses for travel to other L A's and events etc	Review progress of strategy each year and using benchmarking information, implement at least one new activity or process to reduce the number of empty homes.
Undertake a survey of owners of long term and short term empty homes, to ascertain why those homes are empty.	Service Officer(s) with lead on Empty Homes	1 <sup>st</sup> August 2010	Complete within 1 year of strategy being adopted		Data from questionnaire is used to update strategy and develop at least one new idea to reduce empty homes.
Promote Mortgage Rescue Scheme	Housing Options Manager and team	started	ongoing	Funding for scheme required but likely to be stopped at end of year 2010/11	Increase the number of customers using the Mortgage Rescue Scheme year on year so that fewer properties become empty.  Set baseline in year 1 unless scheme will finish due to lack of funding.

Maintain satisfaction of Empty Homes customers.	PSH Team Managers	1 <sup>st</sup> Sept 2010	Quarterly review monitoring		Collect feedback through Customer Service questionnaires  Maintain customer satisfaction above 4 out of 5 each year.
Carry out an annual street survey of empty properties to validate empty homes register.	PSH Team Managers	1 <sup>st</sup> October 2010	Quarterly review monitoring	Part of Officer activity	100% of empty homes seen within 12 months
Map demand for empty home activity to aid planning of future service.	Head of Service with Team Managers	1 <sup>st</sup> January 2011	1 <sup>st</sup> April 2011		Map completed by 31 <sup>st</sup> March to review service level of activity for 2011/12
<b>Objective 3: To establish better partnership working both within and outside the Council but particularly with owners of empty homes</b>					
Work with Revenues and Benefits to expand the Empty Homes Register to include information on reasons for properties being empty, and type and condition of property.	Service Officer(s) with lead on Empty Homes, and Team Managers	1 <sup>st</sup> Jan 2011			Develop working protocol with Revenues and Benefits staff to share data collected by 1 <sup>st</sup> April 2011  Update fields in Empty Homes Register by 1 <sup>st</sup> June 2011.
Work with the MoD to understand the reasons for their homes being empty and encourage their return	Team Manager with lead on Empty	1 <sup>st</sup> October 2010	1 <sup>st</sup> April 2011		Identify all empty properties owned by the MoD by 1 <sup>st</sup> April 2011  Make contact with the MoD to

to use where there is little justification for these homes to remain empty.	homes				establish the reasons for the properties to remain empty by 1 <sup>st</sup> April 2011.  Begin discussions on the feasibility of bringing individual MOD empty homes back into use by 1 <sup>st</sup> June 2011.
Work with colleagues in Social Care, Health and Housing to consider how empty homes brought back in to use can fulfil other agendas such as the provision of specialist housing	Head of Service with Policy and Performance Team for support	1 <sup>st</sup> January 2011	Ongoing		Policy decision made by 1 <sup>st</sup> Oct 2011
Work with the members of the Community Safety Partnership to promote the empty homes services provided by the PSH team	Team Manager with lead on Empty Homes	1 <sup>st</sup> March 2011	1 <sup>st</sup> June 2011		Improved understanding of the work of PSH to reduce anti social behaviour in respect of empty homes.
<b>Objective 4: To take appropriate actions to return empty homes into occupation</b>					
Increase contact with owners of long term empty homes.	Empty Homes Officer / Case Officers	1 <sup>st</sup> Sept 2010	1 <sup>st</sup> November 2010		All owners of new empty homes to be contacted on a 6 monthly basis
Meet customer service	Team	1 <sup>st</sup> April	1 <sup>st</sup> June	This will only be	In all cases:

standards	Managers and Head of Service	2011	2011	really possible when the new EM ICT system is installed and fully working, to provide a harmonised management system for PSH	Respond to initial enquiry within 3 working days.  Visit property concerned with 5 working days of original enquiry.  Find out owner's intention for property within 20 working days of original enquiry.
Develop an empty homes action flowchart to set a consistent approach to bringing homes back in to use	Team Manager with lead on Empty Homes	1 <sup>st</sup> December 2010	1 <sup>st</sup> January 2011		Action flowchart developed and implemented by 1 <sup>st</sup> January 2011.
Promote the Let's Rent Scheme to known owners of empty homes.	Co-ordinated by Area Team Managers	1 <sup>st</sup> December 2010	Ongoing		Refer all potentially suitable empty home owners to the Let's Rent Scheme each year.
Use Environmental Protection Act powers to remedy problems with empty homes that cause a nuisance	Empty Homes Officer / Case Officers	started	Ongoing		Environmental Protection Act powers are used on 100% of empty properties where such action is necessary and appropriate.  100% of empty properties with statutory nuisances have those nuisances resolved as a result of using Environmental Protection Act or



					related powers.
Use Housing Act 2004 powers to remedy problems with empty homes that cause a serious hazard	Empty Homes Officer / Case Officers	Started	Ongoing		<p>Housing Act 2001 powers are used on 100% of empty properties where such action is necessary and appropriate.</p> <p>100% of empty properties with serious hazards have those hazards resolved or “recognised” as a result of using Housing Act 2004 powers (note, powers could include Hazard Awareness).</p>
Use EDMOs to bring properties back in to use	Head of Service with Team Managers	Started	Ongoing	Capital programme is required for costs of EDMO	<p>Two EDMO’s initiated per year, (depending upon capital programme).</p> <p>1 EDMO effectively bringing empty properties back in to use per year (depending upon funding being available)</p>
Use Compulsory Purchase Powers in appropriate circumstances where all other options for bringing an empty home back in to use have failed.	Head of Service with Team Managers	1 <sup>st</sup> January 2011	Reviewed annually in context of capital budgets	Significant capital resources are required for the cost of CPOs.	One CPO initiated per year.
Create an interested purchasers database	Team Manager with lead on Empty	1 <sup>st</sup> April 2011	1 <sup>st</sup> August 2011		Interested purchaser database created by 1 <sup>st</sup> August 2011.

	Homes				
Obtain funding through the Local Investment Planning process	Head of Service	1 <sup>st</sup> Sept 2010	1 <sup>st</sup> April 2011		£500K Funding obtained by 1 <sup>st</sup> April 2011.
Seek funding for Loan Assistance Grants from the Executive.	Head of Service	1 <sup>st</sup> Sept 2010	1 <sup>st</sup> October 2010	Capital programme required	Presentation of needs and funding required given on 28 <sup>th</sup> September 2010
Design template “business plan” detailing the amount of grant available and potential rental income	Team Manager with lead on Empty Homes	1 <sup>st</sup> April 2011	1 <sup>st</sup> August 2011	Capital programme required for this action	Design template by 1 <sup>st</sup> August 2011
Develop the Housing Association Leasing Scheme.	Head of Service with Team Managers	1 <sup>st</sup> April 2011	1 <sup>st</sup> April 2012	Resources required unknown currently	Increase the number of properties let via the scheme each year.
<b>Objective 5: To monitor and review the effectiveness of those actions, and consequently the success of this strategy</b>					
Quarterly review of empty homes LPI as part of performance management framework	Head of Service with Team Managers	Started	Ongoing quarterly		4 review meetings with outcome based actions each year
Annual review of strategy’s evidence and action plan	Head of Service with Team Managers	1 <sup>st</sup> October 2011	1 <sup>st</sup> November 2011		Strategy updated each year with new evidence.  Action plan reviewed each year.

## **Appendix E Empty Homes Enforcement Protocol**

This protocol and procedure guidance is based upon the Empty Homes Policy and Protocol approved by Executive in September 2009. The intention is to provide guidance on investigation of, and enforcement of relevant legislation in relation to empty homes. This guidance must be used when applying the scoring mechanism for the criteria used to assess the priority of long term empty homes.

### **Enforcement Criteria**

Prior to taking enforcement action as detailed below, Private Sector Housing will have due regard to the following:

1. **The property MUST be residential.**  
Action cannot be taken by Private Sector Housing against non-residential properties, Where possible, however, non-residential properties will be referred to Development Control/Building Control where appropriate.
2. **The property must have been empty for a minimum of 5 years before significant formal action is considered.** Proactive investigation will be undertaken on properties which have been empty for 6 months but not generally if they have been empty for less than 6 months, unless there are alleged nuisance issues, structural hazards or community safety issues. A priority system for action will be used based upon a number of criteria summarised below, including length of time empty, general condition and the effect on the immediate neighbourhood – coupled with the intentions of the owner / responsible person towards re-occupying the property.
3. **Has the owner responded to attempts to broker re-occupation?**  
At any time in the enforcement procedure, should the owner seriously broker for re-occupation; any enforcement procedure being either considered or in progress will be held in abeyance until such time that it is apparent that the owner has either completed the re-use or abandoned or unreasonably delayed attempts.
4. **Impact on the neighbourhood**  
Is there a recorded history of statutory action regarding refuse removal, boarding up, statutory nuisance, or Anti Social Behaviour associated with the property? Is the condition of the property having a direct detrimental effect on the neighbouring properties?
5. **Has the property been registered with the Land Registry?**  
Some choices of enforcement are made more time consuming if the property is not registered.

## 6. Urgency of necessary works

If the work required to the property is of an urgent nature (see item 4), the enforcement choices should be weighted in favour of quickest appropriate action. For example, Compulsory Purchase would be unsuitable for immediate action, as the average time for Compulsory Purchase Order (CPO) completion is 18 months or longer if the owner is resistant and appeals each attempt at action. A CPO may eventually finish its journey at a public hearing convened by the Secretary of State.

## Enforcement Options

- **Empty Dwelling Management Orders (EDMOs)** – Introduced by the Housing Act 2004. Where informal action does not bring success, the Council may consider EDMOs where appropriate. The process is fairly involved, as sufficient evidence must be gathered to demonstrate to the Residential Property Tribunal (RPT) that the Council has done all in its power to persuade, cajole, advise, warn and assist the owner to bring the property back into use. This is essentially required if the owner refuses to agree to the renovation and re-occupation of the property. In fact this action may vary enormously dependant on the owner's attitude, level of comprehension and financial ability. The owner is formally notified of the Council's intent to seek authority from the RPT for an Interim EDMO and given 14 days to respond positively.

If no response is received to the notification of intent and the proposals, the Council submits an application to the RPT for the power to serve an Interim EDMO – which has a maximum validity of 12 months. During those 12 months the Council seeks to get the property re-occupied, but if it becomes obvious that the landlord is still recalcitrant, a Final EDMO may be issued at any time during that period, with a maximum validity of 7 YEARS.

When the Final EDMO is served, the Council may begin renovating the property as though they are carrying out work in default, culminating in arranging for the property to be rented, managed and kept in a decent condition, insured and (when a market rent is charged) to recoup the renovation costs from the rental income. Any rental income after debts and continuing management costs have been re-paid would then be paid to the property owner.

- **Enforced Sale** – The Council can force the sale of an empty property where certain legal notices have been served and where the owner has not carried out the work. The Council can carry out the work and register a financial charge, which can be used to apply for an enforced sale. However, an enforced sale can only be pursued if the cost of the works is comparable to the market value of the property.

- **Prohibition Order** - Served under Housing Act 2004 if the property is so defective due to significant category 1 Hazards as defined by part 1 Housing, Health and Safety Rating System (HHSRS). This action may be “fine tuned” to suit the future use of the property or land or area. It may be suspended for a period. The order will prevent occupation until specified works are carried out.
- **Environmental Protection Act 1990 Section 80** - If the property is a nuisance as defined under statute, abatement notices can be served. If the notice is ignored the Council must do the works in default.
- **Compulsory Purchase Order** – Available in extreme circumstances under Section 17 Housing Act 1985. This can be a very expensive option and takes an average of 18 months to complete, subject to appeals, public enquiries and dependant upon the final approval of the Secretary of State should the owner be reluctant to sell or recalcitrant.
- **Environmental Health Action** can be taken on the following site conditions:
  - Defective drainage.
  - Accumulations of soft materials that are likely to cause nuisance or attract vermin infestations.
  - Open and accessible by vagrants.
- **Planning enforcement** officers can take action as follows: -
  - Where the property is structurally unsound and dangerous.
  - Where a property is compulsory purchased for clearance, road widening etc.
  - Or where it is obstructive to development within the district development plan.

## **Procedure for the Investigation of Empty Homes**

### **Stage 1:**

All empty property investigations will be undertaken following notification to Private Sector Housing Services, who will have regard to generic service standards, in particular the requirement to respond to the initial request within three working days. In general the following process is undertaken:

- Investigating Officer reviews relevant ICT systems or other database(s) for any previous involvement (enforcement history etc) and normally visits the property concerned. The visit may include discussion with neighbours in the same street for ownership details or other background information.
- Inter departmental contact within the Council to check last known owner/responsible person data (if any) and category of empty property.

- Land Registry Search & Voters Roll check for prior ownership/occupation details.
- Building Control & Planning Dept enquiries for recent activity.
- Possibly, as a last resort, Tracing Agencies are considered where owner details are not easily forthcoming from conventional means. However the high cost of such action would need to be taken into consideration.
- **Standardised questionnaire** sent to owner (where known), requesting information and offering encouragement to bring the property back into use. Direct Dialogue with owner if successful.
- Site visit to empty property by Private Sector Housing Officer with owner (if possible) to carry out property assessment and survey – consider short, medium or long term timeframe for action.
- 2<sup>nd</sup> letter to owner, reminder, if no response to questionnaire after 5 weeks.
- Consideration of enforcement options, to take account of individual circumstances – condition of property, surrounding area, planning proposals, housing need, regional and sub-regional planning policy.
- 3<sup>rd</sup> letter (with copy to be sent to the same address by Recorded Delivery or “served” by hand); advising of the options available to the owner and the ultimate possibilities of formal action if nothing is done voluntarily to bring the property back into use, 5 weeks after second letter was sent.
- Visit to owner or request that owner comes to Council Offices by formal appointment. If refused or denied, consider Stage 2 Formal Action.

#### NOTE

If the ownership of the property cannot be traced after all reasonable efforts have been made by the case Officer, consideration can still be given to certain types of enforcement action. This will include a risk assessment and discussion with Team Managers. It is still possible to carry out both CPO and EDMO action, however the likelihood of CPO being approved by the Secretary of State is reduced. EDMO action can be terminated at any time and does not affect the owner’s ultimate power to dispose of their interest at any time.

## **Stage 2:**

- WHERE POSSIBLE a schedule of works should be drawn up based upon the works necessary to bring the property to a lettable standard (Decent Homes Standard).
- Copies of the proposed schedule of work or a list of main defects should be sent to the owner to formally inform them of the amount of works considered to be necessary (not just desirable).
- Photographs of the property must be taken – updated as required over time – all evidence of the property should be collated in the gathering file of evidential proofs.
- Report prepared to critically compare the options available to bring the property back into use.
- CPO cost estimate with proposed purchasers versus EDMO works cost estimate and rental return.
- Decision made on best option by Team Manager. Consideration as to level of delegation for each option. For example, Committee approval required for CPO's.
- Action progressed.

## **Criteria to determine order for properties to be prioritised for action**

Scoring properties in order to prioritise action

	<b>0 points</b>	<b>1 point</b>	<b>2 points</b>	<b>3 points</b>
Length of time the property has been left empty	Less than 6 months	6 months to 5 years	5 years to 10 years	More than 10 years
Number of complaints received about the property	No complaints	1-2	3-4	5+
Level of impact on the surrounding neighbourhood	No impact	Low	Moderate	High impact
Property state of disrepair	No disrepair	Low	Moderate (Cat 2 Hazard)	High (Cat 1 Hazard)
Attracting secondary problems i.e. fly tipping /	No associated	Low	Moderate	High

anti social behaviour	problems			
Local housing demand (discussion needed with Housing Needs teams)	None	Low	Moderate	High
Bringing the property back into use would help regenerate the local area	Will not make a positive contribution	Low impact	Moderate impact	Will help regeneration

Properties scoring 15 or more would be our highest priority for more formal action.

### Criteria to be applied to properties for the determination of more formal action of EDMOs, CPO and Enforced Sale

- The Property must have been wholly unoccupied for at least 2 years.
- The property must not fall into the prescribed exemption codes for an EDMO.
- The Local Authority has received complaints concerning the property.
- The property has a negative impact on the neighbourhood. Fly tipping; refuse problems, nuisance, anti social behaviour occurs at the property, evidence of vandalism. The property is having a detrimental effect on surrounding properties in the neighbourhood.
- Attempts at contacting the owner have been undertaken.
- All informal measures to get the property reoccupied have been exhausted with the owner, or informal measures are not appropriate.
- The owner (if found) has not been responsive, or attempted to make efforts to get the property reoccupied, with or without the assistance from Local Housing Authority.
- The property can be appropriately used, if brought back into use. The property has appeal to the rental market.

Comparison exercise to be undertaken to determine CPO, EDMO and enforced sale based on economic viability.

### **Voluntary agreements with CPO and EDMO**

Voluntary agreements with owners to undergo action will take priority over other cases if the action is cost effective, and the property can be used once



action has been completed. In some circumstances formal action of EDMO/ CPO is the only long-term resolution. Co-operation of owners reduces financial and resource costs, making the solution more viable than a property with an unwilling owner.

## Cost Comparison of Enforcement Options

### Empty Dwelling Management Order

Account must be taken of the costs of repair to Decent Homes Standard and the costs of associated management (assumed for these purposes to be 15% of the rental value) and a 2% of rental income taken as maintenance over the 7 year period.

All costs associated with serving and carrying out the functions of an EDMO are recoverable under statute either via rental receipts or through a legal charge on the property or direct recovery from the owner (if this is practicable).

Remedial/renovation costs	£
7 Years Management cost (@15% of rental income)	£
Maintenance (estimated at 2% of rental income)	£
Fee for Residential Property Tribunal	£
Insurance (@ £200 p.a)	£
<b>Total Cost</b>	<b>£</b>

Rental Income (*Local Reference Rent – Market Rent as assessed by Rent Officer Service*)

*LRR* as at *DATE* for empty property £ per month

Monthly Rental £ X 7 Years (*assuming no increase*) £

**Shortfall or Surplus (repaid to owner if surplus)** £

### CPO

Budget costs for an **uncontested** CPO

Property Cost ( <i>independent valuation</i> )	£
Basic Loss Payment ( <i>7.5% of purchase cost</i> )	£
Vendors' Agent Fees	£
Vendors' Legal Fees	£
Stamp Duty Land Tax (@1%)	£
Insurance	£
Legal Costs ( <i>Illustrative costs- Gt Yarmouth Legal Services</i> )	£
£1,500	
Land registry	£
£500	
Miscellaneous costs ( <i>p c sum</i> )	£
£1,000	
Officer cost general admin and advertising	£
£1,000	
--Additional cost £4,000 to £7,000 if contested--	

*Also to be taken into account would be either short-term loan costs or else loss of interest if purchase monies used from reserves  
Council costs may be applied for but are not guaranteed to be paid from the proceeds of the sale*



## Empty Property Questionnaire

Please complete and return this questionnaire to the Private Sector Housing  
 Central Bedfordshire Council, The Council Offices,  
 High Street North, Dunstable, Bedfordshire, LU6 1LF

Address of empty property .....

.....

Name of owner .....

Address of owner if different to above .....

.....

	Yes	No
Do you own the freehold/ leasehold of the empty property?		
Do you reside at your <i>current address</i> as your permanent residence?		
Are you absent from your empty property for the purpose of receiving personal care for any of the following reasons? Old age, disablement, illness, past or present alcohol or drug dependence, past or present mental disorder?		
Are you absent from your empty property for the purpose of providing, better providing personal care for a person who requires such care by reason of old age, disablement, illness, past or present alcohol or drug dependence, or past or present mental disorder?		
Are you a serving member of the armed forces?		
If yes to above question, does your service cause you to be absent from your property?		
Is the property used as a holiday home?		

Is the property on the market for sale or letting?			
Is the dwelling comprised in an agricultural holding within the meaning of the Agricultural Holdings Act 1986, or a farm business tenancy within the meaning of the agricultural Tenancies Act 1995			
Is the property usually occupied by an employee of yours in connection with the performance of their duties under the terms of their contract of employment?			
Is the property available for occupation by a minister of religion as a residence from which to perform the duties of their office?			
Is the property prevented from being occupied as a result of a criminal investigation or criminal proceedings?			
Is your mortgage company in possession of the dwelling?			
Is the property within the first 6 months of probate?			
What are your future plans for the property in order to become occupied? Please write below.			

## **Appendix F – Council Tax exemptions**

Some properties are exempt from Council Tax. If you own or occupy a property which is described below you are eligible to apply for an exemption:

Require or are undergoing major repair or undergoing structural alteration  
(exemption allowed for up to one year only or 6 months from completion of the works, whichever the sooner)

Are owned by a charity (exemption allowed for up to six months only)

Are unfurnished (exemption allowed for up to six months only)

Are left empty by someone who has gone to prison

Are left empty by someone who has moved to receive personal care in a hospital or a home, or elsewhere

Are waiting for probate or letters of administration to be granted  
(exemption continues for up to six months after being granted).

Are empty because occupation is forbidden by law

Are waiting to be occupied by a minister of religion

Are left empty by someone who has moved out to provide personal care to another person

Are owned by a student and were last occupied by that student

Have been repossessed

Are the responsibility of a bankrupt's trustee

Are sites for an individual caravan or mobile home, or a mooring

An unoccupied annex which may not be let separately.