

Central Bedfordshire Council

SOCIAL CARE, HEALTH & HOUSING OVERVIEW & SCRUTINY COMMITTEE

Monday, 24 July 2017

Empty Homes Strategy

Report of: Cllr Carole Hegley, Executive Member for Social Care and Housing
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This report relates to a decision that is Key

Purpose of this report

To present the draft 2017 Empty Homes Strategy and associated consultation proposals to Overview and Scrutiny for comment and to enable recommendations to be made to Executive concerning the draft policy.

RECOMMENDATIONS

The Committee is asked to:

1. To consider and comment on the draft, refreshed Central Bedfordshire Empty Homes Strategy and provide recommendations to Executive

Issues

1. Central Bedfordshire's first Empty Homes Strategy was adopted by the Council in 2010. Following a review of actions and outcomes in relation to that strategy, a refreshed Empty Homes strategy has been drafted for consultation to begin in July 2017. The 2010 strategy provided a foundation for activities designed to tackle empty homes. The refreshed strategy reflects the activity undertaken and the further ambitions of the Council.
2. Whilst there has been a welcome reduction in the number of long term empty homes during the period of the first strategy, the huge housing pressures and demand for affordable housing provide the drivers for continuing to tackle the wasted resource of empty homes in Central Bedfordshire.
3. Since the Council adopted its first Empty Homes strategy in 2010, performance and approach has improved, particularly since 2013/14 when a dedicated Empty Homes Officer resource has been established. A record 65 long term, priority empty homes were brought back into occupation in 2016/17, exceeding the 64 brought back into use in 2015/16.

4. The new duties of the Homelessness Reduction Act 2017 will provide an even greater focus on preventing and relieving homelessness and providing housing solutions. The need to make use of the wasted resource of empty homes will become even greater in 2018/19 and beyond. Joining up Empty Homes activity and intervention with Homelessness prevention even further is key and provides win, win, win outcomes.
5. The refreshed strategy builds upon the successes of the 2010 strategy but looks to widen the contribution of the Housing Service to meeting corporate ambitions. A key area is the role that empty homes activity has in regeneration, particularly town centres. Bringing life back into “spaces” above shops and offices has real benefits to those areas and can help meet housing need at the same time.
6. Consultation on the refreshed strategy began in late June. Consequently, a verbal update will be provided to Committee in July.

Options for consideration

7. The refreshed strategy recognises and is consistent with national drivers, including the 2017 Government White Paper *Fixing our Broken Housing Market*, and the Council’s Five year plan priorities. The strategy is also aligned with the Council’s Housing Strategy and Housing Assistance policy.
8. The draft policy sets out aims and objectives, which again, build upon the 2010 strategy. The objectives are around promoting the service and raising awareness, maintaining partnerships within and outside of the Council, and increasing the supply of decent housing. The strategy outlines the various tools available to turn empty homes into decent and occupied homes.
9. The draft strategy is very much a reinforcement of an approach started in 2010 but which has achieved greater results in the last two years. Subject to consultation, Officers cannot see the need for wholesale changes to the approach, which aims to utilize the full range of tools available as appropriate, using advice, assistance and enforcement. The one main change to the refreshed strategy is recognition of the contribution towards town centre regeneration.

Reason/s for decision

10. The last two years has seen greater success in tackling long term empty homes. The intention is to continue momentum and build upon the 2010 strategy through a refreshed strategy and action plan.

Council Priorities

11. The Empty Homes strategy primarily supports the Council’s priority of Enhancing Central Bedfordshire as the benefit to bringing a run down and dilapidated house back into an occupied and renovated home is well appreciated by neighbours and the local community.

12. The strategy also protects the vulnerable as the service will always look to see whether a property might be suitable for homeless households approaching the Council.

Community Safety Implications

13. The strategy supports community safety and helps reduce anti social behaviour that empty homes can lead to. Empty properties can attract squatters or arson attacks, both of which can be upsetting for the local community.

Legal Implications

14. There is nearly always a challenge to any application for empty dwelling management orders (EDMO) or compulsory purchase orders (CPO) because it involves the Council (aka the state) taking control away or actually taking away someone's property (and so interfering with someone's property or private life). It can also be a very sensitive matter e.g. although the property concerned may not be where the owner lives, it may be a deceased parent's home they have inherited or an asset that they have bought but not been able to manage due to financial problems.
15. Consideration of the provisions of the Human Rights Act 1998 must therefore be taken by the Council before taking action and any action taken must be lawful.
16. All of the legislative tools referenced within the draft strategy must be used appropriately and correctly by Officers, usually with support and involvement of LGSS Law Ltd. For higher level legal actions including empty dwelling management orders and compulsory purchase orders, legal advice should be sought where such orders are being considered because of the implications of interference with someone's rights by the Council. LGSS also support Officers in obtaining warrants of entry, which are often needed to fully inspect the empty properties concerned. With this support, the risk of challenges should be reduced and those challenges that are raised can be defended robustly.
17. The valuable work with owners which the dedicated officers do in attempting to bring a property back into use will assist in reducing challenges as it can be done in co-operation with owners and ultimately help them manage their property.
18. Having a policy that sets out processes and procedures for how the Council may take enforcement action or seek court orders will assist with defending challenges. A policy can be used as a benchmark to show where the standards are set and so it can be used as a tool where an action is challenged to show it has been complied with. For example, the policy confirms when the Council may take action, what circumstances that action may be based, and using objective evidence to justify the action. So if a dwelling is becoming a problem, several measures are taking first such as trying to assist the owner into bring the property back into use before consideration of other options including whether legal action may be used and this is usually as a last resort.

Financial and Risk Implications

19. The 2017/18 capital programme provides £0.21M expenditure for empty homes activity, which includes both assistance and enforcement activity. There is, however, a reserve amount of a further £0.2M, intended for higher level enforcement action such as compulsory purchase.
20. Loan assistance is normally provided with a 30 year repayment condition so there may be some return of funding during the year but this cannot be forecast.
21. Enforcement action can be costly but each case is approved by the Director, or Executive in the case of Compulsory Purchase Orders, and approval is following presentation of a business case. The business case will demonstrate the likely financial return, as in most cases, the Council will be able to recoup funding following action. Income can be generated by renting out the property and retaining rentals, where an Empty Dwelling Management Order (EDMO) is in effect, for a 7 year period. Normally, expenditure is registered as a charge on the property concerned, which helps safeguard financial commitments.
22. Previously, the Council received New Homes Bonus for long term empty homes brought back into use for six years per property. It is understood that new Homes Bonus is still provided but for four years. This, however, still provides an incentive to tackle long term empty homes.

Equalities Implications

23. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
24. Returning empty homes to occupation can have a positive impact in terms of the promotion of equality by increasing the provision of housing, contributing towards a balanced housing market and reducing the risk of crime and anti-social behaviour.

Conclusion and next Steps

25. The Empty Homes strategy refresh intends to build on the successes of the 2010 strategy so that the Council can continue to tackle the blight of empty homes, particularly when housing need is so great.
26. Subject to support being obtained through consultation (which will be provided as a verbal update on 24th July), Overview and Scrutiny is recommended to support the refreshed strategy and the approach of the Council, which is building success.

Appendices

Appendix A: Draft 2017 Empty Homes Strategy

Background Papers

The following background papers, not previously available to the public, were taken into account and are available on the Council's website:

None

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