

Central Bedfordshire Empty Homes Strategy

Report of: Cllr Carole Hegley, Executive Member for Social Care and Housing, (carole.hegley@centralbedfordshire.gov.uk)

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This report relates to a decision that is Key

Purpose of this report

1. To present the draft 2017 Empty Homes Strategy and associated consultation outcomes to Executive for approval of the refreshed strategy.

RECOMMENDATIONS

The Executive is asked to:

1. **consider and approve the draft refreshed Central Bedfordshire Empty Homes Strategy.**

Overview and Scrutiny Comments/Recommendations

2. On 24 July 2017, Overview and Scrutiny Committee recommended that the Executive:
 - a) Supported the three objectives set out in the Empty Homes Strategy.
 - b) Applauded the work being done to bring further empty homes into habitable accommodation and whilst recognising the challenges, expects continuing robust enforcement to reduce long term empty homes and to report back on the numbers in a year's time.
 - c) Welcomed the link to town centre regeneration and would like to see evidence of further rooms above shops and businesses being brought into habitable accommodation.
 - d) Recommended that during the budget cycle the Executive Member for Social Care and Housing gives consideration to the possibility of seeking additional resources to further this important area of work.

Issues

3. 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.
4. 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.
5. 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.
6. 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, outcomes.
7. 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.
8. Consultation on the refreshed strategy began in late June with a targeted survey running in July. The feedback to the survey and engagement was significant with 138 responses. Responses and comments have been summarised, considered, and responded to within the Engagement report, attached as appendix B. There have been some changes made to the draft strategy as a result of engagement, which was generally very positive with the approach.

Options for consideration

9. 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.
10. The draft strategy 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 options. The strategy outlines the various tools available to turn empty homes into decent and occupied homes, which are very much the same as in the 2010 strategy.
11. 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. Feedback from engagement and a consultation survey agreed with the approach and Officers' views that wholesale changes are not required. The approach aims to utilize the full range of tools available as appropriate, using advice, assistance and enforcement.
12. The main change to the refreshed strategy is recognition of the contribution towards town centre regeneration and bringing life to empty flats/spaces in town centres. The new strategy also better recognises the contribution that empty homes can have to meeting housing needs of homeless and other vulnerable households. Maintaining the partnership approach will help "win, win" outcomes from the strategy.

Reason/s for decision

13. 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

14. 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.
15. 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

16. 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

17. There is a duty on local housing authorities to make available accommodation for homeless people and the Homelessness Reduction Act 2017 imposes further obligations related to prevention work to prevent. It is necessary for local housing authorities to find effective ways to meet these obligations and the Empty Homes Strategy sets out some of those innovative ways.
18. Some of these ways may involve a challenge, particularly to any enforcement action and especially to applications for empty dwelling management orders (EDMO) or compulsory purchase orders (CPO) because it involves the Council 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.
19. Consideration of the provisions of the Human Rights Act 1998 must therefore be taken in account by the Council before taking action and any action taken must be lawful.
20. 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.
21. 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.

22. Having a policy that sets out processes and procedures for how the Council may work with owners or if necessary 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 taken 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.
23. In addition, consulting with constituents on a strategy that may (or may not) affect them and ensuring that their feedback is fully and conscientiously considered assists in a few ways. It can identify the impact of a strategy, the extent of that impact and how it can be mitigated against if there is a detrimental impact and/or a balance between competing needs has to be reached. If decision makers are informed of this prior to making a decision, it can not only shape a strategy to balance meeting the needs of constituents effectively but also ensures the Council is meeting its equality duties in taking into account those needs before reaching a decision

Financial and Risk Implications

24. 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.
25. 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.
26. 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.
27. 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

28. 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.
29. 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

30. 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.
31. The engagement and survey responses were generally very positive about the Council's approach, in many respects wanting more activity to bring empty homes back into use and meet the area's significant housing needs. Consequently Executive is recommended to support and approve the refreshed strategy and the approach of the Council.

Appendices

- Appendix A:** Draft Empty Homes Strategy V1.2
Appendix B: Engagement summary report

Background Papers

None

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