

9th March 2017

Environment and Housing Management Committee

Empty Homes

Report of: *David Carter*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 At the meeting of the Environment and Housing Management Committee on 7th December 2016, Members resolved to request a report outlining the powers, measures and the associated costs that can be taken to effectively reduce the number of empty homes in the Borough.
- 1.2 This report seeks to outline those powers available and to give an indication of likely costs and recommended actions for Member approval.

2. Recommendations

- 2.1 **To produce a skeleton Empty Homes Strategy to provide direction of travel.**
- 2.2 **To produce a business case for i) in-house services, ii) a stand alone position, iii) team working – General Fund.**
- 2.3 **To identify and prioritise the current properties which have been empty for over 2 years in the Borough and to approve initial contact with owners to seek resolution.**
- 2.4 **To seek to recover the costs of enforcement action where possible.**

3. Introduction and Background

- 3.1 Within Brentwood there are approximately 75 “long term” (over 2 years) empty properties.
- 3.2 An empty property reduces the number of homes available and often has a detrimental impact on the surrounding area. Detrimental impact can consist

of, but it not limited to; anti-social behaviour, crime, environment hazards and general squalor.

- 3.3 The Council has legal powers available to both encourage and to enforce owners to bring an empty property back into use, either for letting or for sale.
- 3.4 At present a property which is habitable but unoccupied and unfurnished has a 100% discount from Council Tax for a maximum of 3 months, after which normal Council Tax is payable.
- 3.5 Since April 2015 the Council has applied a Council Tax rate of 150% on a property which has been empty for at least two years to attempt to encourage them to be brought back into use.
- 3.6 As homes can be temporarily empty for a period for various reasons, it is proposed that the long-term empty homes are addressed first, starting with those where the 150% Council Tax payment is already applied i.e. those which have been empty for over two years already. Council Tax officers have indicated that at present there are 75 properties on this list, to provide a baseline figure.
- 3.7 Government data (see 9.1) on Gov.UK updated in April 2016 indicates that there are 32680 homes in Brentwood in total, of which 29130 are in the private sector, with 1030 owned by private registered providers and 2520 local authority owned.
- 3.8 There is no statistical release specifically dedicated to vacant dwellings, but there is a table which indicates there were 113 long-term vacant dwellings in Brentwood in 2015, which has reduced from a peak of 295 empty in 2006. (see 9.2)

4. Legal Powers

- 4.1 Most of the legal powers available, outlined below, are aimed at dealing with the immediate issues caused by the condition of the property, rather than bringing the property back into use.
- 4.2 **Housing Act 2004 – Improvement Notices to remove Category 1 or 2 hazards.**

Building Act 1984 s.77/78 Notice to require owner to make a ruinous or dilapidated property safe or enable Local Authority to take emergency action to make the property safe.

Building Act 1984 s.79 – Notice to require the renovation or demolition of a ruinous or dilapidated building.

Housing Act 1985 – Demolition Orders

Local Government (Miscellaneous Provisions) Act 1982 s. 29 power of local authority to prevent unauthorised entry or prevent the building from becoming a danger to public health.

Environmental Protection Act 1990 section 80; Building Act 1984 sections 78 allow the Local Authority to serve a notice requiring the owner to take steps to secure the property or allow the Local Authority to board it up in an emergency.

Prevention of Damage by Pests Act 1949 s. 2-7 notice to require an owner to take steps to clear the land of vermin, to remove waste likely to attract vermin; local authority has power to carry out works in default.

Environmental Protection Act 1990 s.79-81

Public Health Act 1961 s.34

Building Act 1984 section 79

Local Authority powers to serve notice on an owner to remove nuisance.

Town and Country Planning Act 1990 s.215 power to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. Action can be taken against land *and* buildings (see 9.3).

4.3 Enforced Sale Procedure – Law of Property Act 1925

If there is a charge registered against a property in favour of the Council e.g. for work carried out in default can be recoverable through enforced sale of the property.

4.4 Compulsory Purchase Order (CPO) - Housing Act 1985

The Council can apply to the Secretary of State as a last resort when other powers have been exhausted where long term empty properties are causing a serious nuisance or blight to an area.

4.5 Empty Dwelling Management Order (EDMO) - Housing Act 2004

Prerequisites for EDMOs include production of an Empty Property Strategy and selection of managing agents and contractors (see 9.4)

Voluntary solutions must be considered and all requirements must be met for a Residential Property Tribunal (RPT) to authorise an Interim EDMO.

The RPT must be satisfied that:

- the property has been empty for more than six months, with little prospect of occupation without an EDMO.

- the authority has notified the owner of its intention to apply for an EDMO and tried to find out what plans the owner has to return the property to use.
- the authority has considered the rights of the owner and the interests of the wider community.

If an Interim EDMO is granted by the RPT the Council must insure the property, carry out a detailed survey and prepare a costed schedule of works. Contractors must be appointed to carry out the works necessary to enable the property to be occupied at the Council's expense – the costs are recovered from rental income.

At present in Essex only Southend BC have used EDMOs successfully to deal with empty homes

5. Issues, Options and Analysis of Options

5.1 The options available will depend on the individual properties and the owners' willingness and/or ability to work with the Council.

5.2 The aims of dealing with empty homes in the Borough should be to:

- Reduce the overall number of long term empty properties.
- Minimise the anti-social behaviour associated with empty homes.
- Recover the costs of enforcement action where possible.

5.3 Low cost options

These options would involve little or no additional resource above the current level of activity.

Contact the owners of long term empty properties where 150% Council Tax is being applied (currently 75) to identify any factors preventing the properties being re-let. There are several empty properties owned by elderly owners who are unable to properly manage the property themselves – it may be possible in these instances to assist them in working with private agents or Council housing needs officers.

5.4 At present Environmental Health deal with most issues caused by empty properties such as vermin, overgrown gardens, prevention of access and other nuisances which would continue to be the case – it is possible that wider use of anti-social behaviour powers including the Community Protection Notice procedure and working more effectively with planning enforcement to use their powers would assist in reducing the nuisance aspects of empty property to residents.

5.5 The Council has previously made funds available to encourage properties

back into use through the Empty Homes Loan scheme however this was not successfully used or widely advertised – it is possible that some owners could be assisted to renovate properties but this would need to be combined with a scheme to ensure that the property is available for letting.

5.6 Advice and support for property owners should be a key part of the initial stages of engagement to attempt to encourage renovation and re-use, before enforcement action is implemented.

5.7 Higher cost options

Working in partnership with other local authorities. Empty Homes officers are employed in other areas to work exclusively in this work e.g. Southend-on-Sea Borough Council.

It may be possible to work with other authorities to obtain their expertise and assistance in dealing with the more difficult cases, sharing staff resources where possible.

5.8 Direct employment of empty homes officer

It does not seem that the current level of empty property in the Borough would justify the cost of a dedicated resource to deal with these issues – the costs would be in the region of £30k to undertake this work which is unlikely to be possible given the Council's current financial position.

6. Reasons for Recommendation

- 6.1 To ensure that effective action is taken to reduce the number of empty homes in the Borough within existing resources where possible.
- 6.2 To seek to ensure that the costs of enforcement action is recovered where possible.

7. References to Corporate Plan

- 7.1 Environment and Housing Management:
 - Manage our housing stock to recognise the limited resources available and the importance of supporting those in greatest need.
 - Develop effective partnership arrangements with key agencies to deliver services.
 - Review the future delivery of housing services to provide the best outcomes for Brentwood residents.

Community and Health:

- Provide advice, support, guidance and enforcement.
- Encourage thriving and engaged communities.
- Support community engagement with residents and businesses.

8. Implications

8.1 Financial Implications

Any costs will be contained within existing budgets.

Name & Title: Ramesh Prashar, Financial Services Manager

Tel & Email 01277 312 513 / ramesh.prashar@brentwood.gov.uk

8.2 Legal Implications

The legal implications of this matter and relevant law is set out in the body of this report.

Name & Title: Daniel Toohey, Head of Legal Services and Monitoring Officer

Tel & Email 01277 312860 daniel.toohey@brentwood.gov.uk

8.3 Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 Gov.uk Table 100 Dwelling stock: Number of dwellings by tenure and district, England; 2015

9.2 Gov.uk Table 615 All long-term vacant dwellings by local authority district, England, from 2004

9.3 ODPM – Town and Country Planning Act 1990 Section 215 Best Practice Guidance 2005

9.4 The Empty Homes Agency Guide to Empty Dwelling Management Orders

Report Author Contact Details:

Name: David Carter Environmental Health Manager

Telephone: 01277 312509

E-mail: david.carter@brentwood.gov.uk