

UPDATE TO THE EMPTY HOMES POLICY
Councillor Winn
Cabinet Member for Communities

1 Purpose

- 1.1 Aylesbury Vale District Council is committed to tackling the problems that empty properties cause and is keen to adopt a more proactive approach in supporting owners to help to return their property to use. Empty properties constitute a wasted housing resource, both for individual owners and the local community. Long-term empty properties can fall into a state of disrepair and become dangerous as well as having a negative impact on neighbours and the wider community. A coordinated and sustainable approach to empty properties can contribute towards improving standards as well as reducing the number of empty homes.

2 Recommendations

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| 2.1 That Cabinet note the contents and approves the Empty Homes Policy. |
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3 Background

- 3.1 It is estimated by the Empty Homes Agency (EHA) that there were over 200,000 long term empty homes in England in 2017. This represents 0.85% of the total number of homes in England and is a substantial wasted resource.
- 3.2 In Aylesbury Vale there were 239 private homes which were unoccupied from a total housing stock of 78,850 (as of April 2017). This represents 0.3% of the housing stock. Although this is below the national and regional average it is still a cause for concern.
- 3.3 There are broadly two types of empty residential properties; transactional empty properties and long-term empty properties. Transactional empty properties are generally empty for up to six months, usually due to a change in tenant or ownership and are part of the normal cycle of moving house. The vast majority of all empty properties are empty for less than six months, though they may be empty longer should they be subject to renovation works.
- 3.4 Empty properties can have a negative impact upon the lives of people in the vicinity and can be a magnet for anti-social behaviour. Tackling empty properties not only helps provide additional much-needed homes, but also contributes to the improvement of the local environment and benefits communities. This policy will focus on 'long term empty properties' which are those houses that have been empty for over two years and those that are situated in or close to the larger towns within the Vale.

4 Supporting Information

- 4.1 It is recognised that there are a number of challenges associated with returning empty properties back into use, these can include ownership disputes, personal circumstances of the owner, disappearance of the owner and properties left intentionally empty.
- 4.2 Enforcement Officers already have the skills required to trace property ownership, inspect houses and identify hazards under the Housing Health and Safety Rating System.

- 4.3 The policy allows flexibility with regard to the criteria used to prioritise empty properties for action and to ensure that any new guidance, legislation or funding that becomes available can be made full use of in the future.
- 4.4 The policy describes our 'graduated' approach to enforcement whereby we offer advice and incentives to landlords to assist them in bringing properties back into use prior to considering formal measures.
- 4.5 Scrutiny Committee considered the report and were reassured that although the primary source of information used to identify Empty Homes was Council Tax exemptions, this was supplemented by reports from the public and intelligence from Council Tax Inspectors and other Enforcement Officers.

5 Policy objectives proposed

- 5.1 Raise awareness of our Empty Homes Policy and publicise the empty homes service.
- 5.2 Build and maintain partnerships within and outside of the council to deliver the empty homes agenda.
- 5.3 Devise and explore innovative solutions to reduce the impact of empty homes on local communities and bring them back in to use.

6 Reasons for Recommendation

- 6.1 To enable a clear and consistent approach to the way Empty Homes are dealt with in Aylesbury Vale.

7 Resource Implications

- 7.1 The approach and prioritisation process set out in the policy, is achievable from existing officer resource. There is an existing budget for loans to fund improvement works.
- 7.2 Any additional resources/funding for exceptional enforcement work will be dealt with as a budgetary pressure, but on the basis that costs are recoverable over time.

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Background Documents: N/A



Aylesbury Vale District Council

Empty Homes Policy



1. Introduction

This policy has been developed to enable Aylesbury Vale District Council, with its partners, to focus on bringing empty private sector homes back into occupation. The policy sets out how the council will continue to reduce the number of empty properties in the Vale.

As with many other areas, Aylesbury Vale has a shortage of affordable homes for residents. Empty properties can have a negative impact upon the lives of people in the vicinity and can be a magnet for anti-social behaviour. Tackling empty properties not only helps provide additional much-needed homes, but also contributes to the improvement of the local environment and benefits communities.

This policy provides a framework for tackling the various issues associated with long-term empty homes in the private sector, in a cost-effective manner.

This policy will focus on 'long term empty properties' which are those houses that have been empty for over two years and those that are situated in or close to the larger towns in Aylesbury Vale. Anecdotal evidence from AVDC's Housing Officers is that the demand for housing close to local amenities is most in demand for better access to schools, transport and employment.

2. Background Information

It is estimated by the Empty Homes Agency (EHA) that there were over 200,000 long term empty homes in England in 2017. This represents 0.85% of the total number of homes in England and is a substantial wasted resource. More information can be found at <http://www.emptyhomes.com/research.html>

In Aylesbury Vale there were 239 private homes which were unoccupied from a total housing stock of 78,850 (as of April 2017)¹. This represents 0.3% of the housing stock. Although this is below the national and regional average it is still a cause for concern. In particular, considering that:

- The number of applicants on the council's housing register at the end of March 2017 was 3,505. This comprised of 2,451 people who are not currently in social housing and 1,054 transfer applicants. This shows that there is a real demand for affordable housing in the Vale.
- Official statistics on statutory homelessness are published quarterly by the Ministry of Housing, Communities and Local Government (MHCLG). There has been an increase in the number of households being accepted as homeless in Aylesbury Vale in recent years.

¹ MHCLG live tables – available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

Aylesbury Vale is an economically buoyant area, which in turn creates an additional demand for housing from people who move into the area for work.

Evidence on rents, housing costs and affordability suggests that the financial conditions for those trying to enter owner-occupation or living in the private rented sector have worsened significantly over the last few years. If these trends continue, previous estimates of the need for affordable housing in the South East of England could turn out to be lower than expected.

What is an empty property?

There are broadly two types of empty residential properties; transactional empty properties and long-term empty properties. Transactional empty properties are generally empty for up to six months, usually due to a change in tenant or ownership and are part of the normal cycle of moving house. The vast majority of all empty properties are empty for less than six months, though they may be empty longer should they be subject to renovation works.

In some instances, a property may be empty or appear to be empty, but is not classed as empty. A property does not have to be used all the time to be classed as occupied. For example, if it is:

- a second home or a holiday home;
- a property which is part of a wider regeneration programme and could be in the process of being developed or marked for demolition;
- a property which appears empty due to an overgrown garden or through lack of maintenance or repair but which could in fact be occupied;
- a property which has pending planning permission, could be awaiting refurbishment or could be waiting for new occupants to move in;
- where the owner is living elsewhere to provide or receive personal care (illness, old age, disablement, drug or alcohol dependence or mental disorder);
- a property which is genuinely on the market for sale or letting; or
- a property in which the mortgagee has entered into possession of the dwelling.

Why do properties become empty?

Properties that have been empty for more than six months usually have an underlying problem. When properties have been empty for more than two years, it is likely that they will stay empty and decline without intervention. Long term empty properties can become a hub for crime, attract vandalism and anti-social behaviour as well as becoming a target for arson. They can become run down, fall into disrepair, have overgrown gardens and impact upon the surrounding properties and neighbourhood.

Some of the most common barriers that exist for owners of long term empty properties that prevent them from bringing their property back into use include:

- issues with inheritance and/or delays with probate;

- lack of finance to carry out necessary repairs or refurbishment;
- the owner may be in hospital or residential care;
- the owner lacks the ability to deal with the property;
- following the death of an occupant the ownership of the property may be unclear;
- problems with achieving a sale;
- perceived problems associated with the letting of the property; or
- owner unwilling to bring the property back in to use for another reason.

Why have an Empty Homes Policy?

Aylesbury Vale District Council is committed to tackling the problems that empty properties cause and is keen to adopt a more proactive approach in supporting owners to help to return their property to use. Empty properties constitute a wasted housing resource, both for individual owners and the local community. Long-term empty properties can fall into a state of disrepair and become dangerous as well as having a negative impact on neighbours and the wider community. A coordinated and sustainable approach to empty properties can contribute towards improving standards as well as reducing the number of empty homes.

Challenges of bringing empty homes back into use

There are a number of challenges associated with returning empty properties back into use, such as:

- Ownership disputes can make it difficult or impossible to establish who the owner of the property is. Court proceedings and divorce settlements can also delay the occupation of a property.
- Personal owner circumstances may prevent them from being able to bring a property back into use. For example, they may not have the funds or capacity to renovate or sell a property.
- Lack of ownership records can make it time consuming and expensive for the council to trace owners. Even after finding the individual(s) concerned, they may be unwilling to engage with the process.
- Maintaining a properties security to ensure empty properties don't fall victim to acts of vandalism, arson or squatting due to their often vulnerable condition.
- Intentional empty properties are kept empty either for no specific reason, or for unreasonable purposes by the owners who simply do not have any intention to occupy the property.

Policy Context

There are a range of legislative tools available to support empty properties being brought back into use. These are outlined in Appendix A. The council will use these powers

appropriately and in line with our Enforcement Policy where circumstances require and will work with the necessary services and partners to ensure that the legal powers are administered correctly.

National Housing Strategy

The Government's strategy for empty homes is set out in '[Laying the Foundations: A Housing Strategy for England](#)' which was published in 2011. It states that the government is committed to bringing empty homes back into use as a means of increasing the overall supply of housing and reducing the negative impact that neglected homes can have on communities.

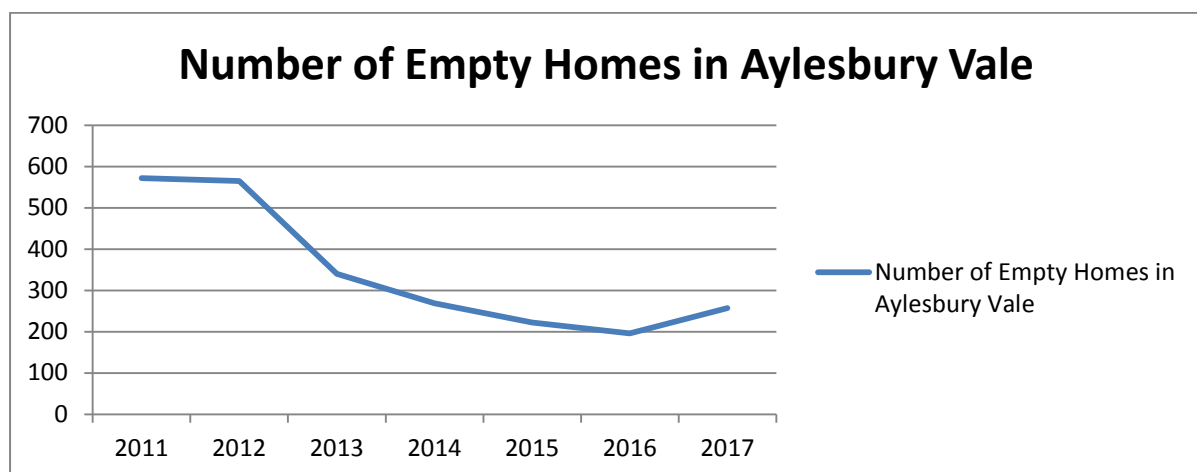
Proposals specifically related to empty homes are:

- Awarding the New Homes Bonus to empty homes brought back into use;
- Investing £100 million funding to bring problematic empty homes back into use;
- Introducing an 'empty homes premium' on the Council Tax payable in April 2013 so that local authorities can charge long term empty homes up to 150% of the normal Council Tax;
- Making changes to Empty Dwelling Management Orders introduced in the Housing Act 2004 so that local authorities can only take over the management of certain residential premises that had been empty for two years.

The Government is also supporting bringing empty homes back into use through VAT discounts on renovations and alterations of residential properties that have been empty for at least two years. There is also a DIY Builders Refund Scheme and reduced VAT rates for a number of types of building works, such as installing energy saving measures, adapting a building for a disabled person or works to convert a non-residential building into a home.

3. Recent Successes

Between 2011 and 2017 the number of empty properties in Aylesbury Vale was reduced by 45%.



This reduction was achieved through implementing a range of measures including:

Empty Property loans

A short term repayable loan offered to enable owners to renovate their empty property and make it suitable for habitation so that it can be let or sold.

Property inspections

Visits to empty properties together with the owner to offer advice on what works would be required to remove any hazards and make it safe for habitation.

Help and advice to owners

Telephone, email and face to face conversations with owners providing information on the help that is available to bring their empty property back into use and what works may be required to do this.

Letters and questionnaires to owners of empty properties

To update our understanding of the empty property picture across Aylesbury Vale.

Updating our list of empty properties

Using monthly updates from Council Tax services to maintain a current list of the long term empty properties in Aylesbury Vale.

Researching why properties were empty and tracing owners

When owners fail to respond, further research has been undertaken to trace the owner and provide information on how to bring the property back into use.

Publicity through council tax mailings and local magazine

Using the Council Tax mailing to publicise the Empty Homes Loan and the Vale Times magazine to promote our work. The Empty Homes Loan is available to anybody who owns an empty property or is looking to purchase an empty property. The loan is to help fund work that needs to be done to a property to bring it back into use. The Vale Times magazine is published quarterly by AVDC to promote the work and services it offers to residents.

4. Our Policy

The council is committed to securing the economic, social and environmental wellbeing of the Vale. All residents should have access to a home of a good standard which they can afford and are able to sustain and maintain. The council's emerging local plan will help to address the issues around the supply of new housing in the district in the long term, including the provision of new affordable housing. This policy sets out the council's approach to dealing with long term empty properties in the Vale.

Aylesbury Vale is an economically buoyant area which, in turn, creates an additional demand for housing from people who come to the district to work. The government incentivises local authorities to increase housing stock through the new homes bonus

scheme. For each long term empty property brought back into use the council receives a financial reward. This is based on a net decrease in the number of empty homes in the district. An additional bonus is received if the property is returned to use as an affordable home.

Empty homes have negative effects on their neighbourhood, including increasing the likelihood of crime. By remaining unused, empty homes are a wasted resource, a magnet for anti social behaviour and can have an effect on neighbouring house prices.

Where it is not possible to bring empty homes back in to use, we will use powers of legislation to minimise the impact on the local community caused by that empty property. This can include removing pests from gardens.

Our Priorities

We recognise the importance of bringing empty properties back in to use, however, we also have to make effective use of the resources that we have available. As such we will seek to prioritise our interventions to long term empty properties that are causing the most harm to the local community by remaining empty.

We have developed a set of priorities to enable the identification of those empty properties most likely to be in demand and/or which are most cost effective to make fit for habitation, to be dealt with first. The factors taken into account when calculating the priority rating of an empty property for intervention are:

- The type of property
- The length of time the property has been empty
- The location of the empty property
- The condition of the empty property

In addition to these factors, we will also consider the complaint history for a property and any known impact that the property is having on neighbours. This criteria may not influence whether a property is brought back in to use but may lead us to take other actions, for example, to remedy a Statutory Nuisance to a neighbour.

We also recognise that housing needs can change over time and therefore, a degree of flexibility in how empty homes are prioritised is necessary to ensure that we can focus on the most appropriate properties at any given time. We will also take into account any changes or updates in legislation when they come into force.

A graduated approach to bringing empty homes back into use

We have adopted the following tiered approach to bringing empty properties back into use. We will generally work through the below methods in order, unless there are exceptional circumstances which urgently require more formal action. (Further detail on the legislation is available in appendix A):

1. Advice and Incentives

Upon tracing the owner of an empty property, we will offer advice on how the property can be brought back into use. This can include an estimation of the money that could be saved by letting the property as opposed to leaving it empty, and information on available assistance to make the house fit for habitation, such as the Empty Homes Loan. New measures such as allowing local authorities to charge higher rates of Council Tax on long term empty properties are currently under consideration and will be explored further as legislation is updated and amended.

2. Informal action

If the owner of the property does not engage in a meaningful way, then we will provide a written explanation outlining the possible consequences should we have to take formal enforcement action. This also provides another opportunity to offer advice and incentives for the owner to bring the property back into use.

3. Formal Inspection

We may use our powers under the Housing Act 2004 to complete a formal inspection of the property. This helps us to understand the condition of the property and the works that may be required to make it safe for habitation. If hazards are identified, the cost of the inspection will be passed to the owner.

4. Formal Notices

If the inspection identifies serious hazards in the property (i.e. Category 1 or some Category 2 hazards), we will take the most appropriate enforcement action. In the majority of cases this will involve the service of a Housing Improvement Notice specifying works to be completed before the property can be reoccupied (other measures are also available).

5. Formal powers to bring the property back into use

When the owner of a high priority empty property has failed to take appropriate action to bring the property back in to use (or the owner cannot be traced), we will consider making a management order to enable the property to be made safe and let out. As a last resort, properties can be compulsorily purchased and either let or sold with conditions.

5. Our Objectives

We have identified three objectives to assist in bringing empty properties back in to use. These are:

1. Raise awareness of our Empty Homes Policy and publicise the empty homes service

2. Build and maintain partnerships within and outside of the council to deliver the empty homes agenda
3. Devise and explore innovative solutions to reduce the impact of empty homes on local communities and bring them back in to use

Objective 1 – Raise awareness of our Empty Homes Policy and publicise the Empty Homes service

Empty properties can have a negative impact on local communities. Apart from being unsightly, with overgrown gardens and dilapidated appearance, problems such as blocked guttering and small water leaks can, over time, cause significant damage to the empty property and those surrounding it. Empty properties can also be a magnet for vandalism and other anti-social behaviour.

By promoting our policy widely we aim to ensure that owners will be aware that there is help available and that action may be taken against them if the property is left empty. It also ensures that people within the community know who they can report problems to and the type of assistance that can be expected.

We intend to build on the methods used in the previous Empty Homes Strategy by:

- Continuing to work with Council Tax, Revenues and Benefits and other internal colleagues to ensure that we continue to have an accurate and current list of long term empty properties to work from.
- Providing a wide range of information on our website.
- Providing a single point of contact to help in co-ordinating the flow of information.
- Supporting National campaigns such as Empty Homes Week of Action.
- Providing articles and information for newspapers and newsletters.

Objective 2 – Build and maintain partnerships within and outside of the council to deliver the empty homes agenda

We recognise that our success depends on working with other agencies to raise the profile of the empty homes issue, assist us in identifying those responsible and ensuring that the property can be re-occupied once it has been made safe.

Some of the agencies we intend to work with include:

Empty Homes Forum

This forum consists of enforcement officers from other local authorities across the South East region. The forum is used to share best practice examples, keep members up to date on guidance and legislation and ensure a level of consistency in our approach.

Internal colleagues at AVDC

Council Tax officers have a database of the number of empty properties in the district. Often it is their information which can determine when a property has become or ceases to become empty. Colleagues from planning and building control also come into contact with properties that have been empty for long periods. It is important that they are aware of our strategy so that they can help give advice where appropriate.

Citizens Advice Bureau

The CAB has contact with a range of people across the district. People will often contact the CAB in the first instance expecting to be signposted to whoever can assist. Its important that they are fully aware of our policy and the assistance that we have available.

Community Safety Team

Empty properties often attract anti-social behaviour, e.g. graffiti, vandalism and become a location for drug use. These types of issues will usually be reported to the Police and/or the Community Safety Team. Through working with the Community Safety Team, we may be able to address some of these issues.

Elected members and Parish Councils

Parish councils and elected members are most likely to be aware of any 'problem' empty properties in their communities. They deal directly with their constituents and so it is essential that they are aware of the policy and the help that is available.

Partners

The list of potential partners is wide and spans from those involved with ownership to those who could occupy identified properties. In addition are those agencies and organisations that relate to housing issues, such as:

- Other District Council Departments
- County Council
- Fire Authority
- Neighbourhood Watch
- Developers
- Letting Agents
- Parishes and Town Councils
- Private Landlords
- Financial Institutions

We have sought to identify key partners who can help in the delivery of an empty homes policy. There are likely to be other agencies, organisations and individuals who can

contribute. We welcome a wider participation from other partners who believe that they can help in the delivery of this empty homes agenda and the achievement of positive results.

Objective 3 – Devise and explore innovative solutions to reduce the impact of empty homes on local communities and bring them back into use.

Some flexibility in this policy is required in order for use to capitalise on any new guidance, legislation or funding that may be made available in the future.

Through the empty homes forum we will continue to collate good practice examples from elsewhere in the region and will seek to implement any proven changes into our procedures.

Appendix A – Support & Enforcement Options

Housing Solutions Support and Enforcement Options

| Support Options | Details |
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| Information and Advice | <p>Once the owner of an empty property has been identified, we encourage them to bring the property back into use voluntarily. Assistance is offered such as advice and information on the range of options available to the owner of an empty property. 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.</p> |
| Inspections | <p>All empty properties that we are working on are inspected to establish what condition they are in and whether they cause a nuisance to neighbours. Further action options are considered based on the outcome of the inspection.</p> |
| Loan Assistance | <p><u>Affordable loans scheme</u></p> <p>The scheme works as a partnership between the owner of the empty home, a registered provider (a housing association), and AVDC.</p> <p>The registered provider renovates the property to bring it up to standard. The cost of the renovation work is funded by a secured low interest rate loan (charged at the Bank of England base rate, subject to minimum and maximum rates) provided by the council. Some additional fees also apply.</p> <p>The property is let as affordable housing, and the loan is repaid monthly from the rental income. The owner will receive the net rent. At the end of the agreement, the property is returned to the owner.</p> <p>Flexible loans scheme</p> <p>Empty home owners may secure a 5 year flexible bridging loan to fund renovation works. Interest is charged at 2% above the Bank of England base rate, subject to minimum and maximum rates. Some additional fees also apply.</p> <p>After the works have been completed, owners may let the property or use it as their own residence.</p> <p>During the term of the loan, regular monthly repayments, occasional monthly repayments, or no payments at all can be agreed. The arrangement may be varied by agreement at any time and the loan, plus outstanding interest, must be repaid in full after 5 years, or when the property is sold – whichever happens first.</p> |

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| Private Rent Scheme | The council's private rent scheme could be used to rent out properties after they have been brought back into use. The private rent scheme works with landlords to provide properties that the council provides a deposit guarantee for in order to help people afford to rent in the private sector. |
| Enforcement Options | |
| 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 can include 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. |
| Building Control powers | Building Control enforcement officers can take action under the Building Acts where the property is structurally unsound and dangerous. |
| Local Government (Miscellaneous Provisions) Act 1982 | Section 29 allows a local authority to undertake any works necessary to prevent unauthorised entry or to prevent the building from becoming a danger to public health. |
| Prevention of Damage by Pests Act 1949 | Sections 2-7 allows the local authority to serve notice to require an owner to take steps to clear the land of vermin and/or requires the owner to remove waste likely to attract vermin or gives the local authority power to do so in the default of the owner. |
| Public Health Act 1961 | Section 34 allows local authority to serve notice on an owner to remove a nuisance or gives local authority power to do so in the default of the owner. |
| The Town and Country Planning Act 1990 | Section 215 allows the local authority to serve notice to require an owner to take steps to remedy the unsightly land or |

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| | external appearance of the property within a specified time period. Where the owner fails to comply with such a notice, the local authority can undertake the works in their default and place a charge on the property. |
| Empty Dwelling Management Orders (Housing Act 2004) | <p>This 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.</p> <p>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 do not exist and to ensure that rental income for the maximum 7 year period will be sufficient to cover all associated costs.</p> |
| Compulsory Purchase Order | <p>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.</p> <p>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 refuse to co-operate.</p> <p>Any proposals around the use of CPO action will firstly be reported to the Executive Committee.</p> |
| Enforced Sale | Where an empty home has a legal charge against it, in the council's 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. |
| Anti Social Behaviour Crime and Policing Act 2014 | Local authorities can use these powers to deal with accumulations of waste where this impacts upon the amenity of an area |

