

Taking Action on Empty Homes:

Bath and North East Somerset Council's Empty Residential Property Policy 2018



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Why take action on empty homes?

Bath and North East Somerset Council is committed to bringing residential empty properties back into use in response to the negative impact unoccupied homes have on our communities.

Empty Properties:

- **Are a waste of a valuable resource**
- **Can devalue and damage neighbouring houses**
- **Can be a magnet for anti-social behavior and criminal activity**
- **Have a detrimental impact on the surrounding community**
- **Are a drain on public services**

Efforts are being made across Bath and North East Somerset Council to meet housing demand and put the needs of our communities at the forefront of what we do as a Local Authority. Empty Property work represents an important and progressive part of this.

Cover image: before and after pictures of 10 Wellington Buildings, Compulsory Purchased by Bath and North East Somerset Council in 2017

Introduction

Bath and North East Somerset has a growing housing need, and in this time of budgetary pressures, unoccupied houses are a wasted resource we cannot afford. They can also be a financial drain on public services when, for example, they require intervention by Environmental Protection, Building Control and the Police.

Furthermore, the Council is proud of Bath's World Heritage status and we want to protect our historical buildings and conservation sites from the degenerative impact empty, decrepit and sometimes derelict buildings can have on our landscape.

This Empty Residential Property Policy heralds a stronger, collaborative approach between different service areas of the Council, working together to effectively tackle the problem of empty properties across the District with a drive to support delivery of the Corporate priorities identified in the Council's 2020 Vision:

- A strong economy and growth – bringing empty homes back into use contributes to delivering strong, thriving and successful communities.
- A focus on prevention – early intervention on empty properties prevents escalation of the negative impact empty homes can have on their environment and reduces the level of intervention required by the Council in the longer term.
- A new relationship with customers and communities – this policy delivers an approach that identifies and actions the appropriate interventions for individual empty property owners and their circumstances.
- An efficient business

The Empty Residential Property Policy is held within Housing Services. Its delivery contributes towards the action plans and targets of the Community Regeneration Plan and the Place Directorate Plan, although action on empty properties is also a service delivery issue for other Service areas across the Council. This policy identifies ways these different service areas can work together to reduce duplication of effort and save resources, whilst delivering an effective approach to bring empty homes back into use.

Empty Residential Property Policy 2018 FINAL

This policy sets out the potential benefits gained by bringing empty properties back into use. These include:

Meeting local housing demand	Contributing to supply of affordable housing	Reducing anti-social behaviour & crime which empty properties often attract
Reducing the detrimental impact of poorly maintained empty properties	Preserving our architectural heritage and helping improve & regenerate neighbourhoods	Providing cross-service benefits both within the Council & with external partners
Contributes to meeting the Council's key strategic agendas	Generating income via the New Homes Bonus	Increase council tax revenue through identification of empty dwellings & empty property fraud

Identifying empty residential properties and contacting their owners

Empty residential properties will be brought to the attention of Housing Services in two ways:

1. Council Tax will send a quarterly list of properties that have been empty for six months and over. The owners of these properties will be sent a letter offering advice and information.

For those properties that have become empty for six months as of the beginning of that quarter, the letters will include:

- Information on the financial incentives and support available.
- The reasons we take action on empty properties.
- A warning regarding the increase to their Council Tax bill if they leave the property empty for two years.
- Their duty to update the Council regarding whether the property is still empty or has been brought back into use.

For those properties that have become empty for two, five or ten years as of the beginning of that quarter, the letters include:

- Confirmation that an additional charge has now been added to their Council Tax bill.
- Confirmation from owner of the property's occupancy status.
- A request for a progress report on their efforts to bring the property back into use, including timeframes for completing renovations, court proceedings and planning applications.
- A reminder of the financial and practical support available.

For further information on Council Tax rules for empty properties visit:

<http://www.bathnes.gov.uk/services/council-tax-benefits-and-grants/council-tax>

2. Reports or complaints about empty properties. Once received, the following action will be taken:
 - Where the property is unknown then a visit will be made to establish its occupancy status and condition. Where appropriate, statements from neighbours will be taken regarding the detrimental impact the property is having on the neighbourhood and the history of its occupancy.
 - The owner or responsible parties will be identified and informed that a complaint has been made. Their intentions for the property will be established and assistance will be offered to bring it back into use.

- Any Council services already involved will be contacted and referrals to additional teams or partner agencies will be made where appropriate.
- Options for enforcement action will be considered, and initiated where appropriate.
- Council Tax will be alerted where discrepancies are found in Council records indicating intentional fraud or accidental non-payment of Council Tax. Amended bills will be produced.

Reports or complaints can be made directly to the Empty Property Officer or via the No-Use-Empty website:

<http://www.bathnes.gov.uk/services/housing/no-use-empty>

Monitoring and prioritising empty properties

Actionable properties:

Actionable properties are those that have been unoccupied for 6 months or more.

Priority:

Priority properties are those from the actionable group with any of the following:

- Properties that have generated a complaint from the public.
- Properties that have been judged as suitable for use as affordable or social housing (via a subsidised purchase agreement between Housing Services and a registered provider).
Subject to enforcement action from any Council service.

Priority cases will be subject to a visit from the Empty Property Officer and given a further Priority Rating using a RAG (Red, Amber, Green) system (see appendix 1 for criteria).

Empty Property Action Plans

Where appropriate Priority properties that meet the Red criteria in the RAG rating system will then be compared in a selection matrix

Matrix criteria for comparison of empty properties:

- Potential to meet strategic housing priorities
- The recovery of public funds
- Achievability
- The resolution of nuisance
- Length of time empty

When initiated, Action Plans for bringing the selected properties back into use will include any of the following:

- Options for bespoke practical or financial support.
- Options for Enforcement Action.
- The case for subsidised purchase to meet housing need.

Action on residential empty properties

Advice, assistance and incentives available to empty property owners:

Financial incentives via Lendology Loans and Empty Property small Works Grants (subject to budget availability).

Guidance for navigating the planning application process and conservation requirements for listed buildings.

Information on renovating, renting or selling the property.

Liaising with other Council Services, Ward Members and MPs on behalf of the owner as a result of complaints generated by the Empty Property.

Support with the arrangement of house clearance and support with obtaining builders quotes and valuation.

Support with resolving neighbour disputes and improving relationships in the immediate community, allowing redevelopment to progress.

Support with the arrangement and coordination of open house viewings from interested purchasers.

VAT reduction or exemption letters.

Financial assistance:

Financial assistance, where available, will be detailed under the Decent Homes Policy. These include Lendology Empty Homes Loans and Empty Property Small works Small Works Grants.

Lendology Loans

Empty Homes Loans (minimum £500 to maximum £30,000) are available to:

- The owners of houses that have been empty for 2 or more years.
- Properties that have been given priority status.

For more information on the terms and conditions on these loans please visit: <https://www.lendology.org.uk/> and/or speak to the Empty Property Officer.

Small Works Grant

Grants up to £500 can be available to properties classified as empty under the Empty Property Policy to finance works in order to make the property saleable or rentable. Eligible works include, but not limited to:

- Clearance of house or garden.
- Gas Safety Certificate.
- Electrical Safety Certificate.
- Installation of hard wired fire alarm system.
- Works to remedy Category One hazards.
- Pre Apps for listed buildings (up to £500).

Any works must be agreed in advance by the Empty Property Officer. The grants will be conditional. Where the owner fails to adhere to the terms of the grant, the Council will recover the grant from the owner.

VAT Relief

The Empty Property Officer can supply a letter of evidence to the owners entitling them to VAT relief. In accordance with current regulations set by HM Custom and Excise, renovations carried out on residential properties that have been empty for 2 years or more, will only be subject to 5% VAT. Properties empty for 10 years or more will be VAT exempt. This does not usually cover work carried out on DIY basis, only renovations done via a contractor.

Options for housing-led formal enforcement action include:



- In cases of Statutory Nuisance Housing Services may take low level enforcement action and serve a notice to require remedial works under the Housing Services Enforcement and Licensing Policy. Higher level enforcement action (as detailed above) may be taken where there is a significant health and safety impact on resident neighbours. The Empty Property Officer will be able to issue Community Protection warning letters, the initial stage of the high level enforcement action, the Community Protection Notice. These are a new tool to Housing Services which can lead to prosecution and are being introduced via the Empty Property Policy.

Enforcement action with significant financial implications will only be taken following a Single Member Decision by the Cabinet Member with responsibility for Economic and Community Regeneration

Cross- service enforcement action

Collaborative enforcement action will be initiated by the Empty Property Officer as part of the Action Plan for bringing the highest priority properties back into use. Complaints from the public about empty properties will be forwarded to other services for action where appropriate. The legislative framework for enforcement action on empty properties by different services can be found at Appendix 4.

Partnership and Cross-Authority working

The role of the Empty Property Officer is primarily to case manage the process of bringing actionable Empty Properties back into use. S/he will act as the single point of contact for both the owners of empty properties and individuals who have been negatively impacted and subsequently involved with council services.

The Officers' role also involves coordinating the internal services listed below, with the aim of stopping duplication and identifying opportunities for partnership working wherever possible. This collaborative approach to taking action on empty properties will ensure the public gets the most effective and efficient service possible while supporting both internal services and external partners to meet their specific professional agendas.

We will share best practice examples, and work collaboratively with neighbouring local authorities to manage cases where there is a mutual interest.

Council Services Working with Empty Properties:

Building Control Services

Any empty property identified as being a potentially Dangerous Structure will be referred by the empty Property Officer to the Building Control Team for assessment. Enforcement action on empty property can be actioned where appropriate supported by the Empty Property Officer. Renovation work carried out to bring empty properties back into use will also be subject to assessment by Building Control.

Planning Enforcement

Complaints relating to empty properties where the exterior condition of the land or building has deteriorated to an unacceptable state and is having a detrimental visual impact on the surrounding area will be referred to Planning Enforcement. In these cases, maintenance under the provision of Section 215 can be requested as part of an Empty Property Action Plan to bring the property back into use. In some cases, enforcement action can be escalated following a Section 215 and can potentially lead to a forced sale.

Housing Standards and Improvement

The Empty Property Officer will advise owners considering privately renting out their empty properties (either to single households or as Houses of Multiple Occupation), that the properties will be expected to meet legal requirements. The benefits of letting a home as an HMO will also be explained and that the property may require an HMO Licence. Enforcement officers can advise on legal requirements and signpost potential landlords to relevant information. Where an empty property is impacting significantly on the housing conditions of neighbouring properties, enforcement officers will work with the Empty Property Officer to seek to remedy the problem.

Environmental Protection

Empty properties that generate complaints regarding the land (i.e. allegations of rodent infestations, waste accumulation, garden overgrowth etc.) rather than the integrity of the building itself, may be referred by the Empty Property Officer to The Environmental Protection Team for full investigation. Enforcement Officers from the Environmental Protection Team will in turn, monitor and report empty properties to the Empty Property Officer.

Council Tax

The Empty Property Officer will work collaboratively with Council Tax to identify and investigate Empty Property Council Tax fraud and generate income in increased Council Tax payment and from the New Homes Bonus. Working together to take action on empty properties will prevent duplication and save resources.

Planning and conservation – listed buildings

The Empty Property Officer and Planning and Conservation Team will work together to assist and motivate the owners of listed High Priority empty properties (List of Buildings of Special Architectural or Historic Interest, Planning Act 1990) to bring them back into use. Advice and guidance regarding the Council's pre-application service and the benefits of doing one will be available on the No-Use-Empty website. The council may offer grants to cover the cost of Pre Apps that are under £500 to the owners of empty listed buildings.

Client Finance

A joint annual review of all properties with a Class E Council Tax exemption will allow empty property owners who have gone into long term residential or nursing accommodation to be identified. Support and guidance for bringing the property back into use or help devising a strategy for its management so neighbours are not impacted will then be offered. If Power of Attorney has not been awarded to anyone, or they have lost capacity without deputyship being given, intervention from the Empty Property Officer could stop problematic empty properties getting stuck in the probate process.

External Partners and Services:

Registered Providers

When an empty property has been identified as being of strategic value to meeting a local housing need, the Affordable Housing Capital Budget may be used to subsidise a purchase or rental/management arrangement of the property by a Registered Provider which may include the Council.

Tracing Agents

Tracing Agents can be employed to identify and locate the next of kin when a deceased estate involving an actionable empty property has no known Executor.

West of England Care and Repair

West of England Care and Repair are a Home Improvement Agency helping people over 60, vulnerable and disabled people and people on low incomes. They are currently contracted by the Council to carry out works in Default on empty properties. Costs incurred for these works may be recovered via Enforced Sale Proceedings. We also work closely with Lendology Loans to help administer funding where eligible and offer a project management service that combines technical Building Surveying with support and advice. For more information: www.wecr.org.uk/

DHI Home Turf Lettings (HTL)

HTL can provide owners of empty properties with interest free loans to finance refurbishment with the condition that, following completion, the property is leased by them at a Local Housing Allowance rent for at least 5 years. HTL can also provide project management for the refurbishment of empty properties and leasing services with a guaranteed rent.

For more information: <http://www.hometurflettings.co.uk>

Strategic Direction for Empty Property Work

The strategic direction for Empty Property Work consists of five main strands, as follows:

Enabling

We will bring an Enabling perspective to empty property work by identifying unoccupied properties that are strategically valuable to delivering Affordable Housing in Bath and North East Somerset. This will be done by incorporating a property's potential to be used as Affordable Housing as a criterion in the prioritisation process and awarding extra priority to those properties.

Promotion

Utilising promotional resources such as info-graphics, leaflets, press releases and social media, we will target a) the general public, to encourage the reporting of empty properties, and b) empty property owners, to publicise the support and incentives available.

By encouraging people to report empty properties in their communities we hope to mitigate any potential disincentive for empty property owners to inform the local authority when their property becomes empty, that may arise from the introduction of the an additional Council Tax levy on properties empty for two years and over.

Widening the scope of involvement

Taking action on empty properties will involve strengthening our relationships with Ward Members and Parish Councils by working collaboratively in responding to complaints raised by their constituents, and involving them where appropriate in the action plans created for the highest priority properties.

New Homes Bonus (NHB) and income generation

Taking action on empty properties will continue to generate income above and beyond the financial savings that direct work with empty property owners achieves. The work will contribute to the income generated via the NHB by ensuring the figures in the Empty Property Return (on which part of the grant amount is calculated) are accurate. Every October, the number of net additional dwellings created in BANES over the previous 12 months is used to calculate the award of NHB.

Council Tax generation

The Empty Property Officer will take a lead in identifying homeowners who are committing Council Tax fraud.

The main fraud cases, in regard to empty homes are:

- Homeowner claiming 25% Single Persons Discount, on a vacant property
- Non-payment of the Council Tax Empty Property Premium
- Homeowners falsely claiming Second Home status on empty properties

By identifying these cases so Council Tax accounts can be corrected, the Empty Property Officer will generate a significant amount of additional revenue for collection.

Complaints, comments and appeals

Bath and North East Somerset Council is committed to providing a quality service. To help us we welcome comments, suggestions, feedback, complaints and compliments from anyone to whom we provide a service.

We want to provide good quality services but sometimes things can go wrong. If this happens we need to know so that we can put it right and learn from the experience. In the first instance please speak to the Team Manager (Enabling & Development) who will try to resolve the concern. Alternatively or if not satisfied with the response the Council operates a complaints policy, this is available through our website.

<https://www.bathnes.gov.uk/form/complaints-make-complaint-online>

To appeal against a decision made under this policy, please contact the Team Manager (Enabling and Development). An appeal must be made in writing within 28 days of the decision and set out the reasons why the person wants the decision changed and provide supporting evidence.

by phone: 01225 477658

by email: Housing@bathnes.gov.uk

online: www.bathnes.gov.uk

or writing to us at:

Housing Services

Bath & North East Somerset Council

Lewis House

Manvers Street

Bath, BA1 1JG

Appendix 1: RAG Prioritisation Criteria

RED

- The Council has made numerous attempts to engage with the owner, all reasonable offers of assistance have been made to the owner and these offers have not been acted upon.
- There is no prospect of the house being brought back into use by the owner within a reasonable time period.
- There is a housing need and/or the property is causing a significant problem in the local neighbourhood.
- A cost-benefit analysis demonstrates that enforcement action is both financially viable and appropriate.
- Length of time empty.

AMBER

The property is slowly moving forward in the process of being brought back into use and includes one or all of the following factors:

- The owner is engaging and/or being supported by the Empty Property Officer.
- The redevelopment requires planning permission or listed building consent and the owner would benefit from support through this process.

GREEN

Action is underway to bring the property back into use and no further involvement from the Empty Property Officer except monitoring is necessary. This may be because, but not limited to:

- The property is on the market and the owner is willing to sell.
- The property is going through probate.
- A Demolition Notice has been issued.
- Leasing or other occupancy arrangements are being negotiated.

Appendix 2: Empty Property Action Plan

Property details:

Empty Property Address:

Owner name:

Tel:

Email:

Address:

Empty Since:

Property history: (including Council Tax banding)

Time line of Council involvement and action taken:

Time line of Council involvement and action taken continued:

Proposed actions to bring the property back into use:

Responsible Officer:
Title:

Date:

Appendix 3: Cross-Service Enforcement Legislation

Building Control: Dangerous structures
Section 77 & 78 of the Building Act 1984
<https://www.legislation.gov.uk/ukpga/1984/55>

Unsecured properties
Section 29 of the Local Government (Miscellaneous Provisions) Act 1982
<http://www.legislation.gov.uk/ukpga/1982/30>

Breach of building regulations
Section 35 & 36 of the Building Act 1984
<https://www.legislation.gov.uk/ukpga/1984/55>

The Building Regulations 2010
<http://www.legislation.gov.uk/uksi/2010/2214/contents/made>

Planning Enforcement: Town and country Planning Act Section 215
www.legislation.gov.uk/ukpga/1990/8/section/215

Housing Standards and Improvement: Housing Act 2004
<https://www.legislation.gov.uk/ukpga/2004/34/contents>

Environmental Protection: Environmental Protection Act 1990
<http://www.legislation.gov.uk/ukpga/1990/43/contents>

Anti-Social Behaviour and Crime and Policy Act 2014
<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Planning and Conservation: Planning (Listed Buildings and Conservation Areas) Act 1990
Sections 54 and 48
<https://www.legislation.gov.uk/ukpga/1990/9/section/54>
<https://www.legislation.gov.uk/ukpga/1990/9/section/48>

Council Tax: The Local Government Finance 2012
<http://www.legislation.gov.uk/ukpga/2012/17/contents/enacted>

The Council Tax (Administration and Enforcement) Regulations 1992
<https://www.legislation.gov.uk/uksi/1992/613/contents/made>

Appendix 4: Class E Council Tax Exemption - annual review

Class E Council Tax exemption is given when a property is left unoccupied because the resident has gone into hospital or a care home. The resident must be in the hospital or the care home for so long that their home can no longer be seen as their main residence.

Aims of the review:

- To identify and engage the owners of problematic empty properties with a view to offering them support and guidance for bringing it back into use (leasing, guardianship, selling) or devising a strategy for its management so neighbours are not impacted.
- Income generation - identifying cases where the financial contribution for care provision being charged to the home owner, was calculated without Client Finance knowing about the empty property.
- To identify properties already subject to Deferred Payment Agreements (DPA) but not being maintained (potentially generating complaints from neighbours) so contravening the condition regarding ongoing maintenance of the property in the DPA. Ultimately, this could lead to the Council being unable to recoup the money owed, as the property has lost value due to disrepair.
- To identify cases in which the owner has not given power of attorney to anyone and lacks the ability to bring the property back into use or manage it sufficiently. To identify cases in which the owner has lost capacity and there has either been no deputyship given or the empty property was not known about.

Process:

1. Class E exemption data will be sent from Council Tax to the Empty Property Officer annually on April 1st
2. Class E data will be cross referenced with the Empty Property Officer's Active Cases List, and forwarded to Client Finance for cross referencing.
3. Each case will be reviewed individually by Empty Property Officer, and jointly in cases identified for action by Client Finance.
4. Client Finance will advise the Empty Property Officer of cases appearing in the report that have an existing DPA . The Empty Property Officer will then identify any properties causing problems due to not being adequately maintained as specified in the DPA.
5. If the client has not advised Client Finance that they own the property, the client will be offered a DPA. In those instances where the DPA is refused the client will be considered as self-funding and charged the full amount of their care.
6. In cases where it has been identified that the client lacks capacity and a deputyship is not in place, the Council will look into arranging one. This may be a family member, solicitor or panel deputyship.