

Taking Action on Empty Homes:

Bath and North East Somerset Council's Empty Residential Property Policy 2022



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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, and Bath and North East Somerset's ever growing housing demand.

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 - acting early on empty properties stops them from falling into long-term disrepair and reduces their negative impact on the local area. This proactive approach also limits the need for expensive Council intervention later, whether to bring the home back into use or to recover statutory debt.
- 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 was first established in 2011 with the last updates being made in 2026, and is held within Housing Services. 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.

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



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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 routinely share lists of properties that have been empty for six months or more so that targeted mail outs can be issued to owners. These letters reflect how long the property has been empty and include:
 - Information on available financial incentives and support
 - Reasons the Council takes action on empty properties
 - Details about the Empty Property Council Tax Premium
 - A request for an update on the owner's plans, progress, and expected timelines
 - A request to confirm the property's current occupancy status

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

<https://www.bathnes.gov.uk/council-tax-and-unoccupied-properties>

2. Reports or complaints about empty residential properties can be made directly to the Empty Property Officer or via the No-Use-Empty website:

<https://www.bathnes.gov.uk/no-use-empty>

Once received, the following action will be taken:

- Where the property is unknown to the Empty Property Officer, 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.

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
- 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).

Affordable Housing Feasibility Assessment

Priority cases can be assessed for their potential to meet strategic housing need. The assessment criteria will also allow the identification of properties that could meet a bespoke housing need e.g. from adult social care or refugee resettlement (see appendix 5 for criteria)

Empty Property Action Plans

Priority properties that meet the Red criteria in the RAG rating system can then be compared with other RED properties in a selection matrix which ensures Officer time is directed most effectively.

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 acquisition by the Council or subsidised purchase of the property by a Registered Provider 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.

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Financial Assistance

Financial assistance (subject to budget availability) is available to the owners of properties that have been empty according to Council Tax records, for 6 months and over. This budget sits within the Decent Homes Policy which is written in compliance with The Regulatory Reform Order 2002.

Financial assistance is delivered via two schemes (see below) and is detailed in Appendix 4 - Empty Property Financial Assistance.

Lendology Empty Property Loans

Empty Property Loans offer borrowing from £500 minimum, to £30,000 maximum per property.

Empty Property Small Works Grants

A grant minimum of £25 to maximum £500 per property

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.

Additional funding opportunities

We will seek to complement the financial assistance offered to empty property owners, by identifying additional sources of compatible funding (e.g., landlord leasing schemes, energy efficiency schemes etc) to be used in conjunction to further support bringing their properties back into residential use.

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 could issue Community Protection warning letters if appropriate, the initial stage of the high-level enforcement action, the Community Protection Notice.

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 and develop joint initiatives.

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 with Council Tax to identify and investigate empty homes and ensure the Empty Property Council Tax Premium is correctly applied. Council Tax will share empty-property data to support service mail-outs, identify owners, and carry out Exemption Reviews. These reviews offer support to owners, prevent fraud, and protect Council Tax revenue.

Empty Property Council Tax exemptions:

CLASSF - A property left unoccupied following the death of the Council Tax payer

CLASSE - A property left unoccupied because the resident has gone into hospital or a care home on a permanent basis.

CLASSG - A property where occupation is prohibited by law until certain conditions are met

CLASSJ - A property left unoccupied because the resident is providing long term care to someone.

Council Tax Record Maintenance

Empty Property identification and investigation will help ensure Council Tax records are correct and up to date. Incorrect records can lead to deliberate or accidental Council Tax fraud.

The main fraud cases, regarding 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.

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. The Empty Property Grants may be used to cover the cost of preapplication advice from Planning Services (Pre-App) that are under £500 to the owners of empty listed buildings (see Appendix 4 Financial Assistance).

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.

Landlord Leasing Schemes

The ERPP financial support can be used alongside offers from external organisations that run Landlord Leasing Schemes for empty property owners. These schemes help bring properties back into use and enable them to be leased at Local Housing Allowance rates for a set number of years.

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 assessing a property's potential to be used as Affordable Housing using the Affordable Housing Feasibility Assessment (see Appendix 5) and awarding extra priority to those properties which score highly on deliverability test.

Promotion

Utilising promotional resources such as infographics, leaflets, press releases and social media, we will target a) the 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, due to the application of the Empty Property Council Tax Premium charge

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.

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 Housing Enabling & Development Manager, 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://beta.bathnes.gov.uk/make-complaint-about-other-council-services>

To appeal against a decision made under this policy, please contact the Housing Enabling & Development Manager. 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

*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 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)	
Timeline of Council involvement and action taken:	

Timeline 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: Empty Property Financial Assistance

Empty property financial assistance will be available, subject to budget availability, for renovation works or other works which help bring the property back into use.

The assistance will be delivered via two schemes:

Lendology CIC Empty Property Loans; or

Empty Property Small Works Grants.

Empty Property Loans (Via Lendology CIC)

These are repayable loans to finance property repairs to bring empty properties back into use. Eligibility and loan conditions are as follows:

Minimum £500 and maximum of £30,000 loan per property to be administered by Lendology CIC.

Only one loan can be claimed per property with a maximum of three loans per applicant, per financial year.

The maximum combined amount for an individual claimant is £90,000 per financial year.

Only for repair works specified and agreed by the Council.

Where appropriate the loan can include a suitable contingency.

Loan funded works must be completed within 12 months of final loan approval and the property must be brought back into residential use or for sale at market value within 3 months of the completion of works. These time frames can be extended with written agreement of the Council.

Back into use means permanent residence or other residential use subject to appropriate planning permission. Second homes or holiday type lets are not eligible and are excluded from this loan scheme.

Eligible works to be covered by the loan must be agreed by the Empty Property Officer at a pre work inspection.

Payment of the loan will be made to the applicant after the satisfactory completion of the loan funded works (or phase of works if interim payments have been agreed), submission of satisfactory invoices to the Council and following an inspection by the Empty Property Officer

Small Works Grants for empty properties

The grant minimum is £25, and the maximum amount is £500.

The grants are to finance small works that will help bring the property back into residential use. Grants are available to owners of properties classified as empty under the Empty Property Policy.

One grant can be claimed per empty property per financial year. More than one grant can be applied for during the same financial year at the discretion of the Empty Property Officer up to two grants per applicant.

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Eligible works to be covered by the grant must be agreed in advance by the Empty Property Officer following a pre work inspection.

The grants are conditional, and the Council would seek to recover the grant, if the claimant fails to adhere to the terms or fails to bring the property back into residential use within 12 months.

Examples of eligible works are:

- Clearance of house or garden
- Gas Safety Certificate
- Electrical Safety Certificate
- Installation of hard-wired fire alarm system
- Works to remedy Category One hazards
- Payment of eligible fees, such as planning or architect fees

Works must be completed three months after the grant is approved.

Requirements and Conditions – Grants and Loans

To apply for an Empty Property Loan the applicant must own the empty property or have a secure legal interest for a period of at least 60yrs. Proof of title and consent of all owners will be required by Lendology.

Grants can be applied for by the liable party as per the Council Tax record for the empty property.

To be eligible for either the loan and/or a grant the property must have been empty for 6 months and over, as defined by the Empty Residential Property Policy.

A valid application must be made.

About the works

Estimates for the cost of the works are required, prior to approval. For loans two estimates will be required and for grants only one estimate is required, unless otherwise directed by the Empty Property Officer.

Any costs for eligible works that come in over and above the maximum or agreed loan or grant amount will be met by the loan or grant applicant.

Funding is only available for the cost of works started after the approval of assistance. Completed or started works cannot be paid for retrospectively with the loan or grant.

Loans can be used to cover the cost of energy efficiency improvements, where the minimum EPC standard is required for occupying the property.

Payment of works

Interim loan payments can be made as works progress, the agreed loan amount can be split into more than one smaller loan which will be approved upfront in agreed amounts, in accordance with financial rules administered by Lendology CIC.

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Payments can be made to the applicant or directly to the contractor(s) with the client's authority following submission of an acceptable invoice including any professional fees. All works must be completed to the satisfaction of the Council.

Loan Repayment Conditions.

The repayment conditions of Empty Property Loans are agreed by the Empty Property Officer in consultation with Lendology. This done on a case-by-case basis, dependant on the proposed end use for the property as detailed below:

Owner occupier – 5-year maximum term repayment period, with one-year deferred payment option at the start.

Private rented sector – 5-year maximum term repayment period with one-year deferred payment option at the start.

Open market sale – 3-year maximum term repayment period with one-year deferred payment option at the start.

Affordable/social housing - 10-year maximum repayment period with one-year deferred payment option at the start.

Budget

Financial assistance is subject to available funding. Indicative amounts at time of writing are as follows:

- a.) Empty Property Loan Fund (Let/sold): £100,000 until exhausted. After which the amount available will be reviewed. Available where property will be let or sold.
- b.) Empty Property Loan Fund (Owner-occupied): Funding through Decent Homes lending Pot where funds available having regard to other demands.
- c.) Small Works Grants: £5,000 per annum until exhausted.

For more information on the terms and conditions on the Empty Property loans please visit: <https://www.lendology.org.uk/> and/or speak to the Empty Property Officer. Small works Grants are applied for via the Empty Property Officer.

Appendix 5: Affordable Housing Feasibility Assessment (AHFA)

The suitability for an empty property (as defined by the Empty Residential Property Policy) to be used for affordable housing will be ascertained by the AHFA. The feasibility assessment has the following four components:

- 1. Step one – The Capacity Study (see template below) will establish the following:**
 - The property’s state of disrepair and approximate costings to refurbish to a lettable standard.
 - Capacity for additional dwellings on the site. Is there a rationale for demolition of property vs redevelopment.
 - Does the site have strategic value in unlocking surrounding sites identified as suitable for housing development.
 - Does the Property have potential for adaptation to meet an Adult Social Care complex needs case.
- 2. Step two – Establish the end use for the property/site following acquisition, in order of priority:**
 - Based on outcomes of the capacity study, can the site be used to meet Adult Social Care housing requirements, enabling people being cared for out of district to return.
 - Social or affordable rent
 - Shared ownership
- 3. Step three – The business case will include the following:**
 - A high level financial appraisal setting out supported borrowing requirement, grant requirement and expected Homes England funding
 - Details of any invest to save opportunity the site offers (detailing any potential savings to be made by providing specialist housing in district)
 - The non-financial merits of the proposal including the benefits to the community and wider positive social impacts
- 4. Governance**
 - Empty Property Officer (lead), Housing Enabling & Development Manager undertake steps 1-3
 - Informally consult Officer/Corporate support
 - Informally consult Member support (Ward)

Empty Property AHFA Template

Property details:	
Empty Property Address:	Owner name:
	Tel:
	Email:
	Address:
Empty Since:	
Property description:	
Property history: (including Council Tax banding, charges, debts, complaint, and enforcement record)	
Step One	
Map/layout plan (screenshot showing extent of property boundary and its context)	

Condition narrative (basic state of repair to inform high level costings)	
Capacity study (can additional dwellings be accommodated on the site or is there potential for more dwellings by demo & rebuild)	
Strategic value:	
Adult Social Care Potential:	
Step Two – End Use	
ASC	
General Needs Social Rent	
Shared Ownership	
Open Market Sale	
Other	