

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Councillor Paul Myers, Cabinet Member for Economic and Community Regeneration	
MEETING/ DECISION DATE:	On or after 24 March 2018	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3044
TITLE:	Taking Action on Empty Homes - Adoption of the draft Empty Residential Property Policy 2018	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1: Empty Residential Property Policy 2018 (final draft for approval)		

1 THE ISSUE

- 1.1 The current Empty Homes Policy was adopted in July 2013. This policy focussed on properties that had been empty for 2 years or more. Since the policy was adopted, 317 properties have been brought back into use (target 35 properties p/a). This included the first use of the council's compulsory purchase order powers to take action on empty properties, which resulted in 2 long term empty homes being acquired in May 2015. These properties have now been fully refurbished and are being marketed for sale.
- 1.2 The emerging policy has been developed to reduce duplication of effort by different service areas of the council in their work on empty properties and to take advantage of changes to the statutory tools available to the council to deal with nuisance empty properties. Significant changes include the proactive involvement of the Empty Property Officer on homes empty from 6 months, more effective sharing of data, a stronger approach to fraud identification and a new approach to prioritising properties for significant action.

2 RECOMMENDATION

The Cabinet Member is asked to

- 2.1 Approve the draft Council's Empty Residential Property Policy 2018, contained in Appendix 1.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The Empty Residential Property Policy has been developed with an emphasis on making more efficient use of Council resources by reducing duplication of effort across the different service areas that have an involvement in empty properties.

- 3.2 Work on bringing empty properties back into use has a direct and positive bearing on the level of New Homes Bonus received by the Council. This is calculated on the basis of the net yearly change in the number of empty properties on the Council tax database. To date the work recovering empty properties has generated around £843k of income through the New Homes Bonus.
- 3.3 In addition the identification of unregistered empty properties will enable the Council to ensure that the 150% Council Tax requirement is correctly administered and identify individuals claiming a 25% Single Person Discount on an empty property.
- 3.4 Any purchases of an empty property required under this policy would be addressed on a case-by-case basis, including a business case assessment to clearly outline costs and cost recovery.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equalities Impact Assessment has been carried out for the Empty Residential Homes Policy.
- 4.2 The policy now promotes engagement with empty property owners at 6 months, in order to identify how the Empty Property Officer can support elderly and vulnerable empty property owners who are struggling to deal with the complexities of bringing their property back into use. The primary focus of the Empty Property Officer's intervention has been shifted from the empty property to the individual that owns it. Tailored, person centred support can then be offered to enable the owner to resolve the situation themselves.
- 4.3 Empty properties are frequently targets for anti-social behaviour and crime as well as being an environmental nuisance to neighbours and the wider community. The policy proposes to use new statutory powers around Community Protection Notices to force engagement with owners of problem empty homes who are reluctant to talk to the Empty Property Officer, as well as continuing to use existing legal routes to enforcement.

5 THE REPORT

5.1 Key Facts on Empty Properties in Bath & North East Somerset:

- i. Properties empty for more than 6 months in B&NES (as at 25/01/18) = 587 (Council Tax records) (Note does not include second homes or properties empty because people are in residential care)
- ii. Empty Property Officer's 'Active cases' list of properties empty for > 2 years (including properties taken out of council tax banding and not counted in figures above) = 153
- iii. New Homes Bonus income generated to Oct 2011/12 - 2017/18 = £843,000
- iv. Empty homes bought back into use April 2016 - Dec 2017 = 98

5.2 Principle changes in policy direction and activities around bringing empty properties back into use

- i. Earlier Intervention – taking a proactive approach by engaging with empty property owners at 6 months not 2 years, offering practical and financial support to prevent properties from becoming long term empties.

Whilst it is acknowledged that a majority of these shorter term empties (6-24 months) will be bought back into use without the need for intervention, early engagement is seen as a way to identify and support potential empty property owners who are overwhelmed by the issues of dealing with an empty property. Early contact with property owners can also serve as a warning about the penalties associated with deliberately holding a property vacant.

- ii. Community Protection Notices – introducing the use of CPN and formal Warning Letters to force engagement with owners of nuisance empty properties. This option for enforcement action was introduced in the Anti-Social Behaviour Crime and Policing Act 2014 to help address nuisance that is having a significantly detrimental effect on the community. CPNs are being used with good effect by other local authorities to tackle problem empty homes, who report a 95% success rate in terms of engagement and compliance.
- iii. New processes for close cross-service working, primarily with Council Tax, preventing the duplication of work and maximizing income generation. By aligning the work of the Empty Property Officer with the work of Council Tax Enforcement Officers we can maximize the New Homes Bonus return, identify and investigate Council Tax fraud (wrongful claim of Single Persons Discount and non-payment of the Empty Property Premium) and ensure correct and consistent data on empty properties is being recorded and reported.
- iv. Targeting action on empty properties that can be used in the delivery of affordable rented housing. This will be done through identifying suitable properties and grant funding Registered Providers to acquire properties, with appropriate enforcement action to ensure the sale if required.
- v. Work on empty homes will now include annual reviews of empty properties exempt from Council Tax and not currently offered any empty property services, beginning with Class E exemption for people in nursing, residential or hospital care. Working with Council Tax and Client Finance colleagues, we will endeavour to identify properties whose owners have moved into long term care facilities with no provision made for managing the empty property or bringing it back into use.
- vi. Empty properties that are the cause of nuisance or significant complaint or are considered as an appropriate addition to the affordable housing supply will be prioritised using a RAG (red, amber, green) system. Individually tailored Empty Property Action Plans will be created for each of the cases that meet the Red criteria. These plans will include any or all of the following:
 - Options for bespoke practical or financial support
 - Options for Enforcement Action
 - The case for subsidised purchase to meet housing need

6 RATIONALE

- 6.1 The updated Empty Residential Property Policy makes use of new legal powers that have been demonstrated by other Council's to significantly improve engagement with owners of problem empty properties.
- 6.2 Early intervention with empty property owners is a proactive approach to preventing long term empties, particularly focussing attention on those owners who are less able to bring a property back into use without support.
- 6.3 A more joined up approach on action on empty properties across the Council can generate income and makes better use of resources.

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

- 8.1 Development of this policy relied on discussion and consultation with colleagues in Council tax, Environmental Protection, Building Control, Conservation, Private Housing and Client Finance as well as neighbouring Council's Empty Property Officers.
- 8.2 This policy was discussed and supported by Informal Cabinet on 12 Feb 2018.
- 8.3 The Council's s151 and Monitoring Officers have had opportunity to review and input into this report.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Risk assessments on individual empty properties will be carried out as appropriate as part of work leading up to enforcement action.

Contact person	<i>Louise Davidson 01225 477658</i>
Background papers	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i> <i>Adopted Empty Homes Policy 2013 can be found at No Use Empty Bathnes</i>
Please contact the report author if you need to access this report in an alternative format	