

Overview and Scrutiny Committee

Update on Empty Homes

22 January 2013

Report of Head of Regeneration and Housing

PURPOSE OF REPORT

To provide an update on the empty homes situation in the district, the steps being taken to bring empty homes and other empty property back into use and the extent of progress made since 31 January 2012, when the Committee last considered these matters.

This report is public

Appendix 4 to this report is exempt from publication by virtue of paragraph 3 of Schedule 12A of Local Government Act 1972

Recommendations

The meeting is recommended to consider:

- (1) Noting the actions being undertaken to address empty homes issues

Details

Introduction

- 1.1 At its meeting on 31 January 2012 the Committee considered a report on empty homes which suggested four Principles as the basis for the Council's approach to the issue of empty homes.
- 1.2 The Principles (see Appendix 1 below) included the use of enforcement powers to secure the re-use of long term empty properties in cases where the Head of Regeneration and Housing, in consultation with the Lead Member for Housing, is satisfied that an appropriate business case exists¹.
- 1.3 The Committee welcomed and supported the suggested approach and the four Principles were approved as the basis for the Council's work with empty homes by means of a Lead Member Decision dated 17 February 2012.

¹ This will allow the circumstances of each case, financial and other resource issues to be taken into full account.

- 1.4 This report is provided in response to a request by the Committee for an update. It will be supported by a slide presentation illustrating a number of cases and intended to aid understanding and discussion of issues arising.

Definition of empty-home

- 1.5 Members will recall that, for practical purposes, empty homes are taken to be those domestic properties which have been disused for 6 months or more. Second homes (ie those used periodically by their owners) are not empty-homes.

Other empty property

- 1.6 Although empty homes remain the primary focus, there are some other empty buildings that have potential to provide residential accommodation. Some of the same issues apply (unsightliness, blight, focus for anti-social behaviour etc) as does the potential to secure re-use as residential accommodation through compulsory purchase in appropriate cases. Information about a number of initiatives to re-use non-domestic premises is included in this report so as to provide a complete picture of work being undertaken.

Empty homes in Cherwell District Council

- 1.7 In November 2012 there were 472 homes in the district that had been empty for over 6 months, compared with 576 in September 2011. A detailed analysis of the 2011 data is given in Appendix 2, and that analysis was used as the starting point for the work undertaken so far. A new data set will be requested, analysed and evaluated for the next phase of work.

The Council's involvement with empty homes

- 1.8 Historically, the Council's involvement with empty homes has been low-level and has primarily involved response to complaints, most of which concern property condition. Complaints of that sort have always been relatively infrequent: we received and investigated 3 in 2011-12 and have dealt with 6 so far in 2012-13.
- 1.9 The establishment and approval of clear enforcement principles for dealing with empty homes has given the Regeneration and Housing Service the opportunity to engage with the owners of longer-term empty homes on a much clearer footing.

Action taken

- 1.10 The Private Sector Housing Team has been undertaking a first-phase, proactive programme looking at individual long-term empty homes:
- Using Council Tax data, 47 properties, empty for 2 years or more, were identified in Banbury, Bicester and Kidlington. The decision to concentrate on properties empty for at least 2-years was made on 2 principle grounds: first that a majority of homes falling empty are re-used with 2 years so those empty longer almost prioritise themselves, and secondly because the Government indicated that it was not expecting local authorities to use Empty Dwelling Management Orders on properties empty for a shorter period than 2 years, which effectively removed one of the 2 enforcement powers².
 - Those properties were visited to establish their broad condition and suitability for re-use.
 - 24 were found not to be empty at all, raising issues about data accuracy and the headline number of empty homes reported. The Council Tax Team was

² The legislation bringing that change into legal effect was made in October 2012 by means of the snappily titled: The Housing (Empty Dwelling Management Orders)(Prescribed Period of Time and Additional Prescribed Requirements) (England) (Amendment) Order 2012

notified accordingly (see section 1.12 below)

- Of the remainder, 9 were identified for further action, 6 were judged empty but not a priority for action and 8 required further investigation. Work is on-going and review dates have been set in a number of the cases.
- 3 homes have been returned to use by their owners as a result of our interventions so far; 2 of which have been let and 1 sold to new owners who have moved in.
- We have used formal Notice-of-entry to gain access to 2 further properties: The owners of the first are now considering our loan-to-lease scheme and have been given a deadline for action of 31 January. In the second case, the owner failed to respond at all and magistrates granted a warrant-of-entry which was exercised on 8 January. Following that inspection we are now in a position to prepare a business case for consideration by the Head of Regeneration & Housing.

1.11 We have yet to receive any applications for either the Council's empty-homes loan (introduced in 2011) or the loan-to lease scheme (available since May 2012). Both remain available as a result of our continued membership of Flexible Home Improvement Loans Ltd.

1.12 In response to the information fed back to the Council Tax Team, they wrote to empty-home owners on their database, seeking information about any occupation changes. As a result, 74 homes previously recorded as being empty were removed from the empty-homes record.

1.13 (Note that as a result of new legislation in the Local Government Act 2012, the Council is now able to charge up to an additional 50% Council Tax for property which is classed as long term empty (empty for longer than 2 years). There are various categories of empty property which are exempt for this charge such as those which are already subject to an existing council tax exemption. The option to charge the 50% premium has not yet been approved and will require a resolution from members before it can be charged.)

1.14 The Delivery Team has been working on bringing a number of very long-term empty properties (most empty at least 5 years) back into use through acquisition or leasing arrangements, subsidised through funding from the Homes and Community Agency (HCA). This is the Council's Build! ® programme. An update on current projects is provided in Appendix 4. For reasons of commercial sensitivity this is being treated as **Exempt Information**.

Proposals

2.1 Action to deal with empty homes, in accordance with the approved Principles, has been included in the work plan for the Private Sector Housing Team and will be on-going. The team will continue to encourage and facilitate re-use, and will undertake pro-active work to identify longer-term and problematic empty homes that may warrant enforcement action being taken to secure re-occupation.

2.2 The Delivery Team will continue to identify opportunities and premises and is seeking to bring the existing projects to a positive conclusion at the earliest opportunity.

Conclusion

- 3.1 The Council's response to empty homes and other disused buildings has been given new impetus by the approval of our Principles for involvement and the implicit acceptance that enforcement action to secure re-use will be appropriate in some cases.
- 3.2 Procedures have been established and work plans put in place that will deliver longer-term empty homes back into use. Since our empty-homes work is now proceeding on a new basis, it is too soon to predict what number of empty homes may be returned to use; however, positive progress is being made and Members should have confidence that the Council's commitment to the use of the Principles approved in January 2012 will reduce the number of long-term empty properties in the district.
- 3.3 The creation of the Delivery Team and the resources it has secured to date have given the Council the ability, and opportunity, to be proactive and creative in providing affordable housing from sites (both residential and commercial) which are unused, often an eyesore, and not contributing council tax.

Implications

Financial: There are no financial implications arising from this report.

Comments checked by Karen Curtin, Head of Finance and Procurement 01295 221634

Legal: There are no legal implications arising from this report.

Comments checked by Nigel Bell, Team Leader – Planning and litigation 01295 221687

Wards Affected

All

Corporate Plan Themes

Cherwell: A district of opportunity; Cherwell: An accessible, value for money Council

Executive Portfolio

Councillor Debbie Pickford
Lead Member for Housing

Document Information

Appendix No	Title
1.	Principles for the Council's approach to empty homes
2.	Summary of empty homes data September 2011
3.	Standard letter text used in the first phase of work
4.	Exempt Material: Summary of Delivery Team projects

Background Papers	
Report on Empty Homes presented to Overview & Scrutiny Committee on 31/1/12	
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