

**Chesterfield  
Borough Council**

**Private Sector  
Empty Homes  
Strategy**

**2016 -2020**

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## **1. Foreword**

Nationally the demand for housing continues to increase as does the number of people living in housing that is unsuitable for them and their families. Chesterfield is no exception to this.

The case for returning empty homes to usable housing accommodation is compelling. Returning long term empty properties to use, would not solve the boroughs housing problems, but it would certainly have a positive impact.

Empty homes can cause many problems for the community. They can be a magnet for criminal activity and anti-social behaviour. Neglected empty properties can have a negative impact on local house prices and can contribute towards urban decline and blight. Empty homes can also present a risk for the emergency services and place added pressure on Environmental Health and Anti-Social Behaviour Teams.

In addition the Governments 'New Homes Bonus' now provides a strong financial incentive to not only return existing empty homes to use as this attracts additional income, but also to try and ensure that the number of empty homes does not increase, as this attracts an equivalent penalty. At the same time a fully operational Empty Homes Service can help to recover the considerable debt owed to other Council departments, associated with empty properties. At a time of unprecedented cuts to local government funding, these additional funding streams become an important factor to take into consideration.

Chesterfield Borough Councils previous strategy was last reviewed in 2004. Since then there have been many changes to housing policy, legislation and funding. The new Empty Homes Strategy is an updated document that will focus on the situation here in Chesterfield today and will seek to maximise the potential community, financial and economic benefits that a successful strategy can bring to the residents of Chesterfield.

Councillor Tom Murphy

Cabinet Member for Housing.

## **2. Executive Summary**

The last Empty Homes Strategy published by Chesterfield Borough Council, was last reviewed in 2004 and incorporated Private Sector, Council and Housing Association owned empty properties.

However, since 2004 there have been many changes to funding, legislation, housing policy and practice. Some of the changes that have occurred since 2004 have included:

- The Housing Act 2004
- The Decent Homes Standard
- New Homes Bonus.

In addition much of the finance that was previously available to empty homes owners to enable them to bring properties back into use is now no longer available.

In Chesterfield there are approximately 490 empty properties. Conversely there are approximately 1500 applications currently on the Councils housing waiting list. This fact immediately highlights the wasted resource that empty homes represent.

The New Homes Bonus Scheme was introduced by Central Government in 2011. This scheme rewards local authorities for a reduction in the number of empty properties and penalises them for an increase. This highlights the importance of a robust empty homes service, not only as an income generator, but also to prevent the authority from being penalised financially.

Chesterfield Borough Council would always prefer to find a voluntary way forward when dealing with empty property owners. In many cases this approach has proven very successful. However, on occasion this approach is unsuccessful and the use of available enforcement action must be considered, this can include:

- Compulsory Purchase
- Enforced Sale
- Empty Dwelling Management Orders.

The 2016 - 2020 Empty Homes Strategy will focus on national policy, funding opportunities and the development of best practice. It will also highlight the Empty Homes Teams role in securing additional affordable housing, reducing demand on other council services and the positive impact that the service can have on general housing supply, New Homes Bonus income and debt recovery. These elements are crucial in a time of increased housing need and reduced budgets.

### **3. Aims and Objectives**

The strategic objectives of the 2016 – 20 Empty Homes Strategy are described in more detail in section 8, however to summarise, the strategy has the following key objectives.

1. To achieve a year on year reduction of the number of empty properties within the borough.
2. To continue to raise awareness of the Empty Homes issue
3. To identify and maximise funding streams and income opportunities for Chesterfield Borough Council including New Homes Bonus and debt recovery
4. To ensure Empty Homes information held by Chesterfield Borough Council is accurate.
5. Wherever possible to secure a voluntary reoccupation of a property.
6. Take appropriate and proportionate enforcement action where necessary to secure occupation where informal action has failed to secure reoccupation.
7. Explore the viability of setting up a Tenancy Management Service that would be available for the owners of empty properties.
8. Encourage owners of empty properties to let their properties to applicants on the Chesterfield Borough Council housing waiting list or to clients to whom the Council has a homelessness duty.

NB: Objectives 7 and 8 above may assist Chesterfield Borough Council to discharge their homelessness duty if certain criteria are met.

#### **4. Introduction**

Historically, dealing with empty homes (which although recognised by local authorities as an issue) was traditionally under resourced. For the benefits outlined below, it is now recognised that an effective Empty Homes Strategy can:

- Maximise available revenue to the local authority and prevent it from losing income, through New Homes Bonus, Council Tax Revenue etc.
- Help to support corporate policies, objectives and strategies.
- Provide additional good quality affordable housing to help bridge the gap between housing demand and available housing.
- Reduce the need to build on Greenfield sites.

The demand for suitable and affordable housing continues to grow at a time when the availability of good quality affordable housing continues to fall. Whilst the reoccupation of empty homes will not entirely resolve this problem, it is acknowledged that a robust empty homes service can make a significant contribution to tackling the issue on a local level.

Additionally, local authorities cannot ignore the potential income stream that empty homes can provide. Primarily this is by way of the New Homes Bonus scheme which rewards authorities for a reduction in empty homes and imposes a financial penalty for any increase in empty properties.

For those living in close proximity to an empty home, the issues that an empty home presents can be significant. These include:

- Reduction in property value of surrounding properties
- Vandalism and other anti-social behaviour
- Increase in levels of crime and fear of crime.

To conclude, empty homes have a negative impact on the community and local authority. They represent a wasted resource when left vacant, but if tackled can represent considerable opportunity.

## **5 Policy Context**

### **5.1 Defining an Empty Property**

Empty homes occur for a variety of reasons. Some are empty for short periods of time and tend to come back into use relatively quickly; others may be empty for a significant period of time and are not likely to come back into use until the underlying reason for the vacancy is addressed.

Research has indicated that there are two main types of empty homes:

#### **Transitional Vacancies**

Properties that are re-occupied relatively quickly and are necessary for the mobility of the housing market are classed as transitional vacant dwellings. These properties seldom require the intervention of the council in order to ensure that they are brought back into the housing stock within 6 months of being vacated. Transitional vacancies include properties which are for sale on the open market or under offer, or properties that are being renovated with the intention to sell, rent or occupy on completion

#### **Problematic Vacancies**

Properties that are inactive in the housing market and have remained empty for over six months are classed as problematic vacancies and are targeted for action within this strategy. Also targeted are properties that have been highlighted by complaints either from members of the public, other organisations or council departments. These properties may not have been empty for over six months.

## **5.2 Why Do Properties Become and Remain Empty?**

There are various reasons why properties become empty, the main ones being as follows:

- Low Demand for accommodation in an area
- Inheritance – awaiting completion of Probate
- Transitional, short term empty - normal aspect of an active housing market.
- Awaiting demolition – by local authority, Gov't department or individual.
- Lack of finances – ill health, redundancy etc, resulting in delay in renovations.
- Owner in institutional care
- Investment opportunities – left empty because of market conditions “buy to leave”
- Lack of interest – apathy on part of owner.
- Planning consent – waiting for or lack of.
- Prohibition orders – Made under the Housing Act 2004
- Repossessions – Empty whilst finance company place property on market.
- Lack of information and advice
- Family disputes/Divorce settlements – awaiting completion before decision to reoccupy or place on market.

## **5.3 The Impact of Empty Homes on the Community**

- An empty home may pose a direct risk of damage to adjoining properties through structural defects, damp etc.
- Boarded up windows and doors, overgrown gardens and rubbish dumping can affect the value and marketability of neighbouring properties
- It may attract petty crime and anti-social activity ranging from fly-tipping to graffiti and other public health problems
- It may attract more serious criminal activity, ranging from vandalism to drug-dealing and arson
- The longer a property is left empty and unattended, the more difficult it may be to guard against illegal entry.



#### **5.4 The Benefits of Bringing Empty Homes Back into Use**

Considering the wide range of costs that may be directly attributed to empty homes, it is clear that any policy which aims to bring these properties back into use can be expected to have considerable benefits to the homeowner, community and the local authority.

There are many financial and social benefits and opportunities to successfully dealing with long term empty homes and returning them back into occupation:

- A saving to the owner of Council Tax fees.
- Potential for rental income.
- Financial gain to owners of neighbouring properties Community pride and sustainability, particularly in areas where large numbers of homes are vacant.
- An increase in available housing for local people, which will help to reduce and prevent homelessness, therefore minimising the use of temporary accommodation.
- Acts as a measure to reduce crime and disorder and to allay the fear of crime
- Promoting and providing well-managed and maintained private sector housing will enable a better standard of living and will assist in meeting the Decent Homes Standard for all tenures.

## **5.5 National Context**

The previous Government's "Programme for Government" included a commitment to "explore a range of measures to bring empty homes into use." Specific funding was made available for this purpose, including £156 million allocated between 2012 and 2015 under two rounds of the Empty Homes Programme (part of the Affordable Homes Programme). An additional £60 million was allocated as part of the Clusters of Empty Homes Programme, which aimed to tackle concentrations of poor quality empty homes in areas of low housing demand.

In 2011, Government confirmed that councils could attract additional funding under the New Homes Bonus scheme for bringing empty properties back into use. Under the scheme, the Government matches the Council Tax raised for each property brought back into use for a period of six years. The Autumn Statement of 2015 announced that this period would be reviewed.

The Government also made a number of other changes concerning empty properties. This included changes to planning policy, Council Tax measures, and the appointment in April 2012 of George Clark as the Government's Empty Homes Advisor.

The Affordable Homes Programme 2015-18 does not include separate funding for empty homes. The current Government has said that the £216 million of funding provided between 2012 and 2015 was intended to "provide a push in the right direction" and that there are no plans to provide additional funding.

## **5.6 New Homes Bonus**

From a local authority perspective, the key policy in regard to empty homes is the New Homes Bonus (NHB). This policy recognises the fact that empty homes returned to use provide additional accommodation in the same way that new build properties do. An empty home returned to use is rewarded in the same way as a new home, via a payment of the equivalent council tax income to the local authority for six financial years following its return to use.

NHB not only encourages local authorities to invest in empty homes work to reduce the number of empty homes, it also ensures that this investment remains and that the problem of empty homes is contained. In the same way as a reduction in the number of empty homes attracts a bonus, an increase in the number of empty homes attracts a penalty, eating into any NHB that may be payable on new build properties.

**It is in the interests of the local authority to not only reduce the number of properties left empty but also to ensure the number remains as low as possible.**

### **Scenarios**

Possible Local Authority NHB income is illustrated by the following examples, calculated using the online NHB calculator provided by Communities and Local Government "CLG". For reasons of simplicity, all qualifying properties are assumed to be in council tax band B.

#### **Scenario 1**

300 new properties are built in Chesterfield in 2015/16

There is no change to the number of empty homes.

The total NHB payable over six years = 2,077,012

#### **Scenario 2**

300 new properties are built in Chesterfield in 2015/16

100 empty houses are reoccupied in addition to the 300 new builds

The total NHB payable would be 2,769,349

Additional NHB award = £692,337

#### **Scenario 3**

300 new homes are built in Chesterfield in 2015/16

This should attract an NHB payment of £2,077,012 over six years.

However, the number of empty homes increases by 100.

Actual NHB payable over six years is reduced to £1,384,675

Total lost NHB income in 2015/16 = £692,337

### **New Homes Bonus and the Housing Market**

Criticism has been levelled at NHB because it is difficult for a local authority to directly influence the prevailing housing market. However, in all scenarios, an effective empty homes service can be seen to either earn NHB or minimise the loss of NHB for the Council.

#### **Scenario 4:**

300 new homes are built in Chesterfield in 2015/16

The Empty Homes Service have bought 100 properties back into use.

However, the housing market contracts in 2015/16 and the overall number of empty properties in the borough increases by 200.

Without empty homes work in the above scenario, no NHB would be payable.

The 300 new builds would have been cancelled out by the 300 increase in the number of empty homes. However, the 100 empty properties bought back into use results in an overall NHB payment of £692,337.

#### **Formula Grant.**

From 2014, all NHB awards will be made from Formula Grant, meaning that those local authorities who do earn NHB will do so wholly at the expense of those who do not. It serves to minimise the impact of any further downturn in the housing market and also maximise any upturn that may occur.

## **5.7 Council Tax exemptions and premiums**

Council Tax is usually payable on an empty home, but the local authority can decide to give a discount - the amount is at the authorities discretion.

### **Empty Homes Premium**

From 1 April 2013 local authorities have also been able to set an 'empty homes premium' for long-term empty properties. Properties which have been unoccupied and substantially unfurnished for over two years may be charged up to 150% of the normal Council Tax. (unless it is an annex or the owner is in the armed forces).

### **Exemptions**

If an empty property is being sold on behalf of an owner who has died, Council Tax is not payable for up to 6 months from the day probate (the right to deal with the estate) is granted.

Some homes do not get a Council Tax bill for as long as they stay empty. They include homes:

- of someone in prison (except for not paying a fine or Council Tax)
- of someone who has moved into a care home or hospital
- that have been repossessed
- that cannot be lived in by law, eg if they're derelict or prohibited by the LA.
- that are empty because they've been compulsory purchased and will be demolished

### **Properties Undergoing Refurbishment**

If the property has been undergoing major home improvements. The authority will issue a 'completion notice' that states the date that Council Tax payments must be commenced.

Discounts may be available if the house is undergoing major repair work or structural changes, eg walls are being rebuilt.

### **Derelict Properties**

A property is only considered derelict if it:

- it is uninhabitable, eg because it's been damaged by weather, rot or vandalism

- would need major structural works to make it 'wind and watertight' again

An application can be made to the Local Valuation Office to get a derelict property removed from the Council Tax valuation list.

## **5.8 Value Added Tax (VAT)**

Renovation and refurbishment work on existing homes is generally subject to VAT while new-build housing is zero-rated.

### **Reduced Rate VAT**

If work is carried out to an existing building it will normally be subject to VAT at the standard rate. However, VAT may be charged at the reduced rate of 5% if renovations or alterations are taking place where:

- an eligible dwelling that has not been lived in during the 2 years immediately before your work starts, or
- premises intended for use solely for a 'relevant residential purpose' that have not been lived in during the 2 years immediately before work is commenced.

### **Zero Rated VAT**

To qualify for zero rated VAT the property must have been empty for at least 10 years immediately before renovation work is started and it must be used for residential purposes afterwards by the owner or their family. Any works of repair, maintenance or improvement that is carried out to the fabric of the building can be considered for a VAT reduction but items such as built-in wardrobes and carpets cannot. **For HMRC purposes residential properties that have been empty for over 10 years are considered to be conversions.**

## **5.9 The current Government's approach**

In October 2015 a parliamentary question asked whether the Government intended to introduce a scheme similar to the Empty Homes Programme. In response, the Housing and Planning Minister, said that the Government had no plans to introduce additional funding, stating that: The Government set a new direction in tackling empty homes and property to ensure their value and opportunity was realised. It provided £216 million direct funding to local authorities, registered providers and community groups between 2012- 2015 and 9,044 homes were created from empty property. Of these 5,722 homes were brought back into use as affordable housing. The remaining 3,322 were brought back to use in line with local demand and the requirements of the neighbourhood as part of the Clusters of Empty Homes Programme.

This funding was intended to provide a push in the right direction, we have no plans to provide more. The Government has achieved a year on year reduction in long-term empty homes and the number of homes that stand empty for more than six months is now at its lowest level since records began.

## **5.10 Planning policy**

The National Planning Policy Framework (March 2012) replaced previous Planning Policy Guidance. With regard to empty homes, the Framework states:

Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.



## **6 Local context**

### **6.1 Chesterfield Borough Council**

The role tackling Empty Homes can play in meeting wider objectives of the Council is crucial. Through tackling the issues of empty homes this strategy can help deliver on wider council priorities and objectives.

#### **Chesterfield Borough Council Plan 2015-2020**

Tackling empty homes plays will play an important part helping the Council achieve key objectives within the Council Plan and Housing Strategy. The vision for the Plan is 'putting our communities first' and within that there are two priorities where tackling empty homes can help achieve objectives.

- **To improve the quality of life for local people**
  - To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs
  - To reduce inequality and support the more vulnerable members of our communities
- **To provide value for money services.**
  - To become financially self-sufficient by 2020, so we can continue to deliver the services our communities need.

#### **Chesterfield Borough Council Housing Strategy 2013-16**

The Housing Strategy 2013-16 included an objective 'Making better use of the existing stock. Recognising that while new housing supply plays a key role in meeting identified housing needs in Chesterfield it only represents a small proportion of housing in comparison to the existing stock. Enabling more effective use of the existing housing stock will play the main role in meeting the majority of residents housing needs.

### **6.2 Council Tax Discounts and Exemptions**

Under section 11A of the Local Government Finance Act 1992, from 1st April 2013, Chesterfield Borough Council has decided that the Council Tax discount applicable to certain properties will be:

- Nothing for second homes (unoccupied furnished properties)
- 100 per cent for up to 12 months for discounts that replace the current Class A exemption (unoccupied and substantially unfurnished properties which require or are undergoing major repair works to make them habitable or homes undergoing structural alterations). No discount will apply after this period.

- 100 per cent discount for up to 3 months for properties that are unoccupied and substantially unfurnished (currently Class C). No discount will apply after this period.
- A change in owner does not create a further discount period.

Note: For the changes that relate to empty homes, the previous rule which stipulated that empty status cannot be interrupted by notice of short term occupations for less than six weeks will continue to apply

### **Empty Homes Premium**

When a dwelling has been unoccupied and unfurnished for 24 months or longer an additional 50 per cent surcharge will become payable. This means that a 150 per cent Council Tax charge will apply to properties that have been unoccupied and unfurnished for 24 months or longer.

If a dwelling is furnished but is no-one's main home, a full Council Tax charge will apply.

### **6.3 Debt Recovery**

There are several types of debt that can be associated with empty homes, the most common being unpaid council tax, works in default costs and residential care charges for previous occupiers.

The pressures on local government finances since 2010 continue and we therefore seek to maximise all debt recovery opportunities. It is appropriate that all efforts to recover debt associated with empty property are undertaken to recover public money from this wasted resource.

### **6.4 New Homes Bonus**

In order to maximise NHB, the Council has developed a programme of property visits which, allows the data that is used to calculate NHB award to be as accurate as possible at the time of the data snapshot – usually early October. This ensures that NHB income to the council is maximised each year.

## **7 Chesterfield Borough Council Empty Homes Service Overview**

Locally within Chesterfield Borough Council, the responsibility and resources available for Empty Homes has changed significantly. The previous Empty Property Strategy was last reviewed in 2004. In 2008 the responsibility for Empty Homes within the private sector was transferred to the Private Sector Housing Team, however some of the enforcement powers remained with other services. Initially this function was absorbed within the existing resources of the Private Sector Housing Team, however in 2011 funding was utilised to secure a temporary Empty Property Officer Post for three years within the team. The officer left this post after two years and although officer was recruited to the post, the funding for the post ceased in 2014.

The temporary post concentrated on ascertaining a true picture with regard to empty properties in the borough, ie number of empty properties, how many were causing significant issues. The officer was then tasked with tackling the most problematic properties that had been identified. During the period between 2011 and 2014 the team were bringing up to one hundred empty properties back into use per year. This figure was vastly reduced between the period 2014 and 2015 when the team received no Empty homes funding to approximately 10% of the previous years statistics.

### **7.1 Private Sector Housing Team Restructure 2014**

Between 2014 and 2015 the Private Sector Housing Team underwent a significant restructure. The team now consists of the Private Sector Housing Manager, a Senior Housing Officer, three Housing Officers, a Technical Assistant and an Administration Support Officer.

In the period between the Empty Homes Officer post ending and the Private Sector Housing restructure being completed, little work was carried out with regard to Empty Homes as there was neither, the necessary skill set or officer numbers within the team to devote to the project.

The newly formed team have now assigned officer time to recommence work with regard to Empty Homes. The team are again working to ascertain the number of empty Homes within the borough, are in the process of visiting the properties to confirm their condition and to carry out a risk assessment. Those properties presenting the highest risk with regard to condition, anti-social behaviour or nuisance will be dealt with as a priority. All other empty properties will be written to on an informal basis to encourage the owner to return them to use.

### **7.2 Enforcement**

Whilst the team are now equipped with the necessary officer competency to deliver the empty homes service, a further issue has come to light. As a council we now need to develop the necessary enforcement package to deal with those empty

homes that we are not able to return to use via voluntary means. In cases such as these it is necessary to have a robust enforcement policy and delegation of the appropriate enforcement powers within the team. This would allow the council if necessary, to carry out work in default of a legal notice or as a last resort to consider the compulsory acquisition or management of the property through:

- Compulsory purchase the property
- Enforced Sale.
- Empty Dwelling Management Orders (EDMO;s)

### **7.3 Empty Homes Strategy**

Given that since the publication of the last Empty Homes Strategy in 2004, there has been significant change both in national policy, legislation and local resource that has been allocated to the issue of Empty Homes, the 2016 -2020 strategy is realistic in that it will focus on ascertaining the extent of the issue within Chesterfield and will work towards making the service robust and efficient. In particular, the 2016 - 2020 Empty Homes Strategy will focus on national policy, funding opportunities and the development of best practice. It will also highlight the Empty Homes Teams role in securing additional affordable housing, reducing demand on other council services and the positive impact that the service can have on general housing supply, New Homes Bonus income and debt recovery.

### **7.4 Empty Homes Database**

All empty homes that have been identified or referred to the service are now added to a database (M3). It is the usual practice for all properties empty for more than six months to be automatically added to our database and actioned.

However, where a property is a source of complaint, or when the property is identified by other departments or ourselves as being of imminent danger or concern, the length of time empty becomes irrelevant. If the property is not already being investigated, it is added to our current workload immediately and prioritised accordingly.

### **7.5 Website Presence and Referral Forms**

The Empty Homes pages of Chesterfield Borough Councils website will shortly be updated to provide an overview of our activities and give the public the opportunity to report an empty home. This can be submitted anonymously.

## **8 Recommendations**

This strategy will make the following recommendations to ensure that the service is efficient, effective and robust.

### **8.1 Extension of Delegation To The Private Sector Housing Team:**

Extend delegated powers in respect of the following legislation to the Private Sector Housing Team. This will enable the team to investigate complaints, take necessary remedial action and provide the team with the necessary authorisation to implement a robust and practical approach towards the reoccupation of empty homes within the borough. Please note that the request for the extension of delegated powers to the team, does not infer that these powers are removed from the services that currently have delegation.

- Town & Country Planning Act 1990, section 215: Where the condition of an empty home is detrimental to the amenity of the area.
- Building Act 1984, section 59: Where the condition of the drainage to the building is prejudicial to health or a nuisance
- Building Act 1984, section 76: Defective Premises.
- Building Act 1984, Section 77 and 78: Dangerous and dilapidated buildings.
- Building Act 1984, section 79: Where an empty home is in such is seriously detrimental to the amenity or of the neighbourhood.
- Environmental Protection Act 1990, section 80: Where a statutory nuisance exists, is likely to occur or recur at the property.
- Prevention of Damage by Pests Act 1949, section 4: Applied where the condition of the property is such that it is providing or likely to provide harbourage to rodents.
- Public Health Act 1936, Section 83: Filthy and Verminous premises.
- Public Health Act 1961, Section 17(1) (as substituted by Section 27 Local Government (Miscellaneous Provisions Act 1982): - Repair of a water closet, waste pipe, or a drain.
- Public Health Act 1961 Section 17(3) (as substituted by Section 27 Local Government (Miscellaneous Provisions Act 1982): – Remedy stopped up drain, water closet, waste pipe or soil pipe.
- Local Government (Miscellaneous Provisions) Act 1982, section 29: Allows the council to act if a property is open to unauthorised access.

- Housing Act 1985 section 17 and the Acquisition of Land Act 1981 form the basis for the compulsory purchase of land/buildings for the provision of housing accommodation
- Local Government (Miscellaneous Provisions) Act 1976, section 15: Allows authorisation to be given for officers to enter land (and property on that land) in connection with a proposal to acquire a compulsory interest in that land (and property on that land).
- Law of Property Act 1925, section 101: The basis for enforced sale.

## **8.2 Creation and Implementation of Policies and Delegation of Relevant Authority**

It is recommended that consideration is given to the introduction of the following policies that would be administered by the Private Sector Housing Team to enable the team to operate an effective and robust Empty Homes Service.

### **Compulsory Purchase of Empty Private Sector Homes**

CPO's can be made under S17 of the Housing Act 1985 or under S226 (as amended by Planning and Compulsory Purchase Act 2004) of the Town & Country Planning Act 1990. CPO's are considered a "last resort" where owners have refused or failed to co-operate. Where the Secretary of State confirms such an Order, the acquiring authority would normally be expected to dispose of the properties acquired.

### **Enforced Sale**

The Law & Property Act 1925 (S30) allows local authorities to recover charges through the sale of the property. This option can only be utilised where there is a debt to the local authority registered as a charge on the property. Council tax debts or works in default can be charged to the property in many cases, allowing the enforced sale process to begin.

### **Empty Dwelling Management Orders**

The law relating to EDMO's is contained within, The Housing Act 2004 Sections 133 -138 and The Housing (Empty Dwelling Management Orders) (Prescribed Period of Time and Additional Prescribed Requirements) (England) (Amendment) Order 2012. An EDMO can be made where a property has been empty for over two years and the owner appears to have no intention of returning it to use. The Council undertake the management of a property for a set period of time, up to seven years, with the EDMO reviewed after that time. EDMO's are open to appeal at any stage.

## **9 Monitoring, Resources and Review**

The purpose of this strategy is to acknowledge the empty homes work that has previously been carried out by Chesterfield Borough Council, to explain the current situation with regard to empty homes both on a national and local basis and to set out the Council's future plans with regard to empty homes work.

The Private Sector Housing Team has responsibility for delivering the Empty Homes Strategy.

The Strategy clearly sets out that where possible, the team will try and ensure a property is returned to use by voluntary means, but that the team should be equipped with the necessary enforcement powers to ensure that statutory enforcement action can be used where necessary in order to return a property to use.

The review of the Strategy will be carried out on an operational level in accordance with Table 1 below.

The Private Sector Housing Team will continue to monitor the number of empty homes brought back into use.

Empty Homes Strategy 2016 -2020

Action number	Strategic objective	Action description	Target date	Lead officer
<b>Raising Awareness</b>				
1	Continue to raise awareness of the empty homes issue	Measures to include: <ul style="list-style-type: none"> <li>Update the CBC website to include an online Empty Homes referral form.</li> <li>Targeted press releases</li> <li>Internal and external training and attendance at targeted publicity events.</li> </ul>	Ongoing	Private Sector Housing Manager
<b>Partnership Working</b>				
2	Maintain and improve partnership working	Work with various departments including Council Tax, Housing, Environmental Protection etc. to maximise impact and delivery of the Empty Homes Strategy	Ongoing	Private Sector Housing Manager
<b>Empty Homes Database</b>				
3	Ensure compliance and accurate recording of actions in accordance with the Empty Homes procedure	Maintain record keeping on M3 and ensure structured progression through the empty homes procedure	Ongoing	Private Sector Housing Officers
<b>Reduce the Number of Empty Homes</b>				
4	Identify new funding streams and opportunities	Work closely with HCA and CLG on emerging policy and funding arrangements for empty homes.	Ongoing	Private Sector Housing Manager
	Endeavours to secure voluntary reoccupation of properties	Continue and expand upon direct communication with owners of empty homes to minimise need for enforcement	Ongoing	Private Sector Housing Manager
	Consider enforcement activity against prominent nuisance properties where owner is untraceable or non-cooperative	Progress specific properties through CPO, Enforced Sale/EDMO route to generate voluntary progress or secure change of ownership	Ongoing	Private Sector Housing Officers



Empty Homes Strategy 2016 -2020

Action number	Strategic objective	Action description	Target date	Lead officer
	To constantly improve performance in reducing the number of empty homes.	Continuously develop and sustain up-to-date knowledge of best practice through ongoing research and liaison with appropriate external bodies	Ongoing	Private Sector Housing Manager
	Reactively investigate all reports received and continue to monitor known empty properties	Investigation of all reported empty properties and proactive investigation of all identified long-term or particularly problematic empty properties	Ongoing	Private Sector Housing Officers
<b>Income and Debt Recovery</b>				
5	Maximise debt recovery opportunities through both enforcement and informal methods	<ul style="list-style-type: none"> <li>Identify all opportunities for debt recovery</li> <li>Pursue all suitable cases in conjunction with colleagues in legal services</li> <li>Develop the use of Enforced Sale and CPO powers</li> </ul>	Ongoing	Private Sector Housing Manager
	Maximise income through New Homes Bonus through focused visits to all qualifying empty homes	<ul style="list-style-type: none"> <li>Ensure all cases are accurately recorded by council tax prior to closing</li> <li>Complete all necessary visits to allow accuracy in the return that dictates NHB</li> </ul>		Private Sector Housing Manager
<b>Monitor and Review</b>				
5	Annual review of strategy targets, action plan, and resources	Review action plan and targets. Where possible access additional funding to resource new/additional measures	Ongoing	Private Sector Housing Manager

## **10 Conclusion**

This strategy aimed to clearly set out the issues relating to Empty Homes both on a national and local context. It also sets out national and local strategies used to help bring properties back into use, the financial tools available to local authorities and above all it explains how an robust and effective Empty Homes Strategy can not only reduce financial spending for the local authority, but can also be an effective income generator.

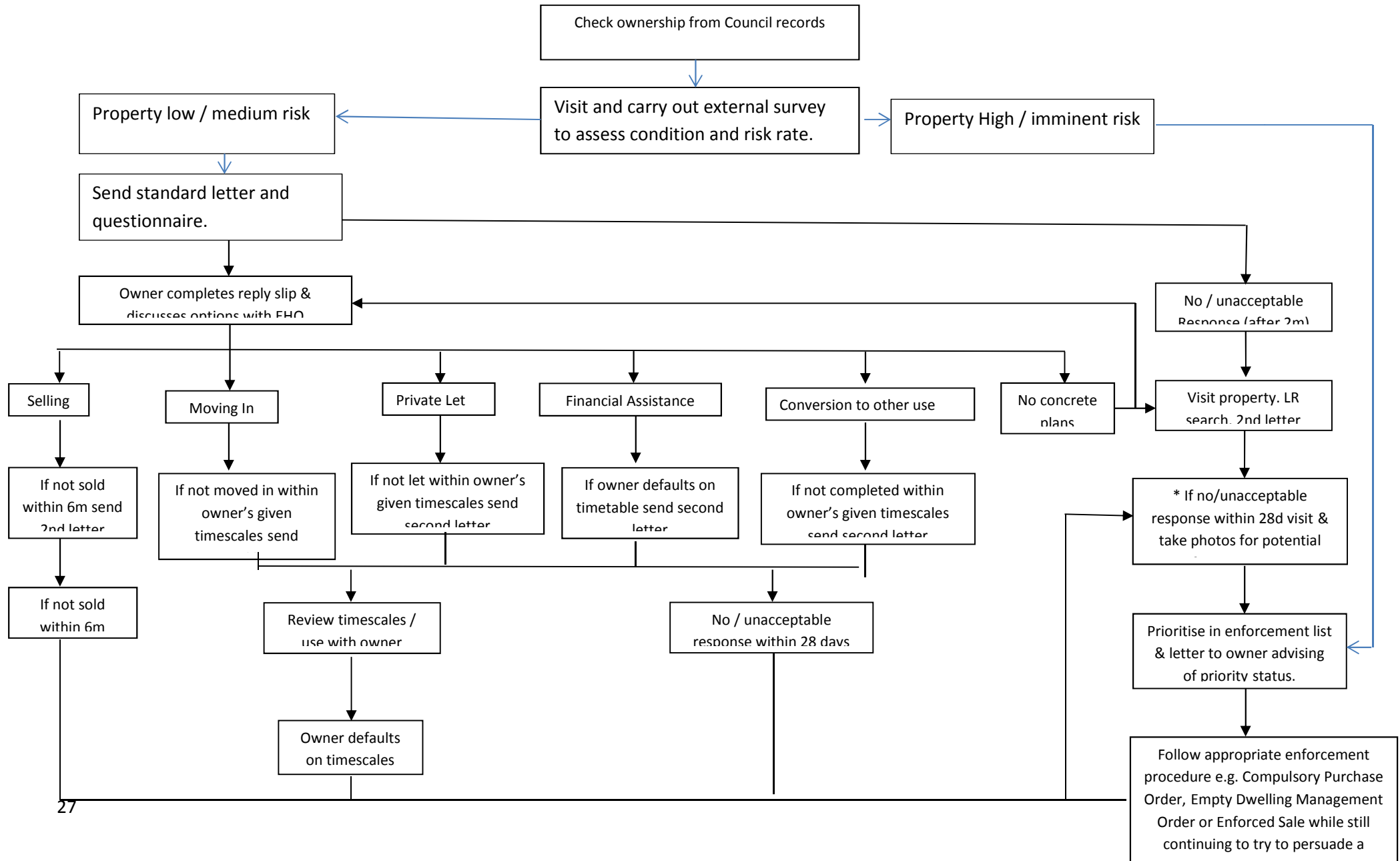
The strategy highlights why properties become, remain vacant and also highlights the issues that long term empty properties can cause for both the local authority, local residents and the housing market as a whole.

Returning an Empty Home to use provides an opportunity to achieve homes for those who need them and, at the same time, to provide other benefits to the community as a whole, to individual property owners and has a positive impact on the resources of the local authority.

The most effective way to tackle the problem of empty homes is to have an effective and robust Empty Homes Service that aims to return properties to use primarily through voluntary means, but is equipped to use statutory enforcement where merited and where all other methods have failed.

This strategy has highlighted the issues associated with long term empty homes and the Councils commitment to tackle these problems. Crucially it also sets out a series of recommendations which will need to be implemented if the service is to operate at its full potential.

**Appendix A: Empty homes Procedure**



## **Appendix B Main Statutory Enforcement Options – Empty Homes**

- Town & Country Planning Act 1990, section 215: Where the condition of an empty home is detrimental to the amenity of the area.
- Building Act 1984, section 59: Where the condition of the drainage to a building is prejudicial to health or a nuisance
- Building Act 1984, section 76: Defective Premises.
- Building Act 1984, Section 77 and 78: Dangerous and dilapidated buildings.
- Building Act 1984, section 79: Where an empty home is in such is seriously detrimental to the amenity or of the neighbourhood.
- Housing Act 2004, sections 11, 12, 20, 21 and (46 which substitutes section 265 of Housing Act 1985): Where the condition of a property is defective such that its use needs to be prohibited, works are required for improvement or the property requires demolition.
- Environmental Protection Act 1990, section 80: Where a statutory nuisance exists, is likely to occur or recur at the property.
- Prevention of Damage by Pests Act 1949, section 4: Applied where the condition of the property is such that it is providing or likely to provide harbourage to rodents.
- Public Health Act 1936, Section 83: Filthy and Verminous premises.
- Public Health Act 1961, Section 17(1) (as substituted by Section 27 Local Government (Miscellaneous Provisions Act 1982): - Repair of a water closet, waste pipe, or a drain.
- Public Health Act 1961 Section 17(3) (as substituted by Section 27 Local Government (Miscellaneous Provisions Act 1982): – Remedy stopped up drain, water closet, waste pipe or soil pipe.
- Local Government (Miscellaneous Provisions) Act 1982, section 29: Allows the council to act if a property is open to unauthorised access.
- Local Government (Miscellaneous Provisions) Act 1976, section 16; and Town & Country Planning Act 1990, section 330 – this is served where confirmation or further information regarding property ownership or interests is required
- Housing Act 1985 section 17 and the Acquisition of Land Act 1981 form the basis for the compulsory purchase of land/buildings for the provision of housing accommodation
- Local Government (Miscellaneous Provisions) Act 1976, section 15: Allows authorisation to be given for officers to enter land (and property on that land) in connection with a proposal to acquire a compulsory interest in that land (and property on that land)

- Housing Act 2004 Part 4: Empty Dwelling Management Orders (EDMO)
- Law of Property Act 1925, section 101: The basis for enforced sale.