SD68

Empty Property Strategy 2009 - 2012

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Blaenau Gwent
County Borough Council

Contents

		Page
	Introduction	3
1.0	Background	4
2.0	Aims and Objectives of the Strategy	6
3.0	The Empty Homes in Blaenau Gwent	7
4.0	Tackling the Problem	9
5.0	The Way Forward	15

Appendices

1	Enforcement Powers	16
2	Options Available to Empty Property Owners	19
3	Related Council Strategies and Policies	20

Introduction

The Blaenau Gwent Community Plan 2005-2009 recognises that housing is a key issue in making Blaenau Gwent - A Better Place to Live and Work. The Council's aim is:

"To ensure that quality affordable accommodation is available within safe and strong communities for all residents."

In order to achieve this aim it has been recognised that the Council needs to develop and implement a formal Empty Property Strategy for the Private Sector.

This document, which has been prepared by the Empty Property Working Group, presents its findings and recommendations in 5 parts.

1. Background
2. Aims and Objectives of the Strategy
3. The Empty Homes in Blaenau Gwent
4. Tackling the problem
5. The way forward

1.0 Background

Empty properties are a waste. They can cause nuisance and environmental problems. They can be the focus for increased levels of crime, including drug abuse, and represent a significant loss of revenue for the Council.

Empty properties make no sense to the public, neighbours, those in need of homes and in many cases, the owners themselves. In properly dealing with empty properties the Council can help address the Blaenau Gwent's current and projected housing needs by providing accommodation for owner occupation or renting whilst at the same time reducing the risk of nuisance and environmental problems. In some cases, demolishing and clearing unwanted and worn out old buildings may be the best course of action.

Empty space above commercial units is also a wasted resource, particularly in town centres. Void spaces above shops and offices can be converted into residential units where this need can be demonstrated. This will also be a driving force to help the Council's aim of revitalising town centres.

Bringing empty properties back into use is a key element in the Council's Housing Strategy and Operational Plan.

Why Bother with Empty Homes?

Empty properties are a blight on the community, deter investment, attract vandals and frequently are the focus for more extreme forms of anti-social activity. Empty properties, even on a limited basis, affect neighbouring properties by causing dampness, structural problems and adversely affecting the value of the neighbouring property. Overall, the housing stock deteriorates at a higher degree if it is empty

Empty homes, as well as their detrimental impact on neighbourhoods and adjacent properties, represent a major financial loss to owners, both in terms of lost income and other expenses. Nationally, Royal Institute of Chartered Surveyors backed research has shown that it costs nearly £6,000 to keep a property empty for a year. The bulk of which is rent loss but nearly a third are the costs of dilapidation, security, insurance and the Council Tax liability.

Empty properties increase the local Council tax burden. Bringing back all private sector properties into use would bring in additional revenue to the Council that could be used to extend essential housing support and enabling services.

The commercial sector represents a particular area where properties are underused along with the 'residential' upper floors of retail premises. Both areas are difficult to negotiate back into use but the Council has recognised that this is an area that could be exploited and used to improve the availability of housing stock – especially for first time occupiers or single people.

Whilst the number of empty homes in within the County Borough is relatively low as a percentage of the total housing stock, each extra empty home represents:-

- a narrowing of the housing choice options for all the Borough's citizens;
- a potential blight on the neighbourhood;
- a magnet for vandalism and anti-social behaviour;
- an increase of the Council's waiting list;
- a lost resource through Council Tax.

2.0 Aims and Objectives of the Strategy

Aim of the Strategy

The aim is to encourage homeowners and landlords to bring their vacant properties back into use. To consider all the options available for tackling the problem of empty properties and to ensure that where vacant properties are identified every effort is made to bring them back to a good standard and into use.

Key Objectives.

- To reduce the number of long-term vacant properties to provide affordable homes by making use of existing housing stock.
- To minimise the impact of empty properties on the communities in which they are located.
- To offer advice and assistance to the owners of private empty properties, those who are looking to develop empty properties and those who are experiencing problems living in the vicinity of an empty property.
- To use the Council tax database to monitor and target empty properties
- To raise the awareness of empty property issues and promote a partnership approach to deal with the issues.
- To work in partnership across the Authority and with external partners to drive forward the implementation of this strategy.

3.0 The Empty Homes in Blaenau Gwent

In 2007 a Local Housing Market Assessment was carried out in the County Borough. This survey suggest that over the next five years (until 2012) an additional 1250 dwellings will be required to meet demand, around 250 dwellings per year.

Of these 1250 dwellings the Local Housing Market Assessment identified that 34% of these dwellings would need to be some form of affordable housing. Of this 34%, to meet the needs of the community, 18% would need to be social housing, representing around 225 homes over the next five years

It was also recognised in the survey that the provision of additional dwellings should be across the tenure and size mix. This conclusion fits in well with the aims of this strategy as evidence from the Council Tax database confirms that current empty property mix is varied – from single bedroom units to large family size homes.

Council Tax data currently shows that there are 479 empty properties in the private sector within the County Borough (June 2008). The figures can be broken down as follows:

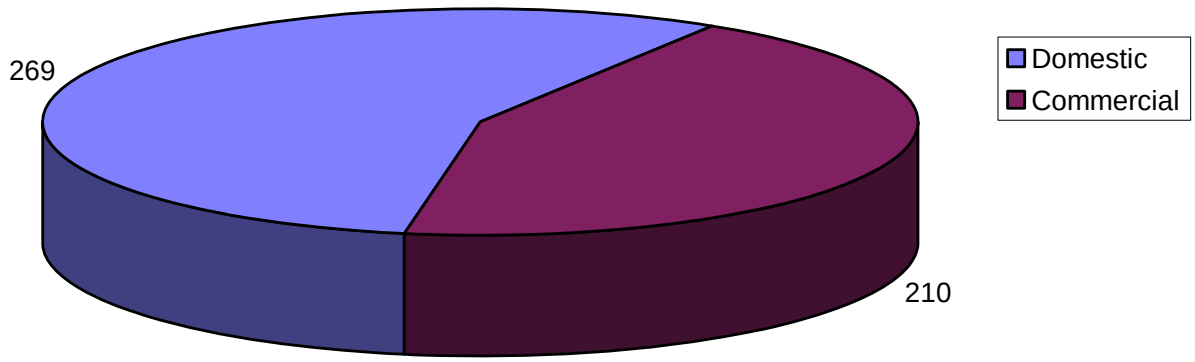
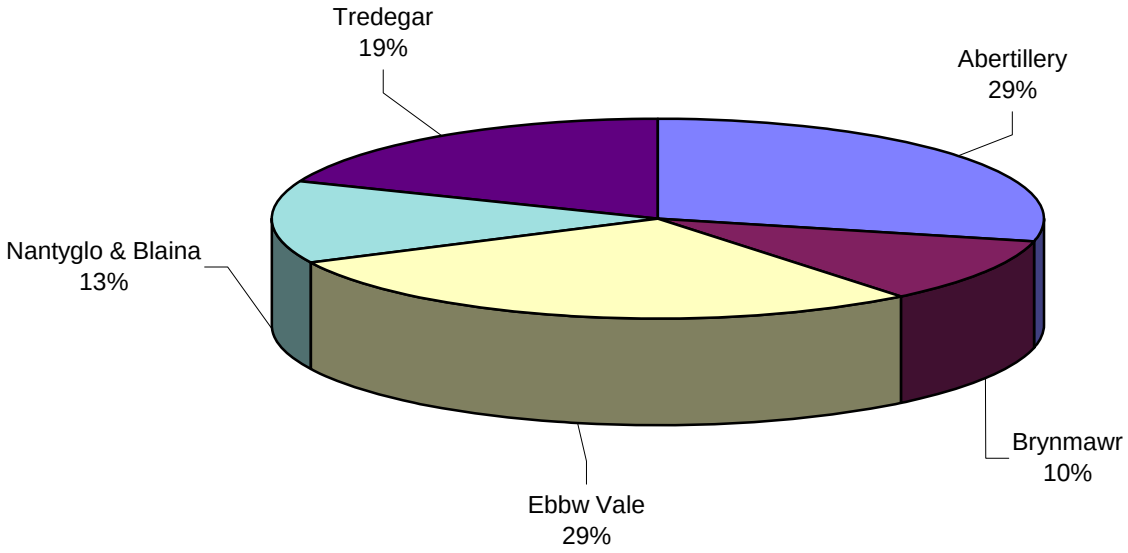


Figure 3A Number of Empty Properties – by usage June 2008 (Source: Council Tax Data)

Data held by the Environmental Health Team shows that there are around 50 problematic properties within the County Borough.

The figure below shows the number of empty properties broken down by town within Blaenau Gwent



Town	Number of Empty Properties	Percentage of Total
Abertillery	137	29%
Brynmawr	50	10%
Ebbw Vale	138	29%
Nantyglo & Blaina	64	13%
Tredegar	90	19%

Figure 3A Number of Empty Properties – by Town June 2008 (Source: Council Tax Data)

No reliable data currently exists about the levels of empty properties above retail premises, mainly in town centre locations. Part of the work of the Empty Property Working Group will be to identify sources of data for this type of dwelling. It is recognised that these small dwellings could provide much needed affordable accommodation as part of the wider regeneration of Town Centres.

The Authority is currently undertaking a Private Sector Housing Stock Condition Survey. These results are due to be published in Autumn 2008. This data will be used by the Empty Property Strategy Working Group to prioritise areas or individual properties for action.

Council tax data shows that the empty properties within the County Borough mean that the Authority is not collecting a significant amount of Council Tax revenue. This means a higher strain on other Council Tax payers within the County Borough. Brining the properties back into use will allow the additional expenditure to be spent on achieving this aims within this strategy and other Council priorities as set out in the Community Plan.

4.0 Tackling the Problem

Blaenau Gwent County Borough Council recognises that each and every empty property presents different problems and challenges. That is why no specific procedures will be created to deal with empty properties. The Authority will use the "toolkit of powers" approach when it comes to dealing with empty properties. The tools available are discussed in more details in the following paragraphs, but range from short term solutions to reduce the impact of a problematic empty property to the use of powerful legal controls to force the sale of a property to a third party.

4.1 Defining and Identifying Empty Homes

Using the Council tax database a list of current empty properties in the private sector will be created. These records will be used to update the database managed by the Environmental Health Section. This database will then be expanded by adding details of ownership and other appropriate information when it comes to light. Once held centrally in the database it will be possible to produce marketing lists and a geographical representation of these properties on a GIS mapping system.

However, in order to function effectively the housing market needs vacant homes to allow for residential mobility, redevelopment and improvement to take place. This means that there is an expectation that some properties will inevitably remain vacant at any given time. It is important therefore, to define what is considered to be an empty property within the context of this strategy. Research has shown that there are two types of vacant properties, namely:

Transactional vacancies: As properties are bought and sold, or relet, there will be a period of vacancy in between the changes in occupation. Such 'transactional vacancies' are not usually the cause of problems, but are a normal part of the operation of the housing market. These properties seldom require the intervention of the Council in order to ensure they are brought back into use within 6 months.

Problematic vacancies: These are properties that are inactive in the housing market and empty for six months or more. These long-term properties cause the greatest concern and will be considered when assessing the extent of the problem and how best to target remedial action. When deciding if a property is a 'problematic vacancy' and targeted under this strategy, the following questions will act as a guide:

- Has the property been targeted by vandals?
- Is there furniture in the property?
- Does the property/ garden appear maintained?
- Is the property an eye sore?
- Are there signs of long-term disrepair?
- Do the neighbours know when the property was last occupied?
- Is the property secure?
- Is there a history of complaints associated with the property?

Once the problematic empty homes have been identified they will be targeted for action to bring them back into use.

There are strict requirements contained within the Data Protection Act 1998. The Empty Property Working Group is mindful of those requirements and has consulted with the Chief Legal Officer. The use of Council Tax records will be handled sensitively and in line with the protocol set out in the Data Protection Act.

In addition to utilising the data already available a protocol will be established between the Council's "Void Property Inspectors" and the Environmental Health Section.

4.2 Establishment of an Empty Homes Working Group

A working party of officers from the Council and external agencies will be established. Members of the working group will be comprised of

(a) The Lead Empty Homes Officer
(b) Environmental Health Officers from the Housing Enforcement and Pollution Control Teams
(c) A Planning Enforcement Officer
(d) A Planning Policy Officer
(e) A Council Tax Officer
(f) A Solicitor
(g) The Affordable Homes Officer
(h) Representatives from the local Registered Social Landlords
(i) The Town Centres Managers

Each member of the group will not be expected to attend all meetings. Officers will be expected to contribute to the group as and when their expertise is required.

The Working Group will initially prepare an action plan to target empty homes, including local performance targets. As the strategy is implemented the group will act more as a monitoring and review body.

The Working Group will also periodically report to the Housing & Regeneration Scrutiny Committee who will act as the ultimate monitoring body for this strategy.

4.3 Encourage owners to bring their properties back into use through information and advice.

In order to start the process of bringing empty homes back into use the following actions will be undertaken:

- A general advice pack will be available for distribution to illustrate the costs of empty homes and the benefits of filling them.
- An advice pack for interested owners will be prepared on the route they have to follow to assist the Council in bringing empty properties back into use.
- The advice and information pack will act as a focal point of a local publicity campaign to raise awareness.
- An Environmental Health Officer with specific responsibility for Empty Properties will be nominated and their contact details published.

The Council recognises that some properties remain vacant because owners simply do not know how to bring them back into use. Others are looking for advice and assistance on how to do just that. The options available to empty property owners are contained in appendix 2. This information is a summary of what is contained in the general advice packs.

The Council will also start to publicise the Empty Property Strategy and how it will affect all members of our community. The Council web pages will updated to reflect the introduction of this strategy and a concerted media campaign will be undertaken.

4.4 Use of enforcement powers to bring empty homes back into use

The Council will seek firstly to work closely with empty property owners encouraging and supporting them. However, where owners have refused offers of help and can give no good reason why the property should remain empty, we will use enforcement action wherever necessary.

When using enforcement powers officers will pay due regard to the Environmental Health Section's Enforcement Policy. Such interventions will include

- Raise the enforcement profile and prepare a "hit list" of problem properties for more vigorous, direct intervention in cases where offers of help have been refuse or it has been impossible to trace the owner of a property.
- Use Compulsory Purchase and Enforced Sale Powers to underpin enforcement policy.
- Link enforcement to the main target groups and link with other area based corporate initiatives.

Once an empty property has been identified and recorded an Environmental Health Officer using the Empty Property Enforcement Toolkit will assess it. This toolkit contains a procedure for scoring each empty property. Once a score has been allocated it will determine how the property will be dealt with.

A full list of enforcement powers are contained in appendix 1.

4.5 Develop Partnership Working with the three main local Registered Social Landlords who have development programmes.

Registered Social Landlords (RSLs) are key partners in bringing empty properties back into use and the Welsh Assembly Government recognise and endorse a partnership working approach. The partnership approach with RSLs is a way of ensuring we can deliver a solution to empty properties that also meets our wider objectives around meeting housing need, intervening in the housing market and providing a preventative approach to homelessness.

Local Authorities are able to use enforcement powers where necessary but are rarely able to finance the purchase of these dwellings or offer management services for leasing etc. RSLs are able to attract grant through their partnership with the Local Authority and are able to use their own reserves to purchase empty properties. RSLs are also in a position to resource the management of properties either through rented or leasing.

Blaenau Gwent CBC see Registered Social Landlords as key partners in developing and implementing this strategy. As such, the Authority will:

- Develop an agreed protocol for working with the RSL's, which is evenhanded and equitable.
- Link the work of RSL's to each strand of the empty property strategy.
- Development of a joint approach to Compulsory Purchase so that the RSL's can acquire and renovate properties to meet the needs of those requiring housing.
- Agree a nominations policy so that those in greatest need are assisted as a priority.
- Promote schemes such as the Code for Sustainable Homes.

In working in partnership with local RSL's we can develop the following options for the use of empty properties:

- **Low Cost Home Ownership:**
  Low Cost Home Ownership (LCHO) is an option for good quality properties brought back into use. The properties will be offered for purchase to applicants wishing to buy at typically 30% below market value. This 'equity stake' will be maintained by an RSL partner until the purchaser wishes to sell the property in the future. This approach will benefit from sustained homeownership.

- **Homelessness Leasing Scheme (HLS):**
  This approach allows the approved RSL to purchase the property, and let it to homeless households. The day-to-day management responsibility and risk will be taken by the RSL. The HLS will form part of a proactive approach to homeless prevention.

- **Housing Association Rented:**
  This scheme provides an opportunity for RSLs to purchase the properties and lease them, to which the Council gets nomination rights to the properties. This approach will be used in tandem with LCHO were the need is identified. Properties purchased for this purpose will be subsumed and treat like part of the RSL stock and will therefore be required to meet Welsh Housing Quality Standard (WHQS).

- **Social Housing Grant (SHG):**
  This programme can assist RSLs and owners to bring empty properties back into use. SHG can be secured to bring empty properties back into use through outright purchase. It can also be used where demolition is the only option for site acquisition and new scheme build. There is also the potential to use SHG for the purchase and redevelopment of landmark buildings.

4.6 Linking to other Corporate Strategies

The Council and its partners have identified key aims and objectives, which this Strategy links to, and can play a part in delivering. The Council recognises that this strategy can only be achieved via partnership working both internally and with our external partners.

Housing in general plays a key part in a number of corporate strategies. This strategy will help to Council meets its corporate aims and objectives in a number of those strategies, including:

- The Blaenau Gwent Community Plan
- The Local Housing Strategy
- The Affordable Accommodation Strategy
- Homelessness Strategy
- The Private Sector Housing Renewal Policy
- Community Safety Strategy
- Unitary Development Plan
- The Healthier Future Strategy

5.0 The Way Forward

The Empty Property Working Party has agreed the following action plan for the period covered by this strategy. It should, however, be noted that this strategy is subject to change as financial, legal and political pressures and priority change locally and nationally.

In order to address the issues raised in this strategy the following objectives and tasks have been created by the Empty Property Strategy Working Group:

Objective	Task	Target Date
Manage and Control Information	Create a list of vacant properties from data sources	September 2008
	Produce reports and risk assess properties that have been vacant for longest or those that are causing problems within the community to target for action first	September 2008
	Establish links with Council Tax to ensure that data on empty properties is up to date.	September 2008
Raise Awareness	Create and publish web pages	November 2008
	Produce information packs for owners of empty homes	March 2009
	Promote strategy within Authority to elected members and senior management.	April 2009
	Promote the strategy within the community through the press, the community newspaper & information leaflets.	December 2009
Targeted Enforcement Action	Provide prompt response to those empty properties open to unauthorised access.	Ongoing
	Develop protocol for use of EDMO's	August 2009
	Develop procedures for use of Enforced Sale Powers	October 2008
	Develop of toolkit of enforcement options to use against properties identified as requiring intervention.	March 2009
	Use risk assessment method to identify properties for enforcement action	December 2008

Objective	Task	Target Date
Develop partnership working	Develop social housing grant with RSL's	January 2010
	Develop information sharing protocols	January 2010
	Develop protocol for linking property owners with builders, developers and RSL's.	January 2010
Identify sources of funding	Establish links with other departments within the Authority to ensure maximum use of grant funding	Ongoing
Record and publicise success of strategy	Create local performance indicators to record the success of the strategy	December 2009
	Work towards Good Practice in Welsh Heads of Environmental Health Best Practice Standards for Empty Properties.	April 2010

Appendix 1 Enforcement Powers

Problem	Legislation	Power Granted	Section
Condition and appearance of property adversely affecting the amenity of the neighbourhood.	Section 215 Town and Country Planning Act 1990	To require owner to take necessary steps to improve the condition and appearance of the property. Where the owner fails to take action the Council may undertake the work and an appropriate charge will be imposed on the owner.	Planning Control Section
	Enforced Sale: Law of Property Act 1925	If the Council carry out works as above, the Council can ensure that the costs of the work can be recovered for example through a charge on the property. If the monies remain unpaid, the Council may force the sale of the property.	Neighbourhood Services Team Legal Division
	Compulsory Purchase: Housing Act 1985, section 17	Where all available avenues of action have been explored and have been unsuccessful, as a last resort the Council can use compulsory purchase orders. These orders have to be approved by the Government Office and may be subject to public inquiry. The Council's intention to use these powers will be communicated with owners who would be given the opportunity to voluntarily take the necessary remedial action to resolve the situation. Disposal by the Council of a property subject to a compulsory purchase order, would normally mean that the property would be transferred for use as Affordable Housing. However, if this proves not to be possible, it will be disposed of on the open market to an owner who makes an undertaking to bring the property back into use as a home.	Neighbourhood Services Team Legal Division
	Empty Dwelling Management Orders: Housing Act 2007	In specific circumstances for properties which have been unoccupied for a period of 6 months or more enables an authority, once approved by a residential property tribunal, to issue an EDMO which results in an empty property becoming re-occupied.	Neighbourhood Services Team
Dangerous Dilapidated Buildings or Structures	Building Act 1984, Sections 77 and 78	To require the owner to make the property safe (Section 77) or enable the local authority to take emergency action to make the building safe (Section 78).	Building Control Section
	Housing Act 2004, Section 5 and 7	To require the owner to carry out works where the local authority consider housing conditions to be unacceptable, on the basis of the impact of hazards on the health or safety of the most vulnerable potential occupant.	Neighbourhood Services Team
	Enforced Sale: Law of Property Act 1925	See Above	Neighbourhood Services Team Legal Division
	Demolition Order: Housing Act 1985, Section 265	In certain circumstances the condition of the empty property will not warrant bringing it back into use will not be feasible and the most satisfactory course of action will be to serve a demolition order.	Neighbourhood Services Team

Problem	Legislation	Power Granted	Section
Unsecured properties (if it poses the risk that it may be entered or suffer vandalism, arson or similar)	Local Government (Miscellaneous Provisions) Act 1982, Section 29	To require the owner to take steps to secure a property or allow the local authority to board it up in an emergency.	Neighbourhood Services Team
Blocked or defective drainage or private sewers	Local Government (Miscellaneous Provisions) Act 1976, Section 35	To require the owner to remove obstructions from private sewers	Neighbourhood Services Team
	Building Act 1984, Section 59	To require the owner to address blocked or defective drainage	Neighbourhood Services Team
	Public Health Act 1961, Section 17	To require the owner to address defective drainage or private sewers	Neighbourhood Services Team
Vermin (If it is either present or there is a risk of attracting vermin that may detrimentally affect people's health)	Public Health Act 1961, Section 34	To require the owner to remove waste so that vermin is not attracted to the site (relates to accumulation of rubbish). Obligation of occupier of land to notify local authority of rats and mice.	Neighbourhood Services Team
	Prevention of Damage by Pests Act 1949, Section 4		
	Environmental Protection Act 1990, Section 80		
	Building Act 1984, Section 76		
Unsightly land and property affecting the amenity of an area	Public Health Act 1961, Section 34	See above	Neighbourhood Services Team
	Town and Country Planning Act 1990, Section 215	To require the owner to address unsightly land or the external appearance of a property.	Planning Control Section

Compulsory Leasing

Empty Dwelling Management Orders (EDMOs) were introduced by the Housing Act 2004 and give the Council the power to ‘step into the shoes’ of owners and take over the management of properties that have been left empty for at least six months. The Council can then do whatever it takes to bring the property back into use. There are two types of orders, an interim EDMO and a final EDMO. An interim EDMO is time limited but a Final EDMO may be granted, subject to certain conditions in which case the local authority may continue to manage all the responsibilities normally undertaken by the owner for up to seven years. EDMOs are essentially compulsory leasing.

Where there is no realistic prospect of bringing an empty property back into occupation other than through enforcement, an order will be drafted for approval by the Residential Property Tribunal. The Council will need to show that we have done all we can to contact the owner to work with them.

Where the Council obtains an EDMO, any costs incurred with improvements to the property will be recovered from rents received when the property is let. However, we acknowledge it would not be economically viable to pursue an EDMO where the property is in a particularly bad condition.

Appendix 2 Options available to empty property owners

Our aim is to provide good quality and up-to-date advice and information to owners about all aspects of bringing their empty properties back into use. Once ownership of a property has been established, the Empty Property Officer will contact owners to find out what their intentions are. We will provide owners with literature and information packs, advising them of the benefits of turning their empty properties into homes and the options available to them. For example, an owner who wishes to retain the property may wish to consider the following:

- Re-occupying the property themselves
- Letting the property through a letting/ management agent
- Letting the property and managing it themselves – Landlord Accreditation will enable the owner to run successful rental business
- Voluntary sale to private individual, property developer or Registered Social Landlord

The Council will monitor cases where the owner advises they will bring the property back into use through one of the above means. Other options empty property owners will be asked to consider are listed below:

Private Sector Leasing Scheme (PSL)

This scheme allows owners to lease their properties to the Council's managing agents/ approved RSL's, who will in turn sub-let to homeless households. This removes the day-to-day management responsibility and risk for the owner, who will be guaranteed rent for a specified period of time irrespective of whether the property is let or not.

Housing Association Leasing scheme (HALS)

This scheme provides an opportunity for owners to lease their property to registered social landlords (RSLs) for periods of three to five years, for which the Council gets nomination rights to the properties.

Appendix 3 Related Council Strategies and Policies

- The Blaenau Gwent Community Plan

  This document is available from the Corporate Governance Department on (01495) 350555

- The Local Housing Strategy
- The Affordable Accommodation Strategy
- Homelessness Strategy

  These documents are available from the Housing Strategy Section on (01495) 354600

- The Private Sector Housing Renewal Policy

  This document is available from the Environmental Health Section on (01495) 357813

- Community Safety Strategy

  This document is available from the Community Safety Team on (01495) 356146

- Unitary Development Plan

  This document is available from the Regeneration Division on (01495) 355501

- The Healthier Future Strategy

  This document is available from the Social Services Department on (01495) 354680

Alternatively, they can be obtained via the Council web site at www.blaenau-gwent.gov.uk

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