

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

20 February 2012

**Joint Report of the Director of Health and Housing and Cabinet Member for
Housing**

Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken
by the Cabinet Member)**

1 EMPTY HOMES PROTOCOL

Summary

This report sets out a draft Empty Homes Protocol, which proposes a corporate approach to tackling the problems associated with empty properties and returning empty private sector dwellings to occupation. The protocol replaces and updates the Empty Homes Strategy (2005-8) and is designed to provide a reference document for all departments who are involved in empty property work. The protocol covers empty residential homes which have been continuously unoccupied for six months or more, or where a justified complaint relating to it being empty has been received. The report also updates Members on the negotiations between Kent Fire and Rescue Service and Russet to bring two long term empty fire authority properties back into occupation.

1.1 Background

- 1.1.1 As at 1 April 2011 it was estimated that 421 private sector dwellings in the Tonbridge and Malling area had been empty for more than six months. This equates to 0.8 per cent of the total number of private sector dwellings. The empty properties are individually scattered throughout the borough and are left empty for a variety of reasons, for example the empty property has been inherited or the owner is living temporarily away.
- 1.1.2 The Council views empty homes as a wasted resource that could be providing much needed homes to add to the supply of housing in the borough.
- 1.1.3 The recent Department of Communities and Local Government publication 'A Cure for Empty Homes' by David Ireland offers guidance on how local authorities can plan action to tackle empty homes. The guidance highlights the importance of a 'wide range of solutions' that reflect the local circumstances, tailoring a response to suit the individual property needs. It also suggests that *"The spectrum of options open to local authorities range from the light touch of encouraging*

property owners to make use of services that are already available in the market through to the heavy approach of forcibly taking ownership of a property. In almost all cases the most successful approach is likely to be the lightest one that works”.

- 1.1.4 A corporate enforcement approach is essential to tackling empty properties, allowing the Council to effectively employ a number of different options where necessary to deal with ‘eyesore’ or problematic empty properties and bring them back into use.
- 1.1.5 While some enforcement measures will not necessarily result in re-occupation, it can nevertheless be useful for applying appropriate pressure on owners of long term empty properties to appreciate their responsibilities for the empty home.

1.2 Empty Homes Protocol

- 1.2.1 The Empty Homes Protocol in **[Annex 1]** provides a reference document for all Council services which are involved in empty property work and identifies a re-active workflow approach when dealing with empty property enquiries.
- 1.2.2 The protocol has been developed in consultation with the Director of Finance, Corporate Services and the Director of Planning, Transport and Leisure.
- 1.2.3 The protocol provides a brief explanation of the Government funded ‘New Homes Bonus’ and its link with empty properties; provides a summary of the ‘Kent No Use Empty’ initiative of which the Council is a signatory; and the approach to dealing with ‘new’ empty homes and empty property service requests.
- 1.2.4 The protocol also identifies an enforcement toolkit, which is used as a guide when considering the appropriate enforcement action for dealing with an empty property by giving a list of enforcement legislation, the lead service, highlighting the positives and negatives, and any resource implications in using each piece of legislation.

1.3 Bringing empty properties back into use

- 1.3.1 The Council in the first instance will always try to work informally with the owners of private sector empty homes to offer advice and information to enable owners to bring the property back into use. This may include signposting owners to the ‘Kent No Use Empty’ initiative to obtain loan funding to enable properties to be renovated to be let or sold on. If the informal approach is not effective the Council will look at taking appropriate enforcement action to deal with any specific issues as identified in the Empty Homes Protocol in **[Annex 1]**.
- 1.3.2 Taking empty properties through the complete process of returning them to use is a resource intensive process and the number of properties that can be taken through this complete process is restricted to the available resources. The most problematic empty properties on the list need to be tackled first because it is often these which have the most damaging impact on a local community.

1.4 Kent Fire and Rescue Service (KFRS) empty properties

- 1.4.1 KFRS own two long term empty properties in the Larkfield area, which historically have been used as accommodation for day crew fire officers. Given changes in staffing resources and practices at fire stations the housing accommodation is not currently needed by the fire authority. The Council (officers and the local Member) has been successful in facilitating discussions between Russet and KFRS for Russet to manage the accommodation and to provide an additional housing resource. This is seen as a pilot scheme and if successful KFRS would look to widen the scheme to their other empty properties.
- 1.4.2 KFRS is currently undertaking works to bring the properties up to the “Decent Homes Standard” so that they will be able to be let. The respective legal advisors of KFRS and Russet are in negotiations regarding the potential management agreement and it is hoped that any queries can be resolved promptly to bring these empty properties back into occupation.

1.5 Legal Implications

- 1.5.1 The Council is not legally required to bring empty properties back into use but they do have a duty to take action if there are deficiencies in the property contributing to category 1 hazards where the property is assessed using the Housing, Health and Safety Rating System under the Housing Act 2004.

1.6 Financial and Value for Money Considerations

- 1.6.1 Taking empty properties through the complete process and bringing them back into occupation can be a very resource intensive process particularly in terms of officer time and capital costs for works undertaken in default of the owner or compulsory purchasing the property. Therefore to do this within existing resources means that the most problematic empty properties are prioritised first.
- 1.6.2 Most properties are dealt with by an approach to the owner to encourage re-occupation. Some properties require enforcement action under the provisions and powers outlined in **[Annex 1B]**. A small number, perhaps only one or two a year, are the subject of the full process of enforcement action including enforced sale of the property. This latter approach services to recover the debt owed to the Council from the capital works undertaken at the owner’s default. Inevitably, the enforced sale procedure also leads to occupation of the property by the new owner. These properties are usually in the worst condition and have a history of adverse impact on a local community. The full process leading to enforced sale is often protracted and resource intensive of officer time and, because of that, it is only followed in a small number of occasions each year.

1.7 Risk Assessment

- 1.7.1 If the Council does not bring empty properties back into use it will be wasting an available housing resource, which will potentially damage the Council’s reputation

and contribute to not meeting the Council priority “promote a continuing supply of homes in the borough”.

1.8 Equality Impact Assessment

1.8.1 See 'Screening for equality impacts' table at end of report

1.8.2 The Empty Homes Protocol was endorsed at Management Team on the 7 February 2012 with the only change to include at the end of section 4.2 of the Empty Homes Protocol in **[Annex 1]** “when taking these empty properties through the complete process the welfare needs of the owners will need to be considered and particularly with regard to any likely equality implications. An equality impact assessment will be required for these individual cases”.

1.9 Recommendations

1.9.1 Cabinet is **RECOMMENDED to ENDORSE** the approach set out in the Empty Homes Protocol.

The Director of Health and Housing confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Hazel Skinner

Nil

John Batty
Director of Health and Housing

Councillor Jean Atkinson
Cabinet Member for Housing

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The protocol identifies the process flow of dealing with empty private sector housing and is focused on the property rather than the group that own the property.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	The Empty Homes Protocol formalises the existing practice within the Council, it does not change it.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.