

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

27 January 2015

Report of the Director of Planning, Housing & Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet

1 REVIEW OF THE ACTIONS UNDERTAKEN TO RETURN EMPTY HOMES TO ACTIVE USE

Summary

To consider and endorse the recommendations arising from the Review Group established to assess the issue of Empty Homes in the Borough.

1.1.1 The Review

1.1.2 A Scrutiny Review Group was formed to assess the scale of the number of empty homes in the Borough, the success of the interventions currently in place in tackling the issue and identify the scope to review and improve the current approaches.

1.1.3 The review group met on 10 September 2014, attached at **[Annex 1]**. The group considered why empty homes work is important, the reasons homes become empty, the benefits of bringing empty homes back into use, the Council's current approach to tackling empty homes and information on the numbers of empty homes there are in Tonbridge & Malling and the wider Kent area.

1.1.4 The group noted that the issue of empty homes is widely acknowledged nationally. The first ever National Empty Homes Strategy was published as part of the Government's wider Housing Strategy in 2011. The Government sees the occupation of empty homes as, "*a sustainable way of increasing the overall supply of housing*".

1.1.5 At a time when the demand and need for housing of all types continues to rise, the group recognised the importance of making the best use of existing stock. In this context bringing empty homes back into use is a valuable and important role for the Council to focus on in partnership with other agencies.

1.1.6 Long term empty homes restrict the supply of housing as well as having an adverse impact on the local community, especially those living next door to a long term empty property. Often empty homes are associated with problems if they become untidy, dilapidated or are not adequately secured against unauthorised entry. The Royal Institution of Chartered Surveyors estimates that homes

adjoining poorly maintained empty properties can be devalued by up to 18 per cent.

1.1.7 The group noted that empty homes work is a cross cutting issue and impacts on all of the Council's key corporate priorities:

- Continued delivery of priority services and a financially viable Council;
- A clean, smart, well maintained and sustainable Borough;
- Healthy living opportunities and community well-being;
- Children and young people who are safe, involved and able to access positive activities;
- Low levels of crime, anti-social behaviour and fear of crime;
- A continuing supply of homes, including affordable housing to buy and rent, and prevention of homelessness; and
- Sustainable regeneration of Tonbridge town centre and economic development in communities across the Borough.

1.1.8 The group endorsed the Council's decision to reconsider its position in respect of Council Tax discounts on empty homes and recommended Officers review existing empty homes work practices and protocols with the aim of streamlining processes wherever possible and taking a more proactive approach in tackling the issue.

1.1.9 A review of the existing work and protocols has been undertaken with a view to:

- Identifying one service with overall responsibility for leading and coordinating on the issue of empty homes;
- Improving information sharing across services;
- Identifying best practice in tackling empty homes and explore opportunities of working with Registered Providers and Private partners in bringing empty homes back into use;
- Introducing a more systematic way of prioritising empty homes;
- Earlier identification of empty properties to enable action to be taken before properties fall into the long term empty category; and
- Raise awareness of the empty homes issues in the Borough.

1.2 Lead Service

- 1.2.1 In order to improve the efficiency and effectiveness of empty homes work it is considered necessary to identify one service to take overall responsibility for this area of work. This will allow a more streamlined approach to progressing cases and provides for one contact for empty property owners or customers who are enquiring about empty homes.
- 1.2.2 It is proposed that Housing will be the lead service as the Private Sector Housing team already enforces the majority of the legislation in relation to tackling empty homes and deals with complaints. Clearly though there are a number of services that have expertise on different areas of empty homes work and the Private Sector Housing team will need to work in partnership across the Council.
- 1.2.3 Under S215 of the Town & Country Planning Act 1990 notices can be served where the condition of the land and property is found to be significantly detrimental to the visual amenity of the neighbouring properties or area. As part of the new way of working the Private Sector Housing Team will take the lead on S215 issues where it relates to empty homes.

1.3 Information Sharing

- 1.3.1 It is proposed to establish a corporate working group on empty homes within the Council. This will include all the services that have a role to play in empty homes work, for example, Planning Enforcement, Legal, Finance, Housing and Council Tax. This group will be led by the Private Sector Housing team and will meet at least quarterly and discuss specific cases which will facilitate co-ordinated action against long term empty property owners.
- 1.3.2 The role of the Empty Homes Working group in sharing information will be key in maintaining and improving the accuracy of empty homes data held by the different services within the Council. This sharing of information will assist in “cleansing” Council Tax data and could be used when considering any enforcement options for dealing with long term empty homes. For example Council Tax may be chasing a debt and unaware that Housing are trying to bring the empty property back into use. Improving the accuracy of the data would lend itself to a more joined up approach to recovering the outstanding debt through for example the enforced sale process.
- 1.3.3 The aforementioned is particularly relevant as the legal definition of an empty home for Council Tax purposes is different to that in Housing legislation.

1.4 Best Practice and Partnership Working

- 1.4.1 It is widely recognised that when considering best practice on empty homes work the Kent “No-Use Empty” initiative is regularly cited nationally as an example of good partnership working and a proven delivery mechanism for bringing empty homes back into use. Tonbridge & Malling Borough Council has benefitted from

the scheme in the past and it will continue to form part of the Council's Empty Homes toolkit.

- 1.4.2 There are a number of other examples across the country of innovation in empty homes work. Some rely on access to Local Authorities own funding while others work with partners such as local Registered Providers to help purchase, renovate and manage empty properties. Officers are in advanced discussions with Circle Housing Russet to enter into a partnership agreement which would see Circle Housing Russet managing properties brought back into use on behalf of the owners.
- 1.4.3 Wherever possible we will utilise the properties being returned to use for homeless households, those threatened with homelessness or those on the housing register. This will help reduce the pressure on the housing waiting list; reduce the use of temporary accommodation and help secure suitable housing more quickly than otherwise would have been the case

1.5 Prioritisation

- 1.5.1 Due to the resource intensive nature of empty homes work only a small number of problematic empty properties are actively pursued at any one time. Currently, any new empty property cases are added to a list and prioritised by the length of time they have been empty. The existing Empty Homes protocol is being reviewed and prioritisation of properties will be undertaken in a more systematic way by utilising a points system. Each property will be allocated a priority in accordance with the new system. The higher the number of points the greater the priority awarded. The empty property assessment criteria will be based on for example, the condition of the property including the gardens, whether it is attracting anti-social behaviour, impacting on the property condition of adjacent properties, the length of time the property has been empty and whether the owner has made any attempts to bring the property back into use.

1.6 Early Intervention

- 1.6.1 It is recognised that it would be beneficial for earlier signposting to empty property initiatives for example the "No Use Empty" loan scheme. This early identification and provision of advice will provide owners with necessary tools to allow them to bring the property back into use earlier so that it doesn't fall into the long term empty category.
- 1.6.2 An earlier review of those empty properties with the current three month exemption period (two month period from April 2015) can be made to provide the advisory information. Clearly the number of empties will be higher and we need to develop a strategic approach as to which owners are contacted for a review.

1.7 Raising Awareness of Empty Homes

- 1.7.1 It is proposed to make better use of the Council's website and social media to publicise empty homes work. This has already commenced with recent tweets and Facebook posts to advertise "Empty Homes Week".
- 1.7.2 Discussions are also being held between Finance and Housing to send out a joint communication on the issue when the Council Tax Bills for 2015/16 are issued.
- 1.7.3 Further work is ongoing to update the Council's website so that reporting and accessing information and advice is made easier.
- 1.7.4 Where the Council successfully brings an empty property back into use, it will publicise this accordingly.

1.8 Benefits of Reducing Council Tax Discounts

- 1.8.1 Currently an exemption applies for properties empty less than 3 months after which the full council tax charge applies, except where a property qualifies for a statutory exemption category such as awaiting probate, or where the property has been given an exemption for structural works (12 months). The Council has decided that this exemption will be reduced to 2 months from April 2015. In addition a Council Tax premium of 150 per cent is being introduced from April 2015 for properties that have been empty for longer than 2 years and are substantially unfurnished.
- 1.8.2 These changes will incentivise owners to bring empty homes back into use as well as generating additional revenue to support the ongoing delivery of services.

1.9 Legal Implications

- 1.9.1 The Council is not legally required to bring empty properties back into use but does 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.

1.10 Financial and Value for Money Considerations

- 1.10.1 Bringing empty homes 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.

1.11 Risk Assessment

- 1.11.1 If the Council does not bring empty properties back into use it will be wasting a valuable housing resource, which will potentially damage the Council's reputation and reduce the opportunity to meet the key priority of "providing a continuing supply of homes".

1.12 Equality Impact Assessment

1.12.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.13 Recommendations

1.13.1 Following the review groups recommendation that officers review existing protocols in relation to Empty Homes work, Members are asked to agree the following recommendations:

- (a) That the Housing Service takes the corporate lead for Empty Homes
- (b) A corporate working group be established to tackle the issue of Empty Homes
- (c) Raising public awareness of Empty Homes through a variety of communication medium and simplifying the process of reporting Empty Homes.

Background papers:

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Overview and Scrutiny Review Group Report
10 September 2014

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