

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

19 March 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 EMPTY HOMES

Summary

This report updates Members on the current position with empty homes within the borough, outlines a new Local Government Association report on dealing with empty homes and recommends the introduction of a new Empty Homes Officer post for TMBC.

1.1 Background

1.1.1 At a time of acute housing need the supply of housing is a key focus. The Council's Corporate Strategy for 2023 to 2027 states that "improving housing options for local people, whilst protecting our outdoor areas" is a key priority. Tackling empty homes and wherever we can bringing them back into use plays a part within this priority. The Council's Housing Strategy priority of "making best use of existing homes, improving housing quality and sustainability" also incorporates this area of work with a specific Year 2 action on empty homes policy.

1.1.2 As at 7/2/24 there were 950 empty homes as a snapshot from the Council Tax system. The table below shows the different length of times these properties have been empty for. It is important to note that there are a two developments/sites which account for approximately 120 of these empty homes, one of which should soon not appear on this list due to demolition (St Georges Court, Wrotham).

Length of time empty	Number of properties
0 to 6 months	399
6 to 12 months	252
1 to 2 years	119
2 to 3 years	35
Over 3 years	145

TOTAL	950
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1.2 Local Government Association resource

1.2.1 In November 2023 the Local Government Association (LGA) issued a new report “A practical approach for Councils on dealing with empty homes”. A copy can be found here [A practical approach for councils on dealing with empty homes | Local Government Association](#). The report aims to inform, educate and support all councils irrespective of their current levels of resource and activity on empty homes. It explores four key areas of empty home work:

- Statistics – determining accuracy and if trends match local experiences;
- Resources – can existing service models show how other councils could operate successfully;
- Best Practice - to develop and propose a number of best practice tools, and set a common standard to support councils to enhance their existing empty homes services, or from which the inception of one can be based;
- Enforcement - to gain an appreciation of the levels of appetite and use of enforcement powers by councils.

1.2.2 The report is very thorough and is a useful tool for the Council to refer to going forwards. I draw out below what I consider to be some key points for Members to be aware of:

- 1) Often overlooked for engagement and action by councils, properties left empty for less than six months can offer a detailed insight into both the numbers of total empty homes in their respective areas, but also allow for monitoring of those that are yet to reach the threshold of being empty for over six months. By expanding the understanding of all empty homes across the spectrum, the inclusion of properties empty for less than six months for consideration can allow properties to be tracked and monitored should they move closer to the six-month mark. This also allows for several additional benefits. Large clusters of new build properties, or those outlined for regeneration can be identified and intervention and engagement with owners can be started earlier in order to slow down the flow of properties on to the long-term list.
- 2) Nationally, the number of properties being charged the empty homes premium has risen year on year, with figures showing over a 10 per cent increase across the country since 2018. Whilst only a small percentage of the country’s total housing stock, the continual rise suggests that properties are remaining empty for longer, and that despite significant financial charges being placed against a property by the authority, this continues to

provide a minimal deterrent to those that can afford to pay any additional levy sums imposed.

- 3) Often used as a legitimate explanation as to why a home is left empty, second homes are a further category of unused property that can require attention and investigation by councils. As with other categories, second homes are a term used for the allocation of a property for council tax purposes, where previously owners could class their property as such in order to qualify for the relevant discount. Councils could consider whether more focus and attention is given to second homes as an opportunity to increase available housing stock quickly and effectively.
- 4) Although often focusing on the number of long term empties as well as those charged the empty homes premium, the wider picture with the inclusion of homes empty for less than 6 months, second homes and unoccupied exemptions illustrates that the issue could be considered as more widespread than initially thought. In England, there are more reported cases of second homes than there are long term empty homes, and nearly as many of each of both unoccupied exemptions and less than six months empties as there are those that are classed as long term. Long term empty homes, the main area of focus for councils, make up only a quarter of those registered as being vacant and unoccupied. With this in mind, it is critical for councils to consider the other categories of empty homes, both in terms of their procedures in dealing with complaints about them, but also how they are defined in terms of the types of property councils are willing to take action against. As previously referred to, the categories and descriptions of a property are bound by the terms used for council tax purposes, and therefore councils should consider determining their own criteria for allocating and prioritising complaints, and the properties subjected to them.
- 5) The report describes four levels of empty homes activity within local authorities depending on resources etc. These are proactive, reactive, active and inactive. We would currently assess TMBC as “active” in that we have empty homes work carried out as part of an Officer’s role, complaints are investigated with specific issues dealt with both other work on enforcement, engagement with owners, statistics is limited. Members will see the proposals below for a dedicated Empty Homes Officer role will take us to the “reactive” level and we would hope to be able to aspire to some of the “proactive” traits such as pro-active engagement with owners and statistics being actively monitored.
- 6) The No Use Empty: Kent initiative is highlighted as a case study and resource model within this report. TMBC have maintained our contact with this initiative and regularly attend the Kent empty property meetings however we have generally found the issues we come across with empty homes are not within the remit of the financial support offered through No Use Empty. However, with the dedicated Empty Homes Officer role and the

ability to proactively tackle empty homes may lead to an increase in uptake of the No Use Empty funding. The advice and assistance available from the KCC Officers in this team will prove valuable as we develop further our empty homes work.

1.2.3 The report makes eight recommendations and a summary of these is provided below:

- 1) Councils should consider developing their understanding, approach and prioritisation of the wider definitions surrounding empty homes, free from the boundaries that council tax definitions currently provide.
- 2) Despite not being a statutory function, councils should consider the opportunity to employ a dedicated resource where possible or seek creative solutions in the design of a role which links to a relevant yet complimentary function.
- 3) Where empty homes work is carried out by officers of any role level, authorities are encouraged to ensure they are supported with the tools and resources already at the council's disposal.
- 4) To develop towards a more proactive approach, and to reduce the flow of empty homes reaching the standard threshold of six months empty, councils should consider engaging with owners of properties empty for three to six months.
- 5) Councils could consider broadening the scope of empty homes work to include homes empty for less than 6 months, second homes, and those eligible for a council tax unoccupied exemption.
- 6) In respect of their empty homes work, councils are encouraged to move upwards on the activity scale to reach a wholly proactive service where possible and where resources allow.
- 7) To assist in enabling councils with their ability to move towards a wholly proactive approach, councils are encouraged to implement and develop the tools contained within this report to suit their capacity and resources.
- 8) Councils should consider implementing the proposed council tax changes as set out in the Levelling Up Bill.

1.3 Empty Homes Officer resource

1.3.1 TMBC has not to date had a dedicated Officer post for empty homes work, it has always been part of another Officer's role, for example the EHO's/Private Sector Housing Initiatives Officer role within the Housing Improvement Team. Successful Empty Homes work is a resource intensive exercise due to the complexities of working with multiple parties – the previous approach of adding this onto other

roles has resulted in the approach having to focus on specific complaint issues and ‘tinkering around the edges’ with owner engagement rather than being able to have a sustained focus on reduction in the number of Empty Homes.

- 1.3.2 The establishment of a fixed term Empty Homes Officer post would be a way to focus attention on this issue and have a time period in which to monitor progress and consider what the longer-term approach may be. The post would work within the Housing Improvement Team alongside the Housing EHO resource who would support with enforcement. The role would work closely with Council Tax colleagues on data and approach to empty homes and as already mentioned be supported remotely through the No Use Empty: Kent initiative. A key part of their role will be to liaise with our Registered Provider partners over any empty properties they may have and seek to bring them back into use as quickly as possible.
- 1.3.3 It is proposed to establish a two-year fixed term post. A job description for the post has been assessed by HR and graded at Scale 5/6.

1.4 Legal Implications

- 1.4.1 There is no statutory duty to have an empty homes resource however some of the issues that arise from empty homes fall within our housing related statutory duties e.g. housing conditions, nuisance, pest control.

1.5 Financial and Value for Money Considerations

- 1.5.1 The cost of the proposed two-year fixed term contract is estimated at £91,000. It is proposed to also create a budget of £30,000 to sit alongside this post to fund any work that enables the facilitation of empty homes being brought back into use, for example, legal expertise, mediation, survey work, promotional work. This total cost of £121,000 will be funded from the Housing Assistance Reserve which currently has a balance of £360k.
- 1.5.2 There may be occasions when bringing an empty property back into use will negatively impact on Council Tax income as there may be a loss in a premium payment. We will work with Council Tax colleagues to understand this impact and ensure that it is managed appropriately.

1.6 Risk Assessment

- 1.6.1 None

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** to **APPROVE** a two-year fixed term post of Empty Homes Officer be established;
- 1.7.2 It is **RECOMMENDED** to **APPROVE** the cost of the post (£91,000) and empty homes budget (£30,000) be taken from the Housing Assistance Reserve;

1.7.3 It is **RECOMMENDED** that Members **NOTE** the Local Government Association report for Councils on empty homes and **AGREE** that the Council will utilise this approach as the basis for the fixed term Empty Homes Officers' work programme.

Background papers:

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Nil

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