

East Herts District Council

Empty Homes Strategy 2010 - 2015

Draft for Community Scrutiny Committee

Draft v13

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Introduction

This strategy explains East Herts Council's approach to bringing empty homes back into use. It contains details of the range of powers available to us to achieve this work and how we will use these powers.

The Scope of This Strategy - What Are Empty Homes

Homes may be left empty by their owners or tenants for a range of reasons and for varying periods of time. This strategy covers all empty residential property, however properties will be prioritised for investigation and for action under the strategy based on the length of time they have been or will be left empty, the problems they are causing and the reasons for remaining empty.

It is recognised that across the country for an effective housing market to operate there will be properties unoccupied for a short period (of up to 6 months) during the transfer of ownership or between lettings. This is why the government have classified properties that have been empty for longer than 6 months as long term empty.

Experience over the past 3 years has shown that for East Herts a significant number of properties can remain empty for up to two years before being brought back into use. It is because of this high turnover of properties empty for up to two years that the focus of empty property work for East Herts will be on those properties that have remained empty for more than two years.

The Problems Associated With Empty Homes

Long term empty homes are a wasted resource; they can cause problems for their owners and have a negative impact in their neighbourhood. Specifically empty properties can:

- attract crime and anti-social behaviour
- provide shelter for criminal activity.

If not adequately maintained empty homes can also:

- become unsightly
- cause damage to neighbouring properties
- lead to accidents if children use them as play places.

The Royal Institution of Chartered Surveyors estimates that properties adjoining poorly maintained empty homes can be devalued by 18 per cent.¹

Empty homes also cost their owners money in maintenance, insurance and council tax. In some cases this can badly affect vulnerable owners who feel they need to renovate a property but are unable to afford the cost of renovation, yet are paying simply to leave the property empty.

¹ Department for Community and Local Government – Our Policy on Empty Homes.
www.communities.gov.uk

The Benefits of Bringing Empty Homes Back Into Use

Returning an empty home to use has benefits for the whole community. Including:

- reducing the reality and fear of crime and antisocial behaviour
- improving the look and feel of the area
- increasing available housing in established locations
- reducing the need for new development
- providing either capital or income for the owner

Bringing more long-term empty homes back into use is a sustainable way to meet housing demand and helps to reduce the need to build new houses.

Strategic Context for Empty Property Work

National and Regional Context

The Government, through the Department for Communities and Local Government, are encouraging Local Authorities to tackle the problem of empty homes in their districts.

“Empty homes account for 3 per cent of the housing stock. The overall vacancy rate has reduced by 9 per cent since 1997 from 763,234 to 697,055. Of the 697,055 vacant properties in 2008, 293,728 were identified as private sector vacancies of six months or longer....

... Local authorities have an important role to play in tackling the serious problems caused by empty properties. The Government recognises that local authorities often work well to present incentives for property owners to bring their properties back into use of their own accord. Where enforcement action is necessary, there are a range of options that can be used, including a compulsory purchase, an enforced sale or an EDMO..”²

In their report of September 09 “Building Better Lives – Getting the most from strategic housing” - the Audit Commission identified the return to use of empty homes as part of the model of good delivery for a strategic housing function, and recommends that Councils with housing responsibilities should “identify and work with owners of empty properties, using regulatory sanctions where necessary, to bring more empty homes back into use”.

The East of England Regional Authority states in its Housing Strategy:

“Local Housing Authorities should maintain an up-to-date register of empty homes, and develop an active approach to bringing empty homes back into use that includes working with housing associations with specialist knowledge, use of empty homes

² Department for Community and Local Government. www.communities.gov.uk

management orders and compulsory purchase, and developing empty homes charters to raise awareness of the issue. Any additional income from Council Tax charges for empty homes should be considered for recycling to bring more empty homes into use. Sub-regional/cross boundary working on empty homes should be encouraged where possible.”³

The most recently published national empty homes figures are those for 1 April 2008 as recorded in the annual Housing Strategy Statistical Appendix (**HSSA**). The table below gives the number of homes empty for over 6 months for England broken down by region.

Region	Total empty homes	Percentage of homes empty	Private homes empty more than 6 months
North East	43,968	1.41%	17,595
Yorkshire & the Humber	92,409	4.06%	40,996
East Midlands	62,584	3.25%	28,485
East of England	65,239	2.65%	27,858
London	82,327	2.51%	28,344
South East	91,074	2.53%	33,844
South West	59,237	2.54%	22,099
West Midlands	72,329	3.10%	32,534
North West	129,073	4.15%	61,973
ENGLAND	698,240	3.10%	293,728

The Government previously had a Best Value Performance Indicator (BVPI 64) specifically to measure local authorities’ performance on empty homes work. Whilst this is no longer a national indicator many authorities retain it as a local indicator. BVPI 64 is defined as: “Number of non-local authority-owned vacant dwellings returned to occupation or demolished during the financial year as a direct result of action by the local authority.”

BVPI Past Performance and Future Targets

Performance in 2004/05	Performance in 2005/06	Performance in 2006/07	Performance in 2007/08	Performance in 2008/09
6	25	14	12	12

Recognising the additional workload associated with tackling the more problematic empty homes the target for the number of homes brought back into use in the future has been reduced slightly to 10 with the expectation that from 2010/11 two of these properties will have been longer term or problematic empty homes.

³ Regional Housing Strategy for the East of England: 2005 - 2010

Local Context

Within East Herts our Empty homes work contributes to many of the Council's Corporate Priorities including:

Promoting prosperity and well-being; providing access and opportunities

Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable

Pride in East Herts

Improve standards of the neighbourhood and environmental management in our towns and villages

Caring about what's built and where

Care for and improve our natural and built environment

The Empty Homes Strategy sits within the suite of strategies under the umbrella of the overall Housing Strategy.

In its Housing Inspection Report, September 2006, the Audit Commission highlighted our focus on bringing private sector empty homes back into use as a strength.

The figures from the 2008 HSSA return show that within Hertfordshire East Herts has the second highest number of Private Sector homes empty for more than six months although as a percentage of total homes empty we rank 4th.

Local Authority/ Borough	Total empty homes	Percentage of homes empty	Private homes empty more than 6 months
Broxbourne	769	2.00%	225
Dacorum	1,509	1.68%	673
East Hertfordshire	1,299	2.25%	627
Hertsmere	1,033	2.55%	354
North Hertfordshire	924	1.74%	410
St Albans	1,446	2.55%	407
Stevenage	338	0.97%	164
Three Rivers	578	1.61%	357
Watford	946	2.67%	297
Welwyn Hatfield	713	1.58%	291

Care must be taken when considering the HSSA data as this excludes certain categories of empty homes eg those left empty by people receiving care away from the home including in hospital or care homes. Some of these homes will be left empty for several years.

The empty homes in East Herts are spread across the District, with all wards and all but 4 parishes having at least 1 private home empty for more than 6 months. The table below shows the concentration of empty homes in the main towns of the district, and those other parishes with 10 or more empty homes, empty for more than 6 months. These figures include all empty homes not just those reportable in the HSSA.

Parish	Private homes empty more than			
	6 months	1 year	2 years	10 years
Total for East Herts	683	438	233	34
Bishop's Stortford	142	87	44	5
Hertford	133	66	31	3
Sawbridgeworth	57	41	23	3
Ware	56	32	17	6
Standon	35	25	16	2
Buntingford	20	11	6	1
Much Hadham	18	12	8	1
Little Hadham	14	5	3	1
Watton at Stone	11	7	4	0
Stanstead Abbotts	10	10	5	1

Figures taken from Council Tax data at 1st April 2009

Due to current system constraints the numbers of properties shown to be empty for more than 10 years is inaccurate. Improved data will be inserted into this table as and when it becomes available.

Why homes are left empty

In 2005 the Government Office for the East of England commissioned a Research study by MORI Social Research Institute in order to understand the reasons why privately owned properties in the East of England have been empty for some time. The survey was based on a sample of Local Authorities selected as representative in the region. In total 3,294 empty properties were used for the survey.

Of those that responded who were still the owners of the empty home, a wide range of reasons were given when asked why the property is currently empty. These are approximately in line with the response to a similar question asked of empty home owners in East Herts. The most common reasons being:

- It is being repaired/renovated
- I am trying to sell/let it
- It needs repairs/renovation
- I am planning to repair/renovate it soon
- I don't want the trouble of tenants living there

A further significant set of reasons given by empty home owners in East Herts reflect the issues of accommodation associated with commercial premises (eg flats over shops) ie problem with sub-letting,

security and noise. It is often difficult to get any response to this question from the owners of homes left empty for several years although some of these owners in villages and more rural areas of the district have responded that they are waiting until planning permission is granted for demolition and redevelopment.

The Housing Market and Housing Need In East Herts

The District of East Herts is located 15 miles north of London and is 477 square kilometres in area. At the time of the 2001 census the population of the district was 129,000, with the most recent Mid year population estimate data from the Office of National Statistics giving a figure of 135,500 for 2008. The District's five towns are Bishop's Stortford, Sawbridgeworth, Buntingford, Hertford and Ware. One in three of the District's population lives in small villages and hamlets, of which there are over 100.

Overall Hertfordshire has a faster population growth rate (5.8%) than the average for England and Wales (4.5%) and within Hertfordshire, the population has grown most in East Herts (11.7%). (Figures from 1991 to 2004 – the most recent date for which estimates are available).

East Herts benefits from amongst the lowest unemployment rates in the UK (3.5%)⁴ and one of the lowest crime rates in the country, and the lowest in Hertfordshire. The local economy is based on the service sector. The growth of Stansted Airport has had a major impact on the area. House prices are high, and the demand for housing considerably outstrips supply.

According to the Land Registry, for the period April-June 2009 the average price of a flat or maisonette in the District was £169,294 and a terraced house £231,335. The average price of all properties in the District was £272,597. This compares to £233,564 for the whole of Hertfordshire and £264,906 for the South East of England.

There is a clear affordability problem in East Herts for low-income households. The East Herts Housing Needs Survey 2000 concluded that the private rented sector is not accessible to lower paid workers unless they can contribute a very high proportion of their disposable income. The survey also concluded that first time buyers earning £25,000-£30,000 per annum could access cheaper flats and terraces, dependent upon availability and condition, with income of £30,000-£35,000 required for access to average terraced housing. The update to this survey for 2005 found that with increases in both house prices and private rent levels in excess of wage inflation, access to market housing has become more difficult for new households than it was, increasing the pressure on subsidised affordable housing.

⁴ ONS Annual Population Survey Apr 08 – Mar 09

The Draft East of England Regional Plan proposed significant increases in housing provision which would have included:

- An extra 79,000 homes in Hertfordshire by 2021.
- One in four of those properties - 20,800 - to be built in East Herts.
- At least 10,000 homes to be built on greenfields north of Harlow.
- Plus 2,000 on the outskirts of Bishop's Stortford.
- A housebuilding rate of more than 1,000 new homes needing to be constructed every year.

Whilst East Herts Council have disputed the basis for calculating the increased provision, and therefore the numbers given in the East of England report, there is a clear need for new housing in the district.

Strategic Aim and Objectives

The Key aim for our empty homes work is:

Bring empty properties back into use and tackle those that are long term, are problematic or could meet specific housing need in rural areas.

This will be achieved by working towards the following objectives.

1. Ensure the availability and effective use of information on empty homes within the district

Through the maintenance of a database of all empty homes using information from Council Tax and other areas of the Council, supported by information from owners and other individuals.

2. Maintain effective partnership working within the Council and with external partners

Effectively using Council resources in identification and investigation of empty homes, and in prioritising for action if required. Working with external partners to support empty homes activities.

3. Raise the awareness of empty homes in East Herts and encourage action to bring them back into use

Effectively publicising the opportunities there are to help bring empty properties back into use for the owners and for those affected by an empty property in their locality. Encourage owners to take up the opportunities.

4. Enhance the character of the local community through improvement and reuse of empty homes.

Prioritise for action those empty homes that are problems in their local neighbourhoods and those that could alleviate particular housing need.

5. Take enforcement action where appropriate and where resources permit.

Where a property is prioritised for action and the owner refuses to bring the property into use, undertake the most appropriate enforcement action for that situation.

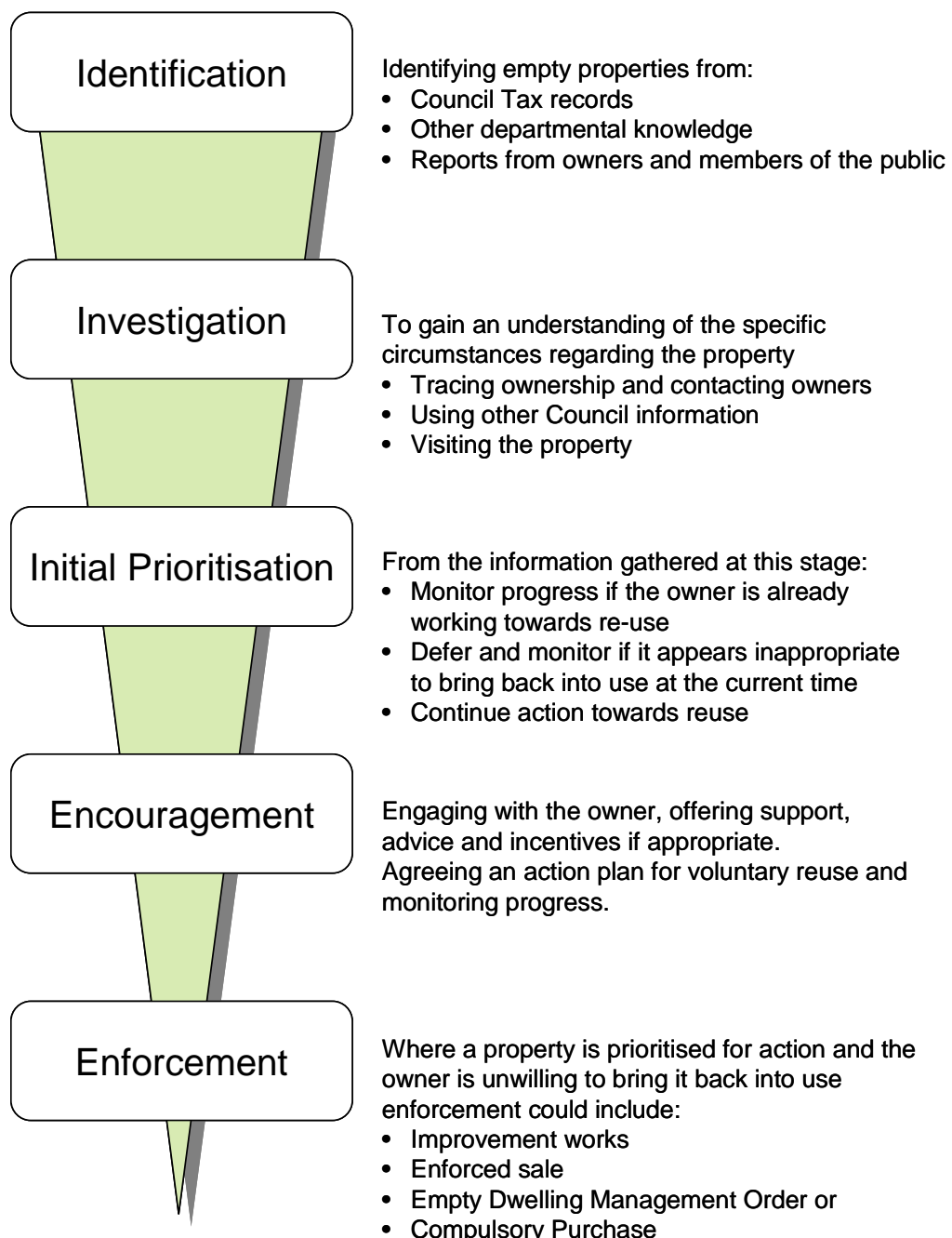
6. Develop opportunities to bring back homes in partnership with Registered Social Landlords where this supports the overall housing strategy.

Develop general schemes with partner RSLs which can be offered to the owners of empty homes. Work with RSLs on individual cases where this could provide the most effective use of the property.

Our Approach to tackling Empty Homes

We would hope to encourage the owners of empty homes to bring them back into use voluntarily. Our approach is focused initially on engaging with the owners offering support, advice and, where appropriate, offering grants, or the opportunity to make use of leasing schemes or other arrangements with RSL's. However, where an owner is unwilling to bring the home back into use, and it is either causing a specific problem within its neighbourhood, or would meet a particular housing need, we will consider the use of the enforcement powers available to us.

The diagram below outlines the stages in our approach each of which are then described in more detail.



Step 1 – Identification

Certain classes of empty property can claim Council Tax exemption or discount (see Appendix 1). All these will be considered empty for the purposes of this strategy though the action taken will vary according to the individual circumstances. Where Council Tax is the source of identification only those properties that have been empty for more than 6 months will be subject to initial investigation at Step 2 below.

The owners of some empty homes will choose not to apply for discounts and these properties will only become known to us through local officer knowledge or through complaints/notification from members of the public. Regardless of whether Council Tax discounts or exemptions are claimed, all identified empty properties will be covered by this strategy.

Officers, Councillors and members of the public will be encouraged to report empty properties and owners will be encouraged to contact us for support and advice for properties that either are, or may become, empty. All properties reported to us in these ways will be investigated.

Step 2 - Investigation

Initial letters will be sent to the owners of properties identified as empty. At this stage we are seeking to identify:

- why the property is empty,
- what plans the owner has for the property, and
- what if anything is preventing the owner from bringing the property back into use.
- what assistance we can give to help bring the property back into use in partnership with the owner

Depending on the response (or lack of response) from the owner, the nature of any complaint received, and on resource constraints an initial visit may be made to investigate the condition of the property.

Step 3 - Initial Prioritisation

As a result of our initial investigation, an assessment of the property is made and the property will be put into one of three broad categories based on the process to be followed:

- **Monitor Progress**
Where there is the likelihood that the owner will bring the property into use within a short timescale. (This may include properties that are being marketed for sale or rent and those where the owner is currently renovating or developing the property or has plans to do so).
- **Defer And Monitor As Required**
This group will include those where there are no immediate complaints about the property and the property is not either in a priority group because of the length of time it has been empty or is not in an area where a search for appropriate sites is underway following a housing need assessment.

There will also be properties where it may be inappropriate to pursue re-use at this time. These may include: properties considered as annexes located within or close to a main dwelling, properties being held for an unwell or elderly relative, or some which are probably beyond economic repair possibly in remote or hard to access locations.

- **Continue Action**

All other properties will come into this category and the next step of the process will be followed.

Step 4 – Encouragement

As our preference is that owners will bring back properties voluntarily, we place a strong emphasis on the encouragement we can provide to empty home owners. Where owners have made contact with us (either to report their property as empty, or as a response to our making contact with them) we will continue the dialogue, trying to show them that it is in the best interest of themselves and of their community that the property is reoccupied. Where we have not yet had a response from the owner, we will continue our efforts to engage them in a dialogue.

Once in dialogue with the owner the range of support and advice we can offer (either directly or through other agencies) includes:

- General advice on their options for returning their property to use (including a range of council initiatives outlined below).
- Assistance with identifying the best course of action for their situation.
- Guidance on accessing other Council services.
- Help identifying the works that may be required to bring the property back to a habitable standard.

We will also work with RSLs and other partners to develop schemes that will support the voluntary return to use of properties. Examples of current schemes are:

- A Housing Association Leasing Scheme, allowing owners to lease the property to an RSL for a three year period (or longer in particular circumstances) during which time the owner receives a fixed monthly income from the property and the RSL will undertake the property management, subletting to tenants introduced by our Housing Options team or the general rental market as appropriate for the property. This scheme is part of a wider framework that also gives support for the management of properties under Empty Dwelling Management Orders
- The PLACE project – Private Leased Accommodation Converting Empties. We are one of 5 Local Authorities in a consortium who successfully bid for Government capital grant funding of £3.5 million for an empty homes renovation and lease project. The project was initially due to run as a pilot over 2 years (starting 2006). The project allows us to fund the renovation of longer-term empty properties to decent home standard in partnership with RSL's. An RSL will

undertake to manage the renovation works and will then manage the property under a 3 year lease from the owner. Tenants will be introduced by our Housing Options Team. Due to delays at the start of the project and the limited resources available to promote and follow up properties suitable for the scheme there has been a lower than anticipated take up and the period for the project had been extended. The consortium are proposing a variation to the scheme allowing for:

- some contractor resource to be funded from the interest accrued
- greater flexibility in the amount to be spent per property
- funding of repairs needed to properties subject to Empty Dwelling Management Orders.

We will continue to take opportunities to develop such schemes with RSL's or other partners and offer these to empty home owners.

Grants and/or loans may be available to potential owner/occupiers or landlords of empty properties through our Private Sector Housing Assistance Policy. Currently this includes a specific loan scheme to help category 1 key workers renovate an empty property. Brief information about our grants and loans is included in the initial correspondence with owners and more will be provided where appropriate.

Where an owner agrees to bring their property back into use we will continue to support the owner as appropriate and will monitor progress.

Step 5 – Enforcement

Where, after repeated attempts, we are unable to enter dialogue with an owner or where an owner refuses to consider bringing back their property to use, we will consider taking enforcement action. Any enforcement action will be undertaken in accordance with the Regulators Compliance Code and the Council's relevant enforcement policies and in particular the Private Sector Housing Enforcement Policy.

Possible enforcement action includes:

- **Improvement works**

Where a property is in a poor state of disrepair or is affecting a neighbouring property or the surrounding area there are various powers that can be used to bring about improvements (see Appendix 2 for a table showing these powers). Where it is decided that the use of these powers is appropriate, notices will be served on the owners requesting that they carry out the required works. If the owners do not comply with the notices the Council may carry out works in default and subsequently request repayment of our costs from the owner.

Simply carrying out improvement works may not in itself bring about the reoccupation of the property but should alleviate some of the problems it is causing. The fact that an owner has been put to additional expense may be the trigger to encourage them to then bring it back into use themselves. If the owner fails to pay for works that we undertake in default then this may allow us to pursue the next option below.

- **Enforced Sale**

Where works in default have been undertaken at a property the debt can be secured on the premises by making a local land charge or by registering it as a caution on the land registry certificate. If the owner fails to repay the debt this power enables the Local Authority to recover its debt through the enforced sale of the property.

- **Compulsory Purchase Orders**

Local Authorities have the power to acquire land and property compulsorily where the owner is not willing to sell by agreement. This applies to underused or ineffectively used property/land for housing purposes if there is housing need in the area. Compulsory purchase can be approved where acquisition will allow improvements or redevelopment to take place, providing that the improvement/redevelopment contributes to the promotion of economic, social or environmental well being. Compulsory purchase is a potentially costly and time-consuming process and will be used as a last resort where attempts at encouragement have failed and where other enforcement actions are not seen to be viable.

- **Empty Dwelling Management Orders (EDMO's)**

Empty Dwelling Management Orders are a discretionary power introduced in the Housing Act 2004 that came into force in April 2006. They allow Local Authorities to take management control of certain empty properties for initially up to 1 year (under an interim EDMO) and then for 7 years (under a final EDMO). Under an interim EDMO the authority can only grant tenancies with the permission of the owner but under a final EDMO the owner's consent is not required. We are proposing to work in partnership with a Registered Social Landlord (RSL) to allow us to use these powers in appropriate situations. Once we have determined that an EDMO is the most appropriate course of action for a particular property and the Residential Property Tribunal have authorised an interim EDMO, the partner RSL will support us in managing the property. If we then make a final EDMO, the RSL will be granted a tenancy on the property, and will manage it, sub-letting to tenants either introduced by our Housing Options team or through their direct marketing organisation.

When considering enforcement options each case will be assessed on its merits and the most appropriate course of action decided. Where enforcement action is deemed appropriate the relevant Ward Councillors and the Executive Member will be informed. In some cases it will be decided that even though the owner is unwilling to consider bringing their property back into use voluntarily, there is insufficient reason to pursue enforcement action due to the type and location of the dwelling and to the property being well maintained. If enforcement action is deemed inappropriate at that time the property will be recategorised to “defer and monitor” as at Step 3 – Initial Prioritisation. If whilst preparing for enforcement action the owner decides to take voluntary action to bring the property back into use this will be the preferred route providing we have not incurred significant costs. If we delay enforcement action to allow the owner to take voluntary action the situation will be closely monitored.

Delivering the Strategy

Resourcing and Partnerships

The Empty Homes Officer within Health and Housing will lead on the delivery of the Empty Homes Strategy. However effective delivery will require coordinated support from officers in many other services within the council. Principally:

- Council Tax
- Environmental Health
- Development Control
- Building Control
- Housing Strategy
- Housing Options
- Community Safety
- Legal

Councillors will be encouraged to support the Empty Homes Strategy by reporting empty properties within their wards and discussing the problems associated with them.

Town and Parish Councils will be offered the opportunity to discuss the situation within their towns and parishes and share information on any problems arising from empty properties.

In addition a network of external contacts will be developed and maintained including:

- Community Police
- Local Estate and Letting Agents
- Local Housing Associations

Sub-regional and cross regional working through the London Commuter Belt Private Sector Housing Group and the Herts, Beds and Bucks Empty Homes Forum will be supported in order to achieve efficiencies through shared development work and best practice.

Through these groups we will also seek additional funding for specific empty homes projects.

Use of Empty Homes Information

The empty homes database will contain sensitive, personal data. It must be used with care to serve the needs of the council in returning empty properties to use, with concern for the privacy of empty homes owners and the security of their properties. There can be benefit in sharing this information with other responsible partners to support the investigation and return to use of empty homes. Information will only be shared with others beyond the main supporting services following discussion with and approval from the Information Officer and Legal Services. It is expected that usually only those properties categorised for further action at either Step 3 – Investigation or Step 5 – Enforcement of our approach will be included in any shared lists of empty homes.

Action Plan

Appendix 1 - Council Tax Exemptions relating to Empty Properties

CLASS A *Uninhabitable, altered & repaired dwellings*

A dwelling that is vacant and requires, or is undergoing, major repair work to render it habitable or is undergoing structural alteration.

The exemption lasts for a maximum of 12 months and may include a period of up to 6 months after the work is substantially complete if it remains vacant. However, once the property is occupied, the exemption ceases immediately. (Properties that have been in Class A for a year or more prior to 1 April 2000 will be liable for a 50% charge from 1 April 2000).

CLASS B *Dwellings owned by charities*

An unoccupied dwelling owned by a charity which was last occupied in accordance with the objectives of the charity. The exemption will be for a maximum of 6 months from the date that it was last occupied.

CLASS C *Unoccupied dwellings*

An unoccupied and substantially unfurnished dwelling. The exemption will be for a maximum of 6 months from the date that it was last occupied.

CLASS D *Dwellings left empty by prisoners*

An unoccupied dwelling which either:-

(a) would be the sole or main residence of a qualifying person detained elsewhere in the circumstances specified in paragraph 1 of Schedule 1 to the Local Government Finance Act 1992 but for his detention, or

(b) was previously the sole or main residence of such a person, if he has been a relevant absentee for the whole period since it last ceased to be such. For the purposes above, a dwelling shall be regarded as unoccupied if its only occupant or occupants are persons detained elsewhere in the circumstances mentioned;

'Qualifying person' means a person who would, but for this exemption, be liable for the Council Tax in respect of the dwelling as owner whether or not jointly with another person.

'Relevant absentee' in relation to a dwelling means a person who is detained in prison.

CLASS E *Dwelling left empty by patients in hospitals and care homes*

An unoccupied dwelling which was previously the sole or main residence of a qualifying person who:-

- a. has his sole or main residence elsewhere in the circumstances specified in paragraph 6, 7 or 8 of Schedule I to the Act; and has
- b. been a relevant absentee for the whole of the period since the dwelling last ceased to be his sole or main residence.

'Qualifying person' means a person who would, but for this exemption, be liable for the Council Tax in respect of the dwelling as the owner whether or not jointly with another person.

'Relevant absentee' in relation to a dwelling means a person who has his/her sole or main residence in a hospital or home.

CLASS F Dwellings left unoccupied by deceased persons

An unoccupied dwelling in relation to which person is a qualifying person in his capacity as personal representative and no person is a qualifying person in any other capacity, if either no grant of probate or of letters of administration has been made, or less than 6 months have elapsed since the day on which such a grant was made.

CLASS G Occupation prohibited by law

An unoccupied dwelling the occupation of which is prohibited by law, or which is kept unoccupied by reason of action taken under powers conferred by or under any Act of Parliament, with a view to prohibiting its occupation or to acquiring it.

If such a dwelling were occupied illegally, it would not be exempt, and the residents would be liable.

CLASS H Clergy Dwellings

An unoccupied dwelling which is held for the purpose of being available for occupation by a minister of any religious denomination as a residence from which to perform the duties of office.

CLASS I Dwellings left empty by people receiving care

An unoccupied dwelling which was previously the sole or main residence of a qualifying person who:-

- a. has his sole or main residence in another place (not being a hospital, residential care home, nursing home, mental nursing home or hostel within the meaning of paragraphs 6,7 or 8 of Schedule I of the Local Government Finance Act 1992) for the purpose of receiving personal care required by him by reason of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder; and
- b. has been relevant absentee for the whole of the period since the dwelling last ceased to be his residence.

'Relevant absentee' in relation to the dwelling means a person who has

his/her sole or main residence in another place for the purpose of receiving care.

CLASS J *Dwelling left unoccupied by people providing care*

An unoccupied dwelling which was previously the sole or main residence of a qualifying person who -

(a) has his sole or main residence in another place for the purpose of providing, or better providing, personal care for a person who requires such care by reason of old age, disablement, illness, past or present alcohol or drug dependence or past or present mental disorder, and

(b) has been a relevant absentee for the whole of the period since the dwelling last ceased to be his residence.

'**Relevant absentee**' in relation to a dwelling means a person who has his/her sole or main residence in another place for the purpose of providing care.

CLASS K *Dwellings left unoccupied by students*

An unoccupied dwelling

- a. which was last occupied only by one or more students whose sole or main residence it was; and
- b. in relation to which a qualifying person is a student who fulfils the description in paragraph (a) above and who has been a student for the whole of the period since the dwelling last ceased to be his residence.

CLASS L *Mortgagee in possession*

Unoccupied dwelling where a mortgagee is in possession under the mortgage.

CLASS Q *Bankruptcy*

An unoccupied dwelling in relation to which a person is a qualifying person in his capacity as a trustee in bankruptcy under the Bankruptcy Act 1914 or the Insolvency Act 1986(C).

This is an extract from the full list of Council Tax Exemptions and only covers those exemptions that apply to empty properties. The full list can be viewed on our website.

Appendix 2 - Powers Available to Improve Empty Properties.

Problem	Legislation	Action required
Dangerous or dilapidated buildings	Building Act 1984, section 77 and 78	Requires the owner to make the property safe or enable the Local Authority to take emergency action to make the property safe
Property in such a state as to be a nuisance (e.g. leaking gutters causing dampness in adjoining property)	Environmental Protection Act 1990, section 79	Requires the owner to take steps to abate the nuisance
Unsecured property posing a risk of unauthorised entry or likely to suffer vandalism, arson or similar	Local Government (Misc.Prov) Act 1982, section 29	Requires the owner to take steps to secure the property or allows the Local Authority to board it up in an emergency
	Environmental Protection Act 1990, section 80	
	Building Act 1984, section 78	Allows the Local Authority to fence off the property
Blocked or defective drains or private sewers	Local Government (Miscellaneous Provisions) Act 1976	Requires the owner to address obstructed private sewers
	Building Act 1984	Requires the owner to address blocked or defective drains
	Public Health Act 1961	Requires the owner to address defective drains or private sewers
Vermin either present or a risk of attracting vermin that may detrimentally affect peoples health	Prevention of Damage by Pests Act 1949, section 4	Requires the owner to take steps to clear the land of vermin and/or requires the owner to remove waste likely to attract vermin
	Environmental Protection Act 1990, section 80	
	Public Health Act 1961, section 34	
	Building Act 1984, section 76	

	Public Health Act 1936, section 83	
Unightly land or property affecting the amenity of the area	Public Health Act 1961, section 34	Requires the owner to remove waste from the property
	Town and Country Planning Act 1990, section 215	Requires the owner to address unsightly land or external appearance of the property
	Building Act 1984, section 79	Requires the owner to address the property adversely affecting the amenity of the area through its disrepair

Appendix 3 – Supporting Documents and Consultation

A wide variety of documents and other information sources have been used in the development of this strategy. The key documents/sources used are listed below:

- Department for Community and Local Government – Our Policy on Empty Homes. www.communities.gov.uk
- Department for Community and Local Government. www.communities.gov.uk
- Regional Housing Strategy for the East of England: 2005 – 2010
- Empty Homes Agency web resources. www.emptyhomes.com
- A cure for Empty Homes – Document produced by David Ireland of the Empty Homes Agency for the Improvement and Development Agency (I&DeA)
- East Herts Council Housing Strategy
- East Herts Council Private Sector Housing Assistance Policy
- East Herts Council Private Sector Housing Enforcement Strategy
- Audit Commission Report - September 09 “Building Better Lives – Getting the most from strategic housing

The Strategy was made available for consultation on the East Herts website and key contacts, including town and parish councils were made aware of the opportunity to comment.

Appendix 4 - Glossary of Terms

Best Value Performance Indicator (BVPI)/National Indicator (NI)	
	<p>Best Value Performance Indicators (BVPIs), now replaced by National Indicators, are a statutory set of indicators developed by Government Departments to measure the performance of local authorities. The data is collected and audited annually by the Audit Commission.</p> <p>BVPI's are designed to:</p> <ul style="list-style-type: none"> • enable central Government to monitor progress over a period of time • allow authorities to compare their performance against that of their peers • provide residents with information about the performance of their local authority
Priority1 Key Workers	
	<p>Key workers are defined as people providing services to residents of East Herts.</p> <p>Priority 1 key workers are Fire Fighters, Police, Teachers, Health Service and social care workers and key East Herts Council and Herts County Council employees. Key East Herts Council and Herts County Council employees are those where the employer is experiencing recruitment or retention problems associated with the cost of accommodation in the district.</p>
Compulsory Purchase Order (CPO)	
	<p>Compulsory Purchase Orders are powers granted to Local Authorities that allow them to undertake compulsory acquisition of land and/or properties.</p> <p>There are two areas of legislation which confer these powers:</p> <ul style="list-style-type: none"> • Housing Act 1985 Section 17 allows Local Authorities to acquire houses for the provision or improvement of housing • Town & Country Planning Act 1990 section 226 (as amended by the Planning and Compulsory Purchase Act 2004) allows acquisition of land if the acquisition will facilitate development, redevelopment or improvement
East Of England Region/ Go-East	
	<p>The East of England Region covers Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk and is made up of 9 sub regions. East Herts falls within the</p>

	<p>London Commuter belt sub region.</p> <p>Go East is the Government Office for the East of England. Government Offices are part of the Department for Communities and Local Government, which covers regional and urban policy, local government, planning, housing and regeneration. It brings together into a single operation the varied regional activities of a range of Government departments.</p>
Empty Dwelling Management Order (EDMO)	
	<p>An EDMO is a discretionary power introduced in the Housing Act 2004 that gives Local Authorities to take over the management of a residential property that has been empty for more than six months.</p> <p>There are two types of EDMO</p> <ul style="list-style-type: none"> • an Interim EDMO lasting for up to 12 months under which the Local Authority requires the owners consent to let the property • a final EDMO which can only follow an interim order and which can last for up to 7 years. Under a final EDMO the Local Authority has full management of the property and can undertake repairs/renovations and can grant tenancies without the owners consent. <p>A Local Authority applies to a Residential Property Tribunal to obtain an interim EDMO but does not need their approval if it decides a final EDMO is required to follow the interim order.</p>
Enforced Sale	
	<p>A process, under the Law of the Property Act 1925, that allows a Local Authority the power to enforce the sale of a property on which it has a registered debt. The debt is recovered from the proceeds of the sale.</p>
Regulators Compliance Code'and the Council's relevant enforcement policies.	
	<p>The 'Regulators Compliance Code', a Statutory Code of Practice for Regulators was brought in under the provisions of the Legislative and Regulatory Reform Act 2006 to promote the Government's better regulation agenda. Intended to encourage regulators to achieve their objectives in a way that minimises the burdens on those they regulate, the purpose of the Code is to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement among the regulators to which it applies.</p> <p>Within East Herts Council we have an overall enforcement policy for the Council and supplementary policies for specific</p>

	<p>areas. These can be found on our website. (www.eastherts.gov.uk)</p>
<p>Housing Strategy Statistical Appendix (HSSA) return</p>	
	<p>Data on various aspects of housing in the District, including numbers of empty homes, taken as a snapshot on the 1st of April each year and reported to the Department for Communities and Local Government.</p>
<p>Private Sector Housing Assistance Policy</p>	
	<p>This policy explains the way in which the Council provides financial and other assistance to owners and occupiers of private sector housing within the district.</p> <p>A copy of the policy is available on our website.</p>
<p>Private Sector Leasing (PSL)</p>	
	<p>An arrangement by which a local authority or housing association leases a property from an owner in the private sector for a fixed period and then sub lets to tenants usually introduced by the local authority.</p>
<p>Registered Social Landlord (RSL) / Housing Association (HA)</p>	
	<p>A not for profit organisation registered with the Homes and Communities Agency for the purpose of providing social housing.</p>

DIVERSITY

The Council is committed to equality of access to its services and has adopted a 'Diversity and Equality Policy'. This policy will be followed by officers when carrying out their duties. The policy statement reads as follows:

'East Herts Council is firmly committed to providing and promoting equality for all its employees and the wider community. The Council has adopted this policy to ensure equality influences the way we provide services and the employment of staff. To achieve this we will endeavour to create an environment in which there is respect for every individual and recognition that no member of the public, employee, potential employee, service user or Councillor will be discriminated against irrespective of their gender, race, ethnicity, colour, marital status, disability, age, sexuality, family responsibilities, religion, trade union involvement or political beliefs. Neither shall they be disadvantaged by conditions or requirements that cannot be shown to be justifiable for health and safety or legal reasons. This is not an exhaustive list and the Council recognises that there are other groups who may face unlawful discrimination.

In respect of race equality the Council has adopted the McPherson's definition of a racist incident 'a racial incident is any incident which is perceived to be racist by the victim or any other person'.

The Council follows the Codes of Practice of the Commission for Racial Equality and Equal Opportunity Commission, and it is committed to achieving the Equality Standard for local government.

We believe in the need to eliminate unlawful discrimination and to promote equality of opportunity in all that we do. We recognise the rich diversity of East Hertfordshire's population as a strength and we aim to treat all people with dignity and respect whilst recognising the value of each individual and the positive contribution they make to the diverse community and workforce.'

During the period 2010/2011 an equalities impact assessment will be completed for this strategy.

HAVE YOUR SAY

This policy is regularly reviewed and updated - please tell us your views on the policy and include any comments or questions you have for us via email:

1.

environmental.health@eastherts.gov.uk OR

2.

use the space below and return to the following address:
Environmental Health Service, East Herts Council, Wallfields, Pegs Lane, Hertford. Herts. SG13 8EQ

Name: (Optional)

Address: (Optional)

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WITH THE COMMUNICATIONS TEAM.**