

ESSENTIAL REFERENCE PAPER C

East Herts District Council

Empty Homes Strategy 2016 - 2020

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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 has shown that for East Herts a significant number of properties identified as long term empty (ie that have been empty for 6 months) will be back in use within two years. Whilst it is recognised that any empty property can be a problem and therefore all owners of long term empty properties should be contacted to encourage the return to use in a short timescale, to continue to try to contact unresponsive owners at this stage is resource intensive. The focus of more significant work will be on those properties that have been empty for more than two years or have received complaints.

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
- reduce the value and ease of sale for an adjoining property

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.

Why homes are left empty

In September 2015 Empty Homes – the national charity produced a report entitled Empty Homes in England in which they summarised the common reasons why properties are empty for a long period of time as:

- A landlord previously rented out a property and it now needs a lot of work before it can be let again and the landlord is unable to find the money to get the works done.
- Someone has inherited a property (perhaps jointly with another family member) and is unsure what is best to do: whether to sell, rent, or move into it.
- People have bought properties to do up and for a variety of reasons, including the pressure of other commitments and financial constraints, are taking a long time to complete the works or the works have stalled.
- People are holding a property empty anticipating a rise in its market value before seeking to sell it. Added to which, some people have unrealistic expectations of the price their property could fetch given the local market.

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/access and noise

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

Since the change in government in 2015 no new Housing Strategy has been published. The previous Coalition Government's Housing Strategy, *Laying the Foundations* (November 2011) set out in Section 5 its strategy for empty homes.

The summary for this section states the government's commitment to bringing empty homes back into use as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities

Over the past five years this has meant:

- new Homes Bonus paid to Local Authorities for empty homes brought back into use
- practical advice to local authorities and communities to help them address empty homes with an online toolkit and mapping for empty homes delivered through the homes and communities agency
- funding to bring problematic and clusters of empty homes back into use
- the option for councils to levy an 'empty homes premium' on the Council Tax payable

Local Context

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

People – Fair and accessible services for those that use them and opportunities for everyone to contribute

This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.

Place – Safe and Clean

This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.

Prosperity – Improving the economic and social opportunities available to our communities

This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.

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

The Numbers of Empty Homes in East Herts

The most recently published national empty homes figures are those submitted for the Council Tax Base return for October 2015. Unlike the figures used commonly until 2010/11, which were based on the HSSA returns, these figures do not include empty properties where there is an applicable Council Tax exemption or certain discounts (for these exemptions and discounts see Appendix 1.

The table below gives the total dwelling stock and the number of homes empty for over 6 months for England, Hertfordshire and East Herts compared to the October 2010 situation.

	October 2010		October 2015	
	Total Dwellings	Long Term Empty Homes	Total Dwellings	Long Term Empty Homes
England	22,899,298	300,526	23,652,305	203,596
Hertfordshire	464,745	3,774	480,483	2,117
East Herts	58,274	587	60,394	395

Figures sourced from Council Tax Base returns for 2010 and 2015

The empty homes in East Herts are spread across the District, with all wards and all but 6 parishes having at least 1 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. The main figures include all empty homes with the bracketed figure being the long term empty properties excluding those with exemptions or other discounts.

Parish	Homes empty more than			
	6 months	1 year	2 years	10 years
Total for East Herts	561 (395)	343 (273)	186 (156)	39 (35)
Hertford	134 (97)	80 (66)	48 (41)	5 (5)
Bishop's Stortford	112 (66)	69 (44)	35 (22)	10 (7)
Ware	77 (61)	50 (45)	18 (16)	4 (4)
Sawbridgeworth	28 (13)	15 (9)	10 (7)	3 (3)
Buntingford	17 (13)	8 (7)	4 (3)	1 (0)
Standon	15 (10)	9 (6)	5 (5)	0 (0)
Datchworth	12 (7)	7 (5)	5 (5)	0 (0)
Hertford Heath	10 (6)	6 (3)	4 (3)	0 (0)
Braughing	10 (6)	5 (3)	3 (2)	2 (2)

Figures taken from Council Tax data at 1st Oct 2015

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.”

Performance in 2010/11	Performance in 2011/12	Performance in 2012/13	Performance in 2013/14	Performance in 2014/15
10	11	11	11	13

Recognising the additional workload associated with tackling the more problematic empty homes the target for the number of homes brought back into use is 10 with the expectation that two of these properties will have been longer term or problematic empty homes.

The Housing Market and Housing Need In East Herts

East Herts district is located 15 miles to the north of London and covers an area of 477 square kilometres (184 square miles). It is predominantly a rural district, with a dispersed settlement pattern that includes the five market towns of Bishop’s Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. There are also over one hundred villages and hamlets of varying sizes.

The population of the district has increased from 129,100 in 2001 to 137,700 in 2011. ONS Subnational Population projections estimate that the population of the district will have further increased to 166,000 by 2031.

East Herts benefits from amongst the lowest unemployment rates in the UK (3.4% compared to 6% nationally)¹. Future employment needs are identified in the Council’s ‘Jobs Forecast and Strategic Development Advice’ (2012). Forecasts indicate to 2031 that employment in the sub-region will grow by some 60,000 jobs, of which 9,700 are expected to be created in East Herts. The forecasts suggest that of these additional jobs, over 6,200 will be created in the financial and business services sector.

House prices are high and there is a pressing need for more housing in the district. Achieving housing development that responds to local needs, whilst recognising the environmental and other constraints in East Herts, is a significant challenge.

In order to fully understand the district’s housing needs (both market and affordable) Opinion Research Services (ORS) was jointly commissioned by the local authorities of West Essex (Epping Forest, Harlow and Uttlesford) and East Herts to undertake a Strategic

¹ <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-317153>

Housing Market Assessment (2015). This study concludes that the full objectively assessed need for housing in East Herts over the period 2011-2033 is for 16,400 dwellings (745 per year).

Of the 16,400 dwellings the SHMA identifies a need for 4,200 affordable homes. There is clearly a pressing need for more affordable housing in the district. According to the Land Registry, for the period Quarter 1 2014 the average price of a flat or maisonette in the district was £202,370 and a terraced house £290,723. Over the five year period 2009-2014, the average property price in East Herts has increased by around 17%.

The recently published East Herts Housing Needs Survey (2015) found that with increases in both house prices and private rent levels, access to all tenures of housing has become increasingly more difficult for new households.

In accordance with paragraph 51 of the National Planning Policy Framework (NPPF) local planning authorities are required to identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. These homes can assist with meeting the district's identified housing needs.

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.

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. 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.

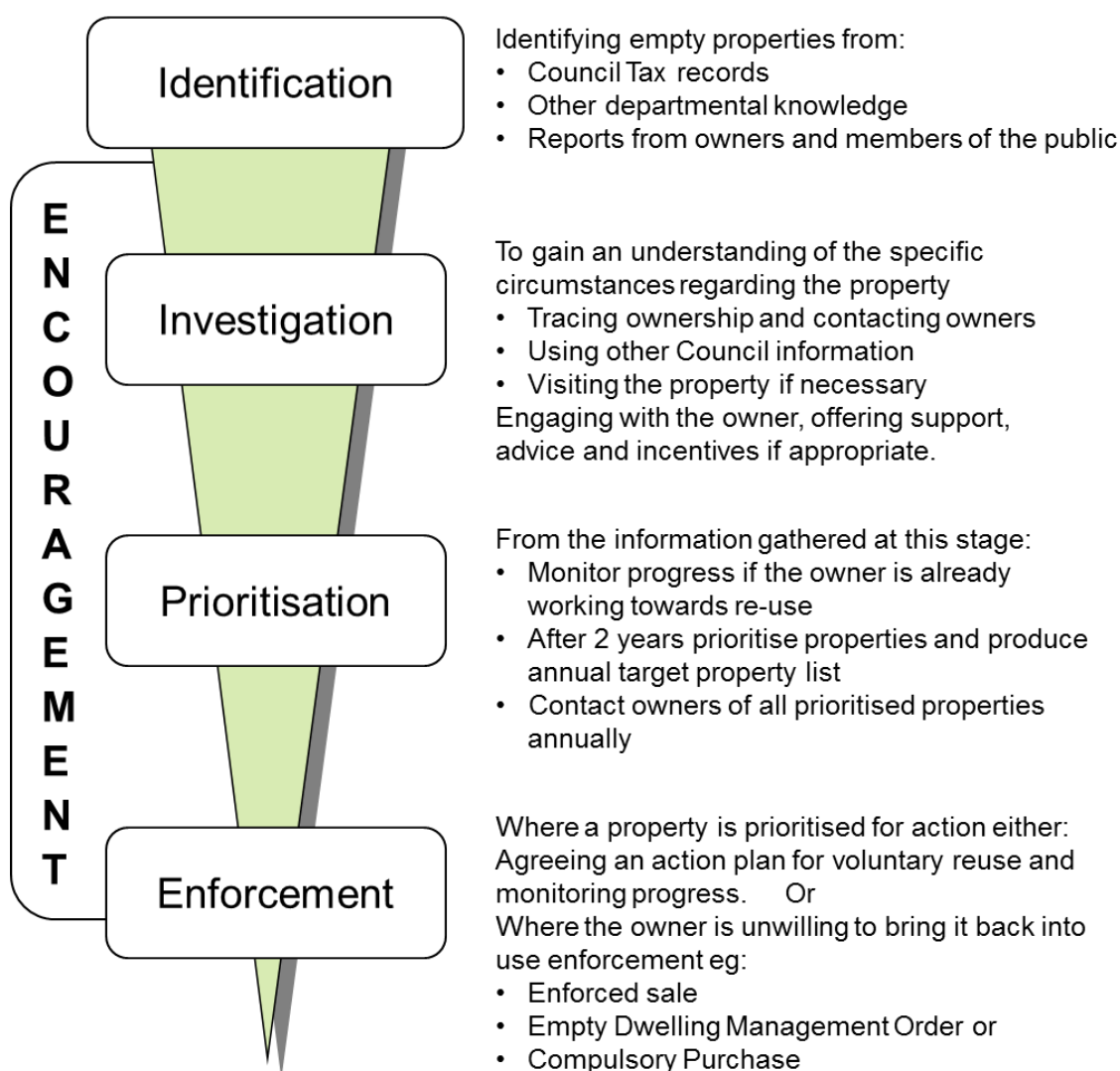
Our Approach to tackling Empty Homes

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 financial support through the PLACE scheme.

However where properties are empty for more than two years or have received complaints we will follow up our earlier investigations and will risk assess properties and produce a target list of properties for focused action based on an annual process of prioritisation.

Where an owner of a property on this list is unwilling to bring the home back into use after further efforts to establish a dialogue and encourage voluntary reuse, we will take the appropriate steps towards enforcement action as necessary.

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



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. Once in dialogue with the owner of an empty property 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 and 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.
- Supporting initial contact with other organisations eg estate or letting agents

A loan scheme will be developed through our Private Sector Housing Assistance Policy. This will initially support those empty homes owners that cannot be offered support under the PLACE scheme (below) which does not offer funding to those owners who intend the property to be occupied by themselves or by a member of their family.

We will also work with partners to deliver schemes that will support the voluntary return to use of properties. We are currently involved with a consortium of five other authorities delivering the PLACE project. This allows:

- renovation of longer-term empty properties to a reasonable letting standard funded either through grants or loans
- loan funding for the conversion of empty property to residential units intended for sale or to let
- funding for certain enforcement action intended to bring a property back into use

We will review opportunities to develop further schemes as they arise.

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 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 and resources available. 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/member 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 are, or may become, empty. All properties reported to us in these ways will be investigated.

Step 2 - Investigation

For properties recently identified as empty, initial letters will be sent to the owners. At this stage we are seeking to:

- make contact with the owner
- confirm that the property is empty
- understand any plans the owner has for the property
- offer assistance to help bring the property back into use in partnership with the owner
- advise the owner that enforcement action is a possibility if properties are left empty over a long term

Further investigation will be initiated once a property has been empty for more than 2 years or where a complaint has been received. In these cases further contact will be attempted, planning and other available information will be searched and the properties will be visited to assess their condition and impact on their neighbourhood in preparation for Step 3 - Prioritisation.

Step 3 - Prioritisation

For all properties with complaints and those that have been empty for more than two years a process of prioritisation will be followed. The information from Step 2 – Investigation will be used and scoring will be based on:

- Length of time empty
- Number/spread of complaints received
- Property condition and its visual and physical impact on the neighbourhood
- Property location
- Level of debt owed to the council
- Level of formal action previous undertaken
- Likelihood of return to use without our intervention
- Strategic value, e.g., meeting local housing need

On an annual basis those properties scoring high through this prioritisation will be discussed with other departments and key external organisations as appropriate and a specific target list of properties for further action will be developed.

Step 4 – Enforcement

For properties identified on the target list from Step 3 – Prioritisation, where we are unable to enter dialogue with an owner or where an owner refuses to consider bringing back their property to use within an acceptable timescale, we will consider taking enforcement action. Any enforcement action will be undertaken in accordance with the Regulators' Code and the Council's relevant enforcement policies, in particular the Private Sector Housing Enforcement Policy.

Prior to initiating specific enforcement action an exercise will be undertaken to determine the most appropriate method of enforcement for that particular property. Appendix 2 outlines the options appraisal criteria that will be applied to those properties identified for enforcement and in particular those that are in the process of Compulsory Purchase. This will help determine whether the Council will immediately sell the property on acquisition, will retain the property within its portfolio or some other outcome e.g., refurbish/redevelop the property then sell.

Possible enforcement action includes:

- **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 wellbeing.
- **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 initially for 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.
- **Enforced Sale**
Where works in default have been undertaken at a property and the owner fails to repay the debt this power enables the Local Authority to recover its debt through the enforced sale of the property. A list of the most common statutory provisions that enable the enforced sale procedure to be used is given as Appendix 3

Whilst certain other legislation eg for Council Tax does not confer the automatic right to secure the debt against the property where the debt is over £1,000 an application can be made to put the charge on the property. A further application to the court can be made for a forced sale.

In some situations, following an assessment of the property's condition and impact on its neighbourhood, the council may determine that it requires improvement works to be carried out. Whilst such improvement works may be required formally as enforcement action they are not directly applicable to bringing the property back into use although they may lead to the opportunity to consider Enforced Sale.

Such improvement works fall to the remit of different departments through the Council (including Environmental Health, Development Control and Building Control) and where necessary will be undertaken in accordance with the procedures of the appropriate department.

When considering enforcement options each case will be assessed on its merits and the most appropriate course of action decided. Where enforcement action (other than improvement works) is deemed appropriate the relevant Ward Councillors and the Executive Member will be informed.

As stated previously the Council's preference is for the owners of empty homes to bring them back into use voluntarily. If, whilst preparing for and undertaking enforcement action, the owner requests to take such voluntary action this will be considered. Enforcement action may be deferred if appropriate and the progress will be closely monitored.

Delivering the Strategy

Resourcing and Partnerships

The Empty Homes Officer within the Community Safety and Health Service 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.

Liaison with other Local Authorities in the PLACE scheme and through the Herts, Beds and Bucks Empty Homes Forum will be supported in order to achieve efficiencies through shared development work and best practice.

Use of Empty Homes Information

The empty homes database contains personal data. It will 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.

The addresses and limited other information relating to empty properties will be discussed with other council departments to support the investigation and prioritising of the properties and to support any enforcement action. A package of information will be made available for Councillors who will be encouraged to provide local information on the empty homes in their wards.

There can be benefit in sharing this information with other responsible partners to support the investigation and return to use of empty homes. Personal data will only be shared with partners after guidance from the Information Officer. Where appropriate, any sharing of data will be in accordance with the East Herts Data Sharing Protocol.

Action Plan

Objective 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.				
Action		Outcome(s)	Responsible Officer (Supported by)	Date
1.1	Work to develop processes and formats to support empty homes work in Uniform (New Environmental Health System)	Process to auto input information from Academy (Council Tax) to Uniform. Uniform customised to support Empty Homes Work	Empty Homes Officer, (Empty Homes Assistant, Uniform Project Officer, IT, Revenues Systems Support)	July 2016
1.2	Develop process and systems to allow Councillors to receive information on empty properties in their wards	Ward lists can be prepared for interested Councillors	Empty Homes Officer, (Uniform Project Officer)	Jan 2017

Objective 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.				
Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
2.1	Involve other departments in annual prioritisation exercise and mid year reviews (including Planning, Building Control, Council Tax, Housing, Estates)	Manageable list of targeted properties for action each year	Empty Homes Officer, (representatives from other departments)	Feb each year
2.2	Identify and build relationships with external partners developing specific projects where appropriate. (eg Fire, Police, Herts County Council, RSL's)	Key Contacts identified and discussions held with 3 external organisations	Empty Homes Officer,	July 2017

Objective 3 - Raise the awareness of empty homes in Easts 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.

Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
3.1	Refresh empty homes web site to include simple suite of web forms to allow information to be received	Improved information including PLACE scheme. Contact made by owners and complainants through webforms	Empty Homes Assistant, (Empty Homes Officer, web team)	Ongoing
3.3	Publicise empty homes activities through internal and local press. Including publicity of enforcement action.	Increased awareness of the empty homes issues and activity in East Herts.	Empty Homes Assistant, (Communications)	Ongoing

Objective 4 – 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.

Action		Outcome (Comments)	Responsible Officer (Supported by)	Date
4.1	Develop procedures for Empty Homes enforcement to include CPO, EDMO and Enforced Sale.	Documented procedures to allow consistent processes to be followed.	Empty Homes Officer	Jan 2018
4.2	Initiate appropriate enforcement action on at least two properties per year. (With additional resources this could be increased to 4 per year)	Bring empty property back into use and maintain a credible threat of enforcement action.	Empty Homes Officer	Ongoing

Appendix 1 - Council Tax Exemptions and other categories relating to Empty Properties

(as at 1 December 2015)

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 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

The Council made the decision to change some council tax discounts, with effect from 1 April 2013. This is to offset a further reduction in government grant, encourage use of empty homes and help keep council tax levels as low as possible.

Empty, requiring major repair work to render it habitable/or undergoing structural alterations (previously Exemption Class A) - 50% discount for up to 12 months, followed by the full charge.

Empty, Unoccupied and Unfurnished (previously Exemption Class C) - 50% discount for up to 6 months, followed by the full charge.

Appendix 2 - Options Appraisal for considering the end use of properties considered for enforcement action to bring them back into use.

A high level appraisal will be undertaken when determining the most appropriate action to take ie when deciding between:

- Compulsory Purchase (leading to the Council taking ownership with the options to retain the property, sell on immediately or sell on after renovation)
- Empty Dwelling Management Order (remaining in the same ownership but with the Council taking responsibility for the property being managed to let after appropriate renovation works if necessary)
- Enforced sale (leading to the property changing to a new owner on the open market)

The appraisal will be undertaken by the Assets and Estates Manager and is based on that used by the Council for its existing portfolio.

A more detailed appraisal will be undertaken following any CPO to determine the outcome for the property following title vesting with the Council ie whether we will:

- keep the property for private rental
- complete works to the property then sell it on the open market
or a do nothing option (where the financial appraisal is failed)
- sell the property on the open market without completing any works

Considerations

1. Financial benefits and considerations
 - a. Secure medium to long term income (ideally 10 + years)
 - b. Good rental growth prospects
 - c. Ability to add or enhance capital value
2. Location and Property type
 - a. Established residential locations (eg major towns or larger villages with supporting infrastructure)
 - b. Property build type to ensure security re ongoing maintenance costs

3. Expected Return

- a. Initial return – comparison with the cash returns available to the Council for 3-month lending
- b. A return over the first 5 years of ownership at least 2% greater than cash returns available from 3-month lending
- c. Typical yields in excess of 6%

4. Strategic Value and other criteria

- a. where property including the land is of strategic value to the Council and/or
- b. Where a property is for the benefit of the local community

Some of the above criteria may be relaxed, but any investment should still provide a return over the first 5 years of ownership at least 1% greater than cash returns available from 3-month lending.

Appendix 3 - Common statutory provisions that enable the enforced sale procedure to be used.

Statute	What notice is used for	Type of charge	Comments
Section 4 Prevention of Damage by Pests Act 1949	Requiring land to be kept free of rats and mice	On the premises and on all estates and interests therein	Charge arises from date of completion of work. Reasonable interest can be claimed from date of service of demand for costs.
Section 79 Building Act 1984	Requiring works to remedy ruinous and dilapidated buildings and neglected sites	On the premises and on all estates and interests therein	Charge arises from date of completion of work. Reasonable interest can be claimed from date of service of demand for costs.
Section 80 Environmental Protection Act 1990	Requiring abatement of statutory nuisance	On the premises	Charge arises 21 days after service of demand under s81A (unless an appeal is made against the notice, when the period is extended). Reasonable interest can be claimed.
Section 215 Town and Country Planning Act 1990	Requiring steps to be taken for the purpose of remedying the adverse effect on amenity caused by detrimental condition of land and buildings	Binding on successive owners of the land	Charge arises from date of completion of the works.
Sections 11 and 12 Housing Act 2006	Requiring the taking of action to deal with category 1 or 2 hazards in residential premises	On the premises	Charge arises 21 days after service of demand (unless an appeal is made against the notice, when the period is extended). Reasonable interest can be claimed.

Source : Enforced Sale Guide – Chris Skinner, NPLaw

Appendix 3 – Supporting Documents

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:

- Empty Homes in England – A report by Empty Homes Sept 2011 www.emptyhomes.com
- Council Tax Base statistics from the Department Community and Local Government published at <https://www.gov.uk/government/collections/council-taxbase-statistics>
- Laying the Foundations: A Housing Strategy for England Department Community and Local Government 2011
- East Herts Council Housing Strategy
- East Herts Council Private Sector Housing Assistance Policy
- East Herts Council Private Sector Housing Enforcement Strategy

Appendix 4 - Glossary of Terms

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
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 Code and the Council's relevant enforcement policies.	
	<p>The 'Regulators Code', has been issued by the Secretary of State in accordance with section 22 of the Legislative and Regulatory Reform Act 2006. It replaces the Regulators' Compliance Code which was first published in 2008 to</p>

	<p>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>The revised Code clarifies in a shorter and accessible format the principles and expectations that Regulators should follow when exercising their regulatory functions.</p> <p>Within East Herts Council we have an overall enforcement policy for the Council and supplementary policies for specific areas. These can be found on our website. (www.eastherts.gov.uk)</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>Council Tax Base Return</p>	
	<p>The Council Tax Base (CTB) return is designed to collect data on the number of dwellings in each authority area and any discounts, exemptions or premiums that may have been granted and the reason for these discounts/exemptions/ premiums.</p> <p>It is generally completed by reference to dwellings shown on the Valuation List for the authority as at the second Monday in September and by reference to the number of discounts, exemptions and premiums on the first Monday in October.</p>
<p>New Homes Bonus</p>	
	<p>The “New Homes Bonus” is a Government scheme which is aimed at encouraging local authorities to grant planning permissions for the building of new houses in return for additional revenue. It is also payable where empty homes are brought back into use.</p> <p>The calculation of grant is based on the increase in the number of effective stock where the baseline for the number of effective stock for the each financial year is calculated as:</p> <p style="padding-left: 40px;">Dwellings on the valuation list minus adjustment for recent demolitions and out of area dwellings) minus the number of long term empty homes.</p>

	<p>For each additional dwelling funding is based on the national average of the council tax band and is paid for the following six years.</p> <p>It should be noted that the number of long term empty homes used for this calculation does not include those that are empty with exemptions from Council Tax.</p>
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EQUALITY

East Herts Council is committed to identify and eradicate any form of discrimination, direct or indirect, institutional or other, both in employment and in the procurement and delivery of services. Promoting equalities is about putting principles into practice. Our commitments to all our staff and service users are:

- To eliminate discrimination on the grounds of gender, disability, learning difficulty, health status, race, colour, ethnic or national origin, faith or religious belief, age, marital status, responsibility for children or dependents, sexuality and gender assignment;
- To promote equality of opportunity and fair treatment for all our communities;
- To promote fair and equal access to services by all citizens on the basis of need and to provide services in a manner which is sensitive to the individual;
- To help and support members of the public and staff who face harassment and to take action against perpetrators where possible;
- To have a staff complement that reflects the diversity of our communities;
- To promote equality of opportunity and fair treatment in employment and training and to ensure equal pay for work of equal value;
- To exercise its community leadership role to promote equality;
- To work in partnership with stakeholders and communities to ensure effective consultation to support our equality objectives;
- To ensure that the Community Strategy is designed to promote and achieve equalities outcomes and to ensure that it promotes community cohesion and good relations between different communities;
- To develop a Corporate Equalities Plan and to develop the capacity needed to deliver it within all departments;
- To ensure that all departments develop and implement an Equality Action Plan with resources, targets and timescales;
- To monitor and evaluate all aspects of service delivery and employment and to eliminate differences demonstrated by unfair outcomes.

During 2016 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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If you require this information in large print, Braille or another format please contact the council on 01279 655261 .

If you would like this information translated in another language please contact:
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