



North Kesteven District Council Empty Homes Policy

1.0 Introduction

North Kesteven District Council is working in partnership with the City of Lincoln Council on a joint Central Lincolnshire Empty Homes Project. This project's primary purpose is to proactively use mechanisms to bring empty homes back into use.

This policy sets out the policy, processes and working arrangements for North Kesteven District Council in bringing empty homes back into use.

2.0 Strategy and Development

The current project originated from North Kesteven District Council being part of a partnership between 6 Lincolnshire local authorities. From this partnership the Lincolnshire Empty Homes Strategy was developed. The strategy defines both the national and local issues in relation to empty homes, the aims of this strategy are:

- Reduce the number of long term empty homes by district specific targets each year.
- Establish a positive relationship with owners of empty properties to facilitate bringing them back into viable use.
- Increase public and organisational understanding of empty properties across the districts.
- Help to increase the supply of affordable housing, and reduce homelessness.
- Add to the number of good quality, energy efficient properties within each district.

As a natural progression following the division of the Lincolnshire Empty Homes Project the NKDC's Empty Homes Officer works across North Kesteven and Lincoln, an informal partnership is retained with the other Lincolnshire authorities ensuring best practice is shared and roles and responsibilities shared promoting good time management, and maintenance of shared resources.

Additionally the project is supported by shared resources and information. Joint literature for owners are managed across the partnership promoting consistency of support for interested parties.

The work plan for empty homes is steered by the Central Lincolnshire Partnership, and fits within the aims and objectives of the North Kesteven Housing Strategy, the Central Lincolnshire Joint Planning Unit, and ultimately the Corporate Plan for North Kesteven District Council.

3.0 Data and Analysis

The empty homes figures are received from the Council Tax team on a quarterly basis. This information sharing is allowed under section 85 of the Local Government Act 2003. Council tax provide data on properties receiving 50% discount for being empty and unfurnished, along with properties receiving exemptions for vacancy. The data set include:

- Property reference
- Liable name
- Liable address
- Empty Address
- Council tax band
- Duration empty
- Parish Council

All entries less than 6 months empty are removed, this information is then stored as 'TOTAL LONGTERM EMPTIES'. This data is then separated into tabs required for the different reporting requirements set out below.

3.1. New Homes Bonus

This figure includes both privately owned empty homes and public empty homes, but only those receiving the 50% discount for being empty and unfurnished. This figure is recorded every quarter to monitor trends, Council Tax report on this in October through their CTB returns, and payments of new homes bonus are calculated from that.

3.2. Housing Strategy and Statistical Appendix (HSSA)

This is reported to the Department for Communities and Local Government (DCLG) in July as a representation of the empty homes figures as of the 1st of April each year. The data required for this is solely private sector homes empty for 6 months or more, and any public sector homes are removed. Additionally the exemption categories which are required to be reported on are:

- Class A – Unoccupied as the property requires repair work or structural alterations. (12 months)
- Class B – Unoccupied dwelling owned by a charity (6 months)
- Class C – Unoccupied and unfurnished (6 months)
- Class D – Unoccupied as the liable person is detained (indefinite)
- Class E – Unoccupied as the owner has moved into hospital or a care home (indefinite)
- Class F – Unoccupied as the property is in probate (indefinite, then 6 months when probate granted)

- Class G – Occupation is forbidden by law (indefinite)
- Class H – Unoccupied as it is awaiting clergy (indefinite)
- Class I – Unoccupied as the occupant has moved to receive personal care (indefinite)
- Class J – Unoccupied as the owner has left to provide personal care (indefinite)
- Class K – Unoccupied as the owner is a student (indefinite)
- Class L – Unoccupied as it has been taken into possession by a mortgage lender (indefinite)
- Class Q – Unoccupied and the owner is in bankruptcy (indefinite)

3.3. Public Empties

These are the properties removed from the HSSA list. This information is kept as reference to identify if there has been any significant increase or decrease affecting the total figures, particularly in reference to new homes bonus.

3.4. Action List

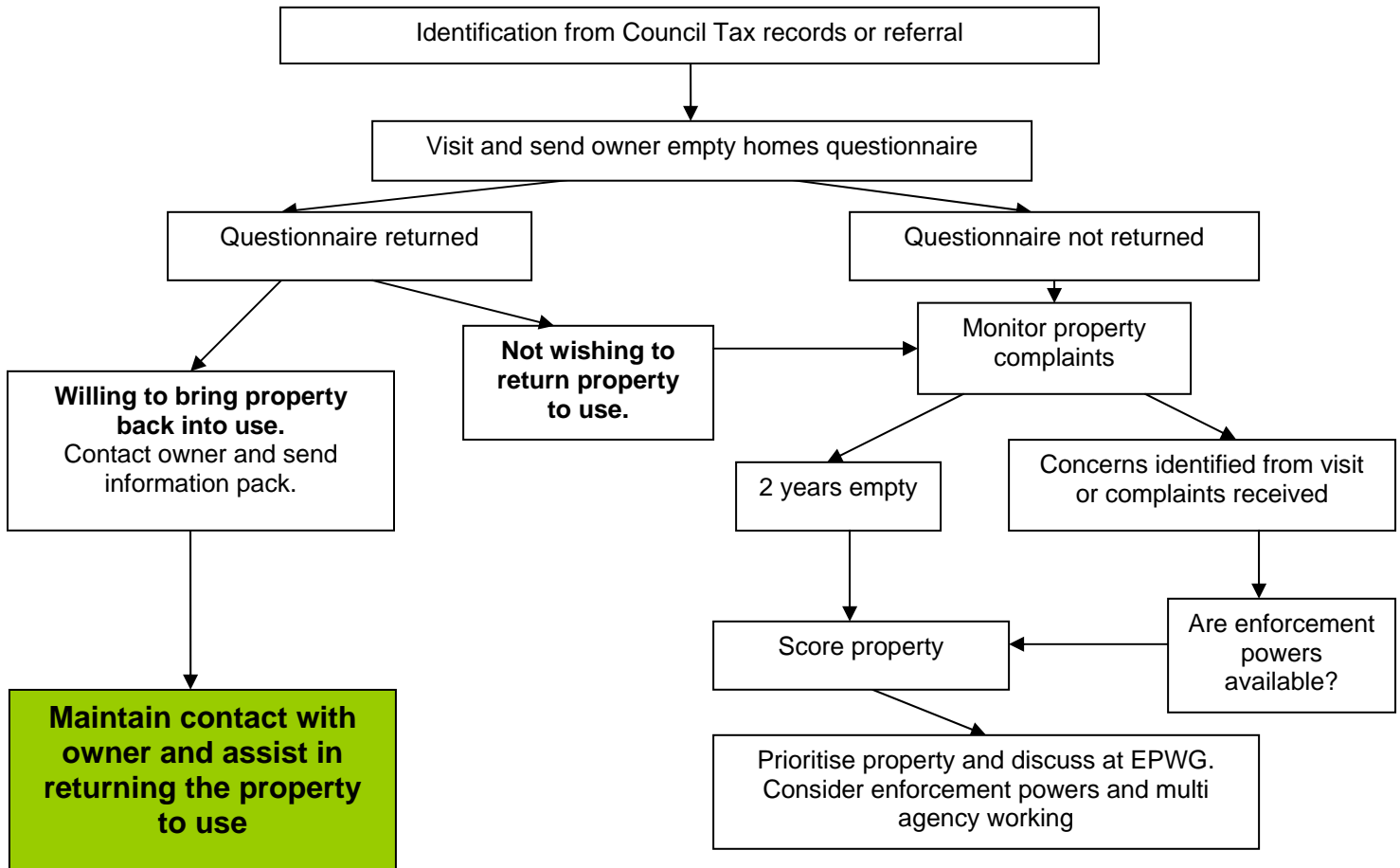
Properties empty over two years are deemed the 'action list' this is because under this time period homes can fluctuate rather rapidly, and it is felt this figure more accurately represents the homes which have no defined plan of reoccupation, or where problems have arisen. This however is just a guide and referrals and complaints may be made on homes empty below this time frame.

4.0 Referrals and Owner Engagement

Empty homes are identified through:

- Council Tax records
- Referrals from the public via phone
- Referrals through Empty Homes charity website
- Referrals from parish Councils
- Owner referrals
- Referrals via other departments

Flow chart tracking identification to action



4.1. Proactive Engagement

Periodical mail outs are performed to those homes empty over 2 years, these will be performed in line with Council Tax mail outs, a brief letter and leaflet is included encouraging owners to contact the council for assistance in returning their homes to use.

4.2. Referrals and Complaints

Referrals and complaints can be received via numerous methods listed above. Referrals are investigated by the Empty Homes Officer, and a course of action designed in relation to the nature of the property. These usually commence with a visit then stage 1 letter and questionnaire, unless specific enforcement issues are identified at the site inspection.

Problematic referrals are scored and then taken to the Empty Property Working Group.

4.3. Keeping Referrers Informed

Referrals are sometimes anonymous, and as such no update can be given, however referrals made by neighbours or local residents affected by the empty home are kept up to date regarding progress as much as possible.

5.0. Empty Property Working Group

The Empty Property Working Group aims to deliver co-ordinated action on troublesome empty properties around the district. This is achieved through a process of referral, evaluation, action and then consideration as to any further steps.

5.1. Working group membership

The group will be a co-ordinated effort by officers from:

- Private Sector Housing
- Housing Strategy
- Planning Enforcement
- Environmental Health
- Building Control
- Council Tax
- Antisocial Behaviour, Communities
- Elected Members
- Local police or neighbourhood support officer.
- Fire officer.

Additionally, other officers may attend as needed or as cases develop. These may include:

- Legal services
- Housing Needs
- Planning Department
- Conservation Officer
- Housing Management

5.2. Aims of the working group

The group aims to bring together all departments involved in a property, identify a solution to manage any problems which result from the properties vacancy, and identify methods of sale or reoccupation.

5.3. Working Group format and frequency

The working group is monthly, and the agendas and property lists are coordinated by the Empty Homes Officer. Properties for discussion are divided into; referrals, current cases and those being monitored.

Properties should be removed from the working group agenda when they reach a position which does not require the specialist involvement of a multi disciplinary working group. Their removal will be agreed by the group, additionally referrals can be brought to the group by any member, and their inclusion in the list agreed by the group.

5.4. Process

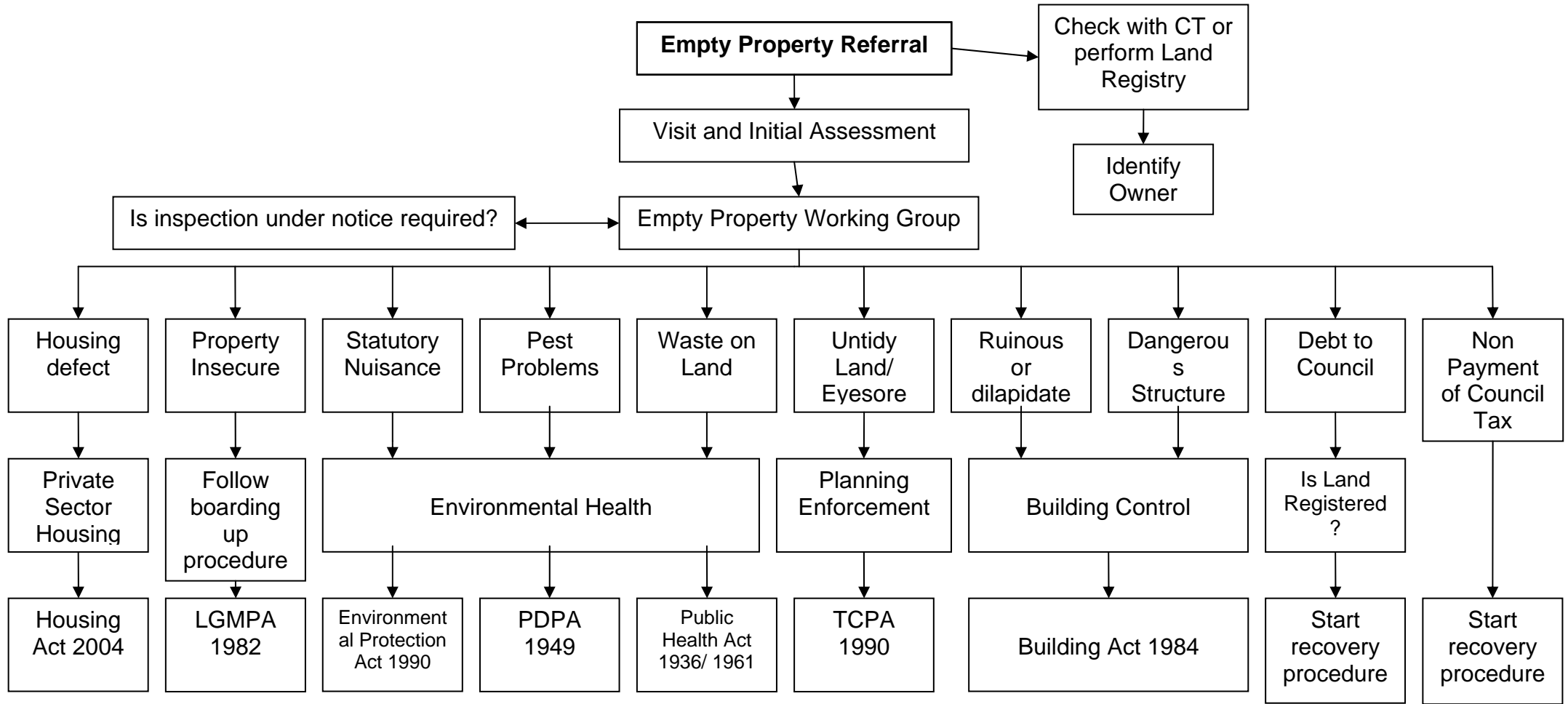
1. Referral – as mentioned above referrals are received and then brought to the group following an initial assessment.

2. Evaluation – The group discuss the issues, and where relevant identify a lead officer to investigate further.

3. Action – if enforcement is required the appropriate officer will lead and keep the group updated at further working groups.

4. Review – Once the enforcement is concluded, or hits any hurdles the property returns to the group and is assessed for further action or removal from the group case load.

5.5 Process Flow Chart



Last Resort Options

Compulsory Purchase Order

Empty Dwelling Management Order

Enforced Sale or Order for Sale Procedure

5.6. Final options

Possible enforcement options include:

1. Works in Default (WID) leading to
 - a) prosecution
 - b) Enforced sale.
2. Empty Dwelling Management Orders.
3. Compulsory Purchase Order

5.7. Resource Implications

There will be a basic resource implication of the time of officers attending the meetings. However additional resources should be containable within the current remit of the officers involved. This can be assessed following implementation.

Although additional enforcement cases could be identified it may be that co-ordinating efforts will reduce the pressures in other areas as the groups work becomes more fluid.

There will of course be some financial implications attached to certain enforcement action. Adopting an Enforced Sale Procedure will allow the Council the opportunity to retrieve costs associated with completing works on empty properties, such as boarding up, nuisance issues and amenity issues. It will also provide suitable methods for retrieving personal debt such as Council Tax debt. It should also be noted that the costs incurred from a solicitor or legal service can be retrieved from the sale of the property rather than the Council, and the Council can also include officer time when calculating the costs to be retrieved in some cases.

However other action such as Compulsory purchase orders will result in a cost to the Council through barrister and advertisement fees, as well as compensation to the owner in certain circumstances, this cannot be retrieved from the sale.

It should also be considered that although the costs are mostly retrievable there will need to be some upfront funding to allow the works to be completed before anything can be sought through sale. The amounts will depend on the number of properties and extent of works needed.

An additional point is that as cases are concluded through the group advertisement of the success will have an effect on encouraging owners to manage and maintain their properties. Therefore a resource demand of the cost of strong advertisement and PR should be considered.

5.8. Decision Making and Governance

The Empty Property Working Group by virtue of its members respective roles, brings a level of self governance for the decisions that are within the remit of the

officers. Other decisions are within the remit of the Heads of Service within the Constitution's scheme of delegation, but others, such as Compulsory Purchase, and Enforced Sales will need additional approval.

In all cases the group will consider the merits and implications of a course of action. This consideration will include;

- Circumstances of the owner and the property
- Consideration of actions to date
- Further options
- Resource implication of options
- Risk of action /risk of doing nothing
- Agreement of the most appropriate course of action based on the above

Depending on the agreed action, the level of approval needed to act is set out below;

- The group will decide on actions and enforcement matters within the remit of the Officers attending (e.g to seek entry to inspect, investigation into property conditions, infestation etc)
- Empty Dwelling Management Orders will be progressed with the approval of the Head of Service under the scheme of delegation, with notification to CMT
- Enforced Sales will require the approval of Executive Board
- Compulsory Purchase Orders will require the approval of Executive Board and Council

5.9. Lists of acts involved in relation to empty property enforcement.

Particularly useful powers and procedures for the Council include:

- Town and County Planning Act 1990 – section 215
- Planning and Compulsory Purchase Act 2004
- Historic Buildings and Conservation Areas Act 1991
- Building Act 1984 – section 76-80
- Housing Act 2004 – Parts 1-4
- Local Government Act 2003
- Local Government (Misc Prov) Act 1982
- Local Government Act 2000
- Prevention of Damage by Pest Act 1949 – section 4
- Environmental Protection Act 1990 – Part2 and section 80
- Anti Social Behaviour Act 2003 – Part 1

This list is not exhaustive

6.0 Policy Legal Status

This policy was approved by North Kesteven Executive Board on the 26th July 2012

The policy is intended to provide guidance to officers, partners and public in relation to the council's efforts on returning empty homes to use. The Council may in specific circumstances deem action appropriate which differs from the guidance in this policy.

7.0 How to Obtain a Copy of the Policy or Make Comments

This policy is available on the Councils website at:

www.n-kesteven.gov.uk

If you would like a paper copy, or to comment on the policy please contact:

Email: customer_services@n-kesteven.gov.uk

Telephone: 01529 414155

In writing to: Housing Strategy, Council Offices, Kesteven Street, Sleaford, NG34 7GP

8.0. Review of the Policy

The Policy will be reviewed annually

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