EMPTY PROPERTIES IN CARMARTHENSHIRE

2015
Community Scrutiny Task and Finish Review
Members of the Task and Finish Group

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1.0 Chair’s Foreword

It is with great pleasure that I present the final report and recommendations of the Community Scrutiny Committee’s task and finish review of empty properties across Carmarthenshire.

Firstly I would like to thank the core Group of Members and Officers and all participants for contributing their time and energy to analysing the problems caused by private sector empty properties in our county and the Council’s approach to bringing them back into use as homes.

Empty properties affect the county as a whole, although some areas more so than others, however they also greatly concern the public as a whole and can be a serious blight on local areas and amenities.

It is pleasing to note that this Council has placed strategic importance on bringing empty properties back into use since 2005; with the development of a strategy, a dedicated officer post and action plan to address empty properties. There have been innovative approaches such as; being the first Council in Wales to use Empty Dwelling Management Orders and also the introduction of a Social Lettings Agency to help owners bring their properties back into use as well as to help us prevent homelessness. A key success has been in providing assistance and guidance to owners. It is important to note that each case is different and there is no cure-all pill.

Welsh Government has also acknowledged the importance of bringing empty properties back into use with the launch of the Houses into Homes scheme in April 2012 with a fund that now totals £30 million.

Our performance has improved over the years, particularly recently with 511 properties brought back into use over the last 5 years, including 135 properties during the last year.

However the reason the entire Committee signed up to this review is that the scale of the problem is steadily getting worse. The number of empty properties increased by 8% over the course of this last year and was 2,671 at the start of April this year. 20% of them have been empty for more than 5 years.

The areas with the largest numbers of empty properties are also the areas with the highest housing need. We heard from the public that they see bringing empty properties back into use as key way of providing more affordable housing. The majority of Local Members who responded to our consultation shared this view.

We also looked at the wider benefits of bringing empty properties back into use which show that last year for a cost of less than £55,000, over £3,500,000 was drawn into the county through recyclable loans and private sector leverage. More than £88,000 additional income was earned by the Council and approximately 176 jobs were created or sustained in the
construction trade. A quarter of the empty properties brought back into use last year are also now affordable homes.

Whilst our performance as a Council is excellent, we looked at best practice and have made a number of recommendations about where we think the way we work can be improved. We also have made some recommendations about investigating any alternative sources of funding to support this important area going forward.

Finally, I would once again to thank all those involved in this important and worthwhile piece of work.

Councillor Deryk Cundy (Chair of the Community Scrutiny Task and Finish Group)
2.0 BACKGROUND

The Community Scrutiny Committee has a key role to play in monitoring services, development of key policies and strategies, as well as identifying areas for improvement or development.

There are approximately 25,000 empty properties in Wales (WG – 2013/14). There are over 78,000 private sector homes in Carmarthenshire, 9,000 of which are privately rented. As at 1st April 2014 2,479 private sector properties have been empty for 6 months or more. The demand for affordable housing in Carmarthenshire continues to increase while supply is falling at a rate that means we can no longer meet housing needs effectively.

At the Forward Work Programme Planning Session in April 2014, Committee members suggested reviewing empty properties across the county in light of housing need and the high volume of empty properties. At its meeting on the 1st August 2014, the Committee agreed to establish a task and finish group to undertake this review.

3.0 OBJECTIVES AND SCOPE

✓ To identify and evaluate the current activities undertaken by the Housing & Public Protection Division.
✓ To identify potential improvements and alternative delivery models.
✓ To identify cost effective best practice by other authorities, agencies and providers.
✓ To formulate recommendations for consideration by the Executive Board.

❖ As at the 1st of April 2014, there were 2,479 empty private sector properties across the county.
❖ An empty property is defined as a residential dwelling at the 1st of April that has been unoccupied for 6 months or more. This excludes:
  * A newly completed dwelling that is awaiting occupation
  * An existing dwelling that is being converted or modernised
  * A dwelling that is in use but for non-residential purposes
❖ The scope does not include empty Council properties.

4.0 GROUP MEMBERSHIP

Elected Members
✓ Cllr. Deryk Cundy
✓ Cllr. Sharen Davies
✓ Cllr. Ken Howell
✓ Cllr. Irfon Jones
✓ Cllr. Edward Thomas
✓ Cllr. Jeff Thomas
Appendix 1

Advisors / Support Officers

- Jonathan Willis – Housing Services Manager (Advice & Options)
- Robert Evans – Principal Officer (Home Improvement)
- Leighton Evans – Empty Property Advisor
- Bernadette Dolan – Senior Consultant (Chief Executive’s Department)
- Matthew Hughes – Assistant Consultant (Chief Executive’s Department)

5.0 APPROACH

The Group held 6 meetings between November 2014 and May 2015.

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Activity</th>
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<tbody>
<tr>
<td>7th November 2014</td>
<td>✓ Agree planning and scoping document and overall approach for the review.</td>
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<tr>
<td></td>
<td>✓ Overview of Empty Properties</td>
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<td></td>
<td>✓ Overview of services</td>
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<td>3rd December 2014</td>
<td>✓ Legal powers, location of empty properties &amp; housing need across the county, performance &amp; trends</td>
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<td></td>
<td>✓ Applying the risk assessment to a selection of property case studies</td>
</tr>
<tr>
<td>6th January 2015</td>
<td>✓ Site Visits – 4 empty properties in and around Llanelli (Section 14.0)</td>
</tr>
<tr>
<td></td>
<td>✓ Work being undertaken to bring these properties back into use and information on schemes used (e.g. negotiated private / auction sale, enforcement, Houses into Homes)</td>
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<td>4th March 2015</td>
<td>✓ Other Enforcement Powers</td>
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<td>✓ Council Tax changes</td>
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<td></td>
<td>✓ Best practice policies and research from other local authorities in relation to empty properties</td>
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<tr>
<td>28th April 2015</td>
<td>✓ Consultation results</td>
</tr>
<tr>
<td></td>
<td>✓ Drawing Conclusions</td>
</tr>
<tr>
<td></td>
<td>✓ Development of recommendations</td>
</tr>
<tr>
<td>5th June 2015</td>
<td>✓ Consider and approve final report</td>
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</tbody>
</table>
The Group consulted with town and community councils and local members. It also consulted with owners of empty properties in Llanelli and Carmarthen, the areas with the highest numbers of empty properties and highest housing need (Section 18.0).

6.0 WHAT IS THE CONTEXT IN CARMARTHENSHIRE?

At the 1st of April 2014, there were 2,479 empty private sector properties across Carmarthenshire.

There are approximately 25,000 empty properties in Wales (WG – 2013/14)

There are over 78,000 private sector homes in Carmarthenshire.

The demand for affordable housing in Carmarthenshire continues to increase while supply is falling at a rate that means we can no longer meet housing needs effectively.

Our Local Housing Market Assessment establishes that an additional 1,850 affordable homes are required every year for the next five years. This figure is in addition to what we know is likely to be provided through social housing empty homes (about 1,000 per year) and what is likely to be provided through the planning system.

The following provided evidence to the Group

- Julian D Edwards – Development Management Manager, Planning
- Steven Pound – Principal Building Control Surveyor, Building Control
- Graham Noakes – Senior Development Management Officer, Planning
- Sue E Watts – Public Health Services Manager
- Robert Williams – Principal Environmental Health Practitioner, Public Health
- John Gravelle – Revenue Services Manager
- Alan Evans – Assistant Solicitor, Legal
- Steffan HG Jenkins – Physical Regeneration Strategic Programme Manager
- Housing Training & Consultancy Ltd (specialist advisor) - Andrew Lavender
Welsh Government (WG) “want to ensure that people have decent, affordable homes.” It set a target to bring 5,000 empty properties back into use by May 2016 and launched a £20m Fund to support the Houses into Homes scheme in April 2012.\(^1\)


### 7.0 WHY DEAL WITH EMPTY PROPERTIES?

Empty properties are a waste of housing resources but also have a wider impact on the social, environmental and economic substance of our communities. They:

- Attract anti-social activity, including crime, vandalism and arson, resulting in an increased fear of crime for neighbours and added costs for partners, such as the Police and Fire Services.
- Blight the surroundings and create environmental problems such as pests, fly-tipping.
- Decrease adjacent property values by as much as 18\%.\(^2\)
- Discourage further investment in the area, leading to neighbourhood decline and a detrimental effect on a community’s sense of well being.
- Cost the owner significant money (council tax, loss of rental income and deterioration of the property). It is estimated that the overall cost to the owner can be as much as £9,000 - £11,000 a year.

### 8.0 WHY ARE PROPERTIES EMPTY?

- Poor condition – financial restrictions for the owner
- Sentimental reasons (Family Home)
- Elderly owner in care home
- Untraceable owner
- Property above commercial premises
- Legal complications
- Owner working away
- Difficult to sell – condition / access / locality
- Property inherited – no money / no direction
- Waiting for the right buyer/price.

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\(^1\) See section 14.0 page x for further details

\(^2\) Source Empty Homes Agency
WHERE ARE OUR EMPTY PROPERTIES COMPARED WITH HOUSING DEMAND?
The areas with the highest numbers of empty properties are also those with the highest housing need.
There is a lack of affordable housing across many areas of Carmarthenshire.
10.0 WHAT ARE OUR STATUTORY POWERS?

We have a range of powers to secure the improvement of properties. It is important to use the most appropriate legislation to deal with the problem caused by an empty property and make the owner take responsibility.

There is no cure-all pill that will solve all problems relating to empty properties. There is a wide range of solutions available from light intervention such as providing advice and guidance, through to high level intervention such as Compulsory Purchase Orders.

Each can work very well, but the solution has to be matched to the diagnosis of the problem.

Being able to offer a broad and flexible range of solutions to owners of empty homes achieves greater success than attempting to use the same solution for every property and every property owner. A local authority offering a broad range of solutions is likely to tackle more empty homes and have greater success.

A local authority should endeavour to negotiate with the owner to bring about improvements to the dwelling, with the ultimate goal of returning this wasted, and much needed resource back into use.

When negotiation fails, or if the owner cannot be traced, the Authority may then consider enforcement action. Enforcement action can vary depending on specific case circumstances and property condition, ranging from property improvement and management, through to an alternative approach, where the Authority may manufacture a change in ownership. These actions are supported under various legislations.

Often investigations can be a long, drawn out processes, with complications tracing owners, legal disputes, and financial restrictions etc., which inevitably hinder efficient progress.

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3 Appendix A includes further details of the range of statutory powers
The main legislative options available are:

<table>
<thead>
<tr>
<th>STATUTORY POWER</th>
<th>WHO?</th>
<th>PROS</th>
<th>CONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town &amp; Country Planning Act 1990 (Section 215 adverse affecting amenity, Compulsory Purchase Orders [CPO’s])</td>
<td>Planning</td>
<td>Tackles Land adversely affecting amenity of neighbourhood Provides substantial and lasting improvements to the amenity Can carry out Works In Default (WID).</td>
<td>Debt recovery through County Court, and not a priority charge (negative equity a problem) ‘Amenity’ is a broad concept, with no formal definition in legislation.</td>
</tr>
<tr>
<td>Building Act 1984 (Section 77-79, dangerous structures, ruinous and dilapidated)</td>
<td>Building Control</td>
<td>Tackles buildings or structures seriously adversely affecting amenity of neighbourhood Can prosecute or carry out WID Priority charge.</td>
<td>Not appropriate for buildings within a conservation area, or listed.</td>
</tr>
<tr>
<td>Housing Act 1985 &amp; 2004 (improvement notices, Empty Dwelling Management Orders [EDMO’s], demolition, clearance, CPO’s)</td>
<td>Housing</td>
<td>Risk assessment tool kit (HHSRS). Variety of actions, specific to circumstances Contains powers specific to Empty Dwellings. Can carry out WID Priority charge.</td>
<td>Course of action justification specific to risk to occupants, therefore not always applicable in an empty dwelling.</td>
</tr>
<tr>
<td>Environmental Protection Act 1990 (Section 79/80 statutory nuisance)</td>
<td>Public Protection</td>
<td>Tackles properties which are currently or likely to cause a statutory nuisance. Can carry out WID Priority Charge</td>
<td>Works restricted to abate the nuisance.</td>
</tr>
<tr>
<td>STATUTORY POWER</td>
<td>WHO?</td>
<td>PROS</td>
<td>CONS</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>------------------</td>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Prevention of Damage by Pests Act 1949 (Section 4 harbourage &amp; treatment of pests)</td>
<td>Public Protection</td>
<td>Tackles the destruction of rats and mice on land. Can include structural works which may be required to prevent further harbourage. Can carry out WID Priority Charge No warrant provision required.</td>
<td>21 day before structural works can be carried out. Old legislation, therefore court fines are relatively low, which do not serve as an effective deterrent.</td>
</tr>
<tr>
<td>Public Health Act 1961 (Filthy and verminous)</td>
<td>Public Protection</td>
<td>Powers to cleanse or disinfect properties which are considered filthy or unwholesome condition as to be prejudicial to health. Powers to destroy and remove vermin. Powers to remove the accumulation of refuse. Can carry out WID Priority Charge</td>
<td>Old legislation, therefore court fines are relatively low, which do not serve as an effective deterrent.</td>
</tr>
<tr>
<td>Local Government (Miscellaneous Provisions) Act 1982 (section 29 boarding up) (section 16 requisition for information)</td>
<td>Housing Protection</td>
<td>WID can be carried out immediately, if deemed a risk to Public Health. Owner required to declare interest in a property otherwise liable to prosecution</td>
<td>Personal charge only, therefore works in default debt is at higher risk.</td>
</tr>
</tbody>
</table>
### 11.0 WHAT IS CARMARTHENSHIRE’S APPROACH?

#### ENQUIRIES/INVESTIGATIONS

- Empty Property Complaints – Visual Detriment
- Statutory Nuisance Complaints – Dampness
- Financial Assistance / Houses into Homes
- Councillors / Local Members
- Council Tax Records
- Planning / Building Control / Public Health Depts.
- Target List of Empty Properties
- Advice & Guidance request
- Housing Standards / Accreditation
- VAT / Tax Advice
- Officer knowledge

#### ENQUIRIES RECEIVED CENTRALLY BY EMPTY PROPERTY ADVISOR

- Each enquirer receives written acknowledgement
- Properties are Visited and Risk Assessed (by EPC)
- Ownership searches (reasonable enquiry)
- Referral to other Departments
- Properties are scored and banded (A, B & C)
- Course of action decided, based on banding

#### RISK ASSESSMENT CRITERIA

- Length of time Vacant
- Property & Neighbourhood Appearance
- Nuisance / Defect / Structure
- Market / Habitability
- Housing Potential
- Ownership
- Likely Enforcement Action
- Social Impact

### 11.1 APP DATABASE

Empty Property enquiries are logged and monitored using APP, which is accessed, shared and maintained by Housing & Public Protection.

This software enables data recording specific to premises, with individual service / housing assistance requests enabling recording and reporting against various means of assistance, from advice and guidance, enforcement to financial assistance.
Currently, there are 251 pending enquiries relating to Empty Properties. These will vary from pending, low risk assessment properties, to enforcement and financial assistance enquiries.

Currently, Carmarthenshire has received 165 active enquiries relating to financial assistance, however has distributed information and advice to thousands, which is not recorded.

Across any given financial year, specific areas of high Housing need are targeted, where owners of empty properties are contacted and offered extensive advice and guidance. The number of properties targeted each year in this vein, is approximately 1000 – 1200. Due to administrative restrictions, these advice / assistance enquiries are not logged on APP, but are held on spreadsheets.

### 11.2 RISK CATEGORIES

<table>
<thead>
<tr>
<th>Band A</th>
<th>Score (100+)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Significant defects identified</td>
<td></td>
</tr>
<tr>
<td>• Formal inspection carried out</td>
<td></td>
</tr>
<tr>
<td>• Appropriate enforcement action taken</td>
<td></td>
</tr>
<tr>
<td>• Enforcement notices monitored for compliance</td>
<td></td>
</tr>
<tr>
<td>2%</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Band B</th>
<th>Score (50-99)</th>
</tr>
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<tbody>
<tr>
<td>• Defects identified</td>
<td></td>
</tr>
<tr>
<td>• Advice letter sent to Owner</td>
<td></td>
</tr>
<tr>
<td>• Follow up letter and Requisition For Information if ignored</td>
<td></td>
</tr>
<tr>
<td>• Schedule of works presented for informal compliance</td>
<td></td>
</tr>
<tr>
<td>• Progress of works monitored</td>
<td></td>
</tr>
<tr>
<td>8%</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Band C</th>
<th>Score (0–49)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Minor defects identified</td>
<td></td>
</tr>
<tr>
<td>• General advice letter to Owner</td>
<td></td>
</tr>
<tr>
<td>• Enquiry monitored (6 monthly)</td>
<td></td>
</tr>
<tr>
<td>• No further action</td>
<td></td>
</tr>
<tr>
<td>90%</td>
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12.0 WHAT DOES OUR PERFORMANCE LOOK LIKE?

Performance Indicator – PSR/004 - Definition

Each Local Authority must annually report all work relating to Empty Properties in the private sector, which are monitored under PSR/004. This performance indicator is defined as:

- *The percentage of private sector dwellings that had been vacant for more than 6 months at 1 April that were returned to occupation during the year through direct action by the local authority*

The data for this indicator is obtained from the Revenue Section of the Local Authority, who has information relating to whether council tax is being paid on the private sector dwellings. All properties which are liable to council tax (regardless of whether a discount is applied or not) and have been vacant for more than 6 months is included.

The following are examples of the types of direct action that can lead to a dwelling being returned to occupation:

- Grants, loans or other financial assistance either provided or facilitated by the authority
- Providing advice, such as:
  * Literature on the authority’s empty homes strategy
  * Advice on letting, including legal and housing benefit requirements
  * Advice on grants and other financial assistance including tax concessions available
  * Details of landlord forums or accreditation schemes
  * Advice on repairs, including details on building contractors meeting minimum requirements
- Referral to partner Registered Social Landlords (RSLs) or other intermediary with relevant expertise
- Enforcement action including statutory notices
- Enquiries made to establish ownership of property and follow up action

12.1 NUMBER OF PROPERTIES BROUGHT BACK INTO USE

The number of empty properties brought back into use throughout Carmarthenshire is increasing with every year, totalling 511 properties in the last 5 years, as summarised below.

Each year, Carmarthenshire has improved on the number of properties returned and exceeded set targets.

- 2014 / 2015 – 135 properties (Target – 120)
- 2013 / 2014 – 115 properties (Target – 110)
- 2012 / 2013 – 109 properties (Target – 96)
- 2011 / 2012 – 93 properties (Target – 65)
- 2010 / 2011 – 59 properties *(Target – 50)*
The reasons for the improved performance include:

- having a dedicated co-ordinator,
- improved operational focus via the revised Empty Property 2010 action plan following the implementation of an Empty Property Strategy 2005 - 2009.
- prioritising targeted advice and guidance and
- the introduction of the Social Lettings Agency in 2010
- Linking with the Housing Renewal Policy and the provision of recyclable loans rather than grants.

12.2 NUMBER OF EMPTY PROPERTIES

The number of empty properties for 6 months or more has however been increasing year on year and as at 1st April 2015 was 2,671.
The majority (56%) have been empty < 2 years however 20% have been empty > 5 years.

<table>
<thead>
<tr>
<th>Length Empty</th>
<th>&amp;age</th>
<th>No.</th>
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<tbody>
<tr>
<td>Less than 1 Year</td>
<td>31%</td>
<td>829</td>
</tr>
<tr>
<td>1 - 2 Years</td>
<td>25%</td>
<td>677</td>
</tr>
<tr>
<td>2 - 3 Years</td>
<td>11%</td>
<td>296</td>
</tr>
<tr>
<td>3 - 4 Years</td>
<td>8%</td>
<td>203</td>
</tr>
<tr>
<td>4 - 5 Years</td>
<td>5%</td>
<td>132</td>
</tr>
<tr>
<td>5 - 10 Years</td>
<td>13%</td>
<td>340</td>
</tr>
<tr>
<td>10+ Years</td>
<td>7%</td>
<td>194</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>2671</strong></td>
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</table>

### 13.0 COSTS / BENEFITS OVERVIEW

The following gives an overview of the wider or hidden benefits of bringing properties back into use.

- * Officer Costs including on-costs at 20% £37,166
- * HIH Legal Costs (Based on 30 Applications) £7,350
- * HIH Land Registry fees - £1,500
- * SLA Grant\(^4\) (£1k/prop.) £8,000

**TOTAL COSTS 2014/15** **£54,016**

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\(^4\) The Social Lettings Agency has successfully been awarding funding to mitigate homelessness, and utilises this fund for improvement works administered via a mixture of grant (first £1,000) and interest free loans (recycled). This funding is specific to landlords who place their property onto the Social Lettings Agency list, and enter into a management agreement with Carmarthenshire County Council.
### 13.1 BENEFITS – 2014 / 2015

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>TOTAL No. PROPERTIES</td>
<td>135 (of which 34(^5) are affordable homes)</td>
</tr>
<tr>
<td>☑ Private sector leverage(^6) (ave. £12k/property)</td>
<td>£1,620,000</td>
</tr>
<tr>
<td>☑ HIH Loans approved</td>
<td>£1,141,000</td>
</tr>
<tr>
<td>☑ HIH Private Sector Leverage</td>
<td>£760,000</td>
</tr>
<tr>
<td>☑ SLA Loans Approved</td>
<td>£35,000</td>
</tr>
<tr>
<td>TOTAL AREA INVESTMENT</td>
<td>£3,556,000</td>
</tr>
<tr>
<td>ROI (£3,556,000 /£54,016) 66:1</td>
<td></td>
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<tr>
<td>☑ Council Tax Increase to full premium (based on Band D)</td>
<td>£66,082.50</td>
</tr>
<tr>
<td>☑ Debt Recovery</td>
<td>£11,800</td>
</tr>
<tr>
<td>☑ HIH Loan Application income</td>
<td>£10,350</td>
</tr>
<tr>
<td>TOTAL INCOME</td>
<td>£88,232.50</td>
</tr>
<tr>
<td>ADDITIONAL BENEFITS</td>
<td></td>
</tr>
<tr>
<td>☑ Increased Adjoining Property House Price – £1,222,290 (average(^7))</td>
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<tr>
<td>☑ Job sustainability / creation – 176 jobs created / sustained (Based on 3 jobs created / sustained per £60,000 of construction work )</td>
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</tr>
<tr>
<td>☑ No. Affordable Homes (assumed 25%) – 34</td>
<td></td>
</tr>
<tr>
<td>TOTAL No. JOBS CREATED / SUSTAINED</td>
<td>176</td>
</tr>
</tbody>
</table>

\(^5\) Based on feedback from landlords and SLA grant business cases

\(^6\) Private Sector Leverage – The amount of private capital investment the scheme may draw

\(^7\) Based on Rightmove.co.uk, lowest house price average in Carmarthenshire of £100,600. Assuming only 1 neighbouring property. (Conservative 9% property value increase, whilst Empty Homes Agency state up to 18%)
14.0 CASE STUDIES

- Long Term Empty Property
- Changed Ownership many times over the last 10 years
- Emergency Enforcement / Works in Default
- Empty Dwelling Management Order considered (Financially assessment undertaken)
- Private Marketing / Sale now considered by Owner
- Engaging Owner
- Long term empty
- Building Act 1984 enforcement action
- Property sold at auction
- New Owner complied with notice
- On-going renovation – Progressing well
- Long term empty
- Property beyond economic repair
- Demolition Order not viable due to highway retention and neighbouring property
- Housing Act 2004 enforcement action taken
- Enforced Sales Procedure instigated.
- Private Sale / Change of Ownership
- Renovation works have commenced
- Long term empty
- Rural Location
- Complaints of anti-social behaviour – break-in’s
- Extensive complaints from residents
- Housing Act 2004 enforcement Action
- LG (MP) Act enforcement – Security
- Possible Works In Default to be financially assessed
Advice / Guidance / Auction

Before

After

Advice / Housing Standards / HMO

Before

After
EDMO / SLA

Before       After

CPO / Demolition Order

Before       After
Houses into Homes

**Welsh Government Case Study**

**15.0 FINANCIAL ASSISTANCE**

**15.1 FINANCIAL ASSISTANCE - HOUSES INTO HOMES**

The Houses into Homes (HIH) scheme was launched in April 2012. A £10 million fund was created by Welsh Government (WG) to support the scheme in 2012/13. A further £10 million was committed by the WG in 2013/14. The Mid and West Wales Region (Lead Authority Carmarthenshire County Council) received an allocation of £1.8m for each year of the scheme.

Carmarthenshire has been allocated £1.4 Million, of which £1.1 Million has been approved, with a further £200K currently being administered. This scheme has also drawn approximately £760k of private sector leverage.

HIH is based on recyclable loans as opposed to more traditional grants. Loans are made available to bring long-term empty residential properties or commercial buildings back into use as homes for rent or sale. When the work is complete, the property must be sold or rented out. The loans are paid before work commences, are interest free and must be paid back within two or three years depending on whether the property is sold or let. The most that can be borrowed is £25k for each unit of property up to a maximum of £150k.
Local authorities can also use the funding to support works in default\(^8\). In addition, WG has funded the provision of advice, guidance and training to support delivery of Houses into Homes scheme and promote empty homes work more broadly.

Evaluations of the scheme to date\(^9\) have shown that it has had a positive impact on bringing empty properties back into use with 4,471 to date against WG’s target of 5,000. WG recently announced a further £10m funding for the scheme. Carmarthenshire’s allocation is £625K.

The first repayments are due in 2016 however some owners have already paid back their loans and £125k has been re-invested to date.

### 15.2 FINANCIAL ASSISTANCE - HOME IMPROVEMENT LOANS

At the end of January 2015, WG announced funding of £10m over 2 years for interest free loans to home owners and landlords to improve poor quality housing. The loans are for a maximum of £25k and are recyclable. Carmarthenshire’s allocation is £300k in the first year and £600k in the second year. This will be administered by the Home Improvement Team.

### 16.0 TOWN CENTRE REGENERATION

The nature of town centres has changed significantly over the last 15 – 20 years with the development of out of town and online shopping which have had an adverse impact on footfall in town centres. This coupled with the cost of business rates and rents as well as the costs of starting up, has led to an increase in businesses failing or moving out of town premises. It is important to understand issues affecting the locality of each of the 3 primary town centres and officers in Regeneration work in partnership to access the different funding streams that each area may be eligible for. The decline in town centres also impacts on residential properties “flats above shops”.

Carmarthen Town has established a Town Centre Regeneration Forum which Physical Regeneration work closely with.

Ammanford Town Centre attracted Western Valleys funding which is being utilised to improve the streetscape to make it a more attractive environment.

European funding has been used in Llanelli Town Centre for capital improvements in the Town such as the Eastgate development linking with the private sector. To date grant funding has been very specific in its purpose however the WG recently allocated £5m capital funding for loans to 7 local authorities as part of its Tackling Poverty Fund areas identified as those with a high level of deprivation and in need of support. Llanelli Town Centre is one of

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\(^8\) A Council has powers to carry out works in default on a property where an owner has been required to do works (for example, for health and safety reasons) but has failed to do so.

\(^9\) Welsh Government Houses into Homes Evaluations
these areas. The funds can be used for a variety of projects which aim to address both commercial and housing needs by bring empty and derelict properties back into use. “Opportunity Street” will provide £1.54m (Carmarthenshire £540k fund and £1m WG fund) for a variety of projects including refurbishment works and the acquisition of 3 vacant properties to provide smaller commercial units and affordable residential accommodation.

Llanelli Town Centre is also in the process of working towards becoming a business improvement district which will entail the private sector contributing to the funding pot.

### 17.0 COUNCIL TAX CHANGES

#### 17.1 COUNCIL TAX ON UNOCCUPIED DWELLINGS - CURRENT POSITION

#### 17.1.1 “NORMAL” VACANT DWELLINGS

When a dwelling is vacated and stands substantially unfurnished, there is an initial 6 months exemption period during which time there is no charge. This is the “Class C” exemption (one of 23 different Council Tax exemptions)

Once this charge-free period expires the vacant property is subject to a 50% charge, or to put it another way, attracts a 50% discount which has no time limit. This charge is payable by the owner or the person entitled to possession if not the owner.

A change in legislation some years ago allowed authorities to vary the discount but the regulations were very inflexible and the additional income (and therefore increased Tax base) would be offset by a reduction in Revenue Support Grant (RSG). For that reason the Council determined not to make any change at that time.

#### 17.1.2 UNINHABITABLE DWELLINGS

Under Council Tax law there are a small number of other minor exemption classes which can apply to vacant dwellings, but apart from Class C the most common by far is Class A – uninhabitable dwellings.

**Class A** exemption applies where a dwelling is vacant and unfurnished, and requires, is undergoing or has undergone, major repair work (including structural repairs) to render it habitable. There is a maximum 12 months exemption period.

It should be noted that Class A exemption applies to the property, not the owner i.e. a new owner cannot benefit from the exemption if it has already been granted to a previous owner, regardless of whether or not that previous owner actually undertook any repairs.
17.1.3 “SECOND HOMES”

Under Council Tax law there is no such thing as a second home, it is a case of dwellings that are furnished but “not anyone’s sole or main residence”. This will therefore cover true second / holiday homes as well as properties that have for whatever reason, been left unoccupied but furnished.

For this category of dwelling local authorities have the discretionary power to reduce the standard 50% discount and in common with most, if not all authorities in Wales, Carmarthenshire has a policy of Nil Discount for furnished but unoccupied dwellings, i.e. the owner will be liable to pay the 100% charge.

17.1.4 VOLUMES

The number of dwellings in the above categories will constantly fluctuate but the numbers are currently (end of January 2015) as follows:

a) Class A exemption (uninhabitable) - 286
b) Class C exemption (vacant l/t 6 months) - 1,301
c) Unoccupied and subject to 50% charge - 2,763
   [of which approx. 2/3\textsuperscript{rd}s have been vacant over 12 months]
d) “Second Homes” subject to 100% charge - 1,040

17.2 HOUSING ACT 2014

The Housing Act 2014 gives greater flexibility to local authorities with regard to Council Tax on long term voids and effectively affords LAs the power to levy a “surcharge “/ premium, without the drawbacks inherent in the current powers (see next para).

In informal discussions with Local Taxation officials at Welsh Government it has been established that additional income arising from reduced discounts / premiums being imposed, would be retained by the local authority with no negative effect on RSG.

With regard to the use made of the additional income, it was confirmed that there would be no requirement for it to be ring-fenced for any particular purpose, e.g. housing.

The section of the Act relating to the introduction of Council Tax premiums is subject to a Commencement Order which it is understood will be made late summer/ early Autumn 2015 (see Potential Variations below) The Commencement Order will specify when the different powers are to come into force and it has been indicated that there may be more than one commencement date.
Also, in preparation for the introduction of the premiums there will be a consultation exercise on the proposed exemptions to the premium on second homes and the premium on long term empty homes. This consultation was launched on the 13th March 2015 and will close on the 13th June 2015.\textsuperscript{10}

17.2.1 POWERS IN RESPECT OF LONG TERM VOIDS AND SECOND HOMES

17.2.1.1 VOIDS

Under the new provisions an authority may determine that in the case of “long-term empty” dwellings no discount applies and that the council tax payable is increased by up to 100%. An authority may also specify different percentages for different dwellings based on the length of time for which they have been empty.

The current proposals state that a dwelling would be classed as “long-term empty” if it has been unoccupied and substantially unfurnished for at least 1 year. However, when determining if a dwelling is a long-term empty, no account will be taken of any void period prior to the coming into force of the new legislation. Assuming the revised regulations will come into effect on 1 April 2016, any premium determined by the local authority would therefore not be chargeable until 1 April 2017.

17.2.1.2 “SECOND HOMES”

Similarly for “Second Homes”, (dwellings where there is no resident but are substantially furnished) an authority may determine that no discount applies and that the council tax payable is increased by up to 100%

The provisions require a local authority to make a determination to charge a council tax premium a year before the financial year in which the premium is to be charged. Consequently a policy decision will be required prior to 1 April 2016 in order to be able to charge a premium on second homes from 1 April 2017.

17.2.1.3 POTENTIAL VARIATIONS IN SCHEME

For both long term empty properties and “second homes” Welsh Ministers may substitute a different percentage limit for the 100% surcharge and/or substitute a longer period to the 1 year period referred to above.

\textsuperscript{10} Exemptions on additional council tax charges for second homes
Also Ministers may prescribe one or more classes of dwelling in relation to which a billing authority may not make a determination under these provisions and may issue guidance on the scheme.

18.0 CONSULTATION

18.1 LOCAL MEMBERS

All Local Members were asked to complete a survey to gather their views. 46 / 62% responded.

* 85% of respondents considered addressing empty properties as a priority in their area.

**Question 1: Do you consider addressing empty properties as a priority in your area?**

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>39</td>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>

* 80% of respondents agreed with providing financial assistance.

**Question 2: What are your views on providing financial assistance to owners in order to bring empty properties back into use?**

<table>
<thead>
<tr>
<th></th>
<th>Agree</th>
<th>Disagree</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>37</td>
<td>3</td>
<td>5</td>
</tr>
</tbody>
</table>
* 63% of respondents said they had problematic empty properties in their area. 20% said they did not and 17% were unsure.

Many Local Members gave details of problematic properties in their area which the Empty Properties Advisor has checked against his database.

* 54% of respondents thought the Council should target specific areas. 23% did not and 23% were unsure.

Members were asked their views on prioritising the use of renovated empty properties.

* 72% of respondents considered the priority should be the provision of both rental and affordable homes.
18.2 TOWN AND COMMUNITY COUNCILS

The County’s 72 Town and Community Councils were sent the same survey. 29 / 40% responded.

* 48% (29) of respondents considered addressing empty properties as a priority in their area. 34% (10) did not and 18% (5) were unsure.
* 41% (12) of respondents agreed with providing financial assistance. 34% (10) did not and 24% (7) were unsure.
* 46% (13) of respondents said they had problematic empty properties in their area. 50% (14) said they did not and 4% (1) were unsure.
* 52% (15) of respondents thought the Council should target specific areas. 21% (6) did not and 28% (8) were unsure.
* When asked their views on prioritising the use of renovated empty properties, the highest response (55%) was in favour of prioritising the provision of rental and affordable homes.

<table>
<thead>
<tr>
<th></th>
<th>Agree</th>
<th>Disagree</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Rental only</td>
<td>11</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>b) Affordable homes</td>
<td>12</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>c) Rental and affordable homes</td>
<td>33</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>d) Neither of the above</td>
<td>1</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>e) Other</td>
<td>1</td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

18.3 OWNERS OF EMPTY PROPERTIES

Each year known owners of empty properties in the areas of highest housing need (Llanelli and Carmarthen) are contacted in writing to offer advice and guidance in bringing the properties back into use. The Group “piggy-backed” on this and also sent a survey to 1,171 owners. The response rate was 11.87% (139) however the correspondence also stimulated a high number of phone calls asking for more details about HIH loans, assistance and general advice. It also stimulated written responses from solicitors where properties were in probate.
A detailed consultation was last undertaken in 2007 which informed the development of the Empty Property Action Plan as well as the Housing Renewal Policy. The response rate at that time was 25.3% (423) from 1,700 known owners.

Further detailed analysis of the results of the current consultation and comparison with the previous consultation will be undertaken by the Empty Property Advisor and this will inform the revision of the Empty Property Action Plan.

Owners were asked whether or not they were still the owner/responsible and if the property was still empty:

* 84% (117) were still responsible and the property still empty.
* 9% (12) were still responsible and the property not empty
* 7% (10) were no longer the owner

When asked why they were no longer the owner/responsible or why the property was no longer empty;

* 36% (9) said they had sold the property
* 44% (11) said they were renting the property to a tenant
* 20% (5) said they/family/friends were living there

Respondents were asked to rate the present condition of the properties.

* 71% (86) said they were very good (38% / 46) or fairly good (33% / 40)
* 16% (20) neither good nor poor
* 13% (15) fairly poor (7% / 8) or very poor (6% / 7)
* 1% (1) didn’t know/no opinion

When asked why or how they had come to own or be responsible for their property;

* 31% (37) had bought it to live in themselves
* 29% (35) had inherited it
* 18% (22) as an investment to let out
* 6% (7) for families/friends to live in
* 5% (6) were executor to the estate
* 3% (4) received as a gift
* 1% (1) managed it for someone else
* 8% (9) said other

76% (87) of respondents said they did not have a mortgage or secured loan on their property whilst 24% (27) said they did.
* 20% (20) of respondents said owning their property always (14% / 14) or often (6% /6) caused them problems or concerns.
* 57% (59) said that they sometimes did whilst 23% (24) said never.

When asked why their property was currently empty;

* 46% (68) of respondents said they were repairing/renovating it (30% / 44) or it needed repair/renovation (8% / 12) or they were planning to repair/ renovate it (8% / 12) or couldn’t afford to repair/renovate it (5% / 8).
* 31% (45) said they were trying to sell it (26% / 38) or were waiting for the right time to sell (5% / 7)
* 3% (5) were keeping their options open whilst 5% (6) didn’t want the trouble of tenants there.
* 2% (3) were trying to let it out whilst 3% (4) wanted to but didn’t know how.
* 3% 4) had no reason/ didn’t know whilst 2% (3) said it was their second home.

When asked what might encourage them to get the property occupied;

* 45% (66) of respondents said that none of the options offered would.
* 14% (20) said an interest free loan to help pay for repairs/ renovation or 8% (11) a professional service to help manage the repairs/ renovation.
* 13% (19) said guaranteed rental income with no involvement from the owner or 8% (12) help/ advice in finding tenants.
* 10% (15) said help/ advice in finding a prospective buyer/ selling it or 2% (3) legal advice/ mediation.

When asked who they would prefer to get the services from;

* 50% (57) of respondents said that none of the options offered were wanted.
* 30% (34) said the Council/ Local Authority
* 20% (22) said from a landlord organisation (8% / 9) or a bank/building society (4% / 5) or a housing association (3% / 3) or an estate agent (3% / 3) or a private developer.

When asked how they thought the property would eventually be occupied;

* 40% (53) said they would sell it.
* 54% (72) said they would either live in it themselves (23% /31) or let it out (24% / 32) or that family/friends would live there (7% / 9).
* 4% (5) said they didn’t know or other.
* 2% (3) said it would be business use.
When asked when they thought the property would eventually be occupied;

* 61% (73) of respondents said either less than 6 months (38% / 46) or 6 – 12 months (23% / 27).
* 13% (15) 1 – 2 years
* 5% (6) 2+ years
* 1% (1) said it was not for occupation
* However 21% (25) said they did not know.

### 18.4 AFFORDABLE HOUSING CONSULTATION

The Authority has been consulting with the public about developing a long term plan to deliver affordable housing and this included gathering views about how to increase the provision. The results were collated towards the end of this review.

781 responded to the consultation and 84% (653) thought bringing empty properties back into use was the best way to increase the number of affordable housing.

The results of the public consultation for the provision of Affordable Housing also showed that 41% (322) of respondents were in favour of the Council buying back homes to increase its housing stock. There are likely to be opportunities going forward to utilise HRA\(^{11}\) funding buy back homes and potentially to support the purchase of empty properties. The Group has made a recommendation to investigate this further.

### 19.0 BEST PRACTICE AND RECOMMENDATIONS

For a Local Authority to be effective there must be a holistic, coherent approach to tackling empty properties. Each department must have a clear understanding of its role and the roles of other colleagues in the process:

- Housing and Public Protection Environmental Health (enforcement, grants / loans, RSL liaising / partnership approach, Performance Indicator PSR /004 )
- Revenue & Benefit (council tax information, discounts and premiums, debts, ownership details)
- Planning (enforcement, s106 agreements, planning applications)
- Building Control (enforcement, conversions works)
- Legal (advice and support, recovery of debt, enforcement)
- Physical Regeneration (Town Centre improvements, links with private sector, funding opportunities)
- Public relations (publicise outcomes, human interest stories)

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\(^{11}\) Housing Revenue Account
COMMON SENSE APPROACH

✓ Approach worst first (deliver low numbers, but what the public wants)
✓ Quantity (tend to be properties in reasonable condition – early intervention)
✓ Combined – be realistic in what can be achieved
✓ Specific targets (LOTS/HARPS schemes\textsuperscript{12}), Urban Areas
✓ There is no cure all pill, look at a range of solutions and use the most appropriate, considering the circumstances of the case.

“PUT YOUR OWN HOUSE IN ORDER” – EMPTY COUNCIL HOMES

The New Homes Team was created as a result of a joint initiative between Housing and Property Services following a Vanguard lean systems review of the re-letting process. Staff from both sections were co-located to provide a greater focus on delivering an improved, streamlined service in dealing with the Council’s void properties. The Team has had the countywide responsibility for processing all new empty Council properties since April 2013. The team was also tasked with allocating and letting vacant properties that had been in existence prior to that date. The average number of properties that becomes vacant per annum (over the last 5 years) is 810.

Since its creation the Team have recorded a number of successes, most notably in

REDUCING VOID LOSS

The rental income lost due to empty council homes in the 2012-13 financial year was in excess of £1.17million. At the end of the last financial year this figure stood at £754k, a significant reduction of £420k.

REDUCING TURNAROUND TIMES

The team records an average turnaround time of 25 days for standard voids. This accounts for approximately 60% of the voids that enter the system. The last comparable data recorded, prior to April 2013, was an average of 45 days for these shorter-term voids.

The end to end turnaround times of all properties are significantly higher than standard voids as they include properties which have had major renovation works carried out, plus properties which have little public demand and are classified as hard to let. The average end to end time of all voids in 2014-15 year was 61days. In comparison this shows a significant improvement as prior to the New Homes Team being created the average void turnaround was in excess of 120 days.

INCREASING CUSTOMER SATISFACTION

The Team’s stated purpose, from a customer’s perspective, is ‘To provide me with a

\textsuperscript{12} Living Over The Shop (LOTS)/ Homes Above Retail Premises (HARPS)
home that suits my needs’. It is therefore very encouraging that 80% of new tenants marked the overall service as 10 out of 10. 99% of tenants rated the service as good to excellent. There was not a similar survey carried out on new tenants prior to the New Homes Team, but staff involved at that time have expressed clear opinions that that customer satisfaction with properties being handed over was significantly lower.

**HARD TO LET PROPERTIES**

Some properties are classified as Hard To Let when -

* There are no applicants recorded on the Register
* The list of applicants on the Register has been exhausted - and no one wants the property
* There have been numerous refusals of offers, because of specific issues associated with a specific property

Over the course of 2014/15 95 properties were let, which had been classified as ‘Hard To Let’. Of these properties a significant 35% were within our Sheltered Schemes. This has a significant effect on void turnaround, and therefore void loss, as the average turnaround time for a Hard to Let property is 100 days.

At the 31st of March 2015 there were 34 properties that remain vacant and have no demand on the housing register, 17 of which are within Sheltered Schemes.
19.1 RECOMMENDATIONS - WHAT COULD WE IMPROVE?

A review of best practice in England and Wales demonstrated that Carmarthenshire’s approach already features many elements. The Group has drawn up a number of recommendations in the areas identified for improvement.

<table>
<thead>
<tr>
<th>WHAT DOES THE BEST LOOK LIKE?</th>
<th>DO WE DO IT?</th>
<th>RECOMMENDATIONS - WHAT COULD WE IMPROVE?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate commitment – Empty Properties Member Champion.</td>
<td>×</td>
<td>R2. Identify the appropriate Executive Board Member to champion and promote initiatives and successes in bringing empty properties back into use.</td>
</tr>
<tr>
<td>Publicise outcomes</td>
<td>✓</td>
<td>Local achievements have been publicised however it is important that Local Members are briefed on Carmarthenshire’s approach, challenges and achievements in bringing empty properties back into use.</td>
</tr>
<tr>
<td>Corporate working group – share the work across all departments and apply the best levers to get the job done</td>
<td>☞ Endorsed by the Executive Board 2014</td>
<td>The Community Scrutiny task and finish review of Planning Enforcement made a recommendation “To formalise a cross-departmental Group in relation to enforcement matters primarily to strategically target action in relation to empty dilapidated properties and develop a protocol for</td>
</tr>
</tbody>
</table>
consulting with Local Members and advising them on progress and outcomes of any action regarding empty dilapidated properties."

The cross-departmental group is in the process of being formally introduced. The remit of this group will be to target empty dilapidated properties with the highest risk and identify long term solutions.

**R4. Ensure that a clear terms of reference for the Empty Dilapidated Properties cross-departmental group and proposed membership of the group is included in the revised Empty Property Action Plan.**

<table>
<thead>
<tr>
<th>Use of delegation of powers to optimise opportunities to bring properties back into use</th>
<th>S215 delegation endorsed by Executive Board 2014</th>
</tr>
</thead>
</table>

The Community Scrutiny task and finish review of Planning Enforcement made a recommendation “**That Legal Services is requested to investigate the possibility of delegating authorisation to take action under section 215 to Public Protection and Housing.**” This has been investigated and the powers are in the process of being delegated to the Head of Housing and Public Protection.

The Building Act 1984 (Sections 77-79, dangerous structures, ruinous and dilapidated) tackles buildings or structures seriously adversely affecting amenity of neighbourhood. The Authority can prosecute or carry out Works In Default which are a priority charge against the property and therefore recoverable on sale.

**R5. Consider delegating Sections 77-79 of The Building Act 1984 (dangerous structures, ruinous and dilapidated) to the Head of Housing & Public Protection with guidance from the Legal Division.**
<table>
<thead>
<tr>
<th>Appendix 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Best LAs have a dedicated Empty Property Officer – specific resource</strong></td>
</tr>
<tr>
<td>✔ Dedicated Officer in post since 2007</td>
</tr>
<tr>
<td>The dedicated Empty Property Officer post has proven successful as shown by our performance trends however there is a burden in terms of grant administration and administration of complex and lengthy enforcement cases.</td>
</tr>
<tr>
<td>£66k of additional Council Tax income was collected through bring empty properties back into use during 2014/15.</td>
</tr>
<tr>
<td>The changes to Council Tax charges under the Housing Act 2014 could provide additional Council Tax income from April 2017. There is no requirement for this additional income to be ring-fenced however there may be opportunities to consider increasing the resources for bring empty properties back into use going forward.</td>
</tr>
<tr>
<td><strong>R6. Consider opportunities to increase resources for bringing empty properties back in to use in light of the provisions under the Housing Act 2014 for imposing reduced Council Tax discounts / premiums and any associated additional income arising.</strong></td>
</tr>
<tr>
<td><strong>Accurate information - know where your empties are (GIS/database)</strong></td>
</tr>
<tr>
<td>✔</td>
</tr>
<tr>
<td>Colleagues in Housing and PP Environmental Health share intelligence in respect of identifying empty properties on the app database.</td>
</tr>
<tr>
<td>Building Control holds a database of ruinous and dilapidated buildings.</td>
</tr>
<tr>
<td>The Empty Dilapidated Properties cross-departmental group provides an opportunity to share intelligence.</td>
</tr>
<tr>
<td><strong>R7. Create shared access to the databases held with information about empty, dilapidated and ruinous properties.</strong></td>
</tr>
<tr>
<td>Maximise use of funding opportunities</td>
</tr>
<tr>
<td>Advice and guidance</td>
</tr>
</tbody>
</table>

\(^{13}\) A Council has powers to carry out works in default on a property where an owner has been required to do works (for example, for health and safety reasons) but has failed to do so.
| R11. Create an interactive reporting form on the corporate website and I-Local. | for owners of empty properties. |
**20.0 APPENDIX A – OVERVIEW OF STATUTORY POWERS**

**Town & Country Planning Act 1990 (Section 215 adverse affecting amenity, CPO)**

- Local Planning Authority (LPA) (Authorisation)
- Adverse affect on the amenity of the area
- Amenity (Broad Concept)
- Not formally defined in legislation or guide
- It is a matter of fact and degree and common sense
- Factors to Consider
  - Visible from a public domain
  - Condition of the site
  - Impact on the surrounding
- Can prosecute or do Works In Default (WID) or both (debt recovery County Court – no priority) – negative equity an issue

**Building Act 1984 (Section 77-79, dangerous structures and ruinous and dilapidated)**

**Section 77 - Dangerous or dilapidated buildings**

- Building or structure is in such a condition, or is used to carry such loads, as to be dangerous, the authority may apply to a magistrates’ court to require the owner to undertake remedial work
-Prosecute for non-compliance Level 3, £1,000 or undertake WID and recover expenses

**Section 78 - Dangerous building – Emergency Works**

- Dangerous and immediate action is necessary
- Give notice to owner & occupier, if reasonably practicable
- WID and recover costs through Magistrates Court / Enforced Sales Procedure
- Grounds of appeal that LA should have proceeded under Section 77 BA 1984

**Section 79 - Building or structure is by reason of its ruinous or dilapidated condition, seriously detrimental to the amenities of the neighbourhood**

- Require the owner to execute such works or repair or restoration or, if he elects
- Demolition of the building or structure and removal of rubbish or other material resulting from or exposed by the demolition.
- Has effect, subject to the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings, buildings subject to building preservation notices and buildings in conservation areas.
- Can prosecute or do WID or both (Enforced Sales Procedure – takes priority)
Housing Act 1985 & 2004 (improvement notices, Empty Dwelling Management Orders (EDMO’s), demolition, clearance, Compulsory Purchase Orders (CPO’s))

**Improvement Notice (s11)**
- Prohibition Order (s20)*
- Hazard Awareness Notice (s28)
- Emergency Remedial Action (s40) (Cat 1 imminent risk)
- Emergency Prohibition Order (s43) (Cat1)

**Demolition Order (s265 1985 Act as amended) (Cat 1)**
- Clearance Area (s289 1985 Act as amended) (Cat 1)

* Both INs and POs can be suspended

**Compulsory Purchase Orders**

Primary powers to acquire land/property compulsorily, where owner not willing to sell by agreement

**Section 17 Housing Act 1985 (enabling)**
- acquire under-used or ineffective used property land
- must show that there is a general housing need in area
- need to show a quantitative or qualitative housing gain

**Section 226 Town & Country Planning Act 1990 (amended by Planning & Compulsory Act 2004)**
- acquire land or buildings (will allow improvement or re-development to take place)
- must contribute to promotion or improvement of economic, social & environmental well being
- can be used where empty property affects the street scene
- Market Value (MV) and Basic Home loss payment 7.5% MV – Section 215, HA 2004 etc

**Empty Dwelling Management Orders**
- Creates right of possession not ownership
- Interim EDMO’s – secure occupation with consent of proprietor (12 months)
- Final EDMO’s – secure occupation, no consent necessary (7 years) renewable
- Remember Enforcement Concordat (measure of last resort)

**Environmental Protection Act 1990 (Section 79/80 statutory nuisance)/ Prevention of Damage by Pests Act 1949 (Section 4 harbourage & treatment of pests)**
Section 79-81 Environmental Protection Act 1990 / Section 76 Building Act 1984

- Premises prejudicial to health or a nuisance
- Execute repair works or prosecution
- Power of entry & warrant provisions

Section 4 Prevention of Damage by Pest Act 1949

- Steps needed to destruct rats or mice or to keep land free of rats or mice
- Power of entry & no warrant provisions

Section 29 Local Government (MP) Act 1982

- Insecure building or likely to become a danger to public health
- Works in default only option – charge owner

Local Government (Miscellaneous Provisions) Act 1982 (section 29 boarding up and section 16 requisition for information)
### GLOSSARY OF TERMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
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<tbody>
<tr>
<td>APP</td>
<td>Database of empty property enquiries in Housing and Public Protection</td>
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<td>CPOs</td>
<td>Compulsory Purchase Orders</td>
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<tr>
<td>EDMOs</td>
<td>Empty Dwelling Management Orders</td>
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<td>ESP</td>
<td>Enforced Sale Procedure</td>
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<tr>
<td>HIH</td>
<td>Houses Into Homes – Welsh Government Scheme of recyclable loans to being back long term empty properties into use as homes for sale or rent</td>
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<td>HMO</td>
<td>House in Multiple Occupation which requires licensing</td>
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<td>HRA</td>
<td>Housing Revenue Account ring-fenced funding for Council Housing Stock</td>
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<td>LA</td>
<td>Local Authority</td>
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<tr>
<td>LG (MP) Act</td>
<td>Local Government (Multiple Provisions) Act 1976</td>
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<td>PSL</td>
<td>Private Sector Leverage – the amount of private sector capital investment drawn into the area</td>
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<td>RFI</td>
<td>Requisition For Information (section 16 LG (MP) Act 1976 – requires an owner to declare interest in a property otherwise liable for prosecution</td>
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<td>RSG</td>
<td>Revenue Support Grant</td>
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<td>SLA</td>
<td>Social Lettings Agency managed by the Authority and used to mitigate against homelessness</td>
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<td>WG</td>
<td>Welsh Government</td>
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<td>WID</td>
<td>Works In Default – powers enabling the Authority to carry out works the owner has been required to do but has failed to do so</td>
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