



**Housing and Communities**  
**Empty Property Strategy 2018 to 2023**



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*Housing is currently in high demand, but short supply. As a result, property prices have spiralled but not all owners and speculators want to occupy or let their property for various reasons, such as concerns about rent debt, tenant behaviour, property damage and regaining possession. Changes to tax and benefits systems are also driving some owners out of this market, or to choose to leave a property vacant. Some owners are content to see their investment grow by leaving a property empty, where it will still typically make more money than in a bank or building society, and at a lower risk than shares or some other investments. At the same time, the number of people and households in housing need continues to grow.*

*Nuneaton and Bedworth Borough Council has had an Empty Property Strategy for several years, the last version was intended to operate from 2013-2016. This document replaces that version, updating what we know and believe about empty homes on a local, regional and national scale, and on tools, resources and priorities.*

*In England, the number of long-term empty homes recorded by local authorities in October 2017 was 205,293. This is a 2.6% increase from the previous year. This was the first reversal in the downward trend in the number of long-term empty homes since 2008.*

*In Nuneaton and Bedworth there were 614 (October 2017) homes stood empty for six months or more. With this Strategy we are continuing our commitment to deal with these properties as a priority so that more housing is available within the Borough. It will also help address problematic long term empty properties which attract anti-social behaviour and blight our communities.*

Councillor Barry Longden

**Cabinet Member for Housing, Health and Communities**

# 1 The Objectives of the Empty Property Strategy

## 1.1 Objectives

The objectives of this Strategy are to raise awareness of empty homes in the Borough and to;

- Return empty homes back to residential use for owner-occupiers and tenants, swiftly and in good condition
- Increase the supply of homes through converting suitable buildings into residential use and by splitting into appropriate shared housing
- Ensure that empty property and associated land does not become a problem for neighbours and the community.
- Secure the demolition of properties beyond economic salvage, and release the land for development.
- To create and sustain viable tenancies and good quality properties to deter homelessness and unnecessary property vacancy, through rent deposit schemes, accreditation and otherwise

## 2. The National Context

2.1 With a growing population, it is widely accepted that there is not enough housing in the UK to meet demands with household and population growth, and the rate of new-build housing and affordability of first time mortgages and deposits for home owners mean that more and more households are in housing need.

2.2 In 2008 there were over 675,000 empty homes within England of which 288,000 were empty for over 6 months. However since this time there has been an overall reduction in the number of empty homes with 205,293 long-term empty homes recorded in October 2017.

The 2016 to 2017 figures show the first reversal in the downward trend in the number of long-term empty homes that has been seen each year since 2008 with an increase of 2.6% ([Empty Homes Agency](#)).

The Government has recognised the need to bring empty properties back into use and has granted powers to help identify the owners of empty properties through Council Tax information and also for local Councils to manage empty properties should it be necessary.

The Government aims to bring more empty homes and buildings back into use however dedicated empty homes funding programmes were ended in March 2015 leaving local authorities with a difficult challenge. The Government has also amended Council Tax legislation to give local authorities the option to charge an Empty Homes Premium which is currently 150% for properties that have been

empty for more than two years. This is set to increase to 200% from April 2019. Whilst this will assist in tackling empty homes dedicated local staff are key to understanding local conditions. This is make up one of the recommendations contained within the latest Empty Homes in England Report ([Empty Homes Agency](#)).

2.3 Empty property activity is reported annually to the Government through the returns for the Empty Homes Bonus. The Government's Empty Homes Bonus (NHB) scheme was introduced in 2010 and aims to provide a strong incentive for housing growth via grant allocations where additional housing has been provided. The New Homes Bonus was initially a six year scheme and it is hoped that this incentive to local authorities continues so the financial benefits to the Council of bringing empty properties back into the available dwelling stock can continue.

### **3. The Local Context**

There are a number of reasons why homes become empty:

- A property is inherited and the new owner is unaware of their responsibilities or lacks the inclination or knowledge to deal with the property;
- Part way through renovations the finance runs out;
- The owners live overseas and use the property only on a temporary basis;
- Properties have been abandoned, sometimes due to ill-health;
- The property is subject to probate or other legal disputes such as marriage breakdown;
- A property is purchased as an investment and left empty waiting for a capital gain;
- A landlord is unwilling or unable to let the property either in the private rented sector or in the social housing sector;

The focus for activity in this Strategy will be to tackle those homes which have been identified as long-term private vacant properties. There will usually be homes which are in a poor condition, possibly with a neighbourhood impact and causing complaints, and which have been empty for more than 6 months.

Understanding the reasons why homes have become empty will determine which of the range of different available approaches are adopted. Prioritising long-term empty homes and bringing them back into use can:

- Improve the look and feel of an area;
- Reduce the fear of crime and anti-social behaviour;
- Provide capital and income for the owner;
- Improve housing market conditions and help regenerate areas; and
- Increase housing provision and develop the range of housing options available.

3.1 Nuneaton and Bedworth currently have over 1870 households in housing need with 880 applications received during 2017/18. Over 100 households are in the

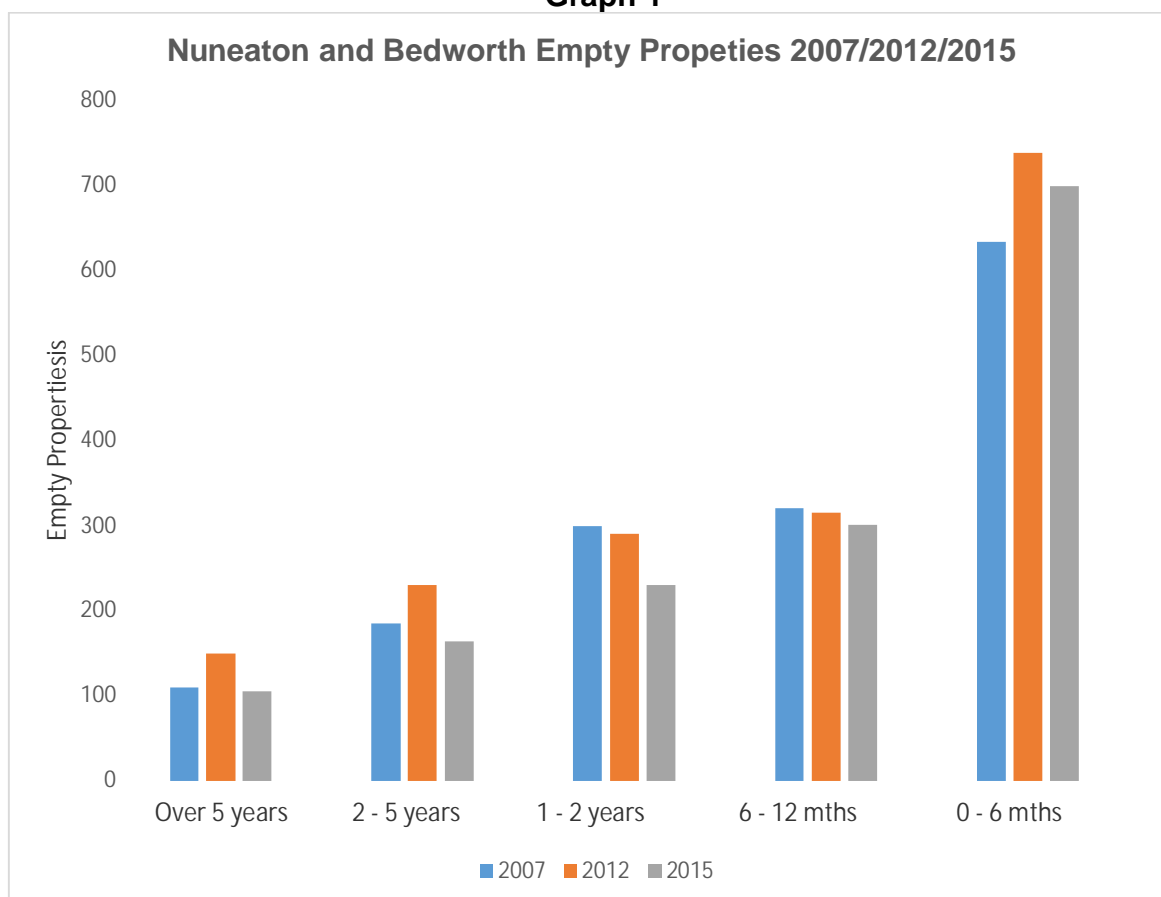
highest priority bands with an urgent housing need and over 1000 in band 2 who are deemed to have a priority housing need with no statutory duty owed.

3.2 The Corporate Plan 2007-21 Aim 1 Priority1 is 'to provide a choice of housing to meet the needs of residents of the Borough'. Working to decrease the number of empty homes will contribute towards achieving this priority.

Council Tax base records for October 2012 showed that there were 1648 empty homes and compared with Council tax records for March 2018 this has increased to 1986 empty homes.

3.3 For the purpose of this strategy a Long Term Empty Property is defined as those that have been empty for over 6 months. Since 2012 when there were 623 long term vacant homes, there was a decrease in the numbers of empty homes with a low of 516 being recorded in October 2016. However an increase has now been observed with 614 long term empty properties being recorded in October 2018. The Graph 1 below illustrates the general decrease in numbers prior up to 2015.

**Graph 1**



### 3.4 Housing Need, Demand and Price

Not enough properties are being built and completed to accommodate emerging households, including those who wish to move into the area for employment and associated reasons. Prices for new properties continue to increase faster than wages growth, making first time ownership harder to achieve with strict lending rules on deposits and the impact of temporary, low wage, zero-hour type employment. There are mis-matches of housing type by area, and the number of housing sales has been depressed for some time.

Nuneaton and Bedworth does, however, have the lowest median house price at £125,000 whereas Stratford-on-Avon has the highest at £240,000. Despite this advantage though, over 50% of the residents of the Borough cannot afford to get on the housing ladder.

Updated figures can be referenced in the Councils new emerging Housing Strategy and Local Plan.

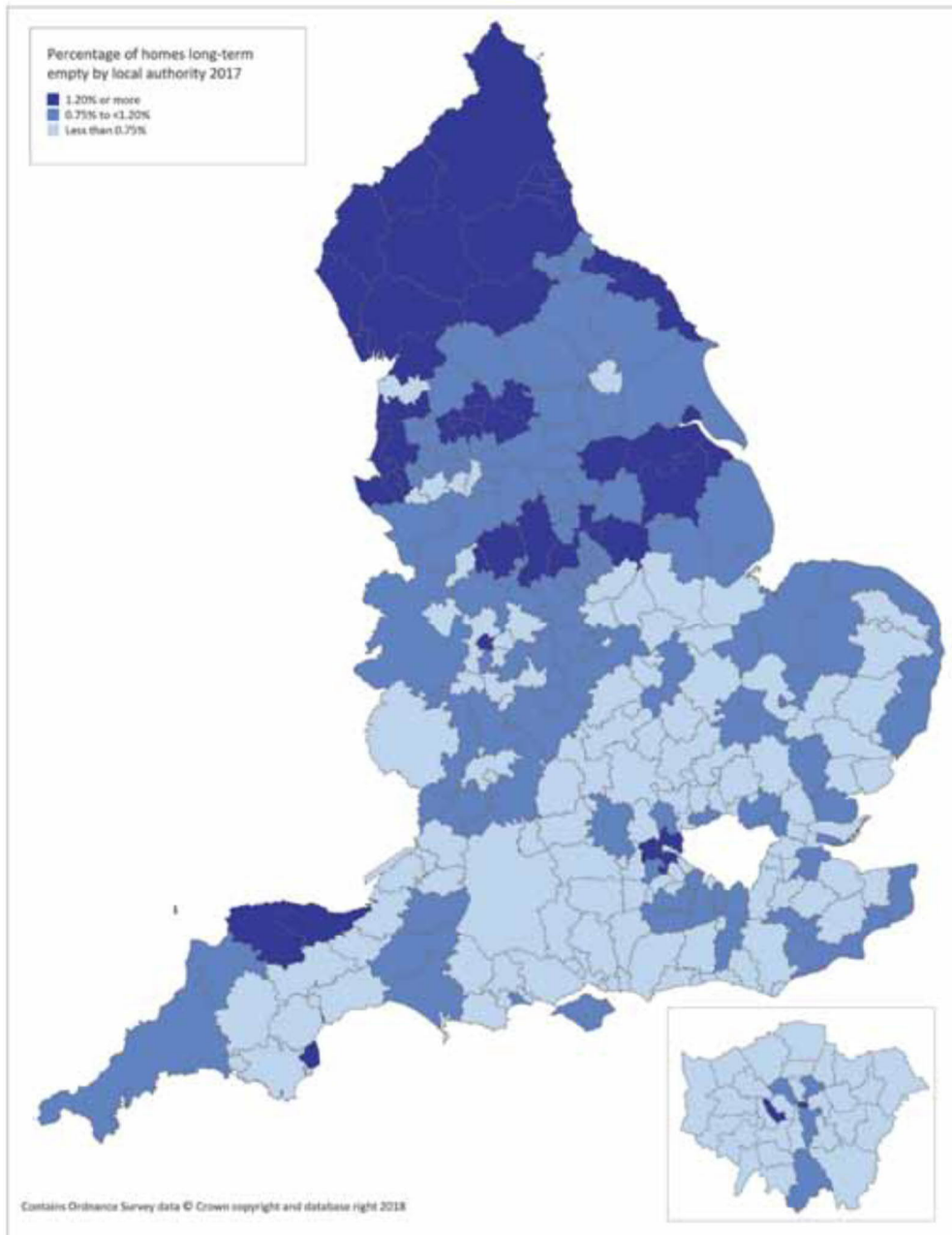
The affordable housing need on an annual basis was assessed in 2015 by a sub-regional SHMA and the results were as follows:

Local Authority	North Warwickshire	Nuneaton and Bedworth	Rugby	Stratford On Avon	Warwick
Net Annual Housing Need Shortfall	92	85	171	233	280

These statistics highlight the difficulties within the housing market, the inability to meet the demand for housing and particularly affordable housing. Young people are living longer at home with parents, or sharing with friends, with consequential issues. Government policies have consistently focused on supporting home purchase and ownership, for rent as well as owner occupation, with little on offer to support tenants or create affordable tenancies through true 'social building' programmes due to financial constraints.

## **4 Ward Based Considerations**

4.1 The average long-term empty dwelling rate in Nuneaton and Bedworth is 1.08% (October 2017). This shows a decreasing trend based on previous years from 1.17% in 2012 and 1.31% in 2008. This is within the same range (0.75 to <1.2%) as the rest of the midlands which can be seen in the map below;



4.3 Abbey Ward has the highest level of empty dwellings. Wards will need to be monitored in case there are particular problems relating to empty properties and low demand.

In light of the building programme over the next 10 years, more choice could mean that some areas begin to suffer from lower demand. The routine collection of empty property data should allow for trends to be established. Potentially these statistics could indicate if any wards are being subject to market failure rather than of the general housing market conditions.



## 5 Local Strategic and Service related Aims and Objectives

5.1 This Empty Property strategy meets the following strategic and service related aims and objectives:

The Corporate Plan 2007-21 sets out how the Council's services and activities will support the vision, priorities and targets in the Sustainable Communities Plan. Its vision is that "by 2021, we shall achieve the greatest improvement in quality of life and social justice in Warwickshire, providing value for money services in a safe and pleasant environment."

Relevant NBBC Corporate Plan aims and priorities:

### Aim 1

**To improve the quality of life and social justice for residents so it is much closer to that enjoyed by the rest of Warwickshire**

Aim 1 Priority 1	'To provide a choice of housing to meet the needs of residents of the borough.'
Aim 1 Priority 2	'To create a healthy, diverse and robust economy which provides employment opportunities for local people'

5.2 The reduction in the number of empty homes within the borough will significantly contribute to the achievement of the Corporate Plan Aim1 to provide a choice of housing to meet the needs of the residents of the borough.

In addition this strategy will contribute to Aim 2 of the Corporate Plan by removing empty properties from the community and thus helping to reduce vandalism, nuisance, arson and places where people may go to abuse alcohol and drugs.

## 6 Targets

6.1 The success of the strategy can only be assessed if the actions are measured and it is therefore necessary to set targets that can be monitored.

Properties brought back into use as a consequence of encouragement, grants or enforcement has fluctuated from 9-39 per annum and has been dependent on resources. The target for the 2018-2023 Strategy should be 12 properties per year which is inclusive of Bond Deposit and Demolitions\* however for the private sector the following specific targets are included for empty property work:

- Encouragement and informal engagement with owners – 10 properties per year.
- Financial assistance and leasing schemes - 10 properties per year.
- Enforcement activity – 5 properties per year.

The authority as of April 2018 has one part time Empty Property Officer who responds to complaints, proactively engages with owners and also seeks to undertake enforcement work where necessary.

6.2 In determining whether a property can be counted towards the above targets the Council or its partners must have a direct influence in securing occupation or demolition. Where the Council's intervention consists of the provision of advice and information a property returned to use will only be included where;

- the owner acts differently from what he or she would have done, or;
- the property is brought back into use significantly more quickly than would otherwise have been the case.

In order for a property to be counted as a successful intervention it will be necessary that the outcome achieved depended on the Council's involvement.

Where a property is converted to more than one dwelling, or where a house in multiple occupation is partially empty, the number of dwellings created as a result of the Council's intervention will be counted.

6.3 It is hoped that the Empty Property Strategy will influence owners not to keep their properties empty for longer than necessary.

The Council will monitor the total number of empty and long term empty properties. Assessing the success of the strategy solely on numbers of empty properties may be misleading as the number of empty properties will be a dynamic situation depending on various factors, so there may be periods of high and low numbers.

It will be necessary to focus existing resources on solutions that work rather than wasting effort on those that have little benefit. It should be recognised also that the housing market cannot function without at least a small number of empty properties for transaction turnover, renovation, estate and legal processes etc.

6.4 In context this means that although advice, finance and encouragement will be the initial approach, enforcement will be considered where co-operation is not forthcoming. The team has insufficient capacity to expend limited resources on unproductive cases.

## **7 Performance Management**

7.1 In order to monitor the overall picture, Council Tax provide information on a monthly basis. In addition it provides important information on this one aspect of the local housing market i.e. the number of empty properties.

7.2 The number of empty properties brought back into use by direct action from the

Council will be counted each month. In addition to being recorded on the Council's performance monitoring system the data also forms part of management monthly performance indicators.

A software system has been configured to allow the recording of information such as:

- Type of property
- Owners details and case management information on communications
- Reason why it is empty
- Owners Intention
- Current case status
- How it came to be brought back in to use and the date.

This software system also records performance information, such as how long the Council intervention took. It has full reporting facilities and enables intelligence to be gathered on the best ways to achieve success. This will be fed back into operational procedures.

7.3 It is also possible, from the Council Tax data, to identify which properties have reached a trigger point in terms of length of time empty. A trigger point has been set at 12 months to instigate initial action. It is expected that all properties that reach this trigger each month will be sent a letter offering assistance to bring the property back in to use. Those properties that remain empty will be prioritised and visited after they reach a second trigger point if they are not reoccupied or for sale.

- The number of empty properties reaching the trigger and the number of new cases reaching the second trigger will be recorded and published internally.

Management will review performance and adapt practices, capacity and team focus as necessary in order to maximise performance.

## **8 Implementation**

8.1 A range of measures are available to the Council to return empty properties to residential use. The measures are wide ranging from encouragement and assistance to formal action for the Council to take permanent or temporary control of the property. Voluntary action by owners is the preferred course of action. Owners of empty property are contacted when the property has been empty for 12 months, they are given advice on the options available. They are further contacted at 18 months, the properties are assessed and subject to the condition and the resources available further action is taken.

8.2 The Empty Property Strategy will be applied in conjunction with other initiatives designed to encourage owners to make use of the properties. In particular the following initiatives will be applicable and will be publicised:

- Housing Renewal and Financial Assistance Policy through which the Council may award financial assistance to owners to return an empty property to residential use.
- A Bond / Rent Deposit Scheme whereby the Council will seek to match properties with tenants and will guarantee the deposit as security for landlords.
- An Accreditation Scheme to signify the quality of housing available and to give confidence to prospective tenants regarding the standards of management.
- Private Sector Leasing by private and third-sector organisation's – which are signposted or introduced by the Council and where the property is let and managed by the other party on behalf of the owner.

8.3 In order to be effective in reducing the number of empty properties in the Borough it is necessary for all involved sections of Housing Services to assume broad areas of responsibility for the strategy implementation and to coordinate activities. The broad areas of responsibility are:

Housing Strategy Team:

- Research
- Investigating and designing services for landlords e.g. training, incentives
- Monitoring leasing activity by the Council
- Working with Registered Social Landlords.

Housing Solutions Team

- Bond Assistance Schemes – administration and liaison.
- Tenant Placement- matching prospective tenants to properties

Private Sector Housing Team

- Empty Property Procedures – administration and development
- Empty Property Inspections
- Financial Assistance process via Empty Homes Loan Scheme
- Accreditation Schemes – administration and liaison, and Inspections \*these are for both Houses in multiple Occupations (HMOs) and for single family household property. These have proven difficult to engage
- Dealing with Nuisance / Enforcement – via various other tools and notices including Housing Act 2004, Prevention of Damage by Pests Act 1949, Building Act 1984, Town and County Planning Act 1990 (for land detrimental to amenity of area only), Refuse Disposal Amenity Act, Public Health Acts, Environmental Protection Act 1990, Local Government Misc. Provisions Acts, Anti-Social Behaviour Crime and Policing Act 2014 Community Protection powers (addressing wastes, vermin, insecure premises, housing hazards and anti-social behaviour)
- Empty Dwelling Management Order
- Compulsory Purchase Order
- Enforced Sale
- Advice to owners on options to bring properties back in to use
- The opportunity to become match-makers between empty property owners

and prospective buyers is being explored to connect people who might have mutual interests in resolving empty property problems, where consent is obtained.

Housing Management

- Management Orders – management of properties (where appropriate)
- Completion of renovation works associated with enforcement cases

8.4 This procedure will require that the teams make referrals to other teams. It will be necessary that that these referrals will be acted upon and good lines of communication maintained so that the case officers are aware of the actions and negotiations being taken by other teams. It will also be important that notes are kept of informal actions to support formal action if required at a later date.

Responsibilities

Private Sector Housing Manager	Responsible for ensuring co-ordination between teams and the functioning of policy tools outside of Housing. Seeking agreement for Portfolio holder for compulsory purchase, EDMO or enforced sale. Responsible for strategy implementation within Housing, developing policy and systems to deliver the strategy, monitoring performance and allocating resources where appropriate.
Senior Private Sector Housing Officer  Empty Property Officer (50% fte)	Responsible for day to day operation of policy and procedures, ensuring actions are taken and outcomes are recorded. Responsible for allocating work to team members and monitoring quality, quantity and outcomes.  Recommending compulsory purchase, EDMO or enforced sale.

**Operation of the Empty Property Strategy**

***Principals***

The empty property procedure will operate under the following principals:

- The aim is to cause the property to become occupied.
- We will be open and transparent, so far as data confidentiality allows.
- We will comply with Corporate and Housing Enforcement Policies.
- A priority system exists to identify those properties to be dealt with in preference to others, subject to change as necessary.
- Advice and encouragement will always be used first.
- We will encourage the use of our associated services to help meet local needs

- e.g. bond deposit scheme.
- Guidance is provided to help decide whether improvement notices, management orders, compulsory purchase or enforced sale is to be used. However each case is unique and there will be no set criteria, other than where informal options have been exhausted, or in emergency cases (Appendix 2).
  - The Council reserves the right to take enforcement action where it is considered necessary and proportionate in the interests of the Community whilst balancing the rights of the property owner which may deviate from the flowchart (Appendix 3) depending on circumstances.
  - Any financial assistance given to business will be subject to State Aid Rules and De Minimis Aid funding obligations (where applicable).

### ***Identification and Actions***

Empty Properties will be identified for action either through Council Tax records or through complaints made to the Council by the public / partner services.

- Each month we will identify those properties that have been empty for 12 months and send a letter offering information, advice and assistance.
- Each property owner will be identified and we will write to them to offer assistance, however only those that are priority rated through the Empty Homes Scoring Matrix will receive proactive follow up actions.
- Individual responses and conditions will determine the action the Council takes. Before taking formal action to secure occupation of a property the owners will be notified of our intention.
- We will encourage and maintain details of potential buyers and developers, and with their permission pass details to empty property owners who may be wishing to sell or lease etc. and via the regular Landlord Forum meetings, website and social media

The strategy will be supported by relevant leaflets and publicity.

### ***Dealing with Properties requiring enforcement action for associated risk***

The Council will advise the owner of the problems and if there is no satisfactory response will take formal action to:

- order removal of refuse which may give rise to rodents or other pests;
- carry out works to treat for rodents or to protect the dwelling from rodent infestation.
- carry out repairs that give rise to statutory nuisance affecting neighbouring properties.
- carry out necessary works where the property gives rise to a danger to the public, including securing the property against unauthorised access.
- Carry out works to improve a property where it is detrimental to the amenity of the neighbourhood.

Costs incurred will be recharged to the owner of the property. Some actions may carry additional sanctions such as a Simple Caution or prosecution, fines (including Court and other legal costs), work-in-default etc.

***Options available to owners to return an empty home into residential use.***

The Council will offer advice and assistance on the following subject areas to assist an owner to return a property to use:

- Improve the property to a standard where it can be occupied by the owner or their family.
- Let the property as a private landlord
- Let the property through an agent
- Sell the property on the open market
- Rent bond assistance scheme
- Other areas of advice and assistance will be developed if required e.g. landlord training.

***Enforcement Notices / Orders etc.***

If voluntary action is not taken by the owner then the Council will consider an improvement notice, enforced sale, compulsory purchase or empty dwelling management orders. The Council will not tolerate uncooperative owners of long term empty property and this will be openly publicised.

**Housing Act improvement notices** can be served where there is an intention that the property be occupied, which can prompt action to bring the property back into use. Owners may be prosecuted for non-compliance with Improvement Notices and the works may be carried out by the Council and the costs charged to the owner following their default. These notices can also be used to protect neighbour's, passers-by and visitors as appropriate, but can be suspended in appropriate circumstances to be triggered if a property is due for occupation, so that it is made safe beforehand.

**Enforced sales** (Law of Property Act 1925) will result in the property being sold on the open market to recover the Council's costs or the owner's debt for works conducted.

**Compulsory purchase** will result in the Council owning the property. If the property is then sold then the Council should recover most of the money it has spent.

**Section 215** of the Town & Country Planning Act 1990 can be used in cases where an empty property is causing serious detriment to the local community. Failure to tidy a site or building may result in prosecution and/or works in default. However,

less serious detriment can be addressed by a **Community Protection Notice** under recent anti-social behaviour legislation.

The Housing Act 2004 includes provisions for local authorities to make **Empty Dwelling Management Orders (EDMO)** where an owner has failed to ensure an empty home is reoccupied. Under the Act the Council will be able to take control of an empty property which has been empty for at least 2 years. These powers were amended on in November 2012 to include requirements concerning the condition of the property and its effect on the neighbour's.

The legislation specifies a number of exempt categories of properties which preclude action through EDMOs the Council will have regard to this list when considering actions for compulsory purchase and enforced sale.

More information and guidance on EDMO can be found at:

<http://webarchive.nationalarchives.gov.uk/20100513032259/http://communities.gov.uk/documents/housing/pdf/151111.pdf>

Examples of cases and decisions relating to EDMOs can be found on the web site of the First Tier (Residential Property) Tribunal at:

<http://www.justice.gov.uk/tribunals/residential-property>



## **Appendix 1**

### **Consultees we engaged for the original strategy included;**

- Empty Homes Agency
- West Midlands Empty Property Officer Group
- Nuneaton and Bedworth Borough Council Landlord Forum
- Nuneaton and Bedworth Lettings and Estate Agents
- Warwickshire Police
- Warwickshire Fire and Rescue Service
- Nuneaton and Bedworth Borough Council - Housing Strategy
- Nuneaton and Bedworth Borough Council - Planning and Building Control
- Nuneaton and Bedworth Borough Council - Environmental Health
- Nuneaton and Bedworth Borough Council - Legal Services
- Nuneaton and Bedworth Borough Council - Council Tax
- Pride in Camp Hill
- Town Centre Management
- The Chamber of Commerce
- CAVA
- Neighbourhood Watch
- 10% of long term empty property owners.

The following have also been consulted with as part of this Strategy renewal process; Housing, Health and Communities Portfolio Holder Cllr Barry Longden, Planning, Legal, Finance, Council tax.

## Appendix 2

### Guidance for Enforced Sale, Compulsory Purchase, Empty Property Management Order

Empty Property - Consideration of Enforced Sale, EDMO or CP			
No property will be considered for the above unless the informal routes have been declined by the owner.			
Address			
Officer Assessing			
Date property became empty			
Length of time we have worked on this case.			
Description of Property		Commercial	
		Residential	
		Mixed Site	
		Flat	
		Flat above shop	
Number of Units			
Approximate Property Value		£	
Debt against property		£	%age debt of property value %
(Check with Council Tax, Planning, Land Charges, Env Health, Env Housing, Building Control)			
Type of Debts			
Likelihood of debt increasing		High / Medium / Low	
Disrepair - approx. value		£	Works required

**Nuneaton and Bedworth Empty Property Strategy 2018-2023**

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Owner identified?	Yes / No			
Owners Intention				
Problems caused in Neighbourhood				
Have all other options been considered and have we evidence of this? (letting, owner occupation, leasing, sale)			Yes / No	
Has the owner demonstrated that they will not co-operate with an informal route to achieve occupation?				
			Yes / No	
What are the stated reasons for the owner not co-operating				
<b>Guidance</b>				
Repairs above £15000 - tend towards compulsory purchase				
Debts above £5000 - tend towards enforced sale				
Debts and repairs below £15000 - tend towards EDMO				
No more than 10 properties to be recommended for compulsory purchase at any one time.				
Consider the potential ongoing enforcement action over next 2 years to maintain the site.				
Consider the effect on the community over the next 2 years.				
Recommendation				
Justification				
Signed				
Date				
Counter signed (PSHM / SPSHO)				
Date				



Nuneaton and Bedworth Empty Property Strategy 2018-2023

