

# Empty Homes Strategy

2019-2024



## Contents

1. Executive Summary .....	3
2. The Purpose of the Empty Homes Strategy 2019 - 2024.....	4
3. The Empty Homes Challenge .....	5
4. The National Context.....	7
5. The Bedford Borough Context .....	9
6. Empty Homes Strategy 2013 – 2019 – A Review of Progress to Date.....	12
7. Aims and Objectives .....	14
8. The Council’s Approach.....	16
9. Conclusion.....	22
10. Action Plan .....	23
11. Appendix 1 - Case Study.....	26

## 1. Executive Summary

- 1.1 The overall aim of the Empty Homes Strategy is to bring long term empty homes back into use. Together with our partners we will seek innovative solutions to the problem and hence contribute towards increasing housing supply and improving local environments.
- 1.2 Bedford Borough Council's Empty Homes Strategy 2019-2024 is focused on residential properties in the local authority area that have been unoccupied for 12 months and more especially (although not exclusively), where they are causing significant problems to the local community.
- 1.3 The Government recognises that bringing empty homes back into use can contribute to meeting projections of housing need and actively encourages local authorities to take the action required to tackle these wasted resources. Bedford Borough Council has embraced this challenge using identified good practice. It aims to build on the success achieved from the previous Empty Homes Strategy whose implementation has seen a significant reduction in residential properties unoccupied for over five years.
- 1.4 The strategy sets out five Key Objectives to enable long term empty homes to continue to be brought back into use via a structured and fair approach. Enforcement action is only used as a last resort, the focus of the strategy is to encourage and provide advice to owners so they bring their properties back into use without formal action being instigated. The Key Objectives are:
- Objective 1 – Reduce the number of long term empty homes in the Borough
  - Objective 2 – Raise awareness of empty property as a wasted resource
  - Objective 3 – Improve the supply of decent housing available across all tenures
  - Objective 4 – Use Compulsory Purchase Orders where they are appropriate and value for money
  - Objective 5 – Maintain the data collected on empty homes
- 1.5 The Council's approach to empty homes is to send a series of standard letters to try and engage with property owners so they take the action required to bring it back into use. Where encouragement and advice fail to achieve this, the Council considers the use of enforcement powers as a last resort. Where enforcement action has become necessary the Council believes the use of Compulsory Purchase Orders to be the most efficient and effective tool to permanently bring long term empty properties back into occupation. Where such action is not possible, this strategy allows for the use of alternative options which are available to the Council.
- 1.6 The strategy includes an Action Plan that sets out measurable targets for the delivery of these key objectives.

## 2. Purpose of the Empty Homes Strategy 2019 – 2024

- 2.1 The Empty Homes Strategy provides the Council with a targeted, effective and coordinated approach to tackling the problem of empty homes, bringing them back into use to help meet local housing need.
- 2.2 This Empty Homes Strategy is for the period 2019-2024. It takes into account developments in legislation and best practice and the success the Council has achieved in reducing the number of very long term empty properties in the Borough since the Empty Homes Strategy 2013-2019 was published.
- 2.3 The overarching aim of the Empty Homes Strategy 2013-2019 was “to propose and implement a range of measures that will, directly or indirectly, help return long-term private sector and public sector empty homes back into use where it is identified that assistance or, in a small minority of cases, intervention may be required.” This aim is maintained in the strategy for 2019-2024.
- 2.4 Real progress has been made by implementing the Empty Homes Strategy 2013–2019. The Empty Homes Strategy 2019–2024 provides the framework to build upon these successes, which are considered further in Section 6.



### 3. The empty homes challenge

- 3.1 A long term empty home is a residential property that has been left unoccupied for six months or more.
- 3.2 Any property that is lying empty is a wasted resource, both for the person who owns it and those looking for somewhere to live. If left vacant for a long period its physical condition can deteriorate and the property can become a nuisance for those living in the neighbourhood. Where there are a number of empty dwellings in a neighbourhood this could discourage investment, in turn leading to economic decline.
- 3.3 Table 1 shows the breakdown at April 2018 of the empty homes classifications for the Borough according to Local Taxation records.

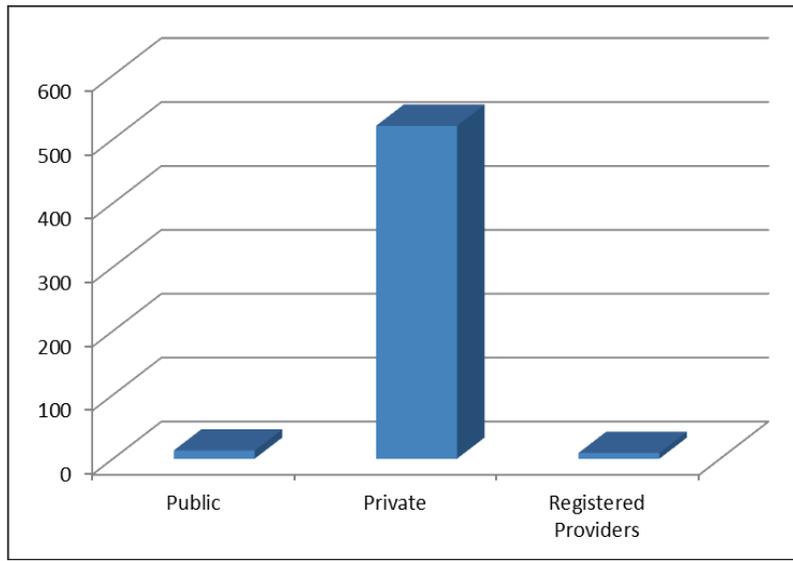
Table 1: Empty Homes Classifications at April 2018

Classification	Apr-18		
	6-12 months	12 months+	% of Overall Total of Empty Homes (937)
Awaiting Probate	65	30	10%
Probate Granted	6	4	1%
In care home / receiving care / providing care	22	39	7%
Unoccupied and furnished	12	56	7%
Unoccupied and unfurnished	283	411	74%
Other	6	3	1%
<b>TOTAL</b>	<b>394</b>	<b>543</b>	<b>100%</b>

Source: Bedford BC Council Tax Records

- 3.4 Empty Homes which are in probate or where the owner is in care accounted for 18% of the total at April 2018.
- 3.5 The remaining 82% of long term empty properties are empty for other reasons. In a number of cases the owner lacks the funds or the skills to repair and manage the property to bring it back into occupation. In some cases owners appear to be unable to take realistic decisions regarding the property. There are owners who express no desire to bring their property back into use and who are willing to allow it to remain empty. The Council focuses its resources on properties where it becomes evident that the owners are unwilling or unable in practice to bring their property back into use.
- 3.6 Over 96% of homes recorded as empty for over 12 months are in the private sector (Figure 1). Liable persons are recorded as individuals, companies and charities. Significant time and effort is put into contacting the owners of these premises to establish the reasons why they are unoccupied and wherever possible offer advice and support to get them reoccupied.

Figure 1 – April 2018 - Empty Property Owners: Over 12 Months



Source: Bedford BC Council Tax Records

- 3.7 Persons recorded as liable for empty properties that have been empty for 12 months or more on Council Tax records are sent a series of ‘empty homes letters’ with the target of gathering information about the plans for each property. All contacts are recorded. These ultimately form the evidence base for enforcement should action not be taken to bring the property back into use. Further details about the standard letter approach are detailed in Section 8.

**Benefits of bringing empty properties back into use**  
**For the Owner:**

- 3.8 If an empty home is sold the owner will receive a capital lump sum. If the property is let the owner would receive income. It could also reduce outgoings as owners of empty properties must

pay utilities charges and properties that have been unoccupied and unfurnished for more than two years are charged Council Tax at 150%. In March 2018 the Government announced it was bringing forward new legislation to allow councils to charge further enhanced rates of Council Tax on empty homes.

- 3.9 Leaving a property empty increases the risk of vandalism, crime and squatting, making it costly or difficult to insure.
- 3.10 Vacant dwellings are often associated with a lack of maintenance and upkeep. The fabric of the building will deteriorate without regular maintenance which will reduce the value of the property.

**For People who need a Home:**

- 3.11 Bringing empty homes back into use helps meet the Borough’s housing need. Long term empty homes are a wasted resource; the addendum to the Strategic Housing Market Assessment of October 2016 identified a need for 970 new homes each year to 2030.

**For Local Residents:**

- 3.12 Bringing an empty home back into use significantly reduces the opportunities for vandalism, fly tipping and anti-social behaviour. Unoccupied unsightly homes can also have a direct impact on nearby properties through dampness and structural problems. Bringing these properties back into use helps improve the built environment to maintain safe, attractive neighbourhoods.

## 4. National Context

4.1 In 2013 when the Council's previous Empty Home Strategy was adopted, Department for Communities and Local Government (DCLG) figures showed that the national total of long term empty homes in England (properties recorded as unoccupied and substantially unfurnished for over 6 months on Council Tax records) stood at 216,050. In October 2015 the figure was 203,596. The overall total recorded at October 2017 was 205,293. This shows that whilst the number of empty homes reduced between 2013 and 2015, they are now beginning to rise again.

4.2 Against this background the number of people without suitable housing, and housing demand in general, continues to increase. The number of new build completions in England continues to fall short of projected demand. The total number of completions increased from 112,330 in 2013 / 14 to 160,470 in 2017 / 18 (GOV.UK - Table 209; permanent dwellings completed, by tenure and country). The Government's 2017 White Paper, 'Fixing our broken housing market' identifies that "from 225,000 to 275,000 or more homes per year" are needed "to keep up with population growth and start to tackle years of under supply". Re-occupying empty homes is not the whole answer but government and local authorities cannot ignore their potential to provide much needed accommodation.

4.3 'Laying the Foundations: A Housing Strategy' (2011) stated the Government's commitment to:

*"...bringing empty homes back into use as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities."*

4.4 A number of the actions set out in 'Laying the Foundations: A Housing Strategy' remain critical to the Council's campaign to bring empty homes back into use. These are:

4.4.1 Awarding of the New Homes Bonus for empty homes brought back into use. Since the scheme was launched, HMCLG figures show Bedford Borough Council has received payments totalling £6,999,510 for all aspects of the New Homes Bonus. Its allocation for 2017-2018 was £1,355,189.

4.4.2 The discretion for local authorities to levy an 'empty homes premium' of up to 50% in addition to the normal Council Tax payable where a property has remained unoccupied and substantially unfurnished for two years, was adopted by Bedford on 1st April 2013. In March 2018 the Government announced it was bringing forward new legislation to allow councils to further increase the empty homes premium. This may see a 300% levy for those properties that have been left empty for over 10 years.

4.4.3 Support for the compulsory purchase of long-term empty properties where this is properly justified at a Public Inquiry.

- 4.5 The White Paper – “Fixing Our Broken Housing Market” (2017) sets out continued support for local authorities in tackling the issue. At Section 4.41 it states:

**We will also continue to support local authorities to encourage efficient use of our existing stock, making best use of homes that are long-term empty.** Local authorities have powers and incentives to tackle empty homes. Through the New Homes Bonus they earn the same financial reward for bringing an empty home back into use as building a new one. They also have flexibility to impose a council tax premium of up to 50% (on top of the council tax bill), on properties that have been empty and substantially unfurnished for more than two years. Great progress has been made in recent years and the number of empty homes stands at its lowest since records began. At May 2010 over 300,000 homes in England had been standing empty for longer than 6 months. As of October 2015 the number of long-term empty properties had fallen to 204,000.”

- 4.6 The National Planning Policy Framework 2018 also encourages Councils to use their CPO powers to bring empty properties back into use. It says (paragraph 118 d), Planning policies and decisions should:

*“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)<sup>45</sup>”*

Footnote <sup>45</sup> states:

*“As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.”*



## 5. The Bedford Borough Context

### Corporate Strategy

- 5.1 The Bedford Borough Council Corporate Plan 2017–2021 “The Place to Grow” says:

*We believe that the quality of place matters to how people feel about Bedford Borough in their daily lives. Our role is to enhance the local areas we are responsible for, ensure others manage their spaces and places properly and to encourage positive activities*

To help achieve this, the Housing Strategy Review 2016–2020 was adopted by the Council on 15 June 2016 following public consultation. In setting out housing priorities for the Council, Section 16 of the Review focusses on the Council’s programme to address the problem of empty homes as an option to increase housing delivery.

### Housing Need in Bedford

- 5.2 The addendum to the Strategic Housing Market Assessment of October 2016 identified a need for 970 new homes each year to 2030. A total of 14,550 new homes are required to meet the housing need up to that date.
- 5.3 In March 2018, 1085 household’s applications were active on the Housing Register. Of these households 53 had a homelessness duty accepted.
- 5.4 In April 2018 temporary accommodation was being provided for 124 homeless households.
- 5.5 Through its successful Tenancy Deposit Guarantee Scheme (TDGS) the Council works closely with private sector landlords

to secure suitable accommodation to prevent or relieve homelessness. Using the powers granted under the Localism Act 2011, the Council has also actively used the scheme to discharge its homelessness duty into private sector accommodation. TDGS is a means to assist with bringing empty properties back into occupation where owners wish to let their property.

- 5.6 At 31st May 2018, there were 213 tenancies within the TDGS. 62 new tenancies were created during 2017 / 18.
- 5.7 In 2017 / 18 387 homelessness decisions were made. Of these, the Council had a duty to re-house 223 households. A further 298 households were prevented from being homeless through either being helped to remain in their existing accommodation, finding alternative accommodation or having their homelessness relieved.
- 5.8 In the last three years there has been an increase in the number of recorded rough sleepers from 25 in 2014 to 76 in 2017.

## Measurement of Outputs from the Empty Homes Programme

5.9 Bedford Borough Council records and monitors empty homes quarterly using the following 4 metric indicators:

M56a (Housing)	Number of Empty Homes (empty for more than 6 months)
M56b (Housing)	Number of Empty Homes (empty for more than 12 months)
M56c (Housing)	Number of Empty Homes (empty for more than 2 years)
M58 (Housing)	Empty homes brought back into use following engagement with the Council*

*\*The Council uses the definition developed for the former Best Value Performance Indicator 64 to monitor and record the number of empty homes brought back into use. The demolition of low demand premises is only included where their demolition enables the redevelopment of the site for residential purposes.*

### Location of empty home owners

5.10 In April 2018 Local Taxation figures show approximately 69% of persons / companies recorded as the liable parties for empty properties are located in Bedford Borough.

## Good Practice

5.11 In 2007 Bedford Borough Council signed up to the good practice published by the then East of England Empty Homes Task Group. Details of how the Council has applied the 10 point good practice plan are set out below:

### *Have a corporate commitment to tackling empty homes*

- This is expressed in the Housing Strategy Review 2016–2020. The commitment is supported by the Council Executive’s approval of a capital budget of £2,849,000 in June 2014 to facilitate the acquisition of long term empty properties where owners are not acting to bring them back into use. Additional staffing resources to implement the programme were also agreed.

### *Have a lead officer with responsibility for empty homes*

- The additional resource agreed by Executive in June 2014 has enabled a Housing Strategy Officer to work full time from August 2014 leading on implementing the Empty Homes Capital Programme and Strategy Action Plan.

### *Consider the benefits of a wider sub-regional and / or multi partner approach to tackling empty homes*

The Council continues to work with the Homes England, Registered Providers of Affordable Housing (predominantly but not exclusively housing associations, hereafter ‘Registered Providers’) and local charities to bring empty homes back into use. Examples include:-

- Long term empty properties in St Paul’s Square, Bedford, being brought back into use by Aldwyck Housing Association after

funds were successfully bid for from the HCA. These provided ten units of accommodation.

- Working in partnership with the Kings Arms Project, three Council owned former service tenancy properties have been brought back into use to provide accommodation for single homeless persons.
- The Townscape Heritage Initiative was a regeneration scheme funded by the Heritage Lottery Fund, Bedford Borough Council and BedfordBID. It restored numerous properties on Bedford High Street thereby enabling a number of flats over shops to be brought back into use and occupation.

#### *Have a tool kit of options*

- The range of options available to the Council is set out in this strategy document.

#### *Have a method for identifying, recording and keeping up to date a list of empty properties*

- The Council identifies records and maintains a list of empty properties on a monthly basis. The information is compiled by the Council Tax Team and provided to the Housing Strategy Team.

#### *Have a clear strategy for tackling empty homes*

- The strategy is set out in this document.

#### *Have a clear framework for communications with owners*

- The core framework is of four letters sent in a sequence as set out in Section 8.2 of this strategy.

#### *Have a clear framework for communicating with the public, partners and stakeholders*

- The Housing Strategy Review 2016–2020 was the subject of public consultation including consultation with the Council’s partners and stakeholders. This strategy has also been the subject of consultation.

#### *Have clear targets for bringing empty properties back into use*

- The Housing Strategy Team sets a target annually for bringing empty properties back into use.

#### *Ensure links to other strategies at a regional and local level*

- The National Housing Strategy has been referenced in this document. The Government’s White Paper recognises that Councils continue to have an important role and legal powers to bring empty homes back into use. The Council has considered the measures which are most appropriate to the Borough. These are set out in Section 8 below.

5.12 **The Council will continue to follow the ten point good practice plan as it continues to remain relevant.**

## 6. Empty Homes Strategy 2013-2019 – Review of progress made

- 6.1 In June 2014 the Executive of the Council approved an increased capital budget of £2,849,000 to facilitate the acquisition of long term empty properties where owners are not acting to bring them back into use. The funds available are primarily used to purchase empty properties which are then sold to new owners who will bring them back into use; the funds can be recycled as the properties are sold on. Sales are conditional upon this happening in a reasonable timescale. Additional staffing resources to implement the programme were also agreed.
- 6.2 Between 2006 and April 2018 a total of seven CPOs were completed by Bedford Borough Council. All seven properties compulsory purchased by the Council have been renovated and brought back into use providing much needed housing without the need for the obligation to be enforced.
- 6.3 The success of the Empty Homes Strategy 2013-2019 is demonstrated by the sustained fall in the number of properties empty for more than five years.
- 6.4 Table 2 provides a comparison of the number of properties and the length of time they have been recorded as empty at August 2014 and April 2018. The Table shows the falls in the longer-term empty properties which are those that have been most clearly targeted and where the programme has most impact.

*Table 2: Length of time properties have been empty*

Number of years empty	August-14	April-18	Reduction in the No of Empty Homes
1-2 years	280	274	6 (2%)
2-5 years	174	169	5 (3%)
5-10 years	81	53	28 (35%)
10 years+	63	47	16 (25%)
Total	598	543	55 (100%)

*Source: Bedford BC Council Tax Records*

- 6.5 The number of residential dwellings vacant for 1- 2 years forms the highest proportion of long-term empty properties.
- 6.6 The trend of properties recorded as empty for between 1- 2 years can be erratic. The Council has little control over the numbers coming onto the empty homes list. Properties empty for 1- 2 years are also more likely to be influenced by market trends, for example a slowing or heating of the housing market. By far the majority of these will come back into use without the need for significant intervention by the Council. Contact is first made with recorded liable persons when a property is recorded as being unoccupied for over 12 months.
- 6.7 In 2017 / 18 a total of 88 properties were brought back into use following Council intervention. During the period 2014-15 to 2017-18 a total of 365 properties were brought back into use due to actions taken by the Council.
- 6.8 The Council also maintains regular contact with Registered Providers to understand the reasons why their properties are empty. Empty Registered Provider properties account for less than 2% of properties vacant for over 12 months. The number of properties recorded as empty for over 12 months which are owned by Registered Providers has fallen from 56 in August 2014 to 10 in April 2018.
- 6.9 Publically owned properties account for just over 2% of properties recorded as being vacant for over 12 months. As with Registered Providers information is gathered as to why premises are empty and what the plans are to bring them back into occupation. The number of publically owned properties recorded as unoccupied for over 12 months has reduced from 23 in August 2014 to 12 in April 2018.
- 6.10 The Council works with Homes England, Registered Providers and local charities to bring empty homes back into use. Examples are given at 5.11 above.

## 7. Aims and objectives

### Strategic Aim

- 7.1 The overarching aim of the Strategy is to return long-term private and public sector empty homes back into use.

### Objectives

- 7.2 The Council's key objectives are:

1. Reduce the number of long-term empty homes in the Borough
2. Raise awareness of empty property as a wasted resource
3. Improve the supply of decent housing available across all tenures
4. Use Compulsory Purchase Orders where they are appropriate and value for money
5. Maintain the data collected on empty homes

### Key Objective 1: Reduce the number of long term empty homes in the Borough

1. Keep a register of long term empty homes.
2. Make contact with empty homes' owners keeping them informed of options open to them to bring empty properties back into use.
3. Keep a record of all contacts made with the owners of long term empty homes.
4. Focus in particular on properties that have been empty for over two years.
5. Make contact with Registered Providers about long-term empty properties in their ownership.

6. Use a range of options to bring long term empty properties back into use.
7. Actively consider any Government initiatives that will help finance bringing empty homes back into use.

### Key Objective 2: Raise awareness of empty property as a wasted resource

- 7.3 We will:

1. Publicise on-going successes.
2. Advise empty homes owners of options available to bring their empty homes back into use.
3. Mount promotional campaigns.

### Key Objective 3: Improve the supply of decent housing available across all tenures

- 7.4 We will:

1. Advise property owners of the Council's Tenancy Deposit Guarantee Scheme.
2. Work with Environmental Health to bring empty homes back into use and ensure they are a decent standard for occupation.
3. Provide assistance to ensure at least the minimum property standards are achieved.

### Key Objective 4: Use Compulsory Purchase Orders where they are appropriate and value for money

#### 7.5 We will:

1. Ensure appropriate enforcement policies and procedures are in place in respect of compulsorily purchasing a property and with regards to the involvement of Planning Enforcement and Environmental Health.
2. Record information on those empty properties where contact with the owner has been unsuccessful and intervention is deemed appropriate.
3. Maintain a programme of empty properties eligible for CPO.
4. Use the Bringing Empty Homes Back Into Use revenue and capital funding allocation as effectively as possible to support this work within the Council's financial procedures and the overall funding allocation.

### Key Objective 5: Maintain the data collected on empty homes

#### 7.6 We will:

1. Record and maintain information on empty homes.
2. Work with the Local Taxation Team to obtain timely information.
3. Record and monitor identified metric indicators M56a, M56b, M56c & M58.
4. Record the number of empty homes brought back into use due to Council intervention.



## 8. The Council's Approach

- 8.1 There are a number of direct and indirect ways in which long term private and public sector empty properties can be brought back into use. Measures range from providing advice and guidance to persons with liability for empty dwellings to, in a small minority of cases, the instigation and / or implementation of enforcement action. The Council's approach and options available to it are set out below:-

### The Four Standard Letters Approach

- 8.2 The Council has four standard letters which are sent to the persons recorded as liable for empty properties on Council Tax records. This is the minimum number of letters that will be sent before enforcement action is considered. This approach is often supplemented by bespoke letters attempting to obtain progress updates from property owners. More than one of the same standard letter may be sent, for example if works commence to a property then stop and the owner fails to respond to bespoke approaches.
- 8.3 The responses received assist the Council to target action by identifying properties where the owner is not taking steps to bring them back into occupation.
- 8.4 Where a liable person informs the Council action is being undertaken to bring the empty property back into use or it is occupied, full details and contacts are recorded. The empty homes letters sent by the Housing Strategy Team are then held until the actions recorded can be verified, usually by way

of a visit. Where it is discovered the property in question is not occupied or action is not being taken to bring it back into use, then the standard letter process is re-commenced. (Although letters can be held by the Housing Strategy Team, other Council departments also deal with empty homes and therefore may need to contact the recorded liable party.)

- 8.5 An initial letter is sent to liable persons where it is recorded on Council Tax records that probate is awaited. In most cases no further action is required although contact will be made again where it appears probate is taking an unreasonably long time to resolve. Due consideration is given to each set of circumstances before any further action is taken.
- 8.6 Persons recorded as residing in or receiving care, are not normally contacted about their empty home. In exceptional circumstances action will be considered for example where serious deterioration of the property is undermining the asset of a person who lacks capacity to manage it and there is no one else to act.

## Investigatory Visits

8.7 Visits are an important element of the work on empty homes. Investigatory visits are undertaken for a number of reasons including:

- To confirm that a property is for sale / sold / to let
- To confirm that a property is being renovated
- To gather information from neighbours
- To check if the property is empty
- To leave a calling card with Officer details for the owner to make contact where no other contact has been received following the standard letters
- To make sure the property is in a safe condition
- To determine if involvement is required from Planning Enforcement or Environmental Health
- To obtain photographic evidence
- To obtain other evidence for enforcement action

## Where Owners Do Not Act

8.8 Where contact fails to persuade the empty property owner to instigate and then pursue the action required to bring their property back into use, enforcement action is considered.

8.9 The Council has taken the decision that the most effective action to ensure empty properties are returned to long term use is through compulsory purchase. The enhanced capital budget introduced in June 2014 was approved to facilitate

the acquisition of long term empty properties in these circumstances. (There are circumstances where compulsory purchase is not appropriate, for example a flat which is not registered at the Land Registry. In such situations alternative powers available to the Council to bring empty homes back into use are considered, see 8.23.)

8.10 If there should be any concerns about a liable person's capacity, Adult Services will be consulted prior to enforcement action being considered.

8.11 Before compulsory purchase action can be commenced, the compelling case has to be formally made and approved. This includes consideration of the owner's Human Rights. Once 'in principle' approval from the Chief Officer Planning and Highways has been received, Ward Councillors and the Parish Council (where applicable) are consulted. The Portfolio Holder must then approve before the compelling case is finally agreed by the Chief Officer – Planning & Highways under delegated powers.

8.12 If compulsory purchase action is approved, the property owner is informed in writing. By its nature, the legal process for compulsory purchase means owners do have some time to take steps to bring the property back into use, if not themselves then by selling it to a new owner who will.

### Compulsory Purchase Orders (CPOs)

- 8.13 The Housing Act 1985, Section 17 allows the Local Authority to acquire under-used or ineffectively used property for residential purposes if there is a general housing need in the area. In addition Section 226 of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) allows Local Authorities to acquire land or buildings if acquisition will allow improvements or redevelopment to take place.
- 8.14 The CPO process can be a lengthy one and the prospect of its use is intended to place pressure on the owner to enter into constructive dialogue with the local authority in order to avoid such measures. Compulsory purchase is only used as a last resort when all other interaction with the owner has failed to result in the property being returned to active use.
- 8.15 Compulsorily purchasing a property can also send an effective message to owners of other long term empty properties and may help encourage them to bring them back into use without the Council having to resort to enforcement action. Out of 41 approvals for compulsory purchase action given since June 2014, owners have taken steps which have led to 26 properties being brought back into use without the need for the process to complete.
- 8.16 The following are general criteria to determine whether CPO action should be pursued. Meeting these criteria forms the Council's compelling case. Each case is considered on its individual merits and circumstances in accordance with prevailing legislation, best practice and statutory and circular guidance.
- The length of time the property has been empty.
  - The condition of the property.
  - The location of the property and its profile in the local area.
  - The effect it is having on the neighbourhood (e.g. is it attracting crime, anti-social behaviour, squatting etc?).
  - The cost of purchasing the property against available budgets and the likelihood of the Council being able to sell it on to be brought back into use by a new owner.
  - The demand for the property type.
  - Whether an owner can be traced where they are unknown or appear to have moved on.
  - The responses from the owner to enquiries.
  - The record of the owner in delivering on commitments that have been made.
- 8.17 There are costs associated with the use of compulsory purchase powers including compensation payments, legal fees, short-term management and marketing costs.
- 8.18 Properties acquired through the empty homes programme are usually re-sold, not kept in the Council's ownership. To avoid any new owner failing to take action to bring the acquired property back into use, a legal obligation is placed on the property when it is re-sold. This allows the new owner between 12–18 months (depending on the property size and condition), to bring it back into occupation. If the obligation is not met, the Council is able to purchase the property back for the price the buyer paid.

8.19 The process of compulsory purchase requires the Council to make an offer to voluntarily purchase a property before compulsory purchase action is commenced. As at April 2018, three property owners have decided to sell directly to the Council rather than let compulsory purchase action complete.

8.20 The compulsory purchase process allows property owners the opportunity to object to the awarding of an Order. Where considered appropriate by the Secretary of State, a Public Inquiry may be called to hear the case. By June 2018, five objections have been raised by owners. One objection was heard at Public Inquiry with a compulsory purchase order and costs being awarded to the Council. In two instances objections have been withdrawn just before the Inquiry was due to take place and the Council was awarded the order it sought in each case. In the fourth case the owner completed a sale of the property before the Public Inquiry; the decision was taken to withdraw from the compulsory purchase action to allow the new owner the opportunity to bring the premises back into use. The objection has only just been submitted to the National Policy Casework Unit in the fifth case.

### Partnership Working

8.21 The Council actively works with Registered Provider partners and local charities to bring empty properties back into use. In certain circumstances it is possible to complete one off schemes to bring long-term empty properties back into use for example using funding streams made available from the Homes England. As noted above the Council has worked successfully with Aldwyck Housing Association and the Kings Arms Project to bring long term empty properties back into occupation.

8.22 Registered Providers with long term empty properties are contacted once Council Tax records show they have been unoccupied for over 6 months. This is to determine the reasons for these properties being empty and, where appropriate, to encourage them to be brought back into use.

### Empty Dwelling Management Orders

8.23 Empty Dwelling Management Orders (EDMOs) came into effect in 2006 and are a legal device that enables Councils to bring an unoccupied privately owned home back into use. An EDMO allows the Council to take direct control of the management of the property for up to one year in the case of an Interim EDMO and up to seven years in the case of a final EDMO. The Council is able to renovate the property, let it and collect the rent. There are detailed procedures to follow and EDMO applications have to be approved by the Residential Property Tribunal.

8.24 On making an EDMO the Council becomes responsible for the completion of any repairs required to bring the property into occupation. The Council is only able to recover those costs in so far as they are covered by rents and other charges. Depending on the condition of the property concerned, this could represent a significant cost to the Council. In cases where a property is in very poor condition, the potential costs involved are likely to prohibit EDMO action as not being cost effective.

8.25 From November 2012 the use of EDMOs was limited to

properties that have been empty for over two years and which can be shown to have caused a nuisance. Local Authorities also have to demonstrate that there is community support for the proposal. These measures have further served to restrict the potential for using EDMOs as properties in reasonable repair, which would be cost effective to bring back into use, are now unlikely to qualify. This includes buy to leave dwellings and new build properties that have not been sold or let.

- 8.26 EDMOs may, however, provide an effective option to bring properties back into use which are not registered at the Land Registry and where the owner is not known, or from flats in converted properties where they are not registered separately. In these instances compulsory purchase action cannot be pursued so EDMO provides a possible alternative route.
- 8.27 In England few EDMOs have been completed since their introduction. Between 2006 and 2017, Ministry of Justice figures show 222 EDMO applications were made nationally (an average of 18.5 per year). Of these 137 have been authorised (62%).
- 8.28 Bedford Borough Council has not completed any EDMOs as it has determined the use of compulsory purchase orders provide a more effective solution. Where suitable cases arise the Council will consider the use of EDMOs.

### Enforced Sales

- 8.29 Enforced sales enable the recovery of debts owed to the Council for works completed to secure compliance with statutory notices for example, to secure the building or prevent nuisance. Where a local authority is empowered by statute to carry out works etc, it can in certain circumstances recover its expenses from the property owner by imposing a charge on the property.

Where an owner is known and subsequently makes a payment in full the charge is removed.

- 8.30 In some cases the Council is able to force the sale of empty homes. This is likely to have the effect of bringing the property back into use as there will be a new owner. Where homes have been abandoned it is not unusual for debts to accumulate through unpaid bills. Some debts may be charged against the property with a charging order. Where the Council has debts charged in this way it can recover them through legal action. The outcome is that either the owner repays the debt or the property is sold in order to recover it.
- 8.31 The enforced sale procedure was developed in the 1990s to apply these powers to tackle derelict abandoned properties. The procedure is now used by Councils across the country. The average time for completion is 9 months.
- 8.32 Unlike compulsory purchase, there are no capital cost implications with enforced sales, as the property does not enter Council ownership. However, costs are incurred in administering the process. Enforced sales are appropriate where the Council is owed a debt as it is essentially a means of recovering it.

### Loans

- 8.33 The Council no longer offers loans to empty home owners. Many owners choose to borrow privately to undertake necessary works as interest rates have been at an historic low.
- 8.34 The Council will consider publicising the availability of reputable external funding sources which can provide loans to empty homes owners to help them bring their properties back into use and occupation.

### Council Tax Premium

- 8.35 Following public consultation in 2012, from 1 April 2013 the Council has used its discretionary power to impose a Council Tax Premium of 50% for properties which have remained unoccupied and unfurnished for more than two years. It is considered that the imposition of the premium creates a financial incentive for owners of vacant properties to let or sell the property and thereby bring it back into use. In March 2018 the Government announced it was bringing forward new legislation to allow councils to charge further enhanced premium rates of Council Tax on empty homes. The Council will consider whether to bring in the higher charge following appropriate public consultation.
- 8.36 At April 2018, there were 190 properties on the Council Tax list recorded as unoccupied and unfurnished for over two years which were therefore eligible to be charged at the premium rate. This represents 70% of properties recorded as vacant for over two years.

### Planning Enforcement and Environmental Health Enforcement Powers

- 8.37 There are a number of enforcement powers such as statutory notices available to the Council to take action to address the poor condition of an empty property. This is particularly the case where there may be health and safety concerns or where it causes serious detriment to the amenity of the neighbourhood.

- 8.38 Although such enforcement action will not ultimately return a property back into use, it will improve its condition and impact upon the immediate neighbourhood in the short term. If an owner should still fail to take the action required to bring the premises back into occupation, the fact that the Council had to intervene due to the condition of the empty property, provides valuable evidence should the instigation of the compulsory purchase process be required.

### Reporting

- 8.39 The Council's progress on bringing empty homes back into use is reported regularly to Housing Committee.

## 9. CONCLUSION

- 9.1 Bringing empty homes back into use remains a priority for Bedford Borough Council. It forms part of the Council's strategic approach towards increasing the housing supply as set out in the Housing Strategy Review 2016–2020.
- 9.2 The Empty Homes Strategy 2019–2024 aims to build on the success of the Empty Homes Strategy of 2013–2019, by providing a strong foundation for the Council to continue to take positive action, where appropriate to bring empty properties back into occupation



## 10. ACTION PLAN

10.1 The following Action Plan has been developed to deliver the Aims and Objectives of the Empty Homes Strategy 2019-2024

10.2 The Action Plan will be monitored and reviewed annually

### BEDFORD BOROUGH COUNCIL EMPTY HOMES STRATEGY 2019-2024 – ACTION PLAN

Key Action	Timescale	Priority	Performance Measure	Resources	Responsible Team
<b>Key Objective 1: Reduce the number of long-term empty homes in the Borough</b>					
1.1 Keep a register of long term empty homes	Monthly	High	Long term empty homes listed and monitored	Staff time	Housing Strategy Local Taxation
1.2 Make contact with empty homes owners keeping them informed of options open to them to bring empty properties back into use	Monthly	High	Standard empty homes letters sent in sequence as required.	Staff time	Housing Strategy
1.3 Maintain a record of all contacts with owners of empty homes	Ongoing	High	Details of all contacts recorded to show progress made with empty properties being brought back into use	Staff time	Housing Strategy
1.4 Focus on properties empty for over two years	Ongoing	High	Effective action on two year + empty properties	Staff time	Housing Strategy
1.5 Make contact with Registered Providers about long term empty properties in their ownership	Ongoing	Low	Registered Providers contacted when their properties are recorded as empty for 6 months.	Staff time	Housing Strategy
1.6 Work with colleagues to bring back into use empty properties owned by the Council	Ongoing	High	Council owned empty properties are identified and proactively managed to bring them back into use.	Staff time. Council capital budgets for refurbishing properties where necessary	Housing Strategy Property Services Other Council teams where identified as potential service users

1.7 Keep under review the range of options to bring long term empty properties back into use	Ongoing	Medium	Options available to the Council reviewed.	Staff time	Housing Strategy
1.8 Actively look for any Government initiatives that will help finance bringing empty homes back into use	Ongoing	High	Bids made for Government funding if made available	Staff time	Housing Strategy
<b>Key Objective 2: Raise awareness of empty property as a wasted resource</b>					
2.1 Produce annual Communications Project Plan	Annual	High	Communications Project Plan produced	Staff time.	Housing Strategy Communications
2.2 Publicise on-going successes	Ongoing	Medium	Publicity initiatives completed	Staff time	Housing Strategy Communications
2.3 Advise empty homes owners of options available to bring their empty homes back into use	Ongoing	High	Letters sent to owners and advice given over the phone or in person where possible	Staff time	Housing Strategy
2.4 Complete promotional PR campaign as identified in the Empty Homes Communications Project Plan	Ongoing	Medium	Promotional campaigns completed	Staff time / Marketing and Promotion Budgets	Housing Strategy Communications
<b>Key Objective 3: Improve the supply of decent housing available across all tenures</b>					
3.1 Advise property owners of the Council's Tenancy Deposit Guarantee Scheme	Ongoing	High	Persons with liability for empty properties made aware of the Tenancy Deposit Guarantee Scheme	Staff time	Housing Strategy Re-housing Team
3.2 Work with Environmental Health to bring empty properties back into use and ensure they are a decent standard for occupation	Ongoing	High	Liaison with Environmental Health about relevant empty properties	Staff time	Housing Strategy Environmental Health
3.3 Provide assistance to ensure at least the minimum property standards are achieved	Ongoing	High	Advice offered to property owners and liaison with Environmental Health	Staff time	Housing Strategy Environmental Health

<b>Key Objective 4: Use Compulsory Purchase Orders where they are appropriate and value for money</b>					
4.1 Ensure appropriate enforcement policies and procedures are in place in respect of compulsorily purchasing a property and with regards to the involvement of Property Services, Planning Enforcement and Environmental Health.	Ongoing	High	Enforcement procedures maintained up to date	Staff time	Housing Strategy Property Services Planning Environmental Health
4.2 Record information on those empty properties where contact with the owner has been unsuccessful and intervention is deemed appropriate	Ongoing	High	Property information recorded and monitored	Staff time	Housing Strategy
4.3 Obtain approval for long term empty properties to be Compulsorily purchased.	As and when required	High	Executive agreement received – through delegated authority	Staff time	Housing Strategy Authorised officers
<b>Key Objective 5: Maintain the data collected on empty homes</b>					
5.1 Record and maintain information on empty homes	Ongoing	High	Information recorded, monitored and where appropriate shared	Staff time	Housing Strategy Local Taxation
5.2 Work with Local Taxation to obtain timely information	Monthly	High	Information providing the list of empty properties received from local taxation monthly	Staff time	Housing Strategy Local Taxation
5.3 Record and monitor identified metric indicators M56a, M56b, M56c & M58	Quarterly	Medium	Metric Indicators M56a, M56b, M56c & M58 monitored	Staff time	Housing Strategy Local Taxation
5.4 Record and monitor the number of empty homes brought back into use due to Council intervention.	Quarterly	High	Former BVPI 64 Guidance (excluding demolitions without gain)	Staff time	Housing Strategy Local Taxation Re-housing Team Property Services Planning

## Appendix - Case Study

### Case Study – The Compulsory Purchase of a property in Edward Road



Before



After

1. Bedford Borough Council has successfully compulsorily purchased seven long term empty properties up to April 2018. The above property had been unoccupied for over 14 years. The rear garden was overgrown and had been used extensively for fly tipping. The front and rear door and a number of windows had been boarded to prevent access to the premises following the intervention of Environmental Health. Internally the house was full of rubbish and had clearly been squatted at some point before the compulsory purchase completed. Complaints had been received from a number of the neighbours.
2. After numerous attempts to contact and engage with the owner, the decision was made to initiate CPO proceedings due to the property's deteriorating condition and its effect on neighbouring properties. Following the CPO process, the house has been sold and completely renovated. It is now rented and occupied. Whilst CPOs are a last resort for the Council and can be a lengthy process, they are sometimes the only option to ensure a long term empty home is brought back into use providing a home for someone who needs it.
3. The completion of the compulsory purchase of this property coincided with the launch of the Council's increased budget to facilitate the acquisition of long term empty homes where owners are not acting to bring them back into use. This attracted the interest of both regional television and the local press. A link is provided below to the report broadcast on Anglia News. This clearly shows the very poor condition the house was in at the time it was compulsorily purchased.

**<http://www.itv.com/news/anglia/2014-10-11/bedford-borough-council-to-spend-nearly-3-million-getting-empty-homes-back-into-use/>**

## Finding out more

If you would like further copies, a large-print copy or information about us and our services, please telephone or write to us at our address below.

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