Foreword

Although relatively small geographically, North East Lincolnshire is an extremely diverse area combining the seaside town of Cleethorpes, the attractive Lincolnshire Wolds and Grimsby which provides crucial commercial and social infrastructure. Similarly, the housing market and associated neighbourhood infrastructures are equally diverse with attractive and popular areas of the borough being counterbalanced by some neighbourhoods which are amongst the most deprived in the country.

The Council is developing regeneration initiatives to address problems of housing market balance, stock condition and social inequalities. To complement and enhance these activities a focus on empty homes is also required. Empty homes are a wasted resource, they have the potential to create areas of dereliction and decay and attract crime and anti-social behaviour. Yet they also offer the potential to provide much needed decent, affordable homes.

If we are to succeed in our vision

"for everyone to have access to sustainable, good quality housing within supportive and safe communities at a price they can afford"

then the challenge of reducing the number of empty homes is one which we must embrace.

This strategy document sets out the extent of the problem nationally, regionally and locally and provides a framework for further action. As changes occur, in the housing market, in the size and scope of our citizens’ housing needs, and in the legal framework, the suitability of the measures outlined in this strategy will also change. It is therefore a working document, which will be subject to subsequent reviews and evolution over time.

A well-planned and considered approach is crucial to tackling the problems caused by vacant buildings, and this is what the Empty Homes Strategy provides. Its success depends upon the backing and commitment of the entire Council, along with other key partners.

Cllr Geoff Lowis
Portfolio Holder for Regeneration and Housing
BACKGROUND

1.0 EMPTY HOMES AND HOUSING NEED

1.1 It is estimated that there are in excess of 680,412 empty homes nationally (data at 1st April 2005). Furthermore, across England slightly less than 300,000 properties are believed to have been empty for more than six months, of which the vast majority (86%) are within the private sector.

According to the 2005 Housing Strategy Statistical Appendix (HSSA) data there was a total of 79,505 empty properties in Yorkshire and Humberside with 67,126 (85%) were privately owned.

The number of empty homes in North East Lincolnshire reported in the 2007 HSSA is 2761 of which:
- 576 were owned by Housing Associations
- 2185 were privately owned, and of these:
  - 809 had been empty for more than 6 months

1.2 The total number of houses in North East Lincolnshire, reported in 2007 HSSA is 70683, consequently 3.9% of properties are empty and 1.34% (private sector dwellings) has been empty for more than six months.

Empty homes are not spread evenly across the borough, 30% of empty houses are in the East Marsh ward.

21% of empty homes are owned by Registered Social Landlords (RSL), these are not included in this strategy as they are empty awaiting repair or are part of regeneration programmes agreed with the RSL.

1.3 There is mounting pressure on local housing authorities to develop effective empty home strategies which makes best use of the existing housing stock. Nationally the challenge of meeting ever rising housing demand from a growing population is increasing. Moreover the available green field sites are costly and in limited supply. The awareness of the importance of sustainable environmental stewardship further limits availability of suitable sites for new build development. At a local level, escalating house prices and increasing numbers of smaller and single households has created high demand for affordable housing. Perhaps the most extreme example of this pressure is the extent of the problem of homelessness and the use of temporary accommodation both nationally and locally

1.4 House prices have doubled since 2001 (Source Land Registry) The overall shortfall of affordable homes in North East Lincolnshire is 409 per year (Housing market Needs and Market Assessment) (HMNA 2006)
The results of the HMNA 2006 are complex, but the principal future trends to which we must respond can be summarised as follows:
- Affordability is and will remain a problem across our areas due to a combination of rising prices and low incomes for local people. For this reason, there will continue to be demand for good quality social rented and low cost home ownership homes and we must maximise opportunities to achieve both
• New high quality mid and up market homes are required as well - to attract and retain people in all income groups, to promote the economic success of the area
• There is an absolute shortage of affordable homes across the area. However, in some areas, there are problems of poor quality and over-concentration of lower priced homes
• Regeneration strategies to create better mixed housing markets in struggling areas, including the promotion of up-market housing must be balanced by the creation of affordable homes elsewhere

1.5 In November 2000 the Government published its “Urban White Paper” which, amongst other things, raised the profile of empty homes by proposing that the Regional Development Agencies promote the issue through funding regional seminars to raise awareness and spread best practice. It also recommended practical measures to assist the re-use of empty homes by changes to the tax system. In March 2001 the budget supported this by encouraging builders and property developers to renovate empty properties by reducing the VAT burden on materials to 5% in the following circumstances:

• Renovating dwellings that have been empty for 3 years or more
• Converting a non-residential property into a dwelling or number of dwellings.
• Converting a single dwelling to a House in Multiple Occupation

1.6 In addition, VAT on materials was removed for conversions of properties that had stood empty for more than 10 years and the Government introduced a 100% capital allowance to create flats over shops for letting.

Best Value Performance Indicators relating to empty properties for both public and private housing stock have been introduced. These have subsequently been amended and reviewed but performance against such national indicators remains a criterion against which local authorities are judged under the current Comprehensive Performance Assessment regime.

1.7 The Government’s commitment to a holistic solution to addressing problems associated with housing need and supply has continued to encourage local authorities to develop empty homes strategies. Over the last five years this has included:

• Amendments to Data Protection provisions to allow Local Housing Authorities access to Council Tax registers to identify owners of empty properties;
• Reaffirming the importance of bringing empty homes back into use in the Communities Plan – “Sustainable Communities: Building for the Future” in 2003 and again in the subsequent publication “Sustainable Communities – Homes for All” published in 2005;
• Introduction of Interim and Final Empty Dwelling Management Orders in the Housing Act 2004; and
• In its response to the Baker Review of Housing Supply 2005, the Government took the opportunity to reaffirm the importance of utilising existing empty stock to provide much needed housing.
2.0 THE IMPACT OF EMPTY PROPERTIES

2.1 In addition to the challenges of unlocking their potential to contribute to local housing provision, other concerns often associated with empty properties include:
   - Lost Council Tax revenue where discounts continue to be offered on properties that are empty\(^1\), or where owners are absent/unknown and recovering Council Tax debt is a long protracted process or in some cases not previously considered practicable;
   - A reduction in capital value of the empty home, and moreover neighbouring properties\(^2\);
   - An increased rate of deterioration and decline in the fabric of the building;
   - Potential nuisance to neighbouring properties such as from rodent infestations, access to flocks of birds or penetrating dampness from defective building fabrics or services;
   - An increased vulnerability to vandalism, unauthorised access, squatting and anti-social behaviour;
   - Neighbourhood blight.
   - A loss of a dwelling which could be made available for rent or sale

2.2 In many of these circumstances the Council is called upon to use various legal provisions to address the problem. (A summary of the legal provisions available to address the more common problems associated with empty properties is included in Appendix B - note the provisions cited in Appendix B are tools that can be used to deal with problems associated with empty properties, the legal provisions that will be utilised to bring a property back into use (or demolish it) are included in Section 5.0). In all of these circumstances the cost of investigation is borne by the Council. Some subsequent costs, for example those associated with undertaking work in default following the service of relevant notices, and officer time in arranging for that work, can be recovered from owners.

2.3 Empty properties can therefore be detrimental to both public funds and private finances, and to the social infrastructure and well being of local neighbourhoods.

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\(^1\) Legislative changes now enable Council’s to remove some discounts on empty properties - see action plan
\(^2\) The Royal Institute of Chartered Surveyors has estimated that, on average, an empty dwelling can reduce the value of a neighbouring property by 10%.
AIMS
The aims of a proactive Empty Homes Strategy include:

- Increasing housing availability and choice;
- Provision of affordable homes;
- Substantial improvements to the visual amenity and social wellbeing of a local neighbourhood;
- Maximizing the financial contribution that a property can make to public funds for use on other public initiatives and priorities;
- Providing potential revenue (if a property is let) and capital for owners and landlords;
- The broader environment, by making a contribution to reducing the pressure to develop green field sites for housing purposes.

THE PURPOSE OF THE STRATEGY

The contribution that this strategy will make to corporate commitments is indicative of the purpose of the strategy. However, in practical terms the purpose of the strategy is:

- To reduce the number of long term empty voids (i.e. more than 6 months) that are having a detrimental effect on the communities in which they are situated
- To unlock the potential for empty properties to provide decent quality homes
- To continue to devise solutions that will address the issues that are the root cause of properties becoming empty and remaining under used for long periods
- To establish the strategic direction for empty homes work borough wide
- To set out an action plan with targets and milestones to deliver the strategy up to 2010 and to achieve targets agreed in the Joint Housing Strategy
- To focus the actions and outputs that arise from this strategy the following objectives provide important direction against which achievements and the strategy itself will be monitored and reviewed.
**Strategic Objectives**

1. To continue to reduce the number of empty properties that are having a detrimental effect on the communities in which they are situated.
2. To unlock the potential for empty properties to provide affordable homes.
3. To develop and use informal methods and legal provisions where necessary to address the impact of empty properties on local neighbourhoods.
4. To refine information systems that will help gather and record intelligence on the location, concentration and distribution, ownership and reasons for properties being left empty.
5. To establish and share best practices that reduces the number of long term empty properties and to seek to incorporate those practices where appropriate into this Empty Homes Strategy.
6. To maximise the reuse of empty homes and thereby contribute to minimising the need for future development of Greenfield sites.
7. To support area regeneration programs
8. To raise awareness of the issues surrounding empty homes
9. To ensure that challenging performance targets are set and achieved in respect of all government targets relating to empty homes (BVPI 64, H18 and H23).
10. To achieve upper quartile performance against BVPI 64 by April 2011.

**3.0 GOVERNMENT PERFORMANCE INDICATORS**

3.1 The priority to be given to empty properties is reflected in the following performance indicators that have been established by Government as a means of assessing and benchmarking the progress made by Council’s in dealing with empty homes. The Council’s continuing progress against all three indicators is detailed in Appendix B together with performance targets for the next three years.

- **H18** Percentage of total private sector homes empty for more than six months
- **H23** Empty private sector dwellings returned to use or demolished as a % of total relevant empties
- **BVPI64** Number of individual empty private sector dwellings returned to use or demolished.
### 4.0 CORPORATE LINKS

4.1 This Empty Home Strategy will make a contribution to several priorities identified within the Corporate Plan 2007-10. Table 1 summarises those contributions.

#### Table 1 - Links to the Corporate Plan 2007-10

<table>
<thead>
<tr>
<th>Focus</th>
<th>Action</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Reduce levels of derelict or unsightly land and property (residential and commercial)</td>
<td>b) To establish a corporate Regeneration Working Group, part of which will consider issues related to derelict or unsightly land and property</td>
<td>The Empty Homes Strategy establishes a commitment, targets and milestones to put activities in place that complements the work of the Working Group.</td>
</tr>
<tr>
<td></td>
<td>c) Bid to Regional Housing Board for additional resources to bring empty properties back into use</td>
<td>The Empty Homes Strategy will be the vehicle that will bring empty properties back into use (or demolition)</td>
</tr>
<tr>
<td></td>
<td>d) Feasibility study to be carried out to assess opportunity for a major Housing Regeneration Scheme to be developed within Grimsby</td>
<td>The Empty Homes Strategy will complement any regeneration initiative developed for target areas. Furthermore the prioritisation method for targeting properties includes for increasing the priority of properties in areas subject to regeneration activity.</td>
</tr>
</tbody>
</table>

| Priority 4 - Adults (including Older People), Health and Strategic Housing |
|--------------------------|-------------------------------|-------------------------------------------------|
| 4.6 Improving the Borough’s Housing opportunities | a) Implement the Joint Housing Strategy, and b) Review the Housing Assistance Policy to ensure resources are effectively targeted and linked to Regeneration and Neighbourhood Renewal Strategies | Implementing the Empty Homes Strategy is a commitment within the Joint Housing Strategy. The Housing Assistance Policy provides several “tools” that are used within the Empty Homes Strategy to bring properties back into use |
| | c) Review enforcement policies and procedures to make sure all legislative tools are consistently employed and best practice followed | This new Strategy introduces several enforcement and intervention tools that have not previously been used within the borough. Where procedural or policy guidance is required the Strategy commits to producing that guidance in accordance with existing policies and procedures (for example the enforcement concordat requirements) |
| | d) Undertake a Neighbourhood Renewal Assessment in the East Marsh area | Not withstanding the outcome of the assessment is yet to be determined; it is likely that the number and/or distribution of empty properties will be considered within that assessment. Subject to the recommendation of the assessment the Empty Homes Strategy may provide solutions to some problems |
| | e) Review the Homeless strategy and produce an updated strategy and action plan with partner organisations | Not withstanding the outcome of the review, bringing empty properties back into use will provide some affordable properties that may be linked directly to the provision of temporary or permanent accommodation for homeless people |
| | f) Bid to Regional Housing Board for additional resources to bring back residential properties into use | See previous 1.1(c) |
4.2 **Joint Housing Strategy (JHS) 2007 -12**

The JHS acknowledges that,

“A depressing and highly visible feature of the area is the extent to which empty homes are pepper-potted in both Grimsby and Scunthorpe but more particularly when high numbers of empty homes are situated in close proximity to each other - most common in Grimsby. Often boarded up and appearing abandoned they impact on the environment and quality of life in an area as they attract crime and anti-social behaviour and blight neighbouring properties. They damage confidence and encourage a weakening of housing markets. They detract from investment being made in an area leading to a downward spiral. Most empty homes in North East Lincolnshire are in the regeneration areas highlighted in the Strategy."

Consequently empty homes are identified as one of the key priorities for action. A range of targets have been adopted and these are included in the Action Plan in appendix E.

4.3 **Homelessness Strategy 2003 - 2008**

Priority 6 of the Homelessness Strategy,

“Maximise use of available property and resources within statutory, voluntary and the private sector.”

Contains an action to,

“To develop a robust strategy for making use of empty property in North East Lincolnshire. To identify empty property and explore ways of bringing them back into use.”

The Empty Homes Strategy completes this action.

4.4 **A Regeneration Strategy for North East Lincolnshire 2006 - 2022 New Horizons**

New Horizons is the Council’s regeneration strategy for the period from 2006 -2016. The strategy states that,

“... there is a need to improve the quality of houses and neighbourhoods. This is a particular priority in areas of low demand and actual or potential abandonment. An important aim of the Regeneration Strategy is to ensure that these issues are tackled holistically, with partners, making best use of available powers and resources to achieve decent homes in safe sustainable neighbourhoods where people want to live.”

A range of objectives is set out for housing including to,

“Improve the quality of existing houses and neighbourhoods”

This objective is supported by an action to,

“Tackle the issue of empty property through the Empty Property Officer, monitoring and taking action to reduce the number of empty properties.”

By setting out a frame work for reducing the number of empty properties the Empty Homes Strategy supports and complements the objectives and actions set out in New Horizons
4.5 **Yorkshire and the Humber Regional Housing Strategy 2005 - 2021**

The aim of this strategy is to, 

“Work to ensure the delivery of a range of high quality housing and services in successful neighbourhoods, contributing to a superb quality of life for current and future residents.”

The need to address empty homes is recognised as essential in supporting this vision and the strategic themes of,  
- Creating better places  
- Delivering better homes, choice and opportunity  
- Fair access

By addressing the problem of empty homes in North East Lincolnshire this strategy contributes to achieving the strategic themes.

5.0 **POLICIES AND TOOLS THAT CAN BE USED FOR BRINGING EMPTY PROPERTIES BACK INTO USE OR DEMOLISHING THEM**

**The approach that will be adopted**

5.1 The strategy will be a working document subject to review. While it includes performance targets and commitments that are on going, the Action Plan in Appendix E is intended to bring the commitments to implementation. Consequently the strategy and the Action Plan will be subject to review after twelve months.

5.2 There is no panacea that will solve all empty homes problems but there are a wide range of solutions from minimal intervention such as advice on selling property through to formal enforcement such as compulsory purchase. North East Lincolnshire Council aims to offer more than one solution to reducing the number of empty properties. The ability to offer a broad, flexible range of solutions to the owners of empty properties should achieve a greater level of success than attempting to use the same solution for every house in every circumstance. Moreover the Council does not have the staff or associated financial resources to address all of the empty properties immediately and so a method of identifying priority target properties for proactive action has been developed. This system involves an impact assessment where properties will be scored against the following criteria:–

- How long a house has been empty
- The Location of the house and its “prominence” in that location
- Complaints from members of the public and or notifications from Members and Members of Parliament on behalf of the public
- Anti Social Behaviour referrals
- Whether properties are within designated regeneration areas
- The overall detrimental impact on the area/ neighbourhood
5.3 The total score will be used to “rank” the house against other empty properties to indicate the priority in the context of existing case work. Appendix C illustrates the impact assessment form.

5.4 In compliance with the spirit of the Enforcement Concordat and adopted Enforcement Policies the Council’s approach will be fair, equitable and incremental.

5.5 The incremental approach to reducing the numbers of empty properties will be according to an escalating hierarchy of measures that are available. However before progressing from one course of action to another, the Council will endeavour to ensure that owners are fully advised and given an opportunity and sufficient time to take measures of their own to bring properties back into use. All advice will be provided in writing and where enforcement action is taken the reason for taking such action will also be explained in writing.

5.6 Officers responsible for implementing this Empty Homes Strategy will follow the conduct regime set out in Appendix D.

5.7 The approach for bringing empty properties back into use (or demolishing them), and for dealing with the immediate problems they present, will be proportionate to the local impact they are having and the need for formal intervention. For the most part this will mean addressing social and nuisance problems immediately or as soon as practicable with or without the cooperation of owners and then, subject to the house being a priority, for proactive action to bring it back into use (or be subject to demolition). Consequently, the level of intervention will depend on the extent of the problems presented, the willingness of the owner(s) to address them, progress in ensuring reoccupation and the resources available for the action that is necessary. Figure 1 illustrates this “escalating” hierarchy of measures.

5.8 It is important that the reasons why homes become and remain empty are understood and as part of the approach taken to tackling empty homes we will undertake research into the factors influencing the behaviour of owners
Figure 1: the approach to be adopted by the Council to deal with empty properties

New Case

Proactive (from Council Tax records)

Environmental Issues

Resolve immediate issues

Referral (from public, Councillor, MP, other Department/Service or external agency)

Property secure

Criminal activity

Dangerous structures

Investigate ownership

Ask neighbours/local community/Ward Councillor, etc.

HM Land Registry

Council Tax records

Registration for Information

E.g. tax advice, encouragement, sales, private leasing scheme, builders list, energy advice, rent in advance, rent bond scheme, etc.

Financial assistance

Dialogue with owner

Enforcement options

Renovation

Sale

Letting

Owner co-operative

Owner not co-operative

Empty Dwelling Management Order

Enforced

Compulsory Purchase

Private rented

RSL Acquisition

Property occupied

Owner occupation

Market sale
5.9 The following summarises the suite of policies and tools that the Council will adopt to bring empty properties back into use or secure their demolition. Details of eligibility criteria and processes will be described in separate policy and process guidance documents that will be developed, reviewed and amended as part of this overarching Strategy. Some of these tools will be subject to subsequent development following the adoption of this strategy. Where this is the case the commitment to developing them is detailed in the Action Plan in Appendix E. There is a separate commitment in the Action Plan to produce guidance to assist officers in the consideration of which of the enforcement options are appropriate in each case.

Advice, Help and Encouragement

5.10 The Council will provide help and advice as appropriate to each individual case. The type of advice that will be made available includes:

- Advice on VAT rates for materials used in renovations of empty properties;
- Provision of a statement of how long a house has been empty in support of a claim for VAT repayment;
- Advice on the Government’s flat conversion tax concession;
- Advice regarding private letting including:
  - Statutory requirements through the provision of available literature,
  - Signposting to Landlord Associations
  - Signposting to the Council’s Landlord forum
  - Signposting to the Council’s Empty Homes Grant
  - Signposting to the short term Regional loan scheme to facilitate renovations
  - Signposting to the Council’s Private Sector Leasing Scheme (see the Action Plan set out in Appendix E)
  - Signposting to the Council’s Home Energy Promotions Officer for advice on improving energy efficiency, current financial assistance that might be available and future legal requirements regarding energy efficiency
  - Providing information on the Council’s rent in advance and rent bond scheme
  - Signposting to the Council’s Buyer and Seller scheme (see the Action Plan set out in Appendix E)

5.11 The council also wishes to promote the positive action it intends to take with regard to long term empty properties and moreover the action it is committed to take to deal with the nuisance and social problems associated with properties. Consequently, the Council will implement a hot line telephone number that residents will be able to call to report problems associated with empty properties. See the Action Plan set out in Appendix E.

Council Tax Discounts (Local Government Act 2003)

5.12 The Local Government Act 2003 introduced powers that permit Local Authorities to remove Council Tax discounts that were previously mandatory, in certain circumstances. Subject to the publication of a separate policy statement the Council will consider the implications of invoking these freedoms to remove discounts on long term empty properties (those empty for 6 months or more) and to discount second holiday homes by the
minimum 10% charging 90% of the levied Council Tax. See the Action Plan set out in Appendix E.

**Private Leasing Scheme**

5.13 A private leasing scheme is a partnership between a local housing authority, an owner of an empty house and a managing agent. They are particularly useful where owners have no interest in being actively involved with the management of a private rented house but want to retain ownership for investment or other personal interest reasons.

5.14 The local authority would take on a lease of a house for a period usually not less than 3 years and would guarantee a rental income to the owner. The local authority would then let the house through a managing agent (often a Residential Social Landlord) to people on the waiting list usually including those in need of temporary accommodation and homeless families.

5.15 The Council will consider the value, implications and limitations of introducing a private leasing scheme as an option in North East Lincolnshire. See the Action plan set out in Appendix E.

**Financial Assistance**

**Empty Homes Grant**

5.16 Assistance in the form of Empty Homes Grant will be made available according to the Council’s Housing Assistance Policy adopted under the freedoms of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

5.17 Details on eligibility, limitations and conditions are determined within the Housing Assistance Policy which is subject to periodic review and amendment. Availability and conditions may vary following a review and availability may be subject to change as priorities for capital spend change

5.18 The purpose of this grant is to help owners of empty properties, not only bring them back into use, but to bring them up to the Decent Homes Standard. Properties must be, registered in the North East Lincolnshire Accreditation Scheme and must be available for letting to persons nominated by the Council. Nomination rights continue for 5 years post completion of the grant work.

**Sub Regional Loans**

5.19 The Humberside partnership Loans scheme utilises a Regional Housing Board fund to help owners of empty properties undertake repairs to bring them back into use.

5.20 Previous research in the sub regional identified that some owners of empty properties are unable to bring properties back into use because of the lack of adequate financial resources or private funding streams to facilitate renovation/repair work. The intention of this loan scheme is to provide interest free loans on a short term basis to enable the work to be undertaken. The loan is repayable as a lump sum with no interest added at the end of the term which may typically be 2 or 3 years. Loans may be up to £100,000 in exceptional cases.
5.21 Work to implement the loans is still ongoing and the Council will promote the availability of these loans once policies and procedures have been confirmed. This will be subject to separate publication and promotion – see the Action Plan in Appendix E.

**Empty Dwelling Management Orders (Housing Act 2004 Part 4)**

5.22 The Housing Act 2004 contains provisions designed to assist local authorities to secure the occupation of privately owned empty homes. The provisions are Interim and Final Empty Dwelling Management Orders (EDMO’s). In certain circumstances an Empty Dwelling Management Order enables a local housing authority to take management control of an empty dwelling in order to secure its occupation.

5.23 The EDMO provisions are intended to provide a formal alternative in the hierarchy of intervention where less formal options have failed. In summary they operate similarly to the aforementioned Private Leasing Scheme but in this case the Council statutorily ‘takes over’ the management as opposed to securing the preferred partnership arrangement.

5.24 As with Private Leasing Schemes the Council must ensure management arrangements with a suitable management agent are in place. To enable the efficient day to day management of the empty dwelling when the EDMO is in place.

5.25 An EDMO allows a local housing authority to effectively ‘step into the shoes’ of the owner of an unoccupied dwelling. Correctly utilised, Empty Dwelling Management Orders provide an opportunity for local authorities to deal with empty homes in a way that was not previously possible and which strikes a balance between the rights of the owner and the opportunity to make better use of neglected empty house.

5.26 Empty Dwelling Management Orders are also an escalate in the intervention hierarchy. Initially the Council must make an Interim EDMO which, while transferring the management of the house to the Council, still requires the consent of the owner to let it. The Interim Order may last for up to twelve months only. If the Council cannot secure the occupation of the house either as a result of the owner continuing to be uncooperative or because of some other constraint, the Council must either revoke the Order or move to the next stage of making a Final Management Order.

5.27 The Final Management Order does not require the consent of owners for the Council to let the property (there are limitations attached to these letting arrangements). The Order may last for up to 7 years.

5.28 While the Council may not make subsequent Interim Empty Dwelling Management Orders once one has expired it may make subsequent Final Empty Dwelling Management Orders when they expire.

5.29 In accordance with the objectives of this strategy, where appropriate the Council will use Empty Dwelling Management Orders to bring empty properties back into use. The Action Plan in Appendix E commits the Council to producing Guidance on the use of the provisions and also to negotiate suitable management agent services to enable the provisions to be used.
**Enforced Sale Procedure**

5.30 Enforced sale is actually a procedure that allows local authorities to recover debts in certain circumstances. However when applied to recovering debts against empty properties, it can also serve as a way to being brought back into use.

5.31 The procedure provides local authorities with the power to sell privately owned properties where debts have been recorded as a charge with Her Majesty’s Land Registry. The debt is then recovered from the proceeds of the sale. In the case of empty properties, the sale is likely to be to a person or organisation that will subsequently bring the house back into use.

5.32 The procedure applies to any debt where a statute makes provision to record that debt as a charge against the property with the Land Registry. There are many different financial debts that can be recorded as a charge against a property with the Land Registry.

5.33 Enforced sale is not a tool specifically designed for use in bringing empty properties back into use and requires careful policy consideration as to when it will be used and in what circumstances. The importance of detailed case records especially with regard to the service of relevant notices and Orders is critical. However, if used, the process offers the potential to deliver a house into new ownership much quicker than the Compulsory Purchase Order option. The Council intends to investigate policy and procedural implications with a view to adopting the option as part of its suite of enforcement alternatives. The Action Plan set out in Appendix E commits to developing this option to implementation.

**Compulsory Purchase Order (CPO) (Housing Act 1985 Part II)**

5.34 CPOs are a lengthy legal process and represent the final level of intervention that the Council may take. They are only used in appropriate cases, where despite the council’s best endeavours, an owner has consistently failed to bring an empty house back into use.

5.35 Where a local authority has tried and failed to return a house to use by all other methods, compulsory purchase might be considered.

5.36 The power to compulsory purchase a property does not lie with a Local Authority but with the Secretary of State. However an authority may apply to the Secretary of State for an Order to be made. The Local Authority then needs to demonstrate there is a compelling case in the public interest for the property to be compulsorily purchased, and other methods of returning the property to use have been tried and have failed. In most cases this means that compulsory purchase is a method of last resort.

5.37 Compulsory purchase proceedings are often not completed because owners have been prompted by the process to bring the property back into use by themselves. It is a positive result in itself.
5.38 As each case must be considered on its own merit a determination to use this option would be subject to the decision making process according to the delegations determined in the Council’s Constitution. However issues to consider in pursuing this option include:

- The strength of the case – including the availability and credibility of evidence to justify the action
- Capital resources to acquire the property
- Subsequent disposal/use of the property
- Procedural requirements
- Length of time to complete the process
- The risk of losing a subsequent public inquiry

5.39 Where appropriate the Council will use compulsory purchase powers to bring empty properties back into use.
## Appendix A

### Performance Trends and Performance Targets

#### Performance Trends

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>2004/05</th>
<th>2005/06</th>
<th>2006/07</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private sector properties vacant for more than six months (H18 numerator)</td>
<td>1829</td>
<td>1082</td>
<td>809</td>
</tr>
<tr>
<td>Vacant properties brought back into use or demolished through council intervention (BV 64 and H23 numerator)</td>
<td>3</td>
<td>13</td>
<td>35</td>
</tr>
<tr>
<td>To achieve an overall vacancy rate of between 2.5% - 3% (Regional Spatial Strategy)</td>
<td>3.9%</td>
<td>3.1%</td>
<td>3.0%</td>
</tr>
</tbody>
</table>

#### Performance Targets to 2009/10

<table>
<thead>
<tr>
<th>2007/08 target</th>
<th>2008/09 target</th>
<th>2009/10 target</th>
</tr>
</thead>
<tbody>
<tr>
<td>To reduce private sector properties vacant for more than 6 months to 790 (H18)</td>
<td>To reduce private sector properties vacant for more than 6 months to 765 (H18)</td>
<td>To reduce private sector properties vacant for more than 6 months to 740 (H18)</td>
</tr>
<tr>
<td>Reduce the number of long term empty properties by 50 as a direct result of action undertaken/commissioned by the Council</td>
<td>Reduce the number of long term empty properties by 90 as a direct result of action undertaken/commissioned by the Council</td>
<td>Reduce the number of long term empty properties by 110 as a direct result of action undertaken/commissioned by the Council</td>
</tr>
<tr>
<td>To achieve a vacancy rate of less than 3% (Joint Housing Strategy)</td>
<td>To achieve a vacancy rate of less than 3% (Joint Housing Strategy)</td>
<td>To achieve a vacancy rate of less than 3% (Joint Housing Strategy)</td>
</tr>
</tbody>
</table>
## Legal Provisions Available to Address Problems Associated With Empty Properties

The following list is intended to provide a summary of the types of problems usually associated with empty properties that the Council has powers to deal with. Further advice on problems should be sought from the Council’s Empty Homes Officer.

<table>
<thead>
<tr>
<th>Type of problem</th>
<th>Linked Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nuisance being experienced as a result of defects, noise or accumulations at a neighbouring empty property</td>
<td>Environmental Protection Act 1990 Part III</td>
</tr>
<tr>
<td>Untidy, derelict land or property affecting the amenity of a local area</td>
<td>Sections 215 -219 of the Town and Country Planning Act 1990</td>
</tr>
<tr>
<td>Dangerous building presenting an immediate risk of injury</td>
<td>Sections 77-79 Building Act 1984</td>
</tr>
<tr>
<td>Defective/blocked rainwater goods, sewers, cesspits</td>
<td>Section 59 Building Act 1984, Section 35 Local Government (Miscellaneous Provisions) Act 1976, Section 17 of the Public Health Act 1961</td>
</tr>
<tr>
<td>Accumulations likely to attract rodents to the area</td>
<td>Section4 Prevention of Damage by Pest Act 1949</td>
</tr>
<tr>
<td>Properties open to unauthorised access or presenting a risk to public health</td>
<td>Section 29 Local Government (Miscellaneous Provisions) Act 1982</td>
</tr>
<tr>
<td>Empty listed Buildings or buildings in conservation areas that are falling into disrepair</td>
<td>Planning (Listed Buildings and Conservation Areas) Act 1990</td>
</tr>
</tbody>
</table>
## Empty Homes Impact Assessment

<table>
<thead>
<tr>
<th>Nature of Impact</th>
<th>Impact Assessment</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1) Length of time Vacant</strong></td>
<td>Under 6 months 0 points 6 – 12 months 1 point 1 point for each additional 6 months</td>
<td></td>
</tr>
<tr>
<td>On what date did the house become vacant?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2) Disrepair affecting / damaging adjacent properties</strong></td>
<td>No = 0 points</td>
<td></td>
</tr>
<tr>
<td>Is there a current problem which affects other property?</td>
<td>Minor = 1 point</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medium = 2 points</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major = 3 points</td>
<td></td>
</tr>
<tr>
<td><strong>3) Disrepair affecting people (health)</strong></td>
<td>No = 0 points</td>
<td></td>
</tr>
<tr>
<td>Is there a current problem which affects other people, and potentially their health?</td>
<td>Minor = 1 point</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medium = 2 points</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major = 3 points</td>
<td></td>
</tr>
<tr>
<td><strong>4) Pests / health risks</strong></td>
<td>No = 0 points</td>
<td></td>
</tr>
<tr>
<td>Is the property a source of verminous pests?</td>
<td>Minor = 1 point</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medium = 2 points</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major = 3 points</td>
<td></td>
</tr>
<tr>
<td><strong>5) Unsightly / overgrown gardens</strong></td>
<td>No = 0 points</td>
<td></td>
</tr>
<tr>
<td>Does the property have gardens which are untended and unsightly?</td>
<td>Minor = 1 point</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medium = 2 points</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major = 3 points</td>
<td></td>
</tr>
<tr>
<td><strong>6) Accumulation of rubbish / Fly tipping</strong></td>
<td>No = 0 points</td>
<td></td>
</tr>
<tr>
<td>Are there problems with accumulations of rubbish or fly tipping?</td>
<td>Minor = 1 point</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medium = 2 points</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major = 3 points</td>
<td></td>
</tr>
<tr>
<td><strong>7) Insecure Boundaries</strong></td>
<td>No = 0 points</td>
<td></td>
</tr>
<tr>
<td>Are the walls and fences effective, and suitable for purpose?</td>
<td>Minor = 1 point</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medium = 2 points</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major = 3 points</td>
<td></td>
</tr>
<tr>
<td><strong>8) Street Scene Impact</strong></td>
<td>No = 0 points</td>
<td></td>
</tr>
<tr>
<td>Does the house itself impact on the general street scene?</td>
<td>Minor = 1 point</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medium = 2 points</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major = 3 points</td>
<td></td>
</tr>
</tbody>
</table>
| 9) Complaints Received | No complaints = 0 points  
| Number | 1-3 complaints = 1 point  
| | 4-6 complaints = 2 points  
| | 1 point for each additional complaint |
| 10) Statutory Notices Served | No notices = 0 points  
| Number | 1-3 notices = 1 point  
| | 4-6 notices = 2 points  
| | 1 point for each additional notice |
| 11) Works In Default | No occasions = 0 points  
| Number | 1-3 occasions = 1 point  
| | 4-6 occasions = 2 points  
| | 1 point for each additional occasion |
| 12) Total of Debts Owed | £0-500 = 1 point  
| Value | £501-1000 = 2 points  
| | £1001-1500 = 3 points  
| | £1501-2000 = 4 points  
| | 1 point for each additional £500 |
| 13) Neighbourhood Renewal Area | Yes = 1  
| | No = 0 |
| 14) Location | Isolated (Dead End) = 0  
| | No vehicle access = 1  
| | Vehicle access = 2  
| | Busy road = 3  
| | Arterial road/Prominent position = 5 |
| 15) Traceable Owner | No = 1 point  
| | Yes = 0 points |
| 17) Level of Response if Traced | No response = 4  
| | Poor response = 3  
| | Pessimistic response = 2  
| | Optimistic response = 1  
| | Good response = 0 |

**Total Score**

**Most Satisfactory Course of Action**

- None  
- Monitor  
- Negotiate with owner  
- Renovate  
- Enforcement action  
- EDMO  
- ESP  
- CPO  
- Demolish

Other Signature _____________________________________________

Validated by Lead Officer __________________________  Date _____________________
Appendix D

Conduct of Officers

The following principles set out the minimum standards of conduct that should be expected from case officers:

1. Wherever possible, officers will make an appointment with owners of empty properties or customers complaining about empty properties before visiting their property. Where this is not possible or practical an explanation as to why will be provided unless that person is unknown/absent. This explanation will be made verbally or in writing if necessary.

2. Officers will identify themselves and carry identification including a photograph that confirms that they are Council officials. Officers will present identification to owners/complainants upon request.

3. Where customers are complainants affected by an empty house they will be informed of the findings of the investigation together with what action the officer intends to take. Where the Council cannot or will not take action, customers will similarly be informed and directed to other service providers or alternative remedies where appropriate. Information will be provided verbally at the time of the inspection if possible and in writing within two weeks of the date of the visit.

4. All correspondence to customers will be written in plain English so far as possible.

5. Schedules accompanying letters and/or legal Notices or Orders will include a clear explanation of what is wrong as well as what is required to remedy problems so far as practical.

6. Customers who do not understand the contents of any correspondence including legal Notices or Orders will be provided with an explanation by the case officer. Where necessary and appropriate this will be by appointment to discuss the case either at Council offices or at the customers home as appropriate.

7. Correspondence sent out to customers will include a standard offer of help to translate or explain the content of the correspondence.

8. The offer has been translated into the main ethnic languages representing the majority of the ethnic groups within the borough.

9. Customers will be kept informed of the progress of a case. Progress may be reported verbally or in writing if requested by the customer at any time during an ongoing case.

10. So far as is possible, officers will provide advice and information as requested, to customers affected by ongoing cases. Officers will confirm any advice or information in writing.

11. Officers will remain professional, courteous and impartial at all times when providing a service.

12. Officers will keep detailed records of actions, conversations and correspondence relating to service delivery. These records may be held on case files and/or in computer database systems as appropriate.

13. When a case has been concluded, the case officer will confirm the situation in writing to all customers affected.
### Action Plan 2007/2008

For reference purposes the following objectives of the strategy have been reproduced from the purpose of the strategy. They are:

<table>
<thead>
<tr>
<th>No.</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To continue to reduce the number of empty properties that are having a detrimental effect on the communities in which they are situated.</td>
</tr>
<tr>
<td>2</td>
<td>To unlock the potential for empty properties to provide affordable homes.</td>
</tr>
<tr>
<td>3</td>
<td>To develop and use informal methods and legal provisions where necessary to address the impact of empty properties on local neighbourhoods.</td>
</tr>
<tr>
<td>4</td>
<td>To set up and utilise information systems that will help gather and record intelligence on the location, concentration and distribution, ownership and reasons for properties being left empty.</td>
</tr>
<tr>
<td>5</td>
<td>To establish and share best practices that reduces the number of long term empty properties and to seek to incorporate those practices where appropriate into this Empty Homes Strategy.</td>
</tr>
<tr>
<td>6</td>
<td>To maximise the reuse of empty homes and thereby contribute to minimising the need for future development of Greenfield sites.</td>
</tr>
<tr>
<td>7</td>
<td>To support area regeneration programs.</td>
</tr>
<tr>
<td>8</td>
<td>To raise awareness of the issues surrounding empty homes.</td>
</tr>
<tr>
<td>9</td>
<td>To ensure that challenging performance targets are set and achieved in respect of all government targets relating to empty homes (BVPI 64, H18 and H23).</td>
</tr>
<tr>
<td>10</td>
<td>To achieve upper quartile performance against BVPI 64 by April 2011.</td>
</tr>
<tr>
<td>Key Task/Contribution to Objectives</td>
<td>Action</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Increase public awareness of problems associated with empty properties and the Council’s response</td>
<td>Adopt an Empty Homes Strategy through Cabinet approval&lt;br&gt;Produce a publicity plan to promote the adoption of the strategy&lt;br&gt;Implement the publicity plan&lt;br&gt;Develop web pages within the Council’s website that promotes the strategy and the Council’s response&lt;br&gt;Publicise the empty homes “hotline”&lt;br&gt;Produce 4 updates on empty homes each year and publicise</td>
</tr>
</tbody>
</table>

**Contributes to achieving Objectives 4 and 8**

<table>
<thead>
<tr>
<th>Key Task/Contribution to Objectives</th>
<th>Action</th>
<th>Lead Officer</th>
<th>Target/Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve intelligence and information gathering</td>
<td>Undertake a desk top exercise to refresh information on the distribution, impact and ownership (if possible) of empty properties&lt;br&gt;Establish processes for sharing information with other internal stakeholders including for information on distribution and ownership of properties and information on associated Council activities that have led to properties having been brought back into use or demolished&lt;br&gt;Undertake research in to the reasons homes become and remain empty</td>
<td>Empty Homes Officer&lt;br&gt;Empty Homes Officer&lt;br&gt;Housing Needs Officer</td>
<td>End of December 2007&lt;br&gt;October 2007&lt;br&gt;February 08</td>
</tr>
</tbody>
</table>

**Contributes to achieving Objective 4**

<table>
<thead>
<tr>
<th>Key Task/Contribution to Objectives</th>
<th>Action</th>
<th>Lead Officer</th>
<th>Target/Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop and implement non enforcement options</td>
<td>Seek approval to launch a buyer/seller scheme in NE Lincs&lt;br&gt;If approved implement a buyer seller scheme in NE Lincs&lt;br&gt;Investigate the value, implications and limitations of a Private Leasing Scheme (PLS) for NE Lincs, including potential management agent partnerships&lt;br&gt;If appropriate, seek approval to launch a PLS scheme in NE Lincs</td>
<td>Community Service Manager&lt;br&gt;Community Service Manager&lt;br&gt;Service Manager&lt;br&gt;Service Manager</td>
<td>December 2007&lt;br&gt;January 2008&lt;br&gt;November 2007&lt;br&gt;December 2007</td>
</tr>
<tr>
<td>Key Task/Contribution to Objectives</td>
<td>Action</td>
<td>Lead Officer</td>
<td>Target/Milestone</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>--------</td>
<td>--------------</td>
<td>------------------</td>
</tr>
</tbody>
</table>
| **Develop and implement non**  
  **enforcement options**  
  (continued) | If approved enter into a partnership arrangement with an appropriate management agent and implement a PLS scheme in NE Lincs  
Monitor the development and availability of Regional Loans  
Once Regional Loans become available – produce and implement a promotions strategy to promote take up  
Review information packs/literature that can be made available to owners of empty properties to encourage them to bring properties back into use | Deputy Director Strategic Housing & Safer Communities  
Service Manager  
Empty Homes Officer | December 2007  
April 2008  
September/October 2007  
March 2008 |
| **Develop and Monitor best**  
**practice**  
**Contributes to achieving**  
**Objectives 3, 5, 9 and 10** | Continue membership and attendance of the National Association of Empty Property Practitioners seminars and meetings  
Publish guidance and policy documents produced by the Council for use by other Local Authorities and Housing Practitioners | Empty Homes Officer  
Service Manager | Ongoing  
May 2008 |
| **Develop and implement**  
**formal/enforcement options**  
**Contributes to achieving**  
**Objectives: 1, 2, 3, 6, 7, 9**  
and 10 | Investigate the value, implications and limitations of a using Enforced Sale provisions for NE Lincs.  
Produce draft guidance regarding the processes and procedures for using the Enforced Sale option  
Publish and implement a policy to use the Enforced Sale option  
Investigate the value, implications and limitations of removing Council Tax discounts on empty properties in NE Lincs.  
If appropriate, seek approval to publish a policy to remove/limit discounts on empty properties in NE Lincs | Service Manager  
Service Manager  
Service Manager  
Service Manager | October 2007  
November 2007  
January 2008  
October 2007  
February 2008 |
<table>
<thead>
<tr>
<th>Key Task/Contribution to Objectives</th>
<th>Action</th>
<th>Lead Officer</th>
<th>Target/Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop and implement formal/enforcement options (continued)</td>
<td>Investigate the benefits and implications of extending the enforcement delegations of Officers undertaking proactive empty homes work to include tools used by other internal service providers (e.g. S215 of the Town and Country Planning Act)</td>
<td>Deputy Director Strategic Housing &amp; Safer Communities</td>
<td>March 2008</td>
</tr>
</tbody>
</table>
| Improve intelligence and information gathering | Establish an empty homes hotline that the public can use to report problems associated with empty properties/ long term empty properties  
Contributes to achieving Objectives 4, 9 and 10  
Undertake a postal survey of known owners of empty properties to determine the reasons why properties are left empty and proposals for their property  
Use the information provided from the survey to establish case options and also to inform a subsequent review of this strategy | Empty Homes Officer  
Housing Needs Officer  
Deputy Director Strategic Housing & Safer Communities | November 2007  
Survey out by the end of January 2008  
Results by the end of March 2008  
Strategy review by the end of Sept 2008 |
| Refine performance management reporting against indicators, targets and milestones in this strategy | Report performance against indicators agreed in Appendix A to Performance Board  
Produce a quarterly performance report to SHP on achievements against the targets and milestones described in this Action Plan as part of the performance reporting on the JHS  
Review performance targets | Service Manager  
Service Manager  
Executive Director CC | Monthly  
Quarterly  
Annually |
<table>
<thead>
<tr>
<th>Key Task/Contribution to Objectives</th>
<th>Action</th>
<th>Lead Officer</th>
<th>Target/Milestone</th>
</tr>
</thead>
</table>
| Develop and implement non enforcement options | Investigate the London and Birmingham Internet based buyer/seller initiative to determine how a similar scheme could operate in NE Lincs.  
Produce a service standard that internal service providers from across the Council commit to following in terms of dealing with nuisance, anti social behaviour and health risks associated with empty properties  
Produce guidance on the processes and procedures for using EDMO’s  
Negotiate potential partnership arrangements with a suitable Management Agent to enable EDMO provisions to be used (note it may not be possible to agree the final arrangements until a house is subject to an EDMO)  
Produce guidance on the issues to consider when determining which enforcement option is appropriate and when taking account of legal, procedural, resource, enforcement concordat commitments and the risk to the Council | Deputy Director Strategic Housing & Safer Communities | End July 2008 |
|                                    |                                                                                                                                                                                                          | Deputy Director Strategic Housing & Safer Communities | October 2007     |
|                                    |                                                                                                                                                                                                          | Deputy Director Strategic Housing & Safer Communities | March 08         |
|                                    |                                                                                                                                                                                                          | Deputy Director Strategic Housing & Safer Communities | November 2007    |
| Target empty properties for proactive work | Utilise the impact assessment methodology (where information is known) to review priority cases for proactive targeting  
Investigate information gaps to enable impact assessment to be done on all properties on the new database.  
Complete impact assessment to review prioritisation and caseload | Empty Homes Officer | December 2007 |
|                                    |                                                                                                                                                                                                          | Empty Homes Officer | June 2008       |
|                                    |                                                                                                                                                                                                          | Empty Homes Officer | April 2008      |