

Explanatory note for the absence of this report within the Council Cabinet Forward Plan

Empty Homes Strategy 2008-2011

Report of the Corporate Director of Corporate and Adult Services

This report was originally prepared for Cabinet Member Briefing however the change in administration now requires that it be submitted as a report to Council Cabinet.

It is not appropriate that the report be delayed by inclusion in the Forward Plan for a future Cabinet meeting because:

- the Empty Homes Service has received significant funding via successful bidding to the East Midlands Regional Housing Board and it is important to the success of future funding applications that we are able to demonstrate significant progress with delivery of the Empty Homes Strategy in this financial year;
- the Strategy seeks to build on the impact of current enforcement activities specifically targeting empty properties. Those activities reach a key stage on 22/23 July 2008 and we can best maximise their impact on the empty property problem in Derby generally by being in a position to commence prompt delivery of the new 2008-2011 Strategy.



DERBY CITY COUNCIL

COUNCIL CABINET 29 JULY 2008

Report of the Corporate Director of Corporate and Adult Services

Private Sector Empty Homes Strategy 2008-2011

SUMMARY

1. The report introduces the Empty Homes Strategy for 2008-2011 and recommends adoption of that Strategy by Council Cabinet.

RECOMMENDATION

- 2.1 To adopt the Empty Homes Strategy 2008-2011.
- 2.2 Cabinet is requested to approve the use of any capital receipts arising from sales of properties acquired under the Empty Homes Strategy for further purchase of such properties.

REASONS FOR RECOMMENDATION

3. The receipts will be earmarked for affordable housing/regeneration purposes. In this way, the receipts would not be subject to pooling at the rate of 50% - where 50% would have to be paid over to the Government. The capital receipts will, initially, be added to the Council's Capital Allowance for the purpose of regulation 16 of the Local Authorities (Capital Finance) (England) Regulations 2003.

SUPPORTING INFORMATION

- 4.1 In a society where thousands of households and individuals are homeless and thousands more live in housing unsuitable for their requirements, empty homes are a wasted resource. Empty properties also contribute to the creation or exacerbation of areas of dereliction and decay, attracting crime and anti-social behaviour.
- 4.2 The picture in Derby reflects that which we see nationally – we have approximately 4,000 such empty homes, of which about 2,000 have been empty in the long term – over six months. These give rise to increasing numbers of complaints, while there are also 8,000 people on the Council's waiting list for alternative accommodation.
- 4.3 The Council's first Empty Property Strategy was published in 2003. Since that time there have been major changes to national housing law, with the introduction of the 'Decent Homes' agenda; the Regulatory Reform Order 2002; and particularly the Housing Act 2004. Perhaps most pertinent to empty homes are the new powers to implement 'empty dwelling management orders', and the greater flexibility to offer financial assistance for the rehabilitation of dilapidated properties. In direct response, the Empty Homes Strategy has been thoroughly reviewed and updated to take account of these changes.

- 4.4 Measures to address empty homes also complement other Council measures to increase housing supply and improve quality of life in our neighbourhoods. Consequently, the Empty Homes Strategy is not a 'stand-alone' document but flows from the corporate commitments made in the 'Community Strategy 2006-2009' – particularly those concerned with improving standards and supply of housing; and tackling crime and ASB. Accordingly, the strategy links in with other Council strategies including the Housing Renewal Policy, the Neighbourhood Renewal Strategy, the Homelessness Strategy and the broader Housing Strategy.

OTHER OPTIONS CONSIDERED

- | |
|---|
| 5. No other option has been considered. |
|---|

For more information contact:	Jeremy Mason 01332 256172 e-mail jeremy.mason@derby.gov.uk
Background papers:	Martin Brown 01332 256401 e-mail martin.brown@derby.gov.uk
List of appendices:	None
	Appendix 1 – Implications
	Appendix 2 – Empty Homes Strategy

IMPLICATIONS

Financial

- 1.1 The costs of delivering the strategy are fully contained within the revised Housing General Fund Capital Programme for 2008/09 as approved by Cabinet at its meeting on 3rd June 2008. The specific budget lines are:

Acquisition/demolition of unfit properties -	£400,000
Empty Property Assistance -	<u>£250,000</u>
Total	<u>£650,000</u>

These lines of the capital programme will meet the costs of:

Compulsory Purchase Orders -	£137,500
Acquisitions by agreement -	£ 87,500
Empty Property Assistance -	£250,000
Programme Delivery Team -	£145,000
Legal re-charges -	£ 22,500
Management Orders -	<u>£ 7,500</u>
Total	<u>£650,000</u>

- 1.2 It is proposed that capital receipts arising from the back-to-back sale of empty properties acquired, whether by agreement or by compulsory purchase, are retained so as to sustain the process of acquisition by recycling the receipts.
- 1.3 Capital receipts from the discretionary disposals of land are subject to “pooling” at the rate of 50% - that is, 50% has to be paid over to the Government – unless those receipts are spent on affordable housing and/or regeneration projects. Use for any other purpose would require a payment to the Government of 50% of the receipt.
- 1.4 The Local Authorities (Capital Finance) (England) Regulations 2003 also introduced a “Capital Allowance” – this constitutes a “pot” which the Council can add to with certain specified types of expenditure. The value of the pot may be drawn upon to reduce certain capital receipts (for example, those from land disposals but not Right To Buy receipts) before calculating the poolable amount. The Capital Allowance is the total of past and planned expenditure on affordable housing and includes spend or resolution to spend, on provision of affordable housing and regeneration.

Legal

- 2.1 The enforcement strand of the Strategy makes use of the Council's statutory enforcement powers, primarily under the Housing Act 2004, but there are no specific legal implications arising from this proposal.
- 2.2 The Strategy document identifies various powers that could be available to the Council and these will be considered in individual cases.

Personnel

3. Delivery of the strategy will require additional staffing resource which will be the subject of a future Chief Officer Scheme of Delegated Authority report.

Equalities Impact

4. None directly arising.

Corporate objectives and priorities for change

5. This proposal supports our corporate priority of **making us proud of our neighbourhoods.**



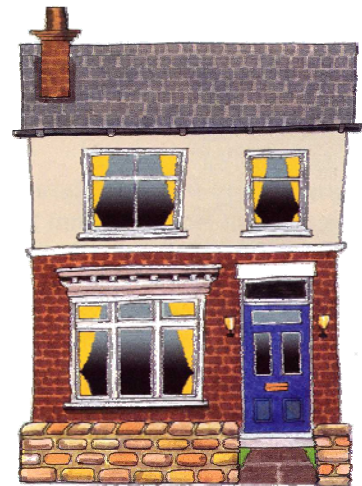
Private Sector

Empty Homes Strategy

2008 - 2011



**“from
vacant
to
valued”**



NOTES TO THIS REVISION

The Council's first Empty Property Strategy was published in 2003. In revising it we have made a number of minor amendments and deleted some of the original commentary. The remaining more substantial changes are as follows:

1. Substantial changes to housing policy and practice are now being researched and implemented as a result of the 'Decent Homes' agenda; the Regulatory Reform Order, 2002; and particularly the Housing Act 2004. Perhaps most pertinent to empty homes are the new powers to implement 'empty dwelling management orders', and the greater flexibility to offer financial assistance for the rehabilitation of dilapidated properties. The new scope provided by these changes is incorporated in this revised version.
2. To answer one of the most commonly asked questions from members of the public, we include a summary of the reasons why homes become and often remain empty (See Appendix A).
3. While the original version gave both the national and local context, we have added some detail regarding the *regional* context, and the role of the regional housing group. We also provide more data regarding changing vacancy levels in Derby.
4. This document concerns our strategy for the return to use of vacant *residential* property and is not directly concerned with the reuse of vacant commercial or industrial premises. To reflect this, and remove possible ambiguity to external parties, we have in most instances replaced the terms 'Empty Properties' and 'Empty Property Strategy' with 'Empty Homes' and 'Empty Homes Strategy' respectively. We also make more explicit the point that this strategy relates predominantly to privately owned stock only, and not to Council owned stock.
5. 'Linkage' with revised corporate goals and priorities, along with other council strategies are also updated.

We are indebted to those that have participated in the consultation process and contributed to the final document. These parties include:

- Derby Community Safety Partnership
- Derby Homes
- Elected members (Councillors)
- Neighbourhood Forums
- Neighbouring Local Authorities
- Private sector landlords forum
- RSL Development forum
- Other Derby City Council departments and units, including: Housing Options, Housing Strategy and Development, Environmental Services; Development Control (Planning), and Resources (Revenues).

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FOREWORD – BY COUNCILLOR ROBERT TROUP

In a society where thousands of households and individuals are homeless, and thousands more live in housing unsuitable for their requirements, empty homes, quite simply, are a wasted resource.

They also create areas of dereliction and decay, attracting crime and anti-social behaviour.

The picture in Derby reflects that which we see nationally – we have a substantial number of homes lying vacant, in a time of housing shortage. In Derby there are over 200 households registered homeless, with a further 10,000 on the Council's waiting list for alternative accommodation (April 2007).

Consequently, if we are to succeed in our aim to 'make sure housing is appropriate to meet housing need' and to 'protect and enhance buildings and streets in neighbourhoods'¹ then the empty homes challenge is one that **must** be met.

I am pleased therefore, to introduce the Council's new Empty Homes Strategy, 2008-2011.

The strategy outlines the national and regional context, and then sets out the extent of the problem within Derby itself. It summarises previous successful empty homes work in the city, and provides a detailed framework for further action.

Of course, as changes occur - in housing markets; in the size and scope of Derby's housing needs; and in the legal framework - so shall the suitability of the measures outlined in the strategy also change. It is therefore a working document which will be subject to regular re-evaluation and will evolve over time.

Nevertheless, a well-planned and proactive approach is crucial to tackling the problems caused by vacant dwellings, and this is what the Empty Homes Strategy, (EHS), provides. Its success depends upon the backing and commitment of the entire Council, along with other key partners. Please give it your support.

Empty homes are wasted homes – let's tackle this waste together!

Councillor Robert Troup

Cabinet Member for Housing and Public Protection

¹ Derby City Partnership Community Strategy 2006-2009

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GLOSSARY OF TERMS AND ABBREVIATIONS

BVPI	Best Value Performance Indicator
CPA	Comprehensive Performance Assessment
CPO	Compulsory Purchase Order
DCLG	Dept for Communities and Local Government
EDMO	Empty Dwelling Management Order
EMEPPF	East Midlands Empty Property Forum
EHA	Empty Homes Agency
EHS	Empty Homes Strategy
EHO/EPO	Empty Homes Officer/Empty Property Officer
GOEM	Government Office for the East Midlands
LAA	Local Area Agreement
NAEPP	National Association of Empty Property Practitioners
ODPM	Office of the Deputy Prime Minister
PSL	Private Sector Leasing Scheme
PFI	Private Finance Initiative
RHG	Regional Housing Group
RSL	Registered Social Landlords or housing associations
Transactional vacancy	A property that is vacant for less than six months, usually during a change in owner or tenant

EXECUTIVE SUMMARY

a) Introduction and Corporate Context

Empty homes represent a waste of housing resource in a time of housing shortage. They also tend to attract crime and antisocial behaviour, so contributing to neighbourhood blight and urban decline.

Measures to address empty homes will therefore complement other council measures to increase housing supply and improve quality of life in our neighbourhoods. Consequently, the Empty Homes Strategy is not a 'stand-alone' document but flows from the corporate commitments made in the 'Community Strategy 2006-2009' – particularly those concerned with improving standards and supply of housing; , and tackling crime and ASB. Accordingly, it links in with a number of other strategies including the Housing Renewal Policy, the Neighbourhood Renewal strategy, the Homelessness Strategy and the broader Housing Strategy.

In Derby there are approximately 4000 empty homes, of which about 2000 have been empty in the long term (over six months). These give rise to an increasing number of complaints, while there are also 10,000 people on the Council's waiting list for alternative accommodation.

Consequently, the case for a coherent strategy to tackle this problem is compelling.

The purpose of this document therefore, is to set out the strategic direction for empty property work across the city. This is achieved by outlining the national, regional and local context and providing an account of successful empty homes work in the city to date. This culminates in a detailed analysis of the current situation and a comprehensive framework for further action.

b) Achieving strategic goals

The overall aim of the strategy is to propose and implement a range of measures that will, directly or indirectly, help return long-term private sector empty homes to beneficial use. To achieve this, we have identified four distinct strategic objectives...

1. To raise awareness of Empty Homes issues
2. To assemble relevant, accurate, and up-to-date information
3. To put into effect specific measures so empty homes can be brought back into use
4. To focus efforts on those areas of the city that suffer the poorest housing conditions and the greatest concentrations of voids.

Clearly, objective 3 pinpoints the 'crux' of our work, and to achieve this we utilise what is effectively a three-fold approach to bringing empty properties back into use:

(1) The advice and assistance service, which is targeted at individual owners of properties empty in excess of six months. The aim here is to open a dialogue with

the owner and assess and advise on the most viable options for a return of the property to use.

(2) The enforcement policy, which tackles empty dwellings that have become open to unauthorised access, and more persistent problematic dwellings.

More 'extreme' enforcement measures may include Empty Dwelling Management Orders (EDMOs), enforced sale, or compulsory purchase. These measures are only used as a last resort where it has been impossible to trace the owner or agree a voluntary solution with them, or where a property has simply been abandoned.

(3) The partnership approach

Entering into partnership arrangements with external organisations can be essential to lever in the funds required for larger projects. For example, the Housing Private Finance Initiative (PFI) project (2001-2005) in partnership with a major RSL secured £2.8m in government grants and resulted in 150 empty and unfit properties being brought back into use for affordable housing.

An overview of how we approach empty homes is provided below in figure 1:

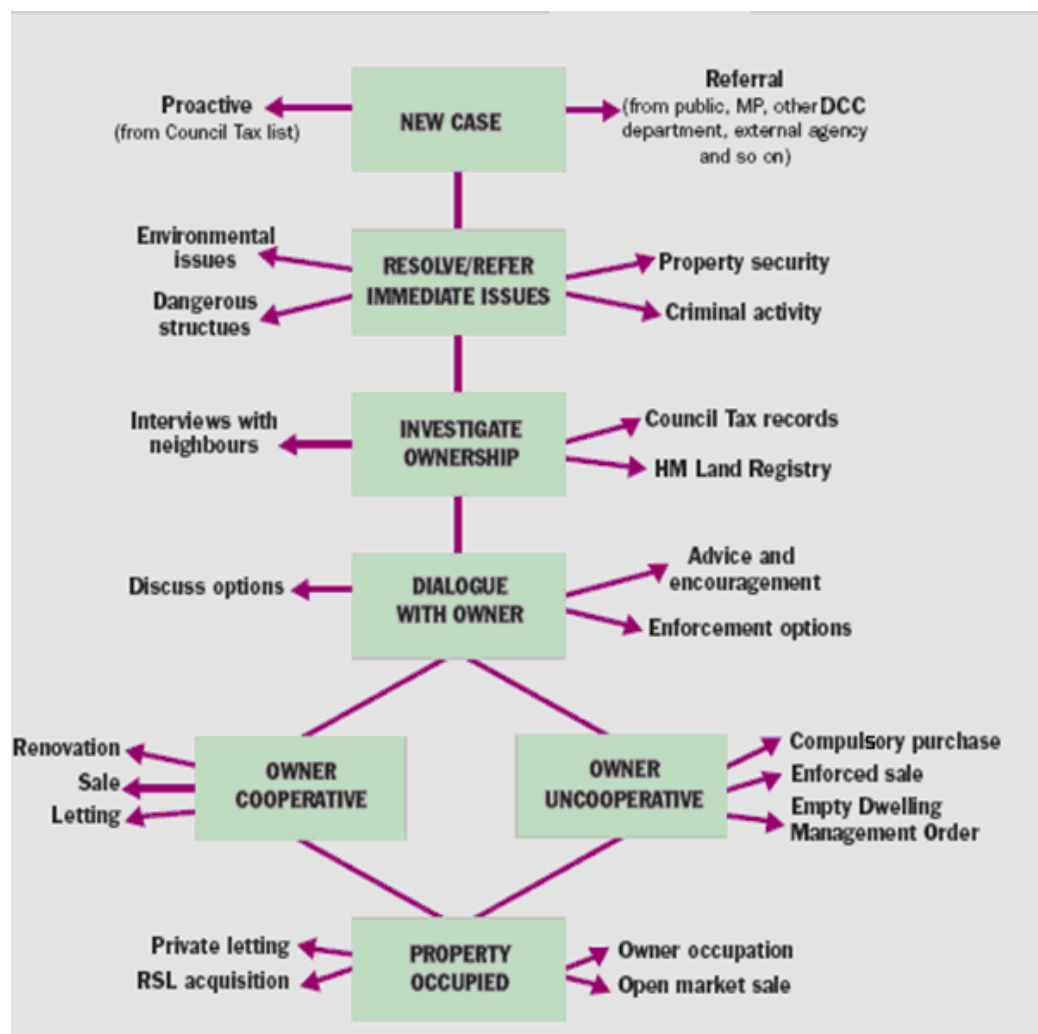


Fig 1: Empty Homes Procedure Overview

c) New initiatives and best practice

Key to an effective strategy is to act on 'lessons learned' from previous actions, and to keep abreast of the latest practice and changing legislative framework, implementing new measures where appropriate. The following provide examples of how we are currently achieving this:

Private Sector Leasing

One of the most frequent reasons given by owners for leaving their property empty is that they would like to renovate and let it, but cannot fund the works and are unable to manage the property once it is ready for occupation. To be able to address this situation we are in the process of developing a private sector leasing scheme (PSL). This will enable owners to hand over the management of their property to the Council or its partner and receive a guaranteed rental income. It will also allow the Council access to additional accommodation to meet housing need. We are currently in discussions with potential management partners to undertake this role for the Council.

Empty Dwelling Management Orders

The passing of the Housing Act 2004, has enabled a radical new tool to be used to tackle empty homes – that of 'Empty Dwelling Management Orders' - EDMOs. This measure is essentially a power which enables local authorities to 'take management control' of a long term empty dwelling and secure its reoccupation. It can be viewed as Private Sector Leasing on a compulsory rather than a voluntary basis. As part of our negotiations to set up a PSL scheme we will also therefore be arranging for our management partner to undertake the management of properties procured through EDMOs.

Rose Hill Market Renewal Area and Compulsory Purchase

Rose Hill is one of the more deprived areas of the city, with high concentrations of vacant stock and other problematic housing conditions. The designation of this as a market renewal area has brought in additional funding and enabled the deployment of new staff. This in turn has allowed greater officer time to deal with the empty homes in the area and in particular to advance our CPO programme.

Greater use of Town and Country Planning Powers.

One of the most frequent complaints we receive about empty properties is the visual impact they have on their neighbourhood when allowed to become run down and neglected. Section 215 of the Town and Country Planning Act 1990 allows the Council to impose a positive duty on a land owner to ensure proper maintenance of land. The power can be used to clean up empty and untidy properties, thereby improving the appearance of an area. We are therefore planning officer training and greater use of this power on empty homes from 2008.

d) Target setting and monitoring progress

The government recognises that bringing vacant homes back into use helps to maximise occupation of the existing housing stock and consequently alleviates the pressure to new-build on green field sites. Consequently it has introduced several targets for empty property work under 'Best Value' (BV), Comprehensive Performance Assessment' (CPA) and Local Area Agreements' (LAA) regimes. Although BV and CPA indicators will be abolished from 2008/2009 we will continue to report on them until March 2009. In the interim we will review and, where appropriate, expand our LAA empty homes indicators from 2009 onwards.

In addition to reporting on these specific indicators, we produce a detailed action plan illustrating how we will measure progress against the four key strategic objectives listed in B, above. This is provided at the end of the document on page 30.

1. INTRODUCTION

a) The nature and extent of the problem

As outlined in the foreword, empty homes are a waste of scarce resources, while also contributing to urban decline². They are in fact linked with and contribute to a range of associated problems, such as:

- lost private rental income and Council Tax revenue
- a reduction in capital value of the property, and neighbouring properties³
- an increased rate of deterioration and decline in the fabric of the building
- an increased vulnerability to vandalism, squatting and anti-social behaviour
- neighbourhood blight.

Empty homes, then, are directly detrimental to both public and individual finances, and to the day-to-day conditions in the neighbourhoods in which we live. In view of this, many people ask why homes become and are left empty at all. We provide a summary of the reasons in Appendix A.

In bringing empty homes back into use, we aim to benefit:

- potential occupants – both owner-occupiers and tenants - by increasing housing availability and choice
- the community, by generally enhancing the built environment
- owners and landlords, by improving the condition of the property and turning it into a productive asset
- the natural environment, by reducing the need for new-build on greenfield sites.

We are seeking to advantage all sections of society, while giving particular emphasis to the regeneration of those parts of the city in greatest deprivation.

A note on terminology

'Transactional vacancies'

- a) Inevitably, as properties are bought and sold, or rented properties re-let, there will be a period of vacancy in between the changes in occupation. Such 'transactional vacancies' are not usually the cause of problems, but are a normal part of the operation of the housing market.
- b) It is those long-term empties - in excess of six months – which cause most concern. Consequently, it is these that should be considered when assessing the extent of the problem and how best to target remedial action.

² 80% of empty homes are privately owned, and this strategy document relates to this tenure only. Council owned stock is managed by *Derby Homes*, which has its own voids policy.

³ The Royal Institution of Chartered Surveyors estimates that properties adjoining poorly maintained empty homes can be devalued by 18 per cent.
<http://www.communities.gov.uk/housing/housingmanagementcare/emptyhomes/ourpolicy/> [25/03/2008]

b) The National Context

In England there are over 280,000 homes that have been empty for more than six months⁴.

Nationally, the government has identified that the 'reuse of empty homes and the conversion of vacant commercial property lie at the heart of its commitment to securing Urban Renaissance in towns and cities' (Empty Property: Unlocking the Potential, ODPM 2003).

The increasing commitment to meeting housing needs is also emphasised in the Local Government White Paper which was published in October 2006. In addition, *Planning Policy Statement 3 – Housing*, encourages Local Planning Authorities to develop positive policies to identify and bring into residential use empty houses and buildings and, where appropriate, acquire properties under compulsory purchase procedures.

Consequently, the government has introduced a number of measures aimed at encouraging the re-use of empty homes and has produced guidance and handbooks which provides advice to help bring empty properties into use.

This strategy has therefore been developed with reference to these guides and publications, and aims to reflect the national priorities identified, while tailoring action to the specific circumstances prevalent in Derby.

c) The Regional Context

In the East Midlands there are nearly 60,000 empty homes, of which over 24,000 have been vacant in excess of six months⁵.

The Regional Housing Group for the East Midlands has developed a Regional Housing Strategy. This sets out the housing needs of the region, identifies priorities for action, and demonstrates how these link with wider regeneration work and other strategies and plans. A copy of the document can be found at www.goem.gov.uk. The Regional Housing Strategy identifies 'Renewing and Revitalising the Private Sector' as a priority. It goes on to point out that the development of strategies and plans to tackle the problems of empty properties can underpin the initiatives which are aimed at delivering this priority.

The Draft East Midlands Regional Plan (September 2006) encourages the production of Empty Property Strategies linked to planning policies. Policy 17 of the Draft Plan outlines the aim to achieve a maximum 3% vacancy rate for the region as a whole.⁶

The East Midlands Empty Property Forum (EMEPPF) provides a facility for all local authorities in the region to disseminate and share good practice and participate in training sessions.

⁴ April 2006. Empty Homes Agency website: <http://www.emptyhomes.com/resources/stats/eng06.htm>

⁵ Ibid

⁶ <http://www.emra.gov.uk/files/file1018.pdf>

d) The situation in Derby

The challenge of empty homes in Derby is one of considerable magnitude:

- Derby has approximately 3,800 empty homes⁷;
- Of those, approximately 2000 have been empty for over six months.

The highest concentrations of empty homes in Derby are found in certain inner city localities, particularly the Normanton/Pear Tree and Osmaston/Allenton areas.

The detrimental effect these empties have on their neighbourhoods is readily apparent. Moreover, the cost to the public purse in lost Council Tax revenue exceeds £500,000 per year.

The changing level of voids (as a proportion of total housing stock) is illustrated below:

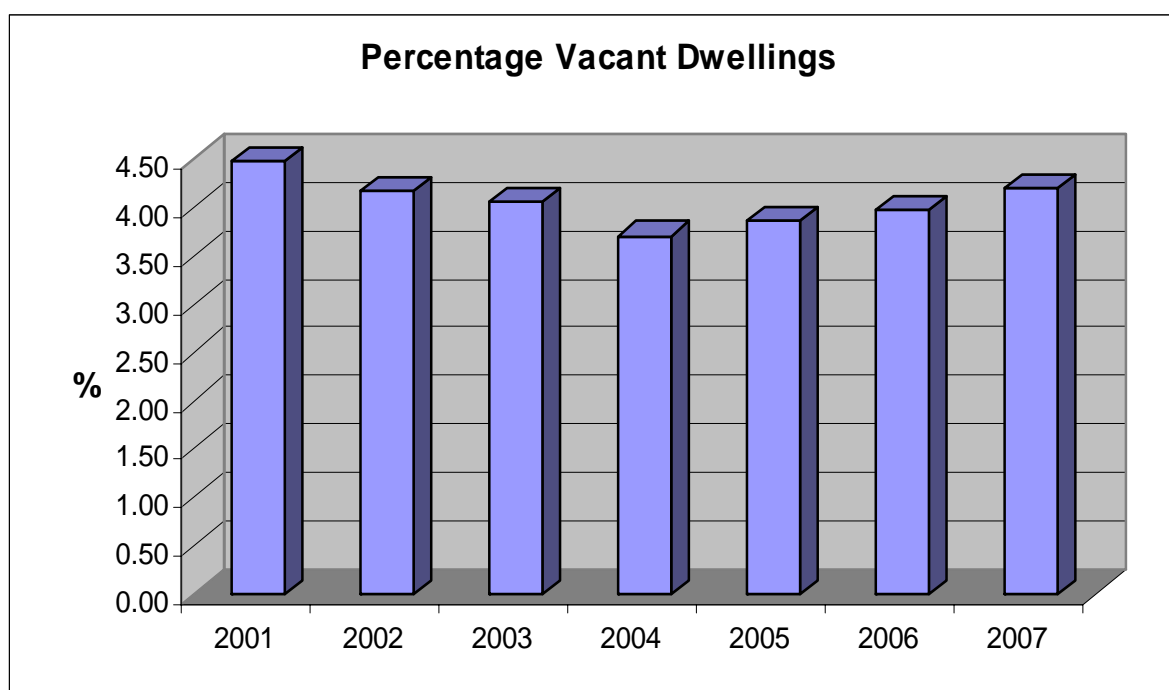


Figure 2: Empty homes in Derby as a percentage of total housing stock

It can be seen that the percentage vacant varies between about 3.6 and 4.2%, the trend in recent years being upwards. However, more concerning is the number of long-term vacants – those empty for over six months. The table overleaf shows this trend in respect of private sector dwellings:

⁷ Private sector residential dwellings. Approximate figures based on council tax records at 1st April 2007.

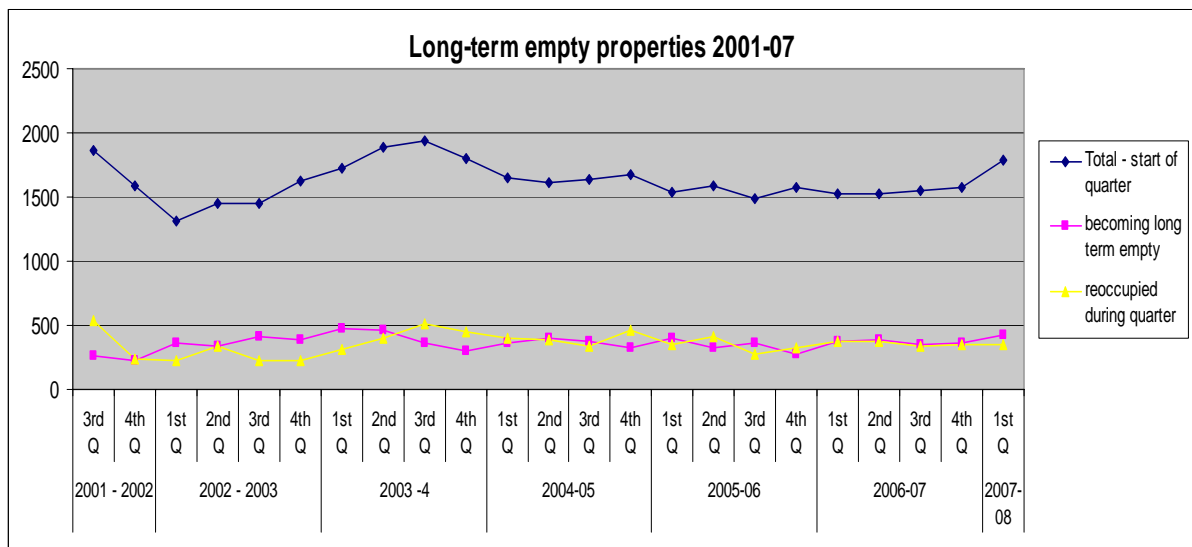


Figure 3: Private sector dwellings vacant in excess of six months – 2001-2007

Again, the trend in recent quarters is upwards. We are currently researching why this may be happening, but in common with many cities, a possible over-supply of 'city living' apartments may be a contributory factor. In fact preliminary findings show that while the vacancy rate for Derby as a whole is around 4%, in the city centre area it averages 8%.

2. THE CORPORATE CONTEXT AND LINKS WITH OTHER COUNCIL STRATEGIES

a) The Council's corporate priorities

The Council, in its 'Community Strategy 2006-2009' has made a commitment to improve standards and the supply of housing; to focus on deprived neighbourhoods, and to tackle crime and antisocial behaviour. Tackling empty properties, which tend to be more concentrated in our more deprived neighbourhoods, addresses all of these goals by contributing to the regeneration of these areas and increasing the supply of housing across tenures.

In fact, the Empty Homes Strategy has links with the:

- Housing Renewal Policy
- Housing Enforcement Policy
- Neighbourhood Renewal Strategy
- Homelessness Strategy
- Housing Strategy.

Its place within the broader strategic framework of the Council is illustrated below:

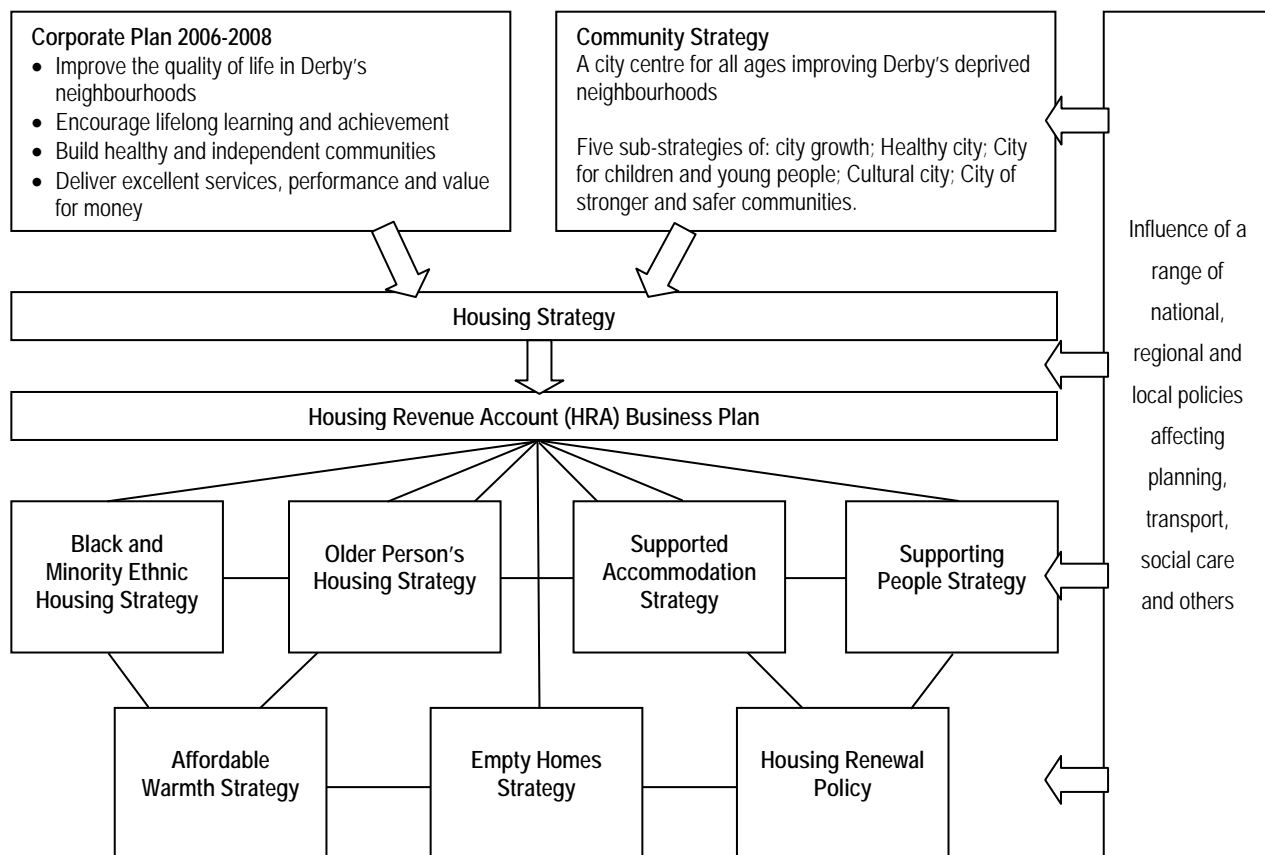


Figure 4: Empty Homes Strategy and other Council Strategies

b) Links with the Council's Housing Strategy

A summary of the Housing Strategy objectives is in Appendix B. Those objectives on which empty homes issues have a direct bearing are as follows:

- providing sound and comprehensive information for the base housing strategy on sound and comprehensive information
- improve improving the choice of, and access to, safe, energy efficient and affordable housing including reducing empty homes across all tenures
- protecting and enhance enhancing homes across all tenures
- tackle tackling anti-social behaviour and direct investment to reduce crime and the fear of crime
- contribute contribution to the delivery of the neighbourhood renewal strategy
- delivering Best Value services¹.

Returning empty homes back to beneficial use makes a direct contribution to all of these goals because it increases the supply of cross-tenure and affordable housing, while also addressing problems of antisocial behaviour and neighbourhood blight.

¹ Derby City Council Housing Strategy – Table 1, pages 2 to 3

3. AIMS AND OBJECTIVES OF THE EMPTY HOMES STRATEGY

The overall aim of the strategy is to identify, propose and implement a range of measures that will, directly or indirectly, help return long-term private sector empty homes to beneficial use. To achieve this, we have identified four distinct strategic objectives...

- 1. To raise awareness of Empty Homes issues**
and gain the commitment and co-operation necessary to succeed in tackling the problem - both from within the Council and externally.
- 2. To assemble relevant, accurate, and up-to-date information**
including data on the spatial concentration of vacants; housing needs; market conditions; changing trends; and to maintain an empty homes database.
- 3. To put into effect specific measures so empty homes can be brought back into use**
and to select that mix of tools and actions most appropriate for the particular circumstances in Derby.
- 4. To focus efforts on those areas of the city with the poorest housing conditions and the greatest concentrations of empty homes.**
In doing this we will tie-in with other regeneration programmes and neighbourhood renewal objectives.

4. ACHIEVING STRATEGIC OBJECTIVES

a) Raising awareness of Empty Homes issues

The Empty Homes team is based within the 'Renewal and Grants' unit, which in turn is part of Housing and Advice Services. Officers in this division have been a crucial part of empty homes work in the past, and are able to advise on the particular circumstances and history of long-standing problem empties. They also have established relationships with a number of local private sector housing providers and are fully acquainted with local housing standards. Consequently, they can provide a valuable input into the process of returning empty homes to use.

However, in order to raise the profile of this issue, it is necessary to adopt a corporate approach, which must also include political commitment from councillors. Furthermore, to ensure effective operation of the strategy, and 'joined up' working across the Council, it is necessary to liaise regularly with each department or division whose work is pertinent to this issue. These include:

- **Communications Unit**
This unit is the obvious choice for advice on all promotional and marketing matters and the suitability of various advertising materials and media.
- **Housing Strategy and Development Unit**
The empty homes strategy is not a stand-alone initiative; it 'feeds in' to the broader housing strategy, which, in turn, is derived from the corporate strategy of the Council as a whole. Close contact with this section in promoting the policy is therefore crucial.
- **Housing and Advice Services – The Housing Options Centre**
The Housing Options Centre has direct dealings with the public through managing social housing allocations: the Derby Homefinder service; the Bond Assurance Scheme; and the landlord/tenant advice service. It is therefore an invaluable means of access to the city at large in promoting empty homes issues.
- **Derby Homes**
Derby Homes is the arm's length organisation now managing the Council's housing stock. With a network of housing offices across the city, staff there are employed in strategic front line locations and are well placed to pass on and receive information from the public. They are also particularly aware of the status of ex-council right-to-buy stock.
- **Resources (Formerly Finance)** Information on empty homes from Council Tax records is crucial to maintaining an accurate database. It is also possible to send information to property owners with Council Tax correspondence.
- **Environmental Services**
Environmental Health Officers, in the normal course of their duties, come across many properties that are empty or likely to become empty due to their poor condition. These can be referred to the Empty Homes Officer.

- **Regeneration and Community (Planning)**

The adopted City of Derby Local Plan includes objectives which seek to achieve regeneration of the urban area and to make the best use of previously used land and buildings. It seeks, therefore, to promote improvements to the urban environment which help to bring empty properties back into use. In addition, planners work in partnership with Housing and other Council Departments in Master planning exercises.

Planning can also provide important data on a recent trend known as 'buy-to-leave-empty'. That is, there has been an increasing tendency nationally for investors to purchase new-build apartments and leave them empty, relying on capital appreciation to realise a future profit. The extent to which this phenomenon is occurring in Derby is subject to investigation by the Empty Homes Team and planning officers.

- **Building Control**

Structurally unsound buildings are usually reported to Building Control. Where appropriate, these can be referred to the empty homes officer.

- **The role of councillors**

Councillors are our link with the community, and their ability to publicise and shape local issues is invaluable. With their political and civic links, councillors can promote partnerships within the community, and thus play a major role in maintaining the EHS as 'high profile'.

- **Landlords' Forum and landlords' groups throughout the city**

Professional and private Landlords are key players in ensuring private sector empties are reoccupied. They are also likely to provide a major part of the market in the purchase of empty properties returned for sale, while also providing information regarding market conditions. Their active engagement will therefore be encouraged.

- **Other strategic partners**

The process of returning empties to use usually involves a number of private sector institutions and professional services at some stage in the process. These will include any number of the following:

- a) banks / building societies
- b) conveyancers
- c) estate agents
- d) property management and letting agencies.

Links have already been made with a local estate agent and building society, and we will build on these in due course.

Housing associations are also frontline players in the property market, and therefore have an important role in the dissemination of information and the implementation of remedial actions.

- **The world-wide-web**

The council's empty property web pages can be viewed at:

<http://www.derby.gov.uk/Housing/EmptyProperties>

b) Gathering relevant, accurate and up-to-date information

Accurate data collection is essential if we are to:

- gauge the extent of the existing problem;
- set SMART (**S**pecific, **M**easurable, **A**chievable, **R**elevant, **T**ime-bound) targets for tackling problem empties;
- measure progress.

The empty homes database consists of all vacant private sector properties referred to the Empty Homes Service since 2003. Details on individual empties will come from many of the Council departments already listed, but will be further supplemented by:

- council tax records
- land registry searches
- site surveys
- the electoral roll
- mailshots
- telephone calls to the empty homes service line.

The database is used not only to list addresses but also to record details including house type/size, state of repair, owner's preferred action for occupation, any previous enforcement action etc.

c) Implement specific measures for bringing Empty Homes back into use

At Derby we have what is effectively a three-fold approach to bringing empty properties back into use:

(1) The advice & assistance service is targeted at individual owners of properties empty in excess of six months. Frequently these owners have inherited the dwelling, or otherwise come into ownership without any preplanning and are not entirely sure how to proceed. The aim here therefore is to open a dialogue with the owner and assess and advise on the most viable options for a return of the property to use.

Assistance may be given with refurbishment, sales, legal and other aspects of lettings; finding tenants (usually through Derby Homefinder), health & safety, energy efficiency, etc. Financial assistance may be given to new owners under certain circumstances under the 'Empty Homes Assistance' scheme.

(2) The enforcement policy tackles empty dwellings that have become open to unauthorised access, and more persistent problematic dwellings. Properties that have become an eyesore or that could pose a danger to the public may be subject to a range of enforcement measures using a variety of legislation. See Appendix C for a detailed list of measures.

In most cases, failure by the owner to comply with a repair notice can lead to the Council arranging for the works to be done in default and charging the owner. If the costs cannot be recouped by billing the owner, a charge is placed on the property.

More far-reaching enforcement measures may include Empty Dwelling Management Orders (EDMOs), enforced sale, or compulsory purchase. These measures are only used as a last resort where it has been impossible to trace the owner or agree a voluntary solution with them, or where a property has simply been abandoned. When it is clear that there is no realistic prospect the dwelling will be returned to use willingly by the owner, then we will then consider which of these enforcement options is the most appropriate.

Enforced sale may be used where there is a charge in favour of the Council on the property; to legally require its sale.

EDMOs enable the Council or its partner to 'step into management control' of the dwelling in order to secure its reoccupation. For more detail on EDMOs see Appendix D.

Compulsory Purchase Orders (CPOs) are the most absolute solution but also the most costly and time-consuming. In the case of long term vacants we will always consider the use of CPO as a last resort if no other option is suitable. We are currently pursuing CPOs of a number of properties in the Hartington Street Renewal Area. When these are complete we will consider rolling out the CPO programme across other areas of the city, subject to resources.

(3) The partnership approach

Entering into partnership arrangements with external organisations can be essential to lever in the funds required for larger projects. For example, the Housing Private Finance Initiative (PFI) project (2001-2005) in partnership with a major RSL secured £2.8m in government grants and resulted in 150 empty and unfit properties being brought back into use for affordable housing. Similarly our partnership with a major private sector provider in the 'Housing Needs Challenge Fund' project levered in an extra £1.5m towards the procurement and renovation of empty homes.

We are currently seeking to procure a partner to act in the implementation of a private sector leasing (PSL) scheme. This will be a useful additional tool for returning empty properties to use and accessing additional private sector accommodation to meet housing need. More details are in the 'Current Developments' section on page 17.

An overview of how we approach empty homes is provided below in figure 5 below:

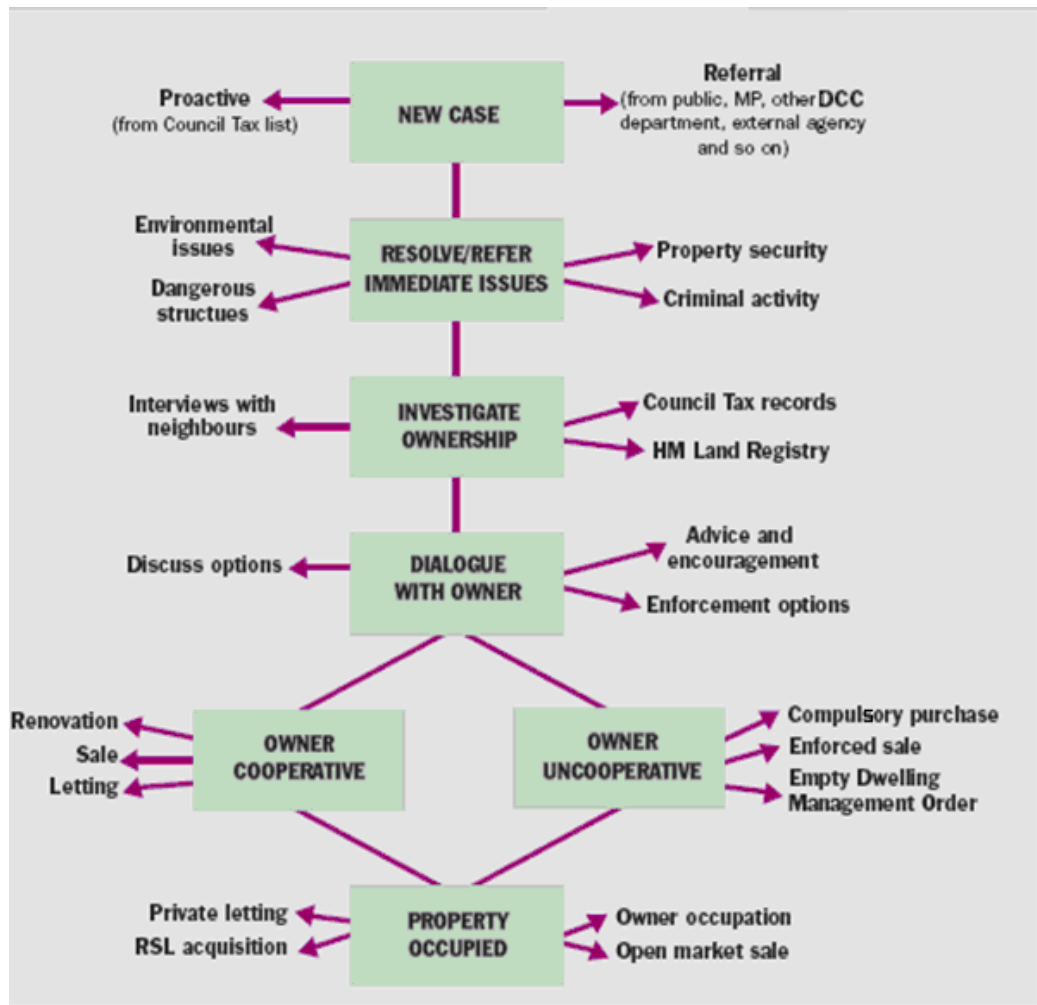


Figure 5: Empty Homes Procedure - Overview

A step-by-step approach to implementing procedure is provided in Appendix E.

5. BACKGROUND, HISTORY AND CURRENT DEVELOPMENTS

The Council has a long history of effective empty homes work and has established a good reputation in this field.

For example, in 1988, a substantial three-storey Victorian property on Hartington Street was compulsorily purchased, and a little later, when some Capital Challenge money became available, was converted into six self-contained flats. The Empty Homes Agency and the Joseph Rowntree Foundation, in a joint publication, highlighted the scheme as exemplifying 'good practice'.⁸

The 1990s saw a number of new initiatives in operation, including:

- **Rehab For Rent** – a scheme using public funds to 'lever in' private finance to tackle disrepair and return empty properties to use
- **Approved Development Programme Funding** – which was sourced regularly to enable the purchase of existing empty properties
- The establishment of the **East Midlands Empty Property Forum**, and the commissioning, in 1998, of the 'Good Practice Directory'
- **The Housing Options Centre** – which manages the Joint Housing Register, provides an advice service to private tenants and landlords, and operates the Bond Assurance Scheme and the Rent in Advance Scheme. These schemes enable the reoccupation of accommodation that may otherwise remain empty, and makes it available to a client group of people unable to raise a deposit
- **Regular Landlord Forums** – to ensure consultation with key private sector stakeholders and to disseminate good practice.

The current decade has seen two major developments:

The appointment of an Empty Property Officer – 2002

For the first time the Council recruited a dedicated officer whose sole remit was empty homes work.

The principal role of the Empty Property Officer (EPO) has been described as one of 'coordination and enablement'. In discussion with all participants in the process, the EPO must evaluate the suitability of the various tools and measures available and then oversee effective implementation.

⁸ *Joined Up Thinking: A Directory of Good Practice for Local Authority Empty Property Strategies*. P.48 The Empty homes Agency 1998.

To perform this function satisfactorily, it is necessary to:

- ✓ record reports of empty homes from all available sources
- ✓ undertake selected site visits, surveys and so on
- ✓ establish the particular circumstances of individual properties and advise owners of the most pragmatic options
- ✓ follow up progress of specific projects and initiatives
- ✓ ensure up-to-date knowledge, understanding of best practice and new developments in the field is constantly maintained. This can be achieved through ongoing research, consultation and benchmarking, with other experts and practitioners
- ✓ generate new proposals and inducements to help and encourage owners bring empties back into use.

The Private Finance Initiative – 2001-2005

One of the major components of the strategy in recent years has been the partnership project with Home Housing Association. Using funding from the government's private finance initiative (PFI), this was a scheme to purchase, refurbish and let 150 long-term empty and unfit inner city properties.

The main features of the scheme were:

- The Council successfully bid for £2.8 million from the government to tackle the problem of empty properties in inner-city Derby
- Local RSLs – Registered Social Landlords – were invited to apply to participate in the scheme. After a competitive bidding process the contract was awarded to Home Housing Association
- Properties were sourced by The Empty Homes Service and also by Home Housing. Home would then take sole responsibility for the acquisition, refurbishment, and management functions.
- Once refurbished and reoccupied, the Council has supported tenancies by 'topping up' the rent by approximately £30 per week. The Council also nominated tenants for the properties.

The acquisition phase of this scheme expired in 2005 but the houses procured will be retained for social housing until at least 2030. There is now a new housing PFI in development. This will again include the return to use of some 50 empty dwellings (and will also include some new build properties). It will commence in 2008/2009.

Other developments

The current decade also saw the following improvements to the empty homes strategy:

- the setting up of the empty property web page, with web-form facility for Council officers and the public, for speedy referral of empties
- establishment a new empty homes database
- introducing an empty homes 'service line' number – 01332 256172
- establishing and strengthening links with other relevant departments such as Council Tax, Environmental Health, and Planning. For example, in consultation with the Resources Dept (formerly Finance) the discount on long term empty properties was reduced from 50% to 10%. The extra charge now payable by empty property owners provides an important additional incentive to bring them back into use.
- liaising with the Landlord Forum, and distributing a landlords' questionnaire to inform our understanding of the private sector perspective
- tying in empty homes work with other regeneration initiatives. Activity is now given an increasing focus in Private Sector Housing Renewal areas and Neighbourhood Renewal Strategy areas
- continuing to work closely with national organisations such as The Empty Homes Agency (EHA), and The National Association of Empty Property Practitioners (NAEPP)
- the development of a new package of financial assistance for new or potential new owners of long term empty properties. This has been made possible by changes to the legal framework brought about by The Regulatory Reform (Housing Assistance) Order 2002
- the commencement of a programme of compulsory purchase for a number of the most high-profile and problematic vacants in the city.

Current developments

Private Sector Leasing

One of the most frequent reasons given by owners for leaving their property empty is that they would like to renovate and let it, but cannot fund the works and are unable to manage the property once it is ready for occupation. To be able to address this situation we are in the process of developing a private sector leasing scheme (PSL).

This will enable owners to hand over the management of their property to the Council or its partner and receive a guaranteed rental income. It will also allow the Council access to additional accommodation to meet housing need. We are currently in discussions with potential management partners to undertake this role for the council. In order to address the issue of financing repairs we are also looking to develop a financial package that may be made available to existing owners, subject to them signing up for the PSL.

Empty Dwelling Management Orders

The passing of the Housing Act 2004, much of which came into force in 2006, has had a significant impact on our approach to, and enforcement of, conditions in private sector housing. It has necessitated a review of existing approaches and the development of new initiatives. In particular it has enabled a radical new tool to be used to tackle empty homes – that of ‘Empty Dwelling Management Orders’ - EDMOs. This measure is outlined in the enforcement section on page 14 and discussed in more detail in Appendix D, but it is essentially a power which enables local authorities to ‘take management control’ of a long term empty dwelling and secure its reoccupation. It can be viewed as Private Sector Leasing on a compulsory rather than a voluntary basis.

As part of our negotiations to set up a PSL we will also therefore be arranging for our management partner to undertake the management of properties procured through EDMOs.

Rose Hill Market Renewal Area and Compulsory Purchase

Rose Hill is one of the more deprived areas of the city, with high concentrations of vacant stock and other problematic housing conditions. The designation of this as a market renewal area has brought in additional funding and enabled the deployment of new staff. This in turn has allowed greater officer time to deal with empty properties in the area and in particular to advance our CPO programme. The first tranche of CPOs in this area is expected to be complete later in 2008 - unless delayed by the need for a public enquiry.

Greater use of Town and Country Planning Powers.

Section 215 of the Town and Country Planning Act 1990 allows the Council to impose a positive duty on a land owner to ensure proper maintenance of land (and buildings). A notice may be served ‘where it appears to the authority that the amenity of a part of their area or an adjoining area is adversely affected by the condition of land in their area’. The power could be used for example, to clean up empty and untidy properties, thereby improving the appearance of an area. Until recently there has been little use nationally of this power in respect of empty dwellings. However, it is becoming increasingly recognised that to do so constitutes ‘best practice’. We are therefore planning officer training and greater use of this power on empty homes from 2008.

Accreditation

Landlord and Property Accreditation Schemes have been developing across the UK in the last 10 years as a way of recognising good landlords and encouraging the raising of standards in the private rented sector. This benefits not only the landlords and tenants, but also local authorities and communities. Consequently, Derby City Council is setting up an Accredited Property Scheme for all private rented property, which will be voluntary and free to join. As the scheme gets underway we will link it with the level of our 'empty homes assistance' (see page 19). That is, we will provide more favourable terms to landlords with accredited properties.

6. TARGET SETTING AND MONITORING PROGRESS

The government recognises that bringing vacant homes back into use helps to maximise occupation of the existing housing stock and consequently alleviates the pressure to new-build on green field sites. It also recognises the problem of low demand and abandonment. Consequently, The Urban Task Force, in its final report 'Toward an Urban Renaissance' endorsed the need for local Councils:

'To maintain an Empty Property Strategy that sets clear targets for reducing levels of vacant stock.'⁹

a) Best Value Performance Indicator 64

Following this direction, the government has gone on to provide further guidance on how to measure progress toward this goal, by establishing Best Value Performance Indicator 64 (BVPI 64). This requires local councils to measure and publish information on the number of privately owned homes brought back into use as a direct result of their actions.¹⁰

Setting a realistic target on how many vacant dwellings we can expect to return to use is a difficult process as there are eight different council activities which can contribute to the indicator. These are:

- ✓ Group Repair Schemes (GRS)
- ✓ Approved Development Programme funded 'purchase and repair' by RSLs
- ✓ Demolition
- ✓ Bond Assurance / Rent in Advance
- ✓ Advice from the Empty Homes Officer
- ✓ Enforcement
- ✓ Empty Property Financial Assistance
- ✓ Special Projects, such as the PFI or 'Housing Needs Challenge Fund'.

Nevertheless, we do set targets year on year and our performance against target over the last six years is shown below:

01/02		02/03		03/04		04/05		05/06		06/07	
Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
81	110	131	143	155	75	155	91	109	69	75	72

⁹ <http://www.urban.odpm.gov.uk/whitepaper/taskforce/renais/4.htm#16>

¹⁰ The exact wording from DCLG is as follows: 'Number of non-local authority-owned vacant dwellings returned to occupation or demolished during the financial year as a direct result of action by the local authority.'

Clearly, outputs over the last three years have fallen sharply. This is mainly due to the expiration of new reoccupations through the PFI scheme (see page 16) and the reduction in Housing Corporation funding for RSL 'purchase and repair'. However, with the new PFI scheme due to start in 2008 and additional officer time dedicated to empty homes, we expect outputs to rise over the next three years, as forecast below.

Year	2007/08	2008/09	2009/10
Target number of dwellings to be returned to use	72	89	96

b) Local Area Agreements

Similarly, in order to achieve our objective of focusing work in the more deprived areas, it is also our aim for the majority of properties returned to use by our efforts, will be in renewal areas. This target is part of our 'Local Area Agreement' framework and is defined as follows:

"To aim that at least 75% of the total empty properties brought back into use (or demolished) as a result of the local authority empty property strategy are located within Neighbourhood Renewal Areas."

c) Comprehensive Performance Assessment (CPA)

Finally, there is a CPA target for empty homes, and this measures the percentage of total private sector homes vacant for more than 6 months (CPA H18). This is a fairly recent addition to the list of targets, and as it measures changes to the housing market as a whole, it is very difficult to influence. Nevertheless it remains our aspiration to see the total number of voids falling as a proportion of the total housing stock.

7. ACTION PLAN

Radical changes to the national performance monitoring framework mean that the BVPI and CPA empty property indicators will be abolished as from 2008/9.

Nonetheless, government advice is to continue to monitor performance under these indicators for this year (even though they may not be subject to external audit). Our targets for these indicators therefore remain part of our overall action plan on empty homes, as does the development of new ones.

Meanwhile, increasing the housing supply is a more high-profile issue than it has been for decades, and the potential contribution from empty homes is substantial. This is recognised in the recent 'Housing and Planning Delivery Grant' consultation paper, which invites responses to the possibility of rewarding Councils for returning empty properties to use, as well as for giving planning consent for new build. The delivery mechanism for this new grant is still under national consultation.

Whatever changes may be afoot nationally, locally 'empty homes' remains a high priority issue for Derby residents. Our plans and actions to tackle this issue over the forthcoming year are therefore presented below.

The strategic objectives of the Empty Homes Strategy are described in detail on page 15, but to summarise, there are four key objectives:

1. to raise awareness of Empty Homes issues
2. to assemble relevant, accurate, and up-to-date information
3. to put into effect specific measures so empty homes can be brought back into use
4. to focus efforts on those areas of the city with the poorest housing conditions and the greatest concentrations of empty homes.

The actions we will take to bring about these objectives are tabulated below, grouping each action with the specific objective to which it relates.

EMPTY HOMES STRATEGY ACTION PLAN

Strategic objective	Action number	Targets and outcomes	Action description	Target date	Lead officer
Raising Awareness	1	To raise awareness of the empty homes issue and improve the way the public can report empty homes	Full review of publicity material and means by which we publicise the service. Measures could include: <ul style="list-style-type: none"> • text messaging facility • adding empty property information on front page of council website • mail shots • billboard advertising etc 	Jul 2008	Empty Homes Manager
	2	Contribute and respond to the national debate on empty homes policy and procedures through the national body	Maintain a proactive presence on the steering committee of NAEPP	Ongoing	Empty Homes Manager
Assembling Information	3	Improve links with other council departments, particularly Planning, Housing Strategy and Environmental Services	Arrange cross-departmental meetings and information exchange	Ongoing	Empty Homes Manager
	4	Improve cross boundary working, training and sharing of best practice between East Midlands local authorities	Continue to coordinate twice annual regional forum meetings (plus additional training where appropriate) through EMEPF	Spring and Autumn each year	Empty Homes Manager
	5	Update on all aspects of the team's ongoing work and new initiatives	Preparation of monthly/quarterly empty homes monitoring and performance report to council cabinet member	Ongoing	Empty Homes Manager

Strategic objective	Action number	Targets and outcomes	Action description	Target date	Lead officer
Implementing Measures	6	Commence the use of Town and Country Planning Act powers (section 215) against 'eye-sore' properties so as to mitigate visual impact and encourage re-use	Arrange officer training in the act and service of applicable notices	Sep 2008	Housing Standards Manager
	7	Advise and inform owners of all possible options available to bring about occupation of the property	Frequent and regular recorded communications, including letters, telephone calls, etc, offering advice to the owners of long-term empty homes	Ongoing	Housing Standards Officer (Empty Homes)
	8	Step up enforcement activity against prominent nuisance properties where owner is untraceable or non-cooperative	Identify long-term, problematic empty properties to be targeted through enforced sale, CPO or EDMO	Ongoing	Empty Homes Manager
	9	" "	Appoint enforcement officer to progress specific cases ¹	Jan 2009*	Empty Homes Manager/Housing Initiatives Manager
	10	" "	Finalise partnering arrangements for the management of EDMO properties	Sept 2008	Housing Initiatives Manager
	11	Commence PSL scheme	Progress to completion current negotiations regarding pilot. Oversee implementation and establish works' start date	Autumn 2008	Empty Homes Manager
	12	Roll out PSL city wide. Expand service provision and choice through framework agreement	Invite other housing management organisations to join framework agreement. Publicise the scheme to empty property owners	Spring 2009	Empty Homes Manager

¹ Subject to a successful bid for additional funds

Strategic objective	Action number	Targets and outcomes	Action description	Target date	Lead officer
Implementing Measures	13	To constantly improve performance in reducing the number of empty homes by accessing and utilising the latest tools and best practice	Continuously develop and sustain up-to-date knowledge of best practice through ongoing research and liaison with appropriate external bodies	Ongoing	Empty Homes Manager
	14	Continue to reactively investigate all reports received, whilst also monitoring and reviewing points at which proactive intervention in long-term empty properties should best be implemented	Investigation of all reported empty properties and proactive investigation of all identified long-term empty properties	Ongoing	Housing Standards Officer (Empty Homes)
Area Focus	15	Pursue to completion the current CPO programme in the Hartington Street Renewal Area	'Success', here is achieved when the properties are reoccupied – whether by the CPO proceeding or the owner cooperating and the CPO withdrawn	Mar 2009	Housing Standards Officer (Enforcement)
	16	Achieve targets set for Best Value, Local Area Agreement and Comprehensive Performance Assessment targets for the year 2008-2009	See page 27 of the strategy for specific details.	March 2009	Empty Homes Team
	17	Develop a revised indicator set for when monitoring of national indicators ceases	Consult internally and liaise with LAA team on format and content of future indicators	March 2009	Empty Homes Manager
All	18	Annual review of strategy targets, action plan, and resources	Review action plan and targets to ensure they remain SMART and challenging. Where possible access additional funding to resource new/additional measures	Dec 2008	Empty Homes Manager

WHY HOMES BECOME EMPTY...

Homes usually become empty due to a change in the circumstances of the former occupant. This can occur for five main reasons:

1. The owner/former resident has moved into residential care or died.
2. The owner has moved away to give care to a relative suffering from ill-health.
3. A cohabiting couple move into one of their homes, leaving the remaining one vacant
4. Tenants leave and absentee landlords cannot be contacted
5. The owner is in prison or has simply abandoned the property, sometimes having left the country altogether.

... AND WHY THEY REMAIN EMPTY IN THE LONG TERM

1. **Lack of Knowledge** An owner may lack the necessary knowledge/skills to refurbish/manage a property and yet be unwilling to sell a vacant property. This often arises in the case of 'accidental owners' who have not planned to take ownership (they may have inherited the property) and are unsure how to proceed.
2. **Lethargy/Indifference** There are certain individuals and companies who enjoy a degree of wealth such that the maximisation of income from their assets does not appear to be a high priority.
3. **Business dispute** Where a business relationship has broken down, one or other party may refuse to agree to the property being renovated or sold - or indeed any action taking place.
4. **Inheritance disputes** Upon the death of the single or joint proprietor, ownership has passed to one or more additional members of the family who are unable to agree on the future of the house – for example, one person wishes to retain and improve for family use, the others wish to sell and realise the equity. This may also occur where the Court of Protection is involved and 'cautions' are placed on the sale by other family members in dispute of an agreement or will.
5. **DIY owner** Owners who inherited or acquired empty and semi-derelict properties with a view to use as second homes or retirement cottages and have undertaken some work on a DIY basis (to reduce costs) but with the passage of time the condition deteriorates, costs escalate and they are reluctant to acknowledge that what had been a manageable project has turned into a major headache with little chance of turning it round.
6. **Owner inertia** Owners who just do not want the trouble of re-letting or selling or are reluctant to re-let due to past experience. Sometimes the owner simply states they desire to leave property empty. This may be for sentimental reasons or perhaps because of some other reason which to the outsider may appear irrational.

7. **Next of Kin** The owner may have died and there are no next-of-kin or they cannot be traced.
8. **Bequeathal** The owner may want to leave the property to his/her children to deal with after they have died.
9. **Land-banking** The owners wait for further increases in the market and therefore want to keep the property available to sell at short-notice.
10. **Obstructism** The owners simply refuse to accept offers of assistance from the local authority, or any other source, to bring the property back into use.

HOUSING STRATEGY AND DEVELOPMENT UNIT OBJECTIVES¹

- Base Housing Strategy on sound and comprehensive information.
- Improve choice of, and access to, safe, energy efficient and affordable housing including reducing empty properties across all tenures.
- Tackle the specific housing needs of Derby's community care and other vulnerable and minority groups.
- Protect and enhance homes across all tenures and make all council properties meet the government's Decent Homes Standard by 2010 at the latest.
- Tackle anti-social behaviour and direct investment to reduce crime and the fear of crime.
- Use the Housing Service's investment potential and influence to promote training and employment for Derby residents.
- Contribute to the delivery of the Neighbourhood Renewal strategy.
- Deliver Best Value services.
- Facilitate active customer participation.

¹ Derby City Council Housing Strategy 2003-2006, pp2-3

LEGISLATION SUPPORTING ENFORCEMENT MEASURES

Town and Country Planning Act 1990

A Section 215 notice may be served under this act 'where it appears to the authority that the amenity of a part of their area or an adjoining area is adversely affected by the condition of land in their area'.

Building Act 1984

Provides powers to tackle 'dangerous and ruinous' structures. Sections 76 – 79

Local Government Misc. Provisions Act 1982

Section 29 gives power to the local Council to secure empty properties against access, where there is considered to be a danger to public health.

Environmental Protection Act 1990, sections 79 – 82

These are used to enforce remedy of a condition prejudicial to health or that constitutes a statutory nuisance.

Law of Property act 1925, section 101

Where the Council has secured a legal charge over a property, this may provide the first step to an enforced sale where one of these following applies:

- returning the property to use is crucial to the regeneration of the area
- works in default total £1,000 or more
- the property has been empty for more than two years.

Housing Act 1985 section 17, and Local Government and Housing Act 1989 section 93

These pieces of legislation provide the basis for commencement of a compulsory purchase order.

Housing Act 2004

Part 4 of this Act gives provision, where specific conditions have been met, for local authorities to apply for an order allowing them to use the property for residential purposes.

EMPTY DWELLING MANAGEMENT ORDERS

1. Background

An Empty Dwelling Management Order, or "EDMO", is a new power available to Councils to tackle empty properties, brought in by the Housing Act 2004 but 'enabled' in July 2006. It allows, in certain circumstances, the Council to 'step into the management control' of a property – although not the ownership – in order to bring about its reoccupation.

Before considering making an EDMO, the Council must “take into account the rights of the relevant proprietor and the interests of the wider community”¹. In other words, it needs to undertake a “balancing exercise” between the competing interests involved ; the right of the owner to the ‘quiet enjoyment’ of his property, versus the benefit the order may have in reducing crime and anti-social behaviour, and the effect on the quality of life generally – and property values – in the neighbourhood.

2. Procedure

Details on procedure are available on request

3. Exceptions

There are certain properties which are exempt from EDMOs. The legislation lists 10 prescribed exemptions in all, which cater for situations where the property is legitimately left empty. Examples include homes which are undergoing renovation or marketed for sale/let, homes empty where the owner is absent receiving care, homes empty following the death of the owner where probate has not yet been granted, and the like.

4. Other restrictions

Not all empty properties are suitable for the use of EDMOs. They may only be used in respect of residential dwellings, not commercial or business premises. Likewise, they may only be used where the entire dwelling is empty rather than just a part of it.

Arguably the major barrier to bear in mind when assessing suitability occurs in the case of derelict or severely dilapidated dwellings which would require considerable investment to make them habitable. The Council may undertake certain repair or improvement works, but will only be able to recover this money through retained rents. The limiting factor when considering the extent of refurbishment works therefore will be the anticipated rental stream during the timescale of the order.

¹ Guidance Note on EDMOs – Dept for Communities and Local Government, p.16

5. The use of EDMOs in Derby

EDMOs are only one of a number of ‘tools’ available as part of our empty homes strategy and therefore evaluating ‘each case on its own merits’ to assess the best course of action is the usual procedure. When considering the limitations outlined above, it becomes clear that EDMOs will only be suitable for a specific type of property in Derby; the type which meets the following conditions:

- a) it is a solely residential dwelling not subject to one of the prescribed exemptions
- b) it has been empty for at least 12 months
- c) the costs involved in making it habitable will be limited, that is, they will not exceed the net rent over the period of the order
- d) it is subject to a minimum number of complaints about nuisance. That is, we *will not* target properties that are empty but otherwise not causing or attracting any nuisance.

It should also be borne in mind that EDMOs are a new power – the first one or two we implement will inevitably to some extent be ‘test-cases’. We will therefore review our future selection criteria in the light of how these have progressed, and also take into account any other relevant representations, consultations or government guidance.

6. Implementation

EDMOs are an enforcement power and, as such, their implementation will be undertaken in line with the principles of the *enforcement concordat*, to which Derby’s Private Sector Housing Enforcement Section has subscribed. This entails that any enforcement action undertaken is done only after the options for voluntary compliance have been exhausted, and with due regard to transparency, proportionality, consistency and fairness.

7. More information

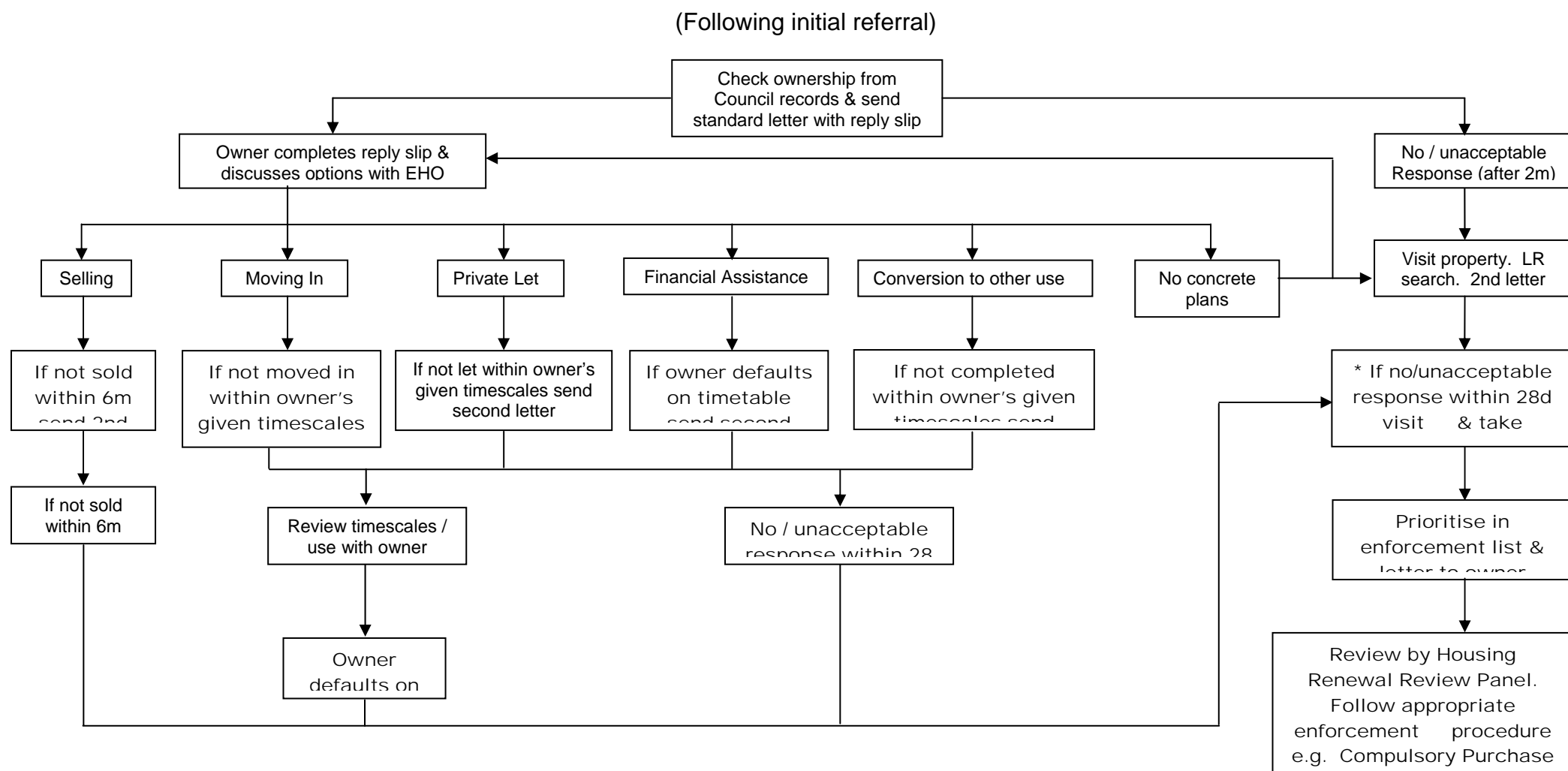
For more detailed government guidance on EDMOs see:

- Guidance booklet for Local Authorities at <http://odpm.gov.uk/index.asp?id=1501339>
- Guidance leaflet for property owners at: <http://odpm.gov.uk/index.asp?id=1500649>

For detailed information on the Enforcement Concordat visit:

<http://www.cabinetoffice.gov.uk/regulation/documents/pst/pdf/concord.pdf>

EMPTY HOMES PROCEDURE



If at any time the property changes ownership, go back to Send Standard letter stage
