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Broxtowe  
Borough  
COUNCIL

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# **Empty Homes Strategy 2014 - 2019**

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# 1. Introduction

Empty homes can be a source of many problems. They can lead to increased fly-tipping, vandalism and other anti-social behaviour, potential squatting, as well as having a negative impact on property values and amenity in the immediate neighbourhood. They are also a wasted resource, not only in terms of the living accommodation which is lost, but in terms of the financial loss to the owner.

Broxtowe Borough Council recognises the importance of bringing empty homes back into use and this document sets out the practical way the authority intends to do this, set in the strategic context.

The strategy aims to build on the work done and progress made as a result of the implementation of the Empty Homes Strategy 2010-2013. The achievements arising from that strategy are summarised in Appendix 3.

## 2. Aims and Objectives

### 2.1 Overall aim

The overall aim of this strategy is to return long-term empty homes in the private sector back into use in the most appropriate way and in the shortest possible time.

### 2.2 Key objectives

The four key objectives are:

1. Maintain accurate and timely information on the number, type and location of empty properties within the borough.
2. Prioritise all long-term empty properties for action.
3. Work in partnership with others to achieve the overall aim.
4. Raise awareness of the issues of empty homes.

### 2.3 Key tasks

In working towards the overall aim, a series of key tasks have been formulated to meet the key objectives. These are as follows:

#### 2.3.1 Objective 1

Maintain accurate and timely information on the number, type, and location of empty properties within the district.

##### Tasks

- (i) Maintain the database of long-term empty properties, including ownership details, matrix score (see Appendix 1).
- (ii) Analyse estate agents' and auctioneers' data to find long term empty properties.
- (iii) Access Council Tax data to identify long term empty properties.

### **2.3.2 Objective 2**

Prioritise all long-term empty properties for action.

#### Tasks

- (i) Continue to use the scoring matrix (Appendix 1) to rate all long-term empty homes to provide information for action predominantly on a “worst first” basis.

### **2.3.3 Objective 3**

Work in partnership with others to achieve the overall aim.

#### Tasks

- (i) Maintain membership of the East Midlands Empty Property Forum.
- (ii) Run two private sector landlords’ forums each year.
- (iii) Develop a “Matchmaker Scheme” to introduce empty home owners who are looking to sell their property with people who are looking to purchase an empty property.
- (iv) Maintain membership of the National Empty Homes Loan Fund and promote the benefits of this scheme to owners of empty properties.

### **2.3.4 Objective 4**

Raise awareness of the issues of empty homes.

#### Tasks

- (i) Run at least one awareness raising campaign each year.
- (ii) Provide and regularly update, relevant information on the Council’s website.

## 3. Strategic Context

### 3.1 Nationally

#### 3.1.1 Empty properties in England

The problems posed by the number of empty homes are a national issue. In 2012, the total number of empty homes across England was 709,426. This figure includes empty homes in the private sector as well as the public sector (housing association, local authority, or properties owned by the government.) In the East Midlands, the total number stood at 20,042. In 2012 the level of private long-term empty homes (empty for over six months) in England was 245,133. In Broxtowe that year, there were 409 such properties.

The overall level of empty homes fluctuates year on year, but there has been a gradual reduction in recent years.

#### 3.1.2 Laying the Foundations: A National Housing Strategy for England

The government's National Housing Strategy, published in November 2011, had one of its seven chapters devoted to empty homes. It states:

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

Over the past four years, action by Broxtowe Borough Council has resulted in 151 long term empty homes being brought back into use in the borough.

#### Other central government action

The government has given local authorities, owners and developers many tools to help bring empty homes back into use. In recent years:

- All local authorities have been encouraged to publish an empty homes strategy;
- VAT has been reduced to 5% for work on properties empty for two years or more and 0% for work on properties empty for over ten years;
- Full council tax charging has been introduced on empty properties and access made available to the name and address details of owners of empty homes for the purpose of bringing empty homes back into use;
- Streamlining of Compulsory Purchase Order (CPO) procedures has been introduced.
- Empty homes brought back into use qualify for the New Homes Bonus which was introduced in April 2011. The Government is match funding the Council Tax on long-term empty properties brought back into use for the following six years, using the national average in each band, with an

additional amount being provided for those brought back into use as new affordable homes.

### **3.1.3 Housing Act 2004**

This introduced Empty Dwelling Management Orders, the first power specifically targeting privately owned, empty property. Local authorities are now, in effect, empowered to take over most of the rights and responsibilities of the owner of an empty dwelling and to refurbish and rent the property without becoming the titled owner.

## **3.2 Locally**

### **3.2.1 Broxtowe Borough Council Corporate Plan 2012-16**

Within its Corporate Plan, one of Broxtowe Borough Council's priorities is Housing – A good quality affordable home for all residents of Broxtowe.

One of the objectives within this strategic priority is:

“The stock of available accommodation will be increased as the council leads efforts to bring at least 50 empty homes a year back into use.”

The bringing back into use of empty homes also contributes to achieving the Community Safety priority (Broxtowe will be a place where people feel safe and secure in their communities).

### **3.2.2 Broxtowe Sustainable Community Strategy 2010-2020**

Two of the seven thematic headings identified in the strategy are directly affected by bringing empty homes back into use. These are Community Safety (where safer neighbourhoods is identified as a priority); and Housing (where delivering decent homes, providing new and affordable homes, and delivering safe and inclusive communities are priorities).

### **3.2.3 Broxtowe Borough Council Housing Strategy 2010 - 2015**

This strategy has four key themes:

- Delivering Decent Homes
- Providing new and affordable homes
- Developing safe and inclusive communities
- Special and supported housing need

Bringing empty homes back into use clearly impacts on three of the four key themes and there is a specific Strategic Action in the strategy relating to bringing empty homes back into use. This action is as follows:

*Continue to target long term empty private sector homes through empty homes grants and enforcement activity and implement the recommendations of the Overview and Scrutiny Review of empty homes.*

### **3.2.4 Other local initiatives**

Broxtowe Borough Council has introduced a practice of charging 150% council tax on properties which have been empty for longer than two years. This is another incentive to owners of empty properties to bring them back into use in a timely manner.



## 4. Statistics

Figures produced by the Empty Homes Agency for empty homes in England are showing a falling trend.

**Table 1 - Empty homes in England (all sectors)**

<b>Year</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Total empty	770,496	737,147	720,317	709,426
Long term empty	316,251	299,999	278,494	259,128

Locally, the picture in Broxtowe is very similar.

**Table 2 – Empty homes in Broxtowe (all sectors)**

<b>Year</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Total empty	1460	1491	1526	1499
Long term empty	457	476	455	425

The numbers for empty properties in the private sector and those which have been empty for more than 6 months are shown below.

**Table 3 – Private sector empty homes in England**

<b>Year</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Total empty	735,941	706,778	692,408	683,527
Long term empty	298,817	285,178	264,085	245,133

**Table 4 – Private sector empty homes in Broxtowe**

<b>Year</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Total empty	1430	1474	1452	1473
Long term empty	453	471	451	409

## **5. Approach**

### **5.1 Starting point**

The starting point of the action on an empty home will be to work with the property owner where possible. Each empty property is different and there are many reasons why they become empty. These reasons can be sensitive and it is important to be understanding of all different situations. However, it is also important to be committed to the principles of the strategy and recognise that an empty property is a blight on a neighbourhood and a wasted resource. Owners should know that whilst the Council would prefer to work with them, non-action is not an option. By owning a property they have a responsibility for it and must act accordingly.

### **5.2 Resources and action plan**

The implementation of this strategy will be undertaken by a designated officer within the Private Sector Housing Section, in the Directorate of Housing, Leisure and Culture. Management will rest with the Private Sector Housing Manager.

Implementation will take place within existing resources.

The Action Plan for working towards the overall aim is included at Appendix 2.

### **5.3 Three step strategy**

The strategy follows three simple steps:

#### **1. Identify**

Identify empty properties for action, based on a scoring matrix (Appendix 1) taking into account such factors as length of time empty, nuisance caused, condition of the building and land. (Although the matrix score will be the principal guide to the order in which properties are dealt with, there may be exceptions based on local circumstances). Establish ownership, make contact and decide on further action.

## 2. Encourage

Work with the owner offering advice and assistance, including funding options if available, with the intention of bringing the property back into use through voluntary action on the owner's part.

## 3. Enforce

Where all other negotiation has failed, the Council will seek to take the appropriate enforcement action to ensure the property is in a decent condition and is brought back into occupation.

Further details on these three steps are given below.

### **5.3.1 Identify**

The first step is identifying where the empty property is and who owns it. This is not always as straightforward as it sounds – a rundown property may appear empty, but is actually someone's home, whereas a tidy house with curtains up may have been empty for years. The most useful way the Council has of gathering information about empty properties is through council tax records. Permission to use this information was introduced in the Local Government Act 2003 which allowed local authorities, for the first time, to use council tax information for: 'identifying vacant dwellings and taking steps to bring vacant dwellings back into use.' The Council is also contacted by members of the public who report individual properties which they are aware of. This provides valuable information and helps to build up a detailed picture of the situation in Broxtowe.

Other than council tax records, the Council also liaises with Environmental Health, Planning and Building Control among others, talks to neighbours, carries out Land Registry searches and checks with the Probate Office. Once the owner is identified, the Council will contact them and try to work with them in bringing the property back into use. The reasons why people leave property empty can vary enormously. Sometimes there are sensitive issues, for example a property where the owner has gone into residential care and has expectations of returning, or where a property is the subject of probate or a legal dispute.

With other properties the reasons are less sensitive and less understandable, such as a property just left empty as the owner, who lives elsewhere, sees it as a long-term investment and does not want the perceived problems of renting it out.

### **5.3.2 Encourage**

Whatever the situation, the Council will contact the owner, talking to them directly where possible, and outline the options for their empty property, providing information that may assist them in deciding what to do.

The options for owners are to rent the property out, sell the property or to live in it themselves. How quickly they are able to do any of this will generally depend on the condition of the property, as well as the desire on their part. The Council will advise and forward relevant information.

Certain questions will need to be answered at this stage:

- Does the property require any building work to make it habitable? If so, does the owner intend to fund it direct or are they seeking finance privately? Are they interested in the National Empty Homes Loan Fund?
- If the owner wants to rent the property out, do they intend to do so privately or through a Leasing Scheme? What schemes are available?
- Would they be interested in letting to students?
- Are they aware of the current VAT rates for developing empty property? The Council will send a VAT information sheet outlining reduced VAT rates for works to empty property and provide a statement that the property has been empty to Customs & Excise if needed.
- Is the property a flat over a shop? The Council will send details of the Flat Conversion Allowance – a tax allowance introduced by the Inland Revenue in 2001 and designed to encourage people to develop empty space above shops to rent out.
- Do they want to sell the property? The Council can offer guidance on looking for estate and letting agents locally.
- Has the property been the subject of any complaints? It may be necessary to take action against an owner if there are issues such as build up of rubbish, vermin, 'nuisance' to adjoining properties or if the condition of the property is affecting local amenity.
- Is the owner an established landlord? Are they interested in joining the East Midlands Landlord Accreditation Scheme?

### **5.3.3 Enforce**

Enforcement action will be considered where a property has been empty for at least one year and where it is considered that the property is unlikely to be brought back into use unless such action is taken. This

will be taken forward by the Private Sector Housing Section in consultation with officers from Environmental Health, Planning, Legal and other sections as needed. Enforcement action through the Empty Property Strategy is designed to ensure the re-occupation and/or refurbishment of an empty property. This could be on top of other action taken for issues like rubbish, vermin or other nuisance, or action taken through Planning or other sections.

Enforcement action will be considered against individual property and group properties (i.e. those with more than one unit of accommodation in them).

The Lead Officer will carry out an enforcement feasibility study designed to show which enforcement option is most suitable for that particular case. Weighting will be given to each case based on whether there is a history of nuisance or anti-social activity and the potential housing that could be provided from the empty property. Once the type of action is agreed, it will be pursued. When enforcement action is successfully taken against the owner of a property, the aim will be to ensure that the dwelling is brought back into use as quickly as possible, through whatever means the form of enforcement dictates. The intention is to return the property to meaningful use by whatever means.

#### **‘Enforcement concordat’**

There is a need to carry out enforcement functions in a consistent, practical and equitable manner. In compliance with the spirit of the adopted enforcement protocol, the Council’s approach will aim to be open, helpful, proportional, and consistent.

Before progressing with formal action, the Council will 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.

Various available enforcement options are outlined below:

#### **Compulsory Purchase Order (CPO)**

Compulsory Purchase of a dwelling carried out under Section 17 of the 1985 Housing Act (as amended). This allows local authorities to acquire property for either ‘quantitative or qualitative gain’. A CPO is the final solution to a problem empty property as it removes ownership from the current owner. Once the CPO is approved, the Council would arrange the sale of the property, preferably to a Housing Association partner, to develop as affordable housing. If this is not financially viable, the property will be sold on the open market subject to covenants ensuring the refurbishment and reoccupation of the property.

#### **Empty Dwelling Management Order (EDMO)**

This is a power which was introduced as part of the Housing Act 2004. It involves the local authority taking over management of a property,

carrying out works if applicable and then renting the property out. Management costs and any refurbishment costs can be reclaimed from the rental income – with any balance going to the owner.

### **Enforced Sale**

Enforced Sale can be used for those properties that have charges raised against them following statutory improvement works where the property remains empty and is causing a significant nuisance to the surrounding area. The debt is marked as a caution on the land registry certificate at HM Land Registry and the local authority serves a Law of Property Act 1925 section 103 notice on the owner. The property is sold at auction and the cost of statutory works undertaken in default by the local authority, administration costs, and Land Registry fees for the Enforced Sale can be recovered from the sale. Enforced Sale can also be used to recover personal debts, such as council tax, by the local authority applying to the County Court to award an interim charging order. If the Court gives a favourable judgement, the local authority can apply for a final charging order and order the sale of the property.

### **Town and Country Planning Act 1990, Section 215**

Where a property is having a detrimental impact on the amenity of an area, a notice under Section 215 of the Town and Country Planning Act 1990 may be served requiring the owner to address the unsightly external appearance. Where an owner fails to comply with such a notice, the Council may undertake the works in default and make a charge against the property.

Not only can the use of Section 215 notices improve the amenity of an area, but they can also be used for the basis of an enforced sale. Many local authorities are routinely using Section 215 notices as a tool to help bring properties back into use.

### **Local Government (Miscellaneous Provisions) Act 1982, Section 29**

This allows the local authority to secure an empty property against unauthorised access or to prevent it from becoming a danger to public health. While not a long term solution to empty properties, it is a useful short term measure to deal with immediate issues.

### **Building Act 1984, Ss.77 and 78**

This applies to dangerous or dilapidated buildings and requires the owner to make the property safe or enable the local authority to take emergency action to make it safe.

### **Prevention of Damage by Pests Act 1949 Ss 2-7**

Requires the owner to take steps to clear the land of vermin and/or requires the owner to remove waste likely to attract vermin or gives the local authority the power to do so.

**Environmental Protection Act 1990 Ss 79-81**

Requires the owner to abate the nuisance or prevent its recurrence or gives the local authority the power to do so.

**Building Act 1984 S.79**

Requires the owner to address the property adversely affecting the amenity of the area through its disrepair.

**Housing Act 2004**

Under the provisions of the Housing Act 2004, where a dwelling has category 1 hazards present, the local authority must take action. One of the options is to serve notice to carry out works to remediate the hazards. Failure on the part of the owner to comply with the notice allows the authority to undertake the works in default and recover the expenses. While this may not be the first choice of action, it is an option which is available.

**Housing Act 1985**

The Housing Act 1985 gives the local authority the power to place a demolition order on a dwelling where category 1 hazards exist, under the provisions of the Housing Health and Safety Rating System, and demolition is considered to be the most satisfactory course of action. The owner of the dwelling is responsible for its demolition and then retains ownership of the land.

Where a number of dwellings within the same area are considered suitable for demolition, the local authority can declare a Clearance Area. This results in purchase and demolition of the properties by the local authority which then owns the land.

## **6. Raising awareness within the community**

### **6.1 The role of councillors**

Councillors are a link with the community and their ability to publicise the issue of empty homes is invaluable. With their political and civic links, councillors can promote partnerships within the community, and thus play a major role in maintaining a high profile for the Empty Property Strategy.

### **6.2 Landlords' forum**

Professional and private landlords are key players in ensuring private sector properties 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 through the Council's private rented sector services.

### **6.3 Links with other local authorities and national bodies**

The sharing of information and ideas regarding the problems associated with empty property is beneficial to the country as a whole and will undoubtedly assist the government in updating its nationwide strategy. It is essential that Broxtowe be kept informed and updated regarding the development of any successful empty property initiatives that are put into effect by other local authorities and national bodies. To this end Broxtowe's Private Sector Housing Officers will continue their association with agencies and groups such as the East Midlands Empty Property Forum, the Empty Homes, the Nottinghamshire Housing Working Group, Decent and Safe Homes (DASH) and Housing Intelligence for the East Midlands (Hi4EM).



# Appendix 1 – Priority scoring matrix

## Empty homes rating system

(Maximum score 18)

		Score
Are any openings boarded up?	None	0
	Up to 33% of openings	1
	Up to 66% of openings	2
	Over 66% of openings	3
Is dwelling in disrepair?	No	0
	Slight	1
	Serious	2
	Severe	3
Is land overgrown?	No	0
	Slight	1
	Serious	2
	Severe	3
Is there fly-tipping?	No	0
	Small amount	1
	Large amount	2
	Statutory nuisance	3
Evidence of statutory nuisance (premises) or anti-social behaviour?	No nuisance	0
	Anti-social behaviour	1
	Nuisance to adjacent property	2
	Both statutory nuisance and anti-social behaviour	3
Length of time empty	Less than 1 year	0
	1 – 3 years	1
	3 – 5 years	2
	5+ years	3

## Appendix 2 - Action Plan

**Overall aim** - The overall aim of this strategy is to return long-term empty homes in the private sector back into use in the most appropriate way and in the shortest possible time.

Target	Section Responsible	Target Date
Bring 50 long term empty homes back into use.	Private Sector Housing	Annually

**Objective 1** - Maintain accurate and timely information on the number, type and location of empty properties within the district.

Target	Section Responsible	Target Date
Maintain a database of known long-term empty properties, including ownership details, matrix score, etc.	Private Sector Housing	Ongoing
Analyse estate agents' and auctioneers' data to find long term empty properties	Private Sector Housing	Ongoing
Access Council Tax data to identify long term empty properties	Private Sector Housing	Ongoing

**Objective 2** - Prioritise all long-term empty properties for action.

Target	Section Responsible	Target Date
Continue to apply the scoring matrix to all long term empty homes in order to prioritise action	Private Sector Housing	Ongoing

**Objective 3** – Work in partnership with others to achieve the overall aim

<b>Target</b>	<b>Section Responsible</b>	<b>Target Date</b>
Maintain membership of the East Midlands Empty Property Forum	Private Sector Housing	Ongoing
Run two Private Sector Landlords' Forums each year	Private Sector Housing	Ongoing
Develop a "Matchmaker Scheme" to introduce empty home owners who are looking to sell their property with people who are looking to purchase an empty property	Private Sector Housing	December 2014
Maintain membership of the National Empty Homes Loan Fund and promote the benefits of this scheme to owners of empty properties	Private Sector Housing	Ongoing

**Objective 4** – Raise awareness of the issues of empty homes.

<b>Target</b>	<b>Section Responsible</b>	<b>Target Date</b>
Run at least one awareness raising campaign each year	Private Sector Housing	Ongoing
Provide, and regularly update, relevant information on the Council's website	Private Sector Housing	Quarterly

## Appendix 3 – Achievements

Since the introduction of the Empty Homes Strategy in 2010, Broxtowe Borough Council has achieved the following:

Brought 151 long term empty homes back into use

Established ownership details of all known long term empty properties

Produced a database of known long-term empty properties, including ownership details, matrix score, etc

Produced a procedural guide for dealing with empty homes

Applied a matrix scoring system to all long-term empty homes to provide information for a “worst first” approach to dealing with them

Produced a list of contacts and agencies to assist in tracing owners

Produced a web-based empty property referral form for use by the public

Continued as an active member of the East Midlands Empty Property Forum

Organised two Private Sector Landlords’ Forums each year

Organised an annual display in the reception area of the Beeston Council Offices, highlighting the issue of empty homes

Regularly updated the council’s website to provide up to date information on empty homes

## **Bibliography**

Broxtowe Borough Council Corporate Plan 2012- 2016

Broxtowe Community Strategy 2010-2020

Birmingham City Council Empty Property Strategy 2007 – 2012

Brighton & Hove City Council Empty Property Strategy 2006 – 2009

Chelmsford Borough Council Empty Homes Strategy 2006 – 2009

South Gloucestershire Council Empty Homes Strategy 2008 – 2013

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