

FAREHAM

BOROUGH COUNCIL

Report to Housing Policy Development and Review Panel

Date **20 September 2018**

Report of: **Head of Housing & Benefits**

Subject: **EMPTY PROPERTIES REPORT**

SUMMARY

This report provides the Panel with an update on the activities being undertaken to bring empty properties across the Borough back into use.

RECOMMENDATION

It is recommended that the Panel note the information contained within the report.

INTRODUCTION

1. Section 3 of the Housing Act 2004 requires local authorities to keep under review the housing conditions (including empty properties) in their district with a view to identifying, what, if any, course of action should be taken. Properties become empty for many reasons, for example, those that on the market for sale, the owner is away from home being cared for, waiting for the completion of probate or where renovations are being undertaken.
2. However, there are some homes that remain empty for long periods of time and if left unoccupied, can quickly fall into disrepair, attract anti-social behaviour, encourage vandalism and reduce property values in the neighbourhood.

CURRENT POSITION

3. The Council Tax records (April 2018) currently show there are 741 empty properties in the borough as follows:
 - i. 169 properties – empty for under 6 months
 - ii. 472 properties – empty for more than 6 months (but less than 2 years)
 - iii. 52 properties – require or undergoing major repairs
 - iv. 48 properties – empty for more than 2 years

HOW THE COUNCIL IS HELPING TO RETURN EMPTY PROPERTIES TO USE

4. In 2013, the Council introduced a 'Local Empty Property Premium' equivalent to 50% of (and in addition to) the standard council tax liability for all properties which have been vacant for at least 2 years. All owners are notified in advance of the premium being added to their existing council tax liability and included in this notification, is information relating to the advice and assistance we can provide. This can take the form of advice on selling the property to a private purchaser or developer, letting (either privately or through our Farelets scheme), as well as the provision of information on how and where to get financial help.
5. In some circumstances, an interest free loan will be offered to enable the owner to carry out essential works to a property which they will then lease to the Council until the loan is repaid. A number of properties have been brought back into use through this scheme in recent years.
6. Officers regularly undertake mailshots to owners of empty properties informing them of the options available to them.
7. However, there will be some instances where an empty property is having such a detrimental impact on a neighbourhood that more formal and direct enforcement action is considered where it is evident that owners are unwilling or unable to participate in the voluntary measures detailed above. Whilst Councils have compulsory purchase powers, many take the view that the procedures for this are not practical in the context of empty homes as the approach requires a change in ownership before the issue of

reuse can be addressed. The process can be drawn out and complicated, particularly if the proposed action is opposed¹. Therefore, it is usually more appropriate to pursue an Empty Dwelling Management Order (EDMO), as provided for in the Housing Act 2004, which can bridge the gap between voluntary measures and compulsory purchase powers.

8. The aim of an EDMO is to better manage properties that are deliberately left vacant. The individual property owner will be given the reassurance that the ownership of their property is not threatened and that they are not being dispossessed of their asset. Before deciding to pursue an application to a Residential Property Tribunal, we must consider both the rights of the owner and the interests of the wider community. On one hand, the making of an EDMO would affect the wider community in terms of reducing crime and anti-social behaviour and generally improve quality of life as well as possible improvements in market values and desirability to live in the area near the property. We must also consider the cost of making the dwelling fit for occupation and the cost of maintaining the dwelling once an EDMO is made. On the other hand, we must consider whether interference with the owner's right to quiet enjoyment of the property by making a EDMO is proportionate to the benefits obtained.
9. There are two types of management orders in relation to empty properties – 'interim EDMOs' and 'final EDMOs'. The purpose of an interim EDMO is to enable the local authority to take steps to secure occupation of an empty property with the consent of the owner. A final EDMO is made following an interim EDMO to ensure the property becomes and remains occupied, whether or not the owner of the property consents.
10. Once an EDMO is approved by a Residential Property Tribunal, it will usually last for a maximum period of 12 months. The local authority cannot arrange occupation of the dwelling without obtaining written consent from the owner. Where such consent cannot be obtained, the interim EDMO may be revoked and replaced with a final EDMO. Once in force, it lasts for a fixed period of no more than seven years and the local authority does not require consent of the owner to grant occupation rights to the property during this time.
11. Some properties are exempt from EDMO's, for example, the owner is temporarily resident elsewhere, receiving or providing care (old age, disablement etc) or a serving member of the armed forces. Additionally, properties that are holiday homes, on the market for sale/letting or subject to court orders as part of civil or criminal proceedings are also exempt.

CONCLUSION

12. Officers will continue to take steps to bring empty properties back into use, including the use of enforcement action where appropriate.

Enquiries:

For further information on this report please contact Caroline Newman (Ext 4645)

¹ DCLG Guidance Note on Empty Dwelling Management Orders