

FAREHAM

BOROUGH COUNCIL

Report to Housing Scrutiny Panel

Date **09 February 2023**

Report of: **Head of Housing Delivery**

Subject: **DRAFT EMPTY HOMES STRATEGY**

SUMMARY

This report provides Members with an overview of the Draft Empty Homes Strategy. The draft Strategy provides an overview of the amount and type of empty homes in the Borough, together with two objectives relating to the Council's potential approach to empty properties. The draft Strategy acknowledges the detrimental issues that can arise with a small number of empty homes and articulates the importance of proportionate and appropriate action in addressing the issue.

RECOMMENDATION

It is recommended that the Panel provide any comments or observations on the draft Strategy in advance of the Council's Executive being asked to approve the Draft Empty Homes Strategy for a period of public consultation.

INTRODUCTION

1. The Fareham borough has a lower number of long-term empty homes than the national average. This is despite the figures presently being distorted by a number of new retirement living schemes where apartments remain unsold.
2. Regardless of the relatively low number of empty properties, some could provide a home for an individual or family if brought back into use; positively contributing to the provision of homes in the Borough. When left empty, some homes can also be more vulnerable to misuse and/or generate issues for immediate neighbours or the wider community if the property is not appropriately maintained.
3. A draft Empty Homes Strategy has been produced which (a) outlines the extent of the issue in Fareham; (b) provides two overarching objectives to help facilitate tackling long term empty homes in the Borough; and (c) also explains the need to consider any action in a proportionate and appropriate manner.
4. The Strategy provides a more transparent overview of the various powers the Council has, how each case must be considered on its individual merits, and ultimately that any decisions to act should be proportionate, appropriate, and a prudent use of Council resources.

THE DRAFT EMPTY HOMES STRATEGY

5. The draft Empty Homes Strategy is at Appendix A to this report. It incorporates three main sections: -
 - Empty Homes in Fareham
 - The Objectives
 - Proportionate and Appropriate Action

Empty Homes in Fareham Borough

6. The extent of the issue with empty homes is explained on pages 5 & 6 of the draft Strategy. The figures for homes vacant for two years or more are currently heavily distorted by a small number of new retirement living developments. The Beck Lodge development in Park Gate and Meadow Court in Sarisbury Green were largely completed during and around the COVID-19 pandemic, and many properties currently remain unsold and vacant.
7. National comparisons (Action on Empty Homes/DLUHC data) on the number of long-term empty homes by district/borough are generally based on homes vacant for 6 months or more. 2022 data showed that 1 in 71 homes were empty for six months or more in Fareham Borough (0.78% of total homes) compared to a national average of 1 in 50 homes (0.99%). Excluding the 129 empty retirement properties (explained in the paragraph above) would bring the percentage of homes in Fareham Borough vacant for 6 months or more down to 0.52%, nearly half the national average.
8. The draft Strategy figures focus on those homes vacant for 1-2 years, and 2 years plus. This acknowledges that many homes vacant for over 6 months will resolve with no intervention or detrimental issues arising.
9. When accounting for the empty retirement new builds (which is not representative of a trend) and other properties empty for logical reasons (such as the majority of flats at Assheton Court) it is clear that any remaining key issues around long-term empty

homes is small in a numerical sense and focused on privately owned homes that remain empty.

10. Privately owned empty homes that have been vacant for 1-2 years make up just 0.1% of homes in the Borough, with those empty for 2 years or more making up a further 0.07%.
11. Despite the low number of privately owned empty homes in the Borough it is often a small number of these homes where concerns from neighbours or the wider community can often be focused. This is primarily due to poor (or complete lack of) management and maintenance of the property.
12. Typical problems that can be associated with a minority of long-term empty homes include (a) visual neglect; (b) overgrown vegetation; (c) structural issues; (d) misuse; (e) failure to pay Council Tax (including Premiums if applicable); and/or (f) untraceable owners. In all cases empty residential properties can also be a missed opportunity. If brought into use the properties could provide a home for an individual or family.

The Objectives

13. The draft Strategy includes two objectives which are explained in detail as part of the Strategy (Appendix A).
14. Objective 1 is to 'encourage owners of empty homes to bring their properties back into use'. This objective focuses on the softer and encouraging tactics that can be (and often are) deployed by officers to try to bring homes into use. This is detailed on pages 8 & 9 of the draft Strategy. Even in instances where the homes cannot be encouraged back into use, retaining positive communication with the owner (or relatives of owners) can help to prevent the property from becoming problematic to neighbours or the wider community.
15. Objective 2 seeks to 'appropriately and proportionately use Council resources to address problematic empty homes'. On pages 11 to 13 of the draft Strategy the various tools available to the Council are articulated, recognising that they often fall to different departments and in turn may have differing determining bodies. These tools are articulated in the Strategy to provide transparency rather than intended to suggest they can and should be used on all cases.
16. Officers at the Council have successfully used powers in the past to address issues associated with some problematic empty properties and will continue to do so.

Proportionate and Appropriate Action

17. Pages 14 to 15 of the draft Strategy introduce the idea of 'proportionate and appropriate' action. Every case of a problematic empty home will be different and have its own nuances. The draft Strategy provides a framework and understanding of the factors that should be considered before any action is pursued by the Council. This includes legislation, personal circumstances, the extent of harm vs. action (ensuring it is proportionate), and cost.
18. Cost is an important element in balancing the appropriateness to use the more enforcement related tools at the Council's disposal, and this is explained further below.

RESOURCES

19. The Council does not have a nominated officer resource that is dedicated to addressing issues with empty homes in the borough. This reflects the limited extent of the issue in the Borough and the fact that only a minority of long-term empty homes could realistically have potential to be brought back into use. An even smaller number being empty homes which are a blight to neighbours and/or the wider community.
20. Any empty home case will typically be overseen by the most appropriate department using their expertise and knowledge, with officers addressing the issue as part of or alongside their day-to-day work responsibilities.
21. Many cases of disrepair or poor maintenance are addressed through phone calls or emails to the owner (or relative of the owner) without the need for a more heavy-handed approach. These cases would rarely escalate and often provide an opportunity for informal discussion around why the property is empty and whether there is any willingness to consider renting or selling the home. They also have minimal impact to officer time.
22. There will always be some cases where issues persist and there may be a desire to utilise one or more of the measures outlined in Objective 2 of the draft Strategy. More formal action will involve considerable officer time. Often including the need for legal advice or tracing services, even before more formal action can be formally considered and commence.
23. The costs to address single empty homes cases can be significant. As an example, on one on-going case in the borough, it is estimated that FBC officer costs have exceeded £19,000 across four years. In addition to this there have been tracing agency costs of just under £2,000, court action costs of nearly £6,000, and direct-action costs of nearly £12,000 (the latter two remaining unrecouped currently). Although this had allowed for some improvement to the visual appearance of the home it has not provided a long-term solution. The other tools potentially available to the Council would incur even more significant costs to the public purse which would unlikely be recouped. This to potentially bring one single home into use and resolve the issues that single home is presenting. This would unlikely be a pragmatic and prudent use of limited Council resource despite recognising that the property is a blight and nuisance to neighbours and/or the wider area.
24. The draft Strategy recognises the scale of resource required, and ultimately proposes that each case will be considered on its merits having regard to the matters that are articulated in the Proportionate and Appropriate Action section of the draft Strategy. Officers will seek to utilise the enforcement tools outlined under Objective 2 of the Draft Strategy when it is necessary and appropriate to do so, having regard to the cost and risk of any potential action.

DECISION MAKING ON THE USE OF ENFORCEMENT TOOLS

25. Most empty homes cases will be looked at and addressed by officers. In some cases where enforcement tools are being utilised this would be undertaken using delegated or emergency powers, or more formal approval will be required. When necessary, approvals will continue to be sought through the appropriate decision-making body at the Council. As explained on page 14 of the draft Empty Homes Strategy this might

include the Licensing and Regulatory Affairs Committee, Planning Committee, or potentially an Executive decision.

CONCLUSION

26. The draft Empty Homes Strategy articulates the extent of the issue with empty homes in Fareham Borough, recognising that in a minority of cases long-term empty homes can be a blight and amenity impact to neighbours and/or the wider community. The draft Strategy outlines the 'encouragement tools' that can and do get used to encourage empty homes back into use. It also outlines the 'enforcement tools' potentially available through various legislation, managed by various departments, and overseen by various decision-making bodies at the Council.
27. The draft Strategy proposes that any action on a long-term empty home be considered on a case-by-case basis, and that any action be proportionate and appropriate to the case, acknowledging the implication to officer time and the cost of action and whether it is a prudent and appropriate use of Council resources.
28. The draft Empty Homes Strategy provides an opportunity to transparently articulate the extent of the empty home issue in Fareham Borough, and how it will be approached by the Council. This will achieve a balance between the level of the issue and the use of resources across the organisation to tackle it.

NEXT STEPS

29. It is proposed that following comments and observations on the draft Strategy by members of the Housing Scrutiny Panel (and any attendees from Policy and Resources Panel) that the draft Strategy will go before the Executive to seek approval for a period of public consultation on the Strategy.
30. Following a period of public consultation on the draft it is intended that appropriate adjustments are made to the Strategy ahead of it returning to the Executive for approval/adoption.

RISK ASSESSMENT

31. There are no significant risk considerations in relation to this report

Appendices: **(A)** The draft Empty Homes Strategy

Enquiries:

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