



**Winchester**  
City Council

# EMPTY PROPERTY STRATEGY

*2016-2021*



## **CONTENTS:**

1. Introduction.....	p. 2
2. Our Strategic Aim.....	p. 3
3. The National and Local Context.....	p. 3
4. What is an Empty Property.....	P. 4
5. Our Objectives.....	p. 6
6. Resources.....	p. 12
7. Monitoring and Review.....	p. 12
8. Equality Impact Assessment.....	p. 12
9. Contact Details.....	p. 12
10. Action Plan.....	P. 13

### **1. INTRODUCTION**

In autumn 2015 the national campaigning charity Empty Homes (previously the Empty Homes Agency) published a report 'Empty Homes in England'. This cited Government statistics that there are over 600,000 empty properties nationally, of which 200,000 are long term empties. Whilst in the last decade there has been a decrease in the overall number of empty properties across the country, keeping a property empty is a wasted resource which could be providing a valuable home and a useful income to the owner.

The Council can take action or provide advice and assistance which in turn can make a positive contribution to the overall health and well being of local residents and the community. Whilst the Council has the legal powers to bring empty homes back into use, it is neither practical nor feasible for them to be involved in every case. Many less entrenched empty homes will be returned to use by their owners without any need for assistance. However, where the owner is either unable or unwilling to return a problematic or long term empty property back in to use, the Council can become involved and this strategy sets out the framework for tackling the various issues associated with empty properties.

By producing an Empty Homes Strategy the Council can show that it has a targeted, effective and coordinated approach to tackling the problem of empty homes and that it has researched and identified the most effective solutions to meet local housing need.

## **2. OUR STRATEGIC AIM**

The overarching aim of the Strategy is to help return long term private sector empty homes to occupation through informal methods, although ultimately enforcement action may be required.

## **3. THE NATIONAL AND LOCAL CONTEXT**

### 3.1. National Context

In 2011 the Coalition Government published 'Laying the Foundations', a Housing Strategy for England which set out its commitment 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.

The Coalition Government believed that bringing empty homes back into use would contribute to wider objectives such as:

- creating sustainable communities;
- tackling low demand and housing market failure;
- tackling anti-social behaviour;
- providing affordable, good quality homes; and supporting local economies.

Although bringing about the return of empty homes to use was a priority for the Coalition Government, which provided various financial incentives to local housing authorities to enable them do this, such as the New Homes Bonus and the Empty Homes Programme; in 2016 this is not the case with the current Conservative Government.

In October 2015 a parliamentary question asked whether the Government intended to introduce a scheme similar to the Empty Homes Programme. In response, Brandon Lewis, the Housing and Planning Minister, stated that the Government had no plans to introduce additional funding.

### 3.2. The Local Perspective

A Private Sector House Condition Survey undertaken in 2014 on behalf of the Council by David Adamson and Partners established that the private sector housing stock comprised of 41,458 dwellings containing 40,800 households and a household population of 90,479 persons. Within the private sector housing stock 38,424 dwellings (92.7%) were occupied at time of survey; the remaining 3,034 dwellings (7.3%) were vacant. As of 31 December 2015 there were approximately 307 empty properties in the Winchester district which had been vacant for over 6 months. Out of this figure, 102 properties had been vacant for between 6 to 12 months; 90 for between 12 to 24 months; 37 for between 24 to 36 months and 78 vacant for in excess of 36 months. Generally the very long term empty properties cause the most concern, as if not maintained they will deteriorate and become an eyesore and blight a neighbourhood.

### 3.3. The Council's approach to dealing with Empty Properties

The Council wishes to prevent properties becoming long-term empty and will take the most appropriate action to bring about their re-occupation. One of the first and key steps in tackling empty homes is understanding the reasons why a property has been empty for more than 12 months. Reasons for vacancy will vary according to owner and property circumstances but establishing why a property has been left empty will play an important first step in bringing about its re-occupation. Those properties that have been left empty the shortest time are likely to be the easiest to return to occupation, but each empty property will be examined on its own merit and its circumstances assessed before a decision is reached as to the best course of action for the Council to pursue.

## **4. WHAT IS AN EMPTY PROPERTY?**

In this strategy the term 'empty property' is taken to be an empty domestic dwelling house.

There is no officially recognised definition of an empty property and it is not always as straightforward to identify an empty property as it may seem. Generally though, an empty home is a property which has been void of people and furniture / possessions for at least 6 months.

### 4.1. Why are properties empty?

There can be a complex range of interrelated factors behind why a property is empty. These can relate to the people or individuals concerned, to the particular property or to wider economic, social or environmental effects:

#### a) Individual factors

- Unresolved ownership (usually following death of owner)
- Bankruptcy of owner
- Owner might be institutionalized e.g. in hospital or prison
- Owner might lack required experience in property letting and tenancy management
- Owner inertia – owners who do not wish to sell or rent due to previous bad experiences or sentimental reasons
- Owners who simply refuse to bring the property back in to use

#### b) Property factors

- Property acquired for investment – purchased to profit from the tendency for property to increase in value without any intention of either improving or letting
- Owner might not appreciate the financial benefit of bringing property back into use

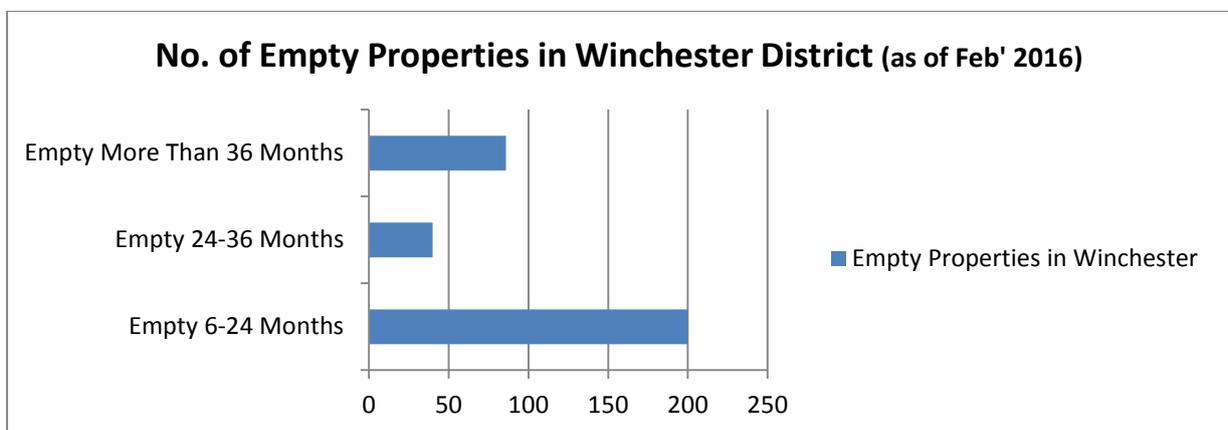
- Poor property condition where costs of refurbishment to current standards are prohibitive, relative to the income the property might realise
- Repossession of the property
- The property might be blighted by environmental or commercial factors e.g. a major road has been built nearby or business / factories which previously sustained households in those properties have closed / moved away

c) Wider economic and other factors

- Low housing market demand (environmental or economic factors, as above).
- Housing market collapse – the impact of repossession; negative equity
- Area regeneration – the complex and involved work required in area regeneration schemes can result in properties being left empty for longer than desirable pending clearance or renovation.

4.2. Benefits of bringing an empty property back into use

An empty property is not just the concern of the owner, because a property left unoccupied and not maintained will over time impact on its surroundings. It is often the case that the longer a property is left empty the more money it will cost to bring it back into use as the condition of the property deteriorates. Empty properties can also impact on neighbouring properties whose condition and value may also be severely affected. Empty properties also run the risk of attracting unwanted attention from vandals and squatters and in extreme cases can become a target of arson.



Bringing an empty property back into use through targeted action can help tackle a number of social, economic and public health issues and the benefits from bringing empty homes back into use include:

4.2.1. For the owner

By bringing an empty home back into use an owner can benefit in a number of ways. If an empty home is sold the owner will receive capital income. If the property is let on the rental market, the owner would receive a regular monthly income. Leaving a home empty

increases the risk of vandalism and crime, making the property costly or difficult to insure and leaving the owner vulnerable to losing their asset completely if it is destroyed by fire. Leaving a property vacant is often associated with a lack of maintenance. The fabric of the building will deteriorate without regular maintenance which will reduce the value of the property.

Empty properties can attract squatters. Squatting is when somebody enters and lives in a property or on land without the permission of the owner or the person legally entitled to occupy it (for example a tenant). Squatting in a residential property is now a criminal offence. Squatters can be arrested by the police and if convicted by a court can be sent to prison, fined or both.

#### 4.2.2. For people who need a home

Bringing empty homes back into use helps meet the District's housing need. Long term empty homes are a wasted resource and bringing empty homes back into use increases the amount of decent housing, which in turn helps reduce homelessness and lessens the requirement for temporary accommodation.

#### 4.2.3. For local residents

Vandalism, fly tipping and anti-social behavior will all be significantly reduced by bringing an empty home back into use. Unsightly homes can also have a depressive effect on neighbouring house prices and also reduce pride in the community, as well as having a direct impact on adjoining homes through dampness and structural problems. The built environment and general streetscape will also be improved helping to maintain safe, attractive neighbourhoods.

#### 4.2.4. For the local economy

Bringing an empty home back into use encourages economic vitality and can increase spending in the local economy. Unsightly homes deter investment in an area and can lead to decline or area blight.

#### 4.2.5. For the wider community

Removing the negative impact of empty properties helps to boost the well-being of communities. Reduced demand on services such as the Fire and Rescue Service, the Police and Council services means that resources can be used more effectively elsewhere.

## **5. OUR OBJECTIVES**

The Council's key objectives are to:

- Encourage homeowners and landlords to bring vacant properties back into use to increase housing supply in the Winchester District

- Consider all the options available for tackling the problem and make every effort to bring a property back into use and a good standard of repair through advice encouragement, negotiation and persuasion.
- Remove the negative impact empty properties in poor condition have on neighbourhoods
- Develop and maintain robust records on empty domestic dwellings in the Winchester District

### 5.1. Implementing the Strategy

The Council will pursue the following priorities in its endeavour to bring about the return of empty homes to occupation with legal action being considered as a last resort.

- **Priority 1 - Identifying empty properties**

Access to accurate information on empty properties is a vital part of effective prevention. The Council will use primary data such as Council Tax information, Councillor and Officer knowledge and local intelligence to build up a register of empty properties and their condition.

- **Priority 2 - Engagement and advice for empty property owners**

One of the most important measures in ensuring properties do not remain empty is through engaging with empty property owners and providing good quality advice and assistance. The Council will provide advice for empty property owners and this will be achieved by:

- helping owners to rent their property by providing information on becoming a landlord;
- helping owners to sell their property by providing information on selling privately, estate agents and auctions;
- adopting a more casework-orientated approach with owners to encourage, advise and support them to bring their homes back into use particularly through engagement with the Council's own City Lets scheme.

- **Priority 3 – Publicity**

The Council will develop for inclusion on the Council's Web Site information on how to report an empty property and information for home owners and landlords on options for bringing empty properties back into use.

When the Council is approached by private developers or individuals who have expressed an interest in purchasing and refurbishing empty properties, the Council will contact the owner of the empty property and try and bring both parties together. Any potential sale or letting agreement would be a private matter between both parties and the Council will take no part and accept no responsibility for any voluntary negotiation for sale or rent.

- **Priority 4 - Partnership Working**

The Council will explore the possibility of developing partnership working with other organisations in order to assist in the reoccupation of empty properties. This might include encouraging partners to seek funding streams that might be made available by future Government; housing organisations, charities or through loans companies to improve the condition of properties and reduce empty homes.

- **Priority 5 – Enforcement; Use of legislative powers**

In the first instance, it is the Council’s policy to make use of informal engagement to encourage owners to bring empty properties back into use voluntarily before moving on to enforcement and it will be important to make sure that any enforcement action that is taken, is in line with the Council’s Enforcement Policy.

There are various pieces of legislation which the Council can use to deal with some of the more urgent problems associated with empty properties, for example, the removal of rubbish and security works. The need to take legal action in ongoing cases where owners are not fulfilling their responsibilities however, helps build up a case for more major enforcement action such as Compulsory Purchase Order, Enforced Sale and Empty Dwelling Management Orders, in order to secure a change in ownership or management.

**Table 1 – Enforcement powers available to the Council to tackle long term empty homes**

<b>Problem</b>	<b>Legislation</b>	<b>Power Granted</b>
Dangerous or dilapidated buildings or structures	Building Act 1984 Sections 77 and 78	To require the owner to make the property safe (Section 77) or enable the Local Authority to take emergency action to make the building safe (Section 78).
	Housing Act 2004 Part 1	Under the Housing Health and Safety Rating System local authorities can evaluate the potential risks to health and safety arising from deficiencies within properties and take appropriate enforcement action
Unsecured properties (where it poses a risk that it may be entered or suffer vandalism, arson or similar)	Environmental Protection Act 1990 Sec 80	To determine whether any premises is in such a state as to be prejudicial to health or a nuisance.

Unsecured properties (where it poses a risk that it may be entered or suffer vandalism, arson or similar)	Building Act 1984 Section 78	To allow the Local Authority to secure the property.
	Local Government (Miscellaneous Provisions) Act 1976 Section 29	To require the owner to take steps to secure a property or allow to board it up in an Emergency.
Blocked or defective drains or private sewers	Local Government (Miscellaneous Provisions) Act 1976 Section 35	To require the owner to address obstructed private drains.
	Building Act 1984 Section 59	To require the owner to address blocked or defective drainage.
	Public Health Act 1961 Section 17	To require the owner to address blocked or defective drainage

**Table 1 (cont.) – Enforcement powers available to the Council to tackle long term empty homes**

Vermin (where it is either present or there is a risk of attracting vermin) that may detrimentally affect peoples health	Public Health Act 1961 Section 34	To require an owner to remove waste so that vermin is not attracted to the site.
	Prevention of Damage by Pests Act 1949 Section 4	
	Public Health Act 1936 Section 83	
	Environmental Protection Act 1990 Section 80	
	Building Act 1984 Section 79	
Unightly land and property affecting the amenity of an area	Public Health Act 1961 Section 34	To require the owner to remove waste from the property (see above).
	Building Act 1984 Section 79	To require the owner to address unightly land or the external appearance of a property.
	Town and Country Planning Act 1990 Section 215	To require the owner to take steps to address a property adversely affecting the amenity of an area through its disrepair.

- **Wider Council Enforcement Powers to address Empty Properties**

The value of property in the Winchester district is high and the majority of empty properties in the District will over time be returned to occupation, without recourse to the most serious enforcement powers that the Council has at its disposal. However, in cases where the softer skills of advice, encouragement, negotiation and persuasion do not result in effective engagement with the owner, or an owner does not adequately demonstrate clear plans to reoccupy a property and where the house is subject to ongoing complaints; the Council will consider enforcement to secure a change in ownership or management if necessary. However, such action is extremely time consuming and due to limited staff resources it is likely will only be an appropriate course of action for dealing with a small number of the more problematic long- term vacant properties.

When the Council has exhausted all efforts to try and engage with an owner of an empty property to bring it back into use, it will consider and if appropriate instigate one of the following enforcement powers:

- **Enforced Sale Procedure**

Local authorities have the statutory power to force the sale of a property through the Law of Property Act 1925 s103. Where local authorities have carried out work in default under some of the above legislation and are unable to recover the debt, it is possible under this legislation to register a charge on the property. This recharge can then be recovered by way of an enforced sale. The property then passes onto a new owner who would hopefully complete any necessary refurbishment and thereby bring the property back into use.

- **Empty Dwellings Management Orders (EDMO)**

Empty Dwelling Management Orders (EDMO) were introduced by the Housing Act 2004 and enacted in 2006 and provide a mechanism by which local authorities can secure occupation of a long-term empty property and take over the management.

Two forms of EDMO exist:

- i. an interim EDMO
- ii. a final EDMO.

- **Interim EDMO**

An Interim EDMO Order should be considered as the final opportunity to find a voluntary solution with the owners to bring the property back into use. In order to obtain an Interim EDMO, an application must be made to the Residential Property Tribunal Service (RPTS). To obtain an Interim EDMO the Residential Property Tribunal Service must be satisfied that:

- a) the property is not exempt according to the Housing Strategy Statistical Appendix (HSSA);
- b) that the owner has been notified that the Council is going to apply for an EDMO;
- c) that the Council attempted to ascertain what steps the owner is taking to bring the property back into use (and the details of the action taken);
- d) the property must have been empty for at least 2 years;
- e) that by generating the Order, there is a reasonable prospect of the property being brought back into use.

If these matters are satisfied, the Residential Property Tribunal Service will then balance the rights of the owner against those of the wider community in making their decision as to whether to approve the EDMO.

- **Final EDMO**

Where an agreement cannot be reached between the owner and the Council, a Final EDMO can be made by the Council to replace an interim EDMO. A final EDMO can be made for up to 7 years. A final EDMO gives the Council the right to manage a dwelling in the most appropriate manner. This could include:

- i. Direct management by the Council
- ii. Transferring the management to a residential social landlord
- iii. Transferring the management to a private lettings agent

The financial and time resource implications for the making of an EDMO are quite considerable. However, the Council will look to include this measure as a part of its enforcement toolkit and will, if required, seek to develop a partnership with a local Registered Provider to act as managing agent. It is likely that properties which only require relatively low levels of refurbishment work would be suitable for this procedure, thus so as to enable the monies to be recovered from the rental income, as all initial costs relating to EDMOs are payable by the Council.

- **Compulsory Purchase Orders**

Compulsory Purchase Order (CPO) is the mechanism by which the Council can purchase a property without the voluntary agreement of the owner if the circumstances meet set criteria. A CPO can be enforced under either S17 of the Housing Act 1985 (acquisition of houses, usually used if the property is in good condition) or S226 (1) (a) Town and Country Planning Act 1990 (acquisition to facilitate carrying out of development, redevelopment, or improvement in relation to the land, e.g. if property is in poor condition). Application for a CPO is to the Secretary of State but before any such application is made, the Council must

demonstrate that all other available methods of redress have been exhausted. Under the CPO process the Council would most likely seek to dispose of the property to a third party (e.g. Housing Association or private developer). A condition on the contract of sale can be added to ensure that the property is refurbished and brought back into use within an agreed timescale. The timescales involved in administering a CPO can be extensive and it is therefore seen as a measure of last resort.

## **6. RESOURCES**

There are no “quick fixes” in addressing empty properties and the Council has no financial incentives to offer owners to encourage them to return their empty properties to occupation. The primary thrust to achieve this will be through advice, encouragement, negotiation and persuasion achieved within current team resources.

## **7. MONITORING AND REVIEW**

This strategy is operational for five years from 1<sup>st</sup> April 2016 to 2021 but will be reviewed annually and updated as necessary to ensure it remains responsive to local and national issues, changes in legislation / guidance and operational requirements. Any case requiring intervention in the form of Compulsory Purchase, Enforced Sale or Empty Dwelling Management Order, will be subject to the decision of the Assistant Director (Chief Housing Officer) in consultation with the Portfolio Holder for Housing Services and the Head of Legal & Democratic Services.

## **8. EQUALITY IMPACT ASSESSMENT**

This strategy has been subject to an equality impact assessment.

## **9. CONTACT INFORMATION**

Should you have any comments about this strategy or require any further information on empty property issues, please contact the Private Sector Housing team at:

Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
Hampshire  
SO23 9LJ

Tel. 01962 848 381

Email: [\\_privatesectorhousing@winchester.gov.uk](mailto:_privatesectorhousing@winchester.gov.uk)

## 10. ACTION PLAN -Winchester City Council Empty Property Strategy Action Plan 2016 – 2021

Action No.	Target Date:	Responsibility of:	Resources:	Task/Steps:	Target / Outcome:
1.1	April 2016	PSH Team	Officer Time	Build a robust register of all empty properties in the district including any relevant information on the properties such as condition, planning permissions. Ensure this information is readily available and accessible to all.	Established an empty property register which is up to date and relevant.
1.2	April 2017	WCC Teams	Officer Time	Engage other WCC teams in identifying empty properties across the district such as planning, neighbourhood services, building control.	Identification and intelligence gathering of all empty properties within the district.
1.3	Ongoing monthly from April 2016	PSH and Council Tax Teams	Officer Time	Liaise with Council Tax to establish quarterly reports to ensure the empty homes register is maintained and kept up to date.	Maintain and update the Empty Homes register to ensure the PSH service /members are kept up to date of the scale of the problem.
1.4	April 2017	PSH Team Leader/ Housing Options officers	Officer Time	Ensure each identified empty property is visited to ascertain the condition, status etc.	Identify condition of the property to establish the potential options of landlords/owner occupiers to bring empty homes back in to occupancy.
2.1	Sept' 2016	Policy Development Officer	Officer Time	Develop a procedural flowchart for team use to include: establishing how to identify an owner, detail the advice and options available for empty properties and ensure that City Lets is explored at every opportunity.	Establish a clear procedure for the team to address the issue of empty properties effectively.
2.2	Sept' 2016	PSH Team Leader	Officer Time	Develop a case work approach to each empty property and implement a '3 stage' engagement letter for	Robust dialog and engagement with landlord's/owner occupiers.

				landlord's/owner occupiers	
2.3	April 2017	PSH & Comm's Team	Officer Time	Develop information packs and advice leaflet to support landlords/owner occupiers to bring empty properties back in to use.	Assist landlords/owners occupiers to bring empty homes back in to occupancy.
2.4	April 2018	Head of Housing Options & Allocations	Officer time.	Explore with Members whether Council Tax rates of 150% can be charged on properties empty for more than 2 years.	Encourage landlords/owners to return empty property back in to occupancy.
3.1	Sept' 2016	PSH & Comm's Team	Officer Time	Liaise with WCC communications team regarding publicity opportunities.	Ensure awareness of options available to owners/landlords of empty properties and how to report an empty property.
3.2	April 2017	PSH & Comm's Team	Officer Time	Promote information on WCC website for owners/Landlords, particularly in relation the City Lets scheme.	Ensure owners of empty properties are aware of the options available to them to bring their property back in to occupancy.
3.3	April 2017	PSH & Comm's Team	Officer Time	Develop information on WCC website for the public to report empty homes.	Ensure the public are aware of how to report empty properties.
3.4	April 2017	PSH & Comm's Team	Officer time/ Advertising Costs	Consider advertising 'City Lets' PRS scheme via social media.	Target empty home owners to encourage landlords/owners to let their properties via the 'City Lets' scheme.
3.5	Sept' 2017 ongoing	PSH & Comm's Team	Officer time/ Publicity Costs	Ensure that any successful work to bring empty properties back into use are widely publicised.	To raise awareness and encourage further properties to be brought back into occupancy.
4.1	Sept' 2017	PSH Team Leader & Hampshire Authorities	Staff Time	Explore any joint funding opportunities to include in partnership with Hampshire Authorities (HAG) to bring empty properties back in to occupancy.	Explore and establish whether there are any joint funding opportunities to bring empty properties back into occupancy.
4.2	Sept' 2017	Housing Services	Staff Time	Explore/identify any grant funding	Explore and establish whether there are any

				opportunities to bring empty properties back to in to use to include 'New Homes' grants.	joint funding opportunities to bring empty properties back into occupancy.
5.1	Sept' 2017	Team Leader/PSH Team	Officer Time	Ensure appropriate PHS enforcement policies and procedures are in place and are regularly monitored and updated.	Use of enforcement powers to bring empty homes back in to occupancy. To support legal submissions to Court.
5.2	April 2018	PSH Team	Officer Time	Identify and prioritise empty properties through the register/ case work that have a detrimental environmental impact and consider appropriate enforcement action.	Ensure empty properties are not causing a negative impact on local neighbourhoods.
5.3	Sept' 2018	Head of Housing Options & Allocations	Officer Time	Explore and consult with Members using Compulsory Purchase Orders/EDMO's to enforce action on long term empty properties.	Effective action/publicity of action taken to bring long term empty properties back in to occupancy.