An Empty Homes Strategy for Conwy

November 2011

Conwy Empty Homes Partnership

Conwy County Borough Council and Cartrefi Conwy Cyf
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Empty Homes Strategy

1 Introduction

1.1 The Conwy Empty Homes Partnership, consisting of Conwy County Borough Council and Cartrefi Conwy Housing Association has been set up to address the problem of long term empty homes within the Conwy borough.

1.2 This strategy sets out the role that the Authority and its partners will play to ensure that long term empty dwellings are brought back into use wherever possible, together with the means by which this can be achieved.

2 Why is an empty homes strategy needed?

2.1 Empty dwellings in the private sector housing stock are a major issue in Conwy, as in many other parts of the UK. In spite of fluctuations in the fortunes of the housing market, the number of long term empty dwellings in the county remains fairly consistent at approximately 1000. Some of these properties are in good condition, whilst others are uninhabitable and deteriorating further.

2.2 Long term empty properties can act as magnets for crime, vandalism and antisocial behaviour, all of which can have implications for the Police, fire authority and the Council itself. They can also impact on adjoining properties through damp and infestations, and also have a significant effect on property values.

Through this strategy, the Conwy Empty Homes Partnership aims to target problematic empty properties that are:

- inactive in the housing market,
- unlikely to return to use without intervention, and
- may be the subject of valid complaints by the general public or other bodies.

2.3 Research has shown that the owner of an empty dwelling can lose as much as £8250 per year, when factors such as rent loss, dilapidation, vandalism, insurance costs and security are taken into consideration. Additionally, in many areas, owners of empty homes are liable to pay the full Council Tax once the initial 6 months exemption period has expired.

2.4 Conwy’s Local Development Plan has provisionally identified a need to provide an additional 6500 new dwellings over a period of 15 years in order to meet housing need in the county. Success in bringing empty properties back into use will assist in meeting some of this demand, reduce the need for further development of green-field sites, and minimise the impact on the environment.

3 What are the aims of the strategy?

3.1 The aims of the empty homes strategy are:
• To bring back into use as residential dwellings as many long-term empty homes and other appropriate empty buildings as possible
• To support other Council activities and initiatives, such as area-based renewal
• To support the Welsh Government in its Strategic Regeneration Programme
• To provide affordable homes for local people
• To reduce the need for future development of green-field sites to meet the Authority’s Affordable Housing targets
• To improve the existing built environment
• To reduce negative impacts on the environment

4 Why do homes become empty?

4.1 There are a range of reasons why properties become empty, such as disputes over ownership, the owner is in hospital or residential care, the property has been repossessed or is subject to probate. Other properties remain empty because the owner is unsure how to bring them back into use.

4.2 Most of the properties which become empty remain so for a relatively short time, and Council Tax exemptions apply in certain circumstances where properties cannot be re-occupied straightaway. Further information about Council Tax exemptions can be found on the Conwy website at www.conwy.gov.uk. However, there are increasing numbers of properties which remain empty for longer periods (or indefinitely), and it is often these properties which have a damaging effect on surrounding properties.

4.3 Will the strategy target all empty homes?

No.

Short term empties are known as ‘transitional vacancies’, and these can occur in circumstances where properties are up for sale, or are being renovated prior to being sold on or rented out. Transitional vacancies will not normally be targeted under the strategy, although the Authority reserves the right to consider properties on a case by case basis.

4.4 The Department for Communities and Local Government (DCLG) considers that a dwelling does not have to be used constantly for it to be classed as occupied. In accordance with this, properties that are used infrequently, such as holiday homes or second homes (and there are many of these in Conwy), will not normally be targeted by the strategy, except where they are causing particular nuisance to neighbouring properties.
4.5 The DCLG describes problematic vacancies as those that are inactive in the housing market and have been empty for six months or more. In support of this, the empty homes strategy will target empty properties which:

- are unlikely to come back into use without intervention, or
- are the subject of valid complaints from the public or other bodies

The Authority may also intervene in circumstances where providing assistance will meet the strategic objectives of the Authority.

5.0 Identifying properties which are suitable for action

5.1 A register of long-term empty properties (i.e. those which have been empty for 6 months or more) is held and maintained by the Authority. The strategy will give priority to targeting properties:

- which have been empty for longer periods, or those for which earlier intervention can be justified

and those

- which are unlikely to be brought back into use without some form of intervention from the partnership.

In most cases, it is expected that properties will be brought back into use through the provision of advice and support to property owners.

5.2 In identifying properties suitable for action, consideration will be given to their location, the impact they are having on neighbouring properties, and the impact that action taken under the strategy would have on neighbouring properties.

5.4 Concerned members of the public can also report a long term empty dwelling, and are invited to do so by the following methods:

- By letter to the Empty Homes Officer, Regulatory Services, Civic Offices, Abergele Road, Old Colwyn, LL29 8AR
- By telephone - 01492 574235
- By e-mail to housingstrategy@conwy.gov.uk

or using the Shelter Cymru website www.sheltercymru.org.uk. Click on the link to 'Empty Homes Project'.

6.0 Making initial contact with owners

6.1 In many cases, the first contact between the Authority and the owner of an empty dwelling which may be suitable for action under the strategy will be by letter. The letter will inform the owner of the strategy’s aim to bring empty homes back into use, and will refer to the potential benefits of engagement. Owners are also invited to contact the
Empty Homes Officer to discuss an empty dwelling he/she owns, and the ways in which the strategy may be able to assist.

6.2 Advice and information

Where an empty dwelling has been identified as suitable for action, initial efforts will concentrate on working with the owner to support him/her to bring the property back into use. The Authority will be able to advise on a range of aspects, depending on what the owner intends to do with the property in the future.

For owners looking to rent, advice can be provided on:

- the standard a property must meet in order to be rented out, and
- how to be a good landlord, including signposting to the Landlord Accreditation Scheme

For owners looking to occupy the property as their home, advice can be provided on:

- undertaking repairs and renovation

7.0 Empty Homes Grants

7.1 Where an empty dwelling is unlikely to be brought back into use through the provision of advice and assistance alone, the Authority will consider the award of an empty homes grant. The grant can only be used to cover (or part cover) the cost of work considered necessary by the partnership to bring the property up to the required standard – subject to the following:

- Following completion of the work, the property must meet fully the required standard advised by the Partnership. The owner must agree to this in advance of the grant being approved
- Where a grant does not cover the full cost of the work, the owner will be fully responsible for any shortfall
- On completion of the work, the property must be made available to Cartrefi Conwy as affordable housing for an agreed period – the period will be determined by the amount of grant awarded
- The definition of affordable will be determined by the partnership

Empty Homes Grants will normally only be awarded in circumstances where the owner is unable to fund the necessary work him/herself and where:

- the property in question is subsequently made available as affordable housing for a period of 5 or 10 years, as set out below

In due course, consideration will be given to the award of Empty Homes Grants to first time buyers who have a local connection with the area in which the property is situated. Local connection will be determined in accordance with section 199 of Part VII of the Housing Act 1996. the Homelessness Act 2002. In this case, a grant condition will
be applied which will require the grant applicant/s to reside in the property as his/their sole or principal home for a period of no less than 5 years. This will form a legal charge on the property.

7.2 How much grant can be awarded?

Grants may be awarded in appropriate cases according to the levels set out below.

Grant Level 1 - Where a grant not exceeding £10,000 is approved, the property must be made available as affordable housing for a period of no less than 5 years. The owner will agree to make the property available to Cartrefi Conwy, who will manage it for the agreed period. This will be known as the grant condition period. On expiry, the owner may opt to renew the lease for a further period – the duration of any renewed lease will be at the agreement of both parties.

Grants to first time buyers will be made at grant level 1.

Grant Level 2 – Where a grant not exceeding £20,000 is approved, the property must be made available as affordable housing for a period of no less than 10 years. The owner will agree to make the property available to Cartrefi Conwy, who will manage it for the agreed period. This will be known as the grant condition period. On expiry, the owner may opt to renew the lease for a further period – the duration of any renewed lease to be at the agreement of both parties.

For grants approved at either level 1 or level 2 above, the Authority will register a legal charge against the property equal to the amount of grant awarded, and this will apply for the grant condition period of 5 or 10 years as appropriate.

In certain circumstances, the Authority may waive the requirement for grant to be repaid where an owner disposes of a property within the grant condition period. These exemptions are known as “exempt disposals” and are set out in the Authority’s Housing Renewal Policies and Legal Framework Document.

Any management agreement entered into following the award of an empty homes grant will also contain a termination clause allowing the Housing Association to terminate its interest should it decide to do so. In such circumstances, the Authority reserves the right to substitute another Housing Association to act for the remainder of the agreement.

Following the award of an empty homes grant, the Housing Association will be responsible for managing the property, and in doing so, will charge a management fee to be deducted from the rental income. Any surplus income from rent receipts will then be payable to the property’s owner.

No rent will be paid for periods when a property is void. However, the Association will make all reasonable efforts to keep void periods and non-payment of rent to a minimum. During the duration of the agreement, the owner will be responsible for all repairs (including the regular servicing of gas equipment, replacement or renewal of items which have become damaged as a result of fair wear and tear, and reinstatement of any damage caused either maliciously or negligently by the occupier or any visitors to their property). In such circumstances, the partnership would support any attempts made by the owner to recover reasonable costs from the occupiers under whose occupancy the
damage occurred).

8.0 Enforcement Action

The reasons why properties become and remain empty are varied, and there are likely to be circumstances where empty properties will not be brought back into use following informal discussions with owners, or following the offer of a grant.

In such cases, the partnership reserves the right to take enforcement action where this is considered necessary, and has a range of legislative powers which it can use to ensure a satisfactory outcome in each case. Further information about these powers can be found in Appendix 2 to the strategy.

8.1 Generally, before instigating enforcement action, the partnership will consider:

- the circumstances of the case
- the extent to which the property in question is creating a problem to other individuals or neighbouring properties
- how any preferred course of property will contribute to meeting the Authority’s strategic objectives

8.2 The partnership may also use enforcement powers to ensure that any statutory nuisance caused to neighbouring properties by an empty property is removed. Such action may be taken instead of, or in addition to, any of the other interventions set out in this strategy.

9.0 Purchase of an empty dwelling

In circumstances where an empty homes grant is not appropriate, and the owner is willing to sell a property, the partnership may (where funding is available) purchase the dwelling and undertake refurbishment work necessary to bring it to the required standard. In such circumstances, the current market value as determined by independent valuation will be used to determine the maximum offer price. Where a property is purchased under this section, the property may be transferred into the ownership of a Housing Association as an addition to its housing stock, or for sale as an affordable housing unit. Further information is contained in Appendix 1.

9.1 What standard must a property meet before it can be re-occupied?

For properties which are to be brought back into occupation by the owner without use of an empty homes grant, the property must meet the standard set out in Part I of the Housing Act 2004 (the Housing Health and Safety Rating System). In general terms, the property will normally be considered to meet the required standard where it is substantially free from hazards to potential occupiers or visitors.

Where a property is brought back into use through the use of an empty homes grant, it must meet the standard set out in the Housing Health and Safety Rating System (Part I of the Housing Act 2004) in conjunction with the housing fitness standard as formerly set out in section 604 of the Housing Act 1985 (now repealed).
10.0 Equalities

In developing this strategy, the partnership is keen to ensure that it does not discriminate directly or indirectly, wittingly or unwittingly, against any person on the grounds of gender, sexual orientation, transgender, race, ethnic or national origin, nationality, religion, age, disability or illness. The partnership will comply with all relevant equalities legislation and monitor any action taken in relation to the strategy for the impact it has on the seven equality strands to ensure that discrimination against any person or group of persons does not occur.

Equalities monitoring data will be collected from all owners who make contact or are contacted in relation to empty dwellings, and the outcome of each contact will also be monitored to ensure compliance with equalities legislation.

11 Reviewing the Empty Homes Strategy

11.1 The strategy will be reviewed annually to ensure that it reflects current good practice and continues to achieve the necessary outcomes.

12 Summary

12.1 Empty homes can have a negative effect on the built environment, and represent an untapped resource of housing provision. On average, an empty dwelling can cost its owner as much as £8,250 each year in respect of lost rental income, and the cost of repairs, insurance and Council Tax.

12.2 The Conwy Empty Homes Partnership aims to ensure that appropriate action is taken to bring long term empty dwellings back into occupation.
Appendix 1

1. Property Purchase and Renovation

1.01 Social Housing Grant (SHG) funds housing schemes that meet local needs and priorities as identified by the Local Authority. SHG can be used to provide housing for rent or low cost home ownership through new build or the use of existing buildings. SHG can be used to support:

- schemes to increase the supply of affordable housing for rent
- schemes for older people including Extracare schemes
- Homebuy - to assist people to purchase a home
- schemes to address low demand and to support community regeneration
- schemes for people who need support with independent living.

1.02 In some circumstances, it may be appropriate for the partnership to purchase an empty dwelling. Any decision to purchase will be subject to the availability of funding (primarily through the Social Housing Grant programme).

The purchase of an empty dwelling will follow the funding rules set out for acquisitions under the Social Housing Grant (SHG) programme.

1.03 In considering a purchase, the Association will be governed by the valuation of the property by a qualified valuer.
Appendix 2

2.0 Enforcement Action

2.01 Options for enforcement

Where enforcement action is considered appropriate, the partnership may use one or more of the enforcement powers set out below in order to ensure that an empty dwelling is brought back into use, or that its condition is improved to the extent that it no longer causes a nuisance to neighbouring properties.

2.02 Empty Dwelling Management Orders (EDMO’s)

In response to the particularly high number of long-term empty properties in Conwy, interim and final EDMO’s may be utilised as a means of halting the decline of neighbourhoods, and providing affordable and properly managed housing in areas of housing need.

Introduced by the Housing Act 2004, Empty Dwelling Management Orders give the Local Authority the power to act where a private landlord is failing to do so.

Interim and Final EDMO’s are made against the proprietor of the property, who may be either the owner, or a leaseholder where there are at least 7 years remaining on the lease.

The Authority, having exhausted all other avenues of encouraging the proprietor to bring the property back into use, can apply to a Residential Property Tribunal for an order. When granted, the order gives the Authority the same rights as the proprietor would have, apart from the right to sell or take out a mortgage on the property.

Where an Empty Dwelling Management Order is granted, it becomes a local land charge.

An Authority can also apply to a Residential Property Tribunal to terminate an existing lease or licence where the property is not being occupied (to prevent the creation of rights, which would defeat the purpose of the EDMO).

2.03 Interim EDMO

In order to apply for an Interim EDMO, the following conditions must be met –

- The Authority must apply to an RPT for authorisation
- There must be no-one occupying the dwelling (whether the occupation is lawful or not)
- The Authority must make reasonable efforts to contact the proprietor of the property to establish what steps if any he/she is taking to secure that it becomes occupied
- The Authority must consider that making an Interim EDMO is the most
appropriate course of action, taking into consideration the rights of the owner and the wider community in which the property is situated (e.g. if the dwelling is a target for squatting, ASB, drug use, etc.)

Prior to granting an Interim EDMO, the Residential Property Tribunal must be satisfied that –

- The dwelling has been unoccupied for at least the prescribed period (determined by legislation - normally at least six months)
- There is no reasonable prospect that the dwelling will become occupied in the foreseeable future
- There is a reasonable prospect that the dwelling will become occupied if the Authority is granted an interim EDMO
- The Authority has complied with its duties in seeking to make an order, including any matters prescribed in the legislation

The RPT must also be satisfied that the case does not fall within any exempt category specified by the National Assembly for Wales (e.g. second homes and holiday homes, the main homes of absent owners, dwellings undergoing repairs, dwellings up for sale, etc).

An Interim EDMO comes into force as soon as it has been granted and lasts for a maximum of 12 months. Within that period, the Authority must take steps to ensure that the dwelling is occupied and properly managed. It must also obtain consent from the proprietor prior to any occupation. If the proprietor does not agree, the Authority can apply to revoke the interim EDMO and replace it with a final EDMO.

2.04 Final EDMO

An Authority may make a final EDMO either to replace an interim EDMO, or a previous final EDMO if it considers the dwelling would otherwise become or remain unoccupied. Once made, a Final EDMO can last for no more than seven years.

For example, if a proprietor refused to allow occupation as requested by the Authority under an interim EDMO and the Authority considered the property would remain unoccupied on expiry of the interim order, grounds would exist for the interim order to be revoked, and a final order granted to replace it.

If a dwelling subject to a Final EDMO remains unoccupied, the Authority may make a new Final EDMO to replace it provided it is satisfied that it has taken all steps it was reasonable for it to have taken to secure occupation of it.

Additionally, the Authority must be satisfied that making a final EDMO is the most appropriate course of action taking account of the interests of the wider community and the effect the order will have on the rights of the proprietor and any third parties.
The Authority does not need to obtain consent from a Residential Property Tribunal in order to make a Final EDMO.

Once made, the Authority must undertake periodic reviews of a Final EDMO. If the dwelling is unoccupied, it must consider whether there are additional steps it could take to secure occupation. If it considers that there are no steps it could take to secure occupation of the dwelling, it must revoke the order.

2.05 EDMO Management Provisions

A Final EDMO must include a management scheme setting out certain information:

- how the Authority proposes to carry out its duties
- how it will account for monies expended and collected while the order is in force
- what works the Authority intends to carry out to the dwelling
- the rent the dwelling might be expected to fetch on the open market and the rent the Authority will seek to obtain for it
- any compensation payable to third parties
- how the Authority intends to pay to the relevant proprietor any surplus remaining after deduction of the Authority’s reasonably incurred expenses and any compensation payable

Any person who is affected by the Final EDMO who considers that the Authority is not managing the dwelling in accordance with its management scheme may apply to an RPT for an order requiring it to do so.

2.06 Variation and Revocation of EDMO’s

A proprietor or someone else with an interest in the dwelling may apply for revocation or variation of an interim or final EDMO at any time. An Authority may also revoke an order at any time if –

- it concludes that there are no steps it can take to secure occupation of the dwelling
- it is satisfied that the dwelling will become or continue to become occupied following revocation of the order
- it is satisfied that the dwelling is to be sold
- a final EDMO (or subsequent final EDMO) has been made which replaces the previous order
• it concludes that it should revoke the order to prevent it from interfering with the rights of a third party

• in any other circumstances it considers appropriate

If a dwelling is occupied at the time revocation is proposed, the Authority may only revoke with the consent of the relevant proprietor (except in circumstances where the order is being revoked so that a final EDMO is being made). This provision exists to safeguard proprietors against inheriting a management responsibility for tenancies they have not created.

The Authority may revoke an order subject to payment of any expenditure it has incurred that it has not already recovered from rental income.

2.07 Financial Issues

The Authority may use any rent collected from a person occupying the dwelling to meet its expenditure, and to pay any compensation to any third party. When an EDMO ceases, the Authority must pay to the relevant proprietor any surplus income after deducting the expenditure (and if appropriate, interest on the balance). In the case of an interim EDMO, however, the Authority is not required to pay any surplus income to the proprietor if the order is to be followed by a final EDMO.

When an EDMO ceases and there is a deficit of income, the Authority cannot seek to recover this from the proprietor unless –

• he/she has agreed to pay it, for example, as a condition of the order being revoked early

• it is an amount equivalent to service charge paid by the Authority

• in the case of an interim EDMO, the Authority considers that the proprietor unreasonably refused consent to allow it to grant occupation rights (i.e. a tenancy)

• if a final EDMO is made to replace an interim EDMO or a previous final EDMO, any deficit may be carried forward to the new order and recovered from income received under the new order.

2.08 Repairs and Renovation Works

There is no restriction on the repair or renovation works which an Authority can undertake under an EDMO providing they are consistent with the income it is likely to receive during the lifetime of the order.

As interim EDMO’s only last for 12 months, it is unlikely that an Authority will carry out a large amount of work without obtaining the proprietor’s consent to the grant of occupation rights.

An Authority is more likely to embark on major works in relation to a final EDMO as it
then has up to seven years to recover the expenditure from rental income.

2.09 Appeals

A person who is affected by a final EDMO may appeal to the Residential Property Tribunal against –

- a decision by the Authority to make a final EDMO
- the terms of a final EDMO (including the management scheme aspect)
- the terms of an interim EDMO (relating to payment of any balance of rent left after deduction of relevant expenditure and any compensation payable to a third party or a dispossessed landlord or tenant)
- a decision of the Authority to vary or revoke an interim or final EDMO, or its refusal to vary or revoke either type of order

A third party may appeal to an RPT against a decision of the Authority not to pay compensation to him, or a decision relating to the amount of compensation payable.

3.0 Enforced Sale

The Enforced Sale Procedure is a process by which the Authority takes action to bring about the sale of a privately owned property. It can be used in circumstances where the present owner is either unwilling or unable to bring a property up to standard or return it to use.

As with EDMO’s, enforced sale will only be considered where other interventions set out in the strategy have failed to result in the property being brought back into use. In determining whether or not to initiate enforced sale procedures in respect of a particular property, matters to be considered will include:

- the length of time the property has been vacant
- any impact on adjacent properties and their occupiers
- any environmental impact on the neighbourhood
- any impact on the value of neighbouring properties
- whether the owner is traceable and replies to communications
- any impact on Council services (for example, Environmental Services)
- the amount and length of time outstanding of any debt (e.g. Council Tax)

3.1 Legislative Basis for Enforced Sale Procedures

Enforced Sale Procedures can only be considered where:-
the property is a dwelling
it is vacant
it is registered with the Land Registry (exceptions apply)
a debt in respect of the property is owed to the Authority, and such debt is registered in the Local Land Charge Registry
regenerating the property is of a sufficient priority within the Authority’s strategic objectives.

4.0 Compulsory Purchase

Section 17 of the Housing Act 1985 (as amended) makes provision for a Local Authority to acquire houses, or buildings, which may be made suitable as houses, together with any land occupied with the houses or buildings.

This can be done either through agreement, or compulsorily where the consent of the Secretary of State is obtained. The Authority has a further general power under Section 121 of the Local Government Act 1972 in relation to compulsory purchase. This section allows a Authority, for the purpose of any of its functions where it is authorised to acquire land, that it may do so compulsorily.

5.0 Section 215 of the Town and Country Planning Act 1990

Section 215 of the Town and Country Planning Act 1990 states that, where the amenity of a part of a Local Authority’s area, or of an adjoining area, is adversely affected by the condition and appearance of a property (referred to in the legislation as “land”), it may serve on the owner and occupier a notice requiring action to be taken. The notice will specify what action is to be taken to remedy the condition of the land, and a time limit within which the remedial action must be taken. If the owner or occupier of the land on whom the notice is served fails to comply with the terms of the notice within the specified period, he will be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Under Section 217 of the Act, any person on whom a notice (S.215) is served, or any other person with an interest in the land may appeal against the notice to the Magistrates’ Court, at any time before the notice takes effect. Magistrates can award reasonable costs to the successful party and are able to impose fines upon conviction. An appeal against the notice can be made on the following grounds:

- That the condition of the land to which the notice relates does not adversely affect the amenity of the area.
- That the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of the land which is not in contravention of planning controls over development.
That the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of the area.

That the compliance period specified in the notice falls short of what should reasonably be allowed.

In cases where the owner of a property cannot be traced, the Authority may consider undertaking works in default (section 219).

Currently, officers from Regulatory Services have delegated authority to issue notices under section 215 to remedy harm to visual and residential amenity.

The condition of certain areas of land and buildings (including those which are long-term empty), could be improved by highlighting the problems with the person(s) responsible and through negotiation, without having to serve a formal section 215 notice. Where possible, this form of dialogue and negotiation is normally preferable to resorting to formal action. However, where appropriate, if the problem is not resolved by negotiation, a section 215 notice could be served. Prosecution proceedings would also have to be considered in the event of noncompliance with the notices.

6.0 **Section 79 of the Building Act 1984 - ruinous or dilapidated buildings and neglected sites.**

Action under this section may be taken if it appears to the Authority that a building or structure is by reason of its ruinous or dilapidated condition seriously detrimental to the amenity of the neighbourhood. In such circumstances, the Authority may serve notice on the owner of the premises, which requires him/her to:

a) execute such works of repair or restoration, or

b) if he/she so chooses, to take such steps as are required to demolish the building or structure, or any part of it, and removing any rubbish or other materials resulting from or exposed by the works as may be necessary in the interests of “amenity”.

7.0 **Section 76 of the Building Act 1984 – defective premises**

Action under this section may be taken where it appears to the Local Authority that:

a) any premises is in such a defective state as to prejudicial to health or a nuisance, and

b) unreasonable delay in remediying the defective state would be occasioned by following the procedure described by section 80 of the Environmental Protection Act 1980.

8.0 **Section 77 of the Building Act 1984 – dangerous buildings**

Action under this section can be taken where it appears to the Local Authority that a building or structure, or part of a structure is in such a condition as to be dangerous. In
such circumstances, the authority may apply to a magistrate’s court and the court may, if satisfied, order the owner of the premises to carry out works necessary to obviate danger, or, where the owner so chooses, he/she may demolish the building or structure or any dangerous part of it.

9.0 Section 80 of the Environmental Protection Act 1990 – statutory nuisance

Where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, it may serve a notice ("an abatement notice") imposing all or any of the following requirements:-

a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence
b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes,

A notice served under this section will specify the time (or times) within which the requirements of the notice must be complied with.

10.0 Housing Act 2004 – Housing Health and Safety Rating System

The Housing Health and Safety Rating System is the Government’s new approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings.

As the assessment of risk applies to occupiers, potential occupiers or visitors to dwellings, it can be applied similarly to empty dwellings as to those, which are occupied. The course of action, which the Authority may take, varies according to the nature and severity of the hazards, which are identified. For hazards, which are classified as Category 1 or 2, the Authority may serve an improvement notice requiring the owner to undertake remedial works.

Where a Category 1 hazard is considered urgent, the Authority may serve an emergency remedial action notice requiring immediate remedial works to be undertaken. In appropriate circumstances, the emergency remedial works may be carried out by the Authority and a charge placed on the property.
### Appendix 3

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<th>Considerations</th>
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</thead>
<tbody>
<tr>
<td>1 Identify areas or specific properties to be targeted</td>
<td>Consider criteria for the scheme – e.g. area, time property empty, condition of property, extent of impact or negative effect on surrounding area, likelihood of property being brought back into use without intervention. Could property meet the required standard if renovation work is carried out?</td>
</tr>
<tr>
<td>2 Would any strategic objectives be met by targeting the property?</td>
<td>Area Regeneration, Housing Renewal, Homelessness reduction, affordable housing provision</td>
</tr>
<tr>
<td>3 Carry out visual inspection of property</td>
<td>Assess impact that proposed action to property would have on neighbouring properties</td>
</tr>
<tr>
<td>4 Has property been a magnet for anti-social behaviour (e.g. drug use/squatters/vandalism)?</td>
<td>Collate information from Local Members, Community Safety Partnership, NW Police, Housing Enforcement Section and Environmental Protection Department to support this</td>
</tr>
<tr>
<td>5 Check with Regulatory Services to establish record of intervention (e.g. boarding up to secure property)</td>
<td>Costs incurred by the Authority in relation to empty dwellings may allow for enforced sale procedures to be considered</td>
</tr>
<tr>
<td>6 Establish ownership details</td>
<td>Check Council Tax or Land Registry records. In most cases, Council Tax records will provide ownership details. If property is situated in rural area, local knowledge may also be of use</td>
</tr>
<tr>
<td>7 Make initial contact with owner, explaining the aims of the strategy, and discuss owner’s intentions with regard to the property. Explain options available through the scheme</td>
<td>Refer to appendices 1 and 2</td>
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<tr>
<td></td>
<td>• Advice and information</td>
</tr>
<tr>
<td></td>
<td>• Empty Homes Grant (where funding available)</td>
</tr>
<tr>
<td></td>
<td>• Purchase (where funding available)</td>
</tr>
<tr>
<td>8 If owner willing to engage, arrange survey to identify the scope and cost of work necessary to bring property up to the specified standard.</td>
<td>If appropriate, follow tendering process. Establish which standards are applicable to the property in question following renovation (e.g. HHSRS, WHQS). If property is an HMO, consider standard set out in additional licensing provisions</td>
</tr>
<tr>
<td></td>
<td>If cost of work prohibitive, consider whether it is appropriate to include the property in the scheme</td>
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<tr>
<td>9</td>
<td>If owner is unwilling to engage, consider use of enforcement powers as appropriate</td>
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</tbody>
</table>
Appendix 4 – Map illustrating concentrations of long term empty dwellings