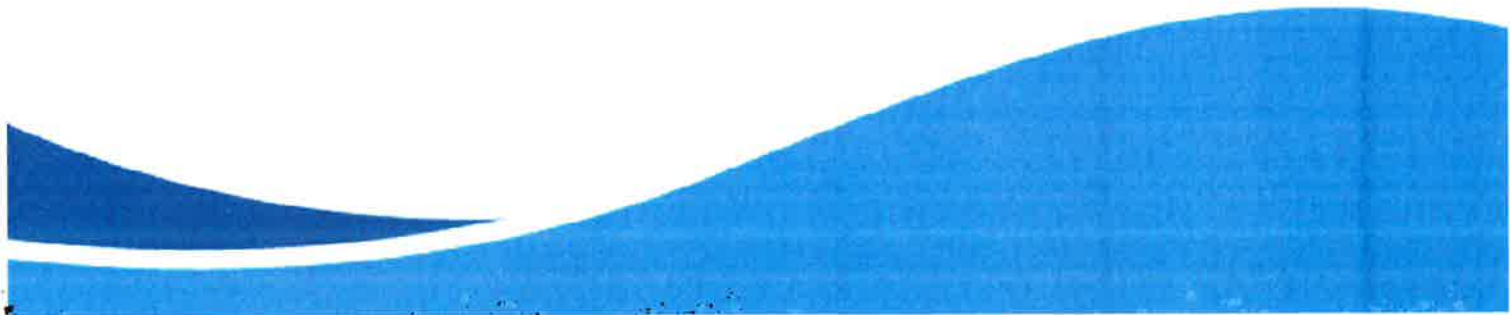


**Appendix 1**

**EMPTY HOMES STRATEGY**  
**SOUTHEND BOROUGH COUNCIL**  
**2015-2020**



## Foreword (proposed)

Welcome to Southend on Sea Borough Council's 2015 – 2020 Empty Homes Strategy. This Strategy sets out how the Council will tackle issues surrounding empty properties over the next five years and maximise the re-use of empty homes throughout the Borough.

The Council continues to be committed to reducing the number of empty homes, and to facilitating and assisting the creation of good quality and affordable accommodation for local people in the Borough and making the best use of the existing housing stock.

Much of the work outlined in the strategy is already underway and producing tangible results.

We hope this Strategy will support others to work with us to deliver our objective of creating new homes for people. Communities, owners of empty property and other stakeholders are strongly encouraged to contact the Private Sector Housing team for help or advice, and with any information about empty property in their area.

The Strategy reviews the success of current and previous initiatives, reviews the local context and the challenges which the Council is facing. The Strategy highlights 3 key aims and associated actions which will help us to continue our successful track record in bringing Empty Homes back into use which helps to make Southend on Sea a better place to live.

**Councillor David Norman**  
**Portfolio Holder for Adult Social Care, Health and Housing**

**Aims of the Strategy**

**Part 1 – Introduction and Background**

- 1.1 What is an Empty Home?
- 1.2 What are the impacts of Empty Homes?
- 1.3 What is an Empty Homes Strategy?
- 1.4 Who will be involved in achieving the aims of the strategy?
- 1.5 How does this document link to other Council Strategies?

**Part 2 – Learning from experience**

- 2.1 Achievements
- 2.2 Ongoing actions

**Part 3 – Reviewing Empty Homes in Southend & the Strategic Context**

- 3.1 An overview of Southend
- 3.2 An overview of Empty Homes in Southend

**Part 4 – Aims and Actions**

- 4.1 Introduction
- 4.2 Aim 1: Reduce the overall number of long term Empty Homes
- 4.3 Aim 2: Minimise the Anti Social Behaviour associated with Empty Homes
- 4.4 Aim 3: Recover the cost of Enforcement Action where possible
- 4.5 Resources available to bring Empty Homes back into use
- 4.6 Implementing and monitoring the strategy

**Part 5 - Where to Find Additional Information on Empty Property**

**Part 6 – Action Plan**

**Appendix One – Good Practice Example**

**Appendix Two – Legislative Context**

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## **Aims of the Strategy**

The following three aims of the strategy represent the key areas and themes related to Empty Homes where action is required and resources should be focused.

**Aim 1: Reduce the overall number of long term by 10% by 2020**

**Aim 2: Minimise the Anti Social Behaviour associated with Empty Homes**

**Aim 3: Recover the full cost of Enforcement Action where possible**

Full details on the aims of the strategy and associated actions can be found in part 4

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## **Part 1 – Introduction and Background**

This Strategy aims to give an understanding of the issues of empty property and how it impacts on local areas. It looks at why properties become empty, what advice and assistance is available to empty property owners, and how the Council uses the range of powers available to it to return empty properties to use.

The Council aims to enable better use of all properties in the Borough, both residential and commercial, that may be under used.

It is anticipated that this Strategy will help to build and develop the level of skill and expertise needed to effectively bring empty properties back into use building on our successes in the past.

### **1.1 What is an Empty Home?**

There are many definitions of an Empty Home but the one used for the purposes of this strategy is the one that has been used by Southend on Sea Borough Council since 1999:-

- That the property is a domestic dwelling, and,
- That the property has been empty for more than two years.

Properties that have been empty for more than six months are classified as Long Term Empty Homes for Council tax purposes however the actual powers to take enforcement action are designed to come into effect where a property has been empty for more than two years.

### **Why are homes empty?**

There are a number of reasons why properties become empty, including:

- the property is difficult to sell or let
- it is being renovated
- the owner does not have the finances/time/skills to manage the property
- the property has been repossessed
- probate issues
- the owner is being cared for elsewhere/is in hospital

It is important that the Council understand why individual properties become and/or remain empty so we can work with the owners in the best way to encourage them to take action.

### **1.2 What are the impacts of Empty Homes?**

Returning empty homes to use can have a number of positive effects, addressing social, economic and wider public health issues.

#### **For Owners**

Leaving a property standing empty can become costly and a source of anxiety for owners. There is an increased risk of vandalism and crime and the property can be difficult to insure, which could result in high repair costs or even mean a complete loss of the asset.

The general deterioration of an unoccupied property will result in costs, due to works necessary to enable the property to be brought back up to current Housing Standards. By renting or selling the property, not only are the above issues resolved, but there is the added advantage of gaining regular rental income or money from the sale of the property.

#### **For the Local Community**

Empty properties can have a direct impact on adjoining properties through issues such as damp and structural problems. Alongside this, unsightly properties can have a detrimental effect on neighbouring house prices and can also result in a lack of pride in the area. The possibility of empty properties attracting unwanted attention can also cause anxiety and concern for local residents. Returning empty properties to use can help eliminate these issues and ensure that house prices in the neighbourhood are maintained. By returning empty properties to use homes can be provided for local people enabling them to remain close to schools, employment and support networks. Creating new housing from under-utilised space provides additional accommodation to help reduce the number of those in housing need, whilst improving the visual aspect of the town centre.

#### **For the Wider Community**

Empty properties returned to use as domestic dwellings increase the availability of homes in the Borough, including potentially affordable homes. Instead of being a source of concern these homes can be transformed from a wasted resource into a home for a local family which helps reduce the number of households on the Waiting List or those at threat of homelessness. It also benefits the wider community as the household will become more of an asset to the local area and will be better maintained.

### **1.3 What is an Empty Homes Strategy?**

The Council's overall approach to Empty Homes was established in 2003 and included the following actions.

- The property will have been empty for more than two years,

- The use of enforcement powers to minimise or abate nuisances and other problems caused by empty homes to the neighbourhood have been exhausted.
- The selective use of Compulsory Purchase on the worst long term properties,
- The creation of an 'Empty Homes Database' and,
- To raise the profile of empty homes within Southend on Sea and also to find alternative avenues of support and assistance for owners and others affected by the properties identified.

The Housing Act 2004 brought in new powers including the Housing Health and Safety rating System (HHSRS) and the use of EDMOs as the preferred enforcement measure instead of Compulsory Purchase because:

- They are quicker to secure;
- They enable the council to obtain a lease on a property, not the full ownership, and,
- They enable cost recovery through the rental income.

#### **1.4 Who will be involved in achieving the aims of the strategy?**

Partnership working has always been crucial to the effectiveness of the Empty Homes actions undertaken within the Borough.

In the current financial climate, where public finances are under increasing pressure it is now more crucial than ever for the Council, local agencies, charities and community groups to work together to realise mutual beneficial aims and to provide the best possible outcomes for Southend residents.

<b>Empty Homes Strategy - Key Stakeholders</b>
<ul style="list-style-type: none"> <li>• Southend on Sea Borough Council – inc Private Sector Housing, Strategic Housing, Community Housing, Council Tax and Benefits, Adult Social Care, Public Health, Environmental Care, Regulatory Services, Bereavement Services and the Development Control and Building Control teams.</li> <li>• Department for Communities and Local Government (CLG)</li> <li>• Empty Homes Agency</li> <li>• Thames Gateway South Essex (TGSE) Sub Regional Empty Homes Group</li> <li>• Local Authority Partners</li> <li>• Homes and Communities Agency (HCA)</li> <li>• South Essex Homes</li> <li>• Essex Police</li> <li>• Essex Probation</li> <li>• Southend Multi Agency Antisocial Behaviour Response Team (SMAART)</li> <li>• Homeless Action Resource Project (HARP)</li> <li>• South East Alliance of Landlords, Agents and Residents (SEAL)</li> <li>• Southend Crime and Disorder Reduction Partnership (CDRP)</li> </ul>



- |  |
|--|
| <ul style="list-style-type: none"><li>• Local Housing Associations</li><li>• Local Residents</li></ul> |
|--|

The above list is not exhaustive but provides an indication of the number of agencies and individuals committed to the reduction of long term empty homes within Southend.

By working together to tackle the problem of Empty Homes these stakeholders will also be working to eliminate the associated issues connected with Empty Homes within Southend on Sea.

### **1.5 How does this document link to other Council Strategies?**

The Empty Homes Strategy links to, supports and builds on, other relevant strategies and plans for housing, support and community services in Southend and in Essex. Collaborative working with the stakeholders responsible for the plans and strategies listed below is essential in order to realise the aims of this strategy.

#### **Southend Borough Council's Corporate Objectives**

The following represents how the Empty Homes strategy fits within the Council's corporate objectives:-

##### **Prosperous:**

If all of the empty homes were brought back into use in the Borough this would result in up to £130 million in housing coming back into the market and an estimate of between £600,000 and £730,000 coming into the Council in Council Tax revenue.

##### **Safe:**

There are problems associated with long term empty properties to the neighbouring dwellings which can become a magnet for Anti Social Behaviour (ASB).

##### **Clean:**

The properties that fall into the long term empty category are also subject to a higher risk of vandalism and provide harbourage for rodents and other animals. These empty buildings also collect rubbish and other detritus over time.

##### **Healthy:**

Empty Properties and overgrown gardens can become a focus for anti-social behaviour and could become dangerous.

### **Southend Borough Council's Housing Strategy 2011 – 2021**

The Empty Homes Strategy is informed by the overarching Housing Strategy for Southend which outlines the Council's vision for housing up to 2021.

The Strategy outlines the Council's commitment to many areas which influence the success of Empty Home actions and interventions. This includes the promotion of good quality housing in the private rented sector as well as the management of the Council's own stock to best manage local needs, through to the need to address antisocial behaviour.

### **Southend Borough Council's Sustainability Strategy**

The Empty Homes Strategy is also informed by the Sustainability Strategy for Southend which does highlight the need to bring long term empty properties back into use wherever possible.

The strategy outlines the impact of new build developments and, citing studies conducted that compare new builds with the impact of renovation, indicates a 35 tonne of CO<sup>2</sup> equivalent gas release per property.

### **The Southend Borough Council Homeless Prevention Strategy 2014 - 2017**

The Homeless Prevention Strategy influences the Empty Homes Strategy by encouraging closer cooperation with the relevant local agencies in order to reduce the number of service users that feel compelled to enter and rest within long term empty properties. Bringing empty homes into use also helps ensure suitable provision for those seeking accommodation within the borough. This is in line not only with established practices but feedback received during the consultation on the Homeless Prevention Strategy

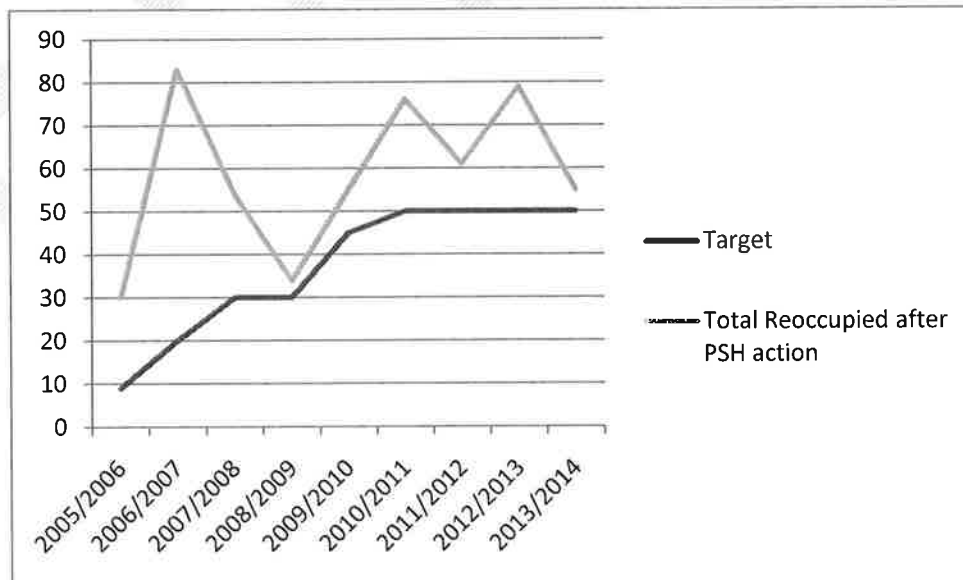
## Part 2 – Learning from our experience

### 2.1 Achievements

The following table highlights the Council's performance over the last 10 years in bringing empty properties back into use.

A summary of the progress towards meeting these aims is outlined below:-

YEAR	TARGET	Total Reoccupied after PSH action
2005/2006	9	30
2006/2007	20	83
2007/2008	30	54
2008/2009	30	34
2009/2010	45	55
2010/2011	50	76
2011/2012	50	61
2012/2013	50	79
2013/2014	50	55
	Total	525



In 2008 the Council commenced a procurement process to obtain the services of a Managing Agent to oversee the day to day running of properties that had been subject to an Empty Dwelling Management Order (EDMO). That contract went live on the 1<sup>st</sup> of January 2009. In 2012 the Government made amendments to the regulations under which a Council may seek to obtain such an order, these restrictions now are:

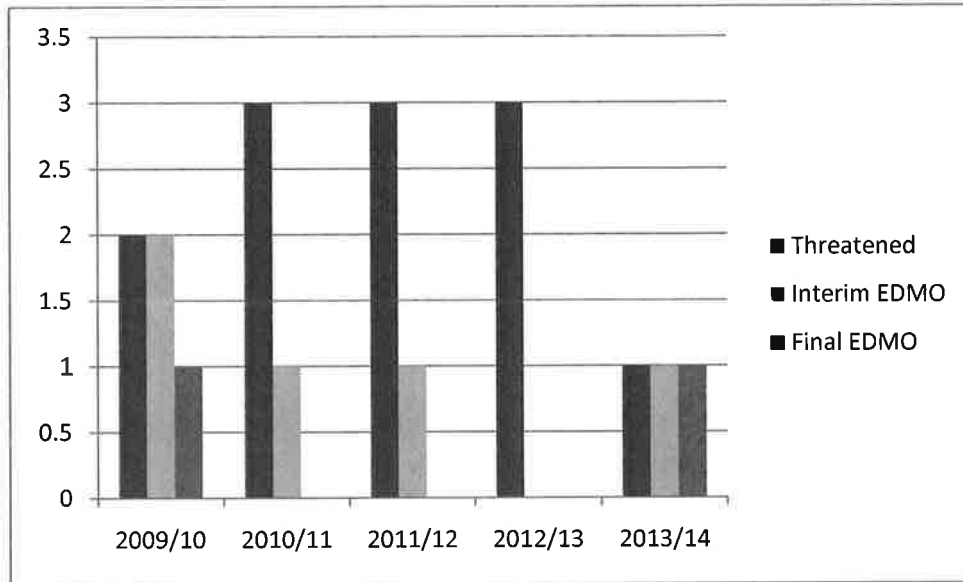
- The property must have been vacant for more than two years,
- The property owner must have had at least three months advanced warning of the possibility of the Local Authority seeking to obtain such an Order,
- An EDMO cannot be granted if the property is a second home, and,
- An EDMO cannot be granted if the owner is absent to either give care or be in receipt of care.

Nationally not many Councils have been able to progress EDMO's and the majority who have been successful are in London. Should the Council seek to obtain an EDMO then it must apply to a First Tier Tribunal (Property Chamber) which will seek the views of the relevant parties and, in turn, make a judgement.

That judgement may take several months. Therefore the process in obtaining an EDMO can take six months to nine months.

The Tribunal will authorise an Interim EDMO which allows the Council to conduct works and then work with the owner to bring the property back into use. Should that not be forthcoming then the Council may seek a Full EDMO which allows the Council to place tenants in the property and impose a seven year lease.

Year	Threatened	Interim EDMO	Final EDMO
2009/10	2	2	1
2010/11	3	1	0
2011/12	3	1	0
2012/13	3	0	0
2013/14	1	1	1
Total	12	5	2



The cost of any works is recovered through the rental income. As the following table shows, over the cost of the Final EDMO the Council has not suffered any loss of capital as a result of bringing the property back into use.

Year	Final EDMO	Cost of works in £000	Total rental income in £000
2009/10	1	35	67
2013/14	1	52	55
Total	2	87	122

### Good Practice

Southend on Sea Borough Council remains the only Council in Essex to have used these powers and has worked with colleagues in Major Adaptations to convert one property to aid a family with mobility needs. See Appendix One

### **Partnership Working**

The Council has worked with a number of stakeholders and individuals to bring properties back into use without the need for formal enforcement action. In some cases this has been through advice and support of the owner, be it in the form of signposting or through assistance in the form of grant and loan funding.

Working with the Thames Gateway South Essex (TGSE) Sub Regional group the Council was allocated £1.5Million to bring empty properties back into use. The Council was the only authority within TGSE to take up its full allocation of funding.

In 2015 the Council will also receive further resources from the TGSE funding allocation which will also be used to bring empty properties back into use.

Whilst these resources are beneficial the Council recognises the need to ensure cost effectiveness and, as a result, has developed a voluntary Empty Dwelling Management Assistance programme, similar to an Empty Dwelling Management Order but with the consent of the parties involved and without the need for formal applications to the First Tier Tribunal Service.

## 2.2 Aspiration

Southend on Sea Borough Council is committed to bringing empty homes back into use over the period of this strategy.

Year	Target
15/16	55
16/17	60
17/18	65
18/19	70
19/20	75

This represents an increase of 50% on the current target for Private Sector Housing over the lifetime of this strategy.

## Part 3 – Reviewing Empty Homes in Southend & the Strategic Context

### 3.1 An overview of Southend

Southend on Sea is the largest conurbation in the East of England and the closest seaside resort to London. It is located on the north side of the Thames Estuary approximately 40 miles east of Central London, and is bordered to the north by Rochford District Council and to the west by Castle Point District Council. Southend has many geographic, demographic and economic characteristics that make it distinctive when compared to other areas nearby.

Indices of multiple deprivation (IMD) are used to measure relative disadvantage across England and take into account employment, income, health, education/skills/training, access to housing & services, living arrangements and crime. When calculating IMD, locations are broken down into small areas of approximately 1,500 people, these areas are called Lower Super Output Areas (LSOA).

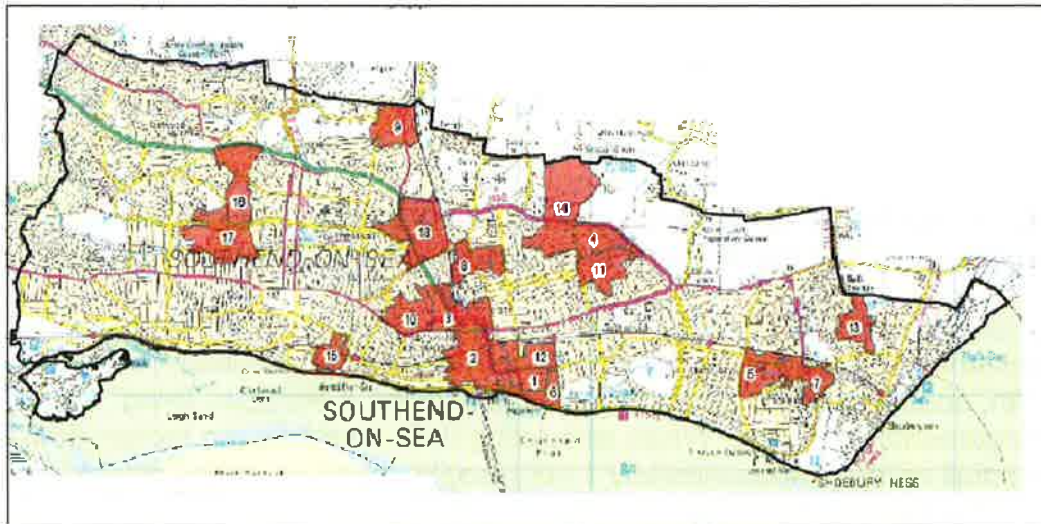
In Southend, 8.4% of LSOA's fall within the 10% most deprived areas in the country. 29.9% of LSOA's fall within the bottom 30% most deprived.

Southend has a relatively high proportion of private rented properties and at 13%, the proportion of people claiming housing benefit for this type of tenure is higher than the East of England Average.

Local Rank	National Rank	Ward
1	99	Kurasaal
2	108	Milton
3	542	Victoria
4	995	Southchurch
5	1123	West Shoebury
6	2209	Kurasaal
7	2427	West Shoebury
8	2817	Victoria
9	3173	St Laurence
10	3261	Victoria
11	3466	Southchurch
12	3635	Kurasaal
13	3910	Shoeburyness
14	3947	St Lukes
15	4214	Chalkwell
16	4255	Blenheim Park
17	4712	Blenheim Park

18	4815	Prittlewell
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The information above can be represented more graphically on a map, showing the diverse nature of the areas of health inequality within Southend on Sea

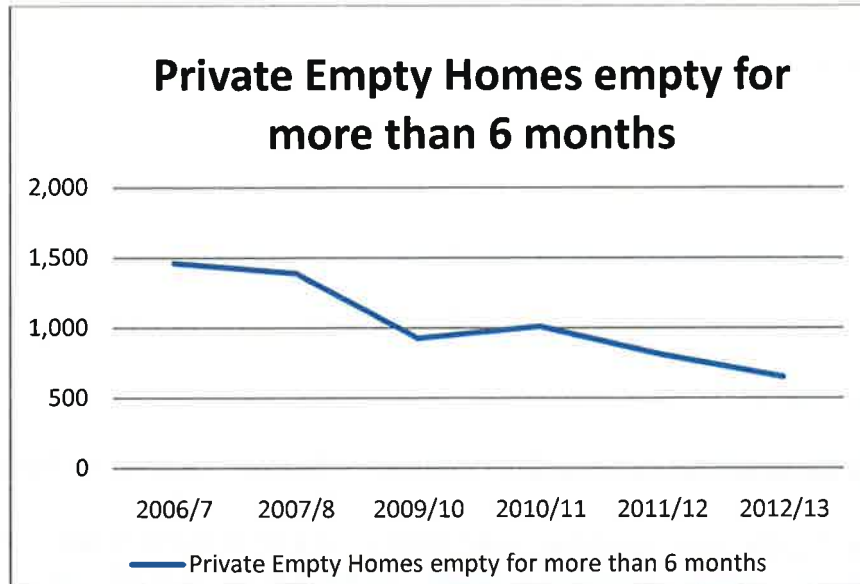


### 3.2 An overview of Empty Homes in Southend

What is the impact of an Empty Home?

Year	Private Empty Homes empty for more than 6 months
2006/7	1,463
2007/8	1,391
2008/9	No data
2009/10	927
2010/11	1,012
2011/12	809
2012/13	651





The number of long term empty homes in Southend, which have been empty for more than six months in 2012/13 was 651 and at an average house price in Southend of around £200,000 this represents around £130 million of unreleased value into the Housing Market at 2012 prices. Of these 651, only a small number were owned by Social Landlords.

The Royal Institution of Chartered Surveyors (RICS) estimates that properties adjoining poorly maintained empty homes can be devalued by up to 20 per cent in worst cases. Therefore the impact on an average property in Southend could be in the region of £35,000 and a potential impact to the local housing market of a further £27 million.

Abandoned or long term empty properties can have an impact on the local community, both in terms of economic depreciation of adjacent properties but also in terms of additional pressures on the housing market, suppressing market 'churn' and resulting in additional pressures on social housing and private rented accommodation. In turn they can impact on other agencies, such as the Police and Fire Services.

In addition to the money lost in the housing market there is also a loss of Council Tax income to the Council.

## **Part 4 – Aims and Actions**

### **4.1 Introduction**

This section explains the aims of the 2015-2020 Empty Homes Strategy and the actions the Council intends to undertake to achieve them.

### **4.2 Aim 1: Reduce the overall number of long term by 10% by 2020**

How will this happen?

#### **Actions to be taken to reduce the number of Empty Homes in Southend**

- Investigate any concern over properties that have been empty for 2 years and to prioritise these in terms of a RAG (Red Amber Green) scoring matrix to ensure the worst cases are addressed first,
- Continue to work with property owners to bring long term empty homes back into use via persuasion and advice in the first instance,
- Taking enforcement action under the relevant legislation where all other avenues have been exhausted.

### **4.3 Aim 2: Minimise the Anti Social Behaviour associated with Empty Homes**

How will this happen?

Anti Social Behaviour comes in many forms and is often the primary driver behind a complaint to the Council. This may come in the form of graffiti 'tagging' of the property, broken windows, disrepair to the dwelling, overgrown gardens or illegal squatting.

#### **Actions to be taken to minimise the Anti Social Behaviour associated with Empty Homes**

- Working with the Southend Multi Agency Anti social Behaviour Response Team (SMAART) when concerns are raised and highlighting potential properties,
- Regular visits to long term empty properties to monitor condition and record any issues associated with ASB,
- Taking the relevant enforcement action where possible ensuring the property remains secure, and,
- Taking direct action such as Works In Default where applicable if the owner is unable or unwilling to take action.

#### **4.4 Aim 3: Recover the full cost of Enforcement Action where possible**

How will this happen?

With the current economic pressure on public finances it is very important that the recovery of the full cost of any Enforcement Action is achieved

##### **Actions to recover the cost of Enforcement Action wherever possible**

- **Record all charges, if applicable, via Local Land Charges,**
- **Invoice the person with control of the property for the correct amount (including administration fee, if applicable),**
- **Should no payment be forthcoming then apply statutory interest to the debt,**
- **Work with other Council departments to establish if there are any other outstanding debts,**
- **Work with the Legal Services team to determine the best route for collection of the debt;**
  - **Bankruptcy / winding up,**
  - **Charging order,**
  - **Enforced Sale of property**
- **Take the necessary Enforcement action against the property owner through the Courts**
- **Consider compulsory purchase options if all else fails**

**4.5 Resources available to bring Empty Homes back into use** - The funding which has been transferred to the Council from the TGSE Sub Regional Empty Homes Fund can be used to give interest free loans to owners of Empty Properties to bring them back into use.

##### **Staffing Resources**

The Empty Homes Officer (EHO) post is critical for the Council to achieve the aims and targets highlighted within this strategy. The Council's successful track record has clearly highlighted the financial benefits of the EHO post.

In the eighteen months between August 2013 and February 2015 the EHO has brought 91 properties back into use.

This, in part, has helped towards the £45,468 Empty Homes Element of the New Build Bonus awarded to SBC in 14/15. The "Spend to Save" target over an 18 month period was £66,051 however the EHO has over achieved against this target and achieved savings to the Council of £81,785. In addition this has brought back into use, based on an average property price of £220,000, an equivalent of over £2 million in housing within the Borough.

#### **4.6 Implementing and monitoring the strategy**

We will meet the aims and actions of this strategy by:

- Monitoring the progress of the action plan on a regular basis,
- Consider setting up working parties/project groups tackling specific issues,
- Annual reporting to relevant members on the progress of the strategy.

## **Part 5 - Where to Find Additional Information on Empty Property**

There are a number of organisations and sources of information that are of great use to both Empty Homes Officers and empty property owners. Some of the most useful are:

- Empty Homes Website
- Homes and Communities Agency
- Empty Homes Network
- National Empty Homes Loans Fund
- Land Registry
- Gov.UK
- Shelter

### **How can you help?**

#### **Owners**

If you are an owner of an empty property in the Borough please contact the Empty Homes Officer in the Private Sector Housing team. We are very keen to discuss with you the options available for returning your property to use, and to offer you any assistance and support required.

#### **Members of the Public**

If you live near an empty property which is creating a problem in the local area, or where the owner may need some help to return the property to use please report it to us. Please contact us if you want this Strategy in a different format

#### **We can be contacted through the following methods:**

- Online:** [www.southend.gov.uk](http://www.southend.gov.uk)
- Telephone:** 01702 215000
- In writing:**

**Empty Homes Officer  
Southend-on-Sea Borough Council  
Civic Offices  
Victoria Avenue  
Southend  
Essex SS2 6ER**

## Part 6 Action Plan

<b>Aim</b>	<b>Action</b>	<b>Lead</b>	<b>Timescale</b>	<b>Resource</b>
<b>Reduce the overall number of long term by 10% by 2020</b>	Investigate any concern over properties that have been empty for 2 years and to prioritise these in terms of a RAG (Red Amber Green) scoring matrix to ensure the worst cases are addressed first.	<b>Empty Homes Officer (EHO)</b>	Ongoing	ICT Officer time
	Continue to work with property owners to bring long term empty homes back into use via persuasion and advice in the first instance.	<b>Empty Homes Officer (EHO)</b>	Ongoing	Officer time  Access to information systems to allow signposting to additional resources
	Taking enforcement action under the relevant legislation where all other avenues have been exhausted.	<b>Empty Homes Officer (EHO) with support from Private Sector Housing Management</b>	Ongoing	Officer time  Budget to conduct Works In Default
<b>Minimise the Anti Social Behaviour associated with Empty Homes</b>	Working with the Southend Multi Agency Anti social Behaviour Response Team (SMAART) when concerns are raised and highlighting potential properties.	<b>Empty Homes Officer (EHO)</b>	Ongoing	ICT access  Officer time
	Regular visits to long term empty	<b>Empty Homes</b>	Ongoing	Officer time

	properties to monitor condition and record any issues associated with ASB.	<b>Officer (EHO)</b>		
	Taking the relevant enforcement action where possible ensuring the property remains secure.	<b>Empty Homes Officer (EHO) with support from Private Sector Housing Management</b>	Ongoing	Officer time  Budget to conduct Works In Default
	Taking direct action such as Works In Default where applicable if the owner is unable or unwilling to take action.	<b>Empty Homes Officer (EHO) with support from Private Sector Housing Management</b>	Ongoing	Officer time  Budget to conduct Works In Default
<b>Recover the full cost of Enforcement Action where possible</b>	Record all charges, if applicable, with Local Land Registry.	<b>Empty Homes Officer (EHO)</b>	Ongoing	ICT Officer time
	Invoice the person with control of the property for the correct amount (including percentage fee if applicable) and if no payment be forthcoming then apply statutory interest to the debt	<b>Empty Homes Officer (EHO)</b>  <b>And</b> <b>Department of Place Business Support</b>	Ongoing	Officer time
	Work with other Council departments to establish if there are any other outstanding debts.	<b>Empty Homes Officer (EHO)</b>	Ongoing	ICT Officer time
	Work with the Legal Services team to	<b>Empty Homes</b>	Ongoing	Officer time

	<p>determine the best route for collection of the debt;</p> <ul style="list-style-type: none"> <li>• Bankruptcy / winding up,</li> <li>• Charging order,</li> <li>• Enforced Sale of property</li> </ul>	<p><b>Officer (EHO) with support from Private Sector Housing Management</b></p>		
	<p>Take the necessary Enforcement action against the property owner through the Courts</p>	<p><b>Empty Homes Officer (EHO) with support from Private Sector Housing Management</b></p>	<p>Ongoing</p>	<p>Officer time</p> <p>Budget to fund legal action (Court Fees)</p>

## Appendix 1 - Good Practice Example



The property in question had been empty for some time and following on from complaints regarding damp and mould growth in the party wall the Private Sector Housing Team investigated.



Due to the condition at the rear, access to the back of the property was not possible.

The property itself was a two bedroom bungalow ideally situated close to local shops, amenities, the railway station and other public transport links.



Within the property there was clear evidence of disrepair, hoarding and other concerns as well as evidence of ceiling collapses and water damage.



Further investigation indicated that, with minimum additional works, the property could be adapted quite easily to accommodate a family with limited mobility needs.

The relevant teams and departments were consulted and an agreement was reached whereby the Private Sector Housing team would fund the works to bring the property back into use whilst the Adaptations team would cover the cost of the additional measures to make the building suitable for occupation for a disabled household.

The property was cleared and the grounds cut back enabling the work to commence within and also provide a better understanding of the condition of the whole site.



Inside the property was cleaned and restored prior to refurbishment



The long term benefits to the Council are that not only is a long term property brought back into use with the associated benefits therein but also that a property is adapted to allow a family to enjoy the amenity of the town.

## **Appendix Two - Legislative Context**

### **Housing Act 2004 – Statutory Notices**

If a Housing Health and Safety Rating System assessment reveals that one or more Category 1 or 2 hazards exist within the dwelling, the local authority may serve an improvement notice requiring the owner to undertake works to remove, or reduce these hazards. The Council can, if no action is taken, perform the works itself and charge the owner accordingly.

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

If a building is unoccupied and not effectively secured against unauthorised entry, or is likely to become a danger to public health, the local authority may serve notice on the owner to secure the building within 48 hours.

### **Environmental Protection Act 1990 – Section 80 Notice**

Where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the authority, the local authority shall serve a 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.

Any of the following problems regarding empty properties may amount to a statutory nuisance:

- any premises in such a state as to be prejudicial to health or a nuisance
- any accumulation or deposit which is prejudicial to health or a nuisance
- any other matter declared by any enactment to be a statutory nuisance.

### **Prevention of Damage by Pests Act 1949 - Section 4 Notice**

If in the case of any land it appears to the local authority that steps should be taken for the destruction of rats or mice on the land or otherwise for keeping the land free from rats and mice, they may serve on the owner or occupier of the land a notice requiring him to take these steps.

### **Environmental Protection Act 1990 – Section 59 Action**

If any controlled waste is deposited in or on any land, the local authority may, by notice, require the occupier to do either or both of the following:

- a) to remove the waste from the land within a specified period not less than a period of 21 days beginning with the service of the notice
- b) to take within such a period specified steps with a view to eliminating or reducing the consequences of the deposit of the waste.

### **Clean Neighbourhoods and Environment Act 2005 – Section 28 Notice**

Local authorities have powers to serve fixed penalty notices on individuals who graffiti private property.

### **Town and Country Planning Act 1990 – Section 215 Notice**

If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may require the owner and occupier of the land to take such steps for remedying the condition of the land as may be specified in the notice.

### **Building Act 1984 - Section 79 Notice**

If it appears to a local authority that a building or structure is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood, the local authority may by notice:

- a) require the owner to undertake works to restore or repair the structure
- b) take steps to demolish the structure or part of the structure

### **Building Act 1984 – Section 77 Action**

If it appears to a local authority that a building or structure, or part of a building or structure, is in such a condition as to be dangerous, the authority may apply to a magistrates' court, and the court may, where danger arises from the condition of the building or structure, make an order requiring the owner thereof:

- a) to execute such work as may be necessary to obviate the danger; or
- b) if he so elects, to demolish the building or structure, or any dangerous part of it.

The actions detailed above would be the initial approach the Council would follow when dealing with problematic empty properties, however, where owners remain unresponsive or uncooperative, further enforcement options are available to local authorities as follows:

### **Housing Act 2004 - Empty Dwelling Management Orders**

Southend on Sea Borough Council remains at the vanguard of East of England Authorities that have been using these powers to bring empty properties back into use.

In 2012 there were amendments to the limitations under which a Council may seek to obtain such an order, these restrictions now are;

- The property must have been vacant for more than two years,
- The property owner must have had at least three months advanced warning of the possibility of the Local Authority seeking to obtain such an Order,
- An EDMO cannot be granted if the property is a second home, and,
- An EDMO cannot be granted if the owner is absent to either give care or be in receipt of care.

Should the Council seek to obtain an Empty Dwelling Management Order then it must apply to a First Tier Tribunal (Property Chamber). The Tribunal will seek the views of the relevant parties and, in turn, make a judgement.

That judgement may take several months. Therefore the process in obtaining an EDMO can take six months to nine months.

The Tribunal will authorise an Interim EDMO which allows the Council to conduct works and then work with the owner to bring the property back into use. Should that not be forthcoming then the Council may seek a Full EDMO which allows them to place tenants in the property and impose a seven year lease.

The cost of works is recovered via the rental income.

Southend on Sea Borough Council remains the only Council in Essex to have used these powers.

### **Compulsory Purchase Act 1965**

This process takes considerable time and places an economic burden on the Council. It is best used as a means of last resort but there is no legislative restriction as to when it can be used.

The key elements relating to the service of a Compulsory Purchase Order (CPO) are;

- Under the legislation, CPOs can be made for the purpose of providing housing accommodation.
- The Secretary of State has to confirm CPOs following application to the Department for Communities and Local Government (DCLG).
- CPOs need not be implemented if binding undertakings are received (limited by time) to carry out works and return properties to beneficial use.
- Any case for CPO must include proposals for the property in the event that the CPO is confirmed. This Council's current policy is to sell the properties by auction to return them to the normal housing market.
- Given the extreme nature of CPOs, they need the consideration of full Council on recommendation of the Cabinet to avoid possible CPO refusal by the Secretary of State on the grounds that proper consideration has not been given to its making.
- The DCLG will consider CPOs on their merits and decide whether there is a compelling case in the public interest.
- Part of the Council's current Empty Homes Strategy is to pursue, in appropriate cases, compulsory purchase.

In terms of 'Enforced Sale' and 'Appointment of a Receiver'

Enforced Sale represents an additional tool with which properties can be brought back into use using limited resources.

- The Housing Act 2004 does set out that the debt is a local land charge, as set out under section 50(10) and can be recovered through the Law of Property Act 1925 (section 50(11) to which 'and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver' and the power to appoint a receiver is conveyed on the Authority after one month has past from the creation of the charge 50(12).
- There are further notes in Part 3 of Schedule 3 relating to the recovery of expenses linked to Enforcement Action. The same powers related to recovery are stated in paragraph 13 of schedule 3 whilst the recovery of interest owed on the debt is set out in paragraph 10
- The Powers of a person appointed as a receiver by the Council is set out in section 109 of the Law of Property Act 1925, sub paragraph 3.

- Any Enforcement Action conducted in relation to Category One or Two Hazards, Emergency Remedial Action, Works in Default or debts obtained at the end of an Empty Dwelling Management Order can be registered as a Local Land Charge and recovered under section 50 of the Housing Act 2004.

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