

Public Document Pack



Please note that the following documents were published separately from the main agenda for this meeting of the Executive to be held on Monday, 26th March 2018 at 6.00 pm in Committee Room 1, City Hall.

They include extracts from the draft minutes of the Policy Scrutiny Committee meeting held on 20 March 2018 and amended versions of some documents as a result of their consideration at that meeting.

3. Lincoln Community Lottery Update (Pages 3 - 6)
4. General Data Protection Regulation (Data Protection) Policy (Pages 7 - 8)
5. Private Housing Health Assistance Policy (Pages 9 - 52)
6. Empty Homes Strategy (Pages 53 - 104)

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EXTRACT FROM COMMITTEE

Policy Scrutiny Committee

20 March 2018

46. Lincoln Community Lottery Update

Graham Rose, Senior Policy Officer

- a. presented a report to provide an update on the progress with implementation plans for the Lincoln Community Lottery (LCL) and to provide the proposed criteria for the acceptance of good causes.
- b. advised that Gatherwell had been appointed as External Lottery Manager on a two year contract.
- c. referred to paragraph 3 of the report and gave an overview of the actions that had been completed and the next steps in the process.
- d. outlined the mechanics of how the lottery would work and advised that for every £1 spent, the purchaser could allocate 50% towards their chosen good cause and a further 10% would go into a central pot for the City of Lincoln Council to allocate, if the purchaser did not choose a good cause the central pot would get the full 60%.
- e. suggested other criteria for allowing a 'good cause' to join the lottery as detailed at Appendix A of the report.
- f. referred to Appendices B and C of the report which set out 3 boundary areas for consideration and advised that it was recommended that a 6 mile boundary be adopted.
- g. proposed that a panel of at least 2 members plus officers be formed to agree the good causes accepted onto the lottery and suggested that they also considered the appropriate distribution of funds from the central pot on a quarterly basis.
- h. referred to appendices D to L and advised that Gatherwell had provided 5 policies, 1 draft GDPR policy and 3 terms to cover all aspects of implementation.
- i. invited members' questions and comments.

Question: Would a national charity be eligible if they had a local branch but their funds were kept in a central pot of money not local to Lincoln?

Response: If the charity had a local branch and they could guarantee that the money was spent locally, then they would meet the eligibility criteria, and this would be included in the terms of reference of the members' panel.

Question: What would the Community Fund be spent on?

Response: Members could recommend how the funds from the central pot could be distributed, there were no specific causes identified at the moment.

Question: If 50% of the £1 spent would go to the chosen good cause and 10% go to the central pot, what would the remaining 40% be used for?

Response: It would be used to run the lottery, it would go towards prizes, VAT which could be claimed back and used to cover operating costs and to Gatherwell for running the lottery on behalf of the Council.

Question: Would there be any extra staffing costs?

Response: No there would be no additional staffing costs.

Question: How would players of the lottery purchase tickets?

Response: Gatherwell would run the lottery on behalf of the council and would take all payments either online or over the telephone.

Question: How much take up was expected?

Response: Based on comparisons of other lotteries that had been set up in similar areas to Lincoln, it could potentially have 100,000 participants in 5 years if the 6 mile radius was adopted.

Question: What would happen if the take up was lower than expected?

Response: There would be no cost to the Council, Gatherwell would be taking all of the risks.

Question: How would the lottery be promoted?

Response: There would be a press release, a launch event for good causes, an article in Your Lincoln, and a social media campaign. There would be bolt on prizes on the first draw and it was recommended by Gatherwell to have bolt on prizes for draws every 6 months. Also, the good causes will carry out a lot of the promotion themselves.

Question: Was there a limit to the number of good causes?

Response: No there was no limit.

Question: Could members be provided with details of the lottery so that they could recommend good causes.

Response: Once the lottery had been to Executive, full details would be circulated to all members.

RESOLVED that

1. The policies and terms at Appendices D to L of the report be noted and referred to Executive for approval.
2. The 6 mile boundary be supported and referred to Executive for approval.
3. The criteria for good causes be supported and referred to Executive for approval.

4. It be recommended that the Member Selection Panel be comprised of the Portfolio Holder for Social Inclusion and Community Cohesion and the Chair of Audit Committee.
5. A review of the Lincoln Community Lottery be brought back to Policy Scrutiny Committee 12 - 18 months from implementation.

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49. General Data Protection Regulation (Data Protection) Policy

Becky Scott, Legal and Democratic Services Manager:

- a. presented the EU General Data Protection Regulation and Data Protection Policy for consideration prior to Executive approval.
- b. advised that the Data Protection Act 1988 would be replaced by a new Data Protection Act 2018 which would implement the General Data Protection Regulation (GDPR) into UK law by 25 May 2018.
- c. advised that the Council needed to have a policy to enable the council to be compliant with the new legal framework and also to raise awareness of the GDPR to officers' and Councillors. Therefore members of the public could be confident that the organisation was aware of their responsibilities of the new legal framework.
- d. advised that the GDPR stated that anyone processing personal data must adhere to the 6 data principles.
- e. gave an overview of the following 6 data protection principles:
 1. Lawfulness, fairness and transparency principle: processed fairly, lawfully and in a transparent manner in relation to individuals.
 2. Purpose limitation principle: collected for specified, explicit and legitimate purpose and not further processed in a manner incompatible with those processes.
 3. Data minimisation principle: adequate, relevant and limited to what was necessary for the purposes for which they are processed.
 4. Accuracy principle: accurate and where necessary kept up to date.
 5. Storage limitation principle: kept in a form which permits identification of the data subjects for no longer than necessary for the purposes for which the personal data was processed.
 6. Integrity and confidentiality principle: processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- f. advised that an Equality Impact Assessment was not required.

Members considered the contents of the report.

RESOLVED that the General Data Protection Regulation (Data Protection) Policy be supported and referred to Executive for approval.

EXTRACT FROM COMMITTEE

Policy Scrutiny Committee

20 March 2018

47. Private Housing Health Assistance Policy

Simon Colburn, Assistant Director, Health and Environmental Services:

- a. presented the Private Housing Health Assistance Policy 2018-2022 for consultation and advised that it would supersede the Private Sector Housing Assistance Policy which had been suspended by Executive in 2015.
- b. referred to paragraph 5.2 of the Private Housing Health Assistance Policy 2018 - 2022 and gave an overview of the challenges that had been highlighted by the recent BRE Integrated Dwelling Level Housing Stock Modelling and Database for the City of Lincoln Council.
- c. referred to paragraph 2.2 of the report and advised on the changes that the Government had made to the funding mechanism for Disabled Facilities Grants.
- d. summarised the aim of the fund which was to provide a more joined up and customer based service to reduce hospital and care admissions and enable people to return home from hospital more quickly.
- e. advised on the aims of the proposed Private Housing Health Assistance policy as detailed at paragraph 4.2 of the report.
- f. referred to Appendix 1 of the report and gave an overview of the proposed schemes.
- g. advised that it was proposed that the formal means testing element be removed from the majority of the Discretionary Schemes which would reduce the time taken to process applications and assist in early intervention to prevent hospital admission/reduce reliance on carers.
- h. referred to paragraph 4.42 of the report and highlighted the proposed introduction of several new forms of financial assistance which could be used to support wider social care outcomes.
- i. advised that consultation on the draft policy had taken place with Lincolnshire County Council Adult Care and Community Wellbeing.
- j. advised on the financial and legal implications to the council as detailed at paragraph 6 of the report.
- k. gave an overview of the options that had been explored and the key risks associated with the preferred approach as detailed at paragraph 7 of the report.
- l. invited members' questions and comments.

Question: Would the grants be advertised?

Response: The mandatory Disabled Facilities Grants (DFG's) were not advertised, however, some of the other grants would need to be promoted to make people aware of them.

Question: Would the changes to the welfare system affect the Disabled Facilities Grants and could there be changes made to the grants?

Response: There were no proposals from the Government at the moment to make any changes to the DFG's.

Question: Was there a cash limit on the DFG's?

Response: There was a fixed budget allocated from the County Council to the District Councils at the beginning of each financial year. Currently the district allocation was approximately £700,000.

Comment: Concern was expressed over the staffing levels and the need for the council to ensure that the staff could cope with the extra work that this would bring.

Response: It was difficult to recruit staff in higher level housing positions nationally. There had been a review of the structure within the team, which involved members of staff being upskilled. It was felt that there was currently sufficient staffing levels to cope with the workload.

Question: With reference to paragraph 1.2 of the policy, when the available budget had been committed for the year and the council did not keep a waiting list, would the applicant have to make a new application in the new financial year?

Response: It had been written in to the policy in the event that the budget ran out early in the year, if for example there was 2 weeks to the next financial year the applicant would not be asked to submit a new application.

Question: With reference to paragraph 5.2 of the policy, would the information be updated more often than 4 years as it would be quickly out of date?

Response: The Substantive Stock Survey which was a large piece of research work would be completed every 5 years, the information in the mean time would be updated as and when required.

Question: Was it appropriate that the policy be amended to clarify the meaning of Article 3 RRO.

Response: RRO stood for The Regulatory Reform (Housing Assistance) Order 2002 and it provided the legal framework.

Question: With reference to paragraph 8.2 of the policy, repayment of a grant with interest within 12 months was harsh for potentially vulnerable people.

Response: It had been written into the policy as a deterrent for people who may try and claim for works that they were not entitled to as they had funds to pay for work themselves.

Question: With reference to Appendix 1 of the report, what was the rationale for means testing some of the schemes and not others?

Response: A means test was required for mandatory grants such as the DFG's and in the case of large grants full checks needed to be done, however for emergency grants such as Hospital Discharge Assistance not completing a full means test would speed up the process.

The Chair further commented that more consistency and uniformity was needed throughout the individual scheme details in the policy in relation to the following:

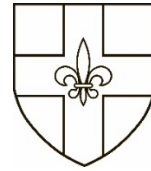
- The eligibility of all ages including children needed to be clarified in all individual scheme details.
- It was stated in the Hospital Discharge Assistance Scheme conditions that if the property was disposed of within 10 years of completion of the works re-payment of the full amount would be required. This would be reduced by 10% for each complete year. Could this condition be included within all of the individual scheme details?

Response: The suggestions would be considered and the policy would be updated where appropriate.

RESOLVED that

1. The Private Housing Health Assistance Policy 2018-2022 be endorsed subject to the suggested changes listed above and referred to Executive for approval.
2. The Private Housing Health Assistance Policy be reviewed by Policy Scrutiny Committee in September 2019.

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Private Housing Health Assistance Policy 2018 – 2022

Draft for Consultation February 2018



Housing Grants, Construction & Regeneration Act 1996

The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002

1.0 Policy Statement & Aims

1.1 This policy aligns with the council's Vision 2020 of 'Let's Deliver Quality Housing' and embedded within the council's Housing Strategy outcomes to improve and increase provision of specialist accommodation, improve property conditions and promote and increase sustainable living in the City are central to delivering the vision.

1.2 The focus of the private housing health assistance policy is one of prevention and is to enable independent living, by supporting those whose independence may be at risk, to access housing (including their current home) which meets their needs.

This policy sets out how the City of Lincoln Council ("the Council") will for dwellings within its area exercise:-

- (i) its statutory duty for the provision of mandatory Disabled Facilities Grants under the provisions of the Housing Grants, Construction & Regeneration Act 1996
- (ii) its discretion to provide flexible assistance to help improve living conditions as determined by the Council in adopting Article 3 of the Regulatory Reform Order (Housing Assistance) (England & Wales) Order 2002.

With the exception of mandatory Disabled Facilities Grants, all other the assistance which may be provided under this policy is at the discretion of the Council and will subject to the availability of financial resources and how those resources may be directed by the Council's strategic priorities. Consideration will be given when the time has approached, when up to 75% of the available budget has been committed that the statutory demands for the grant monies will supersede discretionary grants. If demand for discretionary assistance exceeds the available budget this assistance will be suspended. In these instances the Council does not undertake to maintain a waiting list.

The Council may charge up to a 15% administration fee for any professional/technical services or charges incurred relating to the work for which the assistance is being sought e.g. obtaining proof of ownership, drawing of plans etc. This fee will be incorporated into the total assistance amount.

This policy will be reviewed every 4 years or sooner, as necessary to take into account changes to legislation, policies or strategies at local or national level.

1.3 The aims of the Private Housing Health Assistance policy are as follows:-

- To provide advice, information and support on repair, maintenance and adaptation of properties across the City.
- To offer a health based framework of assistance to vulnerable groups & households, including those with a long term health condition.
- Whilst it is recognised that it is the home owner's responsibility to maintain their own properties the Council will target limited resources to those that

are most vulnerable or have a health condition and are not able to maintain their own properties which could impact on their independent living.

- Private landlords will not be eligible for any grants under this policy. Landlords have a duty to maintain their properties free from hazards and the Council will exercise their enforcement powers as appropriate to ensure that safe and healthy standards are attained in the private rented sector. In certain circumstances the tenant maybe eligible to apply for a grant under this policy, this will be considered on a case by case basis.
- To contribute to the aims of the *Better Care Fund*, principally to reduce delayed transfers of care, minimise avoidable hospital admission and facilitate early or timely discharge from hospital by tackling housing related matters.
- To facilitate an increase in the number of vulnerable households able to heat their homes at reasonable cost.
- To assist disabled people with adaptations to facilitate their movement in and around their home thereby improving their quality of life.
- In offering assistance the Council will promote relevant services offered by other organisations.
- To treat individuals fairly as required by the Equality Act 2010 and ensure that an individual's rights under Data Protection and human rights legislation are protected.

2.0 Introduction

The suitability of the home is integral to meeting the needs of our residents. A home which enables them to live independently or supports others to provide safe and effective care contributes to the promotion of physical and emotional health and wellbeing and supports a full and active life.

Helping residents to make the right housing choices for their needs and providing support to make the home safe can help reduce hospital admissions or re-admissions, reduce reliance on care and support, improve wellbeing and help maintain independence in the home. One of the ways of doing this is by providing financial assistance to support those choices or adapt the homes of disabled and vulnerable people enabling them to live safely.

This policy explains how the Council will use its resources, where available, to assist residents in need of support to maintain independence in the home, reduce the need for support from social care and health services and/or prevent further deterioration in

their conditions. The assistance may be in the form of a mandatory Disabled Facilities Grants or discretionary assistance, which enables the Council to deal with immediate health and safety concerns swiftly and appropriately.

3.0 Legal Framework

The provision of a Disabled Facilities Grant (DFGs) is regulated by the Housing Grants, Construction and Regeneration Act 1996. This places a statutory duty on the Council to provide grant assistance to qualifying disabled people to undertake a range of adaptations to their homes which are deemed “necessary and appropriate” to meet their needs and it is “reasonable and practicable” to undertake the adaptations having regard to the age and condition of the dwelling. The grant is subject to a means test (except in the case of children) and works must be eligible as defined by the Act and Regulations.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“the RRO”) gives the council the power to provide assistance (either directly or indirectly) to any person for the purpose of improving living conditions in the City of Lincoln area provided this is given in accordance with a published policy.

In accordance with the RRO, this policy has been adopted by the Council and includes details of:

- a. The types of assistance the Council may make available
- b. The eligibility conditions for the assistance
- c. The amount of assistance available
- d. The conditions that will apply to the provision of the assistance
- e. The circumstances when repayment may be required

4.0 National Strategic Context

In April 2015 the Government made significant changes to the funding mechanism for disabled facilities grants by making the allocation part of the Better Care Fund (BCF); a pooled budget between the NHS and upper tier councils. The aim of the fund is to provide more joined-up and customer focused services to reduce hospital and care admissions and enable people to return from hospital more quickly.

The Care Act 2014 established a requirement that a needs assessment must be carried out where it appears to the social care authority that a person for whom they may provide or arrange community care services, may be in need of such services. The associated guidance states that the care and support system must actively promote

wellbeing and independence and aim to prevent need, not just wait to respond when people reach a crisis point.

Aligned to this, the NHS 5 Year Forward View (2014) noted that a key condition for transformation across local health economies is a strong primary and out-of-hospital care system, with well-developed planning about how to provide care in people's own homes, with a focus on prevention, promoting independence and support to stay well.

Home adaptations and essential repairs for disabled and vulnerable people support these requirements as they can:

- Enable independence at home
- Speed up hospital discharge/reduce readmission
- Prevent escalation of need e.g. accidents and falls
- Support maintenance of physical and mental well-being

It is clear that home adaptations can contribute to meeting a range of Public Health, NHS and Social Care outcomes. While the housing law relating to the provision of grants for disabled adaptations has not changed, there is scope for local innovation in delivery and opportunities to consider how home adaptations can better support housing, health and social care to achieve improved health and wellbeing outcomes for those with care and support needs.

5.0 National and Local Evidence

- 5.1 Around 30% of people older than 65, and 50% of people older than 80, will fall at least once a year. Up to a quarter of people who fall will sustain a serious injury” - “Falls: assessment and prevention of falls in older people” - June 2013 - National Institute for Health and Care Excellence (NICE).

In Lincolnshire the population aged over 65 is likely to double by 2037, which would mean nearly 22,000 people could sustain a serious injury as a result of a fall. The human cost of falling includes distress, pain, injury, loss of confidence, loss of independence and mortality. Falling also affects family members and carers. The NICE guidance from June 2013 also tells us that falls are estimated to cost health and social care organisations more than £23.3 billion per year.

In addition, falls are one of the major reasons for people to move from their own home to residential care, again increasing social care costs and impacting on independence. The overall effect of increasing personal wellbeing, preventing accidents and reducing strain on carers means that the cost savings to health and social care of preventing falls are potentially extremely high. A package of relatively low cost adaptations could reduce falls and may delay hospital admissions.

Many chronic health conditions experienced by people, particularly older people, have a causal link to, or are exacerbated by poor housing. Frail and older people experience

poorer physical and mental health and higher risk of mortality, while babies and young children have an increased risk of respiratory problems. The BRE 'Cost of poor housing briefing paper' 2015 estimated that the annual cost to the NHS of treating disease due to cold private housing to be over £850 million. This does not include additional spending by social services, or economic losses through absences from work. Health risks associated with cold homes include; increased respiratory illness, worsening of asthma, chronic obstructive pulmonary disease, worsening of arthritis, increased blood pressure and risk of heart attacks and stroke. A cold home also increases the risk of falls and accidents as strength and dexterity decreases at lower temperatures. Making homes weather safe, wind and weather proof, alongside ensuring suitable indoor temperatures can be maintained could reduce symptoms or instances of illness.

5.2 Locally the condition of the private housing sector presents a number of challenges and the recent BRE Integrated Dwelling Level Housing Stock Modelling and Database for City of Lincoln Council (updated September 2017) provided the following:-

Headline results for Lincoln

- There are 45,869 dwellings in Lincoln, 49% are owner occupied, 32% private rented and 19% social rented.
- 5,515 dwellings in the private sector have category 1 Housing Health and Safety Rating System (HHSRS) hazards. This equates to 15% of properties.
- 2,726 dwellings in the private rented sector have category 1 HHSRS hazards. This equates to 18% of properties in the private rented sector.
- The highest concentrations of all HHSRS hazards in the private sector are found in the wards of Park, Carole and Abbey.
- The highest concentrations of fuel poverty (Low Income High Costs definition) in the private sector are found in the wards of Park, Abbey and Castle and for excess cold the highest concentrations are in Park, Boultham and Carholme.
- The average Simple SAP rating for all private sector dwellings in Lincoln is 61, which is better than both England (60) and East Midlands (58).
- The total cost of mitigating category 1 hazards in Lincoln's private sector stock is estimated to be £12.6 million – with £6.4 million in the owner occupied sector, and £6.2 million in the private rented sector.
- 3.2% (1,180) of *private sector* dwellings and 4.1% (613) of *private rented* dwellings in Lincoln are estimated to have an EPC rating below band E.

6.0 Financing the Policy

The Better Care Fund (BCF) is managed by Lincolnshire County Council. The Council receives a grant annually to provide housing solutions so that residents of the city can manage their own health and wellbeing, and live independently in their communities for as long as possible. The mandatory DFG's will have priority on the BCF monies. In addition to the BCF the Council will exploit all possible opportunities of internal and external funding schemes or to work with other providers to improve housing conditions for the residents of the city.

7.0 Types of Assistance

7.1 Mandatory – Disabled Facilities Grants (DFG's)

The Council will continue to provide assistance to those who qualify for a DFG as laid down in legislation. The adaptations funded will be considered as being the most appropriate, reasonable and cost effective way of meeting the assessed needs of the disabled person up to the maximum grant of £30,000.

Where the applicant/disabled person wishes to carry out works to the property which are over and above those assessed by the Occupational Therapist (OT), and the alternative works are defined by the Council as reasonable and practicable and will meet the assessed needs of the disabled person, the Council may offer financial assistance up to the value of the assessed need.

7.2 Discretionary – Housing Assistance Grants (HAG's)

By adopting Article 3 of the RRO it provides greatly flexibility to the Council to provide assistance schemes which help people meet their needs without firstly going through the full DFG process, which can be lengthy and complex. We will for example, provide 'fast track' schemes for adaptations £10,000 or less, which do not require a formal means testing. The proviso to this, is that an application through the above mandatory DFG route is available to the individual if they request it.

Or secondly, considering wider health determinants other than disability, which can be made worse by housing conditions, for example we may consider the health impacts of housing conditions on vulnerable owner occupiers and consider schemes to undertake minor repairs to make homes safe and healthy or other preventative schemes which stop or delay conditions becoming worse.

The provision of assistance other than Mandatory Disabled Facilities Grants is subject to the availability of funding. An assessment of each case will be carried out to ensure that the right option for the household is being considered. This may include information about entitlement to benefits, third party funding options e.g. charities, energy efficiency and signposting to other services and agencies.

APPENDIX 1 – INDIVIDUAL SCHEME DETAILS – provides the range of mandatory and discretionary assistance that may be available. Appendix 1 to this policy will be updated as new schemes are agreed or existing schemes are removed by the Private Housing Team Leader, Service Manger or Assistant Director.

8.0 Eligibility Criteria and Conditions

- 8.1 In this policy the term “assistance” means any form of financial assistance approved for the purpose of housing renewal, maintenance, improvement or adaptation. “Condition” means any condition attached to any such assistance. Any reference to “owner” or “person responsible” is taken to mean any owner or other person who is responsible for the relevant conditions either singly or jointly. This includes the original person who applied for or received the assistance, as well as any other person who has subsequently become responsible for any condition as a result of acquiring the property or an interest in it.
- 8.2 The specific criteria for each form of assistance are detailed in appendix 1. However, the following conditions will apply in all cases:
- a. Where stated, any financial assistance and related conditions will be secured as a legal charge against the property. A breach of conditions requires the repayment of all or part of the assistance. This charge will not be removed until either the conditions expire or until the assistance is re-paid together with any interest or additional charges that may apply. The Council may demand that any grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such a reasonable rate as the Council may determine, but generally within a twelve months.
 - b. A charge against the property is binding on any person who is at the time being an owner of the premises concerned. Where a condition is broken, the Council has the usual powers and remedies in law to enforce the charge and secure payment of any amount due.
 - c. Where any condition is in force, the Council may require the responsible person to provide any information to satisfy the Council that the condition is being complied with. The Council can require this information in writing or in other reasonable form. It is a condition that this information is provided in the form required within a reasonable timescale as specified by the Council and as fully, accurately and honestly as reasonably practicable. Failure to comply with this requirement is a breach of conditions in itself and the assistance, or part of the assistance where specified, must be re-paid to the Council.
 - d. It is for the person responsible for complying with any condition to demonstrate to the Council’s satisfaction that the condition is being complied with. Failure to do so will be treated as failure to comply with the condition. The Council does

not have the burden of having to prove that the condition is not being complied with.

- e. Conditions will be enforced in all cases, unless there is accepted exceptional circumstances which will be considered on a case by case basis. Money repaid or recovered will be recycled back into the private housing health assistance programme.
- f. The approval of assistance does not give or imply the Council's approval of any other consent that may be required, such as planning permission or building regulation consent. It is the responsibility of the applicant to obtain any such consent as may be required.

8.3 Any person making an application for assistance must:

- a. Be over the age of 18 years on the date of application
- b. Live in the dwelling which is subject to the application as their sole main residence
- c. Live within the City of Lincoln.

8.4 Persons will not be eligible for assistance in the following circumstances:

- a. Where ownership of the dwelling is disputed
- b. Where the owner of the property has a statutory duty to undertake the necessary works to the dwelling and it is reasonable for them to do so.
- c. Where the proposed works would normally be covered by buildings insurance. If before a grant is approved it is found that the applicant has submitted an insurance claim, the insurance company will be asked to confirm in writing the extent of the claim and their liability, if any. The value of any housing assistance will be reduced by the amount equivalent to the insurance company's liability.
- d. Where works have started before the formal approval of an application, except where in exceptional circumstances a defect may present a serious risk to health and safety.
- e. Where the proposed works are to repair any shed or outbuildings.
- f. Incomplete applications or applications lacking sufficient information will be refused.

8.5 All cases will be considered on a case by case basis. Incomplete applications or applications lacking sufficient information will be refused.

8.6 Enquiries about how the policy is operated should be referred to the Private Housing Team Leader in the first instance. Appeals must be made in writing and detail the specific grounds on which the appeal is based, the relevant Assistant Director will make the final decision.

9.0 Making an Application and Payment of Assistance

Applications must be made in writing on the appropriate form and must include original documentation where requested. An application will only be considered complete once all of the relevant documentation has been provided.

The Council may charge up to a 15% administration fee for any professional/technical services or charges incurred relating to the work for which the assistance is being sought e.g. obtaining proof of ownership, drawing of plans etc. This fee will be incorporated into the total assistance amount.

The Council will make arrangements for contractors to undertake works, however, the contract agreement is between the applicant and contractor; the Council will not be liable for disputes arising between the parties. If the applicant elects to use their own contractor they must submit at least 2 written quotations from different contractors. The Council will evaluate each of the quotations taking into account price, quality and timescales for delivery to advise the applicant which contractor is preferred.

For larger and more complex grant applications such as, extensions, the Council may appoint an agent to manage the grant works, this is at the discretion of the Council. Having exercised this discretion the applicant will have to engage directly with the agent in order to complete the grant works.

In the event of any disputes between the applicant and the contractor the Council will help to resolve these, unless an agent has been appointed, in which case the agent will help to resolve these. However should this not be possible it may be necessary for the applicant to seek legal advice to remedy any dispute.

The Council will arrange for grant payments to be made directly to contractors upon completion of works.

10.0 Maintenance and Repair

The quality of work undertaken by contractors appointed by the Council is guaranteed for a period of 12 months. Some of the individual items may have their own extended warranties that are provided by the manufacturer. It is the applicant's responsibility to ensure that they adhere to all conditions of a warranty and/or servicing. Any extended warranties are applied for in accordance with the manufacturer's guarantee. Copies of guarantees/warranties will be provided to the applicant after completion of the works.

The Council is not responsible for the ongoing maintenance or repair of any items.

11.0 Repayment where applicant not entitled to grant

Where an application for a grant is approved but it subsequently appears to the Council that the applicant was not, at the time the application was approved, entitled to a grant of that description, the Council may demand that any grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the Council may determine, but generally within a twelve months.

12.0 Data Protection

All data will be held in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (EU) 2016/679 (GDPR).

The Council may investigate or formally verify any of the information provided in connection with any application for assistance.

In order to progress an application it may be necessary to share information provided with internally with other services or other organisations that may assist with the grant process. These may include:

- City of Lincoln Council – Revenues & Benefits, Planning & Building Control
- Lincolnshire County Council – Adult Social Care or Children’s Services
- Lincolnshire Home Independence Agency or other Agencies appointed by applicants
- Relevant Government Departments

The Council is under a duty to protect public funds and may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

The above information will need to be communicated with applicants at the time their personal information is obtained in the form of a Privacy Notice. This is necessary to comply with individual’s ‘Right to be Informed’ in accordance with GDPR.

Safeguards will ensure the security of the data and will comply with Article (1) (f) of the GDPR.

APPENDIX 1 – Individual Scheme Details - February 2018

Table 1 – Summary of Scheme

Type of assistance	Means Test	Local Land Charge	Mandatory/ Discretionary	Key Outcome	Max. Funding
Disabled Facilities Grant (DFG)	Y	Y	Mandatory	Adaptations to enable independent living	£30,000
DFG top-up	Y	Y	Discretionary	Top up of mandatory DFG which exceeds grant limit	£10,000
Disabled Adaptation Assistance Fast – track adaptations	Y	Y	Discretionary	Minor adaptations for those eligible for a DFG without means testing	£10,000
Moving on Assistance	Y	Y	Discretionary	Financial assistance to move to more suitable accommodation	£10,000
Hospital Discharge Assistance	N	Y	Discretionary	Prevent delayed transfers of care associated with housing disrepair or access issues	£10,000
Safe, Warm and Well	Y	Y	Discretionary	Minor essential repairs to make homes safe for vulnerable owner occupiers	£10,000
Gas Central Heating Scheme	Y	N	Discretionary	To provide a gas central heating system of suitable design and installation for owner occupiers who are either vulnerable or suffer a health condition exacerbated by cold.	£8,000
Emergency Housing Grant Scheme (Winter)	Y	N	Discretionary	To enable owner occupiers to manage the immediate repairs which are giving rise to conditions which directly impact upon health.	£2,000

Type of assistance	Means Test	Local Land Charge	Mandatory/ Discretionary	Key Outcome	Max. Funding
Dementia Aids and Adaptations	N	N	Discretionary	Enable people with a diagnosis of dementia to manage their surroundings and retain their independence.	£750
Sanctuary Scheme	N	N	Discretionary	This assistance will provide an occupier who are at risk of domestic abuse to improve the security arrangements of their home.	£400

DRAFT

1. Mandatory Disabled Facilities Grants

Purpose: Local housing authorities have a statutory duty to provide grant aid to disabled people to undertake a range of adaptations to their homes.

Mandatory disabled facilities grants will be administered in accordance with the provisions of the Housing Grants, Construction and Regeneration Act 1996. The following provides a summary of these provisions, but should be read in conjunction with the full Act.

Maximum amount: The maximum amount is £30,000.

Applicant eligibility: There is no age restriction for this grant. All applicants must be eligible under the Act and there is no age restrictions. Applications must be supported by a recommendation from an Occupational Therapist confirming that the person is disabled for the purposes of the Act and that the proposed works are necessary and appropriate to meet the needs of the disabled person.

Eligible works: The relevant works must be necessary and appropriate to meet the needs of the disabled occupant and it must be reasonable and practicable to carry out the works having regard to the age and condition of the property. The purposes for which a grant must be given are detailed in section 23 of the Housing Grants Construction and Regeneration Act 1996. Any associated fees e.g. technical surveys, obtaining proof of title etc. will be included in the total assistance amount.

Financial assessment: The grant is subject to a formal means test in accordance with the Housing Renewal Grants Regulations 1996 to determine the customer's contribution towards the cost of the works. Eligible works for a child will not be subject to a formal means test. The maximum grant including any contribution must not exceed £30,000.

Application: Applications must be made on the relevant form and supported by a referral from an Occupational Therapist. The Council will consult the Social Services Authority on all applications.

Applications may be made by owner occupiers, private tenants and Registered Providers of Social Housing (excluding City of Lincoln Council Tenants – who may be eligible separately for an aids and adaptations works via the Council as their landlord). In the case of tenants, the landlord may make an application on their behalf.

The Council will normally appoint a contractor, however, where the applicant chooses to use their own contractor, a minimum of two estimates must be submitted with the application.

Works must not commence until formal approval of the grant has been received by the applicant.

Payment:

Payment will be made directly to the contractor upon satisfactory completion of the eligible works and approval of invoices. In some instances payments may be made in instalments and the balance (no less than 10% of the total cost of the eligible works) paid on satisfactory completion.

The applicant must agree and sign that they are satisfied with the quality of the work prior to payment. If the applicant refuses, the Council will inspect the work and if it believes it is of sufficiently good standard the payment will be made.

Conditions:

Written consent from owner(s) of property must be obtained prior to works commencing.

The Council may remove items of equipment e.g. modular ramps and stair lifts from the property for re-use when they are no longer required by the disabled person. This will be considered on a case by case basis dependent on the age and condition of the item. Where the items are not considered appropriate for re-use it will be the responsibility of the householder/property owner to remove any items at their own cost.

Where the Council provides funding in excess of £5,000 that creates additional living space e.g. an extension or conversion of a garage or outbuilding, and where the applicant has an owner's interest in the property, this will be registered as a local land charge against the adapted property, subject to a maximum of £10,000. If the property is disposed of within 10 years of the completion of the works (as determined by the Council), re-payment of the amount will be required.

The Council will not pay for any additional works carried out without prior approval.

All works must be completed within 12 months of approval.

2. Top Up of Mandatory Disabled Facilities Grant

Purpose: To provide discretionary financial assistance to a disabled person who qualifies for a mandatory disabled facilities grant where the cost of the eligible works exceeds the mandatory grant maximum of £30,000.

Maximum amount: The maximum top up is £10,000.

Applicant eligibility: There is no age restriction for this grant. Applicants must have an owner's interest in the property and the disabled person (if different) must qualify for a mandatory disabled facilities grant where the value of the eligible works (including the client contribution and any fees if applicable) exceeds the mandatory grant maximum. However, Applicants who are in receipt of the discretionary 'Moving on assistance' grant will not be eligible for this grant.

Eligible works: Works funded by the top up must be eligible works which are necessary and appropriate to meet the disabled person's needs as defined by the Housing Grants Construction and Regeneration Act 1996.

Financial assessment: The top up will be subject to a formal means test using the prescribed test of resources applicable to mandatory disabled facilities grants. Where the disabled person is a child, the parents/guardians will be means tested.

Applications: Applications will be considered alongside an application for a mandatory disabled facilities grant.

Payment: The discretionary top up will be paid as an additional amount to the mandatory disabled facilities grant under the same payment conditions.

Conditions: The amount of the discretionary top up will be secured by attaching a local land charge on the adapted property. If the property is disposed of within 10 years of the completion of the works (as determined by the Council), re-payment of the amount will be required.

Works must not commence until formal approval of the discretionary assistance and mandatory grant have been received by the applicant.

3. Discretionary Disabled Adaptations Assistance

- Purpose:** To provide discretionary financial assistance for disabled occupants who do not have the financial resources to pay for necessary adaptations to help support them to remain independent in their home. The discretionary assistance will fund minor works for those eligible for a mandatory disabled facilities grant.
- Maximum amount:** The maximum amount of assistance is £10,000.
- Applicant eligibility:** There is no age restriction for this grant. The disabled occupant must be eligible under the provisions of the Housing Grants Construction and Regeneration Act 1996. Applications must be supported by a referral from a Lincolnshire County Council Occupational Therapist.
- Eligible works:** The relevant works must be necessary and appropriate to meet the needs of the disabled occupant and it must be reasonable and practicable to carry out the works having regard to the age and condition of the property. The purposes for which a grant may be given are those detailed in section 23 of the Housing Grants Construction and Regeneration Act 1996. Any associated fees e.g. technical surveys, obtaining proof of title etc. will be included in the total assistance amount.
- Financial assessment:** There will be no formal means testing. The following criteria will be applied:-
- Less than £16,000 capital, savings and investments
 - Then either for single income no more than £13,400 per annum
 - Couple with or without children and single with children then income for customer and partner combined of no more than £20,000 per annum
- The applicant will self-declare income & saving levels.
- Payment:** Payment will be made directly to the contractor upon satisfactory completion of the eligible works and approval of invoices. The applicant must agree and sign that they are satisfied with the quality of the work prior to payment. If the applicant refuses, the Council will inspect the

work and if it believes it is of sufficiently good standard the payment will be made.

Conditions:

Written consent from owner(s) of property must be obtained prior to works commencing.

The applicant will self-declare income & saving levels.

The Council may remove items of equipment e.g. modular ramps and stair lifts from the property when they are no longer required by the disabled person for re-use. This will be considered on a case by case basis dependent on the age and condition of the item. Where the items are not considered appropriate for re-use it will be the responsibility of the householder/property owner to remove any such items at their own cost.

Only one application for discretionary assistance will be considered in any 12 month period (taken from date of approval).

Where the applicant has an owner's interest in the property, the amount of the discretionary funding will be secured by attaching a local land charge on the adapted property. If the property is disposed of within 10 years of the completion of the works (as determined by the Council), repayment of the amount will be required.

The Council will not pay for any additional works carried out without prior approval.

Where the discretionary funding is no longer available, applications will be considered under the provisions of a mandatory disabled facilities grant.

4. Moving on Assistance

Purpose: This discretionary assistance enables disabled people who would be eligible for a mandatory disabled facilities grant to move to more suitable accommodation, where it is considered more appropriate than providing funding through a mandatory disabled facilities grant to adapt their existing home.

Maximum amount: The maximum amount is £10,000 and may be used in conjunction with a mandatory disabled facilities grant to undertake eligible works to the new property.

Applicant eligibility: There is no age restriction for this grant. Any disabled person who would be eligible for adaptation works under a mandatory disabled facilities grant.

Qualifying criteria: A referral for adaptation of the existing property must have been received from an Occupational Therapist.

In the Council's opinion, the existing property must be unsuitable for adaptation, in that it is not reasonably and practicably capable of being adapted to meet the needs of the disabled person.

The applicant must have or propose to have an owner's interest in new property. The existing and new properties must be within City of Lincoln Council's area, and be the permanent, main residence of the disabled occupant.

In the opinion of the Council and in conjunction with the Occupational Therapist, the new property must be considered suitable for the needs of the disabled person or must be reasonably and practicably capable of being adapted to meet the needs of the disabled person.

The assistance can be used for the following eligible costs:

- Legal and ancillary fees
- Estate agent fees
- Removal costs

Financial assessment: The assistance is subject to the prescribed test of resources applicable to mandatory disabled facilities grants. Where the disabled person is a child, the parents/legal guardians will be means tested.

Payment: Payment will be made to the applicant's solicitor on exchange of contract so that funding is available for completion. Evidence of the fees will be required prior to payment.

Conditions: This discretionary assistance may only be awarded once.

Where an award has been made under this policy and prior to the exchange of contracts and the disabled person is no longer able to relocate to the new property e.g. they have moved into permanent care or deceased, the Council may decide to pay all, some or none of the assistance.

The amount of the discretionary funding will be secured by attaching a local land charge on the new property. If the property is disposed of within 10 years of the completion of the purchase (as determined by the Council), re-payment of the amount will be required.

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5. Hospital Discharge Assistance

- Purpose:** This assistance is for people in hospital whose discharge is delayed due to the condition of their home. The assistance may fund urgent adaptations that allow access in and around the person's home by providing stair lifts or ramps. Other minor works which are needed to facilitate their discharge from hospital will also be considered e.g. one off clearance of hoarded properties and works to heating systems.
- Maximum amount:** The maximum grant is £10,000
- Applicant eligibility:** The applicant must be in hospital and their discharge delayed.
- The application must be accompanied by a referral from a hospital Occupational Therapist or other suitably qualified professional confirming the urgent works that are required to the home to enable discharge.
- The property subject to the application must normally be occupied by the applicant on a permanent basis.
- Eligible works:** Eligible works can include, but not exclusively and works will be determined on a case by case basis which will facilitate the hospital discharge:
- Stair lifts
 - Ramps and door widening to the essential doorways
 - Heating repairs or improvements
 - Clearance and one off deep clean of hoarded goods
- Financial assessment:** This assistance is not subject to a means test.
- Payment:** The Council will appoint contractors to undertake the work and will pay them directly on production of satisfactory invoices. The applicant must agree and sign that they are satisfied with the quality of the work prior to payment. If the applicant refuses, the Council will inspect the work and if it believes it is of sufficiently good standard the payment will be made.

Conditions: Written consent from owner(s) of property should be obtained prior to works commencing, however if no structural works are being undertaken this will not be necessary, e.g. cleaning a property.

If the cost of the works exceeds the maximum financial assistance the Council will liaise with the Occupational Therapist and/or relevant professionals to determine the priority works.

The Council will not pay for any additional works carried out without prior approval.

Where the applicant has an owner's interest in the property, the amount of the discretionary funding will be secured by attaching a local land charge on the adapted property. If the property is disposed of within 10 years of the completion of the works (as determined by the Council), repayment of the amount will be required. This will be reduced by 10% for each complete year.

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6. Safe, Warm and Well

Purpose: This assistance is for owner occupiers over the age of 65, or those with chronic or severe health conditions affected by poor housing conditions who need to undertake essential repairs to their home in order to remain safe and healthy.

Maximum amount: The maximum amount is £10,000.

Applicant eligibility: The applicant must be an owner occupier or private tenant with a full repairing responsibility.

The applicant or a family member living with them must be an occupier over the age of 65 or have a chronic or severe condition exacerbated by the cold or poor housing conditions. Evidence of the condition will be required e.g. letter/referral from a General Practitioner or other relevant health professional. Examples of relevant conditions include:

- Arthritis (osteo and rheumatoid, requiring regular treatment and review)
- Cardiovascular disease (for example heart disease or stroke)
- Respiratory disease (for example chronic bronchitis, severe asthma, emphysema or chronic obstructive pulmonary disease)

Eligible works: Essential repairs are determined as a Category 1 (serious) or significant Category 2 (other) hazards as determined by the Housing Act 2004, which affects the ability of the property to be safe, wind and weather proof. Examples of works may include:

- Heating repairs or replacement
- Works to prevent falls
- Roof repairs

Any associated fees e.g. technical surveys, obtaining proof of title etc. will be included in the total assistance amount.

All properties will be subject to inspection and assessment by the Council or its agent.

Financial assessment: There will be no formal means testing. The following criteria will be applied:-
Less than £16,000 capital, savings and investments

Then either for single income no more than £13,400 per annum

Couple with or without children and single with children then income for customer and partner combined of no more than £20,000 per annum

The applicant will self-declare income & saving levels.

Payment: The Council will appoint a contractor to undertake the eligible works. Payment will be made directly to the contractor upon satisfactory completion of the eligible works and approval of invoices. The applicant must agree and sign that they are satisfied with the quality of the work prior to payment. If the applicant refuses, the Council will inspect the work and if it believes it is of sufficiently good standard the payment will be made.

Conditions: The applicant must have lived in the property for a minimum of 12 months as their main residence. Written consent from owner(s) of property must be obtained prior to works commencing.

The applicant will self-declare income & saving levels.

Only one application for assistance will be considered within any 3 year period (further applications may be considered at the discretion of the Service Manager, Environmental Health in exceptional circumstances).

The Council will not consider applications in respect of dwellings which have been built or converted less than 10 years from the date of application.

Where works beyond the maximum assistance value are identified, the assistance will be prioritised based upon the hazard score and circumstances of the applicant. Works must be reasonable and practicable having regard to the age and condition of the property.

The amount of the discretionary funding will be secured by attaching a local land charge on the new property. If the property is disposed of within 10 years of the completion of the works (as determined by the Council), re-payment of the amount will be required.

The Council will not pay for any additional works carried out without prior approval.

7. Gas Central Heating Scheme

Purpose: The scheme will provide a Gas Central heating system of suitable design and installation a homeowner with vulnerable occupiers, where previously there has been no such system, or where the existing system, in the opinion of the contractor/surveyor, cannot be effectively repaired at reasonable cost or where it has been condemned by a suitable competent person.

Maximum amount: The maximum amount is £8,000.

Applicant eligibility: The applicant must be an owner occupier. The property must have an EPC rating of D or below.

The applicant must be over the age of 65 or the property have children 14 years or under or have an occupier with a chronic or severe condition exacerbated by the cold or poor housing conditions. Declaration of the condition will be required. Examples of relevant conditions include:

- Arthritis (osteo and rheumatoid, requiring regular treatment and review)
- Cardiovascular disease (for example heart disease or stroke)
- Respiratory disease (for example chronic bronchitis, severe asthma, emphysema or chronic obstructive pulmonary disease)

Eligible works: Due to the possible vulnerable nature of the recipients of the scheme it is proposed that the scheme will be a one stop shop that caters for but not limited to:

- Design and Installation and first annual service of a whole house Gas Central Heating System to meet the needs of the home owner/occupier
- Associated electrical check and upgrade to comply with Building Regulations and Manufacturer's instructions
- Associated building work/Access as required
- Where necessary the Moving/Storage of furniture, removal and relaying of carpets
- Where disturbed the making good of internal decoration in line with the works carried out

No alternative to a gas fueled Central Heating system will be considered.

Any associated fees e.g. technical surveys, obtaining proof of title etc. will be included in the total assistance amount.

All properties will be subject to inspection and assessment by the Council or its agent.

Financial
assessment:

There will be no formal means testing. The following criteria will be applied:-

Less than £16,000 capital, savings and investments

Then either for single income no more than £13,400 per annum

Couple with or without children and single with children then income for customer and partner combined of no more than £20,000 per annum

The applicant will self-declare income & saving levels.

Payment:

The Council will appoint a contractor to undertake the eligible works. Payment will be made directly to the contractor upon satisfactory completion of the eligible works and approval of invoices. The applicant must agree and sign that they are satisfied with the quality of the work prior to payment. If the applicant refuses, the Council will inspect the work and if it believes it is of sufficiently good standard the payment will be made.

Conditions:

The applicant must have lived in the property for a minimum of 12 months as their main residence.

The applicant will self-declare income & saving levels.

Owner's written consent for the works to be carried out at the property will be obtained prior to works commencing on site

The Council will not pay for any additional works carried out without prior approval.

8. Emergency Housing Grant Scheme (Winter)

- Purpose:** This assistance will provide immediate assistance to owner occupiers where works are needed to make the dwelling wind and weatherproof or to reduce a hazard.
- Maximum amount:** The maximum funding is £2,000, except for houseboats and caravans where the limit is £750
- Applicant eligibility:** The applicant shall have an “owner’s interest” in the dwelling subject to the application, unless they are a lifelong tenant.
No application will be considered where the applicant has lived in and owned the dwelling for a period of less than 5 years from the day of the application. However, where the applicant’s circumstances have changed since acquiring the dwelling then the Council may decide to set aside the 5 year requirement in cases of hardship.
- Eligible works:** Works eligible for assistance will be at the discretion of the council. As a general condition the works should help remedy defects or deficiencies which have a direct impact upon health. The purpose of the works will be to secure an immediate remedy and not necessarily for reducing long term maintenance costs. Building regulation or legitimate project management fees may be included (within the grant maximum).
- Financial assessment:** Grant aid is targeted to people who cannot afford to repair their own homes. There will be no formal means testing.
- Payment:** The Council will appoint a contractor or work with a third party to undertake the eligible works. One estimate of the cost of the works is required. Payment will be made directly to the contractor upon satisfactory completion of the eligible works and approval of invoices.
- Conditions:** It must be reasonable and practicable to undertake the works.
- No requirement is made for the written consent of all joint owners as a condition of grant approval.
- The applicant is not required to enter into a deed agreement with the Council.

All works must be completed within 3 months of the grant being approved.

There are no grant conditions concerning future occupation and repayment.

If the owner disposes of the property after the completion of the works there is no obligation to repay the grant.

Where an applicant makes more than one application for a grant in respect of the same dwelling then it will not be accepted unless the period between the completion of the previous grant and the application for the succeeding grant is at least 9 months.

No more than 2 applications will be accepted from the same applicant in respect of one address in any 5 year period.

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9. Dementia Aids and Adaptations

Purpose: This assistance will provide aids and adaptations in the home designed to enable people with a diagnosis of dementia to manage their surroundings and retain their independence.

Maximum amount: The maximum funding is £750

Applicant eligibility: Applicants must be owner occupiers or private tenants with a clinical diagnosis of dementia and referred by a General Practitioner, Dementia Support worker or other relevant health professional, confirming the works which are necessary and appropriate to support them to retain their independence.

Eligible works: The Council will work with the relevant health professional to determine appropriate works on a case by case basis. This may include: contrasting coloured hand rails, thermostatic taps, lighting and door signage etc.

Financial assessment: This assistance is not subject to a means test

Payment: The Council will appoint a contractor or work with a third party to undertake the eligible works. Payment will be made directly to the contractor upon satisfactory completion of the eligible works and approval of invoices.

Conditions: It must be reasonable and practicable to undertake the works.

All works must relate to the applicants dementia needs and assist them to remain in their home independently for a longer period.

Only one application will be considered within any 3 year period.

10. Sanctuary Scheme

- Purpose:** This assistance will provide an occupier who are at risk of domestic abuse to improve the security arrangements of their home.
- Maximum amount:** The maximum funding is up to £400
- Applicant eligibility:** Where an appropriate officer of the Council is satisfied that one or more persons has suffered from, or is threatened by domestic abuse.
- Eligible works:** The assistance provided will be in the form of security measures, such as, door and window locks, security lighting
- Financial assessment:** This assistance is not subject to a means test.
- Payment:** The Council will appoint a contractor or work with a third party to undertake the eligible works. Payment will be made directly to the contractor upon satisfactory completion of the eligible works and approval of invoices.
- Conditions:** It must be reasonable and practicable to undertake the works.

Equality with Human Rights Analysis Toolkit



The Equality Act 2010 and Human Rights Act 1998 require us to consider the impact of our policies and practices in respect of equality and human rights.

We should consider potential impact before any decisions are made or policies or practices are implemented. This analysis toolkit provides the template to ensure you consider all aspects and have a written record that you have done this.

If you need any guidance or assistance completing your Equality and Human Rights Analysis contact:
Heather Grover, Principal Policy Officer on (87)3326; email: heather.grover@lincoln.gov.uk . Alternatively contact Legal Services on (87)3840

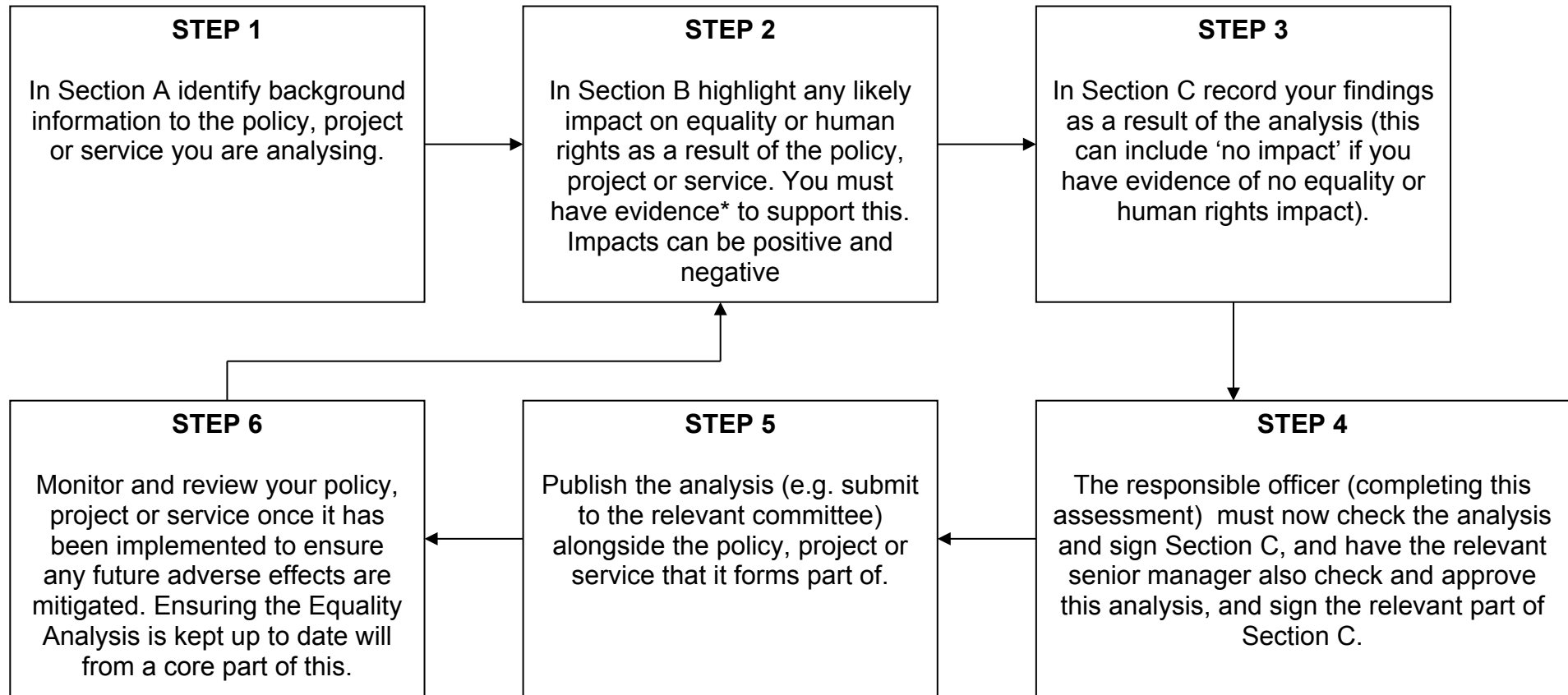
A diagram of the process you should follow is on page 2, and glossary and guidance to help you complete the toolkit can be found on pages 6-9.

Even after your policy, project or service has been implemented; it is recommended that analysis is undertaken every three years, and that this analysis is updated at any significant points in between. The purpose of any update is that the actual effects will only be known after the implementation of your policy, project or service. Additionally, area demographics could change, leading to different needs, alternative provision can become available, or new options to reduce an adverse effect could become apparent.

Useful questions to consider when completing this toolkit

1. What is the current situation?
2. What are the drivers for change?
3. What difference will the proposal make?
4. What are the assumptions about the benefits?
5. How are you testing your assumptions about the benefits?
6. What are the assumptions about any adverse impacts?
7. How are you testing your assumptions about adverse impacts?
8. Who are the stakeholders and how will they be affected?
9. How are you assessing the risks and minimising the adverse impacts?
10. What changes will the Council need to make as a result of introducing this policy / project / service / change?
11. How will you undertake evaluation once the changes have been implemented?

STEP BY STEP GUIDE TO EQUALITY ANALYSIS



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*** Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies**

SECTION A

Name of policy / project / service	Private Housing Health Assistance Policy 2018 – 2022
Background and aims of policy / project / service at outset	All local housing authorities are granted the power to provide “housing assistance”, and directed housing assistance can help achieve corporate aims. Lincoln’s current Housing Assistance Policy was adopted by the Council on 25 June 2007, amended on 10 March 2008 and again on the 31 March 2008. On 2 March 2015 it was suspended. The proposed refocused policy will provide greatly flexibility to the Council to provide assistance schemes which help people meet their needs without firstly going through the full Disabled Facilities Grant process, which can be lengthy and complex, in particular removing the rigorous formal means testing element. Secondly, considering wider health determinants other than disability, which can be made worse by housing conditions, for example the Council may consider the health impacts of housing conditions on vulnerable owner occupiers and consider schemes to undertake minor repairs to make homes safe and healthy or other preventative schemes which stop or delay conditions becoming worse.
Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis	Hannah Cann Private Housing Team Leader
Key people involved <i>i.e. decision-makers, staff implementing it</i>	Private Housing Team

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SECTION B

This is to be completed and reviewed as policy / project / service development progresses

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this?*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age	Y			The provision of grant aid for owner occupiers will benefit all age groups. For the period April 2016 to March 2017 78 grants were approved, 14 were children, 30 were in the age range of 19 to 64 and 34 were over 65.	Yes/No/NA	
Disability including carers (see Glossary)	Y			There are a range of schemes available under the policy, the mandatory Disabled Facilities grant is there to enable independent living. A number of the discretionary schemes will assist private homeowners and seek to reduce accident risk by funding essential works in their homes, it has a straightforward application process, and will not negatively impact disabled persons.	Yes/No/NA	
Gender re-assignment			Y	The provision of grant aid is gender neutral	Yes/No/NA	
Pregnancy and maternity			Y	The criteria for grant aid are based on property condition and income and there is no impact on pregnancy or maternity. There is a positive impact on low income families by providing a range of schemes that will help the vulnerable or those with a health condition carry out essential repairs that they could not otherwise afford.	Yes/No/NA	
Race			Y	The provision of grant aid is equal for all racial groups. The application forms are not complex for someone who does not have English as a first language and assistance	Yes/No/NA	

				can be given in completing the application.		
Religion or belief			Y	There is no particular effect on any religious or belief group.	Yes/No/NA	
Sex			Y	The provision of grant aid is equal for people regardless of sex.	Yes/No/NA	
Sexual orientation			Y	There is no effect on persons of different sexual orientations and this is not considered in the application for grant aid.	Yes/No/NA	
Marriage/civil partnership			Y	The means test is simple based on household income and the provision of grant aid does not significantly affect any person based on their marital status.	Yes/No/NA	
Human Rights (see page 8) 47	Y			Respect for your private and family life, home and correspondence – the grant schemes have eligibility criteria and works to properties are not undertaken without the permission of the owner occupier or owner and helps people on low incomes with health conditions to stay in their own homes.	Yes/No/NA	

- Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
Age range of persons likely to benefit from Minor Works Grant	N	

SECTION C
Decision Point - Outcome of Assessment so far:

Based on the information in section B, what is the decision of the responsible officer (please select one option below):

- | | |
|---|------------------|
| | Tick here |
| • No equality or human right Impact (your analysis shows there is no impact) - sign assessment below | [] |
| • No major change required (your analysis shows no potential for unlawful discrimination, harassment)- sign assessment below | [X] |
| • Adverse Impact but continue (record objective justification for continuing despite the impact)-complete sections below | [] |
| • Adjust the policy (Change the proposal to mitigate potential effect) -progress below only AFTER changes made | [] |
| • Put Policy on hold (seek advice from the Policy Unit as adverse effects can't be justified or mitigated) -STOP progress | [] |

Conclusion of Equality Analysis (describe objective justification for continuing)	
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When and how will you review and measure the impact after implementation?*	An annual review will be undertaken and will consider the demographic of those that have benefited from grant assistance.
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Checked and approved by responsible officer(s) (Sign and Print Name)	Sara Boothright – Environmental Health & Corporate Safety Manager	Date	5 March 2018
Checked and approved by Assistant Director (Sign and Print Name)	Simon Colburn – AD for Health & Environment	Date	5 March 2018

When completed, please send to policy@lincoln.gov.uk and include in Committee Reports which are to be sent to the relevant officer in Democratic Services

The Equality and Human Rights Commission guidance to the Public Sector Equality Duty is available via: www.equalityhumanrights.com/new-public-sector-equality-duty-guidance/

City of Lincoln Council Equality and Human Rights Analysis Toolkit: Glossary of Terms

Adult at Risk - an adult at risk is a person aged 18 years or over who is or may be in need of community care services by reason of mental health, age or illness, and who is or may be unable to take care of themselves, or protect themselves against significant harm or exploitation.

Adverse Impact. Identified where the Council's operations has a less favourable effect on one or more groups covered by the Equality Act 2010 than it has on other groups (or a section of a group)

Carer - see also disability by association. A carer is a person who is unpaid and looks after or supports someone else who needs help with their day-to-day life, because of their age, long-term illness, disability, mental health problems, substance misuse

Disability by association. Non disabled people are also protected from discrimination by association to a disabled person. This might be a friend, partner, colleague or relative. This applies to carers who have a caring responsibility to a disabled person.

Differential Impact. Identified where a policy or practice affects a given group or groups in a different way to other groups. Unlike adverse impact, differential impact can be positive or negative.

Disability. It is defined under the Equality Act 2010 as 'having a physical or mental impairment which has a substantial and adverse long term effect on a person's ability to carry out normal day to day activities'.

Physical impairment is a condition affecting the body, perhaps through sight or hearing loss, a mobility difficulty or a health condition.

Mental impairment is a condition affecting 'mental functioning', for example a learning disability or mental health condition such as manic depression

Diversity. Diversity is about respecting and valuing the differences between people. It is also recognising and understanding the mix of people and communities who use services and their different needs.

Discrimination. Discrimination has been defined as 'the unequal treatment of individuals or groups based onless because of a protected characteristic – see protected characteristic. This includes discrimination by association, perception, direct and indirect discrimination.

Example of discrimination: An employer does not offer a training opportunity to an older member of staff because they assume that they would not be interested, and the opportunity is given to a younger worker

Equality. The right of different groups of people to have a similar social position and receive the same treatment:

Equality Analysis. This is a detailed and systematic analysis of how a policy, practice, procedure or service potentially or actually has differential impact on people of different Protected Characteristics

Equality Objectives. There are specific strategic objectives in the area of equalities and should set out what services are seeking to achieve in each area of service in terms of Equality.

Equality of Opportunity. Equality of opportunity or equality opportunities may be defined as ensuring that everyone is entitled to freedom from discrimination. There are two main types of equality encompassed in equal opportunities:

1. Equality of treatment is concerned with treating everyone the same. Thus, in an organisational context it recognises that institutional discrimination may exist in the form of unfair procedures and practices that favour those with some personal attributes, over others without them. The task of equal opportunities is therefore concerned with the elimination of these barriers.

2. Equality of outcome focuses on policies that either have an equal impact on different groups or intend the same outcomes for different groups.

Evidence. Information or data that shows proof of the impact or non impact - evidence may include consultations, documented discussions, complaints, surveys, usage data, and customer and employee feedback.

Foster good relations. This is explicitly linked to tackling prejudice and promoting understanding.

General Equality Duty. The public sector equality duty on a public authority when carrying out its functions to have 'due regard' to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

Gender reassignment. The process of changing or transitioning from one gender to another – for example male to trans-female or female.

Harassment. This is unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile,

intimidating or offensive environment.

Human Rights – Human rights are the basic rights and freedoms that belong to every person in the world - **see below**

Marriage and Civil Partnership. Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. Single people are not protected. Discrimination on grounds of marriage or civil partnership is prohibited under the Act. The prohibition applies only in relation to employment and not the provision of goods and services.

Pregnancy and Maternity. Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Protected Characteristics. These are the grounds upon which discrimination is unlawful. The characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion and belief (including lack of belief)
- Sex/gender
- Marriage and civil partnership
- Pregnancy and maternity
- Sexual orientation

Public functions. These are any act or activity undertaken by a public authority in relation to delivery of a public service or carrying out duties or functions of a public nature e.g. the provision of policing and prison services, healthcare, including residential care of the elderly, government policy making or local authority services.

Race. This refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion or belief. Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Section 11 of the Children Act. This duty is a duty under the Children Act 2004 that requires all agencies with responsibilities towards children to discharge their functions with regard to the need to safeguard and promote the welfare of children. They must also ensure that any body providing services on their behalf must do the same. The purpose of this duty is that agencies give appropriate priority to safeguarding children and share concerns at an early stage to encourage preventative action.

Sex. It refers to whether a person is a man or a woman (of any age).

Sexual Orientation. A person's sexual attraction is towards their own sex; the opposite sex; or to both sexes: *Lesbian, Gay or Bisexual*

Victimisation. Victimisation takes place where one person treats another less favourably because he or she has exercised their legal rights in line with the Equality Act 2010 or helped someone else to do so.

Vulnerable Adult. A Vulnerable Adult is defined as someone over 16 who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself or unable to protect him/herself against significant harm or exploitation'

Human Rights

Human rights are the basic rights and freedoms that belong to every person in the world. They help you to flourish and fulfill your potential through:

- being safe and protected from harm
- being treated fairly and with dignity
- living the life you choose
- taking an active part in your community and wider society.

The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law.

The Act sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- Right to life
- Freedom from torture and inhuman or degrading treatment
- Right to liberty and security
- Freedom from slavery and forced labour
- Right to a fair trial
- No punishment without law
- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association
- Right to marry and start a family
- Protection from discrimination in respect of these these rights and freedoms
- Right to peaceful enjoyment of your property
- Right to education
- Right to participate in free elections

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Many every day decisions taken in the workplace have no human rights implications. However, by understanding human rights properly you are more likely to know when human rights are relevant and when they are not. This should help you make decisions more confidently, and ensure that your decisions are sound and fair.

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48. Empty Homes Strategy

Hannah Cann, Private Housing Team Leader

- a. presented the new Empty Homes Strategy for Lincoln 2017-2022 to deliver the Vision 2020 and Housing Strategy objectives.
- b. advised that as of 1st January 2018 there were 419 long term empty privately owned homes in the City, 104 of these properties had been empty for two or more years.
- c. advised that bringing empty homes back to use offered income opportunities to the council, both through receipt of New Homes Bonus, and the potential to acquire and develop properties for resale or letting.
- d. referred to paragraph 4.2 of the report and highlighted the 4 main aims of the Empty Homes Strategy.
- e. referred to Appendix 5 of the strategy which set out the terms and conditions of the Empty Homes Working Group and advised that the group would identify long term empty homes, in particular those causing a problem, and bring them back to use.
- f. advised that there were resource needs including a capital budget for the acquisition and renovation of empty homes which would be identified on a case by case basis.
- g. referred to the action plan at Appendix 1 of the report and advised that the actions centred around exploring and improving the options available to the Council, on its own or in partnership to encourage and enforce owners to bring their homes back into use, and to acquire, develop and manage or dispose of long term empty homes.
- h. referred to paragraph 6.2 of the report and explained the enforcement powers that would be used to improve the condition of the empty homes and bring them back into use.
- i. invited members' questions and comments.

Question: Had the Council tried to bring empty properties above shops back into use?

Response: Yes where it was viable, there were often fire safety issues for properties above shops as it was shared access.

Question: In cases where a property had been left empty due to someone going to prison would the Council liaise with the Victim Liaison Service before taking enforcement action?

Response: Yes, the process initially would be to engage with the owner and the approach would be adapted depending on the reasons why the property had been left empty.

Question: With reference to The Empty Dwelling Management Order (EDMO) where the Council would take control of the property for up to seven years, what would happen to the property after 7 years?

Response: The property would be let to someone on the housing waiting list with an immediate housing need, it would be made clear to them when they moved in that it would not be a house for life. Part of the action plan at Appendix 1 of the policy was to write operational procedures for EDMOs.

Comment: It was suggested that the membership of the Empty Property Working Group be referenced earlier in the Policy.

Response: Paragraph 4.3 of the policy could be amended to include a list of areas involved in the Empty Property Working Group.

RESOLVED that

1. The Empty Homes Strategy be noted and referred to Executive for approval.
2. The additional financial resources, including a capital fund, needed for CPO and EDMO to be bought back to Executive on a case by case basis to seek authority for the expenditure be noted.

SUBJECT: EMPTY HOMES STRATEGY

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: HANNAH CANN – PRIVATE HOUSING TEAM LEADER

1. Purpose of Report

- 1.1 To propose a new Empty Homes Strategy for Lincoln 2017-2022 to deliver the Vision 2020 and Housing Strategy objectives.

2. Executive Summary

- 2.1 The strategy proposes a change in the focus of the Private Housing Team to target empty home owners much earlier, from 6 months empty, and to prioritise long term empty homes in the Sincil Bank area. The strategy includes ambitious actions to work across council teams and with strategic partners to build a range of voluntary and enforcement solutions to bring many more homes back to use.
- 2.2 As of 1st January 2018 there were 419 long term empty privately owned homes in the City. 104 of these properties had been empty for two years or more.
- 2.3 On 30 September 2017 there were 1681 households on the City of Lincoln Council housing register. 164 of these households are in Band 1, meaning they are homeless or unable to live in the housing that they have.
- 2.4 Long term empty homes have a negative impact on communities, causing a blight to the street scene and attracting antisocial behaviour. In the priority neighbourhood of Sincil Bank, a Community Land Trust is being developed to bring empty homes back to use.
- 2.5 The council and its partner organisations can offer a range of voluntary solutions to empty home owners, including advice and assistance. Where this fails, the council will use its statutory enforcement powers to improve the condition of nuisance empty homes and to bring homes back to use.
- 2.6 Bringing empty homes back to use offers income opportunities to the council, both through receipt of New Homes Bonus, and the potential to acquire and develop properties for resale or letting.

3. Background

- 3.1 Various initiatives have been used in the last few years to reduce the number of long term empty homes. Having a dedicated Empty Homes Officer to offer advice and assistance to owners, the use of statutory enforcement powers, and a government funded lease and repair scheme partnering with a Registered Provider have all been

successful, and the Empty Homes Strategy will build on these successes.

Number of empty homes in Lincoln brought back to use through local authority Intervention 2010/11-2016/17, classified according to action used.

Year	2010/11	2011/12	2012/13	2013/14	2014/5	2015/16	2016/17
Grants	0	0	2	0	1	0	0
Advice	5	15	25	17	15	12	16
Partner / leasing	0	0	1	6	9	0	0
Enforcement	7	8	0	0	0	1	2
Establish ownership	0	0	0	0	0	0	0
Rent Deposit Scheme	0	0	0	0	0	0	1
No. brought back to use	12	23	28	23	25	13	19

- 3.2 The use of empty homes enforcement powers including Empty Dwelling Management Orders, Enforced Sale, and Compulsory Purchase can be developed further to make better use of these initiatives.
- 3.3 Internal and external consultation on the draft strategy has included members of Empty Property Working Group and the Sincil Bank Homes Working Group. Support has been received from the Lincolnshire County Council member for Park division, subject to budget availability. The Facilitator of the Lincolnshire Community Land Trust has fed back with interest in disposals of empty homes to a Registered Provider or Community Land Trust. Concerns were raised by Council Tax about Human Rights regarding empty homes, Reinforcing that action should be focussed on those homes causing a nuisance or where priorities such as area action strengthen the public interest test.

4. Main Body of Report

- 4.1 The Housing Strategy under the Vision 2020 corporate plan identifies two targets around empty homes:
- An annual target to *“Bring 50 empty homes back through council intervention.”*
 - To *“Develop action plans for all homes over 2 years to enable/support it being brought back into use”*

These aspirational targets will require the council to work differently to before, targeting empty home owners at an earlier stage and using new tools and powers.

- 4.2 The Empty Homes Strategy identifies 4 main aims:
- AIM 1. The council will do all within its means to identify and return to use long term empty homes
- AIM 2. No residential property shall be empty longer than 2 years without a clear and defined plan to return it to use.
- AIM 3. Reducing the impact of empty homes on their way to re-occupation
- AIM 4. There will be effective communication with individuals and groups affected by long term empty homes
- 4.3 The council’s Empty Homes Officer will work with other departments in the council through the Empty Property Working Group, to identify long term empty homes, in particular those causing a problem, and bring them back to use. The membership and

terms of reference of the group are outlined in appendix 5 of the strategy.

- 4.4 There will be resource needs including a capital budget for the acquisition and renovation of empty homes which will be identified on a case by case basis. Staff resources will be needed in the private housing team in addition to the shared empty homes officer, which may be difficult to resource due to conflicting enforcement priorities.
- 4.5 The council has a range of tools and powers available including voluntary and enforcement options. These involve teams from across the council and some of the options will involve building effective partnerships with external organisations. These tools and powers will be further explored and developed and barriers to their use challenged.
- 4.6 The council will do more to build partnerships with the Community Land Trust and other strategic partners, and improve links between the private housing team and our Housing investment and management teams, working together to bring empty homes back to use to regenerate Sincil Bank and reduce homelessness.
- 4.7 An action plan appended to the Strategy covers the first two years. These actions centre around exploring and improving the options available to the council, on its own or in partnership, to encourage and enforce owners to bring their homes back to use, and to acquire, develop and manage or dispose of long term empty homes.
- 4.8 Delivery against the strategy will be evaluated and reported through IMPS and the Empty Property Working Group

5. Strategic Priorities

- 5.1 Let's drive economic growth
Resources will be targeted to tackle empty homes in the Sincil Bank priority neighbourhood as part of the wider regeneration of this area of the City.
- 5.2 Let's reduce inequality
The council will explore community led approaches to empty homes, working with the Community Land Trust in Sincil Bank to consider models to bring empty homes back to use that offer employment and skills training.
- 5.3 Let's deliver quality housing
The strategy will deliver against the objective to bring empty homes back to use, developing schemes to ensure that the number of empty homes does not increase and completing action plans for all homes over two years empty.

Securing the renovation and occupation of empty homes makes use of a wasted housing resource, providing quality private sector housing. There are opportunities for empty homes to be used to provide units of temporary or permanent housing through acquisition or EDMOs, using private sector housing to reduce homelessness.

- 5.4 Let's enhance our remarkable place
Long term empty homes are targets for crime and antisocial behaviour including fly-tipping, drug-taking, metal theft and vandalism, becoming a blight to the local street scene. Effective use of the council's enforcement powers to tidy up and bring back to use these empty homes will improve the visual amenity.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

The capital resource need can be illustrated as follows.

- Where a property is acquired through CPO then the market value plus compensation has to be paid to the owner, and surveying and legal costs are incurred. A notional Compulsory Purchase Order budget would be at least £130,000 per building, not including renovation costs. Requirements for CPO budgets will be brought back to the committee on a case by case basis. There is no capital resource identified for these costs, and each CPO will be subject to a separate report, to outline the capital requirement.
- For leasehold schemes and management orders, a provisional budget of £15,000 per home is needed. If 10 buildings are targeted per year that represents a further £150,000. These budgetary requirements will be brought back to the committee on a case by case basis when the properties suitable for this intervention are identified.
- The legal costs of enforced sale can be recovered from the sale of the subject Property. These legal costs are currently paid by the department leading on the action, either Council Tax or the regulatory service recovering the debt. The legal costs recovered through enforced sale must be paid back into these departmental budgets so that enforced sale action is sustainable.

6.2 Legal Implications including Procurement Rules

There are a range of enforcement powers that will be used to improve the condition of empty homes and ultimately bring them back to use. These are detailed in the Tools and Powers section and Appendix 3 of the Empty Homes Strategy. An increase in use of these powers, particularly CPO, Enforced Sale and EDMO, will require a resource in the legal team, or the use of external legal specialists where required due to a lack of internal capacity.

Where the council intervenes in arranging the renovation works on one or more long term empty homes, if it chooses not to use its direct labour force, a contract will be needed for the works to be carried out. Whether or not these works are arranged on a case by case basis, or properties are bundled into a larger contract, will affect the procurement thresholds.

Procurement of a managing agent may be required for properties subject to an Empty Dwelling Management Order, if these cannot be managed by the council's Housing Department.

6.3 Land, property and accommodation

The options for bringing empty homes back to use include models for the council to acquire properties through compulsory purchase, lease, Empty Dwelling Management Order or voluntary acquisition.

6.4 Human Resources

The increase in focus on long term empty homes, and increased use of formal enforcement powers, will add to the workload of the Housing Standards and Enforcement Officers.

- 6.5 An Equality impact toolkit has been completed by the Private Housing Team Leader, attached.

There are both negative impacts in relation to enforcement, and positive impacts from advice and assistance, on older persons and people with physical and mental disability. The policies and procedures under the strategy are applied equally to all home owners. The vulnerability of the owner is considered before proceeding with enforcement options.

The owner's human rights under Articles 1,6, 8 and 14 of the European Convention are qualified rights and may be interfered with provided such interference is prescribed by law, is pursuant to a legitimate aim, is necessary in a democratic society and is proportionate.

- 6.6 Significant Community Impact

The effects of bringing empty homes back to use are positive for the local community, improving the street scene, reducing ASB and protecting house values. Resources will be targeted towards empty homes in Sincil Bank to contribute to neighbourhood regeneration.

- 6.7 Corporate Health and Safety implications

There are no changes to the current ways of working that have a health and safety Implication.

7. Risk Implications

- 7.1 (i) Options Explored

a. To continue working as before, focusing on the longest empty, worst empty homes, with the same volume of resources, to achieve similar results of around 19 homes per year back to use

b. An aspirational housing strategy for Lincoln, aiming to bring 50 homes per year back to use, increasing resources to target homes from 6 months empty and allocating empty homes enforcement work to the Housing Standards and Enforcement Officers. This is the preferred approach outlined in the strategy.

- 7.2 (ii) Key risks associated with the preferred approach

Staffing

The Empty Homes Officer has left the authority and although the new post holder has been recruited, he cannot start until May 2018 and will require a period of training and development in the role.

Two of the three Housing Standards and Enforcement Officer posts are vacant, one since 2015 and once since September 2017, and the third is due to retire on 6 April 2018. There have been difficulties recruiting to these posts due to the number and quality of applications. The post is now being reviewed and the pay evaluated which is believed will alleviate the recruitment difficulty, but it is not yet known if we will be able to fill all three posts.

The regulations for mandatory licensing of Houses in Multiple Occupation have been changed so that from October 2018, the minimum three storey rule for a property to need a licence will be removed. This will mean that Lincoln needs to licence around 1100 HMOs, a large increase from the current 300, over 5 years. There will be demand nationwide for experienced Housing Standards officers to deal with the increased HMO

licensing, which may make it difficult for us to recruit to these posts.

Work in the private housing team is prioritised and allocated depending on risk. Resources are focussed on high risk enforcement cases such as severe disrepair and overcrowding, on licensing of larger HMOs which may be a fire risk, and on Disabled Facilities Grants to allow vulnerable persons access to and within the home and to bathing / WC facilities. To reallocate the staff resources of the Private Housing Team onto unoccupied premises could result in health and wellbeing risks to occupiers of private sector homes, including vulnerable persons, which is contrary to the statutory HHSRS Enforcement Guidance.

This risk may be mitigated by investing in software systems to streamline the HMO Licensing process and by increasing staff levels in the team, which are being explored currently.

8. Recommendation

- 8.1 To adopt the Empty Homes Strategy, with a review of the action plan to be reported to the committee after 18 months.
- 8.2 To note that there will be additional financial resources, including a capital fund, needed for CPO and EDMO which will be brought back to the committee on a case by case basis.

Is this a key decision?

No

Do the exempt information categories apply?

No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

No

How many appendices does the report contain?

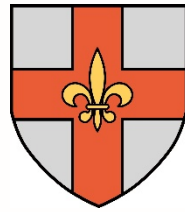
Two – Empty Homes Strategy 2017-22
Equality Analysis toolkit

List of Background Papers:

None

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CITY OF
Lincoln
COUNCIL

Empty Homes Strategy

Implementation of actions under the Lincoln Housing Strategy 2017-22

Let's deliver
quality
housing



Document control

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1. Introduction

- 1.1 The City of Lincoln has a large private housing sector, with 77% of the housing stock (33,205 homes) being either owner occupied or privately rented (BRE Dwelling Level Housing Stock Modelling and Database for City of Lincoln Council, 2014).
- 1.2 Most of the city's long term empty homes are privately owned. As of 1st January 2018 there were 419 long term empty privately owned homes in the City. This figure is taken from council tax data and is the number of residential dwellings which are subject to an exemption, discount or premium on the council tax relevant to the property being unoccupied, showing they have been empty for six months or more.
- 1.3 105, or 25%, of these properties had been empty for two years or more.

The Need for Intervention

- 1.4 As of 1st January 2018, council tax records showed 419 homes were empty for more than six months, representing 1.26% of the private housing stock. This is higher than the 2014 figure of 0.92%, comparing with 0.95% across England and 0.99% in Lincolnshire. This figure does not include properties that are derelict and so deleted from council tax, or those used as second homes.
- 1.5 On 30 September 2017 there were 1681 households on the City of Lincoln Council housing register, with 1050 in Bands 1 to 3 on the Choice Based Lettings system representing those households who are in need of rehousing. 164 of these households are in Band 1, meaning they are homeless or unable to live in the housing that they have for example due to medical need. No specific areas or types of property are identified as a higher need.
- 1.6 The Sincil Bank revitalisation programme has identified an area of Park Ward with high levels of deprivation where community led, area based, targeted improvements are needed. The *Sincil Bank, Revisited area shaping strategy 2017* identifies concentrations of long term empty homes as a depressing blight and wasted resource, as well as an opportunity to provide skills training to young people and the long term unemployed. A Community Land Trust is being developed in the area which aims to take a community led approach to Empty Homes and other housing development for the benefit of the neighbourhood.
- 1.7 New Homes Bonus is a payment made to a local authority equivalent to the annual council tax charge. It is paid for every net addition to the housing stock, and includes homes brought back into use which have been vacant for more than 6 months. The payment is calculated from the average Band D property, and proportioned up or down depending on the actual band. The payment is received each year for 4 years. New Homes Bonus provides an economic benefit to the community of bringing homes back to use by funding local services.
- 1.8 Empty homes present problems to communities and place a strain on public services. They can present a visual blight, and become a focal point for fly tipping, anti-social behaviour and other criminal activities. They can provide harbourage for vermin. Their neglect can cause structural damage to adjoining properties. A water leak can go unnoticed causing extensive damage. Neglect of drainage, roofing and boundary structure can present hazards and dangers to the public. This all places extensive demands on

public services such as the council, Police, Fire and Rescue and local residents.

2. Strategic Background

- 2.1 The City partnered with Boston, East Lindsey, North Kesteven, South Holland and West Lindsey district councils to deliver the Lincolnshire Empty Homes Strategy 2010 to 2013.
- 2.2 The Lincolnshire Empty Homes Strategy had five aims:
- Reduce the number of long term empty homes by district specific targets each year
 - Establish a positive relationship with owners of empty properties to facilitate bringing them back into viable use
 - Increase public and organisational understanding of empty properties across the districts
 - Help to increase the supply of affordable housing, and reduce homelessness
 - Add to the number of good quality, energy efficient properties within each district
- 2.3 Two project officers developed a website, correspondence and advice leaflets, explored enforcement options such as enforced sale, empty dwelling management orders and compulsory purchase, researched the reasons why homes were left empty, and investigated the feasibility of delivering a social lettings agency. The project co-ordinated strategy development, raised the profile of empty homes work in the county, and developed a shared approach to investigation and enforcement.
- 2.4 The City of Lincoln offered grant aid to landlords and first time buyers to bring long term empty homes back into use. These had very limited uptake due to complex criteria, and reduction in mortgage availability in the case of the first time buyer grant.
- 2.5 From 2012 City of Lincoln and North Kesteven District Councils entered into a new partnership, sharing a full time empty property officer. The focus of work in Lincoln was to develop an action plan of assistance and enforcement for properties that had been empty for 2 years or more, and homes empty for shorter periods were investigated if they gave rise to complaint, or targeted if appropriate funding became available.
- 2.6 The 2011 government strategy 'Laying the Foundations, A Housing Strategy for England' identified long term empty homes as a priority. It introduced New Homes Bonus payments for bringing empty homes back into use, provided grant funding from 2012-15 to bring properties back into use mostly as affordable housing through the Homes and Communities Agency (HCA), and allowed councils to introduce an empty homes premium on council tax charges.

3. Previous Initiatives

- 3.1 Actions to bring empty homes back to us have been focussed on those homes empty for two years or longer, to make the best use of limited resources as these homes are considered to have the greatest impact on the community.
- 3.2 The City of Lincoln Council partnered with Waterloo Housing Association to access HCA Empty Homes Programme 2012-15 funding for a lease and repair scheme, which was successful in bringing 15 long term empty homes back to use under 5 to 6 year leases with nomination rights. Homes were selected that required a small amount of renovation work, but a barrier was identified in the unwillingness of mortgage companies to agree to the lease and second charge.
- 3.3 A National Empty Homes Loan Fund was proposed and supported by City of Lincoln, but difficulties in delivery and in particular mortgage criteria led to withdrawal of the national scheme.
- 3.4 The City amended its Council Tax charges from January 2013, replacing a 50% discount for the first six months empty with a full discount for the first two months, full charge from 2 to 24 months, and a 150% charge when a property became two years empty. This financial disincentive to home owners to leave a property empty was effective and from April 2017 the first 2 months discount has been reduced to 50%.
- 3.5 City of Lincoln Council engaged a contractor Capacity Grid to verify council tax information on empty homes, identifying a number of homes that had become occupied and so maximising the new homes bonus paid to the council by government.
- 3.6 Persistent use of the authority's statutory enforcement powers not only reduced the impact of long term empty homes on their environment, but also nudged owners to bring 18 long term empty homes back into use.
- 3.7 The Council's Executive Committee in 2013 approved the making of Compulsory Purchase Orders on two long term empty homes. The threat of CPO pushed one owner to sell privately, and the second case file is now being reviewed, having not been progressed through the legal procedures. Some procedural changes to the use of Compulsory Purchase Order were introduced in the Housing and Planning Act 2016.

- 3.8 Close working relationships between the Empty Homes Officer, council tax recovery officers and legal services brought about enforced sale of two properties by auction and recovery of Council debts for council tax or works in default. However in some cases debts were repaid before the process could be completed, or the new owner failed to bring the empty home back to use. The departmental budget for legal costs was not refreshed from the recovered funds, rendering the enforcement action unsustainable.
- 3.9 Empty Dwelling Management Orders have not been used in Lincoln due to the complexities of engaging a suitable organisation to manage the homes. EDMOs have been used in North Kesteven, and work has been done to identify a pilot with the City's Directorate of Housing and Regeneration managing homes subject to an EDMO.
- 3.10 The following table shows that over the period 2010 to 2017, the most successful tools to bring empty homes in Lincoln back to use have been advice, referral to a partner such as the Waterloo Housing lease and repair scheme, and the use of statutory enforcement powers. The number of empty homes varied from 12 to 28 homes per year with a mean average of 19.

Number of empty homes in Lincoln brought back to use through local authority intervention 2010/11-2016/17, classified according to action used.

Year	2010/11	2011/12	2012/13	2013/14	2014/5	2015/16	2016/17
Grants	0	0	2	0	1	0	0
Advice	5	15	25	17	15	12	16
Partner / leasing	0	0	1	6	9	0	0
Enforcement	7	8	0	0	0	1	2
Establish ownership	0	0	0	0	0	0	0
Rent Deposit Scheme	0	0	0	0	0	0	1
No. brought back to use	12	23	28	23	25	13	19

4.11 The successes that could be built upon were:

- The lease and repair scheme
- The persistent engagement with owners
- The persistent use of enforcement powers
- The use of punitive council tax measures.

The areas which could be improved upon were:

- The use of enforced sale powers
- The delivery of compulsory purchase
- The suitability of grant aid.

The powers yet to be exploited were:

- Empty Dwelling Management Orders.

4. Aims

- 4.1 The Lincoln Housing Strategy 2017-2022 under the Vision 2020 corporate plan "...directly tackles the key issues within Lincoln's housing provision. It ...provide[s] a framework for those endeavouring to build or assist in improving housing conditions in the city."
- 4.2 Homes become vacant as part of the natural cycle of the housing market, whether for sale or between lettings. A policy of "no vacant homes" would be both unreasonable and unrealistic, but the council does not want to tolerate long term empty homes when there is an unmet demand for housing, nor does it want to tolerate the impact that problematic empty homes have on the community.
- 4.3 In the housing strategy's action plan at Outcome 4 there are two agreed actions in respect of empty homes:
- An annual target to *"Bring 50 empty homes back through council intervention."*
 - To *"Develop action plans for all homes over 2 years to enable/support it being brought back into use"*
- 4.4 The purpose of the Empty Homes Strategy is to explore the options available to the Council to enable it to deliver these Lincoln Housing Strategy actions. Four main aims of the Empty Homes Strategy are identified:
- 4.5 **AIM 1. The council will do all within its means to identify and return to use long term empty homes**

The council is committed to reducing the number of homes that are classified as long term empty. The council will assist owners and take appropriate enforcement action in respect of a property empty for any length of time. Officers will engage with owners of homes earlier than they have before, once the home reaches 6 months empty, to find reasons why the property has not been returned to use, to provide support and enable the owner to reach a satisfactory conclusion. As 75% of the long term empty homes have been unoccupied for less than two years, this is a real opportunity to bring a higher number of empty homes back to use.

The council will consider the use of empty private sector housing to meet housing need, considering acquisition and management where appropriate.

Empty commercial property is outside the scope of this strategy.

AIM 2. No residential property shall be empty longer than 2 years without a clear and defined plan to return it to use.

- 4.6 The Council will focus resources on those dwellings that are most likely to present the biggest impact on public disquiet and officer time. Support and enabling will not always work for the most difficult cases. Once a home becomes two years empty, the impact of the empty home will be assessed, and officers will consider the range of tools and powers available to determine the most appropriate course of action to bring the home back to use and avoid long term blight. These powers are outlined in Section 7 of this document.
- 4.7 The council's internal Empty Property Working Group, made up of officers involved in empty homes as outline in appendix 5, will then lead in the development of a clear and defined plan that identifies a legislative or project framework, timescale, and resource needs for the property to be brought back to use. At any one time availability of resources may limit use of some powers, although from time to time they may be supplemented by government or other funding opportunities.

AIM 3. Reducing the impact of empty homes on their way to re-occupation

- 4.8 The long term aim is to return empty homes back to use. During the time that properties are unoccupied they can generate problems for immediate neighbours, the wider community and for statutory agencies. There is a need to deal with those immediate problems.
- 4.9 The powers available include the tidying of land, the removal of hazards, securing of buildings against unauthorised entry, and the eradication of pests. These matters can be co-ordinated through the Empty Property Working Group. This work will be recorded and may be regarded as the capture of 'journey targets' in the progression of a property to full occupation.

AIM 4. There will be effective communication with individuals and groups affected by long term empty homes

- 4.10 Problematic empty properties can be very visual and used by the public as an indicator of how well the council is performing. Many actions may be undertaken but with no obvious progression, sometimes due to limitations on how much information can be shared with complainants regarding individual casework and enforcement. Some empty properties may be unknown to the council and this could be because the full council tax

continues to be paid, but the local community may know the true circumstance.

- 4.11 The authority already utilises its web site to allow members of the public to lodge a complaint, and there is communication with individual complainants. Officers attend the Sincil Bank Homes Working Group to update on Empty Homes. Regular briefings including empty homes are given to the Portfolio Holder for Housing.

5. Implementation and Resources

- 5.1 The Private Housing Team and in particular the Empty Homes Officer will lead on the implementation of this strategy. The team will engage with owners to encourage, advise and assist at an earlier stage than they have done before, once homes are six months empty, with the aim of bringing a larger number of empty homes back to use. Of the 419 long term empty homes in Lincoln, three quarters have been empty for less than two years, and one quarter for two years or longer.
- 5.2 The Empty Homes Officer will exploit existing successes such as informal persuasion and the provision of advice and guidance, partnership working and voluntary leasing.
- 5.3 Once properties are two years empty, or earlier if they are having a significant impact, enforcement options will be considered by the Empty Homes Officer in conjunction with other Council teams whose involvement will be co-ordinated through the work of the Empty Property Working Group. Legal Services, Planning Enforcement, Building Control, Public Protection and Anti-Social Behaviour, Neighbourhood officers and Council Tax are represented in the group, which enables the co-ordinated and consistent use of all of the council's information, resources and enforcement powers to tackle long term empty homes.
- 5.4 Membership, processes and governance of the Empty Property Working Group will be in accordance with the Terms of Reference (appendix 5).
- 5.5 The council will engage more effectively with external services and partners, including but not limited to:
1. Registered providers and Community Land Trusts
 2. Government offices
 3. Homes England
 4. Tracing agents
 5. Practitioner resources such as the Empty Homes charity, the Empty Homes Network, and the East Midlands Empty Property Forum.
 6. Charities and other organisations interested in funding empty homes work
- 6.6 Council officers attend regular meetings of the Sincil Bank Homes Working Group, working with the local community and strategic partners with an area based approach to regeneration of this area of the city, and the council will target its resources to prioritise empty homes in this area. Supporting the newly formed Community Land Trust is an innovative and

community led approach to bring problem empty homes back to use in this priority neighbourhood.

- 6.7 The pathways used to bring an empty home back to use are shown in appendix 2. To achieve the target of returning 50 empty homes to use annually, officers will work with those properties which have been empty for 6-24 months, in addition to the problematic longer term empty homes.
- 6.8 The initial actions required to implement the strategy are outlined in Appendix 1. Further actions will be developed for 2019-22 to take account of the initial options appraisal and implementation actions.

Finance

- 6.9 The capital resource need can be illustrated as follows.
- A notional Compulsory Purchase Order budget would be at least £130,000 per building. If 5 buildings are targeted for CPO per year that represents a figure of £650,000. This does not include any renovation costs.
 - The compulsory purchase budget at 1 April 2017 was £155,835. Where a property is acquired through CPO then the market value plus compensation has to be paid to the owner, or if the owner does not come forward it is held in reserve. There are additional costs associated with the CPO such as surveying and legal costs. The CPO budget will only be partly refreshed through a resale of the acquired property and will need to be topped up to remain viable. For leasehold schemes and management orders whereby the council improves empty homes and recovers the cost from rental income, a provisional budget of £15,000 per home is needed. If 10 buildings are targeted per year that represents a further £150,000. Properties needing major renovation would require a larger budget.
 - The Compulsory Purchase model is outlined in further detail in section 7.
- 6.10 To successfully deliver on projects the Private Housing Team would need the following support from other teams:
- CPOs. Capacity within Legal Services to make sure submissions to the minister are made promptly.
 - Empty Dwelling Management Orders. The support of the Housing and Regeneration Directorate to manage tenancies and refurbishment and maintenance works or to identify a partner organisation.

- Enforced sale. Action by recovery services, with associated Legal resources, to recover debts to the council that accrue in respect of empty homes. A legal budget is needed which should be refreshed from the debt recovered.
- 6.11 There is no specific empty homes budget other than for the Empty Homes Officer post funded jointly with NKDC. Additional funds may be required to carry out specific survey work, to engage consultants, or for legal costs. The increased work needed to target a larger number of homes empty from six months onwards, and to allocate the time of the Housing Standards and Enforcement Officers to follow through with the more complex enforcement actions such as CPO, may lead to a need for additional staff resources in the Private Housing Team which will have a revenue implication.
- 6.12 It may be appropriate to allocate the New Homes Bonus receipts to meet these financial needs. Individual case budgets will be requested through the committee process on a case by case basis.

7. Tools and Powers

- 7.1 The council's Empty Homes Project Officer attempts to engage with the owner of each empty home from 6 months empty, offering advice, assistance and voluntary options for occupation, and assessing the background, condition and impact of each property. At the two years empty stage, or from 6 months empty if complaints are received that an empty home is causing problems, the officer will determine the most appropriate way forward from the following tools and powers, to create an action plan to bring back to use each long term empty home.
- 7.2 The impact of each two-year long empty home is assessed using a scoring matrix. Those properties with the highest scores, together with those in the priority area of Sincil Bank, are those most likely to be identified for enforcement action if the initial options are unsuccessful.

Initial Options

Advice & Guidance

- 7.3 In the first instance, owners will be given advice and assistance on how to bring their property back into use. These options could be renting out the property, selling the property or advice on becoming a landlord. The aim is to encourage owners to bring the property back into use through voluntary action. This action will commence from six months empty, but the length of time it takes to bring a property back into use will depend on the owner's personal and financial circumstances.

Financial assistance

- 7.4 The Council directs owners to advice on VAT reductions which may be available when renovating an empty property and discounts from local building merchants and estate agents. However, the Council does not currently offer any loans or grants to assist owners lacking the resources to bring their properties back into use. This means certain properties remain empty for long periods of time, requiring the Council to take enforcement action. The council will look for future funding sources to enable it to offer financial assistance itself, or in partnership with other organisations, and may set conditions on such assistance around rent levels, nominations of tenants to reduce homelessness, or the management of a let property.

Voluntary Arrangement

- 7.5 The Council may facilitate the introduction of the owner to a Registered Provider, Community Land Trust or private individual(s) to sell or lease the

empty property. The Council, in this instance, will not be acting as an estate agent or providing advice or recommendation to either party. Any negotiation and sales processes would take place between the owners, interested party and their legal representatives.

- 7.6 Alternatively, the council may directly approach an owner to acquire an empty home itself.
- 7.7 It is useful to have the option to offer a voluntary lease and repair agreement to owners prior to EDMO, and necessary to offer a voluntary acquisition of the property prior to proceeding to Compulsory Purchase, in a staged approach to enforcement. Where the local authority lease homes there are legal restrictions on the tenancy type and allocation of the property. Models for voluntary acquisition need to be developed, whether for COLC housing stock, a housing company, or in partnership with a Registered Provider or Community Land Trust. Funding sources need to be identified, and the barrier of mortgage companies refusing second charges on leased properties remains a national issue.

Statutory enforcement

- 7.8 Where owners show reluctance to engage with the Council officers and continue to ignore their responsibilities in respect of the property the officers will use relevant enforcement powers to reduce the impact the property is having on the area and abate any statutory nuisance being caused to neighbouring properties. Persistent enforcement of this type can result in the owner bringing the property back into use to prevent further notices being served. A co-ordinated approach is planned by the Empty Property Working Group as outlined in appendix 5, and the powers available across the authority are listed in appendix 3. Non-compliance with a statutory notice can reduce the compensation costs of compulsory purchase, or lead to works in default and an enforced sale.
- 7.9 Where these initial options are unsuccessful in bringing the empty home back to use, specific empty home enforcement powers will be considered as outlined below.
- 7.10 Of the Top 50 long term empty homes that have been scored as having the most significant impact, the following most appropriate courses of action have been identified:

Most appropriate course of action identified by Empty Property Working Group for Top 50 empty homes, January 2018

<u>Action</u>	<u>No of properties</u>
Compulsory purchase Order	4
EDMO	6
Assistance	1
Enforced Sale	6
Watching Brief	23
Voluntary Solution	6
Most Appropriate Course of Action yet to be agreed	4
Top 50 highest impact empty homes	50

Enforced sale

Purpose:

- 7.10 Many statutes allow the Council to serve a notice requiring the owner of a property to carry out works, for example to deal with the dangerous or untidy condition of the property. Non-compliance of a statutory notice can lead to the council carrying works in default, which create a land charge against the property. Enforced Sale is a procedure to recover such a debt owed to the Council, and a similar procedure can be used to recover unpaid Council Tax.
- 7.11 Enforced Sale is not in itself a procedure to deal with problematic properties, but the enforced sale of empty properties brings two main benefits: a debt owed to the Council is recovered; and a change of ownership is secured with the expectation that the new owner will bring it back to use.
- 7.12 Legal costs are recouped from the sale of the property, and any surplus is paid to the owner or mortgagee.

Legislation:

- 7.13 The power to enforce the sale of a property to recover a local land charge is in the Law of Property Act 1925 Section 103. Once an initial notice is served, owners have 3 months to pay the debt before the sale is enforced.
- 7.14 Council tax debts are personal debts and not charged against a property. The process to recover a council tax debt requires an application to court for a charging order followed by an order for sale.

7.15 Considerations:

- a) The owner may pay the debt and the property remains vacant and unsold:
 - The threat of an Enforced Sale will usually be sufficient to encourage an owner to dispose of the property or return it to use voluntarily, if not other enforcement options can be explored.
 - The council is unable to recover its costs to date and these need to be offset against the recovered debt. It is recommended that the minimum debt level prior to commencing action is £1000.
- b) There is not sufficient equity in the property to recoup the costs owed to the council:
 - Where the charge is binding on the “premises and on all estates and interests therein” it is a priority charge (over mortgages etc.). In the case of those charges stated to be a “charge on the premises” there is case law to suggest the wording is sufficient to create a priority charge. Performing an Enforced Sale due to non-compliance of a S215 Town and Country Planning Notice would only be suitable if there is equity after any other registered charge.
- c) The property is sold but the new owner does not return the property to use.
 - This will remain a risk, but in most cases people purchase as they have an intention to utilise the property for income or occupation. The usual process for sale is through auction however a preferred purchaser can be used. Other enforcement options can be considered against the new owner.

Costs:

- 7.16 Relative to Compulsory Purchase Orders, Enforced Sales are swift, less complicated and economical. There is no requirement as with the compulsory purchase order to pay market value or any compensation.
- 7.17 The typical costs for the Enforced Sale Procedure are listed below. These sums are indicative as the costs will vary depending on the property itself. When the Council’s debt is a priority charge, all costs incurred by the Council in the sale process as listed below are recoverable before any third party charges on the property are repaid. As such, the procedure should be cost neutral to the Council.

7.18 An initial budget is needed to cover these costs, which should be recycled from the recovered funds.

Expense	Cost (£)
Auction fees	1,500
Local search fee	80
Land registry fee on sale	6
County Court fees	275
Land registry fees for charging order	86
Land registry fees for enforced sale	11
Legal costs on sale including attendance at auction (no VAT)	700
Property Services costs on sale (no VAT)	250
Private Housing Costs on sale (no VAT)	250
Legal costs for applications	311
Energy Performance Certificate	65
Securing property	230
Law Gazette Fee	24
Total Recoverable	3,788

Empty Dwelling Management Order (EDMO)

Purpose:

- 7.19 The intention of EDMOs is to bridge the gap between voluntary measures and existing compulsory purchase powers in order to provide better management of a property deliberately left vacant for at least two years that is having a negative impact on the community.
- 7.20 The threat of an EDMO can put pressure on the owner to engage with the authority and agree the best course of action to secure occupation of the dwelling, thereby avoiding the need for an interim EDMO or, as the case may be, a final EDMO, to be made.
- 7.21 EDMO is intended to operate alongside existing measures such as voluntary leasing schemes explored above. It will provide an effective back-up to such arrangements where owners turn down offers of assistance and do not have plans of their own to bring the property back into use. Properties subject to EDMO can be used to meet housing need without the upfront cost of acquisition, subject to risk assessment.
- 7.22 A management scheme sets out in detail how the Council intends to manage the property, to include the works it intends to undertake, Capital and Revenue estimates for the costs of these works, how much rent the Council will seek from tenants, and provisions for paying any surplus to the owner.

Legislation: Housing Act 2004 Part 4, S132–138 & Schedule 7.

- 7.23 The Council must give the owner at least 3 months' notice of their intention to make an application for an EDMO.
- 7.24 The Council applies to the First Tier Tribunal (Property Chamber) for an Interim EDMO, which lasts for one year. During this time the Council can enter the property to determine works required and make arrangements for the property's management. If the property is in reasonable condition occupation can be secured with the consent of the owner.
- 7.25 If voluntary measures fail to bring the property back into use during this interim period the Council then makes a Final EDMO to take control of the property for up to seven years, carrying out improvement works prior to renting the property out.

Costs:

- 7.26 The rental income is used to pay for any works and management costs, therefore the condition of the property is a critical consideration when

determining whether or not this is a viable financial option. A budget of £10,000 to £15,000 is needed up front for the refurbishment works.

EDMO Predictions: 2 bed flat Birchwood			
	Market rent	Affordable rent 80%	LHA rate
Income			
Market Rent pcm	575.00		
Affordable Rent pcm		460.00	
LHA rate*			434.00
Annual income (80% market rent)	6900.00	5520.00	5208.00
Gross Income 7 years	48300.00	38640.00	36456.00
Expenses (over 7 years)			
Renovation	15811.00	15811.00	15811.00
Repairs and maintenance £500/year	3500.00	3500.00	3500.00
Management 15%	7245.00	5796.00	5468.40
Void period / arrears 2 month/year	8050.00	6440.00	6076.00
Total costs over 7 years	34606.00	31547.00	30855.40
Annual expense	4943.71	4506.71	4407.91
Annual payments to owner	1956.29	1013.29	800.09
<i>*Local Housing Allowance = £100.22 pw = £434.29 pcm</i>			

7.27 Considerations:

- Property must have been vacant for 2 years, be having a negative impact, and it is useful to show community support for the EDMO.
- The council may be unable to recover the cost of the initial works from the rental income, if the home is in very poor condition or rent is unpaid.
- The owner or mortgage lender can appeal against the application for an EDMO
- Arrangements for the management of the property need to be made, through the Council's housing directorate or housing company or procurement of a private firm.
- A budget is needed for the initial capital works.
- There are a number of exemptions in the Act which make properties unsuitable for EDMO, including the home being for sale, awaiting or recently granted probate, or the owner being cared for elsewhere.
- An exit strategy for the tenancy is needed to plan move-on accommodation if a tenant allocated by the council is to be displaced.

Compulsory Purchase Orders (CPO)

Purpose:

- 7.28 Many empty homes are in poor condition and an eyesore. A CPO both secures an improvement in the local environment and brings a wasted housing asset back into use. This power allows the Council to purchase a property from the owners and, depending on the specific power used, retain it as housing stock, dispose of it to a housing partner, or sell it on the open market before or after renovation.
- 7.29 The initial decision to progress with compulsory purchase arises out of exhausting all other voluntary and statutory powers and is agreed by the Empty Property Working Group. The decision in principle is conveyed to the owner and efforts continue to seek a voluntary solution throughout the process.
- 7.30 The end use will be considered for each case, but where the property is sold at auction or to a preferred partner then the funds can be recycled for further empty homes work.

Legislation:

- 7.31 The primary powers to acquire property land compulsorily, where an owner is uncooperative or untraceable, are as follows:

Statute	Purpose
Section 226(1)(a) of the Town and Country Planning Act 1990 <i>(amended by Planning & Compulsory Act 2004)</i>	<ul style="list-style-type: none"> • A local authority can CPO any land and buildings if it thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land and buildings. • The development, redevelopment or improvement must contribute to the promotion or improvement of economic, social or environmental well-being. • Where the empty home requires improvement, perhaps because of its poor external appearance or because of its poor condition inside, this power is available.
Section 17 of the Housing Act 1985	<ul style="list-style-type: none"> • A local authority can acquire a house, or houses, for the provision or improvement of housing accommodation (whether by itself or someone else).

	<ul style="list-style-type: none"> • If an empty property is in good condition and not in need of improvement, then only the housing power will be available for the CPO.
Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990	<ul style="list-style-type: none"> • This power is available when the empty home is a listed building in poor condition. • It is a pre requisite to a listed building CPO that a repairs notice under section 48 of the Act has been served at least two months before the CPO is made.
Section 93 Local Government & Housing Act 1989	<ul style="list-style-type: none"> • This power is rarely used

7.32 If compulsory purchase is identified as the most satisfactory course of action, then from that point on legal process is followed.

Risks:

7.33 The decision to compulsorily purchase an empty property must be shown to be in the public interest, and CPO is a costly and lengthy process. This power is usually limited to where persuasion and statutory notices have failed and the owner refuses to co-operate with the voluntary measures offered by the Council to bring the property back into use; or if the owner is untraceable.

7.34 Objections may be heard resulting in a potentially costly public enquiry and the Secretary of State may or may not support the action.

Costs:

7.35 The council is required to pay compensation, comprising of the market value of the property plus, if there are no outstanding legal notices on the property, basic loss value. If the property is sold back to back to a new owner, these costs may be paid from the onward sale, but a considerable budget is needed for legal and other costs:

7.36 A summary of the estimated costs are as follows:

	Estimated Voluntary Acquisition £	Estimated Compulsory Purchase £
<u>a) Legal & Admin Costs *</u>		
Legal costs / fees	1,500	20,000 <i>estimate</i>
Advertising costs (notices in paper)	n/a	1,500
SDLT payable on acquisition (0-15% of value)	0	0
Land Registry Fees	200	200
	1,700	21,700
<u>b) Property value</u>		
Market Value of the property (assumed)	100,000	100,000
Basic Loss Payment (7.5%)	n/a	7,500
Other Compensation Costs	n/a	1,000
Council Fees and Negotiating Compensation	n/a	1,000
TOTAL COSTS	101,900	131,200
* Indicative amounts		

8. Performance and Evaluation

- 8.1 Performance will be reported through the Directorate of Communities and Environment, and where action plans have been created they will be monitored for progress. Feedback will be given to members through regular briefings to the Portfolio Holder for Housing.
- 8.2 The number of empty homes brought back into use is a corporate measure reported through IMPS. To be included within the count there has to be a significant local authority involvement. The guidelines for Monitoring Empty Homes Interventions, provided by the Empty Homes Network, and the City of Lincoln Council interpretation of these measures, are included at appendix 4 to this strategy. Although reported monthly, the properties brought back to use are mostly identified quarterly when the empty homes lists are received from council tax.
- 8.3 During the term of an empty property the council may make one or more interventions to ameliorate a problem. These events may be statutory or non-statutory. All will be recorded as part of the "empty home journey" measure.
- 8.4 There will be an annual report on the impact of empty properties and the successful interventions. The report will include
- a) The changes in the number of empty properties year on year
 - b) The number of complaints received in respect of empty homes;
 - c) Any local authority expenditure incurred in the management of neglected empty properties
 - d) The number of properties brought back to use through council involvement
 - e) The number of affordable units created
 - f) The number of interventions to reduce impact of an empty property
 - g) The amount of New Homes Bonus achieved through empty homes.
 - h) The amount of debt recovered through interventions such as negotiation and enforced sale,
 - i) External finance levered in through challenge fund bids etc.
 - j) Rental income achieved through leased or managed properties
 - k) The progress, and current circumstances of any homes vacant for over 2 years and any barriers or hold ups to identify where resources are needed.

Report detail	Frequency/ Date	Compiled By	Reported to
Monthly IMPS report. Properties brought back into use Properties improved	Monthly	Empty Homes Officer	IMPS
Number of Empty Properties	Quarterly	Empty Homes Officer	Empty Property Working Group
Progress against open case list	Quarterly	Empty Homes Officer	Empty Property Working Group
Annual impact report	Annually	Empty Homes Officer	IMPS

Appendix 1: Action Plan 2018-19

No.	Action	Baseline	Target milestone / measure	Timescale for completion	Responsible Person	Other Key contacts
1	Review the terms of reference of the Empty Property Working Group to make best use of statutory enforcement powers and other tools across the authority	Empty Property Working Group meeting at least twice yearly to share information	Terms of reference agreed by the group	Apr-18	Private Housing Team Leader	Empty Property Working Group
2	Develop procedures to prompt and record contacts with owners and interested parties, reasons empty and property data, and actions leading to occupation	Spreadsheet of addresses updated quarterly from council tax data, to include 6-24 month empty homes. Civica APP used from 2 years empty. Staged suite of template letters in place (manual input)	6 months empty: Spreadsheet and/ or IT system configured for recording initial 3 staged letters and owner responses in a reportable format, and prompting feedback to any complainant or community representative. Cross reference brought back to use list against Housing Options private sector housing scheme. 2 years empty: template for individual property action plan	Jul-18	Empty Homes Officer	Business Development and IT Team Technical Officers Technical Assistant Private Housing Liaison Officer

			developed with measurable milestones			
3	Explore community led approaches to bringing empty homes back to use including wider benefits for sustainable regeneration	Community Land Trust steering group formed. Report on CLT's formation to be funded by Esme Fairburn Foundation.	Agreed COLC's role in identifying suitable empty homes for referral into the CLT and identify models for bringing them back to use. Including opportunities for employment and skills etc.	Oct-18	Private Housing Team Leader	Empty Homes Officer Neighbourhood Manager East Midlands Community Led Housing
4	Develop reporting systems to notify enforcement teams of unpaid work in default debt, and procedures across authority for registering local land charged debts.	Debtor invoices raised following works in default. Issues in tracing owner mean some debts not demanded. Lack of consistency in registering local land charges for unpaid debts. Lack of feedback from finance to originating officer to know if debts has been paid or not.	Reporting mechanism in place between debtors and enforcement teams for unpaid Work in Default invoices. Procedures in place for registering a local land charge for all unpaid debts. Protocol in place for applying for statutory charge on land registry - amount of debt and time owed.	Oct-18	Empty Homes Officer	Debtors Local Land Charges Legal Empty Property Working Group
5	Action Plans in place for all homes empty for two years or longer	Properties impact scored at 2 years empty and most appropriate course of action for the top 50 highest scoring agreed by Empty Property Working Group. Milestones not necessarily proposed to owner. Timescales and budgets for	Template action plan populated for each home in conjunction with lead enforcement team, communicated to owner including consequences for failure to act. Resource needs for proposed enforcement action identified	Jan-19	Empty Homes Officer	Empty Property Working Group Legal Finance

		enforcement action not defined.				
6	Update and re-brand Empty Homes Information Pack for owners - discounts, agents etc.	Lincolnshire Empty Homes Project information pack developed in 2009/10 and discounts agreed with agents and builders merchants.	Legal accuracy of advice pages checked and updated. Discounting organisations contacted and reviewed. Trusted Landlord Scheme, Housing Options private sector landlord scheme and any other local schemes and national good practice included. COLC info pack completed.	Jan-19	Empty Homes Officer	Private Housing Liaison Officer
7	Engage with Sincil Bank Homes Working Group to identify problematic empty homes and suggest solutions	Private Housing Team Leader attends Sincil Bank Homes Working Group to update on numbers of empty homes.	Most problematic five empty homes in Sincil Bank identified and action plans in place	January 2019 and ongoing six-monthly	Private Housing Team Leader	Empty Homes Officer Neighbourhood Manager

8	Explore options for management of properties subject to EDMO	EDMO not yet used in COLC. Some discussions taken place with Housing. Housing Company in place. Community Land Trust proposed in Sincil Bank. Trusted Landlord Scheme in place. Basic costings estimated based on elementary market knowledge.	Options appraisal prepared for the different options. Template management scheme prepared to include works, housing demand, rental income etc. Procurement framework in place for one or more organisations to manage properties subject to EDMO in future. Procurement considered for renovation works.	Jan-19	Empty Homes Officer	Director of Housing and Regeneration Client Procurement Officer
9	Explore funding options for initial works on properties subject to EDMO	No capital or legal budget identified, although it is expected that the initial outlay is recoverable over the 7 year EDMO term	Develop business case for initial investment on a repayable basis - any surpluses must be paid to owner. Investigate if income from Civil Penalties / Rent Repayment Orders can be used to fund works under Part 4 Housing Act.	Jan-19	Private Housing Team Leader	Empty Homes Officer
10	Develop knowledge of Empty Homes Officer and Housing Standards and Enforcement Officers to apply for and manage an EDMO	Some officers have undertaken high level EDMO training. Experience of EDMO in NKDC who share Empty Homes Officer.	EDMO manual developed for key officers to understand legislation, exemptions, and steps to an EDMO. Understanding or experience of attending a First Tier Tribunal for EDMO or wider PHT functions	Apr-19	Private Housing Team Leader	Empty Homes Officer Housing Standards and Enforcement Officers

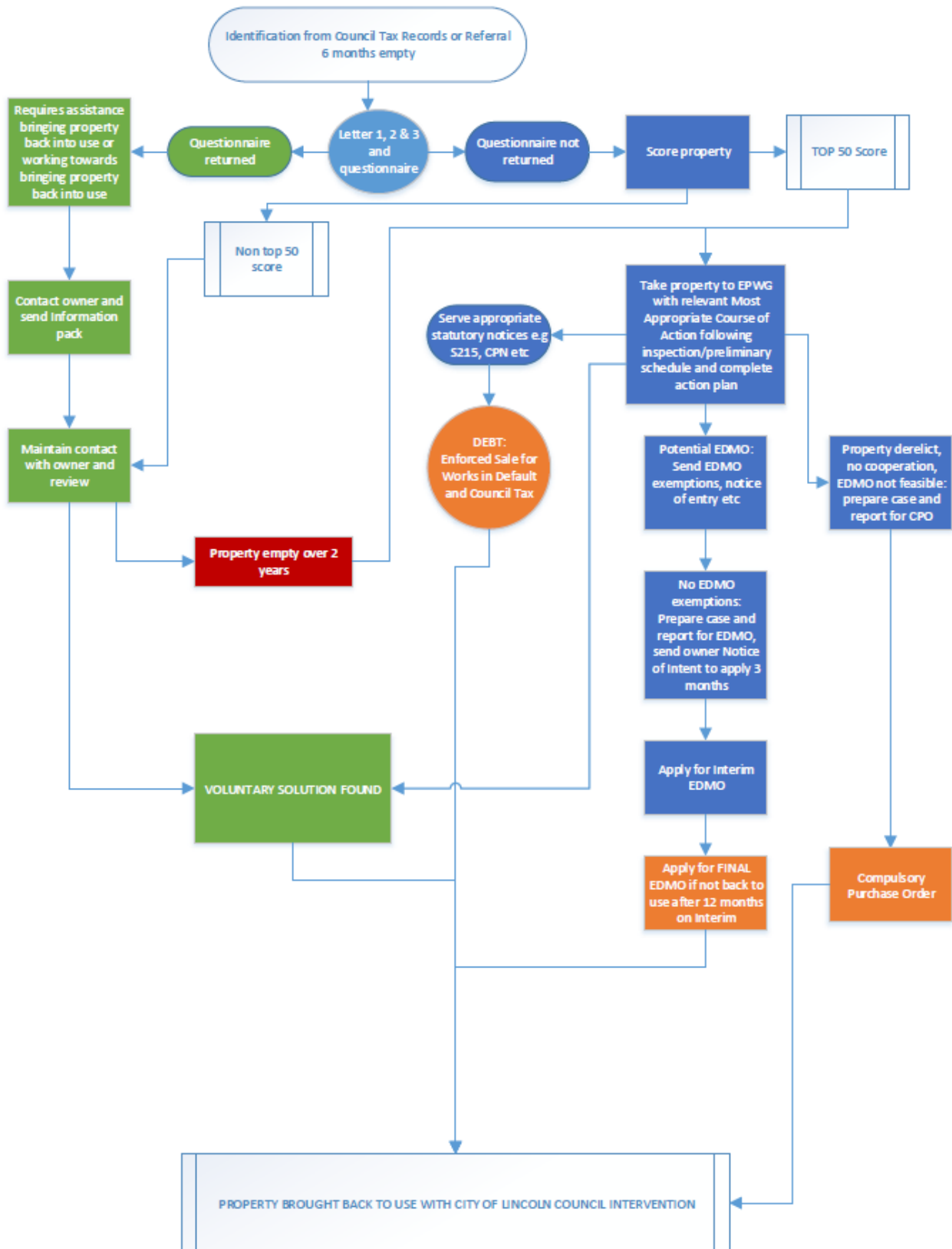
11	Develop skills and capacity of Technical Officers to inspect empty homes and prepare costed work schedules	All empty homes casework carried out by Empty Homes Officer resulting in average 19 empty homes / year brought to use. Technical Officers inspecting private rented homes and preparing schedules for grant work. Schedule of rates in place for DFG only.	Technical Officers understand outline law and practice relating to empty homes enforcement. Needlestick training up to date. Template schedule phrases available and specification guided by Housing maintenance team. Schedule of rates in place to estimate general renovation work.	Apr-19	Private Housing Team Leader	Empty Homes Officer Technical Officers "Hamilton House"
12	Develop processes and capacity in legal, private housing and planning teams to streamline CPO action	Some officers have undertaken CPO training. Private Housing Team Leader has completed a CPO in neighbouring authority (uncontested). One CPO file processed up to draft order stage.	CPO manual reviewed and updated with lessons learnt, typical timescales and budgets. Funding options explored. Officers have received relevant training to understand when to use different powers and the steps to a successful CPO.	Apr-19	Private Housing Team Leader	Solicitor (E Brownless) Empty Homes Officer Heritage & Planning Enforcement Team Leader
13	Develop knowledge and resources Private Housing Team, Revenues Team and Legal to carry out Enforced Sale for WID debt and Council Tax debt.	Some officers have undertaken high level training on enforced sale. Private Housing Team Leader has completed process in neighbouring authority. Enforced sale completed in COLC by previous post holder. Lack of budget for legal costs and departmental	Enforced Sale procedure manual prepared. Empty Homes Officer and Housing Standards and Enforcement Officers received appropriate training on LPA 1925 enforced sales. Protocol agreed between legal and EPWG - amount and age of debt thresholds. Budget agreed for legal costs and	Apr-19	Private Housing Team Leader	Empty Homes Officer Housing Standards and Enforcement Officers Legal

		budgets not being topped up from moneys recovered.	understanding of how recovered debts reallocated to budgets. Preferred purchaser route for disposal to an RP or CLT explored			
14	Consider the commercial and strategic opportunities of renovating and / or retaining poor condition empty homes acquired through CPO	Properties identified for CPO are often in uninhabitable condition, restricting options for disposal on open market. End use of a property guides which legislation will be used for the CPO. Changes to homelessness statutory duties understood	Appraise any interest in retaining homes in housing stock / housing company rather than onward sale, in which case identify budget. Develop a template business case for an empty home CPO - to sell back to back, carry out essential structural works prior to sale, or full renovation / redevelopment (including disposal to RP or CLT where commercially viable).	Jul-19	Private Housing Team Leader	Empty Homes Officer Director of Housing and Regeneration

15	Monitor availability of funding sources and partnership opportunities	<p>Government funding to bring empty homes to use as affordable housing, and for community groups to bring empty homes back to use, ended in 2015. New Homes Bonus helps to fund Empty Homes Officer post, but no specific funding stream in place for empty homes capital or legal costs, and budget approval needed for individual CPO / EDMO / Enforced sale cases. Community Land Trust steering group in place for Sincil Bank area, and Housing Company agreed, which may have access to funding streams not available to local authority housing.</p>	<p>Community Land Trust incorporated to aid ability to bid for funding pots and ethical lending. Status of Housing Company understood by PHT and funding sources identified through HCA or otherwise. Communication with Registered Providers to identify any increase in appetite for empty homes work. Use of Section 106 planning conditions considered. Awareness through attendance at events or otherwise of regional and national empty homes good practice including funding opportunities. Ability to offer financial assistance to owners reviewed.</p>	<p>Jul-2019</p> <p>Annually</p>	Private Housing Team Leader	Empty Homes Officer Director of Housing and Regeneration Community Land Trust
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16	Appraise Options for voluntary lease and purchase of empty homes by Local Authority, Housing Company, Community Land Trust or partner organisation.	<p>Leasing of 15 homes in partnership with Waterloo Housing ended 2015, successes and barriers identified.</p> <p>Voluntary EDMO piloted in NKDC as an alternative to lease.</p> <p>Community Land Trust steering group formed in Sincil Bank and private sector expressing interest in empty homes.</p> <p>Registered Providers have declined to partner on Empty Homes due to cost/risk of older pepperpotted stock.</p> <p>Voluntary purchase restricted to last resort prior to CPO with a view to a back to back onward sale.</p> <p>National Empty Homes Network (officer group) completed engagement exercise with Council of Mortgage Lenders on barriers to leasing.</p>	Budget needs identified for acquisition and renovation of typical empty homes stock. Successes and pitfalls of voluntary EDMO understood through NKDC. Current attitude of main mortgage lenders understood in respect of leasing. Options appraisal prepared for acquisition by council or partner organisations, and renovation and / or retention by the different organisations	Oct-19	Empty Homes Officer	Director of Housing and Regeneration Community Land Trust Neighbourhood Manager
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Appendix 2. Empty Homes Pathway to Occupation



Appendix 3. Statutory Powers in Relation to Empty Homes

Circumstance	Power
Dangerous or dilapidated buildings or structures	Building Act 1984, sections 77 and 78
	Building Act 1984, section 79 (1)
	Housing Act 2004, section 5
	Housing act 1985, section 265
Property not secured against unauthorised entry, risk of vandalism, arson etc.	Local Government (Miscellaneous Provisions) Act 1982, section 29
	Anti-Social Behaviour Crime and Policing Act 2014
Vermin, present or there is risk of attracting vermin.	Public Health Act 1961, section 34
	Prevention of Damage by Pests Act 1949, section 4
	Public Health Act 1961, section 83
	Environmental Health Act 1990, section 80
Unsightly land and property affecting amenity of an area	Public Health Act 1961, section 34
	Town and Country Planning Act 1990, section 215
	Anti-Social Behaviour Crimes and Policing Act 2014
	Refuse Disposal Amenity Act 1978, section 3
	Building Act 1984, section 79 (2)
	Planning (Listed Buildings and Conservation Area) Act 1990, section 54
Protection from danger on land	Highways Act 1980, section 165
Properties that have been vacant for 2 years, are negatively impacting the community and negotiation has been unsuccessful in returning them back to use	Housing Act 2004, section 134
Debt owed to the council	Law of Property Act 1925, section 103
	Council Tax powers
Compulsory Purchase Orders	Housing Act 1985, section 17
	Planning (Listed Buildings and Conservation Area) Act 1990, section 47
	Town and Country Planning Act 1990, section 239
Council tax charges in respect of empty properties	Local Government Finance Act 2003
Requiring information from an owner	Local Government (Miscellaneous Powers) Act 1976, section 16
Sharing of data from other local authority departments	Local Government Act 2003, section 85
	Housing Act 2004, section 237
Powers of entry	These will generally be found in relation to the statutes above but note these specific powers.
	Housing Act 2004, 239
	Housing and Planning Act 2016, section 172

Appendix 4: Definition of Homes Brought to Use Through Council Intervention

1. The Empty Homes Network, a national group of local government officers leading in empty homes work, defines the local authority bringing a home back to use as follows:
2. *To record a success, the local authority needs to demonstrate that the local authority's intervention made a material contribution to a positive outcome that occurred without unreasonable delay. It should be possible to evidence a chain of events unfolding without unreasonable delay following the local authority intervention and to show that, on the balance of probability, one event led on to the next as a precondition or cause.*
3. Successes within the authority will be counted if the Council can provide sufficient evidence to show compliance with the criteria recommended in the “Guidelines for Monitoring Empty Homes Interventions: A Standard Approach for Local Authorities” as published by the Empty Homes Network.
4. The City of Lincoln Council’s Empty Property Working Group interprets these guidelines by counting the following interventions as bringing an empty home back to use through council intervention, where the property subsequently becomes occupied:
 - Direct action to include a confirmed Compulsory Purchase; Final/Interim Empty Dwelling Management Order; an Enforced Sale; use of the council’s rent deposit/private housing allocations scheme; a leasing scheme or voluntary acquisition.
 - The threat or initiation of enforcement action to include but not limited to those powers listed in Appendix 3.
 - A high degree of engagement with the owner such as those listed in “Initial Options” in this document. This could include:
 - Sending at least three staged letters encouraging the home to be brought back to use
 - Fewer than three letters with some response from the owner and advice or assistance given
 - Referral to a charity or third party interested in working with the owner to bring the home back to use

Appendix 5: Empty Property Working Group Terms of Reference

The Empty Property Working Group aims to deliver co-ordinated action on troublesome empty properties around the City. This is achieved through a process of referral, evaluation, action and then consideration as to any further steps. As such the group will:

- Seek ways to pool resources and create a single budget in support of the delivery of the Empty Homes Strategy and Vision 2020 objectives
- Develop and implement new models of community and stakeholder involvement in the delivery of the Empty Homes Strategy
- Focus on establishing work based innovation and good practice
- Address Housing Need in line with the Empty Homes Strategy and Vision 2020
- Bring residential property back into use in line with the Empty Property Strategy

1. Working group membership

The group aims to bring together all departments involved in a property, identify a solution to manage any problems which result from the properties vacancy, and identify methods of sale or reoccupation. As such the group will be a co-ordinated effort by officers from:

- Private Sector Housing
- Planning
- PPASB
- Building Control
- Council Tax and Recovery
- Neighbourhoods
- Elected Members
- Legal services
- Housing Needs / Housing Management

Additionally, other officers may attend as needed or as cases develop, and the group will engage partner organisations where appropriate.

3. Working Group format and frequency

The working group will meet every 6 weeks with the agenda and property lists coordinated by the Empty Homes Officer.

Properties will be removed from the working group agenda when they reach a position which does not require the specialist involvement of a multi-disciplinary working group. Their removal will be agreed by the group, additionally referrals can be brought to the group by any member, and their inclusion in the list agreed by the group.

4. Process

1. Referral – as mentioned above referrals are received and then brought to the group following an initial assessment.
2. Evaluation – The group discuss the issues, and where relevant identify a lead officer to investigate further.
3. Most Appropriate Course of Action – if enforcement is required the appropriate officer will lead and keep the group updated at further working groups.
4. Review – Once the enforcement is concluded or there are particular challenges the property returns to the group and is assessed for further action or removal from the group.

5. Final options

Possible enforcement options include:

1. Serving of statutory notices leading to
 - i. Prosecution
 - ii. Works in Default (WID)
 - iii. Enforced sale
2. Empty Dwelling Management Orders.
3. Compulsory Purchase Order

6. Resource Implications

There will be some financial implications attached to certain enforcement action. Adopting an Enforced Sale Procedure will allow the Council the opportunity to retrieve costs associated with non-compliance of statutory notices such as boarding up, nuisance issues and amenity issues. It will also provide suitable methods for retrieving personal debt such as Council Tax debt. It should also be noted that the costs incurred from a solicitor or legal service can be retrieved from the sale of the property rather than the Council, and the Council can also include officer time when calculating the costs to be retrieved in some cases.

However, other action such as Compulsory Purchase Orders will result in on-retrievable costs to the Council.

Nonetheless, although the costs are mostly retrievable there will need to be some upfront funding to allow the works to be completed before anything can be sought through sale.

7. Decision Making and Governance

The Empty Property Working Group is chaired by the Private Housing Team Leader. It is capable of self-governance for most decisions that are within the remit of the authorised officers and elected members. However when high resource eventualities such as Compulsory Purchase, Empty Dwelling Management Orders and Enforced Sales are considered the Empty Property Officer will prepare a report to be presented to Head of Service of the lead department. This will ensure proper processes are considered and the risks to the Council mitigated as much as possible.

8. Lists of acts involved in relation to empty property enforcement.

Particularly useful powers and procedures for the Council include:

- Town and County Planning Act 1990 – section 215
- Planning and Compulsory Purchase Act 2004
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Building Act 1984 – section 76-80

- Housing Act 2004 – Parts 1-4
- Local Government Act 2003
- Local Government (Misc Prov) Act 1982
- Local Government Act 2000
- Prevention of Damage by Pest Act 1949 – section 4
- Environmental Protection Act 1990 – Part2 and section 80
- Anti-Social Behaviour Crime and Policing Act 2014

This list is not exhaustive

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