

**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 1<sup>st</sup> 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
<b>No. brought back to use</b>	<b>12</b>	<b>23</b>	<b>28</b>	<b>23</b>	<b>25</b>	<b>13</b>	<b>19</b>

- 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.

- 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

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 Executive 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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