

**Decision maker:** Cabinet Member for Housing (and full Cabinet)

**Subject:** Dealing with empty Residential Property

**Date of decision:** 8th February 2010

**Report by:** Alan Cufley

**Wards affected:** All

**Key decision:** Yes

**Budget & policy framework decision:**

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## 1. Summary

- 1.1 To provide an update on the way that Portsmouth City Council (PCC) is dealing with empty residential properties within the city and the opportunity to agree a new strategy and policy statement .

## 2. Purpose of report

- 2.1 To seek approval from the Cabinet Member for Housing on a new strategy and policy document confirming how PCC will deal with empty residential properties.

## 3. Background

- 3.1 Empty properties represent a wasted opportunity to fully utilise the housing stock of the city and are often a source of complaint to the council which can take a considerable amount of officer time to resolve.
- 3.2 Empty properties have a detrimental effect upon a neighbourhood and often detract from both the appearance and the value of adjacent properties. It has been estimated that a boarded up property can reduce the valuation of an adjacent property by as much as 10%.
- 3.3 Empty properties can be the subject of a downward spiral of neglect once they have effectively been abandoned. This cycle often commences with overgrown gardens and perhaps broken windows which then often leads to vandalism, fireplay, drug taking/dealing and other related community problems.
- 3.4 Portsmouth City Council has for a number of years run a successful empty properties campaign, which has resulted in a large number of properties bring brought back into use with many becoming available to rent as affordable housing.
- 3.5 With recent changes in legislation and clear corporate priorities to be met, it is now possible to adopt a fresh approach to dealing with empty residential property in the city and to re-energise the campaign, providing an even more effective service.

#### 4. Recommendations

- 4.1 The Cabinet Member for Housing agrees to adopt the Dealing with Empty Residential Property document.

#### 5. Reasons for recommendations

- 5.1 Portsmouth does have a large number of empty residential properties, but these can be for various reasons and the situation is very complex and changeable.

- 5.2 Below is the selected breakdown on reasons why some properties are left empty in the city obtained from various internal sources.

Description	Number
Empty Dwellings where works are required, under way or recently completed (exempt for max 12 months)	347
Dwellings left empty and unfurnished (exempt for up to 6 months)	1452
Dwellings left empty by prisoners	6
Dwellings left empty by patients in hospital and care homes	116
Dwellings left empty by deceased persons and awaiting probate	333
Empty dwellings whose occupation is forbidden by law	7
Empty clergy dwelling	3
Dwellings left empty by people receiving care	7
Dwellings left by people providing care	4
Repossessed dwellings	108
Dwellings left empty by bankrupts	8
Empty caravan pitches and boat moorings	4
Empty but furnished	244
Empty for longer than 6 months (full rates apply)	1812
TOTAL	4567

- 5.3 The last information, collated from a number of information sources, found that on the 21<sup>st</sup> October 2009, there were a total of 4, 567 residential properties empty within the city. This includes 2356 long term empty properties which are homes that have been empty for longer than 6 months. Current the city has an overall total housing stock within the private sector of 68,600 (Private Sector Stock Condition Survey 2008).
- 5.4 The Housing Standards (Empty Property) Officer, will concentrate on dealing with these long term empty residential properties,
- 5.5 However, in addition, as the goal for PCC is to ensure that all available accommodation is being used, Housing Standards will provide help and support to all stakeholders to ensure that any empty residential property is brought back into use as soon as possible.
- 5.6 As stated, our primary concern is bringing the property back into use again but as suitable accommodation. However they can become an eyesore within the neighbourhood and have the potential to attract anti social behaviour to the community.

5.7 Consequently our re-focused policy will mean dealing with public health issues as well the housing ones in order to minimise the environmental impact of empty property whilst working with the owner to bring the property back into use.

5.8 The attached draft policy on “Dealing with empty residential properties” provides full details of the changes being made to the service.

## **6. Options considered and rejected**

6.1 Option 1 - PCC could if necessary take the stance that they will not deal with empty properties.

6.2 Option 2 - PCC could just deal with empty properties in a reactive and informal manner

6.3 Option 1 – Rejected – PCC has a duty to bring these properties back into use and a variety of legally enforceable powers to make that happen. Local authorities have an obligation to deal effectively with empty residential property and must account for their approach to the Audit Commission.

6.4 Option 2 – Rejected – This approach has been used within Portsmouth in the past, and although there has brought some success, the opportunity provided by new legislation within the Housing Act 2004 gives further enforcement power to bring properties back into use to sit alongside the advice and guidance that remains available.

## **7. Duty to involve**

7.1 Empty properties are a city-wide problem and many services within the city council have been dealing with them for many years in response to residents’ complaints and wishes.

7.2 This report is seeking to adapt the way PCC deals with them in a more proactive approach, with the Housing Standards team leading the activity rather than coordinating other service’s reactions. In light of that situation, no further consultation is required for this report.

## **8. Implications**

8.1 The revised approach to dealing with empty properties will reduce the reliance on other services to resolve empty residential property issues. The Housing Standards team will take the lead in dealing with all issues relating to the property rather than passing the situation onto a number of services for them to deal with specific points

## **9. Corporate priorities**

9.1 This report and the project it refers to contribute to the following Corporate Priorities:

- Reduce crime and the fear of crime
- Increase availability and quality of housing
- Regenerate the city
- Cleaner and greener city

**10. Equality impact assessment (EIA)**

10.1 An Equalities Impact Assessment has been undertaken.

**11. Legal implications**

11.1 The City Solicitor is satisfied that there are no immediate legal implications arising from this report.

**12. Financial comments**

12.1 There are no financial implications relating to dealing proactively with empty properties and can be met from existing cash limits.

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Signed by:

Alan Cufley  
Head of Community Housing & Regeneration

**13. Appendices:**

13.1 Dealing with Empty Residential Property document

**14. Background list of documents: Section 100D of the Local Government Act 1972**

14.1 Nil

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by Cabinet Member for Housing on 2nd February 2010.

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Signed by: **Councillor Steven Wylie**  
**Cabinet Member – Housing**



Portsmouth  
CITY COUNCIL

COMMUNITY HOUSING AND REGENERATION SERVICE

DEALING WITH EMPTY RESIDENTIAL PROPERTY

Written by Bruce Lomax.

Housing Standards

December 2009

Review date: April 2012

Responsible Officer: Housing Standards Manager

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## **1.0 Objective.**

To provide a service that is consistent, transparent and proportionately targeted at empty residential properties in order to reduce the impact on the environment and neighbouring occupants and to bring those properties back into use as quickly as possible.

## **2.0 Introduction.**

Empty homes are currently considered to be an important strategic issue nationally especially in the south of the UK where there is a growing shortage of affordable and market housing and a rapidly increasing population and household growth

Empty properties are often associated with neighbourhood decline and can attract anti social behaviour, crime and arson. They can also cause nuisance by fly tipping and create issues for immediate neighbours such as disrepair and dampness. This may then result in devaluation of nearby and adjoining properties.

In Portsmouth there are currently 4567 empty properties with approximately 2356 that have been empty for 6 months or more. Considering the identified need to provide more new homes, this situation must be actively addressed.

## **3.0 Dealing with Empty Residential Properties.**

Due to varying reasons for a property being left vacant, there is not usually a quick fix solution to bringing the home back into use.

Portsmouth City Council's approach to the issue of empty properties within the city will be both proactive and reactive.

We will work with owners and persons in control of properties to enable them to bring them back into use through various means, but if that fails, then we will instigate enforcement action to ensure that a suitable outcome is obtained.

## **4.0 How to bring Empty Properties back into use.**

To achieve our main objective we will:

1. Work informally with the owners providing timely advice and appropriate assistance to bring the property back into use as soon as possible.
2. Take further action if the owner does not respond to any advice or assistance and Portsmouth City Council (PCC) will make use of specific legislation to ultimately bring the property back into use

3. Seek to minimise the problems caused by empty properties by ensuring they are in a secure condition and kept tidy and therefore not causing a statutory nuisance to the neighbourhood by the use of appropriate legislation.

#### **4.1 Informal Approach – Working with home owners.**

We will always endeavour to work with property owners to bring homes back into use without the need to resort to any enforcement action. This is in line with current enforcement protocols used within the Housing Standards Team.

#### **4.2 The three letter Approach.**

Owners or persons in control of the property will be contacted by letter at least 3 times before any enforcement action is taken specifically relating to bring the property back into use.

Letter 1 – Initial contact with home owner/person in control

Highlights reasons why a property can be empty and asks them to contact Housing Standards to discuss options available to them, with a number of these solutions set out within the letter. This correspondence will also highlight any Public Health problems associated with the building or garden.

Letter 2 – Sent out if no response to initial letter after 14 days.

Again providing details on ways that PCC can help them in bring the property back in use. A questionnaire relating to empty properties will also be sent out with this letter, which provides additional information for officers to use as part of their investigation. This letter introduces some of the enforcement powers available.

Letter 3 – This is sent out if no response after 28 days.

This letter states that PCC has tried to work with them, but to no avail and therefore, enforcement action will be taken once the best course of action has been decided. The home owner / person in control can at any point contact Housing Standards to prevent action being taken.

#### **4.3 General Information Provided:**

As much relevant information will be provided to the home owner / person in control directly through the use of information leaflets sent out with the letters or by signposting them to appropriate external agencies, who can provide services directly. All external agencies that are suggested will be part of the Square Deal incentive run by PCC's Trading Standards team.



Leaflets provided:

Grants and Home loans available - Printed.

*Home Information Pack information – Available February 2010.*

*How to sell your home – Available February 2010.*

*General empty residential property leaflet – Available February 2010.*

*How to let your property - Available February 2010.*

*Maintenance and repair problems. - Available February 2010.*

*How to maintain or clear your garden - Available February 2010.*

## **5.0 Use of Enforcement Powers.**

By using specific legislation PCC will aim to reduce the impact the empty residential property has on the neighbourhood and to bring the property back into use.

The use of enforcement powers will be consistent, transparent and proportionately targeted in line with current policies and will only be used if the owner or person in control of the property fails to act to bring the property back into use or effectively reduce the impact the property has on the neighbourhood.

### **5.1 Detriment to the Area:**

Empty properties can and do attract unwanted attention and cause worry to neighbours. This is normally due to the external appearance of the property where overgrown gardens, accumulations of waste in the front and rear gardens and broken windows can be common place.

We will deal with these problems at the same time as working with the owner to bring the property back into use.

The legislation to deal with common problems is already used extensively within the Housing Standards Team

### **5.2 Specific to Empty Homes:**

#### **Empty Dwelling Management Order (EDMO).**

When a property has been unoccupied for at least 6 months and the Council considers that the property will not be occupied in the near future then making an EDMO can be considered. It allows the Council to take over management of the property.

An EDMO is a significant tool and will be used if the property is unlikely to be occupied unless the order is made and is in a habitable condition or it can be made habitable at a reasonable cost.

Housing Standards will work in partnership with Housing Management Service Leasehold and Commercial services who will take over management of any properties that are subject to EDMOs. Housing Options will be given first option to let the property to help reduce identified housing need.

**Compulsory Purchase Order (CPO)**

PCC will consider a CPO where it is satisfied the property is in such poor state of repair that an EDMO would not be achievable and the neighbourhood would clearly benefit. Such a benefit would include reducing anti social behaviour, crime and arson as well as improving the appearance of the neighbourhood and the well being of the neighbours.

**Enforced Sale.**

Enforced sale is an option available when PCC has carried out works on the property after a notice has been served and the owner does not repay the costs. The city council will recover any costs paid from the proceeds of the sale where a legal charge has been placed on the property.

**5.3 General overview of current legislation available.**

The principle legislation used to deal with derelict and vacant properties is summarised in Appendix 1.

**6.0 Dealing with commercial / residential properties.**

Residential accommodation above shops which is empty will be dealt with by the Housing Standards (Empty Property) Officer, using the same procedures as per houses. If the business and residential property are both empty, then the Empty Property Officer will liaise with internal and external partners for them to take the lead with a view of bring the whole of the building back into use.

**7.0 Procedures.**

A full set of procedure documents have been produced to allow effective and transparent enforcement of the relevant legislation.

**8.0 Private Sector Housing Grants.**

The council has a Private Sector Housing Renewal policy that offers assistance to landlords wishing to bring a property back into use.

Offer of grant aid will be made to owners of properties as necessary.

**9.0 Information Collection; Marketing and Partnership Working.**

1. Effectively collect and collate information on empty properties and their owners and maintain a database of such.

2. To re establish an effective marketing campaign aimed at property owners highlighting such areas of help as grants, loans and general advice.
3. To improve on the current system of how customers can report empty residential properties to Portsmouth City Council.
4. To improve partnership links with internal and external organisations.

### **9.1 Effective Collection and Collation of Information:**

All information collected from internal and external sources will be input into the current data base used by the Housing Standards Team.

This data will be regularly reviewed to ensure that information held is accurate and an effective source of information relating to empty properties.

*The current empty residential property register is being transferred and this will be completed by 1<sup>st</sup> March 2010.*

*All other relevant information held by the Housing Standards Team will be input into the database system by 1<sup>st</sup> May 2010.*

### **9.2 Raising awareness in the Community.**

An important role of the campaign is to raise awareness of the issues associated with empty residential properties. This will be done through effective use of the media as well as by directly raising awareness and gaining support from within the local authority, external agencies and the general public.

### **9.3 How to report Empty Residential Properties.**

We will be proactive in promoting our Empty residential property Campaign through use of an Empty residential property Hotline, PCC web site, Landlord Accreditation Scheme and local and national media.

We will work together with PCC Communications team to ensure we implement a comprehensive approach.

*A full communication plan to be developed with Corporate Communication Team by 1<sup>st</sup> March 2010.*

### **9.4 Partnership Working.**

Working closely with our colleagues, partners and service users will ensure that we provide a cost effective, efficient and appropriate service to our clients.

Currently we collaborate specifically with the following groups:

#### 9.4.1 The PCC Eyesore Working Party.

The internal service group meets on a quarterly basis to agree ways of dealing with highlighted properties by developing closer working practices, exchanging information, raising awareness and finding the best solutions for bringing that property back into use.

#### 9.4.2 The Hants and Isle of Wight Empty Property Forum.

This is a forum for all local authorities in the area that meets twice a year to exchange good practices and provide peer support. It is a valuable tool for sharing information and best practice.

#### 9.4.3 The Housing Partnership

This sub-group of Portsmouth Local Strategic Partnership comprises representatives from the local authority, Housing Associations, private landlords, Members, developers, businesses and residents. The partnership is Housing's direct link to the strategic decision making process and is used to ensure our related housing services reflect corporate strategic objectives.

As part of our continual improvement monitoring of the service we will ensure that partnership links are reviewed, strengthened or changed.

### **10.0 Service Request Allocation.**

All requests for assistance received will be dealt with proportionately to the severity of service request.

The Housing Standards Manager will assign the service requests to the appropriate officer or department and decide on the timescale that it should be dealt within. All service requests should be dealt within a maximum of 10 days.

### **11.0 Priorities.**

All empty residential properties reported will be prioritised by way of risk assessment for future action.

A points system will be used taking into account:

- Length of time empty
- Condition of property
- Environmental impact on neighbourhood
- Impact on adjacent property and its occupiers
- Impact on council services and outside agencies
- Number of complaints

### **12.0 Review of Service.**

The Housing Standards Manager will undertake a monthly review of all empty residential property activity to ensure that the service provided is meeting the current demand and addresses the targets set in the Service Business Plan.

The Housing Standards Manager will provide an annual report to the Cabinet Member for Housing reviewing the progress made in Dealing with Empty Residential Properties.

**Appendix 1.****Summary of legislation available.**

Local Government (Miscellaneous Provisions) Act 1976 – Section 16 property	-	Power to require information in respect of the ownership of a
Prevention of Damage by Pests Act 1949 – Section 4	-	Power to require works to destroy pests
Local Government (Miscellaneous provisions) Act 1976 – Section 29	-	Power for premises to be secured against unauthorised entry
Environmental Protection Act 1990 - Section 80	-	Power to require abatement of statutory nuisances
Town and Country Planning Act – Section 215	-	Power to remedy land adversely affecting the amenity of a neighbourhood
Law of Property Act 1925 – Section 103	-	Power to force the sale of a property.
Local Government (Miscellaneous Provisions) Act 1976 – Section 15	-	Power to enter the property to undertake survey for CPO purposes
Housing Act 1985 – Section 17 by CPO	-	Power to acquire land and houses
Planning and CPO Act 2004	-	Compulsory purchase procedures
Circulars 13/81, 5/93, 14/94 2/03	-	Guidance on compulsory purchase procedures
Building Act 1984 – Section 77 to 79	-	Power to carry out / require works on dangerous buildings or ruinous and dilapidated buildings.
Housing Act 2004 Part 1	-	Housing, Health and Safety Rating System
Housing Act 2004 Part 4 Chapter 2	-	Power to make EDMOs
Housing Act 2004 – Section 133	-	Power to serve an Interim EDMO
Housing Act 2004 – Section 136	-	Notice of intention to serve a final

& Schedules 6 and 7

EDMO

## **Appendix 2.**

### **Location of relevant documentation:**

Held on CHO\ HS\ Empty Properties

Procedures for bringing empty residential property back into use

Empty residential property Flow Chart

Empty residential property Check list

Empty dwelling management order (EDMO) flow chart

EDMO part 2 Flow Chart

EDMO part 3 Flow Chart

EDMO Procedures

Enforced Sale Process

Enforced Sale Flow Chart

Procedure for Compulsory Purchases

Compulsory Purchase order Flow Chart

Enforcement Powers.

Risk Assessment Empty residential property.

Held on CHO\ HS\ All Procedures and Processes\HA 2004 Procedures

Cat 1 and 2 Hazards flow chart

Enforcement Procedures

Held on CHO\ HS \All Procedures and Processes \Single Occ Procedures

Procedure for accumulations under section 4 Prevention damage by  
pests act 1949

Procedure for accumulation under Section 34 Public Health act 1961.

Procedure for drainage (both on one property or more.)

Procedure for a filthy and verminous property.

Section 83 Public Health Act 1936.

Procedure for protection of buildings Section 29

Held on CHO\HS\ Procedure and Policies\Housing Notices

Procedure for defective premises under Section 76 Building Act 1984.