

CABINET

DATE	8 th July 2020
REPORT OF	Cllr John Fenty, Portfolio Holder for Regeneration, Skills and Housing.
RESPONSIBLE OFFICER	Clive Tritton Interim Director of Economy and Growth
SUBJECT	Empty Property Strategy
STATUS	Open
FORWARD PLAN REF NO.	CB 07/20/04

CONTRIBUTION TO OUR AIMS

The delivery of the Empty Property Strategy 2020 – 2024 and associated action plan will play a key role in building Stronger Communities. The plan will support the Council's work to contribute towards all people in North East Lincolnshire having somewhere to call home, where they feel safe and secure, and can enjoy good health and wellbeing. It will also support the regeneration of our borough, finding solutions to bring empty residential and commercial properties back into use.

EXECUTIVE SUMMARY

The report presents the Empty Property Strategy 2020 – 2024 and associated action plan. The strategy focuses on finding solutions to bring empty residential and commercial property back into use. It brings together work to provide homeless accommodation and improve housing standards. The Policy also sets out how the Council will prioritise potential enforcement cases and how we will engage with property owners.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Approves the adoption of the Empty Property Strategy and action plan.
2. Authorises the Director for Economy and Growth to implement the strategy and action plan making such amendments and updates as are required from time to time in consultation with the Portfolio Holder for Regeneration, Skills and Housing.

REASONS FOR DECISION

The strategy and action plan aim to address the challenges and opportunities bringing empty property back into use in North East Lincolnshire. The strategy will help to deliver on the Council's vision and opportunity for a strong economy, sustainable

communities, improved learning and skills and wellbeing, where people feel safe and are safe in their community.

1. BACKGROUND AND ISSUES

- 1.1 This new Empty Property Strategy and action plan sets out the vision and key actions for bringing empty residential and commercial property back into use.
- 1.2 The purpose of this strategy is to define actions which will enable the Council to reduce the number of empty properties, making the best use of our existing buildings. The aims are as follows:
 - Reduce the number of empty properties in the borough including redundant commercial units.
 - Strengthen relationships with our partners to find new pathways to bring empty homes back into use, supporting those residents who are most in need
 - Increasing opportunities for the community to own houses in their neighbourhoods
 - Provide creative ways to fund initiatives
 - Support North East Lincolnshire Council's social value agenda.
- 1.3 The overriding aim to bring empty property back into use at the earliest opportunity, to prevent properties from creating a nuisance.
- 1.4 The Empty Property Strategy should be reviewed, and a revised strategy produced every five years or more frequently if circumstances in the borough change. It's important the strategy links with other related strategies and programmes that aim to address the wide range of factors that can contribute and effect the volume of empty properties in the local area.
- 1.5 The Empty Property Strategy reflects the views of the people living in North East Lincolnshire and partners working to regenerate our borough and supporting reducing homelessness.
- 1.6 The strategy's Action Plan identifies the key actions and required outcomes the Council need to deliver, to reduce the number of empty residential and commercial properties in the borough. The plan will be regularly reviewed, updated and new actions and initiatives added to it as necessary.
- 1.7 The Empty Property Strategy Action Plan:
 - has been developed in consultation with key stakeholders;
 - recognises the key issues affecting housing in NEL and the impact these have on local residents;
 - demonstrates how the Council and our partners will respond to local housing issues;
 - sets out key challenges, actions, and milestones to measure progress
 - is outcome driven;

- recognises the links with partnerships other key strategic plans.

2. RISKS AND OPPORTUNITIES

- 2.1 The Empty Property Strategy Action Plan will be monitored by the Empty Property Working Group and representation at a senior management level from the Council.
- 2.2 There is a risk that some elements of the Action Plan will become out of date during the five-year period as national legislation and policy continues to change and funding opportunities present themselves. Where this happens, we will include a note on the Council's website explaining any updates.
- 2.3 There is a risk of not being able to deliver parts of the action plan that are reliant on external factors, for example the local property market and economy.

3. OTHER OPTIONS CONSIDERED

It is acknowledged that the social, economic and political environment in relation to housing issues evolve at speed and housing strategies can become dated and require regular review. It is important that the Council continues to monitor external factors and demonstrates an understanding of local housing issues in order to continue setting the strategic direction and appropriate action plan. The Empty Property Strategy Action Plan provides clarity around how the Council will address the issues around providing quality housing accommodation to meet housing need and bring empty residential and commercial property back into use, in the Borough.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

The Empty Property Strategy demonstrates the Council's commitment to bringing empty residential and commercial property back into use, to support reducing housing need and improving the quality of homes. Recent work with partners has proven successful, as it has provided an arena for positive communications with our charitable partners, who are keen to assist in reduction of empty homes by providing quality housing for vulnerable households. A clear communications plan, will include partnering agencies and internal teams, such as Safer Communities' providing clear messages and justification on the actions taken to reduce the number of empty properties in our borough.

5. FINANCIAL CONSIDERATIONS

Where actions cannot be achieved through existing funding, we will endeavour to bid for additional funding or use budgets more effectively and where possible assist partners in accessing funding from other external sources.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The Policy supports improving the quality of our existing stock, eliminating waste and recognising the economic and social benefits of a high-quality environment.

Improving property will increase the energy efficiency of buildings to reduce carbon use and resilience to the impacts of climate change.

7. CONSULTATION WITH SCRUTINY

The Empty Property Strategy and Action Plan have been reviewed by Economy Scrutiny. Portfolio Holder has also been consulted and briefed.

8. FINANCIAL IMPLICATIONS

The expectation is that the actions outlined within the action plan are delivered within existing resources or, where this is not possible, will be supported by other external funding sources. Any specific proposals will be required to follow the Council's established business development process.

9. LEGAL IMPLICATIONS

The Empty Homes Strategy and Action Plan is consistent with the stated aims of the Council and the recommendations sought are appropriate.

Legal Service Officers will support individual projects arising from the strategy ensuring that internal policy and processes are adhered to.

10. HUMAN RESOURCES IMPLICATIONS

There are no direct HR implications contained within this report

11. WARD IMPLICATIONS

All wards affected.

12. BACKGROUND PAPERS

Empty Property Strategy and Action Plan.

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Councillor John Fenty

**Deputy Leader and Portfolio Holder for Regeneration, Skills, and
Housing**



EMPTY PROPERTY STRATEGY

2020 - 2023

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Foreward



Councillor John Fenty

Deputy Leader of North East Lincolnshire Council and Portfolio Holder for Regeneration, Skills and Housing

This strategy outlines the Council's ambition to bring empty properties back into use, working with our partners to provide the right housing in the right place.

This Strategy explores innovative opportunities and joint, working to maximise the potential to utilise existing vacant properties and buildings. Included within the strategy is the requirement to review our existing commercial portfolio and town centres, where properties may have outlived their viability and a new use for the building needs to be found.

We commit to:

- Reducing the number of empty properties in the borough, including redundant commercial units and public buildings
- Strengthening relationships with our partners to find new ways to bring empty homes back into use, for the benefit of those who are most in need
- Increasing opportunities for the community to own houses in their neighbourhoods
- Provide creative ways to fund initiatives and attract investment into North East Lincolnshire
- Support our Social Value Agenda

I endorse the values and principles set out in this document and commend all organisations working across our borough, who are committed to providing quality housing by making better use of our existing stock and assisting those individuals and families who find themselves in housing difficulty.

1.0 Introduction

- 1.1 This strategy provides options to bring empty homes, derelict land and commercial property back into use. The intention is to regenerate areas affected by these properties irrespective of use, to benefit residents by improving neighbourhoods by bringing and converting buildings for housing, back into use.
- 1.2 North East Lincolnshire has a large private housing sector, with 86.2% of homes being either owner occupied or privately rented.
- 1.3 The aims and objectives of this strategy are to provide solutions to some of the complex issues around empty homes in our area, and to remove barriers that prevent owners from bringing properties back into use.
- 1.4 As of 1 January 2020, there were 3417* empty homes in the borough. The majority are in good condition and some properties will naturally come back into use (e.g. in-between tenants or waiting for new buyers to move in), however there is a small percentage of properties which do pose a problem.

**This figure is taken from council tax data and is the number of residential dwellings which are subject to the relevant council tax where a property remains unoccupied.*

- 1.5 Since the removal of the empty homes council tax discount, some landlords have failed to inform the Council when a property becomes vacant, as the 100% charge stands whether the property is occupied or not. Taking this into account, council tax records are not considered as a full and complete list of all empty properties in our area but can be used for guidance.
- 1.6 Owners of commercial property do not have to pay business rates on empty buildings for 3 months. After this time most businesses must pay full business rates. Some properties can get extended empty property relief: industrial premises (for example warehouses) are exempt for a further 3 months.

Some commercial units below a certain rateable value (£2,900) do not have a Non-Domestic Rate (NDR) charge on them. Whilst these are likely to be small units, it is feasible that this could include empty shops/offices. If the properties are empty and the owners consider the property 'not in demand', they may choose to leave the property empty and at risk of falling into disrepair.

- 1.7 Business rate data held by the Council does not denote whether a property is occupied or vacant. Therefore, it is more difficult to understand how many empty commercial properties there are.

2.0 Background

- 2.1 Empty and derelict property present problems to communities and place a strain on public services. They can become a focal point for issues such as fly-tipping, anti-social behaviour and other criminal activities.

Their neglect can cause structural damage to adjoining properties, for example water leaks can go unnoticed causing extensive damage. Neglected drainage, roofing and boundary structures can become hazardous and present a danger to the public. This all places extensive demands on public services such as the Council, Police, Fire and Rescue.

2.2 In the Housing Strategy, the Council has made a commitment to bring empty property back into use, making better use of our existing property, improving the quality of housing and increasing the number of housing units on our brownfield sites.

2.3 Previous policies have aimed to take a strategic approach to reducing the number of high impact empty properties.

2.4 The revised strategy will primarily look to tackle areas where there are high concentrations of empty properties, where improving an area will attract investment to the area.

The strategy will also focus on empty properties that detrimentally impact on a neighbourhood, or where there is a suspicion of Council Tax Fraud (i.e. the owner is claiming single person discount in a home), North East Lincolnshire Council will take appropriate action.

2.5 As of the 1 January 2020 there were 3148 active households on the Home Choice Lincs housing register, looking for suitable properties in the North East Lincolnshire area. Whilst only a small number of cases, will be in immediate need, the total demonstrates the demand for the “good housing in the right place”.

In a change to the way the Council have approached the issue of empty homes, this strategy aims to make the best use of existing budgets, revenue streams and existing stock by introducing measures that will help fulfil our currently unmet housing needs, which will contribute towards improving the look and feel of the borough.

2.6 The strategy also includes empty/derelict commercial property. Over the past decade the way we shop and do business has changed. Many shops and commercial units remain empty and are unlikely to be brought back into commercial use as they are no longer economically viable.

2.7 The Council must revisit the way we approach our town centres and consider other options to re-model these properties. This could include conversion to provide much needed low cost or affordable housing.

3.0 Definition of an empty property

3.1 A long-term empty home is a residential dwelling that has been unoccupied for 6 months or more. This can include single-family dwellings, Houses of Multiple Occupancy, flats, and accommodation located above commercial premises.

3.2 Empty commercial property may be brought to the attention of the Council through complaints around nuisance properties, due to a poor visual appearance or conditions of a property and could form part of a wider regeneration scheme to improve the quality of housing.

3.2 Empty properties that come to the Council’s attention will be impact assessed to prioritise cases, before any advice or action is considered. This will include sending correspondence to the registered owner of the property, consulting with other Council departments and the neighbours in the immediate area, and speaking to any other relevant parties and/or agencies.

- 3.3 Further details of the definition and how the Council will class a property as being brought back into use can be found in **Appendix 4: Definition of an empty property back into use.**

4.0 Reasons why properties remain empty

- 4.1 In most cases this is because the owners need assistance, support, information, or encouragement to help return empty properties to use.

Although there are numerous other reasons that properties remain empty including:

- Financial implications including no longer financially viable
- Reluctance to let/sell
- Repossession or abandonment
- Negative equity
- Health issues, long term care or hospitalisation
- Requires renovation and/or building work, often unable to finance repairs
- Probate, estate or legal ownership issues
- Inaction of owners or unable/unwilling to let/sell
- Lack of awareness of support options
- Unable to find a suitable solution to bring the property back into use

This list is not exhaustive, and the reasons can vary in severity. It is important, therefore, that North East Lincolnshire Council is able to offer the appropriate level of support to those who need it on a case by case basis. Through this strategy, North East Lincolnshire Council has options/actions in place for all of these reasons and causes highlighted.

5.0 The impact of an empty property

- 5.1 Empty property represents a wasted resource and can cause a number of problems for the owner and the surrounding neighbourhood.

If left empty, properties can:

- Fall into disrepair, and/or become ruinous or dilapidated
- Become an eyesore in the neighbourhood
- Attract vandalism, anti-social behaviour and crime
- Cause damage to adjacent properties, and health issues for neighbours through a lack of maintenance
- Reduce the value of the surrounding area as well as the empty properties themselves
- Become costly to maintain and cause a loss of potential income

This list is not exhaustive.

6.0 The benefits of bringing empty properties back into use

6.1 Bringing empty homes back into use can have significant advantages for everyone in the area. These advantages include:

- Provide housing and supporting the objective of fulfilling our unmet housing need for others
- For the owners – it unlocks potential capital if the property is sold; it will produce rental income if the property is let and there is the potential for an increase in property value
- For the owners – it reduces the Council Tax/Business Rates burden as the longer a property remains empty, the greater the obligation
- Leaving a property empty increases the risk of vandalism and crime, making the building more costly to insure empty (if it can be insured at all)
- For local residents – it reduces the opportunities for vandalism, fly-tipping and antisocial behaviour in all its forms.
- For the local economy – bringing an empty property back into use can contribute to the regeneration of an area, increasing spending in the local economy and helping to protect the value of surrounding properties.
- Unsightly properties can often deter investment in an area, which can lead to decline.
- For the wider community, returning properties back into use helps to reduce demands on services such as the Police, Fire and Council.

7.0 Aims

7.1 The purpose of this strategy is to define actions which will enable the Council to reduce the number of empty properties, making the best use of our existing buildings. The aims are as follows:

- **Reduce the number of empty properties** in the borough including redundant commercial units.
- **Strengthen relationships with our partners** to find new pathways to bring empty homes back into use, supporting those residents who are most in need
- **Increasing opportunities for the community** to own houses in their neighbourhoods
- **Provide creative ways to fund initiatives** over and above our current sources of funding.
- **Support North East Lincolnshire Council's social value agenda** through community led schemes.

8.0 Objectives

8.1 The objectives of this Empty Homes Strategy are to:

- Return a maximum target of empty homes back into use annually
- Return a target number of derelict land and commercial property to use annually
- Raise public awareness of the Council's approach to empty properties and the importance of reporting them to the Council
- Provide positive support and assistance to owners and people within the town who have been affected by empty property

- Be proactive through enforcement action where owners are unable or unwilling to return property to use, in line with the Council’s enforcement strategy
- Maximise the potential of empty homes and commercial units
- Increase the availability of affordable housing
- Ensure budgetary expenditure delivers value for money, reduces empty homes and commercial units across the borough

The Council will treat empty homes owned by the Registered Providers of Affordable Housing in the same way as other Private Sector Landlords and will work with all housing partners to resolve the problems and barriers creating long term empty homes.

9.0 Local perspective

9.1 The Council uses Council Tax records to identify empty homes. There are a number of different types of listing classes (e.g. includes charity owned, probates, owner in residential care, etc.). The total number of empty homes is 3014 (Council Tax Records, 1 January 2020 – excluding second homes and occupation prohibited). Of these, 1117 have been vacant 6 months to 2 years, 470 between 2-5 years, and a further 200 over 5 years.

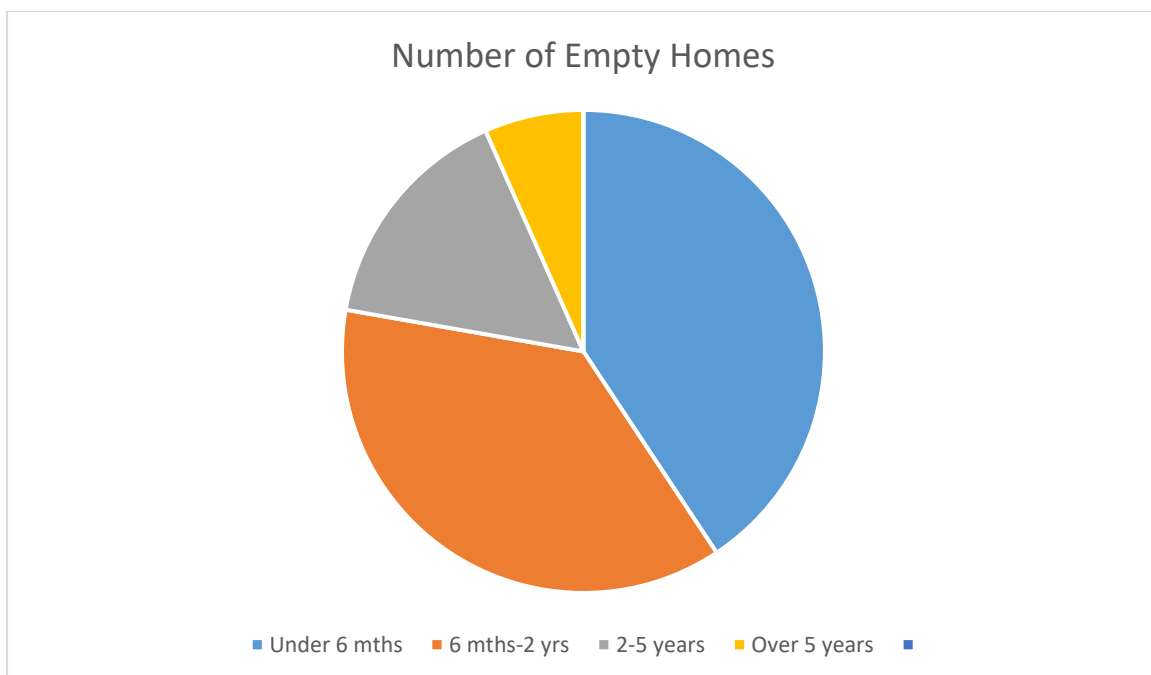
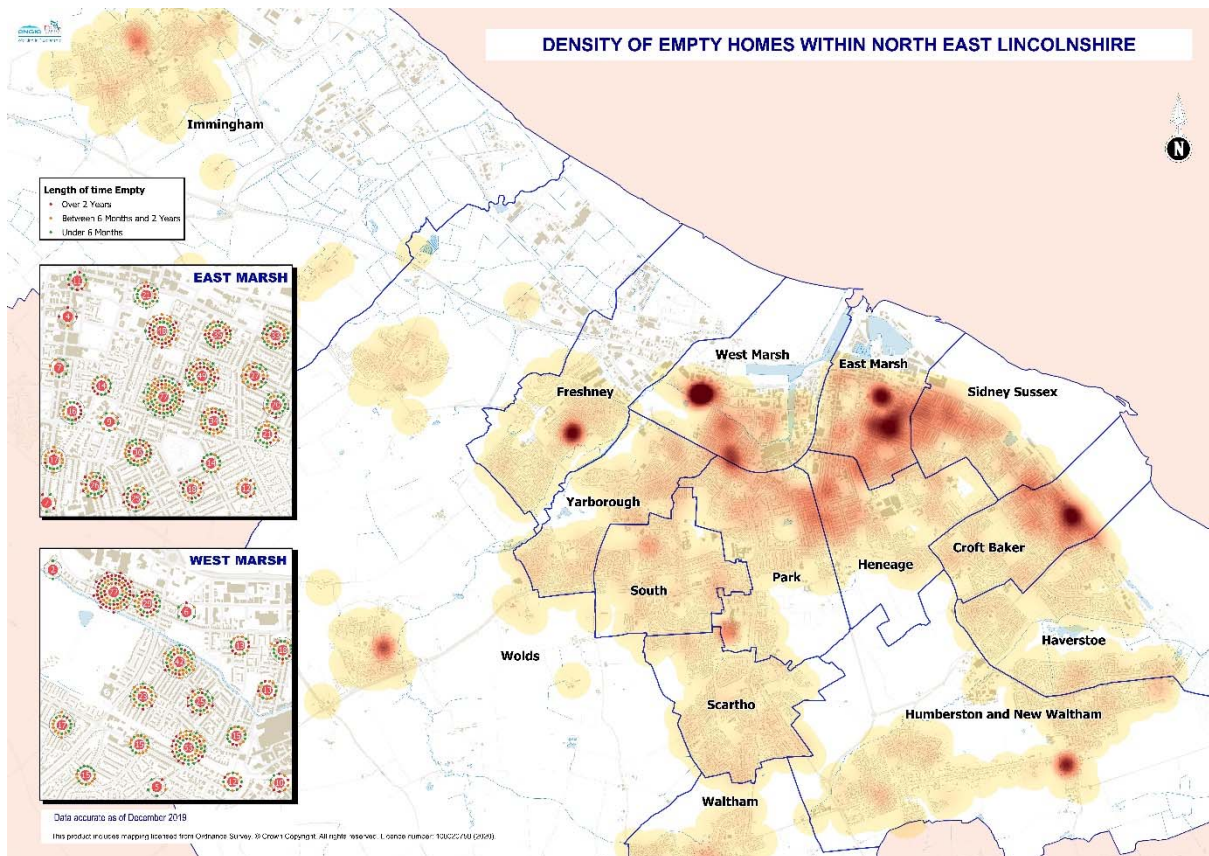


Diagram 1: Breakdown of empty properties

9.3 The heat map below identifies the areas with the highest density of empty homes.

9.4 The national average for empty properties is 2.49%. The number of homes in the private sector are 63,683. Therefore, the percentage for empty homes locally is 4.8%. The heat map identifies the areas where high levels of empty properties are identified, for example; Elsenham Street in the West Marsh has void rates up to 24%.



Map 1: Concentrations of Empty Homes (Council Tax Data December 2019)

9.4 The number of empty properties is similar to the number of active households looking for quality suitable property in the area. By matching housing need and empty property, we can contribute towards making the best use of our existing stock by finding a suitable, sustainable end user.

10.0 Previous performance

10.1 All loans and grants were removed in the 2017 Housing Assistance Strategy. This limited the options enabling empty properties to be brought back into use.

10.2 Empty homes

Year	Owners provided with advice and assistance, which contributed towards the property being returned to use	Owners received loans/grants which funded works to return the property back into use	Where other actions failed, the Council resorted to enforcement to help return the property back into use	Total
2016/17	10	25	1	36
2017/18	24	5	4	33
2018/19	39	0	1	40

Table 1: Performance Empty Homes

10.3 The strategy provides a framework for recording future Key Performance Indicators. Performance will focus on the following themes;

- Number of empty homes brought back into use through intervention, focusing on properties void for 2 years and over (see **Appendix 4: Definition of an empty property back into use**)
- Number of derelict commercial properties brought back into a useable condition

10.4 The new policy will monitor;

- The number of new housing units created by converting former commercial units
- The number of empty properties brought back into use through enforcement
- The number of empty properties brought back into use through loans
- The number of empty properties brought back into use through advice and assistance
- The number of empty properties brought back into use through Community Housing Programmes
- The number of empty property brought back into use where a sale has been facilitated to a charity or Registered Provider.

11.0 Options to bring empty homes back into use

11.1 NELC Empty Property Working Group

The Council through its regeneration partner ENGIE, will establish an Empty Property Working Group to include Council Tax, Finance, Safer Communities and Compliance Team. Through partnership working, the group will provide a co-ordinated and consistent use of all the Council's information, resources and enforcement powers to tackle long term empty

properties. The group will maximise potential income through external capital and find alternative uses for property where options are limited.

11.2 Empty Property Hub

The Council will engage more effectively with external services and partners, including but not limited to:

- Registered providers, charities and Community Land Trusts/housing organisations
- Government departments
- Homes England
- Tracing agents
- Resources such as the Empty Homes Charity
- Charities and other organisations interested in funding empty property work
- Officers to attend the new neighbourhood management meetings in the East and West Marsh, working with the local community and strategic partners to develop a ground roots up approach to regeneration. The council will target its resources to prioritise empty property in these areas
- Officers to support town centre regeneration. Our shopping habits are changing as we move towards internet shopping, many major traditional shopping chains have struggled in the current climate and retailers are required to sell more for less to compete with their online competitors. To survive, town centres must adapt and provide a new offer to residents and visitors, to increase and maintain footfall. This could be a mix of housing, leisure and shopping. Our town centres are made up of offices and shops which are often too large and therefore somewhat difficult to let. New uses will need to be found and these could include housing.

11.3 Community Housing

The community-based projects achieve positive outcomes by:

- Attracting external investment to bring empty homes into use
- Directly addressing community needs
- Providing opportunities for education, training and work
- Generating social enterprise and;
- Providing secure affordable housing for local people from homes or property which would otherwise have been standing empty

Community Housing Schemes are neighbourhood-based housing schemes, tackling empty homes in their immediate locality. Community housing groups can include people sharing a common experience, such as people with mental health concerns, people in recovery, those leaving prison, and some facing common challenges such as refugees, migrant workers or new entrants to the UK.

Communities can deliver affordable housing from other redundant and derelict building, in bringing these back into use, can help to rebuild essential community infrastructure, providing opportunities for real life change and enhancement to local people.

There is a demonstrable Social Return on Investment (SROI) evidenced by these projects, in line with the Council's priorities, including:

- Access to employment or regular volunteering
- Training for work e.g. access to apprenticeships or vocational training
- Community living and social inclusion e.g. feeling safer or part of a social group
- Empowerment e.g. relief from depression/anxiety or resettlement
- Housing e.g. move from temporary to secure housing or access to tenancy support

There are aspirations to consider establishing a community social lettings agency, providing tenancy management services to local private landlords, including lease and repair schemes, improving security of tenure and property conditions.

11.4 Advice and assistance

The Council works closely with owners of empty properties by;

- Providing an investors list of potential buyers, keen to purchase empty properties in the borough
- Promoting open days where owners of empty properties and potential investors can meet experienced officers
- Social media campaigns to raise awareness and share information
- Media stories to promote successful case studies

11.5 Investors

The Council holds a list of investors who are keen to refurbish and redevelop property, providing sustainable lettings or encouraging home ownership. Where the owner of an empty property expresses an intention to sell, the council will introduce the seller to a potential buyer. North East Lincolnshire Council will not enter into negotiations.

11.6 Council tax increased charges for empty homes

The Government introduced legislation which allowed local authorities to amend their Council Tax charges, for empty properties. From April 2020, properties left empty for 5 years and over, will see an increase of 200%. In April 2021, properties left vacant for 10 years and over, will see their bills increase by 300%.

The increase is a deterrent to ensure that owners do not leave properties empty for long periods of time. The Council's Housing and Council Tax teams are working jointly, utilising enforced sale powers to encourage a change of ownership where there is a bad debt.

It is intended for some of the additional income raised by the increased council tax charge/revenue collected from owners/landlords of empty homes will be re-invested to promote and deliver a step change in reducing the number of empty homes in the borough. Alongside a host of other initiatives, this will include additional resource to support landlords, alongside empty homes grants/loans.

Closer and collective scrutiny between the Empty Homes and Council Tax Teams, will ensure fraudulent activities are dealt with more swiftly through the appropriate channels ensuring appropriate charges are in place and potentially backdated.

11.7 Landlord Energy Repayment Loans

The Council offer repayment loans up to £4,000 to fund energy efficiency works. The loans are also offered to owners of empty properties.

11.8 Empty Homes Leasing Scheme

This scheme is suitable for owners of empty homes where owners are unable to bring a property back into use. The scheme benefits owners who do not have the funds to carry out repairs to refurbish the property. The scheme will provide funding to carry out improvement works to bring the property up to a lettable standard. The loan is repaid through rental income received over a period of up to seven years through a lease agreement. At the end of the lease, the property can be handed back, or the owner can choose to extend the lease agreement. During the lease agreement an independent landlord will be appointed by the Council through an open and transparent procurement process to act as landlord/managing agent.

11.9 Empty Dwelling Management Orders

Where a landlord is unwilling to bring a property back into use and a property is eligible for the leasing scheme, the Council may decide to use enforcement powers, to place an Empty Dwelling Management Order on the property. Where this occurs, the Council will take over responsibility of the property for a period of up to seven years. Rental income received will cover repayment of refurbishment works, general maintenance and management fees.

11.9 Purchasing properties

The Council may acquire properties that are causing a persistent nuisance to neighbours and where the owner is unable to finance repairs. Owners threatened with formal action are often willing to work with the Council to consider innovative ways to remove barriers that prevent them from selling the property. This approach can save the Council time and money, preventing significant legal costs if a compulsory purchase was pursued.

11.10 Providing suitable housing for those most in need

During 2019, Councillors set up a working group to investigate rough sleeping, commissioned by the Communities Scrutiny Panel. One of the suggestions was that the use of empty homes be explored further with our regeneration partner, ENGIE, for the use of single/shared housing and Housing First accommodation.

This Strategy supports this commitment and aims to support charities and local registered providers, to acquire and refurbish empty properties to provide accommodation supporting this ambition.

For further information:

<https://www.nelincs.gov.uk/wp-content/uploads/2019/05/6-Homelessness-and-Rough-Sleeping-Strategy.pdf>

11.11 DevelopNEL

The Council will intervene in the housing market to reduce the number of poor quality, privately rented accommodation. Through the Council's trading arm, DevelopNEL, the Council will explore opportunities to purchase a variety of empty property with the aim of supporting

housing need. Many empty commercial properties could be converted to provide good quality one and two bedroom accommodation and help to alleviate a housing shortage for properties of this type. The aim would be to develop a rental portfolio, with funding to acquire, renovate and where necessary re-model an existing building. This project would require a 30 year investment model with rental assumptions mirroring Local Housing Allowance levels. However, it is North East Lincolnshire Council's primary aim to be an 'enabler' in the process and ensure housing providers play their part and take ownership of empty homes, in the first instance.

11.12 Living over commercial units/shops

A number of empty properties are accommodation over shops. These can be prominent properties along main gateway routes, where the property has fallen into disrepair and requires significant works. This project will explore opportunities and remove barriers to work with retailers who have empty poor quality accommodation which is under-used. This project can link-in with the Cleethorpes Townscape Heritage Project. It can also support regeneration of the Grimsby town centre and Freeman Street.

11.13 Properties in probate

- A number of empty properties lie vacant or derelict following the passing of an owner. Employing a tracing agency and engaging with the next of kin directly will help to bring the property back into use. Properties in probate will be part of a planned project to review all properties during 2020 to understand what the barriers are that prevent probate being granted when properties are left empty for many years.

11.15 Support for derelict land and commercial premises

The Council through its regeneration partner ENGIE, will work with property owners to bring empty commercial properties back into use. For example; a former shop which is no longer viable as a commercial premises may be converted into residential use, providing quality housing to support unmet housing need in the borough.

12.0 Enforcement options

- 12.1 The Council will impact assess empty property once it has been empty for over two years (see **Appendix 3: Empty Property Impact Assessment**). In addition to an increase in Council Tax (see section 11.6 **Council tax increased charges for empty homes**), the owners will receive a questionnaire asking them to confirm what action they will be taking to bring the property back into use.

Should an owner fail to respond and where the property deemed as causing a nuisance, the Council will contact the owner a further two times. The Council considers it is imperative that owners of empty property engage to confirm their long-term plans for the property. Failure to respond will leave the council no option but to consider legal action and other alternatives.

- 12.2 Properties will be identified and ranked on;

- Impact on the local community
- Debt
- Location

13.0 Finance

13.1 Council tax income

Funding received from an increase in Council Tax could provide additional investment into supporting landlords to bring empty homes back into use, through;

- Additional staffing
- Loans

13.2 Section 106 affordable housing commuted sums

S106 Affordable Housing Commuted Sums are accepted in exceptional circumstances, when there is a planning requirement for provision of affordable housing on a site and the development is unsuitable, unviable or unsustainable for social housing residents: as assessed and identified by the NELC Affordable Housing Policy, Local Plan and Lead Officer. This payment is accepted in lieu of the building and sale of affordable housing to a Registered Provider of Social Housing, by a developer on a specific site.

Traditionally the funding has been used for new homes, this strategy enables some flexibility to include support to make viable the acquisition and renovation of private market empty homes and brownfield site development, subject to meeting strict s106 criteria.

13.3 Capital funding

The Council will work with external partners and financially contribute to schemes bringing properties back into use dependent on need, business plan and where the market cannot deliver a solution on its own. The theme will be to “invest to save”, providing financial support for housing providers/charities enabling them to acquire property, creating a home for vulnerable adults, providing a sustainable and dedicated into independent living and one solution to reduce the number of empty homes in the borough.

This approach will be subject to the availability of funding.

For any agreement the Council will set the terms of the grant, and in that we stipulate for the properties to be let through the Council’s adopted Letting’s Policy (HCL) – or an exception to standard lettings policy, and state that the purpose of the grant is to enable the acquisition of accommodation to be used for any clients needing a higher level of support etc. ensure the grant is repaid, if the property is sold prematurely.

14.0 Review of empty homes strategy

- 14.1 The commitments above are set out more fully in our Strategy Action Plan, which can be viewed or downloaded from:

<https://www.nelincs.gov.uk/wp-content/uploads/2019/05/6-Strategic-Housing-Action-Plan-Report.pdf>

14.2 Monitoring

A review of the strategy will take place in 2022.

14.3 Feedback/suggestions

Please contact:

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Strategic Housing Manager

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Appendices

Appendix 1: Our Vision

To provide sufficient tools to support and enables the provision of a good quality home for everyone who lives in North East Lincolnshire.

Providing additional housing provision through encouraging investment to convert former derelict and commercial buildings, will support achieving our vision by supporting delivery of at least 9,742 new homes (subject to review) over the Local Plan period 2013-32 and encouraging investment and improvement to existing homes across the borough.

This strategies actions will support economic regeneration and community cohesion, attracting new residents to the area and helping everyone to lead independent, healthy and active lives in a borough we are proud to call home.

Delivering a robust Empty Property Action Plan will contribute to the Council's vision and priorities of;

- *Learning and Growing All people in NEL fulfil their potential through skills and learning*
- *Investing in Our Future All people in NEL benefit from sustainable communities.*
- *Vitality and Health All people in NEL enjoy good health and wellbeing.*
- *Economy and Strength All people in NEL enjoy and benefit from a strong economy*
- *Safe and Secure All people in NEL feel safe and secure*

How will this be achieved?

The ambition is to deliver a vision that is supported by the following objectives;

People living in good quality, suitable properties

Housing provision supports and accelerates economic growth and income generation for NEL

Reduction in empty homes in the borough

We reduce the gap between the most and least disadvantaged neighbourhoods, so that everyone can live in safe, healthy and vibrant community

We have a revitalised town centre offer and a new urban community

Enable and empower resident and groups to contribute and make a difference in their community

Households living in energy efficient homes

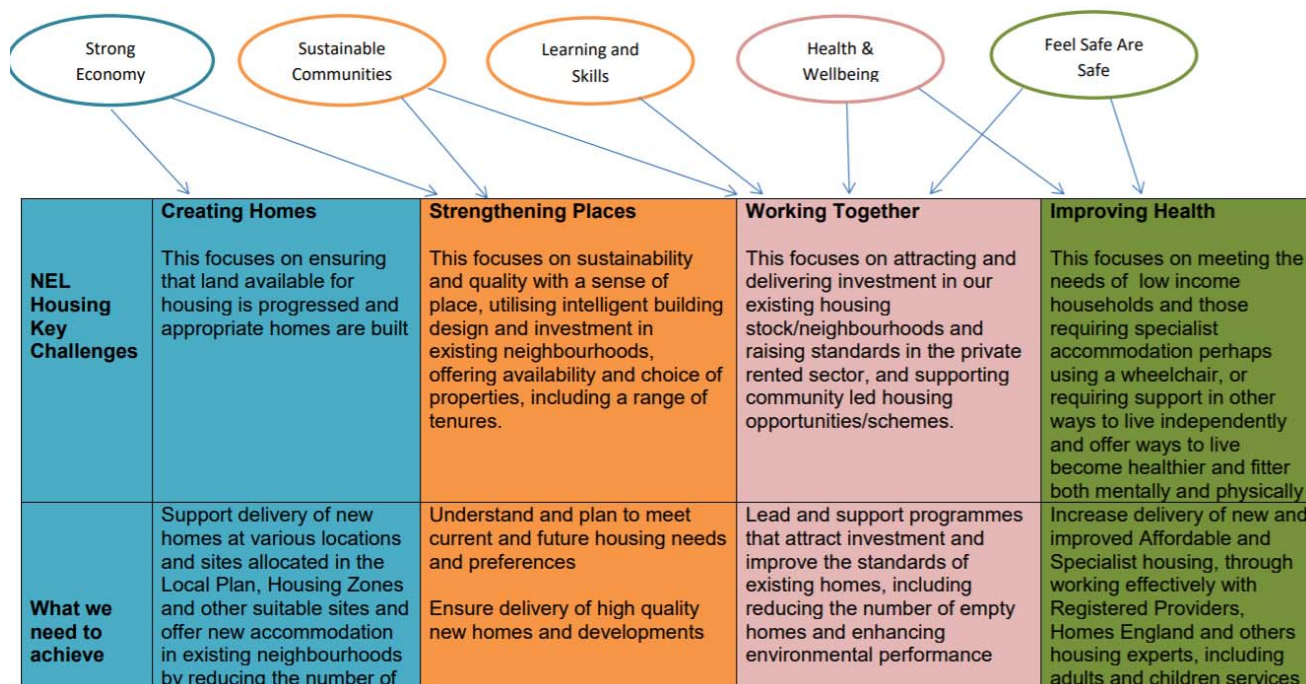
The Empty Homes Action Plan will help achieve these objectives by defining its main challenges, establishing key strategies and plans and scrutinising the required outcomes through appropriate consultation.

Through engagement and collaborative working, we can ensure we are building and sustaining strong links regionally and nationally with strategic partners such as Homes England and the Local Enterprise Partnerships, as well as working at a local level with council colleagues, members, developers, Registered Providers and the Third/Voluntary Sector. We are keen to demonstrate significant progress, meeting housing objectives, underpinning NELs vision and priorities.

For further details regarding the Housing Strategy Action Plan, please following the link:

<https://www.nelincs.gov.uk/wp-content/uploads/2019/05/6-Strategic-Housing-Action-Plan-Report.pdf>

The interdependence of key housing priorities and NELs strategic outcomes



Key Challenge	1. Creating Homes – providing new homes to meet local housing needs			
Measure of Success:	<ul style="list-style-type: none"> Number of new homes created through intervention – using existing commercial/residential stock Increase in the range of affordable homes 			
Empty Property Outcomes		What we will do	Dates and Milestones	Lead
Number of new homes created through intervention – using existing commercial/residential stock	1.1	<p>Provide Suitable Housing for those in Need</p> <p>Work with Charities and Registered Providers to source empty properties that meet housing need. Provide support to purchase the properties.</p> <p>Charities/Registered providers to work with NELC to maximise external funding to support purchase/refurbishment costs.</p>	Jan 21 – Complete first purchase	<p>ENGIE</p> <p>NELC</p>

	1.2	Support for owners of Derelict and Commercial Property Work with the Environment Agency and Planning to develop a proposal to support owners of Commercial Property to overcome any potential barriers preventing redevelopment and change of use.	Jan 21 – Guidance in place for investors	ENGIE
Increase in the range of affordable homes	1.3	Empty Property Hub Establish a working group with registered providers and charities to support bringing empty homes back into use.	Sept 20 – Terms of Reference Agree and group established	NELC/ENGIE
Key Challenge	2. Strengthening Places – Investing in our existing neighbourhoods and communities			
Measure of Success:				
<ul style="list-style-type: none"> • The number/proportion of Houses in Multiple Occupation (HMO) licensed properties • Percentage of private/social housing stock that is classed as Decent under Housing legislation • The reduction in the number of long term empty properties with council intervention 				
Many large terrace houses are no longer viable as single family residences. Conversion into a quality House of Multiple Occupancy will support housing need.	2.1	Develop a guide to convert empty terrace houses into quality, compliant Houses of Multiple Occupancy. The guide can be promoted on the NELC webpage and through social media.	Dec 20 – Guidance in place for investors	ENGIE
The number of privately owned properties brought back into use and up to a decent homes standard.	2.2	Empty Property Leasing Scheme Develop an Empty Property Leasing Scheme to take on property voluntarily or mandatorily, to bring empty homes back into use.	Oct 20 – Provider in place	NELC/ENGIE
			Jan 21 – confirm lease agreement between both parties	NELC/ENGIE
			Jan 21 – Partnership Agreement in place with Sheffield Homes and Loans, to administer Loans.	NELC/ENGIE

	2.3	<p>DevelopNEL Explore the opportunity to purchase empty property, to lease to charities through long term finance arrangements. Properties can be brought back into use and provide quality housing for vulnerable households.</p>	<p>Dec 21 – Complete Business case to present to Investment Board – with partners in place, with appropriate policy to support.</p> <p>June 22 – Launch Project.</p>	NELC
	2.4	<p>Domestic Living over Commercial Units/Shops Develop a scheme, contributing towards the regeneration of our Town Centres to bring into use accommodation over shops and increase inward investment. Consider submitting a bid for external funding to support the scheme.</p>	<p>March 21 – Present scheme with commercial and Empty Homes Hub partners to Senior Management Team</p>	NELC/ENGIE

	2.5	<p>Community Housing Co-produce a community led approach to housing that ensures active community input and that enhances neighbourhoods, reducing empty homes and the active disposal of challenging dwellings by Registered Providers.</p>	Nov 20 – present a Community Housing Strategy to Cabinet, setting out the Councils approach to Community Housing	NELC
The reduction in the number of long term empty properties with council intervention	2.6	<p>Council Tax – Use of Additional Income Present a costed plan to Leadership Team to obtain an additional post and funding for interest free loans.</p>	<p>May 20 – Plan presented to Leadership Team.</p> <p>Aug 20 – Pending approval, commence the recruitment process.</p>	NELC/ENGIE ENGIE
	2.7	<p>Properties in Probate Procure a searching agent to find missing beneficiaries.</p> <p>Work with Council Tax closely to identify properties incorrectly classed as in probate.</p>	<p>June 20 – Provider in place.</p> <p>Ongoing</p>	NELC/ENGIE NELC/ENGIE

	2.8	Implementation of the Housing Assistance Strategy Reduce the number of empty homes across the borough/promote the various housing assistance grants and loans for landlords/homeowners, improving the condition of their dwellings	Mar 20 – Implementation in place.	NELC/ENGIE
	2.9	Database to Prioritise Case Load NELC have approved a decision to re-procure a joint system for Enforcement. Include within this proposition, a requirement to upload Impact Assessments electronically and provide a prioritised list of properties to guide enforcement action.	Apr 21	NELC/ENGIE
	2.10	Establish an Empty Homes Hub The Empty Homes Hub membership will include both charities and registered providers, who are keen to expand their existing housing portfolio.	Oct 2020 – hold the groups first meeting – present and agree terms and conditions of group.	ENGIE
	2.10	Empty Property Working Group Establish a working group with Council Tax, Finance, Safer Communities and the Compliance Team. Maximise the use of enforcement powers and resources to tackle empty property.	Oct 2020 – hold the groups first meeting – present and agree terms and conditions of group.	NELC/ENGIE
Key Challenge	3. Working Together – working in partnership to deliver the housing vision and to increase opportunities for all			
Measures of success: <ul style="list-style-type: none"> • % of working population claiming out of work benefits • Creating more better paid jobs in the borough, measured by improving average earnings • Generating increased income through new homes bonus for NEL and other Housing revenue 				

Creating more better paid jobs in the borough, measured by improving average earnings	3.1	Community Housing Commence implementing the actions defined in the Community Housing Strategy, to encourage more community housing organisations to develop in the area. Working with partners to ensure that plans are in place to support schemes supporting residents to gain construction skills and gain employment.	Jan 21 – Present an implementation plan to Senior Management Team.	NELC
Generating increased income through new homes bonus for NEL and other Housing revenue	3.2	Section 106 – Commuted Sums Explore options to develop a strategy which will enable commuted sums to purchase/refurbish empty homes providing additional affordable housing to meet unmet need.	July 20 – Policy presented to Senior Management Team	NELC
Key Challenge	4. Improving Health – improving people’s health, wellbeing, economic opportunity and independence through housing			
<ul style="list-style-type: none"> • Percentage of people living in fuel poverty • New care and support ready homes delivered • Accommodation for looked after children • Number of people presenting as homeless • Number of people placed in temporary accommodation • Maximise Disabled Grant Funding, keeping residents safe and independent for longer in their own homes 				
Percentage of people living in fuel poverty	4.1	Energy Company Obligation Funding Utilise Energy Funding to bring empty property back into use.	Dec 20	ENGIE
New care and support ready homes delivered		Safeway Tenant Finder Scheme Investigate the options of establishing a scheme to support landlords to find tenants. As well as establishing an ethical lettings partner to deliver property management and provide support to tenants as and when required.	Jan 21 – Partner in place for Empty Homes Leasing Scheme Sept 21 – Tenant Finder Scheme in place	NELC/ENGIE NELC

Accommodation for looked after children		Looked After Children Work with Childrens Services to identify potential Empty Properties that would be suitable to provide accommodation for looked after children.	Ongoing	ENGIE
Number of people presenting as homeless		Providing Suitable Housing for those most in need Work with Registered Providers and Charities to identify empty properties that could be suitable to provide accommodation for vulnerable adults and Homeless/Rough Sleepers. Partners will provide support in line with the Housing First Scheme.	Jan 21 – Develop a protocol to work with partners. Mar 21 – Agree grant conditions for part funded schemes.	NELC/ENGIE NELC
Number of people placed in temporary accommodation		Temporary Accommodation Review Review current temporary accommodation/move on provision. Consider purchase/renovation of empty properties and if this can make long term savings for the Council.	Feb 21 – Complete review and present findings to Senior Management	NELC
Maximise Disabled Grant Funding, keeping residents safe and independent for longer in their own homes		Adapting Empty Housing for Residents waiting for adapted property Put in place a process to review to assess how residents with limited mobility can access suitable housing and how this can be matched up to bring empty homes back into use. Use Disabled Adaptation Funding to adapt empty property to meet need and fulfil unmet housing need.	Sept 21 – in line with a review of the adapted property process.	NELC

Appendix 2: Enforcement tools available for officers to are

Legislation	Aimed at:	Residential	Commercial
Housing Act 2004	Carryout property improvements and bring empty properties back into use	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Town and Country Planning Act 1990	Carryout property improvements and compulsory purchase land for development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Protection Act 1989	Carryout property improvements to improve conditions that could impact on the health of the occupants or their neighbours	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Local Government Act 1972	Compulsory purchase properties for a variety of reasons	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Housing and Regeneration Act 2008	Compulsory purchase of residential dwellings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing Act 1985	Compulsory purchase of residential dwellings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Local Government and Housing Act 1989	Compulsory purchase of residential dwellings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Planning (Listed Buildings and Conservation Areas) Act 1990	Compulsory purchase of listed buildings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Local Land Charges Act 1975	Registering a Deed of Charge within the meaning of the Law of Property Act 1925, confers on a mortgagee a power of sale.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Law of Property Act 1925	Section 87 (1) confers the right of possession. Where a debt is in excess of £500, then the Council will reserve the right to consider enforced sale.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Anti-social Behaviour, Crime and Policing Act 2014	Section 43 – Power to issue Civil Penalty Notices on individuals aged 16 or over or a body if satisfied on reasonable grounds that the conduct of an individual or body is having a detrimental effect, of a persistent or continuing nature on the quality of life of those in the locality and the conduct is unreasonable.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>Minor 10 Medium 15 Major 20</p> <p><i>Minor – slight or occasional dampness to an unused attic room. Medium – Slight or occasional dampness to a used living room or bedroom Major - extensive or persistent dampness, and probable mould growth, to a used living room or bedroom.</i></p>	
5.	<p>Invasive Weeds Is the property a source of uncontrolled invasion from weeds</p> <p>No 0 Minor 10 Medium 15 Major 20</p> <p><i>Minor – Bindweed is invading an adjoining garden or public area, or a tree which overhangs causing significant inconvenience or shading. Medium – the existence of Knotweed at the EPS property, but not yet spread beyond the boundary. Major – Knotweed has spread beyond the boundary.</i></p>	
6.	<p>Pests/ Health Risk Is the property a source of verminous pests?</p> <p>No 0 Minor 10 Medium 15 Major 20</p> <p>Minor – likely presence of vermin in the property, not yet clearly evidenced. Medium – some visual evidence of vermin, particularly rats or mice, possibly affecting neighbours. Major – clear and repeated evidence of vermin, particularly rats or mice, affecting neighbours.</p>	
7.	<p>Unightly/ Overgrown Gardens Does the property have external areas or gardens which are untended and unsightly?</p> <p>No 0 Minor 10 Medium 15 Major 20</p> <p><i>Minor – untidy and untended rear garden, mainly seen by neighbours and visitors. Medium – front garden untidy and untended, seen by neighbours, visitors, and some passers-by. Major – front garden untidy, untended, hedge overgrown, seen by all, including significant numbers of passers-by.</i></p>	
8.	<p>Rubbish Dumping</p>	

	<p>Are there problems with accumulations of rubbish or fly tipping?</p> <p>No 0 Minor 10 Medium 15 Major 20</p> <p>Minor – isolated incident(s) of inert material in the garden (e.g. small pile of building materials). Medium – several examples of inert material, or isolated incident of putrescent (e.g. bin bag of kitchen waste). Major – frequent incidents of general dumping, an ongoing problem.</p>	
9.	<p>Insecure Boundaries</p> <p>Are the walls and fences effective, and suitable for purpose?</p> <p>No 0 Minor 10 Medium 15 Major 20</p> <p>Minor – no gate, some low walls on highway boundary, and/ or lack of party boundaries. Medium – some low walls and/ or missing fences on highway boundary, allowing some areas of unobstructed “walk-in” access. Major – missing or non-existent boundaries to highway, allowing general “walk-in” access.</p>	
10.	<p>Street Scene Impact</p> <p>Does the property itself impact negatively on the general street scene?</p> <p>No 0 Minor 10 Medium 15 Major 20</p> <p>Minor – flaked condition of painting on a front elevation, in view from the street, in an area where the other properties are generally well maintained. Medium – ground floor windows boarded up on the front, in view from the street, small amount of graffiti on the front fence. Serious dilapidation round the back, but only visible from one property at the rear. Other properties are generally in better condition. Major – several windows to front and rear broken, collapsed fence panels, all visible from front street and rear access road,. Most other properties are reasonably well maintained, although a few have fences in need of repair.</p>	
11.	<p>Speed of Sale of Nearby Properties</p> <p>Are nearby properties selling quicker or slower than average;</p> <p>Very Slow 20 Slow 15 Average 10 Quick 5</p>	

	<p>Very Slow – properties do not sell easily at all, or only after lengthy marketing periods. When they are sold, they are likely to be being purchased by speculative landlords, and/ or at reduced prices. There may be several for sale boards on view in the area at any one time, and properties will be advertised “To Let” as well as for sale.</p> <p>Slow – noticeably slower than the average. Properties in similar nearby streets may sell noticeably quicker, where there is not a similar problem. There will be examples of properties which have been for sale for several months before being sold.</p> <p>Average – The market is relatively buoyant and properties/land sell/let at roughly the same rate as the average. Maybe quicker still if the property wasn’t there. If there is little or no evidence to indicate otherwise, it must be assumed that the speed of sale is average.</p> <p>Quick – properties sell quicker than the overall average, despite the presence of this particular property/land. Most properties will be selling as soon as they are put on the market, and there will be more potential buyers than sellers.</p>	
12.	<p>Number of Complaints Received How many complaints have been received about the property/land?</p>	
13.	<p>Statutory Notices Served How many statutory notices have been served concerning this property?</p>	
14.	<p>Works In Default or Prosecution Actions How many works-in-default or prosecution actions have been carried out?</p>	
15.	<p>Emergency Service Call Outs How many times have the Police/Fire Service/Ambulance Service been called to the property?</p>	
16.	<p>ASB/Drugs/Miscellaneous Number of other anti-social behaviour incidents requiring input from other agencies?</p>	

Appendix 4: Definition of an empty property back into use

Scope

1. This document contains the definition of an Empty Property Back into Use.
2. Since the removal of BVPI64 (see page 30 for definition), there is no nationally recognised indicator and therefore this document takes the definition from the former indicator. This is also the definition within the Partnership agreement between North East Lincolnshire Council and its partner ENGIE Services.

Rationale

3. BVPI 64 encompasses a range of different **outcomes**, from the re-occupation of existing empty dwellings to demolition of empties or the creation of new dwellings by converting redundant commercial space.
4. The aim of this Guidance is to support and supplement the BVPI by differentiating between interventions which may legitimately be counted as successes and those which may not. **The Government accepted this Guidance as an official supplement to the BVPI documentation and was used by the Audit Commission will therefore use the clarifications in this document to inform their audit of BVPIs.**

Definitions

Key wording from BVPI 64

“Number of non-local authority-owned vacant dwellings returned to occupation or demolished during the financial year as a direct result of action by the local authority.

“Where a vacant dwelling is converted into several flats or units, the number of flats that are subsequently returned to use during the financial year may be counted.

“Where a non-residential vacant property is converted into a dwelling, that dwelling (or the number of units in it) that are subsequently returned to use during the financial year may be counted.”

Interpretation

“Private Sector”

5. For the purposes of BVPI 64 only, the Audit Commission has agreed that **“Private Sector”** means **any non-HRA property in the Local Authority area**. This includes both Housing Association stock and other public sector dwellings such as properties owned by government departments, NHS trusts etc. In two-tier authorities, properties owned by the shire authority will also count as private sector for the purpose of this BVPI.
6. The intention is to distinguish between properties under direct control of the LA in its residential landlord capacity and properties where such control does not exist. This is thought to be an appropriate indication of local authority performance in tackling the problems of empty properties in their area.
7. This criterion is intended to be applied to the status of a property **at the time it became empty**. Thus empty properties transferred out of the HRA are **not** eligible to be counted as successes if they are subsequently brought back into use in the private sector. Conversely, empty private sector properties transferred into the HRA and then brought back into use might be counted.
8. Note that the above definition would allow LAs to count conversions of their own non-residential properties as successes.

Note that the BVPI does not measure the achievements of the Empty Property Practitioner but of the local authority. This means that successes achieved within the Guidance but without the direct involvement of the EPP can be counted.

9. We do recommend however that the Empty Property Practitioner should “own” the process of collecting and collating the BVPI64 data on behalf of their authority.

“directly as a result of action it undertook or initiated”

10. BVPI64 refers to successful outcomes as those which occur “directly as a result of action the Council through its Partner undertook or initiated”
11. Where the eventual outcome can be seen to **depend on** the involvement of the Local Authority, the **presumption** should be that the LA was instrumental in bringing the property back into use. This is true even though it is possible that the property would have been brought back into use anyway by other means, or the owner initiated the involvement of the LA.
12. Examples of solutions dependent on LA involvement could include, for example:
(Action “undertaken” by the local authority)
 - compulsory purchase
 - Empty Dwelling Management Order
 - other forms of acquisition by the Local authority
 - giving grants to bring a property to a letting standard
 - bringing a property within the LA’s own rent and deposit guarantee scheme
 - leasing the property (PSL scheme)(Action “initiated” by the local authority)
 - referring a privately-owned property to a Housing Association leasing scheme
 - a housing association is supported to purchase an empty property
 - referring a private landlord to scheme run by a local voluntary organisation
13. The key factor here is that the **specific** outcome achieved **depended** on the Local Authority’s involvement. Even if the property might have come back into use through a different route, that can only be a matter of conjecture: the fact is that the Local Authority’s action was part of a “causal chain” leading to the property being brought back into use.
14. On the other hand, where the Local Authority’s intervention consists of the **provision of advice or information**, the guideline is that it is only possible to claim a success where it is reasonable to suppose that on the basis of that advice or information:
 - the owner acts differently from what he or she otherwise would have done or
 - the property is brought back into use significantly more quickly than would otherwise have been the case.
15. The key criterion in establishing the impact of the LA’s intervention is not whether the owner gives positive feedback on the quality of information or advice received, but whether it would be reasonable **on the balance of probability** to assume that the information or advice **made some difference**, applying the criteria given above. It follows that in such cases the case notes, eg those relating to the owner’s intention or position at the time of the initial contact, would be a key piece of evidence in establishing the impact of the Local Authority’s involvement.
16. As a general rule, where it is not clear whether the Local Authority’s action was instrumental in bringing about a success, it is the degree of **engagement** which becomes a key factor – the greater the engagement with the owner, the more reasonable it is to decide that, on the balance of probability, the authority’s action helped achieve a successful outcome.
17. **Finally, note that the above guidance must be viewed alongside the section below on “Special Cases” where certain local authority actions are specifically excluded even though they may occur in the “causal chain” (eg granting of planning permission).**

“dwellings”, “flats” or “units”

18. The question of what constitutes a “dwelling” for the purposes of BVPI 64 has aroused considerable debate. The main issue is how to treat rooms or bedsits within Houses of Multiple Occupancy or hostels, where for Council Tax purposes there is only one dwelling.
19. The guideline is to count as a dwelling any unit which could be treated as a separate dwelling under Environmental Health/Renovation Grants or Housing Corporation regulations. It has been established that parts of a property with separate cooking facilities could count as a dwelling for the purposes of giving grant, so that arrangement within a house in multiple occupation could count as a separate dwelling (but not a room which shared kitchen facilities with others). Where a HMO is partially empty and the LA helps bring empty bedsits (with their own cooking facilities) back into use, each bedsit returned to use would count as a dwelling.

Special Cases

Granting of Planning Permission

20. The guidance does not consider granting of planning permission alone a sufficient intervention to warrant counting as a success. Dealing with a planning application is essentially reactive in nature and the Local Authority has a statutory duty to process the application.

Properties where the LA holds nomination rights

21. The Council may gain nomination rights to privately owned properties (eg as a condition of giving an Empty Property Loan. The routine exercise of nomination rights by an LA is not, on its own, considered sufficient to count as a success. The rationale behind this is that if the local authority holds nomination rights it also holds the responsibility to keep properties occupied and the situation is little different from HRA properties.
22. The circumstances where a success could be counted would be in the **first** letting of the property if there had been some other direct involvement of the local authority as described earlier.

Facilitating Lettings – Rent and Deposit Guarantee Schemes etc

23. Unlike nomination arrangements, rent and deposit guarantee schemes typically require continuing input from a local authority to secure the available lettings. Accordingly, the local authority may count each new letting it facilitates as a success.

Facilitating Lettings – Choice-based Letting Schemes

24. The marketing of a property through a Choice-based Lettings Scheme would not be considered a sufficient intervention to count as a success.

Private Sector Leased Properties (PSLs)

25. As with properties where the LA holds nomination rights, only the first letting of a PSL would count as a success, reflecting the initial success in bringing a property back into use.

Property not empty at time of initial contact

26. To qualify as a success, a property does not always need to be empty when an owner first comes into contact with the Local Authority. But to qualify in these circumstances, there would normally need to be a substantially irrevocable process under way at the time of the contact which would lead to the property becoming empty eg:

- an owner-occupier has already bought another property and is committed to moving into it
- a tenant has given notice to the landlord or the landlord has given the tenant notice
- an owner-occupier has firmly committed themselves to moving to a new job or going abroad

Note: Care should be taken to ensure that there is no double counting, therefore if a property is classed as back into use, it cannot also be classed as an intervention.

27. But authorities should not count as successes those cases where a property is emptied out specifically for it to be returned to use via a “qualifying route”.

Help with interpreting the *Guidelines*

28. These *Guidelines* are based on those original produced by the NAEPF and accepted by the Audit Commission.

Level of Proof

29. As stated earlier in the *Guidelines*, our view is that in claiming successes authorities should be able to provide evidence that on the **balance of probability** their intervention was instrumental in bringing a property back into use. This is **not** proof **beyond a reasonable doubt**.

For further details, please follow the link below;

<https://www.ehnetwork.org.uk/library-item/bvpi64-naepp-guidelines-apr-2006-2006-07>