

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET - 5 MARCH 2024  
REPORT OF THE EXECUTIVE DIRECTOR (RESIDENT SERVICES AND CLIMATE  
CHANGE)

**REPORT ON THE ADOPTION OF THE NEW EMPTY HOMES POLICY**

**1 Executive Summary**

- 1.1 The purpose of this report is to consider the Empty Homes Policy (Appendix A) following the public consultation that was undertaken. The draft Empty Homes Policy was presented at Cabinet Housing Panel in January 2023 prior to public consultation.
- 1.2 The Department for Levelling Up, Housing and Communities (DLUHC) is the department responsible for shaping housing policy in England and it is up to individual District and Borough Councils to formulate and implement their own policies to deal with empty homes.
- 1.3 Empty properties are considered a waste of housing resource at both national and local levels. The government's National Planning Policy Framework (2021) confirms that local authorities should 'identify and bring back into residential use empty homes and buildings, supported by the use the powers contained within the Policy'.
- 1.4 The council's proposed Empty Homes Policy firmly aligns with the council's Housing Strategy and aims to unlock the potential of vacant sites and empty homes; thereby contributing towards meeting local housing supply needs. Empty homes can have a negative impact on the local community and in some circumstances may be the subject of multiple concerns such as anti-social behaviour and dilapidation including structural repair, nuisance, as well as unauthorised entry. Bringing these properties back into use can not only deal with the issues outlined above but can also bring assistance to the owner who may not have known what to do with the property.
- 1.5 Where possible the council will always engage with a private owner to encourage a voluntary solution for bringing a property back into use. However, there are some instances where this is not possible, for example where the council is unable to identify owners; there might be issues in relation to probate, where known owners refuse to engage with the council or planning restrictions and issues.
- 1.6 In order for these more complex and contentious cases to be progressed a robust policy is required so that there is a graduated approach towards more formal action in accordance with the [Council's Corporate Enforcement Policy](#). This Empty Homes policy clearly sets out the formal action the council can take in order to obtain a resolution to ongoing issues as a result of the property being a long-term empty property.
- 1.7 The proposed Empty Homes policy is attached at Appendix A.

- 1.8 The public consultation took place between 20 September to 26 November 2023. More than thirty-five stakeholder groups, including Citizen’s advice, Police, Fire and Housing Associations were asked to comment including the public via a survey which was made available on our website. We received 53 responses, and they are set out at Appendix B.
- 1.9 As a result of the feedback provided through the consultation, the following key amendments are proposed to the second draft policy:
- a) Amended layout to section 6 to make it clearer and match the rest of the report.

## **2.0 Recommendation(s)**

- 2.1 That members consider and note the responses to the public consultation.
- 2.2 That members approve the Empty Homes policy set out at Appendix A.

## **3.0 Explanation**

- 3.1 The private residential empty property figures for the district as of 8 December 2023 are:

Second Homes (furnished)	288
6-24 Months	299
24 months+	133
Uninhabitable	9
Empty/Unoccupied < 3 months	360
<b>TOTAL</b>	<b>1089</b>

- 3.2 The council is committed to improving standards in the private rented sector. Working with property owners to improve their properties through both informal and formal action will enable the Council to utilise additional legislative powers in driving up standards within the Private Housing Stock.
- 3.3 This policy gives due regard to the non-statutory guidance issued by the Department for Levelling Up, Housing and Communities and Local Government, which sets an expectation that Local Authorities should take all available actions open to them when dealing with Empty Properties.
- 3.4 Welwyn Hatfield does not suffer the same problems as urban areas that have high levels of empty homes in particular hotspots that can lead to a haven for crime, vandalism, anti-social behaviour, and squatting. The issue of empty homes within the Borough is more about the lack of housing available rather than empty homes being problematic, although there are a few properties that do suffer with anti-social behaviour, these are not yet large in number.
- 3.5 We will always try to work with owners to resolve issues rather than resorting to enforcement action where possible. Where properties are being well looked after,

council tax paid and are not causing a particular nuisance or harm, the Council has very little powers to bring a property back into use.

- 3.6 Considerable success has been achieved through the use of informal negotiation, advice, persuasion and enforcement powers. Where enforcement is needed, there is now greater emphasis on the use of Empty Dwelling Management Order (EDMO) powers and Compulsory Purchase Orders (CPO) to achieve the Council's aims. EDMO and CPO powers are a clear and demonstrable enforcement tool available to the Council to help ensure empty homes are returned to use.
- 3.7 In terms of incentives, the issue of grants or loans were considered. Welwyn Hatfield Borough Council has in the past issued grants to the owners of empty homes to bring them back into use. However, these were considered not to be effective. This was mainly because owners of properties can obtain bank loans with a low interest rate, and also the conditions in place as part of the loan (the property needing to be rented out at the Local Housing Allowance rate and to applicants on the Council housing register) were felt to be restrictive.

### **Implications**

#### **4 Legal Implication(s)**

- 4.1 Having a policy in place allows the officers to be able to utilise certain provisions in the Housing Act 2004 – namely Empty Dwelling Management Orders (EDMOs), when this is considered to be the best course of action. Work will be required to develop administrative and legal procedures for applying to the First Tier Tribunal for EDMO's.
- 4.2 The Council's powers and duties in relation to enforcement are contained within various statutes including the Housing Act 1985, the Housing Act 2004, the Law of Property Act 1925 and the Acquisition of Land Act 1981. In cases where enforcement action is required, advice and input from Legal Services is sought.
- 4.3 Whilst there is no statutory duty to produce an empty homes policy, and Welwyn Hatfield does not have an extensive empty homes problem and the lack of a formally adopted policy can constrain making decisions on the best course of action to take.

#### **5 Financial Implication(s)**

- 5.1 Under the Levelling Up & Regeneration Act, local authorities now have the power to charge a premium after one year as opposed to two years previously, effective from April 2025. A reduction to empty properties will reduce the premiums charged. However, empty properties brought back into use currently attract New Homes Bonus Grant which would offset the reduction to premiums for one year, whilst the New Homes Bonus Scheme is in place.
- 5.2 Application to the First-tier Tribunal has a financial impact in terms of the Legal Division's staffing resources, possible fees and cost orders against the Council. However, given the likely frequency of making such an application the impact is anticipated to be low.
- 5.3 Any applications for EDMO's could result in the council having to pay for the recuperation of funding through the EDMO as the Council will become the Landlord of the property.

- 5.4 Dependant on the route of enforcement, there may be resourcing or legal costs, and these will be considered on a case by case basis as enforcement action is considered for empty properties.

## **6 Risk Management Implications**

The risks related to this proposal are:

- 6.1 Failure to act on Empty Properties that are causing issues with the local area can reflect badly on the council and our reputation may be affected as a result.

## **7 Security and Terrorism Implication(s)**

- 7.1 There are no implications.

## **8 Procurement Implication(s)**

- 8.1 There are no implications.

## **8.2 Climate Change Implication(s)**

- 8.3 There are no implications.

## **9 Human Resources Implication(s)**

- 9.1 The Policy would be applied using existing staff resources.

## **10 Health and Wellbeing Implication(s)**

- 10.1 Empty homes work improves the local area and neighbours' lives by not having a blighted property in the area.
- 10.2 There will be positive community safety implications because empty properties brought back into use will reduce likely associated anti-social behaviour and vandalism at or near the properties
- 10.3 Tackling poor and unsafe housing conditions in the Private Rented Sector will contribute towards the Council's vision of health of the residents of WHBC. Housing is a determinant of health, and in order to ensure that each resident of WHBC has an equal life chance, and a life expectancy to reflect that of the national average the Council needs utilise all legal and enforcement options available to drive standards up within the Private Housing Sector.

## **11 Communication and Engagement Implication(s)**

- 11.1 The Policy was consulted on widely, including key stakeholders, internal colleagues and the general public.
- 11.2 The outcome of the consultation is set out in Appendix B
- 11.3 Once approved, the Policy will be published on our website and a customer focussed summary of the policy will also be publicised as part of an awareness raising campaign by the Private Sector Housing Team in conjunction with our Communications team.

## **12 Link to Corporate Priorities**

- 12.1 The subject of this report is linked to the Council's Corporate Priorities '*Homes to be proud of*' – in particular '*high-quality homes for all*' and also '*Together, create opportunities for our communities*' - in particular '*help us feel safer where we live.*'

### **13 Equality and Diversity**

- 13.1 This Policy will not have any negative implications on the protected characteristics of the Equalities Act 2010. The EqIA is at Appendix C.
- 13.2 Equality issues will be taken into account prior to any enforcement actions.

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Appendices to be listed:

Appendix A – Empty Homes Policy

Appendix B – Results of the Public Consultation

Appendix C - EqIA