

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING PANEL 26 JANUARY 2023
REPORT OF THE SERVICE DIRECTOR (RESIDENT AND NEIGHBOURHOOD)

REPORT ON THE PROPOSED EMPTY HOMES POLICY

1 Executive Summary

- 1.1 The purpose of this report is to consider the draft Empty Homes Policy (Appendix A) for wider 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 draft 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 policy is attached at Appendix A.

2.0 Recommendation(s)

- 2.1 That members recommend approving the draft Empty Homes Policy to go out to public consultation.
- 2.2 That the draft empty homes policy will be presented again to Cabinet Housing Panel for consideration following the public consultation.

3.0 Explanation

3.1 The private residential empty property figures for the district as of 10th December 2022 are:

Second Homes (furnished)	362
6-24 Months	178
24 months+	113
Uninhabitable	4
Empty/Unoccupied < 3 months	304
TOTAL	961

- 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 are cause for concern.
- 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, 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 The council charges premiums on some empty properties. 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 The Government has announced its intention to change legislation on second and empty homes, allowing premiums to be charged on second homes. This will be returned for consideration at a later date, when legislation has been approved.
- 5.3 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 main risks related to this proposal are:

- 6.1 Failure to act on Empty Properties that are causing issues within the local area can result in antisocial behaviour and deterioration of the neighbourhood which could reflect badly on the council, and our reputation may be affected as a result.
- 6.2 Application to the First-tier Tribunal has a financial impact in terms of the Legal team's staffing resources, possible fees and cost orders against the Council. However, given the likely frequency of making such an application and the robust assessment of evidence that takes place, the risk is anticipated to be low.
- 6.3 Any applications for Empty Dwelling Management Orders (EDMOs) 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.

7 Security and Terrorism Implication(s)

7.1 None noted

8 Procurement Implication(s)

8.1 None noted

9 Climate Change Implication(s)

9.1 None noted.

10 Human Resources Implication(s)

10.1 The Policy would be applied using existing staff resources.

11 Health and Wellbeing Implication(s)

11.1 Empty homes work improves the local area and neighbours' lives by not having a blighted property in the area.

11.2 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

11.3 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.

12 Communication and Engagement Implication(s)

12.1 Members of the relevant Council teams will be made aware of the Policy, the Empty Homes Working Group will be formalised, and the Policy will be made available to members of the public on the Council's website.

12.2 There is currently no legal requirement to formally consult. However, it is good practice to do so. Consultation will be communicated to residents of the Borough and landlords/letting agents for a period of one month, using social media and our website. It is the intention for the public to complete the consultation online on the Council's website, and making hard copies of the consultation available for those that request them.

13 Link to Corporate Priorities

13.1 The subject of this report is linked to the Council's Corporate Priorities 'A sense of Community where people feel safe' and 'quality homes through managed growth specifically to the commitment 'we will provide high quality housing, thriving neighbourhoods and sustainable communities'.

14 Equality and Diversity

14.1 A predictive Equalities Impact Assessment (EqIA) has been undertaken.

14.2 It is envisaged that this Policy will not have any negative implications on protected characteristics in the Equality Act, 2010. Equality issues will be taken into account prior to any enforcement actions.

14.3 The EqIA will be reviewed again following the public consultation and updated as needed based on any feedback received.

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Appendices to be listed:

- Appendix A: Draft Empty Homes Policy